

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

KEIYO SOUTH CONSTITUENCY, HELD

AT SITOTWO PRIMARY SCHOOL

ON

5th JULY, 2002

**CONSTITUENCY PUBLIC HEARINGS, KEIYO SOUTH CONSTITUENCY, HELD AT
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Present

Com. Abdirizak Nunow - Chairman
Com. Prof. Wanjiku Kabira

Secretariat

Irene Masit - Programme Officer
Geoffrey Imenda - District Coordinator
Josephine Ndung'u - Assistant Programme Officer

The meeting started at 9.45 a. m with Com. Abdirazak Nunow chairing.

Speaker: Hello. Karibu (inaudible). Usiingie mbali, kuja hapa. (inaudible) Joseph jepkok, Joseph Vuta, Julius Chesoi, Philip Kigen, Paul Masit, Isaack Matut, Fr. Resoi Miso, Noah Runo na Simeon Koech waingie ndani.

Interjection: Inaudible.

Mwenyekiti: (inaudible) mje hapa mbele kwa Maina. All members please. Na wafuatao waingie ndani; Barnabas Lang'at, Joseph Kipkeston, Mathew Sinyei, Andrew Toroitich, Sammy Chesang, Esther Koech, Charity Kipiego, Barnabas maiyo, Alex Mutai and Evans Kipkoech. Muingie ndani na all committee members to come in or see Mr. Maina. All committee members please could you see Mr. Maina.

Com. Nunow: Wananchi wa Keiyo South, hiki ni kikao cha Tume ya Kurekebisha Katiba na tumekuja kuchukua maoni yenu jinsi tulivyofanya kwingine kote nchini. Ninatumaini tutaendelea na kikao vizuri na kila mtu ataweza kutoa maoni yake na yule amefanya maandishi pia ataweza kuyapeana. Lakini kabla sijaendelea zaidi, nitamuuliza Mwenyekiti wa Constituency Constitutional Committee atuitie mtu wa kutufungulia kikao kwa maombi kisha tuendeleo.

Mwenyekiti: Com. Nunow, Com. Kabira, wasaidizi wao wote ambao wako nao na wananchi kwa jumla, hamjamboni?

Audience: Hatujambo.

Mwenyekiti: Ningetaka kuchukua fursa hii kwa niaba ya District Coordinator kukaribisha Commissioners katika Constituency yetu ya Keiyo Kusini. Ili tuanze kazi – mnajua kwa nini hawa watu wanakuja. Ni kwa sababu kwa muda mrefu tumekuwa na mambo ya Civic education and kadhalika na kwa wakati huu wanakuja ili ku-harvest au kuchukua maoni yenu vile mnavyotaka Katiba ya nchi yetu ikae. Kwa hivyo, wakati huu ningetaka kumuomba Bwana Kigen atuongoze kwa sala ili tuanze kazi. Karibuni ma-Commissioners.

Prayers: Mr. Kigen: Kabla hatujaendelea ningependa kuwasalimu katika jina la Yesu, hamjamboni?

Audience: Hatujambo.

Mr. Kigen: Naomba tusimame ndio tuombe pamoja. Nitatumia lugha yangu ya Kikalenjin. Tuombe.

Jehovah Kamuktaindenyon, kongoi mising Kamuktaindenyon amun inye na kiiyai kipsengwet ak ing'weny eng taunet ko iker ile mie. Kitinye kalosunet Kamuktaindenyon amun kiiberur emoni ko kiiyai. Kingen kele kakibwan taing'ung amun ki lagok chemengechen che nyolu iteben tainyon si ye king'ololi imi kobotech. Kongoi missing amun yutok kimite ko kiichob inye asi kobit kesaen ak kechoben ng'otutiet amun ng'otutiet ko sobonwekyok. Ng'otutiet koribe bikyok; lagok, boisiek akot imbareniktok.

Ko kimwae kongoi amun ichome indoywech. Mokitinye komon achek ne kiboisie kobaten kityo ne bunun. Amun kin iyoe ng'atutiet en tulwetab Sinai, igochi Musa, ko kiikochi ng'otutichoto asi kobit koboisien.

Konech anyun ng'otutiet koek tulwetab ne kikiboisien en betusiechoto. Kimi anyun imite kwenunyon. Kingen kele chi tugul komi kochobegei agobo ng'atututioni, ago inye kotuitoi anyun ne mong'unen kutit ab chi ak ingomemi kwenunyon inye ko mami kit ne keyoe. Amun ng'otutiet ko mo ilosuge kole ang'ate ng'atutioni asi kobunchon, ago bo emenyon nebo Kenya.

Kimwoun kongoi anyun amun kingong'at bik chebo tai ng'otutiet ko kikiboisien agoi ingunon ago inguni ko kakitoi anyun ngo'tututiet agine ne wendi tai, ne ribe lagokyok. Ribe boiyo ago ribe chepyoso ago ribe lakwa ago ribe tuga ago ribe agot ne matwegu. Ko kilosun missing si iboisie en kwenunyon amu kikisa ak kiindoiywech ak iribech.

Kongoi amun kandoik che kikendochi eng' tai ako ngunon indochini kora. Kingen kele kitinye kou President nenyonet ne kiindochi ye kin kondoiwech koboto alak che kikoyosekitu ko kiindochi agoi koyosit.

Ndoiwech anyun komuktaindenyon amun mami kit ne kingen kobaten inye ne indoiwech. Kingen kele tokobwone bik eng oret, kingen kele tokobwone bik en karisiek, indochin asi kobit koyai kou niton.

Kongoi amun kikitoi ketaunen sub-location, keker kele mie ng'olyondoni asi kobit kotyagak kiy age tugul. Isiachech anyun akisiach mugulelwekyok amekany keng'uskei eng' kiy ago chi ne ibwoti kobwotutikyik inegei ikany konyo asi keigun kibagenge, si mabunchin kiy. Kilosun mising. Agot bik che kichobei ng'otutioni ko kisome si kobit indochi.

Kongoi amun en inendet ne moche asi kondoiywech, ko kilosun. Kit age tugul ne kakisir kemoche kebe kechomegei.

Kingen kele kiyechegitui ago kichobchini lagokyok ng'olyondoni. Chop anyun kosulda kou ye kikochop boisiek chebo tai, si kosulda kou noton.

Kongoi amun emenyon nebo kalyet. Kinget kele kalyani kitinye ko bo kandoik che kibo tai ak kilosu kele kichomdosi asi kobit ketestai. Iberurech Komuktoindenyon si kobois bisioni kemokyinige, si korib lagokyok ak koribech, ak korib kandoikyok, kilosun. Indoiwech ye kibendi tai amun kindeni taing'ung agot kandoik che kirwogik, agot kandoik che indochin kiy age tugul indochi, agot sugulisiyekyok indochi. Indochin tugul asi kobit kotestai.

Kondene taing'ung' choton ye kibendi tai amun kilosun itebe kwenynyon en kainetab Jeiso Kristo. Amen.

Com. Nunow: Asante sana kwa hayo maombi. Sasa nitamuita Mwenyekiti wa Constituency Committe tena ili atuarifu wamakamati ambao wamehudhuria kikao hiki na wale ambao watafika baadaye tutajulishwa wakati watakapofika. Mwenyekiti tafadhali.

Mwenyekiti: Asante sana Prof. Nunow kwa nafasi hii ingine. Wanachama wa committee wa Keiyo South Constitutional Committee tafadhali simameni popote mlipo. Ma-Commissioners, tuko na wanachama kumi wakiwemo Mheshimiwa Biwott, the District Coordinator Bwana Fransis Kisen na wale ambao wanasimama mbele yenu. Nitaanzia upande ule ni Bwana Kipkrui Ortut ambaye anatoka upande wa Kerio valley mahali ambapo tulikuwa jana, katikati hapa ni Bwana Julius Chepkeiyen ambaye ni Chairman wa CountyCouncil ya Keiyo, anayefuata ni Bwana Samuel Toroitich Abuss ambaye anatoka upande wa Kusini, halafu Mama Petrude Keka kutoka upande wa Kaptarakwa. Bado tunangojea wanakamati wawili, Bwana Daniel Kotut na Mr. Mary Kiptanui ambao nafikiri wako njiani wakija. Kwa hivyo hao, the Commissioners, ni wale watu ambao tumekuwa tukishughulikia kazi hii kuanzia mwezi wa kumi na moja mwaka jana mpaka wakati huu. Kwa hivyo thank you

Madam Commissioner na Bwana Nunow.

Com. Nunow: Asante sana mwenyekiti wa committee. Sasa ningependa kuwajulisha wanaTume na wengine kutoka secretariat ya Tume ambao tulifika hapa leo. Nikianza na mwenzangu Prof. Wanjiku Kabira, ni MwanaTume na pia ni mwalimu katika Chuo kikuu cha Nairobi. Nami, kwa majina naitwa Abdirazak Nunow nami pia ni mwalimu katika chuo kikuu cha Moi, Eldoret. Pamoja nasi ni wafanyi kazi wa Tume wakiongozwa na Irene Masit ambaye ametoka sehemu hii na ni mojawapo wa Deputy Secretaries wanne wa Tume. Wenzake ni Geoffrey ambaye ni mwandishi na ni wakili pia, pia kuna Josephine Ndung'u ambaye atakuwa ananasa sauti. Hapo wengine wanaandika yale mnayotamka na wengine wananasa hiyo sauti ili baadaye Tume nzima – sio sisi peke yetu – lakini Tume nzima ya wanaTume ishirini na saba waweze kusikiza hiyo tape na waweze kujua ni nini imesemwa na nani.

Baada ya hayo, ningependa kueleza utaratibu ambao tutafuata tukichukua maoni yenu. Taratibu ya kwanza ni muda. Mara nyingi muda unategemea idadi ya watu ambao wamehudhuria kikao fulani na kikao hiki kwa hakika tunatarajia watu wengi wafike na wengi washafika. Kwa hivyo taratibu ambayo tutakuwa tukifuata, tutampa kila mtu dakika tano. Akiwa na maandishi, tutatarajia achukue muda mdogo kuliko hizo ili aangaze tu yale muhimu zaidi katika memorandum yake. Yule hajafanya maandishi yoyote ataweza kufika kwa dakika tano aende kwa points. Ukienda kwa points straight utachukua muda mfupi sana hata utashangaa kuwa dakika tano zitakuwa ni zaidi. Lakini ukienda kwa hadithi na historia, point haitakuwa imetoka. Mapendekezo ndiyo muhimu zaidi. Ukitaja background kidogo pengine kupeana angaza zaidi, uende kwa mapendekezo ili hayo hayo mapendekezo yachukuliwe na yule atakayesikiza hiyo tape baadaye, aweze kujua pendekezo zimekuwa za aina gani na zimetolewa na nani.

Kitu cha pili ni kuwa ikiwa hutaki kuzungumza na una maandishi, unaweza peana hayo maandishi na usizungumze. Hiyo pia itakuwa ni kama jinsi moja ya kutoa maoni yako. Kama utakuwa umepeana memorandum, katika hiyo memorandum itasomwa na Tume nzima mpaka kwenye koma ya mwisho na kwa hivyo usione kama umeacha chochote.

Kitu cha tatu ni discipline. Kila mtu ako huru mbele ya Tume kutoa maoni yake kuhusu chochote kile. Kwa hivyo, ningewaomba, mtu akiwa anatoa maoni yake asipigiwe kelele. Kama hukubaliani na hayo moani ambayo huyo mtu anatoa, tafadhali ngoja nafasi yako utoe yako. Na ukiwa unatoa maoni, usilinganishe na mtu. Usiseme fulani alisema hivi lakini sikubaliani naye – si debate. Kila mtu maoni yake yatachukuliwa. Kwa hivyo tafadhalini kila mtu apewe haki yake aweze kutumia muda wake vizuri na aweze kutoa maoni yake. Tumeelewana?

Audience: Ndio.

Com. Nunow: Asante. La mwisho ni maandishi – registration yaani. Kabla hujaingia utajandikisha kwa orodha kama hii na utasema kama unataka kuzungumza ama kama umekuja tu kuhudhuria – observer. Kwa sababu kulikuwa na watu wengi,

tumeweka meza mbili za registration. Inamaanisha kuwa watu ambao walifika pamoja wanaandikwa kwa meza mbili tofauti. Kwa hivyo, hii list ambayo tunapokea, tunapokea mbili mbili na kila list ina watu kumi na kwa sababu ni list ambazo zinafanywa parallel – mara moja zinaandikwa zote pamoja, tutaita mmoja kutoka list hii na mmoja kutoka list nyingine hadi tutakapomaliza wale watu ambao wamefika pamoja wote, kisha tutafuata orodha moja kwa moja kwa sababu watu wengi wakishamalizika, tutafanya registration kwa desk moja tu na tutakuwa tunapokea list moja. Tumeelewana?

Audience: Ndio.

Com. Nunow: La mwisho ni kwamba ukishamaliza kutoa maoni yako, utajiandikisha kwa hiyo meza – kwa Irene. Utajindikisha na kama una memorandum utaipeana. Tukiendelea, mara kwa mara tunawapa priority – tukiona tumesikiza wanaume kumi, nitatafuta jina la mwanamke hata kutoka chini. Hilo mtanisamehe kwa sababu wanawake ndio wanaenda kuwapikia nyumbani na mkifika nyumbani saa nane mnataka chakula. So, itatubidi tuwatafute kutoka nyuma pia. Na pia wanafunzi; watoto wa shule wakifika nitajaribu kuwapa nafasi ya mbele kidogo ili waweze kurudi kwa madarasa waendeleo kusoma kwa sababu hao ndio wako stakeholders zaidi katika hii Constitution kuliko wengine wote kwani ni ya wakati ujao. Wale wasiojiweza, tukiona mtu asiyejiweza ambaye amehandikisha nyuma kidogo, pengine alianza safari yake mbele yako nyumbani lakini kwa sababu umetembea umefika mbele yake. Huyo pia tutajaribu kupatia priority kidogo.

Nafikiri ni hayo tu. Kabla hatujaendelea ziadi, nitamtambua Mheshimiwa Tabitha Seii ambaye amefika. Mheshimiwa karibu.

Tabitha Seii: Thank you.

Audience: (Clapping)

Com. Nunow: Na nitamuuliza Irene Masit – where is she? Irene, tuko kwako nyumbani kwa hivyo usalimie watu wa nyumbani kisha tuendeleo na kikao.

Irene Masit: Habari zenu nyote? “O omune”. Sasa leo, kimi yutok yu rani keib maoni chekwok. Kito ne kosomok, ko nginyo yutok yu ko matimwa ng’alek che chechang’. Ngimoche kiy, ngele skul, ile kimoche kouni, one, two, three. Amun agree ale chang’ bik asi konyor chitugul nafas. So inyikonu kityo points, what you want, amu kot imwa so many stories ipotesani wakati buch and then so ingitinye ne kaisir ko gaigai ikonu si koek rahisi. And then, mwa kitugul ne imoche imwa. Igun free, don’t really, matile at kamwa ni kolyon, a a, this is an independent body, imwa anything ne imoche imwa. Okay. Kongoi.

Com. Nunow: Asante sana Irene. Sasa District Coordinator wa Keiyo District, Bwana Kigen amefika, nitampa nafasi asemeneno moja au mawili.

Bwana Kigen: Thank you Commissioner Nunow, my Chairman of the Constituency Committee Mr. Maina, Commissioner Wanjiku Kabira, Honourable MPs present and leaders, good morning? Hamjambo?

Audience: Hatujambo.

