

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, WEBUYE
CONSTITUENCY,**

HELD AT NDIVISI SECONDARY SCHOOL

ON

6th AUGUST, 2002



**CONSTITUENCY PUBLIC HEARINGS WEBUYE CONSTITUENCY, AT NDIVISI SECONDARY SCHOOL
ON 6TH AUGUST . 20002**

Present:

Com. Mosonik Arap Korir

Com Zein Abubakar

Secretariat in Attendance:

- | | |
|-----------------|-------------------------------|
| Hassan Mohammed | - Programme Officer |
| Joyce Wamucii | - Assistant Programme Officer |
| Marion Nekesa | - Verbatim Recorder |

The meeting was called to order at 09.30 a.m. with Com Mosonik Arap Koriri in the chair.

Wabwaba Walinywa – District Co-ordinator: Wananchi najua hatujakuwa wengi labda tutazungumzia kwa kichomba ili sisi zote tusikizwe mbali lakini ningependa kwanza mmoja wetu atupe maombi halafu tuendelea.

Ali Yusufu : Prayed in Islamic.

Wabwaba Walinywa: Kwa hayo maombi mafupi ningependa sasa kutangaza kwamba nyinyi munakaribishwa hapa leo hapa Ndivisi. Jina langu ni Wabwaba Mukhamule Walinywa. Mimi ni mushirikishi wa Tume ya Katiba ya Kenya katika Bungoma District. Hivyo mnavyo jua ndugu zangu nyinyi watu wa Ndivisi mambo ya kutengeneza Katiba inaitaji kila mkenya mahali alipo popote aliko ashirikishwe na ndiyo Commission ilikata kauli kwamba tungependa nyinyi watu watachoni yaani wa Ndivisi

Division mpate nafasi kwenu hapa nyumbani mutoe maoni yenu na nimekaribisha hapa. Ningependa tu kumjulisha pia kwamba leo ni siku ya mwisho kwa kuchakuwa maoni katika Bungoma District na tuko na hearings, yaani nachukuwa maoni hapa Ndivisi na mahali pengine panaitwa Kimaiti katika Bumala Constituency ambapo ni mahali natoka kwa hivyo mtakuwa hapa na ma-Commissioner wawili Commission Zein Abubakari huy na Commissioner Doctor Mosonik Arap ambaye leo atukuwa mwenye kiti wa kikao hiki. Kwa hivyo mnakaribishwa. Kuna ma-officers ambao wametoka nao Nairobi nafikiri ma-Commissioner wenyewe watamujulisha lakini mimi ningependa kuwajulisha kwamba muna uhuru kufanya ile kitu mnataka lakini kabla hatujanza kitu chochote ma Commissioner wenyewe watatupa masharti ya wakati huu ili kila mtu afanye kazi vile inatakiwa. Mimi langu ni kumkaribisha nyote karibu na nafikiri nitampa nafasi Principal kabla mambo hayajafikia Commission wewe tukaribishe hapa na kama una wenzako utuonyeshe wasimame halafu tutaendelea na mambo yetu.

Mr. Namisi: Our two Commissioners, the Co-ordinator , the Chairman, Chief Coucillor na ladies na gentlemen habari ya asubuhi. Langu ni fupi, ni kusema kuwa Commissioners mumeakaribishwa Ndivisi mjisikie nyumbani mko nyumbani.

La pili ningeliomba wenzangu wale wako hapa wasimame tu kwa sababu ya mda nimeambiwa tusimame tu halafu tufanye hivi halafu tunaendelea. These are colleague teachers I know some of them are still outside. Tufanye tu hivi kwa sababu siwezi taja majina asante kaeni. Ningelisema neno moja tu vile Co-ordinator amesema tuko huru kupeana maoni yetu na ningeliomba kwa niaba ya Commission na relevant authorities tuwe precise and concise ili tusipoteze wakati mwingi. Kwa hayo machache ningelisema Commissioners karibu na ujisikia nyumbani. Asante sana Bwana Co-ordinator.

Wabwoba Walinywa: Asante sana Bwana Principal ni kama unajua. Kwa hivyo nitamukaribisha mwenye kiti wa kikao cha Webuye Constituency cha Constitution, yaani Chairman wa 3Cs Constituency Constitutional Review Webuye, Bwana Boi Boi amukaribishe hapa na angali amengojea wenzake wawili ambao ni wa Ndivisi Division watochoni wenye wako kwa hii Commission. Sijui labda kuna taabu fulani ama wangali wanatahiri watoto, lakini wacha tumpe Chaiman utakuwa kwa ufupi kwa sababu Ma- Commissioner wanataka kwanza.

Boi Boi: My honourable Commissioners, Co-ordinator, the Chief, Councillor na wananchi watukufu wa Ndivisi hamjambo. Hamjambo tena. Mara ya kwanza tunashukuru Mungu vile iliwezekana kufatana na Katiba ya Kenya na Commissioner wetu kwamba Webuye ni Constituency kubwa lazima iwe na nafasi mbili na tukaonea kwamba nafasi ya kwanza hapa Bungoma iwe Webuye na nafasi ya pili iwe Ndivisi.

Commissioners you have to know that Ndivisi is an area, a Divion with over 70 thousand people na tulifikiria watoe maoni yao tena. It is the center of the Paramount Chief John Sifuma and again it is the center where we had the first assistant Chief with the colonial time William Chuli. He came from this area and another we still have Mzee who was called Mlango Willson Musebe. Kwa hivyo tukiangalia Bungoma vile ilijengwa without Ndivisi it could not be a very complete district at all. Na ndiyo tulionelea tukuje Ndivisi na nyinyi mutoe maoni yenu. My Committee members have been – Wangatia na Nyongesa Namisi who have been doing it on my behalf and I know they have done well. We seven committee members. In Misikhu we had two

Mary Wambocha and Alfred Simiyu and in Webuye we had Moronji a women who is a vice Chairman and in Sitiko we had Edward Sanya. Kwa hivyo our division has done wonderful work. We have reached about twenty thousand and five people and when you make assessment through the Civic Education Providers in Webuye, they did a wonderful work and we did so because we gave our committee members the areas to be responsible not that the Chairman to go all over. And that is why I have come to say greetings. Na Mungu amubariki mutoe maoni yenu isaidie Kenya yetu. Kwa jina vile mliambiwa naitwa Jotham W. Boi. Boi Chairman wa Webuye Constitution.

Walinywa: Ma- Commissioner, Chairman alikuwa mwalimu saa zingine kwa sababu ali-retire anaona ameanza kufunza tena, so mtamsamehe anaweza kuzungumza mpaka kesho msipomsimamisha. Sasa nafikiri wakati umefika wa kuwachilia hii kazi iendelea lakini siwezi kufanya hivyo ma-Commissioner kabila sijauliza Provincial Administration, Chief Tumekuwa tuingoja siyo ati tulidharau wewe uko tunafikiri wakati mwingine wakati mwingine wowote D.O anaweza lakini kwa sababu tunataka kwanza tumechagua kukufanya D.O.

Willstone Sarai Ma-Commissioners, Co-ordinators, Councillors na vyongozi wale wamekuja yangu ni machache nafikiria nachukuwa nafasi hii kumakaribisha kirasmi na vile mulipanga mpaka tuwe na siku yetu hapa nafikiria watu wetu wamefurahi na watakuwa wengine nafikiria kwa hayo machache asanteni.

Walinywa Wabwoba: Chief anaitwa Willstone Sarai lakini nyinyi mnajua Chief so ndiyo hataki ata kujijulisha. Nitachukuwa wakati huu sasa kumpa Chairman wa kikao hiki mwenyewe aendelea na kazi.

Com. Mosonik: Asante sana Bwana District Co-ordinator kwanza kabla hatujaendelea ningependa kutangaza sasa kwamba hiki ni kikao rasmi cha Tume ya kurekebisha Katiba ya Kenya. Kwanza kabisa nianze kwa kuwajulisha wafanyi kazi wenzangu wa Tume ambao wako hapa leo. Kwanza kabisa kwa mkono wangu wa kulia hapa niko na Commissioner wenzangu jina lake ni Zein Abubakar awasalimie kidogo.

Com. Zein: Habari ya asubuhi mimi nina furaha kuwa na nyinyi hapa leo na natumai kwamba mko tayari na maoni yenu nitakuwa nawasikiliza kwa makini. Asanteni.

Com. Mosonik: Mimi ni Commissioner Mosonik Arap Korir na nitakuwa mwenyi kiti wa kikao cha leo. Wale wengine ambao wako nasi ni kwanza Bwana Hassan Mohamed yeye anaitwa Programme Officer kwa kazi hii kazi yake hapa leo ni kuwasimamia wale wafanyi kazi wale wengine kwa Tume ambao wako hapa. Na cha pili ni kwamba yeye ni official checker of the records ukiwa umetoa maoni yako unakuja kwake na kujiandikisha kwa register naona register hiyo ya Constituency yenu. Ukiwa na maswali yoyote yale mungetaka kuyauliza kufanya maombi kuuliza swala lolote tafadhali mwende kwake ndiyo yeye atatuletea hayo mambo hapa.

Na muhakikishe kwamba mumeipitia kwake kujiandikisha mukiwa mumetoa maoni. Yeye yuko hapa na naibu wake ambaye ni Miss Joyce Wamucii ambaye ameketi upande ule mwingine she is assistant Programme officer na kazi yake ni ku-record mambo yote munayosema kwa kuandika. She does the long hand recording of our proceedings and you see here very busy all the time doing the writing.

Wa tatu kuna mwingine ameketi upande ule yeye ni Marion Nekesa kazi yake ni ku-record yale yote munayosema kwa kunasa sauti kwa kanda na tape record. Can you show the tape recorders. She is called verbatim recorders, kwa hivyo yale yote munayosema kila neno itaingia kwa hivyo machine na ndiye yeye anaifanya hiyo kazi.

Tunasema kwamba sisi Ma-Commissioners wawili tulikuwa watatu kwa kila panel kwa ajili sisi Ma-Commissioner tumegawanyika kwa vikundi vya watatu watatu wengine siku ya leo tukiwa hapa sisi wengine wako Emukhaya, Hamisi, Butula, Bumula, Isero, Kalimani na Matungu. Watu watatu watatu tulikuwa watatu. Mwenzetu watatu alikuwa Commissioner Isaac lenaola lakini akalazimika arudi Nairobi kufanya kazi ingine ya Tume ndiyo tukabaki wawili. Kazi yetu hapa ni kwa kuwasikiza kwanza kitu cha pili ni ku-record yale munayosema na ndiyo munaona sisi tuna kalamu zetu na writing pad hapa so that to record what you are saying kwa hivyo ku-record vile munasema ni njia tatu. Kwanza ni sisi tunaandikia hapa, ya pili ni kwamba Joyce anandika long hand in the corner na ya tatu ni kwamba yeye ananasa kwa kanda ya tape.

Kazi yetu tena kwa hivyo tunawasikiza sisi Commissioners tunaendesha mkutano mimi nikiwa mwenye kiti halafu kitu kingine ni kwamba mukiyasema yale munayosema kwa kutoa mapendekezo yenu tutakuwa na haki ya kuwauliza nyinyi maswali ya kufafanua. We can ask you questions of clarification only. Yaani kama kuna kitu hatujaelewa tutawauliza kwa ajili hatutaki kufika Nairobi na tujiulize yule mzee ambaye alikuwa Ndivisi secondary school alisema namna gani tunaweza kuuliza ya kufafanua. Tukiuliza maswali ya kufafanua usishutuke kama unajibu unaweza kujibu kama hujafikiria jibu unaweza kujibu hiyo sijafikiria lakini tukiuliza ni kusaidia ndiyo mapendekezo yenu yaeleweke vizuri.

Kazi ya leo tutafanya kufuata kanuni zifuatazo kwanza kabisa ni kwamba ukitoa maoni unaweza kutoa kwa njia tatu. Ya kwanza ni kwamba umeandika maoni yako una maandiko ama maandishi ama kwa Kiingereza memorandum, ni maandiko ya yamefafanuliwa watu wengi wamefuata kijitabu hiki kinaitwa issues and questions for public hearings as well as questions.

Na ukiwa umeandika maoni yako unaweza tu kuja hapa na kupeana na memorandum yake kumpea the Programme officer Mr. Hassan Mohammed. Na kuketi kuendelea kuzikiza wengine ama hata kuondoka hiyo ni njia ya kwanza ya pili ni kwamba umeandika maoni yako kwa memorandum kama hiyo ama kwa kifupi you have some notes na ukiwa umefanya namna hiyo unapewa mda ili ku-highlight kusema wa ufupi yale umeandika kwa ajili mwishowe sisi tutaenda Nairobi na kuyasoma yote na tukisema tunayasoma, ni sisi wenyewe na kuna staff Nairobi ambao kazi yao ni kusoma kila kitu na ku-summarize kwa hivyo ukija hapa unasema tu machache ku-highlight the memorandum. Usisome kwa ajili kusoma tutaisoma. Ikiwa ni hivyo utapewa dakika tano ya ku-highlight the memorandum halafu unapeana upande ule mwingine kwa Programme officer.

Njia ya tatu ni kwamba maoni yako unayotoa kwa mazungumzo tu ama unafanya what we call oral submission unasema tu kwa mdomo bila kukuwa na maandiko. Ikiwa unafanya hivyo utapewa mda wa mpaka dakika kumi, nasema up to ten minutes.

You cannot take more than ten minutes.

Ikiwa unafanya njia hii ama ile ama ya tatu tunawasihi kabisa musiseme maneno mengi msituhadithie maneno mengi msiyataje yaani shida nyingi ambazo hata sisi wote wa Kenya tunayojua. Kitu cha muhimu sana ni kufanya pendekezo ukisema uko na shida hii na hii tumesumbuka kwa umasikini tunasema hiyo hata sisi tunajua lakini kitu cha muhimu ni tufanye nini ukifanya namna hiyo tutagundua hata dakika tano ni nyingi, dakika kumi zitakua hata nyingi zaidi mapendekezo tafadhali na mutapata kwamba mkipotea mkisema maneno mengi bila kufanya mapendekezo tutaingilia nyinyi. Mimi nitakwingilia kama Chairman ama mwenzangu hapa so please pendekeza pendekeza tafadhali toa mapendekezo, ndio sasa tunasema kwamba tuna haki sisi to stop people na to intervene and to ask questions of clarification. Mukiwa munasema lugha rasmi nje ya kazi hii ni Kingereza na Kiswahili we can talk any of the languages like now when I look around I can see most likely 95% of the people here know English I can just guess

By looking around Kingereza au Kiswahili ninawahisii musitumie hizi lugha mbili kwa ajili tukisitumia kwanza zinaeleweka kwa sisi wote hapa na kitu cha pili tuta-safe time. Ninasema hivyo kwa ajili lugha ingine ya tatu inaweza kuwa ni lugha, tuseme ya mama ama baba ama lugha ya area hii na vile tunaelewa lugha hiyo ni Kitachoni. Kwa hivyo unaweza kusema kitachoni tutamtafuta interpreter. Chairman do you have an interpreter? We are looking of one. Tutampata interpreter wa Kitachoni lakini tuelewe sisi wote kwamba kama tumepewa dakika tano itatubidi tagawanye dakika tano iwe mbili na nusu na msemaji na yule ana-tafasiri. Ama dakika kumi tugawanye iwe tano. Kwa hivyo wale ambao wanajua Kiswahili na Kingereza tafadhali tumia hizo lugha.

Kitu kingine sijui Kama tuna mtu wa kutafsiri ile lugha ya ishara ama sign language. Mtu wa kufanya ile ishara kwa wale watu ambao hawasikii hajafika lakini tunamtaraji kwamba atafika na ikiwa nyinyi mnajua kuna mtu hapa ambaye anahitaji usaidizi huo utueleze mueleze Bwana Programme officer. Haya tukiwa tunafanya mapendekezo tunafanya mapendekezo Kwa swala na maswali ya kerekebisha Katiba. We are talking of issues and questions. Hatusemi kuhusu watu binafsi. Bwana Chief yuko hapa Mr. Willstone Sarai. Yeye ni chief ikiwa unasema maneno yake unasema kutaja tahasisi ama office yake office ya Chief iko namna hii. Walimu wakuu wa mashule wako namna hii siku hizi lakini hutaji majina ya watu. Tukubaliane namna hiyo kwa jili majina ya watu hayatakuwa kwa Katiba watu wengi hawajaona Katiba. Katiba iko hapa kwa Kingereza hatutapata jina ya mtu hata moja ndani yake kwa hivyo tusiyataje majina ya watu.

Kitu cha pili tunampea kila mtu haki yake. Mohammed can you stop the noise in the back. Kitu kingine ni kwamba kila mtu tunampea nafasi ya kutoa maoni yake. Haya maoni anayotoa kwa Tume siyo kwenu. Huu sio mkutano ya hadhara kusema anawahutubia, ndiyo microphone inangalia upande huu. Mtu anatoa mapendekezo upande huu.

Mukiyapanda ama hampendi hatutaki kujua. Kwa hivyo tunawasihi tusipige makofi wale msipige kelele kwa ajili kila mtu amejiandikisha na atapata nafasi yake ya kusema vile yeye anataka lakini tumuache mtu asema vile yeye anapendekeza tafadhali.

Cha tatu ni kwamba kwa jili tunatoa maoni na mapendekezo, we want to be the civil and polite. The civilized language hata kama kuna mtu fulani amekuudhi ambaye yuko hapa ama yuko mbali na amekuudhi, but you talk in civilized language kwa ajili vile tunafikiri tunafanya sasa ni huendeleza utamaduni wa kikatiba. Inaitwa Constitutionalism kwamba mashida tutakuwa tunazitatua kupitia Katiba na hata vile tunasema ni kikatiba.

Kitu kingine ni kwamba tukiyatoa maoni leo nyinyi munatoa maoni mbele ya Tume. Tume imelindwa kikamilivu na Sheria. Tuna sheria hiyo inaitwa cap 3A of the laws of Kenya, Caption chapter 3A of the laws of Kenya inalinda Tume, na inalinda kurekebisha Katiba. Inaitwa review process tangu ianze mpaka mwisho. Hakuna mtu yeyote anaweza kutudhuru tukiwa tukifanya hii kazi. Mtu yeyote akikuliza baadaye ulikuwa unasema nini unasema I was talking under cap. 3A of the laws of Kenya which protects my right to stand and express my opinion and make a submission or provisions cap. 3A kwa hivyo uwe huru kusema vile unataka. We are all fully protected hakuna yaani ile tumini ya zamani kwa ajili watu wakiwa kwa hiyo msituni wakitahiri kuna sheria msituni, si ni kweli? Na hakuna mtu anakuja kukuudhi baadaye sasa hii ni tumini ya Kenya ya kurekebisha Katiba.

Kitu cha mwisho ningependa kusema kila mtu amejandikisha hapa mtu wa kwanza alikuja alikuwa Mr Wasike Wafula wa Ndivisi secondary school tutanza na yeye na tutaifuata hii orodha vile watu walijiandikisha. Wale walikuja kwanza ndiyo wanasema kwanza. Lakini wakati mwingine tutaweza kuruka hii list kidogo na tukiruka nitawezeza kulingana na mahitaji kwa mfano walimu wale wengi wako hapa pengine wako darazani kama wanafunzi wako na wanaomba kusema mbele ya wengine. Tunaweza kuwapa nafasi. Ama ikiwa kuna wanafunzi wanapenda kutoa mapendekezo yao halafu warudi kusoma tutawapatia ruhusa, ama ikiwa kuna mtu mlemavu anachoka kuketi hapa masaa nyingi tunaweza kumpa nafasi. Kama mama mmoja wawili ama mtu mgonjwa mambo kama hayo. Ikiwa kuna watu wa aina hiyo tutawauliza tafadhali waeleze Programme kufanya request kwamba wachie yeye nafasi ya kwanza kama hao sasa wangetaka kutoa maoni tungempa nafasi ya kwanza ndiyo washughulikie kazi yao, lakini otherwise tutaifuata orodha vile iko, Nafikiri nimesema yote sijui kama kuna swali lolote kuhusu yale nimeyasema, any question please? I think we are okay. Ninawasihi sana to keep time ndiyo kila mtu apate nafasi. Mtu wa kwanza kabisa ambaye atatoa maoni ni Mr. Wasike Wafula, na please kila mtu akifika hapa anza kwa kutaja jina tena. Nitataja hapa lakini yeye anataja mwenyewe ile iingie kwa ile machine. Anaanza kwa kusema Jina Lake. Kwa hivyo tunataka utaje jina lako Wasike Wafula halafu uendelea.

Wasike Wafula: I am Mr Wafula Wasike of Ndivisi secondary school. I am happy Mr. Chairman to present the following feelings

Education: We strongly feel that education should be made mandatory and free for all Kenyans. This should ensure that Kenyans become literate and forms a sound Nation.

It will be blessing by making it free for all. It will lessen the dropouts due. On the same the quota system of selecting form one

should be done away with so that Kenyans joins schools of their own choices.

On teachers, teachers who are professionals should handle disciplinary cases. Other officers should understand the needs of the teachers. We don't want politicians for example or parents to intervene teachers can be handled by professional and cases be handled very well -----

Students and corporal punishment: The Kenyan child needs corporal punishment. It will take a lot of years around one hundred and eighty five years to deny the Kenyan child corporal punishment. We should not compare Kenya to America or any other state.

I would like to talk about government property. Mr. Chairman, land, we had a number of pieces of land under the government custody which were given to individuals that was okay schemes but this piece of land should have gone to the best fortune Kenya especial Kenya child on the street.

Land coverage acreage: We should have a law to indicate how much land a Kenyan should have.

On vehicles still on government property the government vehicle should be used well otherwise all government official using government vehicles should repair the vehicles or otherwise they should be given loans and buy their own vehicles to use in the official duties.

The Police force: On policemen, we would like the law to help to maintain the public image for example they should not be above the law we should seal all the loopholes that encourage them to bribery.

On parents the Kenyan parents should be given room to discuss on how they want their children to be in future. We should not allow the lobby groups under the NGOs umbrella to come in with foreign ideas for the Kenyan child.

Employment and training, we feel that distribution of training and employment opportunity should be given fairly by way of interviewing and the interview should be based on achievement, that is performance, and how one presents himself in terms of personality and of course confidence.

Transport and electricity we feel that we should have an autonomous transport authority to be created. This will ensure that all roads in the whole country are maintained fairly as soon as body should also be set up to make sure that electricity is given to all parts of the country.

On Members of Parliament Mr. Chairman, we would like to say we want to have the MPs attendance register to be marked daily and the results to be given on monthly basis before they earn because they are answerable to us, and incase of absenteeism we feel that we should protected by the law to given a vote of no confident for such representatives.

Salaries and allowances for such MPs, we need an autonomous body to discuss. We don't want that salary to be discussed in

the Parliament because natural they will not be fair.

Then the terms in the Parliament, the number of occasions we find the Members of Parliament defect. We feel that once a member has defected such a member should remain in court for five years before he goes in for re-election.

Nomination of MPs, we don't want an MP who has failed in the General election to be nominated.

National leadership: We feel that all political heads political leaders should undergo training so that they come out as politically professional qualified people.

Retirement age should be there and when we come to Presidency we feel that our country should be divided into to ten regions and each region should have a President to rule for ten years.

Councilors: We felt that Councilors can be done away with because Kenya is independent, all Councilors should now go in for Parliamentary seat.

Elections for Presidency, that somebody should get above 50% incase of less than 50% a run off should be conducted.

Succession and inheritance in the event of both women and men should be given equal chances.

Lastly I would like to talk about cost sharing should be abolished in schools and also hospitals by doing that the level of literacy will be increase then the level of heads will have to increase.

We also wish that we should have National ID just indicating a person nationality or otherwise his place of residence other than pushing us to a place of work.

