

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, EMGWEN CONSTITUENCY
HELD AT MOGOON COMMUNITY HALL**

ON

JULY, 3RD 2002

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Present:

Com. Dr. Mosonik Arap Korir
Com. Abida Ali-Aroni
Com. Dr. Charles Maranga

Secretariat Staff In Attendance:

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|----------------|-------------------------|
| Hassan Mohamed | Programme Officer |
| Anne Cheron | Asst. Programme Officer |
| Suzanne Mutile | Verbatim Recorder |

The meeting started at 10.45 am. With Com. Dr. Mosonik in chair.

Barno Kiprono: Nachukua fulsa hii kuwakaribisha kwa mkutano huu, ambapo maoni yenu yatapokewa na Tume ya Kurekebisha Katiba ya Kenya. Na kabla hatujaanza nitamwalika pastor awe kutuongoza kwa maombi ya kwanza. Pastor tafadhali.

Pastor: Simon Cheriot: Tusimame na tuombe. Mwenyezi Mungu aliyeejuu na uliye nasi asubuhi ya leo katika kikao hiki, tunakuhitaji Mwenyezi Mungu kwa ajili ya maoni yetu tukiwa wilaya hii ya Nandi, tukiwa sehemu hii. Tunakuhitaji Mwenyezi Mungu ili yale yote ambayo tunaenda kuyasema ya pokelewe na Tume yetu ya kurekebisha Katiba katika nchi hii. Asante kwa kuwaongoza njiani yote. Na Mwenyezi Mungu magari hayo yaliundwa na binadamu, na asante kwa sababu umewalinda. Asante Mungu wetu, tunasema ya kwamba Mungu utusikie tukiwa WanaKenya pia, ili tuweze kuishi kwa amani, tuweze kuishi pamoja na Mwenyezi Mungu, tuweze kujua ya kwamba sisi ni watoto wako. Asante Mungu wetu wa ajili ya leo. Uwe mwenyekiti katika mkutano huu mpaka mwisho na tutakapona tamati ya mkutano huu, hana tuna budi kurudi kwako na kusema na shukurani. Asante Munge wetu, tubariki na utuongoze. Naomba katika jina la Yesu aliyekobozwa wetu. Amen.

Barno: Nakushukuru sana Pastor kwa maombi. Wakati huu nitamwalika Chairman wa 3C Constitutional committee ambaye ako pamoja nasi ili aweze utukaribisha rasmi na kutujulisha kwa wale wanakamati wa committee yake na wale waliofundisha elimu ya uraia, yaani Civic Education. Kwa wakati huu nitamwalika mheshiwa Sergon aweze kutukaribisha.

Arap Sergon: Mwenyekiti wa Tume katika kikao hiki, Dr. Korir, Wanatume wenzako. Muheshimiwe Leting, Mbunge wa Emgwen, Madiwani ambao waliko hapa, Machifu, wananchi wote hamjambo. Yangu katika siku ya leo, itakuwa fupi sana, kwa sababu siku hii ni siku yenu, hii ni siku yenu kutoa maoni yenu vile mnataka Katiba mpya ionekane. Kwa hivyo, kazi yangu

wakati huu, ni kujulisha wanakamati, na nitaanzia mwenyekiti wa Kikao hiki, Dr. Mosonik Korir, yuko katika, kwa upande huu tuko na Commissioner, Bi. Abida-Ali-Aroni, ambaye ni wakili mwenzangu, na upande ule mwingine tuko na Dr. Charles Maranga. Na zaidi ya hapo ninataka kujulisha Tume yetu, kamati ambayo tumekuwa tukifanya kazi pamoja, katika Emgwen Constituency. Simameni wale wako hapa wakati huu, huyo ni Sositen Boiti, ni member wa Kamati yetu. Huyo ni Rose Cherop, vile vile ni member wa Kamati yetu na hapa nyuma tuko na mheshimiwa Leting vile ni member wetu. Wengine bado wako njiani wakikuja na nafikiri wataungana na sisi.

Bwana chairman, mimi nataka kuchukua nafasi hii, kutoa shukurani kwa wanakamati ambao tumeshugulika kwa hii kazi mpaka tumekuwa hapa kwa siku ya leo. Kusema kweli kazi ilikuwa si rahisi, lakini tumejaribu. Pili nataka kutoa shukurani kwa Civic Education Providers. Vile sisi wote tunajua hiyo kazi haikuwa rahisi. Na agao hivyo tumefanya vile tuliwezalo na nafikiri mtapokea maoni yetu, vile tumejaribu. Kwa hayo machache mimi nitamwalika mwenyekitu ashike usukani na kuendesha programme iliyobaki.

Com. Mosonik: Asante sana mheshimiwa Arap Sergon. *Oamune bikyok cheba Emgwen. A baibai kot missing kagatiet newo.* ninawasalimia wote kwanza mheshimiwa Arap Leting, MP wa constituency hii. Mheshimiwa Arap Sergon, chairman of the constituency Constitutional committee na viongozi na wananchi wote wa sehemu hii ya uakilishi Mbungeni ya Emgwen, Nandi. Mmejulishwa kwa commissioners wenzangu. Upande wangu wa kushoto ni Mrs. Abida-Ali-Aroni, ambaye tuko naye wakati huu, lakini tena yeye ni Nahibu wa Mwenyekiti ya Tume ya Kurekebisha Katiba ya Kenya. Vice Chair of the Commission. And then Dr. Charles Maranga yuko hapa. Ningependa kabla hatujaendelea kutangaza kwamba hiki kikao cha sasa ni kikao rasmi cha Tume ya Kurekebisha Katiba ya Kenya. I have declared the you are in the Constitutional review process now, kwa forum ya Emgwen constituency.

Wale wengine tumekuwa nao, wafanyikazi wa commission, ni kwa upande wangu yule amesimama pale ni bwana Hassan Mohamed ambaye ni Programme Officer, yeye atakuwa akifanya kazi nyingi na hasa ya ku-register watu, nitawaeleza baadaye.

Kwa upande ule mwingine, wale wa kwanza upande huu, ni Anne Cheron, ambaye ni nahibu wa Programme Officer Mr. Hassan Mohamed. Ameketi karibu naye, uonyeshe mkono hivi, ni Suzanne Mutile, anaitwa Verbatim Recorder. Yeye ni mtu wa kunasa maoni yenu kwa mashini ile ambaye yuko naye. Hao ndio tulikuja nao kutoka Tume ya Kurekebisha Katiba.

Sasa ningependa kueleza kwamba, kikao hiki tutakifanya, kufuata orodha ya watu wote ambao wamejiandikisha mlangoni. Vile mmejiandikisha leo ndio tutaifuata. Tutaanzia mtu wa kwanza na mpaka mwisho kulingana na orodha. Lakini ni waeleze tena kwamba wakati mwingine tunaweza kuruka list kidogo kidogo, hapa na pale, kulingana na mahitaji, kwa mfano tukiwapata wanafunzi wa shule, ambao wamekuja, tunajua lazima warudi shule, tunaweza kuwaruhusu kwanza. Ama tukiwaona watu walemavu ambao wanachoka kwa urahisi tunaweza kuwaruhusu waruke orodha hii. Ama kina mama moja mbili, ambaye anasema lazima arudi nyumba ndio akafanyekazi za nyumbani, tunaweza kumruhusu. Lakini orodha tutaifuata ndio hii.

Tumesema kwamba mnaweza kupeana maoni yenu, mnapeana kwa njia tatu, ya kwanza ni kwamba, unasema kwa mdomo. Unaweza kutaka kusema kwa mdomo, vile mtu ameandika hapa oral submission. Ikiwa ni kusema kwa mdomo bila kuwa na maandiko ama nakala, tutawapa muda mpaka dakika tano hivi. Tunataka mkiwa manatoa maoni, sio kuadithia vile kunashida nyingi Kenya hii yetu. WaKenya wote wanajua kwamba kuna shida nyingi, ndio tukakubaliana kwamba turekebishe Katiba ndio maisha iwe bora zaidi. Tuna imani.

Kwa hivyo kitu cha muhimu ni kutoa pendekezao. Ukisema kuna shida ya shule, ya fees, useme tufanye namna hii. Mkitoa mapendekezo dakika tano itatosha. Mtu akiwa anamaandiko memorandum, anaweza kupeana tu maandiko yake straight, ama nakala, kile umeandika. Na kupeana kwa Mr. Mohamed, upande ule mwingine. Ama kusema kwa ufupi tu, yale ambayo yamo kwa memorandum. Lakini sio kuisioma kwa ajili muda hakuna, na kitu cha pili tutasoma sisi wenyewe tukirudi Nairobi. Kwa hivyo kama ni memorandum na kusema kidogo ni kama dakika mbili, tatu. Tunataka kuakikisha kwamba kila mtu amepata nafasi ya kusema mbele ya Tume.

Mkija hapa mbele tutataka mketi hapa mbele. Mtakuwa na microphone kama hii, ile iko pale. Ukichukua microphone tafadhali, utaje jina lako, nitakuita kwa kutaja jina, lakini ukichukua microphone urudie, kwa ajili ukitaja jina lako pale, itanaswa na ile mashini. Tunataka useme mimi ni fulani, fulani na sasa uanze kusema.

Lugha ya kusema rasmi, kuna lugha mbili. Kiswahili na kingereza, unaweza kusema kwa hizo lugha mbili. Lakini ukiwa ujui vizuri, lugha hizo mbili, unaweza kusema lugha nyingine, kama ya nyumbani. Sijui kama Chairman of the Constituency Committee ametupatia tafsiri. We have somebody. Kwa hivyo kama ni lugha ya nyumbani unaweza kusema kwa hiyo lugha ya nyumbani. Lakini mkumbuke kwamba inaweza kuchukua muda zaidi, ukiwa unaanza kwanza kwa lugha ya nyumbani halafu itafusiriwe. Kwa hivyo mjaribu kama iwezekanavyo kufupisha maneno na hasa ukiwa unajua Kiswahili au Kingereza, useme kwa hiyo lugha.

Mkumbuke kwamba mnatoa maoni kwa Tume, ni Tume ndio ya kuelewa. Ingawa wananchi ambao wameketi hapa tunataka wasikie, lakini sio muhimu sana uhutubie Tume. Ukimaliza kuhutubia hapa ama kusema, unaenda mkono huu wa kushoto wangu kwa Mr. Mohamed na kujiandikisha kwa register. Na mtoe habari zote ambazo yeye mwenyewe atawauliza ndio tuwe na jina na anuani na kadhalika. Nafikiri nimemaliza hapo.

Yes, na sheria kubwa, ni kwamba tunarekebisha Katiba, tunabadilisha sheria kuu ya nchi. Hatukuji hapa kufanya campaign ya kisiasa ama kuwataja watu binafsi. Tume kama kwamba unasumbuliwa na Chief ambaye unajua jina lake fulani, lakini hatuna hoja na jina la chief. Tunataka useme ofisi ya Chief. Vile tunaona ofisi ya Chief iwe namna hii. Ikiwa ni Rais ni hivyo, ikiwa ni upinzani ni hivyo. Hatutaji jina la mtu, na mtu akitaja jina la mtu nitasimamisha yeye na kusema, you are out of order. Akiendelea tutamkatiza kabisa. Kwa hivyo tunafanya mkutano wa heshima, mpaka tumalize jioni.

Na nimekumbushwa na mwenzangu hapa Commissioner, kwamba tunaheshimu maoni ya wengine. Mtu anaweze kusema kitu na ukubaliani, lakini hayo si maoni yako. Utakuwa na muda wako wa kusema yako. Tukae kimia kwa ajili hii mashini ukipinga kelele, itapoteza yale yote ambaye tunataka kuyasikia na kuyanasa. Na watu wote wajiandikishe. Hata wale ambao hawana hoja kutoa maoni. Kwa ajili hii ni mkutano ya constituency yenu na tukienda Nairobi, tutareport kwamba kulikuwa na watu mia mbili, lakini kati ya hao mia mbili, wale walitoa maoni walikuwa ni watu hamsini na kadhalika. Lakini kila mtu ajiandikishe. Ukiwa hutaki kutoa maoni vile mmeandika unasema wewe ni observer. Or just in attendance or something like that.

Nafikiri sasa tunaweza kuanza, tuanzie na mtu wa kwanza kabisa na huyo ni Geoffrey Singo'e.

Geoffrey Sing'oe: I am Geoffrey Sing'oe, am representing the Emdin group from Emdin sub-location, Telkwel location Emgwen Constituency. Hon. Chairman, Commissioners, Hon. Leting, ladies and gentlemen. Constitutional review in our panel we agreed that the new Constitution should have a preamble. State policy should state the supremacy of the will of the people. Power and authority of the Government should be based on the Constitution. We need a regular and free and fair election. Constitutional supremacy, Parliament can amend some parts with a 75% majority some sections by a referendum. (see our memorandum).

Automatic citizenship can be given to a child or a person whose both parents are Kenyan born. Spouses of Kenyan citizen should also be regarded as automatic citizens. Political parties should be limited to three. On structure and systems of Government we need a Federal Government that is Majimbo. Two Chambers: Lower House and Upper House with a Ceremonial President, a Prime Minister and a Regional Governor. Also amend in the amended Constitution the provincial administration should be amended. So that we elect the village elders with a salary. Elected chiefs, elected Senior Chief and a Paramount Chief. In Judiciary we need a Supreme Court. Courts should be closer to the people. That is at divisional level. The local Government: Local Authority should be given power in land and education, water provision and infrastructure. Health facilities within their areas.

Councillors should have minimum education qualification of at least a pass in O-level. Basic rights: new Constitution should protect the security, health care, water, education, shelter, food and employment. Farmer should be motivated and protected. Food imports should be discouraged. Electricity, social welfare should be looked into. Land and property right: local community should have ultimate ownership of land. That is local authority. All family members regardless of gender, should have access to family land. Such division of family land should be discouraged. All family members must have consent to sell of their land or any other transaction. A panel of elders should solve land issues.

Multi-national Companies within our district, or our areas should employ people from within. They should give them first priority. Revenue should go to the Nandi County Council. On culture should not be interfered with by outsiders. People of other ethnic groups should impose on us their cultural practices which might be provocative to us. This for example, Luhyas

coming to circumcise their boys in Kapsabet. Management and use of National Resources. The Government should distribute national resource equitably in the budget. On Environment and natural resources: land, forest, water, mineral and wildlife, should be under the care of the local authority. On international relationships. International treaties and consentions, regional and peripheral treaties, should not have automatic effect in our domestic laws. If such treaties have unnecessary adverse effect on the welfare of our citizen, then they should be revoked.

Removal of tariffs on imported food product, that is free trade or so called 'Soko Huru' under the COMESA rule have adversely affected our farmers. We call upon the Government to revoke this agreement immediately and this should be entrenched in the new Constitution. The new Constitution should state clearly that the local farmer should be protected. Thank you.

Com. Mosonik: Tafadhali ungoje kidogo. Sikueleza kwamba Commissioners wanaweza kuuliza maswala na maswali ya kufafanua. *Kimache ketebenge kitigin kele kemwa ne en yono iaroru ko ng'ot ko tom ibwat komie ilelen sina majibu malazima iwalu.* Commissioner Abida-Ali-Aroni anauliza swali.

Com. Abida: I want some clarifications; you would like the local community to be the ultimate owner of land. What do you propose we do with the private ownership, because at the moment a lot of individuals own land, what will be the relationship between the individual ownership and the community. That is the first question. Second you would like a panel of elders to solve land dispute, now the way the system is, a panel of elders would not be able to enforce their decision, if they sat today and decided that Mr. O is the right owner and therefore Mr. A must vacate, a portion of land that he has been illegally occupying, how will they be able to enforce their decision because they do not have the force of law with them, what would you recommend that we do in terms of that.

Then thirdly, you have a problem with the Luhyas, although we are encouraging people not to name, names, but since you named them, you have a problem with Luhyas circumcising their boys in Kapsabet. From our visit there we realized that there is a big population of Luhya community in Kapsabet. If they live and have lived in Kapsabet for several years. Don't you think would be denying their rights as residence of Kapsabet if they cannot be able to exercise they cultural rights, where they live and where they are residence?

Geoffrey: On the first question on land, I said the local community, should have the ultimate ownership, by ultimate ownership I mean, you can own your land, but if the community around, see that your stay there is offensive to them, they can think of taking back their land. Or if they see that you are not useful to them, they can have the land back.

On the panel of elders, we saw in our panel that is only the local elders who know the history of the land. It should not be taken to court. We want this enforcement to come into the Constitution, so that you put it in a way that final decision should

come from the panel of elders.

The Luhya question we find that in our culture, it is not good to expose some things in public, so we thought they should go and practice these things in their homeland and then come and live with us. That is all.

Com. Mosonik: Just wait, one minute.

Com. Maranga: I have one question; you said the mult-nationals should only employ people from Nandi, what about if the Nandi's have no expertise.

Geoffrey: If I said, only, I am sorry, I mean they should be given first priority, the rest can come in.

Com. Maranga: First priority, but still if they are not qualified, like if you do not have an engineer.

Geoffrey: You bring an engineer, welcomed.

Com. Mosonik: Asante sana, yule alikuwa Geoffrey Singo'e not Sengee. That is the name, haikuwa imeandikwa vizuri. Wa pili ni Benjamin Chepkochoe.

Benjamin Chepkkochoe: I am Benjamin Chepkochoe, from Simbi Leso location. I will go straight. I think we should have a preamble stating the 42 or so tribes of Kenya. The meaning of this country Kenya, and we should maintain the Presidency but we should make an overall or improve that Presidency. No Prime Minister. We should have a very strong Parliament of two houses that is the Senate and House of Representative; capable of vetting or impeaching the President wherever they feel they should. We should have a youth representative elected in Parliament. That is he should come from at least the Provinces or something like that. We should have a Christian court that is very big in Kenya to balance the Kadhi's court and to just see and improve things likely to be overlooked by the normal court and to see on the domestic affairs.

On the employment issues, they should be a definite time, of say around 10 years in order to keep room for freshers from the market, and to add moral to those people who have already had their education, so that at least everybody can test the cake of this country. The work tenure should be 10 years to all civil servants and even the private sector. On the environment, forest should be reserved. This hiving and unscrupulous or irregular hiving should be wiped away or somebody can go to court to answer on that issue.

The Kenya gazette should be made available, say in locational level just for the people to have access to the Government policies or whatever is being done. We should have a Constitutional commission or a ministry just to ensure, this Constitution is

being held, maintained and in order to help the AG who is under pressure of law and all the things to see that this law is ensured and kept. And in order wherever there is a referendum he should be in charge to hold the referendum. On the worship issue, the worship should be limited and an questionable style such as devil worship and all these other methods of worship should be checked. I think the CIDs or the detectives should be send just to go to the inner cores and check every office of worship places.

Men should be given a distinctive empowerment. Big hazard projects like electricity, airports, these companies should compensate those people who are immediately surrounding those areas by supplying them with their services and compensating them wherever there is hazard or anything like that and should be improvement, such as water, electricity and etc. Nobody should have dual citizenship. Ceremonial Chiefs should be set in each and every community, but these Chiefs should not be political. They should be non-political. Traditional marriages should be added to the list of the church as well as civil marriage. They should use administrative mechanism to ensure these marriages are legal. Education should be made free especially the basic education at all levels. Health care should be free, especially the basic health, outbreak such as malaria, accidents, whereby somebody is caught unawares. On the military basis, they should be disciplined in that, wherever there is no war in Kenya, they should be doing public work such as roads and all other development project. I would at least propose that every military personnel should undergo the hardship areas, that is North Eastern and the other places. The same applies in work tenure; the military forces should undergo ten-year work tenure. Leadership aspirant should undergo a panel of a very intensive interview. The documentation size, that is the certificate and other relevant papers, should be reduced in size for safety and convenience, they are very cumbersome and are unsafe to carry.

Also, the national heroes should be given proper burials, recognition and national recognition such as being renamed in the street, portrait on the currency. Citizens should hold an ID and a passport. We should have two national languages that is Kiswahili and English. The laws of Kenya or even this Constitution should be written in English and Kiswahili. Not in Latin or these very fanny languages we cannot comprehend. The Chiefs and the DCs should be elected also, but recommendations should be made for the final touches. And also I would like to say the PCs post should be scrapped and replaced by a governor. Thank you.

Com. Mosonik: Ngoja kidogo, excuse me Benjamin come back.

Com. Abida: Benjamin, you would like to have a Christian Court. What would be the jurisdiction of this court and what law would it be practicing?

Benjamin: This court would be looking on Christian problems likely to be overlooked by the normal court.

Com. Abida: Which law would it be practicing, because a court would have certain laws? The Kadhi's court exercises the

Islamic sharia. Secular courts exercises or apply the secular law. Now this Christian court, which law would it be looking at and tell us exactly what it will be doing?

Benjamin: This Christian court will be looking at Christian laws.

Com. Abida: Which are these.

Benjamin: The same as those ones in the Kadhi's court. Are you getting me?

Com. Abida: Have never heard of a Christian law, which law?

Benjamin: The biblical or the domestic ones, just the same as the one in the Kadhi's court. Or if this one is not implemented the Kadhi's court should be scrapped and then only one court in Kenya should be there. That is the High Court.

Com. Mosonik: The question about the jurisdiction, what matter would it covers?

Com. Abida: Jurisdiction means, what areas will it be looking at, commercial, criminal, what would this Christian court be dealing with?

Benjamin: Domestic. And then there is a point I would like to add, especially the NGOs. The Government should have a very big say on there on goings and their undertakings, just to check on NGOs who have ill-motives in this country. Thank you for that.

Com. Mosonik: Mkiulizwa maswali kama hayo, sio lazima ujibu kama, huna jibu, ambayo iko tayari. Ni kufafanua kwa ajili unafanya mapendekezo ya kikatiba na kama haujafikiria vizuri, useme vile nimesema ni sawa. Muende nyinyi wenyewe, muamue mkifika Nairobi, sio lazima ujibu kila kitu, lakini tunataka ufafanuzi. Sasa tumsikize Pastor Wilson Kiprono wa SDA.

Pastor Wilson Kiprono: My names are Pastor Wilson Kiprono, and I am Pastoring Sojoi Parish, which begin from Sojoi upto Catholic dispensary upto Soko Mjinga and then towards this area. So I am talking on behalf of the Seventh Day Adventist Church in this area. The SDA church is not a new denomination. It was established in 1906 in Kenya and it has grown very fast and at present we are having over two million members. And we know of their services. There services are teaching, preaching, healing. This is because we have hospitals, school and colleges, which are known we are appealing for the setting of a comprehensive Constitution, that will cater for the rights of the church, the community and the individual, in matters of life, religion, liberty, association and expression. And we are recommending that, the Constitution should be based on the Holy Scriptures.

We are recommending that, the Constitution should recognize the divine authority and the ruler of the great universe that is God.

We are recommending about the significant of establishing Kenya as a God fearing nation, Constitutionally. Based on Ten Commandments that we know. I do not want to recite the Ten Commandments, but on the basis of Ten Commandments, these are the recommendation specifically for the SDA church. We need religious liberty and freedom of exercise of SDA religion. Because SDA is contributing much development in Kenya, we have some problems that we incur in the present Government. We have the problems of denial of employment opportunities. We are denied employment simply because we are SDAs, that means we go to church on Sabbath. Denial of Adventist, student's equal opportunity in worshipping God. Currently we are having problems with Kapsabet Girls, where our students are molested. They are chased home, simply because there is freedom of worship.

We need equal opportunity in the use of facilities in the schools and colleges. We have problems of denial of SDA opportunity to preserve the sacredness' of SDA Sabbath. According to the bible the Sabbath begins on Friday sunset and then ends on Saturday sunset. That is the time that we need to worship God. Therefore, we are requesting that we be given opportunity to worship on that span of time. We also have problems of plot allocation. We are requesting that we be given equal opportunities just like other denominations. We have a problem with voting rights. You find that when we are having by-elections, there normally put on Saturday, so actually we do not have time to participate in electing our leaders. So wish that the new Constitution would cater for that problem. We are recommending that the new Constitution should declare the seventh day of the week Saturday as the day of worship and rest day. We have countries like Peru, Colombia, Italy, Spain, Portland, Portugal and the rest. They have given SDAs chance to worship and they have put it on their Constitution so they are actually given time to worship.

