

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**KEIYO NORTH CONSTITUENCY, HELD**

**AT ITEN COUNTY COUNCIL HALL**

**ON**

**4<sup>th</sup> July 2002**

## CONSTITUTION OF KENYA REVIEW COMMISSION

### CONSTITUENCY PUBLIC HEARINGS, KEIYO NORTH CONSTITUENCY, HELD AT ITEN COUNTY COUNCIL HALL ON 4<sup>th</sup> JULY 2002

#### Present:

1. Com. Abdirizak Nunow
2. Com. Idha Salim
3. Com. Prof. Wanjiku Kabira

#### Secretariat Staff in Attendance:

1. Irene Marsit - Deputy Secretary
2. Geoffrey Imende - Asst. Programme Officer
3. Josephine Ndung'u - Verbatim Recorder

**The meeting started at 9.45 with Com. Kabira Chairing.**

**Chairman:** Nafikiri tuko tayari, wale ambao wamefika, tuanze. Tutaanza na maombi, tutaanza na maombi. Ningependa kuuliza Bibi Sabina atuongoze na sala. Na tuombe. Baba katika jina la Yesu, tunakuja mbele yako, asubuhi hii njema, tukirudisha sifa na utufukufu kwako Mungu wetu. Asante Baba, kwa sababu wewe ni mumba wetu, wewe ni mumba ambaye uliumba Mbingu na nchi, ukatuweka hapa ulimwenguni tukiwa binadamau Jehova. Baba tunakushukuru kwa ajili ya uwezo ambao umempa commissioners, ambao wamekuja pamoja na wale wote waliandamana pamoja na hao. Tunakushukuru Mungu wetu, tumesema asante. Hata watakapoendelea na kazi hii ambayo iko mbele yetu Jehova, tunakabidi hao mkononi mwako.

Heri na mapenze yako ipate kutendeka.

Baba, watu wa Kenya, wanapojiandaa, kwa ajili ya urekibisho wa Katiba, tunaweka kila kitu mkononi mwako, kwa sababu, tunaishi hapa katika nchi ya Kenya, kwa sababu ni nchi ya ahadi, ambayo uliwahadia babu zetu. Na, ndiposa hapa wakati huu, sisi tunaendelea tukiwa ni watu wa Kenya. Baba tunajua hata wewe Mungu, uko na sheria zako, na hizo sheria, umetupa sisi tupate kushika, hili tuweze kuishi vyema hapa. Na hata imefika wakati ambao watu wa Kenya wanataka kurekebisha Katiba yao. Ulinde kila mmoja wao, apate kujua haki yake.

Baba tunaomba Katiba ambaye, itawezesha kila mtu kuishi katika nchi hii ya Kenya, kwa sababu umetuumba na ukatuweka katika nchi hii. Tunataka Katiba Baba, ambaye itaweka wazee wapate kuishi kivyema, waume kwa wake wapate kuishi kivyema. Watoto wapate kuishi, hata (Inaudible) wapate kupata pahali pa shule, pa kufunzu Mungu wetu. Tunajua kweli tumekosea, hata sisi tunaishi, lakini tunaomba utusamehe na utubadilishie, hili tupate ufundisho ambaye itatufanya tutakaa vyema. Baba hata hii ambayo inatendeka leo, mahali hapa tunakabidi mikononi mwako. Uanze pamoja nasi, na hata ubadilishie pamoja na sisi. Tukimaliza Baba, kila sifa na utukufu itakukujia. Kwa sababu nimeomba katika Jina safi la Yesu Kristo aliye Bwana na Mwokozi wetu. Amen.

**Chairman:** Sasa ningependa, kukaribisha commissioners, kwa niaba ya watu wa Keiyo North. Ningependa kukaribisha commissioner, tukiongozwa na Chairperson, Prof. Kabira, katika Iten. Hapa ni (Inaudible) yetu, na jana tulipata (Inaudible) na watu wa upande wa Kapach division walipeana maoni yao huko. Na leo, watu wa Kamarein Division, ndio watapeana maoni yao katika Iten.

Yangu ni machache, isipokuwa ningependa kuchukua nafasi hii, kuwaonyesha nyinyi wale ambao ni work members wa C.C.C, na ningependa kuwaomba hao wasimame. Na pamoja na secretary hata yuko hiko, nafikiri ningependa kuomba secretary akuje. Nafikiri utawaonyesha wale ambao wamefika. Tuko na Councilor Kipruto, member wa T.T.C, tuko na Mrs. Rono, member wa T.T.C, alafu Mr. Linus Mbugwa.

Mwandishi, anashugulika kuandika watu huko, ni report. Ningependa kwanza kupatia nafasi hii, naona Bw. Coordinator ameingia, Mr. Francis Tugen, karibu Mr. Tugen, na umefika kwa wakati mzuri. Na nitakukabidi nafasi hii sasa. Nitapatia nafasi hii sasa kwa Mr. Francis, ambaye ni District Cordinator, amkaribishe commissioners, alafu waendeshe kazi yao, asante.

Mr. Francis Tugen: Thank you chairman and constitutional committee Keiyo North. Commissioners, and residents of Keiyo North, good morning. I would like to take this opportunity, to welcomet the commissioners, to this Keiyo North atmosphere, and to assure them to feel at home. (Inaudible) they should be back from 10 O'clock onwards, it happens that, this is has a second you come early. So, he will be travelling from the journey, and come from parts of the highland. So, I hope you will bear with us, as they come in.

Today we had, two hearings in Keiyo District. We have this one, we have another one, in Keiyo South. And so,

(Inaudible). So, feel welcomed, and as we continue,

(Inaudible) with another panel of commissioners. So, feel free and if there is anything, the chairman of the Constituency Committee, Iten, (Inaudible) they are continuing, the chairman is there, the 3Cs, that is how we operate. So, welcome, and commissioners, and (Inaudible) thank you.

Tumefurahi sana, sisi commissioners na wenzetu, officers tumekuja kutoka Nairobi, na kwa muda sasa, tumezunguka hapa na pale, katika Rift Valley, kupokea maoni ya wananchi. Tungependa kujijulisha pia. Na, nikianza na mwenzangu, upande wa kulia kabisa huko, yeye ni Dr. Abdirizak Nunow, ni Commissioner, pia ni mwalimu wa Chuo kikuu cha Moi. Na hapa mkono wangu wa kulia pia, hapa karibu, ni Com. Prof. Wanjiku Kabira, ambaye pia ni Professor, anasomesha katika Chuo Kikuu cha Nairobi. Mimi naitwa Ahmed Idha Salim, Commissioner pia, na mmoja wa manaibu watatu, wa Mwenyekiti wa Tume ya Kurekebisha Katiba. Pia ni mwalimu wa Chuo Kikuu. Kwa hivyo mna walimu hapa, mbele yenu, ambaye mambo haya ya katiba yakimalizika, sote tutarudi, kuendelea kusomesha, twaomba hivyo.

Kabla sijaendelea pia, tunao wenzetu, ambao wanashiriki katika kazi hii, ambao wana jukumu muhimu sana. Huko upande wangu wa kulia, yuko Josephine, kutoka headquarters yetu. Na upande wangu wa kushoto, yuko Irene Marsit, ambaye ni mwenyeji wa hapa, wengine kati yenu bila shaka mwamjua. Twataraji, kesho tutatembelea nyumbani kwake, atatupa angalao kikombe cha chai, kututia moto moto kidogo kuendelea na kazi yetu. Na pia tunaye Geoffrey hapa. Kazi yao ni muhimu sana, Irene ni Programme Officer, ambaye kazi yake ni coordination, kuhakikisha ya kwamba mambo yote, tangu sisi kuondoka Nairobi mpaka turudi Nairobi, mambo inaendelea sawa, na kazi yetu inaendelea vizuri. Geoffrey na Josephine kazi yao, ni kusaidia katika kusajili, na kuhakikisha kwamba, mambo ambayo yanasemwa hapa, maoni na mapendekezo ambayo mtatutua, yote yameandikwa au kunaswa katika tapes. Mnaona pale Josephine ana tapes, anajaza kwenye tape recorder yake, hili kwamba kila neno linalosemwa hapa, linashikwa. Maanake haya ni maoni mhumimu, tukirudi nyumbani au tukirudi headquarter zetu Nairobi, itakuwa ni sehemu ya kuchambua maoni yenu, na kuandika draft ya Constitution au Katiba mpya, kutetea maoni yenu. It is a people driven Constitution, which we are going to write.

Kwa hivyo tuna furaha, na pia tuna fahari kuwa, tumekuja hapa kupokea maoni yenu, na nataka kuwahakikishia, kuwa kila mmoja wenu, ana uhuru kamili ya kutoa moani yake apendavyo. Complete freedom to give your views. Na bila shaka, wengi watabatana katika maoni yao, wengine watakuwa na maoni tafauti na wenzao. Kwa hivyo, tuhakikishe kwamba, yule ambaye maoni yake ni tafauti na yako, usimpigie kelele, usimcheke, ni maoni yake. It is a democratic right for everyone to give his views.

Na maoni hayo yatatolewa kwa njia moja kati ya njia mbili. Njia moja, ni kuja hapa mbele, na kusema tu, maoni ya kusema, ya kindomo. Na njia ya pili, ni kuwa na maoni yaliyoandikwa, memorandum, yaani ulikuwa unajua kwamba tutakuja, umesoma

kwenye magazeti, kuwa hawa jamaa wanatume watakuja. Kwa hivyo umejitayarisha, na umeandika memorandum yako. Yule ambaye atakuja hapa kutoa maoni yake kimdomo, tutampa wakati mrefu zaidi. Lakini, yule ambaye amekwisha andika maoni yake na ana nia ya kutupa sisi kusoma, na kuweka kule kwetu, kituo kikuu chetu, huyo tutampa wakati mfupi kidogo, kwa sababu, hatutaki asome ile memorandum. Hatupe highlights, points, zilizoko, katika memorandum yake. Lakini nitamwakikishia, kuwa tukirudi, tukikaa kitako, tutasoma kila memorandum kikamili kabisa.

Na itabidi kufikiria wakati, maana hatujui ni wananchi wangapi watakuja kutoa maoni yao. Na kwa hivyo nataka kila mmoja, ampe nafasi mwenzake. Asiendele kusema na kueleza kirefu sana. Tujue kama wenzangu ambao wamekuwa wakieleza kwingine, sisi sote ni wakenya, tunajua hali yetu ilivyo, ya kiuchumi, ya kielimu, ya kisiasa, na kadhalika. Kwa hivyo, hatuna haja ya kuelimishana tena. Mwanajua hivi hali hii ni hivi, au mwanajua kwamba jambo hili ni hivi na hivi na maelezo marefu. Twajua yote haya, muhimu kabisa ni mapendekezo, maoni, mimi naona katika eneo la elimu, tufanye hivi na hivi na hivi ni bora. Mimi naona katika eneo ya Bunge, Bunge iwe hivi na hivi na hivi. Mimi maoni yangu katika jambo la uraisi, raisi uwe hivi na hivi na hivi. Na atoe maoni yake moja baada ya moja. Hivi, itakuwa ni haraka zaidi, na muhimu kabisa, tukiweka tutaandika, na kushika au kunasa kwenye tapes. Tukisikiza, itakuwa raisi zaidi, tujue huyu ni fulani, hapa ni Bwana Kosgei, anasema anataka mambo matano, moja, mbili, tatu, nne, tano. Na, tunarecord haraka zaidi.

Kwa hivyo, natumahi kuwa tumefikiana, kuwa hii ni njia nzuri ya kuendelea. Na njia ya kuendelea itakuwa, ni kufuatia, kusajili majina, na orodha ilioko mbele yetu. Yule aliyekuja kwanza kabisa, ndio atakaye itwa kwanza, kukuja kutoa maoni yake. Na wapili, na watatu, na wanne. Lakini, mara kwa mara, tutakuwa tuki-jump the queue, lakini kwa sababu nzuri. Ikiwa kuna mama mzee, tuna mwanamke mgonjwa mgonjwa, ana taabu, mtu hana haraka ya kurudi nyumbani, watoto wanarudi kula chakula, huyo tutampa nafasi mbele ya wenzake. Ikiwa kuna mwanafunzi, anataka atoe maoni yake, arudi shuleni, pia tutampa nafasi kwanza. Na nafikiri tunakubaliana juu ya mbao haya, au siyo? Sawa. Kwa hivyo, kila mmoja akija hapa, kwanza kabisa ni jina, mimi ni fulani, mtoto wa fulani, kisha ndio aendele kutoa maoni yake. Hili kwamba mwonavyo, tuna tapes nyingi pale, na tukifungua, tunataka ufunguliwe kwa jina la mtu, kujua kwamba, huyu anayesema sasa, ni fulani, so and so is speaking, from the beginning.

Kwa hivyo, ukija pale, ukiitwa jina, tutakuuliza tena, useme jina lako kwenye microphone, ili tujue ni nani anayesema. Pia, mtu anaweza kusema kwa lugha yeyote, anaweza kusema Kiswahili, anaweza kusema Kingereza, anasema kusema kwa lugha ya mama, lugha yoyote, ambaye wewe wafikiri kwamba, itakusaidia bora zaidi, kutoa maoni yako kwa njia wazi zaidi, utaitumia.

Na, hayo ndio maelezo juu ya mambo haya. Na sasa nitampisha Mwenyekiti wa kikao hichi cha leo, Prof. Kabira, aendele kuanza kupokea maoni, asanteni.

**Com. Kabira:** Okay, asante Prof. Salim. Na, pengine tutauliza, the district coordinator for the chair of the committee, to get us somebody who will keep the time. Tulisema ni kila mtu dakika tano, si ndio. Kwa hivyo tunataka mtu apige kengele, dakika

tano ikimalizika, na ukisikia hiyo kengele inalia, tunajua muda imemalizika, kwa hivyo utatupatia your final point.

Okay, ukipew hiyo saa yako ikikwisha, ikiwa kama ni threee minutes, au ni five minutes, then you know you will give your last point. So, we would like you to give us somebody. Tutaanza na Patrick Kurui.

**Patrick Kurui:** Commisssioner, wa Tume ya Urekebishaji ya Katiba, tuko na furaha, kuwaona nyinyi leo siku hii ambayo mmetutengea, kusikia maoni yetu katika Keiyo. Mimi maana nimeanza, unajua kuanza ni ngumu. Kwa hivyo, vile mmetupimia saa. So, ni asante tena, kwenu commissioners, kwa wakati huu ambao tuko pamoja, hili tuweze kupata fursa ya kutoa maoni yetu.

Ya kwanza, ni kuwa tumeshukuru serikali, kwa ajili, tunashukuru serikali yetu, ya kuwa

(Inaudible) So, tuna furaha leo. So, mambo ambayo tungeweza kutoa, kuchangia katika ile mambo ya katiba, ni ya kuwa sisi wengine, tumeonelea, tumenyanyaswa kabisa. Mimi kama mnyanyaswa. (**Interjection**)

**Com. Kabira:** Did you give your name?

Patrick Kurui: Jina langu ni Patrick Kosgei Kurui, mimi ni mwenyeji wa Keiyo North. Na, vile nilikuwa nasema, mambo ya katiba imekuja kwa wakati mzuri sana. Ya kwamba, tungependa kutoa maoni yetu, na hayo maoni tunafikiria itaenda kuandikwa vizuri, na they are taken seriously. And so that, it becomes, what we shall depend on, in this country.

Kuna mambo mengi ambaye imesemwa, na itazidi kusemwa, juu ya unyanyasaji. Mambo, misuse of resources. mambo mengi.

Like now, in the defense cases, ya nchi hii. Recruitment imekuwa very biased, sasa imekuwa ngumu sana, kwa watu ambao hawana pesa, watoto waweze kuingia, kuingia jeshini. Hata kama kijana ama msichana akimbie namna gani, atakuja kutupwa. Hata kama uko fit namna gani, anasema hana pesa, na haya maneno, nimeonelea, sijui tunataka system ya kwamba, hii recruitment ya armed forces ama to the police, or any other such places. Hli isiwe corrupted, iwe inatoka kwa locational identification, itoke kwa locational na divisional, ili a talent of kila mtoto, ijulikane na watu kutoka division, kila mmoja. Kuliko sasa tunaona, watoto wamejaa jeshini pande moja, na mambo kama hayo. Shauri sasa, watu wale wakubwa wananyakua hii kazi zote, na wale wantu wa makazi, wanabagua hizo kazi.

Kwa hivyo, tunataka constitution, (**Interjection**)

**Com. Salim:** Useme jambo kama ilo.

**Patric Kurui:** Na, hiyo maneno ya retrenchment, handling ya premises upande wa government. Unaona sasa serikali yetu inachukua mambo ya world banks na hata this international premise. Hili, before considering us, wame effect hiyo premises ya

world banks and so forth. Na sasa imetunyanyasa. Because, sasa kama mimi, ningekuwa bado niko kazi, sasa I was retired. Because of that harshness of the conditionalities.

Now, sasa poverty eradication; It is being created instead of being eradicated. Naona kama hii imekuwa ina create poverty instead of, what has happened, is creation of poverty instead of eradication. Because, now I am at home, I have nothing to do, 8 years, no employment anywhere, what do I do until, I am 50 years, what do I do until I am 55.

So, pendekezo langu, ni ya kwamba, serikali wa review hiyo mambo ambayo retrenchments. Instead, waandika watu wengine, waone wale bado wako active, warudishe on contract basis, angalao wale vulnerable groups kama sasa sisi.

Because, unless I am only taken back to where I used to serve, there is nobody else who will serve me, or take me anywhere. So, business ya (Inaudible). So, mambo kama hayo.

Na pia, corruption katika nchi hii, vile nimesema imetabakaa. Kuna vitu zinafanyika hapa. Na hatujui jinsi tutafanya nini. Kama sasa juzi, iko contractor amekuja hapa, hii mambo ya levies hii, pesa ya levy, ya kutengeneza na kurekebisha mabarabara. Hazifanyi, nani atauliza, na wajumbe wote waulizwi. Hakuna mtu hakuna, council washughuliki. Huku sijui ni nini inafanyika. Sasa uraia upatiwe njia gani, hili pia watoshwe na hiyo, kama imeshinda hawa wengine kama D.C, ama councillors, wame collude pamoja, transactors pamoja, wako pamoja wote. Sasa sisi tunaona tu, maneno imeharibika, na hatujui tutafanya nini.

So, kuwe na system whereby, complains, tukiwa nazo, tuwe na channel ya gani, sisi tunaona, raia anaona shida nyingi. Lakini, mbele huko, wakubwa watasema hakuna maneno, kila kitu ni fair, lakini sio hivyo. Kwa hivyo tungeona, tufanye nini.

Na, mambo ya patriotism. Tuone ya kwamba, isiwe kwa mdomo tu, watu watende njia.

Na mambo ya police, wananyanyasa sisi, ni shida sana. kwa hivyo, police force, sijui tuta, sisi tukiwezwa sisi tufanye nini kama raia, maoni yetu itafikia upnade gani, ili ichukuliwe, maana inakuwa (Inaudible). Watu tunanyanyaswa kabisa. Na hata tunakutana mbele, tunavyofanya tu, lakini mambo ni mbaya kabisa. Police, anaweza shika watu kwa busaa, na anawangaisha, anchukua pesa huko, alafu namna hii na hii. Hao sasa, hii serikali imekuwa tu ya city servants, the police force, na wale wote ambao (Inaudible). Raia tu ni spectators, so what do we do? raia sisi tu, tunaona, tumeona.

Na mambo, sasa mambo ya mshahara. Mshahara inaongezwa, inaongezwa, hata nyinyi commissioners. (**Interjection**)

**Com. Kabira:** Uzungumze juu ya taabu ili mnapata na polisi. Unazungumza mambo ya taabu ile, mkiwa na watu wa polisi, lakini ukisema, leo ukiniuliza tutafanya nini, na tumekuja tuchukue maoni yako. Tunataka utwambie fanyeni hivi, si ndio>

**Patrick Kurui:** Hapo ningependa (Interjection)

**Com. Kabira:** Masaa imekwisha.

**Patrick Kurui:** Police wangaaliliwe. Kuna section, ili sisi wananchi, kama tuseme tunanyanyaswa hapa, tuwe na pahali ya kuchukua barua yetu, halafu wakubwa wanasoma. Watu hata wa maneno ya press, wasaidie sisi ku highlight hii shida, press, watu wa press. Kuona kuntebea, ni kujua, on the ground, on the ground. Let somebody come to the ground to see what is happening. so, thank you very much.

**Com. Kabira:** Poleni, we are still organising ourselves. So, can we have Thomas Chirchir.

Thomas Chirchir: Kwa majina, mimi naitwa Thomas Chirchir, kutoka hapa Iten town, mimi ni mshonaji wa viatu. Nimekuwa hapa Iten, kwa muda wa zaid miaka thelathini. Na, nashuru kwa watu wa Katiba, ambao wametutembelea leo. Sasa maoni yangu ni hivi;

Nimekaa hapa Iten, kwa muda mrefu, na nimekuwa nauliza, nilikuwa naomba mambo ya plot. Na kwa muda mrefu sana, nimekuwa nikiomba plot. Pia kuanzia mwaka wa 1976, mpaka wa leo, sijapata plot. Mara ninapotumana maombi, huwa kukaa kwa muda mrefu, ndio baadaye unasema ukupata plot. Sasa mimi nashangaa ni kwa nini, sipewi plot, na nimekaa hapa Iten kwa muda kabisa. Naulizanga hiyo, mim naambiwa plot hakuna, mara unaona mtu anaanza kujenga hapo, unaona unashangaa, unaambiwa hakuna plot na watu wengine wanapewa. Sasa ninauliza, kama stammers, sisi wale watu wasiojiweza, inaonekana tutakaa, vile tumekaa, mpaka. Hatuwezi pata vitu.

Vile vile, mambo kama ya msaada, tuseme kama ya bursary. Mtu kama mimi niko na watoto kwa shule. Nikiuliza mambo kama ya bursary, sipewi. Na ninauliza hiyo several times, ambayo sipati. Mara saa zingine, nasikianga kama iko, labda hii pesa ambayo ya, kama mambo ya property, ambayo inaweza saidia wale watu hawajiwezi. Sitaki. Sasa kama niko na watoto ambao wako kwa shule, ambao nimeshindwa kuwasomesha, nitasomesha wengine. Hata kama juzi, imekuwa several times, nikijaribu kupeleka hawa watu, labda, waajiriwe kazi, inakuwa ngumu. (Interjection)

**Com. Kabira:** Inaudible

**Thomas Chirchir:** Ninasema, kama watoto, kama wangenisaidia mimi, kama mambo ya bursaries. Ni kama bursary, kama saa ile bursary iki (Interjection)

**Com. Kabira:** Inaudible



**Thomas Chirchir:** Wale wasiojiweza, kama tungepata hiyo ma plot, kama tungepata plot na tupatiwe kama capitals, ambaye ya kuanzisha kazi.

Alafu, mambo kama license, saa zingine tunafukuzwa fukuzwa. Kata license na uko capital hiyo una earn ni kidogo zaidi. Sasa, nilikuwa nauliza kama tunaweza pata usaidizi wa hiyo, ama tungeachiliwa mambo ya ma license.

**Com. Kabira:** Ya bursary?

**Thomas Chirchir:** No, licence, ama kama watu wa council, mambo ya license. Kama mtu kama mimi sasa, mtu ambaye anashona viatu.

Sasa nilikuwa naona, mambo ya ma council sasa hapa. Mtu kama mimi niko na watoto zaidi ya wale ambao wamemaliza form four, na hakuna mtu amejiriwa kazi, na mimi pia unaona, kwa umri nina, umri hata mimi siwezi, yaani uzee umezidi. Sasa hata nashindwa kama ningekuwa, kwa sababu niko na watoto ambao hawako kwa kazi. Wako nyumbani wamepita, na kujaribbu njia ya kupata kazi imekuwa ngumu. Nafikiri ni hayo.

**Com. Kabira:** Asante sana, asante sana Bw. Chirchir. Namwita Pastor Harun Kwambai.

Pastor Harun Kwambai: Haya, mimi ninaitwa Pastor Harun Kwambai, kutoka kanisa la Outreach, the Bible Centre Iten. Na, nashukuru sana ma-commissioners, kuja kwetu, hili kwamba, tuwezewe kutoa maoni yetu. Niko na maoni machache, na nitasema tu, kwa sababu ya muda.

Maoni yangu ni kwamba, kanisa pamoja na serikali, iwe kitu kimoja. The state and the church should be united to be one. Kwa sababu, serikali ni mpango wa Mungu, na serikali, ni Mungu mwenyewe anapeana, kwa hivyo kusiwe na tafauti kati ya kanisa na serikali.

Pia, serikali pia, ama the state also, iwachukulie hatua, wale ambao wametenda makosa. Wanaofanya makosa, washtakiwe, na hasa, wale ambao wanaouwa, wakiwemo wale ambao wanaotoa mimba. Madaktari, ambao wanaoshirikiana kutoa mimba, washtakiwe na serikali, kwa sababu hiyo ni makosa. Na, hiyo inapoendelea, inaendea kuadhiri mazingara yetu. Our society is destroyed, because of such evil. If it is allowed to continue, in our nation.

Pia, taifa letu, ikubali Mungu awe mtawala wa ulimwengu. Serikali yetu, sheria yetu, itambue ya kwamba Mungu, ndiye nambari ya kwanza, katika nchi yetu. Kuna mataifa mengine ambao, ambao wanaofaulu hivi sasa, kwa sababu ya kupatia Mungu nafasi ya kwanza, katika nchi yao, na katika utawala. Kwa hivyo maoni yangu pia ni kwamba, nchi yetu, iweze kutambua, Mungu

kama mtawala katika maisha yetu. Na kwa hivyo, iweze pia, neno la Mungu, liruhusiwe, ifundishwe katika mashule yetu. Kuanzia katika shule ya kimsingi, mpaka chuo kikuu, kuwe na nafasi ya neno la Mungu, ili kwamba, nchi yetu, iendelee kutengenezwa. Kwa sababu, when there is God, when the word of God is taught in schools, then the spiritual anarchy is maintained, and immoral chaos, is destroyed, and it is minimised in our nation.

Pia, nina maoni pia ya kwamba; Wale wote, ambao wanaoruhusiwa kuongoza nchi yetu, wawe ni watu ambao wana utambuzi wa Mungu, katika maisha yao. Bibilia inasema, katika Methali, mlango wa 16, mstari wa 12, ya kwamba “Wale ambao, wasio na utambuzi wa Mungu, ama wasio haki, waovu, hawajui mambo ya haki”. It is an abomination therefore, for Kings to commit wickedness, and therefore in this case, they should not Kings, should not be given, I mean, people who commit wickedness, should not in this case, be allowed to be in the leadership.