I would like to say Mr. Chairman the Judiciary and the civic sector the employment of the official should be done by and independent body so that these powers are taken off from the office of the head of state. That way they will have to perform their duties fairly well. I would like to stop at that point Mr. Chairman incase you have any question for me to clarify, I am ready.

Com. Zein: What is the land ceiling is their specific land ceiling you are proposing?

Wasike Wafula: Such I cant suggest that just on average maybe ten acres for an individual should be maximum.

Com. Mosonik: Free education up to what level?

Wasike Wafula: Free education up to class eight can be okay.

Com. Mosonik: Chief wa Ndivisi location Mr. Willstone Sarai.

Willstone Sitaki Sarai: Jina langu ni Willstone Sitaki Sarai, Chief wa Ndivisi. Nimefanya kazi na Judiciary for seventeen years, as a chief seventeen years.

Pendekezo langu nafikiria ya kwamba Watachoni na Bukusu wale wako waendelea na culture yao ile discipline itaendelea kuwako wengine wanafanya December.

Com. Mosonik: Exuce me hiyo culture wanafanya December ni nini? Tueleze.

Willstone sarai: Ile wanafanya December in our language Bulichana watoto wanapelekwa jandoni mpaka mtoni wanarudi nyumbani, and it keeps respect really to elders and Bukusu also do the same. They sleep in the banana and the following day they put clothes and respect that.

On the side of land, I feel that agricultural area sub division should reach five acres because they are subdividing too much and they spoil most of the areas to plant agricultural crops so I feel that we shall recommend, this one should be a union registration they plough together that sub-dividing small pieces to a quarter.

When we come to the same land succession, the widows should also be represented because we have seen that some several matrimonial homes they usually chase away some widows who have not had any child and they remain on the streets and the bother the chief to solve their cases.

On the side of the Chief's Act, we should maintained it because it a really solves some small cases, matrimonial disputes and small cases in the village, So the Chief's act should remain but they should also recommend where they said on food production the Chief should not have a voice to command his people to plant food crops but instead should just arrest when they steal.

On the side of transfers this is Provincial Administration PC, DC DO should continue with transfer but Chiefs especially three quarters in Kenya they are staying in their mother land and there is always small cases whereby pertains to their culture and they usually solve amicably.

Under Chiefs act section 7, the Chief to nominate or appoint a leader to make him succeed his job and fortunately does not cover with any token that is salary. If they were covered they would also be considered to get something for future so that their work would be easier.

On the side of Chiefs I think the government should also think over the salaries of chiefs.

Com. Mosonik: Terms of service or what ----

Willstone Sarai: Yes terms of service.

The Chiefs also have realized that you get a PC, or DC or DO talking about Assistant or Chief before the public which is very bad where that Chief is ruling so the public service Commission should continue to commend for them. I think that is what I had.

Com. Mosonik: Asante sana Bwana Chief jiandikishe pale. Councillor P. Murunga wa Ndivisi.

P.Murunga: Mimi ni Councillor Murunga in this ward, former county council.

Bwana Commissioners ningependa kutoa maoni hii. Kwanza sasa ningependa kutoa maoni ya kwamba mbunge akichaguliwa au diwani akichaguliwa na wale ambao walimchagua wawe na uwezo. Kama hafanyi kazi vizuri kuliko kukaa kwa miaka tano na anafanya kazi mbaya afikiii wapiga kura voters wenyewe wawe na uwezo wa kufanya vote of no confidence kwa yule mbunge na yule Councillor, wafanye by- election kuliko ati amalize miaka tano.

La pili Bwana Commissioner, kuhesabu Kura. Mimi Councillor ningependa every polling stations Kura ziwe zikihesabiwa hapo to avoid the confusion ya mixing.

Wapige Kura za President na Mjumbe awe na siku yake na Councillor awe na siku yake to avoid poor mixing and poor counting.

Bwana Commissioner mwaka wa elfu moja na mia nane tisini na tano, Watachoni na Wabukusu walikufia kwa Ngome ya Tachoni na British Government, na kutokea hapo Bwana Commissioners hao watu tunataka bidhaa ya watu wetu ambao walikufia kwa Olukoba Iwa Chitambi, Kwa sababu hao Watachoni na Wabukusu hawakukuwa na makosa kulikuwa na mtu ambaye alikosea nyuma na akakuja akajificha na hao watu British Government ikaleta Msinga ikamaliza Watochoni na Wabukusu wawe compensated.

Maneno ya succession ya mashamba Bwana Commissioners hii maneno ya Succession ya mashamba ilikuwa sheria ambaye ilikuwa ya wakoloni. For instance Mimi babe yang alike hakukuwa na title deeds na alikuwa na shamba alikufa mimi nimekuja nimekaa kwa shamba ya hiyo baba ambaye amekufa nimezaa watoto wamekaa kwa hiyo shamba ambayo baba amekufa lakini kitu cha succession, ati succession washitaki kaburi ati vitu viende Nairobi viwe gazetted hiyo Bwana Commissioner kuna watu wengine ambao hawajimudu kulipa pesa. Napendekeza ya kwamba hivi vitu should be done at the divisional level administration to confirm that so Wafula is a son of so who died and has got the right to get his father's land he has the right to get his babu's land and hiyo ikwishe.

Bwana Commissioners saa, ningependa kupendekeza ya kwamba kwa sababu ya insecurity every division headquarter iwe na police post. Every divisional headquarter iwe na Police post, kwa sababu for instance hapa tuko na Division tuko na DO lakini hakuna police post na visa vingi ujambazi mwingi ukitaka kupiga simu huku Webuye, it takes a lot of time kwa askari kuja na vitu vimekuwa vimeharibika lakini tukiwa every Division tuwe na Police Post itakuwa ikisaidia wananchi.

Bwana Commissioners sir, la mwisho kabisa tangu sisi tupate uhuru Tachoni community in Bungoma District, tangu sisi tupate uhuru mwaka wa 1963 kabila ya Watochoni na Wabukusu ndiyo wako wengi katika district from 1963. Bwana Commissioner sir we have never been represented. Hatujui kama sisi watachoni tulipata uhuru au hatukupata uhuru kwa sababu

we have not been represented since we got the independence. Tafadhali Bwana Commissioner sir wale ambao wako wachache tunapendekeza ya kwamba hata tuwe na our own Constituency tukichagua mtu wetu ambaye anaenda kuwakilisha Bungeni yule ambaye anajua kimila yetu. For example sisi tukitahirisha watoto mwezi wa nane tuko na mila ambayo sisi tunafanyianga hao watoto ndiyo atayihiriwe. Kufika mwezi wa kumi mbili tena tuna mila lakini if we cannot be represented mila yetu inaenda kupotea tunaenda kuwa kama wageni katika Bungoma District or Kenya.

Com. Zein: Kwa hivyo unatakaje.

Murunga: Pardon

Com. Zein: unataka tufanye nini

Murungu: Mimi nataka tuwe na Constituency yetu tuwe na mjumbe wetu Mtachoni ili a represent our welfare.

Com. Mosonik: Asante hiyo ilikuwa ya mwisho umemaliza. Pengine nikuliza maswali mawili kwanza kuhusu mapendekezo watu wengi wanasema kwamba Chairman wa County council Mayor wachaguliwe ama waendelea kuchaguliwa na Councillors

Murunga: Hapo Bwana Commissioner ningependa kupendekeza ya kwamba after the election Councillors wawe wakichagua Mayors wenyewe au Chaiman.

Com. Mosonik: Ya pili kuwe na kiwango chochote cha elimu kwa Councillors ama hao Mayors na Chairman.

Murunga: Yes, tuwe na kiwango cha eight mpaka form four.

Com. Mosonik: Asante sana tafadhali ujiandikishe , John Isoka.

John Isoka: I am John Sifuma Isoka retired headteacher after I had served for 44years. Also I am account clerk of Gusii Friends quackers. This organisation started in the year 1913 in this institution it has got the members over four thousand that are now present. Our proposals are as follows:

Freedom of worship with conditions: That is to say devil worship in Kenya should be completely abolished.

Political Parties in Kenya, we are Christians we recommed them to be four.

The Legislature , Judiciary and Executive should be independent.

Senior appointees to be vetted by Parliament such as Attorney General and Chief Justice and extra.

The special Commission and we should decide the salaries of Members of Parliament as Christians we feel that should be less

than two hundred thousand.

The salaries of Councillors we as a Christian because they are doing a lot of work should be recommended to 25 thousand shillings per month.

Nomination of members of Parliament should be based on balance. A woman should be represented a man should be represented and also Christians and disabled should be represented.

Land issues: We as Christians we oppose the grabbers and we recommend that the richest man in Kenya should have only a hundred acre and the rest of the land be issued to the poor people who have no land at all.

The qualification of the Vice of Presidential seat should be a graduate long serviced experienced politician.

A councilor should be a form four conversent with two languages, that is say English and Kiswahili.

Now we Quarkers recommend that the penalty of murder should be abolished because when we murder they we are violating the law, the commendment that doesn't kill. Therefore we should recommend a life sentenced.

Also the sponsorship of our schools should be respected in our Consitutiton that is what I have Chairman sir.

Com. Mosonik: There is simple one you said that the President to be a graduate and also an experienced politician what do you mean by experience politician?

John Isoka: Infact we have got long politicians and they have been probably Ministers for long and when we are using ---- we appoint that particular ----

Com. Mosonik: Ngoja, ngoja tafadhali.

Com. Zein: Bwana John when you say sponsorship of the schools should be respected what does that mean?

John Isoka: I did for example if the school is under justification of sponser like the original church should sponsor Ndivisi secondary.

Com. Zein:: Meaning give money or does it mean that the schools then should be run according to the values of the for example you said quarkers that if the school is sponsored the quarkers learning of the--- should be respected.

John I soka: The Chairman of the school should be a quarkers

Com. Mosonik: Asante sana tafadhali ujiandikishe. Nani yule mwingine tafadhili, Herdson Lumbasi.

Herdson Lumbasi: I am Herdson Lumbasi.

Com. Mosonik: Na Tacuso inamaanisha nini tafadhali

Herdson Lumbasi: That's I what I want to explain in lengthy. I am Herdson Lumbasi I am going to present memorandum on behalf of Tacuso in lengthy Tachoni Cultural Society . Mr Chairman sir this one is a revised memorandum to the Commission Review on behalf of the community and the signatory 316 members who signed this memorandum, I would like to take this opportunity to present it. I would not go through it but they are two areas I would only highlight.

Com. Mosonik: Let me ask you a question is it the same memorandum that was presented yesterday by Mzee Peter Walucho.

Herdson Lumbasi: Yes it is but some areas were left out

Com. Mosonik: Because we would like you to continue from where he left. You know where it was?

Herdson Lumbasi: Yes sir, so on the history part of it because this is the area of the Tachoni let me give the preamble that particular session. Before addressing the specific issues and the a question of the Kenya Constitution Review its important that we say something small about ourselves so that the Commissioner knows that in a nut shell the Tachoni who were a congratulate of the kalenjine tribe they have developed interest with the Sabao of Mt. Elgon

Com. Mosonik: Let me tell you I think my fellow commissioner will agree with me that we heard that preamble yesterday, so that you spent a time saying what Mzee was saying yesterday.

Herdson Lumbasi: It is under the section of Defence and National security. I just wanted a section of it. The community recommends that the discipline forces to take two ways both charged with illegal connection and those who willfully refuse to take command to the country for defense purposes be taken to the Marshal court.

Under the security, those personneling the security with small offences should appear before the law of courts as other citizens when they commit mistakes.

The President of the country should not be the Commander in Chief of the armed forces, should not be the soul, or overall person of that particular party. The country should use extra -ordinary powers to both executive and Legislature during the emergency cases.

On Political Parties, the community recommend that the parties be regulated. We have three parties in the country and two these parties should work in co-operation and understanding between different parties.

The structure and system of the government. The community recommend that it is good that the current system is good that we recommend it do away with central aspect as in the American system so that the resources will be distributed regionally and equitably.

On the Legislature, the two chamber system of the government which should be there used to cater for the marginalized groups and deserve in over adopt national issues so we recommend that one to be there .

On Constitutional section constituency to conduct opinion polls in the constituencies for any non performing MP or the Councillor so that when they think they can just go and do other things, for them to be responsible .

The MP: For one to qualify to be an MP, he must have at least the minimum education standard, should be form four and above the MP to stick to one party so any time he defects he loses the seat immediately from that party permanently.

Dominant Political parties to form the government. Infact during the election when their party win, it should just form the government .

The President should not have the power to dissolve the Parliament unless Legislature is involved.

On the side of the Executive, the President to head the Exectutive section. The Presidential powers to be limited e.g of being the Chancellor of the university, those powers should be distributed to other organs.

In the case of the federal system of the government no Provincial Administration is needed in the central cum regional system of the government.

On the Judiciary section the Commissioner the Tucoso look at it like this. The Kadhis court be abolished as all Kenyan are equal before the law. Instead of that we recommend the introduction of traditional courts due to diversity of the culture.

They also recommend free legal services and defense in court system in the legal system for those poor who cannot afford the legal charges.

It also recommend that courts to be decentralized in the villages because some people cannot move to very far areas like the high court.

On the local government section, the community recommends that the Council Chairman or the Mayor be elected directly by the people so that their term should be extended to five years like the MPs.

The Council should not operate under the government, that is under the local government.

Neither the President nor the Minister of Local Government shall have the powers to dissolve the council, that is the recommendation of the Tacuso.

On the electoral system and process Mr. Chairman sir may I quote exactly from the community what they said using their own language. That is on page six of the electoral, that is I just what to quote them. On this particular part before addressing the specific of this topic we kindly request the Commissioner to look at the following factors I only got one.

The administrative and the Constituency boundaries. The current administrative and Constituency boundaries in Western Kenya in relation to the Tachoni through the motive of the elector the tractor the government has current made as our area before and after independence to our Chagrin. It is not understood why for example the Wanga administrative boundary of former Kakamega District of that river Nzia and when it comes to the Tachoni the same situation did not prevail between the Lugari District and Webuye, Ndivis, Tongeren Division of Bungoma District. This has --- by our community first before interpret ---- and if that is not enough the 1996 Chesoni electoral Commissioned Constituency wise ni Malava Kakamega Districts.

What we are proposing to the Commission is that dividing the community into regions is not unfair but let the community carry on in their day today activities.

The cultural social economic or political: The law relating to the administrative and Constituency boundary should be the reviewed nationally collaborate the desires of the marginalized group like the Tachoni. That is the end of the quote on that particular section.

Com. Mosonik: If I can ask that point, can you tell us exactly what is the wish of the Tachoni where should they be?

Herdson Lumbasi: They should be in one if it is in one constituency or if it is a district one, like they have requested for Lugari District initially which used to be there in 1964, but they were divided up some are in Kakamega and Lugari. You find that is how they cannot merit in any where they go they are marginalized.

Let me move to land, on the land issue on page 12 Mr. Commissioner sir at the land part of it which is very touching. May just quote that and I said I had my remarks

The land and property rights in as far as the community is concerned. Although for correction although we conquer with the statement that land is the basis for economic development the Tachoni as a community feels cheated about the indigeneous land which we want more and battle against our advisory to achieve. Our past land experiences in order to understand some of our Constitutional proposal. We strongly feel that before independence our representation to the government through the African District Council APC, Tachoni Political union TPU, KANU, Tachoni Welfare Association, representitives were seriously overlooked entering the community with disadvantaged entity, there after. Reference to 1909 1912, 1916 1924, 1933, 1945 and 1965 land uprising and representation about Naitiri, sinyalo, Tongeren, Lugari and Soi land causes the irregular an ill-motivated allocation of tachoni indigeneous land to the colonialist and other communities in Kenya after independence. ABC and D attached should give you background information about what we are talking about. The tachoni community was inhumanly treated in the above land allocation and the fact that should be noted by the commission and other stake holders emphysis misplacement of the government law relating to the land policy. Is this ---- because of its

marginalization of the community although it may now be a big difficulty re-allocating the posses land that one belong to the Tachoni before independent. The law policy of this nation needs to be reviewed cater for the interest of marginalized community like Tachon e.g by giving them alternative land or commercial interprises as compensation. Anything short of this is tatamount to asking our community to be hostile to the current non Tachoni occupy of the above refered to that who is our opinion are just victims, although beneficiary of the circumstances. This give the people of the tachoni that problem which the commissioner ought to seriously address. Thank you Mr. Chairman.

Com. Zein: Just hold on please. If I understand your submission correctly all the communal rights which you are demanding are based or they are founded on the idea that the Tachoni are unique people with a unique history and unique claims to certain parts of our republic,

Herdson Lumbasi: Exactly, that is what I have put forward.

You have got it the way I wanted

Com. Zein: Now, if that is the basis of your rights, why would you deny Muslims when they are making demands from the Kadhis. I would have thought you are saying based on the our experience also Muslims should also have their way but you are saying deny those ones their rights on the basis of them being a unique community with their own traditions and their own claims but give us. This is something maybe you need to explain to me

The second part of it is something which you need to educate us. Boundaries are very sensitive in our country today land boundary. So you mentioned for instance, that the Tachoni have been sparsed in three districts and the Commissioner asked you at the point, what could be your preference: to be in one district or to have a constituency. And you said either of them, you don't mind. But, for my interest what would bring the preference of the Tachoni, to be in one place because and the last part we were talking compensation and or resettlement.

Com. Mosonik: We can say if he cannot answer that question you should hold it and then you can answer it when your time comes please.

Com. Zein: So it is very good for us to be clear in our minds because we are talking evidence.

Herdson Lumbasi: We have requested for a district one to become in one district that is the wish of the Tachoni.

Com. Mosonik: ---a separate from the three from the Lugari, Bungoma is it Kakamega?

Herdson Lumbasi: No there have put is there on the map.

Com. Mosonik: No you just tell us I am asking a question just answer.

Herdson Lumbasi: Lugari

Com. Mosonik: Why don't you say?

Herdson Lumbasi: On the Kadhis that is how the committee was looking at that issue. They were saying that because they are all citizens and we are basing on the traditional, if it comes legal matters, be the same equal treatment should abide.

Com. Zein: I am not arguing with you I am just telling you if we have to use that principle then we will say that the Tachoni have not claims especially to them as a people. Let us deal with them as all of them are citizen. I don't know if you get what I am saying and when you add that and say, let us have traditional courts, the Muslims will argue with you and say our traditional court is the Kadhis court. I don't know if you are understanding.

Herdson Lumbasi: I have understood that way.

Com. Mosonik: So after understanding what did you conclude. You know you said, scrap Kadhis court, then you said introduce traditional courts and you are being told that Kadhis court is a traditional court. Now you want yours to be introduced when you are scrapping other peoples why?

Herdson Lumbasi: Okay we were looking at it as if it is a section dealing with religion, that's how the community looked at it

Com. Mosonik: What is the other question?

Com. Mosonik: I think you have answered the Commissioners question. Let me ask you mine very briefly. You said the President should not be the Commander in Chief, who should be the Commander in Chief?

Herdson Lumbasi: That one there should be a council that deals with the section of it

Com. Mosonik: But you know right now there is also a Council called the defense council. The Commander in Chief is one person, you hear a person.

Herdson Lumbasi: We are looking at it like for the President to be elected by the people on the ground because you look at

it that through the recommendation you will not be representing the constituency but because he is elected let there be in the military someone they have someone one elected.

Com. Mosonik: Military officer. Now the other you recommended that there should

Com. Zein: On that point you know, Kenyans are making submission to ask on certain issues when we ask you questions or you explain the position is not that we are saying your position is wrong. Being a Commander in Chief has two aspects, the strategic aspects and the political aspects. It means that the Commander in chief also takes political decision.

The Commander in Chief of United States of America is the President of United state of Americal. Even when .B. Clinton who had refused to go to a military service when he was elected President was also the Commander in Chief.

All Presidential systems in the world, the President is also the Commander in Chief the reason why that is why made like that is because if Kenya is attacked God forbid they have to be one person who makes a strategic and political decision if we are going to defend ourselves or not. And if you tell us make it into a council you are saying to us God forbid if Kenya is attacked this council should meet and you debate and vote before Kenya can be defended. This is what you are saying to us . And also that the other strategic choice is this, when the political the person when you are right when you saying is elected by all Kenyans when this person is elected by all Kenyans he becomes or she becomes the symbol of our sovereignty. So the military officers are made to understand that and respect that sovereignty the military officers cannot decide themselves they are going to vote or not. There are not elected by the people so I don't know if you understand what we are saying.

Herdson Lumbasi: I am understanding.

Can I response a bit. The community at it this way the President currently at the lower states we thought we were assuming that he is above the law. They were looking from that point pf view.

Com. Zein: (inaudible)

Herdson Lumbasi: There were basing on that is understanding, so that one could just wake up at night and order something which is very disastrous to the country that is how they were looking at it.

Com.Zein: Has it ever happened?

Herdson.Lumbasi: No They were taking safety precautions.

Com. Mosonik: Okay the last one is on the political parties. You said they should be regulated and they should be three. Which free parties would you recommend to be identified and what are the criteria? What is the bases of identifying those three they are now about fifty political parties which are registered

Herdson Lumbasi: The three with the most following, that is what we recommend.

Com. Mosonik: Which following, before the election or after the election?

Herdson Lumbasi: After the election

Com. Mosonik: Like right now we have around 42 parties, but all of them now they would want the government to fund them, which is difficult. But now when we have three there will be stiff competition and they will work hard to maintain to the ruling party because they come up to the motions they discuss issues that relate to the citizen than having parties which are district oriented.

Com. Mosonik: So if you are saying like after the next general election they receive the results then we start compare with say the others, they are dissolved and they are left the top three.

Herdson Lumbasi: They choose which to join now to make three at the end

Com. Mosonik: After the next election. Okay thank you . Asante sana. We gave him a lot of time because his views are those of a community. They are about 300 signatures we were told yesterday on this memorandum. That is why he has taken a long time. Otherwise the rest of us must speak for five or ten minutes. The next person please Alfraji Isa. He said Muslim community I don't know whether he is talking on behalf of Muslims. He has gone out briefly. Let us go the next person please. Ali Mutoka Yusuf of

Ali Majini Mutoka Yusufu. My name is Ali Majini Yusufu. from Bungama District. I would just comment on six topics only, because I had already presented my memorandum.

First I will talk on treatment: Treatment should be given equally to all citizens, medical treatment. When saying this, I mean that doctors or clinical officers should be the people, okay. Doctors or clinical officers, if a patient is a lady should be served by a lady not a gentleman serving the lady.

Also hospitals should be taken to division headquarters for example if there is division in Webuye or Ndivisi we are supposed to be having there a division headquarter not only in district areas.

I will talk on Police Officers and Civil Servants: Police officers should be given uniforms. The uniform they will be using when they are on duty should not be having so many pockets to avoid corruption.

Any civil servant before reporting in the office should report or submit the money he is having to the OB.

The MPs or Parliamentary representatives. Their salary should be determined by their voters.

Com. Mosonik: May I please request that if anybody who has mobile phones please switch them off because they are interfering with the recording.

We propose that the voters should be having or they are supposed to be given a certain Commission or percentage from their MPs salaries.

Com. Mosonik: Sorry I didn't get you well, who was to be given that money?

Ali Mutoka Yusufu: The voter, a certain percentage should remain from his salary. It is supposed to remain on the electoral area.

Com. Zein: Why only the MP?

Ali Yusufu: I have said the MP and the Civic leaders.

Com. Zein: Why the MP, the Councillors, Why not Doctors? Why not teachers?

Ali Yusufu: Because they have a reason, MPs are elected by voters.

Com. Zein: You see, the act of electing is either the exercise of a right and a duty and not that you will benefit because you vote then you get a percentage

Ali Yusufu: We propose this one because most of our MPs after being elected they forget. They don't fulfil their promises.

Com. Zein: How much?

Ali Yusufu: No, five percent.

Public holidays and holidays: These one are two different things. There is public holidays ambayo ni sikukuu ya kitaifa na holidays sikukuu ya kidini. I want to make it clear. Public holidays should be reduced and recognized by the Constitution.