Bwana Kigen: Yangu tu ni kukaribisha Commissioners wachukue maoni yenu watu wa Keiyo South na feel free kupeana maoni yenu freely kwa Commissioners kwa lugha yoyote – nafikiri wamawaeleza. Jana tulikuwa Flouspar na Iten pia tumekuwa Tambach na leo tuko hapa Sitotwa. Ninawashukuru na ninaona mmefika na wengine wako njiani wanakuja. Commissioners, ninafikiri itafana na niwashukuru wote kwa kuweza kufika. Constituency Committee members nafikiri Mr. Maina amewajulisha. Asante sana Bwana Chairman. Nafikiri sina mengi na ninataka tu watu watoe maoni yao ili shughuli ya kurekebisha Katiba iendelee. Thank you.

Com. Nunow: Asante sana Bwana Kigen. Sasa tutaanza mambo ya kuchukua maoni. Una swali?

Speaker: Good morning everybody? I would just like to make an observation. We would like to guarantee the independence of the Commission and we would like request the District Coordinator and the chairman of the Constituency Constitutional Committee not to sit amongst the Commissioners if that is possible.

Audience: Clapping.

Speaker: Because we know what usually happens as we have been seeing in such other forums that take place. We would like the District Coordinator and the Chair of the Committee to sit amongst the secretaries or elsewhere if you can perform your duties. Because we know according to the Act, you are the only people mandated to collect and collate views on behalf of Kenya. Thank you.

Com. Nunow: Asante, lakini ningependa kuwahakikishia uhuru wa Tume. Na kwa wale hawajui, District Coordinator ni mfanyi kazi wa Tume. Amejiriwa na Tume na anafanya kazi kwa amri na instruction za Tume. Kwa hivyo vile nilisema, yale mzungumza hapa yanaandikwa na Deputy Secretary, Irene na Geoffrey. Pia sisi tunachukua point zingine ambazo tunaona zinahitajika for counter checking. Halafu, pia kila sauti au neno ambalo unatamka linanaswa kwa sauti. Kwa hivyo, mtu kukaa mahali ama asikae hakuna lolote ambalo anaweza kubadilisha ama kuongeza. Kwa hivyo msiwe na shaka. Unajua ukianza kitu na shaka, hakifai kwa sababu kitakuleta madhara bure. Hii Tume ni huru na maoni ya wananchi wote katika provinces sita ambazo tumeshachukua na ya saba ndio hii – Rift Valley na tukimaliza tunaenda Western kisha tuandike ripoti.

Hiyo ripoti ambayo tutaandika itakuwa ya aina mbili. Moja, itakuwa ya Constituency – Keiyo South itakuwa na ripoti yake; kisha kutakuwa na consolidated report ya taifa nzima. Na Keiyo South report itakuja kwa Keiyo South. Kila ripoti ya Constituency itakuja katika Constituency ili nyinyi ambao mmechangia haya maoni muangalie na muone kwamba maoni yenu yamechukuliwa katika hiyo report. Tumeelewana? Kufikia hiyo stage ni miezi miwili imewekwa na Katiba na sheria. Imeweka at least siku sitini ili hiyo report iweze kuwa na wananchi, waweze kujadiliana, waweze kutoa yale ambayo yamewachwa. Kisha Tume itafika tena – pengine kwa district headquarters kwenye kila Constituency itakuwa inaweza kutuma watu ama wengi wafike kuwasiliana au kupeana maoni yao tena ambayo wameona yameachwa.

So, kuna counter checking ya ile repoti ambayo itakuwa imetoka. Hiyo report itakuwa inaandamana na national report. Baada ya hizo 60 days na Tume kuja round – sio kupenda kwetu-ni instructions za sheria ambayo imewekwa kwa Tume. Baada ya 60 days wananchi kujadiliana, lazima tuje tuangalie wananchi wana nini ya kuongeza wanasema imewachwa ama wameridhika nayo; kwa sababu wale wametengeneza hiyo sheria walikuwa wanataka kujenga consensus kwa sababu Katiba ni ya kila mtu.

Baada ya hiyo kutakuwa na national conference ya watu zaidi mia sita na katika hiyo national conference, kutakuwa na Wabunge wote – mia mbili ishirini na wawili. Asili mia zaidi ya thelathini na tano watakuwa ni Members of Parliament. Wengine watakuwa watatu kutoka kila wilaya ambao mmoja wao lazima awe mwanamke kwa sababu nafasi yao imehakikishwa. Hamna chochote ambacho kitazuia wote watatu wanawake; lakini at least mmoja ni lazima awe mwanamke na watajadiliana hiyo national report, wakubaliane na kila kitu na chochote watahindiwa kukubaliana watapiga kura na chochote ambacho ni cha kiKatiba ambacho hakitaweza kupata mahitaji ya kura, kitapelekwa referendum. Kila kitu kikikubalianiwa report itakuwa revised kufuatia majadiliano ya conference kisha tuipeleke Bunge.

Kwa hivyo, si nafasi moja tu ya wakati mmoja. Hii report itarudi kwenu mwangalie na msemi ni nini ilisemwa kwa Constituency na haikuongezwa. Nafikiri tumeelewana. Na bila kupoteza wakati, tutaanza kusikiza watu kwa ajili ni wengi na tayari tuna watu sabini zaidi. Nitaanza na Isaack Kibor. Na ukiitwa, tafadhali ananza na majina yako kwa sababu ya kunasa sauti ili maneno ambayo yatafuata jina yatajulikana kwamba ni ya fulani. Kwa hivyo Mr. Isaack Kibor apeleke microphone huko. Anza na majina yako na utupatie mapendekezo tafadhali.

Isaack Kibor: Mimi ni Isaack Kibor na ninazungumza kwa niaba ya disabled people of Kenya na ninaanza mazungumzo. The Chairman, Constitution of Kenya Review Commission, who is disabled? People may be disabled by physical, intellectual or sensual impairment, medical conditions or medical illnesses. Such impairments, conditions or illnesses may be permanent or transitory in nature. Handicap means the roles or limitation of opportunities to take part in the community on an equal level with others. We are advising the Ministry of Health to have special clinical officers in every health centre so that they can identify these people and advise their parents on what to do to help them. Earlier identification of disability, and appropriate intervention by trained medical personnel is important. When the disabled people have been identified, they are prepared to go to the right schools. For example, the physically handicapped can join normal school so long as they are accessible, the blind

can be taken to the special schools while the deaf can also be taken to the special schools. For the mentally retarded, they also need special schools care depending on the degree of their mental condition. The Ministry of Health has to help in this. In the disability, there are some who suffer more than others and they need care that is subject to the medical recommendations.

The disabled people need to be given free education as well as the children of disabled people. Sports and recreation; all persons with disabilities should be entitled to a subsidized cost of use of recreation and sports facilities owned or operated by the Government. During social sporting recreation activities or (inaudible) some of the disabled should join rehabilitation centers. For the physically handicapped, some need wheel chairs, shoes, calipers and crutches. They need to be accessible inside their houses and their bedrooms. The doors should be wide enough for the wheelchairs. The uses of the wheelchairs need to be accessible from the door of her/his house to the place of work, Super markets and all public places.

Therefore, we are appealing to all road engineers, builders of buses to build (inaudible) so that the users of wheelchairs are accessible everywhere in communication, to make it easy for the disabled people. Therefore, (inaudible) should be in all buildings and even storey buildings. The buses should be build so that a person in a wheelchair can get onto the bus easily. We need to move from one place to another with much ease.

The people who are deaf use sign language and they need interpretation for easy communication. The community should be taught primary sign language to make it easy for the deaf people to communicate with the public. We need alarm systems for the deaf in lifts incase of emergency to assist deaf persons.

The people who are blind need Braille and as they go to the libraries they need white sticks. No person should deny persons with disabilities access to an opportunity for suitable employment. Employment in the public and private sectors shall be reserved for the person with disability. 10% of permanent employment which are in the public and private sectors should be preserved for the person with disability. A minimum of 5% of all casual emergency and contractual portion in the public and private sectors, should be preserved for the persons with disabilities.

Com. Nunow: (Inaudible)

Isaack Kibor: Okay. Lastly I will still give; the Persons with Disabilities Commission should be formed so that it will take care of the disabled. The Commission should get money from the Government being put in by the Parliament and also they can get from NGOs. They should also control the fund for the disabled and should be looking after the welfare of all disabled people in the republic of Kenya. They should zone Kenya into about five and see that all the needs of the disabled people are catered for (inaudible). They should see that all disabled people go to school. Thank you very much.

Com. Nunow: Asante Bwana Kibor. Tafadhali ukipigiwa kengele inamaanisha point ya mwisho ama last two points ndio

umalize. Sio ukate tu sentence ambayo umefikia katikati kwa sababu umepigiwa kengele unanyamaza; bali umalize lile ambalo unazungumza ama ya mwisho na point moja zaidi. Lakini usiendelee mpaka upigiwe mara kadhaa. Na rafiki yangu wa media kama utaweza kuweka hiyo kando kwa sababu huyu mtu ambaye atazungumza atakaa hapa – hiki kiti ambacho unasukuma ni cha mtu ambaye atatoa maoni na usi-block ndio watu waweze kuona pia. Kwa hivyo tafadhali uheshimu muda ndio kila mtu apate nafasi kwa sababu siku ni moja. Hatuna fursa ya ku-extend siku – you know the day lights within all the twelve hours and we cannot extend that. So, you had better give others an opportunity and it is important that the views of this Constituency are from as many people are possible. So, if you see you are time constrained, say the new points that are not mentioned by your predecessors. Halafu, ningependa kuwajulisha kwamba mnaweza kuzungumza kwa lugha yoyote. Mko huru kuzungumza lugha ambayo unaweza kuji-express vizuri. Usiwe constrained kuzungumza Kiswahili na Kiingereza. Mark Cherop, Mark nafasi ni yako na Isaack Cheboi ajitayarishe baada ya Mark Cherop.

Mark Cherop: Basi yangu ya kwanza, sitakubaliana na mambo ya majimbo.

Com. Nunow: Majina? Anzia na jina.

Mark Cherop: Kwa majina naitwa Mark Cherop vile mmesikia nimeitwa hapo, kutoka upande wa Gatarakwa. Sitakubaliana na mambo ya majimbo kwa sababu mtu mwenye amejiriwa Mombasa ataweza kuja nyumbani na tukae pamoja na hivyo ni vibaya kwa sababu tutakuwa tumeweka mpaka. Kuhusu political parties na civil society organizations; political parties should be automatically registered. Public funding of political parties should be guaranteed. The Constitution must also guarantee independence of the operation of political parties. The Constitution should also guarantee the rights of civil groups such as CBOs, Religious organization and NGOs to operate independently from the Government. Mpaka hapo yangu yatakuwa mafupi.

Tena naongenezea kwamba wakati Katiba itatengenezwa upya, inatakikana kuwekwa kwa lugha yenye inaeleweka na watu wote na sio Kiingereza au Kizungu peke – inatakikana iandikwe kwa Kiswahili. Nafikia hapo, asanteni.

Com. Nunow: Asante Bwana Cherop for being precise. Bwana Cheboi, Isaack Cheboi. Karibu Mzee.

Isaack Cheboi: Thank you Mr. Chairman, the Commissioners – mine will be very brief. It will be on farming and management. Kenya is an agricultural country whose 80% of its people depend on land for their living. Therefore, the use of management of land should be well entrenched in our Constitution in order to strengthen the economy and unity of this nation. Therefore, I am making the following recommendations: Every Kenyan citizen has a right to own land, live and settle anywhere within the borders of Kenya. Land potential across the nation is indeed a rush. For example, land size that can support a family greatly differs in various zones. So, there should be no limitation of the size of land units owned by groups or individuals so long as that land is put to full productive use. Any idle land should be taxed to compel the landowner to put it in productive use. All

leasehold land should be converted to free hold. All land disputes should not be referred to the courts but to Land Tribunal constituted and composed of eminent local leaders of the community concerned.

Owners of lands acquired for use by the Government should be compensated at market price plus 30% disturbance compensation. All Trust Land currently under County Council should be adjudicated and titles issued. The County Council market centers should be planned and owners issued with titles. The preparation of land titles should be decentralized to the districts. Land under forests in the country has reduced in the recent years. In order to improve the situation, every land owner should set aside at least 5% of the land and change it into woodland – about 2% in the higher ground and 3% on the lowest part. This will improve the environment as well as availing the fuel wood which is used by majority of Kenyans. It will also save the existing forests from destruction.

In order to improve and maintain land productivity so that we can meet the growing population demand for food, irrigation should be encouraged. The water for irrigation be availed by building series of dams on our rivers. This will also conserve water and maintain down stream river flow for a longer period as well as bringing some more rain. The riverbanks should be clearly alienated, be distinct from personal land and should be covered by natural trees and vegetation of the area. Soil conservation is important so as to retain the fertile soil available now for the production of food for present and future generations. All the landowners should therefore be skilled in soil conservation and must practice soil conservation.

All the land-based natural resources such as forests and minerals should rest in the community through the district Councils. The land owners who are farmers, should realize profit in order to manage the land properly and be encouraged to produce more and make Kenya self sufficient in food. Therefore, foodstuff produced by Kenyan farmers should first be bought and stored before determining the shortfall and therefore, licensing of importation of food to meet the reserve required. All the

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.....Mortgaging. Lastly, there should be devolution of power from the centre to the regions and the districts. Kenya will be doing the right thing at this time, and point of history by adopting federal system practicing by the most advanced democracies and economies of the world like the United States and Federal Republic of Germany. Thank you very much.

Com. Nunow: Thank you very much Mr. Cheboi for those very clear recommendations that have come out very clearly without being marred into other side issues. Jane Kimursi. After Janet, Sally Kosirbet.

Janet Kosirbet: Asante. Kwa majina naitwa Janet Kimursi kutoka Lelgoinet, Keiyo South. Ningependa kutoa maoni yangu leo kwa Tume ya Katiba ambayo inachukua maoni. Kwanza, nitatumia lugha ambayo nitaweza kuitumia. Nina-present juu ya rights of citizenship. Dual citizenship should be allowed in Kenya irrespective of gender provided that the person so allowed, is a Kenyan by birth. The persons referred to as automatic citizens of Kenya are those who were born within the territories of the

Republic of Kenya. Spouses of Kenyan citizens regardless of gender shall be entitled to citizenship application. Children born of refugee parents in Kenya shall also remain refugees and shall not be citizens of Kenya by birth. A child born of Kenyan parents regardless of the parent's gender shall be entitled to citizenship by application. The rights and obligations of the citizens of Kenya should not depend on the manner in which a citizenship was acquired.

Every citizen of Kenya shall be entitled to all rights contained in the Constitution and any other law applicable in Kenya. Every citizen shall abide by the Constitution and any other law applicable in Kenya. Parliament may provide for the acquisition of citizenship of Kenya whether by registration or by naturalization by persons who are not eligible or who are no longer eligible to become citizens of Kenya. Parliament may provide for the renunciation by a person who is a citizen of Kenya. Any citizen who attains the age of 18 years should be entitled to obtain a Kenyan passport as a right. Proof of citizenship shall be through the National Identity Card, Passport and Driving License and Birth certificate. To add to that, I would only say that I am also not for the majimbo Government. Thank you.

Com. Nunow: Asante sana Janet, utasubiri uweze kujiandikisha. Sally Kosilbet, karibu.

Sally Kosilbet: My names are Sally Kosilbet from Keiyo South. I am going to talk about the rights of the child and I am talking using English. Rights of the child: Rights can be expressed as those things which are fair and just for a person to have or to be able to do. Basic needs are referred to as rights such as clean water, food, shelter, medical care, education and clothing. Who is a child? A child is a human being who is aged 0-18 years and is still under control and directly dependent on the parents or guardian. The topics which I am going to deal with are the basic rights of a child which are survival, development, protection and participation.

