

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

KAPENGURIA CONSTITUENCY

MTELO SOCIAL HALL

ON

Wednesday, 26TH JUNE 2002

CONSTITUENCY PUBLIC HEARINGS,
KAPENGURIA CONSTITUENCY,
HELD AT MTELO MUNICIPAL HALL ON WEDNESDAY 26th JUNE 2002

Present: Com. Idha Salim - Chairing
Com. Prof. Wanjiku Kabira

Secretariat Staff in Attendance:

Irene Marsit - Programme Officer
Geoffrey Imende - Assistant Programme Officer
Josephine Ndung'u - Verbatim Recorder

District Co-ordinator: Ikiwa umejiandikisha tafadhali usiende mbali. Njoo hapa ndani ukaketi, ili uweze kufuatana na wengine. Please do not register and leave. Come, we shall be calling you, according to your registration. Tafadhali ukijiandikisha njoo hapa dani. Tutafuata jinsi mliyovy jandikisha. Wale ambao wanafika wakati huu tafadhali jandikishe pale mlangoni. Wale ambao wanawasili muda ungali kuanzia sasa hadi jioni. Nafasi yenu ndiyo hii. Tafadhali fiken hapa na mjiandikishe pale mlangoni halafu mketi hapa ili tuweze kuwapata. Please register, come and sit here so that we may call you according to your registration. Tafadhali. (Vernacular dialect)

Tafadhali fiken. Na wale ambao wangependa kuja muingie ndani mtasikia maoni ikitolewa. Tafadhali viti viko vingi. Come in please. Kujeni kutoka huko nje makasikize jinsi maoni itatolewa.

Interjection: (inaudible)

District Co-ordinator: Tafadhali ukijiandikisha ingia ndani. Usiondoke kwa sababu vile mlivyo jandikishe

ndivyo mtakavyo ingia hapa ndani kutoa maoni. Na wale wengine ingieni dani, ili muweze kurahisisha kazi. Kama umejiandikisha ingia ndani.

Com. Salim: Habari za asubuhi? Sisi kama mlivyo hisi wenyewe ni wanatume wa tume ya kurebisha Katiba. Tumefika hapa hivi leo, hapa Kapenguria kuanza kupokea maoni ya wenyeji wa hapa. Na tumefurahi sana kuwa tumepata nafasi hii ya kuja kwenu hapa, kuwajua na kuwasikiza na kuelezena na nyinyi jambo hili muhimu sana. Kwanza kabisa, tungeanza sote kwa maombi. Tumuonge Mwenyezi Mungu kwamba kazi yetu hii ya leo hapa itaendelea vizuri; na kazi ya kurekebisha Katiba kwa jumla itaendelea vizuri kisha tuendele mbele. Kwa hivyo ningepomba Bwana District Co-ordinator wetu amuite mtu wa dini, atuongee.

District Co-ordinator: (Prayer) Basi wale ambao mnaingia tafadhali muingie ili tuweze kufungua hiki kikao kwa maombi. Natuina: Baba Mwenyezi Mungu tunakuja mbele yako asubuhi ya leo, tunasema asante kuwa wewe una upendo. Bwana umependekeza tangu wewe kikao hiki tulianza kufundisha wananchi na kwa wakati huu Baba Mwenyezi Mungu, Baba wanapoketi kupokea maoni, naikabithi mkononi mwako, ma-commissioners na wote ambao watatoa maoni yao na wale wote wangetaka kuchangia kwa namna hii na ile. Baba Mwenyezi Mungu na wakabithi wale wote ambao wangali wako njiani wanakuja Baba, chukua nafasi hii kati yetu ili tuweze kutoa maoni yetu kwa upendo wako. Ninaomba nikiamini katika jina la Yesu Kristu na Mkombozi wetu. Amen.

Com. Salim: Asante sana kwa maombi hayo. Sasa tungependa kuanza pia kwa kujijulisha. Sisi tumetoka kwenye tume ya kurekebisha Katiba. Hapa ninaye mwenzangu, Commissioner Professor Wanjiku Kabira. Mimi mwenyewe pia ni mwanatume au Commissioner ninaitwa Ahmed Idha Salim. Tunao pia mwenzetu, District Co-ordinator ambao nafikiri mwamjua Robert Katina, na pia tuna staff wetu ambao kazi yao ni muhimu sana, kuhakikisha kwamba kila neno linalosemwa hapa litaandikwa kama upeanavyo wanaandikia. Upande huo, sisi wenyewe tutaandika yanayosemwa na maoni yenu. Pia mnaona kuna microphones hapa, microphones zimeshikanishwa na mashini huko. Kwa hivyo, maneno yenu na maoni yenu pia yanapaswa katika mitambo yetu. Pia kuhakikisha kwamba hakuna maoni yeyote ambao yatapotea katika hewa. Na baadaye tukirudni tutasikiza tapes zetu zote na tutaandika kwa mkono kwenye mashini ili maoni yote yatasikizwa na kuchunguliwa na kufikiriwa katika kuandika Katiba. Kwa hivyo hawa wenzetu pia waliotoka kule tume tunaye kule, Josephine ambaye ana record kila neno na hapa kuna Geoffrey, pia anafanya kazi hiyo hiyo. Na pia tuna Programme Officer ambaye kazi yake ni kuunganisha kazi zetu sote, ambaye ni Irene Marsit. Nafikiri mmemuona hapa akiingia na akitoka. Basi hii ndio tume yetu.

Tumefurahi sana kama mlivyo kuja hapa. Hii ni kazi muhimu sana kwetu sisi tunaishi hapa Kenya. Pia, watoto wetu na wajukuu wetu hapo mbeleni. Kwa hivyo, maoni yenu, ni muhimu sana. Kila tukipata maoni mengi ndio bora zaidi. Na ishara tulio ona, ni kwamba, kutakuwa na watu wengi hapa hivi leo. Kwa hivyo, twawakaribisha

kuja na tutawasikiza wote ambao wamejiandikisha. Lakini hatujui idadi ya watu ambao watafika. Kwa hivyo, itabidi kuzingatia wakati. Tunasiku moja tu leo. Tutaanza kwa kumpa kila mtu dakika kumi ambao ataka kutoa maoni yake kimdomo. Dakika kumu tu maximum. Hiyo ndiyo kipimo cha juu kabisa. Lakini ukiwa na maoni ambayo haitafikia dakika kumi, si lazima utumie dakika kumi zote. Utumie ile time ambayo unataka, ili kumpisha mwenzako naye apate nafasi kutoa maoni yake.

Ikiwa mmoja wenu ameandika maoni yake. Amekuja na mswada au memorandum, tayari maneno yake yameandikwa, huyo tutampa dakika tano tu. Maana tutachukuwa memorandum yake, na kusoma huko mbeleni tukifika. Kwa hivyo, huyo tutampa dakika tano na dakika tano hizo, asizitumie kusoma aliyo andika, la, atatumia dakika tano hizo ili kutueleza pointi ziliomo katika memorandum yake. Kwa hivyo, tafadhalini, mtupe maoni ambayo ni mapendekezo kuliko kuwa ni maelezo. Sote ni Wakenya. Sote tunajua matatizo ya nchi yetu. Sote tunajua mambo yalioko hapa nchini ya kisiasa, ya kiuchumi, ya utibabu, ya health na ya kielimu. Sio? Kwa hivyo ukiwa na maoni juu ya mambo haya, usiyaeleze ile shida ilioko kwa urefu sana. Eleza, jamani kuna shida hii katika hospitali zetu. Hatuna madawa. Mimi ningependekeza hili na hili lifanywe. Kisha uende kwenye pointi ya pili. Katika eneo ya elimu, mimi ningependekeza hii. Endelea pointi ya tatu, na kadhalika. Kwa jia hii itakuwa ni rahisi sisi kufahamu maoni yako badala ya kueleza kwa urefu sana. Maana ukiyaeleza kwa urefu sana shida tuseme ya elimu peke yake, itachukuwa dakika kumi. Sio? Tunasijua sisi shida. Sema wewe ungependa jambo gani lifanywe katika eneo la elimu. Kwa mfano, huku kwingine tumeambiwa sisi elimu wazazi wanataabu ya pesa, ya karo, tungependa karo ipunguzwe, au karo iondolewe kabisa. Kwa hivyo, toa pendekezo lako juu ya elimu vile unavyoona wewe kwamba tatizo hilo litashafishwa. Na hayo kwa ufupi ambayo ningependa kueleza. Pia, kama nilivyosema, dakika tano ukiwa una memorandum, kumi maximum. Ukiwa unataka kutoa maoni yako kimdomo.

Pia unaweza tumia lugha yeyote ikiwa unataka kusema Kiingereza, Kiswahili, utasema, lugha ya Kipokot, ukitaka kusema au lugha yeyote ya kienyeji. Tutatafuta mtu ambaye atatutafsiria sisi lugha ambayo itahitajika kutafsiriwa. Na ukija hapa mbele, jambo la kwanza kabisa kufanya ni kusema mimi ni furani, jina langu ni furani. Ili kwamba kisha tukurundi kusikiza zile tapes, tunajua sasa tunamsikiza mtu fulani akitoa maoni yake. Anza kabisa na jina, kisha uanze na maoni na kama nilivyosema, maoni yawe ni points. Point after point. Kwa njia hii, itakuwa wazi kabisa kujua unapendelea jambo gani lifanywe. Kwa hayo, tuseme tuenzeni kwa jina la Mwenyezi Mungu na baraka zake. Huyu ni Bwana District Co-ordinator niliowatajia kwa jina anaitwa Robert Katina.

Robert Katina (District Co-ordinator): Professor Idha Salim na Professor Wanjiku Kabira, Commissioners wa tume hii ya kurekebisha Katiba, wageni wetu, Programme Officers kutoka Nairobi, Wazee na Wamama, hamjamboni?

Asubuhi ya leo nafurahi sana kuwaona na bila kupoteza wakati ningewaambia mmekaribishwa sana hapa, kama

District co-ordinator na waambia hiyo mlango ni wazi, na muwe huru kabisa kutoa maoni yenu. Huu ndiyo wakati tumekuwa tukiungojea kwa muda mrefu sana. Mtu yeyote kutoka tabaka lolote, kabila lolote, area yeyote, ana uhuru wa kutoa maoni yake. Waweza kutoa maoni kwa niaba yako mwenyewe ama kwa niamba ya community yako ama organisation yako, uko uhuru kabisa. Kwa hivyo, jisikie huru na uje mbele na kutoa maoni yako. So ningependa ku-clarify hiyo msiseme labada tumekubalia wale ama kabila lingine ama nini, hapana. Hapa ni open forum na mtu yeyote anakubaliwa. Asante sana.

Com. Idha Salim: Asante sana Bwana Katina kwa maelezo hayo muhimu sana. Sasa ningependa kumuita mwenzetu wa kwanza kabisa kutoa maoni yake. Yeye ni Reverend Jack Mila ambaye ni Pastor. Anataka kutoa maoni yake kwa mdomo na pia ana memorandum. Bwana Reverend, tafadhali ukiwa na memorandum tupe mapendekezo yako katika memorandum, na jaribu usisome tafadhali maanake itachukuwa wakati. Baadaye, tutaisoma. Tumekuhakikishia ya kwamba itasomwa kikamilifu.

Jack Mila: I will speak in English. I am Reverend Jack Mila from Bethel Christian Centre. I am very happy this morning to be before the commissioners and my fellow citizens. I want to give my views on the freedom of worship especially in this country because I am a pastor; and I believe I am in the right place to talk about the freedom of worship. and also I will touch on the religion. Just like all of us know that the current Constitution states that there is freedom of worship in Kenya, this freedom of worship in our current Constitution has brought with it very dangerous religions which have cost many Kenyans their lives. The Government has no machinery to eradicate devil worshipping since the current Constitution does not define the freedom of worship it talks about. Since the Constitution of any country should portray the picture of a country or of any nation, I therefore suggest that the next Constitution of this country should define the type of freedom of worship it talks about. If it is to worship one true God in Kenya, let it be seen in the next Constitution. This one will enable the Government to track down any contrary of worship that might come up in our country. Due to this shallow statement concerning the freedom of worship, in our current Constitution, this country has devilish sects, religions such as Mungiki, Tent of the Living God etc which have caused death of many Kenyans. It is also my suggestion that the next Constitution should define the type and the number of religions that should exist in our country. If it is Christianity, Islam, Hinduism, Buddhism, Paganism etc. Let it be found in our Constitution to avoid other devilish religions we have around the world. Thanks, happy Constitution Review. May God bless you all.

Com. Idha Salim: Thank you very much Reverend Jack Mila for those very clear views on specific subjects. Pia baada ya mtu kutoa maoni yake hueda mmoja wetu hapa, angependa kuuliza swali moja aulize; lakini ili kupata wazi zaidi maoni yake. Si kupinga yale maoni, lakini kufahamu kwa njia bora zaidi. Sasa twamuita mwenzetu wa pili, group ya CJPC. Kuna Hellen Kuringora? Na kuna wenzake, sijui ni watatu mmoja wenu atawasemea wenzake, Sio?

Interjection: (Inaudible)

Com. Idha Salim: Kila mmoja na yake? Kila section mmoja? Haya karibu. Tuanze na Hellen baadaye David Allekulem na Augustine Monges.

Hellen Kuringora: The commissioners for the CKRC and the fellows citizens. I wish to present the memorandum on the Constitution Review for the Catholic Diocese of Kitale which covers West Pokot. The Catholic, under the CJPC have, sorry

Com. Idha Salim: (Inaudible)

Hellen Kuringora: My names are Hellen Cheptot Kuringora. The CJPC have been collecting views for the last three years. So actually this particular document has been made after collection of views for the last three years, from a cross sections of Kenyans. So on the new Constitution, we propose the new Constitution starts with the following word. We the people of Kenya, after the preamble, a short history of the country up to and since independence, a vision of a united and tolerant democratic nation. A clear statement that the ultimate authority of the people of the country is actually on the people. People should have ultimate authority for the Constitution. A brief description of the boaders of Kenya and the communities that lives in it.

In the new Constitution, we used to have the directive principles which most Kenyans must be aware and are a apart of these principles like the democratic principle, we wish it be included in the Constitution, the unity and stability principles, human rights and freedom principles, foreign policy principles, Government and citizen principles, responsibility principles.

We wish also, that the new Constitution is Supreme. The supremacy and involvement of the Constitution we wish that it is Supreme above everything else. It should be a point of reference in the law. Sometimes there are many laws that many Kenyans are not even aware and they are not sure that they are in the Constitution. So we actually are saying that the Constitution should be supreme.

I wish also to present views on the bills of rights: on the Bill of rights, there are many rights that can read in the Constitution. Like the first generation rights and secondary generation right. Many of us Kenyans do not know many of our rights and the Constitution or the judiciary sometimes these laws are given on one hand and taken on the other hand; because many of the rights have exceptions. For example if we may talk of capital punishment. Somebody has the right to live but you will find that sometimes it is taken on the other hand. That is why we have many of our rights in the Constitution having clobber clauses, like you are given on this other hand and then it is

taken on this other hand. So we wish that in the new Constitution, the rights especially first generation rights, must be stated clearly in the Constitution, and must be respected or entrenched in the Constitution. Whereas the second generation rights also we wish that they are also entrenched in the Constitution so that a right to education which is among the second generation rights people have a right to education like in many countries especially like Germany.

All children have a right to education. I am particularly interested in that because in Kenya we talk of all children must have freedom to education but because it is not in the Constitution, then sometimes many of our children are found in streets, they are in the homes especially our girls in pokot. Many children are just at home yet they are Kenyans citizens. They are taking care of the sheep, animals and there is no special attention that the Government is taking, especially in our country or in our districts that all children must go to school like the other case where they say that children must have free education. If it was in the Constitution, or first generation rights, we could sue the Government because we are seeing even many children are at home. So I actually feel that many of these rights must be in the Constitution, spelt out very clearly. We have older education since. Since it is a problem in our country, we have illiteracy, especially in our district here. I think 90% of our population are illiterate. So, if the Government for example makes it compulsory for adult education, we may benefit in the new Constitution and therefore affirmative action must be taken, especially for us who were left behind since independence. We are a disadvantaged group. So we feel that affirmative action in general, especially education and other rights and also we feel that there must be an ombudsman to check the rights in the Constitution, whether the Government is protecting the Constitution and the people are benefiting from Constitution or not.

I wish to present something also on the judiciary: in the judiciary, the Judicial Service Commission must actually not necessarily be Presidential appointees. We propose that a new Judicial Service Commission be established that will consist of the following two Justice Supreme Court. One person nominated by the Public Service Commission. This is actually so that the judiciary service or commission may be fair and the community or the society can feel they have a part to play. I also wish to propose that we may have the supreme court to monitor and interpret the Constitution because currently, most Kenyans we are not aware of what is actually in the Constitution. For example if many Kenyans in this district were aware of what is in the Constitution and what the Constitution can do for them, many people would be full in this hall. But since the language of the Constitution is even alien to the people, we propose that many people are aware of what is in the Constitution, they understand the language, it is simple, it can be interpreted very clearly. That is why we propose that a supreme court to be able to monitor and also interpret the Constitution to the people be established.

We in the West Pokot feel that a customary court can be in the Constitution so that we can benefit. Like we have currently the Pokot community has a strong court which can solve their problems, but we feel that if it is made

official or it is put in the Constitution we can benefit; because there are cultural practices in our district that are alien in the Constitution. Sometimes they may not fit but we feel that the new Constitution must have it. Like we have civil cases like what we may call in the Constitution capital punishment but there is a part that Pokot actually do well in that. And that is what we call “Muma” or what we call “Lapai” so we feel that if it is put in the Constitution, we can benefit as a community. Sometimes I don’t know what is called in the Constitution but it could be in the Constitution but the mandate is with the magistrate. So sometimes they may dismiss it and say it is not Constitutional. So we want many of these customary practices be put in the constitution so that we benefit. Especially that one of mobile courts in places where the magistrate or the civil courts may not be able to have enough man power to take to the people, like in the rural sides. I want to make this one clear especially, because much of our land, there is no communications. We want civil courts to be taken to the people, but also they must integrate the customary court there.

Finally, I want to present my views on defence and national security: we have problems concerning security in our community especially, or being Kenyans. I wish to propose that the Head of the Government will only be able to declare war between Kenya and another country if he has acquired two thirds support of the entire Parliament. Things concerning Government plans for an operation within its country, like we have an experience in our country here and especially as a community, West Pokot. We have problems especially concerning army operations against us as a people. I wish to propose that in future we want culprits to be taken separately other than a whole community being given punishment, communal punishment is what we actually do not want to take in place any more.

I propose that the forces must be disciplined or the Constitution should provide ways so that the people can see the forces as friends or they can co-exist well with the disciplined forces. But currently, the experience in this district is that we look at the forces as enemies. We are scared at their sight. So every time you do not come into contact with these forces, like the police force or whatever. They have had nasty experiences. So we propose that the Kenya police reserve first must be scrapped and the police force must be disciplined so that they can appear before the community as people who are out to help them or people who are there for their service and not necessarily people who are out to intimidate them, victimise them, harrass them. So, we propose that could be these people are doing this because of the following, that they are poorly remunerated. Their work or the name they bear like the police force is actually wrong. Instead they should be called Police Service. The Constitution must provide the following to the police so that they co-exist well with the people. Like they must look into their welfare in the following ways, like in the recruitment, they must have qualifications and a board must be there so that it can recruit them. They must have suitable training relevant and a period of time. There should be human rights based on approach to policy, conditions of employment, civil and housing must be looked into, change of name from force to service, role of the police in a democratic society. Apart from what I have presented in the

memorandum, I wish also to say that the police must be looked into very strongly in the new Constitution, so that we have people who are accepted in the society. Who have good housing, good remuneration and who know their work and not this issue of police who are very poorly remunerated to always stop at the road block to ask for their daily bread or kitu kidogo. That is what is annoying the people. With those few remarks, I wish to stop.

Com. Idha Salim: Thank you very much Can you wait there Hellen for a minute. My colleague would like to ask a question or point of clarification.

Com. Kabira: Thank you very much Hellen for a comprehensive presentation. I wanted to ask may be one or two questions under the preamble. You are talking about the various communities that live within Kenya recognising distribution of the borders of Kenya and the communities. I was wondering whether you think like in the preamble describe the communities by tribe for instance, for this time lets say Pokot, who are they? Kikuyus, who are they? Or whether you want them to be named. And if that is the case, how do we deal for instance with Somalis? Do we say Somalis that live within Kenya and not the one who are in Somali, Maasais who live within Kenya borders or how do we deal with it? May be that is one question. The other one, if I understood, “Lapai” is it a traditional court system.

Hellen Kuringora: It is a mode of punishment that is meted on offenders especially those ones who commit the crime of killing others. I was saying that in our present Constitution, that would have been meted with capital punishment. But in our community, we have a different way of dealing with that. Like if somebody kills, in our community, there is what we call “Lapai”, that is a punishment. But in this case, the person is not killed as it is the case in our Constitution. But in our case the clan of that particular person who have committed the crime is made to contribute a fine like fifty cows for example and then the offender is left free. So that one will take now the issue of a right to life. So I was saying that if this one is put in the Constitution, we will benefit as a community because we do not believe as a community in killing somebody because we believe a right to life is from God. I hope I have answered the question.

Com. Kabira: That is okey. Thank you. The other one on affirmative action and where you look at various categories, and then you talk about Pokots and Turkanas as marginalised. I was wondering whether you meant marginalised community with the examples of Pokot.

Hellen Kuringora: Yes

Com. Kabira: Okey. So you can respond to the first one.

Hellen Kuringora: The other one in the preamble, the Constitution must spell very clearly the communities that boarder. For example the boundaries to be defined very clearly like in the case of Pokots in Kenya and the Pokots in Tanzania. The Maasai and the Maasais in Tanzania, so that we have an item also to gather for that these particular people, given that we are within East Africa Community, be given free pass. They can go to Uganda freely and they can come to Kenya. The Pokots within the boundaries and also the Tanzanians so that local communities do not have to come and ask for a pass. That is what I meant.

Com. Idha Salim: Thank you Hellen. Thank you very much. Kindly come over here for your registration and handing in your memorandum please. I now call upon your colleague, David Alukulein. Please start with your name.

David Alukulen: My names are David Alukulen, and I am here to present views.

Citizenship: we propose that the new Constitution should phase out the idea of ID's and substitute or replace with passports. The registration of births and deaths should be compulsory, efficient and done at sub-county level. Passports should be automatically available to all Kenyans when they reach the age of 18. On spouses of Kenyan Citizens, we propose that regardless of gender, they should be entitled to automatic citizenship. However, this should be granted only after passing a period of five years. This will prevent some one marrying Kenyan citizen in order to gain citizenship and then divorcing anyhowly.

A child born of the Kenyan parent on Kenyan soil should automatically be given Kenyan citizenship; unless the parents shows otherwise. Any child born to Kenyan parents outside of Kenya should automatically have the right to be a Kenyan citizen. Kenyan who have taken citizenship abroad will automatically become Kenyan citizens when they give up citizenship of another country.

I am going to talk on citizenship of East African Community now. We propose that the citizenship of East African Community who are passport holders should be given special privileges, whose details need to be spelt out in the new Constitution. This will include access to education and medical services as well as right to work, do business and etc. Of course they do the business without the permit. It is also anticipated that other member country will reciprocate with such service opportunities. Communities which straddle the neighbours of East African communities should be given a special pass to allow them free and regular passage.

We feel this applies to Pokot Maasai and Teso Communities among other communities within the borders. Rights and obligations to all citizens should clearly be spelt out in the new Constitution as per the bill of rights contained in Chapter one of the Constitution.

My second proposal is on systems of Government. We propose that the Kenyans adopt a Parliamentary system of Government with one chamber, with which we have a prime minister who is the head of Government and a ceremonial President who will be the head of state. The Prime Minister will be the leader of the larger party in the coalition Government. We also propose that the principle role of the President is ceremonial to symbolise unity among the diverse communities and cultures.

The election of the President will be held a time different from the parliamentary and civic elections. The President should be aged between thirty five and seventy and must have a high level of education. A Presidential candidate may not necessarily belong to any particular party. In fact if he is a non political person, he may symbolise the unity a ceremonial President is expected to exalt.

Prof. Idha Salim: Bwana Alukulen, sorry to interrupt, if you could please kindly summarise. We have the memorandum. Point by point. Please watch the time.

David Alukulen: The new Constitution needs to clearly describe the powers and functions of the three arms of the Government and also to have checks and balances for each of the arms so that all are strong but equal in power.

I am also going to present an item on the executive. We suggest that section fourteen that provide for non impeachment of the President be scrapped. We need a well protected impeachment procedure in the Constitution, which is fair and not open to manipulation; so that the powers are balanced against the rest of the community.

The Prime Minister should elect the Cabinet from within Parliament but the Constitution needs to specify qualification for the position of the minister. There should be a special code of conduct in the Constitution for those who hold the position of the Minister. Cabinet reshuffles should be limited to two every five years.

The Prime Minister should be obliged to accept the vote of the cabinet and follow the will of the majority. Legislation needs to be put in place, that will ensure that the office of the attorney general is truly independent.

We propose also that the attorney general should not be an MP or a member of the cabinet. We also propose that the Attorney General should not have the power to discontinue private prosecution.

We suggest that the Head of Government should attend Parliament every Wednesday to answer questions on performance of his Government. If he ill or abroad, then his deputy will represent him.

We suggest that the Prime Ministers and the President should go on annual leave as a matter of national interest. I am going to give a proposal on the legislature. This is the last point of my registration. In order to improve and strengthen the legislature and democratic powers of Parliament, we propose the following:

One, strengthen recently created Parliament Service Commission. Parliament setting its own calendar including the number of days that it will sit. The PSC given more independence recruitment and supervision of parliamentary staff. PSC together with its staff programme, programming the agenda of the Parliament. Establishing a known date for elections. We propose the first Wednesday of December after every five years so that the date of dissolution of parliament is then automatic.

Strengthen existing Parliamentary committees establish new ones and enshrine all of them in the Constitution.

Estimates committee to scrutinise annual budget proposals before they reach Parliament on budget day. This committee will work closely with the auditor general and controller general. Extend powers of PSC and PIC to supervise the use of consolidated funds partnership with the auditor and the controller general as well as independent and institutionalise the KACA or its equivalent.

Public Service Parliamentary Committee should be established to supervise the appointments like Ambassadors, Cabinet Ministers, ECK, Attorney General, Chief Justice.

At present, the issue of involvement in war is in the President's hands alone. We propose that a parliamentary foreign affairs committee be set up to determine conduct of war. Foreign affairs and treaty making. We also propose that a parliamentary security committee to supervise appointment of senior uniform police and military offices be established.

Com. Idha Salim: Your time is coming to an end please wind up.

David Alekulen: We also propose that the position of nominated MPs be scrapped; but special groups like handicapped, women pastoralists etc should elect their own representatives through a delegate system and this should not exceed five per cent of the elected representatives.

We do not approve the present system whereby MP determines their own salaries and benefits. This is undemocratic. We propose that an independent public service commission should determine the salaries and benefits of the judiciary legislature and executive. Parliament alone should be allowed to prolong itself and not its executive as it exists at the moment. We propose the quorum of Parliament be raised to 50% of the total number

of MPs. Any member who makes technical appearance should not qualify for allowance for the day.

Com. Idha. Salim: We want to assure you, that memorandum will be read and the details there in considered by the commission. Please if you could, so that we give others chance. You have finalised. Thank you very much indeed. Any questions commissioner? Just wait please.

Com. Kabira: A small question David. You said that affirmative actions for marginalised groups should not exceed 5% in Parliament.

David Alukulein: I have said, the special groups like handicapped, women, pastoralists should elect their own representatives through a delegate system, and this should not exceed five percent of the elected.

Com. Kabira: I was wondering how did you come to 5% because I know the women have been asking for 33%?

David Alukulein: Because if they have that 5% at least they will be represented because the 33% is more, and may be they will be more than the representatives in Parliament. **(laughter)**

Com. Idha Salim: Thank you very much David Alukulein for those views and now I call your last colleague who want to give some views. Augustine Monges?

Augustine Monges: By names I am called Augustine Monges Laile, and I am an economist by profession. I will just go through what we have presented under the Catholic and Justice Commission.

The first issue is land and natural resources: land is a basic ownership. I can say that land is what we have and that is what we need to protect. We wanted some changes to be made on trust land. Basically our land was considered trust land and reserve for a period of time. We want the title of trust land should be replaced by registered community land. We also proposed that the arid and the semi-arid land should be considered a registered community land. Basically in our area here in West Pokot, most of us are pastoralists and we need to have this land subdivided among the communities and should be well managed, so that all of them are kind of have space to graze their cattle and also farm.

We wanted to have Annual General Meetings to comprise of the Chairman of the County, councillors, MPs representatives of churches of faith and council elders. Basically we also wanted to have the name of district changed to county because there have been some changes we felt districts is a little bit colonial in nature so we

wanted county as just a change of words.

We also wanted the Constitution to establish a truth and justice commission among other things to look into the traditional land claims and the land lost to colonialists. Actually, two months to three months back a delegation went from West Pokot to meet Prof. Yash Pal Ghai and we have problems here and the problems of land also exist world wide. We have been having the problems of aborigines back there in Australia and also Newzealand and after independence, the Pokot land was kind of confiscated during the colonial time and now, there is need for the people to have their land back. Basically, Pokots have poverty problems. They are very poor compared to the other communities and there is need to ensure that, what they have because we do not have schools and education so much. Most people are illiterate and what they have is there land and soil. So at least they can be given their land and soil for them to farm lather than being pushed to marginal areas whereby there is nothing for them to do. We believe those are issues that should be taken in the Constitution. We propose the new Constitution to create ministries for pastoralists in this Kenya because the minority communities do not feel represented and we also want their welfare to be taken care of.

Another issue is about the natural resources: natural resources are found to be within the county must benefit the residents of the area. We propose that 20% of the profits of the Gorge Turkwell Hydro electrical project should remain within the county and it is appropriate the residents of the local county use 20% of the electricity. I will just want to clarify this point to say that we only have one project in this district or one industry which is the Turkwell Hydro Project and which is a national resource but the profits since it was commissioned in 1980 annually is around eight hundred million. That is what is produced from the Turkwell but what the county council of Pokot has received ever since cannot actually be said to be something because it is only last month we had that fifteen million was being released. Out of eight hundred million fifteen million is not enough for the people here because you can see West Pokot doesn't have roads, hospitals, there are so many things that are lacking and we would like this project to help our people. We propose that the Turkwell which is under the Kengen should involve itself in local projects. For example the irrigation, it should help in the construction of bridges along the Swang river, because there are so many cattle which have lost in the Swang river over a period of years since it was commissioned where there are floods from Mt. Elgon. You find that when cows are drinking water, the floods just come and kills several of them. Last year seventy two cattles were lost in West Pokot, and so many lives are lost along the river. We would like bridges apart from the one in Kong'olai several should be constructed along the river.

Another issue is about the economy: I would like to say that the position of Pokot people is very poor in this country. I would like to give a comparison. There is a human development report that was released in 1999 within Kenya that shows that, the life expectancy of a person in West Pokot is 49.6% while the national average is 59.5 %. The adult literacy rate in West Pokot is 44.4% while in the country it is 74.8% and also School primary

enrollment is 62.3 while the national average is 94.5. The secondary school enrollment is 8.1% while in the country it is 26.0%. These statistics are terrible and we feel that to be part of this country and also to move forward, the Government should at least send a committee, especially from the planning division to look into what is happening here; because we feel we are contributing to the Government through natural resources by taxes and yet we seem to be neglected. One proposition that I wanted to say is that I think this country had poor planners from the beginning because had they been good planners these problems that we have today would not have been there. This country is not well balanced as far as planning is concerned and you find these problems in West Pokot, Turkana, Samburu, no roads nothing, for over forty years. So these are problems that we feel the Constitution should look into them so that we can also feel we are part of this country.

In the economy we are also proposing some few changes. We propose that there should be a contingency fund for emergencies and disasters. In West Pokot we have disasters like floods which happened recently and we also have insecurity problems which has already been addressed. People come from across, our neighbouring communities. Sometimes due to this cattle rustling problem. Several people get killed and there is no compensation at all. That is also a problem that we feel needs to be addressed because, if the government has failed in its duty to protect the people then what should be done because it is their responsibility to protect the people all over the country not only in West Pokot?

Com. Idha Salim: Are you about to wind up?

Augustine Monges: From the economy, I would also like to propose the Kenyan currency: there is proposal that the Kenyan currency should not bear the face of the President. We should have currency with national symbols of unity like the lions. For example, the American dollar or the KANU shield. It should be standard because we will be having Presidents changing and you can imagine currency notes having different faces. With time it might not be good. So let us have a currency change.

Under the Local Government, we propose that we should not have nominated councillors, but we propose special interest groups that have already been addressed. Under the Public Service commission, we propose that members of the Public Service Commission should be appointed by the Head of the Government but get first approval from the Government. So those are the few recommendations that we had from CJC. Thank very much.

Com. Idha Salim: Thank you very much Augustine Monges. Any question from Commissioner Kabira.

Com. Kabira: I wanted to raise one question, on the council of elders that you are proposing, what percentage of women had you proposed?

Augustine Monges: In the county?

Com. Kabira: In the council of elders

Augustine Monges: In the council of elders, we had proposed to have nine men. Actually, women issues are not so favourable in West Pokot. Those are our views from West Pokot. Unless the women from West Pokot come up to talk about it.

Com. Kabira: Are they also views of women in West Pokot?

Augustine Monges: No. From CJC, in Tata where we held the conference, we go by the voice of the majority. But in affirmative action you want the voice of the marginalised groups

Augustine Monges: We want them to be there.

Com. Kabira: Okey. So in this case you also want the voice of women who are not in the majority.

Augustine Monges: In the council of elders, there is no room for women in African traditional practices, but due to the democratic nature of our institutions nowadays we would like to have their views; because we recognise their potential also in leadership as much we have you here.

Com. Kabira: Thank you. The Truth and Justice Commission: I wish you could have said something about it.

Augustine Monges: On the land issue or on?

Com. Idha Salim: I think you mentioned the need for such a commission.

Augustine Monges: On the land issue, I just want to clarify one point, about the Truth and Justice, the Pokot community historically and this things are available in the Kenya archives in Nairobi, historically the colonialists were in this area and most parts especially the Transzoia area. When the colonialists came back in 1930s the Pokots were pushed back up to this areas now, down in Chepalaria, Kacheliba and they took all the good part of the land which they used for their commercial purposes; but now after independence, when the colonialists left, according to the documents, the money was compensated to the Government but the money did not reach the people. It is documented and we presented the views to Prof. Yash Pal Ghai. We do not want to chase anybody

or anything. We just want justice. If the compensation can be given, because the Pokot people would also like to live in this good area. Most of them are farmers, they would like to grow crops and take care of their families. About 80% of the Pokot is Semi-arid and nothing can be cultivated. Every year we are given relief. It is really terrible. Why should we be given relief in an area where you own a very big land up to Transzoia while we can feed ourselves. The Government can use that relief for other purposes and leave the Pokots to farm that land. We need our land but not relief so that we can farm. Those are basic issues in our community and it is sensitive. It has been sensitive all along and I think the Government has not been keen to solve it and it is a time bomb problem that will explode in future. We are asking for a solution to it.