We are also requesting that the system of five day work plan Constitution be considered, that is the two days, Sunday and Saturday, be given so that churches will have time to worship and be together with their family. On this note minority rights should be considered. We are requesting that the state to allow individuals in public institutions to receive spiritual services of their choice.

Lastly and not the least, taxation, land rent, rate exemption to religious purpose activities be exempted. Thank you so much.

Com. Mosonik: Because of the problem of this power, you would be patient so that you can be asked a question.

Com. Abida: I want some clarification from you. You said you are a pastor from SDA church, and you gave us a history of rather details of the area that represent, which is quite large. Now am just wondering you have articulated the need of the followers of the SDA church, very well. But I am just wondering as a church, whether your followers have other problems, because the way you have spoken is that, if for instance you get Sabbath and your people are allowed to have the day worship

and to practice, then that is all. As a representative of a big following, I would wish to see you tell us much more about the issue of governance in this country. The issue of Citizenship, Defense, Executive, the Judiciary and so on and so forth, because I tend to believe your followers have other problems as much as we appreciate that you may have a problem of worship. If it is not in memorandum, I think it would be good for us to have something come from the SDA church of this area. If you wish, or if you have any other?

Probably you consider the SDA followers a minority in this country, but you would like to have a five day working period. Do you consider that the other people who worship other days other than Saturday and Sunday. Are you saying that we discriminate against those people or are you telling us in other words that allow all the minority regions an opportunity to worship on their day of worship?

Com. Mosonik: Directly you can be asked, you said, Saturday, Sunday to be worship and rest days. How about Friday for the Muslims? That is the question.

Pastor Wilson: On the first question, have not covered much; have just tackled so much about the freedom of worship. Because of time I could not say but I have it here.

Com. Abida: I just wanted to make sure you also wanted other things happening to this country, other than freedom of worship and the day of worship. If you have it there that is fine.

Com. Maranga: May I wanted clarification, can you mention the countries where they have clearly stated the Sabbath to be a rest day. Can you repeat those countries? I know you said, Peru, Colombia, Italy.

Pastor Wilson: Peru, Colombia, Italy, Spain, Portugal, and Portland. The second question concerned the five-day plan. I did not remember about the Muslims. Thank you.

Com. Mosonik: Asante sana, sasa tutamsikiza Fredrick Tarus, the NCCCK group.

Fredrick Tarus: I am Fredrick Tarus, NCCCK coordinator where, have written a book, but I will have to give it to you later on. But I have to summarize points in that book. I dwell mostly on two areas. On Nandi properties especially land in more than Nandi district alone. That is Nandi Uasin Gishu, those who are in Trans Nzoia, Laikipia, Uganda, Tanzania, and ----- . So the place where we are, as have covered some a few is a Nandi district, the people who are in this district have covered a great deal previously. They have shed blood through fighting with the white and that is the British. Also, they have managed to harass invaders who have come to this place sometimes back and many others.

It is to my opinion that some of the land that was taken away should be re-annexed. These are lands, which were taken to Nyanza, Muhoroni. Western, Vihiga and Lugari, there some lands also which have cut to Koibatek and Keiyo, so this are feelings of some of the elders and other interested groups that this land should be brought back. Maxims which was coined at independent that you buy land anywhere in Kenya was erratic. Was a mistake, because we Nandi are a minority tribe, so some of the land has been taken away, first because ----- so when the Whites went away we were colonized by black colonialist. They say that they want they land back and those title deeds, which are issued, should be two. One made for indigenous people is permanent and non-indigenous should be temporary.

We come to compensation, Nandi produce between 5,000 to 10,000 people who went to fight for this country in the 1st and 2nd world war. So when we came back they had been fighting alongside the British torture, the Whites were compensated while the Nandi were not. So it is appeal of the Nandi that these people's families should be compensated. Also the family of Koitoleo Somaye and those who were detained in Kwazi, Simbahills, Meru, Embu and Manyani should also be compensated and then it is also the feelings of the Nandi's who were interviewed, that the Gallant Warrior, because you people are still in Nairobi, should be also compensated to other Gallant Warrior called Arap Jumbi, who was taken life and to museum in Nairobi. He was arrested, detained and his remains are in Nairobi. They should be brought back so that they could bury him and compensation given to the relatives.

Thousands of cows, which were taken by labour goes in the white farms, those people in the Southern Uasin Gishu and Baraton should be compensated. It is also the feelings of the Nandi elders that the death of former MP, Seronei, Shadrack Kimalael and Bishop Alexander Muge were mysterious and they could have been favourable if the issues regarding their death were investigated.

Another point that was tackled is, once the Whites went, the lease of the states were supposed to have ended 1999, so it is there wish that they buy this land, through co-operatives that is the tea estates. Also, part of the sugar farms, which are owned by the rich, should be given to them.

We come to the succession: Succession, which is currently prevailing in Nandi community, is that, when the father of the family dies, the next of kin is the mother. Some of them have the opinion that the mother should be the custodian that ----- to the children. And then we come to the polygamy: Nandi are polygamous by nature, I am for the opinion that, If the first wife was married 20 years ago, the Mzee also marries anther one after 20 years and the third after 30 years, preference should be given to the first wife, since most of the property that is there was actually for the first wife. So they're for the opinion that the first wife's property, the second wife should be a two third, the younger wife should be a third.

Then we come to single ladies. Previously we used not to have single ladies or unmarried women in our community. So they issue is not addressed. They are for the opinion that the fathers give these ladies a portion of land. And if there is somebody

who is leaving with her temporary and if a man might have had children with the lady. Then the man should be responsible for the children and also he should give them part of the property to the children of the wife. So the single lady should get property from the father and men who have given birth the children.

Also there is a habit where by men take women without marriage, and then after sometime they send them away. So the men should be made responsible, because they have said, they should be repentant of that. If they have had children, the property should be given to them and also they should give to the wife. And then there is a question -----, there is a question of ----- children who have a problem in getting education. Those parents should be responsible.

Then we come to land ownership in Nandi.

Com. Mosonik: Excuse me, you started with the land question, can you finish?

Fredrick: There is some land, which was in the reserve that is inherited from the community. This land, at the moment are in alarming state of selling, there should be a law to safeguard land for the children of those who are selling land. And likewise, re-settlement fund trustee, where by people were given land, there should be also law safeguarding the sale of land. Either by the owners or by the children.

Com. Mosonik: You have taken more than 10 minutes and we said five.

Fredrick: I am about to wind up, maximum land acreage in this district should be 100 acres owned by individual. Minimum which can be sub-divided should be 5 acres, panel of elders, who have been appointed by the office of the President to look after the land should have a legal adviser among those elders should be a lawyer, so that he can advice them on law.

Com. Mosonik: No finish. Just two questions one, did you say you are speaking for the elders or for NCKK group?

Fredrick: Have been collecting views for the NCKK from elders.

Com. Mosonik: Is it the elders or the NCKK.

Fredrick: I am collecting, a cross section of the elders and then report them back to them.

Com. Mosonik: So it is the elder's views? Is it a group of elders?

Fredrick: Several.

Com. Mosonik: Are there names written there?

Fredrick: I have in the memorandum.

Com. Mosonik: Okay, just one more question.

Com. Abida: In one of your recommendation you are saying that in case of death, the widow should be a custodian and not an heir why? What is the justification?

Fredrick: The property is actually made for the children.

Com. Abida: What is the justification that a woman who has worked hard, with the husband, in case of death, she has no say, because a custodian really has no say in what happens to the property, what is the justification to such a proposal? If you have, if you do not have, that is fine with us.

Fredrick: It is in the memorandum.

Com. Maranga: You are saying that Nandi Property range from Uasin Gishu, Trans Nzoia, Muhoroni, Vihiga, Koibatek, Keiyo and exetra. No if you are going to claim all that large land. Are you seeing the number of people you are going to displace, if incase we took you recommendation seriously? And what makes you believe that was Nandi land might be not Keiyo land or whatever, what is you evidence on that?

Fredrick: When the White came, they found the Nandi had put some other away from the land.

Com. Mosonik: Let me interrupt you, ningependa kama umeandika, kwa memorandum kueleza. Have you explained in the memorandum, how those areas are Nandi areas?

Fredrick: Yes.

Com. Mosonik: Then it is enough. Asante sana.

Fredrick: Asante.

Com. Mosonik: Hayo yalikuwa maoni ya wazee, na kwa ajili ya wazee tukampa yeye time, lakini wale wengine tafadhali three minutes only. Barnaba Keino.

Barnaba Keino: I am just handing over my memorandum.

Com. Mosonik: Asante sana Barnaba. Amepeana memorandum yake, kuandikisha tuendelea na Stephen Kotutwa, na kama unaweza kupeana kwa ajili imeandikwa ni sawa.

Stephen Kotutwa: My names are Stephen Kotutwa and I am giving views on behalf of residence of Koilat location. I wish to touch on some few parts of our memorandum. I am not going to deal with the whole of it. I want to begin by saying that, our Constitution should have a preamble, and I want to make it in this preamble it should provide for establishment of democratic multi-party state, that is founded on the respect of the rule of law, severity of the people, neurosis of democratic expression, respect and effective guarantee fundamental freedom and rights. Commitment: building of a free and just society. Where is equal opportunity for all and fair distribution of national resource. From all the dignity of individual and unity and integrity of the nation of Kenya, poster peace, love and unity and express common loyal to a single state and protection of huma right.

On the directive principles of the state, I wish to say that the following democratic principles should be contained in our Constitution. We shall have a democratic Government, which is committed to good governance. Now this means the process of Government, must be transparent. Public authority should be accountable to the people. Administration must be fair to public offices, must be free from corruption and other abuses. There should be equitable distribution of natural resources among citizens and these resources are used for the common good of the society.

Holding free and fair elections. Promoting people's participation in the governance is by providing avenues.

Com. Mosonik: Let me ask you, because you have it in the memorandum, can you tell us for example what are free and fair elections? Just give us that and then tell us what else is in the memorandum and just submit it.

Stephen: What I mean by free and fair election is a situation where all political parties are given equal opportunities and the playing field should be leveled to ensure that they are competing favourable. Allow me to mention something to do with Constitutional supremacy. I want to propose that the Constitution, should provide an amendment procedure, which would require a period of a few month, between the same the amendment should propose and be adopted in the Parliament. This will ensure that members of the public get an opportunity to discuss and reflect on these issues before they are amended. And on the same note I want to say that, certain parts of the Constitution should be beyond the amending power of Parliament.

Members of the public should be involved because such provisions are very sensitive like land, like the issue of natural resources, fundamental rights among others. So members of the public should be included through referendum. The

Constitution should also provide that certain amendment to be beyond the amending powers of the Parliament. For example, the Constitution should not allow Parliament to return the country to a state of a single party. The members of the Parliament should not have power to do that.

The Constitution also should be provided in a single language which should be understood by all Kenyans and should be made available so that people can understand it and know their rights and be in position to claim their rights when they have been abused. I also propose that this Constitution should be taught right from the primary school level to the highest institution of learning in the land. And if possible it should be translated in local languages so that all Kenyans are able to understand it.

Com. Mosonik: No, what I want you to say is that something on Defense and National security then you list the others and submit your memorandum please.

Stephen: Defense and National Security.

Com. Mosonik: What I want you to say is that, there is something on Defense and National Security and then you list the others and submit the memorandum please.

Stephen: Allow me to deal on just one part. That the Constitution should provide for the establishment of the armed forces. It should clearly define what their roles are. And the discharge of their duties should not be impartial.

Com. Mosonik: You know I am repeating it, you are only going to say in my memorandum, I have something on political parties, this and this and then stop.

Stephen: Let me just give one opinion on political parties. We should just have three political parties, three major ones. This will ensure that these parties reflect for us.

Com. Mosonik: Which three?

Stephen: I want to propose that the Constitution should provide for a criteria which will ensure that those parties which are registered shall meet certain conditions like, they should have at least one million supporters, secondly, they should have clear objectives and codes. And they should also serve democratic principles like holding of free elections. They should also be transparent in their sources of finances and even in their use. And again I propose that political parties.

Com. Mosonik: Unajua nilitaka tu useme so that it is in record, kwamba kwa memorandum hii tena tumeguza haya mambo na uyataje tu titles, that is defense and national security, political parties, what else?

Stephen: Structure and System of Government and this one I propose the Constitution should provide for a mixed system of Government where the Executive authority of the state is shared between the prime minister and the President.

Com. Mosonik: Just hand in your memorandum now.

Stephen: Allow me just one thing.

Com. Mosonik: What is that one thing?

Stephen: We have something on Legislature, it should set appointments of senior Government officials, have controller of its calendar, amenities introduced by the Executives. Control expenditure of public revenue, they should have a say in the number of ministries which it has in the country and they should have a committee to monitor its major sector on the Executive.

Com. Mosonik: No, unajua sijui kama tumeelewana vizuri, kama uko na memorandum itasomwa and there is data analysis going on right now in Nairobi, tunapeana hii memorandum ndio hawa wanafanya hii kazi. Tunatuma njioni. And it will be all transcribed and recorded. Kwa hivyo tafadhali tusitumie muda ikiwa kuna memorandum ni dakika tatu. Kama hakuna memorandum ni dakika tano. Na nimapendekezo, ninapendekeza hivi na hivi, please. Asau Keino. Hayuko Asau? Mathew Mulei.

Mathew Mulei: My name is Mathew Mulei, because of the short time that we are allowed to present my views, I should like to highlight one area, because my memorandum has many pages that I cannot read now. Because you have given us upto three minutes to five, then I will just highlight one area, then I will give out the memorandum. The area that I am going to highlight, it is International Relations. The conduct of foreign affairs should be exclusively be the responsibility of the Executive but Parliament should carry out this role.

The role of Parliament should play in the conduct of foreign affairs is to ensure the state assumes and fulfils international obligations and a commitment to the rule of law in international relation and promoting international co-operation.

International treaties and contentions and regional and bilateral treaty should have automatic effect in domestic law. Laws and regulations made by regional organizations, that Kenya belongs to effect in domestic law. That is the few areas that I have looked at.

Com. Mosonik: Asante sana Jacob Songor:

Jacob Songor: Mimi ni Jacob Songor, kutoka Kapkulio, Elbwani division. Yangu nataka iandikwe kwa Katiba, kwamba Mbunge aliyechaguliwa na akose kufanya kazi vile anatakiwa, basi wapiga kura waondoe. Akikosa kufanya maendeleo, kuudhulia Mbunge au kupitisha malalamishi au mahitaji ya wapiga kura wake, kwa Serikali ni lazima aondolewe.

Ya pili, Wabunge wanyang'anywe uwezo wa kujiongezea mshahara na marupu rupu hata ile wamejiongezea wakati huu, hatutaki ilipwe. Ya tatu, kama kuna kampuni kubwa au contractor yeyote katika eneo letu, lazima ahakikishe kwamba ameajili watu kutoka sehemu yetu kwanza, yaani first priority. Ya nne, mkulima ni tegemeo la nchi, lakini amefinywa sana na hii mambo ya soko huru na COMESA. Katiba mpya ni lazima ikinge mkulima ili vitu visiletwe kutoka nje na kuharibu bei za bidhaa za mkulima wa Kenya. Hata nikiongea saa hii, nami sina nguvu kwa sababu ya njaa na Wabunge ambao tuliwachagua hawawezi kuongea kwa sababu wamepewa chakula nyingi mpaka imewafunga koo na mdomo pia. Kwa hivyo tegemeo letu, ni Katiba mpya lenye nguvu.

Com. Mosonik: Hiyo ni njia ya kufanya mapendekezo, straight kama hivyo, ndio sisi wote tupate nafasi ya kusikika. Paul Sitenei, Barnaba Too.

Barnaba Too: Mimi ni Barnaba Too, sasa nataka kupendekeza juu ya haki za kimsingi. Upande wa afya. Kwamba ningependa Katiba, kulinda huduma za afya katika hospitali za Serikali. Kuwe na huduma sawa kwa wote. Iwe na wadi moja badala ya kuwa na mbili. Iondolewe ile ya communities, ili watu wawe sawa wakati wa matibabu. Pia madaktari wapewe mshahara ya kutosha, ili wasitoroke kutafuta malipo bora. Shukrani.

Com. Mosonik: Astante sana. Stephen Keter. Mtindo huo ni mzuri kabisa.

Stephen Keter: My names are Stephen Keter, now I would like to represent the following. On the side of preamble, the name community should appear in the Constitution. Instead of citizenship, it should not be automatic; it has to be controlled by the Constitution. The President should remain the Commander in Chief of the Armed Forces. The Armed Forces be controlled by the Constitution. The registered party in the republic of Kenya should be development oriented.

The structure system should be of Parliamentarian. That is MPs are elected. Commissioners should be elected by the Parliament not the President to appoint or select the. The community should elect members of the town council. The age of voters be reduced to 16 years from 18 years. Members of Parliament be 35 years and the President be 40 years of age.

The minimum education of an MP should be of 'O'-level. Councillors should be at least literate because the language used is Kiswahili. Few people should be nominated to Parliament. The powers of the President should be limited. The Government officers should be appointed according to the Constitution. District Commissioner, that is district security but other but other activities in the district is under the county council. The Judiciary should be cared by the Constitution. And 25% should remain

in Provinces. Women should be given chance for leadership. Whoever defects from a party should go away, election timetable must be fixed and known by wananchi. Land should be taken care by the owners and the county council. Land sharing must be shared equally, for the case of unmarried girls has a right to get a share.

Land bought by any outsider, that is Non-nandi, would not be entitled for it. The Nandi customs should not be attempted by Non-nandis that is practicing, let me say circumcision and so on, if not Nandi should not do it in Nandi district. The Nandi resources to be taken care of county council. Circumcision should be restricted to 15 years on the side boys. NGOs who come for development, must first of all meet areas residences to allow her or him to do so. The disabled should be given certain percentage in leadership. No more minority vote to Parliament. Elders of Nandi are given (inaudible) so as to guide councils.

Old person be employed to take care of people while election is going on. It is only the new President who comes in, be given 14 days to take off the office. The existing President should not use the office during elections. Retired President be given security, regional assembly should be there that is two chamber. Votes to be counted at the voting center.

Com. Mosonik: Asante sana, Rev. Job Arab Choge, yuko? Okay, tafadhali.

Rev. Job Choge: Jina ni Rev. Job. Arab Choge, sina cha kusema, kitu ninasema ni shukurani kwa Serikali yetu kwa kutuhusisha kwa maneno kama haya, kwa maana Katiba ni maisha ya nchi, pasipo Katiba hakuna maisha. Kwa hivyo kitu nasema ni shukurani kwa nyinyi viongozi wa nchi yetu kuhusisha na maisha yetu. Bwana asifiwe.

Com. Mosonik: Asante sana, Tirong Arap Tanui.

Tirong Arap Tanui: My names are Tirong Arap Tanui, I have three very brief submissions, the first one is a point of information. The land and culture issue for the Nandi, is a very critical issue and this did not begin from the time the review commission was formed. We had issues patterning to land and culture in our own land. Mr. Chairman I have with me, some documents, public document some of them, but they're some I do not have, which have the content of grievances and importance of this. The first one that I have is the Nandi Resistance against the British rule published in 1972.

Com. Mosonik: You should say the author.

Tirong: Nandi Resistance to British rule 1890 – 1906 published by A.D. Mackson, 1972 the second document is the Nandi of Kenya, tribal control in a pastoral society, by G.W.B. Hunting Ford, published in 1953. Next is Nandi Work and Culture by G.W. Hunting Ford, published in 1950. Another book is The Nandi, Language and Fought Law by A.C. Collins, published in 1909. Mr. Chairman I am sure you have this document, which was submitted to you yesterday. That is a point of information

Mr. Chairman, the Nandi issue and culture is so critical and is a long way back.

Com. Mosonik: A clarification please.

Com. Abida: The four books that you referred to in your judgment, do they reflect the correct decision as far as the issue of land and culture is concerned for the Nandi people?

Tirong: I am not so much authoritative like Mr. Chairman, but I can say, they have some issues as a point of information regarding to the grievances we had with the colonial Government and that kind of thing. Secondly about land issue and how important culture land, cattle are to the Nandi. So I am only saying the information exist as public information.

Com. Abida: As an individual, because you have brought those books to our attention, the Chairman here has his opinion, he is a commissioner and may not have the thought that you have as an individual today. So I am asking as a person who is representing those documents to us, do you think that we should take the information there, should the commission find it necessary to make reference, as a true reflection of the land issue and culture issue for the Nandi people, you could either say yes or no or some part. I just want your opinion, because you are the one giving it to us as reference point.

Tirong: Mr. Chairman is partly because foreigners authored them and therefore there certain issues they down played, because it would have legal implication the then colonial Government. But they have certain areas like culture and all that, I would say they reflect a true picture, but this term should be corrected by further research. Mr. Chairman my other very brief presentation, one is on environment, I would like to propose that it be embedded in the Constitution, to compel land owners of one acre and above that they put 10% of that under forest at all time. That they plant trees 10% of land and that must remain under afforestation to conserve our environment.

Last but not least, Mr. Chairman is on the issue of civil order. I would like to recommend that it should also be embedded in our Constitution, that queuing system anywhere in the public service, public office, anywhere even out for Matatus and everything be made a rule or be in Constitution, so that the appropriate laws may be made pertaining to that. And that also includes files in public offices where action is not taken on time, but there are left there, it is part of the queuing system. I think the Constitution Review Commission will know how to handle that. Thank you Mr. Chairman.

Com. Mosonik: I am asking, are you submitting those copies to us or are you saying we not them incase we need to refer to them.

Toring: You note them Mr. Chairman and I believe Kenya National Archives and information center have them.

Com. Mosonik: Okay, thank you. Selina Sitienei of the Women Forum.

Selina Sitienei: My name is Selima Sitienei, I will just outline the a few important points no Constitution review proposals. The new Constitution should have preamble, which acknowledges and underlines the principle in the independent between men and women. Directive principles of the policy: the principles of the best interest of the child should be incorporated, accountability and accessibility of the Government. Values: values, which should be included in the Constitution, are: human dignity, respect of human right, respect for the rule of law.

Constitutional supremacy: the new Constitution should have an elaborate consultation with the public before being passed. Nandi women suggest that 65% votes should be retained for the amendment of the Constitution. Citizenship: women and men should have equal rights to convey citizenship to their spouses and children. Bill of rights: The Government should ensure and protect women and girls from all forms of violence, e.g. rape and domestic violence. Health care, nutrition should be provided in the new Constitution. The Constitution should outlaw customary law and traditional practices e.g. female circumcision and introduce alternative right of passage. Political parties: there should be easy registration of political party and should be limited to eight parties. 35% of the party Executive body leadership should be women.

Structure and Systems of Government: a Federal Government system should be adopted in the new Constitution. All elected Members of Parliament and councillors should have offices at the constituency level for easy interaction with the people. Participatory Government: Nandi women seeks the system of Government: the incorporate principles. Principle of equal participation in governance and development that values women work as family, care providers and nation builders.

The Legislature: Affirmative Action, that 35% of seats be reserved for women Parliamentarians and in all public bodies. Being an MP should be a full time occupation; the President should not be above the law. Judiciary, Permanent Constitution court an access to it should be a matter of right and thus simple. Pregnant prisoners should be given profession sentence outside the jail. Proper health services are made available to prisoners, since there human divinity must be recognized. Executive: the President must be knowledgeable; the President should serve for a minimum of two consecutive terms of five years. He should have qualifications of university degree. Thank you.

Com. Mosonik: you are being asked why 35% for the women and not 50 not 20.

Selina: I mean 35% because that is the minimal, because at times we feel women we do not like taking part in leadership, so we propose that even 35% that will be enough for us.

Com. Abida: Why not 10%?

Selina: 10% is too small.

Com. Mosonik: Next is Dr. Kibiwort kurulach of the Nandi's Scholars and Professionals.