Na pia ninge, sababu wa muda wetu, watu wote ambao ni waovu, vile nimesoma, nimesoma katika Bibilia, hawajui mambo ya haki. Na basi, maoni yangu ninapoenda kumalizia, ninatoa maoni yangu, ya kwamba; wale wahuduma wa neno la Mungu, the gospel ministers, ambao wamekuwa ordained, should be allowed, or should be given diplomatic passports, ya wahubiri. Wale ambao wamesajiliwa, wapewe passports ya diplomatic passports. Ili kwamba pia na wao, kwa sababu ni wahuduma, kama mawaziri wa nchi hii. Kwa hivyo, wanapoenda kuhudumu kule nje, they don't go on their own interest, they go for the interest of the people and for the interest of God. Kwa hivyo, wapewe diplomatic passports.

Na pia, katika sheria yetu pia, ningenelea pia ya kwamba; wakati tunapounganisha arusi, unapata ya kwamba, katika certificates zile za marriage Act, wameandika marriage Act and divorce Act, kuwe, itanganishwe. Kwa sababu wakati tunapounganisha mtu arusi, hatutarajii ya kwamba, kesho, tuje tumpatie yeye tena, certificate ya talaka. Kwa hivyo, certificate ya talaka iwe kando, na certificate ya arusi. Kuwe tafauti mali pale.

Na pia ningependa kuonelea ya kwamba; Kwa wakati huu, kuna mambo mengi, na matokea mengi ya, kuna maadhara mingi katika makanisa, kutokana na mambo ya Ukimwi. Tunawachiwa, sisi kama wachungaji, tunawachiwa watoto ambao hawana wazazi. Pia sheria itambue, na ipange jinsi ambao hao watoto watakapo hudumiwa, baada ya wazazi wao kuondoka. Na pia wapewe, ikiwa inawezekana, kanisa, makanisa wapewe, sehemu ambayo wanaweza kudevelop, ili kwamba waweze kuudumia hawa ambao ni watoto yatima, ambao wanawachwa, kwa ajili ya Ukimwi. Asanteni.

**Com. Kabira:** Thank you very much Pastor Harun, kwa hiyo maoni. Now, Dr. Gedion Kiprop.

**Dr. Gedion Kiprop:** Yes, kwa majina naitwa Doctor Gedion Kiprop, nina maoni pia, kwa Tume ya marekebisha ya katiba.

Ya kwanza ni kuhusu ndoa. I propose that, polygamy should be made illegal in kenya. If anyone should marry, more than one wife, it should be a criminal offence.

Ya pili, ni kila mtu, anybody who aspires to be, to hold an elective post. Like M.P, Councillor or the President, should be married, should have a family, and should be living together at that time. So, divorcees and single parents, hawapaswi kuongoza, kushilia nyathba za uwongozi, kwa sababu familia ndio msingi wa taifa.

Ya tatu ni kwamba; shida ya Africa na third world countries, ni population explosion. To encourage people, to reduce their families, I propose that, in this constitution (**End of Tape**)

I propose also, the introduction of caning in schools. Because of indiscipline.

I would also propose, the introduction of lower courts. Currently, we have district courts. They should have courts, even in the locational level.

And police post, should be created up to the locational level.

These people will touch the place of the Provincial Administration. So, in that case, the chiefs, assistant chiefs, the D.Os and the D.Cs and P.Cs, should be removed. And this will be taking care of the justice system, up to the locational level.

I also propose that, senior citizens should be taken care of by the constitution. so, I propose that, any citizen above the age of 65, should be entitled to some allowance. Because, even if they didn't work in a government, they worked somewhere, and they should have a decent oldage.

When a person has been elected to be the president, he should provide, he should leave part of politics. So, when you are elected to be the president, you leave the party politics. So, party politics and presidency should be separated.

To eliminate wrong leaders, who buy their way through. I propose that, bribery, or use of money during elections or campaign, should be outlawed. Anyone who dishes money during the campaign time, should be eliminated from the election.

I also propose that marriage should be between a man and a woman. So, homosexuality and lesbianism should remain outlawed.

There should be a maximum number of M.Ps and constituencies in the country.

And also district and provinces. If there should be any change, that change should not come from one person. It should be debated in parliament, and also passed in parliament, if there is need for any increment.

I also propose the government of technorates. This is a government where, ministers should not be sitting M.Ps. So, these are people who are supposed only to hold, the ministries.

And finally; There should be a defense lawyer for the public. You see these days, justice is very expensive, and common people cannot afford legal defense. So, I propose that the government, from the finances of the government, should provide. Legal defense for anybody, at the government expense. Thank you very much.

**Com. Kabira:** Before you go, there are a few clarification questions, shall we begin with Prof. Salim.

**Com. Salim:** Dr. Kiprop, you suggested that polygamy should be outlawed and people indulging in that, should be punished. Am I right? Now, I just wonder what do you want us to do with, customary law that allows it, and Islamic law, that also allows it?

**Com. Kabira:** You will get the questions from Dr. Nunow, then you answer together.

**Com. Nunow:** And following closely with the question, by Professor Salim, beside the customary law, there are those who are already married to more than one wife. So, what do we do with them, when the new constitution takes effect. That is one.

And secondly; you mentioned that, all those seeking elective post, should be married, and be living with the spouses, and be living with their spouses, and leading civil families. But you realise there are religious aspects to it. Where certain individuals are no allowed to marry, by virtue of belonging to a certain church or certain denominations. And, by being certain, at certain leadership level of the church. Are you suggesting that such people should be excluded, from where they are seeking elective post, by virtue holding those posts?

**Dr. Gedion Kiprop:** Okay, let me start with the second question, the second question, about marriage. Is that, anyone who has never married before, and he is not intending to get married, I think that person should be allowed.

And also a widow, if the husband dies, or the widower, I think such people should be allowed. That, single parents, divorcees or people who have problems in their marriage, should not be allowed to hold public office.

And the first question about polygamy, I, what was the question again? Yes as far as I know, the constitution is supreme, as far as I know the constitution is supreme, and any custom, that is in consistence with the constitution, the constitution shall prevail.

So, **(Interjection)**

**Com. Salim:** As you are therefore suggesting that, the new constitution should not allow, the Muslims and those believers in customary law and polygamy are resulting from it.

**Dr. Gedion Kiprop:** Exactly.

**Com. Salim:** They should ban that?

**Dr. Gedion Kiprop:** They should ban.

**Com. Salim:** But it is not interfering with religious freedom of worship.

**Dr. Gedion Kiprop:** Yes, any religion or any culture, any tradition, which is bad in itself, the constitution to address such issues. Currently we have problems on polygamy. So, I think the constitution should address that.

**Com. Nunow:** You did not answer what we should do with those who are already married to more than one wife.

**Dr. Gedion Kiprop:** For those who are already married, they will remain married.

**Com. Kabira:** Okay, thank you very much Dr. Kiprop for your views. Now Philip Tarum.

Philip Tarum: Commissioners and my fellow wananchi (Inaudible). Ninataka kushukuru kwa wakati huu ambao umenipatia, niweze kutoa maoni yangu mbele yenu. I have eight points here, but the time you have given me is not enough to expand on them. I have only picked on a few of them, which are a priority. Mimi naitwa Philip Tarum, mimi nimkaaji wa hapa Iten, (Inaudible).

Point number one, is to do with the government. We know that at the moment, we have a central government, but it is my wish, that we decentralize the government, so that we have federal regions. Federal government should be established in the new constitution, and we elect, the leaders who are representing those federal states, are elected. And, they will be in parliament, representing those areas.

Second; we know that M.Ps, Members of Parliament, are elected by the people, to represent them in parliament. But sometimes, when they are in parliament, they break loose, especially, we know of a recent case where, the M.Ps have forgotten where they come from. When everybody is crying, uchumi is mbaya, uchumi is bad, they are talking about increasing their salaries by 100% or by 200%, or be a 1000%. A system should be put in place, where wananchi, the electorate, should chip in and say no. I think you will know how to do it better. A system must be provided where the wananchi will chip in and

say, that is enough, and disqualify the decisions made by the Members of Parliament.

Concerning education, the quarter system, I feel should still remain in place. Because, the enabling environment, is not the same across the country. Some areas of the country are kind of disadvantaged in one way or the other. And therefore, anything by the name national, be it an institution, be it whatever, any national institution, should have quarter system of operation.

Land tenure system; I have no problem with the current land tenure system, except, there are cases where, a resource is not used fully. I would say the government, in this constitution, should bring in a situation where, if a landowner is not using the resource to the best, then some sort of levy, is kind of introduced. So that, this will serve as a motivator.

The government should put in place a policy where, we can reclaim the arid area of this country. We know that, about one over four of Kenya is arid, so we need to make use of this arid land. The government should allocate resources, the bigger resource that we have, to rehabilitate these areas.

Natural resources of the country, should be under the local authority of that area. Be they forest, water, minerals, and game life. They should all come under the management and the care of a local authority, with the central government, only serving as an overseer.

And, there are cases like, public offices. Sometimes, they are ugly situations where you find, a one ethnic group, just manning a public office. And, when they switch to their vernacular, you just feel awkward actually sometimes. I have seen it in Nairobi. I am saying, in the constitution, composition of public offices, should reflect a national image.

Rendering of essential services. Like for example, the electricity board, electricity board is a problem. We should also decentralise it, at the moment it is set in Nairobi. Somebody has to take off, from here to Nairobi, and maybe spend a week there, and corruption is also very rampant there, so, we should decentralise it to the federal government or the federal state.

Thank you



























so much.

**Dr. Gedion Kiprop:** Thank you very much. Okay just hold on for clarification.

**Com. Salim:** I just wanted to bring to your attention that, the arid and semi arid areas in this country are not one over four, but in fact 80% of the country's land mass.

**Com. Baraza:** No, one over four is a quarter, which is 25%.

**Mr. Tarum:** I meant four over five.

**Com. Baraza:** Okay four over five. Okay, thank you very much Mr. Tarum. Now Christopher Chepkien?

Christopher Chepkien: Thank you Bw. Commissioner. Here, I have about three points.

One is dealing with the forest.

Your name please?

My name is Christopher Chepkien. I have three points here to present. One is dealing with the forest. Now, forest being the national asset for the nation, it has been misused, by Ministers of other big people. and I am requesting the commissioners, to change or to amend the forest Act, and in that forestry Act, they should put a commission. If they want part of the forest to be used for public interest, a commission should be appointed, to sit and hear views from the public. Say for instance, in the locality, if you are 1,000 people, the commission should at least have a record over 500, that is an example. To approve, saying that land is taken. And, if they have to agree. Now, to forestation, you see, the Minister for Natural Resources usually deforests, or he gazettes the forest to the area, to be taken. So, the deforestation, should actually be removed from the Minister, and this one should be done by the president, if we shall retain the presidential system of government. Or, be gazetted by the prime minister if we are to adopt the legislative system of government.

So, in amending the forestry Act, we have the gazette men of the policy to be taken. Should not be gazetted by the minister, it should be the president, who gazettes the area to be taken. Because this has been misused so much, by grabbers, they would ask the Minister for Natural Resource, to degazette a certain area for grabbing. What I have, actually is grabbing in mind. That is point number one.

Point number two is local authority. Our local authority, they have no work they are doing, they are there, but they have nothing to do. so, I suggest that the powers which were taken by the central government, way 1971, be returned to the local authority. That is to say, the transfer of function Act, which was introduced the beggar way, education, roads, and public health, be returned to the local authority. This is so, because education now, has deteriorated so much, and if you are to manage the education locally, maybe the people, the locals, could really take care of the education board and the central government. So, the reasons why, these services were taken, was because they had no money. So, the central government should actually give grants to local authorities to manage, those services.

Another one is the system of government. We need to have, legislative system of government, as opposed to the presidential system of government. Because you find that, the federal system of government has really failed us, as using the colonized in symbols, is should go. So, we should try, the legislative system of government where there are prime ministers.

And, votes to amend the constitution, it should be over 75% and not 65% as in the present system of the constitution. Thank you.

**Com. Baraza:** Thank yu very much Mr. Chepkien. Can we have John J. Chirchir?

**John J. Chirchir:** My name is John Chirchir.

The first point, I would like to propose is; I propose independent commission to focus on corruption in this country.

Second point, I propose the powers of local ministers, to be abolished.

Thirdly, mayors should be of a degree holder.

I propose free primary education, for economy limitation of free market.

The government discourage money taken away from the country, by big men. They have to invest money inside the country.

I propose the system of government, to be unitary government.

And also, to protect from torture in human.

I propose free from discrimination, freedom of discrimination.

Another one is; freedom of expression and assembly.

I propose the constitution, to establish a permanent commission, gender commission, human right commission, police commission, law reform commission and armed commission, prison commission and land commission.

The president should be elected directly by the people.

Cabinet ministers must be experts and be subjected to parliament.

The Councillors should have an office in their wards. And also, Members of Parliament should have office.

I propose Kenya to be multi party of democracy.

Welfare of Kenya, I propose also, the welfare of Kenyan, through good governancy.

In the side of judiciary; Judicial service commission, should have seven members appointed by president, but approved by parliament.

Supreme court of justice one.

Court of appeal one.

Judges of high court one.

Magistrate one.

And law society of Kenya one.

Chief Justice and attorney general, should be ex-officio to that commission, and they should have experience.

For judges, they should have experience of ten years.

For retiring; should be of age, 70 years. After there, I have completed my views.

**Com. Baraza:** Can you repeat about the commission?

**Christopher Chepkien:** The permanent commission.

**Com. Baraza:** Inaudible.

**Christopher Chepkien:** Here, I propose the constitution to establish permanent commission, gender commission, human right commission, police commission, law reform commission, and armed commission, prison commission and land commission.

**Com. Baraza:** Thank you very much, please sign your name, and give us your notes, or your memorandum, tafadhali. Now can we have Moses Kedagur?

**Moses Kedagur:** My names are Moses K. Kedagur, and on this day I am very happy for the commission, to take time, to take their day and come up to this place. I will urge you that, you continue like that.

I am going straight to the points, which is concerning the disable people. we have been so discouraged in life, in that we don't have otherwise, but thank you for your coming.

Point one; I want to talk about M.Ps briefly. Those of us, blind, currently, we have one nominated M.P, who is blind, or else disabled. And, this Miss Asinyo, I want to thank the president for electing her, to represent our views. Actually, we need, at least I propose that, in every constituency, we have a disabled person, who will represent people or else disabled people in that constituency.

Number two; Job offering opportunities. Most of we blind, to get jobs these days, is very difficult. And, because of this, I request the commission, that the constitution concerning job opportunities to disabilities, to be implemented, or else to be looked into. Most of us, we just, we have only one career, that is mostly in teaching. And even to get this, is very difficult. Therefore, we request you very kindly that something should be looked into.

Number three, college intake. Now, most, out of all the works we have in Kenya, blind people only have career, this is teaching. And the colleges, they are available I don't disagree, but we wish to take this opportunity that, blind people who have gone up to form four, to be thought, because, getting this colleges is very difficult.

And this come to the point of number four, that the grades of blind people should be lowered. I propose to be lowered up to D constant. So that, for those who have gone up to form four, at least they got B constant and above, to be given the college, and after given the college, and that is mostly teaching, they should be at the same time given jobs. We don't have to, we have a lot of time to go and have many problems outside there. So, please, that one should be looked upon to.

Number five, there is something here we normally have problems. That is, independence. Most of we blind or else disabled people, tunatawala, let me speak in Kiswahili. Most of the time, tunaambiwa ya kwamba, you have somebody to take care of you, we don't disagree, but at least, we want independence ourselves. If there is institution of a disabled, then at least, disabled should be leader there. Very kindly look on to that.

Last but not least, I want to take this opportunity to propose that, M.Ps or else Ministers, should have office, in within their constituency. this is as to why, most of us, when we go to Nairobi, taking an example. When we go to Nairobi, we are told he

is not there, or else we are told, he is there but he is not seeing anybody. So, we elected the M.Ps actually to help us. So, because of this reason, we ask you very kindly, that the constitution, should give the office, the M.Ps should have their own offices in the constituencies. And as somebody has said, I will propose also that the councilors who are very important people, should have their own offices again. Because, so that people may go and pay and see them, without any problems.

So, for these few remarks, I will emphasis so much, on this college intake. Sisi hatutaki mambo ya kuomba omba. Ni vibaya, mimi nikuje, na nikuje nikuombe kila siku. It will be so embarrassing, hata wewe mwenyewe. So please, look into that. With these few remarks, thank you and God bless you.

**Com. Baraza:** Okay thank you very much Mr. Moses. Can we listen to Stephen Bareri? So, are you coming? He is an interpreter. Okay, Mrs Selina Subeiwo.

**Selina Subeiwo:** Asante sana commissioners. Ninasimama hapa, nikiwakilisha akina mama wa Keiyo North, kuna akina mama wengine watasema mambo ingine, lakini mimi kwa wakati huu, nitazungumzia akina mama, ambao wameenda retire. Mwaka huu tunashukuru Mungu, kwa sababu tumehusishwa, hata kwa marekebisho ya Katiba.

Sisi akina mama, tungependa; akina mama wale ambao wameshaenda retire, washugulikiwe na serikali, kwa sababu wakati huu, mama anapoenda retire, ofisi kuu ya kuchukua pesa yako, inakuwa ni huko Nairobi. Na tunasumbuka sana, kwenda Nairobi na kurudi. Hata Nairobi pengine tangu uzaliwe, ujakanyaga huko, na inakuwa ni shida sana. Ukisha enda retire, uende ukakae kwa manyumba ya watu kule Nairobi. Tungependa pesa yote, ikuje kwa district headquarter, hili itakuwa ni rahisi kwa mama kuchukua, ama si mama hata peke yake, hata na wazee wenye wameenda retire, pesa yao ikuwe karibu. Sisi akina mama, tunaona shida, hata wazee wakiwa wanaume.

Mambo ya police; police wanapokuja huko vijijini, wanapokuja kusaka wale ambao wamehusika na mambo ya pombe, vijana wanatoroka, na wanapotoraka, ni wazee akina mama, ama wazee waume, wanawachwa nyumbani, na police wanakuja na wachukua sisi. Na wakichukua sasa mama mzee, badala ya ule kijana mwenye anaweza kukimbia, tunaona inakuwa ni shida. Baba mzee ama mama mzee anashikwa, anaenda kuwekwa cell, ati hili, ule kijana alete pesa apeleke kwa polisi. Tungependa kweli, sheria utusimamie, ya kwamba, mwenye anajusika na hiyo, ashikwe. Sio, ule mtu ambaye atapatikana nyumbani, kwa sababu mwenye anapatikana nyumbani, yeye hana hatia hata kidogo.

Na, tukiwa wazee, tunataka hata watoto wetu wapate kutulinda. Sisi ni wa Africa, na tukiwa wa Africa, sheria yetu bado inasema, watoto wanalinda wazazi wao wakiwa wazee. Kwa hivyo tunataka kweli watoto wale wameonekana, hawatunzi wazazi. Kweli sheria ikuweko, ya kusema hawa watoto washikwe na waulizwe kwa nini kweli hawalindi wazazi wao, ambao ni wazee. Hii, home of the elderly, sisi kweli hatuitaji, lakini tungependa ikuwepo, ikuwepo ya kwamba, kweli pengine hata watoto wengine hawataweza kulinda wazazi wao. Kwa hivyo if we have homes for the elderly, itakuwa ni vyema.

Na mambo ya inheritance. Tunajua kweli sisi ni watu wa Keiyo, Keiyo zamani kweli walikuwa wanasema, inheritance, ni ya vijana peke yao. Lakini sisi akina mama tunalia kusema, kweli watoto, hakuna mtoto ameandika barua azaliwe. Kwa hivyo, sisi tunataka inheritance iende kwa watoto, waume kwa kike. Na hata nyumbani, watoto wasichana ndio wanafanya kazi sana, kusaidia wazazi. Kwa hivyo tunataka mali igawanyiwe watoto, ikiwa ni sawa.

Na tunapenda, Katiba, iwekee hata akina mama, viti, 30% huko parliament. Kwa sababu, tutakuwa na nafasi mzuri, ya kujitetea, mahali pale.

Wale akina mama, ambao walikuwa wanafanya kazi, ambao walifanya contribution yao, ya N.H.I.F, tunaona, mimi kama nimepata hiyo, jamaa wangu, hawezi kuwa na nafasi ya kutumia hiyo pesa, ama watoto wangu. Kwa hivyo, inakuwa tu ni mimi peke yangu. Kwa ministries zingine, hiyo haijafanyika namna hiyo, kwa hivyo tungependa hiyo isaidie jamii yote. Kwa nini sasa ikiwa ni mwanaume, inakubaliwa, na ikiwa ni mama, there is a discrimination there.

Maneno ya title deeds. Kweli, kwa saa hii, sheria inasema title deed iko kwa jina ya bwana, na haiko kwa jina mama. Lakini sisi tunalia ya kwamba, tunataka title deed, iandikwe kwa jina ya bwana, na kwa jina ya mume wake. Full names, sio Mrs, kwa sababu ikisemekana Mrs, akiwa na mke mwingine itakuwa pia ni Mrs, sasa haitajulikana ni mama gani ameandikiwa hiyo shamba. Kwa hivyo tunataka hiyo iandikwe vizuri.

Kweli, najua saa yangu imeenda, lakini kuna jambo moja ambayo ningependa kwa hiyo one minute yenye imebaki. Zingine nitapeana hii karatasi, na mtaenda kusoma. Lakini kuna jambo moja, ambaye inatakikana kweli tuangalia, na ikuwe kwa Katiba ya Kenya. Mambo ya traffic, mambo ya matatu. Sisi akina mama tumeumia, kwa mambo ya matatu, ukienda kwa matatu, kama hakuna sheria ambaye itatulinda, tumepoteza vitu nyingi tukiwa akina mama. Mtoto anaingizwa kwa matatu ingine, mtoto mwingine anaingia na mama mwingine, mzigo inaenda kwa matatu ya bado. Kweli mama huyo ataenda na matatu gani. Kama sheria haitakuweko ya kututunza, itakuwa ni mbaya.

Tena, wanaume wanasema, mama akikutwa akiwa na mini skirt, ama akiwa na nguo ambaye haipendezi, hashtakiwe, ama afanyiwe jambo. Kwa sababu ati hiyo, inaleta mambo ya rape. Lakini commissioners, na wananchi ambao wananisikia, kwa hakika matatu ndio pahali ambaye inatakikana tuangalie. Unaingia matatu hii ya kushika chuma, kijana wako, ama kijana tu yeyote ako mbele. Sasa mama mwenye ako na matiti kubwa kama hii yangu, unaenda unasukuma kijana, huku nyuma, mzee mwingine yuko nyuma, anasukuma mimi tena pande hii. Sasa kweli, gani inaleta rape, kama sio matatu.

Sasa, tunataka sheria, ambaye itatunza. Mimi nimetembelea nchi ya Uganda, na niliiona mambo ya matatu kule Uganda ni mzuri sana. Hata wale wanaitwa manamba wako na uniform na wanachunga kila mtu. Kwa hivyo, tunataka tulindwe hapo, wacha kusukuma sisi, na kusema kata mini skirt. Asanteni sana.



Asante sana Bi. Subeiwo kwa hiyo maoni yote, you are very clear, so we don't have any question for you, thank you. As the vice chair told you in the morning, you know he is the deputy to Prof. Ghai, and he has to leave for some other business. So, I want him just to say something to you and then I will lead the preliminary myself.

**Com. Salim:** Asante sana Prof. Kabira. I really don't want to interrupt the hearings, I want them to continue, it is just that I need to attend to something else, and I would like to seek your permission to leave. But I want to say that, we are looking forward very much to harvesting, as many views as possible from this area. And we are looking forward to, working together on this very important and noble mission of getting us a new constitution. I wish you all well. Thank you.

**Com. Baraza:** He wanted to make sure the hall was full before he leaves, and it is eleven O'clock and it is packed. So, now he can go and tell Prof. Ghai, the Keiyo people are full in the field giving their views. Thank you, thank you very much Professor. Can we have Mathew Keguchio?

**Mathew Keguchio:** Jina langu ni Mathew K. Keguchio. Commissioners, nimeona, mimi niataomba dakika kumi, kwa sababu, kwa sababu, unajua mzee anaongea pole pole.

Haya kwa hiyo, maoni ambayo nataanzisha, ni utawala wa local government. Mambo yetu imeharibika, kwa sababu ilifanyiwa mpango ya uharibifu, na wale walikuwa wanaambia watu, inafanyiwa mpango wa kufaidisha. Mambo yale yote, ilisukumwa kwa serikali kuu, lakini utawala ije kuanzia majimbo, wafanye mpango, kikunyumbani. Mambo haya yote yalipopelekwa huko juu, hakuna kitu inatekelezwa, lakini kwa uchaguzi inakuja. Kama hii hall tulijenga mwaka wa sabini na mbili. Na madiwani wanapochaguliwa, wamenyanganywa mambo yote.

Inawezekanaje, niende kuomba shamba commissioner, huyu uko Nairobi, ambayo ilikuwa udongo wa baba yangu, alafu wenyeji hapa wakaomba iwe katika public utilities. Sasa nikaenda kuomba Nairobi, ninakuta huyu amepewa, commissioners of lands, commissioner of lands, shamba ya nani, alitoa wapi? Hii ni aibu na ni urabivu. Kwa hivyo, utawala iteremke, ianzie uko nyumbani wafwate. That is, utawale ambayo ni sawa, lakini utawala ya ujanja ndio hii inaingizwa na watu hawaelewi.

Ninakumbuka, mwaka wa sitini na tatu, Ngala anasema, wacha uhuru, ikawa tutawaliwe. Kulikuwa na makabila mawili, Ngala alisema wamehitimu kutawala, Luo na Kikuyu. Basi, sasa ndio ile inafikia, alafu saa kumi na mbili, tisaini na mbili multi party, unaona hao walikataa kumpa kura K.A.N.U, hao wawili. Kwa sababu, walikuwa wamefikia kiwango ya kuelewa utawala. Basi, wacha hiyo ije nyumbani, mila imeharibiwa, ulevi imeingilia, tangu virago ilipofungwa, mtu anasukuma kwa akili, wakasema pombe, kilabu ifungwe. Sasa, police walipata license, na ma chief, wa kurokota pesa, wakishika huko, wana kotini sio risiti. Watu wakupotea, na mambo ya pombe, ya viyenyeji, ipelekwe kwa wale wanahusika, wanajua sheria. Lakini wakati walipo peleka huko, wakatengenezea sheria uko juu, wa Somali hawana pombe, Maasai hawana sheria ya pombe, Turkana hawana

sheria ya pombe. Wale walikuwa na pombe ya kienyeji, wapelekwe, watengeneze, wanajua namna ya kutawala.

Haya, nasikia hapa imetajwa matatu, lakini nitaguzia kidogo. Hiyo license, driving Ukwala hiko hapa, ni driving ya pombe.(Interjection)

**Com. Baraza:** Inaudible.

**Mathew Kegucho:** Mambo ya pombe, ipewe kienyeji, waweke, waleta ile sheria, kwa wale walikuwa na pombe, kabla yule mtu mweupe kuja. Watengeneze sheria, wanajua, watatengeneza sheria ile ilikuwa inalinda.

