

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**WEBUYE CONSTITUENCY,**

**HELD AT PANPAPER HALL**

**ON**

**5<sup>th</sup> AUGUST 2002**

**CONSTITUENCY PUBLIC HEARINGS,**

**WEBUYE CONSTITUENCY HELD AT PANPAPER HALL ON 5<sup>th</sup> AUGUST 2002.**

**Present**

**Commissioners**

1. Com. Zein Abubakar
2. Com. Mosonik Arap Korir

**Secretariat Staff In Attendance**

- |    |                 |   |                         |
|----|-----------------|---|-------------------------|
| 1. | Hassan MOhammed | - | Programme Officer       |
| 2. | Joyce Wamucii   | - | Asst. Programme Officer |
| 3. | Marion Nekesa   | - | Verbatim Recorder       |

The meeting was called to start at 10:30 am with a word of prayer and Com. Zein Abubakar in chair. Com. Zein introduced CKRC staff.

**Jonathan Poipoi:** Wageni wetu waheshimiwa commissioners kutoka Nairobi, our honorable MP Musikari Kombo, our committee commissioners of Webuye constituency, wananchi watukufu, namusalimu hamjambo. Hamjambo tena. Mara ya kwanza tunachukua nafasi hii kuwakaribisha commissioners wetu kutoka Nairobi kuja kwa Western Province musiw na wasiwasi. I think they followed the alphabetical order and you know when they follow that alphabet Western Province comes

last and that should not be the thing to worry lakini what you review is what will matter most. And before I call upon Reverend Waswa who will have to open this meeting in a prayer I have got two things to do. First of all I will introduce to you my committee members of Webuye constituency whereby I am the chairman, will you stand. You say your name and your position.

**Alfred Simiyu:** ...(inaudible)...

**Poipoi:** He is the secretary of our constituency

**Irene:** ...(inaudible)...

**Poipoi:** She is my vice chairlady ...(inaudible)...

**Interjection:** .....(inaudible)...

**Poipoi:** He is my treasurer ...(inaudible).... And I am Jonathan Poipoi, chairman from Bokoli location. I will read something here then ...(inaudible).... This one comes from the book of John Chapter 15:5. 'I am the vine and you are the branches. He who abides in me and I in him bears much fruit for without me you can do nothing.' Which means our country, our doing our work without Christ in Kenya, we can do nothing. Shall we stand and ask Weswa to come and pray for us. Mr Weswa come round, let us stand. Wacha tusimame wananchi. While he is coming *nenya khumbolela nandi bandu wa Webuye yaani bwibasia mala nowana chipointi checho na chi pointi wakana khukhola khurio kharusia mwestern province pointi imbi chirano. Mkanakane sana na busa esase nasimule lilicha lenyewe nandi wele alamua chikhabi nende bali khungila bapeche*, Reverend.

**Rev. Weswa:** Lord God, we just want to thank you for this day. We want to thank you for this opportunity where we have to discuss and even come out with a gear which can lead us. It is an essence because you gave us the Ten Commandments and even what we are about to do is what can lead us and protect us and provide us with the security in this nation. Provide us with wisdom from above, guide our thoughts today and give us a peaceful moment that we shall be open to each other and even after ...(inaudible)... it will be able to listen and see our views in Jesus name I pray. Amen

**Audience:** Amen

**Poipoi:** Can I invite the representative from the district Mr. Barasa. Where is he? Come round.

**Barasa:** Thank you commissioners. I don't know whether the D.O. is still around. The commissioners Sirs, mheshimiwa

Musikari Kombo na wananchi wote wa Webuye hamjambo?

**Audience:** Hatujambo.

**Barasa:** I am here representing the District co-ordinator who happens to be presiding over a similar process in Bumula. Na kazi yangu ilikuwa tu kwajulisha tu kwa ma-commissioner nafikiri ni Commissioner Abubakar Zein Abubakar na Commissioner Prof. Mosonik Arap Korir ...(inaudible)... I think the third one was Com. Isaac Lenaola ...(inaudible)... CKRC in charge of administration and in charge of the welfare of the whole function. Thank you.

**Poipoi:** With these few remarks now I take this opportunity to hand over this programme to our commissioner honourable commissioner Korir.

**Com. Abubakar:** Habari ya asubuhi. Mimi naitwa Abubakar Zein. Mimi ni moja wa ma-commissioner na tume ya kurekebisha katiba na nachukua fursa hii ya kwanza kumpa mwenzangu aliyekaa mkono wa kushoto wangu fursa ya kujjulisha kwenu na kuwaamkua halafu ndiyo tuendelee.

**Com. Mosonik:** Hamjambo wananchi. Sijui kama nasikia vizuri ama kuna shida na upepo. Jina langu ni vile mumueleza Com. Mosonik Arap Korir. Tumefurahi kufika kwenu. Asanteni.

**Com. Abubakar:** Thank you Com. Mosonik. Kama mlivyo ambiwa tungekuwa panel ya watu watatu Com. Isaac Lenaola alihitajika Nairobi kwa kazi za tume kama mnavyojua tume inaendelea kwa kazi Kenya nzima. Tulikuwa tuna waksha kuhusu haki za kibinadamu huko Nairobi na yeye alihitajika kwenda Nairobi lakini sisi wawili tunawahakikishia ya kwamba kazi itaendelea kama inavyohitajika. Mheshimiwa Musikari Kombo, mwenyekiti wa 3C's, wanachama wa 3C's na wananchi waheshimiwa wa eneo hili la wakilishaji bungeni, habari ya asubuhi tena.

Sasa mimi nitachukua fursa hii kuwatambulisha kwenu wafanyikazi wa tume kama alivyosema mwenyekiti katika kuwa-introduce lakini mimi nitafanya introduction au utambulizi pamoja na kazi wanazozitimiza au wanazozifanya katika tume na pamoja na siku ya leo. Halafu nitawapa muongozo wa jinsi tutakavyofanya kazi yetu leo na watu watatumikia mwelekeo gani katika kutoa maoni.

Kwanza kabisa kama mlivyoambiwa huyu Bwana Hassan Mohammed aliyewainulia mkono yeye ndiye Program Officer na kiongozi wa wafanyikazi wa tume tuliyokuja nayo katika makao makuu ya tume huko Nairobi. Yeye atakuwa anasimamia wafanyikazi wenzake kuhakikisha kwamba kazi ya leo infanyika inavyopaswa lakini muhimu sana kwa nyinyi kujua ni kwamba yeye atakuwa na register ile ya commission pale mnapoingia kuna register ambayo watu wanajiandikisha pale. Ile register wanayojiandikisha pale ni kuonyesha ya kwamba ni watu wangapi waliohudhuria na pia kuonyesha ni nani anataka kutoa maoni na kwa njia gani. Kuna wengine, pengine wamehudhuria leo na pengine hawataki kutoa maoni wanataka kushuhudia mambo yanayotendeka leo lakini register ninayoonyesha sasa aliyoshika mkononi ni register inayoonyesha kwamba ukishatoa maoni utakwenda ujaze register ile register ile inaonyesha ni nani aliyetoa maoni na tutakuuliza maswali kidogo kukuhusu wewe

ambayo yatatufanya sisi tufanye kazi yetu kwa ukamilifu zaidi kwa hiyo ukimaliza kutoa maoni yako utakuja kwake usign register ile. Na yeye pia ajua kuwa na register hiyo atakuwa na file kila kikao tunachokuwa nacho tuwe na file tofauti ya kuweka memoranda yaani miswada yote itakayotolewa yote ukija ukishamaliza kutoa maoni yako ukiwa na maswada utampa mswada atauweka kwenye file yeto na uta-sign register. Hiyo nidyo kazi atakayetimiza leo bwana Hassan.

Msaidizi wake ni Joyce Wamucii aliyeinua mkono. Yeye ni Assistant Program Officer na yeye atakuwa kazi yake ni kunukuu mambo yanayotokea hapa. She is going to report na ataandika kwa mokono na record ya mambo yanayotokea hapa. Haya nani anaanza kusema akasema nini anaandika kwa mikono hiyo ni njia moja ya sisi kuweka rekodi yetu. Yule binti aliyekuwa amekaa karibu na yeye anaitwa Marion Nekesa ametoka ameenda pale nje kidogo. Marion Nekesa ni Verbatim Recorder. Kazi yake yeye itakuwa kurekodi kila neno linalosemwa katika kikao hiki. Wenzetu huwa wanafanya mzaha na kusema hata ukikohoa ay vile tunavyosema sisi Mombasa ukiguu na umtii pia tunarekodi hiyo. Ana tape recorder sababu yeye kutoka hapa na ingine pale nje. Hii speaker ya hapa kama mnavyosikia ina mwingwi kwa kiswahili tunasema has ana echo na tumeshauri kwamba akirekodi hapa hiyo echo pia itakuwa ikiingia. Kwa hivyo anarekodi kwa hiyo speaker pale nje ambayo itakuwa haina echo. Hiyo ndiyo kazi atakokuwa akifanya yeye. Sasa kwa vile Marion na Joyce wanarekodi yeye rekodi yake ni ya mkono, rekodi ile ingine ni ya tape. Wanarekodi kila kitu hakuna jambo lolote mtakao sema hapa litapotea. Sisi pia kama ma-commissioner tutakuwa tukiandika rekodi yetu wenyewe. Lakini usije ukasema mmesita siandiki, nakusikiliza ile nifahamu unavyosema ukasema mbona yule commissioner hafanyi kazi ameshika kalamu amesita mambo yangu muhimu hayaandiki. Na ili rekodi ambayo tumeitumia verbatim tutaenda tuiandike tuwe na verbatim record ya session ya leo. Sijui kama tumeelewana mpaka hapo.

Sehemu ya pili ya maneno haya nitayakowaelezea ni muhimu ndiyo tujue jinsi tutakwavyotowa maneno. Ukiingia pale kuna form ambazo zinaendelea kuandikwa na katika form ile unawezwa kuulizwa pale je wewe unatoa maoni ukisema ndiyo utaulizwa unatoa maoni kwa maandishi au kwa maelezo ya mdomo tu mazungumzo. Ukiwa unatoa kwa maandishi inaandikwa memoranda au memorandum au inaandikwa oral au yule aliyekuja kushuhudia inaandikwa observer. Sasa tukianza kutoa majina tutaanza kutokana na jina number from number one jina la kwanza katika form la kwanza tutatumia orodha hiyo kwamba mtu aliyejiandikisha mwanzo ndiyo atakayopewa fursa ya mbele kuzungumza lakini sisi kama tume huwa tunajipa haki ya kutoka katika mwelekeo huu kwa muda kidogo ikiwa kuna sababu za kutosha kufanya hivyo kwa mfano kama tunavyojua kuna mheshimiwa mbunge wa hapa. mheshimiwa mbunge wa hapa akitaka kuzungumza hata kama jina lake litakuwa namba 14, mtatupa ruhusa sisi tumpe ruhusa mheshimiwa fursa ya kuzungumza au si sawa hivyo. Akija bibi ambaye ni mja mzitona hawezi kukaa kwa muda mrefu, tunataka ruhusa hiyo tumpe fursa pia yeye azungumze au mtu mzee au mtu mgonjwa au wanafunzi ambao wanataka kutoa maoni na warudi darasani. Ikiwa kuna mtu yeyote ana sababu ambayo anaona inamfanya yeye kuomba kufikiwa azungumze mbele ya wengine atakwenda kwa Program Officer ajieleze halafu ombi lake litaletwa kwetu. Sisi hatuwajui wote tutatazama ombi kufuatana na maelezo unayotoa au si sawa hivyo? Sawa haya ukishaitwa jina kwenye form hii utakuja ukae pale kwenye kile kiti useme kwenye microphone jina lako kwanza uanze na jina kwa sababu tunarekodi verbatim, ni muhimu utaje jina lako wewe mwenyewe tusije kuwa na sauti lakini hakuna ingawaje tutakuita lakini wewe ukija pale uhakikishe useme mimi ni fulani wa fulani halafu utoe maoni yako. Hili ninalosema sasa ni muhimu sana. maoni tutakuomba kwa hisani zenu ukitoa maoni utoe mapendekezo. Hili ni la muhimu sana utoe mapendekezo. Sisi tuna uzoefu mkubwa. Kazi hii kwa

sababu tulikuwa tunafuata uelekeo wa alphabet ya kingereza katika kwenda mkoa hadi mkoa. Tulianza na Central province tukaenda Cost province, na huu ndiyo mkoa wa mwisho tunafanya kazi hii. Kwa hivyo tuna uzoefu wa kutoka mwanzo mpaka hapa tunapokuja kumaliza kazi na tunajua ikiwa mtu atazungumzia mapendekezo anayotaka yatiwe ndani ya katiba hatachukua muda mrefu. Lakini ukija hapa ukianza kusema hadithi ndefu kuhusu kutoka mkoloni alipofika hapa useme mwingereza kwanza alifika Mombasa, si kila mtu anajua hivyo, akatoka Mombasa akaanza kuja huki si mnajua hivyo. kwa hivyo historia ukiwa utatoa historia iwe ni historia unatoa na inafuatiliwa na pendekezo ikiwa inazungumzia shida ya wakenya maanake sisi wote ni wakenya tunajua shida zetu. Ikiwa unazungumzia shida, itaje shida uwende kwenye pendekezo ukituacha kwenye shida utakuwa sasa. Sisi tujiamulie itatuliwe vipi. Lakini mtupe mapendekezo yenu. Sijui kama mnanielewa.

Jambo lingine ambalo leo tutatoka kidogo pengine nje ya mila, desturi na ada zetu kama waafrika tunajua ni ada kwetu kufanya mambo mawili. La kwanza ni kuwaheshimu watu waliofika viongozi wa watu baadhi mbali mbali na pia kuzungumza mambo yanaleweka katika ufasaha wa kiafrika. Basi ni ada kwetu kuja hapa ukifika hapa usome ma-commissioner leo tunawashukuru sana mumefika tungependa kuipongeza mwende hivyo. uzipunguze nini hivyo ndiyo ada yetu, umtambue mheshimiwa Musikari Kombo, umtambue D.O., chief kabla haujaanza kuzungumzia mambo yako au sio, tunafanya hivyo. Leo kidogo tutoke kwenye mila hivyo kwa leo tu ili ukifika pale useme mimi ni fulani wa fulani mapendekezo yangu ni haya. Na wala hatutasikia vibaya kwamba umetukosea heshima na nina hakika mheshimiwa Musikari Kombo hatasikia vibaya kwamba umekuja haukumtaja. Lakini kwa sababu ya muda wetu mfupi leo tuache mila hiyo kwa sasa. Sijui kama tutakubaliana kwa hiyo. Sawa?

Lingine ambalo ni la muhimu sisi kufahamu ni kwamba ukimaliza kutoa maoni yako commissioner mwenzangu au mimi naweza kukuuliza wewe swali ili ufafanue jambo ambalo pengine hatukuelewa au tunataka ufafanuzi zaidi. Kwa sababu tunakutakia utoe mambo kwa kifupo. Tukiwa tumnakuuliza swali ukiwa unajibu lake tunaomba utupe, lakini ukiwa haujalifikiria swali hilo, usijaribu kwanza kulifikira swali hilo na uliache hivyo hivyo. Sijui kama tumeelewana.

Haya kuna njia tatu ya kutoa maoni. Njia ngapi? Tatu. Njia ya kwanza ni kwamba uwe na maandishi umeandika mswada au memorandum, umeandika na unayo hapa. Ukiwa unataka kutoa maandishi haya bila kuzungumza hata hivi sasa nikimaliza kuzungumza unaweza kwenda kwa Program Officer Hassan ukatoa maandishi yako uka-sign register na memorandum yako tutaichukuwa na tuna njia ya sisi kushughulikia kila memorandum inayokuja na huhitaji kwenda pale kuzungumza. Sijui kama imeeleweka hiyo. Njia ya pili ni wewe uwe na memorandum lakini unataka kuja kugusia mambo muhimu yaliyo katika memorandum hiyo ili watu wengine waliohudhuria hapa wafahamu unapendekeza nini kwa tume ya kurekebisha katiba ya Kenya. Ikiwa una memorandum ya aina hiyo tutakuomba utoe maudhui muhimu. You will only highlight the important points sijui kama tunaelewana? You will only highlight the important points, kwa sababu the details sisi tutazi-process. Memorandum utatuachia sisi unapewa fursa kuzungumza ili wengine kwa ufupi waelewe unapendekeza nini. Utapewa dakika tano katika dakika tano hivo utoe hayo mambo muhimu.

Njia ya tatu ni kwamba wewe ni mkenya ambaye hautaki kutoa mapendekezo yako kwa maandishi, unataka kuzungumza yaliyo moyoni mwako na kichwami mwako ka ulimi wako, utoe tu kwa maelezo. Hiyo pia inakubalika lakini pia tutaomba ututajie mambo muhimu na mapendekezo sijui kama tumelewa. Pia wewe tutakupa dakika tano lakini ikiwa bado una mambo muhimu ya kuzungumza hatutakuzuia ila uwe na mambo muhimu na mimi nitawaomba ruhusa kwa sababu mwenzangu kaniomba mimi mwenyekiti wa kikao hiki nitawaomba ruhusa kwamba ikiwa kuna mtu atatoka katika mwelekeo huu ninaotota mimi

nimpe ruhusa ya kumrudisha katika mwelekeo nimewaambia Bwana pendekezo au rudi hivi sijui kama mnanipa ruhusa hiyo. Mnanipa ruhusa hiyo. Lugha ambazo zitatumika hivi leo ni kiswahili ambayo ni lugha yetu ya taifa na mimi mumeona nimetumia kiswahili sio tu kwa sababu ni lugha yangu ya mama lakini kwa sababu ni lugha ya taifa, tutatumia kingereza lakini tukituma lugha nyingine ambao ya Kenya ambayo itatumika hapa na watu wengi na mimi naelezwa hapa lugha inayotumika hapa na watu wengi ni kibukusu. Ni kweli hiyo na ikiwa kuna lugha ingine ambao inatumika pengine hapa nitatueleza tutatafuta mtu wa kutafsiri lakini mimi nitakuomba hivi ambayo si ya kiswahili au kwa kingereza katika masharti mawili peke yake. Sharti la kwanza ni kwamba useme kwamba unajieleza kwa kiswahili au kingereza. Na sharti la pili ni kwamba kuna mambo mengine sisi tunajua kama wafrika huwezi kujieleza kwa lugha pengine ni kiswahili au kingereza unaweza kujieleza kwa lugha ambayo unajihisi ya kwamba pengine unaota ndoto nayo. Katika masharti hayo kwa nini nasema hivyo. ikiwa unamudu kutumia kiswahili au kingereza lakini ukalazimisha kutumia kibukusu ina maana kwamba tutachukua muda wewe kutoa maoni na tutachukua muda wa kutafsiri. Utakuwa umechukua nafasi za watu wawili. Sio kwamba tunazui mtu kutumia kibusu lakini ikiwa unaweza kutumia kiswahili unajimudu tumia kiswahili au kingereza lakini ikiwa unataka kutumia kibukusu hakuna mtu atakuuliza kwa nini unatumia kibukusu au kwa nini unatumia kiswahili. Mambo mpaka hapo tumelewa vizuri.

Mambo mawili ya mwisho. La kwanza kwamba wewe unalindwa kisheria kwa maoni yoyote unayotoa hapa usiwe na uoga, ukafikiria kwamba baada ya kutoa maoni yako hapa kuna mtu atakufuata akuulie maswali kwa nini ukasema hivi usiseme hivi au kwa nini haukusema hivi. Maoni yako unaheshimiwa na unalindwa kisheria vile tunavyolindwa sisi ma-commissioner katika kazi yetu sheria inakulinda pia wewe. Juu ya kusema hivyo mtu anayetoa maoni yake hapa ni yake. Ikiwa amefurahishwa nayo tafadhali usishangilie sijui kama mnanielewa? Kwa sababu gani usishangilie? Kwa sababu moja tunarekodi mambo haya na pengine kelele za kushangilia zitapoteza maneno unayosema. Lakini pili ikiwa utashangilia unayoyapenda yale yatakayokukasirisha wewe utafanya nini? Utazomea, kwa hivyo hatukubali kushangilia wala kuzomea. Ukiwa umefurahishwa na jambo furahi nalo moyoni mwako ukiwa umekasirishwa na jambo kasirishwa nalo moyoni mwako, ukipata fursa wewe kuja kuzungumza wewe useme mimi sikubaliani na lile au naunga mkono na lile. Sijui kama tumelewana hivyo.

La pili na la mwisho ni kwamba ukiwa unapewa haki ya kusema unayotaka ina maana kwamba unawajibu fulani unataka kwa jibu kwamba hatukubali hapa kuharibiana majina uje utaje mtu kwa jina useme fulani wa fulani. Useme Abubakar Zein mtu mbaya sana. Sisi twakata mapendekezo ya katiba na uzungumze taasisi uzungumze viongozi lakini usitaje watu kwa majina yao. Sijui kama tunaielewana. Kufikia hapo sisi kwa kawaida huwa tunauliza kuna mtu yeyote mwenye swali ambayo si maswali kuhusu vijitabu vile tumewapa vya maswali na maswala au mambo mengine kuhusu mambo niliyoyasema leo. Kuna mtu yeyote mwenye swali hapa? Kwa vile hakuna mtu mwenye swali nitasema la mwisho ambalo ni mzee umebadilisha nia yako una swali njoo huku mpaka utaje jina lako kwenye microphone njoo utaje jina halafu uulize swali.

**Eric Wambasi:** Jina langu naitwa Eric Wambasi mimi ni program officer katika jimbo la katoliki Bungoma. Na mimefikiria kwamba nikija hapa katika wakati wangu labda utaisha kabla sijamaliziwa hii hofu. Kwa hivyo kwa kweli nina hofu. Hofu yangu ni hivi swali Bwana commissioner tulipokuwa nanyi Kakamega mlipokuja katika mkutano wa kwanza kabisa mlitauliza ya kwamba tuwape mapendekezo na tukawapa mapendekezo na tulisema kwamba tulitaka huu utaratibu usiambatane hata kidogo na ile calendar ya bunge lakini sasa twaona ya kwamba mambo yetu imechanganyika na kisiasa ya succession na hatujui kama

mlivyo hapa mtachukua maoni yetu very seriously.

**Com. Zein:** Maswali yasiongezeke. Unataka swali gani njoo haraka basi lakini kwa kumjibu huyu pengine na wewe utapata jawabu lako. Kwanza hilo ni swali la kisiasa ndugu yangu ukauliza swali la kisiasa sisi kama tume hatujibu maswali ya kisiasa lakini nitamjibu kwa kusema hivi. Sisi tunatekeleza sheria kama ilivyoandikwa na bunge. Tumekusanya maoni katika mikoa yote na huu ndiyo mkoa wa mwisho tukimaliza kusanya maoni sheira ya bunge inasema mtafanya hivi na hivi kweli kuna mapendekezo kwamba tuliomba sisi muda wetu uongezwe kwa sababu tulikuwa tunajua ikifika October tutakuwa hatujamaliza kazi yetu. Kuna pendekezo kwamba tuongezwe muda lakini sheria haijabadilishwa. Kulingana na sheria ilivyo sasa tutaitekeleza sasa sheria ikibadilishwas tutatekeleza kama sheria utakavyokuwa wakati huo. Ikiwa una swali kuhusu sheria hiyo ibadilishwe hivi au vile au ifanywe hivi au isifanywe hivi mtu akisema naye ni mheshimiwa mbunge hapa. Yeye ndiye atakayekuwa bungeni kuchangia sheria hii itageuzwa hivi au hivi. Sisi tumekula kiapo kutekeleza sheria kama ilivyo wakati huu. Na tunatekeleza sheria hiyo na ombi letu kwa bunge walipata na kama wamesema muda mliyotaka nyinyi ni mwingi sana tutaongeza only kuna hiki tutangojea mpaka sheria hiyo itakapo fanywa halafay tutawambia wakenya tumebadilisha kazi zetu vipi kulingana na mtakwa ya sheria. Na unajuaje sheria utakubadilishwa vipi. Ziongezee mpaka sheria utakavyobadilishwa ndugu yangu. Sijui kama nimekujibu. Sawa.

**Millcap Changa:** Millcap Changa ni mkaaji wa Webuye. Lakini kama mkenya mwenyewe ningependa kuuliza tume kwa vile Kenya kawaida yake hatujawahi kuona kazi za tume zozote ambazo zinazo sheria anyway nazianzishwa na serikali kwamba tume ifanye kazi fulani na imalize tuone matokeo yake. Sasa tuna hakika gani kwamba hii tume itakuwa tofauti na hii mapendekezo ile ...(inaudible)...

**Com. Zein:** Mzee huyu kijana ndugu yangu, sijui tunaielewana. Mkisikiliza vizuri nilisema mniulize maswali kuhusu mambo niliyosema mimi sijui mnanielewa kwamba ni lipi mkuelewa kuhusu kutoa maoni.

Idili ni swali kuhusu elimu ya uraia ambayo tulijaribu kabla ya hapo. Na mimi nasema niulize swali kuhusu jambo gani nililosema mimi leo hujaelielewa lakini nitakwambiwa hivi soma sheria. Sheria inatuhitaji sisi tukishamaliza kukusanya maoni yenu tutoe ripoti ya constituency, kila constituency tuseme haya ndiyo tuliellozwa halafu tutoe ripoti ya kitaifa, halafu tutoe mswada wa mapendekezo ya kubadilisha katiba. Sheria inahitaji tufanye hivyo. Hizi tume zingine unazozitungumzia wewe nyingi zao ni tume zinazoundwa chini ya mamlaka ya rais na mbunge wenu yuko hapa atawaambia ndiyo hivyo na tume hizo huundwa ili kumshauri rais sijui kama unanielewa.

Basi nafikiri hakuna maswali yanahusiana na mambo niliyosema mimi, maswali mengine. Nilikuwa nasema la mwisho ni hivi ya kwamba mtu ambaye pengine mnaruhusiwa kumshangilia ni labda mwanafunzi aje azungumze au mheshimiwa mbunge alioko hapa lakini watu wengine tunafuata sheria zilizoko hapa sasa ningepomba tuanze na mtu wa kwanza ameandika kwa mcharazo nitaomba nikiwa nitakosea kulitaja jina la mtu najifunza majina ameandika Jonathan Poipoi ni huyu mzee wangu.

**Jonathan W. Poipoi:** Kwa majina yangu ni Jonathan W. Poipoi.



**Com. Zein:** Mzee naona una memorandum. Kwa hivyo tuchagulie yale muhimu tu utupatie. Asante.

**Poipoi:** Ya muhimu kufuatana na hizi memorandum vitu ambavyo nilionelea kwa hizi memorandum ni karibu saba. Cha kwanza wanapendekeza ya kwamba ni heri tuwe na Supreme Court in Kenya, cha pili tukiwa na Core institutions, these are Executive, Legislature and Judiciary that chief should be independent. Thirdly, the students are suggesting and other people that we better have 8-4-2-3 system of education of about 17 years that is to say in primary 8 years, secondary 4 years, higher 2 years and 3 years in university. The fourth one that a body or if possible an organ should be set to be checking on importations, kwa sababu tumeonelea vitu vingine vinaingia kwa nchi hii na vimeharibu our industry. Vinawezapatikana hapa lakini unaona wanaleta vitu vingine vya nje vimeharibu kwa upande wa nguo, industry za nguo zimeharibika na kwa hivyo watoto wetu hawana kazi. Kwa hivyo we want importation to be checked on.

Five, that in Kenya we better have only three parties because if we have more than those parties it means we shall be having many by-elections and this will bring some problems in Kenya.

Now about land, the selling of land has become a problem in this country. Kama familia au baba anataka kuuza mali ni heri familia ijue ni heri ukoo ijue na heri the community ijue kwa sababu shamba, the people are selling farms in Busaa clubs na watu wanataabika sana.

La saba, that the boundaries should be respected, tulikuwa na boundaries ya sub-location, ya location, division, district na ya provinces hata ya nation should be respected. Kama ilikuwa na location nataka kuwa division lazima iwe ndani kwa hiyo boundary ambayo ilikuwa ya kwanza. Na kama ikiwa division inataka kuwa district lazima iwe hivyo hivyo. Kwa hayo machache, Mungu awabariki.

**Com. Mosonik:** Ni haya maswali mawili. La kwanza umesema masomo yawe miaka 8-4-2-3 na umesema miaka 17.

**Poipoi:** Lakini hiyo sisikii vizuri

**Com. Mosonik:** Miaka 17 ya masomo. Sasa ni kumi na sita kwa ajili gani ukaongeza moja?

**Poipoi:** Kuongeza moja ndio kusema kama mtoto akimaliza hii miaka 17 awe kama ako mature kwa sababu watoto wengine wanamaliza masomo wakiwa wachanga tu na tena wanataabika bure.

**Com. Mosonik:** Kwa ajili ya 8-4-4 ni miaka kumi na sita na kabla hiyo ile A'level ilikuwa miaka 16. Sasa ukisema tu kwa ajili ya umri ama kuna sababu ingine kwamba hawasomi vizuri

**Poipoi:** Sababu ingine kuongeza tu hii ya higher education ilikuwa inafanya checking kwa upande wa wanafunzi akipita tunajua anaitwa kwa university na wale ambao wanabakia ndiyo wanenda kwa courses. Sasa kumaliza watoto kuingia wote form four na wanataka kuenda kwa university wengi wanaacha wamelipa karo lakini inaenda tu bure.