Com. Idha Salim: Thank you very much Augustine Monges for your views. I know call one of the elders who I believe he is present here with us this morning Mr. Kamalinya. I hope I pronounced the name right. Will he need an interpreter Bwana District co-ordinator?

District Co-ordinator: Yes he will need one.

Com. Ida Salim: Please arrange for someone.

Mr. Kamalinya: Yara chii wena nyo woyoktoy.

Interpreter: Basi nitatafsiri kwa lugha ya Kiswahili. Anaitwa Kamalinya anatoka Chemwochoi.

Mr. Kamalinya: Kurenanun Kamarinyang, ongunenan Chemngochoy

Interpreter: Anasema anatoa shukrani zake

Mr. Kamalinya: Okununan soro nyo wou

Interpreter: Basi anasema tumepata shida nyingi sana na tunashukuru kwa sababu mmefika hapa.

Mr. Kamalinya: Kingenyorucha shiden cho chang nyo soro ompo kirelunootengwa

Interpreter: Kwa sababu sisi tulitimuliwa katika mji wetu wa Transzoia

Mr. Kamalinya: Ompo wolo kikiyonenecha Transzoia.

Interpreter: Ndio unaona jinsi nilivyo mimi sina mwili mkubwa, mimi ni mdogo kwa sababu sisi tulifukuzwa nyada

zile za chini ambazo ni za ukame

Mr. Kamalinya: Ngah nyona isuwuyenyii loo kyachangulaan ompo wolo kiki yonenecha

Interpreter: Ndio sababu ninashukuru sana kuwepo kwenu hapa ili muweze kutufungulia mji huu wa Transzoia

Mr. Kamalinya: Nyo soro ompo aswanete ato oyotwecha ngala Tranzoia

Interpreter: Kwa sababu nchi ya Transzoia ilikuwa nchi wa Wapokot

Mr. Kamalinya: ompo koro Pokot nyonii

Interpreter: Tulikuwa tukipakana na Wamaasai

Mr. Kamalinya: Kih kimitechaa nko Masaach

Interpreter: Basi ni shukurani mkichukua maoni hiyo

Mr. Kamalinya: Nyo soro ato achengakwa ngale chete

Interpreter: Sisi kama Wapokot tuna mlinzi wetu aliyekuwa akitulinda hapo awali

Mr. Kamalinya: Acha Pokot, kiki tungoocha riipindencha ompo osiiswechonii

Interpreter: Sisi hatupendi mtu mnyang'anyi

Mr. Kamalinya: Mmo kmokechanyee chii nyo soroneecha tukuuchoo

Interpreter: Mtu mnyang'anyi kuna dawa yake

Mr. Kamalinya: Chii nyo soro chii kiitonyi mchiini

Interpreter: Huyo ni Mupokot

Mr. Kamalinya: nyoni kuh pochon

Interpreter: Sisi kama Wapokot tangu zamani, tangu jadi hatupendi mtu wakutumia mabavu kunyang'a'ga mtu vitu vyake.

Mr. Kamalinya: Achaa Pokot kungataa kony, kutoghechaa chii nyole nyee nyoni

Interpreter: Ndio niseme hivyo, hapa wilayani Pokot kuna watu wa tabaka mbali mbali na kabira bali bali na sisi huwa hatuwakatai.

Mr. Kamalinya: Ato omwoghaan lee nyoni, acha Pokot ktuungochaa piich cho pkonoy wolo looy wolo moktoghecha nyee

Interpreter: Wao tu wafanye shughuli zao kwa mashamba, lakini mchanga ama ardhi sio yao.

Mr. Kamalinya: Mchiini kwich isyeeghuut ko kwa wolo ku pustogh pareeni chaa

Interpreter: Kwa sababu shughuli zao sina watunzia watoto wetu

Mr. Kamalinya: Ompo wolo ngorokoy isyeeghuut ko kwa monuungechaa.

Interpreter: Hivyo tulifundishwa kama Wapokot kwamba kutumia mabafu ama kunyang'anya mtu kitu chake sio jambo nzuri

Mr. Kamalinya: Kiki neetechaa lee Pokot loo mosoroy nyee chii chii kightonyi.

Interpreter: Kama Wapokot, tulikuwa na Katiba yetu, ikiwa mtu ataiba ama kuchukua kitu cha mtu, kuna jambo ambalo anatekelezewa

Mr. Kamalinya: kleenye acha Pokot ktungoocha kiruruut ko chaa, ato chorsyoo chii ktuugochaa wolo kighdoy

Interpreter: Kuna jambo ambalo linatekelezwa ambalo linaitwa "Mutat" yaani kufanywa kiapo lakini hiyo kiapo, anapewea muda wa mwezi mmoja kabla haijatekelezwa

Mr. Kamalinya: Ktungocha kugh nyo kuroy muutat,

Interpreter: Hilo jambo “Mutata” ama kiapo hiyo ikitengenwa, lazima ameambiwa, na amepewa muda na ikiwa hataweza kuwasiliana na wale, basi akikufa, atajua ya kwamba alipewa muda.

Mr. Kamalinya: Kighyooni lee muutat, mchiini keto muda atomaa chii,

Interpreter: Ndivyo hivyo ni kama jinsi nilivyooa mke wangu hakuna mtu anaruhusiwa kwenda na mke wangu tena

Mr. Kamalinya: Nyo lenye nyoni wolo koyiipan korkenyaan, nyo momchiini nyee kuwoo nko chii anga.

Interpreter: Huyo ni Mupokot sasa.

Mr. Kamalinya: Nyoni kuu pochon yee nyuu

Interpreter: Ikiwa mtu akienda na mke wa mtu mwingine kuna jambo ambalo anatekelezewa.

Mr. Kamalinya: Ato woo chii nko korkoo chii miteeni wolo kighdoy

Interpreter: Na hivyo basi kila mtu anaogopa ama anaheshimu wa mtu mwingine

Mr. Kamalinya: Nyo nyoni kwipuy konyuutot ompo piich lowur.

Interpreter: Kuna ishara ambayo inawekwa mkono ili kujulikane kwamba huyu ameolewa

Mr. Kamalinya: Miteni ngala walake choo kusuwuyogh chii loo miteni katanyii

Interpreter: Na hivyo atakuwa akitembea, na kila mtu anajua huyu ni mke wa mtu.

Mr. Kamalinya: Ato westoy ksuwuyii chii lowur loo koko chii

Interpreter: Ikiwa ni wizi wa ng’ombe kuna kiapo aina ambayo inambatana na wizi wa ng’ombe

Mr. Kamalinya: Ato chorsyoo tiich, miteni ngala muma

Interpreter: Na lazima iulizwe kabla haijatekelezwa

Mr. Kamalinya: Ak michiini kegh

Interpreter: Huyo hawezi kupewa hiyo adhabu kabla hajaulizwa

Mr. Kamalinya: Mmokitoni nyee ngalee chonii ato tomaa keteep

Interpreter: Baada ya hiyo kiapo, akikufa basi, kila mtu anajua alipewa nafasi bora ya kuweza kujibu ama ya kusema yale alitekeleza

Mr. Kamalinya: Atolapay, ato maa chii chooni, ku nguut chii lowur lo kiketoo poroghoun nyo wou.

Interpreter: Hiyo nasema asante na hayo machache kwa niaba ya Wapokot

Mr. Kamalinya: Soro nyo wou ompo chooni ngooru

Interpreter: Basi nasema shukrani kubwa sana na kuwepo kwenu inanipa ishara kwamba hivi karibuni kuanzia Moi's bridge kuja pande hii itakuwa imefunguka.

Mr. Kamalinya: Oyokuu naan soro tyaa, koreenchaa kungeeta Moi's Bridge.

Interpreter: Basi anasema mupeleke huo ujumbe na muwaambie kwamba Wapokot, wataanza kuishi nchi yao.

Mr. Kamalinya: Nyo oyiipo ngale chooni koro Pokot lowur.

Interpreter: Asante sana. (Clapping)

Com. Ida Salim: Asante sana Mzee kwa maoni yako na sasa tunamuita mzee mwingine Bwana Nyamae Ochung?

Nyamae Ochung: Mimi naitwa Nyamae Ochung. Nimeonelea Commissioners ambao mmekuja hapa tunataka kufuata jambo moja. Kila mtu apatiwe marriage certificate. Hii marriage certificate itakuja kwa kusaidia jamii yetu kwa sababu unaweza ona kila mara hatuoi ya kizungu peke yake ndio mama apate marriage certificate. Lakini hawa wengine locally married hakuna vitu kama certificate. Hii sasa, nimeona ni jambo lazima tufanye hivyo. Marriage certificate, Serikali itoe kwa kila mtu yuko hapa Kenya, ambayo hiyo itasaidia jamii kwa kutobomoa nyumba.

Pili, mutu anaweza kuoza bibi wa pili. Hiyo si makosa. Lakini Serikali ijue yeye ako na kiasi gani ya pesa ya kulipa yule bibi wa pili. Hii ndiyo jambo kubwa sana kwa upande wa jamii. Mambo ya chokora, imekuwa nyingi. Kwa town hapa, watu wanakuwa kama mbwa tu. Sasa nampea mimba huko, basi mama anazaa huko na kuacha. Namna hiyo sasa, ndiyo ile shida kubwa sana ambayo nimesema, tuone hilo jambo la wamama.

Jambo la tatu kuhusu umasikini. Umaskini nimeona kama Serikali ingeweza kwa kupata masaada kutoka nje, tupate kitu kama mbolea, mahindi ya Kenya seed iko hapa. Watu wapande mahindi baada, ya miaka tano, wakilima shamba ya mahindi peke yake, hii nafikiri, njaa ikiisha mambo ya jamii hatutakuwa na shida nyingi. Hiyo ndio shida moja. Juzi, nimeona doctor Oluoch amekuja hapa analeta eti milioni moja ya kumaliza umaskini. Hiyo pesa haiwezi kumaliza umaskini. Hiyo itakuwa ni mchezo mbaya sana. Nataka mawaka ujao, mbolea na mahindi, Serikali itoe kwa kila mtu yeyote Kenya.

Nne, NGO's za kutoka ng'ambo kama Wazungu wakuje kusaidia sisi kufanya irrigation kama Pokot hapa iko mito nyingi. Hiyo irrigation ikifanywa, nyanya ipandwe, hiyo itapunguza umaskini. Hiyo ndio nafikiri itakuwa jambo kubwa sana.

Tunakuja kwa kifo. Kifo iko mara mbili. Iko mtu anaweza pigana na bibi ama ndugu yake na kwa bahati mbaya, auwe ndugu yake. Hiyo ni kifo tofauti na kuna kifo ambayo ya genge fulani wanatengeneza manao ya kuenda kufanya maovu. Watu kama hawa wakifanya maovu, kama lile jambo lilifanywa Nairobi, hawa watu hawastahili kupelekwa kortini, hawa watu nao wauwawe na hayo mambo iishie hapo. Hiyo ni kifo.

Naturudi kwa chief. Chief ni mtu wa maana sana kwa area na assistant chief pia ni mtu wa maana sana. Kama kwa division, hakuna haja ya kupeleka District Officer. DO anatajikana kwa district peke yake. Ikuwe DO1, DO2 na DC wa tatu wametosha. Chief apatiwe gari kwa division yake. Yeye ndiye anahangaika huko na wagonjwa. Mtu ameumwa na nyoka, yeye ndio anaweza kushughulika, wale wazee ambao wameacha kazi, kwa kutoka kwa retire, chief anaweza kuchukua file yao kuleta kwa DC, kushughulika mambo ya pesa yao na kurundisha kwa reserve huko. Huyu ni mtu wa maana sana kuliko kupatia DO gari anakuja kumangamanga nayo kwa ma bar hapa kukunywa pombe tu na hakuna shida wanaona ya watu. Hilo jambo nafikiria limeishia hapo.

(Clapping)

Tukirudi kwa upande wa masomo: kweli kwa masomo, tangu tulipata uhuru, ndio tumerudi nyuma kabisa kwa masomo nilikilinganisha na wakati ya wazungu. Sisi kwanza Mwafrika hatujui mambo ya masomo ni kitu gani. Nilikuwa naomba Serikali ya Kenya kwa sehemu ya West Pokot, kama sehemu nimefanya kazi, zote huko nimejua shida yao. Bore hole za maji zile zilichibwa na wazungu ndiyo bando ziko mpaka sasa. Tangu tuliopata huru,

hatuja chimba hata moja.

Kwa upande wa masomo, serikali ya Kenya ingepatia sehemu hii ambayo iko shida nyingi kwa masomo ya secondary. Watoto walipe five thousand shillings kwa mwaka. Sababu hawa ni watu ambao bado wanafunzwa mambo ya masomo. Lakini si sehemu ya town upande wa juu kwa watu wale ambao wanajua masomo. West Pokot, Lodwar na sehemu zingine huko. Hiyo itasaidia watu wa nchi hii kwa jambo kama hiyo.

Tukikuja kwa wabunge: Bunge ya Kenya jinsi nimefanya research kwa hii miaka yote ambayo nimekaa, Wabunge wa Kenya 220, ndio matajiri hapa Kenya. Halafu research yangu ile ya pili, wenye hufanya biashara, wale ambao ni matajiri ni kama nusu milioni. Hiyo ni kama zero kwa milion thelathini. Hiyo ni umaskini mkubwa kwa Kenya. Sasa jambo lile nimeona hapa kwa upande wa Wabunge wetu, hiyo inakuwa ni kiwango kubwa na mashahara tena vile, vile wameweka mshahara wa juu. Hizi pesa ambazo walijiongeza kwa Bunge, kutokana na mambo ya maoni yangu, ilikuwa kama siasa ya kupasuwa Serikali ya Moi. Yaani wengine warudi kwa upande huo. Kwa hivyo, hiyo haikuwa ya maana. Ilikuwa ni kisiasa na sisi tunataka ile kitu ya kujenga.

Nikitoka kwa hiyo, ninakuja kwa mayor: uchaguzi wa mayor wa town, inatakikana watu wenyewe wachague mayor, kwa sababu hawa macouncillor sisi ndio tunachagua na tunajua tabia ya kila mmoja wao. Kwa hivyo, kama raia, anaweza kuchagua mayor, inaweza kuwa ni jambo moja la maana sana.

Kuja kwa majudge: hapa Kenya tuko na wamama na wanaume. Kwa upande wa akina mama majudge, mimi sifurahii kwa sababu huyu ni mtindo wa Uingereza. Waingereza ndio walikaa chini na wakaamua mtu akizaa msichana anaweza kuwa President na anaweza kuwa judge. Na sisi tangu tulipata uhuru, kulingana na mambo ya Katiba yetu, hii ndiyo ya kwanza kukaa chini. Wamama wakikuwa majudge ama police, hii nayo ni njia moja ya kuvunja nyumba. Sababu bibi yangu ni police, akikuja nikimuuliza umetoka wapi, anaangalia anasema huyu mzee anasema nini sasa. Nyumba kama hiyo itavunjika. Nitatoka kwa nyumba hiyo, nimuache. Hiyo ni jambo moja mbaya sababu mama aki-point mzee, hiyo nyumba si nyumba tena. Nilikuwa nimeona wamama kwa upande huyo, kazi ziko nyingi kama PS wanaweza hata pewa mayor kazi kubwa kubwa ziko. Lakini kazi ya kubeba kofia nilikuwa nimeomba wamama muache mkitaka nchi yetu iendelee. (clapping) Hiyo ni njia moja ya kuvunja jamii na Serikali ndio itakuwa na shida kwa sababu ile mimba atakuja naza watotowote ni wa Moi na sisi tutakuwa kado na itakuwa ni makosa kubwa sana hayo.

Com. Idha Salim: Tafadhali zingatia wakati. Maliza, maliza.

Nyamai Ochung: Na maliza maliza tu. Sasa kuna moja hapa. Mambo ya bangi nasikia watu wanakamatwa na bangi, nini, hii njia ya kuzima mambo ya bangi inawezekana kama Serikali inataka, kama serikali haitaki,

haitawezekana. Ni kwa njia gani? Bangi inatoka Busia kwangu inaelekea Nairobi, na inapita polisi karibu vituo kumi na tano. Sasa huyu mwenye kubeba bangi akishikwa na polisi aulizwe amepitia vituo ngapi, “nimepita vituo kumi na nne hapa ni kumi na tano, nikashikwa,” wale wavituo walihongwa pesa. Askari wakihongwa wafutwe kazi na kufungwa miaka mitano kusudi wengine wasifanye hivyo. Nafikiri hiyo chapter tumefunga kwa njia hiyo. (Clapping) Hata ikichukuliwa na ndege kutoka Paris, kuja Jomo Kenyata Airport, waulizwe walipandia wapi, wale walioiruhusu hiyo bangi kuingia wakamatwe na wafungwe. Na huyu mwenye kukamatwa aambiwe aende akaleta ingine kwa sababu ametumia pesa nyingi. (laughter) Akikuja hapa Jomo Kenyetta, hakuna haja ya kutibu yeye. Lakini sasa mkinikamata mimi, mnifunge, bado zile nyayo zitakuja tu sababu ninasema hiyo ilikuwa tu bahati mbaya. Sasa hii njia ya kuzima hiyo ni hiyo peke yake. Hakuna njia ingine. Nifungwe na wale walio ruhusu hii kitu kuingipa hapa.

Nikija kwa upande wa President: kura upande wa maoni yangu, President awe na uwezo kwa sababu juzi President Moi alijaribu kuacha uwezo kwa Bunge baada ya wiki mbili, Wabunge wakakaa chini wakanjiongeza pesa. Mpaka yeye akashindwa hii pesa yote nusu milioni mnajiongeza namna gani? Sasa mzee alikaa chini akaona nikiingia kwa nguvu, basi hawa watu watahama, wataenda kwa opposition. Kwa hivyo watu wa KANU wale wako na President Moi wengi wao si wazuri. Wangepiga kura, wangeshinda opposition na hiyo pesa hawangeongezwa. Kwa hivyo, ilikuwa ni kisiasa.

President na Prime Minister, wapewe uwezo ambao bila kupingwa na ku-cover hawa watu wawili President ama Prime minister wakuwe na wazee wale wanashughulika kama senate ya kuangalia President na Wabunge. Kama bunge itapitisha ile kitu haitakikani, hawa wazee wako na uwezo wa kupinga hilo jambo lao sababu tumepata sasa wanaenda kiholela.

La mwisho matajiri wale ambao wananunua magari kubwa milioni tano; hawa nafikiri upande wangu nimeonelea tax ambayo inasumbuwa watu ambao hawana wheelbarrow hawana viatu, kama gari ni milion tano na tyre ananunua elfu ishirini, huyu mtu tukiongeza yeye kwa tyre ikuwe elfu mia moja halafu a-recover tax ya huyu mtu ambaye hana viatu, hakuna makosa. Sasa huyu mtu hana viatu ndio mnamfina kwa tax. Huyu mtu awekewe hiyo kwa sababu yeye ana uwezo wa kutumia gari moja na bibi yake. Hata ni hoteli kubwa kubwa, tax iwekwe kwa hizo hoteli, halafu uchumi wetu utakuja kuwa laini vizuri. Mambo ya Serikali kuweka shares kwa viwanja ndio inamaliza viwanda. Kampuni iwachwe peke yake ilipe tax. Nafikiri hilo ndilo neno langu la mwisho.

Com. Salim: Asante sana kwa maoni yako, sijui kama mwenzangu ana kitu? Asante sana

Nyamae Ochung: Shukrani sana.

Com. Salim: Bwana Stephen Makalipa ambaye pia ni mzee wa hapa eneo hili.

Stephen Makalipa: Asante sana kwa tume hii. Mimi naitwa Stephen Makalipa. Hata mimi ni mmoja wa wale walienda kwa Prof. Yash Pal Ghai Nairobi. Kile ambacho ningesema kwa ufupi, hali ya Transzoia, nchi yetu ambayo tulinyang'anywa wakati wa ukoloni, tunataka turudishiwe kwa amani.

Ya pili, kuna sheria Wapokot wanataka. Kuna mawe nchi yetu kama cement ama mines kuna watu wengine walipata title deed kutoka nje, Wapokot hawakupewa. Tunataka hiyo title deed ivunjwe ipewe mkono wa county council kwa maana ni mali ya Pokot. Wakichukuwa wapeleke nje, Wapokot hawatapata chochote.

Ya tatu, kwa kule Lolokon wakati sitima yetu ilichukuliwa Wapokot wahakupata hata kitu kidogo na hiyo ndio factory ya kwanza kwa Wapokot. Nataka irudishiwe Pokot, iwe mkononi wa citi council. Wapate pesa ya kusomesha watoto wetu.

Interjection (Inaudible)

Stephene Makalipa: Lingine, Wapokot wajaingizwa kwa Katiba ya zamani tulisahauliwa. Tunataka kuingia hii Katiba kwa maana sheria zetu, kama mtu kweli anaingia kwa bibi ya mtu, kuna sheria ambayo anapelekwa kortini ya wazee na atozwe faini. Au mtoto wa mtu atiwa mimba na kijana na anakataa, kuna kitu tunaita "Achula" ilipe huyo mtu. Hata kama ni watoto watatatu, unalipa ng'ombe tisa.

Kuna kitu ambacho tunataka, tukienda kortini siku hizi, judge anahongwa na wale wako na nguvu. Anapewa pesa. Na wewe maskini, unarundi na tumbo, hata kama ni shamba lako unanyang'anywa. Tunataka hivi, turudishiwe ile korti ya wazee ambaye inaitwa African Court. Turudishiwe na tupate ukweli kwa maana hii yenu hii ni kuhonga wakubwa wa police, na judge. Mtu anaumia na ndiyo sababu, tunataka namna hiyo.

Kwa jumla, tunataka hii mipaka yetu ambayo tunalia mpaka huyo chini kwote turudishiwe sisi Wapokot. Hatutaki kitu inaitwa matata. Tunauliza kwa amani. Kwa maana mnasema human rights. Hii human rights ni nini tena, human rights ni haki yetu. Tupewe. (Clapping)

Com. Idha Salim: Asante sana Mzee Stephen Makalipa kwa maoni yako. Tumeyasikiza kwa utulivu na kufahamu na sasa nimuite bwana E.M Losot. Pia yeye ana memorandum. If so summarise please for us. The main points of the memorandum. We are beginning to be worried about the length of time because we have a lot of people who are registered to give us their views. So kindly help us, help them also by being straight to the point, within the limited time.

Losot: Asante msheshimiwa commissioner, wenzangu, na wananchi wote nimeshukuru siku ya leo, kwa sababu mko hapa nimesoma Salim, nimekuona uso wako leo, Kabira, nimemuona tena, tulikutana siku moja Catholic hata nimesoma vitabu vingi ameandika. Nimeshukuru vile wako hapa, watapeleka maombi ya Kenya na sisi Pokot. Kwa ufupi, mimi naitwa E.M Losot. Mimi ni project co-ordinator, wa Tumu Integrated Pastoral Development Project, ambaye ni wa consult wa Sedmark. Sisi ndio tumefanya civic education hapa. Tena division ya West Pokot, one division ya Transzoia kwanza division Kolowa division, Kilgoyi na Kinyang'wa East Baringo. Sisi ndio tulikuwa na wananchi kwa mambo ya civic education, na mimi najua Salim na Wanjiku Kabira walikuwa wanapigania mambo ya civic education, mimi sikuwa nafanya namna hiyo. Tumeandika memorandum, iko hapa, sitasoma, nitapee nyinyi mutasoma, na tumefanya kusomea wananchi vile wanataka. Niko na machache nitasema hapa kwa ufupi. Watu walikuwa wanasema hapa zamani, indigenous issues: Mimi nikuwa indigenous expert, sio hapa peke yake niko na mambo ya African people and the right commission, UN system.

Niko hapa nina machache ya kusema, eliminate laws that deny or limit land rights. Including right to subsoil resources. An affirmative recognises indigenous people and rightful management of their land and resources which includes, trust land, minerals, wildlife, water. Natural resources should not be regulated by laws which vest them in Government. It should be on the people. People should be on top of the Government laws

Constitution should be strong and adequate towards effective political participation and representation in public lives of the minorities. Irrespective of fundamental rights, such a discrimination may not be sufficient. We have the article 25 of the international covenant on civil political is not very rigid. Article two of human rights, but I suggest Kenya is not a federal country. So in a country which is non federal territorial, we have a mechanism which we can call naturalization of power, we can call self Government, divolution of powers, autonomous region, special territory. Because minorities I suppose should be protected. There is no clear definition of what minority is. Is it number? Powerless? Because what may be people have been talking in this country, katika Kenya msima, katika hapa, ni hii mambo ya wachache, ndio unaona watu wanazungumza juu ya haki ya ardhi, juu ya haki yao kuandikwa kazi. Kama hivi karibuni, tutaandika polisi ama army. Watu wengine wanatoka pahali pengine mpaka Nairobi. Na wanataka kuandika hapo indigenous rights. Sasa mimi nasema kwa Constitution ambayo inakuja, protection of minorities, ama watu wachache, territoria intergrities should be done. Kama vile nchi zingine imefanya, Maldivia in Paragua, Crimea United Kingdom, Denmark, Finland, na nchi zingine ambazo mambo ya vita hata mnasikia Pokot region pia, protection of indigenous rights ya haki yao katika Kenya mzima na katika wilaya hata kule Baringo, iko shida huko, na sitaki kusema mengi, hata Belgium, Northern Ireland wanafanya haya menane, halafu pia, mimi napendekeza kuwe na ethnic advisory councils kama vile Austria wanafanya, kwa sababu ethnicity lazima ikuje iseme hii kabila siyo mbaya kwa kujenga nchi yetu. Austrarian Ethnic Advisory Council wako huko. Kulikuwa na shida kama ya Kenya hapa. So that we protect the tenurities of Kenyan majority. We protect

the tenurity of Rift valley majority, Rift valley hapa, watu wengine wanasema ni Kalenjin, na sisi tunaumia hapa. Turkana wanaumia, Samburu wanaumia, na watu wengine wachache. Ama Okiek. Sasa tenurity of Rifty valley should be checked. Kama vile Sammy Carson wa Norway ama Sweden, Constitution ambayo itakuja should have, traditional court system. Wengine wanasema, kwa sababu mimi nikiwa hapa, kwa sasa civic education, watu wengi wanaumia, wanakuja kortini, hapa ni meona wanapelekwa mpaka Eldoret High Court, kwa mambo ya ardhi. Hata leo niliona mtu aliletwa kwa korti yuko hapa. Kwa sababu court system ambayo ime-decentralise kwa magistrate, kwa crime, inaleta shida na trial system yetu iwe pia na Court ya zamani, iwe both courts are good. To do justice and traditional systems are worth to be recognised in the Constitution. They should not be taken away kwa westernization or endowment of the cultures.

Halafu ya mwisho, tuwe na mambo ya religious tolerance. Religious tolerance must be there, isije wanasema hii ndio kubwa kwa sababu belief system ya watu wengine, practices belief system indigenous issues. Watu wengine wanataka kufwata maneno yao, iwe mambo ya religious, maneno yao iwe recognised kwa Constitution kwa sababu, italeta vita ukisema religion hii iko. It will be a source of conflict and suppression in Kenya. So kwa machache, nimeshukuru sana. Asante.

Com. Idha Salim: Asante sana kwa maoni yako na sasa, I need to apologise to Bwana Peter Lokitale. He had registered earlier but I overlooked your name before our last speaker. It is your turn now.

Peter Lokitale: Thank you very much Commissioner. Mine will be very brief. My name is Peter Lokitale in charge of Aids control in Kachaga Location. I will just go over for one minute. The following should be included in the next coming Constitution:

1. Free education in Primary school to form four. I say so because we are neglected. We were left behind by the colonial system of Government. So when we started paying wages, they said cost sharing, then we dropped. So I propose that.
2. Medical treatment in Kenya should be the way Mr. Kenyatta said. Medical treatment should be free. All the Semi-arid areas in Kenya should be irrigated to eradicate Poverty.
3. Constitution should be taught in the schools. You know when they came here, there was nothing to do with the Constitution. We did not know what is a Constitution. So this should be taught in all the institutions in our republic.
4. Spread industries in the rural areas to create employment. Upcountry is semi-arid and so what should make the

people to live are industries to be spread all over like that on of the cement. Kenya Meat commission should be brought where the cattle are like Karamajong here, we have Turkana, Pokot ya Riftvalley to create more employment in the republic.

5. Constitution to take care of the orphans, wazee, widowers, disabled, blind, chokora, women, cripples and widows. All the children of both sexes, like now we have three quarters who are not going to school. The reason being, they do not have school fees. So education should be made free in our republic. Create Jua kali in all the rural areas in Kenya to create employment. Jua Kali system should be standard in all the rural areas in our republic. People go to raid the reason being, they are very idle. Two, three quarters are poor. They do not have anything. So it forces them to go and kill by force. If industries had started and they are financed, then if they become very busy, they won't steal any more.
6. Give them means of business to stop raiding. The lowest education for councillors must be form four. This is the third world war. We go by the current. At least a councillor should have form four level of education.
7. The Constitution also to take great care of the old epidemic diseases in our republic. Like now people are dying of aids. No one cares about. For instance in our district, epidemic diseases started for instance like Aids in 1984. To date, nobody bothers about. So they should include all epidemic diseases in our Constitution to take care. I mean Cholera, Ebola, Aids, Malaria, Typhoid.
8. The Constitution should make education compulsory in our republic. The CBOs are also neglected by the current Constitution so the CBOs should be put in the Constitution so that they are right at the level, in the grassroot. Within the community. So, Constitution should take care of all the CBOs in our republic and very strong enough by finances. The
9. The councillors be removed. If a councillor is elected and yet he is not bothered about any progress within three years, the Constitution should have a provision for his removal before the five years election starts, then we check of somebody who is very active. Other than existing five years for nothing. Okey that is all. God bless you. Amen. (clapping)

Com. Idha Salim: Thank you too Bwana Peter Lokitale. God bless you also and thank you for your views. I now call Bwana Thomas Londite.

Thomas Londite: My names are Thomas Londite and I am going to present my personal views on some of the items that I have laid down accordingly.

1. I am going to present about the pastoral communities in Kenya especially in Pokot community. We say that the Government should provide medical facilities to Pokot community.
2. The education to the child of Pokot should be free from primary to university level to catch up with other Kenyans.
3. Roads within West Pokot should be tarmacked so that we are equal with the other communities in central province.
4. I also have something on Local Government. Here I say that a councillor should be form four and above. Secondly Chairman of the county or the Mayor should be over that level, that means should have a secondary education and a college level of education or a university. That is the thing and then this is subjected to be elected by the community itself. If he messes up with the council resources, the community has to discipline him accordingly. Then I said that councillors should be paid by Central Government. The idea of paying a councillor 7,000 and MP half a million is not fair at all because all are paying taxes to Kenyan Government. They should be treated as Kenyan citizens.

I am going to talk on Electoral Commission of Kenya. I said registration of voters should be a continuing process. It should not be the time of election to enable the Kenyans to register more. The idea of saying people go as per the population in Constituencies should not arise, because the distance should be taken care of and geographically and I say that the Constituency Review or the boundaries review of the Constituency review or the boundaries review of the constituencies should be done after ten years and this should be subject to geographical features or distance.

I have something on security. I say that the Government should provide security to Pokot community. Not Pokot themselves to provide security for themselves. That one should be put in the Constitution. The idea of having KPR, the people who are not going to be paid is really unfair, compared to the police who are paid and are not going to protect the Pokot. This is to say KPR ni Kukufa Pamoja na Raia. Why not police or APs Kukufa Pamoja na Raia.

Secondly, compensation to Pokot community who lost their lives in 1984, Government military operation. I say that the Government should provide compensation to this community because many Pokots lost their lives because of such military operations. I say clearly that, it is not a way of punishing a child. Government should look at other measures to punish the offenders.

Thirdly, the appointment of ministers. In Kenya, ministers or assistant ministers should have a third level education.

As I had said, before, this is college, University and above. A minister should be appointed to take a ministry of his relevant field as per his or her profession. If you are a minister for health, you must have taken medical training. If you are for energy, you must know physics and chemistry to run that particular department properly. If you are a minister for finance, you must be an economist so that to balance the economy at this country to avoid the corruption in one way or another.

I said in the other part that the local council of Pokot to look after the natural resources of this district. That is land, water, energy, Turkwell Gorge, power stations, forests, so that the people coming from outside district may not destroy our forests or somebody coming from Nairobi and says that because he comes from above he has to exploit the natural resources, that is minerals within our vicinity. So, I say that, such things should be null and void. Thank you Mr and Mrs.

Com. Idha Salim: Thank you very much Bwana Thomas Londite for your views. There is just one small point.

Com. Kabira: Mr. Londite: I wanted may be to hear a little clarification on the compensation on the deaths of the Pokots from security forces. So when was this? Is it that they are many or what?

Thomas Londite: If we clarify on that line Madam Commissioner, it has been a routine, and this has been a system of the years that Pokot has been tortured through military operations. Whereby the economy or the money that can be used in employing our youth who are idle are being diverted to buy the fuel, for the helicopters to go and destroy the innocent Pokot community. This has been there since 1979, onwards. Let us say that all system of Government has been suffering. The colonial Government, they posted us from Transzoia up to this area, when the Kenyatta regime came again, we had the military operations and then when again the current system of governance took place, we also had. For your information, it is not the wish of Pokot to be arrogant. One way or the other, environment makes them behave that way because communities surrounding them tends to take them that they are people who are not co-existing with others but in the clear picture, we co-exist with the other communities. God knows that one. So while others are compensated through floods, why not Pokot? Pokot never applied to be in Kenya but it was a point that we found ourselves being in Kenya with other communities. So the Constitution should treat us equally with others. We should be entrenched with other communities and this Constitution so that when I say I am a Kenyan, when I look in the Constitution of Kenya, I appear in the Constitution as a Pokot, a Kikuyu appears in it, the Turkana, Samburu and so forth. If you see the Constitution of Uganda, it spells out clearly that all those communities living in Uganda are named in the Constitution and it is so clear as per their style of life.

Com. Idha Salim: Thank you very much Bwana Thomas Londite for those views. I know call Benard Kasiwai.

Benard Kasiwai: Ma-commissioners waheshimiwa, anayesimamia kazi hii katika wilaya hii, mheshimiwa Katina, wananchi wenzangu, majina yangu ni Bernard Kasiwai na ningependa kutoa mapendekezo yangu machache binafsi.