Holidays, which means based on different denominations or regions, should be treated equally and recognized in our new Constitution.

Com. Mosonik: We don't like interrupting, but you are not being clear you are not transparent. You reduce the public holidays which ones?

Secondly we should treat this religions equally, which ones?

Ali Yusufu: Your first question, the public holidays, I will answer the public holidays to be reduced because others they are just based on the title of leaders which has got no meaning on the citizens.

Com. Mosonik: Would you say for the sake of transparency I can tell you that they are two Kenyatta and Moi day now you want to reduce both or which one?

Ali Yusufu: Moi day

Ali Yusufu: Why one and you leave the others, because the first one appeared there because he was the founder and because may be he suffered.

Com. Mosonik: Point of information. It was supposed to remember freedom fighters. It was not because he was the founder. It is not written in the Constitution that it is because he was a founder but to remember freedom fighters,

Ali Yusufu: It is good I have great respect to Mzee Jomo Kenyata, but I assure you there are many other people who suffered. Some even paid with their lives. The Tachoni people will tell you that ile mizinga ilipolipuliwa hapa walikufa Watachoni wengi sana, na ukitaka majina yao watakupa. Kuna wengine wanajua majina yao, na hakuna mmoja wao amechaguliwa akaambiwa he paid with his live therefore we name a day for that.

Com. Mosonik: And Chetambe war was as we were told 1895, which is how many years before 1952, so that if you are saying the first one why don't you start from the beginning?

Ali Yusufu: Secondly, on holidays which means that those ones are based on religion I meant by saying they should be treated equally and be recognized by our new Constitution. It means that may be others are just treated in a different way.m

Com. Mosonik: Can you tell us please so that you can move forward. Which holiday do you want to be treated equally. We have Christmas day, we have Easter, Good Friday, we have Id Fitriyes, which one do you want to be treated equally?

Ali Yusufu: Those of Muslims, so many of them are not treated equally. It is only one which is recognized.

Com. Mosonik: Can you name this ones which you would like to be included, which other ones?

Ali Yusufu: Idi Fitri

Then leadership that is point number six, we propose that leaders be tested on marital status.

Com. Mosonik: What do you mean by tested, which test?

Ali Yusufu: Is maybe others are not qualified.

Com. Mosonik: What do you mean, you want them be married? why don't you say so

Ali Yusufu: Yes

Com. Mosonik: To how many wives

Ali Yusufu: : No, we cannot be limit to one wife, but he is supposed to be married with a family.

Com. Mosonik: Okay, that is for which leaders all of them?

Ali Yufufu: All, from presidential to parliamentary and civic seats.

Com. Mosonik: Asante sana maliza

Ali Yusufu: Pertaining qualification also

Com. Mosonik: Which once President

Ali Yusuf: President, Parliamentary and Civic.

Com. Mosonik: Give for the President

Ali Yusufu: The President he must be a university graduate

The MP should be of form four and above

Com. Mosonik: Asante sana jilandikishe tafadhali. Now Faraji Isa Chevai has come.

Faraji Isa: My names are Faraji Isa Chivai. I am proposing on behalf of the Ndivisi Muslim community. I want to talk about gender. Sometimes we obligate our roles concerning women in Kenya. They have been mistreated by certain groups including Muslims. Let, as if they are a distinct category in the society, women be determine the direction the Constitution has to take matters concerning them.

We propose that the Constitution must define the rights of women as members of a distinct group that give them social identity for example the right of Muslims women must enhance their identity as Muslims.

The Constitution must therefore identify Kenyan women from their diverse and original identities and not just give them blanket rights.

The amendments of the Constitution, that is, due to a dismal performance of our Parliament, poor articulation of their responsibilities that is the Parliamentarian (interjection)

Com. Mosonik: Just upendekeze how to amend the Constitution.

Faraji Isa: How to amend the Constitution, I propose that decisions on matters seeking to alter the character and structure of all system of the republic be decided directly by the people through a national referendum.

No amendment be made that acts in a negative sense or reduce the scope of the enjoyment of a citizen or a group, of all the fundamental basic rights as granted by the Constitution.

I want to talk about the minority. We have always acted in favour of the numerically superior in the name of democracy, putting the minority at disadvantaged position in our society. We have thus confined the right to the majority whereas the majority and the minority physically exist and co-exist in the same environment. I propose that the Minority be treated as a special category groups

Matters affecting the minority which we require decision by voting should be left to such minority alone.

Money management: We as Muslims have problems dealing with the current Legislation on finance especially on acquiring loans for starting businesses and/or servicing the businesses we have. We propose legalization of interest free banking.

Recognition of Zakari and Zadaka is that be reducible.

We propose a national Commission to run the works team whose members are eminent scholars.

We propose that there should be no law to relocate any property under the works Commission.

Human rights refer to the right of an individual within a society. These individuals add up to different groups depending on their interest. These groups have rights which must be upheld by the Constitution in order to safeguard their identity.

Discrimination has been reported in the application of the law in this country, and especially when Muslims apply for ID cards, birth certificates and passports. We propose that the Constitution should recognize and uphold the right of communities to organize themselves and mobilize around their common acceptable and positive values.

Community structures be recognized in the determination of a matter pertaining to them.

To ensure community safeguard only those community and groups turning to benefit, lose or suffer from the direct consequences of a Commission or omission be involved in voting for or against the matter.

Where a community has unique experiences and desire a matter that is unique to them and where the granting of such a matter would not constitute an adverse effect to other communities or groups such a matter of principal be granted to such communities desirous of the matter.

The Constitution should declare Kenya an ecumenical state thus no public officer will deny any citizen any essential or required services on any other basis other than merit and anybody suffering from any such consequences must be compensated.

Education is an area where Muslims have had a problem in our society. We propose that religious instructions and education be provided only by persons professing the same religion.

Free and compulsory universal education and primary and secondary levels.

That no students should be forced to dress in a way to undermine his or her religious faith, cultural identity or obligations.

That all people be accorded facilities privileges as per religious specifications and instructions in schools.

We propose that our Constitution should identify specific categories of people who will be catered by what we shall call personal law. These specific categories of people who will be identified by their positive contribution to society and well defined structures in their organization. The specific categories in this case will include Muslims, Hindus African traditional groups and even Christians. In the case of Muslims, the current Constitution establishes the Kadhi's court. Unfortunately it structured down or it has the limit of its jurisdiction to matters involving only inheritance, divorce and marriage.

This court remains subordinate to the high court which can be overruled by the Kadhi. We propose an expanded Kadhi's court with original and appellate jurisdiction headed by a Chief Kadhi and Chief Kadhis at regional or Provincial centers and at the District Kadhi a District level.

We propose that a Kadhi be a known Muslim with a degree in law in secular education, must have recognized and relevant qualification in his Islamic studies and a record of of scholarly practice in Islamic jurisprudence..

All the Kadhis be appointed by the Judiciary Service Commission on a recommendation of acceptable and legitimate Islamic institution.

Com. Mosonik; Usha maliza Asante? Asante sana Mourice Nyongesa please.

Mourice Nyongesa: I am Maurice Nyongesa presenting my individual views pertaining the Constitutional review.

A new Constitution should allow the devolution of power.

In order for one to become a President he must garner 50% of the total vote cast in the provinces.

No one should be above the law and the Constitution should ensure that the President has a degree.

The Constitution should have only two Political Parties to produce a Presidential candidate and a backing of such. If only for one to become a Parliament must have 'A' level certificate or above.

Secondly, the Parliament should be independent that the President has no power to dissolve the Parliament at his own will and say he or she is calling from general election. That means the Parliament has to work out a programme

Any form of government expenditure must be approved by the Parliament, in another words , vetted.

Any civil servant found and proved corrupt must be sacked and sentenced for four years in compulsory imprisonment, and moreover the property be taken to meet the whatever loss then we might have incurred resulting from the corruption.

Corrupt contractorsshould not be given tenders.

Com. Mosonik: Excuse me, umesamaje hapo? What do you mean.

Mourice: Yeah, you find someone perhaps a doctor or a President, he is the Commander in Chief at the same time he is the Vice Chancellor in the university, he is doing so many jobs while others are jobless.

Com. Mosonik: The Kenyan President is only being Chancellor of individual public university not a Vice Chancellor. Or are you talking about the President or all other Kenyans

Mourice : All people.

Com. Mosonik: Are you saying one man job.

Mourice : That is what I am meaning

Com Mosonik: You should say exactly for everybody from the President to?

Mourice: To the farmers.

Com. Mourice: Maybe to the farmers.

Com. Zein: I have a question related to that, what you are saying young man then you are saying there is no exceptions?

Mourice: There are no exceptions

Com. Zein: Therefore that a brain surgeon who teaches in the university should not be allowed to operate somebody in the hospital.

Mourice: No

Com. Mosonik: Even if he is the only trained surgeon in the whole county?

Mourice: What?

Com. Mosonik: Kama huyo brain surgeon that carry our brain ubongo, kama ni yeye peke yake Kenya hii na Africa mashariki asifanye kazi ya kutibu mtu kwa ajili yeye already anafunza university?

Mourice: That is a difference case.

Com. Zein:: You when you are talking about that, majority of the people who teach in professional classes at the highest level are the people who are also professionals, from Engineers to Doctors we are not saying you should not recommend what you are recommending, to lawyers you know, somebody who teaches, majority of those who teach at the university they also appear in court or give opinions to clients. What we are saying to you is that are there any specially circumstances where second categories of specialize skills will be allowed to take more than one job? Not that we are opposing your principle I understand what you are saying that maybe somebody should not be the mayor at the same time he is the Chairman of the Parastatal, that what you are saying. But we are asking is there especially category of people whose skills is exception? Is there any exception in your proposal or not? Is that, no exception.

Mourice: Corrupt contractors should not be given tenders by the government.

Nominated MPs should not hold ministries.

Ministries to be shared according to one's education.

A person contesting for a seat in Parliament and lost must not be nominated.

Local government: Government leaders should be elected by the people starting from locational level to district also levels
Also private businesses should not be taxed.

Com. Mosonik: What did you say about the the judiciary?

Mourice: Handle cases promptly to avoid overcrowding in the cells. On Electoral Commission. It must be independent appointed by the incumbent Parliament regardless of their Party affiliation.

Transparent ballot boxes must be used.

Any form of sort of cheating in election will result to nullification of the election.

The Commission does not support the act of buying voters

The state should also provide in the budget the farmers interests

The new Constitution should also ensure that there is free primary education

And also the new Constitution should ensure that the government does not over-liberalise the economy.

Com. Mosonik: Asante sana, there is another question for you please.

Com. Zein: when you say no limitation on airwaves, airwaves airway are limited resources which are given to a country by an international world organization, so Kenya only has a number of frequencies it can use for radio communication. It doesn't have a limitation.

Mourice: No, there is limitation because you find some station like KTN station they are not given enough frequencies it is only K.B.C.

Com. Zein: You mean nation world coverage.

The second question, when you are talking about the cabinet, ministers, are these Ministers appointed are they members of Parliament?

Mourice: Yes they are members.

Com. Zein: Okay just hold on, now what is, because you are proposing that somebody should have training in the field where they are asked to the minister what if you have in the whole Parliament you do not have somebody who is competitive to qualify that field. What happens?

Mourice: It is not possible, we cannot lack people

Com. Zein: What do you mean its not it is impossible? Let me given example. Foreign affairs is a specialized field, but you have ministers we have 210 now, Members of Parliament plus the 12 nominated and non of them has training in foreign affairs or on defense. If you have a minister of handling defense, and they don't have training

Mourice: There must be people because ---- people must attain a certain standard of education before they go to Parliament. I am standing on what I have said.

Com. Zein: You said you said.

Mourice: ---We have so many graduates

Com. Zein: But you are saying the qualification for members of Parliament is 'A'

Mourice: Yes I said "A" and above I am sure we cannot lack some people you cannot just get somebody from military and you impose him on the Ministry of health, definitely we shall get defective results.

Com. Mosonik: Okay asante sana for your contribution. Now, next person on the list was Mzee Walucho for the Tachoni, but let me request this mzee kwamba tuwasikize individual, three more then we come back to you. Lumbasi Charles huyu mzee, Mzee Lumbasi tafadhali.

Charles Lumbasi : Asante sana, wageni wangu wazuri. Mimi naongea Kiswahili kidogo lakini sina maandiko mengi.

Nimefurahi kwa wageni wetu kufika hapa, jina langu ni Charles Lumbasi. Maoni yangu ni tatu au nne.

Kuhusu mambo ya koti, Margistrate wa court na wengine, na advocate, kama sisi raia kama mimi mzee advocate na mambo ya court yanaumiza sisi sana, raia sana tunaumia kabisa.

Mambo yetu ata ukiwa na unapata na shida na unapelekwa koti ukiwa na shida kidogo ukiwa na nini ukiongea wanasema wewe ukitaka kutoka hapa lazima leta ukitoa hata kipande hamwezi kushika kipande hiyo, wanasema leta shillingi. Ukiwa unakosa shillingi haya unakaa hapo unakaa hapo tuu ukiwa na shilling unalipa na askari.

Com. Zein: Unasema mtu akishtakiwa, awe anaruhusiwa kama si lazima kutoa pesa kama bondi kama zamani, akitoa kitambulisho chake na akiwa anajulikana ni wa mahali fulani awachiwe mpaka kesi yake ianze unataka hivyo.

Charles Lumbas: Ndiyo hiyo na washtaki, na hata ukitoa pesa yenyewe hata ikiwa shilling elfu, halafu kesi kama imekwisha ukitaka sasa mimi nataka kipande yangu ikiwa ni kipande utapewa ukiwa ulitoa pesa hauwezi pewa. Sasa hiyo umaskini

tunakwenda wapi. Sio hiyo mambo ya kuumiza sisi?

Mambo ya pili tena, kesi hiyo wengine advocate wanachukuwa wanahiishwa mukiwa ukiwa na ushuhuda wako ukiingia, huyu ana ushuhuda wake huyu ana ushuhuda. Lakini wanaakilisha, na wewe mashahidi wako yuko huko Nakuru au wako wapi, sasa mtu anachoka kazi yake inakwisha.

Tena hata shida yetu hii inaumiza sisi sana. Advocate wanaahirisha kesi wanaahirisha kesi, hii ni kuchukuwa maskini hata serikali yetu ya Kenya lazima ionelee yetu hapo ndiyo umaskini uishe. lakini---

Com. Zein: Sasa mzee unafikiri mda gani ndio unatakiwa kesi iwe imeshakatwa miezi miwili, miezi sita , mwaka mda gani ndio uwe mda wa mwisho kesi kukatwa?

Charles Lumbasi: Wanaahirisha namna hiyo.

Com. Zein: Ile unataka wewe mzee, ukiambiwa ambia serikali kesi isichukuwe mda usipitishie hapa, ni wapi utasema wewe?

Charles Lumbasi: Na mimi nataka namna hiyo mimi. Serikali yenyewe si ndiyo inapanga inajua si watu gani kesi ikwishe. Hata kama kwamua watu wakiwa pamoja wawili lazima kesi iishe siku hiyo, na mtu akikosa ushuhuda wake ndiyo waahirisha kesi. Basi wanafanya mambo mabaya ata wengine wanafanya miezi mitatu hata miezi mitano mpaka wanatupa kesi ya mtu maskini, hivyo ndiyo maskini wanaumia kabisa katika court.

Lingine kama sisi wazee wetu wa kale kama shida inakuja kwa boma watu wanachukuwa mtu huku wanakuja kalia kesi. Halafu wakifanya maneno shinda mtu mmoja wamumulia yake apewe mali yake au apewe kitu yake. Lakini kusema ati wengine waende wafinye mwingine kuja hapa kuja nikuonyesha mimi advocate. Advocate ndio wanaripa sisi katika nchi ya Kenya. Advocate wanaharibu watu sana. Kesi yao wanaahirisha wanataka watu matajiri wakule mali waende kufanya namna na kufanya namna hii mtu akikosa ushuhuda wanatupa kesi yako.

Com. Zein: Mzee sasa mambo madogo madogo yasimamiwe na wazee yasipelekwe kotini wazee ndiyo wakate shauri.

Charles Lumbasi: Hata mambo kama hii ya nyumbani ata tuna wa chief tuna, assitant chief wanaweza maliza hiyo. Tena si shida ya kuenda huku ati kufanyia nyumbani hapana, watu hao wanafanya vitu vibaya.

Com. Mosonik: Umemaliza mzee, umemaliza kabisa. Okay asante sana mzee tumuzikize Eliud Yamame.

Eliud Yamame: Kwa majina naitwa Eliud Yamame Kimungui. Former teacher, having worked to various companies, I have a sound knowledge of what I am going to say Mr. Chairman sir. Without repeating what people have said because I am very

much conversant with time and structure of what you are doing I came in when my Chairman and secretaries had not arrived so when I signed I took the responsibility that if they would not come I will shoulder the responsibility. Now that they have come can I request through the Chairman Sir that I call upon my Chairman Mr. Daniel Kiveo who is a registered members to come take up that responsibility of what we have written. Thank you.

Com. Zein: Kwa hivyo ubadilishane hii na yeye.

Eliud Yamame: Nilimpatia ako nayo.

Com. Mosonik: Unasema ni nani huyo

Eliud Yamame: Daniel Kiveo.

Com. Mosonik: Daniel Kiveo okay ambia yeye aje tafadhali

Eliud Yamame: Along with him also we tried to sort of delegate responsibilities because we don't want to be selfish, I broke my manuscript into two groups, I would also request you to call Mr. Isaia Lukabanga , Mr Wafula to also finish up that so Mr. Wafula.

Com. Mosonik: Are you talking on behalf of the Friends church or, what I am asking who are they?

Eliud Yamame: One of them is talking for the Civic matters and the other one is talking about the Church.

Com. Mosonik: What I am asking is that is it about Friends' Church?

Eliud Yamame: Is educational issues that one -----

Com. Mosonik: Lakini which group are you

Eliud Yamame: Locational level

Com. Mosonik: You are talking as from Ndivisi sublocation, Okay lakini mzee Daniel Kiveo alikuwa amesema yeye ni observer tu . Okay tataanza na mzee Daniel Kiveo.

Daniel Kiveo: My names I am Daniel Kiveo I am presenting a memorandum on behalf of Ndivisi location this is a memorandum which was drawn by a panel of people after we have given guidelines by one of the Commissioners in Webuye to guide us to produce this memorandum

Com. Mosonik: Is it a location or sub-location

Daniel Kiveo: We sat as a location. ---

Now our proceeding according to the guidelines specified in the guideline report. I will begin with page 3 of the guideline where they are saying do you need a preamble? Yes we said we need a preamble for a Constitution. We also need unit, peace, Security dignity equality and equitable share of natural resources services.

And also we need the guarantee of basic human rights and freedom of association and cultural diversity.

In the direct principles, we felt national philosophy and guiding principles and ID should be put in place.

Respect and honour for the wishes for the majority and recognition of the minority should be enhanced.

Kenyans have important values to be reflected in the Constitution. To diversity precite cultural values and moral conduct. We also saw that the law should enforce distinct for opportunity and Identity of state or republic of Kenya.

The Constitutional supreme supremacy: We saw that we should not allow the Constitution change without a national referendum. It should be limited that after a substantive motion is passed the national referendum be called to endorse or reject the bill. The entire Constitution be amended only through a national referendum to avoid selfish ends.

The public should be involved in fact in any part of the Constitutional changes.

About Judges we said we need about three Judges Constitution Commissions, be three and should be vetted by Parliament before assuming their office.

About citizenship, one should be a citizen by the right of his birth, should have automatic citizenship. One born outside Kenya can acquire citizenship by naturalization and registration so need be.

No one should apply giving support of reason.

One should apply giving surppoting reason for naturalization it is a dual citizenry.

Our cultural practice of qualify a child to belong to the father is ethnicity to the country hence citizenship. So outomatic citizenship does not arise unless the father is interested.

The right of obligation of a citizen are: own property, be given security, have shelter, move freely, have health care, education and other state services.

Citizen must also be patriotic at it. If citizenship by registration should be reviewed depending on conduct of the holder.

Dual citizenship should be allowed. Documents to show citizenship can be the ID, passport, birth certificate or Visa.

Defence of national security that is page six of the guideline. The Constitution to establish discipline force to discipline military and para-military personnel. It should be tried by marshal, If it is APS or policeward to be tried by court of law.

The President should be the Commander in Chief. The Executive to consult Parliament first before declaring war unless under invasion.

The right action which is needed Parliament to approve before it is gazetted for the President in conjunction with Parliament to work in harmony..

When it comes to political parties: Political parties should be able to initiate and mobilize positive development. Conduct Civic Education and be in constant consultation with electorate.

The formation political parties should be regulated.

Political parties be limited to four at most.

They should be four with a reason because if we allow political parties to be registered anyhow we are going end up in political parties of a family and that wil not show cohesion in the country.

Political parties be financed by the budgetary allocation through the treasury, own their resources and business management to enable them to sustain of party programmes.

Political parties should ge a share of the public funds.

Each political parties should have a national reflection, should publish its statement of account in the media be sincere and allow public audit of Parliament to hold their bookshop accounts.

The state of political parties should be cohesive and supplementary for the sake of nation building.

We come to the structure and system of government: The President should basically be ceremonial with limited executive powers.

The President to have a running mate during elections and he should not have Constituency.

The President should be incharge of the armed forces and should be a symbol of national unity.

The President has powers to dissolve Parliament at the expiry of the normal tenure of five year term or when the government is unable to discharge its duties effectively.

On the event of a coalition when there is a total failure or disinchantment of the Political Parties, they can still dissolve Parliament when going for elections.

The President should be able to appoint the members of Judiciary in liaison with Judicial Commission. The whole process to be vetted by the Legislature.

The Prime Minister should come from the majority party. He should be in charge of appointing the ministers from MPs irrespective of the party, basing on professional and academic qualification. The Prime shall be answerable to Parliament.

The Prime Minister will spell out of the government foreign Policy and international co-operation now we don't need the hybrid type of government.

In the assessment of the national resource even distribution and strong emphasis on transparency is needed..

Federalism: We say no to central system. If all citizen have to benefit from our very natural and human resources here and there only the power of local authority more than they are now so that the Chairperson or the Mayor to be elected by the electorate.

The authorities we have to be generate their own funds to manage their day today activities. However they should also be subsidized by the Central Government at the local authority.

Legislature: Appointment to be vetted by Parliament are Executive, Judiciary, Parastatals, Chancellor, Commission and armed forces chiefs.

Functions of parliament to be expanded so as to vet various areas appointees indicated above, consultation before declaring of war and impeachment of the President.

Com. Mosonik: Excuse me, I do not want you to read. I want you to just highlight because we have that memorandum and we shall read it out.

Daniel Kiveo: For the issue of Parliament we thought that Parliament should be meeting five days a week and again we thought all those who contest for Parliament should be within the age of 25 and above not below.

And also for one to contest for Presidency we thought that one being the ---- should be 45 to 65 is the right age to maturity of the nation.

For the language test, we felt that for Civic Kiswahili and English should be done to the candidate.

Now with Parliament we felt all should be graduate or I will say rather 'A' level and above and the need an English test or Kiswahili does not arise.

Electoral should have power to recall the MP or a Councillor who hardly delivers or are those they go and stay until

Com. Mosonik: We have understood. Once you say recall tumealewa/.

Daniel Kiveo: We also thought we should also have a Commission comprising AG, of the age a treasurey

Com. Mosonik: What is the Commission has to do

Daniel Kiveo: This one to look into the failures of the government not performing well so if they are to look at the commission to Chair such we have to look at the age the Judiciary and the law state of Kenya to compose the Commission.

Com. Mosonik: Excuse me, to do what?

Daniel Kiveo: Where we need to know to harmonize the proper performance the idea of Parastatal or the Chief officer.