Basi, Matatu, wananinginia juu, mahali pa kuweka kuku, wanawekwa binadamu. Alafu, conductot anasimama, gari ikisha simama naenda nyuma, anarokota pesa hiyo, alafu, gari hiyo ikianguka iko watu thelathini. Na barabara ya watu mia moja, walikuwako nao. Kwa hivyo ufisadi ndio kitu inachangia nchi. Kwa hivyo, nataka kuona ufisadi imemazizwa. Na yule mtu anaye chagua, ambaye anahitaji kuhusika na ufisadi, wasisimame, wasichaguliwe.

Basi, haya, kwa hivyo, ipewe irudishe vitu vyote. Kama forest inakwisha, kwa sababu, tulikuwa tunalindwa na babu, unalindwa na County Council, ni mali yao. Na sasa, imepewa mtu ambaye asiye jua. Atalinda kwa njia gani, mtu hakuwa na forest hiyo. Mimi kama mkulima, niambiwe nichunge ng'ombe, nitachunga kwa njia gani, na sikulelewa nayo, na sielewi. Kwa hivyo, mambo ya misitu, na mambo ya ulindaji wa mazingira, itawaliwe na County Council, kwa sababu wanaelewa namna wanavyolinda, mahali wanataka wapeane.

Basi, kwa hivyo, vitu hivi vyote, viwe katika wale wanahusika, kwa sababu wanaelewa namna wanavyolinda, kufwatana na babu zao. Basi, asante sana.

Asantw sana Mathew kwa hiyo maoni, asante sana. Tutamwita Edwin Chemuge.

**Edwin Chemuge:** My names are Edwin Chemuge, I came as a (Inaudible)

First thing, is on the environmental resources. I think this environmental resources should be given to the original people. Could it be going to another place, then they should have a portion of their resources.

Secondly, I would like to say that, any commission created in Kenya, should never be cancelled, without them finishing their work. Because I have seen, most of the commission being created, they are cancelled, without them coming with a clear result, and if the result should be there, should be tabled with everybody being consistent, or knowing what has come out. Not going njia ingine ya kusema baadaye.

Another thing is about, maybe the cabinet. We want the ministers, who are their in parliament, to be given their post. Could it be a Minister of Energy, to be given to the relevant, with the post, with the papers, certifying that they are supposed to be the ministers of that department.

And lastly, based on the Will. You have been saying that, if I am going to die, (Inaudible) they can buy Wills, against some other people. Maybe I have written all property to be taken by my first bone, about the others, didn't I get those children. So, I want the government, to provide a provision for the law, for the genuine law, to come up with a clear result. Upon which, all parties, preserving that property to be satisfied, thank you.

Thank you very much Mr. Edwin, asante sana, lakini ujiandikishe. Haya, nilisahau kusema, tulisema Irine Marsit is the Programme Officer, and although she is working, anafanya kazi ya Programme Officer, but she is actually the deputy secretary in charge of civic education in the commission. So, apart from Lumumba, there are two deputy secretaries. One is Irene who is in charge of civic education, all over Kenya, they are four, I am sorry. And one is in charge of mobilization and finance, and then research and drafting. And because we are at her home, I was going to ask her to greet you, because I think we made the mistake, she is a very senior person in the commission, and we just introduced her as a programme officer.

**bnhIrene Marsit:** Hamjambo, .uomunee kigurenon Irene abunu keiyo abwati ale ongen Chepkorio (inadible) commission cham ayae ak N.G.O registration Board akomi biik chechang che ingeno sasa ko amwae ane kongoi missing amu kageer biik chechang nyo kogonu views chekwai lakini amache orib sait menyemwa ng'alek chechang nyo kityo ak ile eng yu kimache kou ni ak ni amu ngot kimwa ng'alek chechang ko ma ibei chi ata kidogo ama sirei chi soyeitu yu ile ,kimache keyaiwech ni ak ni eng haraka ako chakchigei sikonyor chi tukul time amu ngot keen kei kemetai biik alak .Kitinye che kaisir komomi acha akot inyi ng'alal kakai kityo ikonu sikoek rahisi amu kirekoteni.Tos maunotok?Okay kongoi. (KALENJIN LANGUAGE)

**Com. Baraza:** Thank you very much Irene, she is a wonderful woman, we are very happy with her work. Leah Chemitei?

**Leah Chemitei:** Mimi jina langu naitwa Leah Chemitei. Na sitasema sana kwa Kiswahili, kwa sababu, naweza kusema ingine, na ingine nikose. Nitasema Kalenjin.

**Leah Chemitei:** kongoi maoni yangu akere eng tukuk che bo keny eng kopmosotab kaa,eng tukuk chi kibo kipkaa kaa .eng katunisiet ab kaa(kipkaa)Eng kerenu kokomoche ateb ale achek biik ab keiyo ko kikituni chepyoset kipkaa.Ko osome ale kotunisionotok bo kaa kokomoche ale nda kitun kipkaa ak kecheng certificate; kemwachi kirwogin report asi kokochi certificate. Kogeny kokamache ale mi biik che itunisie .....

**Translator:** Ya kwanza, anasema kwamba, ile utamaduni, yaani arusi ya kinyumbani, ilikuwa mzuri, lakini ingekuwa kwamba iwe recognized, yaani iwe iandikwe na wapate document, ile certificate, kama ile ingine ya kanisa, ama ya kwa D.C

administration.

**Leah Chemitei:** kogeny ko mi ko uu ni kikong'et biik ko bendi kanisa ako tinye chepyoset ne bo tai kotun kipkaa ako tuun kwa konyor chepyoset ne bo aeng kotune kanisa.

**Translator:** Anaona kwamba, mtu uowa bibi ya kwanza kinyumbani, alafu baadaye anaficha hiyo, anaenda kanisani, anaowa bibi wa pili, na anapewa certificate.

**Leah Chemitei:** Konyotok anyun komachamat amu biik che yaei kou chotok ko kikong'em kaniset.

**Translator:** Anaona kwamba, hiyo ingekataliwa kabisa, kwa sababu hiyo imeharibu kanisa kabisa.

**Leah Chemitei:** Ne bo aeng abwati ale ngot komi chito ne mache koib chepyosok aeng komoche itun chepyosok chotok tugul kipkaa.

**Translator:** Anasema kwamba, hakatai polygamy, mtu kuowa wanawake zaidi ya mbili, lakini kama anataka kufanya hivyo, afadhali aowe kinyumbani wote.

**Leah Chemitei:** Nebo aeng ko kimi ng'olyo nekimi kobo kenya ko ki chepyoso ngo chut ko kekachini boroindo kotebi arawek ang'wan.

**Translator:** Anasema kwamba, mama wale ambao wameenda maternity, wapewe leave ya miezi nne.

**Leah Chemitei:** Ne bo somok alen kongoi serikali amu kigon commiossiner, kobarta biik tugul atebwokik kwai che ki bo kenya kochotok anyun kemache kele yekimwa kemache kisub kuchotok amu kimi gondit akai.

**Translator:** Anasema kwamba, anafurahia sana serikali, kuteuwa commissioners, hili kila jamii, wapeane desturi zao. Lakini, wanasema wanaomba kwamba, yale maneno ambaye tunayasema, yawe, ikiwezekana itekelezwe.

**Leah Chemitei:** Kochotok amwae che ng'ering amu kakwo sait ako kakile ame mwa che chang ako ndakakimwaei ko chang ngalek che katakimwaei .kokeny kemache kertit ab forest kemache amu achek ko kikenyalilchi kerechek ab kipkaa .amu kigetar forest.

**Translator:** Anasema hataki kusema mengi, lakini anasema kwamba; kimila, ilikuwa na tabia njema, na ilikuwa na mambo ambaye walikuwa wanakataza, na sasa, pia, anasema kwamba habari ya forest, tulikuwa na miti yetu ambaye ilikuwa dawa, na sasa imeharibiwa sana. Na tungeomba kwamba, itimizwe pia.

**A Leah Chemitei:** Nebo let anyun omoche chito ne wendi kanisa, ngotun chepyoset ab aeng eng kanisa amache keibchi hatua amu kikong'emakis kanisosiek.

**Translator:** nasema kwamba, Mtu yeyote ambaye ameo bibi wake wa kwanza, na ya pili anapekeka kanisa, angeonelea

kwamba, sheria itungwe, hili achukuliwe hatua kali. Kwa sababu ameharibu makanisa.

**Leah Chemitei:** Kongoi.

**Translator:** Asante

**Com. Baraza:** Asante sana Mama Chemitei. Now, Bi. Esther Chuma.

Esther Chuma: Asante sana commissioners, majina zangu ni Esther Chuma, ninawakilisha akina mama wa kanisa, wa Adventist. Tulikuwa tumekutana, tumepeana habari zetu, recommendations zetu, yenye tungependa nyinyi commissioners mchukue, lakini sasa kwa maana muda ni mfupi, nitasema machache tu. Na ninashukuru sasa, mwenye amekuwa hapa mbele, amesema mengine yenye ningesema, kwa maana amesimamia kanisa, na pia mimi nimesimamia kanisa, ya Seventh Day Adventist.

Sasa, ninashukuru yeye amesema ya kwamba, tunataka kwa constitution, Kenya yetu, I-recommend Mungu, kama ruler wa ulimwengu yote, yaani mtawala wa ulimwengu wote. Sasa, wa Adventista tuna recommend ya kwamba, sheria ya Mungu ifwatwe. Kwa maana Mungu alipeana ten commandments yake, na tunataka iwe accepted constitutionally. Vile sisi tunabadilisha yetu ya Kenya, ya ulimwengu, lakini ya Mungu aibadilishwi. Sasa tunataka, vile iko kwa bibilia, ifuatwe, isibadilishwe kamwe..

Na tena, tunaona ya kwamba, wa Adventista, yaani , tunataka sheria yenye ina protect human life. Both private and family life.

Tena, tunataka, hii uhuru ya kuabudu. Lakini right now, tunashukuru serikali yetu, wametupea uhuru ya kuabudu. Lakini, tunataka still isitolewe kwa constitution. Iwekwe, tuwe na uhuru wa kuabudu. Kwa maana, hata sisi wa Adventista, tunaabudu kwa siku ya saba, the seventh day of the week, that is the Sabbath. Sasa, hatutaki hiyo siku itolewe.

Na tena, iko denial of employment to Adventists. Kwa sababu, kama wakitaka kuandikwa kazi, inasemekana ya kwamba, ati lazima wafanye kazi siku ya Sabato, hiyo ni Juma Mosi. Na sasa, tunataka hiyo iwekwe kama sheria ya kwamba, wakikataa tuwe tukiabudu, kama hiko uhuru ya kuabudu, wapewe hiyo uhuru yao, kuabudu Mungu wao.

Tena, tuko na watoto wetu kwa mashule, in public schools and private schools, wamekuwa wakipata matatizo mbali mbali. Hata kuhusu wale wanasoma, wanapeanwa. Ni gani inapeanwa siku ya Sabato, yenye inatakikana wafanye wote. Wakisahau ya kwama, hawa wanatakikana waende waabudu Mungu wao. So, tunataka sheria iwekwe ya kwamba, kama ni mitihani inafanywe, isifanywe siku ya Sabato, kama vile haijafanywa siku ya Juma pili. Hiyo siku pia, iwekwe holy. Wapewe uhuru wa kuabudu Mungu wao.

Tena, kwa mashule, watoto wetu wanakatazwa, an equal opportunity, yaani kutumia facilities, kwa mashule, kama magari,

wakienda kutembea. Kama wako na ma harambee kwa mashule zingine wanakatazwa, wakisemekana ya kwamba, they are the minorities.

Tena, kwa kanisa mzima, tunaomba ya kwamba, tupewe equal opportunities kwa allocation of plots. Huwa tunanyimwa plots, ikisemekana ya kwamba, we are the minority.

Na tena, kitu kingine pia. Wakati wa by-elections, huwa inapangiwa ifanywe siku ya Sabato, hiyo ni Juma mosi. Hapo, wa adventista wamenyimwa uhuru wa kupiga kura. Na tunataka wapewe hiyo uhuru yao.

Na ya mwisho; Adventists recommend the constitutional declaration of the seventh day of the week, that is Saturday, as worship and rest day, in harmony with the fourth commandments, that is, Exodus chapter 20 verse 8 – 11. Adventists, strongly recommend, constitutional declaration of the seventh day of the week, to be worship and rest day, as up held, in a number of countries in the world. Kwa hayo machache, ninawashukuru, ilikuwa mingi, lakini iko wenzangu wengine wataongea kwa mahali ingine, asante.

**Com. Baraza:** Thank you very much Esther Chumu, we shall read the rest of the memorandum. Now, David Kuto?

**David Kuto:** Asante sana commissioners na wananchi, mim kwa majina naitwa David Kuto, mkaaji wa Keiyo North, na mimi ni Councillor na vice chairman wa County Council. Nashukuru kwa nafasi hii ambayo nimepewa, na tunashukuru commissioners kwa kuja kusikiliza maoni yetu, ya kurekebisha Katiba. Nafikiri ile Katiba ya kwanza, ilitengenezwa wakati sisi, saa ingine tumezaliwa, na ni bahati kuwa hapa siku ya leo, hili tutoe maoni yetu.

Kwanza, ningesema kuhusu political parties. Ningesema, the political parties ambaye ziko kwa nchi ya hizi, they should be regulated by the constitution, so that, at least those three to five, ambaye iko na national outlook, waendeleo, hili, tuwe na parties ambayo ziko strong, ambaye haitaleta ugawanyiko kwa watu wetu.

Na, the parties should finance themselves.

Pili, the type of government that I propose, ni ile iwe na president ambaye ni ceremonial na vice president wake. Tuwe na prime minister, na two deputies, na tuwe na governors kwa provinces. Hili hapa chini, our resources, should remain, near our people, hata kwa district.

Ingingine, ni, the president should serve for a period of five years, on two five years terms. That means a maximum of ten years.

On local authorities; Those who have spoken before me, have said, local authorities were strong by 1971, but their powers wa taken to the central government. We want the same powers to come to the local authorities. So, that our people, should get

services correctly, and even the councilors will not be seen as people who are not doing work. The councilors have a lot of work, but the resources are minimal. So, decentralization, so that, their local authorities, have the power to district level, in all aspects.

I could say, language barrier during the nomination period for the councilors. I think Kenyans have gone to school, language is not a problem nowadays. Nafikiri tunaelewa Kiswahili na Kingereza and that should not be a barrier. Maybe what you can say is, the minimum education level maybe form four, but, for those councilor who are already or

(Inaudible) should be there in their seats. And as such, we shall have councilors who are mixed and those who have gone to school, and we shall get the services, they will understand one another.

**Com. Baraza:** Inaudible.

**David Kuto:** I am saying, for those who are already councilors, that is a primary qualification to them. Those who are coming to contest, they should have a form four standard of education.

I could also say, if you consider the chairman to be elected direct from the people, this will be already a very cumbersome exercise, because even the M.Ps, will just confess in their constituencies. And, if a district has four constituencies, that chairman has to campaign in all those, and it would be very expensive.

I could then say, for the disabled people, I recommend or propose that, they should be considered. If they are not employed, they should be given an allowance, to survive as others. The government should cater for them, because they are our people, they did not choose to be how they are, and they should be taken care of.

And for the village elders, they should be pain an honoraria, because they do a lot of work. Thank you Bw. Commissioner.

**Com. Baraza:** Asante sana councilor. Raymond Kirwa.

**Raymond Kirwa:** Asante sana commissioner. Yangu ni machache. Mimi naitwa Raymond Kirwa, natoka Keiyo North. Yangu ni machache, nataka nifanue kwa lugha ya mama, kwa maana niliandika yangu kwa lugha ya mama. Na hiyo nitafanua vizuri, mimi naona Chebii karibu Chebii.

**Chebii:** Yangu nataka kuguzia ya kwamba, ya D.C ,kimache ne bo D.C. Ngotinye kenysisiek aeng kokanyo District nebo keiyo anan ko olatukul ko mat kosir kenysisiek somok amu konu tarit (**changed to Vernacular**)

**Raymond Kirwa:**

**Translator:** Anasema kwamba, district commissioner yeyote, akiwa posted katika district, asikae zaidi ya miaka mitatu, kwa sababu ataleta shida. (Inaudible)

**Raymond Kirwa:** Ngot komi okarkendosi missing ko kikokanai meto ak kapkelyen.

**Translator:** Anasema kwamba, kwa sababu kwa hiyo miaka mitatu, ukikaa na mtu, atakujua kutoka kichwa mpaka mguu, na hata chukua mali zako

**Raymond Kirwa:** Maoni nenyu ko kamache kou ni ngo kakonyo kenyisiek chotok ,kwo transfer anan kwechikei.(INAUDIBLE)

**Translator:** Anasema kwamba, ana recommend kwamba, kufikia miaka mitatu, awe transferred na aende zake, kwa sababu mambo mengi uharibika.

**Raymond Kirwa:** Ake ne isubi ko nebo chepyosok ;chepyosok keguren malainik ak yeek murenik kegurene? Maoni ne nyu ko mamache kotakegure chi ne kigonyor uhuru ngo chepyoso Malaya.

**Translator:** Anasema kwamba, ati akina mama wanasema saa ingine wanaitwa Malaya, na wanaume je wataitwa aje? Ana recommend kwamba, neno hilo, litolewe kabisa, kwa sababu inaharibu shida ya watu.

**Raymond Kirwa:** Age katiba ne isubi ko councilors. Councillors kop reben chito mbaret ako kikikwe. Ko ane kokamache kende katiba kele, Councillors che rebe biik mbaret nebo chi, kemut konnyo baraza ak ketandikan.

**Translator:** Anasema kwamba, coucillors ambao wamechaguliwa, huwa wananyang'anya watu mashamba, yaani grabbing, na ange recommend ama a- propose kwamba, councilor yeyote ambaye amechukua shamba ya mtu, apelekwe kwa ma baraza ama kwa council, na hatandikwe na afukuzwe.

**Raymond Kirwa:** Katiba ake nebo chepyosok, komakikoch imandang'wai eng parliament ko chepyoso ko kisich kou muren ake tugul. Maoni ne nyu ko amache chepyosok tugul ngot ko ma kiyoon eng election keyaei election anan kechub chi ngo chepyoso.

**Translator:** Anasema kwamba, akina mama wana haki kama wanaume. Na kwa elections, wapewe nafasi pia, na wasitukanwe, kwa maana wote ni watu, ni sawa na wanaume.

**Raymond Kirwa:** Alen sait ko kakobek, ak chepyosok ak boisiek eng Keiyo alen ochomekei. Alen ngot kotebi soet ang ng' etuny si koistakei ko amae chi kou D.C.

**Translator:** Anasema kwamba, ile anaweka mkazo zaidi, ni bwana D.C asikae sana, zaidi ya miaka mitatu. Asante.

**Com. Baraza:** Thank you very much. Okay thank you very much Bw. Kirwa, now Caroline.



**Caroline Naba:** My names are Caroline Naba, I have some proposals.

One is that; we have higher education, higher education should be subsidized with loan facilities, to benefit the needy and bright students.

I propose also that, all employment, should be on merit, and not based on nepotism, tribes, religion, age, or any other form of discrimination.

Also, I propose that the constitution should set up guidelines, for establishment of public universities.

On rights to citizens; I propose that dual citizenship should be allowed in Kenya, irrespective of gender, provided that, the person so allowed is a Kenyan by birth.

Also, I propose that, the person recurring as automatic citizens of Kenya, are those who are born within their territories of the republic of Kenya.

Also on political parties and civil society organization. I propose that, the constitution should guarantee, the right of civic groups, such as C.P.Os, religious organization, and N.G.Os, to operate without interference by the government.

Also, I propose that, political parties should be automatically registered. Thank you.

**Com. Baraza:** Thank you very much Caroline for those views. Tafadhali jilandikishe, now Kesse Bartilol.

**Bartilol Kesse:** Yangu itakuwa machache kidogo. Mimi naitwa Bartilol Kesse

Presently, I think the structure of the judiciary is not in order. So, I would like to propose the following adjustment;

There should be a ministry of justice in future, the constitution should provide for the ministry of justice and constitutional affair.

There should be also, a constitutional court, like the industrial court in Kenya. Sometimes, this one will assist, those cases, which are constitutionally major.

There should be an office of Ombudsman.

There should be an office of the traditional court. This one was withdrawn after 1963, it was known as an African court.

We still got a lot of values, related to African culture, and which were supposed to be African court, but we say this time, should be traditional court. So, this should be in every district, to protect the values. The African value still remain in the district.

Then, the cultural values of each community in Kenya be protected by constitution, because in most cases, this values are religious in nature. They are religious and they are educative, they are educational and customary. And laws, yes and traditional law. it covers the traditional law, education and religion.

The government of today, should protect citizens against the following;

One, ignorance, poverty and sickness, which all causes death. I am sure some people may ask, if ignorance can bring death. It is true it brings death, if you are ignorant, you can easily go.

And then I think another thing is the institute of African study of the university of Nairobi, be empowered to carry out research of African cultures, and put it in literature for our children in future. Not everything African is satanic, the way other writers have put it. So, we want to bring back, what used to be ours.

Also, our constitution should demand, that anything which was taken, before independence, outside Kenya, of a value, including  
(Inaudible) be returned back to Kenya.

I respect time.

**Com. Baraza:** Thank you, but are you going to give us those notes. We want whatever you can give us, in case you disappear back to your work and we don't get it.

**Mr. Kesse:** Inaudible.

**Com. Baraza:** Okay thank you very much Bw. Kesse. Now Collins Kibet.

**Collins Kibet:** So, by names I am Collins Kibet. I have a few proposals to make here.

One is; there should be a provision within the constitution, which the electorate must have powers, someone is the Member of Parliament, and elected, he is not representing them well, they should have powers to vote for a vote of no confidence.

And then secondly; I think what the Members of Parliament are earning is a mockery to the systems of this country. So, a provision also should be there, to provide for the electorate to say, what the Members of Parliament is up to earn, salaries, and

also allowances.

Thirdly; A provisions should be there, to make sure the chiefs and the assistants, should be elected by the subjects they represent.

Another one is concerning the natural resources. Things like the forests, and anything within the locality. I think most people have said here, the powers have been taken from the local authority. So, I think all those powers should be given to the local authority. Things concerning the forest, concerning the mineral resources within the community. So, the local authority must have powers and organize those things for the people there.

Corruption, it has become a problem. So, somebody said here, creation of the office of the Ombudsman, must be there, a very independent office, independent from judiciary, parliamentary and executive.

And also, this question of local brews, it has really brought a lot of problems. The police have taken the advantage to harass our people. so, I think, if that thing has become very difficult we got rid off, I think a license must be there, for those who want to continue to brew. Thank you.

**Com. Baraza:** Okay thank you very much, Bw. Collin Kibet. Can we call Jared Chebong.

**Jared Chebong:** Thank you very much, my names are Jared Chebong. I have a memorandum, but what I will actually present, the vice chairman as the Kenya county Councillors (Inaudible) the system of government, should have a president, a vice president, prime minister, deputy prime ministers, at least two of them. And I will specialize I will present mine on local authorities. **(End of Tape)**

Agriculture, health, we need to refer back to 1969. Local authorities were strong. We need to finance local authorities. Forest, trust lands, minerals, exploration, at least local authority should cater for a certain percentage of what is being mined, or like currently, if you look at the Kenya prosper, it is paying the government 4 million, monthly.

A certain amount of that money, being paid to the government, should come to the local authority. If the government is getting 4 million per month, at least one million should come to the council. Thank you very much, a lot is in this memorandum.

**Com. Baraza:** Okay, thank you very much, sign our register, thank you very much Mr. Jared. Can we have Susan Koech.

**Susan Koech:** The commissioners, and ladies and gentlemen, may names are Susan Koech and I have my personal views to give.

One; a president should have limited powers. An example is on the appointment of heads of parastatals. In most cases, such appointees are not qualified, leading to inefficiency, and in most cases, collapse of such parastatals.

Number two; mayors and council chairmen, should be directly elected by the people.

Number three, women rights are not catered for, in our present constitution, and therefore, a law should be enacted. Whereby, two parliamentary seats are elected, each a constituency in each district, on a rotational basis, should be made to elect the woman as an M.P.

Number four; a law should be enacted, where every land owner, is required to plant trees, in at least one percent of his or her land. Failure to which they are prosecuted.

Number five; the following should be provided by the government, free to its citizens, without the cost sharing element;

One; primary education.

Two; medical cover at government hospitals. Thank you.

**Com. Baraza:** Thank you very much for your views, Susan, thank you. Michael Chepkong'a

Michael Chepkong'a: Asante sana commissioners, kwa kufika kwetu hapa Keiyo, hii ni history. Jina langu ni Michael Kandie Chepkong'a, kutoka Mtei location. Neno langu ama yale ambayo mimi mwenyewe nimeandika, ni mambo machache tu, ingawa wenzangu wamekwisha yapitia, itafuatia pia, kama walivyopitia, kwa sababu, tayari mimi mwenyewe, nilikuwa nimeshaandika mbali na wenzangu.

Kitu cha kwanza; tunataka, pendekezo langu ni, uwezo wa raisi ufupishwe.

Badala yake, kwa number ya pili, iwe prime minister, ambayo itachukuwa mamlaka zaidi kushinda ya raisi.

Ya tatu; ningependelea mambo ya chiefs irudishwe iwe kama wakati wa kwanza. Wawe na mamlaka ya kusimami kazi yao, kama kule kimbele.

Na pia, ma chiefs hawa, wachaguliwe na raia, kwa sababu, raia wenyewe wanajua ni nani ambaye atafaa kuwa chief wao.

Ya tatu; tuwe na koti yetu, ambayo, kama kuna makosa ambayo yametokea, ni sharti tuwe na koti yetu ndogo, kwa district yetu.

Ya nne; ningetaka, katiba yetu, ya zamani ya kimila ya Keiyo ingishwe kwa Katiba ya Kenya, hili tupate kuonekana. Kwa sababu, sisi Keiyo, tangu zamani, hatukuonekana kule, tulikuwa tunaitwa, kwa jumla ni wa Nandi, lakini sisi ni Keiyo.

Neno lingine; watoto wetu wa shule, waadhibiwe kama zamani, ili wapate kuelewa kwamba, yale ambayo amekosa, ama yale ajakosa. Kwa sababu, tusipo fanya hivyo, ndio mnaona watoto wetu wamekuwa watoto ambao wanakataa sheria, wengine wanachoma manyumba, wengine wanafanya nini.

Ya mwisho; tungetaka wasichana kwa wavulana, wawe sawa kwa masomo. Wale ambao, wameshaenda kwa mabwana zao, tunasaidia yule ambaye ajabaatika kuolewa, kwa wakati wa mali ya baba. Sio wale wako na bwana zao, kwa sababu wataleta maswali zote, nyumbani kwetu.

**Com. Baraza:** Asante sana mzee, na Mzee Michael, hebu nikuulize, nina swali. A yule msichana wako akiwa ameolewa na mtu hana shamba.

**Com. Baraza:** Yule mshichana wangu ambaye anaolewa na yule hana shamba, wakati walipopendana, walikuwa wakijua kwamba, watapatia nini watoto wao?

Yule kibwana tu, hatakaa kwa ule mzee wa bwana wake. Lakini yule ambaye hajabathatika, mimi nitasaidia yeye, kwa saababu hajawai kupata bwana.