Nitaongea juu ya vitu vifuatavyo. Kwa ufupi kabisa, ambavyo ningependa viunganishwe au viingizwe ndani ya Katiba ambayo inaudwa. Ya kwanza ni mpangilio wa maendeleo ya Serikali. Yaani, development plan.

Pili, ningependa kuongea kwa ufupi juu ya Serikali ya wilaya. Local Government.

Tatu, ni juu ya mishahara na haswa ya wabunge.

Halafu ya mwisho ni juu ya pendekezo tu ili isaidie Constitution wakati mwingine njia ambayo labda wangetumia kufikia wananchi katika kuuda Katiba siku zijazo.

Nne, wanenaji walivyosema hapo awali, kumekuwa na wapangaji wabaya katika Serikali. Kwa hivyo ningependa katika Katiba mipango ya Serikali, projects, iangaliwe kwa makini. Kila sehemu. Kwa mfano West Pokot.

Consultants au watu kutoka sehemu hii tunasema consultants, hatusemi wasomi, hapa chini tuko na consultants pia. Ili waweze kutambua ni rasilmali gani iko katika sehemu hii na inaweza kufanywa namna gani ili iwe ya faida katika sehemu hiyo; kuliko kufikiria kutoka sehemu ile ya mbali, na tukifika upande huu labda hasaidii wenyewe. Nafikiri macommissioners watajua vile kuweka hiyo.

Rasilmali kama vile maji, shamba, kwa mfano mambo kama hayo. Na ingine kwa upande wa development, ya Serikali, ni kuweka sheria ya kuchunga Public land. Sheria ya kuchunga mashamba ya umma. Tumepata experience au tumeanza kuona ya kwamba nyakati zijazo, au nyakati za usoni, hatutakuwa na shamba ya kufanya kazi ya umma kwa sababu zote, zimechukuliwa na watu binafsi. Kwa hivyo, kuwe na sheria ya kuchunga public land for future planning.

Lingine, nikikuja kwa upande wa local Government vile nilivyosema, nitasema haya kwa uchache kabisa. Sheria iwekwe mahali au itungwe ya kuweka njia kambambe ku-monitor kazi ya Serikali ya wilaya. I mean a system has to be put in place to monitor and evaluate the performance of a given local Government. Kwa sababu ex-cheqors yaani wale ambao wanatoa ushuru kwa mara nyingi sana wanaamibwa wanapatiwa service charge, wanapatiwa services na local Government hali kadhalika, hakuna ile service wanapata. Kwa mfano barabara, vile mlivyokuja

nafikiri mmeona barabara ni mbaya. Na hali kadhalika kila mwezi kuna ile pesa ya ex-chequors towards service charge. Nafikiri mtaunda hiyo. Nasema tu wawe monitored ili kama hakuna report itolewe haraka iwezekanavyo kwa performance ya hiyo. Nasema tu hiyo kwa upande wa service charge na vile vile kuna walimu wa nursery au pre-primary, ingefaa sheria iwekwe pia kambambe ili waajiriwe on full time basis na local Government na wapate mshahara.

Nikimalizia, kwa upande wa mshahara: ningependa kusema wajumbe kwa kusema ukweli, nafikiria sheria iwekwe ili kama vile wanenaji walivyosema, wasiende tu bunge kupipatia maneno na kujipitishia mishahara haswa na hali kadhalika. Yule mwananchi ambaye anatoa hizo pesa anaumia. In fact watu wengi wanaumia at that level na shilingi hamsini peke yake. Kwa hivyo ningependa sheria iwekwe ya kuchunga pia ili wasijipendekeze.

Com. Idha Salim: Ungependelea jambo gani lifanywe? Nani ambaye atasema wapewe mshahara fulani.

Bernard Kasiwa: Kama vile walivyo chaguliwa na watu, waende wawakilishe kule, waende kuwawakilisha lakini sio kwenda kujipendekeza. Yule ambaye angependa kusema mshahara kiasi gani iwekwe ni kamati fulani maalum.

Halafu nikija kwa upande wa Constitution approach, I mean njia kambambe ambaye Constitution ingetumia kuandika Katiba ningependekeza kwamba hii ingeangaliwa vilivyo, wale CBOs wamejaribu kiasi lakini, ningependa kusema, wale wazee ambao wako kule kabisa wanasheria ya kutosha. Kwa hivyo ningependekeza wazee kutoka kila sehemu wapelekwe katika sehemu moja kutoa maoni kwa muda fulani kama ni wiki moja ya sheria. Kwa mfano kwa Pokot, waseme kama ni muma, walikuwa wanafanya wakati gani? Kama ni mtu, kila adhabu yoyote ile, waweke tu katika mahali watatoa sheria ambayo iko rich au tajiri sana, full of context. Nafikiri kwa hayo machache nitawashukuru. Asante. (Clapping)

Com. Idha. Salim: Asante sana Bwana Bernard Kasiwai, sijui kama mwenzangu ana swala lolote. Okey sasa namuita Zadok Khaeba yuko? Joo.

Interjection: Tangazao tu, ikiwa umefika na ungependa kutoa maoni yako, ujiandikishe pale nyuma. Tafadhali.

Zadok Khaemba: Our Chairman of the day, distinguished guests I salute you all. I wish to introduce myself as Zadok Khaemba. A trustee of construction and renovation firm registered in West Pokot. I wish to propose a few elements on the current Constitution, particularly to do with sections 87, 81, 78 and 79. As to do with the employment, social economic and politics. In this line I have this book the Constitution Review process in Kenya as from page 11. I find essential elements to talk about. I feel we are of the opinion, that the Constitution, be

amended as concerns to the Presidential candidate to acquire a President who is not above seventy years old because as human beings, when someone grows older, he also grows in his mind so he can easily forget some things. I wish to talk about the tenure. It is just okay because if we can stick to what is there now, a five times two which is 10 years. We also need to have a prime minister so that he can be effective in the running of the parliament activities so that the President does not work very much. He should be a ceremonial President. I wish to talk about the powers. Most of the powers be invested to the Prime Minister. If the President can avail himself always in the Parliament, many things mess up whenever the President is not in the Parliament but if he can always, so that those who wish to misbehave can always be afraid of his presence.

To do with provincial administration, we also propose that lets invest most of the powers into the local Government whereby the councillors can do most of this work because they are the people who are close to wananchi. Instead of having these DOs and others who cannot do anything but they just wait for the salary, while the locals are suffering.

We can also look at page twelve of the Judiciary Review Commission. To do with judiciary, most of our people who are languishing in cells might have been jailed without reasonable grounds or improbability; because these people do not know how to express themselves. They have nothing and if they talk because people who are disadvantaged are normally annoyed, they feel they are abusing the process, when they do not know how to express themselves. So in our views, we feel that judiciary should be free to all citizens so that if you are offended, you can have your right back just by being financed by the Government because you are a Kenyan citizen, and yet the Constitution is not yours because you are not advantaged.

I also wish to talk about the supreme court. Whereby, all people going against the law can be challenged. We also wish to propose that, this Constitutional Court is paramount because most of these courts can talk about some minor things but they live about the Constitution and yet it is their fundamental right. So we feel we should have the Constitutional court.

Judicial appointment should be done by Parliament because that is where we have various people with various ideas. There is something to do with the qualifications. We need people who are qualified and experienced to work in the judiciary. Because those ones who are not qualified cannot perform well or they are incompetent. But yet the law does not allow you to accuse the judiciary officers while performing their duties. This wide discretion should be looked into so that if they go wrong somewhere, there is a way we can correct them because sometimes as human beings, we can also mess up.

I also want to add something that appears on the same book in page 16. We want to talk about human rights. In

Kenya, we have enough human rights but it is not helping all of us. It doesn't mean that when people come to places like west Pokot, they should always sit on the property of the west Pokot people. But they should assist them to become better. I have a word from the bible. That is proverbs 27 verse 17 which says that you learn from your friend because you might not know everything but when a friend comes to your place and you do not most of the things, you can learn from that friend. So we people who came here twenty years ago and have become Pokots, we have learnt that Pokots are very good people. They welcome others, but some abuse their rights. We want the Constitution to protect our friends Pokots. I included because I am also a Pokot. We fee Pokot people should be brought something to do with the social economy why don't we have many industries in West Pokot. You see our neighbours like Western and other places have very many industries like sugar cane and whatever. There we need to have cement and meat commission industries to get employment to our youths because if we lack employment, they will become bad people.

Com. Idha Salim: Bwana Ichaeba, please be aware of the time and how it mathces very much.

Zadok Khaeba: Thank you Sir

Com. Ida Salim: You have limited time. You are almost at the end of the time alloted to you.

Zadok Khaemba: So I am making it brief and I just came and decided to look into this book. I was not prepared with a memorandum. I want to stress that the Constitution empowers our Government to distribute this wealth to the country, not just to look into some parts and avoid others. Particularaly in this West Pokot we have industries so that our youths can be employed and peace will prevail. With those few remarks, I wish to congratulate your presence. Thank you.

Com. Idha Salim. Thank you also Bwana Khaemba for those views. Sorry we really did not went to guillotine your views so suddenly just by way of a reminder that we appreciate your views. By the way, if you do feel like writing a memorandum, with more details, more information, we would be very happy to receive that memorandum, you could hand it to our District Co-ordinator in the area, or sent it direct to the head office Kencom House. I now call Bwana Peter Andukan. Peter Andukan is he here? Karibu.

Peter Adukan: Wakubwa nafikiri hapa sisi tumefurahi sana kuwaona wakubwa wetu wa Katiba, wakiingia hapa kwetu West Pokot. Kitu ya kwanza, niko na very short and brief report ya kutoa leo. Kitu ya kwanza, the Constitution Review should not be tied to elections. Election is an event while the Constitution ni? Nani anajua? Ni maisha yetu. So we should not tie these two things. Hapo iko na makosa kwa watu wa Nairobi.

Two, political parties and Parliament should accept the blame on the current Constitutional crisis, because after elections, baada ya uchaguzi wao wanaingia msituni wanaongea mambo yao mpaka dakika ya mwisho. Wakati uchaguzi uko karibu, ndio wanaanza kutusumbua na haya mambo ya Katiba.

Three, it was supposed to be people driven. Lakini sasa inaonekana ni ya wale Parliamentarians.

Nne, the post of paramount chief, itolewe. Hatuoni maana yake kabisa. Inatu incite na makabila mengine. Wanatwambia “Lapai” ipelekwe wapi, kwa Marakwet ama kwa huyu ama kwa yule, Lapai maana yake ni kulipa compensation kwa ile kabila ingine, if you wrong them. Hiyo ni kitu moja, wametuharibia sana.

Halafu ya tano, equitable distribution of resources. Hakuna haja ya kusema district number one, ipate tano number ten ipate one shilling. Hiyo ni wrong. Kila district is very important. We should distribute resources equally.

Sita, land belongs to the people. Kwa nini unatwambia commissioner of lands yule yuko kortini Nairobi saa hizi, saa hizi ndio ana control land, anatoa title deeds. I wish you would go to Alale. You would see where somebody from Nairobi amepatiwa title deed na hajui huko. Just by walking to the commissioners office na kuchukuwa title deed. Hizo ni wrong. Mambo ya title deed amam land, iletwe wapi? Kwa wananchi, if possible, Kapenguria hapa. Saba, auditor general’s report should be respected. Mtu akiwa implicated kwa corruption na nini, lazima hiyo report yake ichukuliwe kama sheria. Why should his office be there, kama yeye anakula mshahara bure na staff yake. Therefore, his report should be respected, na iwe implemented.

Nane, policemen must be retrained sababu wamekuwa sijui na nini? Kila mtu anajua hapa kwa hii district. Hata nyinyi Nairobi mnasikia kila siku mtu anapigwa risasi. Na APs, Administration Police, I think these people should be denied guns. Wapatiwe rungu kama zamani wakati wa ukoloni kwa sababu sasa wana misuse. We are also afraid of our lives for nothing.

Tisa,DC should be graduates. Sio watu wamekuwa set aside. We should re-call MPs and Councillors wale wana mess. Constitution should empower wananchi. Local authorities should be scrapped kama hawatekelezi mambo yao. Itengenezwe in a way that wasomi ndio wanaongoza councils. Hapana mtu wakutoka huko. Hata sasa hatujui county council yetu inatufanyia nini? Tulikuwa na municipal imetufanyia nini? County council tuko naye, inatufanyia nini? Tunasikia tu wakubwa wamepita hapa na magari yetu, mafuta yetu wana misuse.

Kumi na mbili, Katiba ipewe set up. The current one is completely bogus compared to nchi ya Uganda ama ya nchi ingine. Inasema Kenya is a sovereign republic. Sovereign bila watu. So I wish the order should be this way. We study a preamble after up to chapter one, inakuwa ni Constitution itself. Chapter three republic or

sovereignty. That is the order.

Citizenship, human rights, bill of rights, hiyo section should be created in the bill of rights. Representation of the people, executives, Parliament, judiciary mpaka chini huko. Vile Katiba inatakikana. It should be in that order. Yetu is mixed up. Unaona wananchi wako chapter five. Na sasa bila ya wananchi iwe nchi ni kama Somalia. Hatutaki kitu kama hiyo.

On the last one, human rights: poverty eradication kwa pastoralist areas kama Pokot na nini. Instead of giving us relief food saa yote, yes it is okey, patia sisi relief food when necessary. Lakini, if these NGOs could be empowered to supply us with camels, unawapa wananchi mbuzi, ng'ombe na kufanya wao wanendeleo ku-feed those animals, itakuwa the best way ya kuzaidia hawa.

Lingine, water: there should be clean water for drinking ya watu na wanyama wote wa kila boma. We were told year two thousand kila mtu atakuwa na maji. What is happening?

Education: watu wameongea hapa, kila mtu ameongea, free education ikiwezekana, kama Uganda watoto wanne wanasoma free. Na hii pesa yetu huwa inaingia wapi? Lazima tuone hapo Katiba iwe very strict.

Insecurity: that one is a mess everywhere. All Kenyans should enjoy the right to security from the Government. Hapana yule ni nani, lazima achungwe. Unaona hata DC peke yake, mtu anaishi hapa na askari mia tatu wana-sorround yeye. Are we not human beings? We should all be equal.

Police officers, nilisema saa ile health, there should be up-to-date acquisition to health, basic facilities to every Kenyan. Nafikiri that is the end of my story. Asante sana. Na councillors mpaka wawe form four kwenda mbele. I am very fed up with these people. They have not been delivering services.

Com. Idha Salim: Asante Bwana Peter, hebu ngojea huenda kuna swala. Commissioner, any questions for him? I have a small one Bwana Adukan. You said something about land and complained that people are allocated land and so on. Who should allocate land instead of the land office.

Peter Adukan: Land, saa hizi, watu wawili ndio wanapeana at their own discretion. Commissioner of lands, na President. Lakini unaona ya kuwa land tena inakuwa allocated twice kwa mtu mmoja. One piece of land. Sababu those people are completely ignorant of the environment ama area hiyo. Inatakikana board fulani iwe created kwa district level, kama itakuwa majimbo, ikuwe kwa jimbo na ile itakuwa saa hizi kwa district.

Com. Idha Salim: Thank you very much. Bwana Michael Lokondupes. I hope I am pronouncing the name right. Is that correct. Okey. Karibu. Bwana Michael Lokondupes. Ni mlemavu, na sisi watume tumepewa amri maalum kwamba walemavu lazima wafikiriwe na tupate maoni juu na jinsi ambavyo walemavu wataweza kusaidiwa na Katiba mpya. So we look forward to hearing your views Michael. Karibu.

Micahel Lokondupesi: Thank you very much, the commissioner CKRC, other prominent people who are around, ladies and gentlemen. Before you is Michael Lokondupesi, as I have been called and here I have got a memorandum of the VIH, (Visually Impaired Handicapped) or in other names, they are the Kenya Union of the Blind West Pokot branch.

The first thing, ladies and gentlemen we need is that we need opportunity but not sympathy. You see people have been saying these blind people cannot do anything or any other disabled person cannot do anything. We thank God because the current education system we are using, the current curriculum for our education. The difference is only that we read by fingers. I have been going to other parts of the country. There are people who say this blind person cannot do anything. In fact when they see him in a house or in a room, they tend to at least confine him somewhere because, he is a shameful person, he is not supposed to be with the other people but let me say today, we need opportunity but not sympathy. Most of our people are form four leavers and even above that, but the point is that despite of the education, because they are now being despised, they are not given the chance of exercising the much they have in their lives.

Secondly, human rights: I want to remind this house that we were created by God as you were created too. Everything you need is everything I need. Therefore, for example, a blind person should be given everything. In fact free because he has nobody else to depend on except the Government. I also thank the disability bill that was a month ago launched or gazetted, which is actually for us. Therefore, I also request all of you to support the bill so that it can come a law because one it provides free education to a disabled person, it provides job opportunities to a disabled person. Therefore, we kindly support that.

Disabled person should be given enough security. Imagine today a thief comes into his or her house. He/she does not have any defensive mechanism, he does not see or may be she/he is lame. Therefore, we need security from the Government. We need to be given land. A blind person should be helped with land to put up his building where he can stay. Same to the Children. They need to be supported, they need to be helped. They need to be given education. It is very shameful ladies and gentlemen none of these current Government has thought about us except the Safina party which really considered us by electing Josephine Sinyo for our rights to represent us. Therefore, we need you all to participate in that system.

Another very important thing is election. Let me ladies and gentlemen remind you one thing in 1997. I was voting for my late MP Honourable Francis Lotodo, and when I was in the polling station, I was now told to tell the people whom I want, then I told them, I hear this is a secret ballot, why am I then supposed to tell people openly so that all the people know whom am I voting for? So I had to say loudly, and yet we are learned, we are educated therefore we need blind people during elections to be provided with everything even those to count in the house. We need those to be in the polling stations to direct other blind people to vote. We need those important facilities. We need small papers to write our names. We need to vote but not through somebody, not through telling the returning officer whom I want. But I need to write down whom I want and somebody who is blind to go and read what I want. **(Clapping)**

Another important thing, I would say is, ladies and gentlemen you know blind people. They cannot provide for themselves. Therefore, I have been going through other countries. Other countries are very mindful. It is only Kenya which is I do not know. Lets pray that God helps them. There is what we call disability allowances. This person should be given disability allowance because it is not his will or her will to become blind or disabled. He should be given the allowances to compensate him or her. Those who work, their salaries should be one and a half so that it can make them comfortable. To make them compliant to other people. Therefore, the Constitution should be very careful on that issue.

Let me comment something on the Government or the governing system of Kenya. Power has become a very big problem. Power is equal to labour, finance and land. You find that when we put one person to be in charge of all those things is when you find a lot of injustice in it. Therefore, we need these things to be separated or we need them to be given equally. For example, the President, we would wish the President to be the head of state and ceremonial. We would also wish to have a Prime Minister who will be in charge of the day to day running of the house. Another thing on the President, he should not be a member of parliament. He should just be a President enough to that title. He should not be a chancellor. May be he is not a graduate, why do you make him or her a chancellor. Okey, another thing is we need also our MPs to hold good education. For example, Donde Bill disturbed a lot of our members of Parliament. I also believe may be they had a lot of problems because they do not know. They were not adequate. They did not get even what Donde meant. Therefore, we need a degree holder to be a Member of Parliament because he will be experienced. He will be aware of what is very important. Therefore, please, we need a degree holder.

On Ministers, a Minister should not be a Member of Parliament. But he should apply to the house. It is now the house to go through his document to discuss who deserves the seat because right now we have a lot of problems. You find somebody who was a General sometimes back is now a Foreign Affairs Minister which is very irrelevant. **(clapping)** We need somebody who has had an experience with defence to be the minister of defence.

Somebody who is good in economics to be a finance minister. So please brethren, let's be democratic enough. Our country is very much behind. We need the handicapped Ministry. Do not mix us with the Home Affairs. (Clapping and laughter) because when you talk of home affairs my friend, those are mainly made up of prison wardens and the wafungwa and we are not wafungwa. Create for us our own ministry. We need to be represented in the house as my friend Munge commented the other time that we don't want these nominations. We want these marginalised people to elect the right people to actually represent them. (Clapping) In the counties, the county council should be our Parliament here and therefore we shall be in need of learned people. We do not want somebody who was just taking care of his cows to come in and contest for a seat of being a councillor. Somebody who is may be a class two, class one is now becoming a councillor. Anyway may God forgive.

Com. Idha. Salim: Michael, you need to sum up now. Those are very important points you are raising. Please bear with us. In terms of time, we need to move on.

Michael Lokondupes: My brethren, that I would say is, let us be considered for that. Also free health facilities to a disabled person. We need jobs to the disabled because they have got nothing else to do. Friends, God bless you all. Finally, just to answer the question of my dear friend who raised that we need to be paid something or we need to be compensated on what happened 1974 and 1984, right now the Pharisees or the Jews who were killed during Hitler's time are being compensated. You see when you are disciplining your child, you are not killing him but you are disciplining. Our people were killed instead of disciplining. So that was not disciplining but was killing. We need to be compensated. We lost a lot of blood. Our people were affected by this thing. God bless you.

Com. Idha Salim: Thank you Michael. I now call Mzee James Koleluch.

James Koleluch: Asante sana commissioners, district co-ordinator, wananchi watukufu, nitakuwa na machache ya kuongezea yale ambayo wenzetu wameshakwisha kusema na moja kwa moja, nitaanza na kile ambacho nimekuwa nikifiria wakati huu juu ya Katiba. Pole, sikusema jina langu. Naitwa James Koleluch. Nimekuwa hapo mbeleni Mbunge kwa miaka kama kumi na tano, na hata pia nilikuwa Assistant Minister kwa wakati huo. Basi na kile ambacho kila wakati imeniguza kuona kwamba hatujawa nayo ni uhuru kamili. Kwa hivyo moja kwa moja nitaanza na structure and systems of Government. Ningependa kusema, kwamba hatujapata kile na hiki, uhuru, ama uwezo wa kujitawala uko wapi. Ninaona kwa wakati huu kwamba, hatuna hiyo uwezo, vile tunatawaliwa, ni vingine. Kule kutawaliwa kutoka mbali, haitoshi. Ninaona kwamba federal system ambayo itawezesha wananchi, kupata uhuru kamili hiyo nikusema kwamba, uwezo wa kujitawala, uletwe kwa wananchi wenyewe. Na hasa kupitia kwa council zao. Yaani local authority. District council, wakati huu tumekuwa na majina mbali mbali, wakati mwingine alikuwa anaitwa ADC wakati huu sasa inaitwa county council, lakini ni council, ambayo inatuunza mambo ya wilaya. Kila wilaya inayo county council. Hiyo, ndiyo ninaita district council

na district councils hizi zipewe uwezo. Zikisha pewa uwezo, wataweza kujiamulia mambo yao kama vile mabarabara, elimu, mambo ya maji, medical, mambo ya mahospitali, mambo ya ardhi yenyewe itakuwa chini yao. Na hata natural resources. Mineral rights ziwe chini ya District Councils na hata mambo ya environment, forests na kadhalika.

Pengine mtu atauliza, je, Central Government itabakia na nini? Kuna mengi. Kuna kazi zingine nyingi ambayo Central Government bando itaweza kuwa nayo. Kama vile security, mambo ya polisi, army, navy, na mambo mengine kama policy na kadhalika. Lakini mambo ya files, zote zitoke kule Nairobi, zije kwa districts ili mambo yote sasa wananchi watajiamulia kupitia kwa district council zao na hapo kupa municipalities na hata town councils.

Jambo jingine ni vile mayors watakavyo chaguliwa na council Chairman. Bila shaka hatutaki siku hizi mambo mengine isipokuwa direct na wananchi. Wananchi wenyewe ndio wanaweza kuchaguwa watu wao. Na muda ambao itakuwa ni vyema kwa council chairman na municipal mayors, ni muda wa kutosha. Tunaona hii miaka miwili haitoshi. Punde si punde unaona sasa election ingine. Sasa ndio sababu kumetokea na ufisadi mwingi ni lazima hao kufanya kufa na kupona wakianza kununua councillor na kadhalika jambo hili ni mbaya. Lakini tukipewa muda wa kutosha, maika tano, ya tosha kama vile councillors wengine watakuwa hapo kwa miaka mitano halafu general election iweko. Na itakuwa sawa hivyo.

Muda wa councillors, mini nafikiri tunakubaliana sote kwamba wakati umefika hata humu West Pokot, hata ukienda Turkana, utapata vijana wamesoma. Wote wamesoma sasa. Hatutakosa kwa kila kijiji kuna vijana wamefika form four hata wengine wameenda form four, hata wengine wameenda teachers college hata medical college. Huko nyumbani hawana kazi. Itakuwaje sisi kufanya election ya ku-elect watu ambayo si wasomi? Hawajafikia kiwango kile yaani form four. Ni watu wa kawaida na hapo watarajiwa kwenda kwa council na kufanya town planning, na kufanya mambo mengine kama hayo yakuleta maendeleo. Kwa hivyo, ni lazima tuendeleo sasa kwenda mbele. Yaani tuwe na wale waliosoma sawa sawa.

Ningependa kusema kitu juu ya executive ya Serikali. Vile wenzangu walivyosema mbeleni kwamba kuweko na Prime Minister. Halafu, tutakuwa na President ambaye ni ceremonial kuwa kazi nyingi ambazo ataweza kufanya kama Foreign Affairs. Lazima awe na ujuzi wa kutosha kujua mambo mengi. Pia President awe mtu ambaye kwa mambo yote yeye ni sawa. Yaani high moral standards nikitumia kimombo. Awe mtu mkamilifu na mtu ambaye ana masomo sawa sawa na pia ile hali nzuri yakuwa si mtu mlevi na kadhalika.

Muda ambao unatakiwa kwa President ni kawaida. Usizidi na usiwe chini ya miaka mitano. Lazima awe anakuwa elected direct na wananchi. Kazi nyingine ambayo President anaweza kufanya ni kuwa pamoja na advosors kama ma-rais wengine. Kwa kazi zake, lazima awe na advisors wa mambo mbali mbali hasa mambo ya Foreign Affairs

atakuwa na advisors. Watu wa kumshauri. President hana haja kweli kuwa Member of Parliament. Yeye anaweza kwenda parliament anapotaka by choice. Anaweza kwenda Parliament anapotaka lakini pengine hatakuwa na uwezo ule wa kufanya uchaguzi yaani voting rights, pengine hawezi kuwa nayo.

Ningependa kusisitiza kidogo mambo ya Parliament, kwamba vile wamesema hivi karibuni, pengine kutakuwako na ongezeko ya Wabunge, mpaka mia tatu itakuwa ni vizuri sana. Tutashukuru. Ninaona kwamba bunge ligawanywe mara mbili. Iwe na lower house, na senate, ama upper house vile ilivyo katika nchi zingine duniani, ili kwamba sehemu moja inafanya balance. Inaweza kuona mambo yale yamepitishwa, pengine kwa mfano siku zijazo wabunge wengi watakuwa Young Turks, watakuwa vijana, na pengine wata kibiza maneno mbio zaidi na kutakuwako na wazee katika senate ambao watasema la? Sivyo. Na pengine watakuja kwa joint sessions, wazungumze na wapitishie maneno sawa sawa. Nafikiri hilo, litakuwa ni jambo la muhimu baadaye.

Jambo jingine ambalo sijasikia mtu ametaja ni kwamba, kuna kitu katika Serikali ambayo tungependa iwekwe katika Kati ba. Na hiyo ni social welfare. Social welfare ni ya maana sana kwa nchi. Maana watu wote hawawezi kuwa matajiri. Bila shaka kuna wale, kama mwenzetu ambaye ametoka hapa disabled, hiyo ni moja wapo lakini kuna watu kawaida ambao ni watu maskini. Sikupenda kwao lakini wakaja tu wakawa maskini. Pia kuna watu ambao wameachishwa kazi. Sikupenda kwao, si kwa makosa kama vile juzi kuwa retrenched. Mtu anajikuta ameachishwa kazi, ana familia kubwa, ana shida za kila aina, na hata wengine wanaweza kuamua wakajinyonga ama wakashikwa na wazimu kwa hali ya ubaya. Kwa hivyo, social welfare inatakiwa katika nchi hata kwa old age, wazee, akina mimi na wengine wanatakiwa watunzwe mahali. Kuna wakati ambapo, wale ambao wamekwisha kuwa wazee, hawataweza kujimudu. Hataweza kufanya kazi nyingi, hataweza kushika jembe na kulima. Na pengine hawana mishahara au income ingine. Na kwa hivyo inatakiwa serikali iwezi kuwatunza watu hawa. Na hiyo itakuwa kwa social welfare. Na hiyo social welfare iwekwe katika Katiba. Nafikiri haya machache ma-commissioners, nitakoma hapo. Asante sana.

Com. Idha Salim: Asante sana Mzee James Koleruch kwa maoni yako ya hekima kabisa, ya mzee kama inavyo tarajiwa kuna swala moja hapa. Labda ungefafanua kidogo.

Com. Kabira: Asante sana Bwana Koleruch. Kwa hiyo maoni nina maswali mawili. Moja ni hiyo house of senate. Wale wazee wataenda huko tutawachaguwa kwa njia gani, wazee wale wa form the senate.

Pili, ulizungumza juu ya ceremonial President. Nani direct elections which has been chosen by all Kenyans, and then he becomes ceremonial and you have a Prime Minister who manages the Government. How will that work? Is the Prime Minister also directly elected or is he elected by Parliamentarians because I am just wondering about the conflict where you have a ceremonial President chosen by the people when the main decisions are being made

by somebody who is not elected?

James Kuleluch: First of all the Prime Minister is one of the MPs he is elected direct. He does not know that he is going to be a Prime Minister until he gets into Parliament, then while in Parliament, then depending on the winning party, he becomes actually the head of that winning party and automatically the head of that winning party becomes a Prime Minister.

As for the President that one can be elected direct by the people. Like we have done since we have had multiparty system. We can elect. To me it doesn't matter. Naturally he will belong to a certain party and several of them may belong to certain parties and then of course they will be elected and the one who gets the majority becomes the head of state and that is the President. But I hope of course there will be in the Constitution, limits of what functions a President can perform. We do not want a President to clash with the Prime Minister. That is the work of the Constitution to take care. Like it happened in Uganda between Obote and Kabaka that time. We must take care of that.

Com. Kabira: In the Senate?

James Kuleluch: With the senate, I feel that it can be the job of the local community because I will rather see a senator being elected or appointed for that matter by the community. Each district community. It would be better that way.

Com. Idha Salim: Is it one senator per district?

James Kuleluch: Per district, Yes.

Com. Idha Salim: Thank you very much for your views. Sasa na muita Bwana Hezron Lipko. Hezron Lipko yuko? Karibu. Kwa kuwa watu wengi wamejiandikisha na wakati unaendelea haraka sana, ningependa sote ambao tumekuja kutoa maoni, kidogo tuharakishe maoni yetu, ili kwamba sote tuliojiandikisha tupate kutoa maoni. Kwa hivyo, please, be mindful of time. The same point can be made in one minute or two minutes. We prefer that you use one minute for the same point. Thank you.

Hezron Lipko: Honourable commissioners, Prof. Idha. Salim, and Wanjiku Kabira, our district co-ordinator and the Pokot community, my names are Hezron Lipko, I am the executive Director of Pokot Education and Development Programme. It is a local NGO which was established last year but started its work this year. We deal with poverty alleviation in West Pokot District. I will be very brief. I will just highlight because we have a

memorandum that we shall leave with the commissioners. I will highlight mainly on the issue of poverty in this district but first as an organization and our stake holders, we propose the following changes in the Constitution.

The first one is devolution of power from the Central Government to regional bodies, to county councils, to district bodies and the people themselves. So I do not know if it is called majimbo or federalism or whatever but the Central Government should not have the whole power as it is now.

Secondly, the Government should address the causes and solutions of poverty in West Pokot district. We are one of the poorest districts in Kenya. The way my colleague has put it, the poverty levels is almost 60% of the total population and the illiteracy is almost 80%. So the Government in the next Constitution should address the causes and the solutions.

Number three and a very important point, pastoralism as a livelihood and pastoralists as people should be enacted into the law. We recommend Pastoralism Act in the Kenya law. Let me explain this one. The pastoralists have been marginalised. Sisi watu wang'ombe, tumesahaulika sana because we are not in the Kenyan law. Sheria doesn't recognize us. So we propose that we should be enacted or entrenched into the Kenyan law. For example, you will see things like the Kenya Meat Commission where our economy lies. The Government can just close it and it goes like that because most of the pastoralist communities are not acknowledged in the law.

Another thing is that all problems, suggestions, ideas, memorandums requests, concerns etc made by the Pokot communities since 1963 to 2002 regarding their development, land rates, natural resources, Turkwell Gorge project should be addressed by the Government as a matter of urgency. We propose that the Government should respect the Pokot community like the way you will realise the commissioners here, the Pokot are very patient people, you cannot imagine when you read in the papers you learn of a different community but when you come and interact with them, they are very patient people, very hard working, very intelligent and this is a community which has survived through God's Grace since 1963 and even before, when the colonialists were there. So we count it as a miracle that the Constitution review is coming even to our local level to collect our views.

We also pray that when you go to your offices, you have influential positions. Change this attitude about our community. We have been branded as a very notorious community. Very insecure community but if there is anywhere which is very secure, it is in this district. So, we propose that the Government should respect our community. There used to be a time, when military operations in this district were almost coming after every five years like general elections and you will realise in the development when you have a military operation in a place that is five years backward in development. Five to ten. I will highlight some of the issues, What is this that these people are complaining about? I interact with most of them as a community developer. So what are these things

that the community is really complaining about? The first one, I will talk about agriculture and rural development.

Com. Idha Salim: Mr. Lipko you know we thought you are already giving us those views but it seems what you have said so far is introduction. Remember time. Highlight just a few of them. The major ones because as you said, we have your memorandum.

Hezron Lipko: Okey, let me just highlight now. What we need now in this district is education. Education is what will alleviate the poverty we have. The next point is water resources should be improved. The next one is we have around 200 community based organisations. In this district, we propose that in the Constitution Review, these community based organisations be empowered by the Government. They should be supported financially and even local NGOs should support community based organisations.

The next one is a proposal about our Members of Parliament. We realise that we need a job description for the Members of Parliament. They need a detailed job description which shows what they are going to do in Parliament.

Lastly, we recommend and propose that we invite international NGOs to West Pokot Districts to come and help in the development of our people and you take back the message that the Pokot people are very ready to work with the Government. Thank you very much.