Com. Mosonik: Is it call the section C monitoring unit.

Daniel Kiveo: And also not only that because here also comes when -----

Com. Zein: (inaudible)

Daniel Kiveo: Thank you

Com. Mosonik: And if you are going to present on the same when you have your time when you come here you can say I would like to clarify what the previous presenter said may I make a correction mzee ujaribu kufupisha

Daniel Kiveo: Sasa kwa mambo ya salaries of Councillor , the Councillors are Civic leaders who are doing a good job and the salary of seven thousand cannot serve the majority purpose because they are engaged in , we feel that he should get over 30 thousands shillings and above to help – and with the MPs salaries should not decide salaries on themselves we should get a Commission to decide their salary.

When we have four political parties maybe they have all gone to Parliament when with present calls for the Prime Minister to form the government, he should look at all corners of the parties, not really identifying the winning party alone.

Com. Mosonik: I know you had said the Prime Minister to appoint ministers from MPs on provisional grounds and not on party affiliation. That is what you have said already. We have taken note of that.

Daniel Kiveo: Now we come to security. We would like the Constitution to tell us the criterion of the President.

Com. Mosonik: Let me remind you I don't need to interrupt you. You have already tell us that the President should be ceremonial, 45to 70, not above the law, the Vice President should be his running mate he should not be an MP, he can dissolve parliament.

Daniel Kiveo: The President should get over 60% and above of cast votes of the electorate.

Then I will come to administration of power: We had read in preamble that President is above the law. It should be abolished.

The Judiciary: The present structure of Judiciary is not accurate. We need a Constitutional court or supreme court to harmonize the Judiciary.

About the muslims with their appointment of their Chief Kadhi, I feel it is justified that these people have proper records of their religion to appoint their own court to look into their affairs and streamline their religion so that one is justified.

Now the issue of the minority: The minority since independent have not really seen why -----

Com. Mosonik: What would you like to see?

Daniel Kiveo: Yes, I am going to say my proposal. I feel that when we come to when we feel the minority cannot be done up to elect an MP, or a member of Parliament, when we come to nomination the minority should be considered, and the especially groups like the disabled they also need a representative, even the women if they have not be well represented they need representartion.

Com.,Mosonik: Unajua, tuwe tukienda pamoja you have just told us, saa hii tu ukasema kwamba President should take 50% of the cast votes. Now here you are pleading for the minorities as nominated MPs, they should be treated like the disabled but it is you yourself ambaye ame-disabled kuhusu President. Because when you say 60% of the cast votes, surely the minorities will never be President. You have said they should only be together with disabled to be MPs or Councillors so can you sort out this?

Daniel Kiveo: That is why we can never get to be Councillors or MPs by then through nomination is when they can be looked at.

Com. Mosonik: I don't know I am just trying to get to see the contradiction in your statement you want them only to qualify up to the MP, because give your rules, wewe mwenyewe umewafanya wawe disabled kuhusu office ya Rais, kwa ajili amesema hawa Rais awe na 60% na utapata hakika ya kwamba hawa hawawezi kupata 60% kwa ajili hao ni minority. Unajua minority si 60%. Minority is under 50% sasa hawatapata milele kuwa Rais.

Daniel Kiveo: Even though even if you brought 35% they might not make it

The local government, I think I have just said in the premeable I don't know whether I can add something.

Com. Mosonik: Tukifanya mapendekeza ukisema kitu kimoja kulinganisha na kingine unajua kwa ajili mapendekezo yenu ndiyo tutashughulikia. Kwa hivyo hatupingi yeye lakini tunaona ya kwamba vile amesema yeye mwenyewe anajipinga. Upande moja anasema wawe na 60% upande mwingine atasema lakini wakipewe kama disabled. Sasa unanielewa hiyo group yako itatue jambo baadaye, you will clarify. Halafu umalize kwa ajili wengine wataendelea na hiyo memorandum.

Daniel Kiveo: The coming of office for the Councillor we feel that for some people to be effective Councillors or MPs they should not go beyond two terms of five year term. For instance if they stay there too long they grow horns and we do not benefit from them.

Com. Zein: Mzee the question I am going to ask you if you have not thought about and you don't have a ready answer to give please just say you will not give me an answer.

I am going to ask you a question, I want to just prick your brain because we have had the submission in this issue and I want to hear what you think about them. You made a submission to us we should not have a federal system of government and you said to us that we strengthen local council or local authorities, I would like to understand what does strengthen mean, so I would just ask you few things. Will the local council have Jurisdiction over land.

Daniel Kiveo: They have

Com. Zein: No in the strengthen local authority will they have jurisdiction over land?

Will they provide social services which include education, health

Daniel Kiveo: I said where they don't they should be subsidized.

Com. Zein: I haven't come to revenue collection I am just asking you. Would they be given the mandate to provide social services and what would this social services include. Will they provide education?

Daniel Kiveo: I said they should be given more avenues of collecting funds. so this more

Com. Zein: Sir, I would come to clarification for revenue, I am asking would the mandate, the councils mandate, include provision of education.

Daniel Kiveo: That is the Central Government.

Com. Zein: So no, not education , health?

Daniel Kiveo: Central Government

Com. Zein: Security:

Daniel Kiveo: Central government

Com. Zein: Fire fighting?

Daniel Kiveo: Central government.

Com.,.. Zein : In other words the local council will not have jurisdiction over any social services.

Daniel Kiveo: I am sorry not any excuse me

Com. Zein: Ngoja ngoja mzee mimi nitakuliza, mimi nitakuliza. Mzee ametoa maoni I am pricking his brain and you disagree. When your time comes you can say there mimi nilikuwa ninafikiria hivi. Let me put it in a different way, apart from jurisdiction of mandate of land what other function will the local authority play?

Daniel Kiveo: ----

Com. Zein: Because you told us strengthen, meaning make it more powerful than it is now

Daniel Kiveo: Because when we come to for example I said about the elections, that the Mayor and Chairman should be elected by the electorate.

Com. Zein. That mzee wangu that one I understand, but what will be the function, what will they be doing, this Chairman and the Council what will they be doing?

Daniel Kiveo: The construction of roads

Com,Zein: So provision of roads will be for councils

Daniel Kiveo: I feel they have enough money. They are closer to the people

Com. Zein: Anything else

Daniel Kiveo: Pre-primary school

Com. Zein: Okay so education, but pre-primary?

Now all these other matters would be met by the Central Government? Who will be implementing this policies, Provincial Administration or head of department, the way it is now?

Daniel Kiveo: When we come to let me say, we feel in our memorandum, maybe the past of the Provincial administration might not be there. We want a strong local authority so if we thought Provincial administration it might not work with our memorandum.

Com. Zein: This is the clarification I am seeking mzee, on one hand you said remove Provincial Administration make council stronger

Daniel Kiveo: That is ----

Com. Zein: I should reserve this question on the Jurisdiction and strengthening to the next speaker. Thank you you should have said at the beginning sir.

Com. Mosonik: Asante sana mzee Daniel kiveo tumusikize sasa Isaiah Wafula.

Isaiah Wafula: Bwana Chairman sir I am Wafula Isaiah. Some of us have never appeared in a large crowd like this so when we come here we have stage fright.

Electoral system: We thought we should practice that is a representative system of Parliament and local council not to have one constituency with so many people another constituency with few people. Simple majority is not fair you find somebody declared winner but for the other rival for one person we feel that is not democratic enough. We don't want simple majority.

Election the election as such are already open so we don't feel one group should be vying except those winning to have at least garnered 51% of the cast vote.

We should have morals: Some criminal a grabbing political stage. We want a commission established where we have the ability to protest.

Defectors should lose their position and post immediately.

The issue of the President garnering 25% in five Provinces, the fractions that is remaining out Bwana Chairman is greater than what one has scored so if I am a President of 25% of the electoral I am not a popular president.

Com. Mosonik: Let me ask you, is it that 25% have refused or you won 25%

Wafula Isaiah: You have won 25%.

The minority group we are identifying are or rather special interest groups we have the gender, we have minorities such, the handicapped, Youth, Professionals etc.

The Parliamentary and Civic election should be conducted simulateneosly to limit the costs.

We felt the Electoral system is already simple but only the votes should be counted at the station, should not be carried anywhere.

The election dates should be specified, not to be kept as a scret weapon so that everyone should know that at a such time we shall vote.

The two thousand and two elections be conducted after the Constitutional Review Commission completes work, because the coming President will swear to uphold the constitution of Kenya.

The Commisioners , lawyers , Administration and Political Science graduates, their tenure should be established by the constitution

Any Commission which we shall form in Kenya we should have proper appointment of commissioners, not through favouratism.

Com, Mosonik: You have example of a Commissioner where kith and kin have been picked?

Wafula Isaiah: that information is secret.

Com. Mosonik: You can give us confidentially later to identify that Commissioner

Wafula Isaiah: But I am saying for the benefit of Kenyans we need any given Commissioner to be vetted by the Parliament.

Then there was a question on changing this Commision like the Constitutional Review Commission we can change immediately after elections so that the incoming takes up

I am going on page 16 which talks of the right of Kenyans. Our basic rights are not adequately addressed by the government. Say the individual and public then property halafu advocacy for vulnerable groups.

Free education free medical care, the care for the needy.

Traditional brews have been outlawed and many Kenyans can't afford those commercial beers.

Com. Mosonik: Just say what you want to say, can you say directly.

Wafula Isaiah: Allow them to -----

Com. Mosonik: That is what you should say, don't be shy about it.

Wafula Isaiah: Then we need improved infrastructure. The road you traveled on Mr. Commissioner is so impassable, at the same time we should not abolish tax services.

The right of education should be free up to the university level.

Com. Mosonik: You have told us already education should be free, health care should be free, can you say at the same time quickly because of time.

Wafula Isaiiah: Vulnerable groups, we identified women we should form groups to run their affairs to mobilize others. The disabled should be funded in economic activities.

Sensitive land and property rights. Depending on categories we thought land can be owned by the individual by the government by the public and the community.

Then the government can deny one the ownership of land if the state can't benefit from such taking away of my land if the state can't benefit.

Then if my land has been taken away I should be resettled somewhere and be compensated.

The transfers of land. We should control the next of kin first before any other person takes over that land.

It is better to put a ceiling on that land owned by individuals. If it can't be well managed we can take it away and give it to the landless for economic purpose--- by buying or by renting if I am given land.

Cultural diversity: communal right we don't have rights in Kenya and we should have a way of accommodating whoever have such cadre should respect such culture Management in use of natural resources.

Com. Mosonik: It is national not natural

Wafula Isaiiah: Management of national resource we said that relevant Commissions should be charged with responsibility of looking after our national resources.

Parliament should authorize the raising and appropriation of public finances.

We can also raise finances through fees, licences, rents, levies, etc, then the treasurer and parliament to control

Equitable contribution of national resources guaranteed because sometime there is no funds and said this has to be done.

The ministry of planning should be charged with the responsibility of planning in every region and allocated funds for the same

The Controller and Auditor General should be independent and answerable to Parliament only.

Com. Mosonik; I am about to stop you.

Wafula Isaiiah: On the succession

Com. Mosonik: Can you go to page 25.

Wafula Isaiah: The speaker of Nation assembly should be incharge of effective power for not more than 90 when the Parliament is dissolved.

The result of the elections should be communicated to that Speaker within the said 90 days after elections and the winner should declared as a winner after garnering an absolute majority

Bwana Chairman note that when Wafula stands for the President he is not standing for President for Tachoni community but I am standing as a President from a Kenyan public so the issue of minority precluding him from attaining presidency does not arise.

Com. Mosonik: Then why was your group pleading the minority to be treated like disabled.?

Wafula Isaiah: Yes we were saying the Minority will say they are minority. They are never elected to Parliament so in such a case they can be nominated.

Com. Zein: Wafula you know in the Constitution will be talking of principles and then from Principles is one way that will develop conditions. If you are saying that the principle you are Wafula so when you seek the presidency you don't seek it as a Tachoni. Then that principle should apply for all electoral positions. When you Wafula seeks the Members of Parliament seat you will be seeking as Wafula and not a Tachoni. If you seek a seat as a Councillor you will be seeking as Wafula and not a Tachoni, so I am saying if you are dealing with principles the principles should be the same.

Wafula: You are right. Then I am putting you right further like this, that when I contest as a President or a Presidential candidate I am coming form a Political part not a clan, not a tribe

Com. Zein: (inaudible)

Wafula Isaiah: Very fine but not when it comes to members of Parliament those voting for me are the local area not the national. So they look at me from which clan.

Com. Zein: When you define local, how do you define national that its many communities so it is true for here there are the Bukusu they are Teso then the Tachoni that is many communities.

Wafula Isaiah: I wish it was that way but it is never that way kwanza I stand here they will look at me from what clan but when I stand national...

Com. Zein: Wafula, you live in Kenya like us you are telling me if I get you correct, if you seek to be elected as Members of Parliament, people first will ask what community does he come from? but if you seek the Presidency people don't ask what community does he come from, that is what you are telling me. I am a Kenyan like you.

Wafula Isaiyah: I thought we look at the candidate as a President as a Kenyan and not a clan not a tribe and so Wafula even from a minority tribal ground has a chance of becoming a President because all community are appreciating each other, but when it comes to local seats and election then community is playing a very major role.

Com. Mosonik: How about the local government now I think -----

Wafula Isaiyah: On local government we should have in charge a local government committee to oversee the performance of local councils.

Com. Zein: You are telling me right now how are the local authorities going to be run, give me points usiniambie ati ---

Wafula Isaiyah: When we choose our Mayor and Chairman --- when we have a national Commission of experts looking at the discharge of duties and services plus my local authority and safequard.

When we have a national Commission of experts looking at the discharge of duties and service by the local authority and no authority in the running of local government but then we have a commission, national, looking at what my local authority is doing or not doing I am disregard it.

So by strengthening whereas we have given all the avenues for the collection of funds but this fund should be respected to be discharge duties and services to the common mwananchi they are supposed to serve.

Com. Zein: Okay let me ask you most specific question will this Council with Mayors have the power to hire and fire the officer including the town clerk if you like.

Wafula Isaiyah: Yeah I am saying so that a Commission be constituted at national level

Com. Zein: Then what is the different you are strengthening the local government. You are saying the role which is being played by the Minister of Local Government now rather than being played by that Minister should be played by the Commission so you are strengthening the Executive. You are strengthening the Central Government and not strengthening the local government if that is the position you are taking.

Wafula: If you take it so let it be so .

Com Zein: In another word you are saying, let me ask you we are not debating at all. I said you could answer this question or not answer, so just helping me. You see we as Kenyans we are going to be told that define clearly the limitations of powers of

devolution between the central and the local authority since you are the one who says you don't want federal structure. So I am asking you with the Councillor and the Mayor have the right to appoint as well as well fire its Chief Executive officers. So in a sense you want the local authority to remain the same way it is now the only difference is that the power exercise by the Minister should not be exercised by the Minister instead should be exercised by a national Commission. Thank you.

Wafula Isaiah: Bwana Chairman finally on the benefits of the retired President in comes under that. We thought he can receive his pension allowance not exceed of 30% of his current salary

The he should not have especially state car of specially housing.

He can receive medical attention not exceeding 10% to himself and his family

Com. Mosonik: Ten percent of what?

Wafula: Of his salary. Then in the event of the death the widows should receive 25%

Com. Mosonik: So you increase when he is dead, for the is widow to get 25% and when he is alive he gets only 10%

Wafula: You see I started with 30% then came with 20% there is 30% of salary then there is 10% of medical.

Com. Mosonik: You are suggesting that when he there he should spend some of his last salary for medical purposes because you are saying when he is a live, he and his wife and family he spend only 10% of the salary

Wafula: For medical purposes

Com. Mosonik: Yes medical allowance is medical allowance, now when he is not there the wife gets 25% .

Wafula: Yes, possible she has not missed 30%

Com Mosonik: but is 30% was salary like pension it wasn't for medical allowance.

Wafula: Was pension

Com. Mosonik: So you are saying he should stand some of the pension for medical purposes. So why don't you just say so that is what you are saying.

Wafula: Okay

Com. Mosonik: Let me ask you one last question please, you said that the 2002 general elections should be held after this Constitution is completed, the Commissioners said this review cannot be completed before May 2003 can you relate your recommendation to those days when should the general elections be held.

Wafula: The Commission must seek the the pressure upon it to have this Review completed on time and elections can be held hope in January that is now a period of three months to combine your report for a national referendum

Com. Zein: Thank you for the faith you have on us but you have a question when you say a retiring Executive would not be given a special car or a special house, have you taken into consideration one of the requirement of a special car is the security of that retiring President and the special house also take into consideration and the security for that retiring President. Have you taken that into consideration?

Wafula: I am doing and we have done. So we are saying every Kenyan would like is entitled to protection and so whoever it is wherever he is must get that security not singling out at least for an individual.

Com. Zein: So you are saying, I told you about principles that the seating President should not be given any special security should be treated like any other Kenyan that what you are saying? Okay.

Com. Mosonik: By the way it is not you people, tusikizane ikiwa tunasema na yeye tunasema na yeye.

Com. Zein: You why I am saying that, Kenya will be the first nation in the world which will not accord protection to its Chief Executive. Kenya will be the first nation in the world not in the past not not current.

Wafula: So you are saying, what we thought about it is that we shall end up at one time or so having four retirees all depending on our meagre resources.

Com. Zein: I am telling you my brother all nations have the same problems. They have retirees of President. In American today there is a Bill Clinton whose retired Ronald Reagan is retired and they are still accorded the dignity, the respect, the security that their positions as former heads of state demand.

If you went to a neighbour say Tanzania the formerly Julius Nyerere passed a way he was alive, Ali Hassan Mwinyi was alive, Abudu Jumbe the Zanzibar President was alive, kawawa was alive and they all were given the same security and provision,

but you are saying we as Kenyans we should say the President being President means that you make a lot of enemies and friends at the same time. It means that you should be left your own devices when you retire.

Com. Zein: And then excuse me, we are not challenging you. You know what we are trying to do now we are in a way anticipating the debate that will take place at the national Constitutional Conference, I will explain at the end of this. Tunaenda tuandike kulingana na maoni yenu Katiba mpya, halafu tutakutana kwa National Constitutional Conference na tutakubaliana kwa kauli moja ama tupige kura two third of the majority, yaani kama watu mia nne kati ya mia sita kukubaliana kuhusu kila pendekezo la Katiba.

Ndiyo tunaanza sasa pengine tumetangulia kwanza kujadiliana saa hii, lakini mukiwa mukitoa maoni mukumbuke kwamba haya maoni yataenda mpaka National Constitutional conference. lakini kabla hatujaenda sisi wenyewe kama ma-Commissioner lazima tuiingize kwa hiyo draft ndiyo tunataka tuelewane vizuri hiyo siyo kubishana na wewe.

Kitu cha mwisho, nimekuliza je unapenda ungependa kwamba umependekeza kwamba uchaguzi ujao ufanywe chini ya Katiba. Tumekueleza sisi kinaganaga nimekueleza kama Chairman wa session ya leo kwamba sisi kama Tume tumesema kurekebisha hii Katiba haitakwisha kabla ya mwezi wa May mwaka ujao vile tumeangalia kazi, hata vile nyinyi sasa hamjasema nyinyi wote. Sasa wewe unasema utatushurutisha tumalize kabla ya December. Na kulingana na kazi vile mulitupea kazi kwa sheria tunaweza tu kumaliza mwaka ujao mwezi wa tano na tunakweleza haiwezekani kumaliza kabla ya hapo. Sasa unasema ushurutishwe ama ni nini?

Wafula: No I am not saying by force, but it is a suggestion.

Com. Mosonik: Okay thank you very much. Let's go to the next person. Now, that was a memorandum for a group. Tunataka tutarudi kwa wazee watachoni cultural society ama association lakini sasa twende faster please. Mapendekezo tu. Raphael Wanjala please. Halafu unajua vile ilifanyika yule mtu mmoja akafanya ile iwe kama one memorandum, so it is just one memorandum. Wale watu wawili tu Raphael Wanjala na William Chiriri halafu sasa tunaenda kwa mzee Walucho please. Baada ya hapa tafadhali please help us we shall not debate views.

Raphael Wanjala: I am Raphael Wanjala from Ndivisi Secondary School. My opinions are these and I will start with the Ministry of education first.

My first issues is that trainees in colleges should be given equal opportunities. That means earlier on we had these opportunities but there came the quota system. But if we look at the Constitution of Kenya it means Kenya, the whole republic not a section or whatsoever. So it means that we should give everybody an opportunity for the those who have qualified regardless of where they are.

Then we have this epidemic of Aids and I would wish the Ministry of labour employing various people should put in

consideration that the partners should be a bit close so that don't be far apart therefore they are limits because of the distance and indulge into unnecessary activities.

Employment should be based on merit. Those that merit should be given the opportunity regardless of whichever part of Kenya they come from. For instance, we have young Kenyas who have trained. They have spent their time in college reading and they have qualified they have satisfied various parties that they qualify to be employed particularly in the ministry of education. You find that this again the same trainees who are qualified. They are again exposed to interview and they have already had papers they will present and are certified

Com. Zein: Is that not true for every profession. You are competent, qualified certified Engineer, but if you want a job in a particular company or organization you are interviewed to determined your suitability for that organization. Same way with doctors same way with architects, isn't that the practice for all the professions?

Raphael Wanjala: Not really, depending on the past employment exercises that went on. Here you have qualified and is only to look at the papers and you say this one is qualified because he has gone through all tests.

Then four I was to talk about the education system, If we have we anticipate any change in education system I would propose that It would be done immediately and therefore people settle down and think ahead. That one would promote our education sytem other than dragging that we set Commissions to look into it what it has done, some Commission are done away. They are not given that opportunity to present their views. But if there is because we are anticipating by the year 2020 this would be science oriented nation let us have that (interjection)

Com. Mosonik: Can you repeat your recommendation? What did you want exactly? You wanted the proposal to change educational system what would happen?

Raphael Wanjala: I would propose that the people concerned sit down and come up very fast. Alternately they should have a scheme we call the pilot to see where that it would be necessary or it would be important to the Kenyans.

The issue of children management, recently we have a system whereby if two people staying together one goes away particularly the lady, a man is forced to pay a certain fee for children u-keep but remember according to the Constitutional of God as a party you are one and become body so why do we have tax to the men and not women?

I propose that in this case every member concerned about family who is unity of running away or being chased a way should be responsible for the upkeep of children.

I say this because it has reached a point whereby women in families would disrespect their husbands and they decide to run a way so that they attach your salaries. Otherwise thank you .

Com. Mosonik: Asante sana tunakushukuru . Willam Chiriri please.

William Chiriri: Kwa majina naitwa William Chiriri mkaaji wa hapa. Maoni yangu mbele ya viongozi wa Katiba nimefurahia sana kusikia maoni ya wananchi.

Maoni yangu tangu serikali ya Kenya ipate uhuru tulikuwa na mtu wa chini zaidi ambaye alikuwa anaongoza serikali mpaka ikafikia President na huyu mtu alikuwa anaitwa Mukuru au Mkasi au mzee wa kijiji. Tangu mwaka huo mpaka wa leo serikali ya Kenya haijakumbuka huyu mtu

Com. Mosonik: Wafanyiwe nini hao?

William Chiriri: Mimi nasema serikali ya Kenya kutokana na vyongozi kutoka huko juu mpaka wa chini wakati huyu mtu anafanya kazi kama mkaza wa area assistant chief, Chief , D.O na DC ata kwa PC wanapata kazi inakuwa rahisi zaidi.

Com. Mosonik: Sasa kwa hivyo pendekeza.

William Chiriri: Pendekezo langu nataka niambie Tume hii ya kwamba serikali inapata kazi kwa urahisi kwa ajili ya huyu mtu nataka impatie kitu.

Com. Zein: Mzee hebu ngoja, ngojeni mpeni fursa sasa mzee ngoja mzee. Je unataka watu hawa walipwe mshahara?

