

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS, AINAMOI CONSTITUENCY, HELD

AT KAITUI SECONDARY SCHOOL

ON

15/07/2002

CONSTITUENCY PUBLIC HEARING – RIFT VALLEY SOUTH, AINAMOI CONSTITUENCY ON 15/07/2002
AT KAITUI SECONDARY SCHOOL

Present:

Com. Idha Salim
Com. Abdirizak Nunow
Com. Prof. Wanjiku Kabira

Secretariat Staff in Attendance:

Collins Mukewa - Programme Officer
Robert Machatha - Asst. Programme Officer
Vivian Muli - Verbatim Reporter
Caroline Chebet - Kenya Times Reporter

The meeting started at 10.15 a.m. with Com. Salim on the chair, and prayers from Joseph Keter.

Com. Salim: Now that is a very interesting turning of it. asante sana mwalimu for your views, now that is a very interesting turning of it. Asante sana Mwalimu for your views, very original. And we now, have pleasure in welcoming Mheshimiwa, wa eneo hili, tafadhali Mheshimiwa Arap Ng'enyi, he has to give his views so that he can proceed to attend to other matters. So, we welcome him to do so.

Mheshimiwa Arap Ng'enyi: Distinguished commissioners, ladies and gentlemen. First of all I am extremely happy, that, sorry commissioners I have not introduced myself.

Com. Salim: Basically Mheshimiwa for the record, to go on tape.

Mheshimiwa Arap Ng'enyi: My name is Hon. Ng'enyi, M.P for the area. I would say that I am extremely happy as Member of Parliament to this area, to see a very big attendance today, to hear the proceedings of this meeting.

My contribution is going to be very short, and I am going to confine myself to few issues, namely; natural resources, and the structure of the government.

I will begin with the natural resources. Natural resource of the country, included land, forestry and water. Those are the most important natural resource (Inaudible). Of course, human beings or humanity, or the citizens of that country, is another very important resource.

You might perhaps pick up the mic, so that we can get a better stronger voice.

All right, I am going to shout a bit.

So, the natural resource, which is, a common heritage of a country, should be held by the central government, should be controlled by the central government as a whole, because it is a common heritage for the citizens, of a particular country, including Kenya.

We all know, that forest, water and land, gets scarce everyday, and we do not take this into serious consideration, in conserving that natural resource. This will be depleted to the detriment of the citizens of Kenya. I therefore, propose that all natural resource, whatever, whatsoever, should be invested in the central government. Of course there should be some decentralization of certain activities, to local authorities or other organs of the state.

Now, I come to another issue, which is equally very important. But before I come to that, I would like to acknowledge, me personally and also as the M.P for this area, that we Kenyans are shy to say certain issues. I will attempt to say so, and quite frankly, we should accept the existence of diversity with our community, which before colonialist, they would have been called nations. And that diversity continues to exist, that we have tended to hide or to be shy, to mention that, that ethnicity, or tribalism we want to put it that way, does exist and it's extremely strong, and it seems to me it has continued to be strong every other day. I think that we should recognize that one, if we don't recognize that, that issue does exist, then we shall be making a very great mistake, to our country and to ourselves, individually and collectively. I think this was shown clearly, during the early vent of multi- partysm. You cannot go anywhere else, if you go to that period, 1991 and 1992. Then before that, most Kenyans were nearly forgetting the question of ethnicity, but when multi-party came, then the real animal came out, and we saw it in its true colours, and with a very major form, and I don't think we have recovered from that. So, the reason why I am saying that, is that I want to emphasis the structure of the government which we should go into this, in the next subsequently.

First of all I must say, a constitution of a country, is an extremely important document, it is an extremely important organ, on how to run a country. And therefore, this is the best opportunity for Kenyans, to address certain fundamental important issues which affect the life of every Kenyan. If it is so, we should remember that, a few years ago, some of you would remember, a few year ago, in certain government offices, I would say though certain, most government offices, a local language, was almost becoming an official language, supposing it continued to be that for another twenty years, definitely it would have been an official language, and definitely will be most unfair because, the communities in Kenya are diverse and many. So, that fear, which Kenyans do appreciate, is something we should also take care of, in order to alleviate oral. Eliminate the fear of Kenyans, that if such and such does come into power, the chances is that, there would be temptations to continue that process and hence, maybe to a certain extend, suppression of citizens liberty.

I don't think I need to say, to give more illustration that what I have already said. So, the expectations with Kenyans today, is that, is the government the structure which we are proposing? Is it going to deliver fairness in terms of justice, in terms of law and order, in terms of distribution of natural resources, in terms of education, in terms of gender issue? We must not forget, the imbalance which we are experiencing now, unfortunately, historically, it is that, some areas, and some communities, had a fair chance in the past, to receive certain advantages in terms of development, such as education, such as health, e.t.c. And then disparity continues up to today, and therefore, if wananchi ask the structure, which we are proposing in the new constitution, is going to perpetuate the same structure, which has been in the past, and most likely will continue. Is that what we want as Kenyans? We want a change, we want a change where every Kenyan feels he is part, and he plays his full part as a Kenyan. We want a structure, which we feel that, every mwananchi has received adequate education, has got right to health, has got right to food, has got right to all those things which human beings need. And it can only be done, in a system where the structure is balanced, and hence I fully support those people, because I do not pretend to be a law. I subscribe, to those people, who would live the new constitution, to incorporate a federal system. A federal system, where the powers, the state powers has been decentralized. I cannot prescribe exactly what type of decentralization that can be done, but I am sure, the constitutional experts, will give appropriate structure, for a federal government of majimbo as it is called, and some people had thought majimbo is a bad name, I have nothing a far from it. Majimbo is simply Swahili word for federal system. so, why are you shy to say majimbo, majimbo is a good system, I subscribe to you. So, in majimbo, there will be central government and maybe regional government, or whatever you may call, that is a system which I subscribe.

And in terms of executive, I also subscribe the sharing of powers, there should be a president who is non-executive, to be assisted by vice president, and an executive prime minister, or a prime minister. And their other organs may follow. I personally, I am satisfied, the judiciary, maybe with the formation of addition of high court, or supreme court, I believe, that is the present system is in need of small adjustment, and is very fair and efficient system. Far as the powers of parliament, a lot of people have said, parliament should do this and do that, but I believe, we being in developing countries, the executive should have residual powers to perform certain functions, which perhaps at the moment, may not be adequate or may not be appropriate to be performed by parliament, as it is done in those countries which are advanced. Because we have a tendency, to blindly copy what is happening in Canada, or U.S.A or U.K, without knowing that those people had had, that type of culture since Cromwell days, which is nearly 800 years ago, and we are hardly a community of Kenyans, in less that hundred years. so, I think we should not copy blindly, that the executive should be reduced, I mean their powers should be reduced and be performed by parliament, because parliament represents constituencies, and they naturally represent the natural angle.

Finally, I must say that, this constitution review should be done before the expiring of this present parliament. I don't know anybody or any human being, who is so liberal, who is so kind, as to say, now you have elected me with these powers, as the Chief Executive of the nation, I would like you gentlemen to come and sit and discuss how, I would reduce my powers. Furthermore, during the swearing in of a new president, that president will swear to say, I swear to protect the constitution of

Kenya, and what makes him not to say, I swear to protect this constitution, why are you asking me to discuss my powers. He may not agree, so I really request that, to the extent you can, please I know that there have been some various issues about this and the other. But, I would like to urge the commission, to finish this constitution, before the next parliament.

So, I thank you very much, and I also thank my constituent people for coming, they are very many, I didn't expect that to come in that number, so I am very happy indeed, thank you very much indeed.

Com. Salim: Thank you very much Mheshimiwa for coming to give your views as a mwananchi, because each mwananchi has his views, and what the future we like or should be like. We appreciate your coming, and I just wonder, whether any of my colleagues want any point clarified.

Com. Kabira: Mheshimiwa, maybe one point of clarification. One of your objective of the review process, is to look at the diversity, as you talked about it earlier. The diversity of our own community, and in your own presentation, you noted that, we have not actually faced the actual ethnic differences in this country, and therefore, are we to assume, developed policies that are guided by that recognition, and therefore you are suggesting that we need to recognize it. In many of the cases we have, a survey of recognizing interest, we have enough you know, for instance to make all the 32 ethnic community, as a way of recognizing the, just calling them by name. I think we would benefit from your elaboration on that particular element, how do you want us to recognize it, or do you want majimbo or not ethnic life, or how do we deal with the situation, because I think it is a major issue.

Mheshimiwa Arap Ng'enyi: Thank you very much (Inaudible), I have a note to that. I hardly say about ethnicity before I said about the form of government. Because we cannot go to every ethnic group, that we know that they are a major ethnic groups in this country. But even them, even the smallest ethnic group, should also be recognized. But, if we bring down, the label of government, and bring nearer to the people, by way of regional government, through regional assemblies or whatever constitution experts may suggest. That will be bringing more recognition to these groups. But we are actually talking about sharing, not all your powers, but we are also sharing the natural resources. And natural resources include what I have already said. Although I did say it before, which seem to be contradictive, but it is not. I did say, the national resources, should be vested with the state, that is different, with vested with the government, because the state is actually the people. So, the state may decide to vest this assets, or this resources, to anybody other than maybe central government or maybe anybody. But the state should be, all natural resources.

So, we are saying ethnic groups, should be recognized, because of the consequential benefit they get through a structured government, which would recognize the presence of those institutions. And then you say, initially, we have had examples before, where a certain language was almost becoming an official language, (Inaudible). So, these things are likely to acquire in future. But if the government decentralizes to a federal system, that type of thing will be discouraged

completely, it will never happen.

Com. Kabira: I think I know the thing like (Inaudible). What about the languages and (Inaudible). Do you want us to recognize the languages and promote them at that level, or as part of the recognition of the ethnic differences or what do you call it.

Mheshimiwa Arap Ng'enyi: Okay thank you very much, this is a very important question. When we say, Kenyans, Kenyans is composed of a number of people and those people, in fact can be identified by their culture. And culture, I mean, language is one of the most important cultural assets. And if the language of a community disappears or it is discouraged, it is a well as saying, those people should disappear culturally. And when that community disappears culturally, it does not exist, because it can only be identified, by their attributes of their culture.

So, the language should be encouraged from primary school, as it is done now, from primary school, maybe up to secondary school, and then the other national language, that is the Swahili and maybe a foreign language I do not know. So, I am for that, languages should be encouraged.

Com. Salim: Once again Mheshimiwa, thank you very much, for sparing sometime to come to this venue, to air views. You are most welcome, I believe you have a memorandum for us? Yes kindly give it to, Caroline over there, she is our district coordinate, she will register, and ask you to sign a register, that you have given your views. Asante sana, thank you.

Com. Salim: I now call, or before I call, are we ready Collins, or you want a minute, we need to rearrange our equipments, so please bear with us for a minute, while we do that, and then we shall continue.

Poleni sana, ilitidi kusimamisha kikao chetu kidogo, hili kutengeneza mambo ya mitambo, na sasa nafurahi kuwaeleza kwamba tumestawisha mambo na tunaweza kuendelea. Naona watoto wametoka, labda wana masomo ya kuendelea nayo. Kwa hivyo, tumewachiwa sisi wazee na wazazi kuendelea, ingawa tungependa kuwaona akina mama kidogo. Warudi na hapa, ninafurahi kuwaona kuwa wamerudi wawili, and I hope ladies you are registered to give views, and not just as mere observers, because we want to hear views of akina mama. So, now I would like to call Shadrack Murgor, is he here, Shadrack? Karibu mzee Shadrack. Na ningependa kuwaeleza wale walioko nje kwamba tunaanzisha tena kikao, tafadhali mrudi tuendelea.

Shadrack Murgor: Thank you very much (**Interjection**)

Com. Salim: Tafadhali ngoja kidogo, hili jamaa wakae kitako. Can I ask the students to kindly sit on the back seats, to allow the akina mama na akina baba, the seats in front/ so, mzee Shadrack, please start, start with your name.

Shadrack Murgor: Thank you very much commissioners. My name is Shadrack Murgor, I live in Ainamoi constituency. My views are as follows;

I would like you, to include in your constitution, my opinion as follows;

Public retirees, where there are senior post. P.Cs, D.Cs and other senior civil servants, should not hold any parastatal offices. This is to create more employment for others, who are more qualified on such particular offices. For example, if let's say you give a retired P.C or a D.C, as the chairman of the sugar board, we have got qualified people, who are experienced, or who are working on that side, who can recognize such parastatals. That is my point number one.

Point number two, concerns our Waheshimiwas, M.Ps. Should not be the ones to determine, their pay and allowances, saying as you so from the various reports we hear all over the place, that they have doubled in their pay, tripling, quartering and the rest. There should be a body to cater for that. There should be also a minimum number of M.Ps in our Bunge or Parliament, to pass any act to parliament to be a law. Let's say at least, half of all the M.Ps, if we have got 210 at the moment, there should be over hundred, who can pass any amendments to our laws, or any particular law. and also, when it comes to the nomination, because we are approaching elections, the nomination fees, should not be extranormally high. At the moment we have got 60,000 for an M.P, which most is raia cannot afford. It should be something like 5,000 or 10,000.

And then when you want to seek a seat of a president, they want a lot of money for nomination, but that money should be reduced.

For the Councillors also is the same thing, it should be just a token fee, and then of course your supporters, you have those people who have signed for you, to nominate you as a grassroots first, in the same.

Now, the other issue which I have in mind, is about the national ID card. This should be issued on the district level. Because at the moment, it takes about three months to obtain an ID. We have got so many children who have attained the age of 18, and they cannot get this ID card. In fact, it should be issued in the District Commissioner's office.

Regarding labour, all the trained personnel should be absorbed in the employment. When we are taking, let us say for example teachers. When you are taking them to the college, you know the need of the schools, which we have.

So, the training of the employees, should be catering for the vacancies, which keep on occurring every now and then. Of course, when the pupils are completing their education in secondary schools, they should also have identified a particular line of job to follow, before they go to any particular training.

Another matter, is regarding the ministries, different ministries, let's say ministry of education, should be able to decide, what figure could the school fees for all our secondary schools. Not orders from other ministries, you will find that the Office of the President, is giving different orders regarding education, when we have got Minister for Education, giving this.

We come to other things that are one example. We also have got ministry of..., we solved with the problems we had with sugarcane, ministry of agriculture was issuing their different orders. Ministry of Office of the President is issuing different orders, so we don't know who is who now.

There should be matters concerning education, done by the Ministry of Education, agriculture, any issues to do with agriculture, done by the Ministry of Agriculture. And then the last one, is this contagious issue of public incitement. We have seen that, administration is using it as an excuse, to silence opinions of different people. I don't think that is quite an appropriate law to apply, in our free country at the moment. What amounts to public incitement, is very difficult to quantify. You will find that somebody wants to address an Harambee meeting or a development meeting. Then he said that, because the area M.P or Councillor doesn't want the particular person, then he rushes to the police, and says he is holding an illegal meeting, he wants to incite the public against the government. And then, that is the end of my presentation. Thank you very much commissioners.

Com. Salim: Shadrack can you wait for a minute, I have one or two points, I would like you to clarify kindly. One, you said there should be a 50% parliamentary attendance to amend any law, is that correct?

Shadrack Murgor: Yes.

Com. Nunow: Does that include also amending the constitution, which is the supreme law.

Shadrack Murgor: This is, I mean, these are just the ordinary amendments. But the supreme law should be two thirds as usual.'

Com. Nunow: Two third as usual, thank you.

The other point is, you talked in terms of public incitement. It is now presumably in the law, what do you actually want done, to that provision and the law. you want it abolished? You want it amended?

Shadrack Murgor: I want it abolished.

Com. Salim: So that there should be no such thing as public incitement?

Shadrack Murgor: There is no such a thing.

Com. Salim: Thank you. I now call Joseph Chepkwonyi Kerui. Please start with your name anza na jina tafadhali.

Joseph Chepkwonyi: Asante sana commissioner, mimi naitwa Joseph Chepkwonyi Kirui, a retired Assistant Chief ya president. Wana commissioners nafikiria kwamba, ningetaka mpaka wa zamani, ile imewekwa na (End of tape)

Ninasema kwa sababu naona ya kwamba, sisi wakaaji, sisi tulikuwa Nandi, kutoka zamani, mahali ilikuwa ya kesi kesi na Wanandi, tunaona kama taliko ya mpaka. Mpaka ambao ulikuwa wa Nyanza na Rift Valley, imechukuliwa na watu wengine, na hiyo tutaheshimu, mpaka wa zamani, kutoka Wabeberu. Napendekeza ikae vile ilikuwa.

Pia, kuti ningependekeza na majimbo, kwa sababu majimbo, itufaidi baadaye, kwa mambo ya, kila watu wanakaa kwa amani. Kwa sababu, tunaona hata kwamba, mambo kama Palestine na uko Israel, tunaona wanapigana, na tukiheshimu mpaka ilikuwa ya Wabeberu, Wabeberu walifanya ukoloni zamani, majirani wetu lazima tuwaheshimu. Mimi napendekeza namna hiyo.