Com. Idha Salim: Asante sana Bwana Lipko for those views, we look forward very much to reading your memorandum. Now we hope that everyone who comes in or everyone who is here has registered. Even if you do not intend to come and give views, lets register you as an observer because it helps us get some ideas to the number of people who have come interested in the hearings and what is being said. So I have a feeling and my colleague also has a feeling that quite a number have just come in and sat without registering. Is that possible? Quite a number of you. What we do, no harm, I think we will ask one of our officers to come round with a sheet of paper. Please register your name. Even if you have just come to listen, because listening is also very important. We all learn from listening to others. So kindly put your name down, name of your organisation or just say you are here in your own personal capacity and then your address and telephone number or box number and your signature. Would that be acceptable to those who have not registered? Please do that because for our records, we would like to know how many came to this centre to give views as well as to hear others giving views.

Com. Kabira: Sorry I just want to add one more thing on this that when we finished the report on the Constituency, the information that you are giving today, it is going to be sent back to you so that you can look at it and see whether the views that you gave are reflected correctly. So even if you are not speaking here you are a

witness of what these other people have been saying. So when the report comes back, you will also be able to say, I was there and I know this was not said by those other members. So it is important for us to have the number and be able to say that so many people within this constituency were actually there when these views were being presented.

Interpreter: Tafadhali, pengine tu kwa ufupi, wamesema, kama umekuja hapa tafadhali ujiandikishe hata kama hutatoa maoni, tafadhali ujiandikishe ili idadi ya watu ambao wamehudhuriwa kikao hiki ijulikane. Na hapo kesho wakati haya maoni yataletwa hapa utakuwa ukishuhudia kwamba haya mambo yalisemwa, na ni hivi. Kila mtu ajiandikishe pale iwapo utatoa maoni. Kama hutatoa maoni tafadhali, ujiandikishe. Tuwe na majina yako mahali unatoka kama ni organisation kama ni kanisa, kama ni mzee ujandikishe kila mtu, tafadhali.

Com. Kabira: Tutamuuliza Richard Kiptum. Okey. Thank you.

Interpreter: Tafadhali mje mketi mtapewa makaratasi, utaandika tu kwa mahali umeketi. Njoooni mketi mtaletewa makaratasi. Itazungushwa, utaandika jina lako na mahitaji yote. Tafadhali mrudi tu mketi chini. Rudini mketi chini. Halafu mtapewa haya makaratasi utaandika tu, itakufikia bora isikupite.

Richard Kiptum: Mheshimiwa commissioner, District Co-ordinator, wa wilaya hii, washiriki wote wa kutoa maoni yao kuhusu Katiba, kwa majina ni Richard Kiptum Keiyo. Diwani na pia deputy mayor Kapenguria. Hapa natoa maoni yangu ya kibinafsi. Ninapotoa haya maoni yangu ya kibinafsi, nataka kusema shukarani kwa serikali yetu chini ya uongozi wa Rais Moi kupata kuteua Tume ya Kikatiba ili tuweze kurekebisha, yale ambayo yametuwadhiri kama Wakenya, wa kutoka jamii mbali mbali. Mimi ninatoka kwa jamii ndogo kabisa ama minority community called Sengwer and some times or officially by now, it is still known as Chelang'ang but exactly we are Sengwer by tribe. So before I can just go straight to my memorandum, and I am told the time is not on my side, I want to say only one thing, I want to give a small written information which I picked up when I visited Kenya National Archives Nairobi. It was written by the Colonia Boss or the DC that was the DC, of Tambach during the commission in 1932 and went as far as 1939. That the Sengwer people, that is how European wrote, in the preamble of the document, that they should become entirely merged in their sub, subject to chiefs, headmen Sub, laws and customs. That they should not receive any official recognition whatsoever as Chelang'ang or Sengwer and that they would have no chiefs or headmen as such. That was a document written on that peace of document in Nairobi on March 1939 and it was also in 1934, 35 during an intelligence report.

I can say the Swenger people have got to present us since they have requested the commissioner. The chairman of the Commissioner, the Sengwer people to represent their memorandum in Nairobi and actually they have met all of them in Marakwet District, West Pokot district and Transzoia district which was their ancestral land there before

the colonial or the British rule. The British really brought about the problem of the Sengwer to become minority in West Pokot and they are in their own rightful land West Pokot here. We did not migrate, we did not come, but we are here as our home district and also Transzoia, those who are in Transzoia at present they were not given even a piece of land. Despite the fact that, we had just made a lot of correspondences, we have even the Government, we have even sometimes tried to hold peaceful demonstrations to acquire or to be recognized to get our own land there: just like the other communities got but they have all turned into a deaf year. I remember the government one time thought of giving us Duke of Manchester which is 13.5 thousand acres that was in 1993 and it was supposed to be effected in 1997. It was Manchester which 13,500 acres and also Kabone forest which is not a forest as such but was made a forest by the colonial Government, which was 10,800 acres. It was given by the Government through the power of the decree of his excellency the President. But the whole of Duke of Manchester by now there is no Sengwer not a single person because of grabbing, corruption, it was done by the Government officers and because we did not have any representatives, it just went like that. The Swenger people, have got a lot of sympathy to our elected Members of Parliament or let me even say, those who may be nominated, because they fear if they can just work for the right of the Swenger they will miss their positions of leadership as MPs because the majority will always assure us that you become an MP. But those people with less votes as Sengwer now who are divided into three districts, they are the minority, they are not going to acquire anything and it is not because of any of the MPs but because of the majority who that they think that they give the Sengwer people, let them give you the vote before to go to Parliament. Those are the injustices that were created by the colonial Government. So, let me not say because the Sengwer themselves will represent at Ghai's Nairobi office at ample time.

The preamble in the Kenya Constitution should have a preamble stating that, I will no come to my small piece of paper, Kenya is a sovereign state, Kenya belongs to forty four or more ethnic groups. That is for the forty two already recognised plus Sengwer, Okiek, etc. In this respect, it is important that the commission should provide an opportunity in which the ethnic minority in Kenya are recognised. The fundamental freedoms of every ethnic group in Kenya, dominant or non dominant, majority or minority, need to be recognised and respected. The concern and commitment to protect ethnic minorities in Kenya, specifically the Hansakadhala and Pastoralists. The Sengwer are the Hansakadhara community and the persons ethnic minority. They should be protected.

The culture and language of every community in Kenya need to be promoted, protected and vitalized. Land in Kenya belongs to every communities and every communities has its ancestral territory hence this need to revisit, recognise, the tribal boundaries because Kenya became a British Colony.

The legislature: nomination of members of Parliament should continue but communities which can elect one of their own into Parliament should not benefit from nomination. Ethnic minorities which cannot elect one of their own

during Parliamentary elections, must be the one to benefit from nomination. Beside some nominations, seats be given to a woman and a representative of the disabled. The number of nominated members of Parliament should be increased to ensure that all ethnic minorities, Ogiek, Sengwer, Elmolo etc women and the disabled are nominated.

The Constitution should also create two chambers of Parliament. This should include house of representatives made up of elected Members of Parliament representing the Constituencies and the senate composed of elected representatives of all ethnic communities in Kenya. That is including the ethnic minorities. Sengwer included.

The judiciary, the Constitution should create a land's board whose responsibility is to solve land cases and conflicts.

Besides, the Constitution should guarantee a Constitution right to legal aid to every Kenyan without discrimination as to ethnic group, sex, age, race social status etc

Local Government: needs to be empowered and strengthened. Devolution of powers to local authorities which includes planning, municipal and civic administration. Collection of taxes as its use, borrowing of external funds and employment should be vested in local authorities and not the ministry of Local Government. Local authorities should be strengthened further by dissolving provincial administration and replacing them with the local authorities such as county councils, municipal councils, town councils, city councils etc. Each council should have a development committee in place of their current district development Committee. The mayor should be a qualified graduate and knowledgeable on matters of local authority, law, planning and governance. For one to be a sitting mayor, he or she must be an urban administrator or planner by profession, preferably a retired one and hails from that region.

Taxes and natural resources should be used to develop the local authority area, in which those resources were derived from. However, even in development especially backward parts should be given a priority if they must benefit from such resources. Indigenous people of that area should govern local authorities that are district councils. High local authorities should be composed of all the indigenous tribes of that region and other people to pursue their interests that business and farming without interfering with the affairs of the local authority. All indigenous tribes should be represented through affirmative action, to ensure equal and fair representation.

Nominated councillors should be retained but should be used for affirmative action only. Now, there was an ongoing case that we should not be appointing councillors or nominating councillors. If not form four, university. But it will depend actually again on those wards, if there are no such persons, let somebody who is capable and who is able to run that particular place and is actually capable be appointed even if he is a standard seven because other places in that area may not have form four but those places with form fours, must be a form four.

The electoral system and process: the 2002 elections be held after completion of the work of the Constitution of Kenya Review Commission as passed by Parliament. Actually there is much hurry and helter skelter on this issue of Constitution. This is an area which has made Kenyans to suffer and caused problems to ourselves. Why do we not be patient and make a Constitution which has years, has eyes, has the heart to feel that a human being is so important and therefore his life should be so much be considered. If we just hurry on things, the next day we shall have to say this Constitution again is not helping us, it is not doing good for the Kenyans. So that is why I say, that period should be extended to the fact that all Kenyans feel that now they have presented their views. The Constitution should provide for seats preserved for a specific interest groups. These include ethnic minorities, women and the disabled. The Constitution should provide a situation whereby Constituencies are created to benefit ethnic minorities land dominant living within the ancestral territories.

The rights of vulnerable groups: the Kenyan Constution should make special provision for recognition of ethnic minorities in Kenya for example Sengwer explained by the fact that we make Kenya. We make up Kenya. We are Kenyans. We are part of it. There is a time I can tell the honourable commissioners that, 1999 we are claiming for a census code. All tribes in Kenya had codes but Sengwer were not given codes. It took them a lot of pain and up to now we are not sure whether the code 81 is true or not true. Before the second generation, the Sengwer people were harrassed, the police, the chief, the assistant chief, those people who are in power in administration were sending the Sengwer people in bad situation that they should not get a code for identification, while we are Kenyans, we are a community, distinct, separate from any other community. We have our own cultures, traditions, beliefs and way of life. Why should we be forced and this is our our Kenya? And we say that we are in a democratic or say we are in Kenya, which is ruled by the Kenyans themselves. How far should we struggle for this.

Rights of ethnic communities who have suffered from marginalisation due to colonial and post colonial injustices, Children, school children, orphans, disabled, protection of children from drug abuse, sexual exploitation and child labour. Women rights to employment, leadership, protection of women from negative traditional practices. For example, women genital mutilation,wife inheritance, wife beatings. Actually, I feel that the women as I own land, I must own the land with my wife. That title deed if it is still valued, if I have married five wives, that title deed should include the six names, that is me and my five wives because eventually if I go away, my five wives will still hold that piece of land for the family. But for the daughters of Sengwer as we feel, daughters, we say a daughter or a girl if she is born at home, that girl is going to cross the border, when she goes across the border, she gets married there, she gives birth to children, she has no rights to acquire land from my farm, she should get land from the husbands farm. But those ones who may be unfortunate that they could not get married and may be people who cannot take care of their own heart. Those ones we may discourage. But if a girl unfortunately gives birth to a child with no

father, the girl should get a share of the property equally just like everybody else. But those who are married, and they are supposed to be married they must go there and acquire their land there. My sons and my brothers, if I do not have any girl they can inherit the land.

Com. Idah Salim: (inaudible)

Richard Kiptum: Thank you Mr. Chairman. Let me just finish. Land and property rights: the reason that Kenya has witnessed land clashes or tribal clashes and the main reasons for conflicts is land. Immediately after independence some communities were displaced from their ancestral lands by the colonists were not given an opportunity to return to their territories, instead members of the dominant and powerful communities were settled on land belonging to the less powerless ethnic groups. Sengwer is one of the ethnic groups which has suffered because of the colonial eviction and their ones ancestral land is now referred by other communities as a small Kenya, that is Transzoia.

Com. Idha Salim: I am sorry you have taken quite a bit of time, because you have been reading and also explaining. So please if you kindly summarise the last point or two and then we will read your memorandum when we get back

Richard Kiptum: Thank you. I think on my summary, actually on the presenting my memorandum here, when I read the paper which was done by the commissioners of this commission the first thing and the major objective is to have a permanent peace within the communities in this republic of Kenya and have a co-existence to one another but should not be under pressure the way Sengwer are under pressure because we are suffering. Even now, our children are not employed. We have schools but our boys are not taken to Teachers Training Colleges. We do not have any in medical training colleges. We are suffering just because a European said this person should be merged, should not have a leader. As Kenyans, such a situation should be done away with and we feel that all Kenyans have equal rights. Even now the Sengwer people because of that have been suffering also because of this issue such as cattle rustling we have no NGO in Sengwer area which is supposed to sponsor children for education, even up to this moment, none. Let us hope, because I can see a lot of NGOs official here, please, do turn your face and look at the Sengwel people to uplift their standards of living, to remove that problem of colonialism on them, and re-organise territorial boundaries of each and every community.

Lastly, a land commission should be set to look into that matter. Whoever may be in, even those ones in Transzoia, they either remain permently leasers to be giving the Sengwer people some money for their survival, even if not for the living but for their survival sake, so with those few remarks because I have a document here I still will have to present but I am not talking actually on behalf of Sengwer people because somebody may take

wrongly. I was just giving my own person views. Thank very much listeners.

Com. Idha Salim: Thank you very much Bwana Kipekiyo, we will be very happy to receive your memorandum. Kindly hand it to our officers there. Like my colleague said, we would like to get a cross section of views. Views from men, young men, views from elders which we have already received, views from women, views from the handicapped and views from so called minority groups like the one we have heard about just now from Mr. Kipekiyo. So I welcome Mrs Diana Katina. Is she here?

Diana Katina: Nitachukua nafasi hii kushukuru commissioners ambao wamekuja, na co-ordinator, na commissioner ambao wako hapa, nasema ni asante sana. Hata na mimi nimeketi nikisikiliza

Com. Idha Salim: Tafadhali pia taja jina lako kwenye microphone.

Diana Katina: Mimi naitwa Diana Katina na natoka katika kikundi cha akina mamaambao wamejiunga vikundi thelathini vikajiunga vikakuwa Consumer Co-operative. Ni co-operative ya kipekee kutoka district hii ya wakina mama. Mimi nafanya kama programme co-ordinator. Mbeleni, mimi nimewahi kuwa mwandishi wa Kanu katika district hii, zamani mwaka wa sabini na sita, nimewahi kuwa mwenye kiti kwa muda mrefu wa Maendeleo ya Wanawake katika district hii. Pia kwa kazi, mimi ni mkunga tena ni nurse. Saa hizi, kazi ambayo ninafanya ni ile nimesema na nimefurahi sana commissioners kwa kuja hapa ili kuchukua maoni yetu. Kwa saa hii, sina memorandum ambayo nitapeana kwa vile katika district hii yetu sisi wakina mama tuko scattered mbali mbali na ingekuwa muda kidogo kwenda kuchukua maoni yao na bado tunaendelea kuadika hiyo memorandum. Lakini kwa wakati huu, nitapeana tu maoni yangu binafsi, kwa yale ambayo nimesikia kutoka kwa wenzangu. Mimi binafsi kwa kweli, nataka kuwashukuru wale ambao wametetea sana kurekebisha Katiba hii yetu, kwa sababu yenyewe kweli mtindo huu umeanguka. Umeanguka sana na wale ambao imeadhiri zaidi, ni akina mama. Pengine mtasema imetuadhiri namna gani zaidi? Imetuadhiri zaidi kwa sababu system yenyewe Katiba imempatia mtu mmoja uwezo mwingi. Uwezo mwingi umeingia katika hiyo system na sisi raia hatuna uwezo. Ukiona kazi, pengine ni upande wa hospitali, kule hospitali, hakuna madawa na mwenyewe anumia zaidi ni yule mama kwa sababu atambemba mtoto kule hospitali akute hakuna dawa na anarudi nyumbani. Ni kwa sababu ya corruption.

Ukienda upande wa maji, yule mtu ambaye anaumia zaidi ni mama yule ambaye anaenda kutafuta hayo maji na hali kadhalika hii system, Serikali hii ilituambia ya kwamba kufikia mwaka wa the year two thousand kutakuwa na maji kwa kila mtu katika Kenya. Lakini kwa wakati huu, hatuna maji. Na hata maji ambaye ni kidogo ambaye tunaweza kupata katika town zetu zote katika Kenya ukienda Nairobi utakuta hoteli hazina maji wanaenda kujichotea. Hata pia. Kila mahali. Hiyo system imeanguka kabisa na imetuadhiri sisi ingawa kweli pia wanaume wanaadhilika kwa sababu wakikosa chakula pia ni ngumu lakini yule atakaye kwenda kuchota maji ni mama anaye chukua mtungi na

kwenda kuchota maji.

Ukiingia kutoka upande wa energy, utaona ya kwamba, sijui ni kitu gani kilitokea. Kwanza sisi hatupewi sitima na utaona yule mwenye ataumia zaidi ni yule mama ambaye ataenda kutafuta kuni ili kuwe na moto katika ile nyumba, na hata kuwe na taa ya kuweza hata kufanya watoto wake kusoma. Sisi ambao tumeadhirika zaidi ni akina mama ambao pamoja na watoto wetu, ambao wako katika sehemu hizi, utaona ya kwamba wanahitaji kusoma usiku wakiwa wanafanya study yao, na wakiwa wanafanya ile homework hakuna taa kule nyumbani watakuwa ile kuni na hiyo kuni ndio itakishwa katika hiyo nyumba na huyu mtoto pia atafanya mtihani pamoja na wengine.

Com. Idha Salim: Samahani, Bibi Katina, umetaja mambo mingi muhimu sana. Moja baada ya moja. Lakini hukutupa mapendekezo yako. Tufanye nini kuondoa matatizo hayo. Wajua sisi ni wanatume, tunataka kubadilisha mambo. Kwa hivyo tupe maoni ambayo itatusaidia kubadilisha. Kwa upande wa elimu tufanye nini, kwa upande wa sitima tufanye nini? Kwa upande wa maji tufanye nini na kadhalika. Tupe maoni yako.

Diana Katina: Asante sana mwenye kiti. Nilikuwa nataka tu niseme shida ambazo tunazo upande huu ili pia uelewe wakati nimeenda kutoa mapendekezo ya kufanya, uwe umeshaelewa ni kwa nini nasema hivyo. Pendekezo zangu ni nyingi ambazo ningependa. Kwanza pendekezo langu kutokana na shida na elimu, maji, afya, agricultural yaani kuleta chakula, pendekezo zangu ni nyingi. Pendekezo ya kwanza ni kugeuza Serikali. Kuleta Serikali karibu na watu. Mimi ningependekeza, utawala uwe karibu na watu. Federal system ndio mimi ningependekeza sana. Serikali hii ambayo tunayo, mbeleni ilikuwa imefanya hiyo District Focus for Rural Development na hiyo District for Rural Development, ilikuwa inataka, watu walete pendekezo zao, ije katikati kwa DDC, Sub DDCs na iendelee. Lakini hii haitaweza kufaulu. Kwa hivyo mimi ningependa hii Serikali, ije karibu na sisi. Hata saa hizi, tukienda Nairobi kwa ma offices utapata ma files za watu zinapotea. Kule ni mbali sana. Hata huko Nakuru. Mtu kutoka Alale kutoka Nakuru ni mbali sana. Hata PC hatumuoni. Itachukuwa pengine meizi mingi ndio tumuone PC. Kwa hivyo tutapenda Government iwe decentralised. Iwe karibu na watu.

Com. Ida. Salim: Next point

Diana Katina: Next point, tungependa pia tuwe na ombudsman. Hata tukiwa na hii Serikali ambayo iko karibu na watu, tuwe na kikundi cha watu ambao wanaweza kufanya kama ni watchdog ambao wanaweza kuangalia kwamba wananchi wanapata matibabu ama huduma ambaye inatakikana.

Lingine ni kwamba, akina mama wapewe nafasi zao, na wale disabled kama vile wengine wamesema. Mimi nimekubaliana na hayo kabisa. Wapewe nafasi, wao wenyewe wajichaguwe, tupewe 33% kama vile wale wenzangu walivyosema ili wakina mama waweze ku-participate na wale wengine katika decision making.

Pia tu retain ile customary law ambayo inaweza kutusaidia, lakini pia katika hizo customary law, tuchunguze ni gani ambayo tunataka ziwekwe na ni gani zinatakina zitolewe. Kwa sababu zingine hizo customary law zinaadhiri akina mama. Kama kurithi. Uriithi wakati mwingine, kama mama anao wasichana tu peke yao, mama hawezi kuriithi hiyo shamba lakini vile wenzangu wamesema pia, ningependa hiyo title deed, iwe na majina ya stakeholders, yaani wakina mama wote. Wakuwe katika hiyo title deed.

Mambo ya nomination ya MPs, mimi ningependa ya kwamba, itolewe kabisa tusikuwe na nominated hata wale ambao ni councillors wasikuwe nominated. Kwa sababu mwingine hawa wanakuwa misused na kuimba tu nyimbo za yule ambaye ame-nominate hao.

Katika elimu, elimu ya watu ambao wanatakikana kuwa civic leaders, elimu yao hasa hawa wa mayor, ambao wanaongoza hizo city councils ama municipalities ningependa ya kwamba watu wenyewe wachaguwe na wachaguwe watu ambao wamesoma kabisa, ambao wanaweza kutekeleza kazi ile.

Upande wa judiciary, tuwe pia na judiciary zetu zile ambazo ziko katika vijiji vya wale wazee. Pia wale wazee, wawe ni watu pia wamechaguliwa na watu. Sio tu ya kuwekwa kule, lakini wale ambao wamechaguliwa na watu, na watu wanawapenda. Nafikiri kufika hapo, ndio nimefikisha kwa yale ambayo nilikuwa nataka kusema. Lakini tunaandika memorandum na tutawaletea. Thank you.

Com. Idha Salim: Asante sana Diana Katina kwa maoni yako na tumefurahi kupokea pia memorandum yako ikiwa tayari utajua pahala pa kutuletea. Asante. Andrew Kendagor?

Andrew Kendagor: Jambo la kwanza ningependa kutoa shukrani zangu kwa hao commissioners kutoka Nairobi, ambao wamekuja kuwa pamoja nasi.

Com. Idha Salim: Tupe jina lako tafadhali.

Andrew Kendagor: Mimi ni Andrew Kendagor. Mimi ni mchungaji wa kanisa la Bible Faith Church. Nilionayo ni machache. To sum it up, the main thing here is the protection of the Constitution. We in Kenya have been having a Constitution, and this Constitution having been biased, it has brought us to this stage; but the main problem is the protection of the Constitution and if we make a new Constitution, how are we sure that the Constitution is going to be protected. How are we sure that the Constitution that we are going to have is adhered to. So I have got three reasons why I think the present Constitution is not being protected.

One, the main concern for an ordinary Kenya is not necessarily a new or present Constitution although this is important. The issue is, whether the new Constitution will be adhered to in full. We currently have a Constitution which guarantees certain freedoms. Freedom of worship and freedom of association is enshrined in our Constitution provided that an association with a number that members be registered under Society Act. There are some religious groups or churches which have applied for registration and these have been refused. These churches who applied for the registration and have been refused have been denied their own Constitutional rights. The members do not have the freedom of worship, which is enshrined in the Constitution, they do not have a right of association as enshrined in the Constitution. I will give an example, in 1988 a group of men and women in Kapenguria were rounded up and locked up in a police custody and were fined heavily for no other crime than worship. The same group has since been registered. Refusing to register a religious organisation is a violation of one's Constitutional right. Some of the churches which have been refused registration are churches of high integrity, and have not been involved with anything apart from religions.

Religious and social activities which shall alleviate human sufferings. When a religious group is denied registration what happens? Actually what happens is that a law abiding citizen is made a law breaker because I do have a right to worship the way I want. I do have a right to associate with the people I want to associate with. The Government or the Constitution of Kenya guarantees that but what has happened? An individual for the interest of another person decides to deny that right to that individual and a law abiding citizen is rendered a law breaker.

Com. Idha Salim: Mheshimiwa Bwana Kendagor, having already told us what the problem is what are your recommendations, what do you propose we do?

Andrew Kendagor: We would like to have a Constitution that will not be violated at will by anybody. There should be a statement in the Constitution that would bar anybody regardless of who, he is from amending it.

Com. Idha Salim: But then nobody or no one, could, any body (Parliament) have the right to ammend, because you are now touching on the issue of ammending the Constitution, do you want it to remain sancrosant (not a word changed in it. Milele na milele) or do you want some amendments from time to time? If so how should amendments be carried out?

Andrew Kendagor: If there are any amendments to be done, at least it has to be done in the parliament.

Com. Idha Salim: So give us some constructive, positive, helpful ideas for us to deal with this issue.

Andrew Kendagor: My interest is to get a statement in the new Constitution that bars an individual to just do, I

am not talking about amendments, amendment is a different thing. When a Constitution is amended, it is changed and the Parliament is there to do that. I would like to be in a situation whereby even the President does not get up in the morning and say we do this.

Com. Idha Salim: So how can you help us as people going to write it for wananchi to avoid that. Propose something for us.

Andrew Kendagor: My proposal is that there is away they can put a statement.

Com. Idha Salim: That is the proposal we are asking

Andrew Kendagor: The proposal that can be put in the Constitution is this, that this Constitution should not be violated in any way.

Com. Idha Salim: Invulnerable then. When you say it should not be violated in any way, you are also preventing any amendment.

Andrew Kendagor: Now violation is not.....

Com. Idha Salim: Violation is changing something or doing something, perhaps with force or it seems changing it.

Andrew Kendagor: When I talk of violation, I mean, somebody in authority decides one day?

Com. Idha Salim: And how does that affect the Constitution?

Andrew Kendagor: It affects the Constitution because if that person decides to say something that is contrary to the Constitution.

Andrew Kendagor: The second one is also like that. It is the role of Parliament as that of making laws. The Parliament is elected by the people and they have been given the mandate to make laws. Kenyans have been frustrated by laws that are enacted overnight by individuals. That is how it looks to me and to a common man that over a night, you hear an announcement on the radio that such a law has been enacted. I give an example, the TLB licensing. Somebody is driving his pick up and he goes home, he hears some announcement on the radio that tomorrow you must have a TLB license. That is not a law enacted by the Government. That is just an individual enacting his own law. The new Constitution should have a statement that would prevent people from enacting their

own law unless they go through Parliament.

Com. Idha Salim: Point taken. Carry on.

Andrew Kendagor: One time, I was in Kisii with some visitors and this visitor had a nice car with tinted glass, and then we heard that it is now illegal. That man was thinking how am I going to drive to Nairobi. I will be asked. Why do you have these dark glasses in your car. It is still because of the laws that are enacted overnight. So something should be done to prevent that.

The third one, land grabbing is something that is spoken of in Kenya. It is very difficult for me to sell my land and partition it to somebody without going through the normal process and this takes time. What has come out is we here a land that is meant for public use simply being grabbed by an individual. Again it is something that the Constitution should be put in such a way that it can safeguard the property of the public. It is shameful how an individual acquires land that has been designed for a certain project and yet these projects have people who are responsible. You have people in the ministries who are responsible for certain projects. You have people who guard it and all over a night, that land is grabbed. Surely there must be something wrong. So these are the three things which I feel should be put in the Constitution. Thank you.

Com. Idha Salim: Thank you very much Pastor Andrew Kendagor. Is that a memorandum? Kindly hand it in there and register that you have handed it in and given your views. Thank you very much. Dickson Rotich.

Dickson Rotich: Asante sana kwa nyinyi wageni kufika wilaya hii. Mimi kwa majina najulikana kama Dickson Kipkemoi Rotich. Mimi natoka jamii inayoitwa Sengwer. Kwa jina lingine, Chelang'ani. Nitaguzia tu kidogo kwa kuwa wengi wamezungumza na yale ambayo nimeshaweka hapa yamezungumzwa na kwa kuwa muda huo ndiyo inaenda namna hiyo, ningependa tu kuguzia jambo moja, Kenya ni nchi ambaye ilipata uhuru mwaka wa sitini na tatu. Lakini jambo la ajabu, hadi sasa, kuna Wakenya makabila mengine ambayo hayajaandikishwa rasmi kama kabila. Moja, ni mimi Sengwer. Kabila la Sengwer, hawajasajiliwa rasmi kuwekwa katika orodha ya makabila ya Kenya. Kwa hivyo nawaulizeni tafadhali hayo yafanyiwe marekebisho, ili kila Kabila litambulike rasmi. Pili, kuhusu mambo ya usalama. Katika Kenya, tuna wizara, tuna watu ambao wanahusika na usalama. Lakini jambo la ajabu, utaona kwamba Wakenya wengi, wanateseka. Wakati moja, ilikuwa iko mambo ya vita ya kikabira, clashes. Iliendelea kwa muda mrefu. Watu wengi walipoteza maisha yao. Ningependa kusema kwa tume hii, wale wote ambao walipatwa na hiyo shida kupoteza watu wao na kupoteza mali, tafadhali majina yao ijulikane. Serikali ilipe wao ridhaa kwa kuwa sheria ya sasa inasema inalinda mtu, pamoja na mali yake.

Jambo lingine, ni kuhusu mambo ya afya. Ningesema kwamba ikiwezekana, watu Wakenya, watibiwe bure bila

malipo, kwa sababu jambo la ajabu, utakuta mama mtu yeyote mgonjwa, anaenda pale anatakikana alipe pesa. Na ikiwa hana pesa, hiyo ni kumaanisha, maisha yake imepotelea hapo, Na ni Mkenya. Kwa hivyo, ningependa hapo iangaliwe sana. Jambo lingine pia ni kuhusu watu, Sengwer wakiwa mmoja wao. Ardhi ambayo ilikuwa yao tangu jadi, ikiwa Serikali iliepana, ningependa, tume maalum ibuniwe, ya kuangalia nani alikuwa akimiliki nini kabla mkoloni kuja Kenya. Sehemu yake ilikuwa inafika wapi na ile sehemu imeenda ni kiasi gani, na ile imebaki ni kiasi gani? Sasa je, atafanywa nini? Ningependa, compensation. Yaani ridhaa ilipwe kwa hao, na ile sehemu bado iko. Haijapeanwa kwa mtu yeyote. Ikiwa inataka kupeanwa, jamii hiyo kwanza waulizwe kwamba inataka kupeanwa, na wao wenyewe, wahusike. Si vizuri, kwa mfano, wilaya ya Transzoia. Unakuta kwamba inapeanwa kwa ajili ya siasa. Unapatia watu ndio pengine wakuunge mkono kwa mambo ya kulr ama nini. Kwa hivyo, ningependa, mali ya jamii, isifanyiwe siasa.

Kuhusu mambo ya plots kupeanwa katika towns, ningependa tume maalum, ibuniwe. Yaani committee fulan iwe, ile kama kuna plot, kama Kapenguria ama Kitale, committee hiyo inapata habari, halafu ikishapata habari inatangaza kwa wananchi. Wananchi wana apply, halafu hiyo tume sasa ione ni nani ambaye anafaa na waje pale wawe interviewed, halafu sasa ione kane ni nani anafaa kupewa. Kwa sababu hali kama hiyo, watu fulani ambao wanauwezo, wanasiasa fulani ambao wanuwezo wanatumia kupatia wafuasi yao ama watu wao, kwa sababu wako karibu na hao; na je yule mtu ambaye hana mtu ambaye ni mkubwa na ako na shida atakuwa karibu na nani? Kwa hivyo, ningependa hapo, iangaliwe.

Jambo lingine pia ambayo ningependa tu kukueleza ama kukufahamisha, mwaka wa arubaine na nane, jamii ilihesabiwa kama kabila, na hapo ndio ikakomea. Sasa haya mambo ya kufanya maneno inafikia katikati, watu fulani wanakuwa na uwezo wa kufutulia mbali mambo ya watu isiwewe. Kwa hivyo, Katiba ambayo inatengezwa, itengenezwe kulingana na vile watu wako. Na pia ikitaka kufanyiwa mabadiliko, ni rasima watu wafahamishwe. Isiwe tu inazungumzwa kwa bunge na inabadilishwa hapo kwa hapo. Hiyo ni mambo ambayo ni sawa na unyang'anyi kwa sababu haujalezwa lakini inafanyiwa tu pale na inapitishwa na unapoteza.

Lingine, kuhusu misitu. Jamii ya Sengwer iko na misitu, inaitwa Cherang'ani Hills, nani forest wakati huu. Nikubwa sana. Lakini, hawafaidiki na chochote. Walikuwa wakiishi zamani hapo, lakini ilipogeuzwa kuwa forest, walitolewa pale, hawafaidiki na hawapati chochote kutoka pale. Kwa hivyo Katiba irekebishwe, ili forest yeyote ambayo ilikuwa ni ya jamii fulani, kuwe na mapato kiasi fulani tuseme 50% inaenda kwa hiyo jamii, halafu 50% inaenda kwa Serikali.

Jambo lingine pia, ni kuhusu hali ya maji. Maji ambayo inateremka kwelekea Lake Victoria, inatoka milima ya Cherang'ani Hills. Na sasa kuna lake Basin Development Authority. Ningesema sheria irekebishwe, ili pahali hiyo maji inatoka, jamii hiyo wateuliwe mtu mmoja kuwa director kwa hiyo shirika ili pia kuangalia masilahi ya pahali

hiyo vitu vinatoka ili maendeleo ikitaka kufanyika pia wafikirie sehemu hiyo. Kwa sababu ukifika sehemu kama Kisumu, wanafua samaki na wanauza, lakini maji ile inaingia pale, inatoka hapa. Kwa hivyo ningependa, hali kama hiyo, iangaliwe.

Halafu pia kuhusu mambo ya madini. Kwa mfano sehemu ya Coast, sehemu hii ya wilaya upande wa chini, kuna madini, kuna ruby na gold. Lakini unashangaa kwamba watu wanatoka Nairobi, wanakuja wanajiandikisha wanaanza kuchimba hiyo. Na sasa hakuna mapato yeyote ambayo wanatoa kufaidi yule mwananchi. Kwa hivyo, sheria irekebishwe kwamba, mwananchi kwanza anaweza kufanya hiyo kazi. Ile kitu iko ni kutengeneza mbinu ya yeye kuweza kufanya ile kazi. Pesa itolewe wananchi kwa sababu wako, na wako na akili. Wapewe mashini wachibe wauze wafaidi nchi na hata wao wenyewe wajifaidi. Itakuwa inakuumiza roho kidogo kwa sababu maadini yanachimbwa hapa, yanapelekwa Nairobi yanauzwa, yule mwananchi anaangalia na macho na yeye ndiye anaambiwa chimba anapiga mawe na hafaidiki na chochote. Kwa hivyo sheria ibadilishwe ili kufaidi yule mtu kwa sababu si vizuri mtu kufuga ng'ombe na maziwa hakamui.