**Com. Mosonik:** Na kama wakati ule primary school ilikuwa miaka saba sio nane.

**Poipoi:** Mimi nazungumza kufuatana vile nilikuwa mimi. Nilimaliza standard 8, ilikuwa form two at Bokoli, nilifanya KAPE 1956 and at Kamusinga they had higher they had form 4 upto form 6 and from there they were going to the university for 3 years that is why I say we revert to that sort of education.

**Com. Mosonik:** Okay so we are in old system now. Ya pili swali.

**Poipoi:** Lakini hiyo sijui.

**Com. Mosonik:** Najaribu sana vyama vitatu vya siasa ni wakati huu tuna vyama zaidi ya arobaini na tano. Je vile vitatu vitakuwa vipo ukiulizwa kati ya almost fifty parties registered now, which three are you proposing?

**Poipoi:** Hivi vitawezekana kwa sababu uchaguzi uko mbali. They can come together halafu view vyama ni tatu. Viwe tu wana mwelekeo kama wa Amerika na wa England na kwa sababu vikiwa vingi they will be tribal na hili ndiyo italeta tribalism mingi na hatutaki hii.

**Com. Zein:** Umeulizwa sio ati anabishana na wewe kuhusu kupunguzwa kwa vyama vitatu. Lakini tutumie njia gani ndiyo tufikie hivyo vyama vitatu. Tutatumia njia gani ikiwa haujafikia sema utafikiria nini, lakini kama unafikiwa tutumie njia gani ndiyo tujue ni vitatu vipi halafu pengine mimi swali langu ni kuhusu mipaka uliyozungumzia. Unasema tuheshimu mipaka, mipaka ipi tuheshimu, ile ya 1963 au iliyoko hivi sasa?

**Poipoi:** Hata tuheshimu hii mipaka ya district for example juzi juzi hapa Bungoma ilikuja ikiwa kwamba wachukue ma-location mengine yaende kwa district ingine Malakisi, lakini tukaonelea mipaka ambayo ilikuwa ya kwanza tulikuwa na three chiefs in this country. Tulikuwa na Kukubo, Judi na Amtalla na hii ndiyo nchi ambayo na huko Mt. Elgon ilikuwa Tendet they were four locations. Tendet ulivyoenda ikiwa district peke yake na sisi ambayo tulibaki na location tatu ndiyo tukawa Bungoma district. Sasa district ingine ikipatikana wachukue kipande kimoja wapeleke upande mwingine ndiyo wanaleta mzozo sana.

**Com. Zein:** Sasa iwachwe hivyo hivyo na ilo swali la vyama.

**Poipoi:** Hiyo swali ya vyama. Hii ni mapendekezo ya watu kwamba they can unite. Now we have NAC, KANU and if there is another party then let this party go in for election so that we can get the best President.

**Com. Zein:** Asante sana mzee. Uende utoe hiyo memorandum pale halafu ujiandikishe. Eliud Kakai karibu bwana.

**Eliud Kakai:** Asante bwana commissioners, mbunge wetu na wananchi, hamjambo. Mimi naitwa Eliud Kakai, ni mkaazi wa Webuye town municipality, constituency ya Bungoma district. I am representing environmentalist an environmental group known as Webuye Environmental Protection Advocacy Network where am the chairman. I am also the chairman of the ACK environmental committee.

I have just one point which I want to present to this commission and that has got to do with the environment. Now the environment rules of this country ladies and gentlemn are very bad and they need to be addressed very seriously because the existing rules tend to favour rich individuals or rich pollutive companies to such an extent that toady the majority of the Kenyans and especially the people of Webuye to their aid. For example, this town Webuye to be very sincere has an environmentalist I want to tell you very frankly that it is one of the most polluted towns in sub-saharan Africa. The most polluted kabisa and this condition of environmental degradation has come about because the government has a represented protectionist policies against the polluter companies. This town is the home of two very important companies, the East Africa Heavy Chemicals Company and Panpaper. These two companies contribute quite substantially to the economy of this country, we appreciate what they do but they also have a responsibility to see that they operate in a healthy environment.

These companies have degraded these regions to an extent that at one time wananchi of Webuye and Bungoma who are very healthy and economically self reliant today they are languishing in poverty absolutely. Any little money they spend it has got to go to their health. An environmental impact assessment which was done recently ladies and gentlemen established beyond reasonable doubt that may be unless something happens it is impossible that the people of Webuye and its surroundings will ever gain their economic ground again because it solves on.

It has been established that annually every year, 13,715 people in this area are suffering from a wide range of respiratory related diseases; Bronchitis, Bronchopneuomonias, Chonchtirisis, Asma and now cancer of the lungs and throat. Yearly we have employees of these companies who are dying of these diseases and today the recent reasearch findings indicate that children are being born with retarded intelligence which means mnazaa watoto wenye hawatakuwa na akili na watoto wenye they cannot be leaders and we are talking about children being future leaders. How will they lead this country if they are retarded? It is going to be impossible.

Secondly, these children most of them are being born with retarded production systems. Watoto wasichana wanazaliwa and they grow up without development of the breast. Who is going to allow the daughters to grow up without breast because they will never give birth. And the children boys are being brought up with very small organs hata wakati wa kutahiri kama sasa mtoto akienda, akija kutahiriwa even the circumcisor does not know what to do with that child.

Economy; agriculture is the mainstay of our people...

**Com. Zein:** Bwana Eliud two things, the first one is that you are making submissions to us, to the constitution of Kenya review commission. I know you want to advocate for the position you have taken with your organisation. That is why you are addressing the people but I will kindly request you to make your submissions to us. Wait that is the first thing. The second part is this that you have so far only dealt with the problem if you could kindly sir because it would be very useful to the commission

recommendation as to how we can solve this problem what kind of environmental framework you will visit and what kind of constitutional provisions that this should be put in place in order to protect our environment.

**Kakai:** Thank you sir, now let me come to the recommendations which we feel that should be incorporated in the new constitution to cater for this.

First we feel that the new constitution should institute a comprehensive environmental protection policy that will help check the environmental abuse. For example, there should be public policy based on mutual respect and justice for all people free from discrimination and bias. So what am talking about is those protectionist policy should go.

Secondly, another example session or shopping of production of all toxic, hazardous waste and that all past and current producers of these toxic emissions should be held strictly accountable for the toxification and containment at the point of production that there should a provision for the right of the victims of the environmental injustice to receive full compensation and reiterations of damages as well as quality health care. The new environmental act of course provides for the polluter to pay principle but this is just a piecemeal and there is no muscle on it.

Also the right of the waters to assess and healthy work environment without being forced to choose between unsafe childhood or unemployment. That provision should be there so that a person looking for a job and the employer makes sure that the work environment is conducive. Also the right to participate as equal partners at every level of decision making including assessment like the environment impact assessment we have people from abroad or from Nairobi coming to make an environmental impact assessment here but the common mwananchi who is affected is not invited to attend or get the views. That is not correct.

Secondly, the new constitution should institute a thorough review of the licencing of saw millers and other users of the wood vest national to safeguard the depletion of forests. Thirdly, there should be a law to establish special environmental coach to deal with explicitly with cases related to the environment. At the moment these cases are going to the ordinary courts where even the magistrates has not qualified to deal with these cases and they keep on postponing and this postponement gives way to corruption and the common person suffers because at the end of the day he has nothing to do. We have in courts today cases which have been lying there for 30years and they will never come at all. So the establishment of this special courts will allow that the arbitrators are also qualified environmentalists and they can deal with these cases.

Fourthly and lastly, the law should develop an alternative technology for use of the natural resources. For example, the users like now the paper mill who says that paper can only be made from wood and they keep on cutting from everywhere. We now have these institutions or the factories should now come out even the government with alternatives or suggestions for example this country being agricultural base, we have a lot of agricultural attributes which can go to paper making. We have the gas which is being ...(inaudible)... this kind of things.

So ladies and gentlemen that is my contribution. Thank you for listening.

**Com. Zein:** Thank you very much Bwana Kakai, just hold on, thank you. So when you go to the recommendations that is the most important part than just telling what the problem is. I have one question for you. When you say that we should establish mechanisms if I understood you correctly we should establish mechanisms where the local community can participate in impact

assessment processes. What do you have in mind? Is it open forum or they should be able to scrutinize draft impact assessment and respond to it and make any objections if they want. What exactly are you thinking in terms of mechanisms? If you have not thought through it is alright.

**Karai:** Actually, in view of the basics now for example a new factory may want to be established may be a chemical based factory or manufacturing. It has its economic profits but then the wananchi, the people, target group, the people who are going to be affected by the present that establishment should also be asked on what are their views. Right now for example ...

**Interjection:** ...(inaudible)...

**Com. Zein:** We have already recorded that but am saying Bwana Kakai, what form of participation would you like this to take? The way the environmental impact assessment is done now? People if they are consulted is to be asked questions. But you are envisaging a situation where the people input will play a large role in defining that assessment. I am asking have you thought of a mechanism? If you have not thought of a mechanism it is alright, we will think of some sort of mechanism but ...(inaudible)...

**Kakai:** I will talk from the point of view or for example of this area, I have gone through a long list of the ailments now is somebody you said that if you claim that you are having Tuberculosis, or you are having Asma or you suffer from such a disease and we feel that it is coming from this environment. The company will be the first to come and say what is it. They will say for instance now they say you talk of something like mercury like let us say it has been traced to mercury, this company will come up and say we don't use mercury in the manufacture of paper. You see that, but mercury is a by-product of waste paper which they use.

So now if I was asked now how do you feel which means then the situation that thing where does it come from. My house is coated, why is this? so when they come out they will see because that is the end effect of the activities. That is what I mean.

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

**Bwana Kakai:** And also just one point. We feel that such mistreatment should actually benefit the wananchi. This town is the poorest ever and yet the richest because...

**Com. Zein:** No my brother, now you are going back to the part where you were doing before you made recommendations. Please you made your case very clearly, very forcefully you have written a memorandum. Please leave the memorandum with us we will process. Thank you very much Bwana Kakai. Bwana Wanyama S. Saranja.

**Saranja Wanyama:** Mimi jina langu ni Wanyama Walubengo Saranja. Na mimi nimefurahi kwa wakubwa wakurekebisha katiba kuja hapa Bungoma. Tuna huzuni mingi kwa maneno ambayo parliament inatufanyia au maneno tunaona mabaya. Mimi

mwenyewe nimewahi kutuma marekebisho yangu huko kwa ofisi ya katiba na wamenirudishia barua wanasema wamepata. Na maneno ambayo nataka kusema mheshimiwa ametoka nje. Nilikuwa nataka niseme mheshimiwa, iko hapa maneno ambayo sisi hatutaki sana nitafanya aje?

**Com. Zein:** Sasa mzee wangu hiyo mimi umri wangu si mkubwa sana lakini hiyo inanipa akili ya kwamba unataka kufanya siasa. Ngoja mzee wangu nisubiri. Ikiwa unataka kutoa maoni kwa mheshimiwa nitakupa fursa umfuate mheshimiwa umpe maoni. Lakini ikiwa unataka kutoa maoni kwa tumeya kurekebisha katiba utupatie na kuna vile umesema tayari tushakuandikia barua tumepokea maoni yako. Endelea utoe na mheshimiwa amerudi kwa hivyo umesema unataka mheshimiwa arudi. Sema sasa.

**Saranja:** Mimi natoa maoini yangu. Kitu ambayo inahusu sisi nchi hii hapa Kenya. Sisi tulliumbwa na Mungu, na Mungu alimpa katiba ambayo tunaishi nayo hapa nchi Kenya ndiyo mnatuona sisi tunakaa hivi tangu mimi nilizaliwa niko na miaka sabini na sita. Sasa...

**Interjection:** ...(inaudible)...ile ya wakristo, waislamu ...(inaudible)...

**Saranja:** Ya kwanza Mungu ambayo sisi alitupa, alimpa uwezo sisi wanaume na wanawake...

**Com. Zein:** Mzee sema unapendekeza nini kuhusu wanaume na wanawake. Mapendekezo yako ni nini?

**Saranja:** Mapendekezo yangu kwa wanaume na wanawake. Sisi Mungu hakumpa mwanamke uwezo. Tunataka wanawake wasiombe uwezo kwa binadamu hapa duniani, hapa nchini Kenya.

**Com. Zein:** Sasa sema wanawake ...(inaudible)... nyuma ...(inaudible)... tuheshimiane ...(inaudible)... haki za wanaume na za wanawake ziwe sawa. Kwa sababu ...(inaudible)... sasa kwa hiyo ...(inaudible)...

**Saranja:** Mwanamke hatakiwi kurithi mali ya bwana yake.

**Com. Zein:** ...(inaudible)...

**Saranja:** Ndugu ya bwana ndiye anarithi mali ya bwana.

**Com. Zein:** ...(inaudible)...

**Saranja:** Ya pili, mwanamke hawezi kugawana mali ya bwana wake. Sisi hatutaki. Ya tatu, sisi tangu Mungu aumbe dunia alimpa maisha ya kuishi naye akampa mama yake ya kukaa na yaya. Tangu Mungu aumbe dunia alimpa uwezo sisi wanaume na

mwanamke hakumpa....

**Com. Zein:** Kwa hivyo mwanaume ...(inaudible)...

**Saranja:** ndiyo

**Com. Zein:** ...(inaudible)...

**Saranja:** Awe damu ya bwana yake (laughing) kwa mfano wanawake wasichana ambao mabwana wao wamekufa wanawake hao sasa wamekataa kuolewa na watu wengine wanakimbia wakitangatanga tu wameeneza ugonjwa hapa Kenya sana

**Com. Zein:** Sasa mzee unataka watu ...(inaudible)... kuolewa na wale wanaume ...(inaudible)... na wao.

**Saranja:** Unajua mwanamke hawezi kutoa kwa amri ya baba yake. Mwanamke akifa tena anarudi kwa baba yake. Baba yake tena anampeleka kwa mtu mwingine anampa mali.

**Com. Zein:** ...(inaudible)...

**Saranja:** Bila kubishana mwanamke hana maneno ya kubishana (laughing). Inginge sisi tunaona wanawake wakipewa uwezo wataharibu watoto vijana na hawa maanake sisi tunaona huku nyumbani reserve wanawake wale mabwana wao wamekufa ndiyo wanaambukiza ugonjwa wa ukimwi. Maanake hata nyinyi mnajua siri yao ambao mnaona wanasema hawataki kukaa na mabwana mnajua siri yao hata nyinyi hampotei.

**Com. Zein:** ...(inaudible)...

**Saranja:** Hapa mwanaume hapana kuambukiza mwanamke ndiyo anapunguza. Mwanamke ndiyo anampa ugonjwa mwanaume (laughing). Inginge karibu inakwisha maaanake mengi mimi niliandika nikatuma kwa ofisi ya katiba...

**Com. Zein:** Keti hapo hatuna swali tafadhali ...(inaudible)... Absalom Wafula? Mzee karibu.

**Absalom Wafula:** Thank you ladies and gentlemen. Honourable guests, yangu mwenyekiti nilikuwa nimetengeneza sala, can I deliever it to you. Jina langu ni Absalom Wafula si umesoma hapa kutoka Misikhu location, Webuye. Kwanza nilikuwa na sala langu kuhusu constitution. I had a prayer to add this one can I deliever it.



**Com. Zein:** ... (inaudible) ...

**Wafula:** Thank you ... (inaudible) ... Mr. Chairman it is very long. It is beyond five minutes can I just leave it there for delivery. Let me go through it roughly. I just want to begin. I have written this one so please listen if you don't listen, you won't follow.

When the principle actually established all the irrelevant ... (inaudible) ... constitutions and then we were forced to leak and Kenyatta took charge and functioned exactly like the British had been doing. Kenyatta was shortly a Prime Minister and later was revolved into a constitutional President with absolute powers on view of his long struggle for we had freedom. As Africans we had mecenary vocabulary. Titles like the Provincial Commissioner, District Commissioner, District Officer, Chief, Permanent Secretary, Assistant Secretaries were usually retained to ape the developed white man who no longer use such titles in their own government. The above titles represent repressive instruments of the colonial powers of which Kenyatta and also wisely refused to remove and continued to use subjecting the other tribes to frustrate the colonization.

In Kenya therefore the Kikuyus become a colonizing power in the country over other tribes. Key positions in the government were manned by the Kikuyus because of their awareness of what it meant to be free. The Kikuyus seemed to have come from another land and treated the rest of the tribe as second hand residents. The Kikuyus had the power and therefore the money. They tailored policies that were geared towards benefiting them for example willing buyer willing seller. They knew they had the money and could buy land anywhere in Kenya because it was easy for Kikuyu to get loans than the other tribes. On this score you will be able to find that Kikuyus are everywhere. In all settlement schemes ranging from the Coast to Kapenguria. They are all in towns from Marsabit to Busia except in far areas like Ukambani where they found tough Mutisya who did not want them to toss their land with money. You don't find other tribes settled in Central Province or doing business or doing anything to that effect. Kikuyus who have settled in other peoples land like in Western Province and among the Maasai land in Rift Valley are socially arrogant and egocentric, assertive and cloth themselves in all-knowing attitudes.

The political aching that has been in the media for now a long time is born again child of the Kikuyu legacy and mentality. They have eaten, will and were it not for that kind of satisfactory eating the Kikuyus and have hatched an excessory ... (inaudible) ... against the present cake eaters. Yet a new modern sense could direct and put Moi in charge primary protecting Kikuyu economic interest. Moi has succeeded the Kalenjin have also eaten and continued to eat whatever was left over by the Kikuyus. These are only but the two tribes. These are tribes in Kenya understand goodness of both the economic and administrative power in this country. The remaining forty tribes continue to be colonised and are subjective to corrupt now handed out by the Kalenjin. What ideology is this represented by the eating maniac? The man eat man system where nepotism, bribery and corruption are silent movers and where merit, morality and integrity are thrown to the door, but the evolution of things tend to indicate that other tribes too must eat what will they eat. Someone might ask very little has been left over but the two tribes have pirated the public coffers for 15 years by the Kikuyus and nearly 30 years by the Kalenjin. It is therefore now mandatory that a new constitution must put in force to nature fairness, democracy, merit and justice for the survival of the nation. We lack a national cohesion because of the colony differentials incidentally very little remains to be eaten. The new people constitution must reduce excessive powers of the President so that he does not hold around himself his immediate next of kin to plunder state resources as is the case and the time of writing. The President populous practise where a President



leaves should go round the country spending so much tax money on the motorcades here and there dishing out a few thousand shillings to economically starved citizens who might be singing his songs of praise to him and the government side have been signalled to abject poverty via unemployment, corruption, negligence and inefficiency must be rejected in total. We yearn for the day when education will be streamlined so that quality education will become the national criteria for recruitment and promotion in the public service. To have this said before the new constitution must be drawn and the colonial constitution set aside in the archives for reference only. We should embark on a constitution that must reduce excessive colonization of other tribes by those who are in both economic and administrative powers. In the view of the foregoing about by the spirit of our ancestors to propose as follows. Presently the powers of the President must be reduced and distributed to other functionaries for the good of this nation. We should have a ceremonial president who should be above politics. An executive Prime Minister and leader of majority party in both houses. An elected deputy Prime Minister and leader of the government business in the Lower House, he should be a running mate during election so that they belong to same political party and when he cannot dismiss at will. A mechanism should be established whereby selection and election of the President rotates so that each tribe can provide a leader in course time not only be rotating like this now they want to return to Kikuyus and the Kikuyus have already eaten (laughing). Every after give years no tribe should be ignored. We should have the speakers for Upper House.

**Com. Zein:** Where is the House

**Wafula:** Parliament

**Com. Zein:** Mzee Wafula

**Wafula:** Parliament should have two houses, nominated members

**Com. Zein:** Mzee Wafula muda wako umekwisha

**Wafula:** No but I know there are not very many people who are going to give views

**Com. Zein:** Hapana hapana mzee wangu. Mimi ndiyo chairman wa hi session. Ungekuwa mzee wangu umeanza na yale mapendekezo ungekuwa umetumia dakika zako vizuri.

**Wafula:** I wanted the preamble so that I wanted to tell you why we want to make the constitution

**Com. Zein:** I don't stop you I allowed you to read what you wanted your five minutes are up.

**Wafula:** But I have not finished. I think you are very unfair. These are some of the system you are using to suppress people's

views.

**Com. Zein:** Mzee I allowed you to say the things you wanted to say. Why do you think mzee

**Wafula:** Why are you behaving like the colonialists?

**Com. Zein:** No why mzee do you think you should be given more time.

**Wafula:** I don't see a lot of people. People are not going to give views.

**Com. Zein:** Haya endelea mzee

**Wafula:** Thank you

**Com. Zein:** Ngoja mzee nikupe dakika ngapi ingine?

**Wafula:** Kumi (laughing)

**Com. Zein:** La, there is no, mzee chungu hiyo memorandum uje upeleke huku. Peleka huku mzee

**Wafula:** Dakika tano

**Com. Zein:** Peleka huku mzee dakika tatu

**Wafula:** Tano

**Com. Zein:** Tatu

**Wafula:** tano tu

**Com. Zein:** Hutaki tatu, peleka hiyo memorandum pale

**Wafula:** No, nominated members of parliament who have intended to have special training or talent to benefit decision making and policy formation in both parliament and councils.

African leaders see no sense in this and have ruined nominations and reduced it to friends and tribesmen who tore their political line sheet up. The institutions should be scrapped off parliament and council. The cause in this things I can speak without it.

Referendum, the constitution should provide for a national referendum in case of the important national issues. It should not be left to parliament alone. Public Service Commission, this is a people's commission and it should not belong to one ruling tribe. Previous experience shows that in the past due reports the previous republican these were the leaders tribalisation was high on the employment agenda. During Kenyatta and the Kikuyu era they were the majority in the government and now during Moi's time before Kenyatta followed Nyayo, the Kalenjin are the majority in the leader. The Public Service Commission was kicked and reduced the appointment into statehouse where the kitchen cabinet and his cousin make final decision on what to do and that in the public service.

Our new constitution should strengthen public service for the good of this country. The appointment should be done on merit and reflect public opinion rather than the opinion of the president since we have 42 tribes, we should have 42 commissioners, one from each tribe to bring about cohesion in the nation by ensuring that people from every tribe were recruited in the government.

The chairman of the Public Service Commission should be approved by parliament. Ministers, this is a very ill treated species in the government. They are recruited haphazardly and are dismissed without ceremony. Our constitution should change this scheme. The ministers should serve the constitution and not the president. In spite of the cabinet we have some of the best praised among them the ministers cannot do and do not speak their mind.

The president has got to tell them what to do, what to say a very sad situation indeed. This should be appointed by the Prime Minister and approved by parliament, should be men and women of proper ability, integrity and outstanding character. The people who can't criticize the president and when the economy is going down the drain, incompetency, nothing opportunists should be discarded in favour of mentors principled and intelligent material. Once appointed should complete five years of proper planning without interruption saving critical circumstances such as death and corruption scandal.

Land, this is a single resource that has not been constitutionally discussed. It is a damn necessity that we have a ceiling of the acreage an individual should have. Quite a lot of our people own land through the offices they have held ranging from the president down to the sub-chief since independence. Majority of the people have only no offices, so they don't own any land. Land distribution should be revised and the constitution tailored to harmonise possession of land. The richest man in the country in terms of land ownership should have a thousand acres only and with good reason. The dry land which forms the two thirds of Kenya should be developed and adequate constitutional scheme should be restored to bring about water in all dry areas, North Eastern, Eastern sections of Rift Valley, areas of Nyanza and Coast so that our people do not suffer. In pastoral areas, ranches should be organised on a class co-operative basis, so that the less fortunate people in the community are catered for and uncontrolled movement looking for water and pasture is stopped.

Taxation, the constitution must come out clear on how our public funds have to be utilized. Presently it is only few people who are eating, the present armed forces, the civil service, other sections farmers and traders and common mwananchi do not benefit from the taxes. Money collected in the country at the mercy of the president this should not be the case. No single individual in this country should have excess powers to control money, appointments and all in his favour as is the case at the moment. Promoting a welfare state, taxation is a major element in attempting still a welfare state. Every single cent that start

from an individual would go a long way in enabling a citizen to lead a quality life not select few in the state but everybody born in this country.

In Kenya people are very heavily taxed but this taxation only goes to benefit a few people in the country. The present system we adopted from a colonial master should be improved upon, we should have the guts to plan for every child born here so the sum don't eat too much while others have nothing to eat. Although in this age difference include natural talents to bring about different methods of squaring wealth. Our system should be tailored to reduce excess in acquisition of things.

Education, every Kenyan child should have the opportunity to be educated to the present endowment without being hampered by things like parental poverty, negative environmenta, sheer neglect and abandonment should be a government designed to have mandatory education, from primary to university caring process for those who dropped out of CPE, ordinary and advanced levels. No child should be left at the mercy of nature to lead a life like that experienced by a *chokora* children in town. Our government must be a caring government because it collects tax via the Kenya Revenue Authority.

Establishment of a learning institution should be a responsibility of the government and should not be left to individual communities. These institutions include nursery schools, primary, secondary schools or tertiary institutions and universities should be shared between local government, private schools and allied institutions must be abolished because they represent an exploiter class.

Employment, this is an area that has generated a lot of heat in our social co-existence. All is that relates to human needs, corruption tribalism, nepotism, favouritism and manifest grossly unemployment of our youth. There should be an established fair system of merit that must be used to recruit youth in the public service. Every effort should be made to ensure that at least each and every youth include the disabled is trained to do certain jobs irrespective of prevailing attitudes. In areas like the army, recruitment should be done on a tribal basis. Recruits must come from every tribe on an even basis to fill job places so that no tribe has more palces than others. This is why we shall be promoting tribalism in a positive posture. All the youth between ages of 20-65 years should be in employment where this fails unemployment allowance should be provided so no one feels he is cheated. In Kenya for example, you will find that refugees live a better life than ordinary Kenyan citizens.

Industrialization; industries must be distributed to provinces and therefore districts in equitable numbers so that no province has more factories than others. Electricity should be everywhere in the country so the industries are not crowded in one urban area like Thika.

**Com. Zein:** Asante sana mzee

**Wafula:** ignoring places like Thika and Lodwar among others.

**Com. Zein:** Asante sana mzee imetosha hiyo

**Wafula:** Politicization, political associations...

**Com. Zein:** Mzee asante sana watu wamekuwa impatient sasa. Thank you very much. Tafadhali mzee ukitoa hiyo

memorandum kwetu tutashughulikia tutakufanyia kila kitu katika hiyo memorandum yako. Tafadhali sana. Naam because I have said we are going to give everybody equal chance sir. Nasemaje mzee hata ukimaliza hapo sisi tukimaliza kazi tutaandika ripoti including what each person is saying. Na ripoti itarudi kwako mzee. I know mzee you are not happy at all. No uandikishe jina huko tafadhali mzee, uandikishe jina kwenye register.

**Interjection:** (laughing) ...(inaudible)....

**Com. Zein:** ...(inaudible)...nilipoanza nilizungumzia kuhusu ...(inaudible).... Sasa kila mtu ...(inaudible)... si nyinyi watu wa ...(inaudible)...

**Audience:** Hapana

**Com. Zein:** Mnataka ...(inaudible)....

**Hon. Musikari Kombo:** ...(inaudible)... Webuye na mimi natumai ya kwamba maoni ambayo yatatolewa hapa hata ikiwa sisi ni wa mwisho ni maoni itaingia katika yale ingine ambayo mumeshachukua kutoka kila pahali. Najua tulikuwa wa mwisho pengine tuna yale ambayo tunasema mumeshayasikia, lakini tusikilize pia msiseme tumesikia hiyo na mtukate nje. So I will make my contribution also very brief having welcomed the commissioners on behalf of the people of Webuye. We have two divisions tomorrow will be in another division at Ndivisi. I wont be able to be with you because I will be in Nairobi and so in advance I also welcome you to Ndivisi.

My contribution on the constitution making is to make a basic statement that Kenyans have been given a chance and the people of Webuye have a chance to make a history because the constitution that has been governing us the Lancaster constitution tulipeleka tu watu wachache ndiyo watatuandikia hiyo katiba. So it is an opportunity for Kenyans to make history and I think most of you who have not made a contribution yet take it very seriously.

Second point, I want to make is that it is true there is a connection between this particulare constitution making and the elections. We cannot pretend away I think the majority of Kenyans would like to go to the next election with a comprehensive constitution in palce having been completed. And we are happy here in Webuye that you the commissioners even if you have to work 36 hours a day from now on you do so to make sure that before January 3<sup>rd</sup> when we must have had elections we do have a constitution in place (clapping). Commissioners alimukataza msipige makofi (laughing).

So kwa hivyo we concur upon you that you do whatever it takes to give Kenyans a new constitution. I think it is also giving you an opportunity as commissioners to make a history, so that iandikwe kwa kitabu ya historia ya Kenya ya kwamba commissioner huyu na commissioner yule walisaidia nchi ya Kenya to have a constitution at the time Kenyans wanted it. Having said that I want to say that the Lancaster constitution in itself will never have led down Kenyans if Kenyans had, had a culture of constitutionalism. A culture of obeying what is within our constitution, a culture of doing that which the constitution says, let us do this and that, and therefore in this new constitution, I think we should build in a civic government of approach civic

education so that every Kenyan child as soon as he is born and has reached the age of reading and writing we inculcate the values of constitutionalism so that every child that grows up understands the constitution of this country. An American child is taught from the age of 7 to understand the American constitution, here we have people who are 30, 40 years if you ask them what does the Kenyan constitution say, hawajui because we have not inculcated these values of constitutionalism in the children as they grow up. So that is point number one.