Survival rights: This covers a child's right to live and needs that are most basic to a system such as shelter, food and water. This child should live in a clean environment, balanced diet and a good shelter. Such airy and non-serviced shelters, example some spend their nights in the kitchen whereby it smoky and stuffy. It makes one to be dull and inactive. All children should get good and balanced food for their growth and health development and clean water for health development.

Development rights: This encourages children to reach their fullest potential. For example, education, leisure, play and cultural activities. Each child should be educated at least up to a level of Form Four and be assisted up to university level. Education levy; allow free education upto to Form Four and be supported to further levels. All children's freedom should be conformity with the cultural values. Young people like these, are like young plants which need good gardening and protection. Young children need to be educated and counselled in special matters even before they are transformed into young adults. This should be incorporated in the school curriculum and a panel of elders should be trained in order to give advice and seminars. The children need guidance and every opportunity should be taken to help them fulfill their dream of becoming decent parents with the right information. The world is now a global village and if parents and guardians do not feed children with accurate

information, peers and media will feed them with junk.

Protection rights: Children require to be safeguarded against all forms of abuse, discrimination, neglect and exploitation. Examples are special care for refugee children engaged in military activities, children with disabilities and separated children. The children's Act should be enhanced so as no person shall subject a child to cultural rights customs or traditional practices that are likely to negatively affect the child's life, health and social welfare. Willful assault, ill-treat, abandon or exposure in any manner likely to cause him or her unnecessary injury or loss of sight, hearing and any mental disarrangement should be protected. Discrimination, circumcision, child abuse and violence have brought untold frustrations and misery to the girl child. These are our children and mothers of the next generation. Raping of innocent babies is a serious crime and we all have to join hands to fight the sickness. These children have a right to self-esteem since it is not of their own making they are what they are – male or female. All children are the same and none is born clothed with more privileges and so should be treated equally and should inherit equally from their parents. Strategies must be developed to help children fight sex trafficking, genital mutilation and every other form of abuse. It will require a concerted effort from policy makers, down to parents and then the children themselves.

Government and policy makers should endeavour to protect the child against unscrupulous businessmen, wayward security officers and teachers who peddle drugs to students. The level of awareness on the harmful side effects of drugs should be incorporated in the education system. Counselors in the school system should be trained on how to handle cases of sexual and drug abuse among students. Parents should enroll their children in programmes where they will benefit by learning about the dangers of life. Social Ethics to be introduced in schools as part of the curriculum. The Government to enact a policy to protect street children from sniffing glue and petrol and including laws that deal the traders of glue just like any other drug. Health outlets should be created to take care of -----

Com. Nunow: Asante Sally, tafadhali sema point ya mwisho kwa sababu kengele ikipigwa na huheshimu muda, itanibidi niingilie. Tafadhali sema point ya mwisho.

Sally Kosilbet: Okay, thank you. Training, discipline and counseling is very necessary for these children's upbringing and participation of parents in all areas is very essential. Thank you.

Com. Nunow: Asante sana Sally Kosilbet. Tutasoma memorandum mpaka kwenye commas na chochote ambacho umeweka huko - ni maoni yako ambayo umetoa. Kwa hivyo tafadhali tutapokea memorandum na utajiandikisha pale. Abraham Yator. Abraham atafuatwa na Joseph Kipsalang, is that correct? Joseph Kipsalang, wewe ndiwe unafuata na baada ya yeye, ni Ernest Keitany in that order. Tafadhalini muwe tayari to minimize ile time ya kufika hapa.

Abraham Yator: Mine will be very brief because I only want to talk about the Preamble.

Com. Nunow: Your name first?

Abraham Yator: My names are Abraham Bartiloli Yator. The Preamble of the Constitution should state the number of tribes in Kenya which are the 42 tribes and state the national language and the mother tongue of each and every tribe.

Education: In education, I need the 8-4-4 system to be scrapped and be replaced with the old system and the K.J.C.E examinations to be introduced. The Government should give free education to disabled children and the marginalized communities like the Ogiek, the Dorobos and the Njembs just to name some few. Teachers salaries should be increased.

Executive: The Constitution must set a way in which the President must be removed from power for misuse of position and misconduct while in office. This can be through impeachment, prosecution on criminal and civil cases, and vote of no confidence. All Provincial Administration starting from the Chiefs upwards to be removed with immediate effect when the Constitution will have been amended. I had forgotten something in education – all primary candidates who are sitting for the examination to live within the school compound so that they will have ample time in preparation for their examinations.

Natural resources: The Local authority to be in charge of the natural resources and the Government should find a way of planting trees in our forests that we have in our local constituencies so that the forests are intact and we can still have materials to use later on. That is all that I had.

Com. Nunow: Thank you very much Abraham, tafadhali jiandikishe. Joseph Kipsat, karibu. Chukua microphone utupatie majina na uendelee.

Joseph Kipsang: *Kainenyun ko Joseph Kipsat arap Lang'*

Translator: My names are Joseph Kipsat Arap Lang

Joseph Kipsang: *Angeten kitany sub-location*

Translator: I come from Keitany Sub location,

Joseph Kipsang: *Chebior*

Translator: Chebior.

Joseph Kipsang: *Mautye alei Mungu Mungu Kongoi. Nyo taitanyu ketoretge tuwai.*

Translator: I cannot forget to thank God for having allowed me to come here.

Joseph Kipsang: *Bwana Chairman, amwaun kongoi agobo ng'otutioni keibu keng't tugul.*

Translator: Bwana Chairman, I thank you for allowing this law to be made by the people.

Joseph Kipsang: *Ang 'ololo agobo Majimbo.*

Translator: I am talking about federalism.

Joseph Kipsang: *Ane atinye kenyisiek sitini na tano.*

Translator: I am 65 years old.

Joseph Kipsang: *Ko kingokile ko kimi Majimbo.*

Translator: Long time ago, there was federalism in this country.

Joseph Kipsang: *Agot chumbek ki ngomi emoni ko kikimi komostab Majimbo.*

Translator: Even when the white men were here, there was federalism.

Joseph Kipsang: *Kimi chitugul bororienyin.*

Translator: Everybody was in his own territory.

Joseph Kipsang: *Eng' Keiyo kotinye atebeng 'wai.* Vernacular

Translator: Keiyo people have their own ways of living,

Joseph Kipsang: *Eng' emenyin*

Translator: In their own country.

Joseph Kipsang: *Ngomi chi Jimbo nenyi ko ng'ote ng'atutikyik.*

Translator: When somebody is in his own region, he makes his own laws.

Joseph Kipsang: *Komi kiy ne kikikuren Kikirei.*

Translator: There was a law governing the people called Kigrei.

Joseph Kipsang: *Noton ko ng'atutiet.*

Translator: That is the law.

Joseph Kipsang: *Ng'otutionoton konomegei agot eng' nebo Mungu.*

Translator: There is the law of Keiyos coincide with what is in the Bible.

Joseph Kipsang: *Eng' imbaretab chi, ko bou kap chi imbareng 'wai.*

Translator: In every family, the family is in charge of their own land.

Joseph Kipsang: *Ko kingomi Majimbo ko kitinyei Jimbo age tugul forest nenyin.*

Translator: When there was federalism, every region had its own forest.

Joseph Kipsang: *Noto forest ko imbaret eng' Kalenjin.*

Translator: The forest was in form of land.

Joseph Kipsang: *Kekuren tumoo*

Translator: It was called forest land.

Joseph Kipsang: *ago kiribe ketik*

Translator: They were taking care of the trees,

Joseph Kipsang: *ago ribe ainosiek*

Translator: Rivers;

Joseph Kipsang: *Ak kingemoche ketil ket ketebe boisiek kelei kima ketil keton* Vernacular

Translator: When one wanted to cut a tree, the old people had to be consulted.

Joseph Kipsang: *Angemoche ketil imbaret kekol ketete kele kimoche ketil imbaret noton.*

Translator: And when land was being opened for cultivation there was a way of arranging for starting the cultivation.

Joseph Kipsang: *ago kimakosire chi kiwotetab chi.*

Translator: And there was a law governing the taking over of anybody's land.

Joseph Kipsang: *Ko anyun kot ketokyige Majimbo ngonon, achame majimbo, ko emoninyon bo Kenya ko tinye chitugul chimbo nenyi.*

Translator: So, when we adopt federalism, everybody will have his own territory.

Joseph Kipsang: *Ko kikenyoru anyun kandoinatet nebo serkali ko memuche konyo kandoindet ne kikikwai konyo kotil imbar amami chomchinetab bichoton.*

Translator: In the federal system, the Head of State will have no right to come and alienate land of other people to others

Joseph Kipsang: *Kobaten konyokawoch ak bikab bororionoto.*

Translator: Without the consent of the landowners.

Joseph Kipsang: *Ko goi kandoik anyun chebo yotok kole kakicham ng'olyondonoton.*

Translator: The leaders of that territory or that piece of land, will have to give consent.

Joseph Kipsang: *Ko moyinye anyun chechang' amwae kityo ale kongoi.*

Translator: I don't have more, that is enough for today. Thank you.

Com. Nunow: Asante Mzee na ujiandikishe tafadhali. Ernest Keitany?

Ernest Keitany: Commissioners, my views are as follows;

Com. Nunow: Give your name first.

Ernest Keitany: Sorry, sorry. My name is Ernest Keitany, and I will speak about sports policy. Sports plays a very important role in both social and economic development of a country. The Kenya Sportsmen and sportswomen and Athletics in particular, have brought fame and glory to Kenya. Sports bring people together and it has promoted good relationships between different communities, tribes and nations. The athletes who have been able to participate in many areas have been able to buy themselves property by promoting the name of Kenya and as such, tourists have been able to come to Kenya to see how the country is where these prominent athletes come from after having performed very well in those given countries.

Recognition: Despite the importance of sports, very little recognition has been given to sports as an activity and the sportsmen and sportswomen as participants. Also forgotten in this aspect are the officials who tirelessly volunteer themselves by using their own resources, time and energy in volunteering to do all this promotion of sports. The athletes have not been rewarded properly. Having won Gold medals in various games be it in the Olympics, be it in the World Championships and having so, broken the world record, none of them has ever been rewarded handsomely in this country, for example, we have Komen from this area, we have Barmasai from this area, we have Barsosio from this area and we have Kiplagat. Very many of them have come from this district and have never been rewarded for having performed very well internationally and brought medals to this country. For that matter, if you can note for your own selves, the steeple chase which have been won by Kenyans for many years right from 1968 - there is no time when there are Olympics and a Kenyan does not win a Gold medal. And when they come, they are only given what we call decoration but no material rewards. In other countries like Morocco, Ethiopia and Nigeria they are rewarded very handsomely.

Com. Nunow: Mr. Keitany, please give us recommendations because that is what will go the Constitution.

Ernest Keitany: Mr. Chairman, as far as this is concerned, I will now talk on behalf of this very important industry. This is an

industry that has to be considered very highly and as far as the consideration of this industry, my proposal is that it has never been legalized in the country. The sports as such, has not been legalized. That means, the Government through registration – that is my recommendation- should come up strongly to support sports policy and as such as far as in this area when this is legalized, we will have a say when we have a caretaker committee the Ministry does not have a legal basis on sportsmen when they have what we call a caretaker committee. And as such, we need to have a legal basis and in the recommendation, I wish to request the Review Commission to take recognition of this important industry because it gives the daily lives of the sportsmen not only from this area, but also in the entire country a better way of living. Because it is an industry by itself at the moment, place it in your own recommendation when you end up giving your recommendations. Finally, I will support the federalism as it is in other countries like America and in Germany. Thank you.

Com. Nunow: Thank you very much and I now call upon Paul C. Kibalgoi.

Paul C. Kibalgoi: Asante Bwana Chairman. Kwa majina naitwa Paul Chemoi Arap Cheserem Kibalgoi na ninazungunza kwa niaba ya Catholic Church. Nitaongea juu ya Executives and nitasoma kwa Kiingereza.

The Constitution should not vest all the Executive powers on the President. Executive powers should be shared with the Parliament and other organs of the Government. Presidential tenure should be fixed to a maximum of two five-year terms. The President should be subject to impeachment by Parliament for a breach of the Kenyan Constitution. There should be a Prime Minister appointed by the President from the Parliamentary party having the largest number of MPs in the House. The Prime Minister should be vetted by Parliament. He shall be Head of the Government whereas the President shall be Head of State. The President should appoint a Cabinet whose members are committed by the Prime Minister. The number of Government Ministries should not exceed twenty and each Ministry shall be headed by one qualified Minister except, the Office of the President which shall be headed by not more than two Ministers. Ministers should be professionals in the Ministries they serve in.

The President should remove a Prime Minister who losses more than 2/3 majority of MPs through a vote of no confidence motion in Parliament. The Prime Minister and the entire Cabinet should be accountable to Parliament. The President should not be a Member of Parliament and he should be elected by an absolute majority of all votes cast. All appointments by the President authorized by the Constitution, should be subject to approval by Parliament. The Vice President shall deputize the President and pass on such duties as may be assigned by the President. If there is a vacancy in the Presidency, the Vice President should take over for a period of 90 days during which elections shall be held. If, in any case the Vice President is unable to exercise the powers and duties of the presidency, the Speaker of the National Assembly shall act in his or her place.

The President should not be above the law and he should not issue any orders or decrees that violate the Constitution. All powers and duties of the President should be defined in the Constitution. The President shall be the Commander-in- Chief of the Armed Forces of the Republic of Kenya. The President shall appoint various Commissions and officers subject to being

approved by the Parliament. Any Constitutional appointment shall be for a maximum of two five-year terms. At least 1/3 of all Constitutional appointments shall be occupied by women. The following permanent Commissions should be established by the Constitution: Parliamentary Service Commission, Judicial Service Commission, Public Service Commission, Armed Forces Commission, Police Commission, Prisons Commission, Electoral Commission, National Commission on Human Rights, Gender Commission, Anticorruption Commission, Land Commission and Law Reform Commission.

The Administration Police should be scrapped and the officers so affected should be retrained and incorporated into the regular police unit. All police officers should be retrained on Human Rights. The office of the Ombudsman should also be established by the Constitution. Thank you Mr. Chairman.

Com. Nunow: Thank you very much Mr. Kibalgo. I now call David Chepkitem who will be followed by Juliana Bartoch.

David Chepkitem: Jina langu ni David N. Chepkitem. Niko hapa ili nipeane mawazo au maneno ambayo tuliyaandika katika Chebior. Kabla sijaenda, ningependa tu kusema juu ya Chiefs. Chiefs katika area yangu ya Cheboir hawana uwezo wowote hata kidogo kwani uwezo wao ulifutwa 1997. Nauliza Constitution irudishe sheria kwa Assistant Chiefs na Chiefs ambazo zinaweza kutusaidia kwa maana watoto wetu wamekuwa watoto ambao hawana heshima kwa sababu hakuna mtu ambaye tunamkimbilia. Chief hana uwezo wowote na kwa hivyo, tunataka irudishwe ili watoto wetu tuliowazaa, na wale ambao watazaliwa wawe na sheria mikononi mwao. Ni hivyo tu Bwana Chairman, sikuwa na mengi; ninapeana mawazo ambayo tuliyatangaza.

Com. Nunow: Asante sana Mzee. Tafadhalini, hallo, order, order. Tafadhalini tutakuwa na wakati wote wa kuzungumza na kujadiliana yale yamesemwa leo. Kwa sababu siku moja tu, wacha tutumie hii siku optimally vile tunaweza. Sawa? Mama Juliana endelea.

Julia Bartoch: Kwa majina mimi ni Mrs. Juliana Bartoch. I will speak in English and I am going to talk about gender equity. All children be regarded equally in education and in all other aspects. Sharing of family property should be equal to all the children regardless of sex. Thank you.