Jambo lingine pia, ni kuhusu hii mambo ya National parks. Kuna National park moja iko katika Transzoia inaitwa Zaiwa National Park. Iko hapa karibu Kipsayu. Ni ya wanyama na watalii wanafika pale. Lakini jamii ya Sengwer haifaidiki na chochote. Kwa hivyo ningesema ikiwezekana, jamii ya Sengwer kwa ile mapato inatoka pale, wapate hamsini kwa mia, iende kwa jamii, halafu hamsini kwa mia iende kwa Serikali pia kuangalia maneno mengine.

Com. Idha Salim: Maliza tafadhali.

Dickson Rotich: Basi kwa kumalizia, iko jambo moja ambaye ningependa kusema kabla sijatoka hapa. Ningependa kusema Bwana Commissioners ya kwamba president asiwe juu ya sheria, awe chini ya sheria. Kwa sababu sheria ya sasa inasema President hawezi kushtakiwa. Wale watu wanafanya kazi kwa niaba ya President, hawawezi faidika, ndio imeleta shida nchini Kenya. Kwa hivyo kila mtu awe chini ya sheria. President akikosa, ashitakiwe kama president wa nchi, anashitakiwa kama mtu binafsi. Halafu pia, ministers wasiwe wabunge. Watu wateuliwe, halafu bunge lijadili na kila mmoja apewe wizara kulingana na elimu yake ambaye amesomea.

Lingine pia, hii mambo ya nomination of MPs. Mimi ningependekeza kwamba hawa watu, hiyo nafas iwekwe pale, na hiyo nafasi iende kwa ile jamii ama kikundi yeyote ile haina waakilishi. Kwa mfano kama sasa Sengwer, tangu sitini na tatu, Kenya ilipata uhuru, na hiyo bunge imekuweco pale, lakini hakujakuwa na Msengwer hata mmoja ndani ya hiyo bunge. Sasa tutakuwa tukimbwambia una haki ya kudai kitu yako ile ilichukuliwa na ilhali katika pale bunge hakuna na mtu pale ambaye anaweza kuwaletea. Kwa hivyo nilikuwa ninasema kwa Katiba ya sasa ibadilishwe, ifanyiwe marekebisho ili jamii wale hawana waakilishi katika bunge wapewe waakilishi. Watu

kama Ongiek, Elmolo, na Sengwer. Watu kama hao waafikirie wawe na wakilishi katika Serikali yao ili pia wajihisi wako katika nchi.

Halafu pia, hii mambo ya wilaya, districts, kumekuwa kuna shida, kuhusu mambo ya districts. Ni haki kila kabira liwe na district yake. Lakini, ningependa jambo hili, lisitumiwe kuhangaisha watu wengine, kwa mfano, watu wanaweza kutoka sehemu fulani, wanaenda kufanya biashara, wanafanya pale biashara mpaka wanakuwa na uwezo wa kununua shamba na ule mtu ananunua shamba, ananunua kwa yule mtu ambaye anataka kuuza shamba yake. Sasa nilikuwa nasema, wiraya isiwe ikisemwa, wilaya hii ni ya kabila fulani. Kama ni ya kabila, iwekwe katika Katiba ya kwamba kila kabira liwe na district yake na katika hiyo district yake, ardhi yake ile inapewa kuwa wilaya lazima iwe ni ardhi yake. Hapana tu kwenda kuchukuwa ardhi ya watu wengine na wakatie watu wengine. Kwa mfano sasa kama sisi Sengwer, ardhi yetu ingine ilikatwa, ikapewa Marakwet District, na hiyo sasa ikawa Marakwet District. Na hapo awali sisi, tulikuwa tumeunganishwa district kabira ngapi? Tatu. Ilikuwa ni Marakwet, Keiyo, na sisi Sengwer, na wilaya yetu headquarters ilikuwa ni Tambach. Na sisi, mpaka yetu ilikuwa inaenda mpaka wapi? Mpaka Song, Kacheliba. Lakini sasa ukiangalia saa hii Sengwer sasa pahali wako hawako katika Marakwet District, hawana waakilishi, hawana sauti, hawako katika West Pokot, wako katika Transzoia. Hawana waakilishi na hawana sauti, na wako katika ardhi yao. Jee hiyo shida, ilisababishwa na nani? Na itarekebishwa namna gani? Kwa hivyo, ningependa, ya kwamba, sisi ni wanadamu, sisi tunahitaji vile mwingine anahitaji. Kwa hivyo, ningependa, sheria, na haki ya kibinadamu ifanye kazi kwa kila mtu. Hata sasa wakati huu kwa jamii ya Sengwer.

Com. Idha. Salim: Asante sana Bwana Dickson Rotich kwa maoni yako. Sasa namuita Bwana John Siapuk. Tafadhali kwa ufupi kabisa, wenzako wengine wanangojea kutoa maoni.

John Siapuk: Commissioners, the district co-ordinator, ladies and gentlemen, my names are John Siapuk, executive secretary Kenya National Union of Teachers West Pokot Branch. We have written a memorandum of which I hope you will read. I will only highlight some few areas, especially basic rights: because of time, I will just embark straight on it. May I talk on education. As our basic right. I propose that as you all know, the new Constitution we are looking forward to should guarantee and provide for compulsory and free education in Kenya from Pre-school to form level of education. That is our proposal. The constitution should provide, provision to the marginalised areas to guide the Government to provide scholarship's to have a bigger number than the developed places, to those joining the universities. Scholarships is a vocabulary in West Pokot and also an imaginary thing. To put it clear, none has benefited in this district since the creation of the world, in this matter for us to get scholarships. Therefore the Constitution should make a provision. That is our proposal.

Poverty, illiteracy level of the people in this district, is the highest compared to other districts in Kenya. The people

were depending on animals which have been eliminated by drought, diseases, scarcity of grass, due to small land ownership. All these are contributed by the calamity mentioned above and thus the education drop out in the district is high. Post independence, other benefited from scholarships. Heko to the Constitution Review of Kenya Commission listening to people's views, recommendations and the task of writing a new Constitution for us to benefit or be included in the next scheme. To reduce poverty, the Constitution should make a provision that the Government should give loans without interest to the inhabitants of the less privileged districts like West Pokot. The Constitution should guarantee all workers the right to join trade union representations. That is one part. That is education.

Two, may I talk also on vulnerable groups: the right of vulnerable groups; the Constitution should make special provision for the rights of people who have suffered from marginalisation due to hatred and discrimination by the colonial oppressors, whites and blacks.

Post independence: West Pokot was a closed district, no development was done in the district, that is e.g building of schools, water, roads, to name a few. I propose the new Constitution be amended and the give a provision.

Women's rights be addressed and deliberate programmes be supported by the Government. People with disabilities should be fully taken care of or be integrated.

Land and property rights: land is the basis of economic development in Kenya and should be owned and managed in a sustainable way by the individuals. There should be restriction of ownership of land by non citizens. Two, women and women should have equal access to land. Three, the pre-independence land treaties and agreements involving certain communities such as the Maasai, Mazrui, the Coastal strip and the Pokot land should be returned and given back to them as it was theirs initially.

I will talk also on environment and natural resources: the sustainable management of the environment and natural resources that is water, forests, ranch lands, minerals, wildlife and so on is a fundamental issue in contemporary development. The Constitution should provide provision which mandates the community on the ground to have an upper hand on the benefit of natural resources. Two, the people on the area where the natural resources are situated should have power to enforce laws on the protection of the environment. Three, the local community should own natural resources within their communities boundaries. Four, the role of local community in the management and the protection of the environment should be solely in their hands.

My I talk on constitutional commissions institutions and offices. Our country should create and maintain the commissions, institutions and offices that manage and supervise the Constitutional functions, the commissions such

as Human Rights Commission, chamber commission, anti-corruption commission and land commission. We propose, these commissions should have autonomous powers to discipline the offender. You will read the memorandum. It has a lot. Thank you.

Com. Idha Salim: Thank you very much Bwana Saipuk for your views and please hand in your memorandum to the officers on the table on your right. Christine Cheptun? Please be brief, so that we can listen to all the others who want to give views.

Translator: Anashukuru sana

Christine Cheptun: Kwa majina, Christine Cheptun

Translator: Ni vile kama mlivyo sikia, jina lake.

Christine Cheptun: Ato kyaalumakwa kaghnee nyaan

Translator: Yeye hana mengi sana

Christine Cheptun: Motungoon nyee cho chang

Translator: Amekuja hapa kwa ajili ya neno moja tu

Christine Cheptun: Kanguun yeete ompo ngolyoon akong'a

Translator: ama mawili matatu,

Christine Cheptun: Odenya anda somok

Translator: Yeye ni mke ambaye ni msengwer

Christine Cheptun: Ko koo Sengwere nyiinde.

Translator: Kama mke kutoka jamii ya Sengwer amesikia mambo ambayo imetajwa hapa,

Christine Cheptun: Klee ko koo sengwer, kalumaan nga lee chuu

Translator: Mmesikia kuhusu wilaya

Christine Cheptun: Kalumakwagh ngala wizaraa

Translator: Kila mmoja anataja wilaya hii, ile na lile lakini yeye kama mke Msengwer, wiraya yake ni nani?

Christine Cheptun: Klee ko kogh sengwer, kore chaan kugh

Translator: Kwa kweli ni kwamba, kama jamii ya Sengwer na kama wana watu kutoka jamii hiyo ni kwamba tunapiga kula tunajenga Serikali, lakini kitu ja ajabu ni kwamba hakuna yeyote ambaye anataka kujua, na jamii ya Sengwel, jee kimaisha watainuliwa fipi?

Translator: Na hasaa kwa mambo ya elimu

Christine Cheptun:.....ompo ngala sengewer nko masomo kungat,

Translator: Wana watoto ambao wameelimika, ambao wako mashule

Christine Cheptun: Ktuungochaa monuung choo kikesomeshoon

Translator: Wengine walimaliza form four kwa wale walijitahidi

Christine Cheptun: Kiwany walaka kopo angwaan,

Translator: Wakati wa kuajiriwa, sio rahisi wao waajiriwe

Christine Cheptun: Osiiswechiino kikiroy, melo raisi kekiir akwane

Translator: Akisha onekana kama ni kutoka jamii ya Sengwer na jina lake linaonyesha anaambiwa wewe songa hapa kidogo ungoje pale pale.

Christine Cheptun: Ato kikesuwaa nyiinde loo po kaa sengwer, kelenchuu nyinde naghteena kitee

Translator: Na mwisho, anaambiwa ni bahati mbaya, hakuna nafasi.

Christine Cheptun: Ato lapaay kemwochuu loo muutyoo, momiteeni nyee poroghuun

Translator: Na kule Serikali inasema elimisheni watoto, waende shule

Christine Cheptun: Ato lapay lendoy sooch otono monuung skuul

Translator: Nyinyi commissioners wa Tume hili tungewaomba, kama wake wa jamii ya Sengwer, Sengwer wanahitaji wao pia wawe na wilaya, ili wawe na pangilio lao, wawe na pia vile wao wangependa kuishi, jinsi wengine wanavyo jipangilia

Christine Cheptun: Ksomeechaa Tume klee koruu sengwer, kmokeecha wilayee ncha atokesukoo chaa ngale chaa tukwil, takemangachaa lee piicho lowur.

Translator: Kwa kuwa yeyote alio na wilaya ajua vile, atampokea mgeni wake, msaidizi atakaye kuja kwa ajili ya msaada kwake.

Christine Cheptun: Ompo wolo chii anga tukwil nyo tungeetii wilaya, mchiini kunguut loo otokaan loo nee mkenion ndenyaan,

Translator: Lingine ni kuhusu kule utamuduni wa kijamii

Christine Cheptun: Anga kuu, ngala kau

Translator: Katika tabia yetu na hali yetu kama jamii ya Sengwer kweli kile mtu alitusaidia ni hatuoni wivu kwa kitu ya mtu wala hatuibi

Christine Cheptun: Ompo otopiin neecha, mokingochaa nyee wifu nko chii, amoksomeecha nyee chii kiightonyii, akmokchorsyeecha nyee.

Translator: Hutasikia kwamba kwa kweli jamii kama Sengwer wanaiba ama wameua kwa hivyo katika hali hiyo, tungelihitaji tuiishi katika maisha ambayo ni ya utuulivu ambayo ni ya utulivu ya upendo na kukaa katika mazingara ambayo inafaa na inakubalika na kila mtu.

Christine Cheptun: Tomanyee alumakwaa loo ko chorsyoo piipo sengwer, anda kotugh chii, nyo kmokeechea kemongisyeeeno ompo kalyaa nko chii anga tukwil.

Translator: Mimi sitaongeza mengi

Christine Cheptun: Motungon nyee kuugh anga.

Translator: Inaonekana kwa kweli wakati mwingine, kwa watu wa kiroho ama kama wachungaji katika neno la Mungu mara ingine, wanaweza kuwa watu wa msaada na ikifika mahali ingine wanachanganyikiwa na kuwa wana siasa, sasa inakosa ile tarajio ama mwelekeo wao.

Christine Cheptun: Ksuuweechaa loo, leenya piipo amtagh poo ngolyoondo Tororot, ngetoy kluutoy ngala siasa ato lapay kpuusto machey tiineekwa.

Translator: Basi hana mengi anasema shukrani na ni asante hata kwa wasikizaji pia. Shukrani.

Com. Idha. Salim: Asante sana kwa maoni yako Christine Cheptun. Na sasa, kama nilivyo eleza hapo asubuhi tukianza, tutaanza kuwapa watu dakika kumi kutoa maoni yao. Lakini kwa kuwa wengi wamebakia hapa wataka kutoa maoni na wakati hautoshi kumpa kila mtu dakika kumi, sina budi kusema tutapunguza wakati kidogo tumpe kila mtu dakika saba. Hivyo tuhakikisha kwamba kila mtu aliyetaka kutoa maoni atapata nafasi. Na ili kumsaidia mimi na mwenzangu, ningependa officer wetu Irene Masit to keep time na agonge juu ya meza mtu dakika zake saba zikimalizika ajue na amalize ili aingie mwenzake. Nafikiri tumekubaliana? Asanteni. Irene please help me keep time so that we make sure that everyone who wants to give views gets a chance. We do not want anyone to go home without giving his views. Sawa? Sasa namuita Hellen Kolingura. Please Hellen maximum seven minutes.

Hellen Kolingura: My name is Hellen Kolingura. I have come once more to present my views but this time on women and children. First I will start with the children, about children in this particular district West Pokot. We have children rights which are provided in the Constitution, but it is our experience that these rights in this district people are not taking them very seriously and I propose that in the new Constitution, the rights of Children must be taken very seriously. For example, children must have a right to life and not only a life but a quality life. In this case I propose that children must have good medical service for example children under five years must have medical access to them. Like most of our land is arid and infrastructure is poor, we propose that the Government takes the medical services to the people and therefore children under five years must all be immunized.

On education, especially education of girls, it is an experience in our district that most of our girls have been taken as assets and it is not something special that they go to school or people do not take it seriously that they are taken to school. I propose that in the next Constitution, the right girl child education must be taken very seriously and so that people do not meddle with the rights of children like taking them as assets, marrying them off at an early age so I propose that an affirmative action must be taken so that all the girls in these districts go to school. I also propose that girls must have a right to inheritance since they are also children just as boys are.

On women, I propose that women rights must be respected and in this case women must have an access to leadership. Since most of the laws in this country are made in Parliament, many people who made it to Parliament like MPs are usually men. Since laws are made in Parliament, I propose that where the traditions bar women from going to Parliament they are discriminative, a representative from each district must be a woman and must go to Parliament so that when they are making most of these laws, women are having a good representation all their rights are respected and they make laws that are actually helping women. I also propose that women have property rights. Like the issue of title deeds has been mentioned or ownership of property must be put in the Constitution that women also are party in ownership of property. There are many injustices which have been made against women, I propose that in the new Constitution, any injustices made against women must be taken seriously and stern action be taken against those who are doing a lot of injustices to women like rape cases, wife beating must be punished severely. It must be in the Constitution women are considered.

I also propose that since women have been left behind for a long time, affirmative action must be taken so that women can get education or job opportunities like being leaders in the country. With those few remarks I do not have a memorandum to present to the commissioners. I will prepare one and may be send to the commissioners later on.

I have something to comment about the Constitution it is not about women this time, but I feel that the present Constitution many people are not aware of actually what is in the Constitution. I propose that, especially the new Constitution must be made available to many Kenyans and can be sold in the shops so that many Kenyans can get access to this particular Constitution. They can read for themselves and understand so that if there are any amendments to be made or any clauses that are concerning the people, the new Constitution must be available to the people. Finally,

Com. Idha Salim: I thought that was the final point?

Hellen Kolingura: Ya it is final but I am saying.....

Com. Idha Salim: Because you said it is the final secondary of seven minutes. Time is up

Hellen Kolingura: Okey thank you.

Com. Idha Salim: Thank you very much. We really have to be strict with time so that every one gets a chance. Thank you very much Hellen, you recall when you were here in the morning we gave you ample time. We did not time you. Thank you. Jacob Lorema ambaye ni mzee. Karibu

Jacob Lorema: Thank you very much our distinguished commissioners. My name is Jacob Lorema. I am going to be very brief. First honourable commissioners, I feel that the current Constitution we are using is a borrowed one from the British people, and I think this a unique opportunity for us now and particularly the Pokot community to air their views so that they will be in Kenya peacefully and enjoy the fruits of independence. Commissioner sir, since the deliberations of the Constitution when people went to Britain our community the Pokot were not represented then and that is why we were not able to get our land which is in Transzoia. Those people who went there benefited a great deal and it is in history that those who were MPs by then were forced to retire from Parliament, they left Parliament because the one million acres which was being given by other Kenyans the Pokot community never benefited and hence they had to retire and left Parliament in protest. My fear was, I do not know whether this commission will take the Pokot views seriously because we have had commissions in the past and the land issue has not been addressed.

Mr. Commissioner Sir, let me say that the Pokot community is a community which is peaceful and welcoming to the visitors. Only that the visitors who come to live in the district have abused that generosity because practically, or forty one tribes of Kenya are here in Pokot as opposed to Pokot being elsewhere in Kenya. We would like you to look into our matter seriously and also on this question of land, there is a place which says that one can farm his land only upto two feet. I would like to propose to this commission that wherever land is, the owner has to own the land up to the sixth feet downwards. Up to where he can get the oil or whatever. It should not just be two feet.

Mr. commissioner sir, on Local Government: the Local Government should continue as it is although they should be given more powers. At the moment we have the Central Government directing the Local Government even if they want to name a street they have to consult the Minister that you want to name such a street. You have to get an authority. This should come from the local people themselves. Lets say if you want to put Tekla Lorupe's street we have to do but these things we have now to take them to the Minister.

Another thing commissioner sir, is, our Constitution should look in to the freedom fighters who fought for this Uhuru. The other time I was reading, somebody like Paul Ngei, when his leg was amputated, he has to be chased

from the Government House. This is very bad. Yet he had been a Minister, he fought for the uhuru to make other people to be Ministers and even Kagia, the other time when he went to the hospital he had to be told to pay for drugs, and yet this is man who fought for uhuru to make these other people to be medical officers incharge of the hospitals. This is very unfair. **(Clapping)**

Mr. Commissioner Sir, I am for two houses. Lower house as my friend James Kolemoch had said earlier and the upper house but this time I feel that the lower house should be filled by the Young Turks that is the young generation but then the senate, should go to the old guards, senior citizens. **(clapping)**

On ministers, Mr. commissioner Sir, we have forty two tribes at the moment in Kenya. I would like to propose that in future, twenty one ministers each tribe should have a minister each so there should be twenty one ministers and then twenty one assistants. Not from the same place being elected to be cabinet ministers. Lets have a balance.

As you know, the Pokot had their minister the other time and we lost him. This should be reinstated in future. Position of the Presidency is where the eating begins by some communities. This I feel should be rotated. If we have forty two tribes, we should have four hundred and twenty years, each section should have its own time. Already the Kikuyus and the Tugens have had their share so the other forty are yet to get their share. **(clapping)**

There is a very notorious section here in the law of Kenya. That is section 87 whereby if somebody has been charged in court and then he is convicted in court and the judge says that person is not guilty should be released and then a policeman just goes for his neck again and re-arrest somebody has already been released by a judge. That is very unfair also. It should be rebuked.

There should also be ceiling. There is grabbing of land in Kenya today making other people not to be accessible to these natural resources. Therefore, I propose that there should be a ceiling of five hundred acres as opposed to two thousand and above which is happening right now. Commissioners, I hope our views will be reflected on this because I was told the other time, I heard that may be this is just an exercise where everything else has been written and put in the cupboard when you listen to the views, the thing is released. I hope this is not the case. Thank you very much. **(Clapping)**

Com. Idha Salim: Thank you very much. Do you mind please coming back Bwana Jacob. Point of clarification from my colleague.

Com. Kabira: Sorry Jacob. We do not have another Constitution written. We are going to write when we finish

collecting the views. I am sure we are going to take all the views that we are collecting here into consideration but having said that I wanted to catch up with the one million acres that were given to the various communities. When was this?

Jacob Lorema: Immediately we got independence. Sixty two, sixty three coming ownwards up to sixty four. That when some people were settled excluding the Pokots in Transzoia. Luhyas, Kikuyus mainly.

Com. Kabira: They were given as a community a million acres?

Jacob Lorema: They had to buy from Europeans so they were given loans and enabled to buy this land. Let me say again Madam Commissioner, I have been an MP of this area in 1963 the first Parliament. Up to now we have thirteen MPs from this area and up to now the first Parliament to the eighth Parliament, we are left with three MPs only that is his excellency the President Moi, Mheshimiwa Kibaki and Choge, the rest have retired and died. Thank very much. **(Clapping)**

Com. Idha Salim: Asante sana Mzee Jacob Lorema kwa maoni yako, Benson Katon. Please remember the time limit.

Benson Katon: Thank you very much commissioners. I am very thankful today for collecting our views here in Kapenguria. Mine is very brief. Actually I come from a small community known as Sengwer as you have heard. My name is Benson Katon and I start. Sengwer dilemma. The history of Sengwer, Chelangani community leaving in West Pokot district is distorted. That is assumed we are not there. This is as a result of colonial British way of dividing and rule. We are victims of this as it is evident elsewhere in the world.

Second, Sengwer ignating line: with the human rights which advocates for the minority communities. All over the world, we accept that we are the minority and therefore, Constitutionally documented that we want to have equal rights as the other citizens of this country. In the ways of education as other communities to get sponsors as well, as even schools for our areas. We should have free education like the other citizens from standard one to university if possible. In order to be equal to other communities who have gone a bit higher.

Natural resources or land: we want the area that fell into our communities. That small share, even employment of forest guards who come to wazees jurisdiction area, they should employ our children. Because nyinyi mnaelewa ya kwamba, wacha nibadilishe kidogo, sisi ni watu wa asali. Tungelitaka hata hiyo area ambaye ni forest, tufuge hata mzinga yetu huko ndani na hata ikiwezekana kwa hii Katiba tupewe hata kuweka ng'ombe wetu huko ndani. Na hata ikiwezekana pia wakati hiyo forest itafunguliwa, hizo communities ambazo zina claim, zipewe priorities.

Actually habari ya Transzoia, I think you have heard a lot of claims here. These claims actually msione labda tuna makosa fulani. Ni kwa sababu ya kukosekana kwa vitu. Labda nyinyi mtafikiria hawa wanataka, hawa wanataka, sisi tungelisema tu kama community of Singwer ya kwamba ile area ambaye ilichukuliwa na Wazungu about four hundred thousand acres, iwe lease kwa wale watu wako ndani kwa sababu tutawafukuza wao hapo, kama ni kukodisha elfu nne, tukipewa elfu mbili kwa kila acre kila mwaka sisi na hii jamii ambayo tuna complain tutakuja juu baada ya miaka thelathini mpaka tuwe balanced na hao.

Mambo ya land control board. Ningetaka muke kwa Katiba, hii community kama ya Sengwer, ambaye wanalia, Pokot ambao wanalia katika hiyo area, wapewe hio committee ili kuangalia ni nani anunua shamba na ninani anauza. Ili hata wakipata pesa wanunue lakini wale wako huko ndani wawe settlers wetu tutawafanyia nini? They are our Kenyans. Hao matajari wetu lakini tunawafanyia kazi tunalipwa kusomesha watoto.

Lingine commissioners ni mambo ya national referendum. Ningeli-suggest ya kwamba kama sisi community ya Sengwer kwa sababu kila sehemu ya ubunge wanapewa watu tatu. Simutuongezee sisi tuwe na usitu kidogo. Tukienda tuwe karibu watu tisa au kumi. Sasa muongezee hii community ya Sengwer watu tatu washikane na wenzao wale. Kwa sababu tuko kikapu moja.

Com. Idha Salim: Asante sana. Time is up. The last point which is the most important one. Tupe last important point.

The set up of the Government. Tungependa hii community ya Sengwer ambao tumekaa na wenzetu vizuri very peacefully, katika local Government, ile area ambao tuko naye tupewe opportunities zetu bila ku-interfere na mwenye alikuja kununua shamba. Either a Chief or a Councillor tupewe hiyo community kidogo kama Sengwer wanga'ang'ane kiketi yao lakini isiwe kama mtu alikuja kununua juzi. Tukatae wao mpaka tufikie wakati tunajua atakaa na sisi vizuri. Halafu ya mwisho tu ni mambo ya title deeds. Ningelisema mambo ya title deeds, mambo ya mashamba, ipewe wananchi wenyewe wa decide mambo ya mashamba lakini sio kwa DC ama kwa nani, itokee grassroot huko. Ile wazee wamekataa huyu asipewe title deed iwe namna hiyo lakini sio apitie DC na mwingine. Kwa hivyo hiyo tuta-save hiyo situation. Hiyo tu commissioners ndio ninasema. Thank you.

Com. Idha Salim: Asante sana kwa maoni yako Bwana Benson Katon na sasa itabidi kila mtu apewe dakika tano. Emmanuel Limuk? Tafadhali five minutes, summarise give points of specific proposals. In that way you can your five minutes very effectively.

Emmanuel Limuk: Asante sana Bwana Commissioner. Majina yangu ni Emmanuel Limuk. Nina mapendekezo tu machache, nanitaenda mbio. Kuhusu citizenship. Mke atakuwa mwanamke kamili anapopewa cheti cha

kuolewa. Pia ikiwa ni mme ameolewa kama kuna kitu kama hicho, vile vile anakuwa mwananchi. Vitambulisho viwe double printed na moja ibaki katika ofisi ya chief; ili ikikuwa mwananchi amepoteza ile ingine, bado ataenda kufanya reference kwa upande ule mwingine kwa sababu kwa sasa, inawapa gharama nyingi, ambaye hawawezi kuvumilia kufwata hiyo mpaka sasa, atashikwa na polisi akaambiwa yeye sio Mkenya.

Tukija upande wa defence and national security. Rais anyang'anywe mamlaka ya kuamuka na kufikiria kupiga community fulani kwa sababu ya utovu wa nidhamu. Jambo hili iende kwa Bunge aseme sababu ambazo anaonelea yeye mwenyewe, community hiyo ama jamii hiyo inaweza kufanyiwa operation kuliko sasa ambapo ana amka tu na kutangaza jamii kuumizwa.

Tukija kwa local authority, wenzangu wamesema mengine lakini jambo linalosema ni hili, wachaguliwe moja kwa moja na wananchi. Na katika qualifications, wawe bali na elimu yake awe pia ni mtu ambaye anatumbalika katika jamii hiyo. Atumbulikane ili kwamba asiwe ni mume ambaye amezorotesha kwake hata hajui watoto wako wapi. Asiwe ni mama ambaye hajui kwake ni wapi na mume amefikisha umri fulani kwa mwaka hii lakini anaenda ku-seek votes ambazo kwa sababu ya uwezo wake either kifedha ama kwa elimu yake atapewa. Hiyo ni mbaya.

Kuhusu upande wa pastoralists: ili kumaliza tabia yao ya kubadilishana mifugo. Sisemi wanaiba lakini wanabadilishana tu kwa sababu ya tambia yao kuwa vile ni kwamba sehemu hii kwa njia moja ama nyingine kuna maji ambayo inapita karibu, Serikali badala ya kuajiri ama kutumia mbinu nyingi ya kulida hawa, kufwata, kurundisha ng'ombe, wajaribu kutumia maji haya ku-commit hawa katika agriculture kunyunyiza mimea yao na mambo hayo yatapotea ikiwa watafanya hivyo.

Upande wa polisi ni kwamba, kwa sasa complaint, ndio anaenda kupata taabu anapopeleka complaint kwa polisi. Sasa kuwe na sheria katika Katiba, complainant awe protected kabisa. Complainant anapoenda kupeleka report, achukuliwe kama mlalamishi na sio mshitakiwa. Kwa sababu ataulizwa maswali mengi, baadaye atababakia na ataingizwa ndani bure.

Tukija kwa makanisa, makanisa na NGOs yale ambayo yanaingia katika wilaya yote ile hapa nchini iwe ni kwamba wanapeleka report yao kikamilifu katika DCs office, na mahali ambapo inajenga ofisi yake, ijulikane mpaka kwa assistant chief. Ili kukiwa kuna mipango mingine ambayo inaenda mbaya, iwe inasuluhiswa mapema kabla haija affect the community.

Nikimaliza ni kwamba sheria iwekwe kali kwa rapists wale wanao najisi watoto wadogo ama wamama wazee. Wakipatikana wawe castrated ama wanyongwe. Kwa sababu ni kinyama sana kitendo kama hicho kuweza kutendeka. Mwisho tu ni kwamba ili kulinda, culture ya watu kama ni Wagiriama, Wapokot, Waturkana, Serikali

iveze ku-sponsor uandishi wa lugha yao ili isipotee.

Com. Idha Salim: Thank you Bwana Limuk for your views. Loshangura Ameme?

Loshangura Ameme: Soro nyo wou Lomuk ompo ngalee kuu. Nko loshangura?

Translator: Anashukuru kwa tume iliofika hapa West Pokot

Loshangura Ameme: Soro ompo tume,

Translator: Kwa majina ni kama vile mmesikia ni Loshangura Ameme

Loshangura Ameme: Kaynotuut ko chan choni.

Translator: Yeye ni mkaaji wa hapa West Pokot

Loshangura Ameme: Onguneenan koro Pokot

Translator: Yeye ni mshiriki wa kanisa

Loshangura Ameme: Ochan chiipo kanisa

Translator: Kanisa lilianza mnamo mwaka wa arubaine na saba

Loshangura Ameme: Kyaanzan kanisa konyiis cho chang.

Translator: Kwa mwakiliishi ni Lukas Kipkech

Loshangura Ameme: Ochan Lukas Kipkech

Translator: Alipoendelea na injili kufika mwaka wa hamsini naye akapata janga la nguvu kule Galao

Loshangura Ameme: Ompo konyiis taman nko muut, kutooro Kolowo

Translator: Na hapo sasa, marginalisation naye ikaanza kwamba ni one of the political churches.

Loshangura Ameme: Kungeet nyuu kluku pat ngala siasa kule.

Translator: Na sasa hivi, tunajihesabu ni kama wale wasio pata uhuru tangu Kenya ipate uhuru mpaka wa leo.

Loshangura Ameme: Klee nyona yee nyuu, klenyee cha piich choo kimelo kikityaakecha ngata huru.

Translator: Kwa kuwa kanisa lenyewe haijawahi kuwa registered tangu, hata ingawaje tume apply so many times but Kenyans have not yetu considered us.

Loshangura Ameme: Kaniisa nyo melo kikekiir aki keetepachana ompo saa anga tukwil.

Translator: Jina la kanisa lenyewe ni dini Rome na Africa

Loshangura Ameme: Kaniise kuu Rome nko Africa

Translator: Kwa hivyo nifurahie kwamba Tume nayo imepata kuja sasa ili ipate kutambua kwamba uhuru ama haki ya mwanadamu lazima ichunguliwe.

Loshangura Ameme: Soro ompo tume ompowolo kapkaa akwane kusuwa ngale cheete, takenyoorunoo chaa haki nyoo.

Translator: Tunafahamu barabara kwamba maungano na NGOs ama kwa Serikali, ni kwa makanisa ambayo imesajiliwa. Kwa sababu hata kwa sasa hatujaweza kupata mahitaji yetu kamili

Loshangura Ameme: Leenya piipo NGO's mochoy chanee piich choo kikekiir kanisengwa.

Translator: Kwa hivyo matarajio yetu ni kwamba, kanisa ipate kusajiliwa ili kuwe na maendeleo.

Loshangura Ameme: Klee nyona, mchiini kanisee chaa kekiir ata keletachaa.

Translator: Hiyo ni kwa ajili ya Katiba iliyo sasa. Either ithibitisha uhuru wa mwanadamu ama mtu mwenye anahitaji lengo

Loshangura Ameme: Mchiini katibanu po yee ksuuk chii poroghuun po kityaakat

Translator: Hiyo ni shida ambapo imetukumbatia kama kanisa tangu hapo jadi.

Loshangura Ameme: Shiideni choni choo kikunyorweecha nyoman.

Translator: Kwa kuwa Mungu hakuwa mjinga ambapo aliumba dunia naye akaumba binadamu katika lugha tofauti tofauti.

Loshangura Ameme: Ompo wolo Tororot melo solwogh ompo wolo kigh nyiinde nguuny lowur

Translator: Kama vile Transzoia hata bibilia inasema ukiondoa alama iliowekwa, hata nawe umelaaniwa. Kwa hivyo Transzoia pia lazima mchungulie vizuri.

Loshangura Ameme: Klee Tranzoia klee ato mwoghoy biblia loo atoimuuronyi kugh itungonyii chupoot. Mchiini arosa Tranzoia lasiny.

Translator: Hata kule tangu Turkwel pia ili affect mashamba ya watu na lazima iangaliwe vizuri.

Loshangura Ameme: Kungetaa Turkwel, kipaa pareeni piich choo chang nyo mchiini keros lasiny.

Translator: Nafikiri hiyo ndio ilikuwa nafasi ya mzee

Com. Idha Salim: Yusuf Lokisuri? Yuko Dakika tano maximum, Bwana Yusuf

Yusuf Lokisuri: Kwa majina mimi naitwa Yusuf Lokisuri. Ninawakilisha maoni ya Waislamu ambao ni kama memorandum nataka kufanya summary. Sisi tuna sherehe ya Idi mara mbili, lakini huwa sherehe moja, ndio Serikali inatambua Idi. Ambapo Waislamu wa Idi hii ingine hawapati nafasi hiyo kufurahia kama vile wenzetu wanavyopata uhuru hio. Ya pili kuna sherehe siku kubwa kama jumapili kwa sisi ni ijumaa. Na hiyo ijumaa wafanya kazi wa Serikali hao wameajiriwa wote huwa hawapati nafasi. Kwa hivyo tungeomba, tupatiwe nafasi hata kama ni ya masaa mawili ili watu wafanye sala ya ijumaa.