Dr. Kibiwort Kurulach: Thank you very much. Honourable Commissioners, 3C members na wananchi wote ambao mmekuja hapa. I will just like to say that I have presentation of a memorandum to make, which takes into consideration 5 issues that the commissioners wanted to talk about. Ningependa tu kusema mambo matano kwa kiswahili, mambo ambayo tulishugulikia katika pendekezo letu, la kwanza ni kuhusu lugha ama language rights as part of cultural rights. Tulipendekeza kwamba lugha zote za Kenya zionyeshwe kwa Katiba kuwa lugha za taifa as national languages not just vernaculars. Kama vile Katiba zingine za nchi kama South Africa.

La pili, nikuhusu shamba, tumefanya pendekezo kuhusu mashamba hasa mashamba ambayo yalichukuliwa na wazungu na watu wengine wamezungumza juu yake na tumetoa pendekezo katika hii memorandum. La tatu, ni kuhusu uchaguzi.

Com. Mosonik: Lakini mkasema nini kuhusu ardhi hiyo?

Dr. Kibiwort: tumesema mambo mengi, lakini tumeseme ya kwanza ni kwamba, haya mashamba yawe under the county council, to be administered as part of the natural resources of a community. Nilisema la tatu ni kuhusu uchaguzi, badala ya kuwa na Wabunge wa kuteuliwa tumependekeza kwamba, nominations ugeuzwe ili nafasi hiyo ichukuliwe na watu kama disabled, marginalized na minorities na wasiojiweza wengine, ili wachaguliwe.

La nne, pia ni kuhusu uchaguzi, tumependekeza kwamba siku ya uchaguzi wa Rais na wa Bunge na watu ambao wako kwa Serikali za wilaya, siku hizi zitambuliwe na Katiba na tarehe ya Rais mpya ionyeshwe kwa Katiba. Na la mwisho ni pia kuhusu uchaguzi, tumefunzwa tukiwa watoto wa shule mapaka tumalize shule, kwamba ukiweka alama ya tick ni kusema umeonyesha ishara ya kukubali lakini kufika wakati wa kupiga kura, tunaambiwa ukiweka X ndio umesema sasa umekubali. Kwa hivyo tungependekeza tick iwe alama ya kukubali kuchagua mtu na X iwe kutokubali. Asante.

Com. Mosonik: Asante Dr. Kibiwort Kurulach. Next is Sammy Mutai.

Sammy Mutai: My names are Sammy Mutai and I would only dwell on four areas:

- To do with the rights of the women, the children and the unprivileged. It is evidenced that in the current Constitution none of this has been gathered for. I now propose, on the side of women, the Constitution should come up very clearly and the women should be liberated from gender violence and they should have equal share on academic intakes. With the children they should be compulsory access to free education and medical care. And for the non-privileged I will

propose that education facilities for these unprivileged persons be extended to the up-country, because currently we find that those facilities are only found in the urban areas.

- On the Executive authority, I would propose that, the President must be holder of a degree from at least a recognized university. He should be over 25 years of age and must be elected by the electorates. The President should serve for two terms of four years each. With this also, the President should retain his sweeping powers in that position for the security of this country.
- On the civil service: I would propose that the civil servant and all the senior high authority appointment must be vetted by national assembly, this is to avoid imposition of sycophants and unqualified persons. The retirement age of the civil servants must be reduced to 45 years. This is due to the fall in the life expectancy of the people.
- The political parties in Kenya must be reduced to at least four, of each must prove membership of over 20% of the over Kenyan population. Thank you.

Com. Abida: I want you to clarify to us, (inaudible) to ensure that we don't have sycophants, if Parliament is full of MPs from a winning part, that forms the Government, how do you stop, those people voting sycophants? For the reasons that you have given us, I just want to see your justification, have no problem with your proposal, but I just want to be sure that, what you are saying will guard against your problem.

Com. Mosonik: A related question.

Com. Maranga: You are saying that the President continues to retain the same powers. At the same time you are saying Parliament to vet, don't you think there would be a contradiction? How can you retain those Executive powers and you are saying, like the powers now the President has currently is to appoint all the Senior Personnel Senior Civil servants, so how does Parliament come in, if the President continues to enjoy the same powers?

Sammy: For the first question may be I would say, I am looking into a situation whereby the elected members are persons of high integrity, and therefore I don't expect that they will vote or they will nominate in some dubious or persons to the high offices in the civil service who are not eligible. And for the second question, as I said the President to retain those powers, is that it is not that the President will dictate all, but he should at least have some vital of may be appointments.

Com. Mosonik: Asante, Alfred Bett.

Alfred Bett: Jina langu ni Alfred Bett. Ningependelea, sijui nitasema kwa Kinandi au nitasema kwa Kiswahili?

Com. Maranga: Kwa Kiswahili.

Alfred: Kwa hivyo, ningependelea kusema election ifanywe kutoka chini mpaka juu, kutoka mzee wa mitaa, councillors, MPs mpaka President. Ya pili, ikiwa imefanywa elections, tungependelea Katiba iwe Nandi ionyeshwe mpaka ya Nandi. Boundary ya Nandi tunataka kujua iko wapi.

Com. Mosonki: Pengine ni kuulize kwa Katiba ile ya mwaka wa sitini na tatu, boundaries yote ya all the district zilikuwa zimeonyeshwa. Kwa hivyo unataka tuonyeshe boundary ya Nandi ama boundaries za district zote.

Alfred: Zote kwa katiba, kila boundary ionyeshwe vile ilikuwa zamani. Kwa sababu utasikia wazee wakisema Nandi ilikuwa mpaka Kakamega mpaka wapi, kwa hivyo tunataka Nandi iwe mahali ilikuwa zamani. Ya tatu, kama tumechagua, namna tulivyosema tunachagua watu wa kulinda sisi sote, tunataka mzee wa mtaa ni mzingi wa Serikali na ni kwa nini huyu mzee wa mtaa apatiwi mshahara. Kwa sababu ni foundation ya Serikali, kutoka chini kufika kwa President, mzee wa mtaa ni mtu mkubwa sana kwa hivyo apate mshahara.

Chiefs, Sub-chiefs, wachaguliwe na wananchi kulingana na sheria, ili watu wenyewe wachague mtu ambaye wanapenda, mtu ambaye anaweza kuongoza. Kama akiwa mbaya, watu watamfuta. Si yule ambaye anaenda kuandika vitu uko na karatisi na kuchaguliwa na PC, na DC anasema amepita mtihani.

Halafu, Wanandi tumekosa kujua lugha yetu. Watoto wasomeshwe language ya Nandi, kujua hata kusalimiana, wasichana tuseme takwenya na wanaume tunasema supa, sasa kusema supa mwingine anasema takwenya, sasa tunataka watoto wetu wa Nandi wasomeshwe Nandi.

Com. Mosonik: Mpaka darasa gani?

Alfred: Kutoka nursery mpaka darasa la nne. Ya pili, wajue mila za Nandi ilikuwa wanakaa namna gani. Nafikiri ni hayo tu.

Com. Mosonik: Asante sana, Robert Majoi. Tueleze jina lako kamili.

Robert Majoi: I am Robert Majoi and am going to make some proposals as pertaining the bill of rights. As we all know the bill of right as some weakness and therefore I think a commission should be set by the act of Parliament of which its main function should include, provision of civic education on the bill of right. Identify cases of violation of the bill of rights. Prosecute on behalf of the victims of violations. The anti-discrimination, rules of section 82 should be changed so that customary law should not be used when it comes to personal issues, like marriage, divorce and burial. Section 91 of the Constitution discriminates against women, so it should be changes to allow, Kenyan women citizen to pass their citizenship to their children even if the father is a foreigner.

The bill of rights, should name person with disabilities as part of sectors, which enjoy rights under its provision. The bill of right should clearly protect the marginalized community. The bill of right should acknowledge the basic rights, the basic needs, for education, shelter food, health and water. Death as a capital punishment should be abolished. The bill of right does not guarantee security of a girl child. The bill of right, should assure women that they get part of the inheritance in case they are not married or employed. Thank you.

Com. Mosonik: Asante sana Thomas Kirwa.

Thomas Kirwa: My names are Thomas Kiplimo Kirwa and we have a memorandum, but just a few things. Mr. Chairman sir, our recommendations are;

Com. Mosonik: Umesema “we have a memorandum” who are ‘the we’?

Thomas: I represent Aruos location and I was saying that we have a memorandum, our recommendations are well documented in this memorandum, but I am glad to represent to you today. Mr. Chairman we have recommended the powers of the Executive shall be reduced and shared with the Legislature. So that the Members of Parliament shall set any Presidential appointment. Mr. Chairman we have also recommended that the Judiciary shall independent from both the Executive and the Legislature. Mr. Chairman we have recommended that the tribunal regional courts shall be set within reach of the community. That shall deal from the customary law and to ease congestion from the Magistrate Court.

This is just a small section of what we have. We have about 11 items and I would like to represent our memorandum.

Com. Mosonik: Simon Lag’at from Aruos, but talking as an individual.

Simon Lang’at: Majina yangu ni Simon Lang’at.

Simon: *Kanaikyuk ko Simon arap Langat. Achame atep akoba imbarenik che kikoibenech chumbek.*

Translator: Anataka kuuliza juu ya mshamba Wazungu waliny’akuwa kutoka kwa Wanandi.

Simon: *Kou Nandi tea estates.*

Translator: Nandi Tea Estate.

Simon: *Ko imuch kikobek lease amaking’ en kele kitaken ng’o.*

Translator: Inasemekana lease iliisha na hatujui nani alichukua hilo shamba baadaye hapo.

Simon: *Amache bik che kiba imbaret koib.*

Translator: Ninataka wenye shamba hapo awali, wachukue hilo shamba.

Simon: *Ako pieat tugul. Akot shares tugul.*

Translator: Na wachukue, shares yote.

Simon: *Makimache koib chi ake.*

Translator: Hatutaki mtu mwingine anyakuwe.

Simon: *Kimache kenyakua tugukyok echeken cheba Nandi.*

Translator: Tunataka kunyakuwa sisi wenyewe.

Simon: *Ingunon ke pieta imbarenik en oliba Chekumia oli lakini manyor Nandiek alake.*

Translator: Wakati huu shamba kwa upande wa Chepkumia inagawiwa watu, lakini watu wetu hawakupata.

Simon: *Manyor okot bik che maimuche kei, makimuchi bik okot che maimuche kei.*

Translator: Hata wale hawajiwezi, hawakupata.

Simon: *ipkoropchigei makoraechu icheken.*

Translator: Matajiri walienda kujigawilia.

Simon: *Tos indakibendi ko tos kikikachi bi che maimuche kei iman kabisa.*

Translator: Hata tukienda wakati huu kunyakuwa itakuwa wasi kwamba wale hawajiwezi hawakupata.

Simon: *Amache kekwai bik che ma imuche kei ak kikachi imbarenik choton kamastanywan.*

Translator: Tunataka wale, hawajiwezi wapewe hayo mashamba.

Simon: *Kogeny tuguk chew u Nyayo Tea Zones komabendi County council ne nyonet.*

Translator: Mambo kama Nyayo Tea Zones, hayaingii katika county council ya Nandi.

Simon: *Bendi County council che ba bik alak.*

Translator: Inaingia kwa county council ya watu wengine.

Simon: *Amune si koba County council che ba bik alak.*

Translator: Kwa nini ingie kwa county council za watu wengine.

Simon: *Amune sio koba malikyok Districts alak?*

Translator: Kwa nini mali yetu ipelekwe kwa district zingine?

Simon: *Amune si makibaisien county council ne nyon si ke yaen oratinwek ak keteben lagokyok kisomesan?*

Translator: Kwa nini isiingie katika county council yetu ili tutumie kutengeneza mabarabara na kusomesha watoto wetu?

Simon: *Ingunon kikobek lease neba Nandi tea.*

Translator: Lease kwa upande wa Nandi Tea Estate tayari imeisha.

Simon: *Ingunon ko bau ng'o?*

Translator: Wakat huu nani anashikilia?

Simon: *Ko ng'ot kokikonam chito ake ko amune.*

Translator: Kama mtu mwingine anashikilia wakati huu, ni kwa nini?

Simon: *Ko nyimanech kabisa.*

Translator: Tumekatazwa kabisa.

Simon: *Kabachit yoton.*

Translator: Nimemaliza hapo.

Com. Mosonik: Asante sana. Mwingine ni Paul Korir.

Paul Korir: *Kainenyun ko paul korir.*

Com. Mosonik: *Ni me mwa Kiswahili anan ko chumbek?*

Paul: *Kamache anai ale ngu amune si makikochi County council kobai imbarenik che kimi chumbek.*

Translator: Ninataka kujua kwa nini county council lisipewe uwezo wa kutawala mashamba, wazungu walikuwa wamenyakuwa?

Paul: *Amun siamwa kounaton ko nda namu County council, to kitindoi tuguk che kitareten lagok.*

Translator: Ninasema ya kwamba, kama county council, ingalikuwa ikitawala kwa hayo mashamba, tungalikuwa na mali yakusaidia watoto wetu.

Paul: *Ng'aliot age ne taatese ko bandek che mangunen sang ko amun ki wakulima ko ingelenkealden bandekyok komamibeit amun mangu che bunu sang.*

Translator: Tena mahindi ambayo yanaagizwa kutoka nchi za nje yameharibu biashara ya mahindi yetu hapa.

Paul: *Ngaliot kora na tebe ko mushahara chon ko kitesyi MPs komatketesyi amun ngo ka ketesyi ko chang'a komakotareti wanainchi.*

Translator: Nina pinga mishahara ilioongezewa Wabunge wakati huu.

Paul: *Amun ye kakonyor mushahara che chang' ko makotareti wanainchi.*

Translator: Kwa sababu, kama wameongezewa mshahara kuwa nyingi hawasaidii chochote.

Paul: *Atese kora MPs che kikikwai amataretech kiy ko kaigai keisto.*

Translator: Ninaongeza kusema ya kwamba Wabunge tuliwachagua hawatusaidii na kwa hivyo inastahili waondolewe.

Paul: *Ng'aliot kora na tese ko bik che maimuche kei amatinye imbarenik ii, amatinye kiy agetugul ko sapta ano.*

Translator: Ninauliza wale watu hawajiwezi, wataweza kuishi kiviipi?

Paul: *Ng'ot ko matindo imbarenik.*

Translator: Kama hawana mashamba.

Paul: *Ng'aliot kora mna tese ko lagok che tibik, komache keyai kogerkeit ak murenik.*

Translator: Neno lingine nataka niongeze ni ya kwamba, wasichana wawe sawa na vijana kwa mambo ya mshamba. Ni hayo tu.

Dr. Mosonik: Robert Ngetich. *Kaigai mwa en Kiswahili ng'ot ko imugase.*

Robert Ngetich: *Kaine nyun ko Robert arap Ngetich aba yuton.*

Translator: Jina langu ni Robert Ngetich, ninatoka hapa.

Robert: *Ka ng'aliot ne nyun akane ko koten kemeng'isie en emani ko echeket missing ko ki bik cheba shamba.*

Translator: Jambo langu ni ya kwamba, vile tunavyoishi hapa sisi, tulikuwa watu wa mahali wazungu wakalikuja kunyakuwa.

Robert: *Koin kin ko kakonget ko nyakuan imbarenik ko ki imanda bik koba kando neba imbaranoton ak kosisyo en yoton missing ko kamastab kapchain.*

Translator: Wakati Wazungu walinyakuwa haya mashamba waliondoa wananchi Wanandi ambao walikuwa naishi upande huo wa ende kando ya mashamba ya chai.

Robert: *kosiateb kounoton ko ingap mi makarek alake che kekase kele ale koratinwek en olinba Nairobi asi makingen kele chichoton ko ng'o ne koal imbarenichu ako mi bik cha nyalildos che mi kando neba imbaranoton.*

Translator: Nimesema hivyo kwa sababu, iko watu matajiri ambao wananunua hayo mashamba huko Nairobi na kuna watu ambao hawajiwezi wanaishi kando ya hayo mashamba.

Robert: *Ko katebe kounaton ale tos kararan kounaton iman ii?*

Translator: Hiyo ni haki?

Robert: *Kakimache imbareni choton ii, ang'ot ko kikoyai maendeleo nenywan chumbek ak koba emenywan akityo ko kikomin chaik ii, ko kakimache lagokyok kochut share neba imbaranoton. Matatakoal chi ne makariot imbar. Koalunen sang.*

Translator: Kwa sababu Wazungu waliokuwa wakimiliki hayo mashamba walimaliza lease yao wamekwenda kwao na wamepanda chai, tunataka watoto wetu wauziwe hayo mashamba ili wawe na shares ambazo wataweza kujisaidia nazo.

Robert: *Nerube noton ko kanyon kamastab uchaguzi neba kwaet ab wajumbe.*

Translator: Sasa nataka kuongea kuhusu uchaguzi wa Wabunge.

Robert: *Kikere kele, wabunge alak komuche koberberech ii ke wirchin kurainik oko aga mache sobotet ineken.*

Translator: Tumesema ya kwamba kuna Wabunge wengine wanataka tuwapigie kura lakini haja yao ni wafaidike kibinafsi.

Robert: *Amun kikere mutai ko takonyalili kou ehek , ak mutai neba kenyit akeng'e ikere kotiye lorisiek oeng' , tinye terektaisiek somok, tinye tuguk che chang'ii oko tuguchoton komakingen kele konyorchi ano.*

Translator: Kwa sababu leo hali yao kimali ni kama sisi, lakini baada ya mwaka mmoja unaona yuko na tractor mbili, malorry matatu na mali nyingi ambayo hatujui imekuja namna gani.

Robert: *Ak imbare ne tinye neba ekarisiek elifu oeng' ii.*

Translator: Mashamba heka elfu mbili.

Robert: *Amakingen kele tos mushahara che kiit kikachi en bunge ko yame koalen tuk choton tugul chon kikerchini chichiton*

Translator: Na hatujui kama mshahara anao lipwa unatosha kununu hiyo mali yote.

Robert: *Ko kounatan kemache kenai kele makamache kinyanyasanech ak kinyanyasan Serikali. Serikali ko nenyon.*

Translator: Kwa hivyo hatutaki tunyanyaswe, na vile vile hatutaki Serikali yetu inyanyaswe.

Robert: *Koin simang'alal che chang' koukele kamwae agoba noton ale kaigai ke ker ke chaguan bik kong'aten kirwagik amache aungan boiyot akenge ne kakamwa ng'aliot en yu, makimache chito ne kikwae ne makwai wanainchi Makwae Serikali chito ne too, anan ko chi ne makinge kele ng'o ne ka kwaiwech kirwagindet.*

Translator: Kwa sababu ninataka kuunga mkono mzungumzaji mmoja wa hapo mbele ya kwamba sisi ndiye tutachagua machifu, hatutaki Serikali itachagulie viongozi wetu.

Robert: *Kimache kekwai kirwagik kou keny, amun kicham kokwae bik binafsi mengik ab koret konai kole werono koyame kotinye ng'eliebta ne karara ne imuche kong'alaji bik.*

Translator: Tunataka uchaguzi ya machifu iwe kama zamani, kwa sababu wakaaji wenyewe wanajua nani anastahili kuongoza kuwa chifu katika sehemu yetu.

Robert: *Kongoi missing.*

Translator: Asante sana

Com. Mosonik: Pastor Simon Cheriot Nyoros.

Pastor Simon Cheriot Nyoros: My names are Pastor Simon Nyoros, naningependa tu mwenyekiti kutoa pendekezo langu lote ambaye ni karatasi kubwa mno ambaye nimeandika nikiwa mchungaji katika ka wilaya hii. Na nitakuomba ruhusa nitoe pendekezo langu kwa Tume lenu bila kusoma. Asante sana.

Com. Mosonik: Asante sana Pastor Simon Nyoros, yeye anasema kwa niaba ya Welfare Single Mothers and Widows. Gilbert Too, Hillary Kituu, Daniel Barno.

Daniel Barno: Mimi naitwa Daniel Arap Metich.

Daniel: *Kang'aliot na mwae ko netai amwae ale inge ngete kegur survey nyogokwa korenguk. Kokora ko imbaret ko ibe rabisiek kora kale ignon maibe rabisiek survey?*

Translator: Ninauliza kuhusu Survey, ukiwaita kuja kulima shamba lako wanaitaji pesa, ninauliza Serikali hawalipi?

Daniel: *Ng'aliot neba oeng' na mache ko kichanaek ko tibik ak ngetik. Amun akere siche lakwet akityo kenam lakwanotet kikachi kwan.*

Translator: Ya pili, nataka kuuliza kwa nini kijana ambaye amezaa na msichana kwa nini hachukui huyo mtoto? Yule amezaa na msichana achukue huyo mtoto amezaa.

Daniel: *Sionget ak nenyun.*

Translator: Halafu ni baki na wangu.

Daniel: *Kokamache notet kikachi kerkonget.*

Translator: Na kama si hivyo, nataka apatiwe adabu.

Daniel: *Ko matinye ngalek che chang'.*

Translator: Sina mengine.

Com. Mosonik: David Maiyo.

David Maiyo: Jina langu naitwa David Maiyo. Ningeliguzia sana, ingawa watu wengine wamesema mambo ya watoto. Ingefaa kwa mtu ambaye amezalia mtoto, achukue huyo mtoto, kwa sababu hatutaki watoto ambao hawana baba, Wanandi tangu zamani.

Mambo ya uridhi: kwa mambo ya Wanandi zamani walikuwa wanafanya mambo ya inheritance, na sasa hatutaki hayo maneno ya inheritance. Kwa sababu hao wanawake wanakubali tu wafanyiwe inheritance na baadaye wanakataa wanasema wewe haukuwa bwanangu, bwanangu alikufa. Jambo lingine, ni mambo ya mali ya nyumbani. Wakati mali ya baba au mama inagawanywa, hatutaki kungawanywa mapaka mazazi yeyote abaki bure. Tunataka kama mali inagawanywa kama mtu amekuwa mzee, igawanywe na kubakishwa yake. Ili apate pahali pa kusalamiwa na watoto wake.

Mambo mengine nataka kukuzia ni: kama mtu anakosana na bibi yake kama amzalila watoto, mtu afukuze bibi, mali ingawanywe, hapana kufukuza huyo bibi bure. Mambo mengine ni mambo mtu akigawanya mali yake na ako na bibi wawili, lingelifaa kama angeomba mtu kama huyo hasikubaliwe kuandika will kwa sababu ako na wanawake wawili na atafanya bias. Mtu kama huyo akitaka kufanya will, clan yake wakae na kugawanya mali sio yeye mwenyewe. Nafikiri hayo yametosha.

Com. Abida: Umeongea maneno mazuri sana kuhusu inheritance na mali. Na umezungumuza kwamba mtoto akizaliwa na

msichana ambaye hajaolewa, baba achukue huyu mtoto, sasa kuna haki ya mama na kuna haki ya mtoto. Na kila mtoto ana haki ya kulelewa na mzazi, na mzazi ambaye analea mtoto sawa sawa, tupende tusipende ni mama. Je huyu mtoto akichukuliwa apatiwe baba, ni lazima atapatiwa mama mwingine kumwalia, labda nyanya ama shangazi. Sitakuwa tunamnyima huyu mtoto haki ya kulelewa na mzazi wake. Hakuna njia ingine ambayo unadhania utakosa kumnyima huyu mtoto haki ya kulelewa na mzazi wake?

David: Kwa hakika huyu mtoto ingawa amezaliwa na huyu na amekataa, na unajua huyu anazalia mtoto si mtu mzima. Na ingelifaa kwa sababu hii kwa mambo ya mali ya Wanandi kungawanyia msichana mali, si kawaida kwa Wanandi, kugawanyia msichana mali. Kama mtu amezaa mtoto, wazee waongee, kama huyu mtu anajiweza, anataka mtoto wake peke yake, achukue. Kama hataki mtoto na amezalia yeye, asomeshe mpaka afikie umri wa miaka kumi na nane wa kutosha kuwa mtu mzima.

Com. Abida: Unasema alie mtoto wake?

David: Yes.

Com. Mosonik: Asante sana. Philemon.