Com. Nunow: Asante sana Mama kwa hayo maoni. Hallo, hallo - unajua tukitumia dakika moja ama mbili baada ya kila mtu kuzungumza, cumulatively itakuwa karibu watu ishirini mtakuwa mmewanyima nafasi. Okai Joseph na atafuatwa na Michel Maina.

Joseph Kukai: My names are Joseph Kukai. Sitasema mahali ninatoka kwa sababu hii ni Constituency yangu. Nitaongea juu ya executive. One point. Mambo ya President kuwa above the law should be scrapped. Cultural rights; wife inheritance should be stopped as well as female circumscion. We the Keiyos want our Constitution that governs us to allow us have our weapons like arrows and spears because police wametumia hiyo nafasi kuwa yao kwa sababu akikupata na mshale mmoja

anakupeleka police station. Hatutaki hayo maneno; tunataka kuya-stop ili yawe cultural rights. I am very sorry to say that I am against federalism in any place. I have not yet heard someone saying there is federalism in Africa. They are talking of America – are you in America? Federalism should stop because we are talking in Africa where there is no African country under federal Government. If you want something that kind – kama unataka kitu kama hicho uende Sudan upate federalism Government or Somalia. Thank you very much.

Com. Nunow: Asante sana Kukai Joseph. Michael Maina. Tafadhali niwakumbushe tena, kwa sababu tunanasa sauti itakuwa aibu sana kwamba baadaye Tume ikisikiza tapes za Keiyo kusini, iwe ni makelele tu; itakuwa ni aibu na nitawaeleza kila wakati popote tuendapo. Mahali kwingi watu wamekimya kabisa ili ukisikiza tape unasikia tu yule anazungumza. Kwa sababu wakati hajamaliza maneno yake kwa kupiga makofi na kupiga kelele, hiyo tape inashika hiyo na itakuwa ni vibaya. Tafadhali tutulie.

Michael Maina: Thank you very much Bwana Commissioner, nitasimama nikizungumza kwa maana desturi ya Keiyo, mwanamume akizungumzia watu anasimama. Ningependelea kugusia tu mambo ya structure of Government ambayo nionavyo mimi binafsi – haya ni maoni yangu mwenyewe na sio ya kamati yangu- na ningetaka kueleza kwamba tuwe na President vile ilivyo sasa lakini awe akichaguliwa pamoja na Vice President kwa popular vote katika nchi wakati wa election. Na huyu Vice President atakuwa principal assistant wa President. Pia tuwe na Prime Minister ambaye atakuwa akihusika na mambo ya kiserikali – yaani atakuwa Head of Government hali President mwenyewe atakuwa Head of State. Na huyu Prime Minister atakuwa in charge ya mambo ya kindani ya serikali katika Bunge na administration ya Government in general, na atakuwa anasiadiwa na Mawaziri wadogo wawili yaani Deputy Prime Ministers wawili, ambao mmoja wao, atakuwa in charge wa international affairs or foreign affairs pamoja na defense na yule mwingine atakuwa anahusika na mambo ya serikali ya ndani yaani administration Government.

Pia, kwa maana saa zinakimbia, ningetaka ile kazi ya Head of the Civil Service and Secretary to the Cabinet ibadilishwe iwe Chief Secretary kwa title yake ili awe ngazi moja juu kuliko wale Permanent Secretaries wengine. Pia, ningependelea ya kwamba tungekuwa na askari ambaye anaona vile kazi ya serikali inaendelea kwa maana hata saa, hii tuna-complain juu ya ufisadi na kadhalika katika serikali na corporations. So, I suggest that we create an office of the Ombudsman katika set up hii inakuja. Pia, tuwe na Attorney General ambaye sio Minister vile alivyo wala asiwe mwana chama wa Cabinet; bali badala yake, we create a Ministry of justice and Constitutional affairs ambayo mwenyewe sasa atakuwa waziri sasa wa mambo ya sheria na mambo ya kiKatiba katika nchi.

Pia, ninaonelea ya kwamba sisi tu tayari, or we are ready kuwa na second chamber of Parliament ambayo tutaita Senate ambayo itakuwa na watu ambao wanachaguliwa na watu directly kutoka kila district katika nchi hii na itakuwa composed na wanachama wasiozidi mia moja. Nikiteremka naja kwa Regional Assembly ambapo mimi singependa iitwe Regional Assembly lakini badala yake iitwe Provincial Assembly ambayo pia, itakuwa na watu ambao wanachaguliwa kutoka kwa district na

kutoka kwa serikali za mitaa katika mkoa huo. Kazi yake itakuwa kusimamia yale mambo because what we are saying now is that, there should be devolution of power from the centre to the districts and provinces na vile tunavyohitaji ni kwamba, lazima tu-democratize hizo institutions zote. Jinsi ya ku-democratize ni kwamba Provincial Commissioner ambaye sasa ni Mkuu wa Mkoa, awe Chief Executive Officer wa Provincial Council lakini yeye ataendelea kuwa civil servant ile hali Provincial Council yenyewe itakuwa na governor ambaye atachaguliwa na raia directly.

Nikija kwa district ambapo tuko kwa mfano Wilaya ya Keiyo, tuwe na District Council ambayo inakuwa composed na present local government set up ambazo ziko kwa District plus the District Development Committee members, pamoja na District Commissioner ili tuwe na Council moja ambayo ina nguvu ya kutatua mambo yote katika district kwa sababu wakati huu, raia hawawezi kujua ni shillingi ngapi ambazo zimekuja kwa wizara ya barabara, hawawezi kujua ni pesa kiasi gani imekuja kwa wizara ya elimu. Kwa hivyo, tukiwa na serikali ya mtaa mmoja ambayo ina nguvu na District Commissioners wa Chief Executive, nafikiri tutakuwa tumekaribia mahali ambapo tunaelekea.

La mwisho Commissioners, ni juu ya mambo ya watu kusema hatuhitaji majimbo. Naonelea kwamba majimbo ambayo ni ya haki ni kuwa mtu yeyote ambaye yuko katika jimbo or province na awe ni kabila gani, una haki ya kuishi hapo. Hii ni kwa maana tukisema mtu lazima arudi kwake atoke mahali alipo, tutatoa machafuko katika nchi hii. So, kama Mkalenjin ako Coast au awe Western aishi huko na awe mwanachama wa huko. Asante sana Bwana Chairman na Commissioners.

Com. Nunow: Asante sana Bwana Maina. Sasa namuita Hellen Balgoyet. Hellen uzungumze tu kutoka huko.

Hellen Balgoyet: *Kotom atestai agotok okwek tugul en kainetab Jeiso..* Kabla sijaendelea ningependa kuwasalimu wote katika jina la Yesu. Ninasema asante kwa hii Katiba kwa sababu serikali imetupatia Katiba ili tutunge sheria zetu. Kwa majina, naitwa Hellen Balgoyet kutoka upande wa Kapyemit location. Nataka kuongea lugha yetu ili isikike vizuri kwa sababu haya maneno niloyoandika, ninafurahia sana ikisikilizwa. *Ane ko kiasir Katiba ago kiaboibochi Katiba.*

Translator: Mimi niliandika Katiba na niliifurahia.

Hellen Balgoyet: *Ole ngatungan sheria agobo bik che maimuchege eng tugul eng' Kenya.*

Translator: Nikasema nitunge sheria kwa wote wasiojiweza katika Kenya,

Hellen Balgoyet: *Ko sheria netai si mochut missing amun kaa moche bik wakat akicheki*

Translator: Sheria ya kwanza ili nisichukue muda mrefu ni,

Hellen Balgoyet: Koker ole kararan kesomesonwech lagok achek bik che moimuchege

Translator: Ningependa watoto wetu wale wasiojiweza wasomeshwe na serikali.

Hellen Balgoyet: Kong’eten kilas agenge agoi Koit University.

Translator: Kutoka class ya kwanza mpaka university.

Hellen Balgoyet: *Akecheng’chinewech kasisiek che yaei.*

Translator: Na watafutiwe kazi za kufanya.

Hellen Balgoyet: *Si korok konyokotoretech acheget amun makimuchi gei.*

Translator: Ili wasaidie wazazi wasiojiweza.

Hellen Balgoyet: *Namba aeng.*

Translator: Ya pili,

Hellen Balgoyet: *omocheketekwech korik che kororonen amun ngap kiumiandosikimatekwech korir che kororon amun nomech tutuik en korik.*

Translator: Ningependa tujengewe nyumba zinazodumu kwa sababu, nyumba tunazoishi wakati mwingine huwa na matatizo ya vijidudu.

Hellen Balgoyet: *Nebo somok omochekechopwech karisiek kou tri-cycle anan ko tuktukisiek , garisiek che kibune kebendi ole loo.*

Translator: Ningependa tutengenezewe aina za magari kama tricycle ambazo tunaweza kutumia sisi wasiojiweza, za kutuwezesha kufika mbali.

Hellen Balgoyet: *Amun miten che mobendi agoi ketorte kityo.*

Translator: Kwa sababu kuna wale ambao hawawezi kujipeleka wenyewe mpaka wasukumwe.

Hellen Balgoyet: *Ago ngot ko makinyoru bik anyun che tortech ketebitosi makibendi ole kakimoche*

Translator: Na kama hakutakuwa na mtu ambaye anaweza kutusaidia, hatutaweza kutoka pale tulipo.

Hellen Balgoyet: *ne bo ang’wan*

Translator: Ya nne,

Hellen Balgoyet: *kemocheketoretech kekonech tuguk che kiboen lagok eng’ gaa.*

Translator: Tungependa tusaidiwe kwa upande wa chakula cha watoto wetu.

Hellen Balgoyet: *Kou agot teta. Kealwech agot teta asi kobit kekechi lagok si koek heathy lagok chechondet agichek*

amun kopchi ne motinye tany kolelakitu lagok.

Translator: Kwa mfano, angalao wapewe hata ng'ombe moja ya maziwa.

Hellen Balgoyet: *Nebo mut ko barabariosiek.* Barabara zitengenezwe vizuri kwa sababu hii njia yetu kama haina barabara nzuri tutakosa njia ya kutembea kukinyesha.

Translator: Ya tano ni juu ya barabara.

Hellen Balgoyet: *Nebo lo,*

Translator: Ya sita;

Hellen Balgoyet: *Kemoche agechek kasisiek. Kegonech kasisiek che kiyoe asi kobit ketoretege si makigeni kityongon toretet.*

Translator: Tungependa wasiojiweza wapatiwe nafasi katika kazi ile itawapa ajira.

Hellen Balgoyet: *Komiten iman kiketoretech cheranisiejek, sewing machines ak machinisiek cheter ak cheter che imuch kenobisien si kealden ingoroik ago ngonyoketoben anyun chotok ko momi kit ne kikikonech asi kobit ketounen capital amun ye momi rabisiejek che ketoune kotebche cheranit buch ake li serkali kiketoretech ago mami kit ne kikitounen.*

Translator: Ningependa kusema asante kwa kuwa tulipatiwa cherahani ama mitambo mingine ya kutengeneza nguo lakini hatujapata pesa za kuanzia kazi, yaani capital.

Hellen Balgoyet: Example kwa hizo sherahani, mimi nimepatiwa cherahani mwaka wa 1999 lakini inalala nyumbani kwa sababu sina pesa ya kuanza kununua materials. Kama ningekuwa na pesa, singekuwa na shida. Ya saba, *Nebo tisap omoche amwa agobo toretet ne kikonech. Miten toretet ne kekonu kele kitoreti bik che maimuchege.*

Translator: Ya saba ni juu ya usaidizi wa wale wasiojiweza.

Hellen Balgoyet: *Ko kikonyo toretotonon en oret ne ma makat.*

Translator: Huo usaidizi umekuja kwa njia isiyofaa.

Hellen Balgoyet: *Achek ko kikobunech bik kou darachet.*

Translator: Sisi tumetumiwa na watu kama daraja.

Hellen Balgoyet: *Amun kikonech msaada iman. Ko ni yekikonech konyokonyakuan bik che manyalilsot.*

Translator: Tunapewa misaada lakini hiyo misaada haiwafikii hao wasiojiweza kwani zinatumiwa na watu wengine.

Hellen Balgoyet: *Korok kele kikekoch district fulani wasiojiweza msaada na sisi haikutufikia.*

Translator: Wale wanaojiweza wanatumia misaada hiyo na kusingizia kuwa wale wasiojiweza wamepewa.

Hellen Balgoyet: *Ko kosome anyun serikalinyo alenchok kaigai ndokonu musaada age tugul ne kokochi disabled okochi direct to the owner.*

Translator: Ningependa kuomba serikali, ili misaada kama hiyo iende moja kwa moja hadi kwa wale wasiojiweza.

Hellen Balgoyet: *Mi betut age, for example, wakati mwingine nilienda Eldoret mkutano wa disabled wa Kenya na nikaona maajabu. Kufika huko walikuwa wanapeana blanketi - bundles za blanketi lakini mimi sikuleta moja hapa na mimi ni mmoja wao. Watu wa Keiyo – Soi Location - hatukuleta hata moja na tukashangaa hizo vitu zilienda wapi. Kumbe, matajiri wanaenda kujifunika nazo – sio za wasiojiweza tena. Hayo ni maneno yangu ya mwisho yenye nimesema. Asante.*

Com. Nunow: Asante sana Hellen. Utaletewa registrar ujiandikishe. Isaack Otut. Zungumzia tu kutoka hapo. Mpelekee microphone.

Isaack Kotut: Kwa majina naitwa Isaack Kotut na nitazungumza, kwa macanganyiko – mara Kiswahili mara Kiingereza. Kusema kweli, sisi walemavu hatukupenda kuwa walemavu na kwa hivyo, tungetaka Katiba yetu iweze kuunda na kuona kwamba masilahi yetu yawekwe kwa Katiba ili tuweze kusaidiwa. Ya kwanza tumesema kwamba, tunahitaji free education kwa watoto wetu kutoka primary mpaka university na tena tunahitaji matitabu ya bure katika hospitali zetu. Kwa hivyo, tunahitaji hayo yote yaende kwa Katiba na yawe guaranteed. Tena tunahitaji budget. Kwa sababu sisi sio wengi sana, tunataka census ichukuliwe ili ijulikane walemavu ni wangapi katika nchi yetu na fund iwe set katika budget yetu ili isaidie wale ambao hawako kazini. Kwa hivyo tunahitaji pesa ya kusaidia wale ambao hawafanyi kazi na pia tunahitaji tupewe 10% ya kazi ili wale ambao wamesoma ana kuwa trained, wanaweza kupewa kazi katika private or public sector au private sector na hiyo iwe guaranteed.

Tena, representation katika Parliament, tunataka 10% ya Wabunge ambao wanaenda Parliament– kama ni 222, tunataka 22 positions ziwe set kwa watu walemavu na iwe gender – wanaume kwa akina mama. Ningependa kusema kwamba tunataka national funds for the disabled ziwe zinatufikia kwa sababu mara nyingi hazitufikii. Tuana kwamba hiyo fund haitusaidii kwa sababu imeenda kwa Ministry ambayo ni wrong. Sisi tuko katika Ministry of Social Services lakini hiyo pesa inatoka kwa Office of the President. Tena ukiangalia pesa ya AIDS, ingeenda kwa Ministry of Health lakini imeenda kwa Office of the President. Ya El Nino pia ambayo ni ya mabarabara, lakini inaenda kwa Office of the President. Tuanuliza, kwani hakuna expert kwa Ministry of Public Transport, ama Health ama Social Services badala ya kuchukua kila kitu na kuweka kwa Office of the President? Tunataka hizo funds ziwekwe kando na zisikuwe na maingiliano. Kama ni pesa ya health iende kwa health na watu wao walio experienced wako huko. Kwa hivyo kitu ambacho kinahusu walemavu, tuko na walemavu ambao wamesoma na wana ujuzi wa kutosha – hebu wapewe nafasi ili waendeleze vitu vyao. Kama ni msaada wapewe na wagawie wale wengine.