William Chiriri: Nataka watu hawa kwa jina ambayo wamebeba serikali hii wapate mshahara.

Com. Zein: Wafanyiwe nini lingine?

William Chiriri: Wafanyiwe nini lingine, hawa watu wa chini nataka wote pia wapate uniform

Com. Zein: Sawa kuna lingine wafanyiwe?

William Chiriri: Tena wakumbukwe wakiwa na shida kama accident ama wamepigwa na mtu serikali ichukuwe hiyo jukumu ya kufanyia hiyo kesi.

Com. Zein: Sawa, haya tupe point nyingine.

William Chiriri: Sisi ni watoto wadogo zaidi na nilipata babu yangu kama amekufa. Baba akanilea ndugu wangu mkubwa akachukuwa ushukuni wa baba mpaka wa sasa hii ndugu alikufa na shamba iko hapo hapo tukianza kufanya mpango ati twende

succession tupate imekuwa shida. Naomba serikali ifanye hivi, ifikirie mambo ya mashamba kupeana watoto wa huyo mtu irudi mpaka kwa ukoo, ikimaliza Chief anaweka sign hao watoto wanapata ma-title deeds.

Jambo langu la mwisho Tume ya kuongoza Katiba ya Kenya swali ambalo nilisikia ya kwamba munataka tushike, hapa nitajibu bila wewe kuuliza, nasema Tume ifanye kazi vile ilipanga na ikimaliza irudishe na serikali ikifunga Bunge, tupige kura.

Com. Mosonik: Asante sana jandikishe tafadhali. Sasa tumusikize mzee Peter Walucho wa Tachoni, Tachoni cultural society.

Peter Walucho: Mr. Chairman sir, in respect of the Tachoni, I propose to name this days Ndivisi Tachoni Lancaster day. Chairman sir I would like to clarify the point on the Constituency which has been spoken sometime. It should continue to be on record and be remarked that we need the old boundaries of Webuye Ndivisi Lwandeti, Matete Division Constituency of 1963 as it is the home of the ruling party today. It was formerly called North Lugambi Constituency. I propose Compensation of Chetemba portraces pull down by the colonialist way back 1894. Mr. Chairman sir, the Tachoni freedom fighter be compensated ever since they are never recognized.

The Chairman, sir, holy festivals to be legalized eg the Christian

The Chairman the community request the return of the amalgamated ward recently, to remain Ndivisi ward, Namarambe ward, Lokosi ward Chetemba ward. It has left the Tachoni crying as it is .

The Chairman sir, the holy books e.g the bible and koran be legalized in the Kenyan Constitutiton

The Chairman sir, the Christians and Muslims doctrines be legalized in the Kenyan country.

The Chairman sir, the Church premises in both rural and urban centers be legalized.

The Chairman, gifted or talented leaders have to be given first priority for nomination to Parliament or any private sector.

Chairman sir, auctioneers standing law inforce has to be amendend to retain mutual discussion by the immediate leaders. It has frustrated very many people in the country.

Mr. Chairman sir, on the natural justice for every individual of Kenya has to be legalized just the way my former speakers tried to speak here. When the President retires he needs that natural justice, he has to ge protection even a born lady has to get protection. That respect to our parent or our father is the protection of the father he feels psycholologically fit. So the President retiring need to be accorded that respect, through discussion of the national referendum.

Lastly Mr. Chairman sir, historical site have to be legalized with their cultural practices. When I summarise Mr. Chairman if this constitution you will have the Tachoni they will have participants in the national cake. Thank you very much.

Com. Zein: Mzee Olucho, I have clarification question in relation to the historical sites. I am linking that with religious festivals. First of all you said religious festivals should be allowed by the Constitution of whatever faith. Then when you are saying historical sites be legalized what does that mean? Do I interpret that to mean that they shall be set a side with the

Constitutional protection that they are historical sites and those communities who have a cultural historical connection to that side that would be allowed access and if there is any benefit from that historical site including say Tourists that community shall benefit first?

Peter Walucho: That is the point. For your information I am a son of freedom fighter Walucho Rombala former body guards Dedan Kimathi. .

Com. Mosonik : Where is mzee now

Walucho: He died 1959.

Where was he passed here at home

Com. Zein: I think one of the reason Doctor Korir is asking you he is a professor of history and I am a student of history, so I f you don't mind you and I would be indulgement of the Chairman did mzee leave any record?

Walucho: He did because by that time there was a lot of frustration .

Com. Zein: No When I mean records, I am not just referring to written did he leave an oral narrative concerning the experiences ,of fighting for instance.

Walucho: Normally he left say they were fighting for justice and peace when they were with Dedan Kimathi. He was a bodyguard with a mzee called he comes from Ndivisi here called this mzee who stays, he died recently this from ndivisi-----No there is a mzee who died recently at Bondeni

Asante sana tafadhali ujiandikishe sasa tusikize kwanza Chesoli halafu wakuje pamoja na Patrick Kigotoi.

Okay I am Chesoli Wanjala I have my personal views.

Why don't you let him present first.

I am Patrick Wafula. Maoni yangu naolea mlemavu apewe mshahara kwa sababu upande wa uzaidizi mwingine apewe mshahara kwa sababu kumwezesha kupata kwa watu wengine kuombaomba, kufanya nini, mwingine akimuona anamutaroka kwa sababu huyo mtuanakuja kuniomba

Halafu naonelea makao makuu ya mkoa yatolewe kwa sababu watu mwananchi anaumia sana kutembea kufanya nini, usaidizi uko mbali.

Chief apigiwe kura na wananchi. Ni hayo tu

Nikuulize, hukueleze vizuri kwa ajili gani itolewe headquarters, umesamaje kuhusu mkoa headquarter ya mkoa ulisema namna gani?

Hiyo itolewe isikuwa na DC

Headquarter miji kama Kakamega ama PC

PC baruleo PC watolewe kwa sababu uzaidizi wao unafanya watu wengi wanaumia yaani wawezi kuwa karibi na maendeleo sana.

Anapendekeza ya kwamba PC aondolewe, na ile ya mwisho ulisema ilikuwa nini?

Wafula : Chief wachaguliwe

Asante sana si Chesoni ndiye anakusaidia na wheel chair, kwa hivyo ni kusema ana wheel chair nje hapa? Okey

I am Cheson Wanjala with my personal views.

I propose the there should be a Prime Minister post in the government.

Nomination of members of Parliament and Councillors should continue, but they should be strictly for vulnerable groups such as religion , youth, women and other groups Those nominated should be directly given Ministerial posts so that they will deal with matters affecting that group most.

The education level of members of Parliament and Councillors for the Councillor should be standard eight for Parliament it should be form four.

Lastly the Electoral Commission should be review or create Parliamentary Constituencies after five years.

The Constituency created, the current Constituency to be divided should have more than twenty thousand people or more so that it can be

Ulisema Electoral Commission of Kenya , na uliposema kuhusu special groups uliwataja walemavu

Is disabled-----

Thank you very much. Sasa tumusikize Patrick Kimogoti

Bwana Chairman I--- that I have not touched and those which have been touched

Who are your members ?

Kabusi.

On the Electoral system process we recommend that for the commission somebody to declare the winner at the Civic Parliamentary and Presidentil, they must garner fifty five percent, the majority vote and incase of an emergency or disaster, the registers should be reviewed to determine the votes in each ward, Costituency and even the Province before voting is done.

I also want to recommend that they are advocating in our proposal, the need to be enact and electoral law that all political parties hold nominations for their candidates on one and the same day to avoid cheating and interference by rival parties. Earlier on we have recommended for three parties therefore it will be important that they do all these in one day.

We also recommend that we want to simplify this exercise, so to do it well we want the 18 years old child, a boy or girl to have an identity card and election card simultaneously. This will avoid expenses by the government or whowever gives the funds.

We also recommend that the Parliament, they should pay ten thousand shillings as nomination fee. This will mean very many able Kenyan will do that, part of becoming candidates. If they raise it too high it means it is only the rich who will go for it.

We recommend that for civic candidates only pay five thousand shillings as nomination fees.

I want also to suggest that the Constitution should specify the election and as by now it should be 29th of December of every election in the year. This is most appropriate because it gives us time to do that exercise.

We also recommend that the Electoral Commissioners have to be proposed through public opinion then sent to Parliament pledging before appointment by the government.

The Chair person of the same should be a lawyer and the composition should be as follows.

We have eight Provinces in Kenya and let each Province produce one of -members to be in to deal with the committee of the Electoral Commission. Because we have recommended three politial parties, therefore each political party should produce two of the members to make six .

Other people who come from the church leaders, that is Christian, we should have one, Muslims one , Judicial, one, Youth, three, lawyers, one, special interest, one plus the Chairperson, all totaling to 23 people.

Now a part from that, I want to touch on the cultural and ethnic regional diversity and community rights

As outlined above we have a very rich culture that objectively adapts our own at national levels.

Monuments, fortresses museums and shrine for example can be in built in our cultural centers where cultural festivals can also be held to attract both nationals and foreigners

In olden days the Tachoni used to fortify their habitants the creation of both resources like we call them Chingoba they created employment for architecturall and economic, residential and security-

Also the Tachoni hav a baptismal site or a habitat where un circumsizeed under graduates are ashered to adult graduation. At

holy shrines for example, identified elders of 70 years and above will seek sanctuary for life with you and hard purification of the Tachoni.

So there is need in another words for the Constituency to involve cultural heritage of this country by formulating law that will protect and tap potential tourist resorts and protect endangered flora and fauna species, to earn more foreign exchange for Kenya and also uplift living standard of the custonians of the cultural heritage

Our code of conduct to the Tachoni are enshrined in our culture. They should be inbuilt the Constitution to address the cultural values, the traditional values, customary laws, language and heritage. Therefore we advise and recommend that we have a national advisory board of elders called NABE to bring about the unit of the diversity so that we want to encourage ethnicity, security of persons and poverty.

We also want to recommend that we have two national languages that is Kiswahili and English but we also want indigeneous languages to be protected like the Tachoni, so that they are promoted to people of the Tachoni.

On management and use of resources, I am not talking about it. Let me go to one part which I feel my members have not touched that is succession and transfer of power.

The political epoch in times we have reached, president should be in charge of the executive. like in the case of MPs and Councillors, Presidential election, results should be declared at polling stations and consolidate at national unit for final analysis. After declaration of the result of the President, the President should assume office the next working day after taking over.

The Chief Justice in this matter should swear in President by administering the oath in the presence of the national assembly Speaker.

On assumption of office, any form of power should be transferred to the incoming President in the presence of the Chief Justice and Speaker.

The same should be signed for and witnessed the Constitution should make provision for the former President in terms of security and welfare. and immediately---

Mr. Chairman that is the brief information I had to give to the Commissioners today, may be you have one question or two.

Com. Mosonik: You allow me as the Chair as the Chairman to ask you a question, please you proposed the election day to be 29th of December every year, but we know we cannot know which day of the week the 29th will be would it better to, to do it in a American way we him tthey saty the last Tuesday or a particular so that it does not coincide with other occasion. Like when you hold things on Saturday and SDA is saying you are denying their right or may be you could put a day and say the last Tuesday of December or something like instead of saying the 29th.

Patrick Kimogoti: We also discussed that area and we discovered that even SDA don't work on Saturday, and people go to church on Sunday. Others will say let us have this holiday in a Monday so we didn't want to specify the day because of the religion or national whims. wanted to have it one day.

Com. Mosonik: You see what we are saying if you name a day of the week when it is not a religious day, you know like if you say on Thursday/ Alhamisi, kila Alhamisi ya mwisho wa mwezi wa December, that way you can be sure kwamba it is not Saturday it is not Sunday. But if you say 29th, sometimes it comes on a Sunday sometimes comes on a Saturday.

Patrick Kimogoti: Yes on behalf of the community I would suggest a Tuesday to have

The counting and all this things done in the remaining four days so that by Saturday everything is over and people can go to church.

Com. Mosoni: So Tuesday, the last Tuesday

Patrick Kimogoti: The last Tuesday of December .

Com. Mosonik: You said when you were proposing the composition of the members of the Electoral Commission you said among others that the traditionalists we should have one position, how do we identify the traditionalists?

Patrick Kimogoti: Now this one we have to go to every ethnic group. At least Kenya has very many ethnic groups so each ethnic groups must come up with at least their own cultural and traditional leaders who should be of course represent them, and it must therefore be seen that a tradition at least one of all the ethnic groups in Kenya can still represent them well and qualities, the one each of the ethnic group in Kenya says let him be one to represent all of us. So we feel like the traditional groups should be represented in parliament.

Com. Mosonik; You see the reason I am asking for example there is a new movement called Mungiki and they can say one seat that should be ours, so how do you arrive at that.

Patrick Kimogoti: If all Kenyan feel the Mungiki group as a better representative and their views can be heard by the Electoral Commission it is alright, at least from one traditional group.

Com. Mosonik: Do we hold elections or how do we determine?

Patrick Mosonik: Yes,. I think through elections.

Com. Mosonik: Asante sana. We assume now that your memorandum from T741 ,cuso is over, asante. Tumeshukuru kwa ajili jana tulikuwa tumemueleza Mzee Walucho kwamba we will continue with his memorandum. The rest of us please when we present individual memorandum or personal submission let us take to the time we told you at the beginning, five to ten minutes. Next person please John Sinoya Makokha

John Makhokha: Honourable Commissioners this is a memorandum I would present to the Constitutional Review going round the country. It is lengthy but because of time I will be reading what I think I will highlight.

The first topic is on the Republic of Kenya and I will read a section.

The Constitution of Kenya is the supreme law and should be the rule of law and therefore respect human rights. I say this because there was a case in Nairobi where when someone called Masai Morans appeared in the middle of the city and beat up people and the police were just looking on. So here is a case where the rule of law was not applicable. If such a case arises in future my recommendation to the Commission is that the OCPD of an area where such incident has happened should be accountable.

The second bit on that topic is the people of Kenya shall be committed to multipartism and democratic principles. So if someone has been elected on a certain party ticket and there after defects then, he should not return in the next by-election because he has disagreed with the politics of the party that voted him in, so he should be able to wait for another five years before he can venture in our politics.

Supremacy of the Constitution: The Constitution is the supreme law of the republic and it gets its supremacy from the people. The obligations imposed by it must be fulfilled.

So the Attorney General must fulfil his obligation by prosecuting without fear or favour those who fraud it.

As Kenya is a multiparty state, he must prosecute parties that don't carry out elections as stipulated in various party Constitutions. If the Attorney General did that, I think every party in Kenya would be able to be taken to court.

Presidential appointment: The President must not appoint his Vice. The Vice shall be elected by each political party during the nomination of their Presidential candidates. He will therefore be the running mate of the President to ensure that the Vice president is accorded respect and therefore and the undisputed head if the President leaves, unlike now where the Vice President is ridiculed without redress.

On heroes whom we can name, I think they should be remembered and honoured by giving them land, money, good housing and education to their children.

On corruption: Corrupt leaders should be summoned to court and if it will be so then they should leave public office as they are being inquired. And if found guilty then they can either be imprisoned and made to pay whatever they have stolen.

Access to the information: Every citizen has a right to information in possession by the state or any other organ or agency unless if release is denied to prejudice security. So the executive must be neither muzzle or censor the press. So here I would remind the KBC arranging the Television which decide to misinform the public so that when you here over another radio like

BBC you hear a different version of the same story. So people who don't have access to newspapers are always mis-informed.

Church and State relation: The church and press should be the voices of reason. therefore here I think Bishops should advice the state just as prophets advised kings in the old testment.

On the Judiciary among the things I recommend here are we have petty cases that take a lot of court time and people end up being imprisoned. So petty cases should be handled at the DOs office and if sentence is imposed we can also have something like extra mural imprisonment whereby such cases someone is imprisoned and work maybe on a project within that particular location instead of congesting our prisons and therefore relieving a burden to the state.

The right of children: What I want to mention here is are those who are marrying off daughters before they are at the age of 18. My recommendation to the commisssion is that they should appear in a court of law and be charged, because this is a marriage where someone don't feel content

Parents who neglect children should also be appear in the court of law

Finally our honourable Commissioners, I have a point to make on budgetary allocation.

Allocation to each ministry has always been sub-divided into two, that is the current expenditure and employment expenditure. But there are other expenditures that are never accounted for and they are never explained in the Parliament. I had in mind our honourable Commissioner the Presidential tours. In my opinion I think there are numerous and aburden to the tax payers. They serve no purpose because some of the tours that are made can be accomplished by foreign minister or by ambassadors. Therefore I recommend that in future Presidential Tours must be accountable. On the same there should be a clear distinction to our future President such that if they are going out on a party function then it should be funded by the party and not go under

the guise of maybe touring projects that at the end of it all that the speech determine by the kind of a Party function.

Finally honourable Commissioners, this is something I have just thought now and it apply to identification cards. When we were getting the second generation identity cards, if someone came from for example Nyandarwa and is in Trans Nzioa, he was just being forced to copy and cite what is in Nyandarwa. Anything that happened to him in Trans Nzioa maybe may not be identified

People married after the first generation card, so when they were getting the second generation card they were also being forced depite producing marriage certificate. They were forced to copy that identity card as the time when that lady was single. So my recommendation is that it should be revised so that marriage ladies the husband's name and place of residence they should be mentioned as such. That is my submission.

Com. Mosonik: One question you were talking about the heros and the reward by the educational of their children but you did not tell us who are these heros.

John Sinoya: Because of time I didn't want to go into heroes but I have named here there are heroes like Kimathi, Kagia I have here Otieno Olego, Elija Masinde and also Masinde Muliro I think they are representative. Yesterday I read of General Mathenge who is languishing somewhere in Ethiopia those are people I had in mind

Com. Mosonik: So you are talking of the heroes first of the Mau Mau struggles

John Sinoya: That is what I had in mind

Com Mosonik: You know what we are asking is, what are criteria we use to identify these heroes? you remember the Chetamba there are so many others. I have not mentioned the Kalenjin, Koitalel for example, and how do we identify these heroes so that we can cater for them and for their descendants?

John Sinoya: Those who have taken part in military expeditions for example like the group I have mentioned, and also heroes, who have maybe good story tellers or people who are doing the wonderful things like Lwanda Magere and so on. So we look at the things that they did in their life time.

Com. Mosonik: You know the reason I am asking is, you mentioned only people from the period after the second world war but you know that there are those who resisted colonialism very beginning: Koitalel, Kipande etc. and many others who came before the Second World War. Also you know recently there was a controversy regarding the heroes who were being given the statement--- watu waliandika kwa magazeti na kusema they are not the right people. How should we identify if they have any idea even today.

John Sinoya: Today we look at the various fields the modern fields like education. We have people who have excelled in education. We have Medicine we have our doctors and Professors of Medicine who have excelled. We look at the agriculture we have very good farmers in our republic. we look at each field and then those people who might have done outstanding work, we shall regard them as heroes then we honor them, or as I mentioned in the military, there are those people who have done well in the military. So the military people will supply us with names, the education sector will supply names and each sector will have to supply names of people who have done well.

Com. Mosonik: Last thing, supply to who? Should there be a special body which is appointed to which these names should be sent then they identify them?

John Sinoya: I think you have helped me, for example, in the Ministry of Education a commissioner can be sent eg ministry

agriculture and so on.

Com. Mosonik: Asante sana ujiandikishe please. Mwasembe Wabuke, karibu mzee.

Mwasambe Wabuke: My names are Mwasembe Wabuke niko na maoni haya.

Political boundaries in Ndivisi Division this involves the structure of location.

This has been proposed by the government to be merged and I propose that they should remain intact. The reason is each has over ten thousand people and the area is enough for the two councils so there is no reason why they should merged. Tongeran Division is large enough to form a constituency.

Education: Primary section thus occasionally to be provided by the government. Form five and form six should be restored because as per now the parents are in need of this, they are now taking their children to Uganda in East Africa. Tanzania and Uganda still have form five and form six. Why not Kenya when we have facilities?

With this system of primary section collection of fees has to be raised through harambee.

higher learning institutions should not be in one place where there we have universities. I want them to be distributed.

Land adjudication is very expansive and the poor man has problems, so I feel fees have to be fixed to the minimum that may allow the poor man to process title deeds

Agricultural zones: Like Trans Nzioa , Bungoma and whatever, factories producing fertilizers should be build to be industries to reduce unnecessary transport costs so that common mwananchi can be able to buy fertilizers at the cheapest prize. And most likely we can have a factory at very zone.

Pensioners to receive their dues on or before 30th of each month.

They should also receive increament after three years to receive house allowance and medical services

Railway lines: We people living along the railway have problems. When your animal by accident is stuck by the train – I recommend the people living along the railway line should be compensated for the lives of their livestock.

Com. Zein: wont that act as an encouragement for people to make their cows be run over by trains?

Mwasambe Wabuke: No. it is like when you are hit by a running vehicle

Com. Zein: No but you know there are permanent rails and people are being told that don't bring your livestock through the line

Mwasambe Webuke: Of course, but then we are close to them close to the line

Medical services should also be free and government should provide enough drugs

Sugarcane farmers to be paid a week after their cane has been delivered to the factory.

ID should be registered free.

Com. Zein: Please come here to this young lady and please sign our register. Sasa nimemuheshimu sana mzee kwa sababu ya umri wake. Lakini sasa ningemba niwe very strict on time na kuwaweka watu kwa line kusema maneno vile nikisema mapendekezo usikasirike tunataka mapendekezo, kwa sababu tunaona mvua inaguruma na kuna wengine wanaenda mbali wamesha tuambia nipatie fursa mimi naenda mbali. Ngoja mzee.

If you have problems unakuja unamueleza huyu lakini sijaona mama kutoka asubuhi, kuna mtu ameona mama kutoka asubuhi hapa? Sasa nitaita the first lady, Gladys Wekuyi, mama uje utoe maoni. Dada unataka kutoa maoni? Wewe ni observer sawa. Njoo dada utaje jina uendelea kutoa maoni yako.

Gladys Wekhungu: Mimi naitwa Gladys Wekhungu na maoni yangu ni maoni ya ukulima hapa. Tukilima hapa mahindi tunataabika sana. Kila wakati, na tuna watoto wenye wanasoma. Hatuna mahindi ya grade, tuna mahindi ile tunanunua tu ile tunapanda mwaka huu tena mwaka kesho tunapanda hii. Hata ukitembea kwa mashamba hatuna vyakula na tuna watoto shuleni wanataka school fees.

Com. Zein: Sasa mama when you are saying that it means niambie vile unataka tufanye

Gladys Wekhungu: Tungependa seed company ya Kitale serikali iturudishie, itoe mahindi ya mbegu yenyewe, ndio tupande mashamba, ndio tupate ya kutosha.

Com. Zein: (inaudible)

Gladys Wekhungu: Mahindi ya Kitale seed company ipangwe vile ilikuwa inapandwa. Serikali ifanye bidii sana tupate mahindi ile ya grade tupande mashamba yetu kwa sababu tulikuwa tunapata mahindi ile tunalima tunapata maindi mengi sasa saa hii hatuna mahindi.

Tena mbolea ambayo tunapandia siyo mbolea yenyewe, tunapandia mahindi na mahindi hapana kuwa mahindi. Tunataka serikali iingilie hiyo mbolea vile tunapata kama ni hiyo irudishe bei iwe chini. Sisi hatawezi kununua bei ya juu mbolea na hiyo haifanyi kazi, hayo ndiyo maoni ya kwanza.

Ya pili sisi, tunafunza watoto mpaka form four wamesoma wame-train, hakuna kazi hiyo sasa sisi wote tumekuwa wazee. Tutasidiwa na kitu gani? Serikali ichunguze sasa watu ambao wamepeleka watoto mpaka form four na wamepata 'C' na hao

watu wanapeleka hongo hao wanza kufunza, na sisi hakuna watoto wameenda kufunza kama walimu na wa brain kama form six. Wamepata ile certificate ya kutosha hajapata shule. Sasa hiyo maoni yangu nasema serikali ingilie vitu kama hiyo isiende kuwa honga halafu inavunja elimu yetu ya watoto.