Secondly, the powers that have been touched by my friend Absalom of central government I think it has been too much. We would like the new constitution to devolve powers from the central government to the local areas so that we make local authorities much more powerful. Mimi ningependa kupendekeza kwamba the district level should be the area where we should be going but those districts have got to be changed. We do not want small districts, I think we go back to independence where in this area we had Elgon, Nyanza which composed of Busia, Bungoma, Mt. Elgon and Teso and we called those counties, they will be large economic units so that when you devolve powers to those units it makes sense. And the little districts can be sub-counties within a bigger political unit.

So we are saying let us devolve powers from the central to the people. That is the only way Kenyans can have an opportunity as tax payers. If you take an example of this are we have Panpaper, Nzoia as factories. They pay taxes to the government who would like to be able to say whatever is paid a certain percentage is spent in developing this local area. And that you can only do if we have devolved powers from the central to the local areas. The structure of the government that also we would like to see in the new constitution today's structure gives all powers to the presidency and in fact in this country the president has powers ile hata ya kushinda Mungu. You know it is too much. So we want to remove these powers and distribute them to other centres, so you have a structure of government where the president is responsible for foreign affairs and defence and gives us the ceremonial value of the nation.

Then you have the Vice Presidency which is no longer at the will of one individual called the President so that when Kenyans go to elections, they also elect a Vice President, because that person within the constitution if the President were to die he is the one who becomes our President. Therefore we should also be able to reject a ticket of an individual if the Vice Presidency is a wrong person so they give us a good ticket so we elect the president together with his Vice President. We then give that Vice Presidency sufficient powers as well and we go to another layer of a Prime Minister. And the Prime Minister is responsible for all the running of the government affairs.

Today President Moi in ten years he has only been to parliament once since multipartism started. Once to vote and yet ni mjumbe wa constituency. So we are always losing bad votes. So but if we had a president who is revolved once elected he should give up a constituency then the Prime Minister is the person who has to come and answer questions in parliament and face the wrath of the elections of the people if they have problems. So that is the government of structure that we are looking for in the coming government. We should also establish that the number of ministries should be set in my view at 18 instead of and that way they will be affected so that you will have really minister, the person who can make policies or make decisions because he has a responsibility. So ministries to be reduced so that we are not creating ministries in order to give jobs to tribes so and so and to tribe so and so and so we have ministries that make sense.

Parliament I think the members of MP should be increased and we should have true systems of electing these MPs. The present

method of first past for 210 members should be retained. We should then add another 105 members of parliament who are elected on the basis of proportional representation so that parties can give a list and as people elect the 210 they are also giving ideas on how the proportional representation should go. It is okay on that basis that we can break the present problem of where in Webuye for example the registered voters are 60,000 and somewhere in the North Horr the registered voters are 9,000. For me I have elected by 60,000 the person who has been elected by 9,000 who is no better than a councillor here because councillors here are also elected with 9,000 has got the same value as me with 60,000. We want to rectify that situation so that we could say that they will be more members of parliament coming from an area which has 60,000 because of proportional representation and also saying that 50% of those coming under proportional representation should be women. I know Saranji doesn't agree with this kwamba hataki wanawake asikike lakini mimi ningetaka kupendekeza ya kwamba tuwe na wanawake wengi katika bunge ili pia wawe na nguvu ya kusaidia. I have represented my other memorandum elsewhere but am just running through so they will be heard.

The judiciary, we do not have an independent judiciary at the moment because the appointing authority is one person we should make sure that nobody becomes a judge unless he has been vetted by parliament so that we expose our judges today to vetting mechanisms to make sure that we create an independent judiciary, to be able to phase out the current group of judges because they have security of tenure and am talking about constitutionalism. So we have to respect that so we must create another layer of a constitutional court so we start from there with the new constitution so that we have a top layer of the constitution court of people of integrity who have been vetted so that if I disagree with the corrupt lower court now I have somewhere to go to and in the process we are phasing out the current group of judges until when we have finished with them all and each time we appoint a new one we are appointing somebody who is vetted and with integrity.

This method has need tried in South Africa and it has worked so am not re-inventing the wheel. So create this constitutional court to be above all those other courts and then we can have a transition.

Our economy has collapsed primarily because of corruption. Economic crimes today we do not deal with this very effectively. I would like to see a situation where we have an independent prosecutor for economic crimes. If we rely on Attorney General who is a Member of Parliament who is a legal advisor to the government, who is also a minister and he is in the judiciary, so he is in all the arms of the government, he is in the executive, in the judiciary and in the legislature we have problems. So we must remove the Attorney General from all these arms and he remains a legal advisor we create a new ministry of justice to play with the politics. So we have a minister for justice and an Attorney General who will be independent from the executive and then we can have these prosecutions taking place without favour. You know in Uganda when Mwezi was taken task by parliament he was immediately removed from parliament by President Museveni. Here when a minister is taken to court he still fly's a flag and goes to court with the flag. You know we are mixing the executive and the judiciary and we are removing that independency. So I would like to be able to see a situation where we have an independent prosecution to deal with prosecutions and creating of a ministry of justice to give that independence to the Attorney General.

Political parties. Kenya today is a multiparty democracy and we would like to enhance that situation to make sure that it is clearly spelt out that Kenya will remain forever and ever a multiparty democracy. I think that should be stated even in the preamble everywhere wherever you can do in the making of the constitution to make sure that we remain a multiparty



democracy. I would like to be able to say that political parties will get more broader and we should not worry at the moment of legislating that we should not just have three political parties. I think the trend will weather out to smaller ones but there is a way to help to weather out the small ones. We would like to be able to say that a political party that gets 5% of the votes is financed through the tax payer so that there is money going to finance political parties. And so those ones that do not get that kind of funding they will die out naturally and those that struggle to get that 5% we are able to find them and make sure that they remain strong. Today the ruling party is able to steal money from the taxpayer to take K.I.C.C that was built by the tax payer but the opposition party which has no powers to do that has no chance of getting the wealth of the monies to use from the taxpayers. So let us legalise and in that manner we will make sure that nobody therefore because the taxpayer is funding them is allowed to use money ovyo ovyo as Absalom said when there is an entry of a job of one person there are a hundred vehicles following we will say to be a political party pay for this or di you not pay. So we would like to see that situation.

I want finally make my final submission by saying and bringing the environmental policies are not right. I think we should criminalise any organisation, person that violates the environment. And I would like to pendekeza ya kwamba before a company or an organisation gets a place, the environmental and economic assessment should be subject of parliamentary debate before it is allowed and this is done in other countries. You don't just gain a place and also say am doing this I think you have to give you a report to parliament so that it is debated, vetted and if it is right then you are given the okay to move on. There are other areas commissioners, that I would like to touch, land and all that but I think there are issues that am sure they are national and have been dealt with everywhere but I just want to wind up by saying primarily let whatever tax money comes from an area be ploughed back in that area through the method of devolution. So with those few remarks, I want to thank you for giving me the opportunity to make my comments. Asante sana.

**Com. Zein:** Asante sana mheshimiwa tuna maswali?

**Com. Mosonik:** A small one we will give it back to you. It is just this issue of courtesy with 5% votes receiving public funding also do you relate that to the issue of the ethnic basis of parties supposing there is a very big tribe and then it rarely gets 5% of the voers but it is not nationally representative.

**Com. Zein:** And mheshimiwa the two questions the first one in relation to the powers of the president and the prime minister is not clear in your submissions. Is the Prime Minister elected or selected by parliament or appointed by the President. Secondly, in terms of the units which you said will then consist of counties, should we as a nation go through a process of redrawing boundaries or should we make a reference point our historical moments and say that those boundaries at that time are the ones we should use as definition of counties?

**Hon. Kombo:** Thank you very much as to the first question I think it is actually a process of tribal reduce the political parties and through that method we are following alliances between various tribes eventually to detribalise the country and the small tribes joins the bigger tribe and gives then the votes, the bigger tribe will always make sure that the small benefits they cannot let



them down because if they do then the government will collapse. Germany is a good example for a very long time the foreign minister of Germany always from Bavaria, and Bavaria had a small party which worked with the Christian democrats had power the foreign minister will come from Bavaria so these are things that we can all copy from and work together to detribalise this country.

Secondly, as to the question of the presidency, what did you want to know about the presidency?

**Com. Zein:** That the relationship between ...(inaudible)... supported by parliament ...(inaudible)...

**Hon. Kombo:** Right, I envisage because we are political parties that the Prime Minister does come from a party in parliament that was the highest member of parliamentarians and that is set out because there will be coalitions there will this kind of arrangements so whoever has the highest number of parliamentarians is automatically the Prime Minister, but should the vote of no confidence in the house on that particular Prime Minister then the next person again from that political party that has the highest number to take over. Then the third question was what?

**Com. Zein:** ...(inaudible)...

**Hon. Kombo:** Right in the question of the counties for me I would envisage that at independence we had I think forty or forty two districts and if we went back to those district as a reference point it could give us an economic viable units to go along with. Thank you.

**Com. Zein:** Thank you very much I would like now to call Thomas Maseno. Karibu mzee.

**Thomas Maseno:** Bwana mwenyekiti upungufu wa kazi katika Bungoma. Hapa Webuye karatasi nzuri zinafanywa, zinauzwa nje. Jina langu ni Thomas Maseno, P.O. Box 833 Webuye. Mwenyekiti karatasi nzuri zinafanywa hapa Webuye, zinauzwa huko nje na mbona hawawezi kutengeneza vitabu hapa ili watoto wetu waweze kupata kazi kuliko kukaa nyumbani? Wa nje wanafanya kazi, wanapewa karatasi wanafanya kazi ya vitabu na hapa watoto wetu wanakosa kazi. Ninauza vitabu vikifanya hapa Webuye ili watoto wetu wapate kazi.

**Interjection:** ....(inaudible)...

**Com. Zein:** Ngoja niseme kwenye microphone ndiyo niko chini. Unataka a publishing industry iwe located hapa karibu kwa sababu karatasi zinatengenezwa hapa ndiyo watu wapate ajira hapa.

**Maseno:** Ya pili vita vilikuweco kati ya Wabukusu na Waelgon. Kutoka zamani Wabukusu na Waelgon walikuwa wamekaa vizuri na Wabukusu walikuwa wanaita Mt. Elgon skuli masaba, yaani manid masaba ukiwa Uganda iko pia upande wa Ugisuna

ukiwa upande wa huku iko kwa hivyo vita haikuweco kati ya watu hawa wamekaa vizuri na watoto wetu wanaona na wakaleta uchochezi. Askari wa army ndiyo walikuja kuua watu upande huu na kuchoma nyumba zao. Watu wetu wanatoroka nao wanachukua mali yao hata weekends walikuwa wanakuja kuua watu na kurudi huko tena. Wakiwa na likizo fupi kazi yao hapa ilikuwa kuua watu Wabukusu na serikali imenyamaza, haikusema kitu. Walipe ridhaa watoto wakulipa ridhaa. Yangu ni mafupi hayo.

**Com. Zein:** Mimi nina swali moja ndogo mzee. Unaposema mlikuwa mnaishi vizuri na watu wa Elgon, mimi pia nimeenda Elgon huko nikachukua maoni huko na wanasema mna matatizo ya mipaka wanasema mipaka kama hizo location mbili za Malakisi zinatakiwa ziwe pande yao zisiwe pande ya Bungoma.

**Maseno:** Hiyo ni mali ya Wabukusu sio mali ya Waelgon. Mali nanyi ya Wabukusu sio mali ya Waelgon asante.

**Com. Zein:** Asante sana mzee uje hapa ujiandikishe na utuachie hiyo memorandum tutaisoma. Asante mzee ujiandikishe pale. Nasema sasa nitatumie ile haki nilisema ya kutoka nje ya kutoka kwa orodha ya majina kidogo niite mtu ambaye ana sababu za kukimbia halafu nirudi kwenye orodha halafu nitakuwa nikitoka hivyo nikirudi na kila nikitoka nitawaeleza. Ningependa kumwita Reverend Joseph Weswa ambaye analazima aondoke hapa baada ya muda mfupi kwenda kushughulikia mambo mengine muhimu ambayo alikuwa ameshajitolea kwamba ataenda kufanya na atatoa maoni yake kwa ufupi nidyo turudi kwenye list. Reverend Weswa.

**Rev. Joseph Weswa:** Nasema asante sana mwenyekiti. Nataka kugusia mambo kwa ufupi na kwanza ni juu ya mimi ni Reverend Juma Weswa kutoka ACK niko hapa Webuye. La kwanza ni juu ya uraia wa Kenya ambao nataka kusema ya kuwa uraia wa Kenya mtu asipata kwa ajili ya kibinafsi ya kutaka kazi katika viwanda vyetu vingi. Watu wengi wamekuwa raia wa Kenya kwa sababu ya kupata kazi na kunyima Wakenya kazi. Lingine juu ya uraia Wakenya nafikiria kitambulisho ambacho kinahitajika ni passport ingeweza kuwa na kitu cha maana badala ya ID tupate passports. Juu ya vyama tunasema ya kuwa ipate msaada kutoka kwa malipo ya uraia na hii vyama ni lazima itimize masharti fulani ya kwanza wawe na mpangilio iliyo kamili. Clear vision ambayo inasaidia wananchi na pia wawe wanaweka hesabu yao vizuri na pia wanawza kuchapisha katika gazeti kuonyesha ya kuwa wanatumia hizo pesa sasa. Zinatoka wa raia kwa nija iliyo nzuri na vyama kama Munga yule alisema vitatu vinatosha. Lingine juu ya ubunge tunasema ya kuwa kweli wananchi wanaweza kumwota mbunge akarudi nyumbani kama ni watu mia tano wanaweza kuweka sahihi na wakiungwa tena na watu mia mbili ili mbunge arudi nyumbani na wawe na sababu za kutosha kwa nini mbunge anarudishwa nyumbani. Mishahara ya wabunge ni liwe na commission ambayo waweza kuchunguza mambo ya mishahara ya wabunge isiwe ni kitu ambacho wanaweza kupitisha katika bunge na hali wananchi ndiyo matajiri yao na hiyo commission ni iwe imeungwa na kutengwa na pengine na Public Service Commission ihusike na hiyo na watu pia wananchi wawe na maoni juu ya mishahara.

Hii ya local government tunaona ya kuwa mayor achaguliwe na watu na hata chairman wa councils pia wachaguliwe na watu na achukue miaka tano akiwa mayor ili tusiwe na camps ama watu wagawanyike ma-councillors hawa ni wa fulani na hawa ni wa fulani tuendeleo na mipango ya maendeleo. Lingine juu ya local government ama serikali ya mitaa ni ya kuwa mtu akiwa

councillor pia anawezwa kurudishwa nyumbani kama watu mia mbili wanaweza kuweka sahihi na waonyeshe sababu kama pengine ametaoka katika chama ameingia katika chama kingine, pengine atekeleze yale aliyesema kama hayo ukiweza kumrudisha nyumbani ile tena wachague mwingine. Juu ya serikali ya mitaa wananchi ndiyo wanatoa pesa ndiyo financiers lakini tunahitaji sheria iwekwe kuonyesha ya kuwa wana budget ambayo inajulikana na wananchi na baada ya kupokea hii pesa mwaka ukifunga wachapishe katika sehemu ya gazeti kuonyesha namna walitumia hizo pesa na hata ikiwezekana katika notice ya municipal iwekwe kuonyesha ya kuwa wametumia pesa zetu kwa sababu tunahitaji waturidishie majibu ya kuwa na hivi tuliwapa pesa na hivi ndivyo wanatumia. Juu ya mazingira naongezea tu kwa yale yalisemwa hapa kama wananchi impact assessment imefanyika lakini tena inaonekana kuwa haionyeshi uhakika ya mambo na wananchi hawatoshelezi lazima serikali pia wapate private consultant ambaye anaweza kufanya hiyo assessment na hiyo igharamiwe na serikali kwa sababu it will be a failure of the government not to fulfil its obligations.

Lingine ni juu ya East African Assembly. Tunaona ya kuwa 50% of those members ni afadhali watoke katika district zile ziko neighbour kwa sababu hao wanajua uhusiano uliopo na nchi ambayo inakuja katika East Africa Community kuliko kuchukua mtu ambaye ako Nairobi na watu ambao wanahusika sana ni watu ambao ni wa Uganda ama Tanzania ni wale ambao wanatoka katika mpaka na hivi 50% wawe wanatoka katika neighbouring district.

Lingine ni juu ya kilimo. Policies za Kenya iwe revised kwa ajili ya ukulima hasa watu ambao wanafanya contract katika sehemu hii ya miwa contract ziwe na maana kwa sababu contract unaona mkulima mtu wa factory ati hiyo contract. Kuna mengine mengine ambayo nimeandika hapa nafikiria nitapatikana badala ya kusoma. Thank you.

**Com. Zein:** Asante sana Rev. Weswa. Ngoja kidogo tafadhali.

**Com. Mosonik:** Nilitaka tu kuuliza swali kuhusu wabunge. Ukisema wasipofanya kazi vizuri hao wanaweza kuridhishwa nyumbani ikiwa kuna watu kama mia tano wame-resign na wengine mia mbili wame-second. Now Mheshimiwa Musikari Kombo alitueleza kwa mfano kwamba kwa constituency ya Webuye kuna registered voters kama elfu sitini nikikumbuka vizuri. Sasa watu kama mia sita au saba itakuwa mtu moja kati ya mia moja ndiye anatosha kurudisha mbunge. That is one in every one hundred which is 1%. I think that is a fair thing to do.

**Com. Zein:** Just hold on related to that now when you recommend a mechanism to recall an MP what do you do to protect the system from abuse. For instance can somebody, can the 200 after an election the following week 200 of the supporters of the person who lost the election could draft signatures and get 500 and then get 200 of their fellow supporters to endorse that and then one MP can be recalled. What are some of the mechanisms we can use or measures we can use to protect against?

**Rev. Weswa:** Ambaye tulimchagulia, hiyo ni sababu moja na hiyo ni obvious na lingine ni ya kuwa tabia zake hazifuatani na vile wanahitaji ama matakwa yake yale alikuwa amesme atatatekeleza imeonekana ya kweli hayatekelezi hiyo ni sababu nyingine na mengine niya kuwa yeye pengine hawakilishi vilivyo katika bunge. Na hiyo ni mambo yanaweza kuonekana wazi na hiyo inaweza kufanya mtu akaitwa nyumbani.

**Com. Zein:** Anaoenekana hafanyi kazi maanake kutakuwa kuna muda anapewa kazi yake ionekane kwa hivyo there will be a period of time

**Rev. Weswa:** Yes a period of time

**Com. Zein:** How long will that period be. Is it two years?

**Rev. Weswa:** Two years

**Com. Zein:** Two years, so after two years there should be a mechanism to review the performance of the MP what about the councillors?

**Rev. Weswa:** The councillor we said it is only one year. That will be alright.

**Com. Zein:** okay

**Com. Mosonik:** No but you have not answered my question whether 700 out of 60,000 is enough.

**Rev. Weswa:** Just repeat your question.

**Com. Mosonik:** Watu mia saba kwa constituency yenye wapiga kura elfu sitini hao sio wachache sana

**Rev. Weswa:** Kwa sababu ndiyo nikasema hata wakiwa ni wachache lakini wana sababu.

**Com. Zein:** Reverend kwa kweli ni hivi kwamba ukiwa kuna watu elfu sitini mahali popote na yanayohusika ni mashindano yaani uchaguzi at any given time, you will be able to get at least a thousand or two thousand people who disagree the elected official at any given time. So the question you are being asked is, is that figure not too low to start this recall procedure?

**Rev. Weswa:** He may be what we will do is also to request for the public opinion might be through some kind of forum set out to see how many are supporting those ideas. Thank you.

**Com. Zein:** Leave the memorandum we process it and then sign our register. Now nilisema nitakuwa nikiita mtu mwenye mahitaji kama hayo halafu narudi kwa list kabla sijaita mtu mwingine mwenye mahitaji kama hayo. Aggrey Murumba Namisi karibu bwana.

**Aggrey Murumba Namisi:** My names are Aggrey Murumba Namisi P.O. Box 177 Webuye. I can continue, I have written a

memorandum but as we were told I want to highlight on areas of major concern. I am looking at the constitutional supremacy when you go through amendments done since independence for example we have more than thirteen amendments which have been done since independence and when you look at the amendments they are always giving power. They are talking about giving the president powers apart from one amendment which was done that is amendment Act No. 2. I am proposing because I am on the constitutional supremacy and that is why I want to say that these issues of amending the constitution should basically follow the same procedure in which we are now having the constitution review. I ...

**Interjection:** ...(inaudible)...

**Namisi:** A review process so that every Kenyan is aware of what is going to be amended not just people sitting in Nairobi in parliament to recite what they want to go through we are going in a system because when you look at, I was referring to amendment at that is No. 2, 121991 that is the repeal of Section 2a, you find that, that is amendment which now was done because of the pressure of the members of the public. So I feel that if the public ...

**Com. Zein:** ...(inaudible)...

**Namisi:** Not all the amendments, major areas that concern the mwananchi should also go through process that we are going through right now. Citizenship I propose that a child born of a Kenyan woman be given also automatic citizen by right and also when it comes to citizen by registration and naturalization parliament be given a role to play in may be vetting these people who want to be registered as Kenyan citizens.

Defense and national security, I think the powers given to president are too much especially in terms of may be declaring if there is war. It is my earnest prayer that the power of the president should not hold the position of the Commander-In-Chief of the armed forces. The Commander-In-Chief of the armed forces should be the general chief of staff of the armed forces and will declare it passing through may be he will table it to the parliament to ...

**Com. Mosonik:** I just wanted to say you are mixing up two positions. There is a reason why there is a Commander-In-Chief, there is a reason for the Chief of General staff now you are mixing the two positions.

**Namisi:** Now what am saying is that the President should not hold some portfolio of the Chief of General Staff.

**Com. Mosonik:** but what we are asking is the president should not hold the position of Commander-In-Chief now you are taking that power down to the chief of general staff and then may be giving that chief of general staff two positions at the same time. Chief of general staff and Commander-In-Chief which is given more power to somebody who has not even been elected by anybody. You know at least you can say mya be the president was may be elected through some democratic process but who appoints for example the chief of general staff? And may be you want to give him power which is above his position.

**Namisi:** I think that is my proposal and may be somebody who has some good knowledge will now top it up but I was thinkgin that the president should not be at the same time the person in charge of that. The other one is about political parties. I am saying I want to borrow a leaf about the Americans that they have to present it to parliament. Let parliament approve that the Kenyan government is now going into war

**Com. Zein:** ...(inaudible)... under the American constitution the American president has a right to declare war but later on he will within a specific period of time present his declaration for ratification but he has the right to declare war.

**Namisi:** Yes I want us to borrow such a leaf so that not all people in that position should just do it without subject to the procedure. Then political parties I propose that the Kenya should remain multiparty state and the constitution should put in place rules to regulate and control the formation, management and conduct of political parties. The number of political parties I suggest should not be less than two and not more than three. Basically I have looked tat the numbers of parties that are here with us are based on tribal lines. So if we have about 2 or 3 definitely you will find that those big parties now will try to unite Kenyans who have that feeling of tribal lines to be interpreted in one party. In view of the above three if they are three then they can be funded by the government. A system be put in place to control and discourage defection by elected MPs. I will suggest that an MP, if an MP decides to defect today, than he has to cease for an MP and he cannot only vie for that position after the five years that will put a place for us to know that if you have defected wait for five years then you will come back on a new ticket and be elected. Then upon being elected as a president you should cease to become the chairman of the party so that we can have a distinction.

Then legislatures. Look at the MPs should given that occupation full time having two offices one in Nairobi and another in the constituency funded by the government and given the whole secretariat. The concept of nominated MP should be retained but I want to make emphasis on it that the minority gender in parliament should get 75% slot. Am thinking that this constitution going to take place and will continue to be there in 50 years and I want to think that women one time will be more than men in parliament so I don't want to suggest women than men in parliament. So I don't want to suggest women I want to suggest the minority gender. The youth, the old and the disabled given 25% am saying youth or old depending on those who will be in parliament if you have many youth then the old be given the 25% because of having a minimum age of what to become an MP. I want also to suggest that we have also to have a maximum age of 65 years. Then we have the executive ...

**Com. Zein:** ...(inaudible)...

**Namisi:** Thank you the executive that is the powers of the executive be defined, function of the head of state to be spelt very clearly in the constitution. Then you want me to make my last point?

**Com. Zein:** ...(inaudible)....

**Namisi:** I have about three to

**Com. Zein:** ...(inaudible)...time is up am saying ...(inaudible)...

**Namisi:** The local authority, chairman and the mayors to be elected by the people that is 5 years then lastly the number of provinces like we have now be stated in the constitution, same to the districts that in the event of now wanting to have more districts than the member should be consulted and this is now where the referendum comes in for us to create a district. Thank you very much

**Com. Mosonik:** You said normally that MPs either youth or elderly you need 25%. Youth or elderly depending on who are more than the others. But you know that now Kenyan population is all over 50% youth so how long will it take before the elderly can qualify to be represented. You see what I mean? Do you see a point in time when the elderly will be more than the youth so that they can take 25%, or shall we share between the two immediately?

**Namisi:** The 25% will not be shared. I am saying that if the parliament has more of the youth then that slot be given to the elderly.

**Com. Mosonik:** where youth means what

**Namisi:** Youth upto this time am thinking youth coming to about 40 years

**Com. Mosonik:** So its okay then I misunderstood you. In that case then thank you.

**Namisi:** May be commissioner I had just one about the economy which I have forgotten kindly please. I ...

**Com. Zein:** very brief

**Namisi:** very brief. I want to say that in the constitution it should be stated very clearly that if Kisumu is producing fish then the whole processing of fish be done in Kisumu. If the sugar board like we have in Western, we don't need to have the head office of sugar board in Nairobi, but let it be here. Thank you very much.

**Com. Zein:** I have a question for you and this is in relation to defections rule. We have a lot of submissions from people saying that we should control defection, but in the process of controlling defections what in essence we will be saying in terms of MPs who are serving a term in parliament we have a situation where you could have an MP who has not defected but votes against the party line everytime there is a vote in parliament he takes the opposite view. So you could actually be an MP for party X but you will not support the policies of party X so you will be supporting the policies of party Y. How do you deal with an MP like

that because if she puts provisions of no defection then they will not defect but every business in the house they will vote against the opposition taken by the party.

**Namisi:** I want to say that, one is healthier because it gives democracy to the MP who has been elected to make a decision depending on because we have those that are sponsored by the party may be brought in parliament and many any other motion that has been brought in parliament. I want to say that those who can may be, be dealt by the constitution are those who have openly declared that they are not in party X that their position is very clear that they are not in party Y.

**Com. Zein:** But the total sum effect or result is the same. Is it not?

**Namisi:** It is almost the same

**Com. Zein:** So if you shut this door you open another one.

**Namisi:** Yes but we are saying that like all the parties right now may be the parties are afraid of disciplining their MPs because may be of the repercussions they fear. But if the mechanism is set in place about the discipline of the MPs by the parties that sponsored them then it is very clear that...

**Com. Zein:** I don't want you to take me wrongly. I am not saying that you should have strict jacketed only they should never be open voted in parliament but creating a balance between the two. I think we will just think about it and you think about it also. Thank you please sign our register now I will go outside and call Daniel Wepukhulu who needs to go to hospital may be very brief. Do I have two Daniels Wepukhulu. You are also Daniel Wepukhulu okay lakini wewe ndiyo Daniel Wepukhulu umeenda hospitali. Okay so you have to be very brief because am giving you chance because of that very brief.

**Daniel Wepukhulu:** Thank you now I hope you are through with the discussion there. My name is Daniel Wepukhulu am here on behalf of a community based institution called MIRALD. It stands for Milo Readministration Action for the Disabled. And since we have basically given recommendation I will just touch a few points we have outlined four areas that is on executive, the parliament, bill of rights and four where he have called the society of life and trends of arbitration. So on executive, as I have said I have a copy to the commissioners you will notice that it is just basically recommendations. So I will just may be emphasize just one point on executive, may be two points on parliament then I will read something on the sanity of life.

We have recommended that only political parties with 10,000 people in at least 50% of the constitution should qualify to nominate a presidential candidate. There are other points but I have basically outlined that. Then on parliament I just want to emphasize the fact that we have nominated MPs but we want to recommend as a group of disabled that nominated MPs should be representative for special groups not just disabled but special groups some of them. It could be disabled or marginalised groups or other groups that could be identified but it will not be somebody who has attempted to get votes to parliament and failed and he is later on nominated as an MP.



On bill or rights I want to emphasize two points there. The article on freedom of movement should also clearly provide the rights of every Kenyan to a passport upon payment of reasonable fees to divide such a cost. Then the constitution should provide that persons with physical body disability have a right to sustainable and support for life and its amenities including education, health, shelter, food and all other state support that you may name social or economic. As we have something we want to emphasise on sanctity of life and the trends of abortion and we have given a case of Singapore and may be just to emphasize a bit of sanctity of life we have quoted from one of the best selling books in the world which we have called the Bible.