Kwa mambo ya Presidency, sitasema sana because imesemwa – ningependa tu kusema kwamba tunahiaji tu ma- Chiefs wawe elected directly by the people. Hatutaki mambo ya selection. Tunajua wale ma- Chiefs wetu ambao wanaweza kutuongoza vizuri na tuwa-elect sisi wenyewe. Jambo lingine ni kwa executive na judiciary pamoja na legislature; they should have their own powers na kusiwe na maingiliano. Kwa hivyo, kama ni Executive iwe ni Executive; judiciary iwe ni judiciary. Unashtukia kwamba mtu anakushika na anakufunga na ni executive na mwenye anakufunga huko anakungojea, na ni mtu wa judiciary kwa kuwa case yako imekatwa hata kabla hata ya kuonana na judge. Kwa hivyo, hiyo ikome kabisa katika nchi yetu.

Ningeomba kwamba sisi walemavu, wakati vitu vinatawanywa kama vile mashamba ya serikali yanapopeanwa, please, walemavu wapewe sehemu ili nao wafurahie matunda ya nchi yetu. Kwa hivyo tunapopambana na umaskini, ujinga na ugonjwa ambazo zimechangia kwetu walemavu, tunahitaji education ili ujinga uondoke kwetu, tunahitaji medical services ili magonjwa yaondoke na poverty ambayo ni mbaya sana. Tunapata kwamba walemavu ni maskini sana na ndio tunataka tusaideiwe na mambo yetu yakikipitia kwa Katiba, hakuna mtu ambaye atapinga kwa sababu Katiba itakuwa imesema na it is final. Asante.

Com. Nunow: Asante sana Bwana Kotut kwa hayo maoni. Agnes Boit. Agnes atafuatwa na Ben Kiplagat.

Agnes Boit: My names are Agnes Boit and I am going to present my views to the constitution of Kenya Review, on education. Education should be free at least in the primary and fundamental stages. Primary education should be compulsory. Technical and professional education should be generally available and higher education should be equally accessible. There should be a school for the physically challenged persons in every district. There should be a Ministry of Education. Parallel degree programmes should be scrapped. The Constitution should set up guidelines for establishment of public universities. The President should not be the Chancellor of any public or private university. Adult education should be revived. A mechanism should be devised to check and eradicate inability to read and write - that is illiteracy, among all Kenyans. Age should not be a factor for consideration in primary or higher education. Girls who become pregnant while in school should be allowed to continue with their education after they give birth. Free education should be provided to orphans up to any level they may attend.

Government to establish policies to check brain drain to other countries. The policies may include the salary increment for doctors and teachers to check the brain - draining to other countries. 8-4-4 system of education should be eradicated and replaced with the old system of education, that is 7-4-2-3 system of education. Higher education should be supplemented with loan facilities to benefit needy and bright students. All employment should be on merit and not based on nepotism, tribe, religion, race, age or any other form of discrimination.

Bill of Rights: There must be established by the Constitution, a Ministry of justice. The Constitution must contain a Bill of Rights. An independent Human Rights Commission should be established by the Constitution to promote and enforce the Bill of Rights. The various Un conventions such as the UN Convention on elimination of all forms of discrimination against women

CEDA (inaudible) and universal declaration of Human Rights in which Kenya is a signatory, should be entrenched in the Constitution. The following rights without exception, must be guaranteed by the Constitution: The Right to live, Right to liberty, Protection from slavery and forced labour, protection from torture, inhumane and degrading treatment, protection of ownership of property. No one should be subjected to arbitrary interference with his or her privacy, family, home, correspondence or assault; Right to due access of law, freedom of conscious expression, assembly, association and movement and residence within the borders of Kenya. Thank you.

Com. Nunow: Thank you very much Agnes. Ben Kiplagat. Ben atafuatwa na Hellen Biwott.

Ben Kiplagat: Thank you Commissioners. My names are Major Rtd. Ben Kiplagat na ningependa kuongea kwa Kiingereza kwa mambo machache and at the end it, I will present my written memorandum. I would like to talk about the basic rights of our people mainly access to clean water, food, shelter, medicine and education. When I say education I mean education that will be valid so that it is not degraded like right now, we have an education system, which is not recognized in other countries like in Britain where you have to undergo other classes. So that means we have to review our education so that it can conform with other countries.

On security, I would like to talk about the Commander-in- Chief that should be the President of this country. And the citizens to be soldiers – let’s say to take care of our boundaries, should volunteer and not a forced-soldier-system; you volunteer at the age that is required and do the work of soldering and when you retire, you retire according to the current military system of retirement.

I would also like to talk about the land and other natural resources. In our Constituency, some places are not “titled” and this has been subject to abuse. I would like to say that land should be “titled” so that even in Kerio Valley, we should have title deeds such that someone can use it as a security. Forests given out – we have forests in this Constituency- should be in shamba system where those people who are around it are given equally and indiscriminately so that they can develop and at the same time, after some time, they should plant seedlings for new forests and move elsewhere. Private land like Trust Land – we have some land which is for freehold and so forth, should be with the County Council and not individuals so as to safeguard corruption. There should be a Land Commission – that is to say if we have a Commission and our elders should have say on land and if anything has to be divided like some land, or if there is something like Kerio Valley Flouspar mines, it should be the people who will hand over to whoever - even if it is a private company and those people should be compensated for whatever they have on that land.

Finally, I would like to talk about right to citizenship. You find in our current Constitution, there is some discrimination and I would suggest that a child born in Kenya irrespective of gender should be a Kenyan citizen by birth irrespective of who is the Kenyan – either the father or the mother. With the rest Your Commissioners, I will hand over in written form. Thank you very

much.

Com. Nunow: Thank you very much Bwana Kiplagat for your views and for being quite precise. Hellen Biwott. Hellen atafuatwa na Thomas Kiprotich.

Hellen Biwott: *Ane ko Hellen Biwott Aiyabei. Ngoro chito ne toreton ?*

Translator: Mimi ni Hellen Biwott Aiyabei.

Hellen Biwott: *Serkalit ingunon ne tesetai ochome Majimbo amun kin aner kwo chepto ko kimi Majimbo.*

Translator: Serikali ambayo ningependa iendelee ni ya majimbo kwa sababu nilipokuwa mtoto, majimbo yalikuwako.

Hellen Biwott: *Ako moetei kitungei anan komoete keyai biashara ago mi chitugul oldanyin*

Translator: Na haikatazi mtu yeyote afanye biashara ama kuishi pamoja ama kuoana na watu wa majimbo mengine.

Hellen Biwott: *Ak kwonyik che ogere rani kokobit tuguk che kokobek boisiek, kong'et kwonyik anan kong'et lagok. Ko chunu che tupcho konyopkoiben rabinik ngo kiyoei kazi konyolilso lagochoto koboto kwondo. Ara kimoche serkalit kotoret kole lagochu kikome chichi ako kimi serkali ko moche konam rabinikwak akoboisien si kobit kosopcho.*

Translator: Tena, wazazi ambao wanafariki, mali isitumiwe ama isichukuliwe na ndugu za bwana au ndugu za bibi.

Hellen Biwott: *Ne rubei ko ngunon kou kirwogik ko kirwogik kemoche kirwogik che kikwoe akosub imanit amun kimi kirwogindet kong'eten kenya ne kikikuren arap chepkieny kobo Kipnyigei..*

Translator: Machief lazima yawe wanachaguliwa na wenyeji na wafuate sheria vile inavyotakikana; kwa sababu tulikuwa wazee mmoja aliyekuwa akiitwa Kipseng Arap Nyegeyo.

Hellen Biwott: *Ko ngunon agot asikarik, ko kingen kele ndomomi asikarik ko ta kiumiandosi. Kimoche koteb asikarik ak korib sheria ne kisubi ama kimache keongan. Kimoche kosub sheria nebo iman.*

Translator: Askari wawe kwa nchi lakini lazima wafuate sheria vile inavyotakikana na wasiwe wanahongwa.

Hellen Biwott: *Ko kwonyik ko tibik ko kakosomonso kemoche ko teleli age tugul en Parliament ako mie nyogoborwechge amabun oret nebo taban asikobit kelewen kele wendi chebinyon Parliament ago chomdos ak boiyonyin.*

Translator: Tungependa wasichana wajaribu kuingia Parliament na wawe wakija kujionyesha nyumbani ili wachaguliwe na watu wenyewe bila kupitia njia zingine na waheshimu mabwana zao – yaani wasichana ambao wameolewa.

Hellen Biwott: Asante.

Translator: Asante.

Com. Nunow: Ah ah, wacha aketi hapo, bado. Mara kwa mara mzungumzaji akitoa maoni na kwetu Commissioners haikuwa clear, tunaweza uliza clarification ili tuhakikish tumepata hiyo point. Kwa hivyo kuna clarification - kidogo Mama.

Com. Kabira: Sorry, Mama Hellen ningetaka kujua njia hizo zingine za kuingia Parliament ni gani?

Translator: *Katebenen kolenchin ortinwek alak che kelenen bunu taban asi keba Parliament tibik ko achon, che u nee?*

Hellen Biwott: *Komowo chepto si kotelel en inat yun ak kole okweyan amanyo kenai kele chebo kop chi. Omoche okweyan ko kakicham kele Majimbo au nee.*

Translator: Yaani, asiende kukaa huko kando bila kuja ndani ya watu ndio ajulikane.

Com. Kabira: Ningetaka kuuliza, kama anafikiri kuchagua wanawake kama district representatives waende Parliament kama ni sawa au si sawa.

Translator: *Kole imoche kekwai chepyosok koek che wakilishani chepyoson en district i?*

Hellen Biwott: *Ye kakosoman lagok ak komuch kotelelso ko kerge kou yon kakile DO, DC, nee, agoi komuch koit Parliament ko ta kokonyiti kwondo boiyonyin ak kokanyit bik chebo yoton. .*

Translator: Itakuwa sawa wawe waakilishi hata kutoka kwa Chief, DO, DC mpaka wafike kiwango cha Parliament.

Audience: Bora nasema-----

Hellen Biwott: Sema bora.

Translator: Bora waheshimu mabwana zao na watu kwa jumla.

Translator: *Kotemoche Parliament koba chepyosok atau?*

Hellen Kiplang'at: *Ngunon? Che kimokyini?*

Hellen Biwott: *Inget ile tukchu tugul ko bou ko kokosomoso, kobou ko koteleso ko inget ile kit ne kakichakwan ak iyai kasit musuri kwonyik ko aechin ko yon omi darasa ko aechin tibik ak murenik. Momoche ale ata.*

Translator: That will depend on the qualifications of education and the ability and so, there will be no special number of women different from the men.

Hellen Biwott: Sawa.

Translator: Wote watakuwa sawa.

Com. Nunow: Asante sana Mama, tafadhali ujiandikishe pale. Thomas Kiprotich. “No I will not entertain questions or discussions please, I am sorry. No, no, no; we do not have time. I am going to (inaudible) three minutes, any time from now after midday.

Speaker: (inaudible)

Com. Nunow: Sorry? No, no, this is not a cross examination. Sorry, we do not allow public debate in a forum. I allowed you to raise a question in the morning and I am not going to allow interference during the hearing.

Speaker: (Inaudible)

Com. Nunow: We are going to take care of that, because we have people who understand the language within the Commission. Kiprotich, endelea tafadhali.

Thomas Kiprotich: Commissioner, I think you will allow me to speak while I am standing. Thank you. My names are Thomas Kiprotich from Kapcharapo location, Lokocho. I would like to talk shortly on public utility. Tunajua ya kwamba wakati ambapo wabeberu walikuja Kenya, kuna sehemu ambazo zilitengwa kabisa kwa masilahi ya wananchi katika sehemu mbalimblai. Tukija hapa Keiyo, we have been hearing of many public utilities which are not existing today. Kwa hivyo ningependekeza ya kwamba katika hii Katiba ambayo inatengenezwa siku ya leo na wananchi wa Kenya wa Keiyo, forest, trust lands have been particularly allocated to politically connected individuals and recreation spaces in urban and rural areas have been taken over by developers. Kwa hivyo ningependekeza kwamba, wananchi ambao wanaishi karibu na any public utility wawe custodians.

La pili, tunajua ya kwamba current procedures for allotment of public lands are insufficiently transparent. For instance, the announcement of the allotment of land in urban areas often cites the plots number and not physical location. Kuhusu hii, tumeshudia hii katika town yetu ya Iten. Unapata watu wengi wana shamba moja, mahali moja lakini names ni nyingi. Kwa hivyo ningependekeza ya kwamba, Katiba ambayo inakuja, lazima tuwe na Commission ambayo inasimamia mambo ya ardhi katika Keiyo kama sio Kenya. asante sana.

Ingingine ni kwamba, hapa tunapoishi tuna Trust Land ambayo custodians ni Local Authority. Tuna forests na tuna lands kama Kerio Valley ambazo hazina title deeds. Lakini la kushangaza ni kwamba, I don't the present Constitution imeundwa namna gani. Inaenda mpaka mahali kama Rimoi Game Reserve, Kaptagat Forest, Kipkabos catchment areas na yale ambayo siwezi

kutaja; unapata zimepeanwa na wananchi wa hapo hawajui, catchment areas have been allocated na unapata squatters wenye wanekaa kando ya huo mto, wanatolewa na mtu ambaye hastahili hata kidogo awe hapo. Hii Katiba ya Kenya lazima – it must ensure that all the people of Kenya wawe na mahali pa kuishi na wapewe ardhi tafadhalini. Constitution lazima itoe hao. Kwa hiyo ningependekeza there should be preservation of public holding grounds, show grounds which have been vandalized, preservation of water catchment areas which have been alienated, Trust Land kama forest na mahali pa huko chini, kuwe na Commission ile inachunga. Also the Government of Kenya imefanya misallocation of resources in Kenya and especially in Keiyo. Unapata mahali palipokuwa na miti – forest imekatwa na wanaanza kupanda chai na wanaiita Tea Zone. It you can go today huko, there are tea bushes zile kubwa kubwa na hatufaidiki na hii ilikuwa initiative of the Government and not ours. Inatufaidi na nini sisi? Kwa hivyo tunataka ile Katiba inachunga the local community – Commission of land to be involved. Asante sana.

Ya mwisho kabisa, ni mambo ya the system of Government. ningependekeza ya kwamba majimbo- regional government – federalism, ishindwe. Kwa nini nimesema hivi? Ni sababu sisi katika Kenya na hapa Keiyo, tumeshindiwa mambo mengi. Hawa ambao wana agitate for this majimbo are the tribal Chiefs. Kwanza tukiwa na haya majimbo tutakuwa na ethnic animosity. Tutakuwa na the second tribal clashes na sisi ambao tumeishi karibu, saw what happened across Chebon ukielekea huko Burnt forest and we don't want it; hatutaki hawa watu wanaokuja vijana, because of the ill motives wamefanya wanaingia kwa majimbo. Washindwe. Asante.

Com. Nunow: Asante sana Kiprotich, ujiandikishe pale na tupate memorandum yako. Florence Kibias ambaye atafuatwa na Rosebella Aiyabei.

Florence Kibias: Kwa majina ni Florence Kibias kutoka group ya Muungano Women Group, Samburu sub location, Tomeiya Location, Metkei division, Keiyo district. Sitasema kitu, ni kupeana tu memorandum. Asante.

Com. Nunow: Asante mama. Hiyo memorandum itasomwa na kwa hivyo ni kama tumepokea maoni yako. Rosebella Aiyabei na Sammy Barshilei ajitayarishe.