Na kitu kingine tuna ugojwa ya ukimwi. Watu wote wakuwe pamoja serikali ifanye hii madawa iwe kwa kila location. Sasa mtu akianza kama tunaona madakitari iko karibu ya kusaidia na madawa. Sisi hatutaki kwenda Bungoma ati tulibiwe huko. Kila division iwe karibu na madaktari, na itusaidie. Tena watoto wetu wakitaka kuolewa tujue kwamba serikali imechunguza hao watu hatutaki mtu aishi Nairobi peke yake na mwanamke ako hapa nyumbani ati analea watoto at analima, wakienda hiyo ni shamba ambayo wameenda waende wote, wakiwa hapa wakae wote. Hayo ndiyo maoni yangu. Asante.

Com. Zein: Asante sana sana mama, uje hapa ujiandikishe mama kwa huyu msichana hapa. Asante sana mama. Hayo ni maoni ya mama kama unacheke sana nitakwambia utoke nje ukamalize kicheko huko. Sasa ningepomba kuwaita watu kama watano, wajua vile wanafuatana. Robert Muhyo, njoo hapa ukae atafuatiwa na Stephen Maringo. Ukae tayari mzee kaa hapa karibu. Makokha Macheni kaa hapo karibu, wewe keti kwenye kiti kabisa. Joseph K. Wafula, hayuko. Philip Miano kuja ukae hapa karibu. Edward M. Waswa, njoo mzee karibu hapa. Elija Mukanda. Ukae karibu mzee tunaona ukae hapo karibu nataka nikiita mtu aje haraka mara moja. Sasa mzee keti hapa tu tunaenda na list namna hiyo, tunaanza kwenda haraka hara mara moja. Kijana mzee anasema anaenda mbali, kila akikwangalia ukianza kupoteza wakati anakwangalia vibaya, kwa hivyo ufanye haraka.

Robert Muhyo: Asante sana Bwana Commission mimi nafikiri nitasema tu vipengele viwili tu. Mimi naitwa Robert Muhyo. Mimi nafikiria kwa sababu mambo ya upande ya ufasidi umeenea sana katika nchi ya Kenya na utaona kwamba watu wanauliza uliza hapa ukienda kwa office wanauliza, na mimi napendekeza kwamba office zote za umma iandikwe katika Katiba ya kwamba office zote za umma zilazimishwe kuandika kibao kwa mlango kwamba, “usitoa hongo hatuchukuwi hongo”. Itakuwa na psychological effect fulani

Jambo la pili nasema kwamba kwa upande wa Bunge mimi napendekeza kwamba kwa vile wabunge wengi wanaenda na kupuuza watu wao, baada ya miaka miwili, kura ya maoni ipigwe katika kila Constituency isemekane kwamba ndiyo anafanya vizuri au la, na yule ataonekana kamba wasihesabu kura waone kwamba nyingi zinasema kwamba hafanyi vizuri mtu yule azuiliwe kusimama uchaguzi sehemu nyingine.

Kipengele kingine napendekeza kwamba utaona kwamba kwa wafanyi kazi wa wale wa ngazi ya chini wanapata mshahara kiwango fulani tusema kama shilling elfu tano na mwingine ako katika serikali anapata shilling elfu kama arobaine. Napendekeza kwamba variation ya mshahara kwa vile hao wafanyi kazi wa chini, napendekeza ya kwamba variation ya mshahara kati ya wajuu kabisa na yule wa chini ipunguzwe vilivyo kwa vile hao watu hawapatiwi welfare.

Halafu pendekezo lingine mimi naona kwamba litakuwa la mwisho ni kwamba kama mtu yeyote akitaka kuwawania uraisi,

lazima awe amehudumu kama mbunge kwa tuseme tu kwamba kwa muhula mmoja kama wa miaka mitano au zaidi lakini asiwe mtu ambaye hajafanya namna hiyo.

Com. Zein: Bwana Stephen Marango

Stephen Marango: Mimi naitwa Stephen Marango na pendekezo langu litakuwa kwa muundo wa utaritabu wa Constitution. Utaritabu ya uchaguzi ningependa pendekeza ya kwamba President apate kura siyo kuchukuwa kwa sababu yeye kuchukuwa overall ---

Com. Zein: Kwa hovyoy unapendekeza nini?

Stephen Marango: Napendekeza 25% kwa mkoa itolewe kwa sababu yeye atakuwa President wa yule ambaye hatampa kura pia atakuwa chini yake amusaidie.

Ningependa pendekezo ya kwamba MP awe mtu wa kuja kwa holiday tuongee na yeye, siyo kupotelea Nairobi.

Com. Zein: Baada ya miaka mingapi?

Stephen marango: Baada ya wiki moja akuje tuongee na yeye, siyo kuwa mjuaji

Kwa local government ningependa kupendekeza ya kwamba sub-chief, chief tukupatia kura kwa mlolongo kwa sababu ni mtu ambaye tunaishi na yeye

Com. Zein: Unataka mlolongo, baada ya kipindi cha mda gani?

Stephen Marango: Baada ya miaka mitano tuwe na miaka mitano.

Na ningependa likuru apewe nafasi ya kuongea na wazee sio kila kitu kiwe chini ya chief. Likuru awe na sauti kwa sababu ni yeye anayeelewa mimi.

Com. Zein: Unataka likuru apewe mamlaka

Stephen Marango: Mamlaka ya kuongea na watu wake siyo ati kwa sub-chief, na Mayor anaishi mbali, ananijua je?

Lingine ni uchaguzi wa elfu mbili ufanywe chini ya Katiba mpya.

Commission wakisema watamaliza mwezi wa tano tuwape heshima wamalize ndio tupige kura tuwape heshima wamalize kazi halafu sisi tutapiga kura baadaye.

Com. Zein: Sasa uko karibu na mwisho maana yake tutasoma hiyo mzee hiyo ukitupa tutasoma each and every word.

Stephen Maranga: La mwisho sisi kama raia mahakama inachukua kesi moja kwa miaka kumi, kumi na tano. Kwa hivyo kesi ikiwa na mashahidi malizwe kwa mda wa miezi miwili au mitatu siyo miaka tano miaka kumi, isipite tatu

Natoa la mwisho. Paliament, Local government wanawake na wanaume wawe sawa.

Com. Zein: Maana yake ni kwamba ikiwa kuna viti hamzini ishirini tano wapewe wanawake ishirini na tano wapewe wanaume

Stephen maranga: Basi nitasema hii inafuatana na kiwango cha elimu na fikira zake. Yuko uhuru kusimama ikiwa mwanamke anatosha, tusilazimishe lakini awe huru.

Com. Zein: kwa hviyo wewe unasema si sawa, yaani lakini hutaki usawa katika council wala Mbunge wanawake waendelea kushindana na wanaume.

Stephen Marango: Kama siyo mda ningetoa maoni.

Com. Zein: Mzee keti nikwambie mzee, tulisema wale wenye memorandum kama wewe una maandishi utupe maandishi tutasoma lakini kama unataka kuguzia watu wengine wajua unapendekeza nini uchukuwa yale mhimu peke yake ndiyo utaje na umefanya hivyo au umezuia kufanya hivyo.

Stephen marango: Wacha nimalize moja basi;

Com. Zein: Mimi naweza kukaa hapa mpaka kesho asubuhi mkitaka hivyo

Stephen Marango: Sub- Chief Chief ukienda huko ukitika akuandikie barua anasema kitu kidogo hiyo tutoe kwa sababu vitu vidogo anasema chai na usipotoa hawezi kukufanyia.

Com. Zein: Uko na lingine. Haya, uje ujiandikishe hapa. Anayefuatia ni Makokha Machani halafu Philip ndiye atafuatia.

Makokha Machani: Mimi ni Makokha Machani, nitaanza na itanibidi nichukue point kwa vile nimeandikwa ikiwa nitawacha basi na wataendelea kusoma.

Mimi naona Katiba yetu ya Kenya ni nzuri iwe na asilimia nyingi ndiyo sisi tujue sisi wenyewe tumechungu sheria yetu. Kwa vile sheria ambayo sasa Katiba tunatumia ilikuwa Katiba ya ukoloni ama ya ubeberu,

Com. Zein: Sisi tunajua hiyo, sisi kama Tume tumesoma vizuri sana historia ya Katiba yetu kutoka, mimi najua mpaka zile za wakati wa mkoloni hiyo Constitution, hizo zote tumesoma kama Commissioner. Kitu tungependa wewe utuambie ni mambo gani unataka yaingizwe kwenye Katiba hii yetu ya sasa mpya.

Makokha Machani: Na Katiba ambayo sisi tutafanya ya kulinda sisi kwenyewe wanakenya na kitu cha kwanza kama udongo wetu ni mali yetu kama misitu kama pori ya wanyama tuwe na sheria kufuatana na Katiba yetu halafu mtu akikosea basi Katiba iseme apelekwe kotini, hapo atakuwa amefunza sheria.

Jambo la pili mimi naona asilimia ambaye mbunge anaweza kuwa nayo maana President pia ni mbunge, mbunge yeye ni mbunge wawe na asilimia 55%. Halafu kura zikipigwa mbunge akiwe na asilimia 55% President pia apate ako mbunge akiwa asilimia 55% ziwe sawa. Halafu mtu kama raia pia anatakiwa akuwe hapo na asilimia Fulani, halafu asiwe watu kumi wa kumuondoa ovyo mbunge wake ikiwa kama amfanyie mazuri maana wengine wanasema uongo. Kwa hivyo Speaker pia ana jambo bure bungeni, kwa hivyo unataka apewe asilimia kama kumi.

Com. Zein: Ile ya Speaker sijaelewa

Makokha Machani: Kwa vile tunaona kama anaongoza bunge anaweza kuamrisha mbunge ifanye jambo fulani ama akataswe asema hii ni mbaya so unaona ni uwezo

Com. Zein: Asili kumi mia kumi inatoka wapi?

Makokha Machani: Sasa tunatunga kwanza kwamba asilimia hamzini na tano kuongoza kuongoza zitakuwa a hundred percent kama percent asilimia moja zote.

Com. Zein: Hapana mzee mimi basi sijakuelewa mimi. Wacha nikuambia vile niliandika na nilivyokuelewa wewe umesema hivi kwamba Rais au mbunge akienda kusimama kura lazima apate kura asilimia hamzini na tano ya wale waliopiga kura hivyo ndiyo nimeandika halafu halafu ukasema hivyo hivyo ikiwa kuna mbunge ambaye hafanyi kazi inavyopasa asilimia kumi ya waliompiga kura wawe na haki ya kumrudisha. Hivyo nimelewa, na nimeandika halafu umeniambia kwamba Speaker awe na asilimia kumi ya nini

Makokha Marango: Kwa vile mimi niliona hapo maoni yangu niliona Speaker pia ana uwezo katika mbungeni sasa wanaweza kuwa equal si yeye pia akuwe na kitu fulani hapo ndiyo maoni yangu -----sasa hapo nimeolewa.

Ukuu wa Katiba naona uendeleo hivyo hivyo kama vile tulisema pale.

Mambo yangu kwa vile nimeandika sasa mimi naona namna hii ulinzi. Kama ulinzi naona namna kuna mangereza Fulani, lakini inatakiwa sasa mahakama watujengee mapya ya kisasa na wale ma-officer kufuatana na elimu yetu hii nchi yetu ni ya Kenya na nation language kama Kiswahili na tukiona vijana wetu akielewa Kiswahili na Kingereza hata awe wa daraza la nane

anaweza kwenda kuwajiriwa naye pia afanye kazi. Sasa mimi nimeona hapo itakuwa namna hiyo sasa mwisho mwisho (interjection)

Basi wacha the local government sasa kufuatana na watu kama Councillors na watu wengine hawa tunaona tuwapea mshahara mpaka--- na hawa watu ikiwa wakichaguliwa kama Duwani mimi naona ni vizuri wananchi kuchagua kwa vile hao wananchi ndiyo wanapeleka uko wanajua huyu anaweza kufanya kazi. Nafikiri maoni yangu ---

Com. Zein: Asante sana Bwana machani asante sana pili ndiyo huyo hawa wazee wanafuatana.

Philip Liani: Jina naitwa Philip Liani pendekezo langu la kwanza ni kwamba political parties zote ziwe funded. Nilirudia point ya kwanza all political parties should be funded by the government.

Com. Zein: Today we have about 48. If you say fund all them other people will start them, by tomorrow you will have a million.

Philip Liani: -- Maybe there is a body responsible in the formation of political parties which probably should restrict them to four, five or three if not two.

About land I feel land tax should be imposed on individual who have got land to reduce tax that is levied on agricultural items. Education in Kenya should invest in technology of the information technology as some of the development projects that the government is doing now.

There is this majimbo, I am for majimbo for equitable distribution of resources in all the provinces.

Then the Parliament proceedings should be covered on the media channel.

Election should not be restricted that voters have to cut their vote of registration to be registered.

Concerning the elections that are yet to be carried out, I propose that they will be carried out under the Constitution that they are in right now.

The other one that would be coming can be used later.

A criminal who is sentenced to death should be publicly executed not in privacy.

Cultural practices should be encourage if they do not cause harm to the individual.

Com Mosonik: Maybe you have a reason for saying criminals be executed in public.

Philip Liani: Like my friend who was the other year, okay something related to murder it was supposed to have been death. The majority knew he was to be executed only to be released after a few days so at least you should know when the

sentence is affected

Com. Zein: if you are referring to the Kisilu who was purposely found guilty of participating the murder of Piu Gama Quinto. He has proved that he is an innocent man and the court did sentence him to death, he was sentenced to life imprisonment.

Com. Mosonik: Otherwise do you think it is a beautiful thing to be watching those fellows being executed publicly.

Philip Liani: At times it is good because if they do it publicly, it will have some effect on the people or people who are aspiring to commit crimes. Two, there is a saying it says that somebody has been sentenced for this and then for him to be released he might be used by the government to commit and a mysterious crime and then he is sent out of the country.

The cultural practices should be encouraged

Concerning the package of the President who is retiring me I am for that kabisa but there is this thing at least that President she or he who is retiring should promise to quit from politics.

And then jobs: there is a colleague of mine who talked about job allocation. If its for people to be allocated jobs let it be for one person one job if there is one person for two, they'd better get expatriates.

They can use technology like the diagnosis programme and network.

Finally is about the minority. The minority I will base my definition on tribalism, talking about minority and about tribe if not maybe the age, if not maybe the physical fitness the cultural belief but minority it is a vice that is already written in Kenya and the only way to get it out is the leaders here to educate, to talk well about the minorities, the minority will never be heard like that.

Com. Mosonik: Edward Waswa.

Edward Waswa: Jina langu ni Edward Waswa. Mapendekezo yangu mengi yalikuwa yametajwa. Yalikuwa ni machache sana ambayo nitarudia.

La kwanza political parties kwamba nafikiria ziwe tatu.

Pendekezo la pili assistant chiefs na chiefs wale walifanya kazi ya kuhamishwa kutoka mahali walipatiwa kazi wahakikishe wamefanya kwa sababu ni wafanyi kazi wa serikali.

Pendekezo la tatu linahusu hao wakasaa, yaani local leaders. Hawa watu wanafanya kazi ya mhimu kwamba unaona tafadhali wapewe mshahara itawapa motisha ya kufanya kazi.

Pendekezo langu la nne ni kwa upande wa mshahara. Mimi naona tuwe na Commission moja ya kupanga mishahara ya wafanyi kazi wa serikali pamoja na wajumbe, na hata kutoka authority mpaka wawe kwa mpangiyo huu.

Pendekezo la tano linahusu wabunge. Wabunge hao afadhali wawe kwa Bunge kwa mihula miwili yaani miaka mitano mitano. Ikifika miaka kumi afadhali watoke. Labda baada ya miaka kumi wakitaka president ndio wanagombea upresident.

Pendekezo la sita linahusu upande wa kazi. Ikiwa mtu amejifunza kazi sharti apewe tu kazi badala ya kuwauliza wale ambao wana experience ya kazi kwa sababu kama mtu amejifunza kazi huwa amejua kazi.

La mwisho ni ya kwamba the President yeyote atakaye kuwa President sharti awe kielelezo kwa wale watakaye kuwa bungeni, yaani abaki bungeni, asipigiwe kura hao wanaenda huko kuwaongoza wengine hata ikiwa ni party gani ambayo imeshika mamlaka ni hayo tu.

Com. Mosonik: Asante sana jiandikishe tafadhali. Elija Muganda.

Elijah Muganda: My name is Elijah Muganda.

University education, So I look behind sometimes where there was no change for even the fees for government university. The government must try to scrutinize this public university because we are paying a lot of money We come to Judiciary: Judiciary must be independent. What I have found in the Judiciary you can find someone is already procecuted then released and this must be directive of a minister orthe President.

Come to land tribunal court members must be elected not the be appointed be the DC because they don't know what is happening with the people in the grassroots.

When I come to vote, I think when we are going to have elections after voting they should do some accounting at the same polling station not transferring to the boxes.

I would come to the marketing, that is Maize, Tobbaco , Tea, Coffee and Pyrethrum must be done board members not government of Kenya.

I come to Chief must be elected for five years or re-elected for another five years if he is capable.

We come to government Ministers government ministers must

Now we come to MP salary must reduce from five hundred to two hundred thousand.

AG power should maintain for so remain when people have got the family problems should ----Our forest land must be cared for by the government and be given to locals not for senior officers.

The President should serve only ten years. If he is corrupted he should resign.

Com. Mosonik: Excuse me can you say clearly, rudia ile umesema.

Elija Muganda: Any MP vying for the presidential seat must have been in the government

Now the ministers have no powers to dissolve the council. There are elders only they can dissolve the council.

Com. Mosonik: Sasa tumuzikize kwanza Ezekiel Simiyu. Stella Sitati hayuko, Kibeu Mohamed, Sammy Wanjala, George Kweyu halafu na Alexender Otali. Please just come, move forward. Then Eliud Wabumba

George Kweyu: Kwa majina George Kweyu mimi sitakuwa na maneno mengi. Nina mapendekezo yangu tu kama nne ama tatu. Ya kwanza ni kuhusu mashamba. Ile mashamba ya wazazi waliokufa na watoto ma-cases zao zinaenda kwa court hapa inaonekana hata wengine tunauza mashamba ndiyo uwe upate land title deed. Kwa maoni yangu mimi naona watu wa ukoo na chiefs hapa watu wakijua huyu ni mtoto wa marehemu yeye yuko free atapewa shamba ikiwa uridhi kwa baba yake.

Kuhusu elimu maoni yangu ningependekeza ya kwamba kwanzia standard one up to form six iweko na iwe elimu ya bure.

Assistant Chiefs and Chiefs kwa mapendekezo yangu mimi sioni wakipiga kura tangu zamani hawa watu walikuwako wasipigiwe kura.

La mwisho President yeyote yule atakuja na mwenye anaenda asiwe above the law lakini asimaliziwe uwezo. Uwezo huo ukatwe.

Na pia vile apewe heshima yake hata ingawa ama-retire. Yangu ni hayo.

Com. Mosonik: Asante sana ujiandikishe tafadhali. Alexander Mutali.

Alexander Mutalii: Mr. Chairman, Members na Commission my names is Alexander Mutali. I had five points to mention, but one of them you have said you are a student of history and therefore you will need what I have because I had I wanted to remind you about the foreign and the colonial Constitution. I also wanted to remind you about the Constitutional that had partial lost control by a few people who are not officials. That one you said you know it.

I also wanted to refer you to multi-racial Constitutinal of this country which incorporated the European the Asians , Arabs and the Africans. You said you know it and I am sure you will read this and therefore the following are the amendments which I have here about the Constitution and so forth. Remember the Lancaster House conference of 1962.

Its my view that this Commission now should respect and restore the boundaries and loss of many small communities or states in Kenya which had been recognized by the Langester House Conference. Because the small states of communities share the same dialect or language, customs, religion and ways of thinking.

But some of the amendements I have referred to particularly number nine they are not amendmental number nine. Have harshly evicted by dividing this communities into sections like two groups divide them into three or so, making them to be smaller in whatever they want to do. By using funny imaginary boundaries like rivers. When my brothers is living across the river what is wrong with him being my brother, why can't we do something together? Why should we say because he is the other side of the river therefore he cannot have any relationship with me?

I am having in mind like the community when it had Lurambi North Constituency which was discarded and the community which I think you have had so many people mentioning was split into two by river Nzioa unlike the case of one Wanga community. Wanga community spread over R. Nzioa. What was wrong with the Tachoni being put together, that is the kind of things I am trying to highlight..

The third point I want to mention is about the opposition of councillors in the cities and councils. When we have a city councillor in Nairobi, after the election the city council in Nairobi should co-opt members from other provinces say, Coast, Central, Western, Nyanza, Rift Valley, Eastern, Northern Eastern and what have you, so that they can also take care of our interest we people who are outside Nairobi city. Similarly I am ready to say the Council they should think about either divisions which are not around that area or so.

Along with that Mr. Chairman, the boundaries for the wards should run extending to the suburbs to remove the abominable danger of outsiders enjoying urban life and privileges of the Council when the people of that area are being given the same. That is why I am recommending that boundaries for the wards should be consistent.

The next point sir is about Traffic Police officers. This department sir in the police force has formed human toll stations for letting thousands of money from motorists.

It is the worst corruption department or rather corrupt department. It should be done away with. The last one I want to talk about the donors, money and bank loans. These should be paid to the indigenous people, say a bank at Webuye should give bank loans to the local person so that he makes use of that money, but we have loans of cases where someone comes from, say Migori is working is doing business in Webuye, he is the one given the loan and in record they say people around Webuye, or people in Bungoma or Western received this. When this man gets the money, he now takes the money back to where he comes from. That is why I am saying that donors money and bank loans is should be paid to the indigenous people and not outsiders who take the same to their home areas.

Mr. Chairman those are my views.

Com. Mosonik: Let me ask you a question, you said they remove traffic who will do the work which they do?

Alexander Mutayi: Sir I would like the Police force of Kenya today to emulate as the police of Uganda. In Uganda they don't have this knowledge of collecting money let them get the system in Uganda. Kenyans police are too much demanding for money.

Com. Mosonik: Asante sana Eliud Wabumba please.

Eliud Wabumba: Kwa majina naitwa Eliud Wabumba. Asante kwa Tume ya marekebisho ya Katiba kukanyaga kwa udongo wa Ndivisi division of Bungoma District and Kakamega Province.

Pendekezo langu ni juu ya uchaguzi. Sisi Wakenya tumeumia sana tumeumia kwa sababu

Com. Zein: Toa mapendekezo wacha kueleza.

Eliud Wamumba: Mapendekezo ni juu ya uchaguzi. Sisi tunataka yafuatayo.

Security kwanzia kwa Chief na sub-Chief tuwe tukiwapigia kura kwa miaka mitano kwa sababu hao watu ndiyo wanaelewana na raia. Hatutaki waende transfer sasa wakienda transfer wakienda transfere wakileta wengine shida zikitokea tutakosa mtu wa kuonyesha njia.

Halafu kwa upande wa watu wenye tunapigia kura wakienda kwa Parliament.

Kwa sababu Parliament ni nyumba ya Mungu ndiyo anakaa hapo. Sisi tunawapigia kura tunaenda kwa Parliament wengine wanaenda huku wanapiga kelele halafu wanaanza tena udozi kwa Parliament na huku wanadanganya wanaenda kwa Bunge ili walituletea maoni ya bure.

Upande wa barabara Kenyans sisi Wakenya tumeumia ukienda nchi kama Ulaya, America, wako na barabara kubwa lakini kwa upande wa barabara wakenya sisi barabara zetu ziko si-squeezed, ziko karibu sana ndiyo sababu accident na kifo ni rahisi zaidi katika nchi yetu. Ningependa barabara sifuatiliwe vizuri..