David: Nimekosea kitu kidogo, niuie radhi. Nilitaka kuongea hivi kwa mambo ya Kalenjin. Watoto ambao wamezaliwa wasichana wa pekee, na kupeanwa, waolewe, hao watoto wapewe nafasi ya kuchukua share yao ya mama yao. Wale watoto walizaliwa kama ni wasichana wawili na wanapeanwa kuolewa, nyumbani kwao apewe mali ya mama yake.

Com. Mosonik: Philemon Perut, Paul Rotich. Ningependa, Mr. Maiyo *Ani chepyoset* wasichana....

David Maiyo: *Kamwa ale lagok choto che Kasich lagok icheken ki kaito lagochoton, kemache lagochoton konyor malik ab sikindenyin ne kamenyin amun imuche ko basyon.*

Paul Rotich: Jina langu ni Paul Rotich, kutoka Terike, ningependa kupendekeza ya fuatayo, ya kwamba vyama vipuguzwe hadi vyama tatu. Sababu ni kwamba, tunapokuwa na vyama vingi, karibu kila karabila itakuwa na chama chake. Kwa hivyo kusudi ya kuleta wa Kenya wawe kitu kimoja ni vyama kupunguza vyama hadi vitatu.

La pili, nitakuwa juu ya Legislature. Ningependa ya kwamba, ikiwa watateuliwa Wabunge ni vyema basi, ijulikane tabia zao. Kwa mfano, uenda kuna mtu aiba mahali Fulani, tuseme katika kampuni fulani, lakini, itafikia mahali ambapo ata-campaign na watu tayari watamchagua kwenda Bunge. Kumbuka tayari tunajaribu ku-fight corruption, Natunavyofanya hivyo ni vyema basi, hata nao watu wachague yule mtu ambaye ni mwaminifu. Pia itakuwa ni vizuri, kwa mfano, kuangalia tabia ya mtu. Uenda kuna

mtu amewai kufuta bhangi na utakuta ya kwamba, tayari, mwanzo ama foundation ya mtu, huyo mtu afai kuwa kiongozi.

Pia ningengezea kusema ya kwamba, iwapo Mbunge amechaguliwa, na hakose kutumiza lego lake ni vyema basi, huyo mtu aweze kuwakishawa kazi baada ya miaka miwili na nusu. Na atakaye kuchukua ni yule alikuwa namba mbili kutoka kwake. Pia ningependa kuongezea hapo, juu ya uteuzi, nominated MPs, ningependa kusema ya kwamba, hiyo nafasi ipewe watu ambao wasiojiweza, kwa mfano, watu ambao maubili yao si sawa na wengine. Na pia kuna watu ambao ni wakongwe. Pia hao wangestahili kuwa, katika hiyo kamati ya Wanabunge.

Judiciary: ningependa kupendekeza ya kwamba ikiwezekana, iwe kuna subordinate courts katika locational level. Hii ni sababu ya kwamba tumekuta ya kwamba corruption is very high. Na tunaposema corruption is high ni kwamba, mtu ambaye ni masikini katika mtaa hana pahali pa kusikizwa. Kwa hivyo ingekuwa ni bora iwe kuna korti at locational level. Pia tunakuta ya kwamba, iwapo, huyu ako na kesi ya kulalamikia, hawezi akasikizwa. Kwa mfano, anapoenda katika polisi station, utakuta ya kwamba hapo kuna kortini, ya kweli ikiwa tunaweza kusaidia hao watu ambao hawajiwezi, itakuwa ni vyema kutengeneza hizo korti, ambapo wazee watateuliwa wa kusimamia hizo korti. Na baada ya hiyo, ikiwa hiyo korti itabidi iendeleo itahitaji iwe na approval kutoka kwa hao wazee.

Pia ningependa kuguzia ya kwamba, katika ndoa, unaweza kuta ya kwamba, katika ndoa za kisasa kuna shida mingi sana, ndiposa ya kwamba mtu anapoaga dunia unakuta ya kwamba kuna wengi wanao tokezea kusema ya kwamba, huyu alikuwa baba ya watoto wangu. Kwa hivyo ningependa kupendekeza ya kwamba ikiwezekana, iwekwe sheria kwamba kuoana ama kuoana itakuwa inafanyika kulingana na Nandi customary laws. Pili ikiwezekana ifanywe kwa kanisa sio pahali pengine. Pia katika rights za vulnerable groups, ningependa kupendekeza ya kwamba mahitaji yao yote iweze kugharamiwa na Serikali. Zaidi ya hiyo pia, ningependa kusema mahitaji kama kusoma, ama matibabu iweze kupeanwa bure kwa hao watu. Asante.

Com. Mosonik: Nikuulize swali moja. Ulisema nomination, wateuliwa wawekutoka wasiojiweza kama wakongwe na walemavu. Na je, unafikiriaje kuhusu wanawake?

Paul: Pia hao wanastahili.

Com. Maranga: Unasema wazee wateuliwe kwenda Bunge. Kama wazee wa miaka ngapi unafikiria?

Paul: Kulingana na desturi ya Kalenjin, Nandi, kuna wazee ambao jamii wangeweza kuuliza maswali kadha wa kadha. Kwa hivyo wazee kama hao ikiwa kuna nafasi waweze pia kujiumishwa katika hao Wabunge. Age bracket from 60 years upwards.

Com. Mosonik: Julius Sitenei, hayuko, Councillor Telengech. Wewe ni nani? Julius Sitenei, Councillor Taptengei?

Christopher Telengech: For your information, that is not councillor, that is CK.

Com. Mosonik: Means?

Christopher: Christopher Kiprotich Telengech Kaptengelei: I think mine will be brief, because there is no document, which I already put in place. I would like to talk about the representation of the community within the locality. Those people who have been elected into civic elections or Parliament have a role to be answerable to the community. Because, the community is the authority of any leadership. It is a problem which should be adhered to and the law should be put in place to control such a person, so that they can also represent the community well, otherwise the problem which has been facing Kenyans now, is because people have elected without the interest of the community. So the councillors have a role to uplift the economy of that small person, right from the grass root.

The Member of Parliament is also answerable because whenever he is asking for any leadership, he normally pledge that he coming to support you right from the grassroot, but he is not answerable to the Executive or the President in that matter. Because some of them, they been telling us, it the Government, it is the President, who has made me not to help you. So anybody who cannot discharge his duties, the wananchi have got the power of getting rid of them before the end of the five years.

Executive: that is the President. His powers should be maintained, because he is the person eligible to maintain the seventy of the country. Because you have realized anytime, if the seventy of the country cannot be maintained, it means anybody can misuse our power of the country. And part of the powers should also leave to the Judiciary not to interfere with the Judiciary. Otherwise, also the Judiciary has the role to independent, so that they can also play and discharge their duties without interference by anybody. Because the corruption which is in this country is also being processed through the courts. Because whoever has got money, the small man will suffer, because money will bribe the court.

When we talk of Parliament, Parliament also has got his own power of amending the laws. And whatever the amend, they should also respect, because most of the Members of Parliament have been abusing the Parliament. Parliament should be a place, which has to be respected. Because, you find some of the Parliamentarians are fighting within the system. So the discipline should also be in place to control them.

All parties within Kenya, have to be formed by people who are Kenyans and they have got a role to play for all Kenyans. Whether you are in which party, whether you are in the Government, your role is for the community. So you should not mis-use your powers or undermine, the Government because you are not in power. Because of them have been the puppet of the (inaudible) because they are not in power. Like now we are taking about reform. Previously they talked about, 'if there is not

reform, no election'. Now because somebody, somewhere else has told them, talk now that we need election. They're not talking on their own mind.

Com. Mosonok: Hiyo idea inaitwa "The loyal Opposition" kama ile ya Queen Uingereza, wa kiketi upande ule, lakini wako loyal kwa nchi yao.

Christopher: That is why I am saying, you have realized, especially those international country, any opposition Member of Parliament, whenever he visits our country he says. 'My Government will help you', but he is so saying, help us to finish our Government. No one has been talking about fact of his Government. We need those Members of Parliament whether you are in the Government; whether you are in the opposition, whenever you go out, talk of good part of your country. Because, your Government is an African Government. So we fought for uhuru to enable us have the dignity, not to use any super power to undermine ourselves. With that, I say thank you.

Com. Mosonik: Just a clarification please.

Com. Abida: Mr. Kaptengelei, now you are complaining to us that wrong leaders are elected. Who elects them? Because there is a limit what a law can do, the Constitution can tell you so many things, but it cannot tell you to elect a good leader. How do you see the Constitution helping you to make sure that we have good leaders in Parliament?

Christopher: What I was proposing is that, there should also be a limit of any Member of Parliament, whenever, he is campaigning the Constitution should also allow a limitation of funds. Because most of these people who have been elected to Parliament because they have funds. So there should be a control of limitation of funds, so that anybody can play in the level ground. Because currently I am also an aspirant of Emgwen, because we have been lacking funds, anybody can now take over, even any crook who has money. Thank you.

Com. Mosonik: Asante sana Clement Kibemei, Patrice Kipsang Songe.

Patrice Kipsang: *Che kanyitotin kamwa ng'alioyun kouni, Kamwa ko a Nandi.*

Translator: Ninasema nikiwa Mnandi.

Patrice: *Patrice Kipsang arap suge.*

Translator: Patrice Kipsang Arap Suge.

Patrice: *Ko kamwa aba Tindiret ak Nandi.*

Translator: Ninaongea nikiwa ninatoka Tindiret na Nandi.

Patrice: *Amwae korenygun.*

Translator: Ninasema kuhusu shamba langu.

Patrice: *Koye kibar boiyo nyon agui akoba ng'ung'unyat.*

Translator: Vile babu yangu aliuawa, kwa ajili ya mchanga.

Patrice: *Ee samoe en kenyit ab elibut akenge ak sogol ak mut.*

Translator: Samoei, katika mwaka elfu moja, mia tisa na tano.

Patrice: *Akoba ng'ung'unyat.*

Translator: Kwa ajili ya Shamba au udongo.

Patrice: *Ak Nandiek che chang'*

Translator: Na Wanandi wengine.

Patrice: *Ak ye kakebar ke rebenech koret.*

Translator: Baada ya kuuwawa tulinyang'anywa shamba letu.

Patrice: *Ko ingunon kikobais ukoloni kenysisiek che chang' ako ki kobata betusiek che kikergei masettler ak Serikali neba Kenya.*

Translator: Wakoloni walitawala mpaka walimaliza enzi zao, na kwa miaka waliokuwa wamekubaliana na Serikali.

Patrice: *Ko ingunon ko maimukak koal chi neba sang amun kiguren koranatan 'Crown Land'. Yani koret ne kikiib akoba korotik.*

Translator: Mtu yeyote hakuweza kununu hili shamba kwa kuwa ilikuwa imeenda kwa Serikali na ikaitwa Crown Land.

Patrice: *Koba bik, koba bikyok dry land sikobar ng'etunyik akobais en olaton, noton tugul ko Rift Valley ne kibausamoek.*

Translator: Baada ya hapo watu wetu walienda upande ya Uasin Gishu na wakasaidia Wazungu kumaliza simba waliokuwa wanawasumbua wakiendelea kwa ukulima yao.

Patrice: *Ko amune sikoal bik alake che matumda korotik en Nandi.*

Translator: Kwa nini watu wengine, ambao hawakumwaga damu, hapa Nandi wanunue hayo mashamba.

Patrice: *Kit ne wo missing ko kealunen korenyon Nairobi*

Translator: Jambo la ajabu ni ya kwamba watu walinunua hayo mashamba yetu huko Nairobi.

Patrice: *Ko kit ne kamwa raini ale amache korenyon akityo koliban waingereza compensation neba bikyok.*

Translator: Ninasema hapa leo, tunataka mashamba yetu na Uingereza ilipe ridhaa ya watu wetu, ambao waliuwawa.

Patrice: *Kit age ne amwae akoba Rift Valley, kakisir bik kongeten Nairobi kelakta lagok ab korenyon ako ngungunyat konenyon ak malik ko chechok.*

Translator: Jambo lingine nataka kusema kuhusu RiftValley.

Patrice: *kakisir bik kongeten Nairobi kelakta lagok ab korenyon ako ngungunyat konenyon ak malik ko chechok.*

Translator: Watu waliandikwa kutoka Nairobi na watoto wetu wakawachwa na shamba ni letu.

Patrice: *Rent che bunu ng'ung'unyek ko bakwangut ingo nyalil lagokyok manyoru rabisiek ab somanet ako mi chaik kosindan maasaek che ba Narok che nyoru rabisiek che sire Western Kenya ak ko somanen lagok agoi University.*

Translator: Tena ni jambo na kuhusu rent ya hayo mashamba, tunashangaa kwa nini hiyo pesa haitumiki kusomesha watoto wetu mpaka tumeshidwa na wenzetu Wamasaai ambao wanapata pesa nyingi kulingana na vile wanapokea kwa mali yao.

Patrice: *Kit ne amache amache kesir lagokyok ii en gaa ak kosoman lagokyok ii en rent neba chaik ak tuguk alak tugul che mi Rift Valley.*

Translator: Pendekezo langu ni ya kwamba tunataka watoto wetu waajiriwe katika haya mashamba na ile rent inatoka kwa hayo mashamba itumiwe kusomesha watoto wetu.

Patrice: *Kwang'ut ingesomse ak ket inye tuguk.*

Translator: Ni jambo la aibu tukiomba omba tukiwa na mali.

Patrice: *Kit akenge ne mi, ye kakipitishan ingunon resolution kemache malikyok che mi oli kobaisyen bikyok ak keinuan uchumi ne noton koba kapchain ne nyon.*

Translator: Pendekezo langu ni ya kwamba baada ya sisi kukata shauri hapa, tunataka hiyo mali yetu kutoka upande wa mashamba ya chai, ikuje kwetu tutumie kusomesha watoto wetu.

Patrice: *Ng'aliot ake neba oeng', inge kwai mujumbe komakimache ke gas kele kanget chito akenge kwa maNandi.*

Translator: Jambo la pili, ni ya kwamba, hatutaki kusikia tukichagua Mbunge, hatutaki kusikia ya kwamba mtu mmoja anatawala Nandi mzima.

Patrice: *Kit ne kimache, kemache resolution ne nyon ne kikaitoi Nandiek, kipitisan kele kogimwae Nandiek kosir chichok.*

Translator: Kitu tunataka ni ya kwamba tukiwa na jambo, tunakata shauri tukiwa wa Nandi na tunapeana, na hatutaki mtu mmoja aende huko mbele aseme Wanandi wamesema na kumbe ni mambo yake.

Patrice: *Kit akenge ne kamwa akwange komwae bik ab Narok kole kikoitai Quarter ko ¾ koteben County council neba maasai en Narok.*

Translator: Jambo linishangaza ni ya kwamba, watu wa Narok, Wamasaai walimueleza huyu mzee ya kwamba wanapeana sehemu ya robo kwa hiyo mali, lakini robo tatu inabaki katika nchi ya Wamasaai.

Patrice: *Alen choton mamuche amwa ng'al che chang' kakomwa bik che chang' ako kamwa koa chumyot ne kikisichon kenyit ab tiptem ak lo.*

Translator: Sina mengi ya kusema, hayo nimesema nimesema nikiwa mzee wa rika la chuma ambaye alizaliwa mwaka wa elfu moja mia tisa na ishirini na sita.

Patrice: Hayo tu.

Com. Mosonik: *Kakemwa kongoi, kakikuye tugul.* Sara Kosgey, Maendeleo ya Wanawake.

Sara Kosgey: My names are Mrs Sara Kosgey, I am representing Maendeleo ya Wanawake Kilibwoni division. I have only three views to present. I have on family law, cultural ethic, regional diversity and community rights, and land succession and property right.

Family law: family needs through review and reform as appropriate especially to harmonize the co-existing and often contradicting customary laws. Nandi women recommend the following:

- A man who for one reason or another opts to marry a second wife, must procure land and other basic necessities for her in order to minimize conflict or family wrangles.
- Widows and orphans should be entitled to a good civic care by the state, through respective churches or religious organizations and the council of elders.
- Street children being a social stigma and inducement on the failure of the family institutions should be made personal grater, through such measures as compiled reconciliation to their original homes or re-union with parents or known relatives.

Cultural ethics and regional diversity and community rights: the Constitution should outlaw those cultural and religious practices which directly or indirectly discriminates against women.

Land succession and property rights:

Com. Mosonik: Can you please tell us, which are those practices that discriminate against women? If you have them in mind.

Sara: Wife inheritance and FGM.

Com. Abida: You said cultural and religious, which are the religious laws? Do you have any in mind?

Sara: Not at the moment.

Com. Abida: But let us know at some point.

Sara: On land succession and property: the Constitution should provide guarantee of equal access by men and women to all resources including land. Recommendations:

- Women should be included as bon fide members of the land board committees in the various administrative decisions of the country.
- The property of the spouses including land, should be bear both names of husband and wife in the title deeds, to ensure that women are not discriminated in the event of husband's death.
- Widows should be recognized and accepted by the law as the sole inheritance of their husbands estates or property in trust of the children.
- The entire family should be involved in writing up of a will and the Government is mandated to implement it accordingly.
- Unmarried daughters, who may or may not have dependants should be legally be entitled to in heritage of their fathers property.
- Children born after separation should have any legitimate claims to the share of their property of their mothers ex-husband.
- The -----approval of both spouses, any land transaction should be made mandatory and be depleted in the Constitution.
- The central plots under county council or municipal council should be under the council of elders within respective areas to manage and distribute.

Thank you.

Com. Mosonik: Ngoja maswali yetu kidogo.

Com. Abida: Under community and cultural rights, you would like us to do away with cultural and religious laws, which discriminate against women. Then you are advocating that only girls who are unmarried should inherit the property of their parents. Don't you think leaving out girls, during inheritance would be discriminatory? Because, I am finding it a contradiction, you are giving and taking it away.

Sarah: The unmarried daughters who may not have dependence.

Com. Abida: Inaudible.

Com. Mosonik: Actually ulikuwa umesema, married daughters should be entitled to their father's property and the unmarried ones you are also saying.

Sarah: the married ones are to inherit the lands of their husband.

Com. Maranga: What about, if somebody is married, before long, she leaves that husband, may be there is a divorce, then she proceeds to get married again. How do you deal with that kind of a person?

Sarah: In this case, I say that the children divorcées will inherit the fathers land.

Com. Mosonik: Actually ulikuwa umesema, ikiwa mama tuseme ametoroka, ameachana na bwana yake, amefuguzwa, ama ametoroka, yaani separation, waridhi mali ya bwana ya huyo bwana. Yaani yule mtu ambaye ameachana na yeye. Watoto ambao wamezaliwa baada ya kuwachana na hao watoto wamezaliwa na nani.

Sarah: Wamezaliwa na both parents before they separated.

Com. Mosonik: Kama akiwa anaenda na mimba?

Sarah: Still huyo mtoto ata-inherit.

Com. Mosonik: Na wale watazaliwa baadaye?

Sarah: Ni watoto wa ile nyumba tu.

Com. Mosonik: Kitu kingine umesema mabibi wawe ni wana haki peke yao kuridhi mali ya bwana, ikiwa yeye amekufa. Lakini sehemu zingine Kenya, tumeenda wamependekeza kwamba wazazi wa huyu bwana ambaye amekufa, akubukwe, kwa ajili wanasema siku hizi kijana anaenda Nairobi, anakaa na msichana, huyo mwanamke analeta bwana kwa sanduku amekufa na kutoroka kesho na kuchukua mali yote na kuwacha wazazi bila hata chochote. Sasa useme kuhusu hiyo? Wazazi wapewe nini?

Sara: Juu ya hiyo kwanza, tunataka Constitution yetu iwe kwamba mtu yeyote anapoenda kuoa, hata aoe kule Nairobi ama popote aendapo, Title Deed kama wako nayo, waiweke jina ya huyo ameo tena, kwa Title Deed pamoja na yeye. Halafu sasa wazazi wale wamezaa bwana, watuzwe na huyo mama mwenye amebaki, widow.

Com. Mosonik: Sio kubishana, lakini walifanya mapendekezo kama hayo, lakini walisema, siku hizi ubaya ni kwamba, kijana anaenda, wamesomesha yeye miaka mingi, wakauza shamba zake zote na kila mali yote. Halafu anakutana, mahali tulikuwa ilikuwa ni Nyanza, wakasema anakuta msichana mweupe wa mbali, ambaye haja fika nyumbani hata siku moja, lakini anakuja siku ya kwanza, nikuja kuzika huyo mtu. Analeta yeye akiwa maiti. Halafu, kesho anarudi. Anachukua mali yote, na wazazi wale wazee kabisa hawachiwi hata chochote, wakasema wakumbukwe. Lakini wewe unasema, mali yote iwe ya huyu msichana ama bibi.

Sara: Sisemi hivyo, lakini ni kwamba, wazazi wale wamezaa kijana, nafikiri hili shamba kijana pia amepata kutoka kwa wazazi, ningependekiza ya kwamba, wazazi wanapogawanya shamba yao, wasigawe yote kwa watoto, wajaribu kubakisha yenye wataishi, kama sasa huyu msichana atakosea kuchukua hiyo mali.

Com. Mosonik: Pole, kwa kukusumbua, kwa ajili mapendekezo yako ni ya maana na wewe ni mwakilishi wa Maendeleo ya Wanawake, na maendeleo yao tunayataka. Asante sana ujiandikishe tafadhali.

Dimphina Tiony' nafikiri Dimphina ulisema jana, ama hili ni pendekezo lingine? Tafadhali.

Dimphina Tiony': I am going to highlight a few, my names are Dimphina Tiony'. With regard to succession to inherit matrimonial property, the under noted points will go along way to strengthen women rights in relations -----:

- Formulate and implement policies to ensure that married women have land ownership rights.
- Sensitize and educate women on their property rights and the need to be registered jointly in the property acquired jointly during marriage.
- The renewal agreement should be introduced, to regulate marital relationships.
- Both spouses should manage family investments.

- The law should provide for equitable decision of matrimonial property upon dissolution to marriage irrespective of the individual spouses contribution.
- Indirect contribution that is monetary, domestic work should be identified and taken into account when assessing wives contribution, in acquisitions of property performed belonging to the husband.
- Educate----- on the proper procedure to follow when making claims under the act.
- Legislate clear laws on the equitable decision of matrimonial property, upon dissolution marriage.
- The title of family land, bearing names of husband and wife, be recommended to prohibit either of them transacting business with such a title without the consent of the other.
- Judicial system should be opened and accessible to all, including all categories of women and all forms of corruption should be outlawed.

Thank you.

Com. Maranga: Have a question on upon dissolution of marriage. How long do you want to take before you dissolve a marriage? For example if somebody got married to a rich man or a son of a rich man. And the person goes there for may be for less than a year, or may be a year and then there is a dissolution of marriage, do you think that would be fair, to the other party?

Sarah: As at what have noted is that, whatever your have acquired during the marriage.

Com. Maranga: Then let me ask you then, another question, you have talked about married women and land ownership, how about other properties other than land. Are you not interested, like if somebody had a big business, which is not basically land, like if somebody was having an air transport, where he has ten planes. You are not interested with that.

Sarah: In my address here, which I have on the record, I have addressed family land and property.

Com. Maranga: Okay, thank you.

Com. Mosonik: Asante sana, Nelly Alusei.

Nelly Alusei: *Kainenyun ko Nelly Arusei. Ang'alalen katunisiet.*

Translator: Jina langu ni Nelly Alusei, ninataka kuongea juu ya ndoa.

Nelly: *Ang'alalen chepyoset ne kakitun ak kometa boiyot.*

Translator: Ninaongea juu ya mama ameolewa na akawacha bwana.

Nelly: *Ye kakitun chepyoset ak kometa boiyot ko kakosich lagok korib boiyot lagok.*

Translator: Ameolewa na akawacha bwana yake kama wamezaa watoto na bwana akatunza watoto.