Na tena, nasema kwa watoto, kama mimi ni mzazi, niko na vijana na wasichana. Napendekeza, hiyo ni watoto wangu, kama msichana hajaolewa, apate shamba kutoka kwa baba yake. Kwa sababu sisi wa kizamani, msichana hata kama haolewi, hawezi pata shamba, na hiyo ni, tunaona tunapoteza huyo mtoto. Tena, tunaona siku hizi, naweza kutoka, msichana wangu akienda ng'ambo, anaenda kabisa. Tunasema mzuri, akienda aende kabisa, na kama mzungu amekuja pande hii, kuolewa pande hii, akae kama hapa kabisa, kwa watoto aweze kurudi tena. Sababu tunaona saa ingine, watoto wetu wanapelekwa na mzungu, na kijana yangu anaenda kabisa. Na hiyo napendekeza, iwe namna hiyo.

Na tena, tatu nasema maneno ya Mwajimbo kabisa, sababu tukiwa na majimbo, ataleta amani, kwa kila pahali, au kila mwajimbo. Tutakuwa na amani, na hatutakuwa na makorokoro, kwa sababu, tunaona 1991/2, ni sababu tuliona mambo mabaya sana, na tunataka tukae na jirani yetu, kama sasa tunakaa kwa jirani vyema. Na mimi naona Bw. Commissioner, tukiheshimu serikali yetu tukufu, tuheshimu mpaka ile ilikuwa ya zamani, narudia hiyo kabisa. Sababu iko (Inaudible) ambao walitoka kushoto, mpaka huko Kitorian, kutoka Kitorian anaenda mpaka chini uko, na hiyo naomba sana, iwekwe kwa hii constitution yetu. Na ninaunga serikali yetu tukufu kwa kukubali, kufanya hii mambo tu, alafu sisi wananchi tutoe mapendekezo. Na ninasema asante sana Bw. Commissioner.

Com. Salim: Asante sana Mzee Joseph Chepkwony Kirui kwa maoni yako, tafadhali jilandikishe pale. Sasa namwita Councillor Joseph Kamwaingi.

Councilor Joseph Kamwaingi: The commissioners who are present today, the secretary and the coordinator. I would like to give out my views.

First of all, I would like to begin with, which I have not done, which I thought it was also very important. (**Interjection**)

Com. Salim: Please start with your name?

Councillor Joseph Kamwaingi: My names are Councillor Pastor Joseph Kamwaingi, nominated Councillor.

Tunataka, we want the powers of the president to be reduced and not to be executive.

We need to have a prime minister, who is in charge of cabinet affairs, and the prime minister is in charge of parliament.

Also, we would like to request, that the Provincial Administration, be elected by the public, in case they mess, the public will also be answerable, and they will choose when time come.

They should be given minimum four years, or five years, like the Councillors or elected members, so that they would serve the public well.

Secondly, also; the Councillors who are not delivering service to the people, should also be disqualified to when the public demand, if a Councillor is elected and he doesn't deliver the service, the public should have say. And say, because you have not delivered service to us, you are out, you are not going to serve us. So that, everybody will participate, knowing that he is working for the people.

As we come now, we need also to have the autonomy of the local authority. We need to give powers to the local authority, so that they can deliver service to the people. We know after independence, the local authority was given powers, they managed to serve our people well, in education, in health, in roads. For example, Kipsigis County Council, after independence, it was a rich council, but when the federal government took all their belongings, the craters and money, they took 30 million after independence. The council became powerless. We would like to have the council given power. So that the common man, the people of that region, will benefit from their resources.

If the local government is given power, the local authority is given autonomy. They will also have, to report to the regional assembly, whereby they have to give, so that they will be monitoring their duties in the region. And by this I mean majimbo, we need majimbo, because it governs our people well, and our people will be protected, we shall not hear of clashes, which has happened before. Because this has happened because, people have mingled, people have come to invade in other people's land. So, if those people, and by this we don't say, those who have been in certain region, should be chased. No! they should adhere to the rules of that area. They should be equally, they should be always be willing to work together. And, it will keep

peace to this country, and we shall have a lot of progress.

So, I come, for example in our district. We have multi-national companies like Brook bond, when they make their profit, they take to their home land, and we are left with nothing. So, by this we say, we need to renew the agreement with this multi-national. So that, the money they make in the district or this region they are in, they should benefit the locals. For example, they have managed to make their own electricity. The surrounding area which are surrounded by this multi-nationals, should also benefit from this facilities. For example water, which they charge from within our rivers, and these were the lands of our great grandfathers, which we have never benefited. And for this reason, we are requesting that it should be inserted in our constitution that, whatever this people will make, should benefit the area they are in, to make infrastructure like roads, medical, to provide funds for our people. we are only requesting that, whatever they make, we share together, because this is, they have taken the most important plan of our land.

As I approach to finish, we would also like to request, as you make the laws. There are those laws which are spell out in the locals, and it says a certain customary laws are respected. We want these customary laws to be legalized to be laws. So that it is not being said, it is only customary law, it should appear in our culture that, our culture require this. For example, one somebody, of course I do not forget because I am a Christian and I am a pastor. I do not forget for polygamous party. If it happens, it happen people marry, right from the beginning, people have got wife, but his way should be legalized. When somebody wants to install law, but if customary is allowed

So we are asking, why can't this laws be inserted in the law, to become law?

And then, in this country of ours, we hear women talking of equality, they sing, they go to Beijing, they go every where, and they say we need to be equal with men, this is wrong, in my views I say, the Bible is very clear on that, a woman should be submitted to the husband, and nothing less than that, and the husband has to love the wife. And for this reason we say, people should not challenge the authority of God, when God created man, he created a man, later on he said this man is not enough to stay alone, he made him to sleep and he made a woman out of the man.

So, for this, when women request for the equality, they should know certain qualities, maybe in the question of employment only, but it comes of responsibility of who is to be who, the husband is the head of a home. So that one should be clearly understood by all Kenyans and should be made clear. We are asking all Kenyans, who are seeing others as superior, to know that all Kenyans are equal. So, therefore, if they are all equal, let us accord them respect in their respective areas of their place.

And this one, we emphasis majimbo to give peace to this country. May God bless you.

Com. Salim: Asante, and God bless you too Councillor Joseph, for your views. Councillor, please, just a couple of points for clarification for my colleague, Prof, Wanjiku.

Com. Kabira: Are you aware there is a contradiction, with your last statement and previous statement. Men and women are not equal, then, all Kenyans are equal so, I don't know whether (Interjection)

Councillor Joseph Kamwaingi: When I mean all Kenyans I mean the men, women are never counted in this, they are always under men, and it is clear even you professor you know that.

Com. Kabira: No I do not. So, we are saying that, we are not saying all Kenyans are equal, then let's say all men are equal.

Councillor Joseph Kamwaingi: Yes thank you.

Com. Salim: Another point, sorry Councillor, I have just thought of one. You talked in terms of majimbo going to help us to avoid clashes and things. And that they have come as a result of mingling of people. How do you then in vision or picture Kenyans living together. So, two questions arise, what are the borders of this majimbos, and what happens when someone from outside the majimbo, wants to settle in a different majimbo, what would his rights be like, compared to the people in that majimbo, will that equality you talked about earlier, still prevail?

Thank you Bw. Commissioner, I would like to answer that. In fact in my statement, I would say, I said that, when we have majimbo, it means Province. And we are saying, those who have stayed in that Province, should live with that Province peacefully, and they should not think of their previous place. They make that place their home, and they count it their majimbo. And, by then there will be no problem.

Com. Salim: Thank you very much Councillor for that clarification. I now call the first woman, sadly, she is the first, we should have more, to give her views, this is Alice Mutai. Is she here, Alice Mutai, she is a member of the 3Cs I believe, from Koiboro Location. I heard something Koiboro here, is correct, so I am correct. Karibu. Please you have a memorandum, right? Do you have a written memorandum?

Alice Mutai: No.

Com. Salim: Oh, you do not, so it is not (Inaudible). Sawa, so there is misinformation here. Carry on please, start with your name.

Alice Mutai: Asante commissioner, jina langu naitwa Alice Chepkoech Mutai, kutoka Koiboro location.

Sasa nitajaribu kuongea Kiswahili, ingawa mimi sijui sana, ikishinda ni kukujia lugha ya mama.

Kwa upande yangu, nitaongea kwa upande ya akina mama. Sisi, akina mama, tunataka ukweli wetu, wa upande wetu.

Na, nitaongea juu ya watoto, kwa maana wazee wanapendelea kupenda wa kijana sana sana. kama msichana awezi pata mwanaume, aolewe, aweke agawiwe shamba.

Na upande yangu, tunatetea juu ya msichana, tunataka baba ajue, mtoto ni mtoto. Apatie haki ya mtoto huo, kama hawezi pata ya kuolewa. Ni upande wangu tunalia kwa upande hiyo, kwa maana tumeona watoto wengi wanabaki nyumbani na amekaa kwa upili, lakini hakuna jambo ataweka hao watoto. Sasa hawa watoto tunaona, anaenda kutoka sasa unaona watoto wengi, amepata majina anaitwa chokora kwa ton. Ni watoto ya wasichana wetu, ule akupata bwana. Sasa ninatetea tu juu ya wasichana, tunataka wazee wajue ya kwamba, kila mtoto apate haki, kama awezi olewa, anapata shamba kama yule kijana amepata shamba. Hio ni upande wangu, tunataka kutetea.

Sasa ingine, tunasema ya kwamba, upande wa siasa sasa, kama upande wa Councillors, kama Councillor kwa area yangu ni mwanaume, kama nominated Councillor inatakiwa, tupate hata sisi wamama, tupate nominated Councillor, kama mwanaume amepata council. Tena kama maybe kama amepata kiti, inatakiwa hata mama tena apate, nominated M.P. Hiyo ni maombo yangu, sisi akina mama sana tumekakaa, unasikia wanaume wakisema, Kenya ni wanaume, lakini hata sisi ni binadamu. Tunaketia upande wetu, kwa maana hata sisi tunaishi kama mtu yeyote. Sasa, tunaomba ya kwamba, ili hata sisi tupate, tujulikane kama sisi ni binadamu, mimi ni mama.

Sasa, tukienda upande wa kuandika sasa maoni, kwa area yangu tumesikia, tunataka tuandike ya kwamba, tumefurahia majimbo. Na upande wa majimbo, tunafurahia tena tusema, tunataka.... sasa majimbo ikotoka, boundary inatoka, inatokea hiyo upande wa majimbo sasa. Tunatakiwa tupate boundary.

Upande tena tunaongea, ni juu ya mtoto yule alizaa mtoto kama yuko kwa shule. Inatakiwa huyo mtoto apate haki ya watoto. Kama mtu ameingiza mtoto kwa shule, apate, achunge huyo mtoto mpaka akuwe binadamu kama wengine. Hiyo ni maoni yangu, kama mimi ni Alice Mutai Mutatu, asante.

Com. Salim: Asante sana Alice Mutai, samahani, tafadhali mimi nina swala moja, ndogo tu.

Alice Mutai: Usiulize na swali ngumu.

Com. Salim: Raisi kabisa, swali ni raisi, hakuna mitihani hapa leo. Ingawa ni shule hakuna mitihani. Sasa naulizaje Alice, ulisema kwamba, ikiwa kuna mjimbo, ungependa jambo ya mipika, boundaries, ulipata msaada. Hasa, ni boundaries gani unataka ya majimbo?

Alice Mutai: Yaani boundary sasa, tunataka boundary kama constituency yetu sasa, ijulikane kama boundary yetu ilikiwa

inapakana wapi, kama mimi sasa tunatokea upande wa Soin, tunapakana na Nyaza. Sasa tunataka tujue, mpaka ulikuwa unapitia wapi? Ya Rift Valley na Nyanza.

Com. Salim: Asante sana, tumefahamu. Jina la Joana, although ni (Inaudible) inawezekana kuwa jina la mtu. Johanas Expend. Upaguzi kidogo, na tutaendelea kufanya ubaguzi, tulifikiri ni mama, tulifikiri ni Joana, but Johana ni John in another way. So, please wait for your turn, ungekwa ni mama ungepata preference, ndio ningesema tuna ubaguzi kidogo, ili kwamba akna mama tupate sauti zao, zisiikike na maoni yao tupate. Iko mama mwingine aliyejiandikisha hapa, yuko mama aliyejiandikisha, tafadhali utakuja mbele. Ingawa utangojea kidogo ili tutengeneze mitambo yetu kidogo, yanatusumbua, lakini kaa tayari. Jina lako?

Christine Ng'eno: Christine Ng'eno.

Com. Salim: Christine Ng'eno.

Christine Ng'eno: Commissioners, kwa majina naitwa Christine Ng'eno kutoka kwa hii location. Niko hapa kwa niaba ya akina maman. Ijapo kuwa maneno zingine zimesemwa na mwenzangu, naweza tu kuhimiza kidogo.

Sana, naelekea kwa upande wa uchaguzi. Ningependa kwa Katiba mpya, Tume ya Uchaguzi, ipatie room akina mama katika parliament. Kwa vile tunajua akina mama wanaamka na wanaamsha na wanaume, ni kwa vile, kwa hali ya nature. Wanaume wanatetea wanaume wengine wakisema ya kwamba, akina mama wakichaguliwa ,wakienda maternity leave, awezi enda kwa Bunge asimamie sisi. Sasa tunaona kwa hapo ya kwamba, akina mama wengine ni waongozi, ambao hata wameshinda wanaume. Sasa tunaona kwa hapo ya kwamba, kama akina mama wanaangusha hivyo, sababu ya nature, wewe utafanya aje, afadhali basi, Tume ya Uchaguzi, ione ya kwamba, akina mama wanafanyiwa nomination.

Ya pili, katika County Council. Akina mama wawe, manaibu na ma chairmen, kwa sababu ndio tunajua ya kwamba, wanaume kwa kuonelea hao ni wengi, akina mama ni wachache. Sasa tunaona ya kwamba, kwa manaibu, ingetupasa sisi akina mama tupatiwe kiti cha five chairmen kwa County Council, halafu hata sisi wanawake tuone ya kwamba, sisi ni nguzo ya taifa la Kenya, tujulikane kutokea hapo.

Kuonelea yangu ingine, ni maneno ya citizen. Tunajua ya kwamba, tukifundisha watoto wetu halafu tuwatume ng'ambo, wasichana wetu wawezi kurudi hapa Kenya, wakiwa kama wameenda kukaa uko. Lakini kijana anakubaliwa arudi hapa na watoto wake na ma bibi zake. Sasa sisi akina mama tunaona ya kwamba, tuko na uchungu ya wasichana, kwa sababu uwezi control. Wakifika huko, kama amekuwa grown up, mpaka anazaa uko. Sasa tunataka Katiba mpya, iweke, Katiba ya kuruhusu msichana arudi hapa nyumbani na watoto wake.

Ya mwisho, the land property. Mwenzangu alikuwa ameongea kwa hapo, tena mimi naongeza. Tujue ya kwamba, sisi kama jamii ama wazazi, baba na mama, kila kitu chote kinatoka nyumbani, kinatoka kwa njia ya watoto wetu. Na ikiwa bahati mbaya msichana mmoja ama wawili (Inaudible) father wa hiyo jamaa na property sawa sawa na vijana wetu. Asante sana.

Com. Kabira: Asante sana Christine. Ningetaka kuuliza, unasema akina mama wapewe na nominations as M.P, kama wangapi.

Christine Ng'eno: Ningesema kama one third. Kwa sababu tunajua, akina mama wachache wanachaguliwa waende kwa bunge. Sasa ionekane kama ni two ten, aende mpaka kwa parliament, mpaka one third ya hiyo Bunge.

Com. Kabira: To say about 70 millions to be nominated to parliament?

Christine Ng'eno: Yes.

Com. Kabira: Okay asante.

Com. Nunow: Thank you very much Christine Ng'eno for your views. Na sasa namwita O.R. Ngugu, is he here, hayuko? Ameondoka. Daniel Kitur, hayuko? Stanley Kimei, a student, Stanley. Stanley start with your name please.

Stanley Kimei: Okay. My names are Stanley Kimei, the S.D.A Chairman, Kaitui School. So, my views are about the chapter five of the constitution, which talks about the freedom of the Kenyans.

Kenyans have freedom of movement.

Freedom of worship.

Freedom of a speech,

And particularly, I would like to talk about freedom of worship.

You find nowadays, there are Masonic temples, already clarified about the devil rituals, who have arised in Kenya. So, I would like the next constitution, to specify, whom should be worshiped. Is it religion, or satan or God or Allah. So, our views was that a supreme being whom should be worshiped should be God or Allah not any other. It should be restricted, so that we can avoid many problems which are arising nowadays in Kenya.

Another issue is about movement, in that heart of religion, you find that students in many schools are not allowed to worship on the Sabbath day, which has been said in the Bible as a holy day. so, we would like also, if you could stress that in our constitution, since there is freedom of worship, we should also let students worship in schools without any restriction, and if there is any outing made, they should be also given that chance of presenting what they have been given by their supreme court, to present in different places without any restriction.

Another thing is a bout discipline in students, in the next constitution, we should have students having being cained. Because as we are students now, we are aiming to be parents, and if we aiming to be parents, why should our children, or our children should have discipline. So, if there is no caining, the parents in future will get a lot of problems, because they have come to school to solve problems which can be avoided by caining that student. Thank you very much.

Com. Salim: Thank you very much Stanley, maybe a very small clarification.