A Bible is a basic principle held in the Bible is that human life is sacred and sanctified by God. We of me that belief that the worth of a person does not depend on whether he or she is born beautiful, intelligent handicapped or good genetic step, worth or value of the person depends on the love companionship of his or her creator and that is he/she bears the image of his/her creator. Therefore abortion can never be justified and we recommend that no version of abortion should ever be entertained in our constitution. we have a long story giving a case study of Singapore and the trends of that we don't want to reach because we have it and I hope it will be worked on but may just out of that I look at the effect of that in our case study of Singapore. The effects of the bill of abortion the study revealed that after abortion acts were introduced in Singapore and went through several phases of liberalisation. When I am going to mention I had just some of the effects women we seeking abortion as a method of birth control an easy way how to terminate unwanted pregnancy. Most abortions were performed on married mothers following introduction of abortion.

**Interjection:** ...(inaudible)...

**Wepukhulu:** Okay now I will just give the recommendation on that. After looking at the case study we have just outlined we recommend that the constitution should affirm the right of life absolutely at all stages from conception until natural death.

No handicapped person born or unborn should be denied the right. There should be no provision for legalization of abortion in Kenya except by a public referendum approved by the 75% of the person voting at the referendum.

There should be a right to free medical services and education for every child in Kenya especially the disabled and those whose parents are disabled. The last may be you will read the others but let me red the last. Although some people that is babies or handicapped people may be considered unwanted even unlovable by their parents and some members of the society let the constitution express by protecting the weak and helpless such as the unborn and the disabled. Maybe if you have your question, the question I can answer but we can summarize like that.

**Com. Zein:** I just wanted to ask a question. I am sorry you are not allowed the question from the floor. The question I will ask you is this so that I can have from a clear understanding of what you are proposing. You are a purists if I may use that word that you don't want abortion in any circumstance including rape cases. You should not allow abortion under any circumstance.

**Wepukhulu:** No

**Com. Zein:** Okay thank you very much please sign our register and give us your memorandum. Yes dada sema dada

**Interjection:** ...(inaudible)...

**Com. Zein:** I was just saying for the record that am going to allow because this group is the group of people with disability I am going to allow because this group is the group of people with disability. I am going to allow the next speaker to make her submission then we will continue with the list.

**Mary Matere:** Ninawashukuru viongozi ...(inaudible)... ambao wanatusimamia nawashukuru kwa nafasi ambayo mmetupatia kama walemavu

**Com. Zein:** Dada unaweza kuzungumza kwa kusimama au kwa kuketi unavyopenda wewe. Unataka kusimama?

**Matere:** I am comfortable nikisimama

**Com. Zein:** haya asante dada na ukianza utaje jina lako.

**Matere:** Kwa majina ni Mary Matere mkaazi wa hapa Webuye. Mimi ni mwenyekiti wa kina mama wasioona katika wilaya ya Bungoma. Niliposikia kwamba waheshimiwa wanakuja hapa nilifurahia sana. Nilipata habari nikiwa shuleni sikurudi kwa nyumba kuchukua memorandum nyingine ambayo kina mama walikuwa wametengeneza. Nimefurahi kwa sababu mumetukumbuka maoni yetu tulipokuwa tumekaa chini kama akina mama wasioona yalikuwa haya.

Kitu cha kwanza katiba iliyokuwa imeandikwa na mkoloni haijatambua mtu mlemavu au mama mlemavu na tungependelea ya kwamba katiba iliyokuwa imeandikwa na mkoloni haijatambua mtu mlemavu au mama mlemavu na tungependelea ya kwamba katiba yetu mpya iweze kutambua mtu mlemavu.

Pili mlemavu inatakiwa aw na haki zake na kila raia azitambue. Kwa mfano kama ni masomo mtoto mlemavu ana haki sawa na yule mwingine kupata elimu. Mtoto mlemavu anaposoma yeye pia huitimu ama haitimu kama vile wengine ambavyo wanafanya. Tungependa kwamba walemavu wote ambao wamesoma katiba vizuri, kila kampuni iweze kuajiri kati ya wafanyikazi wake 5% au 10% itenge watu walemavu. Kile ambacho tunataka ni nafasi bali si huruma ama we need opportunity but not sympathy. Sehemu ingine ambayo tulionea kwamba katiba yetu itulinde ni hivi, wenzetu ambao hawana uwezo wa kutembea vizuri wanapata shida ya kupanda magari. Kwa hivyo wanaoshughulikia magari ama wanaofanya biashara ya magari lazima wahakikishe kwamba magari yao yametengenezwa kwa njia ambayo mwenzetu mlemavu anaenda na wheel chair ama njia ile nyingine anaweza kuingia kwa gari bila matatizo.

Pavements, barabara zetu katika nchi yetu walipokuwa wakijenga hawakuwa wanamweka mlemavu maanani ili mlemavu atembe kama yule mwingine kwa barabara bila matatizo lazima barabara zetu zitengenezwe kwa njia ambapo mtu anaenda kwa crutches ama wheelchair atembea bila matatizo. Mtu asiyeona anaweza kutumia hiyo njia bila matatizo.

Kuja kwa ujenzi wa mijengo, mijengo yetu wanaojenga ama katiba hii mpya iangalie kwamba mijengo yote ijengwe katika hali ambapo mimi nisiyeona na yule mlemavu mwingine anaweza kuingia katika hilo jengo bila matatizo. Kuja upande wa lugha, sign

language ingekuwa vizuri ifunzwe katika vyoo vyote vya masomo ama vya elimu ili mlemavu yule mtu hana uwezo wa kusikia anapoenda hospitali nurses wasiwe stranded sasa huyu kisiwi tutamsaidia aje, tutajua anaugua vipi. Ikiwa wanaelewa lugha wata-communicate vizuri. Na kama hiyo sehemu tena mtu interpreter kwa hospitali mwenzetu asiye sikia ataeleza maumivu yake na ataweza kuhudumiwa.

Kuja kwa courts, koti zetu sisi walemavu pia tunanyanyaswa na tunaponyanyaswa tunaweza kuenda kufuata sheria na tupeleke mtu kotini, lakini kwa mwenzangu asiyesikia itakuwa vigumu kwa sababu katika koti hatuna mtu interpreter wa sign language. Na katiba ingewaweka maanani amam ituweke maanani katika hiyo ama tutafurahi sana.

Urithi, unapata katika jamii walemavu wana haki ya kurithi mali ya wazazi wao lakini unakuta wazazi wasiolewa hamtambui huyu mtoto kati ya wale watoto wengine ambao Mungu amewapa. Utapata ya kwamba huyu mtoto babake anapokufa ama ameaga dunia ndugu zake na dada zake na jamaa wengine katika familia hiyo wanamnyanyasa. Sasa unashindwa utaenda wapi. Nisipolindwa na katiba yetu kuhusu urithi wa mali utapata kwamba kama ni shamba ndugu zangu wale wanaona ama wasio na ulemavu wowote wanachukua the biggest share halafu wanasema huyu akifa mimi kaburi tu wataweza kuweka hapa. na mimi ni binadamu kama wale wengine nitakuwa na family yangu, watoto wangu watahitaji kitu pia kama wale wao. Kwa hivyo ningependa katiba ituchunguze katika hiyo nafasi halafu ningependa katiba ituelezee kindani kwa sababu unakuta wenzetu si kwamba ni makosa yao hata nilipokaa pale chini sikusikia wakisema walemavu wowote wakiwa hapa tuwape nafasi la. Wakazingatia tu mwanafunzi na mama mja mzito. Na mlemavu katika jamii kwa maoni yangu sijasema mumeseam, katiba ya mkoloni haikutambua walikuwa wanaona walemavu ni kama sufuria iliyochoka ama sahani iko katika jikoni, ni sahani kama zile zingine ambazo hazijatoboka zinatumika sana but pia ni sahani though ina mwanya. Si ni ukweli? Wale wote wameongea hapa sijasikia wakitetea haki za walemavu, wanajitetea tu kama vile wabunge wanavyojitetea. Mwalimu analipwa mshahara mdogo badala ya kutetea walimu wapewe haki yao wanasema sisi tupewe mia saba na mwalimu anapewa elfu tatu. Kwa hivyo ni vizuri kutambua wenzetu katika katiba walemavu. Nimeshukuru na Mungu awabariki.

**Com. Zein:** Asante sana kwanza pengine haukunielewa nilisema ikiwa kuna mtu pia mlemavu ana sababu ya kutaka kupewa fursa kuzungumza, mlemavu tutampa fursa nilisema hivyo ama wangapi hawakusikia hivyo? Mlisikia pengine haukusikia dada. Na sababu ya mimi kukupa wewe fursa na yule aliyekuja kabla yako pia alikuwa mlemavu na walikuwa jina lao liko mbali na nimewapa fursa na mkazungumza au sikuwapa fursa dada? Kwa hivyo tumesikia mapendekezo yako na tumeitilia maanani na hao wengine wanajitetea peke yao pia wamekusikia. Asante sana dada. Kuna mtu anakuja mwende mfanye register huko sasa ili nisije nikalaumiwa nikaambiwa mimi napendelea wengine, wengine nawaonea nataka kubadilisha mfumo huu kidogo kwa sababu kuna watu wengi sana wanatuletea maombi kwa sababu moja au ingine. Yule ndugu alisema kama hawa watu walikuwa wanajua wana maombi hayo wangekuja mapema wawe watu wa kwanza. Sasa nitafanya hivi kwa ruhusa yenu, nitaita watu watatu kwenye list halafu nimpe mti mtu mmoja wa ombi. Niite watu watatu kwenye list nimpe mwingine maombi. Watatu wengine kwenye list nimpe mtu kwenye maombi au si sawa hivyo.

**Audience:** Sawa

**Com. Zein:** Watu watatu watakao toka kwenye list na sababu nimewapa watu wawili maombi watu watatu wawe wanajipanga hivyo. Margaret Kwenyani? Wewe ndiye uje ukae hapa kiasai unakaa kaa dada. Daniel Wanyonyi? Yuko wapi uwe karibu halafu Herman Kusama uwe karibu. Mzee Daniel njoo karibu. Daniel uwe karibu halafu nitampa councillor Petroba Soita fursa aje azungumze sababu anaenda kwenye mkutano Bungoma. Ametuomba tumpe fursa kwa hivyo baada ya hawa watu watatu councillor awe tayari halafu nirudi kwa watu watatu wengine kwenye list.

**Margaret Kwenyani:** To the commissioners my names are Margaret Kwenyani. I will wish that we may have a preamble within the new constitution which should have a vision that we should have national unity, love, peace, God fearing people and the respect for our national anthem.

Citizenship, any child born of any Kenyan parent regardless of gender should be given automatic citizenship and dual citizenship, be encouraged because of mixed marriages. Passport and ID cards be given as a guarantee, defense and security we should have a qualified minister in charge of defense and security we should have a qualified minister in charge of defense having good records.

Legislature, should make these appointments. It should appoint the head of civil service, permanent secretaries, ambassadors, high commissioners, chancellors of universities, chief justice, electoral commissioners, public service commissioners, and being an MP should be a full time job and it should be gender sensitive. We should have offices for these MPs at their constituency level and any MP who fails to do his job effectively should be terminated after a period of 2 years for incompetency.

Then we should have devolution of power to the grassroot level in our country. Political parties be limited to two that is the ruling party and a merged opposition party and all should be financed equally by the public funds. Structure and system of government, we should have a president from the ruling party and a vice president from the opposition or vice versa. Ministerial positions be shared equally within these two parties that is the ruling and the opposition parties. And the position for nominated MPs be given to women, youth, disabled, minority group and the elderly. Women participation be upto 50% in all sectors the parliament and it should be gender sensitive. Executive should receive 40% of the votes cast in eight provinces and the executive should serve for only two terms of five year period.

Judiciary, Attorney General be appointed by parliament and Attorney General should be above thirty years with qualifications from the school of law and he should only have one job one person. Judicial cases should be dealt with fairly, no bribery then we should have education for paralegals to assist where we don't have an advocate because those legal services are very expensive and we should have continuous civic education being provided to all Kenyans so that they should make informed choices. Local government mayors, council chairman be selected by the people themselves and councillors should be from four graduates with good moral and ethical habit. Electoral system 50% votes cast in every five provinces be got by the president in the election. Seats be preserved for special interest groups and elections dates be specified in our constitution.

Basic rights we should have free primary compulsory education for all the children and also all the disabled should be given free compulsory primary education. A nursery school teacher should be paid by the government and we should adopt the system of 7-4-2-3. Basic needs like shelter, food be given to all and we should have automatic employment after school completion to everybody. All workers must have a right to trade union representation. Vulnerable groups, women be given 50%

representation in parliament and other sectors and people with disability should be given free education, healthcare. Homes be made for elderly and Aids orphans and all those that are disabled. Land and property. Fallow land be taxed, those people who are having large fallow land be taxed and that fallow land be given to those that don't have land. And both names of spouses be indicated in the title deed in case of land. The management of our resources also be made under special care of leaders from the opposition party. That is all I have for today.

**Com. Mosonik:** I have a small question. You said there should be devolution of power to grassroots. What do you mean by grassroots.

**Kwenyani:** That is under devolution of power. We shouldn't just have concentration of power. We should come let us say from district, to division from division to location then to sub-location then to the village and village elders should be employed by the Kenyan government.

**Com. Zein:** Thank you very much dada. Uje ujiandikishe hapa utoe memorandum. Daniel Wanyonyi endelea.

**Daniel Wanyonyi:** Mimi naitwa Daniel Wanyonyi nikiwa mwakilishi wa kikundi cha kanisa kule nyumbani. Tulikuwa tumeandika proposals. One proposal for a preamble. The people of Kenya have some comon experience that should be captured in the preamble that is they vote together or independence struggle together for national unity. We have political stability, we recognise the dynamism in our society call for patriotism to uphold our dignity, God given human rights determination to enhance good governance, sustanation and exercise of democracy, rule of law, respect Kenyans in the ethnicity diversity support, sustain and cherish nationalism.

Therefore we the people of Kenya having fought for uhuru together continuing to struggle for unity thanking God.

**Com. Zein:** Daniel all that is going to the preamble. Yah we will read each and every word you are proposing you have made you points. Go to the next point. Nasema hiyo unasema tuingize kwa preamble sio tutaenda tusome tuangalie kama inafaa. Kuingia kwa preamble sasa nenda kwa point ingine unayo.

**Wanyonyi:** Okay the directive principles of state policy. Through section one, declares Kenya as a sovereign republic the constitution fails to mark out where that sovereignty lies. We therefore need a clear statement to affirm the sovereignty of the people to remind the government of the day that they hold that power in trust of the people. The republic of Kenya should be found on the following values. The people of Kenya are sovereign in the land there shall be equality and fair treatment for all upholding human dignity the constitution of Kenya is a supreme law there shall be the rule of law and the people of Kenya committee to multiparty democracy. That is what I have.

**Com. Zein:** thank you very much uende pale ujiandikishe na utuachie hiyo memorandum tutaisoma kila jambo liloko hapo.

Herman Kosasia mzee uende namna hiyo kama mwenzako anaenda.

**Herman Kosasia:** The constitution review of Kenya

**Com. Zein:** Mzee wangu jina lako kwanza

**Kosasia:** Herman Kosasia, chairman of Bukusu Elders in Bokoli location. Constitution review of Kenya here are 42 tribes in Kenya and all these tribes in Kenya should respect and protect the constitution review of Kenya not be as one of 1962 of Lancaster House which was dismantled by KANU government.

Secondly, all 42 tribes should be the next coming government that is to say I want coalition government in Kenya

**Com. Zein:** Haya mzee endelea

**Kosasia:** Prime Minister and his deputy, President and his Vice President. President and Prime Minister to share powers equally. This purpose to be given from different parties and tribes of Kenya to have regional government to share power with central government e.g. army, universities, police and other institutions to be on central government all appointment of top posts to be approved by parliament not president. Security in Kenya because I ws askari once, security in Kenya wants a police when arresting somebody to show such arrest and search warrant. To avoid beatign or torturing in cells, all cells in Kenya of colonial rules should be extended so as to accommodate people ...(inaudible)...

Prison department, prison officers feed prisoners properly when in custody to avoid overworking and beating them. Welfare in Kenya a common mana especiall me a person who is drinking, police to chase me at busaa places. So let katiba allow people of my age to take busaa but not changaa and dwa ya kulevya to drink.

**Com. Zein:** mzee unataka traditional brew iwe legalised only for old people or everyone and if you are saying only for old people who is an old person?

**Kosasia:** Watu wanakunywa yote kwa sababu Mzee Kenyatta...

**Com. Zein:** Kwa sababu hatuweki huko hiyo pendekezo ni tosha niambie ya mwisho.

**Kosasia:** Retirement, Kenyans want anybody who reaches 45 yerars to go home and vacate chances for youth. Lame person should be respected and given these ministries and their minister must be a lame person.

**Com. Zein:** Sawa mzee hayo mengine tutayasoma mzee. Kuna swali kidogo hapa.

**Com. Mosonik:** what will be the functions of the regional government kazi ya regional government?

**Com. Zein:** Regional government itasimamia nini?

**Kosasia:** Regional government itasimamia project kama barabara, dispensary na kama pesa inatoka from treasury inagawanywa tunataka rationing kwa provinces. Jina iwe na nguvu kwa sababu kama zamani Lancaster House ingekuwa sasa region ingekuwa zamani kabisa kwa sababu tuko na ...

**Com. Zein:** Unataka kama ilikuwa kwa Lancaster House Constitution?

**Kosasia:** Hiyo tu ifanywe

**Com. Zein:** Asante mzee uende ujiandikishe pale utoe hiyo memorandum hata nilisema hawa watatu halafu watafuatiwa na yule tulikuwa tumempa fursa nje ya list, Councillor Patroba Soita.

**Clr. Soita:** Kwanza kabisa kimajina naitwa Councillor Patroba Soita, diwani ...(inaudible)... ward. Kwanza ningependa kupendekeza hivi, sana huwa kuna shida mahali ambapo tungependa kuhusu mambo ya mashamba. Mzee akiaga lazima mtu ashitaki kaburi diposa apewe namba ya shamba lake. Mimi ningependa kupendekeza kwamba ingerekebisha pale kwa sababu assistat chief na chairman wa ukoo wanamjua yule mtu vizuri badala ya kushitaki kaburi wale wadhibitishe kwamba yule kijani ni wa yule halafu apewe land title deed.

Jambo lingine mambo ya recruitment ya ma-officer wa serikali ya Kenya police, army and what have you kuna shida moja sababu wale watu wanakuja kuchagua wale vijana wanatoka kule ngazi ya juu zaidi. Mimi ningependekeza hivi kwanza wangukuwa wanapatia ruhusa D.O. kama wa sehemu ya division hii waseme Webuye division tunataka watoto kama ishirini ama tatu ili D.O. atakaa na chief wake ili wachague kila location iwe represented angalau na mtu mmoja itapunguza mambo ya corruption.

Jambo lingine ni mambo ya national identity card. Wale vijana ambao wanakaa mjini kupata kitambulisho ni shida kwa sababu ni lazima atoe land title deed for identification ili apewe kitambulisho

**Com. Zein:** pendekeza

**Clr. Soita:** Ningependekeza ya kwamba inafaa sababu chief wa area hiyo ama D.O. anaelewa huyu kijana waende tu halafu wadhibitishe ya kwamba yule kijana ni mkaazi wa hapa halafu apewe hiyo. Jambo lingine kuna dini inaitwa ya msambwa. Ile dini ya msambwa ni ile dini ambayo ilipigana

**Com. Zein:** councillor tunajua historia ya dini ya msambwa na ya mzee Masinde, tunajua historia hiyo vizuri sana, pendekeza



**Cllr. Soita:** Pendekezo langu ni kwamba ile dini iwachiliwe huru pia iwe ikiabudu kulingana na dini zingine

**Com. Zein:** Haya

**Cllr. Soita:** Na pia wale wazee kwa sababu ukiangalia katika jamhuri yote ya Kenya kuna jamaa fulani zile ambazo zinapata matunda ya nchi hii. Lakini jamii zote zilipigania uhuru katika nchi hii lakini unaona ni chama tu fulani katika jamhuri ya Kenya ndiyo wanakula mkate wa nchi hii

**Com. Zein:** pendekeza

**Cllr. Soita:** kwa hivyo ningependekeza kwamba wale wazee wote waliopigania uhuru afadhali angalau wawe wanapewa a certain percentage from the central government. Labda mwisho kabisa ningependa kusema hivi. Sisi kama waheshimiwa councillors ningependa kupendekeza ya kwamba ilie mishahara tunapata aloowance kidogo tungekuwa tunapata hii pesa kutoka kwa consolidated funds na mwisho kabisa wabunge wanapata pesa mzuri kabisa. Ningependekeza kwamba waheshimiwa councillors wangukuwa wanapata pia angalau ¼ of the allowance of the MPs. Asanteni hapo ingefaa.

**Com. Zein:** Asante sana councillor. Umesema ya mwisho kabisa ndiyo hiyo.

**Cllr. Soita:** kwa hivyo sasa ...

**Com. Zein:** councillor mimi nasikiza kauli yako umesema karibu na ya mwisho. Haya ya mwisho kabisa hiyo. Asante sana councillor mimi nakufuata wewe. Ya mwisho

**Cllr. Soita:** Ningependa kumalizia hivi basi mwisho sasa. Ningependa kupendekeza hivi. Wale maafisa, traffic police wale ambao wanasimamia kwa barabara wale ndiyo wanachangia ufisadi katika jamhuri yetu. Mimi ningependekez hivi badala ya kuwa na ma-traffic officers barabarani angalau tuwe na wale watu wa local authorities kama Bungoma County Council wawe na msimamizi pale yule ambaye atakuwa anakaguwa yale magari na wape labda nikulipa ushuru wanalipa pale kuliko kila askari vile gari inapita wanalipa shilingi mia moja in a day unakuta askari moja anakuwa na zaidi ya shilingi elfu sitini kwa siku moja kwa hivyo ningependekeza kama zile pesa zingekuwa zinalipwa kwa council zitakuja kusaidia wakaaji wa sehemu hii. Asante.

**Com. Zein:** Asante sana councillor uende pale ujiandikishe na kama una memorandum utuachie. Everlyne Musamali atafuatiwa na Eric Wambasi halafu utafuatwa na mzee Paul Nakitare. Mzee uko tayari? Halafu nitampa fursa wakili Johnstone Walubengo atoe maoni anaenda kuwakilisha mtu mahakamani Bungoma saa nne na nusu na mwalimu Joseph Simiyu huyo anatakiwa arudi shuleni. Mwalimu yuko wapi na wakili? Haya sawa twende hivyo.



**Everlyne Musamali:** I am Everlyne Musamali from Catholic Youth Movement. I am going to talk about citizenship and women.

For women sex discrimination is outlawed by the constitution yet discrimination in matters of personal law is allowed. The last commission should therefore mandate to scrutinize legislation and other official practise to see whether the disadvantaged woman and children rights are safeguarded. Assess the degree to which the Kenyan government implements and complies with international treaties and conventions outlawing gender discrimination and marginalisation of women. The constitution should mandate affirmative action program in order to increase the representation of women in representative institutions such parliament and local government. The constitution should set a threshold of 1/3 of all parliamentary and local government representation of women. A child born of one Kenyan parent regardless of gender should be entitled to automatic citizenship if the child was born in Kenya.

Other recommendations the constitution should provide for a minimum number of political parties which should be national and not tribal in nature. For a party to qualify for registration, it should therefore prove support for at least 20,000 potential members from at least each of the districts. Political parties should enhance development activities, provide civic education to her members, and also the parties should be consulted in matters of defense and state of security. Our political parties should be limited to three and be financed by public and subjected to public audit.

**Com. Zein:** ngoja kuna swali

**Com. Mosonik:** Supposing ulikuwa umesema the parties to the national for at least 20,000 members in each district. Supposing they were more than three parties with 20,000 members in each district, in other words why not just apply one rule?

**Musamali:** We go by majority

**Com. Mosonik:** Okay

**Eric Wambasi:** My names are Eric Wambasi. I said I am the programme officer for the Catholic church and peace commission Bungoma diocese. And shortly I would like to say this memorandum was prepared by the entire church, the Catholic diocese of Bungoma which consists of Busia, Teso, Mt. Elgon and Bungoma district. We have a population of about 485,000 and we are covered by 11 constituencies durign our work we mingled with ninety plus four three C's. So Mr. Chairman this memorandum is brought and I hope you will read it. It is about 25 pages am just going to highlight a bit because I know I can't read through it all. Very brief I want to talk about the provincial administration and I say this is not my recommendation. Our recommendations are that the provincial administration be abolished in place something be structured to be close to the local government whereby the chiefs will be elected. Secondly we have said one of the conditions of the head of state is that we shall need him to be a family man or a family woman. The ceiling of the age right now they say the ceiling of the age is 35 below but we are saying it should allow a big following for anybody to qualify. We believe a president should allow a

big following for anybody to qualify. We believe a president should just be 35 years and then the ceiling should be 70 years.

I want to talk about the judiciary. Mr. Chairman the judiciary is very important component and we have a number of loopholes. There is need to create a supreme court which will be supreme and cannot be underwritten by law. There is also need for the creation of a constitutional court. There is need for some administrative control. What I mean Mr. Chairman is that in our Kenyan courts lawyers are we go by what they call bad records or status or a court to be decided they have to go to what some other court had made a higher court decision but in Kenya here I think the last time we had some law reports was 20-25 years ago. I believe we now want my recommendation is that we need the law reports. I will go to the land issue. Mr. Chairman, am not going to history but in the beginning ilisemekana kwamba uhuru na mashamba. Then somebody coined it to say uhuru na kazi. 40 years into uhuru some people are still squatters. Our recommendation action is that everybody in Kenya should have access to land.

Mr. Chairman we recommend the following. The structure in the land act are all float, we are recommending the creation of a national land commission which should control all aspects of land. Below we should also have a district land board, who should be elective and finally we should have a divisional land control board which is also elective. I am finishing. Access to justice. Mr. Chairman you will believe that justice in Kenya here is a bit complicated. An individual cannot go to court win to have a claim on a public matter. There is this issue whereby they will want the whole thing to go through the Attorney General there is this issue where you will be challenged about the *locus standi*. Our recommendation is that not only the Attorney General should be in charge of all cases. All citizens should be free to file cases and prosecutes. I hope you get me.

**Com. Zein:** ...(inaudible)...

**Wambasi:** yes exactly, and we are even saying paralegals should be officers of the court, not only lawyers. We are also recommending that there should be a small claims court division whereby small issues on lower levels. This will reduce the work load in the courts. Mr. Chairman am also feeling that there should be a provision for legal representation for all Kenyans the poor men have no right this time.

**Com. Zein:** ...(inaudible)....

**Wambasi:** To all Kenyans and finally Mr. Chairman I want to talk about ammending this constitution. I have said that this constitution should be supreme and you see we have said that the other document from Lancaster was very good but it was manipulated but now we are saying this one should be beyond the ammending power of parliament through a referendum should be referred to the people.

**Com. Zein:** ...(inaudible)....

**Wambasi:** To the people through a referendum since it is so long Mr. Chairman I take to end there but I believe you will read

through every bit of it.

**Com. Zein:** Yes thank you just hold on there is a question for you.

**Com. Mosonik:** You said the president should be a family man. Does that mean you are disqualifying all celibate priests especially of the Catholic church?

**Wambasi:** yes I will disqualify for a woman to qualify to be a president of this country she should have a family, husband

**Com. Zein:** ...(inaudible)...

**Wambasi:** Yes I am talking about a married couple. That is what am talking about

**Com. Mosonik:** I would like you to repeat so you have said the Catholic priesthood never to be considered for presidency of Kenya.

**Wambasi:** Absolutely.

**Com. Mosonik:** Okay thank you

**Wambasi:** and Mr. Chairman before I leave I also want to point out that there were a number of people who believe in us and am talking a few seconds to say. They are saying the local brew should be legalised. When I talk about the local brew I am not talking about changaa, am talking about the local brew busaa

**Com. Zein:** For avoidance of any doubt or misunderstanding define local brew

**Wambasi:** Busaa, thank you

**Com. Zein:** Haya

**Paul Nakitare:** My name is Paul Nakitare and am here representing the human community in Webuye under the Kenya National Chamber of Commerce and Industry. And am accompanied by Mwangi Karanja who is also a member. We have four recommendations. Sir, the first one is that in order to cater for the interest of the business community in the towns, urban areas and so on it should be mandatory for the government in power and the party in control to nominate business representatives to the councils. It must be appreciated that the establishment and growth of ministerial and urban centres emanates from the efforts of business communities. Experience has shown that most elected councils have no direct interest of

the problems which affect business communities.

Secondly as a contrary to issue, no one municipal or town council boundaries should not cover excessive large rural areas apart from creating impossible responsibilities to the management of such councils the balance of electoral votes tends to be tipped in favour of rural areas thereby favouring the will of the rural population of the elected representatives in the councils hence the poorly managed municipal and town councils throughout the country.