Lingine ni kuwa katika dunia ya sasa katika hali ya unyanyasaji, wewe ungetaka kutafuta kitambulisho na wewe ni Muislamu unawambia ulete kitambulisho ya babu yako. Wewe utapata wapi babu. Kwa hivyo tungeonelea, hizo mambo ziondolewe, ili wananchi wa Kenya wafurahie hata kama ni Muislamu kwa sababu tuna uhuru mtu kuabudu kwa dini yeyote yake.

Pia kuna hii hii Kadhi ya Kenya. Wanaweka Kadhi province. Huko ni mbali sana. Tungependela, hao Kadhis

wawekwe kila district kurahisisha mambo ya waislamu.

Nikimalizia hayo, mimi ningependa kuchangia pia kuhusu mambo ya watu wa ufugaji wa ng'ombe. Sisi katika Constitution ambayo inakuja, tungeangaliwa, kwa makini na serikali kwa maana kuwa sisi tumeachiliwa nje kwa Constitution ile ya kwanza. Kwa mfano watu wa Kacheliba hawako kwa Constitution ya Kenya. Walikuwa Uganda wakapata Constitution, wamekuja Kenya wakakuja kama constitution imeandikwa. Kwa hivyo tungependelea, sisi wale wafugaji wa mifugo tupewe elimu ya bure kwa watoto wetu.

Pili tuwe compensated kwa operation ambaye imeanza tangu ukoloni mpaka saa hii tunadai compensation kwa Serikali ya sasa ya Mwafrika. Tumefanyiwa operation tatu ambayo ilikuwa inatumika. Military hardware yote, inapigwa na helicopters badala ya hiyo yote pesa itumike namna hiyo, ingekuwa kama Serikali ingetaka ku-eradicate hii mambo ya cattle rustling watoe hiyo pesa yote waelimisha watoto bure na hiyo inaisha.

Tatu, kuna Turkwell Gorge dam ambaye ilichukuliwa mpaka na saa hii hata council ya Pokot unasikia saa hii watu wanasema councillors hawana maana. Hakuna resources hapa. Turkwell dam ilichukuliwa hakuna compensation kwa wa Pokot. Wenyeji wako kwa council mpaka saa hii. Tuko na documents kazi yetu inakuwa ni kuomba sio haki ya council ya hapa. Vitu kama hizo ndio tunaomba nyinyi kama wale mumepewa nafasi ya kuwa commissioners kuangaliwa mambo kama hayo.

Nne, kuna land ile wewe ulisikia one million acres. Mzee alitaka kueleza kuwa hiyo ni ardhi ya Pokot. Unasikia saa hii West Pokot, ina maana kulikuwa na West Pokot, East Pokot lakini hiyo yote imeisha, tunabaki na West Pokot. Hiyo land Pokot wawe compensated kwa njia ingine, kwa sababu ardhi hiyo yote ilienda hivyo. Na Wapokot wasukumwa kwa Wakaramoja. Na lengo la mkoloni kufanya hivyo ni kufanya Pokot wawe assimilated na Wakoromojo ili wapotelee huko wasi claim hiyo land. Lakini ikawa sisi tunaleta Wakoromojo ile mila yao tunachanganya na yetu hawakuweza kutumeza. Na kwa hivyo, mambo kama hayo ndio inabaki shida kwa dunia mzima. Ikiwa wewe ulitolewa kwako na hujarudi kwako na haujapewa kitu, mali hiyo hiyo haiwezi kukatika na wale wengine wenye watakuja kupata elimu wakati mwingine watakuja kuleta shida. Kwa hivyo, vitu kama hizi ndio commission hii inge address vizuri ili ingine kwa Katiba wakati wa kaundika hiyo Katiba. Kwa hayo machache nasema asante.

Com. Idha Salim: Asante Bwana Yusuf kwa maoni yako. Reverend Joseph Molungus? Yuko? Hayuko? Ezekiel Zaizi. Karibu Bwana Ezekiel. Dakika tano tafadhali maanake watu wengi sana wanataka kutoa maoni.

Ezekiel Zaizi: Jina langu ni Ezekiel Zaizi. Basi nashukuru tume ambayo imefika hapa West Pokot kwa siku ya leo. Basi kwa marekebicho, naona kwamba ni muzuri kwa sababu mimi natoka jamii ya Sengwer. Katiba ya hapo

awali kabila ndogo haikuhusishwa sana. Ningependa Katiba ya sasa irundishwe kabira zote za Kenya. Katiba ya watu wa Kenya.

Pili ni kwamba zile kabila ndogo zipate nafasi katika Bunge ama ipatiwe Wabunge maalum wa kabila ndogo.

Tatu, katika mipaka yote, ichunguzwe kabla mkoloni kuingia hapa kwetu Kenya. Basi kwa hayo yote nashukuru.

Com. Salim: Twakushuru wewe Bwana Zaizi kwa maoni yako mafupi na wazi kabisa. Tuendeleo, twataraji hawa wengine watafanya hivyo hivyo. Tafadhalini ikiwa mwenzetu mmoja wetu ameshataja mambo fulani, hakuna haja ya kutaja mambo yale yale maanake huchukua wakati. No repetition tafadhalini. Joseph Lokut? Ainue mkono yuko au tutaendelea mbele hayuko. Krop Moloto yuko? Ametoka? He is not here? Okey. Benson Katon? Yuko? Ameshaongea? Oh yes I remember now. Thank you. Jamali Rangi? Karibu. Anza na jina tafadhali uendeleo, dakika tano maximum.

Jamali Rangi: Shukrani. Jina langu ni Jamali Rangi na mimi mkaaji wa makutano. Nilimaliza chuo kikuu cha Nairobi tangu miaka miwili mitatu iliopita na nina furahi leo kupata hii nafasi yakuweza kusema neno moja au maneno mawili kuhusu Katiba. Kwanza nina wakiliisha Makutano Mosque Welfare Association na mambo mengi ambayo nitakaongea itakuwa inahusu sana sana Waislamu wa Makutano tuseme na district hii yetu isipokuwa muda ambao tumepewa ndio mdogo sana, lakini nitajaribu kufukuzana nao pole pole.

Kitu cha kwanza, Waislamu wamepewa Kadhi. Kadhi tuko na mmoja katika kila province tuseme. Na yeye sana sana huwa ana deal na mambo ya ndoa, divorce, inheritance na marriage. Lakini tukiangalia haya maneno peke yake huwa hayatoshi. Sasa tungependa Katiba ambaye itakayetengenezwa, tuweze kuwa na Court kubwa ambaye inaitwa Supreme Court ambaye ina deal na mambo ya Katiba na mambo mengine makubwa zaidi. Halafu tuwe na Kadhi's Court of Appeal ambaye itakuwa ni national. Halafu katika kila district, tuwe na Kadhis court.

Upande wa citizenship, Waislamu wengi wamekuwa na problem sana ya citizenship. Sana sana wakuwa dubbed kama terrorists vitu kama hizo. Na sisi wote ni mandugu tunaishi pamoja tunakunywa maji katika mtoni mmoja. Kitu ambacho Waislamu wangependa kuomba Katiba mpya inayo kuja kwa sababu ukiangalia watu wote katika dunia, mtu anaweza kuwa anatoka Uganda. Ana ndugu zake ambao wako Uganda na yeye anaishi Kenya. Sasa tungependa ile Katiba ambaye itatengenezwa, iweze kumuezesha mtu akuwe na citizenship ya Kenya, na citizenship ya nchi ingine kama Uganda. Kwa hivyo tuwe na multiple citizenship.

Halafu kwa sababu sisi tunatoa pesa nyingi sana, Zakhat watu wengi ambao si Waislamu hawajajua lakini tungependa Katiba itakayo tengenezwa iweze kuwatenga Waislamu kutoka kwa interest, tuweze kupewe banks

ambazo ni free interest. Hizo banks ni nzuri sana. Ukiweka pesa zako kwa bank, hau-charge-wi interest. Kama umeweka shilingi elfu moja hata ukikaa miaka mia moja bado unapewa shilingi zako elfu moja.

Halafu kuna education, sana sana utakuta Waislamu wengi kielimu wanarudi nyuma kwa sababu mfumo wa kielimu wa saa hizi unawa lazimisha labda wasichana kwenda kwa shule bila nguo zinazo stahili. Sisi tunachukulia mtu wa kike akiwa uchi, kama hajajifunika mwili wake wote kwa hivyo inafanya Waislamu wengi wa kike wasiweze kuendela na masomo kwa kiwango ya hali ya juu, kwa sababu mfumo wa elimu wa saa hizi ni kama una-discriminate. Kwa hivyo tungependa Katiba ambayo itakayo tengenezwa iweze kuangalia maneno ya groups kama hizo. Elimu iweze ku-allow, watu kuishi vile wanavyotaka.

Halafu ningependa pia Katiba iweze kuwa na succession na transfer of power nzuri. Tuweze kuwa na calender Rais anaingia tarehe fulani na anatoka tarehe fulani. Sio ule mtu anaingia kwa ofisi kutoka inakuwa ni matata.

Halafu tuweze kuwa na Constitution supremacy. Ile Katiba tutakayo itengeza ama ambaye itakaye kuwepo iweze kufuatiliwa sana. Na ile maneno ya kusema ati Katiba inaweza kutolewa na sixty five percent, ningependa hiyo Kati ba ingine iweze kutolewa na sevety five percent.

Halafu political parties: katika Kenya hapa tumekuwa na shida sana kwa usajili ya vyama vya kisiasa. Tungependa kusiwe na limit. Tusiseme Kenya yetu tunataka tuwe na vyama vitatu tu vya kisiasa. Tuwe na vyama vingi ile kiasi mnayoweza. Na mimi ningependekeza pia ile Katiba itakayo tengenezwa, isajili pia vyama vya kidini.

Com. Salim: Last most important point maana tutakuwa na memorandum yako, tutaisoma kikamilifu.

Jamali Rangi: Halafu, last important, wale viongozi watakapo chaguliwa, lazima wawe tested kwa mambo matatu. Kwanza wawe na elimu, ya pili wawe na integrity, ya tatu wawe ni watu tabia nzuri. Wawe ni watu katika society sio criminals. Nashukuru kwa hayo machache.

Com. Idha Salim: Asante sana Bwana Jamali Rangi kwa maoni yako, twakuhakikishia kwamba memorandum yako, tutaisoma kikamilifu, najua unapointi zingine hapo lakini tutaisoma bila shaka. Bwana Krop ambaye tumeruka maana ulikuwa hauko, Krop Mwoloto, karibu.

Krop Mwoloto: My name Professor Idha Salim, Ni Stephen Krop Mwoloto. Yangu nikupea historically synopsis in brief though nimefanya kazi kubwa lakini time sasa imekuwa kidogo ni Pokot land question. Pre-colonial period, ardhi ya Pokot ilikuwa ina extend kutoka West Pokot border up to Soi Club. Hii ni kama seventy kilometers lost to the colonial power. Tunataka Constitution, land irundishwe, origina boundaries ya

ukoloni wapewe Wapokot. Transzoia hiyo, ibatizwe kama Pokot South District. Kenyan Government wa bail out the Lancaster black settlers out of our land for permanent peace in North Rift.(Clapping) That is our land. We never sold it. We have no sale agreement between us and British Government. To us, the British are thieves.

Two, Pokots who are victims of four tragedies. One, is colonial tragedy, two, Turkana tragedy that were armed. They pushed as from Lokichale to Kainu, a hundred kilometres. Three, Karamojong tragedy. After we were pushed from Transzoia we were taken to Eastern Uganda. They wanted us to be there for two years, we went there for forty years. Like the jews in Egypt. When they were in Uganda, they were not Kenyans they were not Ugandans. They are in between. They came back 1970 to Kenya what is now called Kenya mpya. Four, what I call agravian tragedy, Pokots in upper highland, refused to plant potatoes in the 30s. Not until the colonial power brought Keiyo from Nyalu Kipkori to take our land. They are now occupying three divisions. And that land we want it restored.

Three is marginalisation Professor. What the British did to us is exactly what the French did to Chad. In northern Chad is useless Chad. Southern Chad is useful Chad. So Northern Kenya is useless Kenya a Southern Kenya is useful Kenya and I want to quote one Mzungu who wrote an article, Brain Headen in 1939 that there is no difference among the Pokot and Turkana between Kenya the colony and Kenya the nation. Because they have been left behind to bibe their primitive juices and that book is called “Africa despite from fragile continent” Pokot never went to Lancaster honourable Lolema who came here was a member of Parliament. He resigned from Parliament because Pokot never got Transzoia. Lolema. He was here but he has moved out. He has gone out. He joined KPU and Odinga promised that they will make him a Minister for land and settlement.1962. The first one million acres as somebody said was not clarified. When Wazungu realised that their occupation was eminent, they gave out one million acres around Nyandarua and then those who were given first were members of Kikuyu. They took one million acres. Out of three million acres in white highlands. Two remained. Out of what we lost, we were only given one farm called Licho farm.

In short, what I want is re-institution of boundaries, land back to Pokot, reparation for non use of our land. Njonjo came here and I told him in this house, five hundred and ninety nine days ago, that Pokots have not used their land for a hundred years. It produces three million bags per year. There are five hundred shillings per bag is up to one fifty billion we were poorer by one fifty billion if we used our land in Transzoia.

Federalism: that is the most important Bwana Professor. We want to divide Kenya into fourteen provinces. I want to offer their names. North Rift regions as a jimbo, Marsabit Province, North Eastern province, Maasai province, Central Rift, Province, Meru Province, Akamba province, Kirinyaga province and Western Province. They are fourteen. As you are aware, most countries that are stable in the world are federated or confederated. We want

to divide Kenya in Majimbo, we are tired of Nairobi. **(Clapping)**

Judiciary: Constitutional court, land claims court, supreme court, court of appeal, customary law 1, customary law
2. Thank you Bwana professor.

Com. Salim: Thank you very much Bwana Krop Mwoloto kwa maoni yako. Samahani wakati hauturuhusu kukupa wakati mwingi zaidi kueleza. Lakini nimefurahi, we are very happy we have your memorandum we are sure we are going to read it and study it. Next we call Bwana Simon Cherongos. Bwana Cherongos najua utazungumza juu ya taabu za Sengwer. Please do not repeat what we have already heard from your fellow Sengwers. We have noted quite a number of views already. Only if you have something new.

Simon Cherongos: Asante Sana Bwana Commissioner. Mimi kwa majina naitwa Simon Cherongos. Mimi natoka jamii ya Sengwer. Ningependa kusema ya kwamba ni marudio kwangu kusema, kama vile wenzangu wa Sengwer walikuwa wamesema, mimi ni councillor katika jamii hiyo na nitasema ya kwamba sisi kabila ya Sengwer, hatujapata uhuru kweli kwa sababu tangu zamani, mkoloni hatujapewa kweli, district ntaungependa kama sisi kabila ndogo ya Sengwer, tupewe haki yetu district. Hii mambo ya Transzoia land, tunajua kweli kama sisi watu wa Sengwer na watu wa Pokot tunajua watu walikuwa wanajua pahali wakifika kwa hii Transzoia. Ningependa kutoa maoni yangu ya kwamba sisi kama kabila la Sengwer, tupewe district, ili ikiwa kuna watoto kuandikishwa kazi sisi tuko ndani. Ningependa kusema, bora tu watu wamefika elfu ishirini na kuendelea inaweza kupewa district, tutambuliwe kama watu wa Elmolo, watu kama Wa Ogiek, sisi ni kurutu kama hawa, kwa sababu hatujaweza kupata kweli kitu ambaye tunajivunia katika Serikali yetu. Ningependa tupewe hata nominated, hatuna kweli mwakilishi katika Bunge yule anaweze kutuletea maneno na tungependa sana tupewe mwakilishi.

Mambo ya elimu tuko nyuma sana. Ningependa kusema tena ya kwamba wengine walikuwa wamesema, mambo ya councillors ni bure. Sisi tungependa, kwa sababu tunafanya siku moja na Wabunge mambo ya nomination, mshahara wa councillors kweli ni mbaya na Wabunge ni nafuu. Tungependa kusema Katiba, councillor apate nusu ya mshahara ya Mbunge ili mambo iweze kuendelea katika nchi na mambo yatakuwa mazuri.

Serikali, tungependa kweli tupate Prime Minister ili mambo ya nchi iendelee kwa namna safi. Ningependa kusema kwa Katiba mtukebishie tupate kama watu wa Sengwer tupate district, halafu tupate kweli mambo mazuri katika Serikali yetu. Asante.

Com. Idha Salim: Asante Bwana Simon Cherongos kwa maoni yako. Sasa namuita Aziz Damwe.

Aziz Damwe: Asante sana Bwana Commissioners. Mimi naitwa Aziz Damwe. Nina maoni karibu matatu hivi ya

kupendekeza kwa Tume hii ya kuunda Katiba.

La kwanza nafikiri nitaguzia mambo ya machifu. Ningalipendekeza ya kwamba machifu tulionao sasa wengi ni watoto wadogo sana. Tena wana elimu ya chini sana ya kuogopa. Hawa wezi kuzungumza na wazee katika kikao chao. Ningependekeza kwamba, chifu awe ni mtu mkubwa ama mtu wa miaka thelathini mpaka arubaine na tano, na kwenda juu ili aweze kukubaliana na wazee nyumbani.

Pili huyu chifu amezaliwa hapa amesomea hapa, amejua hapa hata hajui kwenda mbele ya Kitale. Tume mueka chifu kupambana na mambo ya Kenya. Na atakutana na watu kutoka sehemu mbali, mbali, ambao wana ujuzi mwingi kumshida katika nafasi hiyo, nafikiri mambo mengi yanaharibika kwa hivyo napendekeza kwamba, chifu huyu, labda apewe uhamisho wa karibu ili afanye kazi na watu tofauti, tofauti apate ujuzi kuliko alivyo. Jambo la tatu lingine nililo nalo ni kwamba hizi transfers, kuna transfers za wafanya kazi wa Serikali ambao wamekaa katika wilaya kwa miaka nyingi sana mpaka wamezeeka. Watu kama hao nafikiri wamechangia ufisadi katika wilaya na ningependekeza Katiba, itumie nafasi hii kwa kuwapa uhamisho kwenda sehemu nyingine. Na uhamisho huu, sehemu wana okaa lazima wakae kwa muda mdogo.

Jambo la tatu, hii contract, contract, kuna wafanyi kazi wa serikali ambao wanastaafu na unasikia kesho wanapewa contract ya kuendelea na kazi kama hakuna watu wengine. Hili jambo nafikiri linachangia ufisadi. Kwa hiyo Katiba mpya, ningalipenda ipendekeze kwamba mtu yeyote ukisha staafu, uende nyumbani ukafanye kazi yako. Nafikiri una kazi yako ambayo unaweza kufanya, kuna wengine ambao wana akili na nguvu ya kufanya kazi kushinda wewe. **(Clapping)**

Jambo lingine, wenzangu wamezungumza juu ya security wilaya hii. Bwana commissioners, tumekuwa na matatizo sana, maanake tunapakana, district nyingi zenye shida ya kupigana. Tumekuwa na shida kutokea ukoloni. Kwa hivyo mapendekezo yangu, labda kuhusika na mambo ya wizi wa ng'ombe, Wakoromo wanatunyang'anya kesho tunawanyang'anya jambo la kufaa kama Tume ingeliweza kufikiria haya iweke ua kubwa la umeme, kwa mfano tumekuwa na Turkwell pale, tuna mbuga la wanyama wa pori. Serikali ingelipendekeza iweke katika mipaka hii mbuga ya pori ili mwizi asiweze kuvuka kwenda upande wa pili. Basi kumalizia, labda kuna kitu kimoja nilisikia akisema rapists. Wanaume zaidi ndio wanadhulumiwa sana. Wanawake vile vile pia wanachangia kwa mambo haya. Wanafanya makusudi ili wapewe compensation. Kwa hivyo sheria hii itazamwe pande mbili huko na huko. Nani mwenye makosa, wanaume tu wanalaumiwa lakini wanawake wana makosa vile vile. **(Clapping)**

Kwa kumaliza, kuna wanawake ambao wameolewa, anatafuta balaa ili awachane na mumewe, ili alipwe akae na watoto wake. Mambo haya vile vile mtazame. Sisi wanaume tunapata shida hiyo. Asante. **(Clapping)**

Com. Idha Salim: Asante Bwana Aziz Damwe kwa maoni yako. Na sasa namuita Tupuko, Felix. Anza na jina tafadhali.

Felix Tupoko: Asante sana Bwana commissioner. I have some of the things to be presented here. My names are Felix Tupoko. First I will start with the representation in Parliament. The following people must be represented in the Kenya Parliament. One, the blind people, the lame people, women, mentally disabled people, police, army and the minority tribes, e.g Okiek, Elmolos, and Sengwers as it was said.

In addition to that, I have to say the essential needs, the qualifications of O'level and tertiary institutions again, I will have to say that employment should be in every district. As sir, I experienced this once in the constitution of Uganda. This is whereby the district, every district in Uganda has its own commission especially the commission which can employ people. So I would like to suggest that district service commission to be introduced in every district so as to create employment to the people within that district. Third, security: KPR, these Kenya Police Reserves should be fully employed so as to provide security to the local people. Because these are people within the locality, police reservists should be accorded power so as to be used by local elders or chief within the local areas.

Judiciary system: the Kenya judicial system should be more independent by allowing the Parliament to appoint the Chief Justice by two thirds of the house. Because you see nowadays according to the current Constitution, the President appoints the Chief Justice. So you see that the Chief Justice controls the court. If somebody who is related to the President, let us say is prosecuted and taken to the court, the President has powers through chief justice to ignore such a case. That is why we are saying the Chief Justice should be appointed by the parliament under two thirds of the house. Allow me Sir just to summarise.

The customary courts should be introduced and be given more powers to handle the cases before it is taken to magistrate courts. Before any case to be pushed to national court they should be taken under the judgement of the wazee, and the baraza then if the case becomes hard, it is then taken to the national, the ordinary court.

Attorney general should not belong to any judicial system. He should just be a Government political legal advisor. The Kenyan laws should be taught in Primary Schools and Secondary Schools and the books should be supplied to the citizens because up to now, my father does not know even he cannot interpret, Kenyan law even one.

Federal Government: we recommend federal system of governance upto East Pokot district, West Pokot district, Turkana district, Marakwet district and Transzoia district to be one jimbo.

Constituencies: they should be created under the following factors, geographical factors, hardship, population and the minorities as the Sengwer people. Thank you.

Com. Idha Salim: Thank you Felix Tupoku for your views. J. P. Katina. Karibu. Five minutes maximum please. I have a lot of people wanting to give views.

J. P. Katina: Mheshimiwa Commissioner, watumishi wa Commission, Mabibi na Mabwana, majina yangu ni Jackson Katina. Mkaaji wa wilaya ya Pokot. Nimepata nafasi Bwana Commissioner ya kuandika maoni yangu na napenda kuchukuwa nafasi hii nipee nafasi wengine, kutoa yale nimeandika kwa commission, nimeweka sahihi na nimempa address nzuri ili niweze kuokoa nafasi. Asante sana.

Com. Idha Salim: Asante sana Bwana Katina kwa kufahamu kwako kazi yetu ilivyo na twakushukuru sana kwa memorandum yako, maelezo yako. Ungetaka ungeweza kutumia dakika mbili tatu kutupa highlights, ikiwa hutaki si lazima, ili tuendelee na jamaa mwingine atumie wakati wako. Lakini usijisahau. Do not forget yourself and go on and on.

J. P. Katina: Si rahisi kati ya mambo ile ambayo nimetaja ni kwamba Serikali za wilaya, local authorities wapewe mamlaka zaidi kama vile walivyo kuwa mwaka wa 1963. Wakati County councils zilisimamia elimu, barabara, mambo ya afya, mambo ya barabara, pamoja na kuajiri kazi waalimu pamoja na kununua dawa na kuhakikisha kwamba, health institutions zote zilikuwa zikipata sawa. Zaidi ya hao, mambo ya barabara yalichungwa na county councils walipata kuajiri watu kazi, na kuchunga barabara na kazi iliendelea vizuri. Madiwani: ningependekeza kwamba anaye kuwa Mayor ama county council Chairman, awe mtu wa masomo ya kutosha ni mtu wa elimu ni mtu wa kuchaguliwa na wananchi direct ni mtu wa kukaa katika county council katika muda huo wote ambao ni miaka mitano. Asichaguliwe zaidi ya term mbili. Pamoja na wengine basi hayo ni kati ya mambo ambayo nimesema na napenda kuachia hapo. Asante.

Com. Salim: Asante Bwana Katina. Sasa jina naona taabu kuisoma hili kwa ajili ya ilivyoandikwa. Hii si initials? Njia ilioandikwa hapa si wazi sana. Samahani, yeye ni observer amekuja kusikiza tu. William? Yuko? William Koyopen? Karibu William Koyopen.

William Koyopen: Asante sana commissioner kwa nafasi ambaye nimeweza kupata. I am one of the minority community that is the Sengwer community. I am William Koyopen from Silangwe Youth Group. The memorandum is not ready. I will present later on as my people have said about the problem concerning the Sengwer. I will insist on employment about the youth. Concerning employment, from now, we should not be focusing on district as we employ the people we have also to focus on the community, since the Sengwer

community and other communities in the minority group do not have their own district. So they should also focus on the minority on the community basis to provide their own respective places for the recruitment. In addition, we have fundamental rights of an individual, we have freedom of conscience that is freedom of thought and also the freedom of religion. We have these religion which believe on devil worshipping. What I have to say on that part is, we have to be specific to worship only the living God. Even if you are an Islamic whichever religion you belong to but you should not believe in the devil worshippers. You should only believe on the living God whichever way you believe but it should be through the living God but not the devil if we say there is freedom of worship people will be worshipping even the devil. We should only believe on God. With that, I say thank you.

Com. Ida Salim: Thank you very much William for your views. I move on now to Johnson Pooni. Johnson yuko? Karibu.

Johnson Pooni: Mimi ni Johnson Pooni kutoka jamii ya Sengwel. Jambo ambalo ningependa kutoa maoni yangu kwa tume ya Katiba kwa siku ya leo, ni kwamba hapo awali kulikuwa na mkutano katika Lancaster house. Mkutano huu ulifanya Katiba ambayo ilituendesha mpaka mwaka arubaine na sasa. Na Katiba hiyo, ilisahau jamii ndogo ambayo haikuwako na mwakiliishi yeyote ambaye alikuwa huko katika Lancaster. Jambo ambalo ni kwamba hivi, jamii hiyo kupata hasara kwa mambo ya mashamba, kutawaaliwa na sheria zingine. Mfano, land: wale Wazungu walikuwa kwa Transzoia settlement, ilikuwa compensated, waende kwao walipwe na British Government, waende kwao. Na Serikali ikasahau kupea ardhi Segwer kwa hivyo hilo ndilo jambo ambalo Sengwelrhawakupata.

Mambo ya forest, Mzungu akatoa Sengwer kutoka kwa forest. Hiyo forest inatoa maji inatoa nini. Kwa hiyo ningependelea ya kwamba, kuna hii mtoni inaitwa Nzoia River. Hii Nzoia river inatoa maji mpaka Kisumu. Kwa hivyo, tungelipendelea kama jamii kwamba ile pesa ambao watu wakisumu wanapata kutoka kwa samaki, sisi tupewe hiyo pesa, tusomeshe watoto wetu kama Sengwer. Hiyo pesa inafaidi Sengwelr

Nyingine, mambo ya chiefs: mambo ya chiefs, ningependelea, kutoa hoja yangu kwamba, chief achaguliwe jamii ya hapo. Baada ya kuchaguliwa na jamii ya hapo, ifanye mlolongo badala ya kufanyia interview kwa DC, ifanyiwe mlolongo na raia, yaani qeuing.

Mambo mengine ya code numbers: watu wanasema katika Kenya nzima ni jamii arubaine na mbili. Hiyo nimekataa. Kuna makabila mengi ambayo haijatambuliwa kama Sengwer, Okiek, Bulji, Elmolo, watu kama hao. Hawajapata code number. Kwa hivyo ningependelea kusema kwamba jamii ambayo zilioko Kenya ni nyingi zaidi ya hiyo, kwa hivyo apewe kama code number yao, apewe centers.

Lingine tena, nikiingia mambo ya majimbo: mambo ya majimbo haiwezi kufaidi yule mtu ambaye hana wilaya. Tukisema mambo ya majimbo kwa sababu ni hii, kama ni jimbo moja sasa kwa mfano, kama kuna wilaya jimbo hiyo, sasa ile jamii iko ulaya, ndio inapata pesa kwa hiyo uraya, lakini kama jamii haina district basi hakuna kupata faida yeyote ya pesa. Kwa hivyo ningeonelea, hiyo iwekwe maanani sana katika Katiba ya sasa.

Com. Idha Salim: Wakati umekwisha. Labada hiyo ya mwisho. Taja hiyo ya mwisho sasa. Ikiwa haikutajwa na wengine mbeleni. Nafikiri zile zingine zote zimetajwa nafikiri hayo yote nimesema kwa hivyo. Asanteni.

Johnson Pooni: Hawa commissioners ambao wameweza kufika hapa katika wilaya hii yetu ya West Pokot, na tunashukuru Mungu ata sisi kama jamii ya Sengwer, ambaye hatuna district ama hatuna wilaya ama kiongozi yeyote wameweza kuitikia wakuje kukaa na sisi hapa kusikia maoni yetu kwa hivyo wamama muwe uhuru kabisa na useme ile kitu iko dani ya roho, tangu zamani, tangu Kenya wanyakuwe uhuru mpaka saa hizi unasema yote usisahau.

Com. Kabira: Kwa sababu kwa Katiba kuna mambo ingine ya wanawake haiwezi kuingia kama kutoka asubuhi mambo ya wanawake haingii kwa maoni ile inatolewa na wanaume, kwa hivyo tuliona ni vizuri, wanawake wazungumze kwa sababu ni muhimu sana tuwe na points zao kwa Katiba.

Maria Kimayo: Haya wamama mmesikia hivyo. (Pokot dialect) Kwanzia ndani ya nyumba, msemi yote msiache hata moja. Kwa sababu najua mliogopa ndani, kuna shemeji wako ndani. Ako mzee wako atasema jioni utakula rungu. Sasa yote msemi hapa. Haya mwenye ako tayari.

Maria Kimayo: Jina langu naitwa Maria Kimayo. Ninashukuru sana kwa nafasi hii ya leo, tumekutana na nyinyi, tunasema ni asante. Kwa ukweli kama sisi akina jamii ya Sengwer, ingawa tumefinywa sana kwa maneno nyingi sana ya kwanza kama sisi jamii ya Sengwer wamama na wazee hatuna district. Ya pili, tukiona ya kwamba sisi tangu Kenya ipate uhuru, 1963 jamii ya Sengwer haionekani kwa kila jambo, kama maneno ya maendeleo ya wamama, kama maneno ya project yeyote, hatuoni kama tuko ndani kwa sababu tunakosa district.

Com. Kabira: Taja vitu za wamama na munazngumza lugha gani? (Inaudible)

Interjection: Sengwer sisi tumekaribiana na Wanandi, Keiyo, tunaelewa kwa hivyo lugha.

Com. Kabira: Nyinyi wote ni Wasengwer?

Com. Kabira: Okey

Maria Kimaiyo: Shida yetu kama wamama wa Sengwer ni ile nimesema ya kwanza hatuna district. Halafu ile inafuata sisi tunasomesha watoto ingawa tumejaribu kusomesha watoto wetu, lakini tunakosa pahali ya kuajiriwa kazi kwa watoto. Ikikuja kama West Pokot, tunakuja tuna watoto wamepita vizuri tukifika hapo, watoto hawaajiriwi. Tumerudi na wao nyumbani tukienda. Tukienda Transzoia ni vile vile. Tukienda Elgeyo, Marakwet, ni vile vile, sasa mimi ningependa tu niseme ya kwamba, mtusaidie ya kwamba tupate district, halafu ya pili sis kama wamama wa Sengwer watoto wengi wameuwawa wengi sana, kupitia wizi wa ng'ombe na hakuna hatua yoyote ile ambaye wamechukuliwa na Serikali hii. Kwa sababu inaonekana ni kwa vile sisi hatuonekani. Halafu isitoshe, kama sisi wamama wa Sengwer kabisa, inasemekana ya kwamba tumezaa. Tuko na watoto wengi, kupitia vile mumesema ya kwamba ati mtu aseme shida yake mpaka ya nyumba, tunaona kama wazee wetu wa Sengwer kweli, tukikaa pamoja na hao kama tumepata watoto wengi, wanaanza kutuacha sisi wa mama, inakuwa ni shida yetu sisi wamama kushughulikia watoto hao, kuwatafutia chakula ili tusomeshe hao. Na ukiona kabisa, hakuna kienye tunasomeshea watoto kwa sababu ng'ombe tunaibiwa tu ukipata ng'ombe mbili, unakuta hizo zinaenda, sasa inakuwa tukilima shamba, kidogo kidogo ndio tusomeshe watoto.

Com. Kabira: Sasa ungetaka je?

Maria Kimayu: Sasa sisi tungetaka kwa Katiba, mtusaidie hapo sana. Kama wamama wa Sengwer, tuone ya kwamba tutafanya nini tukuwe kama watu wengine.

Com. Kabira: (Inaudible)

Maria Kimayo: Akiona umepata watoto wengi, anaanza kujiendea pahali pengine labda anaanza kwenda kufanya kibarua yake nje, akipata hiyo, haleti nyumbani anakula tu huko nje. Kwa hivyo sisi wamama wa Sengwer, tunaumia hapo sana.

Com. Kabira: Anaenda kuoa?

Maria Kimayo: Hata anaweza enda kwa mwingine. Sasa wamama wanateseka na watoto. Halafu jambo lingine ningependa kuongezea hapo ni kusomesha wasichana yetu. Tunasikia ya kwamba, kama sisi wa jamii ya Sengwer, kweli, karibu tufanane na jamii ya Maasai, kama mtoto amekuwa mkubwa kidogo, mzee huwa anataka kulazimisha mtoto olewe tumsaidie huyu mtoto, ili apate elimu. Hata ile tumemaliza mnaweza kutusaidia kitu kidogo, ili tuone tutaanzia watoto project gani, kama sherehani ili ajisaidie naye.

Interjection: (Inaudible)

Maria Kimaiyo: Tuseme kama msaada hii inakuja. Kama sisi jamii ya Sengwer hatupati kitu kabisa. Hiyo inaenda pahali pengine kwa sababu hatuonekani kabisa. Sasa hata tungependa mtuone kwa jambo kama hili. Asante.

Com. Kabira: Ningetaka kuuliza kama tulipata uhuru 1963 hakuna mtoto amepata bursary. Hiyo ni kweli?

Maria Kimayo: Ni ukweli hakuna.