Rosebella Aiyabei: *Kainenyun kekurenon Rosebella Aiyabei.*

Translator: Kwa majina naitwa Rosebella Aiyabe.

Rosebella Aiyabei: *Abunu Metkei division.*

Translator: Natoka Metkei division.

Rosebella Aiyabei: *Ang'ololi agobo lagok tibik che tinye lagok eng' gaa.*

Translator: Nitazungumza juu ya wasichana ambao wamepata watoto nyumbani.

Rosebella Aiyaibei: *Ki atkinye keny ko kakikilye achek ko kimagekere lakwa ne tinye lakwet en gaa.*

Translator: Wakati wetu, hatukuwa tunaona mtoto ambaye alikuwa na mtoto nyumbani.

Rosebella Aiyaibei: *Ko kimate ng'atutiet. Kimi ng'atutiet ne kikaking'at asi komosich tibik lagok ak kijanaek.*

Translator: Kulikuwa na sheria ambayo ilitungwa ili wasichana na wavulana wasipate watoto kabla ya ndoa.

Rosebella Aiyaibei: *Ko amun kimi ng'atutionoto ko kikikirei.*

Translator: Hiyo sheria ilikuwa ya kukataa.

Rosebella Aiyaibei: *Ako en betusiechu raini ko kikochang'a lagok che kekuren chokoraa ne Keiyo ago kimakomi.*

Translator: Kwa wakati huu kuna watoto wengi sana ambao wamepatikana kwa sababu ya kulegeza hiyo sheria mpaka sasa wanaitwa chokora.

Rosebella Aiyaibei: *Ko ki ng'atutiet ab keny ko ki lakwet ne kowo kot kochilil ak kijanaiyat.*

Translator: Mbeleni, ilikuwa kwamba ikiwa wataenda mahali fulani wakosee ama wafanye mambo fulani,

Rosebella Aiyaibei: *Ko kikimuti ainet orit ole kikiruren Kapsorbuch.*

Translator: Walikuwa wanachukuliwa mpaka kwa mto mahali ambako watu ambao wangepata watoto kama hawa, wanawekwa.

Rosebella Aiyaibei: *Ak kogon mengit werit.*

Translator: Kijana alikuwa anatoa kondoo ndume.

Rosebella Aiyaibei: *Ko ngunon raini ko kikesoman iman ago melen kotakeng'et kesich lagok asi koek chokoraa.*

Translator: Kwa wakati huu, tumeelimika sana na hatungetaka hili jambo liendeleo na ndipo tupate chokora.

Rosebella Aiyaibei: *Kimoche kesirwech sheria nenyon en Keiyo.*

Translator: Tunataka tuandikiwe sheria ya kutuchunga Wa- Elgeyo.

Rosebella Aiyaibei: *Lagokyok kemoche kosomon tibik agoi kotar sugul, kotar university kobo kenyisiek taman ak sisit anan ko kenyisiek tiptem.*

Translator: Wakati huu tungetaka sana wasichana wetu wasome mpaka wafike university wakiwa na miaka kumi na minane bila kupata watoto.

Rosebella Aiyabei: *Si konyor sandet, melen kesich lakwet ak ketebi eng'gaa.*

Translator: Ili wapate bwana wa kuheshimiwa bila kupata mtoto nyumbani.

Rosebella Aiyabei: *Ara kimoche kikoi sheria agenge lagochoto tuwi asi kochilil agot kijanaiyat komite sugul kotokosomoni, amache keng'otyi sheria nenyin asi ngowendi koyoei tuguk che u choton kosikyin lakwet age lakwet, kongen kole mi sheria ne mokoi konaman.*

Translator: Ningetaka sana amri ya Waelgeyo itungwe, ili hawa watoto waendeleo bila kupata tatizo lolote na ikiwa watapata matatizo yoyote, yeye mwenyewe atajilaumu kwa sababu sheria ya kale itakuwa imetungwa.

Rosebella Aiyabei: *Asi komaek chepto inegen ne uilege en gaa.*

Translator: Ili msichana mwenyewe asiwe peke yake kwa kuchunga watoto na kijana ametoroka.

Rosebella Aiyabei: *Kokeny kemoche, amun kimite agot keny ngakwo kot lakwet ko kimite teta ne kikikuren Chepririt.*

Translator: Wakati msichana anapolewa, kuna ng'ombe ambayo inapeanwa kwa huyo msichana anayeolewa inayoitwa "Chebirit".

Rosebella Aiyabei: *Ko raini kemoche ketoret lagochoto agot ichek amu sikonyor agine kit ne koikochi sigikyik.*

Translator: Pia, tungetaka hiyo isaidie ili wakati wa kuolewa wazazi wao watapatia huyo msichana kitu cha kumpongeza.

Rosebella Aiyabei: *Ara u choton. Otoretech en sheria nebo ra.*

Translator: Basi ni hivyo mtusaidie kwa sheria.

Com. Nunow: Asante mama. Sammy Bashilei. Sammy uko?

Sammy Bashilei: Thank you very much our Commissioners and I am very grateful to stand this morning and say let us have time and air our views in Keiyo. I would like to say something very brief about the Commissioners. In Keiyo South, there is no transparency and I would like to say whatever the community are giving now, may not come to be true. So, I would like to say that you give us the diskette after we give out our views. Let us have the diskettes. We may also have compacts so that the community may have to hear all these after this process. I will also highlight things here very briefly before I talk on public finance and the economy of our community – Keiyo. But, also, I would like to say in the sight of education - because I will not talk about education. There is something not transparent in education. When you come to primary education, there is a body which is the Kenyan National Examination Council and we don't know its members and whether they are teachers. Go to secondary school, it is the same body. In universities, they are doing internal exams by their teachers and what is happening in polytechnics is the same Kenya National Examination Council. Why not universities? I am seeing there is something fishy there and we do not know who is setting these examinations. Is it the people who are doing internal exams in universities? So there is

something to be checked there.

Com. Nunow: What are your recommendations? Give us your recommendations.

Sammy Bashilei: Yes, I would recommend this way. The Kenya National Examination be an examining body from the lower level to the higher level; No internal exams. Ministries be headed by people qualified by merit and not to have say a Ministry of Education, headed by an agricultural officer. This is very wrong and that is why we are failing in managing of our economy.

Mambo ya ukulima hapa Keiyo; There is a problem in Keiyo as well as the country at large. When it comes to buying of seeds, I recommend the Government to give some deficit or to pay some money to the parastatals or to companies like Kenya Seed, so that our people can get seeds at a cheaper price.

On minerals, I would like to say that if there is a mineral somewhere, let the community benefit from it. For example, the Kenya Flouspar Company in Keiyo – we don't know the promoters. At first, we knew the promoters were colonialists but it came to the "common colonial" man who is now colonizing Kenya and there is no transparency. We want to know when they sold that company because it was a parastatal but now it is a private entity. Who owns it? It should be the people of that area. Why are our plants being excavated and we are not benefiting from them? Our plants are being uprooted and our animals are dying because of the minerals they are using and so we should benefit from it.

On the side of corruption, I would like to say that the Anti-corruption Commission be independent in Kenya and have powers and not to be dictated by somebody else once that Commission is formed. Anybody found corrupt or stealing public utilities, he should pay double. I am recommending that if somebody is found stealing Kenyan money or public funds, if it is 8 million the High Court should not that person to pay a bond to be released. That person should be.....(*End of side A of Tape 2*)

.....and I recommend that the person found in corruption should be given a double punishment. Going to the economy of Keiyo, we have institutions like KCC, KGGCU, KMC – Kenya Meat Commission and I recommend the Government to allow –if they cannot afford- to allow new investors but the community to recommend those investors to use the remaining facilities. Like now in KCC we still have the machines remaining in the area. So, let them use those facilities and help the community. I don't have much. Help us. Thank you our Commissioners.

Com. Nunow: Thank you Mr. Bashilei. For your views, please let us have the memorandum and we will read the rest of what you could not finish from the memorandum. I would like to recognize the presence of Minister Nicholas Biwott, Mheshimiwa karibu. Na sasa tutamuita Isaiah Shemase, Barnabas Lagat, tafadhali.

Barnabas Lagat: My names are Barnabas Lagat from Chepteba sub location, Soi division, at the moment working in Metkai

division. I will be very brief and I will start by saying that Kenya being a Republic, the Constitution the way it is should remain exactly that way. And somewhere below that, there is a fact that the Constitution of Kenya is the supreme law of the land and somewhere, in someplace, it is written that anything that contravenes that is a crime. I would like to put it this way in the Constitution; that whoever contravenes the Constitution, whether it is the common man or the President or any other person irrespective of the status in Kenya, should be held responsible and even charged under the law of treason.

On the question of the Executive, I would kindly request you to put it this way; that the Executive be the Executive but not the Executive being the Judiciary and at the same time being everything. It is good if the Executive can be designated as the executive and they do the executive work as people serving the people of Kenya.

On the issue of the Judiciary, I want to put it this way; that we have one ladder, that is, that we put in the Supreme Court and not the Court of Appeal being the highest court on the land. I would like us to put in the Supreme Court just like any other countries just like other countries like Britain and America for example. In the judiciary as well, I would like these kind of courts – these other smaller courts and especially the courts called the Kadhi's Courts to be scrapped. Because, Muslims are Kenyans like me and you and everybody else. Why should they be treated special? They should be in any other court like any other person. So, I do request the Kadhi's Court to be scrapped.

Finally, when it comes to the fundamental Human Rights and rights of an individual, many things have been said about it and it is there in the Constitution and it is only very funny that almost everything in the fundamental Human Rights and rights of an individual are not being adhered to by all the people. I am saying this because it is the Government which actually contravenes quite a number of it. Talk of the health section. When you go to the Ministry of Health, there is this issue where it says it is the right of a child under 5 years to be treated and to be given free medicine but you find – and essential drugs like Malariaquine and these other drugs are charged and the Government is doing nothing about it. So, I would like the Fundamental Human Rights – somewhere below that- a Cap to be put that whoever actually contravenes that should also be held responsible and changed.

Finally, on the finance. When you come to finance, there are these other finances – for example, the contingency fund – in many cases we do not know how the Contingency fund is being utilized. It is good if sometime in Parliament the Contingency fund is read for the people to know. Finally, I would like to say something about the Parliament which is a very good body and beautiful the way it is. But the problem is, that sometimes they go beyond though they are fairer because they are answerable to us. When they finish their term they will come and we shall see them. Otherwise, finally I want to say something on the section of majimbo - just before I sit down. The majimbo is the best system but in future. It is like telling you to buy an aeroplane. If we all say we want an aeroplane, everybody will say I need one. But, do you think you can afford to maintain the aeroplane? So, the majimbo a good system for countries like Germany and American because they are advanced but we are not and we are still very far and especially when it comes to communication. Thank you so much. So, let us say majimbo is the best but for

next time.

Com. Nunow: Asante Bwana Lagat kwa hayo maoni. Tafadhali ujiandikishe kabala hujaenda. Mheshimiwa Seii. Tafadhali, niliwaeleza mtu akizungumza, tusipate tapes za Keiyo South zikiwa na makelele kwa sababu mtu akizungumza, afadhali muapplause akimaliza. Mki-applause in the middle of his speech ama mazungumzo inakuwa hasikiki. Tape itakuwa na kelele. Kwa hivyo, msikilize ,kinyamaza hivyo hivyo ili tuweze kuendelea.

Hon Tabitha Seii: Thank you Mr. Commissioner. I think you should also give us some lee-way to applause and to cheer the people kwa sababu this is the only time we have the freedom to speak the truth in Keiyo South. Keiyo South is like a prison and this is one day when the people can express themselves and say what they want to say. So, please don't intimidate us. We want to be able to express ourselves today because it is one day in a lifetime. And I hope we are not reviewing this Constitution again because, Constitution is supposed to out-last those who are reviewing it. The American Constitution is about 200 plus years old and if there have been any reviews, they are so few. In Kenya, our Constitution has been tampered with until today we do not know whether we are going or coming. And so, I want to really register my appreciation for the fact that today, we people of Keiyo can sit here and take part in reviewing our Constitution. And therefore Commissioner, please understand us.

I want to say several things and I do not wish to repeat things which have been said. But I will just highlight some of the things which have been said. I want to talk about land. Land is a resource which has been availed to each person by God and I am going to touch things which pertain to this place and make my recommendations. Sometimes, Land Tribunals are not fair because they can be manipulated and so there should be a land Commission which should be properly controlled so that bribery and manipulation is eliminated. Land has been grabbed particularly public utility lands have been grabbed. I want to make a recommendation that the next Constitution returns the grabbed land to the people whether it is forest land, water catchment area, public resource area, whether it is the market place, whether it is school land to be returned and this to be recorded in the next Constitution. We seem to have a bigger share of greedy people who go for land and we need this to be returned to the people.

Land in the forest; our forests are the only source of good health that we have in this area and today, you can drive down the road and see how devastation – you would think it is a hurricane, you would think this is the last generation that is going to inhabit Keiyo. There must be a very firm law prohibiting the destruction of the forests anywhere in Kenya. That law must be implemented and it should not have any discrimination – it does not matter who it is. Water sources have been destroyed. We also want this Constitution to be a Constitution for the voiceless Kenyans especially voiceless Keiyos. We have lots of squatters here and nobody should be a squatter in a place like this because there is plenty of land. When we think of squatters who do not have a place even to bury a child when they have died, and we have people who have miles and miles of land. Let this Constitution help us so that we have no squatters while people own more than they even know.

Devolution of power: It is true that when we have resources nearer to ourselves we shall be able to reach them and to utilize them. But we had the district focus which became a source of corruption and intrasparency. We do not know what money comes to the district and it is so good that it is no longer coming. We do not know who is awarded a tender to do the roads, we do not know what bursaries come to this district, we do not know what amount of money is given to our roads and we do not know what is happening because they are only for the rightly connected people. We need transparency and we hope the next Constitution will give us transparency especially in our land.

I want to say something about education. Education should be given not only to those who are young children, but also to adult. We need adult education to be restored in our community. You cannot do without education and this is where our people have been conned because they do not understand and we also want to know if there can be Commission that “implements an implement” and I want to say something about the Review Commission. It was said in the Act that Civic education should be allowed so that the people can understand the kind of Constitution that they want. But we have DOs, Chiefs who have the audacity not to allow the people to know anything about this Constitution. Do the Commission have any backbone because in this district, I think it is the only district where people have not been allowed to have Civic education with regard to this Constitution! We want a Commission that has a back bone and that can be supported even by the Administration and the Civil servants. So, Civic education even for the coming Constitution which is going to be here, is paramount. We have very many good laws but because the people are ignorant, you find Do’s with kangaroo courts next to their offices, you find the policemen going around beating up people because the people are ignorant - they do not know what to do. We must have civic education starting from the classroom, starting from the primary schools, so that every person can know their rights. That is very important, it does not matter what kind a good law you have if you cannot implement it and it cannot function for the people it is meant to be. So, educate them.

I would also like to recommend that the Government takes care of the school structures. Imagine a child living somewhere in a very cold area in Keiyo, with a classroom which has no windows and it is so cold and he is on bare feet on dusty ground. That child is sitting for exams with another child who is sitting somewhere in a town in very nice places. The Government should actually provide the infrastructure for the schools so that we can have equal participation by all Kenyan children so that they can test their brains when they have the right atmosphere to grow in. So, the Government should actually provide these facilities. Bursaries; there should be transparency regarding bursary. If any district is given bursaries, let it be pinned on the notice board that this amount of bursary has been given, we do not have it here, that it has been given and it has gone to these schools, this child, or this so and so and so on. We want to know where the bursaries go so that we are aware of what we are doing.