Com. Abida: I want to know what she is saying, and if the translation could be correct. When you are saying, mama ule amewacha bwana. Amewacha ama amewachwa. I want that clarification

Translator: *Kakitebenen kelenjin chepyoset nekameta boiyot anan boiyot ne ka meta chepyoset.*

Nelly: *Neka divorcen boiyot.*

Translator: Ni mama amepea bwana talaka. Nani amewacha. Nani mama?

Nelly: Mama nawacha bwana peke yake.

Translator: You see I was right. It is because in most cases in mama anawachwa. But in this case it is the reverse. Endelea mama.

Nelly: *Amache chepyosonoton kowa korib lagok boi yot ak kikachi share lagokyik boiyot amanyoru kiy chepyosonoton.*

Translator: Ninataka huyo mama amepea bwana yake talaka aende mzee alinde watoto na watoto wapewe mali na huyo mama anyimwe.

Nelly: *Neb a oeng' amache ang'alalen imbar kora.imbaret ye mache kealda, konyalu konde sein lagok ak chepyoset ak boiyot asi kenai imbaret ne kialda.*

Translator: Kuhusu shamba la kuuzwa. Mapendekezo yangu ni ya kwamba, mzee mama, ana watoto lazima wakubaliane, lazima aweke sahihi ndio uzaji iwe halali.

Nelly: *Neba somok angalalen lagok, amache tibik koachin somanet neba tibik ak werit.*

Translator: La tatu ninapendekeza ya kwamba, masomo ya vijana na wasichana iwe sawa.

Nelly: *Amache kerib lagok tugul kokerkeit.*

Translator: Wote watunzwe sawa.

Nelly: *Ng'alek ab imbaret konyalu kepiechi tibik ak murenik.*

Translator: Mambo ya shamba, ninapendekeza ligawiwe vijana na wasichana sawa..

Nelly: *Amache kora lagok che salamok ke rib icheket.*

Translator: Ninataka walemavu vile vile watunzwe.

Nelly: *Ak kepiechi tuguk akichek.*

Translator: Ninapendekeza watoto walemavu, vile vile, watunzwe na vile vile wapewe mali.

Nelly: *Amache lagok che salamok korib serikali en somanet ak en tuguk che kinyorchini kou forestry department ak kou kapchain kora.*

Translator: Ninapendekeza Serikali, vile iwaelimishe watoto walemavu, na vile vile wafaidike na chochote ambacho kinaweza kupatikana katika misitu au mambo yote.

Nelly: *Amache kerib lagochoton ketekyi korik che somanen ak kesirchi kiboitnik*

Translator: Ninapendekeza ya kwamba hao watoto, wajengewe nyumba na waajiriwe wafanyikazi.

Nelly: *Amun mamichi ne muche korib ichek.*

Translator: Kwa sababu hakuna mtu yeyote ambaye anaweza kuwatunza.

Nelly: *Neba let anyun ang'alalen ng'alek ab maiwek. Kakokon hasara maiwek en lagok ak bhangik che kakokon hasaramising che makimuchi kenyorun lagok anan bik en ten years to come.*

Translator: La mwisho nataka kuongea juu ya pombe, kwa sababu pombe na bhangi imeleta hasara kubwa mpaka sijui kama tutakuwa na watoto wa miaka kumi ijayo.

Nelly: *Amache kinde ng'atut ichek missing, chepyosok che rieche maiwek ko mache kerib ke kon ng'atutiet ne imuche korat bik che chabe maiwek*

Translator: Ninapendekeza ya kwamba, sheria ya kuadhibu watu ambao wanatengeneza pombe itungwe. Hasa kwa akina mama ndio wanausika sana.

Nelly: *Marieche maiwek boisiek amun maibu kwenik ama yae boisiet tugul neba maiwek.*

Translator: Wazee hawatengenezi hiyo pombe, kwa kuwa hawashuguliki kwa jambo lolote la kuhusu kutengeneza, kama ni kuni na mambo yote ya kutengeneza hiyo pombe.

Nelly: *Neba let anyun achame amwa akoba leadership. Kandoinatet ko nyalu kekwei chit one tilil na makikasyi ng'alion ne ya ama kikasyin tuguk che yachen che yae. Nyalu koyanat bik tugul.*

Translator: La mwisho ni kuhusu uchaguzi wa viongozi. Ninapendekeza ya kwamba kiongozi awe mtu mzuri, mtu ambaye

hajafanya makosa yeyote na haja sikika akitenda yeyote mabaya.

Nelly: *Mising ko kirwagik, kandoik tugul cheba chepyosok cheba boisie, cheba neranik. Ingo tiliilekitun icheket.*

Translator: Hasa ni viongozi wa kina Chief, viongozi wa akina mama, viongozi wa wazee, viongozi wa vijana.

Nelly: *Asi ke nyoru chamiet ak boisionik che miachen, si ko much konyor makarnatet emenyon.*

Translator: Ili tuweze kupata mapenzi na maendeleo na utajiri katika nchi yetu.

Nelly: Asanteni.

Com. Mosonik: Sasa tutamsikiza Mheshimiwa Kimaiyo Arap Sengo.

Kimaiyo Arap Sengo: Mwenyekiti Tume ya leo, wenzako wana Tume, mimi nataka kusema machache, mambo mengi tayari yamesemwa na nina unga mkono. Jina langu ni, Kimaiyo Aronei Arap Segoo, mimi niwakili katika upande Eldoret na Kapsabet.

Vile vile, mimi ni Vice Chairman wa Emgwen Constituency Constitution Review Committee. Jambo la kwanza nataka kuzungumza juu yake ni kuhusu mipaka ya wilaya yetu ya Nandi. Katika enzi zilizopita kabla mzungu haja kuja, tunajua mipaka ya Nandi, ilianza upande wa Muhoroni, inaendelea mpaka Kiboswa, Kakamega mpaka Webuye. Hiyo ni map ya 1912 and we will represent a memorandum on that. The whole of Uasin Gishu, Timboroa area, mapendekezo yangu ni ya kwamba tunataka original boundary ya Nandi vile wazee walijua na vile mzungu alitupata.

Ya pili, nikuhusu mashamba ya chai, wengi wenu wameongea juu yake. Leases tayari zimekwisha na ilikuwa matarajio yenu ya kwamba, shamba irudi kwa wa Nandi, lakini haijakuwa hivyo, tunataka pendekezo letu tutendewe haki. Hii ilikuwa mashamba ya babu yetu na lazima irudi kwa nyinyi. Shamba ya chai, shamba ya kimwani, shamba ya miwa, upande wa Chemilili. Wakati huu tunaomba tena, hata Nandi Escarpment, mtu amepindua na kuita Nyando Escarpment. Si hivyo, hii ni kunyakua mali ya Nandi, tunapendekeza ya kwamba, Katiba ijao itambue mipaka ya Nandi.

Jambo lingine ni kuhusu natural resources ya Nandi. Mito ambayo inapeleka maji Lake Victoria, inatoka katika Nandi district. Tunatunza misitu, tunafanya kazi nyingi kutunza hiyo mito lakini faida yake iko wapi? Hiyo nchi ya Egypt wako na agreement ya kulinda hayo maji kusaidia watu wenu, lakini faida gani tuko kwa hii agreement and maji inatoka kwetu? Napendekeza ----- iwe ikilipwa kwa country council ya Nandi, kwa maji inapita Nandi. Jambo lingine ni kuhusu land control board. Mambo mingi mabaya yaendelea katika land control board. Ikiwa ni Kilbwoni, ikiwa ni Kapsabet. Wazee wawili wanakutana na DO, wanakutana na DC, wanapitisha shamba. Mama hajui, watoto hawajui, unakuta mgeni amekuja kukaa kwa shamba. Pendekezo langu ni hili, tunataka mwenyekiti, wa Land Control Board, akuwe mtu wa kutoka nyumbani hapa. Wazee wanatoka hapa nyumbani, civil servants out.

Jambo lingine ni kuhusu misitu. Wakati huu ukiingia kwa Misitu ya Cheborot, utakuta mtu anangusha miti. Ukimuuliza unafanya nini, anasema hii miti ni ya Kenya, na vile tunajua ni miti yetu hapa nyumbani. Tunataka sheria ikuwe hivi, misitu yetu isimamiwe na county council ya Nandi, si Nairobi. Tena, kuna kitu tunaita provincial administration, hatutoni kazi yake. Kazi ya DC ni nini? Kazi ya Do ni nini? Tuko na councillor, tuko na Chief, nafikiri huduma zao zinatoshia hapa nyumbani. Na kwa hivyo napendekeza ya kwamba, tuwe na machiefs, elected. Wachaguliwe vile ilikuwa zamani. Tuwe na councillor, na ikwishie hapo.

Tena tunataka ya kwamba, mambo ya kortini, mambo ya kortini ni mambo ngumu kwa watu wetu hapa. Kwanza lugha ambayo inatumiwa kortini. Mnandi anaingia kortini. Anaulizwa uliiba ng'ombe, anasema hapana, mwenye kufanya interpretation si Mnandi, magistrate huko si Mnandi, lakini wanaandika umekubali. Mwaka ngapi? Saba. Napendekeza hivi, tunataka ikiwezekana tuwe na Mnandi magistrate, interpreter Mnandi, na sio Mnandi peke yake, kwa mahali popote katika Kenya tuwe na watu wa hapo, hasa kwa korti ndogo. Korti ndogo ndio iko shida mingi.

Ya pili, ni kuhusu wazee, ninapendekeza ya kwamba kuna mambo mengine ambayo wazee wanaweza kusuluhisha kwa njia bora zaidi kuliko kortini. Kama mambo ya ndoa, mambo ya uridhi wa mali, hiyo ni mambo nyinyi hapa reserve, mnaweza kusuluhisha kwa njia rahisi kuliko kortini. Napendekeza ya kwamba, local courts at the lowest level, tuwe nayo ambayo wazee hawa watakuwa wakisimamia kwa mambo kama ya ndoa, kama ya inheritance, na mambo mengine kuhusu jamii.

Jambo lingine ni kuhusu uzaji wa shamba. Nataka niseme hivi, mambo ya transfer ya shamba lazima ikuwe imekubaliwa na watu wote. Tuseme kama mzee anataka kuhusa shamba, lazima mama amekubali, lazima watoto wamekubali, ndio mambo yaende land control board. Na ninataka hiyo kwanza ipitie kwa mzee wa mitaa, ipitie kwa assistance chief. Ipitie chief iende sasa land control board. Isipopita hapo, vile itafanywa uko mbele si halali. Na kwa hayo machache, ninaunga mkono mapendekezo ambayo yametolewa hapo awali. Asante.

Com. Maranga: Hon. Sego, I want to really get a very firm recommendation on the issue of land. Because the areas you have touched is now may be having over one million Kenyans. That means, Muhoroni, Kiboswa, Kakamega, Webuye, Uasin Gishu and Timboroa. Are you being realistic? I want your way forward sir. I want how as a commission we can deal with that. Because the moment we start displacing people from Webuye, telling them this is Nandi land, you know they will resist and they will give us another story, the same with Uasin Gishu, Kakamega and so on. That is question number one.

Question number two, you are talking about land transfer, if it goes from the assistant chief, to the chief, finally to the land board. You know very well that this are the same people whom you have said are very corrupt. How about even assistant chief or a chief refuses to sign and yet the family as agreed?

Hon. Sengo: Let me start from the last one. I have said the members of the land control board in my proposal should be locals, so if it does not go through the chief, definitely you will go to the board. The board will definitely consider, but we are trying to avoid disputes in the processes. Whereby, one part sneaks to the land control board, when the others are not aware. So the village elder is the grassroot fellow. He knows who is who; he knows what is happening there. Secondly, whether we like it, Hon. Commissioners, we need social justice. The people of Nandi have been the deprived of their properties. You have heard, submission from the floor, that, the Nandi fought for these properties, but unfortunately, they were taken away from them, by the colonial Government. What we expected the independence Government, on attaining independence is to return these properties to the People of Nandi and other people in Kenya. So it does not matter, what we want is justice. That is the bottom line.

Com. Abida: Okay, Mr. Sengo, another clarification, on the issue of Land Control Board, at the moment, as much as the DO, or the DC is the chairperson, you have locals who seat with him, and the biggest problem that we have heard from other people is that the land board is very corrupt, so am wondering whether we will solve that problem, by removing the DC and putting somebody else as the chairperson. Currently, the practice is, if you want to sell an agricultural land, you must bring in your spouse before the consent is given. So in your formular, personally I do not see whether you are solving a problem or you are simply removing the so-called civil servants and still retaining the problem. Do we really need to go through a land control board?

The second question, I would like to have your view, as a lawyer, on the issue of succession. A number of people find it very difficult that one has to go through a court of law to be able to transfer or to divide or to inherit the property of a deceased person. How do you see it and if you think it's a long process, what do you think would be an easy alternative for people.

Hon. Sengo: On the first limb, I wish to say that we have got leaving examples of corruption in the land control boards, we had the Kapsabet municipality land control board, which unfortunately made several illegal transactions. The petitions to the Minister for land and the same was dissolved. I don't want to go into details, because it creates a lot interesting emotions, especially within Kapsabet, they once a civil servant who I must say corruptly approved transactions, wazee could meet during the day, they approve whatever transaction were there. When he prepares the names he brings of course his own transactions from whichever source, for whatever reasons. So much as much as you may be saying, we are tranfering the problem from one fellow to the other, I feel that, because there are locals, the problem will have been minimized. We will be able to deal with this our man and not a civil servant whose control is above us.

On the issue of succession I must say the procedure we have got now is cumbersome. It is cumbersome to extend that, as we are talking now, I know of properties, which have not being inherited for the last 20 years. Because of the expense involved. I would have wanted a simplified system whereby the wazee from the village, the clan would sit and decide who is best to inherit these properties.

Com. Mosonik: *Amache ane asome ale kimache ke chakyin, tako chang' bik kemache chitugul komwa kityo kit ne makta ak kikachini chitugul minitit akenge mat kosir oeng' asikesich tugul kasar kemwa chekimaktai. Christine Setenei, Geoffrey Letin, David koech, Clement Lelei.*

Clement Lelei: Commissioners, I will only highlight, certain areas, or at least what have written here, so that I can hand over the paper and you can look through it. My name is Clement K. Lelei. Ideas and suggestions: protection of individual rights should be fully entrenched in the Constitution. Rights to life and to own property. Illegal entry into people's premises and unlawful arrest should be outlawed.

Com. Mosonik: Since you have them on paper and you have an idea what individual rights are, just say protection of individual rights and then you go to the next point.

Clement: The other one is the land issue. Has being a bone of contention for a long time. And I said individuals should not own large tracks of land, which are not fully utilized. When land becomes available, the landless should be given priority in the distribution. Very deserving cases should be given consideration first. When land becomes available in a given area, the local should benefit. That there should not be a person from outside, who should come and be considered for an issue of land which occurs here in Nandi or rather here in Mogoon. When the land is acquired for a genuine purpose, the individual should be adequately compensated immediately. I suggest further that compensation should be land for land, not cash money. We have seen people who have been given money and then they just finish that money and then they become landless.

Com. Mosonik: Excuse me, you know you are now reading, I want you, since you wrote it put it aside and just say.

Clement: The other one is culture: culture is very important in any society and within this Constitution, culture of a given should be preserved. Because, it is the culture, which makes a nation. It is the culture, which makes the people. The Constitution should actually be able to spell out very clearly the corruption, which has actually taken a lot of our people.

Another one is the Constitution should be ways and means of reducing unemployment. And I suggest that it should be 'one man one job'. Thank you.

Com. Mosonik: Asante sana, Eleen Chaleg'at:

Eleen Chaleg'at: I want to thank you all for this opportunity, thank you for coming to our place. So, I have some three views to make concerning women and girl. I am Eleen Chaleg'at. I have strong feelings concerning women and girls because have seen how they leaving in Nandi, how women are being domestic slaves and I think slaverly is a practice that ended long time

ago. So we women we have been quite, because nobody can listen to us. I would like to suggest that Christian organizations like churches should give us women who are strong. Who can listen us, also I suggest that we have women courts that will deal with issues concerning women.

Another thing is about girls, you know girls are considered as a minority, you know boy they go to circumcision they become men, but girls we do not want FGM again in order to become women. If you are girl, I think you can also be a woman without going through FGM, so what I propose here is girls should be given equal education like men, if you want a college, like military college, we should be given equal opportunity. The fact that we wear skirts does not mean that we cannot be policemen. The fact that we are girls does not mean that we cannot hold a gun, so a time will come when we will need to protect our own women at home and children. So let us be given equal opportunity.

And then about children: a child is a child, whether he is born in or out of wedlock or the parents are married, that fact remains she is a child. So their fathers and their mothers, irrespective of the parent's status of marriage, should give these children equal responsibility. Okay, being out of experience, I am a single mother, I have one kid, I struggle a lot, financial certainty, unemployment, my parents are not able and this money is unable to take care of the kid, he is not working, so there is no salary which can be attached so that I can take care of the kid. He is a farmer but he is able. The fact remains, if the source of income is employment, the source of income of a farmer is the land, so why can't the property be divided to the kid so that I can take care of him, because he needs education just like any other. He needs good health and extra.

Another thing, we have here, is property ownership, many people have said we need, things like title deed should bear the names of the husbands and wife to prevent grabbing. This will help women a lot in taking care of their children, especially widows. Single mothers are not single mothers just because they gave birth to children outside wedlock, they can be single because they are widows. So they should be protected together with their children.

Another thing is corruption, if Constitution review are true with their work, they make this law and they say this the law, but the fact remains, there is a problem corruption now is above the law, so we need to curb corruption first before anything else. We need churches to choose representative in district levels to curb corruption. Thank you.

Com. Abida: Eleen, I do not want to ask you a question, but I want to draw your attention to the fact that, there is a very good law, that has come up, known as the Childrens' Act. Get somebody to give you a copy of that and you will find solution before you wait for the new Constitution to come up.

Eleen: Thank you, have read on that and in fact I am almost filing a case against my father's kid, but the problem is, have never gone through the grassroots. What the old men tell me is, we have never heard of such a thing, so there is nothing we can do about.

Com. Abida: Go to the family court.

Eleen: Another problem is we do not know, so we need workshop to sensitize women and girls concerning their rights. So we need these workshops very badly.

Com. Mosonik: Thank you, next is Rachael Ng'etich, hayuko, Ng'elese.

Kimibel Arap Ng'elese: *Changei chepyosok ak lagoi, anendet kekurenon Kimibei arap Ng'elese.*

Translator: Mimi naitwa Kimibel Ng'elese.

Ng'elese: *Anendet amache ng'atutik chu koba akoi Nairobi.*

Translator: Ninataka Tume wakati itakapa rudi Nairobi ifuatilie mambo yetu kwa makini.

Ng'elese: *Amun melen kokimi puch, kokimi ak ng'atutik agoi.*

Translator: Kwa sababu tumekuwa na sheria yetu.

Ng'elese: *Amwae akoba area ne nyonet ye king'eten.*

Translator: Ninasema, kuhusu, mipaka yetu.

Ng'elese: *Ko en olinyonet ko kigenyoru mpakainyon kemache kityo kenai kele mabete.*

Translator: Tulipopata uhuru mpaka yetu ilikuwa inajulikana.

Ng'elese: *Ako ko ng'eten ingunon,ko yu bore Muhoroni kokimakekuren Muhoroni, kikuren Murubet.*

Translator: Na kuanzia Muhoroni, ilikuwa haiitwi Muhoroni, ilikuwa inaitwa Murubet.

Ng'elese: *Koingo tokos kamasia konyo Tinderet.*

Translator: Na tukija sehemu ya juu, Kamasha inakuwa Tinderet.

Ng'elese: *Konyo Tindiret konyo kowa agoi Ainabtek.*

Translator: Kuanzia Tindilet, tunaenda mpaka Ainabtek au mto wa tek.

Ng'elese: *Ye nyokonyo ngunon konyo koriomas.*

Translator: Kuanzia hapo inakuwa mpaka -----

Ng'elese: *Konyo kebe Sigois. T ulwet.*

Translator: Tunaenda mpaka mlima wa -----

Ng'elese: *Amun en tulwanon tugul kokikilali mat ak keruye si kelany tulwet ake.*

Translator: Kwa hayo, milima yote tulikuwa tunawakisha moto juu yake hata tunalala huko.

Ng'elese: *Akityo kebe akoi Ndakisir.*

Translator: Kuanzia hapo tunaenda mpaka- Ndakisir

Ng'elese: *Ndakisir ,karona imuny.*

Translator: Mahali panaitwa Karona au chini ya mahali panaitwa karona.

Ng'elese: *Kenam ainet Ab Moiben.*

Translator: Tunafuata mto wa Moibeni.

Ng'elese: *Ye kakenam ainet ab Moiben, kebe agoi Moi's bridge.*

Translator: Tunafuata huo mto mpaka mji wa Moi's bridge.

Ng'elese: *Kebe kamogoiwa.*

Translator: Tunaenda mpaka Kamogoiwa.

Ng'elese: *Kebe tulwenyon kelelmat, Kilibas.*

Translator: Tunaenda mpaka mlima wa Kilibosi, natukawakisha moto hapo.

Ng'elese: *Ak kebwan agoi kamobir.Keyemakekele.*

Translator: Tunakuja mpaka mlima wa Kamobir

Ng'elese: *Kebe agoi Chebeloi. Kebe mugel Terik.*

Translator: Tunaenda mpakaMugen upande wa Terik.

Ng'elese: *Kebe kapkeben*

Translator: Tunaenda mpaka Kapkeben.

Ng'elese: *Kechortegei Tibison.*

Translator: Tunaenda Tibison

Ng'elese: *Kebe kibikoris*

Translator: Tunaenda Kibikoris.

Ng'elese: *Kechorchi ke Muhoroni ko area neba Nandi noton.*

Translator: Tunaenda mpaka Muhoroni na hiyo ni area ya Nandi.

Ng'elese: *Kemache ng'atutichu kosib yoton.*

Translator: Na kwa hii sheria ambayo tunaongea juu yake sasa tunataka nyinyi mfuata hivyo.

Ng'elese: *Amakilelen kele sikeput sheria kele si keparge kelyan.Kisibi sheria.....*

Translator: Na tukisema tufuate hiyo sheria, hatusemi tufukuze watu, tuuwe watu, lakini tunataka ijulikane ni area ya Nandi na hata wakuje tuishi kwa Nandi.

Ng'elese: *Ko ngunon karager ale amache osib , amache osir yoton si mabetos asirchi report.....Makimache kobet.*

Translator: Hiyo tuliweka alama ya kutosha na hiyo ushahidi iko na tulitaka kitu ambacho ni cha kudumu, ya kuonyesha mpaka wetu.

Ng'elese: *Ko Katiba ne kitinye kekuren ng'atutik.*

Translator: Na hiyo ni Katiba yetu.

Ng'elese: *Kingoik murenik ko ki cham kelemen Batum.....*

Translator: Tunataka nchi yetu irudishwe hata kama wageni wanatumia wanatambua ni nchi ya Nandi.

Ng'elese: *Achekeet Nandi makionekiy acheket ketinye ng'at ut che makibare chepyoso ama kiwase kapchi.*

Translator: Sisi Wanandi, hatufukuzi mtu yeyote kwa sababu tuko na sheria ya kusema usitendee mabaya jamii fulani na hatuwai hata wanawake.

Ng'elese: *Achek Nandi kimiten bik che matinyetuguk akomi che tinye tuguk oko kimakereben che tinye tuguk,kitebie kounatan.*

Translator: Kwa sisi Wanandi tulikuwa na watu wenye mali, wengine hawana mali, lakini wale walikuwa na mali, walikuwa hawanyag'anywi.

Ng'elese: *Nitan neakere raini ko kogoik tafauti kitikin.....Echeket Nandi ko kirwkindet ko change chito en*

kapchi makiname chito en barabara.

Translator: Jambo la ajabu wakati huu ni viongozi, kama chief wanateuliwa huko Nairobi, lakini kwa mila yetu, wazee wenyewe, walikuwa wanateuwa na walikuwa wanajua nani anastahili kuongoza, lakini wakati huu, unakuta mtu ambaye hata alikuwa ni askari mahali fulani, akipewa uongozi akiingia hapa ndio anaanza kuchafua mambo.