You are recommending the caining in schools for discipline, because you feel students should be disciplined. Do you think there should be a limit as to the severity of the caining, or should be defined in any particular way, that it should not exceed this, or should take place only in a certain part of the body. Anything which might, you see, control the caining, or do you think you just want it to be caining and you want to leave it at that?

Stanley Kimei: Okay, I would like to answer that question. I think the purpose of a teacher caining a student is to, or a pupils, is to make that student to realize their mistake and to make sure that, this children goes according to the rules and what has been set in school. So, the teacher only is allowed to cain a student according the mistake. And, so that the student can come to the right track, to follow what has been set, and to realize their mistake, not a matter of caining a student, as if you are beating a donkey or any other animal not a human being. So, thank you very much.

Com. Salim: Thank you Stanley, I think it is clear now.

William Memo, oh sorry, I thought you were somebody else, because you have already given your views. I think I will go back from Elizabeth, to Daniel Kitur. We called you earlier, I think you must have been outside, and came in too late, so you can come and present your views now. Start with your name please.

Daniel Kitur: Thank you very much the commissioners and the large congregation at large. My names are Daniel Kitur.

So, my first issue on the catchments areas. Where we talk of, when I mention about the catchments areas, and specifically referring to water catchments areas. I was saying, there should be a clear law, that is meant to protect these areas, because

many people have cleared these areas, and in future, which is not going to be far, we may realize that there is water shortage, and you know water is next to livelihood. So, such areas should be declared as, public trust lands.

In connection with catchment areas at the same time, I should like to talk on something to do with riverbanks again. As far as riverbanks are concerned. I think the present law stipulate that there should be 60 feet, but the bushes around the river should be cleared but not up to 50 feet from the river banks. So, what has actually happened is that, this water has been left open, people have cleared this bushes and there is nothing to cover the water, so this water is bound to evaporation. And, as a solution now, this area should be demarcated, and the government or the local authority concerned, should employ people, who will man this areas.

On employment, I should like to make my views, that one man should be given one job, or one woman to be given one job. So that, other job opportunities could be left to other people. Unlike the present case, whereby you will find that, somebody may be having more than one job, making the others to become jobless.

On the land issues, title deed should be given free of charge, that is my view by the lands department. There should be no payment of fees or some fee, like what is happening at the moment, because, in most cases, you will find that most of our parents may not be able to collect their title deeds, because they come to what is known as value. So, depending on where you stay, they will come, make their valuation, and then they will tell you, for you to be awarded this title deed of your property, that is land, you have to pay this fee. So, at the present economic situation, we are not able to raise such fee, and for that matter, we want title deeds to be given free of charge, so that whoever owns land, is seen that he is the rightful owner of that land.

In connection with the land again, we have the land cases. So the department of lands, should make it clear, that if there is any land case, let it be taken right up to the village level, so that the judge himself, or whoever will handle the dispute, be it a judge or a magistrate, be either to witness for him or herself, where the problem is. Even if it is a common one like sharing of land, or property dispute. Those relevant authorities should appear in person, because we are the taxpayers, we are paying them, so they should be rendering the services, and they should be able to travel, up to where the problem is.

And on registered roads, especially the ones, I think we normally refer as to Fida roads, that the ones that brought across our villages. We will find that, in most cases at the moment, they have been occupied, and therefore, some families of homestead, and landlocked, they cannot get at rural, whereby they can work or ferry their, or transport their belongings in and out. So, Fida roads should be open, especially the ones which have been registered.

On education, there should be, a free and compulsory education that is from nursery up to university, as we have seen in some part of our countries. So that, we may eliminate the illiteracy and ignorance in our society. Otherwise, thank you.

Com. Salim: Thank you very much Daniel Kitur for your views, William Biegon, so, first of all Daniel, can you register there.

William Biegon: Asante sana Bw. Commissioner. Jina langu naitwa William Biegon, maoni yangu ni machache.

Kuhusu mambo na shama, tunataka tuweke wazee ambao ni watu wa area hiyo, kukata kauli ya mashamba, kama ni kesi, kuliko mtu ambaye anaenda town (Interjection)

Can you kindly leave very quietly please, as quietly as you came, thank you.

Mambo ya mashamba, kusimamia na mwenyewe. Kama mimi niko na watoto watatu au wangapi, tutawagawanyia hayo mashamba wote, ikiwa msichana, ikiwa mwanaume.

Ombi lingine, ikiwa mambo ya council, heri Councillor achaguliwe na wananchi kwa muda wa mwaka moja. Kama kazi yake haionekani, ijaguliwe mwingine. Pia Mbunge pia, tufanye hivyo.

Na president achaguliwe, moja kwa moja, kuenda parliament, kuliko achaguliwe kwa mji wake, tena achaguliwe kwa parliament, iwe vitu mbili, inatakiwa iwe moja tu. Ikiwa mwaka ngapi, kuanzia mwaka arubaini na tano, na kuendelea.

Jambo lingine, ikiwa upande wa retire officer. Kama mtu ame-retire. Halafu apate pension, heri afanye hiyo kazi apate hizo, kuliko achaguliwe apate kazi ingine, na watoto ambao wamesoma wanaangaika kazi. Hiyo ni yangu hiyo.

Ya tatu, mambo ya mpaka. Imetaabisha sisi sana. sehemu ya Nyanza, hizi mpaka ya zamani ya Wakoloni, ambao ningepa
(Inaudible).

Hasa upande wa chai pia, wazazi wetu walifukuzwa kwa shamba na Wababeru, na wao wamepanda hiyo chai huko, na sasa wanatatua watu wengine kuja kumiliki hiyo shamba. Ni heri ambayo tungepata hiyo kitu katika hayo mashamba, au turudishiwe sisi hiyo mashamba.

Ingingine, ni mambo ya sukari hapa chini, Nyanza. Iko mashamba ambayo ilikuwa ya mababu zetu, ikaja punguzw, na watu wengine wanalima hata kwa hiyo shamba, na wetu hawalimi. Inafaa ifikiwiwe, hiyo shamba irudishiwe sisi.

Mambo ya ma chief pia, chief achaguliwe na wananchi, kuliko achaguliwe kwa

(Inaudible) au afanyie mtihani kwa D.C. Heri achaguliwe nyumbani, ikuwe kama ni kupanga laini ipangwe.

Jambo lingine, kuhusu shule. Watoto ambao wako shule, heri apatiwe discipline, ikiwa kama anakosa kwa shule. Kuliko mtu

ambaye anafanya fujo, anasema awezi patia discipline. Yangu, nimemaliza hapa, lakini ile kitu nataka ni neno la majimbo iwe Kenya yetu. Asante sana Bw. Commissioner.

Com. Salim: Asante sana kwa maoni yako pia. Sasa mahali (Inaudible)

Com. Kabira: Ile kitu ilishika kabisa, ile mambo ya boundary, the Nyanza boundary with who?

William Biegon: Jaluo na Kipsigis.

Com. Kabira: And Kipsigis?

William Biegon: Na Kipsigis.

Com. Kabira: So, you want the boundaries, not the colonial boundaries maintained but reviewed?

William Biegon: Nataka hiyo boundary iwe, vile ilianza kazi yake, iwe hapo hapo.

Com. Kabira: Ile ilikuwa, bila (Interjection)

William Biegon: Ile ilikuwa siku kabla wabeberu hawajaondoka, iwe namna hivyo.

William Biegon: Asante sana kwa hayo.

Com. Salim: Asante sana kwa maoni yako, tafadhali ujiandikishe pale, kuwa umetoa maoni. Sasa namwita Benjamin Korir, hayuko? Okay, Councillor John Ng'etich.

Councillor John Ng'etich: Commissioners and the entire viewers, my views are as follows. Okay my name is Councillor John Ng'etich (Inaudible) ward.

My views are as follows:

One; the chairman of County Council and mayor should be elected directly by the wananchi.

Two; qualification of persons from semi arid areas, or hardship areas, should be lowered. This is for example, a university graduate requires at least a B+, from semi arid areas, or those harsh areas, should be reduced to something like a B-. So that, those people, can get a chance entering public universities, or other colleges. This is for example, colleges are saying they want

a C-, areas which are undeveloped, their qualification should be reduced to a D+, for those people to get chances in those colleges.

Thirdly; there should be a free primary education, from standard one to standard eight.

Secondly, there should be a vernacular language, in primary schools, taught.

The other one is that, for marriages, if a boy or a son has stayed with a lady for one year, she should be automatically be a wife, and it should be legalized. Because there are some cases, where you find that a person stays with a woman for more than five years, at the end of it they divorce. So that one should be avoided. After one year staying with a wife or a woman, it should be a law that, that one is your wife.

Fourth; Assistant Chief and Chiefs, should be directly be elected by wananchi and should stay in the office for four years.

Another one is that, there should be free medical in all government clinics, dispensaries and hospitals.

Another one is that, the president of this country should not be above the law. the president should be within the law, so that in case he messes, they take him to court.

Another one is that, the issuing of identity cards, should be decentralized to district levels, for easy collection. Because you find at the moment, people who require I.D, take up to one year, to receive an I.D because it is cumbersome, going to Nairobi and all that time. District level.

Another issue is, at the moment you find that, there are some lands being given, or which the government say, they are given to poor people, like forests. You find that, at the end of it, you find that, big people, like the D.Cs, M.Ps and P.S, are being given, and they were saying that it is given to poor people. So, it should be known that, there should be identification that this person is poor, right from Assistant Chief, Chiefs, so that they are assisted accordingly. Thank you.

Com. Salim: Thank you very much Bw. John Ng'etich, I wonder if any of my colleagues, wants any points clarified, thank you. Please register your name there. Joseph Nyagon. Maybe before Bw. Nyagon gives his views, I would like to say that, my colleague Commissioner Nunow, would like to leave us to attend to some other matters, he had an assignment somewhere else, so he has to leave now. I am sure we wish him well, thank you.

Joseph Nyagon: Commissioners, before you is Joseph Nyagon.

I would wish to present my views on the legislature. But before that, let me request you clear off certain issues pertaining the whole process of commission. I don't doubt your integrity, to come out with a good document, but given the facts, we have seen commissions being set up, they are never made public, though they were financed using taxpayers' money. An example, for example the Gerge Olal commission, was never made public, the Akiumi land clashes commission, never made public. So, my fears is, I know you will come out with a very good document, reflecting the views of every mwananchi in Kenya, but how sure are we, that this document will be made public for the people to know. I hope you are better placed than those ones.

So, as far as the issue of legislations is concerned, I want to address myself, particularly, to the setting of parliamentary appointment.

One; as far as ministries are concerned. We want parliament, to vet ministers who are going to be appointed, to various ministries. Because we have seen a situation in the past, whereby you have somebody who is totally incompetent, he does not understand anything about that ministry, he is made to become a minister. For example, you could find somebody who has not gone to school, he is a minister of health, he is only relying on the permanent secretary. In case the permanent secretary decides, to mislead him, the whole thing will be in a mess, and the ministry will be blamed for nothing. So, I want, every ministerial appointment, should be vetted by parliament.

Another area which I believe should be vetted by parliament is the parastatal chiefs, or parastatal heads. You find some people, who are politically connected, they are made to become parastatal process. without a regard to their basic qualification, or knowledge in management, they are made to manage those parastatals, and in the long run, they ruin. After ruining, they are shifted to manage another parastatal, without even seeing, the past background of that particular fellow. A good guess in point (

Interjection)

Com. Salim: Mister, sorry to interrupt Bw. Nyagon, but you know if you keep giving examples and so on, you are eating into your time, and then you may be stopped before you want to finish.

Joseph Nyagon: Okay, so let me not explain. So, I want parastatals heads to be vetted, Permanent Secretaries to be vetted, and the Attorney General to be vetted by parliament.

Also the appointment of Chief Justice should be vetted by parliament.

And I belief also, the function of parliament should be expanded, to accommodate what I have said above, that is the vetting of the ministers and the rest.

Parliament should also have unlimited powers on this procedures.

The executive or the president for that matter should not have the power to dissolve parliament at will.

Parliament should be made to be full time, to avoid a situation whereby you find parliament is lacking quorum, just because people are in their own private businesses.

And I propose the following we get, parliament is made to be full time.

That any M.P, through no follow of his health or family misfortune, or performing natural duties in or outside the country and absent himself for three consecutive seating, should be forfeit.

All the salaries and the allowances for the day is not worked. And it should be named in our daily media, that so and so was not there today. This is to avoid unnecessary shortage of quorum in parliament.

And there should be a clause, that makes wananchi to recall their M.P, who is not performing.

I also want to propose the age limit, for contesting parliamentary seat, and presidential seat. The president should be 40 year, but less than 70 years, to avoid people who are overstaying in the office, and to avoid young turks who can easily tear the country into pieces. As far as parliament is concerned, I propose that parliamentarians to contest at the age 25, and he should not be 60, and he must retire after three consecutive terms, that is five years (Inaudible)

And, on certain issues, I want to address also, majimbo. Majimbo is a fact in this country. If you see carefully people who are for majimbo, and you reflect back, this are the people who pre-independence, they were fearing they will not get anything, but after independence they have now quoted the inquotable, and now they want majimbo to be used as a protective shield. I want to say majimbo is a (Inaudible) fact.

Apart from that, majimbo requires regional assembly, therefore, we require infrastructure for every regional assembly. And therefore it means, more people will be employed. In the process, if people who are employed require taxes, this people who are employed require salary, and therefore taxation level will go up. We require, I propose, that we require, a lim government, which is more efficient and ready to deliver services. We are suffering currently in Kenya, not because of majimbo or unitary government, because of corruption. So, we should put across, say anybody found having corrupted his office or use for wrong need, should be taken in and prosecuted. So, if time will not allowing me, I would have wished to continue, but (**Interjection**)

Com. Salim: But we are sure we will read your memorandum. that is for us?

Joseph Nyagon: Yes.

Com. Salim: Then we will read it fully.

Joseph Nyagon: Thank you.

Com. Salim: Yes sure, thank you very much Bw. Nyagon for your views. Please hand in your memorandum and register yourself. James Bartor, yuko? Hayuko. Solomon Koech yuko? Hayuko. Joel Keter, Samson Kosgei.

Samson Kosgei: The commissioners, ladies and gentlemen. Kwa majina naitwa Samson Kosgei from Kasubut location. Na ninaenda kutoa maoni yangu juu ya Katiba ya nchi.

Kwanza, ningependa niongozwe na serikali ambayo, serikali ya majimbo. Kwa sababu, tunaona na tunajua ya kwamba kuna vitu vingi, ambapo naweza, ama tunaweza kupata tukiwa katika serikali kama hiyo.

Ningependelea ya pili, ya kwamba, boundaries zetu za zamani iwe hivyo. Kuna boundaries ambayo, ni kama ya Kipsigis na watu wa Nyanza. Ningependelea ya kwamba, ile boundary ya zamani, ya Lancaster house, ikae hivyo. Na nikisema hivyo, siseme ya kwamba, wale watu ambao wameingia ndani, wafukuzwe, hapana. Tutakaa pamoja, na tuendelee pamoja na hawa watu. Na tusemi boundary ya Kipsigis na watu wa Nyanza peke yao. Kila boundary ambayo, imepata, yaani kuna watu ambao wame infest, hiyo boundary iwe mahali ilipokuwa zamani.

Nikizungumza hapa, nazungumza kama mzazi. Tena nina vijana na wasichana. Nimesikia maoni ya akina mama wakisema wazee, pengine hatujali, tunajali masilahi ya watoto wetu. Na ninaonelea ya kwamba, nikiwa na msichana ambaye atakaa nyumbani, kwa sababu hajaolewa, mimi naonelea, apewe shamba, equal share.

Ningependelea ya kwamba tena, mzee akiwa kichwa ya nyumbani, awe na title ya shamba lake. Na wakati mwingine mzee hata akionekana anataka kuuza shamba, watoto wapewe fursa na mama, watake, ya kwamba mzee anataka kuuza shamba. Sasa inakuwa kwake chuki. Lakini mkubwa wa shamba, mtu ambaye anaweza kupewa title deed, ni mzee.

Ninataka kuzungumzia tena mambo ya discipline. Watoto wakiwa shule, wale watoto wa zamani na wa kizazi hiki, tunaona tofauti kubwa sana. kwa sababu, siku hizi tunasikia, watoto wasichapwe, ama wasipewe discipline ya kutosha. Lakini mimi naonelea ya kwamba, discipline ile ilikuwako iendelee, ili tuwe na watoto ambao watakuwa na nidhamu mzuri. Si ya kwamba, tuweke watoto tu, waendelee na nyumae tutaona tumeharibu watoto. Ningependelea ya kwamba, watoto wapewe discipline, ile mwalimu anaonelea ya kwamba, inatoshona na makosa ya huyu mtoto.

Singeona tena vizuri, ama vizuri, wazazi waingie, ama wawe, watu ambao wanaonea walaimu ya kwamba, wamechapa watoto

wetu. Lakini tunataka walimu, waende vizuri na watoto, hili watoto wetu wawe viongozi wa siku zijazo. Haya ni maoni yangu, nasema asante sana.

Com. Salim: Asante sana Bw. Samson Kosgei kwa maoni yako, tafadhali jilandikishe pale, kuwa umetoa maoni.