Thirdly, the act relating to the administration of rental properties particularly pertaining to buildings that is houses and shops is flawed because it largely favours tenants at the expense of landlords, whereas landlords develop such premises at exorbitant costs and often on the basis of borrowed funds removal of such tenants as provided for by the tribunals takes excessively long time and in the process breeding the opportunity for corruption. The act should be simplified to allow magistrates courts to handle the jurisdiction more expeditiously.

Fourth, the constitution should reflect and deal with inefficient and incompetent public officials especially at the community municipality and levels by providing for referendum of the ward or constituency or town councils and so on for the removal of parties and organisations responsible for them are seen to condone such incompetence. The same should apply to elected officials that is councillors, MPs so as to save communities from undue suffering. Mr. Commissioners, chairmen these are the views of the people of the business community in Webuye but on my own behalf I have one or two things, small ones that this constitution we are trying to organise now should be written and coached completely in the African tradition for example certain African practises such as medicine, should be respected.

My view is that every hospital or health centre should have two entrances. One for modern medicine and the other one for traditional medicine, because traditional medicine is just as important as chemotherapy and the other traditions that should be seen to be coached in our constitution should include music and even literature. Our schools, universities and so on should be seen to espouse and encourage our Kenyan literature. In fact they should not even be going to other African countries for examination purposes without exhausting the Kenyan literature which will improve the tradition. And finally on my part the move of devolution of power should reflect proximity and that is why I don't agree with one of the presenters who said that we should be limited geographical areas or we move them the present districts and so on.

In fact the nearer to the people the better and by saying so in fact I am also recommending that the constitution should also consider seriously in his move of devolution of powers to consider the question of regionalism and majimboism. I think these are very important people it should not be mistaken for political hitchhiker but the importance so that it will be nearer the people and the administrators who will also be able to see problems in better perspective than when all the power is centred in Nairobi or in the headquarters. Thank you very much Mr. Chairman.

**Com. Zein:** Kuridi kotini saa ile wakili anakaa wacha niite majina matatu yanayofuata nidyo watu wajue wanaenda vipi. Sammy Namutali inua mkono wewe, Boniface Wanyonyi na kwa ruhusa yenu mimi naita mtu mara mbili halafu kama hayuko niende kwa jina linalofuata. Boniface Wanyonyi? Hayuko. Stausi Satari uko, basi Stausi Satari ataufatwa na Johnstone Walubengo. Swa najua ulikuwa umeomba lakini jina lako limefika.

**David Bulimo:** Thank you mine is very brief. My name is David Bulimo Captain. My first point is that it is important for our constitution to have a preamble. A preamble will show us the source of our constitution, the source will give us pride a sense of togetherness as Kenyans and it will show us the patriotism that we deserve such as the spirit and the philosophy behind the preamble and under the preamble I propose that we the people of Kenya do hereby enact adopt and give unto ourselves this constitution to be the supreme law of this country.

Secondly, is on international treaties. It is my proposal that all treaties that were signed before independence be redrafted. All treaties that were signed by the colonial government be redrafted. The best example I have is the Nile treaty that was signed between the colonial Kenyan government and the Egyptian government. That treaty does not augur well with the aspirations of the Kenyan people. Quickly I will say that this region forms the main water catchment area of all rivers that flow to Lake Victoria.

**Com. Zein:** We are familiar with that treaty. We understand what provisions entailed in that. We have heard a lot of submissions in terms of re-negotiating that treaty. Thank you.

**Bulimo:** Thank you, its alright. Third point well the underlying factor is that the people of this area should benefit from such treaties. My third point is to do with cabinet. Memers of the cabinet should not be Members of Parliament. The Presidet and Vice President should be elected by universal surfrage as running mates. Thereafter the President shall appoint his ministers or secretaries who shall be professionals or people with a technical know how. After such an appointment such opportunities must be vetted by parliament before they take up their appointments. Why is because the present ministers don't have time for their jobs, they don't have time for parliament under that we shall have a better performance. I am proposing that we have a minister for justice instead of the Attorney General. There is a big confusion. We are saying you cannot prosecute a person you advise and that is why we are proposing that we have a minister for ...

**Com. Zein:** ...(inaudible)...

**Bulimo:** At parliament level the judiciary we should have a code of ethics for all judicial officers must be by the judicial service commission. We must completely divorce the president from making such judicial appointments. The legislature, nobody should have powers to dissolve parliament at any time. Elections should be rotational so that there is no given time without parliament. Why? Because when, okay fine most obliged I will move on. We are proposing that we constitute constituency and world assemblies these should be on the policy makers in the world and constituency and this will give real power to the people. Now councillors and MPs should be answerable to those assemblies in the world and the constituencies. Any councillor or MP who misrepresents or articulates policies in consistency with those assemblies must be recalled. Let me finish the other point before I answer that question. And any councillor or MP who misses a certain number of given sessions of those assemblies must be recalled. I am providing a mechanism for recalling an MP or a councillor who does not perform.

**Com. Zein:** ...(inaudible)...

**Bulimo:** Yes thank you. Other areas as I finish language of the high court I would propose it should be both in English and Kiswahili. The police, must produce a suspect in court 24hours from the time of his arrest. No suspect other than a capital offender should be confined in police cells because police cells don't have facilities. During payment, it used to be a good gesture now it has become a nightmare. We are proposing that the law outlaws courts from handling dowry cases. Pardon?

**Com. Zein:** ...(inaudible)...

**Bulimo:** This is under other areas. I am finishing actually. All presidential appointments should be handled by a commissioner rather than the same thing the prerogative of the president, and under that I propose that there be a provision in the constitution for one man one job. That is all.

**Com. Mosonik:** I think the problem is the way you say things in the negative. Nobody should be confined in the police cells except capital offence suspects. So where will the others be confined? And secondly nobody shall dissolve the legislature. So how does it get dissolved you see you didn't tell us.

**Bulimo:** Thank you these suspects should not be confined at all until they have been produced in court and remanded by the court. Why I said police cells don't have facilities for one to sleep and all that. Yes

**Com. Zein:** Let me put that question in a different way. Would you be happy if facilities are provided in the police cells?

**Bulimo:** If facilities are provided in the police cells I will be happy once more.

**Com. Zein:** Then if you put provisions of capital offenders what about those who are violent and dangerous? They are not capital offenders but who are charged under charges and the police feel that they are violent and dangerous can they hold those for 24 hours before producing them in court?

**Bulimo:** Yes, now we can have such provisions but the magistrate that is why am talking about being produced in court. Parliament, there should be no time parliament is not there. We want to have parliament all through.

**Com. Zein:** ...(inaudible)...

**Com. Mosonik:** You are right to correct me but you see you started by saying nobody should dissolve parliament instead of saying parliament should be dissolved or not dissolved and therefore this is how it should function. Can you say it categorically, I can imagine you are saying we stagger the elections for example, please state

**Bulimo:** There should be no time there is no parliament. Parliament should be continuous

**Com. Mosonik:** Saying that 1/3 of the MPs should in parliament at any given time the elections. You know what am asking you. What am saying you cannot say parliament shall be there all the time. If all the MPs are elected at the same time, but we can make a proposal that you know such a number of MPs be elected at any given time so that then the others are elected something like that.

**Bulimo:** I get your point or question. Now that we are going for general elections where all parliamentarians are facing elections, we shall elect parliamentarians after that we should have a provision since this proposal has come that the first percentage of MPs will go for elections after five years we can say 25% then we shall have those who will go after 6 years those will opt to go after 7 years that way we shall get a continuous parliament and elections be held by rotation that is what I mean.

**Com. Zein:** Okay thank you very much wakili

**Sammy Namutali:** Thank you very much my names are Sammy Namutali. Is a common knowledge that Kenya in on the session draft carrying out constitutional reforms in the hope of creating a stable democratic

**Com. Zein:** ambaye watu wanaotaka kutoka watoke. Nataka Sammy naye apate fursa kama wenzake walivyopewa fursa aseme bila kupigiwa kelele. Sorry for the interruption. I want to give you peace go on.

**Namutali:** However what is not yet clear is the capability of those instructed with the duty of implementing or implementation and enforcement of the said constitution. nevertheless am going to submit this to you that we have got this giant institutions like the NSSF. The law allows the NSSF to invest to operate as a bank but to have investment. I would wish that NSSF also the law or the act has to be made in such a way that it becomes a banking institution. Why am saying so is that the NSSF is enjoying a lot of money from the members who are Kenyans. The NSSF cannot even at all put in mind that a Kenyan might die before reaching the age of 55. Let us say you have died at the age of 40 and you have got children, the NSSF pays you after 55 years now how are you going to pay school fees for your children? Are you going to pay medical for your children like the NHIF? Another point, some people in Kenya are members of the NHIF other are forced to be members of NHIF but then we have got some other alternative bodies, institutions that are offering the same services. I think let us decide those people who are willing to be members of the NHIF at least on request.

Another point, in the past many of you who were employed there is a card that some of you have to sign called next of kin card. And some of these people don't know what a next of kin is. And at the event of anything like death, a cheque is written that the benefits of so and so let us say savings go to the D.C. Then later on the D.C enjoys this money and my children are only 5



years. I propose that yes, to the children department must be made in a way that it caters for this money not the D.C. I wonder how somebody's money can stay at the D.C's office for 18 years. Some people have ended up losing their money. Another point you get somebody is waking up one morning from his bedroom and say that a president who is going home to the village is supposed to be given some money. It is wrong let us have a council preferably from the treasury. Some three people from the treasury three people from judiciary then from the parliament like the speaker, the leader for opposition and the government business in parliament those are the people who can at least debate on that and the bottom line of everything should be the economy of this country. Are we performing. Right now you can find that Kenya

**Com. Zein:** Let me ask you Sammy are you saying proposals on the retirement benefits for a retiring president should be handled

**Namutali:** By a commission or a council

**Com. Zein:** And not proposed as a law through parliament where parliamentarians will discuss it and then decide if they accept or not

**Namutali:** I don't think so. The parliament right now is giving heavy salaries for themselves

**Com. Zein:** Fine sawa

**Namutali:** So I think we need a committee that shall discuss such even the salaries for the MPs a committee must be set which the parliament cannot have control over such. A very independent committee that will say the performance of our economy in these ten years has been this way. Thank you.

Another point, about chief, councillors and provincial administration, you see a chief and a councillor and D.O. and many other people are giving similar duties so I think so I think the best thing to do we have to think of a way of scrapping these other people like D.Os and chiefs so that we may have a cost effective constitution. A constitution that can control costs.

**Com. Zein:** Are you proposing when you say D.O and chief. The novel of D.O and chief that is what you are proposing?

**Namutali:** Another point about land ownership many people have talked about land but I feel the culture in Kenya is that if you are a minister you are given free land if you in the army you are given free land. So I propose that mandatory land ownership let it be 5,000 acres for everybody but then if you got none you must have one acre of land shall be forced to give 5,000 acres to the government. About boundaries, I also propose that boundaries should be those of 1980 at least before multiparty. I look at those boundaries are the boundaries that are at least worth but the present ones are politically put there or outlined.

**Com. Mosonik:** Let me ask boundaries of what for what?

**Namutali:** Constituency boundaries have been tailored to favour parties even local divisions have been tailored even if we don't control it very soon a province shall be removed to go to another province.

**Com. Zein:** Boundary of what name? Sema kama ni province, district, constituency, division like that.

**Namutali:** Constituency and divisions even in districts and now we don't want districts now we want to do away with them. Just some regions I think you guys you are commissioners you have to come up with a better thing that is why you are there.

**Com. Zein:** ...(inaudible)...

**Namutali:** I think many of you have given a lot of these things and you get it from them. Now am finishing. About ethics any person or woman implicated in any moral vice shall not hold any public office. He/she shall be prevented upon to resign why am saying this is that the many guys are enjoying in Kenya the MPs talked about it.

Another point, we have got jail birds in parliament. They must not hold office at all because they have been jailed you know they might have been thieves or robbers.

**Com. Zein:** Ndugu yangu wasema any person who has been imprisoned should not hold office?

**Namutali:** Hold office or even go to parliament.

**Com. Zein:** So Mzee Jomo Kenyatta could not have become the first Prime Minister of Kenya?

**Namutali:** You know it is a mzungu who jailed him not an African

**Com. Zein:** So now you are putting imitation if you were jailed by a mzungu (laughing)

**Namutali:** Another point am finishing

**Com. Zein:** Let me ask you so anybody who has been jailed from 1963- to date it doesn't matter for what reason

**Namutali:** From the time we are putting up this constitution now

**Com. Zein:** Of in the future

**Namutali:** Yes. Another point I look at this nominated MPs as a burden to the government. So I propose that if we nominate an MP he should be that one who has never tried and failed in any general electio. Another point in Kenya one many on job so that we can give jobs to other people. Fine am now finishing this that am stil on the MPs. Am finishing. About expatriates, I was forgetting that one which is very important. Some of our boys are very good and you see the government is importing knowledge from abroad from elsewhere and even our boys are going out. I propose that before we go in to import knowledge let us evaluate our knowledge. We have the same professionals who can deliver.

**Com. Zein:** That means Sammy you are saying that no person should be given permit to work as a foreigner here if there is a Kenyan who can do that job.

**Namutali:** who can do that job because the bottom line of aversion is that a good constitution must be cost effective and also it must enhance good governance.

**Com. Zein:** thank you Sammy just hold on.

**Com. Mosonik:** Just a small question. Everybody is raising that point about one man job. Are you saying that one president one job or one man because the president is not a man you know is a president and if you are saying one president one job what is that job? Constitutionally there is a description of the functions of an office and it can be more than one function. And I think you are beginning to confuse between the job for a simple human being and a president. Those functions may be defined in a constitution to be more than one job.

**Namutali:** What I mean is this.

**Com. Zein:** Please hold on. And if it is not the president you are not refering to you are saying that any Kenyan should only have one job is this in private or public sector and if it is in public sector does that rule mean that a brain surgeon cannot treat or work in a hospital as well as teach at the university?

**Namutali:** I think that is what you are answering the question yourself. That if you are a lecturer,

**Com. Zein:** No, start with the president

**Namutali:** If you are the president of Kenya you must not be a chancellor of Nairobi university or Kenyatta university or any other university. Just remain a president.

**Com. Mosonik:** May be the Kenya law now the way it is allows the president as president to be a chancellor of public universities you see just like the Queen of England is the Chancellor of Oxford university. So if you list in a negative way, you

not excuse me. He should not be the chancellor but what else can't he be or what else can the president be you see because it depends on how you define the functions of the office of the president. What is that one job that he can do. Once he cannot be a chancellor what are the others?

**Namutali:** If one is a president he must stick to the presidency. If one is a chancellor let him be a chancellor.

**Com. Zein:** What the commissioner is asking you could define the powers and function of the president for instance under the current constitution the president is the Head of State, the Commander-In-Chief of the Armed forces, he is the head of the government, he appoints the cabinet and so on so forth. You are saying are all these the functions of president on this should be seen as different jobs.

**Namutali:** Thank you I think this is what I want to make it clear that as the president should be in charge of his own army that is very true I don't dispute that he should be the Commander-In-Chief of the armed forces and the president but his other duties please kindly give the president time to lead the country. I think am now clear.

**Com. Zein:** ...(inaudible)...

**Namutali:** That one can do but you can not get a chairman of ...

**Com. Zein:** ...(inaudible)...

**Namutali:** I don't think because he still like someone walking in Moi Referral Hospital in Eldoret is a lecturer at the university who is also working there is normal because he still doing the same things he is doing in the university. Thank you.

**Com. Zein:** Thank you very much. Stausi Sakari, halafu atafuatiwa na Johnstone Walubengo na nilisema baada ya majimbo matatu si ndiyo hao, huyu ni one, two, three halafu unakuja wewe. Ni wewe tena nakurusha mzee wangu. Naita majina matatu kwa list halafu nampa mtu fursa yule anaomba ruhusa endelea mzee.

**Stausi Kimengich Sakari:** Asante sana, majina yangu ni Stausi Kimengich Sakari sanduku la posta 57 Webuye. Mimi nitaanza na neno uraia. Mtu ambaye atakuwa na uraia bila pingwa ni mwafrika wa Kenya aliyezaliwa Kenya na kwamba iwapo kuna mtoto aliyezaliwa na mzazi mmoja aise raia wa Kenya uchunguze kama mzazi wake ni wa kiume huenda huyo baba yake atapenda kumpeleka kwao asipewe uraia kwa Kenya.

**Com. Zein:** Mzee unasema katiba ilivyo sasa kwamba ikiwa mzazi mmoja si mkenya ikiwa mkenya mwanaume ndiyo baba na mama si mkenya huyo anaweza kupewa uraia. Lakini ikiwa mama ni mkenya na baba si mkenya hawezi kupata automatic

citizenship.

**Sakari:** Kwa maana huenda baba yake akaenda naye kwao. Neno lingine ni kwamba mkenya atatambuliwa kwa kitambulisho kwa maana mtoto kabla ya kupewa kitambulisho anapitia kwa wazee wa vijiji na wanajua vizuri baba yake hata babu zake. Na upande ya usalama wa nchi yetu nafikiri napendekeza kwamba rais ana uwezo wa kuamuru kutetea nchi yetu kama inaingiliwa na baadaye anaweza kupeleka kwa bunge. Upande mwingine wa siasa mimi naona siasa sharti wenyewe wajitegemee ila mtu asiye akaona ni kuingia siasa nitakuwa nikipewa pesa na mtu. Serikali ambayo mimi ningelipenda iweko ni ya tulikuwa tunaita majimbo iliyotengenezwa wakati wa kupata uhuru. Na hiyo jimbo tuwe na uwezo kamili na wanaweza hata kopa ya kusaidia serikali kuendelea. Lugha ambazo tunaweza kutumia katika nchi yetu mimi napendekeza kiswahili na kingereza. Mimi naona mjumbe ama councillor ambaye alichaguliwa na ameenda huko na ameshindwa kufanya kazi yake sawasawa sharti wananchi watoe wafanye referendum halafu waseme rudi nyumbani.

Nina sababu nyingine rais wa nchi yetu ana haki ya kuvunja bunge na ni kwamba ingelikuwa sasa kama kuna mabishano mahaka uwezo wa president uelezwe. Naona kwamba serikali ya wilaya ama town council wenyekiti wachaguliwe na wananchi na hali ya standard ya elimu ya chini iwe KCPE pia wenye kuchaguliwa wananchi wana haki ya kumukataa councillor kama wanaona haendeshi vizuri na pia president ama waziri wa serikali za mitaa na haki ya kuvunja hiyo council. Uchaguzi mimi napendekeza kwamba tuendeleo na njia yetu hiyo ambayo tumekuwa nayo ya kumutangaza mtu ameshinda ama chama kimeshinda kulingana na wingi. Kwamba president tuendeleo na 25% president achaguliwe moja kwa moja na wananchi. Mimi naenda moja moja tu. Na mimi naona hukumu ya kinyongo isiondolewe. Elimu ya bure ikiwezekana iende mpaka darasa la nne kwa maana masikini ni wengi.

Urithi wa mashamba mimi naona njia nzuri iwe mwenye shamba akiwa hai aandikishe family yake kwa green card kwa land registrar. Ngoja tu niongezee ya akina mama. Mimi naona katiba yetu hapa Kenya iko sawa kwa kina mama kwa maana iko judge, iko commander wa army education officer sioni mahali wamekuwa discriminated. Asante.

**Com. Mosonik:** Na tukiya uliza mwaswala usiridhike kwa ajili tunafikira pamoja na tunaka kuelewana. Ni maoni yenu na mkisikia tukiuliza mtu moja pengine ulikuwa akifikiria pendekezo hilo ufikirie tena hatusaidia wote kwa ajili sasa tunarudi Nairobi kwanza kuandika. Mzee Sakari akasema kwamba mtu ambaye anaweza kuwa raia wa Kenya akasema automatic. Ni mkenya mwafrika mzaliwa wa Kenya sasa mwafrika ni nani? Tunauza hivyo kwa ajili tulipokuwa na hii problem ya kusema watu wa coast kuna wengine wanasema hao si watu wafrika kwa hivyo ningependa kujua kwako mzee mwafrika ni nani?

**Namutali:** Kwa hilo swali mimi majibu ni kwamba kama sisi hapa tunajuana ni wafrika ni mluyha, mteso, mjaluo hapa karibu tunajuana hivyo. Na kama tuseme ni Somali na amezaliwa hapa itakuwa ni mwafrika.

**Com. Mosonik:** Ni fafanue kidogo. Unajua watu wa pwani wakisema wameudhika sana wakijaribu kwenda kupata kipande cha raia wanaulizwa walete kipande ya babu zao wakielezwa nyinyi hatuna hakika nyinyi ni wafrika wa hapa. Halafu hao wakasema sisi tulikuwa pwani miaka mingi kabla ya nyinyi wafrika wa hapa. Halafu hao wakasema sisi tulikuwa pwani miaka mingi kabla ya nyinyi wafrika wa bara kama waluyha sasa kuingia sehemu hii ya Kenya mulikuwa bado mnamtembea kutoka

Sudan kupitia Uganda kuja hapo ndiyo tunakuuliza hiyo kusema mwafrika inawahusiana watu wa pwani ama hapa.

**Namutali:** Inawahusisha nafikiri wakati wa mwaka ya kwanza sitini na moja tulikuwa na mambo ya mwambao na hiyo ilikuwa kwamba mtu yeyote ambaye ameishi hapo amezaliwa na hajui alikotoka basi yeye anakubaliwa Kenya.

**Com. Zein:** Na mzee kuhusu swali hilo hilo. Je mtoto mtu ambaye ni mzungu lakini yeye hivyo mzungu babake ni mkenya ni mkenya na mamake ni mkenya na mamake ni mkenya mpaka afanyiwe uchunguzi.

**Namutali:** Kuna wale ambao wanaingia hapa wa work permit.

**Com. Zein:** La nakupa mfano wa mkenya ambaye amekuwa ni mkenya baba yake ni mkenya mzungu na mamake ni mkenya mtoto wake. Huyu mtoto atakuwa mkenya au anatakuwa atoe maombi.

**Namutali:** Mtoto atakuwa automatic

**Com. Zein:** Johnstone Walubengo ndiyo huyu uanze kutoa maoni ndugu. Utaje jina.

**Johnstone Walubengo:** My names are Johnstone Walubengo Kibunguchi. I represent Bungoma Enterprise Management Associates is an NGO. Now my first contribution is that to avoid the situation whereby the president entrenches himself into the system and perpetuates his role through dictatorial or otherwise I propose that the presidential term to be limited to two five term

**Com. Zein:** That is like the current constitution

**Kibunguchi:** Yes but we are re-writing

**Com. Zein:** A maximum

**Kibunguchi:** Of two five year term am hoping we are re-writing the constitution

**Com. Zein:** Yes am asking that because when you say two terms does that mean the president must serve two terms only

**Kibunguchi:** No maximum of two five year term. And on that breath I would like to extend that to a serving MP to also serve a maximum of two five year period. I would also propose a prime minister for this country who will come out of the majority party in parliament. I propose that all the senior government positions in civil service, parastatals must be vetted by parliament so that we get the best ...(inaudible)... I also propose that we have accountability for wealth of senior officers appointed into

the government parliamentarians so that we avoid a situation whereby we make billionaire in a very short time. We have known of people who are very poor but the moment they get into a senior position within no time they have become very very rich people in the country.

I also propose a situation whereby we have one man one job. We have very many talented people in this country but you will find that one person is holding about five positions as the situation is now. I also propose that parliament should also have a calendar which is very clear so that it is not at the will of the president to prorogue parliament and in that breath also recommend that we have a calendar for the general election, we want to avoid a situation whereby somebody or the president uses it as

**Com. Zein:** That you should have defined election day ...(inaudible)...

**Kibunguchi:** Now the environmental position the situation as we have it now. I will suggest or propose that we have very strict rules governing the environment. We have situations that we paid for where we are sitting now that our environment is polluted so much.

Finally I would also propose that being an agricultural country we should have a very clear national food policy. At the moment we have a situation whereby we have left out farmers at the mercy of middlemen who come and exploit them because they don't have a market for their produce. We are a sugarcane growing area here and determination of prices is not very clear the farmer doesn't have a bargaining power and in some cases given the payment for his produce and the team under which the profits are not very clear. We have a situation like the clerical produce board at the moment whereby when we were still growing up the cereal board were playing a very important role where the country had strategic reserves such that at one stage when there is so much in western it would be moved to central or it would be moved to North Eastern. At the moment we don't have that we the facilities that have been run down. We have farmers who are growing potatoes and other things there is no marketing strategy there is nothing so you just sit there and hope to be the best price for your produce. So I would like that to be incorporated.

**Com. Zein:** Thank you very much Bwana Walubengo. There are no big questions for you, you were very clear thank you very much please sign our register and now it is the time for mwalimu Joseph Simiyu who has to get back to class to teach but while mwalimu Simiyu is settling down let me call the next three names so that you know how you are going to follow each other and then give a chance to somebody who has reason for leaving us early. Samuel Kiberenge, uko wewe ndiwe unafuata halafu Peter Waluchio ndiyo utamfuata mzee halafu tunaenda kwa Mark Mayamba unafuata halafu tutampatia fursa Reverend Okubala atoe maoni halafu ndiyo aende. Haya endelea mwalimu.

**Joseck Simiyu:** Dear commissioners

**Com. Zein:** Uanze na jina lako.



**Simiyu:** My names are Joseck Simiyu Kwichani of Box 262 Kimilili. These are my proposals. First and foremost is the structure of government.

**Com. Mosonik:** May be since you are a mwalimu you could tell us institution in which you work.

**Simiyu:** Panpaper High School. The structure of government shall be a parliamentary system of governance. The top most of power shall be the people themselves. Below them will be the parliament then there comes the president and his vice president there should be the prime minister his deputy and there will be ministers and assistant ministers within the judiciary we have the Chief Justice, judges, and magistrates and the executive part we shall have the chief secretary and permanent secretaries. The legislature shall be the supreme constitution of the people of Kenya. It shall be composed of various members of parliament after general or by-election. It shall legislate and determine all policy matters in the country but most important is shall receive and legislate over all persons recommended by resistative constitutional commissions of professionals to be appointed to head the constitutional institutions of the state. It shall forward its decisions to the head of state the president.

Secondly, I should repeat this one name or announce those officials. He should not have the power to select or nominate or appoint after the parliament has got nominations from the commissions the president will only announce those names. There shall be parliamentary committees who should work as the think tanks for those policies and finally there shall be parliamentary service commission. Now I come to the most sensitive part my commissioners. I request for pardon incase it becomes fairly sensitive. The constitution has tried to avoid the following. I propose that a president of the republic shall not have been a member of parliament since December 12<sup>th</sup> 1963. I may repeal that one and that locks us out so many of us who are now running. I also propose that the president of this nation shall be a member of any religious inclination including Dini ya Msambwa, Muslims but not devil worshippers.

The next point the president shall be officially married whether he is a woman or a man who is the president should be officially married. The 2<sup>nd</sup> party about the president the president of the election of the president firstly, the person of the president shall be the winner with at least 50.1% of the total votes cast in presidential elections. Failure in which there shall be the run off between the two top in the elction.

Secondly, a presidential candidate shall name his or her running mate who may also be elected to be the vice president. Now this an ammendment to the existing IPPG present clause in our present constitution. A person elected president shall hold office for a maximum of two consecutive terms or three non-consecutive terms of at most five years each. I am not saying two consecutive and five years. I am saying a maximum of two and am not saying at most five years. So if somebody has been in office two terms of a week each he qualifies to move out of office. There is no point trying to say he is there for five years one term must be five year no way. Fourthly, no person in the office of the president shall hold office at the same time as the holder of the office of the prime minister from the same tribe. If one has come from here another one comes from somewhere else. Infact we may have the same people in the same constituency I am saying the time must come from different tribes because I understand we are more than 73 tribes in Kenya not just 42. Fifth in the event of the above happening the president shall resign.

If after a general election the president and the prime minister who have come from the same tribe am recommending that the president will have them to resign then there will be a presidential election when we shall determine a president from a different tribe.

Sixth, no person from, infact this one is very contagious, no person from whose tribe a president shall have held office as the above paragraph. I am talking about the swearing shall contest for the period only in at least live consecutive generations. Sixty years I am talking about a tribe if you have had the presidency for five years or ten, light or two years then nobody from that tribe for another sixty years. Third point about the presidency, powers, duties, functions and priviledges of the president this one you read through but I think I can just read a bit of it. He shall be the head of state, symbol of national unity, inaugurate and dissolve the parliament as direct should be stressed directed by the parliamentary service commission. He shall appoint the prime minister from the majority party in permanent after general election. He shall appoint the chief justice as per the judicial service commission. He shall appoint the chief secretary as per the public service commission. He shall be Commander-In-Chief of the armed forces. He shall appoint officers to head all national and international institutions as per the respective service commissions. I have put seventeen points through but I think I better skip that for time you read. Resignation of the president. One more minute I have so many pages. Resignation of the president he shall resign if he is mentioned in the corruption, impeaches this constitution, when mentioned in an assassination or attempted assassination. Formation of government, I have talked about rewarding three top contending parties I am talking about 48 parties in the country they are all registered so after general election the top three should be rewarded as follows. The one with majority seats in parliament will be awarded with executive prime minister the second one gets the prime minister and there shall be eighteen ministries. I have named all of them and I have given the majority party in parliament with ten, second majority with five and third majority with three. The executive prime minister I feel that one you can go through resignation of the prime ministers will be he resigns when the government is dissolved when he is incapacitated, he looses at a parliamentary election, he is named in assassination or he will be charged for being corrupt. Mwewe have been suing the Attorney General for the government infact it is an anomally because there is ...(inaudible)... actually the council to the government. I am proposing that the prime minister if the one who should be sued because he is the head of the government. General elections, counting should be done at the voting centre and all officials who are there centre should sign for the results. And then the results will be announced after all those ...(inaudible)... have been taken. There are election offences now the other one there shall be constitutional commissions – Parliamentary Service Commission, Diplomatic Service Commissions, Judicial, public, teachers, armed forces, parastatals, local governement, electoral commission and corruption and any other soci-ecopolitical service commission as approved by the eyes of parliament. I am proposing the local administration chief be elected and the assistant chiefs and then we pay village elders a salary from the funds. They should also be dismissal of those fellows I am talking about land law, marriages, street children.