Ng'elese: *Achek kewu chumbek kutin ni nyonet ko tindo masharti. Ko ogot arap Manyehi ne kiindochin Nandi, kingo pakach koib werinyin*

Translator: Uongozi wetu ulikuwa na marsharti kamili ambayo yalikuwa yanatambulika. Kwa sababu tulikuwa na mzee Manyehi ambaye alikuwa naongoza Nandi na alipowacha kijana yake ndiye anachukua usukani si mtu yeyote.

Ng'elese: *Ng'aliot ak e ko makemache chit one kiyagunen Nairiobi. Kongunon muren che kikilewnen konyakuani tuguk ama ibwech keam tugul.....*

Translator: Jambo lingine ni kuhusu Wajumbe tunaowachagua, tukiwachagua wanaenda Nairobi, wananyakua mali yote, hakuna hata chochote anatuletea sisi upande huu, tunataka vile ilikuwa hata zamani, ukiwa na mali vile vile mnakula na wenzako.

Ng'elese: *acheken keny orun bendo kename kelumdoi longet akityo kinemu rotwet.....*

Translator:

Ng'elese: *kiakwang' ngot mi age nakurkure en yu, kilal sitimani kikinde Nandi kwen. Lakini miten korab mweshimiwa ineken lakini mami kamastaake.*

Translator: Ninashangaa, juu ya sitima ambayo iko hapa Lesos, lakini jambo la kushangaza ni ya kwamba, utakuta ni kwa mheshimiwa peke yake ambapo utaona taa ya sitima na upande mwingine iko giza.

Ng'elese: *Kasom keibwech sitimet, kitinye tug ache kialdai lakini mami sitimet.*

Translator: Jambo. Mimi naomba ya kwamba, tuletewe sitima, tuko na ng'ombe ya kuuza ili stima ikuje, lakini hatujui stima iko wapi, lakini ng'ombe iko.

Ng'elese: *Ako mi ng'aliot akenge, mi kit ne chabe bik en karikwak. Kipendi ak keye.*

Translator: Anasema iko kitu ingine ambao watu wanatengeneza kwa nyumba yao. Unaenda huko unakunywa.

Ng'elese: *Maiwek choton koye lagokyok ak koIpetsie lagokyok.*

Translator: Na hiyo pombe inaanza kuharibu watoto wetu, na kupoteza watoto wetu.

Ng'elese: *Kikiye maiwek lakini kimakeyei kouni, onge ye mutyo. Ko na kesune ko akenge,oib Ng'atutik chu tugul agoi olin toror. Moiwe agetugul. Monyokorekitu mami ki naye ak atebet ne kararan.Kongoi.*

Translator: La mwisho hii sheria tunataka itungwe ni vile sisi, tumetunga kwa upande huu, haitungwi uko mbele na hatutaki kufunguza mtu yeyote, tunataka tu mambo yetu yaende vile tumesema.

Com. Mosonik: *Kimache ingunon Francis seurei, Justice seror* ,Sasa we want to give you exactly one-minute na utupatie hiyo memorandum.

Justis Cherop: My name is Justis Cherop, I would like to highlight on a few things. One is on the Constitution itself. The Constitution should be a permanent document; it should be a document that remains for even two hundred years. The American Constitution was made about three hundred years ago and it is still standing. We want a Constitution that will not be a playing thing of the Parliamentarians. We want a constitution that is simple for people to understand. Because it is the basic law of these land.

The type of Government, I propose that we have a Federal type of Government. Where we have two Houses, we have the Senate and the House of Representative. We should also have a Parliamentary Government, not Presidential. The President should be ceremonial; he should not have so many powers, like in India.

Elections: all candidates for Parliament should be between 30 and 70 years. At 30 years will have reached maturity, over 70years that one is I think senile. Elected representative can have their chance for a maximum of two terms of five years. The same for councillors, and they should be educated. MPs should be graduates, having a good academic excellent. Councillors also should be at least O – level, C+ and above, we do not want illiterate councillors. Mayors also should be over 35 years and should be over 70 years. Elections should be the same as for MPs and the other councillors.

Political parties, there should be a limited number of political parties, I propose three to four and they should be public funded, there should be no party that claims supremacy over the other. All political parties are the same. Salaries: They should determine MPs and councillor salaries, but the beneficiaries should not be the seating councillors or the seating MPs. It should be the next ones, those who propose should not benefit. It is the over team that will benefit. The aim is to prevent people from,

taking a lot of money from the Government. I had a lot to say, but I will say about land. The local natives should own Land. Like in Nandi, the area that was defined by somebody, that land should belong to the Nandi's only. Others can exploit it, but they have no right of ownership, and the Nandi's can remove them out, when there are not desirable.

Com. Mosonik: Asante sana, Fredric Bore.

Fredrik Bore: My names are Fredrik Bore, now I have my memorandum and I will just say a few. Economy: If the economy growth of this country is less than 3%, then the Government should resign automatically. The mayor should be elected directly by the people. He should be over 35years; he should be a university graduate, especially a lawyer or LB degree. The second thing, the MPs if elected to go to Parliament and then he defects to another party, then this MP should come back home and there should be no by-election, what should happen is that, the second fellow who was his opponent will be the automatically the MP for the are. For non-performing Member of Parliament, there should be a vote of no confidence. At the moment we have 222 Members of Parliament, I propose that we include the following: one should come from the youth, and these youth should be a university student. And then we have another one from the military, we have one from the disabled, we have from the women section.

Executive: The President should be elected directly by the people and he should not be a Member of Parliament. The President that is elected should be over 35 years, he should be married and his wife should be the first lady of this nation. The President should not be the chancellor of any university; he should be a member of board of any institution. He should be in anyway linked to any institution of this country, but except should be only the President. Harambees should be discouraged, this normally contributes towards corruption, this should be taken care of by the DDC. The Harambees should be removed completely; it contributes towards corruption and sycophacy. If any member or any person willing to contribute towards the nation, he shoud sent the money should go directly to the Treasury. And fellow who is over 55 years, he is legible to a pension.

Whether you have been working in the Government or not, you have been working for the Government even if you are a farmer.

For the MPs, their salary, the basic should be Kshs. 200,000, the growth domestic product of this constituency, plus what he has contributed in the Parliament. They should go to the salary of a Member of Parliament. This is to make sure that all the Members of Parliament that we have should contribute towards any motion that being tabled in Parliament. Those are my few recommendations that I wanted.

Com. Mosonik: Okay: At this point tungependa kusikiza Mheshimiwa, Mbunge wa Emgwen. *Mweshimiwa Joseph arap Leting.*

Hon. Joseph Arap Leting: Chairman of the Constituency Committee, Commissioners lead by the Chairman, ladies and Gentlemen, *Chamgei tugul.*

What I am saying, you might have wondering when it Leting contributes his part of the contribution. I would like to assure you that yesterday at Kapsabet I was given a chance and I represented by memorandum and explanation. Now I was here today just to see the things are going as planned. Because I am the overall chairman of the Committee of Emgwen constituency, we chose this hall because we do not have a big hall for sitting many people the way you are sitting here. I would like to thank the Tinderet people for allowing us to use their hall for these contributions, which are actually for betterment of the Nandi.

I have enjoyed listening yesterday and today, what the Nandi's want, how the leaders should behave. I am also learning from mistakes of the past, as enumerated by most of you who have spoken. I am also learning something about Nandi history, so that as a leader I know as much as I can.

What I am saying, this is a moment that will never come again. Make the best use of today's facility to say all that you want to say about Constitution. On thing that this meeting has done, is for many people to discover that there was something called Constitution. The majority of people have never seen the current Constitution and imagine is now about 40 years since independence and the people have never been forced to look at the Constitution or what the Constitution contains or what it is saying.

Constitution as you have been told is a very important document that carries the nation. I am glad that a lot of contributions will have to go into the constitution like describing who are the Nandi's; I would like to strengthen what I have heard from your contributions of yesterday and today. We are the only people in Kenya, Masaai, and we that were in the World encyclopedia if you read the word encyclopedia they describe who the Nandi was. So I am glad that you are bringing a point, which has to be followed. Some of them look difficult but we will fight to get it, especially the question of land.

The question of land: we have lost land more than anybody in Kenya because of what happened at the beginning of the last century. We want to use the Constitution, to recover, or to be recognized, otherwise, if our proposal, especially about land are not met, I assure you, we in Nandi we will not sign the Constitution. Because as Mr. Ng'elese says, there is enough evidence for our claims, one of the evidence is the name of the places. *Kamwa boyondonon Chebeloi, Chebeloi* I used to read in the colonial history that it was part of Nandi, but I do not know how it went to another place and many others.

Without wasting most of your time, I was simply to tell you that have already contributed. I am with you, I am with everybody and we are helping, we will back up what you have said with evidence. So because they're many people who are going to contribute, I would like to thank you very much for turning up and for your contributions on behalf of of the MPs of Nandi. Thanks a lot.

Com. Mosonik: *Mwachin bik chon ke mwa en kutit.*

Hon. Leting: *Abwati ale mi bik che makase Kiswahili amakase kingereza. Omut komagas ngap komamitten full session makas komwachi akoba kutit. Omache kobetyo kutit ii. Kamache ko ta ketyi che kamwa en kutit ale Kamiet kobwan ako kwagas omut ak raini ong'alali ng'alek che tam atindoi en metit akane.*

Ago nekit. Mwae kiswhili kole chit one kameto ateptanyin neba kenya koutwa. Kokamwae alelen kongoi karobwan ago karo ng'alal ako tao ng'alali. Kimi tugul. Ngot ko makigas ng'alekyok komakindei sahihi.

Minde sahihi maasaek Constitution nikiba 1962, mainde. Amun kimache koratinwek che kikireben kou Laikipia, Nakuru ak olan tugul. Konoton akine ko kasinitet ni ne kokeyai si ketebi puch ko ma aibu nia. Okonu ng'alek amewun chi ng'alion ne tinye.

Kagile kityo memwa chi, okt imbarret ko memwa imbarret, ilelen kityo imbarenichon. Kale kichanayat age kole " melen kakiwone chi, ngot komi koret ne mi sang ako ne nyon kainet ako ne nyon history kebendi maps che 1900. Komakiwone chi (clapping), makasinyon kewon chito." Kimache kityo nyokosir kainet ak kole ab Nandi District. anan ko katis kou kila. Kiwonu chi Nandiek okwek ii?

Niker okot kainaik che ba maasai che mi korani, kilyan makiwon, amun kimakililani kereben Maasaek. Kokorom ng'alechu eb Constitution. Ngatutiet ne wo. Kakatok kityo, takong'alados bik che chang' otestai oko ta ketuitosi betusiek alak kogeny kemwae ng'alek che takyingei Nandi. Kongoi.

Com. Mosonik: Wacha niseme kwa Lugha: *Kongeten omut kemiten ak mweshimiwa arap letting komituiyet ne komi Kapsabet kongetten kokaginam tuiyet kotogor keger en langat. Raini ko kagonyo ireyu oko kakomuita koteben yuton kemitugul.*

Ko ole kokebendaten kikinamen Central asi kesungukan Kenya ini tugul kochang' kebeberwek che mabwane waheshimiwa ko kounaton amache amwachi inendet kongoi nekata okwek amun ibaru kole isibi tuguk che omwae kit na kase ta kitetita Katiba asitun keyai tuiyet neba National Constitutional Conference, ole tun miten MPs ko tun kongen kit ne kikamwaita bik.

Alen kemache kewekyuin inendet kongoi amun kami yuton. Ko ng'alek kotor kemwae ketarati kele yon kagobek boisini ke bakesire tuguk tugul che komwa ak kewekwok konyo yuton. Kit ne kiguren report. Ak Constitution inoton ii kou kit ne kakigaste ak kewekwok betusiek tamanwokik lo arowek oeng', osach ongalalen ak ongat bikwok che tun bendi tuiyet newo ogasienechi-Mp akenge ak bik somok koyab district. Neba Nandi. Ko ingunon ingesib kibur tugul kouni kokararan amun tun kiyajine en let ko nyumnyumitu ko kamwae ne kata commissioners che kimi tugul ale kongoi mweshimiwa, I was just thanking him on our behalf for having attended the two days, session in his own constituency.

Ochakyi, miten boiyot akine newo akenge nekeguren Mr Bii Meto.

Please Mr. P. Melto, make your contributions in a minute. Are you ready? I know you are ready and you can summarize.

P. Meto: Thank you, Dr. Korir, I am sorry, I think Dr. Korir, happened to have been a colleague and he decided he was going to give me this chance. Otherwise I came late and I am planning to make my contributions on 16th not to day, thank you.

Com. Mosonik: Thank you very much, *Onge testai kou ye kakitestai.*

Yuku Christopher Bitok, Henry Meto, yuko, akae chonjo chonjo, lakini sasa ni Christopher Bitok. One minute please ndio tusikie kila mtu.

Christopher Bitok: Kwa majina naitwa Christopher Bitok, sehemu ambayo ningeweza kutoa habari ni kwamba, uhuru wa kuabudu, tumekuwa na shida sana wakati watoto wetu wanapoenda shule zingine ambazo wametawaliwa na makanisa mengine. Tuseme kwa mfano, kama kanisa Catholic ama kanisa Anglican, wanatoa habari ya kwamba mtoto wa kutoka kama kanisa ya Anglican ama PAG, ya kwamba anavyoendelea kusoma katika shule hiyo, ni lazima afuate masharti ya kanisa hilo. Hapo tumekuwa na shida sana, kwa sababu hatuna uhuru wa kuabudu. Lazima kama amechagua kanisa ambalo anaweza kumuomba Mwenyezi Mungu, aweze kupewa huru wa kuweza kuabudu katika siku yeyote, hata kama ni siku ya Jumamosi, apewe uhuru huo.

Jambo la pili, ningesema ya kwamba, tumeweza kuona board za shule, jamaa anaweza kutoka sehemu mbali na anachaguliwa kuwa mwenye kamati ya shule sehemu za Uasin Gishu, ambao hawezi kujua shida za wananchi wa sehemu za Uasin Gishu. Imekuwa shida sana kwa sababu anaweza kuwa kamati ya shule hiyo, anasema watoto wafukuzwe and hawezi kuelewa shida za wazazi wa huko.

Jambo lingine, ni kwamba, tunataka Chiefs, na Assistant Chiefs, wachaguliwe na wazee nyumbani. Kupitia njia ya mlolongo. Tunaweza pata watu ambao wanakuwa qualified kwa education, lakini kuunganisha watu na kuongea nao hawana kipawa hicho. So we would like to have wazee wachague assistance chief na chief. Lazima aweze kuwa recognized katika Serikali, lazima apewe hiyo jukumu kwa sababu yeye ni mwanzo wa mambo hayo yote.

Com. Mosonik: Asante, Henry Melto, hayuko, Cheriot Solit, Na Daniel Seki yuko? Robert Kosgey akae chonjo.

Cheriot Solit: My names are Cheriot Solit, I want to just give some views on the Constitution making. First and foremost we have institutions that exist in the area and in that we want, in the Constitution to state that, any existing institution in the area, should serve the people, that is, giving employment, in giving the water, in giving the electricity, and in case of any tenders, they should give the priority to the people living in that area.

Point number two, the creation of districts in Kenya was political, I want to say that any creation of district should be made by Parliament not individual, that has contributed to Nandi district being transfered to other places. The second thing, in the

Constitution making the leaders of that area, should be the local. There should no person, who should come to lead the Nandis even if he is rich. There should be no outsider, however rich. Let him do business, but not be a leader in the place.

Also I want the Constitution to make it clear that, the Government should educate the mentally sick people. And person who has retired after servicing upto the age of 55 years, his chance has expired, let him go home, let him do his business, because there many Kenyans who are graduates and are qualified to serve the Kenyans. So I want in the next Constitution that, if you have retired and you are a civil servant, goes home and work like any other Kenyan.

The other thing is declaration of wealth, if you want to become a councillor or an MP, you must declare your wealth, so that if you go to the Government and start looting, we will know that you are a thief and you deserve to be put in jail like any other person. “One man, one job”, it has been said. And to wind up, there should be no “Total man” in the Constitution. We do not want any “Total man or woman” who are protected by the Government. We need all Kenyans to be the same. Thank you.

Com. Mosonik: Let me ask you a question, hiyo declaration of wealth, umesema ni councillor na MP, na President?

Cheriot: Any leader.

Com. Mosonik: Daniel Seki, Robert Kosgey, John Koto Sogok, hayuko? Isaal Leting, Elijah Bitok.

Elijah Bitok: Wazee hawajui Kiswahili, kwa sababu hawajasoma sana, sasa nasema Nandi.

Translator: Kwa jina, ni Elijah Bitok.

Elijah: *Ng'aliot ne nyun ne mi yu.*

Translator: Maneno yangu.

Elijah: *Amwae meng'atet*

Translator: Niukaaji.

Elijah: *Ko konyo meng'atet si ko ng'et chito koaldo korenyin*

Translator: Kila mtu ako kwake.

Elijah: *Ko ingomache koyai kiy koyae chito amun mi korenyin.*

Translator: Na anavyofanya anajua anafanya akiwa kwake.

Elijah: *Ko yon kang'et chito koialde chitage koret.*

Translator: Kisha mtu mwingine akiuzia mwingine shamba.

Elijah: *konitebe chito kolelen chito koal koret.*

Translator: Unapomuuliza wewe mgeni, amakwambia nimenunua shamba.

Elijah: *Amangen chi neba emanoton.*

Translator: Na wakaaji wa hapa hawajui.

Elijah: *Achito ko chito chorine.*

Translator: Kumbe huyu mtu ni mwizi.

Elijah: *Chito ko chalwagin*

Translator: Ni mkorofi.

Elijah: *Kobaretuguk ab bik ako chore alak.*

Translator: Watu wanapogundua atakuwa ameiba na kufanya ukorofi.

Elijah: *Ingelen kele keteben bik kele kibunu ano kolelen mangen.*

Translator: Watu wanapouliza history alitoka wapi, kila mtu hajui.

Elijah: *Koingelen kewon ko kikowal kainet en olin.*

Translator: Wanapojaribu kumfukuza, amebadilisha jina, mali ni yake.

Elijah: *Ne nyin certificate neba korani ingunon.*

Translator: Title ni yake.

Elijah: *Kotemenech noton, kochang'a bichoton kot missing.*

Translator: Halafu inakuwa shida kuna watu wengi wa namna hiyo siku hizi.

Elijah: *Ingogeskei chito boiyot.*

Translator: Mzee anapoaga dunia

Elijah: *Komi agok*

Translator: Kwa watoto.

Elijah: *ingo kaangwan.*

Translator: Wawe wanne.

Elijah: *Koalda koret.*

Translator: Hao watoto wanauza mashamba.

Elijah: *Koalda koret bakoik imbar kambit.*

Translator: Wanauza mpaka hapo palikua kambi.

Elijah: *Oko mabadilishani en land board*

Translator: Na kuuza huko, hakuendi kubadilishwe kwa land board.

Elijah: *Kongunon ngap koalda koret okobik angwan ana ko mut, koyaene bichuton oko bik che meng'echen.*

Translator: Sasa hao wanapouza shamba na wako wanne ama watano, watafanya nini na bado wako wachanga.

Elijah: *Koyach kochorsa bichuton, kokochorsa alake che tai.*

Translator: Sasa wanaanza kuwa wezi na wengine wameanza kuiba.

Elijah: *Koit nyalili korom anyun.*

Translator: Umasikini unaingia na imekuwa jambo ngumu kabisa.

Elijah: *Amun alda koret aldechin akeamakure boiyon ne bakok.*

Translator: Wanauza shamba bila kuwaeleza wazee wa mitaa.

Elijah: *Amakure kirwagik.*

Translator: Hawawaiti viongozi.

Elijah: *Koaldechike icheken*

Translator: Wanauza wenyewe kwa wenyewe.

Elijah: *Ak kobeto bet, makomi.*

Translator: Halafu wanaanza kupotea kupotea.

Elijah: *Ingelen keteb kele kikobwa bichu olinba board kewal koret kele acha.*

Translator: Unapouliza kama wameenda, kubadilisha unaambiwa hapana.

Elijah: *Let koik luget amun melen ile kigasyinbichu.*

Translator: Mwisho inakuwa vita.

Elijah: *Amun wendote olin kityo ago mi chit one alda koret.*

Translator: Anatembea na kuna mtu ambaye ameuza hiyo shamba.

Elijah: *Amache kewal ng'atutik choton amun chang' cha kerekoya kounatan.*

Translator: Kwa hivyo tunataka sheria ibadilishwe vizuri, kwa sababu kuna wengi wamefanya hivyo.

Elijah: *Ko kwal kichanaechu koret ama tebe boiyot.*

Translator: Na wanauza mashamba bila kuuliza mzee.

Elijah: *Malen kiba boiyot koret ne ne ngung'*

Translator: Hata mama hawamuulizi, mama akiuliza wanamchapa.

Elijah: *Ko kamwae ale yon makomi boiyot ko kaiga konam chepyoset ngecheret ab boiyot, korib korani amun ngot ko ib lagok ko taret koret.*

Translator: Kwa hivyo napendekeza kwamba mzee anapoaga dunia, mama apewe haki za kumiliki shamba, ili alinde hiyo shamba.

Elijah: *Che chuk ko chaniton che kamwae kityo.*

Translator: Hayo ni yangu asantene.

Com. Mosonik: Halafu kina mama msikize. Catherine Taalam, Margret Kata, Sara Korir, (Muiten en yon koron siakurin mama). Okay, please.

Arthanas Bwolei: My names are Arthanas Bwolei, first of all I would like to thank you commissioners for having come to Mogoon to listen to our views. I would like to present a few points touching on land and property rights.

- I propose that land should be owned by the State and that a registered land should be divided amongst, parents, children, regardless of their sex. In the case of a demise of one spouse, the remaining spouse should automatically own

the land and let on the remaining spouse to sub-divide the land to his/her siblings equitably.

- Natural resources: forest; I propose that in Kenya any place that receives a rainfall of about 750mm should have 10% of the land being under trees, so as to encourage the good keeping of the environment.
- On education I propose that the old system of education of 7.6.3, should be brought back. I also propose that on education national schools should take equal number of children from all the districts to discourage this aspect whereby some children from specific Provinces which have got a lot of national schools take children from those areas.
- I also propose that traditional system of conflict resolution should be enforceable in law. For example resolution of conflict and cleansing ceremony should be done as per communities requirements.
- I also propose on land transfer: that land transfer should be on consensus between the buyer and the seller, that is if there is a consensus between the buyer and the seller, then there should be automatic land transfer between the two, but there should be witnesses. That is the wife of the buyer and the wife of the seller must consent to that and also the children, at least one child, to countersign on that. Also on land ownership, there should be a ceiling to the number of acreage that an individual should have. I propose that thousand acres should be the highest number of acres that an individual should own in Kenya.
- I also propose that on MPs, if an MP does not serve the electorate, then the electorate have got a right to call back that MP by collecting three thousand signatures and then they forward the signatures to the clerk of the National Assembly and later on the MP should resign and a by-election should be called there after. If the same MP loses the by-election, he should meet the cost of the by-election. If he wins the by-election then he should meet half the cost of the by-election.
- I also propose that Nandi land should be registered as Nandi Country. That is as per what the old men have said, that is demarcation of Nandi land, then it should be registered as Nandi country and the National IDs should bear this: if you come from that area, then it should bear you come from Nandi country and any alien who is non-Nandi should be issued with a pass, such that he will be paying some tax to the area that he comes from. If he owns land there, then he should pay tax on that land so as to benefit the local community.

Thank you for those few remarks.

Com. Mosonik: A question, the first thing you said about land, that it should be owned by the State. Now you are saying, Nandi should be Nandi country, so is it the state, because if it is the State, it will decide otherwise, is it the state or the community that you would like to see as the ultimate owner.

Arthanas: I am talking on the IDs that is the issuance of ID, it should bear that you come from Nandi country.

Com. Mosonik: But you see, you are not answering my question. You have said, the outsiders in Nandi country, should be issued with passes, otherwise they do not belong to Nandi country.