Tukiendelea mbele, namwita Chelule Kipkoros yuko? Chelule Kipkoros. Chelule hayuko? William Tanui, William Tanui? Wilson Togo, karibu Bw. Tungon.

Wilson Togo: Kwa jina naitwa Wilson Togo Kipkorir. Wilson Togo Kipkorir kwa jina.

Haya, kwa maoni yangu Bw. Mwenyekiti, kwanza naiyunga mkono kwa dhati serikali ya jimbo.

Mipaka yote ambayo iliwekwa na wazungu, zamani, ipatiwe au ikuwe maintained.

Na wale watu ambao wako ndani kwa sababu ya mingling, nafikiri serikali ya federal system inaweza kuleta, temporary shifter certificate kwa hapo. Ili ambao watapenda hapo, wanaingia wakijua wako temporary system kwa muda fulani.

La pili, ni hii maneno ya commission yenu, maneno ya commission. Tungependa watu wa commission wachaguliwe, waongezwe kutoka number yenu, sijui ni number ngapi as for now, idadi yenu. 28, na ikiongezwa kutoka mpaka 40, naona si mbaya, si mbaya.

Na tena, kwa sababu tunakaribia uchaguzi, naonelea ni vizuri, kwa serikali, to finance all the political parties, ambao wajumbe wameingiza ndani. Kwa serikali yenyewe, finance hawa hawa wako ndani. Ili, to reduce this system of kuhama hama chama, kutoka chama ingine mpaka chama ingine. And also to produce hii chakula ya lunch, ya State House. Inapunguza hii chakula ya lunch State House. Serikali ingefinance hiyo.

Tena, kuna hii kwa sababu sasa tunakaribia uchaguzi tena, Tume ya Uchaguzi I-introduce early opinion polls, early opinion polls, maoni ya wananchi mbleleni, kabla ya uchaguzi yeyote, kabla ile uchaguzi kubwa. Ikiwezekana, Electoral Commission, introduce early polls.

Ya mwisho, ni hii, customary laws. Kwa kweli customary laws, ipewe uzito. Kwa sababu mara nyingi tunaona advocates wanaamua kesi ambayo hawajui. Kama hii outside marriage, land dispute, hii to earn somebody, hawajui. Yaani, they do it, but they lack evidence, kwa sababu wako juu zaidi.

Na mwisho ni Will. Kila mzazi, ili kupunguza cases nyingi kotini. Kila mzazi ambaye ako zaidi ya miaka sitini, ambiwe aandike Will yake peke yake.

Na hii tena, law, sheria. Our government should introduce law in primary schools. Kwa sababu, watu wengi wanashtakiwa bila kutojua makosa yako wapi, their ignorant of law. so, it should be introduced in early stages.

Ya mwisho ni, to avoid congestion katika jela. Watu wengi wanakufa jela, kwa sababu ya chaos mingi.

Tunauliza serikali, ikiwa inawezekana, tu decentralize law courts to division. Hili wawe karibu na wananchi.

Ya mwisho sasa, (**Interjection**)

Com. Salim: Hiyo ulisema ni ya mwisho.

Wilson Togoi: Sasa ni hii ya mwisho kabisa.

Com. Salim: Mwisho, capital M.

Wilson Togoi: Hii ni ya political succession. Kwa sababu viongozi wengi, kila mtu anatamani huko, tunaomba, kama raisi anastaafu, mwaka mwaka anastaafu. Kwa nini, nisione Speaker, ashikilie serikali mpaka baada ya uchaguzi. Tunaunga mkono hapo. Haya, asante.

Com. Salim: Asante sana Bw. Wilson Togoi, tafadhali jiandikishe pale, sijui kama mwenzangu ana kitu. Charles Ng'eno, yuko? Charles Ng'eno, karibu.

Charles Ng'eno: Commissioners, present her today. The dignity of your dignitary is highly dignified. I just forgot to say my name, my name is Charles Ng'eno, from Soin location.

Here I sit and say my views.

I start, my first point is the presidential election. I would like to see, in future, that Kenyans are met, by somebody who has the majority votes. In other words, what we mean by majority, what we mean by majority, means the people leaving in the land, obviously, have decided in a universal thought, over one person. So, by that I mean, 50% of the total votes casted, a president should meet.

If there is shortcoming, I feel, there is a runners up election, to determine. Because we may have up to 20 people who are standing for presidential, and we shall have them in different positions. So, whoever will be position one and two, should also

come up and face the Kenyans, to decide on who is the best presidential candidate.

The other thing is that, the president should not be above the law. In that, it will present him from any measures, and leave Kenyans in a poverty situation.

Also, we would like to see that the president is not overburdened, with a lot of responsibilities, such as being the country's Chancellor of all the Universities. In other words, he will not have that opportunity, to carry on his responsibility effectively. As I sit here, I am the head teacher, and I feel, I cannot be able to head more than one school.

Again, we should also have a government, that is the structure of the government. Where, the responsibilities are shared, among all the parties. Because we are now, in a multi-party system, there should be no question of one party, scooping all the seats, or the ruling party scooping all the seats. In other words, it should be shared equally, in that, the taxation, the taxes come from every part of the country, and actually should have enough representation. One is the Abraham Linkol site, there is no taxation without representation. Therefore, all areas should be represented equal.

I come to parliamentary and civic election. Every constituency ward, should elect one man, one woman. Why, we should compare our leadership, with a family set up, where, when a man is there, the children feel there is a gap, when the mother is there alone, also the children feel there is a gap. But when the two combine their efforts of leadership in the family, we actually have our children running around and smiling. So, in other words, we should have a mother and a father in that house. Because, parliamentary and civic ward, by that I mean, when I come to defend that point is that, a woman cannot effectively compete with a man, because in most cases, traditionally we have seen men, as the ones to offer security.

So, if some people may think that fact, that a woman may not lead them better in parliament, or in County Council, because of that factor. Also, maybe during election, a woman may be pregnant and cannot go all along doing all that campaigns, although people may see, he or she is able to compete effectively. So, we should make that allowance, let women compete among themselves. Why? When we go to the field, a woman does not run with a man, they usually run a woman and a woman, a lady and a lady and a man and a man. This is what we should do. I hope you will only add me some few minutes.

So, majimbo federal government, that is the majimbo type of government or structure of the government, I only see, some shortfalls in it. People now, are no longer pure in ethnicity. So, if we start this kind of majimbo type of government, it is going to start another animal. Okay, it is going to start another animal that is called tribal clashes, because people have to tell the others "don't you know where your ancestors land is?" Now, here, we have Kipsigis in Maasai, we have Kipsigis in Nandi, and we wonder, if that thing happen, they will definitely be sent home.

Lastly is education. pre-school teachers, be employed by T.S.C.

Poor children at all levels, be given a free education through to university.

University education should be made free for all.

And lastly agriculture, the family land. All those who are owning the land, that is the father, mother and children, should make use of the land. And if there is an extra land, that is lying solo, the government should step in and develop. Thank you very much.

Com. Kabira: Maybe I wanted you to clarify. I think your argument about women competing amongst themselves, and then men competing among themselves. Does it mean that we are increasing the constituencies, to double what they are? Because, if there is a woman in each constituency competing against other women, and a man in each constituency competing against the men, then we would have 420 Member of Parliament.

Charles Ng'eno: I think that is a very good question. What I mean, is no longer creating new constituencies. I had compared this to a family set up, where a family, you don't have to create two houses to accommodate husband and wife, or mother and father. So, it would be the same constituency that people will vote. All men and women voting for the one man, and the same voting will be voting for one woman.

Com. Kabira: I don't understand, can you expand on that.

Charles Ng'eno: So, how it will work, it will now be 420 constituencies. In fact the salary which has been given to the M.Ps, is enough to just divide into two and accommodate two, there is no problem.

Com. Salim: Thank you very much again Bw. Charles Ng'eno for your views. Please register yourself, at the table to my right. And now I call Bw. Johana Sang. Sorry for the confusion Bw. Johana earlier, and thank you for your patience, karibu.

Johana Sang: Nitaongea kwa lugha gani?

Com. Salim: Lugha yoyote upendayo, lugha ya mama.

Johana Sang: *Kainenyun ko Johana Sang. Ayobu chepkonyi location, Ainamoi.*

Translator: Majina Yangu ni Johana Sang. Mimi natoka Chepkonyi location, Ainamoi division.

Johana Sang: *angali ngalek ab imbarenik .kogomengegitun ako kochanga bik ago mi bik che tindo imbarenik che echen missing*

Translator: I am saying that, the land is becoming a scarce resource and people are becoming many. And there are people who are owning a very big piece of land.

Johana Sang: *Kounoton konyolu kotinye chito mogoriotab Kenya egarinik konom kityok ko igo kogochi bik alak.*

Translator: He says that, every individual in this country should have, not more than 50 acre and the rest should be surrendered to other people who do not have any piece of land.

Johana Sang: *Ngolyot age kora ko agobo kasisie chu chebo serikali ko agase tokibos kenyisiek chebo kiboityot ab serikali komwa ko koit kenyisiek taman ak sisit.*

Translator: He says, in the side of employment, the retirement age should be reduced up to 18 years.

Johana Sang: En chito agenge.

Translator: In one part.

Com. Salim: Sorry, did we get you right, retirement age should be at 18.

Johana Sang: 45 years

Translator: No, 45 years.

Com. Salim: How come our translator said something about 18 years.

Johana Sang: *18 years konyolu kobois chito en serikali.*

Translator: He says a person should work for 18 years in the public service, for 18 years

Com. Salim: And supposing he starts working at 28 years of age, so he retires at 56.

Translator: No, there will be different retirement ages, for different workers.

Johana Sang: *nyolu kobois chito mo koit kenyisiek artam ak mut ko koboityotab chito ko kenyisiek taman ak sisit.*

Translator: He says, a person should work in the public service for 18 years, and the retirement age, by the age of 45, he should come home.

Johana Sang: *kot koboisie bik aengu en kapchi oenge kobois kenyisiek taman ak sisit kobois kenyisiek taman ak aeng.*

Translator: If there are two people working in one family, one should one work for 18 years, another one should work for 12 years.

Johana Sang: *ngolyot age kora ko chito neboisie en serikali konyolu ketilen5% asi ketoreten bik chebonondos chon matinye kamatik ak kwanusiek.*

Translator: And those who are working in the government, every one should get 55% for those ones, who are not working, of his salary or her salary.

Johana Sang: *Ngolyot age kora komanyalu kometo department ingo ak kwo ageago mi bik alak che motinye kasisiek en ka.*

Translator: Another one, there should be no departmental transfer, for example Chiefs transferring, Teachers transferring from teaching position to be chiefs.

Johana Sang: *Kongoi.*

Translator: Thank you.

Com. Salim: Ngoja Kidogo.

Com. Kabira: I would ask kwa Kingereza halafu uta translate. One of the, I think this is a worrying statement, the one about the, and you are not the first one, I think we are getting it many times. That, the retirement age should be brought down, should move to 45 in your case, or to 50 in some other people. The question is what does this people, the ones who are retiring at the age of 45, because children are now in school, what are they supposed to do when they get home. That is one.

And the other one, when we limit we say that, there should be only one person, within a family working for the government, sorry working. Are we ruling out, the possibility of working in so many other areas, with parastatals, with the private sectors, and anywhere else.

And are we also thinking about, there are three questions. are we also thinking about, creating more jobs, rather than, making more people redundant.

Translator: *Kokile ne ta ibwati ne yon kemwa ile nyolu koritayaren chito at the age of of 45 ago tokomi lagok sugul nyokoyaene chito neu noton.*

Johana Sang: Kongoi missing commissioner chichon kagonyo ka konam mungaret ko agere ngunon bik che chang chebo kenysisiek. Konom ak mut komakonyon koyae ki kikobek kabisa so kagai kometo kasit chito

Translator: He says, whoever comes home at the age of 45, he is still strong to come and work for his own private work at home, he is still very strong.

Com. Salim: Supposing he doesn't have any private work.

Translator: *Kole ani kotkomatinye kit ne tos koyai.*

Johana Sang: *Nyolu konyor kasarta koboisen serikali asi en kenysisiek 45 ko mi bik alak che bwone .*

Translator: He says, every person should have a chance to work in the government. So that, by come at the age of 45, we will also have some other people joining the public sectors.

Com. Salim: But I just wonder Bw. Johana. You say, every person should have a chance, in other words, I and my brother we are one family, at certain age, I am told, now you go out, you have reached the time of retirement. So I become unemployed, and my brother becomes employed in my place. Are we really solving the unemployment problem?

Translator: *Kole kot komi my brotherkonyon en kasit ak kwo my brother kasit ko koki solven the problem nebo unemployment?*

Johana Sang: *Acha uni magiguyegen kamwa kapchi kwondo ak muren che kiitunke kokamwa ale kot koboisie bik aengu ko ngab chongoni twan kotuitos rabinik konyolu kosipkwo age retire en kenysisiek taman ak aeng konget ingo kot koit taman ak sisit.*

Translator: He says that he was talking about the family set up, where a mother and father are there together. One should work for 12 years, the other one to work for 18 years. Because their money, the money they kept is just one. So, one should go home, while the other one works for some few remaining years.

Translator: So, the other one was *Kagiteb kele ani ngunon ani kot ko kagonyo chichigan komanyonkwendi other private sectors.kobokoyai kasit.*

Johana Sang: *konyolu kwo tagaakoonjan kasit ab serikaliago noton kogoin inendet kongomit chang bik chebogityote amun maiken kit ne yae rabinikkoye kongomegitun.*

Translator: He says, whether one goes to public sectors or the private sector, hiyo ni kazi. So, they should come home and leave others. Because those ones who are still in the public sector or the private sectors, they just misuse the money. They go

and drink, they just, in luxurious way. So, kazi ni kazi, they should come home.

Translator: And the last one is *Kagiteb kele ara kot ko ngunon kemong en kasit koma decareni bik returndant momi bik che tokesiche en kasisiek komabwa tugul ka ko kagiyai ne?*

Johana Sang: *Channg bik che mi ga buch che aingen okot kole kasit kone ko ndo kigoin kasarta komuchi age kongomit ak ne motindo kasit nenyin komuche koyai mungaret.*

Translator: He says whether people work or not, they should still come home to come and do some kind of business in their own homes. Thank you.

Com. Salim: Asante sana Bw. Sang, tafadhali jandikishe pale, na sasa namwita William Kosgei, William Kosgei yuko, hayuko. Kipkorir Keter, Kipkorir Keter, ameenda. James Kilei? Ameenda saa ya chakula. Pole sana, ilibidi kuwaweka, lakini kama mwonavyo, tunajaribu kuendelea haraka, lakini some people cannot wait because of other business. So, I call Bw. Charles Saina, start with your name, anza na jina lako tafadhali Bw. Saina.

Charles Saina: Jina langu ni Charles Saina, na maoni yangu ni hivi. Tangu tupate uhuru mwaka wa 1963, niko na historia mzuri hapo. Wa mzee wetu ambaye alitumia neno, tusamehe. Na sasa ninasema ya kwamba, ile serikali ambayo tutatengeneza, nataka hawa viongozi, ma president, wawe na hiyo moyo wa kusamehe. Isitokee maneno kama ile ambayo tunasikia kwa nchi zingine, a president akitoka, ule ambaye anashika, anashinda ule mwingine, na ni mwananchi pia. Serikali yetu ambayo tunataka iundwe, ni serikali ya amani, constitution yetu iwe ya amani. Watu wote wakae kwa usalama.

Na tukienda upande wa, nimesikia watu wetu wakisema majimbo. Sijui majimbo ikiingia itafanya kitu gani? Maana hata tukiingia upande wa majimbo, watu watapigana, ni sawa. Lakini kitu kizuri, tunataka constitution ambayo inasema ya kwamba, watu wote wakae kwa usalama. Koti itengenezwe, ya kuchunga watu. Hili watu wakae vizuri, tuwe na (End of tape)

President asiwe na nguvu nyingi.

Tena huyu president akifanya makosa, ni lazima ajibu huko kotini. Isisemekane ati mpaka yeye aondoke, aondoke namna gani na amefanya makosa. Mtu yeyote ambaye anaongoza serikali, lazima aende kotini kama amefanya makosa.

Na nikiingia upande wa parliament, ma-councillors na viongozi wengine wote, mimi pia nakubaliana ya kwamba, tuchaguwe watu ambao wamesoma vizuri, wawe na discipline kamili. Wale watoto ambao huko shuleni, walikuwa wnachomachoma nyumba, wanafanya makosa makosa, ndio wanawekwa viongozi. Hawa ndio watakuja kuharibu serikali. Tunataka nidhamu, kwa kila mtu ambaye anafanya kazi ya wananchi.

Na kwa parliament, wawe ni watu ambao wamefika miaka ishirini na tano. Katikati ya miaka ishirini na tano, na sitini. Kwa ma-councillors ni hivyo hivyo.

Na mimi naonelea ya kwamba, parliament iwe parliament mbili. Moja iwe ikichunga wananchi, na ingine wanatunga sheria.

Na upande wa council na Municipal, wawe na nguvu ya kuchunga area hiyo yao, na pesa ambayo wanapata.

Na nikienda upande wa shule pia, nina support ya kwamba, walimu wawe na nguvu ya kuchunga shule sio wana siasa, kama ni discipline, walimu wanajua namna ya ku discipline watoto, walifundishwa.