The next thing I would like to say is majimbo. Majimbo – as has been said I thank the person who spoke. It is a good system but it is bad for us now. Majimbo is not to be allowed to keep your land, to be allowed to keep your cattle; it is to be in your jimbo. And I want to suggest that majimbo be scrapped and forgotten in Kenya today and we have a unitary Government. Why do we need a unitary Government? Because all areas in Kenya are not the same. There are areas like the North Eastern

where nothing grows. There are areas like down the valley there where nothing grows, there are areas with minerals, others with good crops and areas with different things. We are now into globalization and we shall not go back into majimboism. Secondly, majimboism is the one that brought up land clashes because the people who are rightly connected, so to speak, say that there are “madoa doas” hapa yet these are issues of human right! People have a right to live anywhere – even our people from Keiyo live in Mombasa, Nakuru and everywhere else but when it comes to here, they are madoa doa. That is why majimbo is a bad system and we do not want it. I do not recommend it because, it is the cause of clashes in our country and it should not be regarded as something that can assist.

Majimbo is also making a hiding place for the thieves so that if you have stolen so much from the Government, you go and hide in your jimbo and you say that my people love me and so I am not going to be touched in my jimbo. We want a Government that is a central Government so that all people are exposed to the same thing; be it education, be it what so that there is no favouritism. Majimbo will be wrong thing for us until we have developed to be like Germany, to be like America; But it is not within this dispensation.

Finally, administration. I support the view that Provincial Administration be scrapped from the District Commissioner all the way down to the Chief. The fact that these people are not elected, they have the audacity to do the most accrimonious things which anybody can imagine. We want people who are elected and failure to that, they should be scrapped. We have Chiefs here – I would like to recommend that when a Chief has reached his retiring age, he retires. We have have so many unemployed people, so many unemployed people. But because these Administrators serve certain purposes their contracts are always renewed and their work is to oppress the people. We do not want these Chiefs unless they were elected by the people. The DOs are just a duplication of the Councillors who would be much more powerful if there were not DOs or Chiefs. Councillors are elected, we should strengthen the local Government because they are the people we have elected. But, when we have the DOs who are picked, who have godfathers all over and then they oppress the people, that is the thing which spoils the administration. We want the administration – if it was possible for it to be independent – but for this dispensation, we have seen it was independent and they had better be scrapped and we replace them with elected leaders so that the people can have a say.

Civil servants also should not be involved in assisting - let's say in administration police. We know in our place – I want to recommend that they be dissolved and be put together with the other policemen, with the regular policemen. Administration Police are the most misused people and you find them all over hunting for busaa everywhere and perhaps, sometimes carrying busaa and pinning it on to people and collecting money in some ungodly places. I would recommend that they be put together with the regular police and be retrained. For the police, I would like to recommend that they should be given a lesson on Human Rights so that they can treat people like human beings. Because sometimes the treatment that the police give the people, is so bad and I cannot escape to say we would need a police department or section which deals with gender so that if we have a young girl or a woman who has been raped, she is not interviewed in public. There can be a particular section where that

privacy is maintained. Otherwise, we find that in the stations, they ridicule these people and they even make them look to be the guilty ones when they are already suffering the stigma of rape.

Any rapist who rapes a young girl and particularly a minor, should be given the maximum punishment in our country so that the others can learn from it; whether they are the administration, civil servants or people who work in the administration, whether they are Chiefs or whoever they may be, they should be given maximum punishment so that the others can learn from it.

Lastly, I must talk about the rights of the child and the rights of women. Inheritance right; many of our women when they are widowed suffer so much because their rights are not respected. Their property is taken away from them by the in-laws or other people. The widow should have her own right so that she can take the things which belong to herself and use it for herself and her children. There should be these rights and there should be a gender Commission in every district to look into the welfare of these disadvantaged people – to look into the welfare of women, of girls; there is no child who chooses to be born a girl. You just realize that this child is a girl or a boy. And therefore, they should be given the right to inherit even a little piece of land and when they become pregnant and get their baby, don't make them go around the shops carrying their babies and roasting maize. Let them get a small piece of land – I am being interrupted Mr. Commissioner - let them have a small piece of land so that the child can settle there. Because she was, unfortunately or fortunately, born a girl and she needs a place where she can settle to we know, these days there is Aids and there are all kinds of things so when that poor girl has nowhere to live, she will live behind shopping centers and this is the place where we get chokoras and we say we don't want chokoras. Let us look after these girls, return them to school because our law says so and if the people don't know that the law says that even girls who have become pregnant can go back to school, the parents will not send them to school. So, there should be away of getting these parents to send this children to school so that they can benefit and they can also be people in future.

Finally, and finally of all, I just want to say thank you very much for coming to Keiyo. I want you to recognize that not many times do we have a chance to say the truth because of intimidation, because of fear - we don't have the right to say the truth because all the time we have this, policemen are there to intimidate you and you cannot do anything freely. This is the only time that I can talk and others can talk without being intimidated. So, give the people a chance to express themselves and say what they want to say with regard to this Constitution. With those few words, I thank you.

Com. Nunow: Thank you Mheshimiwa, please if you don't mind you will register yourself that you gave your views to the Commission. It's unfortunate if it appears that we are intimidating the audience but that's not our intention. Kusudi ya kupunguza muda, ni kupatia watu wengi fursa ya kuzungumza. Mkisema watu kumi tu wazungumze, kila mmoja achukue one hour, hayo yatakuwa ni mengine na itakuwa si haki. Na sisi tuko hapa mbele yenu itatubidi tumpe kila mtu wakati wake mpaka kufikia baadaye, muda wa saa saba ama saa nane, itatubidi tupunguze muda ili watu waje watoe point zao, kwa sababu kila mtu ametoka nyumbani kuja kusikizwa na siku ni moja. Kwa hivyo, tafadhali nikiwaambia msiendelee ama muzipoteze muda kwa kupiga makofi, ni kwa sababu hiyo, ni masilahi ya watu ambao wamehudhuria kuja kutoa maoni. Kwa hivyo ukipata nafasi

yako tafadhali uwe precise focused ukienda kwa mapendekezo kwani ndiyo muhimu na mapendekezo tutayachukua, tunanasa kwa sauti na yanaandikwa na karani kadhaa. Kwa hivyo, sasa nitamuita Jackson Chepkok na baada ya Jackson nitamuita Bwana Waziri atuzungumzie.

Jackson Chepkok: Thank you very much our Commissioners. Okay, asante.

Com. Nunow: Tafadhali tutulie. Tafadhalini tutulie, kila mtu ana haki yake ya kusikizwa, wazee wapatiwe viti – vijana, kama wazee wamesimama, wapatiwe viti na tutawapa nafasi. Si mila ya Kiafrika vijana waketi wazee wasimame. District Coordinator Bwana Kigen, tafadhali uonane na Chairman wa 3C's.

Jackson Chepkok: Okay, thank you very much our Commissioners.

Com. Nunow: Majina?

Jackson Chepkok: Okay, jina langu ni Jackson Chepkok kutoka upande wa Keiyo, mimi ni kijana wa hapa na nitatoa maoni yangu mwenyewe na ya group yangu. Kwanza nataka kupendekeza serikali ya aina hii inayoendelea ya unitary Government. Pili, ninauliza hivi, nataka kujua ni nani anaitwa squatter? Squatter ni yule mtu anaishi kwa shamba na sio mwenye hilo shamba. Tukiendelea hivyo, hiyo shamba ikigawanywa kwa sheria ninayosema, mtu wa kwanza wa kugawanyia shamba ni hawa squatters.

Ya tatu, nataka kuongea juu ya elimu. Elimu huja kwa njia tofauti. Kuna njia ya elimu inayoitwa educational, yaani yakujifunza labda ya group ya akina mama au vijana, kuna ya kujifunza maneno ya Aids – okay, watu hata mkiangalia chini nitasema yangu.

Kwa hizo groups, inastahili wapewe ruhusa ya kufunza watu juu ya sheria tunayounda bila kusimamishwa na mtu yeyote kama polisi ama provincial administration.

Ingingine, nataka kusema juu ya nominations Councilor ama MPs. Mtu

Com. Kabira: Endelea.

Jackson Chepkok: Excuse me, okay thank you. Nomination: A nominated Councillor should not be the chairman or anything in the County Council. He should only be nominated. If he is rejected by the community doing the elections to lead the people, it means that the people or the community has rejected him. I am going to natural resources and shortly, on swamps only because others have been said. Swamps in Kenya should remain permanent public utility. Thank you very much.

Com. Nunow: Asante sana Bwana Chepkok kwa hayo maoni na sasa nitamwalika Bwana Waziri atupe mapendekezo yake pia.

Hon. Biwott: Niangalie wapi? Commisioners au raia?

Audience: Both.

Hon. Nicholas Biwott: Both? First of all I thank you very much for being here to listen to the views of people from Keiyo and today I think, has been a good day for Keiyo South. Yesterday we had an opportunity of presenting the views in the Valley and today we are presenting them here. I hope that as we go on we will cut down on advocacy of anything - frustrations and go straight to facts and things which help and to assist you formulate a Constitution which reflects the views of wananchi. So I thank you very much for being patient. I will mainly highlight just a few areas where I would like touch on but a lot of my own views will come through the party, being a member of the party and especially on the structure of Government because we will have to agree as a party and then we will present. But today I wanted the people themselves to give their views on how they feel.

In my view, I think the Preamble should be very clear as to what the Constitution is all about. Because it is Constitution which brings people together to run their own affairs for their own welfare and for the welfare of each individual. Therefore, the Constitution should spell out the issue of justice, liberty, rule of law, patriotism and cohesiveness of the society as well as the Bill of Rights. That then, will demand a structure of Government. But coming from this area, I know the feeling of the people but I will give my own because I would like this time to give their own. It is absolutely untrue that anybody here is intimidated. It is a psychological problem which is in built in the minds of those who choose to imprison themselves in that unfortunate situation. Here, everybody is free to move freely and while you are here you may also take the opportunity to listen to them privately or even – you know, to hear what is it all about because we believe in freedom and it is inherent in the Kalenjin system that you cannot oppress any individual.

There will definitely have to be a President which then symbolizes the Constitution and the nation with a flag, Court of Arms which distinguishes among the family of nations in the world. In my view, there would have to be the sharing of power at the highest level and then of course, there will be usual division of powers between the Judiciary, the Executive and the Legislature. Very much along the Westminster line, but of course Kenyans are dynamic and during the process of collection of the views, you will come to listen to what Kenyans want and that is what will prevail.

For the question of land and resources, I think it is very much dear to the people here and it is also dear to me. In the beginning, the resources of Keiyo district was intact. The forest was completely intact with a lot of animals from buffalos right down to the smallest animals but today we don't find them. It is not the Keiyos who destroyed the forests. It is the central Government which destroyed them, it is not the local people at all. Until the time of independence, the forests here were under the local authority. First of all it was the LNC and the Africa District Councils and then eventually most of it was transferred. It

was during that transfer where control was far away from the locality, that things happened and today, there is no benefit which Kalenjins from Keiyo have benefited. The beneficiaries are outside (inaudible) commercial. Therefore, there should not be any misunderstanding whatsoever as to the apportioning of responsibility. Today, mine is only to say that natural resources like forests should belong to the County Council and be part of the Trust Land where they can administer it and protect it and plant trees and reinstate it the way it used to be. Other resources such as catchment areas, the rivers and all the natural resources which influence the life of the people should be controlled within the locality.

As for the minerals, any mineral or any resource here should be developed for the benefit of the people and there should be a sharing of benefits from the investors, from the central Government and also from the Local authority. And the people whose land the minerals are found, should be compensated fully and I believe in the Fluorspar which came (inaudible), the truth is – and this is the truth and nothing but the truth – the truth was that that mineral was discovered late 60's and in the far 1970 –71 an American company decided to develop it. At that time, there was a law which was passed in this country by the republic or central government which everybody here seems to be expressing. It is the central Government, and the Local authority has absolutely nothing. It passed the law to say that anything below 6ft does not belong to the locality it belongs to the central Government; And, that is the beginning of the problem which we have today. They compensated the people according to the law and at that time they got something like Kshs. 25,000. It was not until I came in, to plead for those people where we raised the price very high and that money was paid as full compensation to the people themselves. Those who signed collected the money, those who preferred to buy land they bought Kilima in the Uasin Gishu District.

So it is absolutely untrue to keep the impression that that Fluorspar was not compensated. It was fully compensated and the documents exists according to the present Constitution. To that I am saying that any land which is alienated, should be fully compensated either by land or fair compensation in any manner and that the benefits from any mine or anything, should also accrue to the people especially in the services such as schools around the area, water - things that they can agree. But we need to pass a law I think in the Constitution, that the rights of individuals whose land contains the minerals should be compensated in one way or the other so that there is a fairness and justness.

I would also appeal to – that we should not emotionalize things or just take an opportunity to hoodlink people who are not from here as if this is a hell; this is heaven as far as I am concerned. Every mwananchi here is free and if you are not – sorry it is not the problem of the people themselves. As for the other services like education, minor roads, those should be done by the County Councils and they should be able to levy some money. They used to levy poll tax before and then eventually they went in to GPT but now a new distribution system should be made whereby the local authority should be able to lay may be some funds and the central Government of course would be the main beneficiary of taxes such as customs, excise – you know, the usual funds which are being levied by the federal government.

A federal system is a natural system - very natural because that is what they call bottom ups. It starts with the people, because

whom are you constituting? You constitute the people themselves as they are. This is why we have so many tribes here who have been brought up into a nation. Today we are a nation and we will remain a nation. We will remain a multiparty nation and a free nation where Human Rights and Bill of Rights will be the order of the day where every individual will be the same in the eyes of the law; where the law is blind enough not to see any difference in any individual but justice and only justice being the shield as it is provided in our National Anthem. It is not true to say that Germany for example, has just acquired it because it has developed so much. It acquired because of the consolidation of the countries. They were ruling themselves as the fiefdoms and so on and then it became a federal one when they had a federal chancellor there called Bismack. May be those of you who would like to study history, should study in order to understand exactly if they want to quote something.

The American's started 200 years ago. They were a State and they decide to federate. Why did they not unite? They united to fight the British, when they got freedom they said we want freedom and liberty. Today, there is a big statute in Washington which has got – when you land in Newyork - you see the statute of liberty saying 'we are free people' and so on. We are free in this country because we freed ourselves in 1963 from oppression. Today we are trying to accommodate together. So, what we are saying is that things that can be done locally, should be done locally so that the people can see those who are doing it because in that way, you remove corruption, you remove injustices and all bureaucracy because if somebody else is deciding from Nairobi, who knows about that person in Nairobi?

A lot of land here – you see a lot of excision here, trees going who is giving? is the local the person? It is outside and are those happy? Why are you then complaining about the local people not getting independence of the local resources while you are saying you want to go to central Government? Whom do you know? Who has been issuing with the licences. So the local things here which you see, even the police should be decentralized up to the level - because you will know who that policeman is. If he is corrupt they will know, if he is a criminal he should be known.

In the courts also, the courts, we have lawyers everywhere now who are qualified and they should also be decentralized and they build up like it is happening in other Common Wealth countries. In Australia, where I studied, States have all got their Governments and their Ministers and they have what we call 'Common Wealths'. In Canada they have the same thing, in India they have States, in Britain they are now devolving and giving more powers to the people, even the Scotts are being given their own. So, why are we shy? We are not saying that devolution of powers will force those Kenyans from other parts of the country away. No, there should be a sanctity of property and every Kenya should own property everywhere, irrespective. After all they are all Kenyans, they are all black people. They intermarry and do all sorts of things, so it does not change it is as it is now. We have a district here and we have an ADC here, have we used that one to chase away anybody? We have not, everybody here is flourishing under that system as long as you sit there, you own your land, you do your own business, you obey the laws of the land and that is all there is to it.