**Com. Zein:** One more point

**Simiyu:** Good

**Com. Zein:** Use one more point ...(inaudible)...

**Simiyu:** Now before I go to the last one multi-national industries, under or companies of super seal

**Com. Zein:** Mwalimu be like a teacher you know about summarises as I told summarise so I am saying not before the last point

**Simiyu:** Thank yo can I summarise this one

**Com. Zein:** Just make one more point not the last one. If you feel that is the las that should be the last

**Simiyu:** Location of all industries shall be at the source of raw materials depending on the availability of water and all multi-national industries shall not employ foreigners for jobs Kenyans are qualified too. Also they should not employ foreigners for both top executive and deputy top executive not both of them. All street children should be registered.

**Com. Zein:** Basi kwa hivyo ...(inaudible)... no vile nilikuambia ngoja mzee sasa ngoja maswali

**Com. Mosonik:** Very prepared since you are a mwalimu. I will know you can recall everything we know of the presidential elections by 50.1% you didn't say anything about the 25% which there is now number one. Secondly why should the president resign when he cannot from the same tribe as prime minister and not the other way round. Which means in other words how does the president elected and the prime minister and finally on the issue of resignation because of being mentioned adversely in regard to assassination or attempted assassination how about when such allegations are simply allegations and do not have any basis in that.

**Com. Zein:** Just may be on a different way of cooking at the last point he is making when you say mention for corruption if somebody syas in the streets so and so is corrupt is that mentioning.

**Simiyu:** I will begin with the last one corruption. I think I have been very specific. If he has been charged in court for corruption. No am looking at a president as a person of high national intergrity he should not be implicated at all. He should be very clean.

**Com. Zein:** How do you verify assassination implication. What is the process because the first one is clear you said if somebody has been charged with an offence of corruption the second one if somebody mentions in the street or in parliament what is the procedure.

**Simiyu:** Well am looking at somebody who is trying to say he is involved in assassination or mentioned he has enough evidence

the moment that president resigns he will be taken to court and be charged with the same. Now the 25% idea which is there in the present constitution is over written by my recommendation. 50.1% now we are talking about the prime minister and the president coming from the same tribe. Why should we have a president resigning rather than a prime minister. Well am looking at the prime minister well am looking at the prime minister as having to be the leader of the party with majorities in parliament. So if he must resign it will mean that his other MPs in his party must also resign. So it will end up being too many resignations. On the other hand am looking at the president as somebody who has been voted in by individuals in the whole state. So it is easier for us to manage another election for the president than managing elections for the prime minister and his party.

**Com. Zein:** We don't want to argue. You were saying if they come from same tribe the president and the prime minister why would the members of the prime minister party need to resign when it is a question of tribe. The tribe of their prime minister.

**Simiyu:** The other alternative will be in the want you don't want the president to resign. Now I recommend that the prime steps down and then his deputy is named as the prime minister.

**Com. Zein:** Ask you mwalimu you will you be satisfied if the elections are staggered so that if one person is elected for particular election than you know that no one can stand for each president or prime ministry or because that person from this community so no one from that community can run for that particular office.

**Simiyu:** I feel they will re-align themselves when time comes. Once he is there

**Com. Zein:** Okay we will read every part of that memorandum. Samuel Kiberenge, Peter Waluchio ukae karibu na Mark Mayama akae karibu pia Samuel Kiberenge. My names are Samuel Kiberenge. Just a resident of Webuye constituency. These are my proposals I propose that a civic and parliamentary elections should be done separately at different times. Since we are in a multiparty system every government formed must comprise of all parties represented in the parliament. The person vying for presidential seat must not vie for a parliamentary seat I also propose one man one job indicating that somebody holding any job should just only accomplish the responsibilities accompanying that title but not other extra duties. If somebody retires at an age of 55 he should retire and go in his business or enterprises but not any body or appointment whatsoever, we should have shadow councillors and member of parliament to check on the steps of those ones who are in. Everybody above 65 years should have pension since he is a tax payer.

There should be free primary education and free medical services to the people. In the case of presidential elections one must get 51% of the total votes casted and the 25% from the five provinces as stated in the present constitution. I propose also that there should be independent candidates to eliminate excess loyalism at the expense of mwananchi since at the present time one wants to be loyal to the leader of the party at the stake of the people he is representing. In the case of land ownership anybody presently in Kenya owning above 1,000 acres should relinquish the extra land and from the remaining anybody owning 500 acres and over should pay taxes for that land he is owning above 500.

**Com. Zein:** ...(inaudible)...

**Kiberenge:** Okay I will continue the picture on the present Kenyan notes and commissions should not be of the president and if it is a must then for the first president who is Mr. Jomo Kenyatta the late. Anybody indicated in any scandal however little I propose that he should resign from his seat upon the time he is going to be taken to court. For the same charge. I propose that there should be funding for higher education. Considering youth polytechnics, institutes of technology, technical institutes, national polytechnics and the universities not as it is being done presently for only university students.

Hiring of experts from outside Kenya should be done only when it is proved that there is nobody who qualifies for the same in our country concerning this issue of value added tax charged on the product it should be paid by the producers as the tax they are paying from the province they earn but should not be carried and translated to the consumers concerning civic education it should be introduced in the syllabus as a subject not as a subject not as a constituency if something called civics. In the formal education and also adult education. Thank you.

**Com. Zein:** Thank you very much Samuel uende pale ujiandikishe na utupe hiyo karatasi kama umeandika vizuri utupe. Samuel Kiberenge amemaliza namwita Peter Waluchio. Karibu bwana

**Peter Waluchio:** Peter Waluchio from Chetambe locatoin representing Tachoni community chairman NCKK Chetambe location having heard several referendums over the issue of the constitution review we have a compiled memorandum which the Tachoni wish to be read to the commission, honourable chairman the Tachoni themselves have a preamble which they would like to forward without being read here but the compiled topics they request that it be read here. They could actually like to come all of them to feel this but the report is bearing 316 signatories that is why they request for that. I beg for extra time because of the standing order that you allow me extra time to go through the memorandum.

**Com. Zein:** Mr Waluchi because you are representing a group and you are saying you are representing the Tachoni people I will give three more minutes and that will be eight minutes and that will be eight minutes but I will want you to make submissions in terms of the recommendations of proposals. You make recommendations and proposals only. The historical context should only be limited to direct collection with the proposals. So I am counting minutes very clearly when it reaches 8 minutes I will stop you and I will tell you that your time is over. Is that acceptable?

**Waluchio:** I won't accept that undred request that actually in case there will be a point remaining you will allow me to finish because this is a ...

**Com. Zein:** You are talking more time now you should be grateful three more extra minutes. Starting now...

**Waluchio:** Thank you very much constitution of Kenya review commission. Further to our memorandum of 22<sup>nd</sup> March 2002,

regaining to the subject matter endorsed please find a revised text of the same following the nationwide civic education conducted by the review commission. The commission appointed agencies, our community has found it necessary to submit to you a revised preamble. Before we address specific issues questions of Kenyas constitutions review it is our pertinent that we say something small about ourselves so that the commission knows. I will paint in a nutshell.

The Tachoni were formally the Pongomek group of the Kalenjin tribe their closest kindred as the Saboti's of Elgon. The Tugen of Cherengani, Sarangwet Keiyo Marakwet while they are distant brothers are Nandi and Kipsigis. At the Bantuism stage biblically around the year 1400 the Tachoni acquired their new name when a dispute aros from the Bongomek and the rest of the Kalenjin tribe who told them Tachoni as Tajon meaning go and come back. They later learned Oitacho and Maasai with whom they fought many wars. We speak on Tachoni and our community is made up 36 clans all in which a test to a price 7 sheep hides namely circumcision of both males and females, traditional baptism is a stature traditional an accet of it narrature. Traditional eulogy '*Akhusema Omusee*' the sacred tree *omutoto* adherance *ikhoyo* specific and unique matrimonial rights. This sheperses are part and parcel of the cheptalel our God as we move forward through the inspiration of stigma and immoral, immortal and spiritual barometer called *siamanda*. We have almost into proportions in both Bungoma and Lugari districts. When the colonialists came they found us living as such with two rulers into total command of the said areas see the attached map. The rulers were Sifuna Seiyaga the Bungoma side and Lurambi Lumbasi Semukongolo to present Lugari side.

Our views in this memorandum therefore are for anostolich background tha needs to be consolidated in the national constitution review to cater for our welfare and livelihood. The Tachoni community feels very strongly that laws relating to the factors stated herein is in its respect is either oppressive, misplaced, or seriously wanting to execution and needed to be reviewed to facilitate, reflect a true fairier picture of the status quo. The measures to be reflected in the constitution law review recommendations should not only be corrective in nature but should offer visible alternatives to atone the laws glory and steer our country to greater highlights of peaceful development. The following factors pertain our deep rooted feelings and subsequent proposals to the commissions.

Kenya constitutional preamble. A preamble for our constitution is paramount to give our overview of our backgrounds welfare developments of Kenyans forecast for psychological change, declaration of Kenya's sovereignty boundaries indicate history and one importance of unity amongst people of Kenya and enhance their intergrity. Poverty eradication, education, intoxicification of reduction and eradication of diseases being about liberty of all Kenyans and offer a pertiser for correction of mistakes and anomation.

Directive principles of state policy. There is need in our view to have statements philosophy. This should enhance such attributes as unity co-existance social economic development, the nations patriotism, intergrity, humility and national security, certain democratic principles. We propose should have strong hearing on our constitution for example. Central federal regional government system, regional economic diversity, employment capability and continuity, pluralism, separation and independent collectiveness of top state organs namely executive, legislature, judiciary, law supremacy and re-introduction of the lower and upper houses are all healthy undertaking for our democracy. The Kenyans have important values to need to be reflected in the constitution as requisite this include cultural, traditional customary and heritage values which should be enforceable both objectively and national or regional level and objectively or identified groups.

Constitutional supremacy, due to the sensitivity and importance of certain national issues our community recommends that parliament amends any part of the constitution by 75% and not 65% majority. However, our experience tells us that parliament's power to amend the constitution should in a way be limited particularly in matters touching on the country's economy, security, land and food policies. In other words the public through referendums should be involved in senses and reviewing of the constitution under law directly affecting the parliamentarian should be the work of referendums. The case of our legislators hiving their salaries has happened recently has been noted with total dismay by us. This scenario should not be allowed to recur or escalated in our opinion MP's should earn 200,000 per month until further notice by experts and the national advisory board of elders. The law makers powers in other words need to be checked. The referendums we suggest should be conducted by representative professional groups from the grassroots level in citizenship. Ninaomba.

**Com Zein:** ...(inaudible)...

**Waluchio:** Mzee niki-appeal ninaomba ya kwamba kama wangelikuwa hapa hata wangepiga kilele lakini kwa sababu wameni-trust hii responsibility wacha tu niendeko kidogo halafu nimalizie tu

**Com Zein:** ...(inaudible)... that is why I gave you eight minutes... (inaudible)... but if you come tomorrow..(inaudible)... Watu wako wengi na kesho pia tuko katika division ambayo there is a large Tachoni community. I have given you ten minutes I am giving you those two extra minutes to talk about citizenship and then go on don't know if that is acceptable.

**Waluchio:** Thank you very much feel at home this is our Lancaster house.

**Com Zein:** Thank you

**Waluchio:** Thank you citizenship to state without discipline and a responsible citizen is easily vulnerable to insecurity. The Tachoni community therefore wishes to recommend enforceable law in our constitution which will uphold any malice in the requirement of Kenyan citizenship. We feel that anybody belonging to any indigenous male parent should be an automatic citizen of this country. A foreign woman who wishes to marry a male Kenyan should apply for a citizenship certificate should she divorce a husband for whatever reason she should then be deported immediately if however it is determined that she owns a child or from the Kenyan male parent then our citizenship can be revisited purely on merit. Foreign males spouses must equally apply for citizenship certificates this follows that only a child born of a Kenyan male parent becomes an automatic citizen of this country. The right of a Kenyan citizen ought to entail land ownership and business enterprising education, health, shelter, worship and freedom of expression while in obligations should comprise of defending the nation being patriotic be ready to enhance social, economic and political development and having respect for other citizens. The rights and obligations should not be determined by the manner in which citizenship was acquired. We strongly disrecommend dual citizenship to avoid double standards and minimize interpool surveillance. In our opinion documents necessary for Kenyan citizens are the birth certificates for children and national identity cards and on the way when I was coming finally we had pastors who had the opinion that



christian community in kenya be represented by a parliamentarian. A second point on that note, organizations and trade unions be represented by a parliamentarian specifically an example of teachers they should have their own parliament by law of the country.

**Com Zein:** The christian community you were going to say is this limited to christians or to ...(inaudible)... somehow will also have the rights to nominate muslims will also have to right to nominate, hindus will also have a right to nominate.

**Waluchio:** Moral values concerning the christian community have to be respresented in parliament only.

**Com Mosonik:** And on the issue of dual citizenship. You told us that you are related to the Saboti and on the issue of dual citizenship you would like it to be introduced because of their relatives across the boarder in Uganda. The Batachoni say no there shouldn't be anything like that when we were in Kapsokwony and Cheptais their recommendations on the Saboti that there should be dual citizenship because of their relatives acrss the boarder or those who migrated to Tanzania and so on when they were expected under colonial rule. We therefore say there should be dual citizenship. You the Abatachoni are saying no

**Waluchio:** Since we are related we recommend that on scrutiny to identify that the is a relative of a kenyan from the other end has to be rescrutinized.

**Com Zein:** You know there is a question we were told may be this is just a story but we were told that a lot of Saboti were expelled from Kenya and forced to leave Kenya during the colonial period when their land was taken over by the colonialist some are in Uganda we were told some are in the Sudan then some are in Tanzania. So the Saboti were saying there should be dual citizenship for such people. I don't know whether the Batachoni have thought about it.

**Waluchio:** Infact the point wasw emanating from the future law but as for now that priviledge is there to identify any dual relationship that is existing. Also I will ask the point your honour . The question of widow. The majority feel the widow should not take advantage of the late to woo the wealth of the late to her own home so that the wealth looks like she want to fetch for wealth of the late should be actually cemented within the community and the relatives and the tribe within.

**Com Zein:** Thank you very much please give us the memorandum we will be able to process it. Mark Mayama.

**Mark Mayama:** Chairman wa commissioner na participants mimi na represent yangu lakini nitakuwa brief. I am Mark Mayama from Webuye. Mimi ningepeana short kwa sababu naona watu wanakuwa na marefu sana kwa sababu already ile watu wameongea sitaongea. Ni kwamba Kenya mimi nafikiria ya kwamba Kenya yetu ni mzuri sana. So wale watu wanaongoza Kenya lazima wawe wazuri. Tutafute nao watu wakiwa wazuri? Ni kwamba huyu mtu aandike a declare his wealth. Alipata namna gani dniyo asimame kura yeyote katika nchi yetu. Ndiyo Kenya iwe safi ele tunasema. Kitu cha pili ni kwamba mimi nafikiria nomiati MP's hawana maana kwa sababu.

**Com Zein:**...(inaudible)...

**Mayama:** Nataka badala ya nominated MP's tuwe na kila province ichaguwe kiongozi mmoja ambaye anatetea wafanyikazi katika nchi hii ili parliamnet wakati wafanyikazi wanadhulumiwa katika province ile huyo MP anawakilisha wale katika parliament. Kwa sababu problem is rejected MP anawakilisha wale katika parliament. Kwa sababu problem is rejected MP were being nominated or appointed. Kitu ingine ninavyoongezea ni kwamba tupewe nafasi nzuri kama MP wetu ama councilor hafanyi kazi tunapiga kura ya kutokuwa na imani na yeye halafu anarudi nyumbani kwa sababu miaka mitano ni mingi sana kama muna-suffer mkiongoja ati yeye atamaliza. Kitu kingine ni kwamba hao wakenya ambao wna-invest hapa nafikiria wa-invest hapa lakini wapee wakenya heshima inayostahili sababu unapata watu wengine wanatusi wakenya na serekali haioni hiyo sas tuwe na sheria ambayo ina guide mwafrika ama mkenya isiwe katika mikono ya mkoloni mambo sasa. Nitakuwa kwa sababu nilisema nitakuwa brief ni kwamba mayors wachaguliwe na watu, chairman, mayor wachaguliwe na watu kutoka kwa ground kwa sababu tunaweza kuwa katika area kama hii yetu tunakuwa na tajiri fulani ambaye anataka huyu mtu awe mayor ndiyo hizi plot sipotee. Sasa inakuwa yeye anatumia hiyo hali ya kununua ma-councilors wanapigia mtu kuwa mayor na ako unfit. Kitu kingine ni kwamba kwa sababu nilisema ni brief.

**Com Zein:** Ni mimi peke yangu au kusema yeye atakuwa brief maanake anaendelea tu(laughing)

**Mayama:** Kitu kingine ni kwamba kama mtu anaishi mahali pa kazi kwa mfano huwezi kufanya kazi katika mahali miaka kumi kama haujalewa hiyo kazi. Kwa hivyo namanisha ya kwamba mgeni akija Kenya apewe muda ya miaka kkumi na arudi kwao kwa sababu wakenya watakuwa wamejua na asije akafanya kazi ya yule mkenya ambaye amejua ambaye ako hapa jobless. Na hao watu ambao wanataka kuwa kama polisi, walimu pamoja na nurses wanatufanyia kazi mzuri sana katika nchi hii ya kenya but wakati unapoangalia watu wengine hawaoni lakini kwa sababu ya mimi kupropose ansa watu wengine ambao niko nao wanasema ya kwamba hawa watu walipwe zaidi ya shilingi elfu thelathini kwa mwezi kwa sababu hatuwezi kusema pesa haziko pengine mtu mmoja atasema hivyo lakini wakati ya kuongeza pesa wabunge walifanya wote mpaka opposition ikakosekana. So which means money is there but wanapeana watu fulani na wneingine hapana. So walimu na hurses ambao wanatusaidia sana na polisi watafanya pengine corruption irudi chini kidogo the lowest paid awe 30,000 thank you very much.

**Com Zein:** Asante Bwana Mayama umechukuwa dakika tano na sekunde thelathini. Meaning that umetumia dakika zako zote na muda zaidi asante sana uende pale ujiandikishe. Sasa kulingana na saa yangu ni saa tisa na dakika ishirini na mbili. Sijui saa zenu zinasema karibu na hapo.

**Audience:** Sawa

**Com Zein:** Saa tisa na dakika ishirini na mbili na bado mim list sasa niko namba three nina list mpaka namba kumi na mbili watu wamejiandikisha mia moja ishirini na sasa niko namba ishirini na tatu na nilisema sas naruhush Reverend Obala baada ya

yale majin matatu Reverend ndiyo anakuja. Dada sema kana unataka kusaidiwa. ...(inaudible)... poteza wakati nikisema na wewe.

**Interjection:** ...(inaudible)...

**Com Zein:** Ngoja mzee wewe si Reverend umetuandikia wewe ni mgonjwa. Basi keti mzee unisikize.

**Intejction:** Tulikuja asubuhi watu wanatoka nyuma ...(inaudible)...

**Com. Zein:** Ngoja mzee keti mzee nilisema sijui kuna watu wneinge nafikiri wamekuja wamechelewa hakuwa hapa nikisema yale mnavyosimamia kuzunugumzia. Sasa mzee kama ulikuwa hapa asubuhi umekuwa na koran. Mimi niko hapa number twenty three. Sikiza mzee nasema niliwambia asubuhi ya kwamba sisi tunweka haki ya tume kumpa mtu mwingine kuzungumza ikiwa ana sababu ya kutosha kama hayuko kwa list hii mlemavu, mama mja mzito, mzee, mgonjwa na mtu mwingine mwenye sababu ya kutosha kusema niwaomba mnipe haraka niende mahali. Ngoja si useme na programme officer mbona mzee wangu unanisumbua. Mzee wacha kunisumbua usikie kwanza. Sikiliza kwanza unajua hii kazi yetu si kazi rahisi unatakiwa mtu asikilize kwanza halafu kama hakuelewa aulize swali kama ameelewa afuate kama tunavyosema.

Nilianza kwa kusema kila mtu tunampa dakika tano aseme yaliyo muhimu tu kama ni memorandum unayo kwanza ikiwa una kuna njia tatu za kutoa maoni njia ngapi. Ya kwanza ikiwa una memorandum unataka kutoa bila kuzungumza. Unaweza kutoa sasa hivi na ukaenda pale unataka kuenda sijui kama mnanielewa. Bila mazungumzo unatoka pale unajiandikisha unatoa memorandum. Njia ya pili ni wale watu wenye memorandum lakini wanasema bado wanataka kuzungumza ndiyo watu wasikie ninasema nini. Mtu kama huyu tulikuwa tunsema tunampa dakika tano atoe yaliyo muhimu tu sio atusomee na munaona watu wengine hapa wanachukua zaidi ya dakika tano, thelathini.

Njia ya tatu ni kwamba unatoa maoni yako yaliyo moyoni na kichwani kwa ulimi ujuavyo sijui twalewana sasa. Mimi ningepomba nipunguze zile dakika tano zifike tatu mnaniruhusu kufanya hivyo?

**Audience:** Ndiyo

**Com. Zein:** Ndiyo kila mtu apate nafasi. Na nyinyi wenyewe ndiyo mumenipa ruhusa hiyo na ninampa sasa Reverend Obala fursa wacha niite majina matatu mengine. No Reverend first majina mengine matatu ya watu ambao wanapakana. Ikiwa una shida nisikize vizuri, ikiwa una shida, wewe mlemavu, mja mzito, mgonjwa, una kesi mahakamani, hatuwezi kukufukuza kusema utoe maoni. Njoo useme shida yako pale programme officer atatuletea sisi tutaangalia ikiwa inafaa baada ya kuita majina matatu tunaweka mtu mwenye deserving case. Si sawa hivyo? Reverend kwa hapo wacha mimi niite majina matatu. Joseph Ngaira, Dunstan Sunguti, John Somaya. Sasa mzee uende kama una shida yako useme na ule Rerevend pale. Baada ya hayo majina matatu nitampa fursa mama Teresia N. Sosio. Mama Teresia ameenda mama ulikuwa unapiga kelele una sababu ya kutohsa pale nenda ukamuone programme officer uandike jina. Anasema kama ni kuuliza tu ungeinua mkono ningekuambia mama unasema aje lakini ulikiwa unasema haata hautambuliwa. Uje useme na hata kama umekaa sana uliza programme officer

unajua namba yako. Ua mnataka niite majina kumi nidyo mtu ajue namba. Majina kumi maana tuko namba twenty three, seventy one iko mbali. Kama una sababu sema na huyu kijana atatupa jina saa hii.

**Gabriel Okubala:** Kwa majina naitwa Padri Gabriel Okubala. Before you commissioner sir, I would like to give highlights on the following. On education principles of state policy, I propose the following democratic principles to be captured in our new constitution. Accountability, transparency, justice

**Com. Zein:** Wale wanaozungumza kule nyuma nilikuwa nasema ikiwa una mazungumzo mtu atoke nje uzungumze umalize ndiyo urudi. We respect the views given here with utter silence. Thank you

**Okubala:** I continue, I recommend or I propose the following principles to be captured in the new constitution. accountability, transparency, justice, respect for human rights, determinatio and in brief the philosophy of nyayo which is the philosophy of peace, love and unity. That should be reflected. I also recommend or propose the following values not to be overlooked in our new constitution honesty, love for one another, tolerance, understanding, dialogue, consensu and lastly freedom of conscience that is to say independent thinking and independent feeling.

I would also like to highlight or to give highlights on local government and I have only one issue to say on that, that the following rules should govern the conduct of councillors a multiparty state namely ability to govern, concern for others non-interference, commitment, consensus and dialogue. On legislature I have the following to propose, that in a multiparty state, parliamentarians should be non-violent, they should be fair, nationalist, they should shun tribal inclinations, they should be efficient and abide or live by the rule of law. Na mwisho they should also govern having in mind fear of God. On the rights of vulnerable groups I propose the following, the following specific concerns should be captured in local stations equal opportunity for employment for all the disabled and namely I refer to the blend, deaf and the like. The right to work and earn a living from work which one has freely chosen. A right to fair and favourable condition of work, a right to from trade unions, a right to have an adequate standard of living and freedom from hunger, a right to education, right to take part in cultural life, a right to take part in cultural life, a right to protection from discrimination and lastly a right to secure protection of law.

On cultural and diversity I propose the following and moreso I have taken this a decent group I consider myself as a decent group that the leaders, pastors, clergy and the like that in the new constitution as a decent group following should be addressed. Allowance or pension be given to all the clergy after attaining the age of fifty because they are also serving the nation. Seats should be reserved for parties, religious and priests in our national assembly. I am not refering that they should be elected no seat should be reserved for them so that if he will be there and listen to what is happening to the country beause this country is theirs also. Freedom of worship be entrenched in the constitution some eloquent and experienced clergymen be nominated to work in government institution or offices.

And lastly I would like to finish by saying something about management. On management I have on point to mention and it has already been mentioned by a number of other people that to manage our country well we should copy what our ancestors vile to do. The kings ama wafalme walikuwa pale lakini walikuwa wakisaidiwa na ma-prophet ama manabii so religious leaders

should also be accommodated in this management of our country if not to be executive at least to be on the advisory board.

Thank you so much.

**Com. Zein:** Please sign our register and give us the memorandum. Keti hapo nadhani kufanya kazi hii iwe wazi na kila mtu anaona na kwa vile saa zimeenda ningemba mimi nigeuze mfumo huu kidogo ndiyo kila mtu awe anaona wazi wazi. Nitaita majina ya watu wote wajipange kuanzia pale ndugu wahame hapo vile naita mtu ndiye unajua akitoka huyu ni mimi nasonga na wale wanataka special cases watakaa pande hii sijui kama ni sawa hivyo. Ni sawa hivyo?

**Audience:** Ndiyo

**Com. Zein:** Joseph Lingawa ni wewe? Unafuatwa na Bostock Sunguti, ndiyo sasa nataka John Simuya, hayuko? Wafula M. Wamalwa ukae pale kiti cha mwanzo kile, John M. Njagi, la mwanzo kabisa the first seat John M. Njagi hayuko? Luke Kapchanga hayuko? David Ondieki wewe ndiyo unafuata mzee pale si unaona list watu wanakuwa hawako Andrew Namusasi next to huyo ndiyo mwanzo halafu wewe unamfuata Andrew Namsasi hayuko? Antony Wanani hayuko? Patrick Labano, Julius K. Nakuya, Joseph B. Lukorito, ni wewe mzee. Seraphine Kutondo, dada Seraphine ukae hapo, Esther M. Chesoli ukae karibu dada ukae karibu na dada mwenzako, Moses A. Samita, David Simiyu, Ernest Nyongesa, Ngetich J. Kiplagat, Wilson A. Otieno, Ali Machasi Mutokaa, njoo hapa Bwana Ali, Jee Cherai, Moses Okise, kaa tu hapo sawasawa wacha laini hii yote iende mpaka hapa halafu wale nitaerika huku njoo hapa Bwana Ali njoo hapa tu. Moses Kise, Francis Makami, Alesconic Bukhala, Teresia N. Sosio, Margaret Nandasaba, Joseck Birichani, Francis K. Likhale, David Masabula, Joel Kamau, Philip Sombee, Wycliff Wakhungu, Margaret Namaemba njoo dada hapa mbele lakini Margaret uliona hawa watu walioko mbele yako si wengi sasa utakaa hapa na huyu mwenye suti ama utakaa hapo kwa vile wewe una special case hata kama umekaa hapo nitakufikiria kidogo. Asante Patrick Muliro Masinde, Festus Wamalwa, Mwasame Wambuko uko hapa mzee unataka kukaa hapa anza kukuwa special case hayo kaa hapa mzee. Nanyo Lubwani, Arnice Likhani dada unataka kuja hapa au ukae special case haujanijibu dada. Unataka kukaa hapa au ubaki special case. Irene Muronji? Irene unataka kutoa tu au ...

**Irene Muronji:** ...(inaudible)... lakini nitaota maoni

**Com. Zein:** Ikifika zamu yako haya Kushanya Masinde. Sasa Kushanya Masinde uje baada ya huyu dada hapa. Alfred Nambafu, Alfred Ikofia utafuata laini au special?