**Com. Baraza:** Okay, asante sana Mzee Chepkong'a. Now we have Honorable Subeiyo, ningetaka kuuliza kama, anataka kungojea, au anataka kuzungumza leo, au tufanye nini, kwa sababu.... Ooh okay, but the name I have is he, so who is doing it, who is doing the presentation. Inaonekana kama Hon. Subeiyo is not in, but he has brought his presentation, so we will see it, so there was nobody to highlight?

**Robert Boit:** Okay, thank you, I am not the M.P, but he has sent in his document.

The structure of government, they have proposed, is, ...Okay, my names are Robert Boit, and I am highlighting of what we were sent in, the Hon. Member of Parliament.

The structure of government, he has suggested, is the federal system. Under two options, option number one, is whereby the

office of the president is the head of the state, and the commander of the armed forces. And to be assisted by, vice president.

He has also said, the president should relinquish, or sign from his party membership before running.

In case of death of the president, then, the vice president shall be mandated to all the office, for the remainder of the period.

Option number two, is the                      president. Whereby, we have rotational presidency, within the 8 provinces of Kenya, for two. Each holding and rotating office, for two years each.

And also, the creation of the office of the prime minister, and two deputies.

The national assembly, should be headed by the prime minister.

30% of at least 300 Members of Parliament and special interest groups, selected on professional basis. Or in the alternate, the fellow membership are 30% of parliament seats, to be automatically reserved for women and special interest groups.

The provincial assembly, should be headed by the governor.

On the judicial system; a supreme court should be established, a court of appeal, high court, municipal court, subordinate courts, locational or village courts, human rights courts, and land courts.

The Attorney General, should not go to parliament.

On the electoral process, it is a democratic system.

And, every process of elections, must reserve at least, 30% for women, disabled, and special disadvantaged group.

All the consolidated funds, okay just a minute.. all the consolidated fund, he has said, any expenditure outside the budget, or any activities proposed either in parliament or elsewhere touching or having financial implications, all the consolidated fund of the ex checker, other than the foreign companies operations, estimated in the yearly budget, and over the salary increment of parliament, judges, must go on public, that is referendum. Or a commission, must be formed, to inquire, 90 days, prior to that.

Thank you.

**Com. Baraza:** Okay thank you very much for your presentation of Mheshimiwa views. Do have a Catherine Tuktei?

**Catherine Tuktoe:** Mimi nasimama kwa niaba ya wajane, na wamama wanoishi peke yao. Tulikuwa tumeandika memorandum yetu, so, labda tu nitawaachilia kidogo. Jina langu ni Cathering Tuktoe, nasimama kwa niaba ya widows and single mothers.

Ningependekeza kwamba, ambaye tuliandika, ni tulipendekeza kwamba, kuwe na usawa, katika hali ya kizazi, baina ya akina mama ambao wameoleka na wale hawachaoleka. Kwa maana tunaona kwamba, kuna shida hasa kwa single mothers wakiwa kazini. Unakuta kitu kama hardship allowance, wanapewa nusu ya married people. alafu pia, unakuta tu kuna shida, katika hali ya kikazi hapa, ukiwa na bosses ambao ni wanaume, most of the times wangependa, kukutumia, kwa sababu huna mtetesi ama huna mume kwa nyumba. So, tungependekeza kwama, iwe katika ile hali ya usawa, hili wanaume pia wakuwe na sababu ya kuweza kufanya kazi kama wale wengine, na pia mshahara iweze kuwa sawa.

Alafu pia, upande wa widows, tungeomba wawe wanaangalia mambo ya watoto, hasa ya wajane. Kwa sababu wakati mwingine unakuta, mume anapoaga, yule mama anabaki na watoto, wa ndugu zake, ndio wanafuatilia ile mali ya mzee, alafu unakuta, hao wenyewe ndio wanabenefit, mama unabaki na watoto bila chochote.

Tena lingine ni kwamba; katika nchi ya sasa, ambayo Ukimwi inaendelea, tungeomba ya kwamba hawa watoto ambao wanawachwa, na hawajaliwi na wazee wao, that is the father. Serikali iangalie kwamba itawasaidia watoto elimu.

Na pia, upande wa medical care, waweze kupewe free.

Alafu pia hapo, nitaongezea mambo ya disabled, wapewe free care, at the same time, education rights.

Alafu, nilikukwa natilia mkazo kwamba, mwenzangu amesema, kusikuwa na ubaguzi baina ya mtoto msichana na mtoto kijana. Kwa maana hakuna yule aliulizwa, utapenda kuzaliwa kijana ama msichana, ndio niweze kupata shamba la baba, ama mali ya baba. Tulizaliwa sisi wote, bila kujua, nitatoka msichana, nitatoka kijana. So, ingekuwa kwamba, wote, waweze kuiridhi mali ya baba na mama.

Alafu pia, harassment, mambo ya harassment, kwa sehemu zingine, ambapo unakuta, mama ambaye anaishi peke yake, she has no security at all. Unakuta, shida inatokezea kwamba, wazee wale wengine, hawana heshima katika hiyo boma, kwa maana wanajua hakuna mzee kama yeye. So, even the brothers, kwa widows, brothers in-law, unakuta, wanaingilia akina mama wale wanajane, wamewachwa na ndugu zao so, hiyo pia ingewekwa, hili waweze kuangaliliwa, wasiwe harassed in any place.

Alafu pia ingine; tulikuwa tumesema kwamba, the government should provide a special protection, to single mothers or widows, regarding education among other basic needs.

And then; kuna shida ambaye pia tunaipata hapa. Tuseme kitu kama unajisi ukitokezea. Unakuta unapoenda pale kotini kama mama umesimama, unakuta wakati unajaribu kueleza vile iliendelea, utakuta kwamba wale hawako pale, hawatilii maanani, isipokuwa ni vile, they enjoy what you say. So, they keep on repeating, iliendelea aje, ikaenda aje, ikaenda aje. So, tungeomba kwamba, mahali ya kotini, ikuwe na mama ambaye ni magistrate, baba ambaye ni magistrate, and then you will decide where to present your problems.

And then pia, tungependa kama ni hospitali, kuwe na special people ambao wata-attend such a case like rape case, kuwe na mama, kuwe na baba, na awe ni mtu ambaye amepitia guidance and counseling, so that he would be in a position to handle the problem well.

Alafu, mambo ya disability, nilikuwa nimesema. Ningeonelea kwamba, despite the fact of them kuwa disabled, it wasn't their wish. Serikali ingeangalia, kama kuna kazi ambao hawa watu wanaweza, wapewe hiyo nafasi ya kufanya kazi. Halafu pia, masomo, waweze kupewa bila kulipishwa.

Halafu, tungeomba pia akina mama wapewe kiti, katika Bunge, ambaye iwe ni asili mia thelathini, hili akina mama waweze kujitetea, kwa maana, sote tu sisi tunajiweza kutetea katika hali ya kisiasa. So, lakini, mengi mtayapata hapa, kwa sababu tulikuwa tumeandikisha tayari. Asante.

**Com. Baraza:** Okay, thank you very much Catherine, thank you very much. Moses Chesero?

Moses Chesero: Yangu tu ni machache, I ask to present before the commission, my names are Moses Cheptoo.

Number one; in judiciary, we find that, people who don't have riches or who are poor, are being side lined. For example when somebody makes a mistake. For example, you might cross with a senior person in the government. So, when you are put in the cell, the person who has money, bribes his way through. Then you will end up landing in problems, if you don't have anything. So I am proposing that, the judiciary, who are handling such cases, should be people who are clean and who can administer justice without no interference. Because, if we interfere with justice, those people who are poor, shall continue suffering for ever.

Second; land issue. Many of our people, have suffered because of people who are senior in the government. Because, if they, today they are going to distribute a forest, many senior people will get, and the poor people will not get such a land or even a plot. So, we are requesting your commission or the law of the government, they adopt laws, that will protect the distribution of land, to the poor and the rich.



Third; some parastatals in this country, have been looted by strong people, that is the Managing Directors. We are requesting this constitution review, to go and make a law, that anybody in that particular parastatal who has looted, should be arrested, and banned from having any higher officer. And the money that has been looted from the parastatals, should be returned back or brought back to the government for the other people to use. And then taken to jail.

Fourth; some people, few people in the senior offices, when they cross with their juniors, they end up dismissing them by writing letters, and then they don't have anywhere to go. So, we are requesting you to enact or introduce a tribunal, that are able to hear their grievances and judge them with a lot of justice.

So, the last point. The constitution when they present, any president who is in office, and he has misused his powers, or it has brought the economy of this country down, should be voted out, and should be prosecuted for doing evil against the economy. Thank you.

**Com. Baraza:** Thank you very much Moses, or you have a question. Thank you, register yourself. Now, Samuel Cheruiyot.

**Samuel Cheruiyot:** Basi yangu ya kwanza, ni kushukuru nyinyi commissioners, kwa kuwa katika upande huu wa Keiyo siku ya leo. Majina ni Samuel Cheruiyot, kutoka hapa Keiyo North.

Ya kwanza, kitu ningependekeza ni ya kwamba; katika Kenya, tuwe na free education in primary school and secondary school. Hili watu wetu, wawe ni watu wasome, ambao wameendelea kama nchi zingine. Hili tuwe na watu ambao wanaweza ongoza, ama kufanya kazi katika ofisi mbali mbali. Kwa uwezo ambao ni ya hali ya juu. Hiyo ni jambo la kwanza.

Halafu, tena nina jambo lingine la pili, ni ya kwamba; nina jambo, kwa koti. Tunaona katika koti, labda mtu ameumizwa ama amepigwa na watu fulani. ya kwanza ninaona kuna makosa mahali fulani hapo, na hiyo makosa irekebishwe. Ya kwamba, mtu ameumizwa, sasa kutoka nyumbani, anakwendesha gari, anafika hosipitali. Kufika hosipitali, yeye mwenyewe ananunua dawa, alafu baada ya kununua dawa, anaingia kwa police. Kwa police, anaweka mafuta gari ya police, alafu aende, huyo mtu ashikwe na awekwe kwa police.

Mwisho wa maneno, ni ya kwamba, unaona huyo mtu ambaye ameshikwa, kesi ikisha katwa sasa, fine inarudi inakuwa ya serikali. Na hali serikali ijaumia, ni mtu binafsi ameumia. Mimi nataka jambo itekelezwe hapo, sababu damu ya mtu ama mtu amekuwa kilema, kwa sababu ya kupigwa. Na serikali ijaumia, na pesa ikitoka inaenda kwa serikali.

Hay, jambo lingine ni ya kwamba, land problems. Mimi ninaguza mahali ndugu yangu mmoja ameguza hapo mbeleni ya kwamba, mambo ya land, tunaona mashamba mengi katika nchi hii, imekuwa ni watu ambao wana uwezo zaidi, na wanajiongezea mashamba. Na hali ma forest yetu inaharibiwa kwa sababu, watu wasio na kitu, wanakaa, halafu wakikosa kitu

ya kutumia, wanaenda kukata forest, hili achome makaa, ama akate post. Kwa sababu hana kazi ingine, hana shamba, na hana mahali pa kufanyia kazi. Na, ninaonelea ya kwamba, hawa watu wenye hawana kabisa, wapewe mashamba. Na wale watu wana mashamba kubwa, mashamba yao ikatwe.

Haya, jambo lingine ni hili, kuna watu wengine wameguzia, na nitazidi kuweka mkazo hapo. Ni ya kwamba, mambo ya pombe. Tunaona kuna pombe ya kienyeji, na kuna hii ya wazungu. Hii ni jambo moja la aibu sana, tunaona watu wetu, wananyanyaswa kuho reserve, kuambiwa mmetengeneza pombe ya kienyeji. Na hali serikali, watu wenye wanakunywa pombe, wanaingia bar, na pombe ni pombe. Haki ya mtu inatokezwa na pombe, na tunaambiwa shika watu wa reserve, local brews, watu wanshikwa nayo, na hali...sorry.. Huko bar, watu wanakunywa pombe, mpaka wanakwisha huko bar, na haki yao inaharibika, na ile pombe inaharibu yule mtu wa bar na inaharibu ya kienyeji. Sasa mimi sioni maana, pombe ingine ikatazwe na ingine ikubaliwe. Ni heri wakataze yote, na ikae tu sehemu hiyo.

Nikiwa hapo bado, kuna mambo ya hii tobacco. Hii sigara ni mbaya sana kwa watu wetu. Na tunaona ma hospitali, watu wengi, unakuta watu wanakufa kila mara, kwa sababu ya sigara, na watu wana, unakuta mtu akiwa ofisi, anaona sawa sawa ni mzuri sana, anavuta sigara yao. Naona wafunge hiyo mambo ya sigara kwa mahoteli na mambo mengine, waweke sheria tu, kukatiza hiyo. Basi, sitaendelea sana, asanteni.

**Com. Baraza:** Asante Cheruiyot, nina swali. Mr. Cheruiyot nina swali tafadhali, ngojea kidogo. Ningeuliza, unasema, yule mtu ana shamba kubwa ikatwe, kubwa ni acre ngapi.

**Samuel Cheruiyot:** Provided ako na above, should be below five acres in everybody, five acres and below. The other people should be below five acres, kama una shamba, iwe below five acres.

**Com. Baraza:** Five acres?

**Samuel Cheruiyot:** Yes.

**Com. Baraza:** Asante. Ann Kosgei, Ann Kosgei hako? So, Ann Kosgei tunakungojea.

**Com. Abdirizak:** Ann Kosgei?

**Com. Baraza:** Ooh hayuko. Okay Clara Koech, hayuko? Okay Martin Chirchir?

**Martin Chirchir:** Kwa majina mimi naitwa Martin Chirchir Kosgei. Maoni yangu, labda niko na maoni kitu kama kumi na moja hivi. **(Interjection)**

**Com. Baraza:** Sorry, ngojea Chirchir, kuna watu wazugumza nyuma, tafadhali tumpatie wakati azungumze, haya go on, endelea.

**Martin Chirchir:** Nitaanzia upande wa system of government. Kwa maoni yangu, mimi nataka upande wa system of government iwe unitary system. should be retained, because, it give us an entire national cohesion and harmony.

Ya pili; justice, the day for election

Ya tatu; ni culture. Our customary law, should stay the way, the community has been doing.

Ya nne; administration. Village elders should be paid salary and the assistant chiefs should remain. As well as the chief, the D.C and the D.O should go, while the P.C remains.

Ya tano; there shall be no language barrier, when conducting elections. This is so, because, kama mtu amesoma mpaka form four, hakuna haja ya kuuliza mtu kama anajua Kingereza ama Kiswahili, so long as anajua ako na O'level.

Ya tano ni agriculture. Inasemekana hii nchi yetu, ni nchi ya kilimo. Lakini ukipitia hii Katiba yetu, hakuna mahali inachunga mkulima. So, mimi ningenelea, iandikwe mahali inasimamia mkulima, na serikali isimamie bei ya mazao, kama ni maziwa, mahindi, ngano.

Ya saba ni health. There should be free medical for all Kenyans. As we are paying taxes.

Ya nane ni judiciary. Judiciary work should be independent, and should be headed by the Attorney General.

Ya tisa ni wizara ya polisi. Police should be independent, not interfering with the politicians. Na hii nitaguzia mahali kidogo tena. Kwa upande ya police, nitaguzia, mahali kama umepigwa na mtu. Hakuna haja uambiwe, uende ujitibu kwanza, alafu ukuje upate P3. Ukishaenda kwa police, police wakuandikie kwa office na waende washike mtu, alafu P3 ni baadaye.

Ya kumi ni upande wa mashamba. All land should have title deed, and should be free hold.

Ya kumi na moja, nitasimamia upande wa education. there should be free and compulsory education, at least in primary and fundamental stages. And professional education shall be centrally available, and higher education shall be equally available.

There should be a school for, physically challenged person in every district. Just a minute.

8.4.4 system should be eradicted and replaced with the old system of 7.4.2.3 system of education.

Higher education should be

(Inaudible) with loan facilities, to benefit the needy and the bright students.

Na kwa kumalizia hii, nitaongeza, maneno matatu hivi kwa Kiswahili. Hii constitution yetu, tutengeneze na iangalie maneno ya makini, ujinga na magonjwa. Ikisha simamia kwa hiyo maneno matatu, I think our constitution will see no corruption, and all those other things. Thank you.

**Com. Baraza:** Okay thank you very much Mr. Chirchir, now, Ishmael Kiprop?

Ishmael Kiprop: Jina yangu ni Ishmael Kiprop, mimi nimkaaji wa hapa Keiyo North. Mimi nasimama hapa, nikiwakilisha Opposition katika Keiyo North, mimi ndio Chairman wa D.P, katika Keiyo North, na mimi niko na wafuasi, ama wale tuna-share maoni, zaidi ya elfu sita, na niko na wengine elfu tatu, katika new K.A.N.U ambao naita zindagaizers. Sasa ninataka kutoa maoni yangu.

Commissioners, maoni ambayo mimi natoa hapa leo, kwa maana tumengoja nyinyi mara nyingi, imekuwa muda kidogo, lakini. Mahali mimi nataka kutaja, maana nitaenda kwa point, point ,point thelathini. Office ya raisi; office ya raisi iko na maneno ya above the law. above the law, hiyo kitu tunataka kutupilia mbali kabisa, na kila mtu akuwe chini ya sheria ya nchi hii katika nchi hii. Mtu kuwa head of state, itakuwa president peke yake, itakuwa head of state. Head of government atakuwa prime minister ambaye ataunda serikali. Hii maneno ya mtu kushika armed forces, police, civil servants, nini, parliament judiciary, chancellor ya all public universities, na hata ruling party. Hiyo maneno ikae, president akae tu, kama ceremonial huko juu. Kitu ingine ambao nataka kutaja hapa ni, maneno ya corruption, ilifanyika nini, kwa ile maneno ya commission,tunataka hiyo commission iendelee, ile ilikuwa ya corruption. Kwa maana, nchi hii iko katika kitabu ya Guinness, kuwa number tatu kwa corruption katika dunia. Naona hiyo, tunataka hiyo commission ikuje katika district, na ifunguliwe katika district, hili tupate kupeana maoni yetu, ama tushike wale watu ambao tuna..

Haya, tukienda kwa maneno ya provinces tano. Tunataka hiyo provinces tano, ifutiliwe mbali. Hii maneno ya 25%. Tuende katika national, mtu apate 50% of the national vote, rule. That is 50% na hiyo itakuwa bora zaidi, maana ukisema provinces tano, unakuta provinces tatu, ambayo inawachwa. Ama tuweke provinces nane, kila mtu apite hiyo nane, wacha kusema tano.

Mimi tena nataka kutoa maoni tena, hivi; mara nyingi, office ya president, inakuwa office ambayo inaheshimiwa. Na mara nyingi, huko nje, tunapata president akiwa anatoka nje. Unajua bibi ni bibi, na ni national asset, na tena ni kama shamba, na tunataka president a-respect hiyo maneno ya wananchi wa Kenya. Akitoka nje, atoke na bibi yake ameshikilia mkono hii, kama Bush, unasikia, hapana mtu anakwenda tu na ana bakora na ana nini, hapana takiwa namna hiyo. So, tunataka head of state office, mimi sisemi mtu, nasema office hiyo, I-respect wananchi wa Kenya, kuwa na bibi karibu hapa, akitoka nje. Na akifanya hivyo zaidi ya miaka tano, yeye anawekwe ile kitu inaitwa impeachment. Anatolewa na kuwekwa public.

Basi, maneno ingine ambayo nataka kuingilia ni hivi; hii maneno, iko watu wanasumbua na iko mzee mmoja amesema, hata hiyu mzee yuko (Inaudible) himself. Maneno ya provincial administration. District hii ya kipekee, ni watu mahali promotion inafanyika. Hakuna district commissioner anaingia hapa na aende bure, anaenda, amejaza kikapu na anaenda na promotion vile vile. So, nataka kusema hivi, kutoka P.C, P.C, D.C, DO, 1, 2, 3 mpaka 4, Chief, Assistant Chief, Village Elder, village elder ndio anafanya kazi. Tafadhali kidogo tu.

Mimi nataka Village Elder ibaki, chief ibaki, assistant chief aende nyumbani, D.O I, D.O 2 aende nyumbani, D.C abaki, P.C anakaa huko na kupata report, aende nyumbani, na P.C akae, hiyo ndio maoni yetu hapa.

Haya, tukienda kwa wajumbe, wajumbe mara nyingi wamekuwa na tabia mbaya sana wanaenda kujificha Nairobi, nataka kusema hivi, watu wanasema hivi pamoja na mimi. Wafungue afisi Nairobi, mahali watu wao wanaenda, sio watu kutangatanga kutafuta yeye, na afungue office hapa katika constituency, nsio watu waonane na yeye, sio kujificha. Ndio tupate huduma bora.

And, type of government, serikali ambayo tunahitaji, una uhuru ya kusema serikali ambaye unataka, na sisi tumeamua hivi. Tunataka serikali ya muungano, government of national unity. Hiyo sio majimbo, ni serikali ya umoja, sio mtu kujitenga peke yake, hiyo ni serikali ambayo itaongozwa na president ama head of state, ako na vice president wake wawili, tutakuwa na mama hapo karibu, hapana weka akina mama huko msitunu. Kama vile watu wengine walifanya juzi Nairobi, waliwacha akina mama.

Alafu tutakuwa na prime minister ambaye atakuwa very powerful kwa serikali, prime minister ambaye hatazungusha serikali. I am representing about 7,00 people, so excuse me just for two minutes.

Alafu tutakuwa na deputy prime ministers wawili. Haya, nataka kukimbiza kidogo.

Nataka ofisi ya commission iwe created katika police commission. hawa watu wamesumbua sisi sana, na tunataka hawa na hongo iko taabu, tuweke commission ya police, ndio watachunguza hiyo maneno.

Alafu, armed forces service commission, ndio tukiandika watu, sio kuandika watu vile waliandika juzi hapa. Uankuta helicopter na ma barua, halafu watu wetu wanakimbia tu mpaka wanakwisha bure. Tunataka armed forces.

Haya, tunataka katika prison, iko watu wengi wanakufa huko, tunataka prisons commission. ambayo tutaweka watu hapo, wataangalia maneno yetu.

Halafu, mahali uwizi inatendeka zaidi, iko controller na auditor general, huyo ni mtu mmoja, mtu mmoja anatak vitabu na ku

audit, hiyo haiwezekani. Tunataka controller general, katika ofisi ingine, na tunataka auditor general katika office ingine, ndio tupate huduma bora hapa. So, I am proposing those offices.

Basi, mimi nataka kuingilia shamba, maana hiyo ni roho yetu hapa. **(Interjection)**

**Com. Baraza:** Lakini utupatia point moja tu, tafadhali maliza kwa sababu saa zimekwisha.

Ishmael Kiprop: Asante sana tafadhali. Katika shamba tuko na mtu mmoja ametuumiza sana. huyo mtu anaitwa commission of land, na ningependekeza kwamba, hiyo office ifutiliwe mbali kabisa. Kwa maana anaweka sahihi title deed pale, na haoni ground, na iwe replaced na permanent lands commission, ambayo tutakuwa katika district headquarters and iwe katika Nairobi, na hiyo itachunguza maneno yetu.

Point ingine; funding of parties, tunataka hata sisi pesa. Tunataka tu, ile chama itapata 5% ya votes, yote ya Kenya, ipatiwe pesa, kutoka consolidated funds. Na ule mtu hupati 5%, hupatiwi kitu. Na ule mtu atapaka 5% ya votes, apatiwe nomination, unasikia. Haya liars, watu wa uwongo **(Interjection)**

**Com. Baraza:** Eeh, lakini wacha tusome, kwa sababu unajua, tunawatu mia mbili,

Basi, I think I am winding up commissioner. Liars, kwa maana tumekuwa katika area ya liars, nayo inasema uwongo kila mahali, kutoka juu mpaka chini, tunataka hiyo kitu iwe criminal, hata iwe treason. Ndio watu wakuwe na akili ya kutosha.

Basi, legal authority, tumekuwa na shida ya concillor katika County Council ama Town Council, tumekuwa na illiteracy, ndio unaona maneno tuko na shida hapa. So, tunatka councilor awe at least form four ama university level. Na mjumbe, akuwe na degree, karatasi ya degree, hatutaki tena watu wakizungumza Kingereza ya sheria huko aelewi chochote. So, tunataka akuwe na degree, asante sana, I respect your time.

**Com. Baraza:** Thank you very much Bw. Ishmael and Bw. Kiprop please give it to them and thank you very much. Okay, Maria Chepkurui?

**Maria Chepkurui:** Mungu akafanya vizuri, Mungu akachunga mimi, Mungu napatia wale wazee wa zamani, Mungu akatwambia, pahali pangu ikatoka (Inaudible) Tunda yangu yote.

**Maria Chepkurui:** Pahali yangu ni kutoka Marakwet tumdo yangu yote kokibendi tum murenik ak chepyosok **(Beginning of tape 3 side A)**

**Translator:** Okay she is saying, in the past, the men and women were being circumscised, so. Okay, she has written here, ever

since boys and girls are circumcised, this exercise should continue.

Number two; one head of state for Kenya.

Number three; one party for Kenya.

Number four; trousers should be for boys only, no woman should wear trousers.

Anasema pia, the most term, ikuwe ten years. The rule of Moi, the president, ikuwe miaka kumi.

**Maria Chepkurui:** hapana kuvaa longi wacha ndume wavae pekee yao. Omete longit tibik ,omete sumeek che kirotei.

**Translator:** Hapana kuvaa long'i, wacha long'i kabisa, wacha sumeet kabisa, wacha ndume, nawaambia ndume, watoto wangu, (Inaudible)

**Maria Chepkurui:** Ngolach murenik longisiek ichekei.

**Translator:** Long'i peke yake, ikuwe ni ya wanaume, isikuwe ya akina mama. Anasema wacha long'i kabisa, hiyo imekatazwa kabisa.

**Maria Chepkurui:** nakatataa tena sumeek korat murenik. (morani wacha kufunga nywele.)

**Translator:** Anasema wanaume wasifunge nywele.

**Maria Chepkurui:** Sababu nafukuzwa kutoka Cheptebo mpaka Kitany. Sababu korubata akoi Nandi

**Translator:** Anasema watoto wamemfukuza kwa shamba yake.

**Maria Chepkurui:** ara anyun amwawok ale oyaiwo amu omoche owo show karon amu ane obo show.

**Translator:** Anasema anataka kuenda show kesho.

**Com. Baraza:** Asante sana mama Maria, kwa hiyo yote, asante sana. Okay, asante sana Maria, now Francis Cheruiyot, na atafuatwa na Joseph Chelal, Joseph Chelal ako? Okay utafuata Francis Cheruiyot.

**Francis Cheruiyot:** Thank you. My names are Francis Cheruiyot, I have three presentations, to present in this commission.

One; I am going to the executive. The powers vested on the president, are too powerful. So, I propose that, some of it can be vested to parliament.

Another one; the president also, must not be above the law, as it is the case, in the current constitution, he must also be below the law, as every Kenyan citizen, of this country.

Also, he must be impeached, when he or she, does not perform duties as the head of state.