Ma chief pia, wanajua kama akiandikwa, anawekwa koti, ajue jinsi ya kufanya kazi yake. Ndio wana siasa waende kusema ati huyu chief namna hii, ati mwalimu namna hii, kusumbua watu. Asante.

Com. Salim: Asante sana, tungojea ikiwa kuna swala yoyote. Mimi nina swala moja mbili, tafadhali. Ulisema hapo awali kabisa kwamba, ma raisi, raisi yeyote, awe ni mtu mwenye kusamehe watu, sawa?

Charles Saina: Ndio.

Com. Salim: Na umesema kwamba wale ma raisi ambao wamekwisha retire, wasisumbuliwe sana. kwamba umeona pahali pengine, kwamba wanapata taabu, wanapatishwa taabu. Lakini baadaye ukasema kwamba, raisi ambaye akifanya makosa, ni lazima afike kotini. Kwa hivyo atuoni kwamba, upande mmoja unasema, yeye asitaabishwe, upande mwingine unasema apelekwe kotini. Sasa, ipi hasa, oni lako ni lipi, asamehewe au apelekwe kotini.

Charles Saina: Nimesema asemehewe kama ameenda kuwacha hiyo kazi, lakini kama yuko kazini awekwe kotini.

Com. Salim: Lakini ikiwa akufanya jambo, hana haja ya msamaha.

Charles Saina: Hakuna.

Com. Salim: Okay, lakini tumefahamu, asante.

Charles Saina: Kumbe hata nilisahau kitu kimoja, hii ya wanawake. Napendelea wanawake wafanye bidii, wawe wabunge, wasiseme ati tutengewe viti.

Com. Salim: Washindane na akina baba?

Charles Saina: Washindane na wa wananchi wengine, hata kwa masomo ni sawa.

Com. Salim: Asante Mzee Saina. Tafadhali jiandikishe pale.

Bwana Joel Marsin, Joel Marsin yuko? Au ameondoka pia. Andrew Rotich, karibu.

Andrew Rotich: Thank you very much commissioners. My names are Andrew Kipg'eno Rotich. My place of work is Ainamoi division, I am a teacher by profession.

So, the areas I will touch in my views are the type of government we intend to have, under a new constitution, presidential system of government we should retain, either unitary type or federal type.

Sharing of powers between the three benches of government, such as the executive, legislature and judiciary, it should be clearly defined.

And parliament to be supreme. That is, if we are to create the office of prime minister of executive prime minister.

Powers should be shared equally.

Role of local authorities also, should come up, they should be given more powers like in the past, or after independence.

I am also of the opinion, the abolition of Provincial Administration. Should be abolished completely because, it has failed to deliver the goods, to wananchi. Because, at independence we inherited from the colonialist, and the same same, government of the day, used this to perpetuate individual greed and corruption. Otherwise, we could not be talking by now, economic collapse.

We have the resources, so what we need in the present Kenya, is good governance. And this can be achieved, if the executive powers are reduced. For example, if powers such as prolongation of parliament, dissolution of parliament, should be removed from the executive or the president. And be transferred to parliament. Parliament, especially under the prime minister, given the locative to dissolve itself.

So, if we are to have federal type of government, we had it at independence but it was not given room to, entrench itself.

So, supreme courts should be reduced. Federal government (**Interjection**)

Com. Salim: Sorry, what is your decision of federal system, what is your recommendation?

Andrew Rotich: We should have a federal type of government.

Com. Salim: Okay, continue thank you.

Andrew Rotich: Where the Provincial Administration should be abolished. And in place, the village elders, because even before the coming of the white man, we were more democratic. The village elders should be given salaries.

Also, in women participation; the new constitution should provide Provisions to be translated into law, dealing with cultural practices, such as early marriages, forcing girls to be circumcised. This will discourage dropping in the educational level, at O' level.

Also, women should be given more equal opportunities in university intake, and the ratio should be increased.

Life of parliament should be a five year time, two terms, no more.

M.Ps salaries should be proposed, but subject to be approved by tribunal courts. And that is all.

Com. Kabira: Okay, thank you very much. M.Ps salaries should be proposed by who? The Finance Minister.

Andrew Rotich: The Finance Minister.

Com. Kabira: Okay not by the M.Ps themselves. Okay thank you very much Mr. Rotich, do we have David Sang?

David Sang: Asante sana commissioners, kwa majina naitwa David Kiprop Sang, kutoka Chemabei village. Maoni yangu ni kama yafuatayo.

Ninaonelea ya kwamba, tuwe na serikali ya majimbo, na katika ile serikali, haki za kila mtu zilindwe, na hapo utaweza kukuwa na, utaweza kupata haki ya kila mtu zikilindwa, hapo tunataweza kuwa na serikali iliyo mzuri.

Ingingine inafuata ni mambo kama hii ya makanisa, yaani makanisa zikiwa registered. Yaani, ziwe, before registering the churches, they should submit their constitution. Hili ziweze, hili mambo hama Mungiki na Devil Worship, zisiwezwe kuwa registered, kwa sababu zimeleta mambo mengi, maafa katika mashule, na sehemu mbali mbali.

Ya tatu ni serikali, tuwe na serikali ambayo inaongozwa na raisi, halafu tuwe na prime minister na makamu wa raisi achaguliwe na wananchi.

Ingingine ni mambo ya uridhi; mambo ya uridhi, ninaonelea kwamba ibaki tu kama zamani ama kama vile bibilia inatambua ya kwamba, mwanaume ni mkubwa wa jamii. Kwa hivyo, naonelea kwamba, wana, yaani sons, ndio the right people to inherit. Na, kama kuna msichana ambaye, kwa bahati mbaya akufaulu, hiyo decision itategemea tu, yaani mzazi mwenyewe. Isiwe lazima, kwa sababu tukitilia mkasa hiyo, itasababisha, yaani tuhimarisha sana sana, yaani wasichana wapate unwanted pregnancy, kwa sababu wataonelea ya kwamba, hata nikiwa pregnant nyumbani, nitapewe tu shamba. Sasa, kutakuwa na unfaithfulness, katika jamii. Wanawake, ma bibi za watu, wasichana na hata mabibi zetu, our daughters, hawatakaa vizuri.

Lingine, ni kuhusu ndoa. Yaani ndoa, watu wanaokaa pamoja, ni lazima waowane, wawe na certificate. Na ile certificate ya, yaani ile marriage ya kienyeji, ni lazima itambuliwe na serikali. Serikali iwe na uwezo wa kuweza kupatiana certificate, ili watu waweze kutambulikana ya kwamba, wanaishi pamoja, na ni mke na bwana. Kwa hivyo, tutaweza kumaliza hii mambo ya ukahaba.

Na wale watu ambao wana cause problems kama rapist, waweze kuchukuliwa hatua kali.

Jambo lingine, ni kuhusu village elders. Hawa ni watu ambao wanatekeleza kazi kubwa sana katika jamii. Kwa hivyo hawa watu, ninaonelea ya kwamba, wangepaa wapewe pesa, kwa sababu wanafanya kazi kubwa, wanafanyia Assistant Chief, na hata na ma Chief, na hawa watu hawatambuliwi. Kwa hivyo, wapewe mshahara.

Lingine ni kuhusu Chiefs, na ma Assistant Chiefs. Serikali itangaze nafasi ya hawa watu, na qualification. Na baada ya kuhitimu kwa qualification, hawa watu wachaguliwe na raia.

Jambo lingine, ni kwamba, kama sasa serikali ya majimbo limeundwa, basi kuwe na masomo ya bure ya kimsingi, na matibabu ya bure. Kwa sababu kutakuwa na mapato mengi kutoka mashamba, kutoka taxation mbali mbali.

Jambo lingine ni corporal punishment, katika mashule. Hata bibilia inasikika ya kwamba, 'Spoil the child spare the rod'. Lazima watoto waathibiwe, yaani kulingana na ile kosa ambalo wamefanya. Si kuwaathibu kuumiza lakini, unahadhibu ukiwa na kipimo fulani.

Jambo lingine (**Interjection**)

Com. Salim: Sijui Bw. Sang ikiwa you mean, ukisema Spare the rod, spoil the child, means don't use the rod, spoil him or

her. You need to say the opposite. Spare the rod, spoil the child.

David Sang: I am sorry for that.

Com. Salim: Nafikiri, you mean to say corporal punishment should be there.

David Sang: It should be there.

Jambo lingine, ni kuhusu sponsorship. Unapata institution na mashule, unaweza fikiria ya kwamba, it is being sponsored by certain church. Lakini unapata, they don't participate fully, ama hawafanyi jambo lolote kusaidia hiyo shule. Kwa hivyo inafaa, wawe watu ambao wanahusika na maendeleo yote ya shule, wakati wowote.

Na jambo la mwisho ni mshahara ya wabunge. Wabunge, wasijitete kuhusu mshahara wao, lakini liwe na body ambao wanaweza kuwatetea, kwa sababu ikiwa watajitetea, wataweza kujiongezea zaidi, na wasahau raia. Asante.

Com. Salim: Asante sana Bw. Sang, kuna swala moja, tungetaka kufahamu zaidi. Nafikiri ulisema kwamba, uridhi, tubakishe kanuni au sheria ya kimila, kuhusu, na kwamba wasichana wasiweze kuridhi, ni wanaume peke yao. Sijui, labda ungenieleza, kwa hivi sasa ndivyo ninavyo fahamu, labda nilifahamu vibaya. Kwamba wasichana ambao hawakuolewa, hivi sasa wanaridhi, kimila, wasiolewa?

Wasiolewa (**Interjection**)

Com. Salim: Wanaridhi hivi sasa.

David Sang: Hawaridhi.

Com. Salim: Hawaridhi. Okay, asante. Tafadhali jilandikishe pale. Samuel Tanui, yuko?

Samuel Tanui: Commissioners and my fellow viewers, my names are Samuel Tanui, from Chemabei Village. I am here to provide a few constitutional views.

My first one is concerning the executive. The constitution, should provide a clear qualification for presidential candidates. For instance, educational qualifications. That is now, the presidential candidate, should be at least a form four, and above. Having a mean grade of B. this will help, a winner to render services, to all the people accordingly. (**Interjection**)

Com. Salim: Tafadhali, we are disturbing the speaker, he is hesitating because, he hears murmurs in the background, kindly

let's listen to him.

Samuel Tanui: Okay that. And the second one now there, the presidential tenure, should be also fixed, that is exactly six years. this will enable the winner, to manage and progress public activities, in recommended times. Because the current time now is five years, and it is not enough, to manage.

I now go to the judiciary. The present structure of the judiciary consists of subordinate courts, including magistrate, called the Kadhi court. The High Court and the Courts of Appeal.

The constitution should include a commission to control the judiciary. This commission, should be appointed by the parliament.

The work of the commission is to appoint judicial officers, according to the qualification in their respective work. That is minimum university, a degree in law.

Also the commission, should prepare laws, starting with the judges and other officers, enjoying the security of tenure.

The work of lawyers should be abolished. Because this encourage corruption. So many cases are pending, because lawyers do not do their work efficiently and transparently.

Third, basic right. The current constitution, guarantees civilian political right. But does not make provision for social economy and cultural right.

The judiciary, should take the responsibilities of rights of all Kenyans. Specific issues, should the constitution take in ensuring that security to all Kenyans are carried out in a justified manner.

The constitution should also, provide compulsory education, for all levels. According to the education, know that mark, for either men or women. This should be equal from primary to university level. This is because, when we to class, we go to class to test our mind, we don't go to class to base our gender.

That is why, I say the constitution now, should provide, education to all men and women, without a barrier. For example, nowadays we have, according to the current constitution, they say, women going to the university, should have a pass mark of lower grade than men. That is wrong, we should put it to be equal. If we say women should have, the passmark for university entering should be a B+, it should be a B+ for men and women.

Fourth is the local government. The local government, that is mayors and councilors, should be elected directly by the people.

Minimum qualification should be at least form four, with a minimum grade of B.

Age should also matter. Because sometimes we find some councilor arguing over ages, about 60 and above.

And a councilor coming from somewhere else, having 28 years....

The last one is according to the disable people and vulnerable groups. The disabled should be taken care of fully. Those are the people who should be given first priority by the government. Because of their (?) in doing work. That is, they should be provided with education, security and medical.

Old people, should be provided also with care. That is, from the age of 80 and above. This should be done by the government.

A person having 60 years, should be taxed, so that when attaining 80 years, he is having something small to care for his life, when he is waiting for his death. Thank you very much.

Com. Salim: Thank you very much Samuel for your views. Kindly come this way and register. I now call Joseph Kamweng, Councillor ameenda. Kipruto Ng'enyi.

Kipruto Ng'enyi: The commissioners with us today, and my area residents, I am called Lawrence Kipruto Ng'enyi. I come from (Inaudible). I will be very brief.

First of all, the recruitment of the Chiefs and their Assistants; we would like the constituion to have, to give powers to wananchi, to vote for the chiefs and their assistants.

M.Ps and Councillors; the area constituency and ward, should be allowed to recall back their M.Ps and Councillors, in the event that they have failed to perform. A certain critea, like two thirds of the residence should be allowed to assembly their signatures. This will improve public service from the, establish, improve public delivery, from the Members of Parliament, and avoid lack of quorum, the way we have witnessed in the past year.

School; corporal punishment which was banned, should be re-introduced, to gap the current misbehaviour amongst students. Of course, this corporal punishment should be controlled, and I hope the training colleges have that as part of the subjects, that is caining should be controlled.

Free education. there should be free education for all physically handicapped children, and their criteria in training colleges and universities, should be lowered. This should also apply to student who come from hardship areas.

Also, I do propose, that in our constitution, we should have a federal system of government or majimbo as it is called, in Kiswahili, heritage. At the moment, women are not allowed to inherit any property. The constitution should allow them to be treated on the equal footing, with men, in case they remain, unfortunately unmarried.

The commissioners, I would like also to see, a constitution, that has trimmed presidential powers. At the moment, the president is above the law, he has powers to appoint ministers, permanent secretaries and even parastatal chiefs. All this public servants, should instead be vetted by parliament, by either a commission set up by parliament. Thank you very much.

Com. Salim: Mr. Lawrence ngoja kidogo, there are a couple of questions.

Com. Kabira: Kipruto, thank you very much for your views. I want to ask you again, in relation to the inheritance of land by the government. So you say they should inherit, in case they remain unfortunately married.

Kipruto Ng'enyi: Unmarried.

Com. Kabira: Sorry, unfortunately?

Kipruto Ng'enyi: Unmarried.

Com. Kabira: Unmarried. So, if you don't marry you are unfortunate.

Kipruto Ng'enyi: Not really, what we are saying is, the bible talks of pairing up.

Com. Kabira: Okay listen, and if you marry, you are denied inheritance?

Kipruto Ng'enyi: Definitely.

Com. Kabira: Where are the women, because if marriage is so good, I should not be punished for it, y not inheriting from my parents, isn't it? I only inherit if I am unfortunate I fail to get married.

Kipruto Ng'enyi: Thank you very much the commissioner. What I was saying is, at the moment, customarily, girls are not allowed to inherit, let's say land, in case they are not married. So, what I was saying is, if incase they are not fortunate enough to marry, then they should be allowed to inherit part of this land.

Com. Kabira: No, I understand the point, my question is, why are you punishing the one who is married, what guarantee is

there, that where she goes there is land.

Kipruto Ng'enyi: She takes half of the husband's property.

Com. Kabira: Suppose he doesn't have. do all men have property.

Kipruto Ng'enyi: At least, we are expected to have. I have rented her property.

Com. Kabira: You expect them to have, but do they always have property. Do, all men who are getting married have land.

Kipruto Ng'enyi: Of course, that is not universal.

Com. Kabira: So, what do we do, with the one who has no land and wants to get married?

Kipruto Ng'enyi: At least as they choose the pair, they have to (Inaudible). I don't think you will marry somebody (Interjection)

What about the one who has no land (Inaudible).

Kipruto Ng'enyi: When we talk of land, okay, although we talk or property from traditional point of view at length. If I am a young man, and I want to marry a girl and I have a job somewhere, I may have other properties like housing, like other businesses.

Com. Kabira: Inaudible.

Kipruto Ng'enyi: At least one has to be educated at a certain occupation; somebody has to be in certain occupation.

Com. Nunow: Well, we have been told by quite a number of people that there is a problem of unemployment, and someone even suggested if the husband is employed, he only works for a short while to allow somebody else to be employed. So you see, unemployment is their, unemployment suggest, there is no money with that man or that woman. So, what should happen to someone, unfortunately enough to marry a man without property.

Kipruto Ng'enyi: Then someone else will suggest the sate benefit tax should be given to those people who are unemployed.

Com. Nunow: So you want the rest of the Kenyans to look after my daughter because I don't want to give anything.

Kipruto Ng'enyi: And even, maybe in other countries that are so developed, that is what happens.

Com. Nunow: So what about the Christian value of charity beginning at home. I should tell my daughter I am not going to give you anything, go and get a husband who has something, he turns out to have nothing. Should I even say to the government, you are responsible to look after my daughter, is that fair.

Kipruto Ng'enyi: In this case you have a daughter who is not married. Therefore you should be able to give part of your inheritance.

Com. Nunow: But we are told, that girls don't inherit at all, so are you still in favour of that not inheriting at all?