Arthanas: Le me strike my first point. By saying that individuals and not the State should own land.

Com. Maranga: Just a minute, you are saying, Nandi country to issue passes to the people who are going to stay in Nandi country. I am asking, you as a learned person, are you considering how many Nandis who are outside Nandi country, what would they do, they should also be issued with passes?

Arthanas: Yes.

Com. Mosonik: Mama ni Sarah na Margret.

Margret Kataa: *Kongoi moising, kongoi en baraini.kaine nyun ko Margret Kataa.*

Translator: Jina langu ni Margret Kataa.

Margret: *Kamwae kongoi amun kagetuye tugul.*

Translator: Nasema asante, kwa kuwa tumekutana sisi sote.

Margret: *Atebe boisiek atebosiek che kiba kenya le ile kowalak emet mako Nandi kou yekinye.*

Translator: Ninauliza wazee, mambo yetu ya zamani vile tulikuwa tunakaa, mambo yamebadilika siku hizi.

Margret: *Wendi lakwa kob chi sikele kakonyo k oak kiitu amakinge kombot lakwet. Makibendi komakiba koito.*

Translator: Msichana unakuta amekuja kwa kijana na anasema ni bibi na hawajafanya ndoa.

Margret: *Ko noton na tebe Nandiek, ale kale lakwet kawe koita, ingebe koita, mang'en kwan kole ano, amalechi kwan kero koindon koron kap bamwai.*

Translator: Na kijana anasema tuende tuombe msichana kwa wazazi wake na baba yake hajui hata ni wapi.

Margret: *tun kakilany karit korirat boiyot, ak kolelen ano yekebendi, lem anan*

Translator: Na wakati mzee anakubali kuenda nyumbani kwa msichana, mzee analalamika tunaenda wapi, sijui tunaenda kwa Waluhya, tunaenda kwa Wajaluo, tunaenda wapi?

Margret: *konoton nekatebe ale otibi kou yekinye, makibu lakwet ab bik konyo komakibakoita si ke ganda tuga.*

Translator: Na kitu mimi naomba tu, wao vijana wasilete msichana wa wenyewe kabla mzazi hajaenda kwa wazazi wake.

Margret: *ko ngunon kararan keba koita kesom lakwet ab bik.*

Translator: Si vizuri kuchukua mtoto wa mwenyewe kabla haujakubaliwa, vile ilikuwa.

Margret: *Noton anyun ne kateben boisiek.*

Translator: Na hiyo ndio nauliza wazee.

Margret: *Ko murenik akichek koyachen amun imuti lakwet ab chitu.*

Translator: Na wanaume hata ni mbaya, kwa kuwa wanaenda, kunyakuwa mtoto wa mwenyewe tu.

Margret: *Ni nengung' mutai.*

Translator: Na yako kesho?

Margret: *keberberi lakwet kaisom. Konoton na tebe kichanaek, kibendi koita.*

Translator: Na kitu mimi nahimiza vijana wafanye wasilete mtoto wa wenyewe kabla hawajakubaliwa na wazazi wake.

Margret: *Ko noton anyun ne kamwae, uwon kagas.*

Translator: Na hiyo ndio nataka nieleze nyinyi msikie.

Margret: *Ko chepyosok akichek ingimut lakwet ko yeit kole maramache niton ingecheng' ake.*

Translator: Na kitu wanafanya, wanaenda kuleta mtoto wa mwenyewe anakaa, kidogo, wanasema hawataki tena.

Margret: *Ip kecheng' ake.*

Translator: Twende tutafute mwingine.

Margret: *Ko nonon ko lakwet ab chito melen ile kikwaate. makikwae lakwet ab chi.*

Translator: Na mtoto wa wenyewe si mtoto wa kurokota, hakuna mtoto wa kurokota.

Margret: *Koutien chepyoset kole kikisiche ak kitun.*

Translator: Na huyo mama ambaye alienda kurokota mama wa kijana amesahau hata yeye mwenyewe hakurokotwa aliolewa.

Margret: *konoton che kamache aibwa lagochu.*

Translator: Na hiyo ndi mimi nataka.

Margret: *Ak boisiek, onge tebi atabet ab Nandi.*

Translator: Tunataka desturi zetu ya Nandi vile ilikuwa.

Com. Abida: Mama sheria ya Kenya inasema, watu kijana na msichana wanaweza kuenda kwa DO na wakafunga ndoa bila kuusisha wazee. Hiyo ni mbaya ama ni sawa.

Translator: *Kaso kogo, kagile ii, egosiwechu kongeten murennon, konam cheptob koin koba kap DO ak kotun gei, kararan kiyoton anan makararan.*

Margret: *Sip kesome lakwet ab chi.*

Translator: Si mzuri, lazima muende muombe wenyewe.

Margret: Hata kabila gani.

Com. Mosonik: *Kagemwa kongoi missing mama. Sara yuko? Priscicah Koech.*

Sarah Korir: *Kaine nyun ko Sara Kolil.*

Translator: Jina langu ni Sarah Kolil.

Sarah: *Kokit ne kakimwae ko kakimwae kongoi en okwek bik che kobwan. Abwati ale tom kegere alamaliet ne nyone ne ng'eten Nairobi.*

Translator: Tunasema asante kwa nyinyi kuja hapa, hatujaona wageni kama nyinyi kutoka Nairobi hapa.

Sarah: *Abwati ale kotos Campaign anan ng'al che une?*

Translator: Mimi nataka niulize, vile mmekuja ni campaign au mambo ya aina gani mmekuja hapa kufanya?

Sarah: *Ko ngot ko ka campaign anan kone ko kit ne kisomok no bwane oli kebwane tumdo iman ngamun nyo kebendi koito chepto. ko ye kibendi ko mato kwaiwek bik che chang' che ibu rabisiek kobarenech lagok.*

Translator: Ikiwa ni campaign au ikiwa ni jambo lingine kwa sababu lazima mkuje muombe, kitu tunaomba, msituletee pesa.

Sarah: *Ingunon kijanaek omut kakigas kele obwane, abwati ale kachobok konam tuguk*

Translator: Mimi nafikiria ya kwamba kwa sababu vijana walikuwa wamesikia mnakuja walikuwa wamejitayarisha kupokea pesa hapa.

Sarah: *Ko kit ne unon, kelemen sahau maneno namna hiyo, ogo ingobwa koita bik kokikibendi, kimakeale ng'eliab.*

Translator: Kitu tunasema, ni ya kwamba, wale wanataka kupigania kiti wakuje na kulingana na kimila yetu, hatunui uongozi, ungozi si ya kuuzwa.

Sarah: *Ko kit ne kisome kora kesomok, ko kobwa borwek kochang'- cheptikanet, sipitalisiek kokoromitun kabisa.konegimwae kelemen ogerech serikalit.*

Translator: Kitu tunaomba ni ya kwamba, iko magonjwa mingi, imekuja siku hizi na mambo ya hospitali imekuwa mambo ngumu, tunaomba Serikali itusaidie kwa line hiyo.

Sarah: *Amun wendi chito ne ngeten kot komamikiy ne kinemu.imuch chito ingo mi kurgat yon kelenji lete pesa.Pesa hakuna , chito komache kome ago michi yon.*

Translator: Kwa sababu mgonjwa anapelekwa mpaka hospitali, kufika mlangoni wenye hospitali wanaitisha pesa na huyu hana pesa. Mtu anakufa hapo nje kwa sababu hawezi kuingizwa bila pesa.

Sarah: *konikilelen kongoi amun koobwan. Otaretech Serikalit. Otaret serikali koger bik ak o chuchut tugukalak che mee chito amun makiale chi.*

Translator: Tunasema asante, na tunaomba ya kwamba Serikali itusaidie kwa sababu watu wanaweza kufa bure hata mtu akikufa, hakuna mahali ya kununua mtu mwingine.

Sarah: *Amun koobwane ko kogurok Mungu ak kole si kemwa.Ko Nandi ko makomi nandiek Nandi. Kikoik chang' anyiko maalum. Makiguyo ng'o ak ng'o. Ko nguno komibik che maimuche kei. Mi chit one kime kwan koming'in. Kamet ko ming'in mamuche kosoita lakwet. Kobetusiek che kimi tai ko..*

Translator: Mambo siku hizi imebadilika, Nandi si kama zamani, watu wengine hawana wazazi wao walikufa wakati walikuwa wachanga an wanaitaji usaidizi.

Sarah: *Ko kikeny ko ki betusiek alak kegase kelemen mi ...*

Translator: Na kwa hivyo napendekeza ya kwamba Serikali iwe na mpango wa kusaidia watu wa aina hiyo.

Sarah: *netesei ko mi ibinwek inje ngunon. Mi kaplalachindet, mi keindet ii,ak komi barak. Ruitos en ketik barakmamikiy nekeyae. Kokoratinwek chon komwae olele kata kigere kelyon kokotakigere bichoton.*

Translator: Na jambo lingine ni la kwamba kuna rika mbili ya hapa Nandi ambao hawana makao, hawana mashamba na kwa like pendekezo tulisema kuhusu mashamba ya Nandi, hiyo ni jambo lazima lifuatwe kwa makini.

Sarah: *ko nda kibutu forestry,kokokimuchi kegur bichoton kekwai kabilet chu mengech amun kisiche bik, kotesakse bik ama tesaksei koret.*

Translator: Hata tukipata mali kwa misitu, ingalikuwa afadhali wakumbukwe, kwa sababu watu wanaongezeka na shamba hakuna.

Sarah: *ko kiyoton nekemwae kele ogerwech ng'aliondonoton.*

Translator: Hiyo ndio maombi ambayo tunataka mpeleke huko mbele, ichunguzwe.

Sarah: *Kisome ng'aliondonon amun chang' bik.*

Translator: Watu wameongezeka hivi karibu na hakuna mahali wanaweza kaa, tafadhali muangalie hilo jambo.

Sarah: *Kochon ba tibik cho kilelen chepto ak ng'etet koaechin. Hakuna maneno kama hiyo. Chepto kowendi konyin .*

Translator: Jambo lingine ni kuhusu vijana na wasichana, msiwachukue hao kuwa sawa, kwa sababu msichana ataolewa na aende kwake.

Sarah: *Kigisir koikeit noton amun,*

Translator: Na iliandikwa hivyo.

Sarah: *Ingunon ko kase itik kole kaiman asikonget kogetke sigik puch. Chepto kowendi konyin bilashaka.*

Translator: Msichana aende kwake.

Sarah: *Okot indaimuti ingo lemindet ii, ango chepyoso, komatinye mpaka.*

Translator: Hakuna shida hata akiolewa na mama mwingine au mtu kutoka kabila ingine wacha aende.

Sarah: *Ng'o karetoi ng'o kawendi ano chichok, komolen oberber kebutyi lakwe imbaret. Hapana maneno kama hiyo.*

Translator: kwa hivyo, napendekeza ya kwamba huyu msichana hasidanganywe ya kwamba atapata shamba, yeye ni mtu wa kwenda.

Sarah: *Mujumbe komato yakwech tuguk cho yakwech en olin ak rabinik nyo kobar lagok.kikue kouyekokimache. Chi nyon ko kotomkokosan ko ne nyon ko ne nyon. Mobut kerich che kakinam kamasi akenam kamasi. Mutai korun kele kaitunen ni karabinik, kokwendot koye maiwek saidi kobe mutai tabek wakati betut non kiwirto kurayat.Ko kan kewirta kurayat ra, komi neb a rabiyet konye, kobwa lagok kogetech.Nyo ko ketat bik.*

Translator: Na mama anasema mambo ya pesa wakati wa uchaguzi ni kitu mbaya kwa sababu vijana, wanakunywa pombe

wakati wa campaign, campaign ikiisha, vijana wanakuja sasa kuwapiga hao akina mama na Mjumbe ameenda tayari.

Sarah: *Ako ko kwa chito kasinyin. Konoton namache ogoigoi Serikalit. Orip komie. Kikikue bik kong'eten keny. Kong'eten kaplelach komi kandoindet. Ko kikikue werit ab kap anum kele kakinem mami.*

Translator: Tangu zamani tumekuwa na uchaguzi na watu wenyewe walikuwa anaamua kijana wa Fulani ndiye anakuwa kiongozi wetu. Walikuwa wanajua wenyewe.

Sarah: *ko emet kotako bik ko chukiche, melelen kikowalak.*

Translator: Watu ni vile ilikuwa zamani hakuna kitu imebadilika.

Sarah: *Ko oyetech serikalit orib amun okwek kosumek. Seriakali ko sumek amun kitukengei ko ngot komonai orib ii, oute bik ko chang' bik che kokoik wakora.*

Translator: Na tunaomba Serikali, ifanye kazi yake kwa kulinda security ya watu kwa sababu iko wakora wengi ambao wamejitokezea, kwa sababu mambo imebadilika.

Sarah: *Serikali kokike kwai chief, subchief, mi boiyot ab kokwet. Komache kongetke nai kele kirwagindet ko ribe areainyin kot ko mabit chuki.*

Translator: Serikali imeteuwa Chief, Assistant Chief hata mzee wa mitaa na ni jukumu ya Serikali au Chief kuchunga hiyo area yake mpaka jambo lolote lisitokee.

Sarah: *Ko ng'alek chekakisomok anyun chon. Kakisomekityo kalyet konyo gaa ak oib akokwek kalyet kowa olin amun ...*

Translator: Tunaomba nyinyi bwana commissioners, mpeleke amani huko na utwachie amani upande huu.

Sarah: *Akotuk chon kakimwa tugul ii, komoweirte ne kasir amun kichuchugani chutan kotagai.*

Translator: Tunaomba nyinyi mambo yote ambayo tumesema hapa, nammeandika msitupe yeyote, chukua yote kwa makini, kwa sababu iko njia ambayo nyinyi mtatumia kujua nini ni nini.

Sarah: *Komami ng'ala che kakimwae che chang'. Kakimwae kityo oibate kounaton amo mete kiy ne kararan.*

Translator: Msiwache chochote mzuri.

Translator: *Ngete ii, kogo mache kotebenin bichu ng'aliot akenge. Si walji.*

Com. Abida: Mama uliuliza swali. Kama tumekuja kufanya campaign.

Translator: *Kakiteb ii kogo kakale kabwane bichu campaign anan kabwane ne?*

Com. Abida: Lakini nafikiria unajua kazi yetu.

Translator: *Kagile kouye kaing'alal komie, koune kengen inye boisienyon.*

Com. Abida: Na sisi wacha ni kueleze kidogo, kazi yetu.

Translator: *kale ingomwaun any boisienywan yeb it.*

Com. Abida: Wakati ambapo tulipata uhuru hii sheria kuu ya nchi ilitengenezwa Uingereza.

Translator: *Kale anyun kikenyoru katiaknatet ko ng'atutiet ne baisie ngunon kokikichoben olinba emet ab chumbek.*

Com. Abida: Na wananchi kama wewe na sisi hapa, hatukutengeneza hiyo sheria.

Translator: *Kale inye ak icheket en yu ko kimako icheket che kichobe ng'atutinoton.*

Com. Abida: Ilitengenezwa na viongozi kidogo sana.

Translator: *kichabe kandoik che kingerinenbetu noton.*

Com. Abida: Na sasa Serikali imesema kwa vile hii sheria, imebadilishwa na imeharibika.

Translator: *Kokale serikali neba emet kou ngatutiet noton ko kike walawal kot koyait.*

Com. Abida: Tunataka wananchi wenyewe watengeneze sheria ya nchi.

Translator: *Ko kounoton kemachin inye ak bik alak ochob ng'atutiet nelel*

Com. Abida: Wanataka wewe, mimi na wananchi wote watengeze sheria ambayo wanafikiria ni mzuri kuwatawala.

Translator: *Kagile anyun inye ak icheket ak bik alak kemache ko cheng' ng'atutiet ne ikere ile kararan koribin.*

Com. Abida: Kawaida, sheria inatengenezwa kwa Bunge,.

Translator: *Kagile kit ne u ko bik che kiokwai ko bik che chobe ng'atuti choton en Nairobi. Ko ngunon anyun ko kagile kikitil Bunge as en olinba Nairobi*

Com. Abida: Lakini sasa tunategeneza sheria kubwa kwa nchi inaitwa katiba.

Translator: *Ko ngunon kechabe ng'atutiet newo neba ng'atutik tugul en emani*

Com. Abida: Na hii katiba inatengenezwa na wananchi sio viongozi.

Translator: *Kongunon ng'atutiet noton ii kobik che chobe makandoik.*

Com. Abida: Sasa ndio maana tumekuja na tunafurahi sana, kwa sababu umesema maneno muhimu sana kwa Katiba. Ile yote umesema, shamba, elimu, matibabu, hayo ni maneno mazuri sana ambayo tutaweka kwa Katiba.

Translator: *Kokounaton anyun kakibaibaichi ng'alek chon kemwa chetinye kei ak somanet, che titye gei ak sipitali, ako ng'alechoton kagesir. Oko tun kindai ng'atutienoton kosir.*

Com. Abida: Na pia unaona tunaambia watu wote, wanazungumza kwa dakika moja, wewe tumekupatia dakika kumi.

Translator: *Kale bik chun alak chun koka kigachi kityo kotwek kityo kole lakini inye kagichamun ingalal agoi konegit koimen ingalali.*

Com. Abida: Na ni kwa sababu huko Lancaster kulikuwa hakuna akina mama.

Translator: *Kagile anyun olikichabe en olin ba chumba olin ko kimako mi chepyosok.*

Com. Abida: Na tunataka akina mama kama wewe, wa saidie waungane na wanaume, kutengeza nchi.

Translator: *Kounatan anyun kemache chepyosok ak boisieko ko chab ng'atutiet ne tareti emet.*

Com. Abida: Asante.

Com. Mosonik: Okay, asante mama, John Ng'etich. Dakika moja tafadhali. John Magut, baada yake na Samuel Kirwa. John Ng'etich please. Where is the microphone?

John Ng’etich: *Chamgei offisaek chu mi tai yu. Kikurenon John arap ng’ettich.*

Translator: John Arap Ng’etich.

John: *Ne nyun na mwae amwae agoba boisiek ab kokwet.*

Translator: Nina zungumza kuhusu wazee wa mitaa.

John: *Akere boiyot ab kokwet ale ine en ngalek che chang’ kot komanda serikali ng’alek cheba iman.*

Translator: Ninaona ya kwamba mzee wa mitaa ndiye anafanya mambo mingi, mpaka inaingia huko kwa Serikali, mpaka maneno ya ukweli yanaingia kwa Serikali.

John: *Lakini assistant chief ko mi yu lakini mayae kiy.*

Translator: Lakini Assistant Chief yuko na afanyi lolote.

John: *Boiyot ab kokwet ak chief mwenyewe ko bik cheyae haki.*

Translator: Watu wanaofanya kazi ni mzee wa mitaa na Chief mwenyewe.

John: *Amun akihongani bichoton.*

Translator: Kwa sababu hawa hawakuli rushwa.

John: *Ko ngunon ye nyokoger Serikali boiyot ab kokwet koam mushahara.*

Translator: Ninapendekeza ya kwamba Serikali iwalipe wazee wa mitaa mshahara.

John: *Neba oeng’ amache Nandiek, oiku Nandiek ab keny.*

Translator: Ya pili, nataka Wanandi, wawe wale Wanandi wa zamani.

John: *Kou ye kingo tawalani chumbek emani ko ngen kole Nandiek mami bik alake che ingen.*

Translator: Kwa sababu vile Wazungu walipokuja hapa waliwatambua ni Wanandi.

John: *Kibarge kenyisiek tisap ak arawek sisit.*

Translator: Wanandi walipigana na Wazungu miaka saba na miezi nane.

John: *ingunon Nandiek komakotaku.*

Translator: Watu gani tena Wazungu waliwajua, mpaka wakati huu Wanandi hata hawaonekani.

John: *Ko kit na mache ko werit che kokong'et ko mutu lakwet ab chito. Komut ye kagoit gaa ile lyo lakwani, kole amache atun. Kaiyan ii, woe. Angetakemi yutan yu kotebie lakwetab chito ilenji ingebe koitokole tom achobake. Kosikiyi lagok ye kagoik oeng' kole acha maramache.*

Translator: Jambo nataka kusema ni kuhusu vijana ambao wanaenda kuleta wasichana wa wenyewe na ukiuliza huyu kijana namna gani anasema anataka kuoa. Mnaenda kwa wazazi wa msichana na baada ya kukubaliwa na chochote hakijafanywa kijana baada ya kuzalia huyu msichana watoto wawili, kijana tena anabadilika, anasema hataki tena huyo msichana.

John: *Ak kiberbere sigindet abkoba lakwet, kakobujon kole kamwa boiyondonon kotakomi n.*

Translator: Na tayari ulikuwa umekwenda kwa mzazi wa msichana na umekubaliwa ya kwamba wataweza kuoana.

John: *Ko ngunon ingelen kimuti, kimuti ano lagok che kigesikiyi yu.*

Translator: Na huyu sasa anasema hataki tena msichana. Hawa watoto ambao wamezaa watapelekwa wapi?

John: *Ko inile makimuti lagochu, kole kiaite ne.*

Translator: Na ukimwambia hao watoto hawatarudi, kijana anasema huyu mama nimemfanyia nini.

John: *Ko ingunon ko kit ne miten koma miani ko ki Nandiek chukiche kimut lakwet ab chito sinyo ke chesanen.*

Translator: Sisi tukiwa Wanandi wa zamani hatukubali huo mtindo. Sababu kama kijana ameleta msichana mwenyewe, amezaa naye, ndio tunasema huyu sasa amekuwa ni bibi yake, amezaa naye.

John: *Kaigai komwachi mapema ko takomengech lagok kolenji acha sowa.lakini komut goi yu, ani ye kagosich lagok kolenji maramache.Karaker ale mache kinde ratutiet yoton.*

Translator: Hii iwekwe sheria ya kwamba baada ya mambo kama hayo ifanyike, huyu sasa itatabulika kwa wa mwenyewe. Si kuleta msichana wa wenyewe halafu anasema hataki, afadhali aeleze mapema. Ya kwamba hataki yeye.

John: *Kamache Nandiek kotibi kou atkinye. Nandiek kongeten 1979ak kowa let olin kokitinye Kiiton lakini kikowalak.*

Translator: Nataka Nandi wawe kama zamani, kuanzia 1979 na kwenda nyuma. Wanandi kuanzia 1979, kuja upande huu, wamebadilika.

John: *Akokimake ale kongetenyoton.*

Translator: Wakati huo Wanandi walikuwa hawanunuliwi.

John: *Ko kit ne miten ireyu kemache keigun Nandiek ak kemwa kele ki Nandi.*

Translator: Kwa hivyo, tunataka tukae tukiwa Nandi na tuseme sisi ni Wanandi.

John: *Ko kagimwa kou ye kamwa boiyon kole achek Nandi ingonyo chi korip ngo, kongalen kagelul ko makiwone.*

Translator: Vile mzungumzaji wa mbele alinena ni ya kwamba kulingana na vile tunakaa, kama mtu amekuja kuishi kwetu, tunachukua kama mmoja wetu.

John: *Ko ngomayan tumdanyon koma wo gaa.*

Translator: Na wakati tunaanza kufanya mambo yetu ya kidehuri anaweza rudi kwake.

John: *Kotenjon che chuk matinye ng'al chechang'.*

Com. Mosonik: *Aninda kimetechin murenchu amun kaimut kwony akenge akowon asikomut ake si koteasen nikan koik oeng' anan koik somok*

John: *Noton kagomut ko melele ile kamet ko ni, amun lakochu kagesich chu komamache konyaliso. Oko karatikyuk. Kokami ne ingocheng imbarenyin ak kocheng tuga maweche koito lakini tug ache libani lakwani kikomut ni abalibanjini mwenywe ako lagokyik.*

Translator: Nataka niseme hivi, kama huyu kijana ule msichana wa kwanza na amezaa naye, hakuna mahali ataenda. Mimi mzazi nitatoa ng'ombe nipeleke kwa mzazi wa msichana. Nakama kijana anataka kuleta mwanamke mwingine juu ya huyo, hakuna shida atatafuta ng'ombe ya kupeleka kwa huyo mwingine.