Another one; I go to judiciary. The Chief Justice, be of Kenyan origin, again also, he must be a university graduate, and with experience of more than twenty years in law practice. And a God fearing person.

He must be of 50 – 70 years of age.

Also, a commission must be formed to appoint the judge.

I go to administration. Chiefs and assistant chiefs, to be excluded. The D.C to remain, the D.Os to remain, and the P.Cs to move away.

The councilor is also to be there.

And also, a post of village elders to be created, instead of assistant chief, as he is always nearer to the people and knows their problems. Thank you.

**Com. Baraza:** Thank you very much Francis, for those views. Joseph Chelal.

Joseph Chelal: Asante sana, commissioners na wale wote mmehudhuria hapa. Yangu pia ni..., mimi naitwa Joseph Chelal, vile mmesikia, na ni mkaaji wa Keiyo North. Basi, maoni yangu ni machache, lakini ni;

Shida yetu ni muundo wa serikali, let's say the system of government is a big problems which we need to do something about. And that is why the commission was created. Although, it is unfortunate that is called a review commission, it should have been called a reform commission, because, actually our constitution, current constitution is very unsuitable to the country. We have about 46 ethnic communities, with different culture, different problems. I am sure you, Hon. Commissioners, have been hearing problems, problems, from Mombasa to Kakuma, where. It is because of the bad constitution we have, and the best one I would propose should be, well people are calling it federalism but it should be devolution, we need devolution of power.

We need to empower our people, so that they can be able to solve their own problems. We should not expect a party, let's say the size of our government is, yes, our government is a cabinet, which is a decision making body, of 30 people, to decide for 30 million Kenyans, this is expecting too much. So, devolution, call it decentralization, or federalism, it is the best system and we should not fear it. Every will have a say, he can say what he wants or so.



And, excessive powers of the presidential; excessive powers in the president should be reduced. This is the source of many other problems.

People are talking of unitary system of government, and I should inform you that it is the source of your many problems, you are telling the commissioners all over the country. It is anti people, dictatorial, it encourages dictatorship, it is wasteful, and as I have said, he is prone to abuse of political powers. It is quite unsuitable for this country. How can we, they are saying we have 56% of the population is living below the poverty life. This is quite unreasonable, such a thing should not happen. We need to do something about that. More than 50% is dangerous. So, since the constitution is like a foundation of the building, and it should be a proper constitution, which we have in the country.

So, it should be debate actually, which we expect from the commissioners. We have a lot of faith in the commissioners, and they are well, knowledgeable people, they know our problems, all of them in fact. This is just a formality, to go around a country collecting views, otherwise you can produce the constitution, even without going round the country. So, we know that you can do something for this country, so that it is a large fine chance, that we have.

Finally, we said federal constitution, encourages competition amongst the states, which will be created. We cannot depend on just central government, to bring relief food, to bring free primary education, free health, free water, free everything. This is expecting too much, it is an impossibility.

So, I am for federal system of government, and the excessive power should be reduced. And also lastly, the parties. We should not limit the number of parties we have in this country, we should have as many as even a hundred, and there should be no need of limiting a presidential terms, we are electing parties. If we are a multi party country, we should elect parties, and not look at the president. Even having a wife around him all the time is not necessary. We are electing somebody, we are not electing somebody with his wife. Even if he is a single man, or a divorcee for that matter, or what. We are electing him, because we like him. And this idea of having him all the time with the wife going round is not necessary. That's all, thank you.

**Com. Baraza:** Thank you very much Joseph, please write your name. Now, Philip Kibor, sorry, Philip are you an observer? You want to speak? Okay.

**Philip Kibor:** Commissioners, majina yangu ni Philip K. Kibor.

Kwanza nataka niongee juu ya children's rights. the constitution of Kenya, should guarantee, and protect the rights of children.

Rights of children, should be incorporated to the customary law, binded with traditional culture law.

A child is a child, and should be under that parent.

Concerning the bill of the children's rights, passed earlier, I would suggest that, it should be looked at properly, because it seems that, the bill has gone as far as overpowering the parents, which is not possible.

There is a traditional say *amasire kat met*, he who is an elder than you, should be respected.

Marginalized communities; Constitution of Kenya, should protect the communities, who are marginalized, in that, the government should see, education is being supplied well to them.

Electricity should be given to them.

Water be supplied to them.

Health facilities to be provided to them.

The money, used to cater for those marginalized communities, is out of taxes collected from them.

Basic rights; the constitution should protect the basic rights of minorities. Rights of person with disabilities, right to development, and right to clean environment.

Land and property rights; title deeds should be issued freely by the government.

Compensation, be made compulsory, to those who have given out their land, for the sake of public utility.

Trust land, should be preserved and controlled by the residents of the particular area, not to be left to the country, County Council as before.

Free ownership be practiced.

Environment; the constitution of Kenya, should protect the environment, because it is part and parcel of our life.

(Inaudible) be made compulsory in every district and location.

This (Inaudible) by the government.

Education; I propose that, primary, nursery teachers, be paid the salaries. This is because, they are the founders of education in

our nation.

Establish a disable school in every district.

Corruption; the constitution of Kenya, should contain a section, whereby, corruption is met or treated as a murder case. And any person found guilty of corruption, be taken to court and his case treated seriously without any fine. This is to eradicate corruption of which it is a disease to our nation.

I recommend an independent, anti-corruption agencies be formed to fight the corruption.

Lastly, ombudsman be created, to check the bad and investigate complains about the bad administration of the government.  
Thank you.

**Com. Baraza:** Okay, thank you very much Philip. Do we have Charles Opondo, followed by Robert Boi.

**Charles Opondo:** Asante sana ma commissioners. Napendekeza yangu machache, ambayo ninataka kusema saa hii. Kwa majina naitwa Charles Opondo.

Uchaguzi ifanyiwe in two phase. Ya ubunge, na council iwe peke yake, alafu ya uraisi tena kando.

Basic education iwe provided free by government.

Employment, isiwe na hatism ama favourism kwa mtu yeyote. Mtu aandikwe kazi mahali popote.

Alafu, wafanyi kazi wa serikali; wafanyi kazi wa serikali, wawe wakikaa kwa district for only five years.

Alafu, bill; nimesikia, kuna bill mingi sana zimepitishwa katika bunge. Bill ya watoto, mara ya mama. Lakini sasa nashindwa, na bill ya wazee hatujasikia. Hiyo pia tuangalie hapo.

Alafu (**Interjection**)

**Com. Baraza:** Unataka wazee wasaidiwe kwa njia gani?

**Charles Opondo:** Wazee, especially kama wale watu wenye hawana kazi, wajaribu kupewa pesa kidogo, hili wajimudu. Kwa sababu, saa hii statistics zinasema, karibu Wakenya milioni kumi, hawana kazi, na maisha inakuwa ngumu kwao, ndio sababu watu wanaanza kuiba iba vitu. Asante ni hayo to.

**Com. Baraza:** Thank you very much Mr. Opondo, now Robert Boi, he is not there, Parcifica Komen?

**Parcifica Komen:** Commissioners, ladies and gentlemen. I have few comments, not comments but proposals. **(Interjection)**

**Com. Baraza:** Say your name tafadhali.

Parcifica Komen: Parcifica Komen, sorry I thought you have got it.

First, in science and defilment of nature is a taboo and persons. Found breaking this law, will either stoned to death, or ex-communicated from the society. And therefore, the constitutions must address this. The person doing this, will be given, high penalties. This ones, cause a lot of harm to the victims. He has damaged , even the social welfare of the person, and also mental courage and physical courage. So, such people should be given high penalties.

Second, marriage of both boys and girls, be ensenced to minimum age of 22 years. and, when they marry, the girls, the married people, should both be entitled to any of the property of that man.

Third, sugar mummies and sugar daddies, must be chased. Because, they spoil the morality of our beloved children. And such people, must also pay for the damage they have done to the youth.

Fourth, wazee, village elders, should be literate. They should be compensated, be composed of both (Inaudible) and be entitled to salary and be morally upright. We have seen cases of village elders. They do a lot of work, more even than the chiefs and the assistant chiefs. And, to end only, that they don't get anything, and they are the people who are solving the problems in the rural areas.

Councils of elders, be empowered to attend on issues concerning natural resources. one of the members, should be literate to record the procedures.

The council should represent both gender.

This ones, we have seen our natural resources, it is going to get ruined. And therefore, long time ago, our natural resources were well cared, and therefore, there was no one who was to damage it. But today, we see a lot of destructures, rivers are getting dry, no forestry's, nothing. What is the country going to be in future, so, something must be left to the community within that area.

Lastly, the aged be catered for by the government. We see the old people now, who are retired, and those who are not retired, those who are very aged, there is no one to take care of them. The government should take care of this people, because, during their youth, they really laboured for the government, and they assisted the government. Now, it comes to the time, it should come to the time, when the government now, will take care of this aged people. Thank you, with this few I say thank you.

**Com. Baraza:** Okay thank you very much Parificica Komen, for your views.

**Parificica Komen:** Embarrassment by the police, or when somebody gets his/her property being stolen by a thief. When the thief is got and arrested, the fines or the imprisonment will be in prison and after coming from the prison, the person whose cows or whose things had been stolen gets nothing. In this case, we should like the government, the court, to pay back for the lost property, which was caused by this thing. Thank you.

**Com. Baraza:** Okay, thank you very much Mrs. Komen. Now Aaron Chuma.

Aaron Chuma: Mr. Commissioner, my names are Aaron Chuma, I have some few presentation to present here.

First I will start with local government. Mayors and council chairperson, should be elected directly by the people.

Powers of the council, e.g. City, municipal, Town and County Council, shall be shut among councilors and chief officers, to promote accountability and transparency.

Minimum education, level for any person qualifying to be a councilor should be O'level. That is one.

I am now coming to executive. President should not be above the law.

Police officers should retain the human rights.

The president shall be the commander of armed forces.

I am now in judiciary. Judges must be holders of university degree in law.

Children of refugee parents shall also remain refugees. But not the citizens of Kenya by birth.

Electoral commission system. transparent ballot boxes shall be used in all kinds of elections in Kenya.

All elections, should be by secret ballot.

Ballot paper should have security marks.

Education; education should be free at least in primary and secondary schools.

Age should not be a factor of consideration, in secondary schools or high education.

Girls who become pregnant while in, should be allowed to continue with their education, after they have given birth.

Legislature; parliament should be independent from interference from the executive arm of government.

Parliament should be a full time, five days in a week, occupation.

Parliament should be supreme law matter in the country.s

Land and natural resources. all lands in Kenya, should be titled. There should be a land commission, whose duty should be, should include, protect all public land, including forests and game parks.

Allocation of available land, the squatter and game parks. Thank you, that is all.

**Com. Baraza:** Thank you very much Mr. Aaron. Do we have Faustina Chemwono?

Faustina Chemwono: Thank you very much the commissioners My names are Faustina Chemwono. Here I have a few proposals to make.

One, on security; the police should take care of citizens and their properties. And not to harass the innocent people.

Two, health care; there should be free medical care to all, especially mothers going for maternity. Cost sharing should be abolished.

Provision of clean piped water, for all Kenyans.

Education; it should be free, and compulsory, from nursery to all level, for all children.

Employment; there should be one job, for one person.

Retired people should leave room for young, unemployed people.

And, on that note, the benefits for the retired people, should be brought to the district level.

And, on local government. People should elect the mayor and their chairpersons. That is all what I have. Thank you.

**Com. Baraza:** Okay, thank you very much, that was very precise, Mrs Chemwono asante sana. Now Alfred Lemiso.

Alfred Lemiso: Asante sana commissioner, hata mimi sitakuwa na mengi, kwa maana watu wamenena. Nitaenda tu juu juu.

Kama ya presidential powers, nafikiri iko mingi sana, lazima tupunguze kidogo. Na, asiwe above the law.

Mbunge, nita propose ..... Jina ni Alfred Lemiso. Nitapropose Mbunge, awe, aende term mbili, ya five year terms, five years. na wale wana seek elections, wawe sio retired persons.

Salaries ya Wabunge, iangaliwe na independent bodies. Na kama Mbunge hafanyi vizuri, vote of no confidence, raia wafanye.

On local authorities; elections ya mayors, iwe direct, kutoka kwa electorate.

Na minimum qualification, iwe ni O'level, kwa councilors na mayors.

Councilors allowances, zitoke kwa central government.

Elections, ifanywe kwa secret ballot.

Na election commission, iwe ni permanent. Election commission, be mandated to register political parties.

During elections, Kenyans living abroad should vote.

Registration of voters should be a continuous exercise.

Nitapropose on provincial administration, the following points;

Provincial commissioners, should be scrapped.

D.Os, assistant Chiefs. Na wale watabaki ni District Commissioners, chiefs na village elders.

Na village elders walipwe allowances.

Na propose vile vile, administration police, iwe intergrated na Kenya police, na kama sio hivyo, administration police iondolewe.

On education; the 8.4.4 system be scrapped, and replaced with the old system.

Lastly; customary marriages, should be issued certificates.

Elections be held with the new constitution. asante sana.

**Com. Baraza:** Okay, thank you very much, Mr. Alfred. Now, Immanuel Katam?

**Emmanuel Katam:** Asante sana commissioners, mimi nina ile yangu karibu points nne hivi. Marafiki zangu hapa mbeleni wamekanyagakanyaga upande zingine, lakini nitapitia juu juu.

Ya kwanza, ni mambo ya land. Mambo ya land Bw. Commissioner katika district hii, especially katika Keiyo North, imekuwa kazi ingene ngumu sana. na hapo ningependelea ya kwamba, panel vendors, panel vendors ingechaguliwa, kwa kufanya uchaguzi. Sio kupitia nomination, vile provincial administration, vile hapo mbeleni wakikuwa wakifanya. Hapo ningependa panel of vendors, ambao wata present mambo za land cases, ingechaguliwa kutokea huko chini, kutokea grassroots. Hili community wenyewe wajue ni watu gani ambao wanawakilisha hao kwa sehemu zao. Hapo ningependelea kwa land constitution law, mwangalie area hiyo.

Basi, jambo ingine ya kuongeza kwa number two, ni local resources katika area. Ningependelea local resources, kama forestry, kama minerals, ama zingine. Kama vile wenzangu hapa mbeleni wamekuwa wakiwataja, iwe imekuwa controlled katika jina la County Councils. Hili hawa wawe, wakiangalia jambo, vile wataichunga hizo local resources kwa area zao. Kwa wakati huu, ungeona, hizo resources zimeharibiwa kwa kupitia njia mingi sana, especially ukienda upande wa forestry. Forestry imekuwa, imeharibiwa kwa njia kubwa sana, kwa maana, unaangalia ya kwamba, forest kwa area fulani, wenyeji wenye nchi, hawapati. Hawafaidiki katika hizo resources.

Unakuta mtu kutoka sijui, kutoka mbali, ambaye anakuja kufaidikia hizo resources zao, na wenyeji wenye nchi, hawapati chochote. Kwa hivyo ningependelea, kama ingekuwa jina la County Council.

Jambo lingine la tatu, ni welfare ya watoto. Nimeangalia kwa welfare ya watoto, commissioner, hapo ingetakiwa, iangaliwe,



ipatiwe sheria lake la kulinda watoto kutoka, tangu mtoto kuzaliwa, mpaka miaka ambayo imejiwezesha kujitegemea. Hapo, ningependelea, sheria fulani iwekwe, kali sana. Kwa maana unakuta watoto wengi wamekuwa kama wa chokora, kwa kutupiliwa mbali. Kwa hivyo ningependelea sheria kali iwekwe, ya kuilinda hao watoto.

Jambo ingine tena ya kuongeza hapo, ni mambo ya election. Ningependelea mambo ya election, ifanywe, Members of Parliament, ipatiwe siku zake, na wakati wa councilors, ipatiwe siku lake. Na zote, sifanywe kwa secret ballot.

Jambo ingine ya kuongeza, ni mambo ya criminal cases. Wale watu, unamkuta mtu ambaye amefanya jambo la kuuwa mtu. Akishikwa na kuwekwa ndani, kesho yake unakuta amerudishwa nyumbani, hati jambo yenyewe ni , imepeanwa, amepatiwa bond. He has appealed for the bond, and released back home. Ningependa mtu kama huyu asikubaliwe kupatiwa bond, kukuwa released kwa bond.

Tena ule mtu ameiba, amefanya jambo ya violence, ningependa, mtu wa violence ambaye ameiba mali ya mtu, vile vile asipatiwa bond, ainzizwe ndani, mpaka siku ile atakuwa amemaliza kesi lake.

Inginge kumaliza commissioner, ni jambo la education katika primaries. Katika nursery mpaka primary, ningependa hao wapatiwa free education. na, hawa walimu tena kutokea nurseries, wawe wakilipwa na serikali. Kwa hayo machache, asante sana.

**Com. Baraza:** Thank you very much. Albert Chemose? John Kipiegan, okay, Earnest Chebii?

**Earnest Chebii:** Commissioners, I have very few points to present, Chebii Earnest.

I would propose that, presidential powers be reduces, and he should not be above the law.

Two; judiciary should be completely independent, and it should not have, any interference from the above authority.

Three; public service commission, should be fair, and should award jobs, according to the academic qualification, honesty and of good character.

Four; accountability and transparency in public offices, should be a must.

Five; the present constitution is good, but it has not been followed, and it has not been implemented. Otherwise, if it was followed strictly, and accordingly, we should not be reviewing it today.

Efficiency in public offices, should be put in place.

Security, should be given to all Kenyans by the authority, by the government and the state.

Eight; robbery with violence, should be punishable by death.

Robbery without violence, should also be the same. This one, I would say, like taking money from the government, fraud, and embezzlement, e.t.c. Because, you find that somebody, takes 18 billion shillings and nothing is done. whereas, somebody steals a cow of 5,000 shillings, he is punished for seven years. So I would say, robbery with or without violence, robbery without violence is that one which is taken, maybe by the people in the offices, by forging, or by taking it, in a very unlawful way. People take money, from the resources of the government and nothing happens. They should be made to pay, and be punished.

Lastly; parliament should be a full time job, and failure to attend parliament, should not be paid for that day. Thank you very much.

**Com. Baraza:** Thank you very much Bw. Chebii. Rachel Kimeli?

**Rachel Kimeli:** Asante sana commissioners, ladies and gentlemen. I am just representing, mine as an individual.

And just to say a small thing, as Mr.Chebii has said, the government, I mean the constitution which was there, was very nice below. But, the implication part of it, is not active.

I want to say something on education. Education system in Kenya, has been very good. But, they say we want free education from Nursery throughout, but who is going to pay. If the government is going to pay that one, where is there any, to get he people

(Kalenjin vernacular). The education, there is are uneducated people. Now, where are they, the street children, why are they street children today (**Interjection**)

**Com. Baraza:** Sorry, you know you didn't tell us the (**Interjection**)

**Rachel Kimeli:** My names are Rachael Kimeli.

**Com. Baraza:** Not your name but also the recommendation you are making.

**Rachel Kimeli:** I am recommending on the education.

**Com. Baraza:** Yeh, you know I am saying, you didn't tell us what to do with it.

**Rachel Kimeli:** I am just saying. They should have free education, so that we eliminated the uneducated. Also, the elimination of the street children, which is causing in our society. Children born out of wedlock, where are they going? And also, parent, if we say free education, parents will never for their own children. So, they should also, be looke dinto, the parents.

Another one; teachers in the lower classes should be paid.

The government should have a long term plan of education, not a short term plan, it is a long term plan.

Another thing, what we do with agriculture. Agriculture these days, people import maize, they import sugar, and we have sugar, they import everything. But they are not coming in the grassroot to say, what are we producing. And that is why, we have people who are not doing any work at the present.

The government should have some people, from the grassroots now, what we shall produce and sell to those people. if we look into agriculture and education, we shall eliminate poverty, illiteracy, diseases and corruption. Thank you.

**Com. Baraza:** Thank you very much Rachel. Do we have Ann Sutar?

**Ann Sutar:** Thank you commissioners, I am here to represent RWEBAS, yaani Rural Women Empowerment to Basic Services. My name is Ann Sutar.

Preamble; the preamble should be included in acknowledgement, that women have suffered from discrimination.

It should also state commitment to gender quality.

It should be known in the preamble, that women are the backbone of the society.

Women are also important people, but they have their own experience.

Citizenship; the law has to allow both husband and wife and children, to be citizens, without discrimination.

Kenyan women married to a foreign, would be granted the right and to pass the citizenship to their spouses.

So, in the same way, Kenyan women passes their citizenship to the foreign spouse.

Family laws; customary marriages are still being practiced in our society today, therefore they should be given a certificate of marriage.

Marriage laws need harmonization to ensure, that the right and the justice exist for all individuals in the country.

Children to be protected against abuse.

The F.G.M.; the F.G.M to be banned in the country.

Property to be given, to both children regardless of sex.

Education for boys and girls should be equal.

Family violence to be governed by laws.

Education for women in Keiyo, especially in Keiyo should be there and quarter system and other medication.

Education is too low, so they need to be trained.

Rape cases and..., oh sorry. Early marriage of young girls should be cancelled, or outlawed.

Maternity leave, to be one month before delivery, and four months after delivery.

Succession; the law should be amended to provide all the family land be recognized, in both names of the spouses. I think that is all for Rural Women development Project, thank you very much.

**Com. Baraza:** Okay, thank you very much Ann. Now Grace Kipserem, she maybe an observant, sorry. No, who are you? Kipserem? Okay, thank you, I am sure we will soon be reaching you. Josphat Kipalangat, Jonathan Kemuge. You are the one Jonathan, okay please come forward.

**Jonathan Kemuge:** Commissioners, ladies and gentlemen. My names are Jonathan Kemuge, I have come here to represent the youth of the Non government Organization, who are based here in Keiyo district.

First of all, I will start with the preamble. That is what is missing in our constitution, and I am not going to read the wording of the preamble that we have.

And, because of the time limit, I think I am going to just highlight another issue.

The preamble is one of them.

The directive of principles of state policy. That one goes to values that should be included. Like if I take management of our beautiful natural resources, as opposed to corruption, greed and carelessness. There are so many values that we have come

with, like zero tolerance to corruption, respect to individual merit, as opposed to a scription, though political consideration.

I will not mention all of them because I have a document to ratify.

Another one is supremacy of the constitution. supremacy of the current constitution, we have said that, amendment to the constitution, should only be done with 75% majority.

Referendum should be held when amending critical issues of national importance. And the referendum should be organized by the constitution commission.

All constituencies should have representative in their referendum.

Special interest groups should also be catered for.

On citizenship, we say that; admission of the same, should be that, a citizen of Kenya is any person born or registered or married in Kenya to a Kenyan citizens, with his rights and obligation of the citizens. I am not going to mention all of them, I will mention one or two.

All Kenyan citizen should have their right to vote.

And, all Kenyans citizen have the right to obtain a permanent Kenyan passport, free of charge.

There are so many others, I am not going to mention all If them.

National security and defense. On the same, we have come with the following principles to cover national security in the republic.

Natiional security must reflect the resource of the people of Kenyan. To live as equals, live in peace and harmony. To be free from fear and want, and to seek a better life.

No Kenyan shall participate in armed conflict, nationally or internationally, except by legislation. And so many other tools, if is responsibility.

But, a cabinet minister shall be responsible for national security, that is among the first one.

And the president shall be the commander in chief of the armed forces.

On political parties. The constitution should entrench the fact, that Kenya is a democratic mutli party state.

Political parties should automatically be registered.

A political party should be allowed to operate independently.

Any M.P, who defects from a political party, should not be allowed to contest in a by-election, resulting from his defection.

The government should fund, all parliamentary political party.

On legislature, a parliament should participate in the executive process according to the constitution, and parliament shall represent the people, to ensure a government by the people, by the people of Kenya.

We have authority powers, I am not going to mention all of them because they are many.

Membership to parliament. All the citizens, who is a registered voter, is eligible to become a Member of Parliament, except, those in regular employment, that are not in line with the functions of a Member of Parliament.

Secondly, anyone declared insane by a court of law, and lastly, those convicted of an offense and served more than one year in prison.

Duration; parliament shall be elected for a five years term.

And elections must be held within 90 days of parliament dissolution.

Maybe, there are issues of executive. On judiciary... well, time is over.

**Com. Baraza:** Inaudible

Jonathan Kemuge: Okay, maybe there was an issue of Ombudsman, which is the last point. This one was borrowed from the constitution of Namibia. It establishes an office of an ombudsman. But there shall be an Ombudsman; we shall have the powers and functions that are in the constitution.

The Ombudsman shall be independent and structure only to this constitution and the law.

But no member of the cabinet or the legislature or any other person shall interfere with the Ombudsman in the exercise of his/her function.

And all organs of the state, shall accord any assistance that maybe needed, for the protection of the independent, dignity and the effectiveness of the Ombudsman. I am not going to read all of them, I am going to submit it unto you.

Thank you, we will definitely read every word of the memorandum. the good thing about the writing is that, it is definitely going to be taken care of. Thank you very much Jonathan. Now, Rebecca Kiptoo.

**Rebecca Kiptoo:** Asante sana commissioners. I am here to present women farmers and business women.

The first thing is; ownership of the title deed and property be registered in the names of those spouses. My names are Rebecca Kiptoo.

Compensation be at commercial rate, incase stockmen acquires individual or communal land.

Local authority should be given powers, to supervise trust land, in case of any disputes.

The transfer of land, should be agreed between the owner and the buyer.

The land should be inherited, should be in the names of the wife and the husband. And if the two are not alive, all children should inherit in equal proportion, regardless of their gender.

If the children are not alive, the next of kin, should inherit the property or land.

The government should assist the farmers in marketing their produce and subsidizing the inputs.

The government must take action, in repairing roads and other infrastructure.

Cabinet should especially provide safe drinking water in arid and semi arid area, e.g. by drilling bore holes.

Rural electrification be intensified in rural areas.

The government must buy and market local products, before importing from outside.



Survey fees should be minimized and process of acquiring title deeds be simplified.

Farmers, co-operative and associations, should be revived, e.g. K.C.C, K.F.A, K.U.F.U, and et cetera, with their assets in place.

Land set aside for public utilities, and has been allocated to private developers, and other purposes, be reclaimed by the government of local authorities.

Packing groups and (Inaudible) should have smaller packages e.g. can bag of 30 kilos and 40, so that women can be employed in loading and off loading of the same.

No liberalization of market, especially agricultural products.

Interest rates on loans given to farmers, be reduced and time for payment be prolonged.

There should be an (Inaudible) security to loan, other than title deeds, because women do not own title deeds currently except for few.

Women farmers should be accessible to Information Technology, from referred through extensions.

Services; because women are food producers and food security agents in the society. Therefore, for maximum production and utilization, agricultural divided (Inaudible) extension agents and policy makers to level the agriculture plain field.

Women farmers should have a place to fund into e.g improved seeds, fertilizers and credit.

The title of consumer, producer and managing co-oprates, be (Inaudible,) which will assist women farmers.

Create (Inaudible)security. Establishment of capacity building institution, to empower grassroots women farmers. E.g vegetation for grassroot, women to acquire skills and know how in various things.