Com. Kabira: Hii bursary ya Serikali?

Interjection: Unajua problem kwa hii wilaya, hatuna district katika Sengwercommunity. Wote ni hao ni hao watu sasa tukipewa hata mtu moja tuingine katika district development committee, hawataki, hata wakisema hawataki mpaka saa hii hatuna hata mmoja. Hata chief ama nani, hawezi kuingia huko. Sasa hao wenyewe pamoja na DC na group yake huko. Ile pesa itaingia na mbunge hapo dani ni akina DC na hao viongozi wao wako wenyewe, ukijaribu kupenyeshwa hivi, hakuna.

Com. Kabira: Na women leader kama Maendeleo ya Wanawake, iko?

Maria Kimaiyo: Imekwishia kichini chini huko. Hakuna vyenye tunaweza kuchukuwa huko. Unajua wale wako wengi. Tukichaguliwana katika kila division, hao wamama wa pande hii wako wengi, sasa hata wakifanya election, hao wenyewe wana shinda. Ndio sisi tumekuwa wamama watatu na wao wako karibu ishirini na wanachaguana ina isha.

Com. Kabira: (inaudible) Wote ni wa Pokot? Mwingine. Ongea kwa sauti kabisa.

Interjection: Nasema asante kututembelea sisi wamama wa Sengwer. Kwa upande wangu, upande wa watoto na masomo, na kazi ya nyumba, kazi ya shamba, kukosa pesa ya foundation ya kazi kama kulima hata na shule. Hatuna nguvu sana kwa upande wa pesa. Kama ingewezekana, tupate sponsor wa kutusaidia, kusponsor watoto wengine. Kila mara, kama hizo bursary hapa, sisi wamama wa Sengwer huwa hatupatiwi hizo pesa kwa haraka na hata majina ya watoto wetu haiwezi kuchukuliwa inafika mahali wanasema hakuna. Sisi ndio tunapambana kuwasomesha. Wanaweza kufanya mtihani, kweli watoto wanakaa nyumbani, hata wenye wako nyumbani wanasoma, hiyo ndio shida tunakaa na mtoto na una pabambana na kufundisha mtoto mpaka mwanaume anarundi kukaa na wewe kwa boma. Hakuna kazi, hata ya office messenger, kufagia, hakuna. Hata ile tuseme news, maneno mageni, mageni, yanatangazwa, hata hii relief. Relief hii inakuja. Relief hii inafika mahali inaenda sehemu

nyingine. Sisi tunasikia tu relief. Sasa sisi tuko na shida wamama wa Sengwer. Kwa upande huu tunaomba tu kupata wilaya, tutajua vile tutakaa.

Translator: Majina yake ni Priscillar Keroka

Priscilla Keroka: Kaynotuut ko chan kuu Priscillah Keroka

Translator: Shida yetu ya kwanza sisi jamii ya Sengwer kama akina mama tumeteseka kwa muda mrefu sana.

Priscilla Keroka: Kompleluut ko chaan, kuu ngala Sengwer, klee yotuun ompo osiis cho chang

Translator: Tunalima mashamba ili tulimie ng'ombe tusomeshe watoto.

Priscilla Keroka: Kungreecha pareen, akeriipo chaa tiich takungarakechaa

Translator: Ile ng'ombe tena tumenunua, usiku tunapolala hizi ng'ombe zinakuja zinaibiwa na kupelekwa

Priscilla Keroka: Tiichoni, kchooroy ompo tuwun

Translator: Watoto wetu wanapofuata hizo ng'ombe hawarudi, wanaenda wanauwawa huko, zinaenda na watoto wanauwawa.

Interjection: Hiyo kitu wanaumiza watu wengi sana. Wengine hata ni paralysed. I wish wengine wangukuja hapa ungejionea mwenyewe. Sasa wengine wale waliuwawa, wamekuwa orphans. Na hawapati support.

Priscillar Keroka: Umisoneecha kuyooni nyoman. Chemngoloytiin walaka, kiketough walaka, akmotuung nyee kingorokuut.

Translator: Kama saa hii tuna watoto

Priscillar Keroka: Klee aswaneete, ktuungochaa monuung,

Translator: Wako shule

Priscilla Keroka: miteni skuutin,

Translator: Watoto wale wako shule wameshindwa na kusomesha

Priscillar Keroka: Monuunge choni miteni skuultin, kikushinda neecha kesomeshono.

Translator: Kuna wengine

Priscillar Keroka: Miteni walaka

Translator: Kama kungekuwa na kitu ya kusaidia kusomesha hawa watoto, kwa njia ingine, kama elimu ya bure, kwa watoto wetu.

Com. Kabira: Ni nini tena mungetaka? Anza jina na msembe kile kitu mnataka.

Veronicah Chebet: Majina yangu naitwa Veronicah Chebet. Sisi jamii ya Sengwel, kama wamama shida zetu nyingi ni watoto wetu kutoendelea na masomo maana kweli kwa upande wa wizi, ile ng'ombe tulikuwa naye moja moja, ilienda yote na hata saa hii inaenda. Hata vijana wetu wanaenda. Wakati vijana wanatoka usiku kufuata hizo ng'ombe, wengi wanauwawa kwa sababu ya hii shida. Sasa, inatufanya sisi kuwa maskini, tumekuwa na jaa kwa sababu hakuna vile mtajisaidia shule, hatutaweza kusomesha watoto maana hakuna vile utaendelea naye kusaidia watoto wetu. Watoto kweli wanasoma Primary, lakini kutoka secondary hakuna vile tunaweza fanya. Kama tu ningeweza kutusaidia watoto wetu wapate kusoma, kama mimi ni mzazi mmoja niko na watoto wa tano secondary. Lakini hata saa hii wako nyumbani sina kitu ya kuwaletea. Wote wanarudishwa, hatuna hata ngo'mbe moja ile tunaweza kupeleka shule, kila kitu hakuna kwa sababu tumebaki maskini. Kama wale hawana kitu.

Tunaomba kama nyinyi mnaweza kutusaidia na kukumbuka sisi. Tukiwa wa mama wa Sengwer ambao tumesahuliwa kweli katika jamii ile imesahaulika na ningeweza kutusaidia ili tuweze pia kuinuka na kukuwa kama watu wengine hapa Kenya. Maana tuko nyuma sana, kimaendeleo, watu wanasaidie kujenga shule, kusaidia watoto wetu pia, kama sponsor akikuja pia sisi tukumbukwe chakula pia. Wako wenye hawana hata kidogo ya kukula, wasaidiwe pia. Na hata watoto wetu kwa shule kama inawezekana mtusaidie ili watoto wetu pia waweze kuendelea kimasomo, ili tufanane pia na jamii zingine katika jamii hii yetu ya Kenya. Tunawashukuru kwa kuja kufanya mambo kama haya kwa sisi, asante.

Interjection: Kuna mtu ambaye anataka kusema kitu. Jina?

Susan Sara: Jina yangu naitwa Susan Sara. Yangu nitaongea kwa kifupi. Kama jamii ya Sengwer tuko na shida

sana. Tumekuwa na shida ya Chelang'ani. Tumekuwa na shida na huku ni shamba ya Chelang'ani na tulifukuzwa, wakubwa wakachukuwa shamba na hiyo shamba ilikuwa ni ya Sengwer unapata hata mahali huku tumenyang' anywa shamba, tuko na shamba kidogo na iko mahali tulikuwa tumepwea hiyo yule imefinywa.

Interjection: Kwa hivyo unataka nini?

Susan Sara: Tunataka mtusaidie sisi. Hiyo mashamba yetu irudi kama nyinyi ni watu wa Tume, tafadhali mtusaidie kwa hizo shida zote. Tumefinywa kila pahali.

Interjection: Nini tena mungetaka?

Susan Sara: Yaani tulikuwa tunataka kwenda kuishi kwa shamba yetu. Lakini wakatufukuza ati hili ni shamba letu na ni shamba yetu.

Interjection: Wakati wakoloni waliondoka, Serikali wakachukuwa lakini baba wa taifa alijua. Sasa wakati walianza kupeana mashamba kwa wananchi wa Kenya, akakumbuka ile shamba ya Manchester, iko Transzoia, Mlimani Complex, sasa Serikali walikuwa wamechukuwa hiyo shamba ya ADC. Sasa wakati ikafika mahali ya kupeana ADC sasa Rais alijua hiyo shamba ni ya jamii ya Sengwer. Sasa alipeana hiyo shamba wazi kabisa watu wote wakiwa hapo. Akaambia DC uwende upeane hiyo shamba ya Manchester, ukatia Sengwer mahali ile kubwa halafu ile kidogo katia Marakwet. Na akapeana shamba hii ya kampuni, Transzoia inapakana na wilaya hii. Akapeana mashamba mawili safari moja. Na akasema waanze na Milimani, wakimaliza wakuje hii ya Kampuni. Tangu wakati huo mpaka saa hii ya Manchester hakuna. Wakati wanaachi walienda kwa PC Nakuru kuuliza PC akawa mkali sana. Akasema hawa watu wanastahili kuwekwa jela na wapigwe. Sasa hata deputy mayor wetu mwenye ako ndani na mama mwingine hayuko hapa na mwingine hayuko hapa Transzoia, waliwekwa Nakuru kwa polisi, kwanza asubuhi mpaka sasa moja jioni. Na wakaambiwa waandike statement. Sasa hao kila mtu alienda pahali pake lakini raia wote walibaki nje. Akaambia askari wachunge hao wasiondoke. Sasa walipokaa kufika jioni hawa wenye walifungwa wakaleta yale mambo waliandika, ku-compare zikafanana. Sasa wakaona hakuna vile watatupata hao, sasa wakaambiwa mumepea nafasi, muondoke mara moja na muende nyumbani sasa watu walipofika nyumbani jamii ya Sengwer wakaitana wote. Tukaitana viongozi wetu, hatuna viongozi wenyewe, viongozi tu ni wawili, wakaita watu wote wa Sengwer wenye wako upande hio Transzoia mpaka Marakwet tukakutana kwa hiyo shamba ile tulipewa na Rais sasa wakaita DC akuje, tuongee pamoja. Sasa wakati DC alikuja akasema muondoke mara moja kwa hii shamba, au mtaletewa askari mpigwe. Raia wakakataa. Tukafikiria ni mchezo. Hata mimi nilikuwa huko. Tukafikiri hii kitu ni kama mchezo. Raia wakasema sisi hatuendi. Tutaishi kwa shamba yetu hata kama tutajenga nyumba kama hii ya makaratasi, tutaishi, kidogo DC akaleta lorry mbili za askari, utawala na administration police, pamoja na DO akaingia walipiga watu. Kuna akina mama hapa

walilala Kitale kama washahidi.

Interjection: Wewe ulilala cell? Ulilala kwa muda gani?

Susan Sara: Mwezi mmoja.

Com. Kabira: Kwa hospitali?

Interjection: Ah! cell

Susan Sara: Wazee na akina mama waliwekwa ndani. Na watoto wenye askari walishika walisukumwa. Lakini sisi wengine wenye tuliweza kukimbia, sasa wenye walikaa ndani wakaambiwa mrudi boma zenu zenye mlitoka, mtaachiliwa lakini mkirudi ile shamba Rais alisema, mtawekwa ndani tena. Sasa watu wakasema heri turudi shamba yetu mtufunge tena kabisa kwa jera. Sasa siku ya kortini ilipofika hiyo kesi walishindwa vile watafanya kwa sababu judge aliuliza, hii shamba wanasema ni yao, nani alipatia hao hii shamba? Wale walishikwa wakasema tulipewa na baba wa taifa ambaye ni Rais. Sasa wananchi wakasema kama tulifanya makosa kuenda huko tuitie Rais akuje hapa basi atoe uamuzi. Walipoona hivyo, wakaona ni ngumu. Watu wakafunguliwa na wakaambiwa mkipatikana hiyo shamba mtapigwa. Siku ile watu walifukuzwa nyumbani, ile shamba walijikatia hiyo shamba, PC walijakatia, DO, kwa Serikali, relatives na jamii zao wakajikatia hiyo shamba lakini hawezi kutangaza ati wamejikatia. Wanasema hiyo shamba ni ya Sengwer hata saa hii wanasema ni ya Sengwer. Wanaambiwa Rais Sengwer wako kwa hii shamba na hatujui wanataka nini. Lakini kama Rais angefika huko, angejionea ukweli lakini yeye akiambiwa na wakubwa, anakubali hivyo tu.

Com. Kabira: (inaudible)

Interjection: Hilo shamba tunaimba turudishiwe kabla siku ya kura. Kura ikifika kama hili shamba halijatetewa, hatutapiga kura na hatutaingia shamba kwa sababu sisi tuko nje. Tuko nje ya Serikali, watuambie sisi ni wananchi wa nchi gani? Hatuwezi kupiga kura. Hiyo shamba turudishiwe. Halafu hii ya kampuni, tulipewa nusu ambaye jusi Rais alisema iwe location, tulipewa nusu, lakini Rais anafikiri tulipewa yote. Alitupatia shamba kama division. Lakini ile watu wanaishi saa hii ni location. Lakini ile location ingine, hakuna mtu. Wale watu wenye walinyang' anywa ile shamba tena wamekuja pande hii. Sasa wako wanakanyangia hii shamba ati kura ifike hapa ndio tukatiwe kama hatujapatiwa hii ingine. Tumepata nusu kama location. Sisi, sasa hiyo ndio tunaomba nyinyi. Kweli kama hatujapata riziki yetu, hatuwezi kupiga hiyo kura kwa sababu tunafanya kitu ya mchezo. Hatuonekani. Sasa tutakuwa tukifanyia wengine.

Translator: Sina la kusema lakini kile tu nitasema sisi kama jamii ya Sengwer hatuna kiongozi.

Julia.....Motungoon nyee cho chang, omwaghan klee achaa sengwer,

Translator: Anasema watoto wamesoma, lakini wakati wa kuajiriwa ndio pengine tupate kiongozi, hakuna kazi ile wanapata.

Julia: Lendoy, otiino kikiroy piich, mominyee kasugh nyo nyoru.

Translator: Wale watu wako mbele wale watu tungeweza kuwaangalia ndio waweze kutusaidia ni watu wa kutoka hii jamii

Julia: Piichini po tagh, cho mchiini kerosoy ompo jamii.

Translator: Hao viongozi wenye wako mbele, hawatoki jamii yetu, na hata hawatupendi na hata hatusikizani na wao.

Julia: Kindowowuh chiini miteni tagh, melo pkonoy kau akonga, ak melo mochechaa,

Translator: Sasa amesema ile neno mama mwingine alisema kama sisi hatutapata district ili tupate viongozi wetu, kama wale wataenda Bunge na wale wenye ngazi za juu, hatuwezi piga kura.

Julia: Mchiini kenyoruno chaa District tonchaa, ata kenyorunoo chaa bungeni choo kungarakechaa.

Translator: Ati wakisema tufanye kitu, wanafanya lakini tunafaidi watu wengine. Lakini sisi wenye tunafanya hizi vitu, hatutambuliwi na kila kitu kinafaidi kwa kile kitu tunafanya.

Julia: Momiteeni nyee chii nyo mokenyaa ata keghachaa tukuu.

Translator: Anasema shukrani kwa sababu mliweza kutuita sisi tukutane hapa.

Julia: Kmokeecha kemwagha soro ompo wolo kokureecha kwa aswaneete.

Translator: Tulikuwa tumeamuwa tukae huko kado kwa sababu tuliona hata tukiingia ndani hakuna ile kitu tutaweza kusema mbele ya hao

Julia: Kikimwouwechaa loo otopuyeeno kando, ompo wolo ata kepka naacha orii, mominyee kugh nyo kumwoghecha.

Translator: Sasa anasema kabla ya hiyo kura, sisi Wasengwer tihakikishiwe kabisa na Tume hata kupitia Serikali tuwe na hakikisho tutakuwa na mwakilishi mmoja hapa jamii yetu ya kwenda Bunge, na ya pili kuwe na councillors wenye watasimama area yetu. Iwe ni watu kutoka jamii ya Sengwer. Ikiwa ni watu wenye tumekaribisha tunaishi na wao lakini wanatoka district zingine kwenye wanatoka mababu zao, iwe ni mtu wa Sengwer hapo, na chiefs wenye wanaongoza sisi wawe ni wakutoka jamii yetu ya Sengwel na Assistant chiefs. Unajua sisi tuko na shida katika hii wilaya. Ikifika wakati wanataka chief ama assistant chiefs wanasema wanaenda interview kwa DC sasa mtu yeyote mwenye anaishi na sisi bora hata kabila yeyote anaenda huko kufanya interview, lakini kufika huko, utakuta yote ambaye sio wa jamii yetu ndio amepewa hiyo nafasi akuje aongoze sisi. Akiongoza sisi yeye na watu wake wa pande hii wako pamoja. Sasa hata sisi tukitaka kusema kitu, anafinya. Hakuna vyenye tunaweza kupeleka malalamiko kwa DO. Tukipeleka anasema si mko na chief. Na vile huyu chief alikuja, sisi hatujui. Sasa tungependa mambo ya chief na assistant chief, tupige kura. Afadhali tupige kura.

Interjection: (inaudible)

Translator: We have election ya chief na assistant chief na councillor, lakini mambo ya Mbunge, watusaidie huyu awe nominated. Kwa sababu tukisema tupige kura, hao wengine wanaweza ingilia ndani na hatutapata number nzuri.

Monicah Makuti: Jina ni Monicah Makuti kutoka jamii ya Wasengwer. (Sengwer dialect)

Translator: Watoto wetu Wasengwer wamesoma lakini kuajiriwa kazi hakuna.

Monicah Makuti: Monuunge chaa po Sengwer, kikusomon wolo tomanyee kikiir

Translator: Kama kuna hii vikundi vya wakina mama, kuna watu wengine wanatoka sehemu hii kuja kuelimisha watu, hawaleti katika sehemu ya Sengwer, wanapotoka sehemu zingine, hazifiki ndani

Translator: Tungekuwa na viongozi wetu wa akina mama ama mwakilishi wetu ambaye kama hao watu watakuja yeye kwa ngazi ya huko mbele, anaweza kuchukuwa hao watu aongee na wao na awambie wakuje huko mbele kukutana na akina mama lakini kwa sasa, hatuna. Kwa sababu ikifika mambo ya kuchaguana, hawa watu

wanajipatia na sisi tunawachwa nyuma.

Monicah Makuti: Sisi tunaomba sana. Tunataka kama siku ya uchaguzi vile tumeona, afadhali hata tuwe na company akina mama katika jamii yetu ili waweze kwenda mbele kabisa huko halafu waongee na viongozi wengine huko mbele kutetea watu wetu kutoka sehemu zingine na pengine kuelimisha wakina mama.

Com. Kabira: (inaudible)

Translator: Mambo ya tohara ya wasichana hatutaki tena.

Com. Kabira: Ngala muutat nyopo tiipin, kewiirteena.

Translator: Unajua sehemu yetu ya Sengwer, msichana akitahiriwa, mzee anasema mali imetokea anehesabu ngo 'mbe ama anahesabu shamba, lakini, mvulana akizaliwa, anajuwa huyo amepata ardhi na amepata mali. Kwa hivyo huyu amesema mambo ya tohara iondolewe kabisa. Maana msichana kutoka Sengwer akitahiriwa tu hivi, huyu anaenda kwa bwana tu.

Monicah Makuti: Ompo acha sengwer, ato kmuut cheptoo, pkonoy tiich atolapay kulogh papo keyiilteena, nyo mchini kewiirta muutat.

Translator: Sasa msichana akitahiriwa, baba yake anataka ng'ombe na msichana analazimishwa na watu kuenda nyumba yake.

Monicah Makuti: Ato kmuut cheptoo mochoy papo tiich,

Translator: Hata huyu msichana akienda nyumba walete ng'ombe tena wanarudi kuiba hizo ng'ombe. Sasa hiyo itafaidi nini?

Monicah Makuti: Ato lapay kechor tuuchay kungat ato pkaa kotiichaa.

Translator: Hiyo ni hasara

Monicah Makuti: Choni kuu hasara.

Com. Kabira: (inaudible)

Interjection: (inaudible)

Translator: Kwanzia miaka kumi na nne kwenda mbele. Baba hawezi somesha yeye tena. Anahesabu yeye ni mke wa mtu. Anaweza hata kaa nyumbani. Yeye ni mke wa mtu bora ametahiri. Elimu inaisha. Watu wanakuja saa hiyo na wanamchukuwa anaenda hivyo.

Interjection: Ompo konyiis chole taman kutang tagh, kimopetoy nyee monuungo skuul, kiyiiltoy paat kupkaa tiich.

Translator: Bado inafanyika kila mara kabisa. Lakini vile juzi Serikali ilianza kuweka mkazo mambo ya tohara, kuto tahiriwa, sasa hata ikifika kwa kijiji yetu, watu wanatahiri kisiri. Sasa wanaiba halafu wanatafuta mama mmoja anaenda kutahiri kwa nyumba. Kesho ikifika unasikia wasichana walitahiriwa mahali fulani. Halafu saa ile anapona, anapotolewa huko nje, anaenda kwake.

Interjection: (inaudible)

Translator: Kama tungepata hii elimu ya bure, watoto wetu wataenda mbali sana kwa sababu baba hana hiyo moyo ya kuelimisha msichana sana. Hata akikosa school fees haweki mkazo.

Halafu mambo ingine ni mambo ya kupiga akina mama. Mambo ya kupiga akina mama iko katika jamii yetu. Tungetaka waweke kwa sheria mambo ya kupiga wamama itolewe kabisa. Mwenye atapiga mama, achukuliwe hatua.

Com. Kabira: Lakini nasikia wakina mama wanataka kupigwa.

Interjection: (laughter) Lakini si nyinyi hata mkipigwa hamuedi kupeana report ati mumepigwa na mtu, mnasema tu wacha apige, si alipeleka mali kwetu. Mambo ya kupigwa hatutaki kwa sababy tunazidi kuumia, mwili unadhoofika na huyo mzee hata ukidhoofika yeye anaoa bibi mwingine wewe unabaki hapo. Tena saa ile anakupiga, kama wewe umezaa na watoto wako anawaacha na yeye anaenda kuoia tena. Sasa wewe unataseka na watoto wako hapo watoto wanakuwa maskini wewe unakuwa kiwete, hakuna pesa, ile mali ilikuwa kidogo anapeleka kwa yule bibi yake.

Hapo ningeweza kuongeza tena mambo ya shamba. Wakati mzee anaona wewe mama umekuwa na watoto wengi, akioa bibi tena, anatumia nguvu kwa hiyo shamba yako tena. Anaweza kata hiyo shamba yako, ile ya bibi mkubwa na auze aende anunulie bibi mdogo shamba mahali na anachukuwa ile ng'ombe ilikuwa kwa boma,

anapeana mali, anampatia bibi mdogo akamuwe. Sasa tungetaka kuwaweka kwa sheria wakati msichana anaoleka, baba akikatia vijana wake shamba, siku ile anaenda kupewa title deed, waandike majina ya bwana na bibi yake saa hiyo, ili wakati ataoa bibi wa pili, ile shamba inabaki na yule bibi wa kwanza, aanze kivyake na shamba yake ingine na mali yake.

Interjection: Wanyang'anya mama nyumba, ng'ombe, mama yangu aliwaachwa akanyang'anywa nyumba, akaenda akajengewa huko chini sasa huyu mama mdogo akawa ndiye mwenye boma na mama akawa ndio anakaa huko chini.

Com. Kabira: Kwa hivyo wakioa wadogo wanatupa huyu wa mbele kwa sababu ana watoto wengi.

Interjection: Pengine yule mdogo yeye ameenda shule anajua kusoma na kujing'arisha bado kijana. Pengine ana kibarua kidogo. Sasa wewe mwenye huna kibarua, unabaki na watoto. Heri atuache hapo na shamba yangu, na ng'ombe yangu, na watoto wangu sasa aende aanze peke yake nje.

Com. Idha Salim: Kyungu Wann, yuko? Mzee Kyungu? Karibu mzee.

Kyungu Wann: Miteni Pondonuu le Kyuungu nyaa?

Translator: Anashukuru kwa kuja kwa nyinyi commissioners Tume hili la Katiba.

Kyungu Wann: Soro ompo pkaneengwa tume.

Translator: Yeye ni Msengwer. Jina lake ni kama amesema.

Kyungu Wann: Ochan chiipo Sengwer (Cheranganyo)

Translator: Hatujapata kuhalalishiwa nchi yetu.

Kyungu Wann: Ktungoochaa kompole luut ompo koroo neete

Translator: Sisi kama jamii, tunahitaji ile ambayo ilikuwa ni nchi yetu.

Kyungu Wann: Acha lee jamii, kmokeecha koreencha.

Translator: Anataka nchi yao ambayo ni Transzoia kwa jina ingine ni Kapchekoitel.

Kyungu Wann: Koreencha kuu Tranzoia nko Kapchekoilel

Translator: Mpaka mwisho yake wa sehemu ya Katelel pale Septaten nafikiri

Kyungu Wann: Takwiit Katalel

Translator: Zamani ile wazungu walituondoa kwa nguvu na kutochoma. Walichoma nyumba zetu.

Kyungu Wann: Kony, kiyooonecha kchuumba ak peel koriicha.

Translator: Tukaenda kule msituni na kule kwa pango

Kyungu Wann: Kepeeche wuw,

Translator: Na wakati huu sasa

Kyungu Wann: Klee nyona nyuu

Translator: Tunataka nchi yetu tuishi Transzoia

Kyungu Wann: Kmokeeche koreencha

Translator: Kwa msitu yetu ya Chelangasils, tunataka tuishi nchi yetu pia.

Kyungu Wann: Ompo wuu, kmokeeche kemanyaa koreencha.

Translator: Ili tufanye misingi yetu natupate tule asali yetu. Na hata na asali ni chakula kijengacho mwili na inapendeza watu wote, pia ni dawa. Mtoto akiungua tumbo, akipewa anapona.

Kyungu Wann: Ata keleetchaa tagh, ompowolo kumat kuu sakuutyaan atolapay kuu omiisyoo tukwil.

Translator: Tume hii ilipeana ombi letu ama ombi letu kwa Tume tupatiwe ama turundishiwe iliyo kuwa nchi ama

our territory.

Kyungu Wann: Tume nuu po yee, saghateenya kuu, kenyoruuno chaa koree nchaa.

Translator: Tumefanyika kuwa ni wachache lakini si hivyo na kama hata hivyo tutahitaji haki yetu ili nasi tupate mwakilishi wa Bunge.

Kyungu Wann: Kmoreecha hakii nchaa, ato kenyoruuno chaa bungeni choo.

Translator: Yangi ni hayo. Asante sana.

Com. Idha. Salim: Asante sana Mzee Kyungu Wann for your views kwa maoni yako twa kushukuru. Bwana are you listed, karibu. **(inaudible)**

Com. Idha Salim: Asante sana. Hilo swali ni muhimu sana. Wajua hapa leo sisi tunasikiza maoni. Kweli Njonjo Commission imekuja hapa labda imechukuwa maoni hapa pia. Lakini sisi, yeyote mwananchi ambaye amekuja mbele, yeye aona kwamba analake la kusema ni lazima tumsikie na kwa hivyo sasa hatujapitisha. Hatuna wazo lolote la kusema mbeleni. Sisi tunasikiza hapa, baadaye tutarudi tutasikiza maoni kama haya ya mzee na jamaa wengine Wasengwer na wasiokuwa Wasengwer. Ile Njonjo commission bila shaka commission yao ni muhimu kwetu sisi na pia tutashughulikia mambo haya ya ardhi na kadhalika.

Interjection: (inaudible)

Com. Idha Salim: Kuna nafasi ya kurudi. Ungekuja hapa maanake naona unaendelea kidogo kuzungumza na mwenzangu kule ana record kila jambo na wewe uko mbali sana.

Interjection: Nimeuliza kama mna wakati mwingine wa kurudi hapa kusikia views zetu for the second time?

Com. Salim: La. Wajua tumefanya kazi hii katika different stages. Kwanza tumekuwa kujijulisha, tukatembelea kila provincial capital, kujijulisha sisi ni commission, kazi yetu itakuwa hii na hii, kisha tukapelekea watu kuelimisha watu juu ya Katiba , kisha tukazunguka to find out, to access the degree ya civic education. Kisha tukaambia watu wakati huo huo, kuwa sasa, kuanzia mwezi fulani, tutaanza kupokea maoni, kwa kuwa sasa usha elimishwa, mshapewa civic education, sasa tutapokea maoni, sasa tuko katika kazi hii or stage ya kupokea maoni na katika kila Constituency tutakuwa na vikao viwili. Sasa hiki ni kikao cha kwanza hapa katika constituency hii. Wenzetu wako kweingine, tumejigawanya panels ya watu watatu. Tutatembelea kila constituency na kuwa na vikao viwili

katika kila constituency. Kwa hivyo katika constituency hii, hicho ni kikao cha kwanza. Kesho tutakuwa na kikao cha pili na kadhalika. Baada ya hapo, hatutarudi tena kama ujuavyo ulivyosoma kwenye magazeti, tunaambiwa kuwa wakati hauko, si mwingi sana lazima tuharakishe jambo hili. Tuna timetable ambayo tunafuata. Kwa hivyo, once we finish with hearings, then we go sit down analyse the data, a team is working on the data at our head office now by a team of experts. As we record the views, they are sent almost the same day to our headquarters for analysis. Kwa hivyo, wanajitayarisha ili tukirudi, tuanze kuandika Katiba mpya. Kwa hivyo, hatutarudi tena.

Interjection: Kwa hivyo ndio mnahusika na draft ya mwisho?

Com. Salim: Sisi hatujaanza hata hiyo draft ya kwanza. Once we collect the views sasa tuanze kuandika, lakini baada ya hiyo draft, hiyo kutayarishwa itaenezwa kote nchini, wananchi waisome na watupe maoni yao juu yake. Kama mwenzangu alivyosema hapo asubuhi, itarudi kwenu muone ile draft Constitution ilivyo, na mtoe maoni yenu juu yake. Lakini hiyo haitahitaji sisi kutembea tena kusikiza maoni. La, that will be done in a different way.

Interjection: Asante. Kwa hivyo, utanipatia nafasi sasa nijitaje, ama niende niketi.

Com. Salim: Sijui kama umejiandikisha kutoa maoni. What is your name?

Harrison Leitung: Harrison Leitung. Check from number 40 to 45 hapo.

Com. Salim: Was that your number?

Harrison Leitung: I was between 40 to 45 around there, Harrison Leitung.

Com. Salim: We already passed that. We are now in the 80's. We must have missed you. We want to apologise. Is he marked already? Oh Yes, Bwana Harrison you described yourself as an observer, observers are those who just come to listen. The ones who want to present views should write oral presentation, for oral and written memorandum.

Harrison Leitung: So, have I lost the chance?

Com. Salim: But no problem, we can hear your views. We will change this to oral presentation. Five minutes only.

Harrison Leitung: Asante Bwana mwenyeketi. Mimi ningependa tu kuguzia kwa haraka kwa sababu naona

dakika tano inakimbia mbio. Nataka kusema ya kwamba, katika wilaya yetu hii ya West Pokot, tuna wanyama wetu wa porini pia na madini ambayo iko kule. So wilaya yetu ni tajiri kwa mambo haya mawili, wanyama wa porini pamoja na madini. Lakini naona ya kwamba hayo mambo mawili ni mambo ambayo inatajikana kuleta income nyingi katika wilaya hii na katika Kenya kwa jumla. Tukiona wanyama wetu wa hapa National, Game Reserve, Ministry of Wildlife hawajashughulikia vilivyo. Wameweka tu askari mahali lakini ndani huko hakuna barabara ambayo ingepitia mwongozo wale watalii wanatoka nje watuletee pesa ifaidi West Pokot na ifaidi nje. Kwa hivyo, tunaona ya kwamba, iko wanyama wa kutosha lakini imekuwa neglected. Kwa hivyo nasema hawa wanyama, Serikali itilie maanani ili iwe sawa na ile ya Tsavo, Transmara na kwingineko mahali watalii wanaenda kila wakati na wanaleta pesa nyingi. Hao wanyama wetu tunaenda hasara.

Minerals zetu pia, jinsi inavyoenda, inaenda kwa njia ya kinyume. Hatufahamu ni madini ya kutosha. Wilaya yenyewe inajulikana ya kwamba ni tajiri kwa haya mambo mawili.

Mambo ya elimu, ningependekeza ya kwamba elimu kutokea nursery, mpaka darasa la nane iwe bure na iwe bure. Kila wakati tunasikia tax, hata ukienda dukani, tax, ukienda kununua kimbo tax, ningependekeza ya kwamba Serikali ingefikiria namna wanainua tax, tax hiyo waweke kiasi fulani ambayo inaenda katika kalamu ya mtoto, kitabu, na mambo mengine ili mtoto akienda, shule mzazi asisumbuliwe tena. Mzazi asumbuliwe mara moja tu kwa upande wa tax, na mtoto atapata basic education bila wasi wasi.

Kwa upande wa hawa viongozi ambao wanachaguliwa na wananchi, mwananchi mwenyewe ndiyo ameandika yeye kazi, councillor aitwa councillor kwa sababu ya kura yangu. Ningependekeza ya kwamba, kwa sababu mimi nimeandika huyu mtu, mimi pia nipewe mamlaka ya kuona kwamba amekuwa goigoi baada ya muda fulani nipewe mamlaka pia ya kufuta yeye kazi. Ili watu wasiende huko na waone ya kwamba mwaka ya kwanza mpaka miaka tano ni nafasi ya kutosha hata akilala usingizi anaona tu hakuna shida, na mwenye anaumia ni mimi mwenye nimeandika yeye kazi. So nipewe mamlaka ya kuitisha mkutano kama ni constituency ama ward ni itishe mkutano na ku-move vote of no confidence. Na uchaguzi uitishwe kama amelala usingizi.

Veronica Cheruyoit: My name is Veronica Cheruyoit. I would like to give my views to this commission. First of all I would like to talk about the..

Com. Kabira: Do you mind repeating your name?

Veronica Cheruyoit: Veronicha Cheruyoit. I want to comment on Parliamentary representation. Coming from a minority group, I want to recommend that we should have what we call house of tribes, because as a minority group we can not make it using the ballot system. We can not muster enough support to be able to make it to take

somebody to Parliament because looking at it, my community for example, is in three equal Sengwer community. So we are in three districts and in each of these districts we are the minority so you find we do not have a central place where we can air our problems. So, I want to suggest like for my community, we should have a central place. The Government should look to it that we have a central place where we can air our views because we are with dominant communities which can not allow us to take part in so many things. Development, if you have even aids, education bursaries, in fact we are marginalised and we are discriminated against so something should be done about that. Minority groups should be assisted so much. They have been subjected to so many problems. The next Katiba which will be there should take care of them. Healthwise, we have health problems and we do not have health facilities.