Com. Mosonik: Prisca Koech yuko? Na utasema Kiswahili au Kingereza.

Prisca Koech: Nitaongea Nandi, kwa majina naitwa Prisca Koech, ningependa kuwashukuru sana, kwa vile sijawai kuwaona watu wakutunga sheria kuja kwetu. Hii ni mara ya kwanza kwangu. Nanimekuwa nikijiuliza wakati wowote, hii sheria ilitungwa wapi? Sheria ambayo mtoto mdogo anaweza kusema, yale yaliopita. Yangu ningependa niseme hivi, chief apewe mamlaka, apewe ofisi kidogo, sababu watu wakifanya makosa kufika kwa polisi station, polisi wanahitaji kitu kidogo ambacho watu hawana. Kufika huko hauwezi kujua mwenye makosa ni nani. Kila mtu anaitaji kitu kidogo. Kitu kidogo hiyo inaharibu

sana Kenya yetu.

Tena ningependa kusema, kama forest kama hii iko hapa juu hivi, Wanandi wenye wanaishi hapo wagawanye hiyo wapewe. Kama nikutumia, watumie, sio watu wengine wakuje kutumia. Kama wametosheka na kutumia hiyo forest, wenyewe waamue kama ni kupeana, kama ni kufanyia nini, niwenyewe wameamua.

Kitu ingine ningependa kurudia tu kidogo, ingawa watu wengine walikuwa wamesema, ningesema kuhusu mambo ya wasichana hawa, wenye wametusumbua sana. Wanazaa nyumbani, kisha wewe mwenyewe huko na wako hapa, msichana ako na yake hapa, hauwezi kutafautisha ni nani mwenye watoto, unajukua hiyo jukumu yote inakuwa yako. Nataka mwenye kuzaa hao watoto aende na hao watoto. Kwa sababu niko na wangu. Kama hataki msichaana aende na watoto.

Com. Abida: Mama wacha ni kuulize swali. Msichana wako akizaa nyumban, unataka yule amemweka hiyo mimba achukue hule mtoto mchanga aende naye, lakini kama hataki mtoto wako, wewe uwachiwe msichana wako, si ndio? Wewe uko na uchungu na msichana wako abaki na wewe, sio? Na huyo mtoto mdogo anaenda na huyo baba ndiye baba amfanyie nini? Bora ni amsaidie msichana wako kulea, ama achukue mtoto wake aende naye?

Prisca: Kulea huyo mtoto mpaka akuwe mkubwa, amsomeshe, kama hataki huyo msichana aoe.

Com. Abida: Okay, asante, nilifikiri unasema baba achukue mtoto, hata akitupa ni sawa tu.

Prisca: Kama hata kuo a mama alee mtoto, achunge mpaka akuwe makubwa, amsomeshe, afanye chochote kwa shule. Mimi mwenyewe nimemsomesha huyu msichana yangu.

Com. Abida: Hebu nikuulize hivi, si kuna sheria imetoka saa hii, haijaka sana miezi tatu, nne, inasema kila baba mtoto, ambaye amejitambulisha ndio baba ya mtoto ni lazima alee. Sasa msichana wako, amepata mimba, anakwambia huyu ndio baba ya mtoto. Baba ya mtoto anasema mimi siye baba ya mtoto. Sasa tutamlazimisha namna gani wewe ukiona?

Prisca: Si huyu msichana amesema ni yake.

Com. Abida: na ikiwa anasema uongo, kwa sababu hata wasichana ni waongo, tutafanya aje?

Prisca: Hawezi kusema uongo kwa vile hata pengine sura yake inaonekana kwa huyo mtoto.

Com. Mosonik: John Mauti, Samuel Kirwa, Bore Fredrick, Rose Chesang, wa 3Cs, huko? Okay, please.

Rose Chesang: Kwa majina mimi naitwa Rose Chesang, mimi ni Chairlady, Kilibwoni division disabled person self help group. Nafikili mambo mengi yamesemwa jana na wenzetu, na hata leo ndio ninasema kidogo tu, kwa sababu nitapeana hii presentation yangu ndio mtaenda kusoma. Sina mengi ya kusema lakini nataka niseme, Serikali iwaonye wale watu wanazalia watoto disabled people, lazima Serikali iangalie jinsi ya kuadhibu. Nataka huyo kijana amchunge huyo msichana pamoja na mtoto wake. Sitaki hati mtoto peke yake apelekwe, lakini nataka huyo msichana na huyo mtoto apewe huyo mtu. Mimi sitaki hati aende kuchunga mtoto peke yake. Kwa sababu anaweza kusema, mimi nataka nichunge mtoto peke yake na wewe unabaki unanza kuangaika nyumbani, ndugu zako wanakuchapa wanakufukuza. Ndio mimi nataka mwenye anamzalia mtoto aende na huyo kijana na huyo mtoto. Pia nataka niseme juu ya nyumba ya disabled, Rehema house. Nataka kama wanafanya uchaguzi, wasifanye Nairobi peke yao, nataka kama wanafanya uchaguzi, waongeze sisi tukuwe official tukiwa district level, ndio tukuwe tunachunga vitu yetu peke yetu. Hatutaki watu wenye wanakuja wanasema DC ameshika huko, ama waseme vitu imekuja na disabled person hajui. Tunataka kama ni viti inatoka huko juu, mwenye anakuja kusimamia hapa district ni disable person, kwa sababu imekuwa ni siku nyingi tunasikia hiyo vitu inakuja na sometimes inachukuliwa. Sasa tunataka tupewe chairman wetu tumemchagua Nandi district, akuwe akishika hivyo viti, ndio atupee tukijua ni ukweli. Na present memorandum yangu hii, ndio mtaenda kusoma. Asante.

Com. Mosonik: Asante sana Rose, Kosgey Kiptoo wa 3Cs yuko? Emily Cheruony, please, na Gilbert Kirorio, Michael Magut and then Rotich wawe tayari.

Emily Cheruony: *kainenyun ko Emily Cheruony.*

Translator: Majina yangu ni Emily Cheruony.

Emily: *Kiratach ng'aliot ab Jehova.*

Translator: Mimi nimeokoka nimepokea neno la bwana Yesu Kristo.

Emily: *Amun kimi agoba ng'atutiet ii.*

Translator: Kwa sababu ya hii Katiba.

Emily: *Ko kondo ng'aliot ab kamuktaindet.*

Translator: Neno la bwana liongoze.

Emily: *Ak awekyin kongoi kamuktaindet.*

Translator: Namshukuru bwana kwa vile amenisaidia.

Emily: *Amun ko taretok asioyai boisioni.*

Translator: Kwa vile ametusaidia ndipo, tunapofanya kazi.

Emily: *Amun mami ne sira kamuktaindenyon ne kiyai Kipsengwet ak ngweny.*

Translator: Kwa vile hakuna anayeshinda Mungu aliyeumba mbingu na ardhi.

Emily: *Amun kakagas ng'aliot age ne kamwa age kole kipiechin chepto ak werit malik,*

Translator: Nilisikia neno moja ambalo lilisemwa na mama mmoja ya kwamba, watakao mali, baina ya mvulana na msichana.

Emily: *Ko kalen abwat kounoton ko maimukase.*

Translator: Naninasema ninakataa haiwezekani.

Emily: *Amun ki en taunet ko kiyai usotiot ak muren.*

Translator: Kwa vile Mungu, alimba bwana na mke.

Emily: *Ko kagile kituni chepto.*

Translator: Na alisema ya kwamba, msichana atawacha wazazi na aende kwa bwana yake.

Emily: *Kobaten ye ker sigikwak ko kachi kiy kitikin.*

Translator: Labda tu, yule ambaye hajafanikiwa kupata bwana, wazazi wake wamhurumie wampatie shamba.

Emily: *Alen aro komaimukase.*

Translator: Naona haiwezekani.

Emily: *Amun lagochu kokisir ,ko ba kot age.*

Translator: Kwa vile watoto ambao wamezaliwa na msichana huyu ni wa nyumba ingine.

Emily: *Ne ndakaimukse ko kabendi lagochoton kot ab chi choton kische.*

Translator: Kama ingewezekana hao watoto wa huyu msichana wangechukuliwa kwenda kwa yule aliyemzalia msichana watoto.

Emily: *ako ng'liot akengene kesome en serikalit nyon,*

Translator: Neno lingine ambalo naomba Serikali yetu.

Emily: *ko kit ne bare lagokyok si masoma,anan kongeme emetii,*

Translator: Nikitu ambao inaumiza watoto wetu ili wasisome.

Emily: *Komaiwek.*

Translator: Ni pombe.

Emily: *Aun wendi chito ko koalda ingoriet ak koalda tuguk si ko banasa lagokchi.*

Translator: Watoto wanakunywa pombe, mpaka wanauza nguo wanazovaa.

Emily: *Kot koalda ogot pilotit.*

Translator: Anauza mali yote, halafu watoto hao wanateseka.

Emily: *Konyalil lagok*

Translator: Mpaka baadaye wanauza shamba.

Emily: *ako yae Jehova ngweny asikobit ko kachi bik sikomengis.*

Translator: Watoto baadaye wanapata taabu, na Mungu aliumba ardhi ndio watu watumie.

Emily: *Koyoit ole koit ko ongo ndoiwok kamutaindet.*

Translator: Na kama umefika mahali umefika, Mungu, akuongoze.

Emily: *Ak oyai emet ko mieit.*

Translator: Na mtunze nchi hii sawa sawa.

Emily: *Ako tebi kalyet kowa yukonye.*

Translator: Na amani ibaki kama ilivyokuwa.

Emily: *Ak kondoita ng'aliot ab Mungu.*

Translator: Na neno la Mungu liongoze.

Emily: *Amun Jeiso ne kinyokokon lapkeiyet en ngwenduni.*

Translator: Kwa vile mwana wake, Yesu Kristo alileta nuru duniani.

Emily: *Kot konai bik kosoman*

Translator: Mpaka watu wakajua kusoma.

Emily: *Okot akechek komakisoman*

Translator: Hata sisi hatukusoma.

Emily: *Amun ane ko kikisicheen kenyit ab artam ak somok.*

Translator: Mimi nilizaliwa mwaka wa arubaini na tatu.

Emily: *Ko kiyoton kikisaisae somanet.*

Translator: Hapo, hawakupenda wasichana wasome.

Emily: *Kicheng'ati lagok asikoba sukul.*

Translator: Walikuwa wanatafuta wasichana wawache shule.

Emily: *OKo kikilibani siling oeng'*

Translator: Walikuwa wanalipa shilingi mbili.

Emily: *Ko awekyini Mungu kongoi ak awekwok akokwek*

Translator: Namshukuru Mungu na nyinyi vile vile.

Emily: *Ako taretok Mungu siobaisie. Oya emet komie kokararanit.*

Translator: Akuongoze kama mnafanya kazi. Mfanye nchi hii sawa sawa, mpaka mfika mahali mtakapo fika.

Com. Mosonik: Asante sana mama. Gilbert Kisoria, one minute please, Michael Magut and then Ben Rotich.

Gilbert Kisoria: My names are Gilbert Kisoria, I want to give my views on the Government that we are in. I would propose that it could be amended and changed to Federalism, whereby areas are given autonomy to stand for themselves and manage their own resources. And the Central Government to deal with those big issues like security and foreign affairs, but the small Government to stand for themselves and manage their own resources. I would also propose the post of and elected Prime Minister, for a term of four years, and a maximum of eight years, two terms.

On education: my view is that, a more open system be created where by universities and students are give opportunity according to their talent and not creating from system of 'JAB. Where by they choose according to grades from the O-level.

Com. Mosonik: Can you explain just a bit more, what it is exactly?

Gilbert: I am talking about, the entrance to university level. There is this system of a committee called the JAB, (Joint Admission). Which usually take the responsibility to admit students to the university. So they have been given power to choose students to do some courses. So what I wanted was a more open system where the students participate, you know the CAB, is more rigid, that they actually decide for you, and not the students choosing what they want. In land ownership, I would recommend individual ownership and not the community one, or the Government owned land. That all.

Com. Mosonik: Asante sana, Michael Magut.

Michael Magut: Kwa majina naitwa Michael Magut, ningependa niseme ya kwamba, naona wananchi wanaangaika sana, kwa sababu hatuna office kwa constituency zetu. Where we can meet with our area MP, because some us might not have money to go to Nairobi. The Government should see that we have offices or our area MPs, in every constituency.. When we are not in a position to express our feelings, strikes do occur. Like the other time, we had the farmers strike, because we do not have an office to give out our views, especially over cereal, KTDA., we should like to have our area MP, in our constituency so that we can raise our complain.

I would like to commend on the education system that we have, that is 8.4.4. We would like if there is a way of changing the system, to be changed.

Com. Mosonik: Change to what? And why?

Michael: We would like the old system, because nowadays we have form four leavers of 8.4.4, who are not in a position to express themselves, like when they go for interviews.

Com. Mosonik: Next point.

Michael: The next point is pertaining, the secondary schools. We would be happy if secondary schools had a guidance and counselling department, whereby our young students could be advised. So that they would not go on strikes or take drugs. Thank you.

Com. Mosonik: Ben Rotich, and then you will sign my form, because you did not sign. Umalize, one minute, two maximum, please.

Ben Rotich: Thank you very much Commissioners, Honourable citizens of this country, I am Ben Rotich, chairman of Catholic Church Peace and Justice Commission, Nandi district. I have the following proposals to make:

- We feel that there should be introduction to our Constitution that is the preamble, stating our vision, objectives and even the future of this country.
- The new Constitution should uphold the real separation of powers, between the three arms of the Government that is the, Executive, Judiciary and the other one.
- The Constitution should be written in a very simple language and if possible translate in our vernacular so that every

person should know our Constitution by the figure tips.

- No body should be above the law at all cost, be either the President or a prime minister or whatever. The law should act equally on all citizens.
- The protection of fundamental human rights and the citizenry be the corner stone of the new Constitution. That is, to protect the right of all people equally.
- The new Constitution should create a system whereby the resources that are within a particular place be managed and if possible be used by those people and if, those people should be involved.
- Education should be free and universal for every Kenyan to university level. And if possible agriculture as a subject be compulsory from nursery to the highest level of this country. This is because, we as Kenyans we believe that agriculture is our source of life.
- The new Constitution should prohibit nomination of any person rejected by the electorate as either a member of Parliament, a councillor. So that because that person who was rejected after contesting is not for any purpose to those people. What is the point to impose him/her to them?
- The President should be subjected to the laws of this country and if possible during his time of presidency.

Com. Mosonik: You know you have just said, nobody absolutely should be above the law. That includes the President. Do not repeat.

Ben: I am trying to say that the President while in the office, if possible should be questioned.

Com. Mosonik: You know what I am saying, I have given you enough time, so please do not repeat yourself, we are listening very carefully.

Ben: Thank you very much for paying that attention. The President should be elected directly by the people, at least 50% from at least five provinces. The entire provincial administrative structure should be scrapped and if possible be replaced with a democratic institution. That is to say, the person should be answerable to the people. Like for the example, now in the hospital, we do not have drugs. And the person who is supposed to incharge is not answerable to us in any way. Also the same thing applies to the person manning our roads in the district.

Com. Mosonik: Let me ask you, I think you have a memorandum and you are going to submit it to us just now. Can you just say, what else you have in terms of highlighting? Just say: there is something on Provincial Administration, there is something on this and then leave it at that.

Ben: Another one is that the office of ombudsman should be created as public watch dog. A code of conduct should be enacted to cover the conduct of holders of political and public offices. That all fundamental amendments of the Constitution be subjected to national referendum. That the new Constitution should nullify all the Title Deeds and land be restored back to the people. I am talking of land that was illegally acquired or stolen. That in order to curb high cost of by-election and political merchadism, the new Constitution should impose heavy financial penalties on MPs and councillors wishing to defect between the term of office.

Com. Mosonik: Umemaliza?

Ben: Bado.

Com. Mosonik: Lazima umalize.

Ben: Nitamaliza.

Com. Mosonik: Unajua that memorandum we shall read. I think you have come late. You see this one here, Mr. Mohamed, can you show him.

Ben: The last one is that, all ministries and districts should be created by the Constitution. Not somebody, dreaming about it and then tomorrow he creates a district for a ministry, thank you very much for giving that time.

Com. Mosonik: Asante sana. Kufikia hapo, tumemaliza kikao chetu cha leo, cha Tume ya Kurekebisha Katiba. *Anan michi ne Linda ne toma koam logoi.*

Did you register? Where is your name? You have not. Okay, sasa ukuje ujitambulisha wewe mwenyewe, dakika moja tu, please, chukua hiyo microphone.

Nicholas Arap Kosgey: Thank you Commissioners and thank you the Honourable members who are here, and all the participants, my name is Nicholas Arap Kosgey; I reside just around here in Mogoan. Is that all right?

Com. Mosonik: We are just laughing, kwamba ungekuwa wa kwamba kufika hapa, kwa sababu unakaa area hii.

Nicholas: Unfortunately, I am sorry, I apologise for being late, because I have got a clinic at Kapsabet, I am a retired person and I have a clinic. I think a lot of sentiments which I could say here, according to Presidency, I think they have said. So I would not want to repeat. But what I want to repeat here, which is number three is the police Act, and I am saying parts and

sections of that act, which are so notorious to wananchi, should be repealed immediately. The Constitutional Act that allows police officers during their day today duties, to shoot and kill the armed robbery suspect and any other suspect, should be repealed forthwith. They should only use firearms when their lives are at the stake and should shoot to physically disable the suspect and not to kill. Many innocent people have lost their lives.

Com. Mosonik: Please go to the next point.

Nicholas: Police have been known to be arbitrary arresting innocent people who are walking on the roads, and then detain them, torture them and even detain them for more than two, three days and then dismiss them without any charges. And so I was stressing if this relevant Act is repealed the suspect will always get a chance or opportunity to defend themselves in the court of law, and they can also reveal the deadly thugs who are in the run. Thank you.

Com. Mosonik: Asante sana. Nirudie tena kusema kufikia hapo, tumefika kikomo, mwisho wa mkutano wetu wa leo wa kikao chetu cha leo cha Tume ya kurekebisha Katiba katika constituency ya Emgwen, the second venue, kwa hivyo tumemaliza na watu wa Emgwen. Tunajua kulikuwa wengine, kwa ajili ya boundary hapa, wa kutoka Tinderet, tumewakaribisha na tumechukua maoni yao. Tukifunga sijui bwana coordinator yuko wapi. Commissioners wenzangu, tumesema asanteni sana, the 3Cs na wananchi wote tunampa sasa Programme District Coordinator Mr. Barno, halafu tuombewe.

Mr. Barno: Asante sana Commissioners, asanteni sana wananchi kwa kuweza kwenu kufika, kwa kuweza kwenu kutulia tangu asubuhi hadi wakati huu, na ningependa kuwashukuruni sana. Asante, the 3Cs, Constituency Constitutional Committee, kwa kazi ambayo mmefanya, asante civic education providers, kwa kazi ambayo mmeweza kufanya ili kufanikisha siku ya leo. Na washukuru sana na nafikiri Commissioners wamewajulisha kwamba maoni yenu yametiliwa maanani na punde si punde mtapata report kutoka kwao kuhusu maoni yenu. Kwa hivyo asante kwa kuweza kwenu kufika na asante kwa Emgwen Constituency, kwa wakati huu nitamwalika pastor ili aweze kutuombea, kwanza commissioner.

Com. Mosonik: Kwa ajili ametaja, na kulikuwa na swali kama hiyo. Pengine nieleze tena ki-lugha kwamba *K akegas maoni chekwoket raini. Ingoite kasitab mut ii, ketar boisiet en ole kakiguren North Rift asi kebe South Rift, keger kebeberin ba Kipsigis ak Maasai. Ketar en Rift Valley tarikit Taman ak tisap. Tiptem ak oeng' kebe Western province ak ketar en tarikit sosom. Keweke Nairobi kwa kesir ng'alechu tugul kituiye asikiyokwak report neba constituency ne ngwonget .en nwagindo tuguk tugul che komwa raini. Ko tuguchoton tugul ko kasire echeket en. Ko tun kora kon report ako tinye ng'alek tugul en nwakindo che ko mwa. Asi kesir kokeny report ne kikuren Nationa report neb a constituency tugul asi kesir akenge neba Taifa ak kesir any Constitution (Katiba ne lel)*

Ingo lel ne ba katugul , ana kergei ak nikiba kenya, anan kakiwal kitikin kotienge ng'alechu komwae en ireyu ak che kamwa bik ab Kenya tugul. Koye kisir kiyakwak report neb a constituency ak neba Taifa , ak Katiba inoton ne lel ne

kakisirte

Ko ngatutiet kasari konyalu ke konok betusiek tamanwokik lo – Gazette notice, kouchon itnike lagok en kanisa, kekonu notice betusiek tiptem ak akenge kele ngot ko mi chi ne katinye ng'alion ne kagase ta kimwa komwa ra ana ko tebi.

Kotun akechek ke konu notice kele ng'alek chu kikomwa ko chu.ak kit ne kikagikaste ko Katiba ko nyalu kiyakwak konyo yu osach asoman betusiek 16. After, konyalu kebwan commission provincial, HQ – Nakuru. Ko ngot komi ng' aliot ne otinye oyagu ng'aliondonoton konyo Nakuru. Betusiek oeng', somok ke mi yet. Oyagunen Committee members che kwaget tatun ongate ke sionai kit ne kichopto. Ko eleibataita kebakesir kokeny kewal kotienge kit ne kamwa bik en tuiyonoton neba provincial level.

Ye ibataita kebe nekikuren National Constitutional Conference anan mkutano wa taifa wa kurekebisha Katiba. Netun mi bik negit bogol loo. MPs tugul ko ni kakimwa mweshimiwa kele tun mi yet.

Miten bik somoku che ba District agetugul che tun oleweni oweket ogasinechi. Akenge ko chepyoso anan kwony, age komuche ko councilor ak age si koik somok.

Miten chito akenge en chamait ake tugul nebo polatet, chekisiratin en arawet ab taman en kenyit ab elfu mbili.Chamaisiek artam ak akenge. Ako mi bichon okase keguren civil society bik ab kanisa, bik ab NGO's, bik ab vyama vya wafanyi kazi . che ba cheyosok, che ba barnotik bichon tugul. Ak commissioners. Koen tuyonoton ko olekwage teten ng'aliondoni ak kibitisan ana ke yesio ko kimache kegasyinechi kipkutit ak kipakenge. Ko ingo makikasyinechi kebire kura. Ko kura ne kibire kemache bik kebebertab oeng' en somok.(2/3rds). Ko ingo makigasyinechi ng'alechu komwa alak kewekse ak kenyo keyai lewenisiet ne kikuren kura ya maoni. Anan kiguren referendum yon makikasyinechi. Kotun kemache kebir kura petunoton. Kone kemwae kele mato mete cardisiek che ba kura okt inda kiyae lewenisiet newo en kwenet yu komato mete amun imuche tun kobetyo ng'alek betunoton puch amun kakile tu pige kura ya maoni kouchu mwae bik alak en yuk ole mache emenyon ketage echeken anan kimache kelyan.Kimuche kele kura neba maoni.

Koyebataita noton keba bunge ak kopitisian bunge kwa kauli moja koik ng'atutiet newone lel.

Ko kounoton toma ketar ak okwek. Civil Education providers koyekakomang' kitabunikan ne kagesir report neba Constituency neb a Taifa ak Constitution ini kakisire kotun onetekei osachi en betusie choton. Kobaisie CCC's ak civic education providers.Kokounoton kotake mi tugul onge taretko okwek ak ogase ole mwaito kebeberwek alak. Kikibwan yu let , kokiosich bahati mzuri kebwan let. Mialak che kikisib ketar lakini rib okas kit ne mwae alak asitun onai kit no maktai en National Constitutional Conference. Kot ke kasyine kipkutit, kipakenge anan koma non kebir kura en 2/3rds. Kongoi missing. Miano co-ordinator.

Mr. Barno: **Pastor Karibu.**