Halafu Tume ya marekebisho ya Katiba, sisi wote wa Kenya ni mayatima .

Ningenda Tume ya marekebisho ya Katiba itusaidie na Tume ya kusaidia watu misaada kwa sababu mtoto akizaliwa inatakikana apewe mafasi na misaada.

Com. Zein: Wewe unataka Wakenya wote wawe na haki ya kupata marurupu mwisho wa mwezi?

Eliud Wamumba: Mwisho wa mwezi kama nchi za ulaya.

Com. Mosonik: Hiyo inaitwa welfare state.

Eliud Wamumba : Kwa sababu mambo ya land mambo ya mashamba, sisi wakenya tunaumia na kunyanyaswa. Tunataka kesi za mashamba ziende kwa koti. Tunataka ma- judges na advocate wafanye vile Tume ya mapendekezo ya Katiba tumefanya. Imefika siku ya leo hapa Ndivisi imesikia shida ya watu wa Ndivisi kesi ikienda kwa koti Judge hana ruhusa kukata kesi ya mtu kabla hajaenda kuhakikisha aone hii mambo imetendeka namna gani ndiyo aende amua hiyo kesi. Kwa sababu ni vitu yenye anapelekewa makaratasi kusoma halafu ana- rule hiyo kesi.

Halafu mambo ya makanisa: Mambo ya makanisa kwa Kenya, sisi tunataka tufanye kazi yetu, tukae pamoja halafu tunataka wapunguze mambo ya ndini. Kwa sababu watu wanaenda huko wanapiga kelele na kusumbua watu wengine.

Watu wa makanisa wakienda kwa kusali kwa kuomba waombe pole pole bila kupiga kelele.

Com. Mosonik: Kwa hivyo unatetea Mungu asipigiwe kelele?

Eliud Wamumba : Mimi Eliud Wamumba ni mtu wa traditional. Hata hapa kwa sababu ni marekebisho ya Katiba tumekosa hapa wamama kwa sababu kufuatana na kimila ya Watachoni na wabukusu saa hii wanatahirisha. Ndiyo sababu hamuoni hapa wamama kwa sababu ni sherehe ya wamama.

Com. Mosonik: Asante sana, jilandikishe tafadhali sasa wengine watatu. Wa kwanza ni Richard Namisi halafu Stephen Nasarai Njua. karibia tafadhali, na Meshaka Namisi. Basi Richard Namisi, na Meshack tafadhali halafu Emmanuel Kiteu, Fredrick Wamalwa. Tafadhali ukaribie, halafu John Mutali. Jonh please come forward. Tafadhali Richard Namisi.

Richard Namisi: Commissioners, ladies and gentlemen my name is Richard Namisi

P.O Box 418 Bungama/Webuye I am presenting two points to you because most of the points have been presented by the people around. Doctor Korir as a historian please allow me to just take very short to a journey in history so that I am emphasize my points on proportional and equitable representation for ethnic balance.

Before the year 19100 just as we had a British state. The present Bungoma District had free states which were self sufficient. One state was headed by Namachanja the other one was headed by Walabwa, the Wabukusu state. The third state was headed by Sifuna Iyaya who was a Tachoni. Sifuma Iyaya state embraced the present Webuye Constituency across Lugari District and then kimilili Constituency.

When the Wanga Dynasty came this state was destroyed. This was because the Wanga dynasty wa being assisted by the colonialst by the end of the Colonial rule we had uhuru coming but this was not given back to us. The point I want to emphasize, sirs, is that if we have are going to follow the present single Consituency representation, the Tachoni is not going to get a representative in Bungoma District because since 1967 elections to date have not had one presently we have got five Constituencies manned by Bukusu nationals, if I can use that word because it was a nation by that time and they are still nationals . The Tachoni who are very much next to them are being looked, their interest are being looked after by the Bukusus. So I recommend that in the present in the future countries Constitution I recommend that the proportional or equitable representation be inserted so that the interest of all ethnic groups be taken care of.

Point number two that I wanted to bring to your Commission is under structures and system of government. I recommend that our future President be non partisan. We should a have a Vice President who are also non partisan. A Prime Minister who will be a leader of the winning party or parties -----

And I propose that the non Partisan President be elected by electoral colleges of the National Parliament and the central or regional Parliament that I am going to suggest should also exist.

The best thing to do with a non partisan is that if the President will be completely impartial in handling state matters as opposed to the present system where everything is handled by the President whose the Chairman of a political party.

The same thing will do away with the present political patronage and sychophancy

And that very President will be a true symbol of national unity.

I also strongly recommend or rather propose that we have the central system of government under the National. Just as we used to say at independence. This was a very old system but it was just destroyed just to strengthen the section of the President. It was not destroying to serve the common man.

So if we can have a person like a minister around us in our region Minister for education, health services, Social services, I think we would not be having this poor roads that we are coming across.

I refer you to two Constitution that one of Iran and India. If you can look at the two Constitutions can widen your research.

As I promised you I only had two points to make. Thank you.

Com. Mosonik: Asante sana. Stephen Sarai Njua

Stephen Sarai Njua: Mimi kwa majina naitwa Stephen Sarai Nja langu linahusu upande wa elimu. Upande wa elimu wale tusiojiweza kuelimisha watoto wengi lakini tunakaa nao nyumba, wamerudi kupika shauri kazi hakuna. Hata mmoja wapo mwingine alimaliza mwaka wa 1988 university hata sasa hajapata kazi yoyote.

Ile njia sisi wengine tunaomba uambie serikali wachunguze kabisa wale wasiojiweza wamwambie Chief na D.O alioko achunguze hao. Unaweza ku-suggest namna gani sasa tuna watoto wengi hata mimi nina watoto tisa form four wamepita hakuna kazi tutafanya nini?

Ya pili mimi ni mzee. Kutoka uhuru ilikuja mwaka wa 1963. Mtachoni hata kapaper hajafaidika. Tutafanya nini na sasa tunakali – na hapa mtuunganisha kama serikali inapenda halafu sa ingine sisi tukunywe maji hiyo. Yangu imetoshea.

Com. Mosonik: Asante sana jilandikishe tafadhali upande huu mwingine. Fredrick Wamalwa.

Fredrick Wamalwa: I have a view here concerning Judiciary.

I would like the establishment of a Judicial Justice Promotion Commission. This is the Commission which doesn't exist now, but the function of this Commission as I would like to state is to promote justice and that is Judicial Justice and this is I would like the Commission to operate, I would like them to be look into the decisions of judges, magistrates and tribunals over cases which are brought before them.

What I would like this Commission to do is on behalf of the general public to appeal because and this coming states where there is some level of dissatisfaction. There are so many people who, and this is basically will be cater for people who may not have the money to appeal and people who can't hire advocates

And second it should also assist people who are ignorant in legal matters. We have a form four leaver for example who has a shallow knowledge of law. There is a times when someone can go to court and this person maybe required, for example, to

appeal but he may not be aware that we can appeal. Due to that ignorance I would like there to be a Commission set up to look into cases of this nature and this Commission also will be to educate the general public on basic legal matters. Another thing is to notify the Judicial Service Commission over allegations like for example bribery in the Judiciary. If there is such like allegations for example, from the public this one is meant to notify the Judicial Service Commission which was meant to look into those allegations which are brought against those Judges, magistrates and those Judicial tribunals.

And another thing is to notify the Attorney General cases of police harassment and Police torture and the main reasons why I am saying this is we know so many people who are harassed by the police and tortured so much in prison until they admit that they committed a crime which in actual fact they never committed. This Commission when it enlightens the general public of legal matters and another thing appeals on behalf of this people it will be to assist those one who maybe lacking the money to appeal or who general don't know that they are meant to appeal.

One thing this as just as I repeat I know so many people who lost or who are in prison.

Com. Zein: Do not repeat yourself.

Fredrick Wamalwa: Thank you sir, and another thing is the composition of the Judicial fraternity which I call the Judicial Justice Promotion Commission. This commission should be composed of representative one representatives each from the following bodies: the Law Society of Kenya, Judicial Service Commission, Human right Commission of Kenya, NCKK, and SUPKEM. The President is the one who is supposed to pick the Chairman of this Commission. He is the one whose meant to appoint the Chairman of this Commission. the Vice Chairman is meant to be appointed by the other representatives, the rest are meant to be members. All these representatives are meant to be people who are law degree holders. And the Chairman of this Commission should be a person who has qualification similar to a High Court judge or a Court of Appeal Judge. The Chairman and the Vice Chairman, and the rest are meant to be trained in law

So earlier on I mentioned of appeal. This Commission is meant to have lawyers who are paid by the government who are meant to assist the general with those appeals.

Another thing is as per the current Parliament I would there to be set up a Parliamentary Service Commission, which for example meant to look into the payment of MPs. Okay let me say this, this is how it meant to operate. This the increment of the salaries of the MPs and I don't know how to compose of that but let me say this as pertains the increment of the salaries of the MPs should not be by voting through Parliament, because if for example you told me to vote for myself over something which is supposed to be of my own benefit.... (interjection)

Com. Zein: (inaudible)

Fredrick Wamalwa: You are right, one which is outside Parliament which will be looking at their pay packages, because me

for example I am in Parliament and(interjection)

Com. Mosonik: No, no.....point made tumeelewa vizuri.

Fredrick Wamalwa: Another thing which I would like be set up is a Commission to look into the interest of these widowed women so as to assist them for example

Com. Mosonik: The widow and the widowers, the widowed men?

Fredrick Wamalwa: Both, that basically what I am telling you is things which is seen and that is why I began with widows.

Com. Mosonik: No tumekuelewa, we want the Commission to look after widows and possibly also the widowers .

Fredrick : Thank you, asante sana you what I am saying is it will also assist them to look into their claims over (interjection)

Com. Mosonik: To look after the interests makes -----

Fredrick Wamumba: And why I am saying those interest for example as pertains those to do with education of children.

Com. Mosonik: Asante sana tumekuelewa. We want to finish. John Mutali and then the following others. Edward Wambuge, come please. Phelistas Natembeya. Halafu Moses Kerui. Now proceed five minutes less, than five minutes please, just make a point.

John Mutali: Thank you sir. Mr Chairman I have only threepoints. My names are John Mutali. First of all I would like to ask the Constitutional Review to help us in our nation. For our nation we know when the constitution started with our national anthem they call upon God, whereby they say”, oh God who is in heaven and now we find that in our nation we have a lot of many complication whereby our nation when we have public address or a public national day we found that we are asking our people to pray a lot of prayers. They are using many people. we want to people we translate if there had to be a Muslim pray, let it be made and if there will be a Muslim prayer let it be made because we have our only one God. That is what I wanted to make across to our Constitutional Review to have a freedom of worship and limitation.

Com. Mosonik: Why are you saying when one person or any denomination or religion has prayed, that is enough?

John Mutali : Let us consider one God.

Inginge naweza kusema kwa Kiswahili kwa upande ya mafunzo wa elimu, ningependa kusema ya kuwa elimu ile ambayo inapeanwa na jua kali wasiweze kuruhusu watoto wale ambao hatusemi ati wameshindwa wamekosa. Tumegundua wazazi wale ambao wanaweza tu lakini mtoto amewashinda kwa pengine kwa kuelewana kindani halafu wanamuchukuwa kwa kiwanda cha jua kali ambapo mtu wa jua kali anaweza kufunza ana-undermine kwa kumulipisha karo pesa zile ambazo hazistahili

Com. Zein: (inaudible)

John Mutali: Ni hivyo likini ingawaji nilitaka hivyo serikali isiruhusu mtu wa jua kali achukuwe mtoto yeyote yule ambaye anastahili aaende shuleni akafunzwe shuleni akaja jua kali.

Com. Zein: Kwa hivyo wewe unataka elimu ya lazima, watoto wote lazima waende shule?

John Mutali: Sana sana kama wale ambao wanaweza kutumia cheti cha daraza la nane lakini siyo tu mtoto wa daraza la pili ananza kufundishwa na mtu wa barabarani.

lingine ni kuhusu pesa za nchi ya Kenya. Tarafu yetu ambapo kama kutakuwa kuzuru iweze kuwekwa mtawala yule ambaye anaendeleza kama sasa kwa saa hizi Rais wetu Moi

Com. Zein: (inaudible.

John Mutali: But let me say that let there be not an initial of our President but let there be something else.

Com. Mosonik: Yaani picha ya Rais hutaki

Com. Zein: Anasema picha ya Rais hajali, ile signature ana Harambee unataka iwekwe. "In God we trust?"

John Mutali: Hiyo neno Harambee kama lingetolewa kwa sababu

Com. Zein: iwekwe" in God we trust"?"

John Mutali: Something to do with our people because Harambee is a form of worship whereby we want to worship the true God.

Com. Mosonik: Asante tumekuelewa vizuri , Edward Wabuge.

Edward Wambuge: My names are Edward Wambuge. I want to take this opportunity thank the the Commission. I dont have much to say, I can see a few points of what I wanted to say have been spoken here.

Now I wanted to talk something to do with the village headmen , Chief and sub-Chiefs.

Village headmen, chief and sub-chiefs. My views are that let these people be practically elected it is not just admit but it has be practically elected.

And in addition to that one the village headmen specifically must be on the payroll must be on the government payroll. Because the chiefs and sub-chiefs are paid by the government but the headmen they are not given they are not paid, so they must on the government payroll .

Another thing is concerning the currency. I am also of the opinion that the Kenyan currency must carry a neutral code . We should not have several codes that however comes to change when a new president takes over. We must have a neutral code which must be recognized and must be there to stay.

Com. Mosonik: Which one do you propose?

Edward Wabunge: As for now actually I have nothing to propose.

Com, Mosonik: Just okey that is fine, but something neutral.

Edward Wabuge: Must be neutral, it must accepted by everybodyin the nation and must be there to stay.

Com. Mosonik: How do you know that it is accaepeted by everybody? We have areferendum or what do we do how do we know that its accepted by everybody.

Edward Wabuge: We shall by doing what is agreed to upon.

Com. Zein My brother are you hoping that you will stop at neutral.

I have a feeling there will come a hand that you will have any symbol which you will have everybody accept. Out of the thirty million Kenyans you will always find the odd one says, “we don’t want that”. SO maybe if you leave at the principle they will look for a mechanism to implement but you are saying, neutral.

Edward Zein: In such case what I would to say is that I want, let there be that currently whoever comes to take over that office of the President we are seeing that when Kenyatta put his portrait, now we learnt that it is a matter of people coming of what they have and what they are.

Com. Mosonik: But are they presidents who were elected by Kenyans.

Edward Wabuge: Yes, President who are elected by Kenyans.

Com. Mosonik: So who would have elected your neutral one

Edward Wabuge: Now what I want to say is that when someone comes and takes over you see you never how long a President can stay in the office. Now when someone comes to stay in the office and he comes to put on his own identity just there for a short while you find that it may not proper

Com. ZeinL: I will take you back you have made the proposals which you have written but here you are proposing future Kenyans currencies should have neutral symbol or put it in a different way should have neutral images we don't want let me just help you so we clarify this. Do you want images of people?

Edward Wabuge: I told you I am not here to suggest exactly what I want

Com. Zein: No no I want to find out which one you don't want.

Edward Wabuge: What I don't want picha za watu, I don't want.

Com. Zein: Kwa hivyo tuweke za wanyama, miti, milima mabonde ni sawa?

Edward Wabuge: that would be okay

Com. Zein: Sawa

Com. Mosonik: This is to assume that Kenyans don't have heroes, like Kipchoge I know if you put his picture Kenyans will not want that because you are ruling out human beings yaani tuna hakika ya kwamba Wakenya hawapendi watu wao ama hawataki tu ya marais.

Edward Wabuge: Because the office of the President is an office which has to be created by the state. People come, they don't come to stay they come to go President come to go. So don't see the reason why they should be putting on their portrait whenever they come to office.

Com. Mosonik: Let me ask you one more time. Is there any human being who is here to stay? Even if they are not President?

Edward Wabuge: But now I specifically talking about the office of the President.

Com. Mosonik: So you just don't want President on the currency? Asante sana neutral symbol but not a President.

Edward Wabuge: Another thing is to do with the freedom of worship like somebody talked here. Now this is what I would like to say. There must be strict conditions which must be observed by every Kenyan on the issue of freedom of worship.

Now when I talk about freedom of worship we have freedom of worship in this nation

Com. Zein: (inaudible)

Edward Wabuge: Because of the issue of freedom of worship it has become difficult, people worship all whatever they want and they end up doing crime and law cannot persecute them because of the freedom of worship. The law has failed to prosecute some people because they are dictated by this issue of freedom of worship.

Com. Zein: (inaudible)

Edward Wabuge: Among them I would say for example the issue of worshipping, for example there are people who do not worship the true God, and by not worshipping the true God it is being difficult for some of them or let say it has been difficult. They end up even killing they are others who is to worship some people their doctrines allow the murdering. So it has become difficult for them to be prosecuted because there is this freedom of worship. There must be at least people must sit down and see to it that -----(interjection)

Com. Zein: (inaudible)

Edward Wabuge: Thank you very much now we have what we call devil worshipping in this nation so far.

Com. Zein: So why don't you say that ?

Edward Wabuge: Now the devil worshipers do prosecute why? The reason is very simple, the freedom of worship. Are they worshipping or killing people? For example a few years ago people were there was a case of devil worshipping in there was a Commission was appointed to investigate this.

Com. Zein: You go in places where you should not go. If you want to tell us about the devil Commission? who doesn't know

about the devil worship Commission? How does that help us in writing a new Constitution? You are saying you want to limit the freedom of worship and we are asking you in what sense and you said you don't the devil to be worshiped, that is what you are saying. Go to the next point.

Edward Wabube: I think public offices particularly ministerial offices must be held by people whose religious background is known. In this connection I would like to say that people like atheists there are people who do not have religion, in fact they dismiss existence of God must not hold public offices particularly if it is ministerial offices. They must be allowed to hold such offices.

Com. Mosonik: No no, you have said this just go to the next point. The last one.

Edward; That is all I had.

Com Mosonik: Asante sana mama Phelistas Natembeya.

Phelistas Natambeya: Thank you the Commissioners mine is a memorandum. My name is Phelistas Natambeya.

Phelistas Natambeya: My name is Phelistas Natambeya. I am representing the Catholic church Misikhu Parish. First of all, introduction the first Constitution came to effect when population increased people changed it to suit their needs. Due to our new understanding, -oppression from the privileged and environment changes, we now feel that the Constitution of Kenya should be as follows.

We propose the following to be included in the new Constitution.

Harmony among citizens

Help nurture an organized society be appointed to bring about development.

Bring togetherness or limit to all the 42 tribes in Kenya and also to preserve their culture.

In the new Constitution we propose that the Kenyan citizens be mandated to make and amend it.

Every citizen should adhere to what the Constitution has laid down.

Nobody even the President should be above the law.

We propose Parliament to have powers of appointments of the Judiciary and Executive and not the President.

Appointment of the Electoral Commissioner should be reflected in the new Constitution

The citizens should be empowered to change the future Constitution since the present Constitution was tampered with by Parliament.

We propose that the new Constitution in its draft and final form be available to all Kenyan citizens to know their rights.

When we come to the citizenship we have the following points

We propose that a Kenyan citizen should have been born in Kenya and the parents must be Kenyans by birth.

Com. Zein: We said when you have written document call it a memorandum you will give to us memorandum. We shall go and analyse when you have a memorandum which is written you just highlight the points because we shall read ourselves.

Com. Zein: (inaudible)

Phelistas Natembea: Okay, Therefore on citizenship we are saying the Constitution should protect the right of every citizen.

Com. Mosonik: Maybe I will suggest, you said this memorandum contains just listen to me please, are you listening? Just say proposal on the following then you just say citizenship, is easier and that way you mention the rest so that everybody knows what you have written in the memorandum.

Phelistas Natembea: The other point they talked about defense and security. We propose that the Minister of Defense in charge of security.

We also talked about the legislature where we said we propose that the Parliament be empowered to appoint qualified Minister among members of parliament in relation to the academic qualification and specialization.

We also talked about political parties. On this we proposed that Political Parties be limited to four casing on membership and be financed by the Central Government.

Another point we talked was structure and system of government. . We propose that new Constitution to have federal type of government.

We also talked about local government. About local government we proposed the following

The President should not have any powers over the local government that the Minister for the local government to deal with them.

We also talked about electoral system and process. We proposed the following

Members of the Electoral Commissioner to be appointed by the Parliament.

Another issue that we talked is land and property right. We proposed that land which has been scrapped should be given to the landless people in Kenya and every Kenyans to have a minimum of one hundred acres of land

We also talked about method for repossession of land. We said in case of a husband dying let the woman or the wife to the next kin so that she can take part and issue the land. We also talked about culture in culture I will say one point we said every tribe should be free to choose its activities such as circumcision is it is to be circumcized for example this time in this particular place we found that they are circumcising our boys. Then we also talked about environment and natural resources. In environment and natural resources we said a system should be put up on the care of environment and also they should be empowered to stop pollution of environment.

Then we also talked about succession and handing over for example when the President retires Succession should be done through the ballot then the out going President should not campaign for however would have to succeed him. Therefore, with those few remarks Commissioner I am very grateful

Com. Mosonik: When we told you how to it you do it exactly the way we asked. We agree with you. Okay Moses Kerui please.

Moses Kerui: I am Moses Kerui. I am just interested in corruption, the reason being that we have got very many programme courses going on at the university level. They should be abolished. I think that is true for other reasons especially after the university then I have got some discrimination between the poor and the rich

Com. Zein: when suggest that we should abolish certain programme of the university is it the right of the person who is taking those cases to pick them.

Moses Kerui: Is the right of the government to make sure that they have technology and therefore why cant they have the research

Com. Zein: I am suggesting there is no correlation between the two and that when you say for example what course would like to be done away at the university for example?

Moses Kerui: Causes dealing with professional causes like Engineering law medicine, and pharmacy
The reasons are it is creating unemployment, and for the poor and the rich the gap is widening there the poor can not afford process and therefore incase he get a 'C-' you find that a D- shouldn't be suffering.

We also know that education is meant for academic merit and demerit. Therefore, education method is necessary at a certain should be make sure that those students who are qualified go to other colleges like for example KMTC Kenya polytechnic where they will take that.

Com. Zein: The problem in Kenya university, and Doctor Korir will correct me if I am wrong he teaches in one of the Kenyan university, is that its not that people don't qualify. The intake was limited to bed occupancy. In another words when they used to put the very high admission marks it is being mean that those who didn't go through the others said that they did qualified to go to university because of the capacity of the university there is the mark to take only the very best because of the universities capacity to cater for them. When they said that they you could allow classes which are not tied down to people having to sleep in the university to have alternative teaching methodology then you say all those who were qualified and each course had its cut off. They say even for private entries, they say there is a cut off. It is going just anybody can join the

university.

Yes there is some minimum entries C+, yes

Moses Kerui: That is true but it is creating inequality in equality in the society if that is the case.

Com. Zein: What maybe you should be saying is that any person who qualified should be facilitated either by being given loans or but not saying exclude others because I

Moses Kerui: Its not necessary if its necessary it can be done

Com. Mosonik: Okay asante sana Mose Kerui. Sasa ningependa kuuliza kama kuna mtu yeyote yule ambayo alijiandikisha na hajasikia jina lake. Hajaitwa atoe maoni. Hakuna. . Je

Com. Zein: Mzee, mzikilize Chairman kwanza mzikilize mpaka mwisho ujue amemeliza, hujasikia mambo yako yamezungumziwa ndiyo uanze kupiga kelele huko.