Women farmers in grassroot level, be accessed to information technology. This will help them access information on Marketing, research information from outside world, export, import commodities, value added tax, computer science and et cetera.

Women should be given 30% management of natural resource and anything appearing from them.

Businesswomen to be accessible to credit skills without many pre condition, to put their business. E.g. loans from government local authority.

Lastly, women especially rural women be given 30% participation in board decision making and policy making at all level. Thank you.

**Com. Baraza:** Okay thank you. So, you are saying women in the rural area, to be given 30 what? Decision-making? I just want again you tell us, what did you say about inheritance of the property by boys and girls? It was at the beginning. You talked about land and property, equal share by boys and girls, and I wanted to know whether, you are talking about, inheriting that property, when the parents are not there, or what you were saying.

**Rebecca Kiptoo:** Inheriting the property. Nitaiongea kwa kiswahili. Kwa sababu tukiona siku hizi, kama mama na baba hawako, tuseme wamekufa, na wako na mali, tunaona hawa watu wakikufa, mali yao inachukuliwa na watu wengine. Sasa tunaona ya kwamba, commissioner, hebu mtuangelilie kwa sababu, hii mali yao ikichukuliwa, hawa watoto watakuwa na taabu sana. kwa sababu hawatafika mbele huko, yaani they don't have, hawana nguvu ya kuenda mpaka huko mbele, to claim that property or land.

**Com. Baraza:** Thank you very much, Rono, Linet Rono, followed by Pastor Paul Cherop.

**Linet Rono:** Thank you very much commissioners, ladies and gentlemen. I am here to present Maendeleo ya Wanawake Organisation, Keiyo North. Since most of the things have been covered by others, I am not going to repeat, but I am going to go, very very fast, to touch on some issues.

Now, I will begin with the structures and the system of government. We should retain the presidential type of government and devolution of powers or of now powers to local government.

Local government; people should elect, the mayor and the chairperson, and the councilors.

And chiefs to be elected by wananchi.

They should operate independently, not under the central government.

And, people to these seats, should have a minimum qualification of not below O'level, and should be also morally upright and capable to man a ward.

Electoral system; we encourage the use of secret ballot, and this should be designed in such a way, as the increase to participatory of women in parliament. That is when it went through affirmative action, ensuring 30% parliamentary seats, reserved for women.

Now, basic rights; constitution should guarantee basic education, from primary or in primary to all children. So, this one should actually be compulsory.

Full security especially for people, in pastoralist communities.

The constitution should also look at shelter and education.

And, the constitution should set measure, aimed at eradication of poverty, especially with persons with disabilities. Attention, especially in all levels.

Economy; properties should be divided equally, regardless of sex.

Cultural rights; old people should not be allowed to marry small children.

Now, children need protection, especially parental care, health and education. so, the constitution should outlaw, cultural and religious practices, which directly or indirectly discriminate against women.

The constitutions also, see to it that, Female Genital Mutilation is consent and forgone completely.

The constitution should cater for security, health, shelter and water. especially for the people living in arid area.

We need piped water, so they should look into this.

Now, free education I have talked about that.

We need shelter, shelter to be provided, especially to the orphans and the aged.

After retirement, employment should be based on one link. After retirement, people should not recalled again back to work. But should retire and go completely of retirement. I think that is all I can explain up to now.

**Com. Baraza:** Thank you very much, by the way, are old men allowed to marry big children or small children.

**Linet Rono:** I meant the young ones, you see a grandfather and a very young girl, maybe a great grandchild.

**Com. Baraza:** Use the microphone please for the recording.

**Linet Rono:** Sometimes, you find very old men, are marrying small children and in most cases, this small girls are refused education and forced to marry those old men, maybe because they have property and what have you. That is what I wanted to say.

**Com. Baraza:** How old do you think they should be before they get married, even the young men.

**Linet Rono:** Even the young men? After education, at least 25 to 26 years old, when they are able.

**Com. Baraza:** I mean the girls, I am talking about the girls in this case, because sometimes they are regarded as weaker sex, and forced to circumstances.

**Com. Abdirizak:** You also mentioned something on food security, you wanted the constitution to guarantee full security. Am I right?

**Linet Rono:** I wanted food supply, for the people in arid or semi arid area, where it is very dry. Sometimes (Interjection)

**Com. Baraza:** Food supply, not food security?

**Linet Rono:** Not that, just supply.

**Com. Baraza:** Thank you very much Mrs. Rono, I want to say that, as we are trying as much as possible to follow the order in which you came, and I think so far, anyone who came before twelve, has been given a chance to speak. Because we are now in number eight, eight something. So, unless of course you have put your name as an observer. So, I think we are trying to follow this as much as possible. Except like now, I have not been given the name of an old person, so we give them preference, if a person with disability comes in we give them preference. And if we have about six or seven men following each other, we jump and get the next woman, and bring them forward. So, that is how we are trying to manage. But we are trying to follow the list as much as possible and we believe you will all be heard, within good time.

But, incase somebody really feels that they cannot wait, but they have a fully written memorandum, then they can submit it to the secretariats. We encourage of course if you can write and present because, because when you are presenting you will also

have other things and you give examples, and you clarify some issues. But if you are in a hurry, I think we can ask you to present it.

Thank you very much, you know having said, I am asking an old man to come. Samuel Kadei, is he there?

**Samuel Kadei:** Bororioni matinye che chang kolen kityo akatak.

**Translator:** Amesema, nchi jumuhia, habari zenu wote.

**Samuel Kadei:** Ngalek che amache amwa ko chebo mbarenik.

**Translator:** Amesema angependa kuongea juu ya mashamba

**Samuel Kadei:** komoche amwowok alenchok kikitinye achek mbarenikchok che kimi olimbo keiyo chebo koib rotyo.

**Translator:** Amesema, walikuwa na mashamba yao katika pale reserve, Kerio Valley.

**Samuel Kadei:** komwoiwok ale mbarenichuto komami chi ne ibei mbar ne bo chi.

**Translator:** Anasema, katika hiyo mashamba, kusikuweco na mtu mwenye anachukua shamba la mwingine.

**Samuel Kadei:** koni kamwowok ale kokose chito kolen....melen ayae ane kiy. Amache ketebe mbareng'ung tuwai.

**Translator:** Na amesema, kama hana la kufanya, amesikia mtu akisema, watu waishi na yeye kwa hiyo shamba.

**Samuel Kadei:** Ko ngakararan ane anae nee lagok che k isichei ngo chamtos?

**Translator:** Na kama yeye ni mzuri, atajuaje watoto wenye wamezaa pamoja, wataishi kwa umoja.

**Samuel Kadei:** Kolen ane ngo mi chi yu nebu Tugen ko tebi kou chi nebo keiyo

**Translator:** Amesema, kama kuna mtu mwingine wa kabila ingine kama vile Turken, pale akuje huku, akifika huku afuate mila za huku.

**Samuel Kadei:** Ngait ane Masai ketebi ak lagokchuk atebie ai Masain.

**Translator:** Ninakaa hapa, nikienda huko Masaaini, na niishi na hao, pia nifuate sheria za huku.

**Samuel Kadei:** omwowoe amu ngap anendet ko nguno ngeeketu kou anendet ketinye tibik ak ng'etik ko nguno amaqche kotebi choto tubchin eng mbaret agenge.

**Translator:** Wanasema, watoto wake kwa ume, wakae kwa shamba moja.

**Samuel Kadei:** Akot betusiechu komi tibik che mi gaa ako tindoi lagok.

**Translator:** Na anasema, hata siku hizi, kuna watoto wasichana wako nyumbani, na ajaolewa na ako na watoto.

**Samuel Kadei:** komamuchi ane anai chi nekakoet neu ane ale ngawe safari ne makimwachini bakule kele ngebe ko manget kienyokoribtoi chito ake ne mi katikatit ab bichuto.

**Translator:** Na anasema, ajui vile, mwenye ataingia katikati yake, saa zile yeye mwenyewe kama ni mzee, ameaga dunia, yeye ndio atakuja kuendesha hiyo familia, ama kulinda hao watoto wake.

**Samuel Kadei:** Amwachini boisiek chebo sawe anan boisiek che uu annendet ale kitinye mbaret neo kobone lagok che tee tibtem anan ko sitini che tebye buch ma mbaret kamwochini ale otilchi lagok mbarenik igeer atebwokik.

**Translator:** Amesema, wale wazee size yake ama rika yake, wenye wako na watoto wengi, wagawiwe shamba, na walindwe.

**Samuel Kadei:** Ko mamache yewe safari kobwa biik alak koim lagok ak kole kimache kebchei mbaret.

**Translator:** Amesema, yeye akiaga dunia kama mzee, kusikiwe na mtu mwingine mwenye anatoka nje, kuja kuwasumbua watoto ati wagawe shamba pamoja.

**Samuel Kadei:** Kokomwoe amu chepyosok akichek koloktoi mbarenik kolokchin biik alak chebosang ako rugutos lagok.

**Translator:** Amesema, hasa kwa akina mama, wasipeane mashamba kwa watu wengine wa nje, na watoto nyumbani hawana cha kukula.

**Samuel Kadei:** Amamache ngwo boiyot ab kaa anan chepyoset amu mami chi ne ingen tarikisiek ko ngondo chepyoset komie koribotin lagok .

**Translator:** Amesema, hakuna mwenye anajua baadaye, ama siku yenye mtu atakufa, na kwa hivyo, kusikuwe na mtu mwenye anapangilia mtu, vile ataishi.

**Samuel Kadei:** Omwachini lagok che tibik cho mi gaa ale ameyumu biik che mi sang.

**Translator:** Ningependa kuwaambia wale wasichana wenye wako nyumbani, wasilete watu kutoka nje.

**Samuel Kadei:** Omwochini kongoi ale akot ng'atutik che bo keny ko kitindoi boisiek.

**Translator:** Na anasema, hata sheria za zamani, wazee walikuwa nazo.

**Samuel Kadei:** Omwowok ale koiwek chu kikirarei ko si matun emo kopchi ma.

**Translator:** Na amesema, wale, ile marriages, yenye walikuwa wanafanya kitambo, walikuwa wanabariki kwamba wawe na watoto ama wawe na familia, hiyo iendelee.

**Samuel Kadei:** Matinye che chang alen amwachini Mungu kongoi, ale ngochoptugul.

**Translator:** Amesema hana mengi, na angependa Mungu atengeneze yote.

**Com. Baraza:** Thank you, mwambie asimame kidogo, tumuulize.

**Translator:**Teel kidogo. **Kalenjin Language**

**Com. Baraza:** Ningetaka kuuliza kama, whether he is saying the girls should inherit the father's land.

**Translator:** katebe kole tos imache kikochi tibik imbarenik eng gaa. Kalenjin Language

**Samuel Kadei:** Ingen gaindak mbarenik kwai.

**Translator:** Amesema familia ya nyumbani, wanajua mashamba yao.

**Samuel Kadei:** Ko ngomoche koteeb kot mami chi ne ketebe eng sang.

**Translator:** Na kwa hivyo hakuna mtu mwingine mwenye anatoka nje.

**Com. Baraza:** Did you ask him the right question.

**Translator:** Yes.

**Com. Baraza:** Whether the girl should inherit land.

**Translator;** Kale ii tibik imoche kondi mbarenik? ( Kalenjin.)

**Samuel Kadei:** Mokitinye kondi kimoche kityo ne kakikoch.

**Translator:** Amesema, ule mwenye amebaki nyumbani hajaolewa, basi apewe.

**Com. Baraza:** Asante sana.

**Speaker:** Commissioners, according to the mzee, the question you asked was, can girls or women, children, unmarried or whatever, or even their daughters inherit the land. And he was saying, where he translated to mean family, he said. It is within the family, if that family had decided that, that female child should inherit, it is yes. But if I have given my permission to my daughter to inherit, then it should be left as a family issue and it should not be an issue of other people. I think that is what the mzee meant, he said, it is the family. Once the family has decided their daughter should inherit, then it is that.

**Com. Baraza:** Thank you very much for the translation, thank you. Now, we had Pastor Paul Cherop, hayuko? Okay, and then we had, Caroline Chemursat.

**Caroline Chemursat:** Thank you very much commissioner, much has been said. I am here to talk on behalf of Kenya Women's Political Caucus, Keiyo North, but I will just highlight a few things.

On the preamble; it should acknowledge the contribution of both women and men in the fight for independence.

They should also highlight marginalisation of vulnerable groups, such as children, persons with disabilities, women and minorities.

On the directive principle of state policy; people should express their will, through regular, free and fair elections of leaders, at the local and national level.

There should be also respect for the rule of law.

On the citizenship, section 89 – 92 should be amended, because it has discriminated against women.



And on the structure and systems of government; we need a system that ensures, equitable distribution of resources.

Ensures, participation by marginal groups.

Ensures accessibility and accountability of public authorities.

Promote unity and diversity.

Nourishing diversity, ethnic, gender, regional and et cetera.

On the issue of the legislature; 35% of seats should be reserved for women in parliament.

On the local government; all councilors and mayors should have a minimum of O'level.

And the land and property; women should also have the right to inherit family land and property in equal proportions. Because, men and women live on land, women don't live under the seas, nor in the skies. So, since God made land, then we should all share that, thank you.

**Com. Baraza:** Thank you very much for your views Caroline, asante sana. Lorna Chemutai?

Lorna Chemutai: My names are Lorna Chemutai, I am going to present some few issues here.

And one is; free and democratic system of government, that is the presidential type of government.

Recognizing and demarcating divisions of responsibilities, among the state or country. This include the executive, legislature, judiciary. So that, it will create chance and balance between them.

The government should guarantee peace, so that to safeguard the well being of all Kenyans.

There should be accountability of the government, and its services to their people.

Outside there, should be a free and fair election. So that to promote the participation of people in the country.

They should respect ethnic and regional diversity, and communal rights, including the right of the community. So that they may be able to organize and participate fully in cultural activities and expressions of their identities.

Also, there should be basic need for all Kenyans, by establishing an equitable framework. For economy growth and access to national resource.

There should be regional and International Corporation, promotion or rather facilitation to ensure economic development and peace stability.

Also, there should be creation, condition conducive to a free exchange of ideas.

Finally, reduction or (Inaudible). Of which it is the big or wild monster affecting the country, as well as making our fellow Kenyans become poor.

Finally, to thank the commissioners, because, as you are making or rather setting this constitution, I can see already, we have now gender balance. And it is in fact a good example because, I can see our rise even before the law is amended. There is the gender, and there is gender out there. Actually gender is, my dear gentlemen, as they have been opposing, does not mean that now, men to go back to the kitchen, while women are just relaxing and watching TV, no. It is a fact of shared responsibilities and activities. Thank you.

**Com. Baraza:** Thank you very much Lorna. Now, Philip Chesire, hayuko, Philip Kintai, Councillor, Kipserem Limo, F. K. Rono, Michael Chesire, James Morogo, Shitake P. M, John Kiplangat, Gabriel Chebasa?

**Gabriel Chebasa:** Asante Commissioners, jina langu naitwa Gabriel Toroitich Chebasa.

Langu ningependa kuingia ndani, ni land issue, na nitazungumza kwa Kiswahili.

Commissioners, sisi, mimi ni Muelgeyo, nikiwa mwanaume zamani, mimi nakuwanga, kuwa mwanaume lazima uwe na vitu ambayo inaonyesha wewe ni mwanaume upande wa Keiyo. Traditionally, tulikuwa na Pindo, tunakuwa na mishale yetu ndani ya nyumba, tunakuwa na mkuki wetu ndani ya nyumba, na sisi hapana violent. Tunataka sheria ichunge hiyo tradition. Ukiwa Keiyo, wewe uko na silaha yake ambayo inakuchunga ukitembea hata kwa barabara ukiwa na rungu, wewe hapana violent, wewe uko na rungu yako unatembea. Kitu yoyote ikitokea, wewe ni mwanaume.

Sasa, kwa hii constitution tunataka kuingiza kusema, traditionally, sisi tunakaa kama vile tulikuwa tunakaa zamani.

Ya pili; mambo ya Wakoloni, wakati walipoingia nchi hii, tulikuwa tunaishi sehemu hiyo inaitwa white islands, ilikuwa inaitwa Wasingishu, lakini ilikuwa inaitwa Waren zamani. Tulikaa kwa hiyo century, mpaka ikawa handing over, na taking over. Wazungu walipoondoka, wale sisi tulikuwa tunaishi ndani ya mashamba hizo, tulirudi reserve, tunakaa reserve huko kwa mawe.

Na wakati wa changes ya serikali ya mbele, hawakufuata haki, kwa sababu wale walikuwa wanafukuzwa kwa mashamba, hawakupewa hizo mashamba. Lakini, waliendelea kukaa pao, na wengine walipewa hizo mashamba watu wengine, na hawa hawakupewa hiyo shamba na ilikuwa shamba yao zamani. Isipokuwa walinyanganywa na wazungu. Sasa ningependa, watu kama hao, kwa sababu tulikuwa tunaishi mahali fulani, ukisikia historia, tulikuwa tunaishi sehemu fulani, sehemu fulani. wakati wazungu walipoingia, sisi na viepa tunapelekwa kwa mawe. Na wakati Wazungu walipoondoka, wale wenye ku consider, hawaku consider kurudisha wale walikukuwa, kwa sehemu mahali walifukuzwa zamani. Kwa hivyo, kama kutakuwa na kitu ingine baadaye, iwe tuangaliwe, tuangaliwe.

Na mambo ya forest, bwana commissioner; ningependa, mipango ya technology iwe, kila mtu a-create forest, a-create forest. Training fulani, iwe, ifundishe raia, ya kujua umuhimu wa ku preserve forest wenyewe. Nikiwa na shamba yangu, ile training ikisha ingia roho yangu, nitapanda miti ambayo inatakikana, na nitauza zile miti. Na, ile forest inabaki, ningependa iwe, yenye kuwa responsible ni local council. Local council wachunge, na raia ya sehemu ya forest hiyo, wawe vile vile involved. Wawe na kamati ambayo wanakuwa wakiangalia hiyo maneno ya forest.

Ownership, land ownership commissioner; mimi naona hata sisi Wakenya, hakuna mtu ako na shamba katika Wingereza, isipokuwa kama kuna mtu ambaye anajua, kuna Maelgeyo mmoja ako na shamba katika Wingereza. Iko kweli wananchi, iko shamba? Kwa hivyo ningependa wageni ambao wanakuja nchi hii, wasiwe wakiwa na shamba kubwa, na mimi nilipigania uhuru sina hata shamba kidogo. Na hiyo kashamba inabaki pale, isiwe ichukuliwe na mtu mwingine, lakini wenye hapa, wawe kwanza involve, kabla kupeana hiyo shamba.

Mimi nasikia kengele inalia, sijui kama unalia kwa sababu mimi sijui nimesema nini. Bw. Commissioner, kuna, ukienda upande wa Jeshi, Army, tunakuwa tukilisha hawa watu kwa resource yetu na wako na uwezo ya kuweza kujipatia. Ningependa kuomba constitution, tuweke, wajaribu ku-establish chakula yao wenyewe kwa shamba yao, kuwa agricultural battalion, ya kuweza kulisha hawa, hili uchumi wetu isaidike.

Ya karibu mwisho bwana commissioner; Hii maji ambayo tunapata, inaenda bila civil Nile, tunataka meter, iwekwe meter, halafu sisi tunapata. Kwa sababu tunachukuwa, tukinunua mafuta kutoka kwao, wenye kuhusika na mafuta, na wanachukuwa maji yetu wanafanya irrigation. Technologu ifanywe, halafu maji ikishaenda nchi zingine, tutakuwa wananchi tunabaki na kitu ambayo inasaidia sisi. Research ifanywe, halafu maji hii ibadilishwe, iwe ya kusaidia wenye maji hiyo inatoka.

Judiciary; nikisema upande wa judiciary, mimi nilikuwa police officer mwaka wa sitini, na nilikuwa nachunga sheria Mrs. Commissioner. Ukishika criminals, mimi nasema capital offences. Capital offenses, mtu anashikwa na capital offence, rape, nini, muder cases, kuwaachilia na bond, inatumiza sana roho. Kwa sababu mtu amefanya kitu kubwa, na saa nane atakuwa nyumbani, anakwambia wewe, wewe ulinifanyia nini, na huku amefanya maneno mazito. Kwa hivyo capital offence, isiwe mtu wa kuachiliwa mbio mbio. Na huyu mtu akisha fungwa, mimi nikitembea kwa street, mimi ningependa huyu mtu apigwe muhuri.

Kama ulifanya rape, inaandikwa rape, stamp inapigwa masikio yake. Kama ni mtu ambaye anakuwa na corruption, anawekwa alama huyu mtu ni hatari. Kwa sababu ukitembea pale, unajua nini, hata tukiwa sasa ndani na wananchi hawa, huyu mtu awe identified. Ukitembea unajua huyu mtu ni hatari. Kwa hivyo Kenya, sis Kenya, kwa constitution, tuweke hiyo sheria, tuone kama tumeweka alama hiyo. Tuweke huyu mtu alama, na asiwe akiwachiliwa tena.

Na mambo ya succession, ningependa iwe traditional. Iwe customary law, kama mtoto wangu sasa bado kuolewa, kama vile mzee mmoja amesema, tufuate hivyo, kama huyo mzee amesema. Kwa constitution, wacha iwe traditional, halafu huyu mtoto anachunga, kwa sababu hakuna mtu atakuwabali mtoto wake awachwe. Lakini ukiwa mzee, usijaribu kugawanya shamba yote, bakisha sehemu moja, 'no man land', ya kuchunga hiyo familia yako.

Ya mwisho mummy, military hii, ningependa military hii, wawe wakisaidia raia, mambo ya kutengeneza madaraja na nini na nini.

Na training; Mimi ningependa training tu iwe established kila mahali.

Na, type of government. Ningependa president awe na power, power kamili ya kuweza kuchunga security ya nchi.

Na tunaenda kwa federal government; mimi naunga hiyo mkono.

Lakini president, ili awe na uwezo wa kusimamisha tribal clashes, awe na power above the law. Thank you very much Madam.

**Com. Baraza:** Thank you very much, and I don't think I have a question, you were very clear, asante sana. So, that was Gabriel, thank you very much, Now, so we have Susan Koech? She is not there. Do we have Benjamin Kimaiyo or David Kiptoo, David Kiptoo is not there, Michael Chebii, Mathew Kurui, Mathew Chengwon. Oh you are there, okay.

**Mathew Chengwon:** Asante sana Miss. Commissioner, wananchi wote kwa jumla hamjamboni. Basi, yangu sitakuwa ni mengi, niko na maneno mawili tu.

Ya kwanza, ni kuhusu maneno ya forest. Kwa sababu.. mimi naitwa Mathee Chengwon, kutoka Katimuto location, na kutoka North Irome. So, ningeomba kuhusu maneno ya forest, kwa sababu mimi nilikuwa mfanyi kazi kutoka 1963, na tangu wakati huo, forest ilikuwa inachungika, lakini chuzi chuzi tu, mambo ikabadilika. So, ningeomba, kupitia kwa commission hii, sehemu hii, kila sub location mpaka location, wawe wakichunga ardhi yao, kupitia kwa County Council. Kwa sababu, kuhusu mambo ya misitu, watu wengine huwa wanakata misitu, serikali hawataki pesa. (Interjection)

**Com. Baraza:** Tumia microphone tafadhali.

**Mathew Chengwon:** Wenye wanachunga kule, hawafaidiki. Unakuta mtu anatoka nje, anakuja kukata, na wakati wa hatari

ya moto, wakaaji wa pale, ndio wenye wanaweza kuzima huo moto. Lakini wakija kuambiwa, wakitaka wakate miti, unaona wanakuja kukamatwa. Sasa, hii inaonyesha nini. So, kwa hivyo ile kitu kilioko ni heri hiyo misitu, kama ikuwa ni Kaptomito location, wachague kamati yao, kupitia kwa County Coucil, pamoja na kutoka kwa office ya D.C, wachaguwe kamati ambayo watakuwa waki...ikiwa kama ni kupeana, watajuwa tu kuchuna, kama kuna miti ambayo imekoma, hata yale ambayo imetosha, wawe wakipewa. Kama fee ndogo ndogo hivi.

Alafu, mambo ya upandaji wa miti, kama ni kulima shamba, hao wenyewe kamati wanajua. Hiyo ndio kitu mimi naona, halafu ni misitu ichungike. Kuliko, mtu anatoka mbali, anakuja kukata, wanapata pesa, na wanawacha hiyo misitu ikae bure. So, hiyo ndio kitu mimi naomba.

Halafu jambo lingine, neno la pili, ni kuhusu mambo ya mashamba, yaani land cases. Kuna ma kesi ambayo imelala katika ndani ya koti, kutoka mwaka 1976 mpaka saa hii, na mtu mmoja tu anatatisha, wakaaji wa area moja. Mtu anaenda kunyakuwa shamba, na ilikuwa ni mali ya wananchi. Yeye mwenyewe anaenda kujiandikisha huko, sasa kesi inafanywe kwa kotini huko, kuenda huko anaambiwa kuja kesho. Tunakamata ma wakili, wakili anakuwa na pesa, tunazoroteka, watu wanazoteka na nani? Mwenye anazoteshwa ni yule masikini. Na akienda anaambiwa ati, hiyo maneno iko kwa kotini, kotini. Na ukienda kotini, haifanyiki. Ma lawyers tunakamata, nakata hii ingine, kesho tunasikia, haifanyi hiyo kesi. So, ile kitu kilikuwa mzuri, kwa sababu tangu zamani, mambo ya mashamba, kuna wazee walikuwa wanajua kukata kesi. Kama sio yangu, iondolewe, lakini kwenda kuchukua shamba ya watu kutoka, mtu anaenda kujitolea, tunatoka huko juu, sijui juu ni wapi, sijui ni binguni, sijui ni wapi. Lakini, kama ingelikuwa mambo ya kesi, land cases ya mashamba, ianzie kutoka grassroot, kwa sababu iko wazee ambao wanajua kweli, hii shamba ni yangu au na yule mtu fulani, kuliko kuteseka.

So, ningeomba hiyo, mambo ya land cases ipitie wazee wa nyumbani. Halafu ikuje mpaka kwa D.C, hiyo ndio itakuwa mzuri, kuliko, na maneno ya kotini ifutiliwe mbali kabisa, iondolewe kabisa. Watu wameumia, masikini wanaumia. Basi, kwa haya machache mimi nasema Mungu asaidie nyinyi, asante.

**Com. Baraza:** Thank you very much Mr. Chengwon, asante sana. Mbina cheboi, hayuko? Philomena Kipsat, hayuko? Teresia Koech, hata Teresia hayuko, Josephin Kibii, hayuko? Saida Kipsat, hawa wote walikuwa wamejiandikisha watazungumza, sijui kama wameena, hao? Wameenda, okay. Caroline Kipsat, hayuko? Mercy Chelagat? Hayuko? Rose Maina, okay karibu Rose.