**Interjection:** ...(inaudible)...

**Com. Zein:** Okay Cleophas Budi ndugu yangu umekuja hapa wewe ni nani. Okay ni sawa kabisa Cleopha Budi. Joseph Saidi, Jacob Simiyu Mutasi uende kwa laini huku ufuata laini huku mzee. Ati hauko kwenye special case mzee, kama una specia

mpaka uende huko useme utaenda haya kaa, Jackton Namaswa, Simon Majani, Christine N. Wafula, Ernest Namisi, Wasilwa Isaac huyo amepena Bildad Mwasame fursa laini. Simon Magero uko na uinue mkono mara moja nisije nikakufuta halafu present. John Lubisia yuko Patrick Wanjala, George Okundo Kiplia njoo kwenye line mara moja Okundo Kiplia njoo huku tafadhali njoo mimi naweka laini ndiyo watu wasianze kusema oh unatoa huku unarudisha huku I am using a transparent method. Joseph Musembe njoo kwa laini Cleophas Asogo Kiplias njoo sasa kulingana na rikodi yetu has ndiyo watu wanaotaka kutia maoni ya mnaona sio wengine hivyo. Hao ndiyo wengine wamejiandikisha kama watu wakungalia haya mambo yanavyo kwenda. Observes ni watu wa kushuhudia au kuna mtu mwingine yeyote ambaye alikuwa anataka kutoa maoni yeyote na anataka kutoa maoni yeyote ambaye alikuwa anataka kutoa maoni yoyote na hakusikia jina lake si unaona si watu wengi na tukienda dakika tatu, tatu mtoe yale muhimu ukiwa una zaidi ya kusema situkuzuia lakini yawe ni muhimu ukianza story ndefu mimi nakurudisha kwa laini au si sawa hivyo. Haya tuanze na wew utaje jina uendelee .

**Joseph Ngaira:** My names are Joseph Ngaira. I will start my proposals from the presidency Joseph Ngaira. On the presidency I would like to propose that the president have a vice president running mate in asikuwe ya kwamba president appoints somebody after being elected and then I would like to propose that all presidential appointments are vetted by parliament. This is from the cabinetsa , parastatals, chiefs and everything shall be vetted by parliament on parliament I would propose that an MP terms be limited to two five year terms so that ten years maximum aand then we should have a mechanism of where an MP can be recalled by the electorate before the general election. An MP also should loose his seat upon switching from the party that sponsored him to parliament. I would like to propose that eligibility to stand for election to either parliament or during the civic election should be 18 years then I would also like to propose you stargart election whereby we don't have the presidential election, parliamentary election and civic election taking place at the same time. I would like to propose that parliamentary parties shall be funded by the state but only particular functions of the party shall be financed for example the government can finance let us say a national conference of the party but not having to support the party in everything it does. On local authorities I would like to propose for the direct election of mayors and council chairman but the smaller municipalities if I can say that where they are elected directly by all the electorate so that they are answerable to the electorate. On the provincial administration I would like to propose for the abolition of all provincial administrators because or rather so that twe can have an elected person like the councilor taking care of the ward which is the same as the location. On citizenship I would like to propose that when a woman gets married to a kenyan she automatically gets the kenyan citizenship and vice versa when a man gets married to a kenyan woman he gets kenyan citizenship and a child born of one kenyan parent should also automatically acquire kenayan citizenship. Still on kenyan citizenship when a kenyan attains the age of 18 years it is my proposals that upon issuance of an ID card he or she should be issued with a passport at the expense of the state and an electors card. Thank you.

**Bustock Sunguti:** Kwa majina ni Bustock Sunguti. Asante pendekezo langu ni kwamba mwana adventista apwew huru wa kuabudu mungu siku ya jumamosi kwa sababu watoto wa adventista wengi katika mashule, colleges mpaka university wamefukuzwa kwa sababu wamekataa kusoma siku ya jumamosi, wamekataa kufanya mihani siku ya jumamosi umekataa

kufanya michezo siku ya jumamosi.

**Com Zein:** Kwa hivyo Bwana Bustock wewe unataka siku ya sabato kuanzia ijumaa jioni mpaka jumamosi jioni utengwe kama siku ya ibaada na mambo ya kirasmi yasifanyike sana.

**Bustock:** Ndiyo asante sehemu ingine ni kwamba hata siku ya parents day isiwe ya jumamosi. Okey point ya pili uchaguzi wa vitu kama harambee ni haki ya mu-adventista ku-participate.

**Com Zein:** Yaani mambo yote rasmi yakisheria au ya kiserekali ya heshimu sabato.

**Bustock:** sawa

**Com Zein:** Hata siku ya uchaguzi isifanyiwe hiyo mikutano isifanywe ndiyo inataka hivyo si wewe masabato peke yake ulioytauambia hivyo watu wengi sa SDA wanatuambia ndiyo unafahamu vile unasema sasa kama una point iningine uende kwa pointi inayofuata tusha rekodi hiyo mzee wangu.

**Bustock:** Yote ilikuwa tu juu ya sabato

**Com Zein:** Asante sana mzee sawa kwa hivyo tumeandikisha hiyo uwe na hakika kwamba tumepokea memorandum yako pamoja na wakuu wa dhehebu la SDA na hiyo pointi tumeandika na iko sawasawa asante san mzee next person.

**Martin Wafula:** I am Wafula Martin Wamalwa. I am representing the ECP group. Now preamble is poverty eradication. The common experience of kenyans to be reflected in the preamble the national vision to be set up in the preamble is poverty eradication. The common experience of kenyans to be reflected in the preamble should be human rights, honesty, accountability, security, transparency, dignity of life and respect for God. Constitutional supremacy, since it is the parliament which tempered with the constitution the powers of the parliament to ammend the constitution should be curtailed minimized and are put down in written here. The other issue is on management and use of national resources. Parliament should control resources and not the executive mechanisms to be entrenched in the constitution to ensure equitable distribution of national resources. MP's and councilors should be allocated funds unde strict supervision from consolidated funds to ensure every ward and constituency benefits. Participatory governance non-governmental organisations and other organised groups should be involved in governance. The constitution should address the following issues related to civil society organisations, human rights, equal distribution of medical resources. Vulnerable groups should be involved in governance . The constitution should address the following issues related to civil society organisations, human rights, equal distribution of natural resources, responsibilities, patriotism, transparency, accountability, health and education. And then lastly, is constitutional commissions, institutions offices. We need constitutional commissions institutions and offices such as the supreme court parliamentary



constitutional committees, government ministries in order to safeguard the constitution. We need the office of ombudsman to investigate cases of corruption on behalf of the executive parliament or any other private organisation. Other constitutional commissions to be established in the new constitution are human rights commission, gender commission and corruption commission, land commission, public service commission , public media commission, electoral commission, education commission, employment commission, economic commission and special group commission. Thank you.

**Com Zein:** Leave that memorandum with us we will process it thank you very much endelea mzee

**David Ondiek:** Napendekeza yale uhuru wa kuabudu umetajwa. David Ondiek. Na mimi napendekeza uhuru tayari umetajua wa kuabudu mpaka kazini, shuleni umetajwa. Ningeliongeza ufisadi, ufisadi kwanza serekali izingatie. Serekali yenyewe ndiyo inaanza ufisadi kutoka huko juu hii iandikwe ili usije ikangilia kwa sababu tukienda katika mabarabara ndiyo kuna ufisadi katika upande wa traffice unaweza kupata kwa mfano ukisema ukianzia Malaba boarder kufika Eldoret utapata askari njiani wako vikundi karibu kumi na sita ndiyo ufike huko. Haki kotini pia haki inatakiwa iwe kotini kwa wakati huu hakuna haki kotini mtu akienda na pesa atanyanyasa yule ambaye ako na haki na unapata kesi inatupwa. Tukija upande wa fire arms zinatumika vibaya. Inatakiwa fire arms askari asiruhusiwe kutembea na bunduki akiwa peke yake. Sababu unapata kwa wakati huu askari anatembelea ndiyo fimbo. Tukija wa kuoja ningelipendeza pia mtu akitaka kuoja hata kuoja hii yetu ya vichorochoroni mpaka wapimwe wote wawili. Upande wa miguu tano kuomba permit hiyo ingelitolewa sababu unapata familia wanataka kuongea mambo yao unapata kidogo polisi ndiyo hao wanaweka juu juu itolewe. Na ningelipendekeza ione wananchi wanalindwa zaidi kuliko kulinda mitokaa njiani asanteni.

**Com Zein:** Asante sana mzee uende ujiandikishe pale na kama una maandishi utuachie dada ni zamu yako uwe karibu na microphone tafadhali

**Seraphine Kutondo:** My names are Seraphine Kutondo a business lady around. Most of my points have been said but I would just like to insist on health care. One point about health care is so many people or our community around are really dying miserably. Why? Because of this cost sharing in the hospital . My proposal on that is that this cost sharing in the government hospital should be dispensed because

**Com Zein:** You proposing for free health care fine the next point

**Kutondo:** Okay then another proposal is that sometimes we hear newspaper even on the radio that there are some drugs being destroyed. We wonder why and we feel that there must be unfair distribution of drugs because we sometimes lack drugs cure and we understand sometimes that malaria drugs are being destroyed in the central province or masai land. So my proposal is that there must be a fair distribution of drugs in the province and even in the district and in the villages. Another proposal si that sometimes these few drugs that we receive in our hospitals there are not given out the way they are supposed



to why just because these people working in the hospital they have found ready made market where they get the drugs and sell for that matter we should have somebody who should be monitoring the use of this medicine in our local hospital. Another last proposal is drugs distribution should be based on statistics and preferences that is my...

**Com. Zein:** Thank you very much madam. Next person please. Please come and sign our register. Mama utaje jina na uendelee. Asante.

**Esther Chesoli:** I am Esther Chesoli, a representative of our church SDA. I have a few points to talk because most of the points have been said. I want to talk about our leaders who are soon going to be selected. One, we feel as a church this person should be a God fearing and he should be knowledgeable and if possible an economist and a leader that will not let his country into problems because of lack of economy in his head. Secondly, we want these leaders who are going to be selected to be people who should have to respect the constitution that is going to be made. Leaders who are also humble and sober also we want leaders who are going to be selected to have Kenyan's interests at heart that is people who are you know who should be after Kenyans life to be better and also we want someone like a president who is going to be chosen soon by God himself to be a man of a family and a man of one wife that is what the Bible says. And also we want a person or a president who is going to be taken or a vice president who should be taken someone from any bush who is a drunkard and a man who doesn't know what to do.

A Vice President is a man who is very keen I mean knows what the president has been doing and therefore Vice President should be chosen and you say this one is going to be the president. No. we also as church members want to see to it that any constitution that puts God first will remain firm it will not be shaken.

Lastly, I want to say like this that one is from the Book of Proverbs Chapter 17:1-2 and lastly someone who should remember this book given by God except Chapter 21:8-11 it talks about the commandment that God wants us all to follow. Thank you very much.

**Com. Mosonik:** Nilitaka kuuliza umesema president awe a family man with one wife na awe mwaminifu kwa huyo bibi mmoja ama aweza kutembea

**Chesoli:** I didn't get you well.

**Com. Mosonik:** Umesema president should be a family man with one wife must he be faithful to that wife or anaweza kutembea?

**Chesoli:** He must be faithful. A president with one wife and faithful to the wife. Thank you very much.

**Com. Zein:** Asante sana madam. Next person, mama haujajiandikisha hiyo memorandum tutasoma hao wanaopiga makofi ni watu waliokuja baadaye hawajui hatuhusu kupiga makofi hapa.

**Ali Majani:** My names are Ali Majani

**Com. Zein:** Please Hassan register mama hapo

**Majani:** My names are Ali Majani Mutokaa secretary of Webuye Muslim community as well as the secretar Supreme Council of Kenya Muslims, Bungoma District. We the Muslims of Webuye propose the constitution with a preamble which will set out goals, values and objectives of very honourable people of Kenya. This will include national unity and harmony. Kenya to remain an indivisible and an indissoluble supremacy under the almighty God. Promotion of peace within our cultural and religious diversition. Education to the promotion in the ethnic, tribal, religious and cultural solidarity. Religion continental and world peace international co-operation and understandin, insuranc of provision of basic needs of all Kenyans through the establishments of equitable framework for economic growth. Good governance and rule of law. Two, personal law, we propose that our constitution should recognise personal law to cater for specific categories of people within the center society. These categories of people will be identified by their positive contribution and benefits to society and their natural and normal practices. Personal law can therefore be loosely defined as the body of law that caters only for a specific category of the entire community in this case we have a Muslims the African traditional religion hinders and the African Christian.

**Com. Zein:** ...(inaudible)...

**Majani:** It is another thing I was going on. The constitution further gives the Kadhi's court to deal with matters in which both parties are Muslims it however limits the matters to marriage, divorce, inheritance. This court remains subordinate to the High Court which can overturn the ruling to the Kadhi. We propose an expanded Kadhi's court with original and appellant jurisdiction headed by the Chief Kadhi with a Deputy Chief Kadhi at a provincial level and a District Kadhi at the district level. We propose that a Kadhi be a non-muslim with a degree in law and secular education recognised qualification in Islamic studies and a record of scholarly practise not a person just chosen from nowhere. The Chief Kadhi, Deputy Chief Kadhi and District Kadhis to be appointed by the Judicial Service Commission on the recommendation of acceptable and legitimate Islamic institution. Three citizenship most Muslims in this country have had problems with their claim on citizenship. We believe that the law has not been clear. We propose a native citizen of Kenya may hold multiple citizenship. A native citizen of Kenya shall be a child born of Kenyan parents, be a child born of one Kenyan parent but with authority from other parents. A woman married to a Kenyan person who is a native, a person who has applied and fulfilled the condition of naturalisation. A native cease to be a citizen when he violates our constitution.

Finance legislation of interest free banking, I am just going to what we proposed. Recognition of zakadi and zadaka as tax deductible. Work endowment, profitable management of work commission with national jurisdiction whose members are emanate Muslims scholars. No other law may have power to relocate any properties under the work jurisdiction. A president

framework of management of the work property be outlined by the constitution reform on all laws regarding taxes and charities. Foreign policy and international relationship. We propose that the parliament of Kenya be involved directly in all decisions regarding relations between Kenya and any foreign country or organisations where such relations have direct impact on the lives of the people of Kenya. This will include treaties, conventions, grants and loans, education. Its okay, education free and compulsory universal education at pre-primary and primary levels. Religious education and structous schools be provided only if by people professing the same religion. No pupil should be forced to dress in a way to undermine his/her faith. Cultural identity and obligation all pupils to be accorded facilities priviledges as per their religious specification in all schools.

**Com. Zein:** Thank you very much Ali. We will read each and every proposal you are making into that just hold on. No question please sign our register and give us that memorandum. Thank you very much. Margaret? It is you Margaret.

**Margaret Namaemba Juma:** Margaret Namaemba Juma

**Com. Zein:** Sasa kama unaona laini imeenda mbio hata Margaret amefika kabla hatujampa ruhusa ya special case unaona laini inaenda mbio haya dada utaje jina halafu umalize.

**Margaret Namaemba Juma:** Ninapendekeza maoni ya kanisa yetu au kanisa ya mwafrika si ndiyo. Mimi naongea kwa ajili ya Msambwa. Sisi watoto wa Elijah tumeteseka sana kwa sababu kila mtu mwenye anatengeneza kama wamemueka mila au anajitengeneza au amenunua tu mila yake anaongea sijui na vitu gani ansema mini ndiyo Msambwa na watoto wa Elijah wenyewe wanateseka na hawa wazee kweli walipigania uhuru na ndiyo waliunganisha KANU na KADU ndiyo wakarudi pamoja. Sasa sisi tunaomba wakenya watusaidia sisi nasi tuwe kama hao. Tungetembea hata sisi hatukusema sababu baba kila wakati alikuwa kwa jela sasa sisi saa hii tunaomba tukitembea tu wananchi wengine. Tusikuwe kama watu wenye wamedharauliwa ati hiyo kanisa sio kanisa. Tunatembea na uwoga.

**Com. Zein:** Haki ya watu wa dini ya Msambwa iheshimiwe ifanye ibaada zao.

**Namaemba:** eh tuheshimiwe sisi na si ...

**Com. Zein:** Lakini unapozungumzia watoto wa Mzee Masinde wewe ni mtoto wake?

**Namaemba:** eh sisi ni watoto wake.

**Com. Zein:** Kuwa mtoto wake, kwamba ni mfuasi ama ni mtoto wake kabisa. Wewe ni mfuasi yaani unazungumzia watoto kuwa ni wafuasi?

**Namaemba:** Yaani sisi tuko tu Mungu ni moja si Elijah aliunganisha sisi wote tena alitaka mwafrika aungane.

**Com. Zein:** Nilikuwa nataka kuelewa hiyo tu endelea sasa

**Namaemba:** Sasa tunasema hata viongozi wetu nao waungane tu wakuwe kitu kimoja hatutaki ubaguzi kwa sababu hao wazee hawakuwa na ubaguzi walikuwa tu wanataka kitu moja tu kwa mkoloni na vile waliwaachiwa sasa sisi tukidharauliwa na wazee nao wakadharauliwa. Vile sasa wameondoka hawataki hii kanisa iwe huru sasa hiyo ndiyo tunaomba katiba ya sasa itutambue sisi Msambwa ni watu kwa sababu hata watoto wengi hawajui utamaduni wanajifunzia tu shule lakini shule si utamaduni, utamaduni yenyewe ukitaka unatakakikana uwe na muongozo wa kujua ni nani ndiye alianzisha hii utamaduni na ilikuja aje, na ilikuwa mkoloni hataki mwafrika aongee juu ya utamaduni wake ndiyo vile alileta makanisa mengi halafu akavunja sisi tukarudi nyuma sasa hata saa hii sisi wenyewe tunatukanwa na watoto wenye wanazaliwa nyuma ati hata Msambwa nayo ni kanisa. Sasa hiyo ndiyo tunataka iheshimiwe na kila mtu ajue tu sasa naye ni kanisa Mungu ni mmoja hata awe ni kanisa yani na tuwe tu Mungu alituumba sisi wote.

**Com. Zein:** Sawa mama hiyo tumeandika liko lingine?

**Namaemba:** Sasa lingine napendekeza kwa wajane. Hao wajane walioachwa hao nao walikuwa walingojea wazee wakitoka gerezani ndiyo wanapata kitu kidogo sasa saa hii wazee wamewacha mbona naoa hawawezi kuheabisa na serekali waende huko mbele wajulikane jameni hiyo ndiyo ninawashughulikia kweli wana uoga kwa sababu alikikuwa kila saa mzee anashikwa na polisi and Elijah alikuwa anatetea tu kila mtu hakutetea tu ati mtu moja alitetea makabila mpaka south africa alitetea si ati alitetea kenya peke yake alitetea mwafrika akae vizuri na alipambana na wakoloni. Sasa hayo ndiyo tunaongea watu na sisi watu wa msambwa hata walikuwa wengi lakini walisema bora majoa uongee na sisi wote tutafuata. Kwa sababu tuna wazee wengi lakini walifungwa hata wakachoka wengine miaka saba wengine kumi na nane lakini hawa hesabiwi. Lakini sasa tunapendekeza katiba ya sasa itutambue na itusadie wao wazee au mama waliobaki kwa maboma wasaidiwe wapate kitu kidogo hata tukienda pahali popote hakuna mwenye anaweza kitutambua ati sisi ni watu hata tunaweza kuanguka na njaa na vile hata siku ingine tulipiga mangoma na watoto mtu anaweza kujiuliza msambwa imekuja hapa nini yaani hawezi kitambua sis baba walipigania uhuru.

**Com Zein:** Sawa mama hiyo tumeandika tumelewa asante sana mama ujiandikishe pale kwamba umetoa maoni yako kwa tume ya kurekebisha katiba endelea dada.

**Anne Likhani:** Majina yangu ni Anne Likhani yangu itakuwa juu ya wife inheritance. Uridhi wa wanawake na wajane. Mimi naonelea kama hii kitu itolewe kwa sababu wakati kama huu wa hatari wa ukimwi utaendeleza ukimwi sana. Wife and husband inheritance hiyo itolewe na inheriting husbands property mtu anaweza kuwa na wanawake watano mmoja ana vijana mwingine amezaa wasichana peke yake unaona wanapea yule amabaye alizaa vijana na tunataka mali ya bwana kila mtoto apewe

without interference from the relative. Na hapo tena polygamy iwe minimized sababu saa zingine huleta maneno sawa kwa mabona.

**Com Zein** Mama maana ya kusema minimize ni nin. Ipunguzwe iwekewe limit ipigwe marufuku maanake nini mama.

**Likhani:** Iwe minimized kabisa iende chini

**Com Zein:** Badala ya matu anarujusiwa wanawake

**Likhani:** Itolewe kabisa tunataka itolewe kabisa polygamy. Na pensioners wengi wamestaafu na wanaonekana tu kama hata hawafanya kazi ingekuwa visuri hata wapeeko pia wakaa na watu waonekana kama walifanya kazi. Serekali yetu tukufu. Na kwa nyumba mama ndiyo hufanya kazi sana mama analima kwa shamba ama anapikia watoto chakula analinda mzee. Mama hapumziki throughout even throughout the night. Nafikiri hata napendekeza mama wapate mishahara sababu manafanya kazi sana. Employment ifanywe according to ones qualification. Unapata watu wamekalia maofisi kubwa kubwa lakini hawajasoma watoto wetu wamesoma wana madegree na tano lakini wamekaa nyumbani ifanywe according to ones qualification. Mayors should be elected by wananchi, mishahara ya MP iwe trimmed sababu wenyewe walijitakia hata wasipewe pension sababu mtu anaenda huko miaka tano peke yake atakula pension throughout his life nahapo mwalimu ambaye anasumbuka kumsomesha hata pension yake ni kidogo kabisa nafikiri hiyo mishahara yao iwe trimmed na pension itolewe. Commission iwe hapo special kuangalia masilahi ya mishahara yote katika kenya. Violence during election especially kwa wamama sis tunatukanwa sana malaya nini nini na naona kama hiyo mtu ambaye atapatikana akifanya hii nafikiri law iwe hapo to protect hao ambao wamesimamia hata wale wanaume maliyao inharibika watu wanaharibu mitokaa provincial administration nafikiri provincial administration kuna watu wengi sana na wanapata mishahara ya bure.

**Com Zein:** mama pendekeza

**Likhani:** Napendekeza ofisi ya assistant chief utoke, DO, PC, itoke na wapee mamlaka kidogo kwa village elder awe na mamlaka kidogo. Na soft loan should be given to small scale farmers na wale traders farmers wamama hawa wa jua kali na wengine ambao hawajui hata kuuliza loan hawa wawapee maloo soft loan wafanyie biashara yao.

**Com Zein:**...(inaudible)...

**Likhani:** I am just finishing please moja tu imebaki. Aids wate wetu tumewapoteza zaidi tunataka lazima kila mtu apimwe na apewe certificate ili hata akienda katafuta kazi atoe hiyo certificate na wale ambao tumepata Aids serekali yetu tukufu utatafutie dawa. Ya mwisho orphanages should be built for street children. They are really a manace ukienda Nairobi unatetemeka tu and everywhere for street children and HIV Aids orphans asante.

**Com Zein:** Asante sana mama uende pale sasa ni ngoja naona watu wanaruka laini ngoja tu kidogo ngoja mzee wangu nani Mwasame. Usiruke mzee na mbona mzee nani mama uje uji-register huku. Ngoja niite hii list tuone viletunakwenda Mwasame alafu Irene Muronji niite list isikie baada ya Irene kusiena Masinde ni wewe baada ya Irene alafu Alfred Kofia mzee ni nani wewe.

**Jacob Simiyu:** Mimi ni Jacob Simiyu

**Com Zein:** uanfuata badala ya kijana lakini kwa vile siui kijana utaheshimu umri aende mzee sawa. Mzee nimeongea kwa kijana amekubali basi baada ya mzee ni mama alafu wewe mzee.

**Gratiano Wabuke:** Majina yangu...(inaudible)...

**Com Zein:** Ngoja mzee ningependa tu kiwatubia kwamba bwana amekuja kukua hapa naitwa Warunywa ,Bwana Warunywa ni cordinator wetu alikuwa awe na sisi hapa lakini alikuwa na hearing ingine unajua yeye ni district cordinator na kuna hearing panel ziko nyingi kulikuwa kuna panel mahali kwingine akawa councilor wao alafu ndiyo aje ametujoin na mtampa furusa atufungi mkutano awaeleze mambo mengine lakini kwa sasa tunaenda kwa mbio mbio namuomba mzee ataje jina aendelee.

**Wabuke:** Bwana mwenyekiti majina yangu ni Gratiano Mwasame Wabuke . Pendekezo langu la kwanza kwa education free primary education iwe completely free ili mtoto ambaye anatoka kwa familia a poor family apate elimu kutoka kwa darasa la kwanza mpaka la nane alafu hapo kwa education examinations tuwe na examinations kutoka darasa la nne wafanye mtihani kufika darasa la nane wafanye mtihani alafu baada ya from four mimi napendekeza ya kwamba from five na six irudi kwa sababu wakati huu watoto wetu wengi sasa wanakimbilia Uganda kwenda kwa form five na six. Na kwa primary section habari ya providing physical facilities wazazi wa provide physical facilities kwa mwito wa harambee ili watoto wasifukuzwe hapa na pale na kukosa elimu iliyo nzuri. Higher learning institution should be distributed not to be crowded in one place where you find Nairobi University, Kenyatta University and whatever local factories hii habari ya pollution imetuumiza sana kwa sababau imeharibu mazingira vyakula vyetu kama muhogo na vingine vimepotea sasa ni juu ya serekali kulingana na constitution walete dawa ambayo ni yenyey nguvu sana iwe hii vitu halafu mazao yetu yawe vizuri . Employment, unskilled labour strictly the local communities, local district wapewe first priority very very strictly hatuwezi kupata mtu kutoka kama kiambu anakuja hapa kufanya kazi ya mkono na hali sisi tuko na watoto. It must be strict. Kilimo tena sababu mkoa wetu ama western province ni mkoa was kilimo ningependa kupendekeza ya kwamba factory za ku-mix fertilizer ziwe stationed kama kitale ku-avoid these expenses of transport ili fertilizer iendechini halafu sawa. Pensioners wawe wakilipwa mapema kwa sababu wamefanyia serekali kazi na kuwashukuru lazima wawe wakipata malipo yao mapema sana halafu kuungezea wawe pia wakipata increment after three years. Kuongezea medical services wapewe kwa sababu mtu akiwa mzee it is supposed to be properly nursed na wapewe na house allowance. Maneno ya land, mambo ya mashamba fees imekuwa kubwa sana halafu common

mwananchi amekwama the poor lady anasumbuka . Pendekezo nataka fees ya land transaction irudi chini hata kama mia tano badala ya hii maelefu na maelefu.. Basi mikimalizia mimi nikia mtachoni ninapendekeza hapo kulingana na youle aliyetoka hapa.

Mtachoni tangu ukoloni ameumia sana due to lack or poor representation. Wakati wa ukoloni mtachoni hakukuwa na chief ndiyo alikuwa mambo yote na wakati huu mtachoni hana MP. MP ndiyo mambo yote sasa mtachoni falls kwa three districts as per now as Lugari, Bungoma and Kakamega na ili tuwe na proper representation kwa sababu hata tukisimamisha mtu hapa ana anguka and then tunachekwa ya kwamba tuko minority sas maoni yangu kwa niaba ya community nataka we fall into one district and that is Lugari. Thank you.

**Com Mosonik:** Ukisema universities to be distributed. Vyuho vikuu to where

**Wabuke:** They should be distributed into provinces

**Com Mosonik:** Provinces. Secondly, ukisema pensioners to be given medical care but you also said house allowance. House allowance yaani wazee wanastaafu na hawana nyumba ama ni nini. Wapewe house allowance kama anaenda reserve

**Wabuke:** Wenye nyumba for maintenance

**Com Mosonik:** Maintenance ya nyumba ya nyumbani

**Wabuke:** Eh tukipata house allowance vyumba vyetu vitaonekana vizuri.

**Com Mosonik:** Cha mwisho...(inaudible)... ukasema tuwe na mtihani wa darasa la nne CCE ya zamani na wale watoto wataanguka waende nyumbani wakiwa standard four.

**Wabuke:** They should be given chance to repeat

**Com Mosonik:** To repeat okay

**Com Zein:** Asante mzee uende pale ujiandikishe na hii memorandum utupatie dada Irene endelea utaje jina na uendelee.

**Irene Muronji:** Kwa mjina naitwa Irene Muronji mimi ni kiongozi wa vikundi vy kina mama Bungoma district. Mimi pointi yangu ya kwanza ni kuhusu wakina mama. Ningeona ya kwamba wakina mama wapatiwe uwezo wa kujisimamia eg. Kama mama ni mkenya an ameolewa na mzungu na mimi ni mkenya nilizaliwa Kenya nipatiwe uhuru na bwana wangu akija hapa pia yeye awe mkenya. Kitu cha pili mtoto akizaliwa mtoto awe wa kike au wa kiume wote ni watoto, hakuna yule ambaye ana apply. Ninaona urithi wa mali hata mtoto msichana ana haki ya kurithi mali ya baba aliyemleta katika ulimwengu huu.