Our people live in poverty. The Government should make sure that the citizens using the taxes or any other means that is there to uplift the living standards of the people. Right now, people can not even afford to take children to secondary school like in my place so many have dropped out of school because of lack of fees. So the Government should offer bursary funds or should do just anything to help the people.

Talking about food, we are in an agricultural place. Right now, for example looking at the farm inputs, and how we sell the output, you cannot compare. So the Government must subsidise or do anything to ensure that we have food security.

Secondly, talking about the economy of the country, we are so poor. We are reading often in papers that its going down every now and then what is the Government doing? We want it to stabilize the economy so that we the citizens can benefit. We are tired of living as poor people all through.

Talking about education, I want to give my views that education is something which is very basic. So it should be free upto even university level because these days so many people can not afford to go to the university. We see people being wasted people with good grades and they cannot go to the university.

On the side of women, I want to talk about we have a right to education, women. So many women are illiterate, so we have a right to education. We have a right to get sufficient information in the rural areas, on our right , on our responsibilities and many other things. Women also lack income. So our Governement must do something so that women can also have income generating sources or have some income at least. Talking about illiteracy, because now education is very costly, we are going back and soon we will have people who are illetrate because some children right now are at home . We would like the Government to do something about it.

About our culture, we want cultural identity. We want our culture to be recognised and respected and even be

promoted. We have some good things. e.g cultural medicine. We want it to be preserved. We want to be assisted so that it is preserved, developed and our people to benefit not to be exploited.

As women, we lack training. We want training in many fields.

Lastly, I come from the Sengwer community. Some of you must be hearing it for the first time. So we want what we call recognition. We want to even appear in the books. If we have a book or a register containing tribes, we normally hear they are 42. In fact they are not 42. If they are 42, then Sengwer is not inclusive. We have some minority tribes that have not come to books or have been neglected. So something should be done about it. With those few remarks, I beg to end.

Com. Kabira: (Inaudible)

Moses Kiluko: Ambayo ilikuwa niyakulima na kupata faida na chakula yao ikawa ni kutoka Transzoia ambayo inaitwa sasa ni Kenya ndogo. Watu wote wamehama. Na sisi wenyewe tumefinyika sana sababu ma-plot yetu ambayo tunapata kwa mashamba, miaka mbili, tatu, na tuna watoto na wakati huu wanasema tusomeshe watoto. Tukilima inaishia kwa chakula. Hafaidi sisi hata tufuge ng'ombe kwa sababu ya nchi. Ningelipenda hii Tume watuone, ili tuweze kuwa sawa na wengine. Code number tulipata na hatujasikia kama imesajiliwa na bado inasemwa number ya jamii ambao tribes ziko hapa. Kenya ni arubaini na mbili. Hatujasikia 43, 44, ama forty five na sisi tuko ndani ningalitaka sisi tuwe kule ndani ili tufaidike, tupate national cake. Mkituacha, hatufurahi. Asanteni kwa sababu ya masaa imeisha, nashukuru mtuekee maanani kwa hiyo nafasi Asanteni.

Com. Salim: Asante sana Bwana Moses Kiluko kwa maoni yako. Andrew Mayech.

Andrew Mayech: Thank you very much Mr. Professor. Before you is Andrew Mayech. I have some items to present. First, I would like to talk about education. We the Pokot community is one of the marginalised community. As you know, since we got independence, we became a closed district for a very long time and our education standards lagged behind. Therefore, in the Ministry of education, we have a provision of district bursary fund and the offer we are being given to our district is small and to enhance education, a provision should be met. These funds should be increased for marginalised areas.

Since independence, we have never had any tertiary colleges. For example teachers training college, medical training college, we do not have even a single one except one in the Ortum which is financed by missionaries and yet we Kenyans are entitled to get education. Then since we all belong to the government and we have not had any college within, remember our students, those who go to teachers college go to as far as Coast. Now, how do

you justify that we get access to education? A provision should be made such that each district should get equal distribution even on the tertiary level.

On the university level, we have students from marginalised areas. We have the higher education loans board and am a university student and the loan that we receive is not like the one other students get. Students from areas like Kiambu they get maximum loans while some of us we get the minimum loan and we come from such areas.

Com. Salim: What is your proposal on that point about loans?

Andrew Mayech: That there should be a provision that students from marginal areas that is West Pokot, North Eastern province should be considered for the loan, for the maximum loan.

Then on form of governance, I should like to have constitutional democracy since this form of Government caters for both majority and minority that is the form of Government I need.

There should be devolution of powers to local authorities such as their duties and have powers to do their things within the district level or within. For example the county council. A good example is our Pokot county council. We have various resources but we have not seen how those resources have benefited our community e.g we have electricity here, none of you has seen any distribution around this place this 'Kiwanda' which is imported from Uganda and yet our electricity is just shifted from here to other places. So there is no equal distribution of resources within the district.

Another thing I would like to talk about is about Parliament any representation. In the new Constitution, it should provide for youth representation in the Parliament ie each Province should have a representative in the Parliament. That is about the youth.

I would also like to talk about the appointment of judges and parastatal heads and the chairman of electoral commission. It should not be done by the President. This is because it has shown us that if the Presidents appoint a judge, or a head of a Parastatal, we have seen so many parastatalas have fallen because they do as per the will of the President who is a politician and may direct them in any way. So I recommend this. Judges should be appointed by the Judicial Service Commission and any head of parastatls should be appointed by the Public Service Commission.

Finally on corruption since actually this is where we have a lot of problems about employment, they should provide corruption courts which should either be at district or provincial level to deal with matters of corruption. And then,

we find that law process is made by the Parliament composed of MPs who some of them do not have knowledge about law and we give them powers to make laws, and they are the ones to pass laws.

Laws should be made or debated by a committee which is from Parliament and is composed of MPs who have knowledge in law. To summarize, the Constitution Review, after the completion of this exercise, you should be reinstated for a period of five years to ensure that the Constitution has been implemented or not. Otherwise, your work will be useless if immediately after you have banned and presented to Parliament your work is over, then this thing will either be null and void or will not work. I recommend that you should continue for the next five years. Thank you.

Com. Salim: Thank you very much for your views as a young student. Hillary Kiluku. Sijui kama jina nimelitaja vizuri. Maandishi hapa ni taabu kidogo kusoma. Hillary uko? Hillary hauko. Elizabeth Kibet.

Elizabeth Kibet: Okey nasema asante commissioners ambao wako pamoja nasi na zaidi hata kwa co-ordinators wa district ambao wamekuwa pamoja nasi. Kwa hivyo mimi nina machache sana kwa sababu ya masaa.

Mambo ya Katiba ningependa kusema hivi, kurekebisha mambo ya Katiba, wakati Katiba itakuwa tayari, waandike majina ya makabila yote, yako katika Kenya hii kwa sababu saa hii makabila ni 42 na kuna minority tribes ambao ni saba katika nchi hii na wamesahuliwa, wamewekwa nje. Sengwer ni moja yao Okiek na wengine.

Pili, Katiba ikikamilika, waandike kwa lugha ambayo inaeleweka na simple terms, na ya tatu waandike kwa kila lugha kama ni na Sengwer, Pokot ama Turkana, ili hata ule mama ako kijijini, na wazee wapate kuelewa, sheria ni nini ambayo inaendelea katika nchi.

Na ya tano hiyo Katiba waweza kuuzwa kwa bookshops kwa bei rahisi sana ambayo hata watoto wa shule wanaweza kununua kwa bei rahisi sana.

Kwa jamii ya Wasengwer, vile mnaelewa, we are minority, marginalised, discriminated in the country kwa mambo mengi sana ambayo imetajwa hapo mbeleni na nitataja tu machache. Kwa mambo ya mashamba, kweli sisi tumekuwa watu tumenyang'anywa mashamba na hata juzi mwaka wa tarehe saba mwezi wa kumi 1993 Baba wa taifa ambaye ni Daniel Arap Moi, alitupatia shamba ambayo inatiwa DUC of Manchester Milimani Complex ambayo iko katika Transzoia na hadi siku ya leo, sisi hatujapata hiyo shamba. Wale wakubwa wa Serikali wale viongozi waliweza kujinyakulia na kujigawia hiyo shamba ya Sengwer ambayo iko katika Transzoia DUC of Manchester Milimani Complex.

Baba wa taifa pia akatupatia shamba ya Kapolite ambayo iko Transzoia na ilikuwa ni shamba ya babu zetu, na kwa sababu sisi hatuna viongozi ama bunge wale waakilishi wa serikali, hao viongozi wa Serikali waliweza tena wakatugawia shamba kidogo na wakanyakuwa shamba kubwa. Hata mpaka sasa hatuja pewa shamba yote. Lakini wakifika kwa Baba wa taifa, wanasema Sengwer wamepeva shamba. Kwa hivyo, nitasema kabla siku ya kura, tafadhali, sisi kama jamii ya Sengwer wale wako wilaya hii Transzoia na hata Marakwet, na wale wako katika Elgon na sehemu zingine za Pokot, sisi hatuwezi kupiga kura mpaka hizi mashamba, duke of Manchester, turudishiwe kabla siku ya kura pamoja na kapolate tumaliziwe (**clapping**)

Tatu, sisi tunasema hivi, kabla siku ya kura, naomba Serikali kupitia Tume, watuhakikishie ya kwamba tutakuwa na Mbunge, ama nominated MP ambaye tutapeleka aende bunge ili asimame kwa ajili ya masilahi ya Sengwer. (**Clapping**)

Lingine ni lazima sisi kama jamii ya Sengwer kabla siku ya kura, mashamba zetu zile Serikali ilichukuwa wakajigawia wenyewe baada ya wakoloni kuondoka watuambie jinsi wanavyoweza kutu compensate. We should be compensated kwa sababu mashamba mengi yako sehemu na nje.

Halafu tena nitaongea juu ya ILO convention 169 kwa sababu tumepitia vitabu, kuna mahali inasema, it defines the charactersitics of the minority people by: One, indigenous people should not be forced. Sisi kama minority people ama indigenous people tusiwe watu wakulazimishwa kufanya mambo ambayo sisi wenyewe hatutaki. Kwa mfano kama jamii yetu ya Sengwer tukitaka chief ama assistant chief, wanasema waandike application, mabarua wapeleke kwa DC. Kufika pale, wale watu tutapewa pale kwa ofisi ya DC sio wale watu sisi tunataka kama jamii ya Sengwer. Wanatupatia kama jamii ya Sengwer corrupt people (**Clapping**) ambao hatuelewani kwa kikazi na kitu chochote. Kwa hivyo, ningepomba sana katika hii tume wakati wataakilisha, mpeane mambo yetu sisi. Tunataka tupewe haki zetu. Tusilazimishwe kupewa viongozi ambao sisi wenyewe hatutaki. Mambo ya leadership sisi tunaomba, nimeongea mambo ya Mbunge. Tuhakikishiwe tutapata Mbunge.

Com. Salim: Finalise.

Elizabeth Kibet: Wacha niseme ya akina mama. Nitasema hivi, sisi akina mama tuna haki ya kupewa kuriithi mashamba. Tupewe kuriithi shamba. Mambo ya title deed tuandikiwe jina la mama na mme.

Pili, gender equity in land distribution wakati wanapeana mashamba, akina mama pia wapewe mashamba. Wasiangaliwe kama si akina mama.

Tatu, wamama pia wasiwe marginalised. Kama mtu amepata mzee wake kutoka America na ni Mzungu,

wasiseme hatutaki huyo Mzungu akuje Kenya ama mtoto wake wasiseme si mwana Kenya. Mtoto ni mtoto na niwa Mungu. (clapping)

Com. Ida Salim: Do you have a memorandum?

Elizabeth Kibet: May be I will send it later to the commission. Still I have some. Nipatie nafasi niseme tu ya mwisho.

Com. Salim: Only a point that has not been mentioned by any woman or anyone. Any original unmentioned point.

Elizabeth Kibet: Wacha niseme ile unmentioned kwa sababu zile zingine zilikuwa mentioned. Mambo ya land selling. Katika minority tribes, sisi tunataka wazee ama elders katika jamii hiyo wasimamie mashamba yao, isiwe DC anakuja kuamurisha ama DO ama chief ni wazee wa hapo wenyewe watapitisha ama wasipitisha. Halafu kitu kingine ni about the minority group representation kwa mambo ya poverty eradication which is now in this district. Katika hii mambo inaendelea hii wilaya, mambo ya umasikin, hatuna mwakilishi katika hii jamii yetu ya Sengwer. Mambo inaendelea katika hii wilaya hatuna mwakilishi.

Halafu DDC, DED, HIV Aids, district medical boards, hatuna representative katika hii district. Hata district development committee hatuna ya Sengwer hata moja, hata mambo ya district education board, HIV Aids, District Medica Boards, hakuna. Sasa sisi tutaishi namna gani. Tunaendelea namna gani na hatuna mwakilishi?

Com. Salim: Thank you very much. I think Elizabeth you will have to..

Elizabeth Kibet: Asante. (Clapping)

Com. Salim: But points taken. We gave you infact slightly more time than the others because we know we didn't have enough views from akina mama today. So we were a bit more tolerant with you. Next, we move on to Kevin Molopus.

Kevin Molopus: Thank you so much commissioners. My names as you have said are Kevin Molopus. I come from the same district. I will just go straight away. I want to talk about access to justice and management of land and forests which should be open to a greater scrutiny.

First, to make justice accessible to the bulk of the Pokot population, various reforms are needed in a way in which

our legal services are organised and judiciary administered. I recommend the following: legal aid scheme should be constitutionally mandated because many Pokots are unable to afford legal services and yet they face complex litigation in courts. The Constitution should mandate a public support aid.

Secondly, I want to talk about administration of justice. In addition, access to court system. Pokots should have access to lawfully reasonably and procedural fair administration actions. This means that the Constitution should give to every Pokot the right to be given written reasons for any decisions taken by an official whose decision affects the right of the Pokot. Thus for every instant decision refusing a licence or rejecting an application for a registration or voluntary service, should be supported by written reasons, that is an office of public prosecution should be created to ensure fair and just administration.

Thirdly, on the issue of management of public property land and forest, should be open to a greater scrutiny. Current procedures for allotment of public land are insufficiently transparent e.g announcement of allotment of land in urban areas often sites the plots numbers not the physical location. Moreover although the notice to cut off portions of the forest is often public in the official gazette, this is rarely accessible to notice by many Kenyans and Pokots. The new Constitution should contain direct principles for the management of public property. These principles should form part of the schedule and should specify how, when and the nature of publicity required before public property can be allocated. In addition the principles of compensation to be followed should be clear.

Thank you.

Com. Salim: You finished just before the bell as they say you 'beat' the bell. Asante Kevin Mulopus. Andrew Mayech? He has already finished? Okey Protus Momanyi?

Protus Momanyi: Asante sana macommissioner kwa kunipa fursa hii. Mimi ningependa tu kuongea tu kuhusu haki ya mwananchi ambapo mnavyoelewa, mimi kuelewa kwangu ni kwamba mwananchi yeyote katika Kenya hii ana haki ya kuishi na kukaa popote apendapo na pia ana haki ya kuajiriwa popote apendapo. Kwa hivyo, utapata kuona kwamba mwananchi hueza kwa mfano yuko Kisumu, na yeye ni Mpokot, amezaliwa Kisumu amekaa Kisumu hasa yeye anapochukua kitambulisho chake kule Kisumu ni kama atakuwa mkaaji wa Kisumu. Kila kitu inasoma Kisumu. Kisha baadaye, utapata kwamba anapotaka kuajiriwa, ataambiwa bwana wewe si Mjalu. Kwa hivyo kama wewe si Mjalu, na kitambulisho chako kinasoma wewe ni Mjalu, ingawaje wewe si mjalu lakini wewe ni Mpokot, unakaa Kisumu, utaambiwa wewe rudi Pokot uajiriwe huko. Kwa hivyo, mimi naonelea kwamba wewe iwapo unayo haki ya kuajiriwa popote iwapo tu kitambulisho chako kinasoma huko na umekaa huko kwa muda fulani.

Jambo la pili, pia kuendelea na kuajiriwa kazi, utapata kuona kwamba kuna wale watu ambao wamestaafu kutoka

Serikalini, baadaye wanajiriwa tena mara ya pili na kuna hapa vijana ambao wametoka mashuleni juzi juzi wanataka kazi ambapo unaenda kuuliza kazi una ambiwa you must have an experience of 35 years and above. Huyu ametoka shule anataka kazi. How do you get experience without being employed. Wanaambiwa unatakikana uwe 35 years and above. Hapo mimi ningependa Katiba hii irekebishe hapo iseme kwamba wewe una haki ya kuajiriwa yule anayestaafu aende akae nyumbani, aende afanye kazi zake ama ni mwana siasa anakuwa political appointee anachaguliwa kuwa manager KCC na yeye hana chochote kuhusu KCC na yeye alikuwa may be brigadia fulani. Kwa hivyo mimi si kubaliani na hayo.

Pia about the judicial system. Mimi napendela kwamba unaona kesi inapopelekwa kule kwa judicial system kwa korti, inachukuwa muda mrefu sana ambapo hata wewe mlalamishi unafika pale una give up unasema mimi suifuatili kesi sababu kesi inachukua muda. Kwa hivyo mimi ningependelea kwa Tume hii kwa tume hii kwamba itoe muda fulani iseme kama ni kesi ya uhalifu wa aina fulani ipewe muda.

Kumalizia ningependa kusema hao watu wakubwa Serikalini pia they must declare their wealth. Kama wabunge, wanatakikana waseme mali yao zaidi. They state their wealth clearly because huyu mtu atafika huko hakuwa na chochote, kufika huko anataka kujitajirisha haraka anaiba mali ya Serikali ananyakuwa vitu vya umma. Kwa hivyo mimi napendelea mtu huyu a declare his wealth before being elected as an MP. Asante.

Com. Salim: Asante Bwana Protus Momanyi. Pius Rotich.

Pius Rotich: Asante sana macommissioner kwa nafasi ambayo niepewa. Mimi natoka jamii ya Sengwer.

Com. Salim: Jina lako tafadhali.

Pius Rotich: Jina ni Rotich Pius Kukwai. Nina machache angalau meingi yameguziwa na wenzangu Wasengwer. Lakini nitajaribu kukagua hapa na pale nione kwamba mtakuwa mmepokea mchangio wangu katika mambo ya Katiba.

Nitaanza kwa haraka. Kwanza kabisa ni mambo ya usalama. Ningependelea katika Kati ba mpya usalama kwa kila mwananchi uweze kuwa katika hali nzuri. Usalama kwa sasa katika Kati ba hii haijali kwa sababu ukona hata watu wale wadogo wanapo vamiwa labda na wezi hujulikani na Serikali, hata polisi wenyewe hawashughuliki. Lakini wakijua tu unacheo fulani katika Serikali, unaona pengine polisi wanafanya kazi hiyo kwa haraka sana na wanaifutulia kwa makini. Lakini yule mtu wa chini mambo yake hayaonekani kwa hii Katiba vizuri.

Kwa haraka pia, nitaenda kwa mambo ya afya. Katika mambo ya afya, hospitali, ningependela hospitali iwe ni huru katika matibabu. Serikali isimamie mambo ya matibabu bila kujali hali ya mwananchi ni namna gani.

Ningependa ile mambo ya private hospital hata hiyo iondolewe kwa sababu ile huduma inatolewa sioni sababu ikaguliwe kama ni tajiri ama masikini anapenda kutibiwa matibabu ni ile ile. Sioni kwa nini tuwe na hospitali ya hii na hii. Na ile huduma inatolewa pale iwe ni moja kama ni mambo ya upasuaji mtu mdogo anahitaji.

Pia ningependa Serikali iweke mkazo kila Mkenya apewe uhuru wa kuweza kupata maji bila mambo ya kulipishwa. Kwa sababu hizi vitu hata ziliundwa na Mungu na kila mtu ana haki ya kuzitumia bila mpaka.

Mambo ya elimu iwe ni ya bure kuanzia kiwango cha chini hadi kiwango cha juu. Serikali iweze kutoa cha juu. Serikali iweze kutoa elimu. Itumie zile vitu inapata kwa taxes, pesa iweze kugharamia elimu ya kila Mkenya hadi kiwango yenye atafika bila kubaguliwa.

Mambo ya employment kwa upande wa Sengwer sisi kweli hatujaajiriwa vile wenzangu walisema mbeleni. Tungependa mambo ya kuajiriwa kazi kwa sababu mambo haya yote inafanyika chini ya wilaya vile wenzangu wamesema tungependa tupewe wilaya yetu ili mambo mengine haya yote itafanyika chini ya wiraya bila shida yeyote.

Mambo ya shamba vile wamesema, kwa urahisi tu ni kwamba, Tume, vile mwenzangu alisema mbeleni ibuniwe ili tufuatilie wakati wakoloni walikuja Kenya hii walipata kila jamii ina ardhi yake na sisi Wasengwer ni moja ya wale tulipata katika ardhi yetu. Hatukukua kwa ardhi ya mtu, mipaka ifuatiliwe kwa makini na turudishiwe ardhi yetu. Kama kuna wale wameingia ndani yetu wana uhuru wa kuishi bila shida yeyote. Nitakomea hapo commissioner. Asante.

Com. Salim: Asante Bwana Pius Rotich kwa maoni yako. Sasa namwita Mzee Sialuk

Sialuk Loile: Soro nyo wou. Nko Sialuk nyaa?

Translator: Yeye anaitwa Mzee Loilo kutoka Chemchoi. Kwa hivyo kuna kitu kama vile mahali pa kuuza ng'ombe. Tuko katika nchi ambayo hatulimi shamba. Tuko na wanyama wa kutosha. Tunataka tender ambayo maziwa inaenda na nyama ya mbuzi na kondoo ili iende ng'ambo. Hiyo ndiyo tunasomeshea watoto wetu hata kama waneanda university. Ng'ombe zetu ndizo tunazouza. Hakuna mwenye kutusaidia. Watoto wameharibikia zaidi, wameharibika sana. Wakati wa ukoloni, walikuwa wazuri. Mtu akiiba kitu ya mtu, wanapeleka kortini afungwe kulingana na kosa lake. Wanafunga kule prison analima shamba sana iwe miezi sita, saba ama kumi kulingana na kosa ambalo amefanya. Kwa hivyo, sasa kile nchi imelewa, mtu hawezi kujua. Mtu akipiga mtu lazima afungwe. Anataka Serikali wafunge mtu kama hyo. Ama akiiba kitu cha mtu, sheria ni kwamba apate kufungwa.

Sialuk Loile: Mchiini keraat chii nyo wiroy chii anda tughiin.

Translator: Kuna kitu ambacho mzee mmoja angetaka kuguzia na huyo kutoka Chemchoi. Wakati Njonjo alikuja mahali hapa, nilikuwa pale juu mahali inatwa Wareng, pande wa Moben hapo ndipo mwisho wetu. Tulikuwa tunakutana hapo zamani, Wamaasai, Nandi, Kipsigis, Keiyo na hata Masambe pia tulikuwa tunaungana. Sisi tuko pamoja Sengwer. Hatukugawana. Marakwet walikuwa mbali upande wa Tambach. Hajui mtu mwenye alileta wao upande huu. Ni watu wa siasa. Hatuwezi kuongea mengi kwamba mtu amekata hapa ama iko namna gani. Sengwer hawana neno lolote. Sisi na Wamaasai na hata wa Nandi pia hata Keiyo pia hatuna kosa lolote na wao. Kuna watu walituachia ukoloni wakati walikuwa wanachoma nyumba ndio tukakimbia kutoka mahali pale. Wakati tulipokimbia juzi, tulipopata uhuru, wakoloni wakaondoka. Kulikuwa na chief mmoja pale Kitane Pokot anaitwa Kopripi wakaachiwa hapo. Waliwaweka hapo kwa Kopripi sijui ilikuwa namna gani hawa kulipa Kodi wakamwambia wakae katika hiyo nchi ya watu. Nataka Serikali ihamishe hao watu ili tupate kuhamia mahali pale. Tunadai Serikali tangu hao watu walipofukuzwa mpaka wa sasa. Tunadai wale watu ambao walilima mahali pale. Wenye wako hata wakati huu na kuweka jina inaitwa Manyatta.

Com. Salim: Asante sana. Lemmison Longit? Yuko?

Lemmison Longit: Asante sana Tume. Nafikiri yangu nitasema tu kwa haraka haraka. Ya kwanza ni kwamba wakati White settlers walipokuja wakaingia katika white highlands ambaye sasa ni Transzoia na Uasin Gishu. Walipoingia kule wakawacha yale majina ilikuwa ya wenyeji na waka rename those districts kwamba ni Transzoia na Uasin Gishu. Hii ilikuwa ni kupotosha kwa sababu yale majina ilikuwa ni majina ya wenyeji. Ndio ilikuwa inaonyesha kwamba ni wakina nani wali own hiyo area au districts hizo. So my view here is that, it has been named now that those two districts kwamba ni cosmopolitan districts. Tungependa hayo majina ambayo haina maana katika wenyeji ifutwe mbali na iwekwe jina ya wenyeji wenyewe. (Clapping)

Pili, ni views ya nomination ya Wajumbe kwamba it should be called according to the natives whom the white settlers found them there. Like Chepkoelel and they used to call Uasin Gishu as Sixty four when the railway came there. About the nomination of MPs, mimi naonelea kwamba iwe pale iendelee lakini sasa iwe strictly kwa minority groups ambaye hawajakuwa represented. For example, street children wawe represented pia kwa sababu ni community ambaye haina tribe. Disabled, women ambao sasa labda saa ingine hawana nafasi yakufanya campaign na pia small tribes which have been mentioned here ambazo hajizakuwa recognised na hakuna namna grievances zao zitaenda mbele bila mtu ambaye anawaakilisha.

Lingine ni about cattle rustlers: it has been known that cattle rustling has been on tribal basis. Ikifika katika tribal

basis, kuna zile tribes labda wakiibiwa ngo'mbe zao, they have no energy to retaliate. What they do is just to report to the police that our animals have gone. My proposal here is that the Government, since they have no energy to defend themselves and when other tribes who are equally the same come together they retaliate and fight, you find NGOs running there with a lot of funds to assist them. My proposal here is since nobody takes care of this man, the Government should compensate this man fully and may try to educate his children.

About pastoralists: I will say this briefly, since were marginalised, we feel that education has gone very far from us and we should be given free education up to form four and also be guaranteed jobs especially in university level since our quota has gone. We are nowadays in quarter system and since we did not occupy that position when we were marginalised, when our children had not been educated, since this time we are getting a few who are going up we should be given a priority to be employed and be guaranteed by the Government.

Treatment: we feel we are paying a lot of taxes and we feel that the government should take care of its people by giving free treatment. MPs salaries,

Com. Salim: Please wind up now.

Lemminson Longit: MPs should be given a different body to review it and not themselves. If we take for example teachers have been claiming all over and the MPs have brought their own views and passed in Parliament only in a few days while others are still waiting.

Com. Salim: Are you finishing. Is that the last one.

Lemminson Longit: Yes I am finishing. About guns. The Government promised and the old Constitution says that the Government should take care of its people. We have forces like police force, administration which should take care of this. Now that the government has given to the indigenous to guard themselves like KPR this means that they are unable to take care of its residents and they should now avoid these forces and recognise the KPR and pay than working without any pay. What is the use of having police force, APs they earn and they do not work.

University intake as the final. In marginal districts, I feel that the pass mark for university intake should be reduced to allow more students from marginal districts to be enrolled in university. Thank you.

Com. Salim: Thank you very much Bwana Longit for your views and now I call Rebecca Echwa. Karibu.

Rebecca Echwa: Mimi ni mtu wa Lodwar, Lokichogio kwa sababu sisi na Pokot tunatumia barabara moja. Sisi tunapigana na kuelewana.

Com. Ida Salim: Rebecca, hebu anza na kutupa jina lako Taja jina lako hapo.

Rebecca Echwa: Jina langu, naitwa Rebecca Echwa. Natoka Lokichia, nafuata barabara mpaka nakuja location hii. Mzee wangu alifariki. Alitapata taabu sana mpaka akaenda kwa location ya Serikali ya Pokot. Sasa nyinyi vile mlikuja, tumefurahi sana. Hapo mnaangalia mwenye yuko na taabu, mwenye ako na mali, mnaangalia watu wote. Kwa sababu sasa, kabila zote zimeingia katika location hii kwa mikononi yenu ya Serikali. Kabila ile imeshakwisha maliza ng'ombe zao, wanakuja katika location hii. Mwenye bwana yake anafariki, wanakuja location hii. Sasa wengine saa hii wanaumia. Iko kandarasi. Nakula kandarasi. Kama hakuna kandarasi na kunywa maji. Wengine saa hii wanakula damu ya ng'ombe ndio chakula yao. Na kweli angalieni katika district hii, kabila zote za Pokot wameleta taabu zao ndani. Kwa hivyo ni vizuri serikali iangalie kuliko kuumia na kandarasi, damu ya ng'ombe. Yangu ni kidogo tu kwasababu sijui hata kuongea.

Com. Idha Salim: Twa kushukuru sana Rebecca Rochwa kwa maoni yako. Tafadhali utakuja hapa ujiandikishe umetoa maoni na kwa maoni hayo ya Rebecca nafikiri tumemaliza wote wale waliojiandikisha, tumewaleta hapa mbele wakatoa maoni yao iliobakia sasa nikuwashukuru wote wale waliotoa maoni na pia kuwashukuru wananchi wengine ambao walibakia bila kuchoka tangu asubuhi mpaka sasa pia kusikiza maoni yaliotolewa. Kama mwenzangu, alivyosema hapa, ni muhimu sana kwamba mtu pia anatusaidia ikiwa anakaa na kusikiza. Maana baadaye stage ya pili baada ya sisi kupokea maoni, ni kwamba tutarudi huko Nairobi headquarters yetu na tutaanza kuchungulia maoni ya wananchi wote waliotupa maoni yao na kuanza kuandika hiyo Katiba. Ile draft au mswada ya Katiba mpya tutaieneza nchi nzima. Katika kila Constituency utaitazama, utaifikiria ikiwa mnalalamika na jambo lolote mtatuandikia ili kwamba kuna wakati tuibadilishe kufuatia maoni ya wananchi. Sisi ni wapokeaji wa maoni. Na contribution yetu ni kuandika. Tuna watu ambao wana maarifa maalum juu ya kuandika Katiba ambao wataifikiria na sisi commissioners wengine ambao tunamaarifa aina nyingine ambao tutasaidiana kuandika hiyo. Ikisha kuenezwa na kupata maoni yenu juu yake, itapelekwa kwenye mkutano mkubwa ya waakilishi kama wabunge, kama waakilishi wa kila district kama hapa kutakuwa na waakilishi watatu, kutakuwa na waakilishi wa dini tofauti, kutakuwa na waakilishi wakina mama, waakilishi walemavu na kadhalika. Hao pia watakaa kwenye kikao kikubwa kufikiria kuzingatia, kujadiliana juu ya draft Constitution. Ikiwa watakubaliana wote kwa consensus kwamba hii sasa ni Katiba na ni sawa itaenda mbele kufikia Bunge, Bunge itapitisha, na hapo baada ya bunge kupitisha ndipo ambapo itakuwa ni Katiba yetu mpya. Ikiwa kutakuwa na mambo fulani ambayo kikao hicho kikubwa hakitakubaliana na kupatana juu yake, mambo hayo tuombe kuwa yatakuwa ni machache, yatarudishwa kwa wananchi watoe maoni yao. Maoni ya raia au referendum. Na kufuatia matokeo ya referendum, Katiba au mswada wake itabadilishwa kufuatia maoni ya wananchi na ndio ipelekwe mbele kwenye bunge na bunge ipitishwe.

Kwa hivyo mtaona kwamba, maoni ya wananchi ndio ambayo mwishowe, yatatupa Katiba hii mpya. Basi hizo ndizo steps ambazo zitafuatia. Na mtuombe kwamba kazi yetu hii itafanikiwa tutaendelea na kukamilisha hatua zote hizi ili tupate Katiba yetu ya mwisho. Kwa hivyo nyinyi mmetusaidia sana kwa kutoa maoni yenu hivi leo, ya mambo tofauti tofauti, twa washukuru sana na bila shaka mtakuwa mkifuatia kazi yetu na mutapata kuona matokeo ya kazi yetu na kutupa maoni yenu juu ya matokeo hayo. Kwa sasa, kwa niaba ya mwenzangu Professor, commissioner Wanjiku Kabira na wenzangu wengine district co-ordinator, programme officer, na akina Geoffrey hapa na Josephine kule na pia wale wanachama wakamati, inahusika na Katiba ambao wametusaidia katika kuhamasisha wananchi pia tunawashukuru kwa kazi waliofanya. Sasa, ningependa mmoja wa viongozi wa kidini aje hapa mbele atufungie kikao chetu kama tulivyo fungua kwa maombi. Sijui kama mwenzangu angependa kuongeza jambo. Na labda district co-ordinator ungependa kutangaza kikao cha pili cha kutoa maoni kitakuwa wapi saa ngapi na kadhalika. Kisha umuite mtu atumalizie kwa njia ya maombi.

Interjection: Asante Bwana commissioner, nina swali ningependa kuuliza kwa sababu umesema ati National level kuna watu watatu watatoka kila wilaya, so what about from the minority people like the Sengwer and the others? Who will represent us at that national level?

Com. Idha Salim: I believe professor Wanjiku anaweza kueleza jambo hili. Representation of the minorities. Yeye amekuwa akishughulikia sana mambo haya ya kutayarisha guidelines kuhusu national Conference na kadhalika.

Com. Kabira: Unajua kutakuwa na watu watatu.Si ndio? Kwa kila district. Lakini kuna 25% representations from civil society organisations and special groups and among the special groups will be the minorities. So the commission in itself will discuss how to deal with the minorities and other special groups as well as the minorities and other special organisations. But the rules have already been developed and will be advertised soon and I think the district co-ordinator will be able to circulate and educate the public you know through the civic education providers and the 3Cs on those rules and how the minorities and other groups can participate.

Interjection: Okey thank you.

District Co-ordinator: Professor Idha Salim na Professor Kabira, programme offices wote ambao wamekaa na sisi leo, wananchi wenye wamebaki na sisi, tunawashukuru sana siku ya leo kwa kuwa watu wavumilivu sana na nimeona wengi tu tumekaa bila kula lunch which is very commendable, tunawashukuru sana na ni kwa ajili ya Katiba. So matangazo kikao chetu kijao itakuwa Chepnyal Jumamosi tarehe 26. Kama kuna watu wenye hawakuweza kuja, watu wa Cheplelia ama Komo wote wanaweza kuelekea juu, tukienda Chenyal. Halafu katika Constituency ya Kacheliba, tutakuwa na kikao pale Kacheliba center, na Amakulia center pia. Na hiyo pia