Kipruto Ng'enyi: I would wish that they inherit then. That is what I have said here.

Com. Nunow: Unmarried?

Kipruto Ng'enyi: Unmarried and both. But (**Interjection**)

Com. Salim: Honestly, we have no right to change your views, but you know, I think we have a right of getting a clarification, because the all purpose behind the reform of the constitution is to set up a society, where there is tenuous for all, regardless of sex or gender, or religion, of colour, of ethnicity. And, we would like people to think, at least about these things, as they represent their views, and see how we can do that. But thank you very much for your views.

Kipruto Ng'enyi: Thank you so much.

Com. Salim: Hold on sorry, I have one of my own, I am only following up something raised by my colleague. You had suggested free education for the physic, you were specific, for the physically disabled, what about the others, other disabled, the disabled fall into several categories, what about education for those.

Kipruto Ng'enyi: Because of their very unfortunate thing that they are in, in order for them, to give them a motivation, to continue with their education, then free education should be given to them. to the deaf, the blind and the disabled.

Com. Salim: So, all of them.

Kipruto Ng'enyi: All of them

Com. Salim: Thank you very much, asante sana Bw. Ng'enyi, you could register there, and give us your memorandum if you have one.

So we turn now to the next person, Julius Too, from the Rural Initiative for Overall Developer. So, Bwana Too, you have the memorandum, please highlight the main point in it.

Julius Too: Okay, thank you, my name is Julius Too, I am giving the views on behalf of REFOD as you have had.

In our constitution, present constitution we don't have a preamble, that is utangulizi. So, I feel or we feel, that the preamble should read this way; "We the people of Kenya are determined to adopt a constitution, which expresses for ourselves and our children, I will fall to cherish and to protect the kings of our long struggle. Desire to promote among all of us, the dignity of the individual and the unity and integrity of the Kenya nation, among and in association with the nations of the world. We strike to first have peace, unity and a common loyalty to a single state, committed to this principle, has desire to contribute the Republic of Kenya as a sovereign, secular, democratic and federal state. Securing to all our citizens, justice, liberty, equality and fraternity. Now therefore, we the people of Kenya, accept and adopt this constitution as the condimental law of our state, and independent republic."

About the cheques and balances. I want to suggest this way. There is a need to introduce the principle of legislative control and approval. That is to say, that the government is accountable to parliament, for reductions.

The executive; his power to appoint senior public officers, should be subjected, legislative examination, and parliament must have the opportunity to examine and reject rules, regulations and decisions.

Fiancial control; parliament should be given the responsibility to scrutnize, government management, of the economy, as well as the KNUT legislation, for regulating the economic life of the nation.

About the consultation; currently the legal frame work does not require the executive to reach decisions after consultative process with stakeholders and advisory bodies. The principle of consultation should be incorporated in all status, that can be effective, with administrative discretion.

Powers to making rules and regulations, for example, a minister should require to engage in consultation, so as to arrive at an informed decision.

This process and then checking arbitrary behavior by subjecting subdiary law making and policy implementation, after recommendation of advisory bodies, or the approval of some other authorities. (**Interjection**)

Com. Salim: Sorry to interrupt you, you know you are reading your memorandum, and we did say, if you read your memorandum, you will have no time to really highlight all the points, or as many as possible, because your time will run out, before you finish. just give your recommendation, proposals for change.

I will not read everything, but let me highlight something about general elections. In case there is a dissolution of parliament, there should be an interior administration. I have said, during elections, the speaker or retired judges should take the responsibilities of government and conduct of elections. This will prevent the (Inaudible) the president, from using his advantage during general elections.

The counting of votes should be done at the voting centre, and winning candidates should be announced there immediately.

As far as the local authority is concerned, they should be autonomous from the central government, they should control their revenue.

About the elections of the Councillors, the mayor should be directly elected by the people. the candidates for this nomination should be nominated by the Councillors.

The executive, now the president. His powers should be limited, like the control of parliament calendar, he should not be given power to dissolve parliament at will.

Also his age, should remain 35 as at the present constitution, and at least a degree holder person.

The tenure should be fixed, that is two terms, this is now, five years, six.

And the constitution also, should provide for the removal of the president, in case of misconduct, that is when he is in office, that is when there is disrespect to fundamental human life, and failure to adhere to the rule of law.

A vote of no confidence in parliament with a single majority, will be enough to remove that president.

Okay, about the Provincial Administration, which is under it, its purpose is for only security, and demobilize the people, for development.

Chiefs and assistants should be elected by the people of that particular area.

About employment as I finish, all Kenyans who have completed school , maybe up to degree level, and those who have gone to colleges, those who have finished form four and they have gone to colleges, at least should be guaranteed employment. Up to there, I have finished my views, but I have views from some school children, they came here, I don't know if I can read, or I just present them.

Com. Salim: I think you can just present them, thank you, and you can also present us with your own memorandum, at that end, thank you very much. Or maybe, could you name the school you were presenting the views, so that it goes into the records.

Julius Too: Okay, Chepsa Primary School, P.O. Box 75, Kapsoi.

Com. Salim: If it isn't long, maybe can you highlight the points so that everybody hears it.

Julius Too: Okay, it is not long.

Com. Salim: Just highlight the points.

Julius Too: kay, about education, they have said; we as the children should be provided to free primary education.

Again we should be provided with free learning materials, like books.

Again, primary shools, should have enough play grounds.

Harsh and severe punishment in schools and homes should be abolished.

There should be severe and harsh punishment, for those people who exploit and abuse children in all forms.

There should be special children to called, to hear children's complain in camera.

Also, the free medical health in all government hospitals.

There should be frequent free immunization in all primary schools, against any dangerous diseases. Prevention is better than cure.

Abortion should be abolished and family planning should be encouraged.

About the environment, environment should be protected for future generations.

I have their names here, and they are from that school, thank you.

Com. Salim: Thank you very much Bw. Too, for your own views and also for bringing to us (**End of tape**)

David Too: Thank you very much the commissioner, ladies and gentlemen. I will start with citizenship. Any child born by a Kenyan parent should be entitled as automatic citizen of Kenya.

Defense and national security; they should be established by the constitution.

The president should not be the Commander in Chief of the armed forces.

Executive should have no powers to declare war, without consultation from the parliament. Only limited number of political parties, let's say four, can be enough.

Structures and systems of government; we should adopt a federal system of government.

Let's come to legislature. Members of Parliament should have full time occupation.

Executive, the presidential tenure should be fixed, that is two terms of five years each.

Provincial administration, should not be scrapped out.

Chiefs and their assistants should be directly elected by the people.

The president should not be a Member of Parliament.

He should be over 35 years.

And the powers should be reduced.

Local government; all the mayors and council chairmen, should be elected directly by the people.

Mayors terms in office should be two years.

There is no need of having nominated councilors.

Electoral System and process; presidential election, should be conducted indirectly.

Basic rights; the constitution should provide for compulsory and free education up to form four.

Rights of regionalized groups, marginalized groups should (Inaudible) and others should be protected by the constitution. they should be settled by giving them land.

Land and property right; permanent ownership of land should be the individual himself.

Cultural, ethnic, regional diversity and communal rights. cultural and ethical diversity should be protected and promoted by the constitution.

The constitution should provide for protection from discriminatory aspects of culture.

We should maintain one national language, that is Kiswahili.

Employment; all the graduants from the university, colleges and schools, should be employed by the government.

Health; All Kenyans should have an access to free medical treatment, from the hospitals operating.

Street children. It is the responsibility of the government to help and provide for them. the disabled should be included among others.

AIDS; HIV/AIDS patients should be transparent to public. They should not infect the others who are clean.

Last one; Kenyans need a constitution that protects the peoples lives, wealth, children and preserve culture. Thank you very much.

Com. Salim: Thank you very much Bw. David Too for your views,. You have the memorandum I think, can you rely to go and submit it at the desk, thank you. Augustine B, Is Malel Arap Ketel, hayuko, amekwenda? Naomi Mutai, you will be next.

Austine B: Asante sana Mwenyekiti, majina yangu ni Austine Kibyego B. ninatoka katika location ya Soriet. Yangu kabisa maoni, nitaanzia nyumbani. Katika Utawala, mimi ningependelea ya kwamba; katika utawala ya kijiji kiwe kinaongozwa na mzee wa kijiji, ambaye ni mzee wa mtaa.

Na ambaye awe, mzee rika kutoka miaka arobaini na kuendelea mbele.

Na ni mtu ambaye anachaguliwa kulingana na utamaduni wa jamii.

Na ya pili; assistant chief, ni lazima awe pia anachaguliwa na wale watu wa jamii hiyo, na awe mtu kabisa mzee, ambaye anaweza kuitimisha serikali ifuatayo kulingana na kimila yenyewe ya sehemu.

Na la tatu; huyo assistant chief, awe akiutumia akiwa anaendelea vizuri, asizidi miaka nne.

Na vile vile, chief; chief awe mmoja, katika tuseme ni area kama ya councilor, sio ati chiefs katika location, kila location. Chief awe mmoja, either one division, kwa sababu yuko chini, ama yeye anakalia kwa upande wa, anawakilisha upande wa D.O, na wale Village Elders.

Sasa, tukisonga mbele huko, tutapata viongozi wa serikali kutoka sasa D.O, na D.C kuendelea mbele. Hao watu sasa, wanategemea sasa, wale watu nimesema kutoka Assistant Chief na Chief, Village Elder, itakuwa tu ni mtu yeyote yule ambaye anayeweza kuongoza kimaumbile. Lakini kutoka Chief na kuendelea sasa mbele, awe anatumika kutokana na elimu yake. Kama vile, kutoka form four, na awe na mean grade ya C, na kuendelea mbele. Na awe akiandika application ya kutarajia kazi hiyo. Na akiwa ni Chief, asifike miaka nne, kwa sababu watu ni wengi ambao wanataka kazi na wana elimu. Ndivyo hivyo, kutoka hata kwa D.O, na kuendelea mbele.

Sasa, nikitoka huko, upande wa kiongozi, kutoka tuseme president. Kwanza kabisa chama ambacho ninaonelea, ni chama cha majimbo. Ya kwamba, tungependelea, mtu wakuongoza majimbo, awe akiongoza kwa muda wa miaka mitano, na akienda mara tatu, awe raisi wa maisha. Kwa sababu hiyo ni dhihirisho ya kuonyesha ya kwamba, yeye anapendwa na wananchi.

Nikienda upande wa elimu; elimu, wasichana kwa wavulana, wawe, masomo ilinganishwe iwe pamoja. Kama ni kuenda chuoni, ni kutekeleza kulingana na yale ambayo, kama ni kusema B+ and above, ndio wataenda university, wote wawe both boys and girls. Wakuwe line moja hivyo hivyo. Sio kusema ati C- msichana aende university, na mvulana nyumbani.

Na jambo lingine ni kiafya. Kiafya serikali
watu bure.

(Inaudible) na aone ya kwamba, ile mahosipitali ya kiserikali watibu

Na tukienda mambo ya mapato, nini na nini, mimi najua wanachukuwa hii vitu, V.A.T, ama hii vitu, kama passes. Serikali itengeneze sehemu fulani, ama percentage fulani ya kuonyesha italipishwa, kwa upande wa serikali, ili watu watibiwe bure, hata kama ni mtu ambaye anakuwa serious mpaka Kenyatta huko, iwe free of charge.

Jambo la uridhi; teseme kama ni mambo ya mashamba. Ni kwamba, mvulana tu ni sharti aaaaachukuwe upande wa, kama ni kuridhi mashamba, yaani land title, kama ni wavulana, yeye ni mvulana ndio, ni lazima apewe njia ya kupata hiyo, lakini sio msichana. Kwa sababu, na ingawa kuna sehemu mbili tatu hivi, ambayo naweza kujitakia pia, kulingana na jamii hiyo, yenye anatoka. Lakini enyewe, atuwezi kukubaliana, tumpe msichana land title.

Com. Salim: Okay Bw. Augustine, nafikiri ulisema hiyo ndio ya mwisho, asante sana, tafadhali ujiandikishe pale.

Na sasa namwita Naomi Mutai.

Naomi Mutai: Kwa majina, mimi naitwa Naomi Mutai, kutoka (Inaudible) district. Nazungumza kwa lugha.

Naomi Mutai: *Alen ko kit ne kamoche agimit missing en ngalekab lewenisiet amache ngelewenisie kelewenisie kongeten grassroot koboto kwonyik lasima kinde kwonyiik lasima kinde kwonyi komi komosi ak komosi .akotindo agot presiding officers konyolu komi kwonyik agiche si kotoretigen ak murenik amun somanani kokigesoman tugul.*

Translator: She says during election time, women should also act as Presiding Officers.

Naomi Mutai: *En ngalekab kiruoknotet konyolu kora komiten kwonyik che nyolu kelewen kora koik kiruogik alage koik alak chief.*

Translator: On the side of Provincial Administrations, women also must be appointed to take over those posts, from the Assistant Chief to the Chiefs.

Naomi Mutai: *Alen nebo aeng amwae agobo komostab lagok che kasich lagok en kaa lasima komi ngatutiet ne nyolu keib kou yon kosich lakwet , lakwet en kaa konyolu korib lakwanotyon kot komuch kotelelchigen lakwanoton.*

Translator: Girls who become pregnant out of wedlock or who get children out of wedlock, the people who are responsible for her pregnancy, should take care of the child, until the mother becomes able to take care of that particular child.

Naomi Mutai: *Kora komi komosta stab ingele rape ye kayai chito kingwan neu noton konyolu kigochi kergonget ne ngwanamun togu kogotesta kiotet ago nyolu kigochi kergonget chito ne kayai kit neu noton .*

Translator: For those ones who are found in rape cases, should be given a (Inaudible) punishment, or a very serious punishment.

Naomi Mutai: *Kora nebo angwan amwae ale yon kibire kura konyolu kura tugul che kagibir en yoton kogokiit kogere*

wanainchi amun ya kura che bo kiite en oldage amakigere.

Translator: She says that, in the general elections, counting of votes should be done in every polling station.

Naomi Mutai: *Kora agimiti kora agobo ngatutiet nebo lagok che mengechen chon kabagach sigik amun mi lagok cheligobagach sigik matinye kwanda anan ko kamet konyolu koger serkali ak korib agichek.*

Translator: She says that, orphan children should be taken care of, by the government.

Naomi Mutai: Alen choton che kotinye kongoi missing.

Translator: That is the end. Thank you.

Com. Salim: Asante sana Naomi Mutai kwa maoni yako. Sasa, nina majina mawili, sijui kama huyu ni mtu mmoja. Mmoja anaitwa Joseph Momanyi, na mwingine, Momanyi Mayuya, is it the one and the same person. But what I have here Bw. Momanyi is that you are an observer, you converted, all right, karibu.

Joseph Momanyi: Okay thank you Bw. Commissioner, ladies and gentlemen, at least we are very happy for you to come here, at least to hear, the reports from the grassroots. In that, we could not be able to reach you up there. So, we are very happy and you are all welcome.

I will be the shortest so far, because I am having also another duty somewhere, where I am going to attend. I am Joseph Momanyi, from Kaitei.

My first view is; though one of the participant has already talked, but I also feel that, all the government hospitals must be free. I say that, because most of the patients die, because they don't have money to be treated. And also, all government doctors, must not have private clinics. It has been noted that, patients usually go to the government hospitals, when they reach there, they find that, there are no doctors. They wait and wait, and most of them maybe, whoever is very big, is corrupt.

Another point, there should be no low of high cost schools. All schools must be equal. For example like I take, Alliance or Mang'u, all schools must be equal and the government must at least put equal amount of money of paying the school fees. If it is 20,000 or 15,000, it must be like that.

And also, family planning should be taught in secondary schools. It must be introduced, and that is why you will find that, in most cases, we are having a high population in our country, whereby, it is not being accommodated in the jobs. So, at least family planning must be introduced in secondary schools.

Corruption; the corruption must be avoided, and whoever is found should be sacked. If it is a civil servant, if he is working a

parastatal body, he should be sacked. So, corruption must be avoided. And if possible, it must be introduced as a subject in secondary schools, so that at least our students should know, the disadvantage of corruption.

Students should be chosen with equal qualification. No student should be taken, let's say maybe, if a student is going to join a college, you will find that, in most cases, you find that there is that corruption, and maybe if a student is having C- or B-, a B+, both and (Inaudible) a C-. So, he should be appointed, or he should be taken according to the qualification.

Land; The father and the mother, at least the title deed should be written their names. If in case the mother dies, or if incase the father dies, the mother should, the name of the mother should be in that title deed. Because in most cases, you will find, mothers, in fact when the father dies, the mothers, they just suffer, going, running around to make two sanctions of the names. You find they find a lot problems in that office. So, that names should be included, both in the title deeds.

Another point; the land cases to be solved by the elder. Because the elders are the people who know home properly, instead of taking that case in the courts. The lawyers of magistrates, sometimes don't even just talk the truth. Because, one might just go there with a lot of money, and maybe the person is not having anything, in fact he losses the land. So, at least, the cases should be dealt with the village elders from home directly.

Another point; no Member of Parliament should defect or cross to another party, before or she finishes around five years. after five years, any Member of Parliament should be given a chance, maybe to defect to another party. (**Interjection**)

Com. Salim: Maliza sasa.