Rose Maina: Asante, yangu ni kuweka tu nyongeso kwa yale ambayo yamesemwa tayari. Vile tumeongea juu ya wale ambao wamepewa nafasi, ni Village elders. Ile ambao ningeongezea tu, ni kwamba, walipwe baada ya kufanya kazi ya village, na wawe na kamati ya kuthibitisha ya kwamba, wamefanya kazi, ndipo walipwe.

Ya pili ni kwamba; kati yetu sisi wengi, hatujui civic education, kwa hivyo serikali ikafanye juhudi ya kuwaelemisha watu wake.

Halafu ya tatu, ningelisema ya kwamba, kila aliye toa tax yaani tax payers, baada ya kuretire walipwe marufurufu. Kwa sababu, wengi baada ya kustaafu, hawana chochote katika maisha yao ya kujitegemea.

Alafu ya nne ni kwamba, ile nyongeza ambayo ningelisema ni kwamba, watoto wanao nafasi katika sheria, lakini ndani ya ile sheria, nayo wale wazee wakisha kuwa wazee, nao wapate nafasi ya kupata protection in life. Yaani wachungwe kama hawana mtu wa kuwachunga, nayo serikali iwachunge kwa sababu ni tax payers. Asante.

**Com. Baraza:** Thank you very much Mrs Maina. Now, Hellen Chebis, hayuko? Beatrice Mungwaria, Beatrice kuja tu uzungumze, ninasoma ninaona umeandika observer.

**Beatrice Mungwaria:** Asante saba Bi. Commissioner, kwa majina ni Beatrice Mungwaria. I am talking on behalf of the women professionals.

Haya, kitu ya kwanza, ningependa kuongea juu ya akina mama wakienda leave. Ningepena kutoa maoni ya kwamba, mama akienda maternity leave, apewe miezi miwili, kabla hajajifungua na baadaye, apewe 8 months after delivery, so that, I am going to fafania on that. Because, you find that nowadays, the problem of husband is becoming so rampant. So, you have to take care of that baby until, he is old enough to be left with somebody.

Citizenship; in the case of citizenship (**Interjection**)

**Com. Baraza:** Sorry by the way, on full pay? Miezi nane on full pay?

**Beatrice Mungwaria:** Yes. Also I forgot something, the husband should also be given some leave, so that he can assist his wife, while on maternity leave. (**Interjection**)

**Com. Baraza:** How much do you want to give the husband?

**Beatrice Mungwaria:** At least three months.

Okay, citizenship; Any child who is born of a Kenyan citizen, be it a man or a woman, should have the mandate of being given Kenyans citizenship, whether he is born within the country or outside the county, he has that mandate to be a Kenyan citizen.

Defence and security; All disciplined forces, should be established by the constitution. Court marshal should be established in all departments of the disciplined forces.

The president to be retained as the Commander in Chief of the Armed Forces, the executive in constitution, with parliamentary security, committee be given the power to declare war, when Kenya is under external threat. And declar emergency in situation such as, national disasters, resurrection and public disorders.

Political parties; Political parties should be given opportunity to participate in national development and implementaion of their policies as stipulated in the manifestos.

The formation and conduct of political party be eculated by the constitution.

The constitution should restrict the number of political parties, to five, that is to promote national unity.

I am going to say something small on that. That is, we want to form a national unity, if we go for as many political parties as possible, that means that, the country will become weaker and weaker, because the power is split.

Political parties to finance themselves.

Political parties should act as cheques and balances to the ruling party. That is to act as a watchdog for the wananchi.

Structures and systems of government; We say that we adapt the high bridge system, upon which the executive authority is shared between the president and the prime minister.

The state powers or obligation be under the president, and the government business be under the president, and the government business be under the prime minister.

Legislature; All appointed constitutional people, be vetted by parliament. Make it a law that, parliamentary activities be a full time occupation.

The M.P should be recalled if proved to have committed an offence or negligence to the needs of his constituent.

A referendum commission should be put in place to carry out such duties.

M.Ps should consult the electorate before participating in parliamentary motion, touching on the constitution.

And before I leave, I also want to touch on the land issue; we are all human beings, and when a mother goes to the maternity, she doesn't know whether she is going to give birth to a boy or a girl. That person, is nameless before he is born, and he has the

right of owning the property of either of his parents, be the mother or the father. So, the land issue is to be this way; whether you are a girl or a boy, you should have a share of your father's or your mother's land equally.

And then, on the question of employment; employment is a basic need. All Kenyans, or may I put it this way, that everybody that goes to school, is aiming for something. Now, suppose you go to school and you qualify well, afterwards you do not get employed. Is it not a discouragement for others who are still schooling? I am putting it across this way; that, employment be a basic need, and it should be practiced fairly.

Children from poor families should be considered when providing free education. those people who can finance their children, to do it, and those who cannot finance, because we know that, there are bright children who come from poor families. This children, because they lack assistance, end up nowhere. And for that much, thank you.

**Com. Baraza:** Thank you, ngojea kidogo.

**Com. Nunow:** Beatrice, I would like to ask you something on the maternity leaves and the paternity leaves. You said ten months for the mother, two before and eight after, and three for the father, for the father of the child. Then, do you want to regulate the rate of pregnancy for instance, how many times a woman should get children, otherwise it is going to be the whole year, and if she decides to get a baby every year, she will never work.

**Beatrice Mungwaria:** Okay thank you. Now, I want to put it this way, it should be conditional that, maybe for the first three children, because we find that, the population in our country is rising at a very dangerous rate. So, it should be regulated that, for the first three children, the maternity leave be that way, and for the others, you will have to compensate.

**Com. Baraza:** Okay thank you very much Beatrice, do we have Eunice Cheboi? Okay. Florence Gumba?

**Florence Gumba:** Thank you so much the commissioners, ladies and gentlemen. I am representing the Kenya Union of Teachers. **(Interjection)**

**Com. Baraza:** Please say your name Florence?

**Florence Gumba:** Florence Chepkemboi Gumba.

I am representing the Kenya National Union of Teachers, Kalarin division, and I think I will leave some few points, which others have said.



One; We talked on executive authority. That is, qualification presidential candidate. He should be;

- A citizen of Kenya
- Above 40 years and below 70 years.
- A registered voter, not necessarily from his own constituency. that is to say, he will serve the Kenyans better.
- University graduate of its equivalent.

And then two; Presidential tenure should be fixed. It should be two terms of five years each.

The functions of the president should be defined.

- Head of state.
- Perform ceremonial duties, e.g. in public holidays.
- Sign the Bills before becoming law.
- Commander in Chief of the Armed Forces.
- Chancellor of the state universities.
- Appointment of ambassadors, but should be approved by the parliament.
- Prolong and dissolve parliament.
- And then the last one, appoint the Chief Justice, and should be approved by the parliament.

Four, the constitution should sort limits on presidential powers, and powers to be taken are;

- Appointment of Cabinet Ministers.
- Public service, e.g. Permanent Secretaries.

- Judges.
- Heads of parastatals.

Then number five; the constitution should provide for the removal of the president, in this circumstances.

- When he is insane.
- Incapacitated due to illness.
- A vote of no confidence by the parliament.
- Criminal offence like murder.
- Impeachment, like immorality or assindicate.

And then that one is saying that he should not be above the law.

Then number six; relationship between the president and the parliament.

- One, he should be signing the bill.
- Resolving parliament or opening of parliament sessions.

And then another one; president should not be an M.P.

And then number eight; we need the provincial administration, that is from rank above the District Officer, and their appointment should be strictly done by the public service commission.

And then, for Assistant Chiefs and Chiefs; should be interviewed, then out of three names, to be sorted by the concerned group.

And then; village elders should be elected by the people and then to be included in the public service commission payroll.

And qualifications for all of these, Assistant Chiefs, Chiefs and Village Elders. Minimum, O'level, minimum age, above 40 years, and then they should be married to be able to settle marriage problems.

And then we also looked at the judiciary, the structures and the powers. The present structure of the judiciary is not adequate, it should include a constitutional court, and we also need a supreme court.

Appointment of judicial officers, should be done by parliament.

Chief Justice and others, to be appointed by the Judicial Service Commission.

The tenure of judicial officers, should remain as it was.

Judges and other officers, to be disciplined by Judicial Service Commission.

And then, the local government, the mayors and the council chairmen, to be elected by people directly. And they should go for a term of five years.

Qualification, should be O'levels minimum. They should have an ability to communicate, and they should be morally upright.

The people have a right to recall their Councillor. The procedure is that, a half of the registered voters of the ward write their names, their I.D number, electors vote number and sign.

The budgetary system of local government should determine the nomination of the Councillors.

And then, nominated Councillors should be retained and they should come from vulnerable groups.

The Councillor should render their services to all the people, regardless of their parties.

Then I have the last one, the electoral system. (**Interjection**)

**Com. Baraza:** Quickly go through it and give us your important points under the electoral system.

**Florence Gumba:** Okay. The election system is representative electoral system.

And then we should retain the single majority rule, as the basis of winning an election.

Women should compete with other candidates, during a new election.

And candidates, who fail to seek nomination in one party, should be allowed to seek nomination from another party.

In case of defections from parties, one should seek fresh mandate from the electorate.

In parties, crossing the floor, one should join a new party, without dissolving his or her own party.

Seats should be preserved for vulnerable groups.

We should retain the current geographical constituency system.

And the demarcation of constituencies and wards, should be visited by the electoral commission for review.

Presidential election should be conducted directly.

The electoral process for the year, 2002 elections, is that votes should be counted immediately at the polling station.

The electoral commissioners should be a university degree holder's in law.

They should be nominated by parliament, and should serve for two terms, for five years each.

**Com. Baraza:** Thank you very much, for those views Florence, now Rosa Kibor, Woman leader, is she there. Rosa Kibor, she is not there. Okay, Betrice Kiplangat, she is not there. Monica Kiboi, Monica? She is not there, Susan Cheruiyot, okay Margaret Chemuoline, oh sorry before Margaret, we have Florence Mugo.

**Florence Mugo:** Commissioners and fellow Keiyo, I do not think I have a lot because most of the things have been said, and I probably will be just qualifying a few things that pertain to being a Keiyo or whatever.

So, I have some suggestions, especially on mode of government, I have land use and inheritance, and gender. And then I have then children's bill. I will be very brief, because I will just be qualifying some points, that I think were said, but were not explained as to the way I feel it should be.

On mode of government for example; I would like devolution of powers. That means, power to come to the people, so that, we who are in the Provincial level, or district level or whatever you call it, in whichever mode it should be, but the power should belong to the people, that the people themselves determine what are their priorities. We cannot lumber ourselves together with people in Mombasa, we are in different areas, and would like therefore, the government to vest a lot of power, on the people. Because it is us, who knows what our priorities are. Therefore, local government, provincial, most of the powers should belong from provincial up to district level, up to even village level, because it is their priorities that should be taken care of.

I feel like having a central government, makes it very difficult for individuals far away, their needs to be seen. So, we should pass power, from central government to the people themselves, so that our priorities are taken care of. How that is to be done, is vested in you commissioners to help us.

I have on the land issue, again I am just qualifying what the people have said. But I have one issue, that I feel should be qualified. If for example in the land issue, if for example I am supposed to inherit or I am a child who stays at home, or woman or man, it doesn't matter. But let's say that within the judiciary, they should be exclusive like on a court case, that a land case goes to court to whatever it is being dealt with. It should be qualified that, is this case going to be dealt with, on the customary law, or is it going to be dealt with, on the written law. because, a lot of land cases when I am given land, by my aunt, by my whatever, but just because I am a girl for example. If I am a female, whether it was written, it will not be seen as, there will be other matters. When the customary law, does the customary law supersede the written law, which one will you take. So, it should be qualified at the beginning of that case, should there be a case, or solving of that land issue. There should be a way in which, the two parties should agree, what law is going to be applied. So that we do not have this land cases, we do not have a lot of this inheritance, even when it is written, there will be other people challenging it, and so forth. So, they should qualify within the law.

Again on inheritance, when it is written. If it is written then it should be written. That we see even within our district, we see some things which are written but still nobody follows. So, this part is people end up grouping themselves in parties, and they bring this person, and if a person has said, my daughter should inherit, then it should be inherited that way, it should be the written law, qualified, so that at the judgement, there is not question as to what law was followed. Because the two parties have agreed, that we are following customary or we are following, or we discard what was written.

I would like to talk, just a little on the powers of the president. And, I would only touch on the powers of the president in as much as it deals with the Chief Justice. We would say, I will look at it this way, the president is vested with a lot powers, for him even to, designate those powers properly, to govern the people properly. He is, and I am not talking about the president or whatever, I am just talking about, whoever is the president. A lot of powers are vested in that office, that we notice appointments, which are done, of people who should not be in that office. For example, I will take the office of the Chief Justice. In my opinion I think, the Chief Justice should be elected.

First of all, there should be a group of people, let's say for example, the legal fraternity in the country, because it should be an upright person, it should be a person who can be able to help in the legal part of the system. and that means, it should be somebody who is clean, somebody whom the legal fraternity, can seek and execute those powers. Often not, we see the C.Js who have been elected or being appointed, because they are friends to so and so, they are friends to so and so, and they do not  
(End of tape)

Used to be or appointed, it has passed, the legal fraternity, parliament and hence the president now can appoint, after he has seen the people that can operate within that office.

Lastly, I would just like to say, I know the time has gone. I would like to talk about the election. I would like our elections to be such that the people, and I am only talking in relations to the civic education, are the people aware? I would like, civic education, I request that civic education should be on going, it should not end with an election, or it should not end with a commission, it should be an ongoing thing, because, we noticed some other district are still very far away. You notice that, we even requested you not to come here earlier, because our people, and this person is saying Mrs. Wanjikus don't know this things, Mr. Kigens don't know this things.

It should be on going even after this commission has sat, even after the constitution has been drafted. Because we are still very far, and especially the women, we are still very far, in this district we are miles, you could say we are still behind the men, but we are miles behind the men also. So, we need civic education to be an on going thin, so that these people, because we still have that cultural, we are still to cross the bridge, so to say. We are still hanging on to saying, what the wazees have said, and we haven't, we have come out to know that we can also say. And we are not saying we are going to fight the men, but we want to see, we speak together, and so what should be be.

So, civic education within, should not end with election, or end with this commission, it should be an on going thing. And rather than wasting the tax payers money on this other commission, which I see, has been going round, there have been so many commissions, which we did not see the result. The people do not even see what came out of what commission. The Ouko Commission, we are lost as what happened.

We should spend that money, on educating the people. Civic education should be on going, rather than spending the tax payers money, on things that we finally don't even get the results. Thanks very much commissioner.

**Com. Baraza:** Thank you very much Florence, for those words and the views that you have presented. Now, we have nine people that are remaining on the list that we have, nine. I want to find out, are their people who have not registered themselves, or who registered themselves as observers and now would want to speak, so we know how to proceed. Is there anybody else in this room, who wants to re-register, if they were observers and want to speak now? Okay please do, I think what you should do is, those who want to speak and are not registered, can they register themselves, I think that would be easier, than now going through the list again, looking for their names.

So, if you want to speak, and you had registered as an observer, I think you would register again. So, what we do after we finish the nine, we will continue with the new registration of those who want to speak.

**Com. Nunow:** Naambiwa Robert Boit was called, but he was out at that time, can you take your position now.

**Robert Boit:** Thank you commissioner, my names are Robert Boit and I have some presentations to make.

First on the preamble, I say that, it should include words of our national anthem, the loyalty pledge to the constitution.

It should also address our common experience, such as fight for independence.

I was saying, it should address our common experience such as, fight for independence, our sportsmanship and our cultural diversity.

On the supremacy of the constitution. I say that, parliament should not amend any part of the constitution. any amendments to be done, must be through referendums.

I am also requesting that, the constitution to be written in simple language, and be taught in high schools.

On citizenship; I say, no dual citizenship, to avoid taxation complications.

On the same, I say, all foreign spouses, should follow the same procedures, when applying for citizenship, regardless of the gender.

On legislature; I say, all appointments, to constitutional offices, and those offices established under the public operations Act, decided by the parliament.

All candidates to sit offices, must declare the value and the source of their wealth.

I am also suggesting that, a new body to determine salaries of M.Ps, be established. Their current salary be reduced to 250,000.

And, the new parliament, must not inherit the current salary scales.

I am also of the opinion that, political parties be financed from the consolidated fund, to run their secretariat.

And the number should not be limited. But, let the market adjust itself.

On the executive; I say, president and all Members of Parliament of cabinet, should not have foreign accounts. If they have, then the property or the money must be returned, and rechanneled to the registry, to the treasury.

I also suggest that, 30 % to hold elective post, that parliamentary and civic elections be retained for women.

And 2% at least for, persons with disabilities.

We should retain the representative electoral system.

And on land issues, I say; if the government acquires land from an individual, then such person must receive 140% compensation, after the commercial value of the land. (**Interjection**)

**Com. Nunow:** Summarise.

**Robert Boit:** Okay. I am also suggesting that, at least 5% of the individual land, be made a forest, be declared a forest.

And also, any cultural practice that surprises or contradicts human and particularly women rights and dignity, and also that contradict the constitution must be outlawed.

And lastly, I say; Part two, section 3, to 22 of the childrens' Act 2000, be lifted, and (Inaudible) be brought into the constitution. Thank you.

**Com. Nunow:** Thank you very much Robert for those views, we will be happy to receive your memorandum. Margaret Chemoli, Joan Chebet, William Choge, William are you there? Michael I think presented. Priscilla Simiyu, W N. Nduku, watu wamechoka au nini, ni kuchoka ama?

Do we have Josph Kimuge? Joseph, okay karibu mzee.

**Joseph Kimuge:** Asante sana commissioner, wananchi wote Mimi sitakuwa na mengi ya kusema. Nitakuwa na machache, nafikiri yale yamesemwa, nafikiri tu nitaweka kitu katika yale yamesemwa.

na kwa upande wa forestry na towards this government; ningesema tu serikali, waweke sheria ya kwamba, kwa kuwa area ya nchi, imekuwa ni kidogo sana, watu washughulikiwe katika area kama (Inaudible) ambayo wanishi, ambayo wamefinywa kabisa mpaka wanaishi katika (Inaudible), wapewe mahali pa kuishi.

Nasema hayo, kwa sababu ya, kama siku ile ya el nino, watu wengi walipoteza manyumba, watu wao, na vitu nyingi sana, hata



mapato zao. Na hapo ni very dangerous. Nafikiri serikali waweke hapo maanani sana.

Nikija upande wa maji. Nakuja kwa upande wa maji. Katika area ya Keiyo, kwa kimila yetu, tuko na machemchemi, katika kila village. Kila village iko na chemchemi yake, village iko na chemchemi. Na area kama hizo, hiyo machemchemi, zilikuwa na mamlaka kwa mwenye chemchemi ya huko. Hiyo chemchemi haikuwa tu inakuja bure hapo, lakini iko kwa jina la mtu, ambaye alikuwa anaridhi hiyo chemchemi.

Isiwe watu, kwa sababu wakati huu, watu wanaregister, machemchemi hiyo ya binafsi, wachukuwe maji, na wanyime wananchi wa hapo hapo maji. Hapo watu wenyewe, mwenye kuridhi hiyo chemchemi, awe na mamlaka ya kusema, apeane ama askipeane.

Imesemekana kwamba, nilikuwa nimesikia, kwamba hii maji, ikiwa katika reserved, kama areas tuseme kama Kerio Valley. Pengine iko maji ya kutengeneza, pengine iwe maji ya kutengeneza hata soda, iwe sisi wenye hapa area hiyo, wawe watu wanamiliki hiyo kitu, na wawe wenyewe, watapewa. Wawe watu ambao wata succeed in the thing, yaani wapate share kubwa.

Na ikiwa hata yule mtu anachukuwa, kama serikali inachukuwa, mwenye area, awe katika share. Si kusemana, anapewa tu compensation, na ikwishe, hapana. Awe anapewa compensation na apewe, awe full shareholder. Thank you very much.

Nikija upande wa mashamba, certificate ya mashambe. Watu wamesema mengi sana kuhusu, certificate ya mashamba, yaani title deeds. watu wetu wanachora mashamba, ningomba hii serikali, serikali hii inakuja, waweke, wajue kwamba, watu wenyeji wa nchi, ni wenyewe kweli, ni serikali. Kwa hivyo, wasiwe watu tu wanao tatiishwa, waende mpaka Nairobi, au Eldoret au wapi. Kama survey office iko hapo karibu. Katika mahali ambao ilichorwa na shamba, kama example, land and education, section fulani. hiyo ma certificates, ziwe zinapelekwa mpaka katika section hiyo, hili watu wale wawezi kutembea, waitwe wapewe ma certificate zao hapo karibu.

Kwa kumali, nasikia kengele inalia. Ninakuja upande wa watoto, watoto ambao pengine hawana baba, lakini wako na mama. Ningekuja kushughulikia, niweke serikakli wajue namna ya kulinda hao watoto, na watoto hao, watakuwa ni kama akina mama wazee wanaume, wapewe kikao, hili walipwe mshahara, na wakae wakichungwa, na wapewe kazi. Kazi haiwezi kosa kwa serikali. Wawe ma fundi, wawe waa kuenda kuwa mechanic yoyote. Hiyo ndio jambo langu, asante commissioner.

**Com. Nunow:** Asante sana Mzee Kimuge kwa hayo maoni, tafadhali ujiandikishe hapa kwenye hiyo meza, pole, kwamba umetoa maoni kwa Tume. Lorna Chemtai, Lorna? Okay, atafuatwa na Beatrice Rotich, Beatrice yuko, jitayarishe tafadhali, karibia hapa mbele.

**Lorna Chemtai:** Thank you Mr. Commissioner, I am here once again, representing women views to the constitution of Kenya.

I am just going to highlight what they have talked about.

First is the preamble; they said that the constitution should have a preamble that lays down, that every Kenyan is equal before and under the law, and that no one is above the law.

In constitutional supremacy, there must be a referendum, before parliament can amend a constitutional provision, using the current given 65% fourth and an independent party, mandated by the judiciary, should conduct the referendum.

Inner side of the citizenship. Automatic citizens of Kenya are children born inside Kenya, persons born to Kenya citizens within or outside Kenya, without gender discrimination.

Also in citizenship, a person married to a Kenyan citizen should be entitled to, or the multi Kenya citizenship, man or woman unless they choose otherwise.

Specific rights of a woman. This is right to security, right to own house and property, commonly violated, a right to walk in a safe environment, free from any interference and sexual harassment. And with special consideration to their reproductive functions.

Another right for a woman, is equal right to education and training opportunities to eliminate inequalities. Where women and girls are discriminated upon participation.

Another right for a woman, is a right to participate in politics, that contains a right to vote as well as a right to compete for political seat.

And also a right to full enjoyment of wealth and freedom of movement and presidency.

Rights of vulnerable group; this focuses on various or marginalized groups, among them, women, children, youth and the pastoralist.

In women, they should guarantee fully, the interest of a woman in the constitution, by addressing the poor representation of female in decision making.

Also rights of equality of all citizens, irrespective of gender, should not only be enshrined in the constitution, but also legal constitutional machinery, should be put in place to attend this.

Concerning the retirement of women, and (Inaudible) womens should be entitled to retirement benefits, e.t.c.

Monthly pensions for public servants should be revised with the salary revision.

Also, lumpsum payment factorship, be one of 400, instead of 1 over 480.

Retirees should be given cheques before they leave office.

Pensions Act should be revised accordingly and should cater for the past retirees.

Concerning political parties. The constitution should regulate the formation, management and conduct of political parties.

How the political party should be financed is that, political parties should be funded by the public funds.

Terms and conditions to be imposed in financial of the political parties. The funding of political party should be on the basis of the extended parliamentary representation.

In electoral system and process. they say that the president to be elected, he must receive a big number of the valid votes cast in presidential election than any other candidate for the presidency, and must have 51% and above of the votes.

In electoral dates; presidential, civic and parliamentary elections should be held on the same day, due to economic status and present, but can be revisited in the future.

Training adequately by all officers to pass for the administration of election and their counting.

Ballot boxes should be transparent on one side.

Votes should be counted at the voting site and centre, and results announced immediately. Results to be announced immediately.

Finally, structures and systems of government. Devolution of powers should be implemented as an effective means to ensure that, services and resources can be accessed at the grassroots level. Okay, thank you Mr. Commissioner.

**Com. Nunow:** Okay, thank you Lorna for those views, and Beatrice Rotich/

**Beatrice Rotich:** My names are Beatrice Rotich. Mr. Commissioner and my fellow Keiyos, I think I am just her to elaborate on two points.

The first one is; I think the government should see to it that, education should be a must to all the children in the country. I am saying this because, if we go back to our viallages, we shall find, we shall see.

There are so many children who are class four leavers, class three leavers, and we are talking here about the village elders to be paid by the government, how are they going to talk to this people, class three leavers, class two leavers. Do you think they are goin gto understand what is going on in the government. Are they going to understand, or are they going to do what is being amended here now.

Another thing, the education alsI should be a must, by each and every parent, because they are the ones who are bringing out all these children.

Also, the government should give to the parents, the point that, they should limit the number of children, being born in each family, to enable them to educate.

The second point is; the government also should..... Thes second point is, I am going to state in arid and semi arid areas. They should put up some institution for example, the agricultural research institutes. Because I know, in this are, there are some crops whih are going to make. And by putting up this institute, they are going to open up this areas, by giving employment to some of the people in that place.

Also, because I know, the children of this area, are going to benefit for the institution, by getting employment. Because you can see, from the lower region of our district.. most o t the times, there are some cattle rustlers, and it is because of illiteracy which is there in the area. Some of the children, they cannot go to school, they will end up.., by the way, they are going to struggle for their survival in a way, they are going to. The only thing is, wanaenda wanaangalia, wewe uko na mingi zaidi ya yeye, so, the only thing is, kukuja kukuuwa usiko na kukuiba.

**Com. Nunow:** Thank you Beatrice for those views, please register yourself, Florence sang, Beatrice jilandikishe pale. Florence? Is she there, James Kigen? James tafadhali, nitakupea madakika tano, uko na dakika tano, and you can only speak in one capacity, do you have a memorandum for another group. Present your own and then you hand in the one for the group, without talking. Okay present yours and then we will skip the other one.

**James Kigen:** Asante Bw. Commissioner. Mimi yangu ya kwanza ningependa kutoa maoni yangu kwamba;

The land belongs to the government. (**Interjection**)

**Com. Nunow:** Tell us your name please.

**James Kigen:** Okay, I am James Kigen.

Nilionelea ya kwamba, shamba iwe ya serikali, hakuna mtu ambaye anaweza kuown shamba kubwa. The land should belong to the state, in such a way that if, because you find some other people are landless, and an individual is having about 1,000 acres. So, I want all the land to belong to the government, such that the government will identify the farms, identify the professionals, identify the businessmen. The businessmen should go to town and work, and farmers should stay in the farms and feed the nation. It would be the responsibility of the government, to guarantee the farmers, with all their facilities, input facilities, so that, to avoid the dangers of famine in the country.

Secondly, security; I propose that, the security of the government at the moment is very scary. So, to avoid this one, if somebody is caught taking somebody's property by force, if identified by the court, that person should be made lame, either by cutting the limb or the hand. So, that he may not repeat the same mistake.