Com. Mosonik: Naulize je kuna mtu yeyote ambaye alijiandikisha, ambaye alitaka kutoa maoni yake na hajasikia jina lake hajawahi kuwa hapa. Tena sijamaliza, Je kuna mtu yeyote mwingine ambaye pengine alichelewa hakujua anatakiwa aje aandikishe pale kwa mlango na sasa angetaka kujiandikisha na kutoa maoni. Yuko mtu wa aina hiyo,Huyo ni mmoja. Tafadhali mzee wa pili mje hapa . So wewe ni watatu, mzee ni wapili. Nataka uje hapa utaje jina lako na mkimaliza mutaenda kujiandikisha mara mbili huko mutajiandikisha kwa register na kwa form hii . Sasa wewe mzee ni wa kwanza uje hapa. Nitasema hivi sasa nyinyi watatu tunawapea kila mmoja wenu dakika tatu.

James Sifuma: Asante kwa kunipea hii nafasi first all my first point I would propose that in 1963 when we got independence we had a very effective civil service under the Chairmanship of the Public Service Commission. Ningependelea wakati huu hizo powers ambazo the Chairman of the public service Commission alikuwa nazo arudishiwe ili recruitment yeyote ya Civil servants ipangiwe directly and entirely by the Public service Commission.

About women and men alike, there should be no single mothers and single fathers. Because of that singleness we have in this country we have had a lot of problems and even much of the Aids spread

Com. Mosonik: How do you ensure that there are no single parents? unasema there should be no single parents mother or father how do you make sure there are no such parents?

James Sifuma: We should not have if they will be if we could have a law, a rule a girl should not get a child before marriage well the man should be very much responsible and the law should force.

Com. Zein: Mambo mengine, say watu wameoana mmoja amekufa, si yule anabakia anabakia anabakia ni single parents.

James Sifuma: Atabaki kama single parents na akitaka aolewe.

Com. Zein: Wewe unasema akibakia single parents alazimishwe kuolewa

James Sifuma: Hawezi akalasimishwa lakini akiwa na hamu ile ya mwanaume aolewe si kufanya umalaya.

Com. Zein: Haya sasa sijamaliza usije kuwa na haraka unakimbia kwenye kitabu. Nchii zingine kwa sasa inawezakana mtu kwenda kupata mimba bila kuwa na mwanaume kama iko na kama Yaani, kuna donor banks, anakwenda kule anasema mimi nipatie sperm nataka mtu wa aina fulana anawekewa mimba, sasa. Bwana Chairman hiyo sasa utaichukulia ni single parents au hiyo ukubali hiyo wewe.

James Sifuma: Hiyo mimi siwezi nikakubali.

Top civil servants e.g the Permanent secretary the Chairman Public Service Commission the Auditor General and even the Attorney General being top civil servants if appointed by the President or by the Presidents Commission they should be vetted by the Parliament to their position.

Com. Mosonik: Dakika mbili na nusu imekwisha.

James Sifuma: There should be a code of conduct to all Kenyans.

Com. Mosonik: Asante sana, thank you very much the next person please.

Khaemba Sekhulusia: Kwa majina ni Khaemba Sekhulusia. Tunaona ya kwamba sisi hapa hatuna vyakula lakini tukiona Minister au President akipita huko watu wanang'oa ndizi wakipanda barabarani na hiyo ndiyo inaongeza starvation in our area. Wanang'oa. Wasing'oe vyakula wakiweka kwa barabara.

Kitu kingine ninaona ya kwamba serikali yetu imechukuwa security inalinda wale watu wa kubwa kwa vyeo vyao. Kwa kufanya vile tunaenda kufanya election utaona mahali ambapo Minister anapitia ndio askari wamefuata kweli kweli na huko

nyuma wata wakipigana wanasema tu peleka report ile problem ile sisi tuko nayo kama tusema President ni Muluyia, Waluyia wakipiga Wajaluo, there is nothing wrong. Na sasa hapo sisi tunaonelea ya kwamba security ya Kenya is supreme

Com, Mosonik: Would like it to continue like that

Khaemba Sekhulusia: Nataka security ya Kenya wakichukuwa wachukuwe watu sawasawa wasichukuwe kabila moja ikiwe nyingi ianze kuumiza wengine.

Employment, kama sisi hapa Bungoma wakitoa hali ya kazi kama kwa mfano saa hii wataka kuwandikisha walimu, tuko na na Ndivisi Division. Wakitaka walimu wale ambao wamemaliza their training hapa Ndivisi Division tuko na wale ambao wamemaliza course, lakini wakianza kuandikwa watatoa walimu wengine kutoka Kandui which is a different Division and they are representing our division here Ndivisi mimi nataka wale watu wa Ndivisi mimi nataka wale watu wa Ndivisi (interjection)

Com. Zein: Wewe unataka watu wawe employed at divisional level?

Khaemba Sekhulusia: At Divisional level, they should not go to the district level thank you. Watu wapate kazi kufuatana na division, kama sisi wa Ndivisi tuwe employed hapa. Asante

Com. Mosonik: The last person then.

Jactone Yamame yamakhakha: Kwa majina Jacktone Yamame.

Com. Mosonik: You not on this list at the beginning.

Jactone Yamame: Yangu ya kwanza mimi ningependelea ya kwamba serikali iwe ya coalition. Yaani party ile ambayo imepata wajumbe kutoka kumi kwenda juu ipatiwe minister katika serikali.

Pili elimu, mimi naonelea kwamba elimu ile ya zamani yaani ya kwenda mpaka A- level ndio watoto waende university irudi. Tatu wasichana kupata shamba, hapo mimi napinga. Kwa sababu tukisema wasichana wawe wanapewa mashamba atakuwa tutazoesha wasichana kupata mimba na kujaza watoto katika maboma wakijua tu kwamba kuna sheria ambayo imewapa uhuru wa kupata mashamba. Tuwe tu kama sheria ile ile ya kwetu ya kiafrica kwamba msichana hana ruhusa kupewa shamba.

Com. Zein: Mzee unasema msichana akiwa na haki ya kuridhi ardhi ataacha apate mimba nyingi

Jactone Yamame: Nasema wasichana wasipewe mashamba.

Com. Zein: Kwa sababu wakipewa mashamba watawacha wapate mimba nyingi wapate watoto

Jactone Yamame: Watakuwa tu wakizeeka hata watapata watoto ambao hawana baba wakijua tu kwamba tutapewa shamba hapo.

Com. Zein: Ninasema na hata kwa mwanaume si itakuwa hivyo tu atakwenda atie wanawake wengi alete watoto akijua ana shamba tu.

Jactone Yamame: ndio, kwa sababu mwanaume ni haki yake kujaza, atakuwa anaongeza ile kabila yake.

Lingine, ilikuwa kama wamesema mnaweza kuniambia wamesema, appointment ya President powers ile ambao amepewa: Parastatal, ministry ile ya kila DC, mimi naona kwamba hiyo ifanywe na Parliament.

Com. Mosonik: Yes, tumeelewa

Jactone Yamame: Nafikiri yangu ilikuwa hiyo asante sana kunipa nafasi mimi nilikuwa nimechelewa.

Com. Mosonik: Ngoja kuna swali kidogo tu . Unasema ile system ya zamani ya masomo irudiwe halafu ukasema ile hiyo system ni gani hiyo ya zamani.

Jactone Yamame: Yaani watoto wakipata form four waende mpaka form six, wafanye A- level ndiyo wachukuliwe kwenda university.

Com. Mosonik: Niliuliza swali kwa ajili nilifikiria wewe ni mzee kidogo na niulize tukisema hii system ya A- level ni ile ya zamani kabisa ama ni ya zamani ya nyuma juzi kulikuwa na ingine kabila ya hiyo.

Jactone Yamame: Ninasema ile ya A level irudi

Com. Mosonik: Wacha atueleze mwenyewe pengine hakuona hiyo system kwa ajili nilipokuwa kijana mdogo nikasikia kwamba watu wanasoma mpaka daraza la nane na wanafanya hesabu ya old system.

Jactone Yamame: Wacha nisema hivi, wakati wetu sisi tulisoma tulikuwa tunafanya common entrance standard four, tukienda standard five, six tunafanya KAPE katika eight. Tukitoka KAPE form one form two tunafanya KGC, kutoka hapo tunaenda form three form four tunafanya school certificate form four form five form six tunafanya A- level advanced, yaani A level ndiyo hiyo sasa ku-correct ina-bolish common entrance ya standard four. Wacha niseme hivi hata hiyo tukiweka hiyo ita-

access watoto waende vizuri.

Com. Mosonik: Hapana tunataka tu kuuliza unajua kuuliza si ujinga wengi wetu tumezaliwa hivi majuzi tunajua tu hii system ya sasa na ile ya A- level na tunafikiria masomo yalianzia ile A level na ya kakwamia 8.4.4. Lakini tungependa kujua kwa ajili nyakati hizo tulipokuwa wadogo watu ambao walikuwa wanasoma walikuwa inasemekana wanasoma kabisa hao wanafanya durepe hao ni watu ambao wamesomeka kabisa ndiyo tunauliza hiyo system umesema ilikuwa 4 halafu 4 halafu unaenda KGC ama inaitwa nini form two halafu unaenda form four halafu mlikuwa mnaenda A level wapi, kwa ajili vile ninajua ni kwamba watu walikuwa wanaenda form one Alliance na Maseno halafu mpaka wanamalizia form four halafu wanapotea hapa walikuwa wanaenda wapi?

Jactone Yamame: A level walikuwa wanaenda wapi?

After form five after form six ukifanya A- level, ule mutihani ndiyo unassess watu wakwenda university.

Com Mosonik: Yaani kulikuwa na A level miaka yote ama ilikuja pengine watu wameanza ku-confuse hii ya ile majuzi please tusaidie.

Jactone Yamame: A level ilikuja in 1960s

Com Mosonik: What was happening before that.

Jactone Yamame: (inaudible)

Com. Mosonik: So Makerere was, I know Makerere was a University college of university of London from 1948 so it was a university college providing A- level only. Unajua kama Professor Ogot ni mwalimu wangu akasema alipata shahada yake alienda Makerere lakini hakusema alienda kufanya A- level walikuwa wanafanya nini hiyo Makerere?

Jactone Yamame: From O level it didn't work. Sasa ile yeye anataka ni ile system ya kwanzia 1966. Hata uliona mimi wakati nilisema ya kwamba mtoto afike standard four afanye external examination. Kufikia eight afanye external halafu afikie form four afanye examination aende form five halafu form six.

Com. Mosonik: Nasema tumepata hata fursa ya kurekebisha hata masomo. Sasa nyinyi kama wananchi wewe siku ya leo mnapenda tu turudie elimu ya juzi ama pengine tuwe na Tume ya kuchunguza system zote za zamani na tujue ni gani, which is the best? I am just asking a question.

Jactone yamame: Turudie ile ya form six hapana ya zamani sana.

Com. Mosonik: Sasa kuna mzee mmoja anataka kuongeza. Utataja jina --- sasa kwanza tunataka ndiyo iwe kwa record kwanza ulikuwa na kitu umesahau utaje jina lako na uongeze ile unataka kusema.

Gatano Mwesemehe: Jina ni Gatano Mwasemehe Wabuke. Nilikuwa tu nimesahau ka-point kamoja kulingana na factories. Factories ziko na pollution baya sana inayaharibu mazingira yetu, kwa sababu hata mimea imeharibika vitu kama mihogo imeharibika, sasa nataka serikali ilete a very strong drug to destroy the pollution so that environment is conducive to growing of crops. Nikamalizia ningependa kutaja ya kwamba local factories employment of the unskilled iwe strictly for locals. Hatuwezi kutoa mtu kutoka huko Mombasa aje tu au kupanguza machine.

Com. Mosonik: Ngoja swali sasa swali tumepata.

Com. Zein: Mzee nitachukuwa kwa sababu ulitoa fursa ya kumaliza kukuliza swali ambayo ningefaa kuuliza wale walikuwa wamekuja kuzungumza mbele yako. Ulisema wewe ni Mtachoni, je watachoni wamesahasabiwa katika yale makundi ya makabila ya Kenya? Nauliza tu.

Gatano Mwesemehe: Hawako kwa makundi ya makabila

Com. Zein: Nasema wakati ile mnafanya census kuna mahali imeandikwa watachoni au wewe umehesabiwa katika wale others

Gatano Mwesemehe: Wako

Com. Zein: Yaani katika watu wengine wanasema 42 communities they are much more than 42 lakini katika wale watu wanasema 42 watachoni wako ndani au mtachukuliwa kama ni Waluhya

Gatano Mwesemehe: Wako kama Waluyia

Com. Zein: Kwa hivyo hamjapata identity yenu wenyewe kama Watachoni

Gatano Mwesemehe: Hapana

Com. Zein: Mngetaka kupata hiyo? Si nyinyi mimi nauliza huyu mzee.

Gatano Mwesemehe: Tunataka tuwe identified.

Com. Zein: Haya asante.

Com. Mosonik: Tunaanza kuharibu sasa. Mtu mmoja anatao maoni yake na Tume inauliza yeye mwasali na Ma-Commissioner, tusiongeza mengine. Sasa asanteni sana tungependa kumsikia Rev. Daniel Were the Principal of the school.

Daniel Were: Kwa majina ni Daniel Odonda Were, Rev. Principal wa Ndivisi. Bwana Chairman mimi nina proposal kama mne and they are just oral ones in brief. I would propose that the appointment of the ministers should be done in accordance with their professional capability, specialization for example. Somebody who has done agriculture should be given the Ministry of agriculture, medicine and so fourth and that one we shall ensure that the running of the ministries is effective.

I will also like to propose that there should be some age limits on the bit of the MPs and even the President. As at now we might be having some MPs who are beyong about 70 and you know as per psychology we have got a limit of thinking. Therefore I would propose that it should be about 70 years for somebody to be in the Parliament.

Com. Mosonik: Which is the lowest?

Daniel Were: The lowest as per the colonialist I think I would go by that about 35 and 70 year to be more useful to the public, dragging legs should not arise.

Strict conditions of registration of denomination be set and they should be adhered to so that allowance should not be given to other small small denominations that are coming up and of cause they are fueling what we call propaganda and the rest.

Lastly comparatively I strongly belief we have more of traffic Police men that are unnecessary and if they are employed at that rate I would propose that to be pre-occupied and to be useful to the nation they should be given some second class type of job like maintaining the roads, like ensuring that like towns are clean. We shall be utilizing them maximumly and instead of maybe employing more these traffic police men I would propose that we creates the number of security police that one would be of much help. If you did psychology that one fuels the accident in Kenya because with corruption as people pay then they expect themselves to overload even in matutus so that to recover the little that they have lost and therefore causing a lot of accidents. Maybe I might cite the countries may be do that I suppose a country like Uganda it has got quite minimal number of traffic Police and people have adhered to the traffic laws. Scaring means doing to an African and for a spoiled child to eat you say this is rotten don't eat, he eats but when you say eat this he will ask the reasons. That is why I am saying the traffic police, the number should be lessened. Instead let us employ more teachers to give us more education, thank you Chairman.

Com. Mosonik: Asante sana now what is it – that you want to say.

Philip Liani: My name is Philip Liani nilikuwa nimeongea. Ya kwanza ni hizi ma-bill zinatolewa kwa Bunge. At least kukuwe na first stage na second stage. As nitapata ile ruling party the majority members of Parliament hao ndiyo wanapitisha the bill. Talk of the Donde bill, it has been flaunted because the opposition are less than the ruling party.

Then kuna hiyo ya Media you find that media ilipitishwa but it is of no use, so at least it should have the first stage for the bill to pass through if it goes through then it goes to the second stage tuwe na wabunge selected from political parties or a selected committee.

Com. Mosonik: Ulikuwa umesema you have only one point, you just stop on that point. Please asante sana. Ladies and gentlemen we have come to the close of today's hearing in your Constituency. Pengine niseme Kiswahili Mabibi na mabwana, wananchi wa sehemu ya uwakilishi bungeni wa Webuye kuelekea hapo tumemaliza kazi ya leo katika kikomo cha kikao hiki rasmi cha Tume ya kurekebisha Katiba. Kikao cha kuzikiza kukusanya maoni yenu. Tutaondoka sasa kesho tuelekea sehemu ingine ya mwisho, ya Constituency ya mwisho, halafu alhamisi tutakutana sisi wote ma- Commissioners Kakamega Headquarters ya mkoa wenu kufanya inaitwa round up. Kufanya round up kuhusu yale tulisikia halafu tuondoke tumaliza kabisa. Na vile tulikuwa tumewaeleza, Mkoa wa magharibu ukawa wa mwisho wa mikoa yote Kenya hapa ambapo tulifanyia na tulisikia tulikusanya maoni mkoa wa mwisho kwa jili vile tulieleza mapema leo kwa jili ya alfabeti. Tulianza na Central Province, tukaenda Coast na Kadhalika mpaka tukafika Western Province tukimaliza Western Province tutakuwa tumemaliza kutembelea Constituencies zote mia mbili kumi katika jamhuri hii yetu ya Kenya. Baada ya hapo tunarudi kwa Tume halafu tuanze kuandika yale mlisema. Nyinyi kwanza watu wa Constituency hii tutandika report ya Constituency hii yenu.

Kitu cha pili tutaandika report ya kitaifa. Hiyo ni kusema maoni yenu ya Constituency hii moja na maoni ya wananchi wa kila Constituency tunaweka pamoja tunatoa report ya kitaifa.

Kitu cha tatu tutafanya pendekezo letu kuhusu kurekebisha Katiba. Hiyo ninasema ni kumaanisha kwamba sasa tutaandika Katiba tuite Katiba mpya kulingana na maoni ya wananchi wa Kenya kulingana na report ya constituencies zote. Tukimaliza kuandika report ya kila Constituency tutaituma hiyo report kwa Constituency yenu. Mutaipokea pengine wakati moja na report za Constituencies za mkoa wenu. Mtasoma report kwa makini muangalie pengine kwama kweli tulinasana na kuiandika mambo mlitueleza.

Kitu cha pili mtapata report ya taifa ndiyo mjue wananchi wengine walisema nini kwao. Report ile ya taifa itakuja ile ya Constituency pengine itakuja mbele lakini ya taifa na ile Katiba mpya ikiwa iko imeandikwa nyuma yake. Kwanza kuna report halafu Katiba nyuma yake na sasa mtasoma report ya taifa halafu mlinganishe na Katiba kwa ajili Katiba inatikiwa iandikwe kulingana na maoni ya raia, na unajua maoni yao kwa kusoma report ya taifa. Pengine mtasoma yenu na kusema yes, Commission walisema wameandika ukweli kuhusu maoni yetu Webuye wakisema tulipendekeza namna hii. Lakini mkisoma report ya Katiba mnaona maoni yenu hayako kwa hiyo Katiba ni pengine kwa ajili ya maoni ya wengine sehemu zingine nchi mtalinganisha report yenu report taifa na Katiba mpya.

Inatakiwa kwa sheria wakati huu tupewe mda wa sitini ama miezi miwili ya kusoma report ya kitaifa na hiyo Katiba mpya inaitwa period of publication and dissemination through the Kenyan gazette.

Hizo siku inasomwa kwa Constituency forum. Leo tukiwa hapa ilikuwa ni kikao cha Tume kwa sehemu yenu ya uwakilishi bungeni Constituency forum. Wakati ule kamati yenu ya Constituency watahughulikia hiyo kazi ya kutawanya report, kuita mikutono kujjadiliana pamoja report kukubaliana kuhusu hiyo report wakikubali hampendi ama mnapenda na hiyo Katiba mutajadiliana nyinyi wenyewe. Halafu kuwateuwa wakilishi wenu ambao wataenda mkutano wa taifa na kuwapea masharti, ama instructions kusema nyinyi mkifika mkutano mkuu wa taifa tunataka msembe namna hii, kwa ajili watakuwa wakiwakilisha wakienda mkutano wa kitaifa National Constitutional Conference haitakiwi waende na maoni yao peke yao. Wanaenda kuwakilisha Constituency. Najua kwamba kwa mkutano wa taifa kutakuwa na wajumbe wote wa Bunge, watu mia mbili ishirini na watatu, kutakuwa na wawakilishi watatu wa kila district, wa kila wilaya. Hiyo ni kusema watu wa sehemu lazima wakubaliane wawachagua ama wawateue watu watatu. Mmoja lazima awe mama, gender, mwingine anaweza kuwa Councillor lakini siyo lazima. Ikiwa kuna Councillor atakuwa ni Councillor mmoja wa mwisho, ni mtu yeyote ndiyo wawe wa tatu.

Hao watachaguliwa ama ama kuteuliwa na county council. yenu lakini mtu anaweza kuwa na proposer kutoka nje ya county council one proposer must be a councilor either number one or number two but one of the two can be from outside of the county council hawa watatu wataenda tunasema MPs three representative of each and they are about 70 districts in Kenya, halafu 41 representatives of political parties, vyama vya siasa, which were registered in October 2000. They are 41 Commissioners watakuwa hapo lakini hawapigi kura kwa asiri mjadala itahusu kazi yao wameafanya mapendekezo halafu tutakuwa na watu wa Civil society. Hao ni watu kama mia sita na ishirini hivi na hao wanatakiwa kukubaliana kwa kauli moja kuhusu Katiba mpya. wasipokubaliana lazima wakubaliane kwa wingi asilimia mbili kwa tatu, nasema two third majority. Kwa hivyo ikiwa ni watu kama mia sita tuseme hesabu ni mia sita watu mia nne, lazima wakubaliane kuhusu mapendekezo ya kikatiba ndio mtajua watu wa Webuye kwamba already you have your MP and three districts representatives. If it is two thirds majority you need to multiply that until four hundred.

So wakati wa hiyo miezi miwili mtakuwa mnataka tena kujua watu wa Malava wamesema nini, na wa Kimilili, na watu wa Bomet Rift valley wamesema nini, na Kwale, lobbying for your position. Watakutano, wajadiliane wakubaliane. Wanaweza kukubaliana kwa kauli moja na kazi ikwishie hapo ndiyo iende direct Bunge. Lakini wasiposikazana waseme tumekubaliana ama hatukabaliani, we have agreed to disagree kwa Constitutional issues, sasa tutakiwa twende kwa kura ya maoni, referendum, ambayo itafanywa chini ya Tume ya Uchaguzi wa Kenya (Electoral Commission of Kenya) halafu baada ya hapo irekebishwe ndiyo ifike Bunge. Kwa hivyo ingawa tunaenda leo kazi hatujamaliza. Inatakiwa muendelea kufikiria haya maswala na maswali. Ndiyo tulikuwa tunauliza maswali hapa, hiyo siyo kuharibia. Sasa tumeanza hapa kujadiliana kama vile wajumbe watajadiliana ndio tujue tupendekeze nini sisi wenyewe. Kwa hivyo kufikia hapo I want to say thank you very much on behalf of my team from the Commission, Commissioner abubakari Zein Abubakari, mimi ni Commission Mosonik Arap Korir,

Programme Officer Mr. Hassan Mohamed , Assistant Programme Officer Joyce, Verbatim Recorder Marion Nekesa. I hand over to, I think Bwana Principal. We are in your territory thank you very much for receiving us in your institution .May be you can close for us and ask somebody to pray for us, please.

Daniel Were: Kwa niaba ya watu wa Ndivisi particularly the school I should say thank you for the Commissioners and may I say that you have done us proud for having identified this school as a venue. Asanteni sana. Ningeliomba badala ya mimi mwenyewe kusali, ningeliomba governor wangu, we have one governor here Mr, Namisi, anaweza akatuombea. Asanteni mkienda mwende salama na Mungu awabariki, thank you.

Mr. Namisi: Wote tuiname tusali. Our Heavenly father, we have come to the close of our review in Webuye Constituency, Ndivisi Division. You have been our Chairman, our Commissioners are now going back to other stations please be the driver of their vehicle, lead them to their destination safely. Bless their work bless the work, they are doing so that we reach an amicable solution as Kenyans. There should be no problem. Let us all come to agree what we have said without actually attracting a referendum. I pray this through Jesus Christ. Amen.