Joseph Momanyi: No retrenchment should be done, because retrenchment sometimes are done, when somebody is around 25 years, 30 years, and maybe that person has not even bought anything, doesn't even have anything.

Com. Salim: Thank you very much, I think that we said that was the last point, Bw. Momanyi.

Joseph Momanyi: No let me just get, the last point.

Com. Salim: Is that the last one?

Joseph Momanyi: Yes it is the last one.

Com. Salim: All right.

Joseph Momanyi: All foreigners, visitors from abroad, must be investigated. Because you find that, most of these foreigners, visitors from abroad. In fact when they come here, they spread some diseases, like this HIV/AIDS. And if they could have been investigated before that, I think we wouldn't be getting such a problem of HIV/AIDS. Thank you.

Com. Salim: Thank you very much Bw. Momanyi, please register with Collins. Caroline? And I now call Bw. Malel Arap Keter, is he here, Malel Arap Keter, ameondoka. Mathayo Chirchir, haya karibu.

Mathayo Chirchir: *Ane ko a Matayo Arap chirchir ayobu uhuru.*

Translator: Mimi ni Mathayo Chirchir, natoka kwa uhuru.

Mathayo Chirchir: *Ngolyot ne tai amwae kongoi en commission che kobwan kaitui .*

Translator: First, I would like to thank you the commissioners for having this time to come to Kaitur.

Mathayo Chirchir: *Ngolyot ne tai ko kerib kotunisiet.*

Translator: First, we should take care of our marriages.

Mathayo Chirchir: *Amun kotunisiet konemengisie en kipsigis. Amun si kesich bik kesiche kogoitunge bik kogatuyet ne ta nebo aeng koin kerib mpakait kou ole kiyayta mungu.*

Translator: We should take care of the political (Inaudible) that was introduced long time ago.

Mathayo Chirchir: *Ngele kipsigis kele nandi , kele ,Maasai , kele kosobek kerib kounoton .*

Translator: For example the boundaries between the Kipsigis and the Maasai, the Nandi, the Luo, should be left as it was before.

Mathayo Chirchir: *Nebo somok ko bounatet ne kitinye en kipsigis kobou kab boyon ak chepyoso en ngatutik che bo kipkaa ngo tuga ngo lagok ngo ne ko boiyot ne bou kaa ak chepyoset.*

Translator: Traditionally in our own homes, especially the Kipsigis community, the head of the family is the old man.

Mathayo Chirchir: *Kongoi.*

Translator: Thank you.

Com. Salim: Asante sana Mzee Chirchir kwa maoni yako. John Cheruiyot, or is it Cherumwi, al right he is not here. Robert Kirui, Elizabeth Biegon, karibu Bi. Biegon

Elizabeth Biegon: *Elizabeth Biegon ayobu kelanet ward.*

Translator: Elizabeth Biegon.

Elizabeth Biegon: *Ko netai amache atonon agobo chepyosok amwa ale chepyosok kemache kigochi agichek komuch komi en kongeten chief ak keba ak koi MPs .*

Translator: She is here on behalf of all women, and she says that women must be represented in various categories, right from the assistant chief, up to the Member of Parliament.

Elizabeth Biegon: *Nebo aeng ko amwae agobo lagok che kitindoi kou tibik anan ko murenik enaatebet ab tumwek anan kimila ne kibo keny komakechamdoi tibik koba tumdo kimache tibik kotebi koba murenik kotinye kenyisiek taman ak sisit.*

Translator: She says circumcision of girls should stop, and the boys should be circumcised at the age of 18 and above

Elizabeth Biegon: *Nerube yoton ko tibik chon kotam kosiche lagok en kaa kemache kerib ngautiet ne mwae kole machamdaat lakwet kongolochi chito anom age tugul kotogobo kenyisuiek taman ak aeng agoi kenyisiek taman ak tisap.*

Translator: Girls who get children at home from wedlock should stop, and none of the boys of anybody should not talk to such girls at between the age of 15 to 17.

Elizabeth Biegon: *Kyon kagoit chito taman ak sisit chepto ak kosich lakwet ak yon kasich lakwet en kotab chito kemache keger imanit kele lakwani kobo kap anom ago kot komaimut komuche korib lakwanoton.*

Translator: Whoever is responsible for the pregnancy should take care of the young kid.

Elizabeth Biegon: *Nebo somok ko agobo certificate nebo title deed nebo koret ko en ngatutiet amwae ale konyol komi kainutik twan aengu asi tun yon momi chito age en icheget komaimuche age konyalil missing amun en kosibotet ne kisubote title deed.*

Translator: The side of land; both parents, father and mother should be given each a title deed, so that in case one of them dies, the other one who remains does not have a problem in functioning for the same.

Elizabeth Biegon: *Kit ne ta en ngalekak ngatutiet ne kimache ko kimache majimbo asi ye kagenyuru majimbo kecheng prime minister ko en prime minister ko tun yon kagotar kenyisiek somok ak koba ta ko tun koigu president.*

Translator: She is for federalism or federal government, and she says, that whoever will head the region can become automatically a president of that particular country.

Elizabeth Biegon: *Ago schools lagok kongeten secondary ak kwo ta amwae ale magimuchi kogerkeit tibik ak murenik amun en kwonyik abokora ko chang boisionik che tindo ko ngot kele kageba che kiguren kagiik equal komaimugakse en tibik maginyoru murenichu.*

Translator: For admission to higher learning institutions, the grades should vary. The ones for girls should be lower, because they have a lot of work to do, and the other one should be higher.

Elizabeth Biegon: *Somanet kongeten primary, kokisom kele ndo imugakse en ngatutiet kokegonech somanet nebo buch. Nerube yoton ko sipitali kokimuch kenyorun kerichek chebo buch kora kokimache noton.*

Translator: We should have free education in primary school and free medical services in the country, for everybody.

Elizabeth Biegon: *Sugulisek kou harambee ana kiguren sugulisek chemi ngwony ak barak kot keleen imugokse school fees che ten ko ngongeten yu agoi olindo tugul kongeten chebo serkali konyolu koik equal asi komuch bik tugul keger kele kabwa somanet kogerkeit.*

Translator: School fee in all the institutions in Kenya should be the same. Both in secondary schools and higher institution of learning.

Elizabeth Biegon: *Komostab chepyosok kondaimugakse kinde ngatutiet ne kilen matobirchepyosok missing magemache kirokto kabisa.*

Translator: Women beating in houses should stop. This one should be put in the constitution that, no man should beat his wife at home.

Elizabeth Biegon: Alen ko nebo let ngolyondonon.

Translator: Thank you.

Com. Salim: I am surprised, if I may so. I am very surprised, that people laughed when it was suggested that, husband should not beat their wives. Is that really funny, I am just wondering. It is not a funny thing, when a spouse beats a spouse, it is a serious matter. With that bit of advice, I am solicited, but I had to say it, because it will sound very funny, when people listen to the tape, and find people laughing when someone suggested that, husbands should not beat their wives. So, I don't know whether we want to really create the wrong impression about the constituent in this area.

To move forward, thank you very much Madam for your views. Josphat Chepkwony

Josphat Chepkwony: First I should be sorry for not having written a clear thing that I can present, but I think I shall write after this.

My first point is on secondary schools. I am Josphat Chepkwony. Now, the school fees in secondary schools, should be fixed throughout the country.

Secondly; there should be no private schools, because the private schools provide advantages over the children or the students of the rich. While those of the poor, where most of the bright students come, are denied the chance or are denied better education. So, private schools should not be there in this republic.

Next, pregnant girls in secondary schools, should not be sent home and denied again to come back to those schools. Instead, they should be given maternity leaves, like the madams in schools. Because, they are disadvantaged over the boy, who did the immorality with the lady. That is unfairness.

Still in schools; the National Examination, or the examiner should be taken to court, when they set knowledge questions, which favour particular areas. Because this questions normally, make some bright students disadvantaged. Sometimes, questions come, and when the questions come, whereby even the teachers of the school, when they try to find where the knowledge is found, they could not get, or they cannot get even in books.

So, you find that, somebody sets such questions, in order to favour some students of a particular school who have seen those things or those knowledge. And disadvantage the students of other schools, especially the local schools. We have seen this in the national schools, where there are advantages of getting knowledges, which other secondary schools do not get, and later the bright students in other schools are denied better results, as compared to the others. So, it should be put that, the question set, should be questions that every student has got effect to the knowledge.

Next; on land inheritance by women. Women should only inherit their parents land, where they are proved not married. Because, if women are entitled to inheriting land at home, boys will be disadvantaged completely because, when they get married, they have a share at home, and they have a share also where they are going. So, this is a great disadvantage to the men or to the boys. Therefore, it is only those who are not married, who should be given this, and as soon as they get married, they should lose or forfeit the land given at home, because she is already inheriting another one. unless, there is no land where she is going.

Now, lands offered for loans in banks, I think this thing should be nullified, where the woman or the children of the person, whose land is acting as a security. If the security offered, was not found by the children and everybody, it should be nullified in banks, because many parents are now getting problems, or their children are getting problems with their land, hanging for security, for loans. I have a lot of examples where I come from.

Now, title deeds should be obtained easily by every person owning land, it should be made that, they obtain title deed very easily. Because the current situation is very hard for people to obtain their title deeds.

Now, the prepared constitution, should be made available to every body, it should be put in institutions like schools, school

libraries, chief centres, and even in hospital places, where people can read, even entertainment area. The constitution should be available there.

Medicine; medicine bought by the government should be labeled in such a way that, doctors should not sell them to the people. because currently, even in the public hospitals, we buy medicine. So, that medicine should not be taken, even the private clinic of the doctors. They take the medicine there, to their clinic and sell them to us. So, they should be labeled, so that this will deny them opportunity to take, the medicine bought by the government and sell them to the people.

In constituencies; there should be two (**Interjection, Inaudible**).

Okay on parliament; there should be two representatives in parliament, one should be a woman and the other one should be a male.

Com. Salim: Two per constituency?

Josphat Chepkwony: Two per constituency, one man, one lady, to represent people in parliament. Because, in almost every constituency now, we find that men come and ladies are not. So, ladies should be given an automatic opportunity.

The parliament should not be given powers, to increase their salaries, without consulting the people. they should not also be given a lot of powers to extend their terms in parliament.

Lastly; chiefs should be elected.

Village Elders should be paid, Village Elders, centre chiefs should be paid.

Now, the sales account in the local government, sales account in the local government (**Interjection**)

Com. Salim: I thought that was the last one.

Josphat Chepkwony: Now, this is the last one.

Com. Salim: Village Elders should be what?

Josphat Chepkwony: Village Elders should be paid.

Com. Salim: Al right and the last one?

Josphat Chepkwony: Sales account should be under public scrutiny and public budgeting.

Com. Salim: Thank you very much Bw. Chepkwony. Now there is a question for you, one second.

Com. Kabira: Thank you very much, I want to know that one, listen Chepkwony, I wanted first to follow up on the representation of men and women at the constituency level. And I was wondering whether, how it can be done, is it that we have two positions where, you choose one man and one woman, but everybody votes for the candidate. Or is it like the earlier proposal, choose the man, and women choose the women.

Josphat Chepkwony: No, it is not men choosing a man, and women choosing a woman. It should be that, every voter should vote for the two. He votes for the lady as M.P and votes for the man as M.P.

Com. Kabira: And we divide the money into two.

Josphat Chepkwony: Yes, the money should be divided into two, and they should also be denied, advantage of increasing their salaries, without at least saying something.

Com. Salim: Thank you very much Bw. Chepkwony for your views, I now call, Peter Kilel, from the Catholic Justice and Peace Commission.

Peter Kilel: Thank you very much Mr. Chairman, commissioners who are here. I am Peter Kilel from Kipchuti Catholic Parish, representing the catholic justice and peace commission.

Com. Salim: Bw. Kilel you have a memorandum, kindly highlight, do not wait please, we will read later, thank you.

Peter Kilel: But first of all Mr. Chairman, I have an oral observation here, which we have, we need to enlighten to the commissioners.

First of all, we object, totally the extension of the current parliament. We totally object the extension of the current parliament. And also the extension of the lives of the commissioners, who are now at the moment reviewing the constitution.

Reason why; is that this parliament been actually went with members in history. As one that was voted in, only to look after its all welfare. So, we totally say no, should not be extended.

Two; we also feel that, there has been a lot of grabbing of lands, particularly in our own urban areas, particularly Kericho. Let

us talk of Kericho as Municipality. , why somebody owns 700 acres of land, and he says it is a plot, that is not a plot. So, there should be a clause in the constitution, whereby, no plans should be reposed.

Sir, I have a written memorandum here, which I am not going to read all of them, but I will only highlight a few of them;

One is, how we should make our country a democratic state.

One is that the constitution must be owned inclusive, and owned by the people. Should be a constitution for the people, not for the parliamentarians, not for the power brothers.

Two; independence of the three arms of the government, for proper cheques and balances, should be introduced.

Next is, minimum extend chief Law. Minimum executive powers in the constitution that is limited and the entire devolution of powers, to grassroots levels.

And they are those areas, like the County Council, Municipality should be autonomous.

We should also create, a world stock institution, like the Kenya Anticorruption Authority.

And ombudsman, to take care of the people in this county.

On presidency; president and vice president, to be elected directly by the people.

Both president and vice president, should not be Members of Parliament.

Two terms of five years.

And age between 35 and 65.

Presidential appointees, be rectified by the parliamentary committee.

On parliament; parliamentary system of government, should be introduced in this country, should be adapted in this country.

Whereby, we have the leader of the party that wins the most votes in parliament, becomes the prime minister.

In order to protect the minority interest, parliament could be in two chambers. The lower and the upper house.

On judiciary; the power of that invested (Inaudible). The occupants of these offices, must be very sober and people of higher integrity, to exercise their jobs without impartiality.

A parliamentary judicial committee be formed, to deal with the scrutinizing and appointment o judges.

On local institution, on land issues, land is a state assets, and is permanently on hire to the gear taker, with a land taxed of 5%. To be introduced, the totally cost of an acre in that are per year. That means that, somebody who is owning about 2,000 acres, and do not pay this country anything. That land should be taxed.

Car related, the value of the land, in that particular area.

Political parties; Kenya should be a multi-party state. And it should be three parties in this country, and it should be funded by the public funds.

On education; every Kenyans should be given free education.

Primary education should be compulsory and free.

On local government; minimum academic qualifications for Councilors, be a form four leave and above.

Election on chairmen, be directly done by the voters. Thank you.

Com. Salim: Thank you very much for your views. Now, I call Timothy Ruto.

Timothy Ruto: Thank you, I will give the followings;

Our freedom of worship. We would like to get a clear law, that stipulates .. Okay, I am Timothy Ruto from Kaitui.

I wanted to say that, freedom of worship should be very clear, to eradicate instances, like those ones of Kapsabet girls. And most of those that we have heard, maybe since we started the government we have. There was a case, which the students were sent out of Kapsabet girls, because of some religious endeveours, and religious beliefs. (Inaudible)

Com. Salim: Are you suggesting that there should be a certain limitation on the freedom of worship?

Timothy Ruto: No, I am saying, the law should be very clear, so that students may not be vulnerable to breaking, that is, the

law could say very clear that, there is full freedom of worship, so a student can have a chance to worship freely.

Secondly, I would talk about education. I would say that, free and compulsory education, should be given to all Kenyans, from standard one to form four, free and compulsory.

Also on part of education, I would say; school managers who have in one way or another, misused school money, should be made to refund them in full, plus interest.

I would also talk about qualification of mayors and Councillors. That the mayors, should be at least nothing hardly or have passed through a university.

And Councillors could have an “O” level education.

Another issue is on drugs. Since there are random cases of drugs, the law should be made in such a way that, those found with drugs have at least 20 years imprisonment, or something which is fierce like that. **(Interjection)**

Com. Nunow: Could this be the people who take drugs or the people who sell drugs, or should the sentence be the same for both of them?

Timothy Ruto: Especially those who sell the drugs.

On ownership and sponsoring of school I would say; the government should take full control of all schools. The government to take full control of all the schools. Tha you very much.

Com. Salim: Thank you very much Bw. Ruto, na kumalizana na maoni, Oh Bw. Ruto tafadhali, come and register here that you have given views, and sign our register. Na kumalizana na maoni ya Bw. Ruto, kwa hakika tumemaliza, list ya wote wale waliojiandikisha na kusema kwamba, wanataka kutoa maoni yao. Yuko yeyote ambaye amejiandikisha, kusema kuwa anataka kutoa maoni na hajasema? Hayuko. Kwa hivyo, kila aliyekiandikisha kusema anataka kutoa maoni, tumeshawishi kupata maoni yake.

Na ikiwa ni hivyo, iliyobakia kwa hakika ni kuwashukuru nyote, wale waliotoa maoni, na wale waliondelea kukaa baada ya kutoa maoni yao, kusikiliza maoni ya wenzao. Na wale ambao wamekuja tu, kusikiliza maoni ya wenzao. Hao wamefaidika pia. Na sisi pia tumefaidika kuwa nao hapa, maana yake ni kwamba sisi pia, tumeweza kuwaelemisha juu ya jambo hili muhimu sana, ya kurekebisha katika. Ni kazi ya muhimu, ni kazi ambayo ni haki yetu zote, si sisi. Tukumbuke kwamba, sisi ni commissioners wa kurekebisha Katiba, lakini haturekebishi Katiba, au hatutarekebisha Katiba, kutokana na bongo zetu na akili

zetu. Tutarekebisha Katiba, kufuatia maoni kama haya ambayo tumesikia hivi leo.