Now, that is mine individually, I am now representing the memorandum on behalf of the students with disabilities. (**Interjection**)

**Com. Nunow:** Mr. Kigen, I will give you two minutes for the second memorandum, so give us three main points that you have there.

James Kigen: The first one is, decentralization of the fund for the disabled. At the moment you find that, the funds for the disabled are centralized in Nairobi. It should be decentralized in every district, so that the disabled may be able to access to this one.

Secondly; the bursary for education for children whose parents have disabilities. You find that the parents of this children find it so difficult, to educate this children. As a result you find that, the children remain at home. So, the government should look into it, that the bursary should be given to this children.

Lastly, because of time Mr. Commissioner. The government should allocate trust land, to persons with disabilities. That is all, thank you.

**Com. Nunow:** Thank you very much Mr. Kigen, for being precise and to the point, please register yourself there, and let us

have the memorandum that you have prepared.

**Com. Nunow:** Robert Meso, nafasi ni yako. Now, kabla ujaanza Robert, keti tu hapa, kuna mtu mwingine ambaye ako hapa katika hii hall, ambaye angependa ku present. Now, I need somebody who did not present, who is in this hall, who would like to present. Mtu yeyote ambaye yuko hapa, ambaye angependa kuzungumza, umzungumza hapa mbele? Nani mwingine? Ulikuwa umezungumza, njoo hapa mbele, nawe njoo hapa, kuna mwingine? Ni mzee, tafadhali upande huu, anybody else? Because, baada ya hawa watatu, tutafunga kikao, kwa hivyo ni wakati wako wa kufanya uamuzi. Okay, huyu mzee kutoka people with disability, nitampa dakika tatu zaidi, ya ku-ellaborate. Nanyi mko na dakika tano kila mmoja wenu, Robert Meso, endelea.

**Robert Meso:** I just want to be brief, I am Robert Meso. Mine will just be a brief point, it is like I am speaking for people around my age, the youth.

What I was suggesting, was that the government should create employment agency, to deal maybe with the large number of youth, who are not employed.

And, the constitution should have some clauses, whereby, the youth are empowered, to have a greater say in decision making, in the government, maybe in future. Because, I feel, the constitution is for the youth. At least the constitution that we are making at this time, will serve as more, than any other age group, it is of the youth people.

And then, for the system of government, I am suggesting maybe, we should have a government of national unity, whereby there will be devolution of powers, at least to stop the corruption, because nowadays you see, the resources are not taking down from the top to the bottom, but rather, they are going from the bottom to the top, which should not be the case.

And also, things such as human rights, should be looked into, in the constitution, like the police force, it is like they don't have an idea of what human rights is, and also, like in education, the system should be overhauled, and we go back to the old system. because nowadays you find, graduates, they just went to school but they don't know, they cannot apply whatever they learnt in school in real life. I think that is all.

**Com. Nunow:** Thank you very much Robert, please register yourself, and mzee wa kwanza, utatupa majina yako, na useme points, mapendekezo.

By the name I am called William Kiplangat Komen, from Kamare. I happen to have been an electrical engineer by profession, one time one day, Nairobi University, Saitoti was my Mathematics teacher, appreciation for that.

Now, there are some old soldiers, wazee wa zamani, wale akima Mulinge na akina wengine, hawajalipwa pesa zao, ile ilikuwa inatatikiwa (Inaudible) So, anyway, can you look at it, we have said a lot and I don't have enough.

Thank you Mr. Komen, yes a lot have been said, you are right, so there is no point of repeating. Mzee wa pili? Mr. Komen, unaweza kujiandikisha pale, umejiandikisha? Sawa sawa, asante.

**Joseph Kiptoo:** Jina langu ni Joseph Kiptoo, mimi natoka Wilaya hii ya Keiyo, katika sehemu ya wakilishi ya Bungeni ya Keiyo North. Na hapa, mimi nitazungunza juu ya uwezo wa raisi.

Kuwa raisi, asiwe na powers ya kuweza kufanya mambo mengine, ambayo inazidi, lazima awe na limited powers. Na aki abuse office yake, Katiba iandaliwe ya kumshataki, kama vile nchi zingine, kama vile nchi ya Philippines. Akiharibu office yake, awezekushtakiwa, na vile vile aweze kurudisha mali ya uma, na aadhibiwe vikali.

Point ya pili, ni kuhusu malipo ya wazee, ama malipo ya watu ambao wamestaafu. Wapewe pesa mzuri, ili wajimudu katika maisha yao, kwa sababu katika nchi zingine, pensioners wanaishi vizuri na wanaangaliwa vizuri.

Halafu ya mwisho, ni finance ya opposition party. Lazima serikali iliyo katika utawala, wawapatie kitu kidogo, ya kuweza pia kufanya campaign, halafu wapewe security, wakati wanatembea kufanya campaign zao, katika sehemu mbali mbali, hapa nchini.

Kwa hayo machache commissioners, sina mengi, mimi nawatakia kila raheri mtakapo toka hapa kuenda kuinginepo.

**Com. Nunow:** Asante sana Bw. Kiptoo, asante kwa hayo maoni, tafadhali ujiandikishe, kwamba umetupa maoni yako. Mr. Kurui, nilisema nitakupa madakika tatu zaidi, kwa sababu ni elaboration, nifanye tano, sitazidisha lakini, kwa hivyo utaheshimu muda?

**Patrick Kurui:** Nilifungua na nitafunga tena. Sasa, hii ni interest of people with various forms of disabilities in the new constitution review. (**Interjection**)

**Com. Nunow:** Jitambue tena tafadhali.

**Patrick Kurui:** Patrick Kurui, on behalf of the P.W.D.

Okay, now, this is per their conference held on 29<sup>th</sup> of May, at the County Hall here.

People with disabilities from Keiyo, herein referred as P.W.D, are in full knowledge of our rights as citizens of Kenya, and therefore wish to highlight the following substacles, towards attaining and enjoying our status as citizens of Kenya.

One; that we have been sidelining and excluded from participation in various levels organs of decision making, such as presidential commission, district development committees.

Two; that we have faced descrimination and mistreatment at a family level, often ignored or given second priority in relation to other able members of the family.

That we have faced discrimination, at the hands of potential employers.

That we have been denied opportunity to exercise and explore our talents and our full potential.

That we have been reinogated, in in terms of employment to be fit for (Inaudible) positions and not white collar jobs.

That we have been discriminated against, in terms of grading, training centres for P.W.D.

Seven; that we have been denied access, to driving courses and licenses, especially, our hearing impaired colleague.

That we have been viewed by society, as working the ability to exercise our sexuality.

That our daughters and sisters with disability, are denied proper pre and post natal care, maternity care.

That we have been denied access to the following;

- Political positions
- Education
- Economic opportunity
- Access to finance or credit facilities
- Better health services
- Legal representation



- Public utilities
- Buildings
- Roads
- Sports centres
- Ownership of property

In view of the above, and in exercise our rights, as citizens, and in recognition with the importance of the review process and the case to change the future, and (Inaudible) in solidarity with other Kenyans, we P.W.D, do hereby note the following recommendations to the Constitution of Kenya Review Commission.

One; the constitution of Kenya should have a preamble, based on the following;

- History of our independence struggle
- Our visions and objectives
- Recognition of our 42 tribes and Kenyans of all races.
- Potray supremacy of the people of Kenya
- National anthem
- Court of arms
- The executive.

They have said, powers of the president should be reduced.

The president should not be above the law.

Incase of abuse of office, he should be impeached through parliament.

Minister should be appointed through meritocracy, considering their professions.

Legislature; parliament should be in power to ratify all appointments to constitutional offices.

The judiciary should be free from interference, from other arms of the government.

They should be given security of tenure.

Education; education should be made free to P.W.D, from primary to university.

Free education for children of, people with disability.

Sign language should be included in the curriculum.

8.4.4 system should be reviewed to favour, people with disabilities.

The examination power and aspect should be considered, reviewed to give P.W.D, ample examination time, because of their nature of problems.

Social welfare; there should be arrangement, for breast-feeding mothers, at least three months maternity leave, granted to including the spouse.

A fair representation in, organization and sport councils. For example, equipment and materials, brols, wheelchairs should be made free of taxation.

And architectural structures, should be designed in consideration, to P.W.D, to ease their movements.

The government and sports council, should assist people with disabilities to acquire passports, and other traveling documents, whenever they are to participate in disabled games, abroad.

Finally (**Interjection**)

**Com. Nunow:** That should be a final, real final, let's agree.

**Patrick Kurui:** Final ni sawa. In health section, free medical services for P.W.D. and then, all medical decisions, should have special sanitation, facilities for P.W.D, to ease their problems.

**Com. Nunow:** Thank you very much, did we receive that memorandum this morning.?

**Patrick Kurui:** No, it was another one, this one was late.

**Com. Nunow:** So, you are going to submit it now?

**Patrick Kurui:** Yes

**Com. Nunow:** Thank you very much for your views, I will ask the register to be brought to you, so just go back to your seats.

**Patrick Kurui:** Thank you very much.

**Com. Nunow:** And we appreciate your views. And now, Peter King'ori, umerudi? Ulikuwa umeitwa when you were not there. And Peter, before you start, Alexander Situk, Alexander, ambaye aliingia sasa hivi, you? We are going to close the session after this, but we have just got a sheet, that says Alexander Situk wants to present and he has a memorandum, is that you? You want to present? You will be the last speaker, you take a seat. So, I hope there is nobody who is going to come up after that, because I repeatedly asked for anybody, ambaye alikuwa anataka kuzungumza, sikupata mkono, kuna yule amebadilisha maoni yake? Kwamba saa hizi , amebadilisha msimamo wake, anataka kuzungumza. Njoo hapa mbele, lakini afadhali muamue sasa hivi, hii ndio nafasi mko nayo, msipoamua saa hii, itakuwa, hatutakubali tena baadaye, kwa sababu tunataka kuwa na mpango.

Mme-register kama observers, tunawapa nafasi, kubadilisha msimamo wenu, kusema mnataka kuzungumza, na kisha mtu wa mwisho tukimwita ndio mtaanza kubadilisha hiyo msimamo. Kuna yeyote ambaye anataka kuzungumza yuko katika hii hall, ambaye pengine alikuwa amejiandikisha kama observer, ama ajajiandikisha kabisa? Hakuna, kwa hivyo, hawa wazungumzaji watatu ndio wa mwisho. Asanteni, endelea.

**Peter King'ori:** Okay, commissioners, thank you for giving me this opportunity. Okay, I am Peter King'ori, first and foremost is to thank you for this job that you are doing, it is my hope and prayer that what you are presenting, it will become a law one time. Now, my points are;

One is that, I would rather like in our identity card, that the place where it is written the place of birth, should not be indicated in our identity card.

Second is that; there should be a limited acreage, when we come to the land fragmentation. You find that, a mzee has about five acres, and about ten sons. And when it comes to the inheritance, that land is reduced to unvulnerable size. So, there should be a law, to limit the fragmentation of land in Kenya, to avoid wastage.

The other one, is the issue of the maternity leave; I would rather, that women should be given four months of leave, one month before the delivery, and four months after delivery.

Also, the husband should be given two months leave, one before his wife delivery, and one after the wife has delivered, so that he can have that, husbandry and fatherly love to the child.

The other issue, it is on the local government. The local government should be empowered to develop the local areas. So that the local people can benefit, from the labour of their sweat. That is, if the area, has more economical activities, the local people should benefit, before it goes to the central government.

Election; registration of the voters, should be a continuous exercise.

The other one is that; when it comes to the election, the presidential election should be held, before the parliamentary and the civil election.

Then, the counting of the ballot papers, should be done and announced in the polling stations, to avoid complains.

Welfare; I think the few rich people we have in Kenya, should be taxed heavily, to cater for the unemployed youth. They should be given welfares, every month, to cater for them, to avoid thuggery and some other evil deeds.

Also, because of the thing of the AIDS, those people who are working far from home, there should be a welfare, to allow them, to stay with their wives and family, to avoid temptation because of staying far away from one another.

The other one is the issue of the Provincial Administration. Commissioners, I would rather like the scrapping of the D.Os and the D.C. the work of the D.O. should be catered by the M.P, and Assistant Chief should be catered by the elders from that area, because they know people much better.

With the farmers; there should be government insurance, to cater for the losses incurred by the farmers, due to the mismanagement and political interference. Example what is happening with the farmers who are dealing with the cereals and the milk, they should be compensated if, there is mismanagement of their welfare.

The other one is the issue of the brain drain. Kenyans are using a lot of money, to pay for our brothers and sisters in higher

education. but when they get their degrees, they are running away, leaving Kenyans suffering. So, those people who are running away, and we have used our money to educate them, they should be heavily taxed, so that that money, so that they can be discouraged from leaving our country.

We talk about the looters. We are talking about the poverty eradication, but to me, it looks like we are eradicating the poor. So, those people who are looters, we can only forgive them, if they come out and they ask for forgiveness.

So, commissioners, I can here the bell, and I have more to say, but because of the time, those are the few remarks that I would give you. So, finally, I pray very much that the work that you are doing, Kenyans will appreciate it, and what we are hearing from the media masses should not discourage Kenyans, from giving their views, thank you.

**Com. Nunow:** Ngoja kidogo, maybe I didn't hear you well, but you mentioned something on brain drain, and as you said, those getting educated here, who are abroad, should be heavily taxed.

**Peter King'ori:** Yes.

**Com. Nunow:** But, I didn't hear in your recommendation, anything on creation or employment. So, if people are educated, they are graduates as we have in Kenya now. We have so many in the streets who are unemployed, and we want to keep them here without jobs, and there are jobs outside there, and if they go you want to penalize them. how do you reconcile.

**Peter King'ori:** Well, what I was saying is this. Maybe it is due to the poor payment that we are getting from Kenya, but we should be patriotic, we should be patriotic. Despite the little that we are getting, we should not go to where we have green pastures, leaving our brothers and sisters dying. I am talking about maybe the doctors, and some other professionals.

**Com. Baraza:** One more question. You talked about limited acreage, was it just for in terms of acquisition, or in terms of subdivision?

**Peter King'ori:** I was talking about subdivision of land, it should not go beyond, five or ten acres. When it is ten acres, it should not be more, it should not be divided more.

**Com. Baraza:** So, how do you propose they work. You talked about somebody with ten sons and ten acres. And you don't want it to be subdivided, so, what do you want the Mzee to do with the sons, what kind of environment are you going to create, you know, to make sure that, those sons who are going to be beneficiaries of the one acre each, will not need that.

**Peter King'ori:** My proposal is, if it is less than ten, they should use it as a communal, they just build like a kind of village

within that farm, and the large part of the farm is used for the economical benefit, instead of maybe fragmentation, and building a lot of houses in the same same land.

So, a land should be set for building the houses and the rest used for economical activities.

**Com. Nunow:** Yes, that is interesting, it is okay you can register. In some countries, the land is given to the first child, if it not divisible, if it within ten acres, if you have only ten or twelve acres, you give to the first child, the rest go to town and have no land. You will give us you name, Mr. Situk, you full names and then you proceed.

**Alexander Situk:** My names are Alexander Kiprono Situk, and these are my presentations.

One; personally I think that the constitution should be made supreme, by raising the present percentage, a two third majority should be raised.

On certain areas of the constitution, should be put beyond parliamentary amendments. But parliament should not be allowed to chair certain areas, like basic rights, election timetable, defense and national security, structures and sytems of government, land issues, this should be above a parliamentary amendment, parliament should not be allowed to amend such things.

On defense, I feel that the constitution should provide for, should give provision on our defence forces, say the police, the security, and how to guard the country.

Another factor is employment. When it comes to recruitment of the armed force. The constitution should provide for how this people should be recruited, and a commission to be set up, so that it will assist in this area, because we have found that there is a lot of corruption, when it comes to the recruitment of the armed forces, a we saw the other day, and this will actually discourage patriotism and in future if the country goes into war, you find that, when it comes to forcing people, to go and say you assist the country in fighting, it becomes a problem, because they have been discouraged, when it comes to employment.

The other factor, is on political parties. I feel that, in Kenya, we need to restrict the number of the political parties that we have, to around four or three.

On the structures and systems of government, I feel that we need to have a president, and a prime minister. And the president to become the head of state, the commander in chief of the armed forces, attend to state functions, and appoint aids of constitutional offices.

The prime minister on the other hand, becomes the head of government, and maybe become in charge of parliament, become in

charge of the budget, budgetary and allocation, financial controls, that regard the expenditure of the government. This should be in the office of the prime minister.

And then when we come to parliament, I feel that some changes also should be made there. That M.Ps, the age limit, for those who want to contest for a parliamentary seat, should be raised from 21 to 30 years. Presidential from 35 to 40. But for voters, we retain the same age limit.

The educational level also, should be looked into, that is to say that, for one to contest for a parliamentary seat, he needs to have a certificate, that is O'level certificate, should also possess a professional certificate.

That is to say that, if somebody goes to parliament, and the constituent feels that he is not actually serving them well, they need to be recalled back, and this one should be as per, a constitutional court, as established at, over two third majority, of the registered voter, had certified.

These members also, should be people of high moral standing.

I feel that they should be monogamous, they should also be married not unmarried, and with the wife.

Their source of wealth should be known, that is they should declare their source of wealth, so that we should know that.

They should not have been convicted on corrupt dealings, or people who are under investigating on the state.

For the executive; I feel that, also conditions or rules have to be put in place. These are people also who have to be morally upright, they should be married and with a wife, be monogamous, they should not have been convicted in corruption and they should not be under investigations. They should also declare their wealth, and also, they should not engage in any business while in office, or members of their family.

When we come to the law or government. I feel that, council chairmen and mayors, should be allowed to serve for five years.

The same councilors should be recalled if they are not serving their people well, that is if it is established that, over two third majority of the voters, in the ward are against his tenure in office, his being in the office.

And then another factor is on, the media being partial, when it serves all the political parties in Kenya, now that we have a multi party state. The media should actually be constitutionally be allowed, or be, I mean it should be written in the constitution let me say so. That the media should serve all parties equally, without censor.

And then for land, I feel that there should be no limit. Kenyan should be allowed to own land, as much as they are able to buy. And that for those big shambas, they should no longer be subdivided, they should be owned as companies, by the families who want such big pieces of land. Because, when we subdivide them, we find that, they will at long last, become uneconomical. So, to me I feel there is no point of subdividing this pieces of land, and any Kenyan who can buy, a very big piece of land, should be allowed to do so, to own the number of acres he is able to buy. I think that is the end of my submission, thank you very much.

**Com. Nunow:** Asante Bw. Situk. Okay, tafadhali ujiandikishe pale, na utupatie memorandum yako. Mzee?

**Mike Koima:** Thank you Bw. Commissioner for the opportunity I have had, my names are Mike Koima, a resident of Iten, of Keiyo North. I want to begin by saying that, the current constitution, which has carried us for the last 38 years, has been good. But minor changes need to be done. Because the time is short, I want to confine myself on only two areas. Education and Land.

At the time of independence, we as a country, aimed at fighting three enemies, ignorance, property and disease. But kind of, we are mission the war. In that, education over time, became very expensive. I would recommend that education becomes free, because Bw. Commissioner, when somebody is not educated, when somebody is ignorant, he is unable to create wealth, he is unable to fight disease. But when somebody is educated, is knowledgeable, he can protect himself, so I want to suggest that, let us have free education, universary, maybe from pre primary, all the way to the university. That way, we shall have educated people, who will be able to make decisions and solve problems.

Secondly, the question of land; land is a natural resource, which every Kenyan is entitled. Unfortunately, it may not be enough to us, so, the question of subdivision actually, will continue, whether we like it or not. Why Bwana commissioner is, if I have ten acres of land, and I have five sons, when they grow up and they want to have their own families, I have to subdivide that land, so that they can have land, unless land is provided elsewhere, which is not the case in our set up.

I have a quarell with the Minister of Lands, and the Commissioner of Lands, in that order. We have had situations whereby, the Commissioner of Lands, allocates you a state land, be it a forest, be it a A.D.C farm. And then immediately you get that land, instead of utilizing it, you sell it back to the state corporation. I think to me Bw. Commissioner, that is wrong. Because here is a situation whereby you are given something free, and you are selling to the other person, exorbitantly.

Again on land is that, you realize the question of giving land, is unfair. Because today you are given a land, tomorrow when another land becomes available, you will find it is the same person who is getting the land, how about the other person who is landless. I want to propose that, when land becomes available, say an A.D.C farm or even a forest. Then, look for qualified



landless people, and then you give them a small piece of land, be it five acres, let them ballot. So that you don't say, I want this I want that other area. That is why Bw. Commissioner, we shall be fair, we shall have a constitution which is fair. Well, there are people who are, I don't want to look back, because we shall not be able to have solutions. Those who have acquired large tracks of land, maybe fairly or unfairly, let's put it a stop, and then say, from now on, if we have to acquire land, let us distribute it equally.

You may ask me how do we get land, there is still some forest which are still remaining, there are still even the national parks, and if we as Kenyans we are valuing animals more than the human beings, then we will say we will not touch the forest, we will not touch the national parks because they are animals, tourist will come and bring in a foreign annex. Well, if that money is coming into the country, is it useful to the common man. If it is useful to the common man, then I say, the money coming from the tourism sector, particularly the national parks, should be ploughed back. One's land must be distributed equitably and fairly to all people. Then to fight poverty and to create wealth, provision of water should be made available on the same areas. Because if you are given land and there is no water, you may do very little. Once water has been made available on the same lands, then road network should be improved.

In some place you find, the land is very good, the mwananchi is very hard working, he has produced his produce, but he cannot take it to the market, simply because there is no road.

So, as I summarise Bw. Commissioner is, if the natural resource that we have which is land, as much as possible, let us distribute it fairly to Kenyans, let us have free education, and I know when you say free education, you will ask me how shall we finance. Let everybody pay taxes. I am aware that there are people, who are exempted from paying duty, paying taxes, yet this is not a special person, he is not disabled. When you exempt the disabled person from paying tax, I have no quarell, but you and me, who has been blessed by God to have good properties, and then you are exempted from duties, you are paying duty, I am not paying duty, that is an unfair law. we need to make fair laws, so that we pay duty, and then we pay for the education, we pay for the good road network, and the water. Thank you very much.

**Com. Baraza:** Thank you very much Bw. Koima, thank you very much for your views. That was the last person that said he wanted to speak, and therefore we want to close this session. And before we close, I want to say that we have been very very happy with the way the whole exercise has been. So, I want to thank everybody for their participation. We want to thank the members of the committee and the district coordinator, for a very well organized session. We want to thank you for your views, and I also want to say that, what we are doing, is preparing a constituency report. So, probably sometime in August, we will have the constituency reports ready, and it will be brought back to you, so that you can look at it, and find out whether what you said, was actually included in the reports.

And we also want to let you know that, as we debate the constituency report, we will have the national report ready, the

national reports will also have the, it will be a consolidation of the ideas from all the provinces, and it will have also, the draft constitution, so that we will be able to look at the recommendations for the proposals to alter the constitution, as well as the reports. And you will be able to look at it and discuss it, and be able to probably give the views to the people who are going to represent the district at the national constitutional conference, which will take place as soon as the dates are announced. Because I am sure you are aware of the things that are going on in parliament, between extension and no extension, and so on. That is why we cannot give a specific date, because those issues are still debated. But, you will have an opportunity to look at the views that you have presented in the constituency reports, and be able to send us your comments and the major issues that we have left out. And you will also have an opportunity to look at the national report and draft constitution, sometimes in the next few months, so that you are able also to respond to that.

I also wanted to add that, we will be soon be again talking about civic education, preparing the people, to debate the same report, as well as prepare for the national constitutional conference, and I think it is our hope that what many of you have been hoping, that your views will find their way to the constitution, we also believe that this is what is going to happen.

We are in Rift Valley, for about three weeks, almost four weeks, because we have been working in North and East for the last two weeks. And then we are going to go to the South Rift, until sometimes towards the end of this month, I think around 22<sup>nd</sup> or 23<sup>rd</sup>, and then we will finish with Western Province, because we have covered all the other provinces. And I think immediately after that, we should be able to get the constituency reports.

We want to say that we have been very pleased by your own presentations and we believe that the people from this constituency are going to make their mark on the new constitution.

I think I will hand over to the representative. Mary Ruto, maybe on behalf of the chair of committee, and also to close the session for us, with prayer.

**Representative:** Commissioners, we really thank you very much, thank you the commissioners and your team. We are very grateful as a constituency. We have really had a very good time with you, yesterday when we were in Tambach, we had also a very good time like this one, and we really thank God for the commissioners who have really come to our district. Because the very same commissioners are going to take in Southern division tomorrow. So, we are really very thankful for your coming, and we are really wishing you safe journey wherever you will go, until next time when we meet at the national level. And when we are closing, I am calling upon Mary Ruto, to come and close with a word or prayer. I am sure, the people of Keiyo North, we have really been very grateful, the way we have presented our papers, I know, with the help of the civic education, that we really had before this, it has really helped us, and it has given us good way of presenting our papers.

So, we are also very grateful to our civic educators, who really went round and made sure, we were knowledgeable, of what

we were supposed to present this day. Thank you very much.

**Mary Ruto:** Thank you very much. The commissioners, ladies and gents, may I take this opportunity to introduce myself, maybe I was not here in the morning, I came late, because I have a sick person, so I had to rush up and down, to see that he gets medication. So I am very sorry. My name is Mary Ruto, I am one of the committee members of the Keiyo North Constituency Constitutional Review Committee. I think many has been said, and I don't have to repeat, I am only to ask our people that, they continue on civic education, because it is very important, especially on women. I am very grateful because many women today turned up to this commission, and they gave out their views. Maybe you will wonder why I didn't give out my views today, yesterday I gave out my views at Tambach. Many thanks to you and let's stand up for prayers.

Na tuombe:

Baba Mwenyezi Mungu, tuko mbele yako tena Baba kwa wakati huu, tukikushukuru, tukiliinua jina lako baba. Ni asante kwa ulinzi ambao umetulinda kutoka asubuhi, hata wakati huu Baba ambao tumemaliza Baba. Baba asubuhi tulikuomba hili upate kuwa Mwenyekiti, na ukawa Mwenyekiti Baba. Tunakushukuru kwa commissioners ambao wamefanya kazi kubwa sana Baba, kuandika mambo yetu ambayo tumepeana siku ya leo. Baba tunakushukuru na tunainua jina lako.

Baba, wakati huu tunapoondoka Baba, tunakuomba utangulie kila mmoja wetu, utangulie hata commissioners wanapoondoka hapa, ukawafikishe mahali wanapoenda Baba, wafike wakiwa salama. Gari ambayo wanatumia Baba, hili upate ukaifunike na damu ya Mwanao Yesu Kristo. Nasi ambao tutaondoka, na hata wale watabaki hapa Baba, tunakuomba hili upate ukawafikishe nyumbani wakiwa salama salimini. Baba tunajua yale tunayazungumzia hapa Baba, yatakuwa ya manufaa kwetu na nchi yetu ya Kenya. Baba tunakushukuru kwa wakati huu na tunasema ni asante. Tunaomba haya yote, katika jina safi la Yesu Kristo Mwokozi wetu. Amen.