Identity card, kama wamama wengi wameishi hapa town ama wanaishi mbali mbali wanakaa maisha ya kibinafsi wakipata



mpenzi wazae huyo mtoto hawezi kuwa registered kama mkenya kwa sababu amezaliwa hapa labda alipata mpenzi wa siku moja na akampa mtoto amefahamu baba ya mtoto kutoka wapi huyo mtoto anaweza kuwa registered kama mkenya ama hapana. Ningependa pia huyo mtoto apate pia identity card kama mkenya kwa sababu mamake ni mkenya.

**Com. Mosonik:** Kuna shida mama akizaa Kenya wakati huu akiwa peke yake?

**Muronji:** Eh huyo mama akizaa mtoto afike wakati wa ku-register an identity card wanamwambia leta kitambulisho ya baba yake au labda huyo mtoto ulimpata kimapenzi siku moja haumfahamu baba yake. Huyo mtoto ana haki ya kuwa registered ama hapana? Wakina mama wamekuwa na shida mbali mbali sana kwa upande wa ku-travel. Mama akienda pengine kuchukua passport aende ng'ambo pengine anaenda kibiashara akifika kwa visa wanamrudihisa leta barua kutoka kwa mzee wako na wazee nao wanaenda hawaulizwi barua kutoka kwa mke.

**Com. Zein:** pendekeza

**Muronji:** Ninapendekeza ya kwamba hata mzee akitaka kusafiri nchi ya ng'ambo pia waulizwe barua kutoka kwa bibi yake wajue anaenda kihalali. Pendekezo lingine ni kwamba wameongea hapa sana na nimeona wakina mama hawajakuwa represented properly. Ningependa kama kuna uwezekano president akiwa mwanaume ambaye wamesma mpaka ni lazima awe na mke na vice wake angeweza kuwa mwanamke. Awe na bwana pia kirasmi kugawanayisha kazi mbali mbali hata tukipata minister kwa ministry fulani awe mwanamke akifuatiwa na mwanaume. Nafikiria hiyo kazi itakuwa kazi mzuri sana kwa sababu wanawake tunajulikana kuwa straight forward. Hayo ndiyo maoni yangu ni asante sana.

**Com. Zein:** Ni asante uende pale ujiandikishe mzee ufuate baada ya kufuatiwa na mzee tutamwita Kushiya Masinde halafu Bwana Alfred S. Kofia ufuate pale.

**Jacob:** Mr. Chairman my names are Jacob. There should be a limitation. Devil worshipping should be made a crime in Kenya. Secondly, Aids has taught us a lot may be Aids and Ebola. Therefore the secret is that patients have all the time been enjoying from their doctors not to divert information for their ailment should be curtailed in order to protect the innocent public. What I mean is someone with such a disease should be publicised. My points are short the last one is reduction of poverty. I don't believe eradication of poverty but I believe the reduction of poverty because you cant eradicate poverty. Free ducation should be given that is from class one to university. Free medical services and there should be a law limiting the size of land one is supposed to have because there is no need for me to own 4,00 acres when someone here does not own seven feet where he will have to be buried. These are my points Mr. Chairman. Thank you very much.

**Kusienya Masinde:** Thank you Mr. Chairman my name is Kusienya Masinde. My first point will be on the person occupying presidency. The president I want to put is that when the president retires he goes home in total that is he stops being politically active, otherwise he will fail to get his benefits.

Second I want to say like many speakers that on employment it should be put one man one job. Third chiefs like any other civil servant should be transferred, fourth federal type of governance to be put in place with a workable system to reduce tribal issues and increase higher learning institutions to every province.

Fifth anybody seeking employment or leadership minimum education should be form four. Sixth, the government to free co-operative movement down to sub-location level by law especially on matters touching on agricultural produce that is to kill the middlemen who exploit the farmers so dearly. Seventh to put in place either a small parliament or body consisting of three critical persons from sublocation levels to monitor the performance of an MP or a councillor on the issue of performance. If the performance is below average then this body or parliament has to recall the said persons. Eighth, legal studies to be taught right from primary level to reduce ignorance in the same. Point mbili, the first one then a think tank both to be created apart from planning ministry thus the group to be experienced from all walks of life that will think over problems that is not being necessarily composed of say local people it can utilise foreign expertise in addition to local representatives of the interest of the major groups. Then the think tank will help the president to short cut bureaucracy and thus hasten the implementation of the government policy. Ya harambee or fund raisings and handouts should not be a yardstick to elective position. Thank you very much.

**Alfred Simiyu:** My names are Alfred Simiyu Wangila or Kofia. On education I wish to propose for free and compulsory education to all Kenyan children that is on education. Discipline in schools. I wish to propose corporal punishment to be introduced in schools in order to avoid strikes. Teachers who are corrupt should be sacked instead of being transferred this will also include other civil servants.

Thirdly, provincial administration I wish to propose that provincial administration should be maintained but administrators must be elected to avoid corruption. Land issues and domestic matters should be handled by clan elders. Land grabbing law should be enacted to have all the government and grabbed land taken back. Nobody should be allowed to own more than 1,000 acres when others are landless. Settlement Kenyans should be allowed to settle in any part of Kenya without intimidation or clashes. Decentralisation, I wish to propose that most services should be done at the provincial and district level to avoid unnecessary expenses to Nairobi. Recruitment of police and other jobs. I wish to propose that police army and other recruitment should be done at the division level to avoid corruption or having names being recruited in Nairobi.

On local beer I was asked by my people to propose that the local people should be allowed to make affordable drinks because they cannot afford expensive drinks on condition that changaa is not included. Factories, benefits of factories to local people. Factories like Panpaper, publishing and printing industries should only be allowed to operate near factories in order to benefit local people.

Sugar factories they should be encouraged to produce electricity from bagasse in order to benefit the local people. Farmers should also be paid immediately to avoid poverty. Maize milling industries I wish to propose that maize milling industries should really be established where maize is grown instead of being established in Nairobi or other places like Kisumu.

Nomination of candidates, nomination of different candidates of the parties should be done at the same day to avoid corruption or defection to other parties. Traditional and customary laws this should be enacted in Kenya laws so that they are active

wherever they are. Lastly, honourable commissioners, I wish to propose that instead of having offices of chief and D.Os I will encourage that village elders are recognised by the government and they are given small token because these are the people who are doing a lot of work on the ground. With those few remarks thank you very much.

**Com. Zein:** Next person is that Bildad Mwasame. Halafu unafutiwa na Hudson Kukale. Wewe ni nani?

**Simon Magero:** Simon Magero

**Com. Zein:** Ni Simon Magero halafu Hudson Kikalu

**Bildad Ndalwa:** Basi my names are Bildad Ndalwa Mwasame. And the following are my opinions to the commission. One, minority tribes e.g. Tachoni and Saboti of Western Provinces should have a say in the government because in Western Kenya Bungoma district we have five MPs but most of them are Bukus. We should have equal distribution of resources especially in Bungoma we don't have TTC and nurse training. University and polytechnic. The judiciary and police forces should work according to the constitution but not to favour people of race or colour especially Indians are here you see when our person is arrested they favour him while they work with an African provincial administration and permanent secretaries, civil service should be appointed by the parliament. Electoral commission and the judiciary should be independent so as to settle its matters without any confusion in a new constitution I propose that in most cases we are having a suspect when a person is arrested he is being suspected but he is suspected he can be remanded for a number of days in remand. I am proposing so that when we come out with. When a suspect is arrested and he is found that he is not guilty of that matter then the government should have something to compensate because some people are arrested. Okay we go ahead halafu another proposal is about the case of treason should be changed to a maximum sentence of 20 years but not hang. I go ahead the case of the defamation these cases are on a high rate but some people do favour so we could like this defamation case to have at least five witnesses. My proposal again about these local factories they have pollution e.g. Nzoia and Panpaper but they should have a certain percentage to pay inhabitant for that pollution. Now the government sees for example of land title deed and others should be brought to divisional headquarters to avoid long distances. The last, orphans and illegitimate and street children the government should provide them with free education

**Com. Zein:** Uende pale utoe hiyo memorandum utupatie na umalize na anayemfuata ni Simon Magero halafu Hudson Mukukali, haya Simon

**Simon Magero:** Nitapatiana tu kwa muhtasari. Napendekeza kwamba Simon Magero na nitaanza na dibaji. Napendekeza ya kwamba katiba ya Kenya iwe ya wakenya wenyewe izingatie utamaduni wa wakenya. Pia katiba hiyo izingatie usawa kwa wakunya hakuna mkenya ambaye atakuwa huu ya katiba kuliko mwingine pia mapendekezo kwamba izingatie dini zote iwe ya kikristo, kiislamu au ya kienyeji. Halafu lugha zote zizingatie kiswahili na kingereza.

Pendekezo la pili ni kwamba uhuru wa kuabudu, uhuru wa kuabudu hapa Kenya amepati kiasi tuwe na kiwango cha kuabudu ikiwa dini inaanzishwa waandike manifesto ya hiyo dini na wapeleke kwa Attorney General ili afanyie uchunguzi. Halafu pia uhuru wa kuabudu upewe kiasi cha kuabudu ili tupate kujua ni nani ambaye wanaabudu shetani. Halafu tume ya kuchunguza kuabudu kwa shetani hawa watu ambao wanachunguza wawe na cheo cha Sheikh ama kasisi sio mfanyikazi wa serikali.

Uongozi mzee wa kijiji awe analipwa mshahara ili kumaliza ufisadi na apewe cheo cha kupeana cheti cha mazishi kwa watu wake. Pia kiongozi wa nchi asitahili kuwa kwa chama chochote cha kisiasa hapo tutamaliza ukabila na vyama vya ukabila. Kazi, mfanyakazi wowote wa serikali apewe masaa ya kufanya kazi yawe masaa manane kwa mfano polisi ana pewa kufanya kazi masaa ishirini na nne wizi inatendeka na mwizi hapatikani.

Pia apewe muda wa kupumzika na hiyo itapeana nafasi. Okaya sawa ya mwisho ni kwamba vyama vya kisiasa tuwe tu na vyama viwili chama cha vijana na chama cha wazee.

**Hudson Makhanu:** You honour Mr. Chairman my names are Hudson Kukali Makhani. You honour my observation is on the first human rights. The first human right is to hlive and my prayer Mr. Chairman is that I pray though the review commission to allow for there to be free medical treatment for the deaf, dumb, children upto ten years pupils and students. And with the adults to mee this list at half way the cost we are paying to make the difference between a patient in a government hospital and a patient in a private hospital. Your honour if I may continue because time and trade waits for no man.

Secondly, it is my impression that while Kenya is shining with our universities and T.T.Cs I also pray through our constitution review that let there be a T.T.C per province so that our children can train locally and provide wonderful manpower. The other point Mr. Chairman if I may continue is on the succession, not all of us can bear may be sons. It is my impression and pity too that some parents have had only daughters let there be a law providing that in the event of the death of the father, these daughters are also called home and then be allocated these plots so that this land does not lie fallow.

Mr. Chairman if I may continue, one is on the freedom of worship. Freedom of worship we all believe Mr. Chairman really God is one and we should worship the real God so that it is my impression that anything to do with devil worship to me I don't understand why such should exist. All churches should be registered and we read their commandments. How are they helping Kenyans with these few remarks Mr. Chairman I wish your commission a very good...

**Com. Zein:** Asante sana mzee uende pale ujiandikishe na utapatie hiyo memorandum. Wacha niite wale walikuwa wamepewa fursa za mwisho kuzungumza. Okindo Kepha, uchukue nafasi yako ataufatiwa na Joseph Musembe halafu Cleophas Asiego. Mnamaliza namna hiyo.

**Okindo Kepha:** thank you Mr. Chairman. I hereby represent my constitutional review. My name is Okindo Kepha. As my personal proposal, the constitution of Kenya should be looked and pasted to the culture and tradition to every tribe and community in Kenya due to different culture and customs performed by different occassions and by different communities. Secondly, the Chief Justice and Attorney General should be strictly be chosen by parliament and the parliament should have a committee or a selective committee whereby it should cover as the umbrella of the judiciary. In that there is nobody above the

law and beyond this parliament select committee I find case there is a pending case which is beyond the judiciary and beyond the Attorney General then it should be taken forward to be discussed by the selected committee.

The representative of the judiciary this will make fair judgements and court procedures effectively without intimidations of judges or magistrates by what we call orders from above. The provincial commissioner that is the PC should be strictly avoided by the members of parliament of that given province which he/she has to represent and the MPs of the chosen particular province should handle the particulars identity of the PC they need to present for approval by the president. To avoid harassment of MPs during meeting and poor provincial administration due to presidential powers or other MPs during meeting and poor provincial due to presidential powers or other from underacting others that may be they are ministers. Chiefs representing a location should also come strictly from that location because of each understanding of the peoples culture and even individual locality.

Four, to avoid police harassment and bribing in the police force no officer should be allowed to arrest any member if he is fully identified and satisfies that he is a Kenyan. Instead if the person is convicted of a crime he should identify himself/herself to the police and the police should have to submit for him an identity of reporting to the police station concerned or to the court concerned for judgement of any given crime. If a criminal is found with an offence for possession of ammunition e.g rifles or any other related that is a trick entitled to the Kenya forces should be arrested immediately and failed to surrender should be shot dead.

Public awareness to be created in any police officer that is any police officer who is not on duty should not arrest any member and harassing people in public and anybody should always be at work and show identity of that particular assignment allocated for him to avoid wananchi harassment. In every province the chosen P.C. by the area MPs should then be given powers to the government treasury to allocate projects within or her province. The D.C. and the D.O to be scrapped off and the concerned to report to the mayors instead of the D.O. also we should have the district service commission who will foresee the projects given out or funds that are located within a given province. Saturday and Sunday to be respected by all employers and government to be a free day of worship. I am almost through

**Com. Mosonik:** Just a very small one. You said Saturdays and Sundays to be recognised as days of worship. How about Fridays for the Muslims?

**Okindo:** It should be there also.

**Com. Mosonik:** And Tuesdays for the Jewish community?

**Okindo:** No, in Kenya at the moment we have the Islamic, S.D.A and Catholics.

**Interjection:** ...(inaudible)...

**Joseph Musere:** Thank you Mr. Chairman. Sir, Musere Joseph I would like to talk about the issues here are the investors and the provincial administration. Here investors mimi naona ni kama they have been given excessive powers over their workers such that they don't work according to the laws and regulations of the labour. Kwa mfano you can be sacked but when it comes to paying your terminal dues, they have their own formula of calculating or somebody has worked for about 20 or 25 years then you are given your terminal dues as 20,000 what will you do with that? And then upande mwingine nimekuta ya kwamba hawa investors wakati wewe unaenda huko kununua vitu they have become so funny such that they have employed hawkers around wakati zile vitu umenunua hata hautajua tena hawkers wanapata kwa mlango wanasema vitu tunauza. Vitu tunauza who do they expect us to sell those commodities which we have bought from them. So I propose that most of these foreign investors should strictly stick in big towns like Kisumu, Nairobi and Mombasa and not a small town like Webuye here. Now when it comes to the provincial administration this so called provincial administration should be elected by the area people unlike any other civil servant should be transferable. They should have the minimum qualifications of form four certificate and they should be prepared to retire at the age of 55 years. That is all that I had.

**Com. Zein:** Please come and sign our register. Taja jina na uendelee

**Cleophas Muriasi:** My names are Cleophas Muriasi Asiago. I have got a few proposals to make to the commission review. One I will talk about the local authority, second trade union representative, third provincial administration, agriculture, education and others. For first local authority I would like the mayors to be elected directly by the voters. Trade unions, would like the trade union representatives to be elected by voters directly from the grassroots to the national level. Provincial administration to be scrapped. Third education primary and secondary schools board of governors should be given full power to run the school but not the head teacher to run the school having board of governors as rubber stamps in the school. When they forward their grievances to the ministry of education or to the people concerned you find that there is this head teachers who are very powerful so things go like this and the school ends up collapsing. So we would like the government to empower the board of governor to run the school fully without considering the sponsor of the school because the children who are in the school are not for the sponsor agriculture, we would like the agricultural inputs to be cheap for us to eradicate poverty. Land fees and levies charged when somebody is buying land to be made uniform throughout the republic. You find if you go to another district land charged in a particular land control board is different to the other one. Last point this levy charged people should be given receipts. Last pension schemes, we should have alternative pension schemes not only the NSSF. Last, dowry we should have standard dowry to be paid throughout the republic because we find particular community.

**Com. Zein:** How much?

**Asiago:** Around six cows

**Com. Zein:** ...(inaudible)...

**Wycliff Nyongesa:** My names are Wycliff Nyongesa Walubengo. First of all I would like to present my views as per the structure of the government that we people want. I would propose that the next government should have the prime minister the vice president and the president. Secondly, I will talk about the labour laws. The labour laws in this country seem not be carrying a lot of weight I need the review the labour laws to be done some review because as at present many workers are disadvantaged and are at the mercy of the employers. You can find casuals working in a place for ten years without being confirmed and you find the employer saying there is no job. I also propose that we should have two parallel trade unions. Currently we have only one but we should have two. Most employers these days are using contractors you find they are retrenching workers and employing casualities so that those contracts employ the employees and at that level the employees who are employed by contractors are normally mistreated. The employee should be employed by the companies direct. This issue of contractors should be discouraged unless it is proved beyond doubt. Retrenchment, we should have the laid down rules when it comes to retrenchment. It seems the labour laws are not working. You find most employers retrenching employees anyhowly without following the labour laws. On the side of the jobs we have seen in these countries Kenya being now a very educated country what I mean is that most people are educated having very many universities and many educational institutions I should propose that we have a maximum of two jobs per one person one or two jobs not ten jobs as we have seen because we have seen a family where by you find a wife of a certain man is having three jobs then you find the husband is also having.

**Com. Zein:** ...(inaudible)...

**Nyongesa:** Okay thank you and then I want the retirement age to be 50 years and government to reduce the number of foreigners working in this country. My last point you honour is on education again that we should have a university as every province. We should decentralise our university you find one province with about five universities and another province with none. Thank you.

**Com. Mosonik:** You said you would like to find two umbrella trade unions which is the second one are you referring to COTU as the first one which is the second one and why?

**Nyongesa:** No I was proposing that we should have one but I can propose it now. We should have an alternative one.

**Com. Mosonik:** An alternative

**Nyongesa:** an alternative to run parallel

**Com. Mosonik:** What alternatives is that just two?

**Nyongesa:** Yeah two



**Com. Mosonik:** Of what nature or why?

**Nyongesa:** I don't have a name specifically now but I was proposing that rather than having one because I have seen most of the officials being manipulated being one we should have an alternative one to run as a watchdog.

**Com. Mosonik:** One last time which category of workers could be in these two different umbrella trade unions.

**Nyongesa:** Come again

**Com. Mosonik:** What am asking is do you have some idea which categories of worker will be in one as opposed to the other one or they are just two.

**Nyongesa:** Just two

**Com. Zein:** If I understand you correctly what you are saying is somebody should have a choice. If an organisation feels that one umbrella body is not exhibiting well they should join another. You should say yes in the microphone. Sign register huku.

**Philip Achuoga:** Mr. Chairman my names are Philip Achuoga. Let me start I will be as brief as possible. I propose federal system in Kenya because currently what every tribe in Kenya wants to rule the country only federation can bail us out of this problem. I suggest that the presidential powers be trimmed down. He/she should not be above the law. The appointment of ministries should reflect their qualification and professional. A medical doctor should not be appointed minister for energy. Lastly the government should have a clear long term educational policy. Currently everybody is confused today you are told this tomorrow opposite

**Com. Zein:** Asante sana huyu ndiye alikuwa mzungumzaji wetu wa mwisho wa kutoa maoni. Ningependa tu kueleza tu kwa kifupi haya maoni yenu mutupe leo yatashughulukiwa vipi baada ya hapa. tukishamaliza kukusanya maoni Jumatano kwa sababu mkoa wa magharibi ndiyo ulikuwa mkoa wa mwisho sio kwa kuvuta mkia lakini tulikuwa tunatumia alphabet ya kingereza tunaanza 'C' kuendelea hivyo mpaka tunamaliza na 'W' kwa hivyo humkuwekwa mwisho hivyo tulikuwa tnafuata alphabet sasa maoni yenu tukisha maliza kuyachukua on Wednesday tutayashughulikia na kuya-process kama yale maoni mengine halafu tukae chini tuandike ripoti ya kila constituency katika taifa letu. Mnajua kuna sehemu mia mbili na kumi za wakilishaji bungeni na kila sehemu ya uawaikilishaji bungeni na kila sehemu ya uwakilishaji itakuwa na ripoti yake. Ripoti ya hapa itarudi Webuye muangaliye kama yale mliotupa ndiyo tliatia kwenye ripoti. Halafu ripoti hizo ndizo zitakuwa zenye msingi wa kutengeneza ripoti ya kitaifa kwa taifa nzima halafu ripoti hiyo ya taifa nzima itakuwa msingi wa kujenga mswada au mapendekezo ya kubadilisha katiba a new constitution. Halafu hiyo itachapishwa mgawanywe kenya mzima mwangalie yaliyomo mule ndani ni kama yale mlikuwa mnataka alafu tutakuja katika vikao vya mkoa kupokea maoni kuhusu mapendekezo hayo. Halafu tutaita mkutano

wa kitaifa wa katiba ambao utaleta watu karibu mia sita ili kujadili mapendekezo hayo ya kikatiba na wilaya yenu itawakilishwa na mbunge wenu. Wabunge waa wilaya nzima pamoja na wakilishi watatu watakaochaguliwa na district. Halafu mkutano huo ukiwa una makubaliano basi tutapeleka makubaliano hayo bunge yapitishwe tuwe na katiba mpya kukiwa hakuna makubaliano kutafanywa kura ya maoni ambao kila mwananchi pia atashiriki ili kutoa uamuzi wake katika kura hayo ya maoni. Sasa la mwisho kabisa mimi ningependa kuwashukuru kwa dhati kubwa kwa kuweza kuwa na sisi kutoa asubuhi mpaka saa hii jioni katika kikao hiki na tumefurahi sana kwamba tumepata maoni mengi kutoka kwa wananchi wote na pia tunawashukuru sana sana chama na wanachama wake wa 3C'S kwa sababu bila kufanya kazi yao kwa dhati na kwa kujitolea maanake kazi hii kwa wingi ilikuwa mkujitolea kwa kujitolea usingeweza kupita mavuno tulioyopata hivi leo. Tunawaomba mwendelee kuwa na moyo huo huo mpaka kazi hii itakapo kamilika kwa hivyo tunawashukuru sana sana. Na kama wale waliokuja late kama mlivyojua hii committee kuwa pamoja na coordinator wetu na mbunge wa eneo hili na hawa wanachama wengine pia wangependa kuwashukuru watu wa provincial administration kwa kusaidia kwa njia mbali mbali kufanikisha kazi hii na kufanya kazi ya watu wa 3 C's kuwa rahisi. Pia tungeweza kuwashukuru kwa dhati watu wenye hall hii kwa kutusaidia kutupa hall kuweza kufanya kazi hii. Tunawashukuru pia watu mbali mbalii au pengine hatuwezi kutaja kwa majina kwa mchango yao tofauti walitoa ili sisi kufanikisha kazi hii ya kubadilisha katiba yetu.

La mwisho kabisi mimi nikupenda kutoa fursa kwa watu ambao pengine tulipokuwa pengine tunaanza kazi hii hawakuweza kuwa na sisi ili kutufungulia kikao. Ningeanza kwanza na mkono wa mwisho nimpe fursa ingawa ndiyo tunamalizia aseme mawili matatu halafu ampe bwana co-ordinator naye aseme mawili matatu tufunge kikao cha lep. Karibu bwana.

**Peter Kinola:** Asante sana kwa commissioners wa constitution review commission of Kenya our co-ordinator in Bungoma na participants from Webuye constituency. Majina yangu naitwa Peter Kinola am the District Officer in charge of Webuye. Nilikuwa na hawa ma-commissioners and some other participants kutoka asubuhi na kwa sababu haikuwa siku yetu ya kiserikali yetu ilikuwa tu kujaribu kusaidina nao ili wananchi wafike wapatiane maoni yao. Kwa hivyo I had been with you here and there hata kuambia wengine waendeleo na kukuja kwa sababu wageni wetu wamefika hata kisha pahali nitaenda Ndivisi tunawaomba wote hawakupata nafasi ya kuja hapa leo wakue na nyinyi huko. Kwa niaba ya provincial administration hapa sisi wenyewe tumetosheka na vile wananchi wamepatiana maoni kutoka karibu saa tatu mpaka saa tuseme saa kumi na mbili hivi watu wanaendelea ata kupatiana maoni. Kwa hivyo wale hawakupata nafasi naomba waende upande ule mwingine. Asante sana kwa kunipatia hiyo nafasi bwana co-ordinator karibu.

**Walinywa:** commissioner kutoka CKRC, wanakamati wa Webuye 3C's kuna wanakamati wengine wa Kanduyi na Sirisia hapa bwana Barasa na bwana Richard Wekesa wamekuwa wakitusaidia kwa ofisi ya co-ordinator. Ningependa kusema bila hawa hatungefika vile tumefika leo Bwana Commissioners nyinyi mumefanya kazi nyinyi najua wananchi hapa hawawezi kuelewa kwamba mumetembea nchi yote mzima na vile nimeona ile pande ambazo ziko Bungoma nafikiri mumejaribu sana kwa sababu mumekuwa mahali mumepitia huko lamu kila mahali nchi hii. Mimi nataka kuwahakikishia watu wa Webuye hivi wakati draft ya mambo yenu inakuwa tayari tunajulisha 3C's yenu ili nipatiwe muangalie na mdhibitishwa kwamba hayo ndiyo yale mambo mulipendekeza na hii tuendeleo kutengeneza katiba. Mimi sitaki kumaliza wakati sasa lakini ningetaka tu kupigia

wananchi wote wa Webuye asante. Ujue kitu kimoja hii mambo ya kutengeneza katiba watu walienda Lancaster House wewe umekuwa na bahati kuhusika nayo hapa. Ukumbuke watoto wa watoto wa watoto wako labda watakuwa wakizungumza mambo hii, hii mambo itakuwa kwa historia kusoma kwa nchi hii kwa hivyo umefanya mambo mazuri. Mimi sitaki kumaliza wakati kwa sababu commissioners amepana asaten kwa kila mtu kwa panpaper, 3C's ungependa tu kumjulisha chairman wa 3C's kwangu ili aje tu aseme kitu kidogo na asimamishe ti watu wake mali wako lakini yeye lazima aseme kitu kidogo kwa sababu yeye ma-commissioner amefanya kazi nyingi sana.

Chairman, ma-commissioner, Bwana D.O. wetu wa Webuye, Co-ordinator wa district na wananchi watukufu tena namsalimu hamjambo. Sasa ni wakati ambao mlikuwa mumetarajia kwamba commissioners watafika hapa na mimi kama chairman wenu wa watu karibu mia moja sabini, tisa elfu wa Webuye constituency nimefurahi sana wale ambao hawajiwezi what they call the disabled wameweka maoni yao. Na tena wengine kutoka kwa makabila yote wako hapa Webuye wametoa maoni, Watachoni wametoa maoni yao, Wajaluo wametoa maoni yao, Wateso wametoa maoni yao hata Wabukusu na hii inatuonyesha kwamba sisi ni Webuye ni watu ambao tunapenda amani na tena ni watu ambao tunataka tukae na makabila yote and that is why Webuye is blessed, we receive rain everytime because we the majority Bukusu are not the only ones when we pray for rain but even other members pray for rain but even other members pray for your information the commissioner, the former D.C. here in Bungoma who was very strong man called Orengo is a jaluo he has decided to stay in Webuye. That is to say Webuye is a wonderful place and the maoni ambayo mumepata ni ya Kenya nzima hata Wasomali tunao hapa Kikuyu wako hapa, Wakisii they have got mansions here and we are always proud of them that is why they have done this good job.

Kitu ingine nachukua nafasi hii kushukuru my committee members who are the commissioners infact they have done wonderful work and I will never forget again the civic education providers, the young men and today I have been impressed more when the young men come up so positively to give their views, the women came up to give their views, old women as well. Before we ask where is Muronyi, who is my vice chairman, and we in fact kuja huku you will close with a prayer. We are very democratic that one is my vice chairman and she is a very powerful lady and in fact Webuye we are very lucky. Those were selected are the people who were laid by their people and that is why our educating in the villages nobody avoided our meetings, people were free even administrators were free ...(inaudible)... is a world of man he told his chiefs and they were very co-operative that is why things went on smoothly. I pray for you Mr. Peter the rock you stay safely in Webuye. Muronji.

**Muronji:** Asante sana commissioner coordinator, D.O. tufunge macho na tuombe kwa ajili ya siku ya leo. Tuamke.

Baba ni katika jina lako safi tumeshukuru kwa siku ya leo Bwana tazama umetaundalia siku ya leo tumekuwa pamoja na commissioners wetu mawaidha yetu ambayo tumetoa katika nchi yetu ya Kenya Baba, ukayabariki, utulinde na ututakaze, ufunganishe tuwe kitu kimoja. Kristo naombea commissioners wetu wakiendelea kwenda round kuchukua maoni ya wananchi baba uwatakaze uwalinde zaidi sana uwape ujasiri, hekima na maarifa nchi yetu ya Kenya. Utubariki watu wote kutoka hii Webuye Baba, utulinde na utubariki. Naomba ni machache ni katika jina lako safi mwokozi wetu. Amen.

The meeting ended at 6 P.M.