Hayo maoni ndio ambayo yatatuongoza sisi katika kazi yetu. Na bila ya maoni yenu, hatuwezi kuandika Katiba mpya. Kwa hivyo tunawashukuru wote wale walioshiriki katika kazi hii muhimu sana.

Jambo lilobakia, ni kuwaeleza tu, je, sasa mtafanya kitu gani? Mshakuja hapa, sisi pia tumekuja hapa kutoa maoni yetu, tumetaabika, tumesafiri, tumepata gharama ya kufika hapa kutoa maoni. Je, mtafanya nini sasa? Kama nilivyosema, sasa, tutarudi ofisini kwetu, headquarters, kituo kikuu chetu, baada ya kukusanya maoni ya wote, hapa Kenya kama tuezavyo. Kila constituency kitatembelwa, kupata maoni ya wananchi.

Na tumekuwa utkiendelea, kila Province na kila constituteny, katika kila province, kupata maoni hayo. Tumegawanya nafsi zetu, katika panel ya watu watatu, hili kufanya kazi hiyo.

Tukishamaliza, au kesho, tutamaliza Rift Valley. Juma tatu tutaanza kupokea maoni katika Western Province, na hiyo ndio province ya mwisho, ambaye tutatembelwa kupokea maoni. Tutaenea kote, katika Western Province, katika panel za watu watatu, hili kwamba, tupate kukusanya maoni hayo haraka, iwezekanavyo, hili sasa turudi ofisini kwetu kule, tuanze kuchangua maoni hayo. Kila tukimaliza eneo fulani, kuna wenzetu wafanyi kazi kule headquarters, ambao wanasikiliza maoni yenu, wanaandika maoni hayo katika karatasi, kisha wana analyze, wanachungua. Jambo hili watu wangapi wanapendelea jambo hili, jambo hili watu wangapi wanapendelea na kadhalika. Hili sasa tukikaa, sisi tuanze kufikira maoni yenu na kuanza kuandikal hiyo katiba.

Lakini kabla ya hiyo katiba, kila constituency irapara report yetu. Kama hapa, mtaapata report, hili nyinyi pia muone ni maoni gani yaliyotoka hapa, ambayo yaamefika kwetu. Baada ya hapo kutakuwa na mkutano mkubwa, national conference. Mkutano wa kitaifa, mkubwa, kariibu ya watu mia saba watahudhuria. Kati yao ni Wabunge wote, kisha sisi commissioners, ingawa sisi tutahudhuria kusikiliza tu, hatuna maoni, wala hatutajadiliana na mtu katika mkutano huu, sisi t utasikiliza na kuandika jambo lolote ambalo twafikiri ni muhimu.

Kisha kutakuwa na wakilishi watatu kutoka kila district, kusemea district yao, wilaya yao. Kisha kutakuwa na wakilishi wa kila dini, katika nchi yetu. Kisha kutakuwa na wakilishi wa vikundi tofaouti ambavyo hivi sasa, vinawekwa kaando sana sana, kama walemavu, akina mama. Vikundi ambavyo vimekuwa vikiishi kwenye forest bila kutazamak kwani sehemu ya watu wa Kenya, kama Ogiek na kadhalika. Wote hawa watakuwa na wakilishi wao, ili kwamba tuhakikishe, kwamba, draft constitution, mswaga wa katiba mpya, itasikilizwa na kila sehemu ya wananchi wakenya, watatoa maoni yao juu ya jambo hili. Limto sema kwamba mimi kundi langu, halikusikilizwa kabisa, sisi tumesahauliwa. Akina mama wataudhuria pia na kadhalika.

Sasa, watu hawa wote, kariibu mia saba, watajadiliana juu ya hiyo draft constitution, ijawa constitution kwa hakika, ni draft,

imeandikwa, na ni kama mapendekezo yetu sisi, kama commission kusema hii, tumeandika kama ni constitutio, je nyinyi mwaona aje? Haijawa constitution, ndio ikaitwa draft constitution, mswada wa constitution.

Watajadiliana pamoja, hatujui itachukuwa muda gani kujadiliana, jambo ambalo twa taraji, au tunatumaini itafanyika, ni kwamba watapatana katika mkutano huu mkubwa, juu ya yote yalimo katika draft constitution. wakipatana, wote wakasema hivi, sawa, itakwenda mbele ya Bunge, na Bunge itapitisha. Na sifikiri kwa Bunge, itawachwa kupitishwa, maana Wabunge wale wote, kama nilivyosema, watakuwemo katika hiyo national conference. Na ukiwemo kwenye national conference ukakubali, itakuwa ni jambo la kigeni sana, la kustaajibisha. Kuwa baadaye ikifika Bungeni, unasema hii hatutaki, sawa?

Bunge ikikubali, ndio sasa tutasema hii sasa imekuwa katiba yetu, mpya. Lakini, ikiwa kuna mambo fulani ambayo, wale waliudhuria katika national conference, hawatapatana juu yake, watakaa, watajadiliana, lakini mwishowe, siku zinapita, hawajapatana. Suluisho ni referendum. Yale mambo ambayo hawakukubaliana juu yake, kwa mfano tu, sisemi jambo hili litaleta tatizo. Kwa mfano tu, habari ya elimu, wengi wenu mmsema mnataka elimu ya bure, uenda katika mkutano huo watu wakasema, serikali haina pesa ya kutumia elimu ya bure, wengine wakisema tufanye ni subsidise, upunguzi wa fees. Lakini wengine wakasema, sisi tumepatwa, llazima iwe bure. Na wasipo pata na hyyya hili la elimu, basi jambo hilo moja, litaaaakuja kwenu nyote wananchi wa Kenya. Muulizwe, je, mnataka elimu iwe bure, au ile ya kuunguzwa karo? Na mtu akipata ile karatasi yake ya referendum, atasema mimi nataka bure, mwingine atasema serikali haina pesa, mimi nataka iwe ni kupunguzwa karo tu peke yake.

Kura zote kisha, nchi nzima, zitahesabiwa, na wale ambao watakuwa ni majority, yale maoni yao ndio yataingizwa katika constitution. na sisi itarudi kwetu, tutabadilisha, kufuatia matokeo ya referendum. Na hiyo sasa, amended draft constitution itakwenda Bungeni tena, na ipitishwe, iwe ndio constitution yetu. Hao kwa ufupi, stages zilizobakia, katika kazi yetu hii, ya kurekebisha Katiba, na ni haki yenu kujua, ni jambo gani sasa litafanywa, baada ya maoni kuchukuliwa kwenu.

Naona mwenzetu mmoja pale ameinua mkono, anataka kuuliza swali, tafadhali uje hapa mbele kidogo. Lakini tunataka hilo swali liingie kwenye tape yetu, kama nilivyosema, kila neno litakalosemwa hapa, lazima irekodiwe.

Moses Biegon: Bwana, Commissioner, tumesikia wewe vizuri, kitu tu ambacho nimeona kama kuna, kutakuwa na itilafu kidogo, ulisema kutakuwa na watu watatu, ambao watatoka kutoka kila Wilaya. Sasa ningetaka, na kuna kutoka dini tena, mtu mmoja atatoka, ningetaka niulize, ni nani anawachagua wale watatu, katika kila Wilaya.

Com. Salim: Hilo ni swala muhimu sana. hivi sasa, tuko katika kazi ya kuweka guidelines, juu ya jinsi ambavyo watu watatu hao, watachaguliwa kuwakilisha district yao. Kwa hivyo kwa sasa, sina la kukuambia hasa, jinsi ambavyo atachaguliwa. Jambo moja ambalo ningeweza kusema, kwa yakini kabisa, ni kwamba, mmoja wa hawa watatu ni lazima awe ni mama. Kila district lazima imchague mama mmoja kuwa, mmoja kwa hawa wakilishi watatu. Wale wengine watu wawili, hivi sasa

tunashughulikia mambo ya kujadiliana sisi wenyewe commissioners, juu ya jinsi ambavyo atachaguliwa. Na tukisha kubaliana na sisi, as a commission, tutawaeleza wananchi, wakati ule ambao unafaa, juu ya jinsi wengine watachaguliwa.

Lakini sijui kama mwenzangu hapa Prof. Wanjiku Kabira, anaweza kuongeza, angependa kuongeza jambo lolote, juu ya vile nilivyosema. Maana yeye, yuko katika kamati maalum. Mwajua sisi commissioners tuko katika, kila mmoja wetu katika kamati moja ambapo anashughulikia zaidi kazi hii yetu. Yeye yuko katika kamati ambayo inashughulikia, mambo ya kutayarisha, uwongozo wa kuchagua hao, wakilishi watatu. Sijui kama angependa kueleza.

Moses Biegon: Bw. Commissioner, tukiwa hapa tena, tumekuja tu kurekebisha Katiba. Tunataka also, kurekebisha vile tumekuwa tukiishi. Wacha nikuambie ya kuwa, sisi kama wa Kenya, tumeona vitu vingi, they are adopted. Kama unausika, kama unasema M.P, atakuwa automatic, wale watatu tena, M.P atachagua, na kama ni hivyo (**Interjection**)

Com. Salim: Ngojea ni kwambia, nafikiri nikusahishe. Sikusema kuwa M.P, hatakuwa automatic, si mimi niliyyesema M.P atakuwa automatic. Nilisema, mama mmoja, a woman, would have to be one of the three, not the M.P. so, I think you misunderstood.

Moses Biegon: I wanted to make myself clear, excuse me (Interjection)

Com. Salim: Niliona unazungumzia wale wakilishi watatu kwa district, unazungumzia hao?

Moses Biegon: Yes.

Com. Salim: Sasa hawa wakilishi watatu wa district, M.P hayumo, maana M.P automatic atakuwa yuko. Sio katika hawa wakilishi watatu wa district.

Com. Nunow: Please, he will not be a district representative, rather, he will be an M.P by virtue of all M.Ps, being automatically members of that national conference.

Moses Biegon: Let me make myself clear. In most cases Sir, in any (Interjection, Inaudible). I am commenting about the three, this three in most cases, I want to tell you very clearly. In most cases, when three representative, are always from a district, they will always have an influence from the M.P, and this people will only be targets, when they go to attend that national meeting. So, we wanted to have our people, our ordinary people, electing the three, not in favour of the M.P. Because we want people who go there independently, with independent mind. Otherwise, we want a clean thing to happen. Tunapoona hivyo, when it goes back to the parliament again, it is the same parliamentarian who are extending the parliament, the life of the parliament, and we don't want that. And we elected them, and they want to stay for seven years, just because they are

M.Ps holding an office. So, they may even go, and add results in their favour.

So, the point basically then, to come down to it, please realize what you said. The basic point is, you want to be sure, that there are three delegates, from every district, should be those, who really have the support of the people of the district. Al right, now I get it.

Now, again, let me see whether Prof. Wanjiku has any comment on that.

Com. Kabira: I think, maybe I should not comment, like my colleague has said. The rules and regulations are being developed at present, and they are going to be gazetted. And we know that the M.P, is not going to be part of those who are nominating at the district level. The people who will play a major role, will actually be the council, the local council, whether it is the Councillors themselves, are going to play a major role. But then, when the regulations are ready, they are going to be gazetted. But the Councillors themselves, there can only be one Councillors, also. But, we are thinking about the process of nomination, how the elections will be organized and how the Councillors themselves will vote. Because according to the law now, it is the council that is going to be the convening body. But the regulations are not out.

Com. Salim: I wonder whether my good friend here, you have.

Com. Nunow: We are working on how, the three delegates will be chosen. As you said, the only certain thing is, that one of them must be a woman.

Speaker: Okay, thank you Sir and Madam, commissioner. When my friend stood, I discovered something. We are going to have three people, representing our district, then obviously, we have known that, two will be men and one will be a woman. So, I wonder whether women ideas, will be taken care of, when voting will be termed in that forum, where it is men dominated.

Then, I am of the opinion that, if it is three, it is better be added to four, so that we have two women, then two men. If, it is the question of religious institution, if we shall have one man, let one woman accompany him. Because we want the views to be balanced, we are far from person of one family. Thank you.

Com. Salim: I think you have raised again a very important point. Prof. Kabira has just reminded me, that our committee, they close on this issues of having guidelines on this matter. All three can be women my friend, so, at least one must be a woman I said, one must be a woman, but all three can be women. All the three can be women, if the district ends up having them, will that satisfy you?

Speaker: But they cannot be all men?

Com. Salim: No. Women, we are doing our best, to give you strength and support. Because, not because Ahmed Salim or Wanjiku think so, but because, the Act that establishes us, says we must be give the women the strength.

Speaker: Excuse me, I think by now, why I am so much concerned about gender issues, is that, it is the question of civic education, that women have not realized they are the majority, and can only sweep all the votes. And I fear for my fellow men. So, that is why, I am of the opinion, that we establish gender at this juncture. It is not a matter of a moment of time, that you will see all women in that parliament and no man. Because, we are about 48%, while they are 52%. So, that is why, we will not say, immediately we say the three, one is a woman, obviously they have said, two are men, and we will discover in that forum. So, it should be (Interjection)

Com. Salim: I have already told you, I was corrected by my colleague who said, at least one must be a woman, at least one, as I said, it could be more than one. okay , I think we would leave it at that, otherwise we will end up having now, a different meeting all together. But, let me just give my friend the chance to come and talk, and then we will close.

Kimten Arap Mulel: Thank you Bw. Commissioner. I have one feeling about the referendum. It may happen that, an issue is so regionalized, as it was in 1963 where you have those of Majimbo, who were fewer than those who wanted unitary. So, it could be the same, when you present Majimbo now, the same people who are the majority in 63, could win. So, what do you

think about this.

Com. Salim: You mean majority in parliament?

Kimten Arap Mulel: No, population when you go for a referendum. Because most of those for majimbo are the Coast and maybe Rift Valley, and other areas maybe are anti-Majimbo, and therefore, by referendum they will carry, anti-majimbo straight away.

Com. Salim: That is again a very interesting point, my colleague wants to comment on that.

Com. Kabira: I think there are also other rules, that are being developed on how to manage the national constitution conference, and how decisions will be made. So, for instance, for something that will go to the referendum, you will put it through a vote, if it doesn't get for instance, two thirds, you shelve it, and let people continue negotiating and debating for a number of days, and then put it again to a vote. So, I think there are processes that are going to be taken, so that, whatever decision is made by the national conference itself, will actually be, it will be after a lot of consultations and negotiation.

And I think, maybe those rules by the way, they are all supposed to be published. So that you know, why did we adopt majimbo, or why did we not adopt majimbo. Why did we adopt a parliamentary system of government, and why did we not adopt that system. So, those rules are going to determine, how those decisions are going to be made, but again they will be published. And, because you know, now that will, for instance Rift Valley, has very many district, so it means, representatives from Rift Valley for instance, will be more, than representatives from smaller regions, like, let me say, Coast Province, or any other region.

So, I think it is going to be a lot of negotiation, a lot of consultation, and then, taking the national interest into consideration, and then a voting system, that will make sure, that the issues are treated in the most fair way possible. And also that, the decisions are, completely democratic.

Com. Salim: Thank you very much for those very very important questions, I hope we have answered them, to the best of our ability. At least for the time being, as my colleague says, this matter is still undergoing discussion at the commission level, and you will be of course informed of the various guidelines, related to them. but for now, once again, let me thank you very much for the interest you have shown, and we hope we will work together towards having a good constitution, which this country deserves.

All that remains for me is then to thank you all. I would like to ask one of us, who would like to come forward, and end our meeting with prayers. We like to begin meetings with prayers, and end them with prayers. Can someone come forward please, and it is good because we had a man opening, and we have now a woman closing. Karibu.

Christine Cherong: Kabla hatujaenda kwa maombi, ningependa kutoa shukrani kwa Mwenyezi Mungu, kwa vile yeye, ametulinda tangu asubuhi, mpaka wakati huu. Ni shukrani kwa commissioners wetu ambao wametutembelea siku ya leo, hii ni kitu cha muhimu. Mungu ameona ni vyema, tujadiliane hapa, na tunashukuru yeye. Sasa tusimame sisi wote kwa maombi.

Na tuombe; Mwenyezi Mungu, tunakuja mbele zako kwa wakati wa saa hii, kwa vile wewe ni mwema, na umetufanyia maajabu. Bwana ni asante, kwa vile umeona ni vyema hawa commissioners wetu wakuje tuongee, kwa vile maoni tulikuwa nayo. Bwana ni asante. Tunaweka hao mikononi mwako Bwana, hili uwarudishe mpaka mahali walipotoka. Bwana sisi wananchi tuko katika mikono zako, sisi ndio viumbe vyako Bwana. Kila kitu tumenena Bwana, iwe katika maanani, tunaomba Bwana kwa vile majadiliona tumesema, iende kwa mikono mzuri, ifike mahali itakapofika, maoni yetu iwe ya manufaa.

Bwana kwa jioni ya saa hii, ni asante utulinde, mpaka tukutane wakati mwingine. Asante Bwana kwa yote, tukiombo katika jina la Ysu, aliye Mwokozi wetu. Amen.

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