As for Civic education, I think it was done fully in this country and I think it was supervised....

Audience: No, no, no.

Com. Nunow: Excuse me - Mheshimiwa one minute. Please, we said yours is to listen. Please; We do not have - no one has a right to determine the views of the other. Wait for your turn and give us your views; to tell us when you come here, that civil education was not taught. Okay? You will have your turn,so wait for it. We do not want murmur and we do not want this kind of behaviour please.

Hon. Nicholas Biwott: Anyway Commissioner, I think you are very good. Let them say whatever they want to say. Those are people who have been trying to say there was nobody doing it. Their District Coordinator was organized from Nairobi, they have all the people and they have been going round and the the DP themselves who are arguing like that, also had the same opportunity and so, they should not use this opportunity to mislead you and in this area we allow anybody to shout or do anything because it is their natural right; they are free. So, don't even reprimand them, let them say whatever they want because if you listen - these are the ones that if you listen to one after the other but they are their views they are entitled and they are free.

So, I believe that it was done but whether it was done effectively or not that is another matter because I was completely out of it and I never got very much involved. But all I know, is the Ghai Commission, which is your own Commission, set up Civic education through out the country and this area was not an exeption. I think it was done together but I am not the judge to say whether they did it properly or they did not do it properly. It is your own judgement to find out. It is only to avoid advocacy when we were supposed to be giving proper views.

So, on the case of education as I had said, these are the sort of services that should be done here, health and anything that is normally associated with local authority. And then of course, there will be services which go beyond County Councils and not to the national - should be coordinated by a provincial form of Government. It could be for example, run by a governor and then anything else that goes across the country is the trunk and that is fully the responsibility of the local authority. There will also be the question of the Provincial administration and the local government which should be harmonized so as to have one authority in order to serve the people properly. Also, in the case of the Judiciary, all the law enforcement institutions which have been reference to earlier on, should also be streamlined so that they serve the local community. In that way, people will be able to get justice immediately instead of waiting for so long – they will be looked at, I mean the closer they are to people, the greater the scrutiny and the greater the ability of the people to have justice on the ground.

On the question of the electoral system, I think and I believe in simple majority where a Presidential candidate for example wins a majority and has 25% of other 5 provinces is enough to justify the support of Kenyans as a whole. Then, on the question of constituencies, I think it should be done on the basis of population, geographical and other characteristics like the valley or the size of the land. It should not be confined to population alone.

On disability, I think all those who are unfortunate to have disabilities, should be given voice and so are those who are minorities who need to be heard. Because, I think everybody living in Kenya and pays tax to Kenya should be heard – should be given a voice and should also be allowed to influence decisions. The status of women should be enhanced as far as possible in a mechanism that will accelerate their participation in the society although even today, I think we are far away in getting most of our women in position because when they go to class there are no two exams. There is only one exams and in most cases women do excel and so it is for inheritance. I think a child is a child and should be able to inherit and participate in the inheritance. There would be a complication which might contradict or run counter to cultural practices for example, if a girl has children at home, in Keiyo for example, those children do not belong to that clan - they do not belong to that family. They belong to whoever fostered them. So that could create a complication because here we go all the way up to our forefathers to (*Turgen dialect*). So that one, I think we need to have cultural diversity and also to respect culture. Your wisdom will be able to assist in that particular one.

On the question of – I am just about to finish. Then on the question of the new Constitution, I think the views of the people and also my own views, are that the next election should be held under a new Constitution where the Kenyans will have given their verdict as to what Constitutional dispensation they want because it is only through that system that they will be able to get their ideas reflected in the form of Government they want to come. So, to it will be themselves who will actually be saying that this is the Government we have chosen and they will be able to respect. For 40 years we have been served very well with the old Constitution and I believe that a new Constitution is necessary. Whether that will entail the extension of the Parliament, then it will be a matter of the Constitutional Review Commission, but for practical purposes a Constitutional Review Commission cannot be extended without transitional provisions from the present Constitution to the new Constitution.

And therefore, that transition should be spealt out clearly whether it will be by form of extension of Parliament or whatever it is, should be very clear so that we know the position of the Constitutional Review, the position of Parliament, the position of the final handing over to the Government which is selected under the new Constitution. Because, there will be one way where on arm will advance without the rest of the body. It has to move in (inaudible) so that Kenyans can predict the future as opposed to being left in the dark. And for that matter also, the Constitutional dispensation which will come should be clearly defined so that there will be ambiguity, it should be in black and white so that people will know exactly what their rights are and what their obligations are because any right – you hear people talking about human rights but they forget that those Human Rights entail Human obligations because what is your right ends where the right of another one begins but you cannot have it all both ways. You can't have your cake and eat it. You can't have all your rights and somebody else denied of all the rights.

So I believe that what I have said, it is just a main highlight but we will contribute more and I will be submitting my own views in (inaudible) also with whatever I have said and what I said yesterday at Flourspar and what I will be saying as a member of the

party. Be rest assured, if there is anything which is missing, which needs to be attended to so that your work is facilitated fully, don't hesitate because all the people here who have been responsible for the arrangement should be able to cater for it. We would like you to go with your independent views, the way you have seen, the way you have heard and exhaust - even it means burning - anyway there will be electricity so there will be no burning fuel. Thank you very much.

Com. Nunow: Thank you very much Mheshimiwa. You realize that I had to use a discretion to give Mheshimiwa more time because there are very important participants at the National Conference where they will constitute 1/3 of the total membership where the final draft after you have perused will go before it goes to the Parliament to become a Constitution. So, it is important that you hear their views at this level. I would like to recognize the presence of Hon. Prof. Kamar who is a Member of Parliament in the East African Assembly who will also my professor at Moi Univeristy. So, karibu professor. You will let me know when you want to speak. Let me call Kimtai Sirma, one of the university students from Keiyo.

Hon. Nicholas Biwott: (Inaudible). If you will permit my indulgence I would also like in this federal structure or any future Government, to also include a dimension of the East African Community because the federal system is going to emerge out of the East African Community. So, I think that should also be part of what I have just said.

Com. Nunow: Kimtai Sirma.

Kimtai Sirma: My name is Kimtai Sirma, a student leader. I have some issues here I want to present to this Commission, it is a written memorandum but I will just mention some few things. I am going to talk about the devolution of power in Kenya starting with the district level. We want to have the district as the basic Government unit of which I propose the dissolution of the provincial administration institutions. We want to restructure the current rural local authority system as follows:

- Establishment of sub locations/ villages Council headed by a sherrif.
- Establishment of a divisional council along the lines of the current constituencies by the Council reporting to the Mayor of which this mayor, is the head of the Disctrict Assembly.
- Again, I propose the restructuring of the current urban local authorities as follows. We have the Capital city. This will enact regislation for the capital city, Nairobi of which it will lie along the lines of London and Washington DC.
- We want to establish a divisional council along the Constituency boundaries as the basic operational unit.

We want to be given recognition, or residents to be given recognition. The Residents Association to be given recognition as the equivalent of the village sub locations of the rural set up. We have the current municipalities, towns and urbanCouncils. We want to have multi Constituency municipalities towards divisional council along the current Constituency boundary as the basic operations unit. All the administrative should be under the district councils headed by a mayor of which we are going to have ther DOs coordinating the functions of which these DO's are appointed by the divisional council and reporting to the mayor. I propose that at least 30% of the seats in all councils be reserved for women. We want to ask that all councils should

have both Executive and Legislative powers and all courts should follow the African Democratic System.

I am going to talk about the provincial level. As I had proposed earlier, the provincial administration dissolved and establish a provincial senate which will be headed by a governor directly elected by the people. We should have an executive officer who will be the provincial officer appointed by the provincial Senate reporting directly to the Governor. Again, I propose 30% of the seats to be reserved for women. Election of this Assembly should be done directly by the people. Each Constituency should elect two Senators who should be sitting in these Provincial Senate. At least, a third of the Senate be eligible for re-election after every two years. The tenure of office be 6 years for all elected Senators for a maximum of 2 terms. The Provincial senate should have Executive and Legislative powers. Each province should have a High Court from the current High Court we have, the highest court should be the High Court and should be based in provinces. The police and the (inaudible) should be a provincial issue.

Com. Nunow: Please wait kidogo. Tafadhali, tuzime mobile phones. They grossly interfere with the taping. So, if you have a mobile phone, put it off unless you want to go out and listen and come back. Thank you.

Kimtai Sirma: Okay, thank you. The running of district and provincial hospitals should also be coordinated through the Provincial Senate. We should establish a Provincial Service Commission which would be dealing with land matters and so forth. Also we should establish a provisional Attorney-General and also Inspector General.

When it comes to the functions of the Prime Minister and the President - I am going to talk about the powers of the President first. The President should be the Head of State, Commander-in- Chief of the Armed Forces, he should open and dissolve Parliament, shall not be a nominee of any political party. He should be signing all Bills passed by the Parliament or the people, should share definite executive powers with the Prime Minister. He should be elected for a six year term, renewable and directly by the people, he should be deputized by one Vice President elected as a running mate.

The Prime Minister: I propose to have the Prime Minister in the following Governments. He should be the Head of the Government, Head of the political party with majority seats or coalition of powers. The Cabinet should be from among the Members of Parliament. The Prime Minister should be responsible for coordination of national Government operations, he should be the chairman of the Governors' conference which will be held at least twice in a year. He should brief the President once a week on the operation of the Government, he should be the leader of Government business in Parliament and he should be assisted by a maximum of 3 deputies.

Attorney General: He should be the Minister of justice and director of public prosecutions. We should have the National Civil Service Commission which will be responsible for the appointment of all national civil servants and also the Auditor General; the two current units should be merged into one.

I think those are the views I had - I think this memorandum should be okay.

Com. Nunow: Thank you very much Kimtai, we will read the rest in the memorandum. Geoffrey Lelmet? Geoffrey? Joseph Kipkesto na utafuatwa na Joseph Ruto.

Joseph Kipkesto: My names are Joseph Kipkesto from Kochollo. I would like to present the following. Chiefs and Assistant Chiefs should be elected by wananchi. Village elders should be given salaries by the Government. Mayors should be elected by town Councils, Councillors and should possess a degree. The Councillor should be a Form Four leaver and above and should be given more powers than Chiefs. There should be basic rights to guarantee civil servants, political parties and social – economic to all Kenyans. Cultures of all ethnic groups should be protected groups. Education for children should be compulsory up to form four.

The system of Government: I would like the federal because – I don't know if we are not allowed to rule ourselves or to manage ourselves - I would like the federal Government to be allowed in Kenya in this coming Government. Thank you.

Com. Nunow: Asante. Joseph Ruto?

Joseph Ruto: *Kongoi missing?* Mimi nitasema maneno matatu tu au manne. Kitu cha kwanza nitaongea kuhusu Chiefs. Jina langu ni Joseph Ruto. Hawa ma- Chief wanatakiwa kufutwa wote kabisa kwa maana wananyanyasa wananchi. Kwanza sana sana sub chief was hii nchi yetu Kenya wananyanyasa wengine. Sub Chief kama anabaki ni mmoja tu, na DO pia afutwe kwa maana anakuja huku kutoka mahala pengine na hiyo inakuwa mbaya sana. Anaungana na ma- Chief halafu wananyanyasa wananchi. Kwanza, kwa haya mashamba tunasema shamba system lakini hiyo ni ujuzi ya serikali na inakatwa kabisa bila huruma. Kwa hivyo, intakiwa kwamba – tafadhali kwa maana maneno yangu ni madogo - tafadhali, nyinyi mliokuja hapa na hata hayo makaratasi yote mnayoandika, msiende kupiga muhuri na kuchagua yale muhimu na kutupa na kuchukua yale yasiyo muhimu na kupeleka mkisema kuwa watu wa Keiyo waliongea hayo. Asanteni sana. Kwa maana sina mengi, jaribuni kufikisha hayo mambo mahali yanapoenda. Asanteni.

Com. Nunow: Asante sana Mzee Ruto, jiandikishe. Mzee, tafadhali andikisha pale kwamba umetoa maoni. Esther Koech. Rhoda Masit.

Rhoda Masit: Waheshimiwa Commissioners ambao wako hapa na wasaidizi wenzao, kwa jina naitwa Mrs. Rhoda Masit na nitaongea juu ya maendeleo ya akina mama. Langu la kwanza kabla sijasema juu ya Constitution, mimi nashukuru hii serikali ambayo bado iko kwa sababu ya amani. Bila amani hatungekuwa hapa. Sasa nikisema juu ya akina mama, nataka kusema ya kwamba, hii Katiba ambayo tunaandaa sasa na ambayo tunatarajia kwa wakati ujao - nina memorandum hapa ambayo nitapeana lakini nitasema machache tu kwa sababu ya muda na tumeambiwa ya kwamba kila mtu aongee. Kwa hivyo, yale

akina mama wameongea na kuonelea ni kwamba tunataka federal government yaani majimbo ambayo yatachagua President na Prime Ministers wawili. Lingine ambalo tunataka ni President akichaguliwa ama mtu yeyote, tunataka kura za majority wala sio kupita na kama ishirini eti mtu akipata ishirini aende Bungeni na yule wa 50 ama 70 akae nyumbani. Tunakata kufuata majority kwa kila kitu.

Kwa hii Katiba, tunataka kuakilishwa na akina mama. Tunaona ya kwamba akina mama ndio majority na tena kazi yote ambayo tunafanya inafanywa na akina mama. Ikiwezekana, tunataka kwa hii Constitution akina mama na wanaume wapate kazi sawa. Hatutaki usawa kwa jina tu lakini pia usawa kwa elimu. Kama ni kuajiri Wabunge, akina mama wawe kumi ama ishirini hivi kwa sababu wakati huu hakuna akina mama ambao wanaweza kututetea.

Lingine ni kwamba tuelimishe wasichana wetu kwa sababu, tukiweka Katiba kuwa ni lazima msichana asome, tutasaidia kwa sababu wazazi wengine wanakatisha msichana kwa sababu ya kazi ya nyumbani. Mama anaweza sema amejifungua ama hana Yaya na kwa hivyo msichana anakaa mvulana anasoma. Kwa sababu wote ni watoto wetu, tunataka wasome ili wapate akili sawa ndio wapate kazi sawa.

Lingine ni kwa upande wa hospitali. Ikiwezekana katika hii Katiba - tunaweza kuwa ni hospitali zingine health centre ama dispensary na zingine ziwe district hospitals. Kwa hizi hospitali za chini tunaweza kosa dawa kwa sababu wanasema kuwa dispensary ni kitu kidogo lakini sio ndogo kwa sababu ugonjwa ni sawa. Mgonjwa ambaye anaenda district ana yule anakuja kwa dispensary ama health centre, ni sawa. Kwa hivyo, tunataka wakati mwingine tufanye promotion ndio health centers ziwe sub district hospitals ndio madawa yapatikane na magonjwa yapate kupungua.

Jambo lingine ni juu ya misitu ambayo imemalizwa na inaleta shida kwa akina mama. Sisi ndio tunabeba maji na kuni na misitu inaisha na maji pia yanaisha. Kwa hivyo tuhimize habari ya misitu sana kwa sababu ndiyo uhai wetu. Ikiwezekana kwa sheria, tujaribu kwa watoto kwa sababu kuna mzazi anayezaa mtoto na kumtupa. Unakuta watoto wamejaa Eldoret na kwingineko ambao wanaitwa chokora na mzazi yuko hai na huyo mtoto hakutaka kuzaliwa hivyo. Ndio maana akina mama wameonelea ya kwamba sheria iwekwe kwamba mtu akizaa mtoto wake amtunze wala sio kumuweka kwa pipa ama kumuacha.

Kwa hayo machache ninaona na niliambiwa niseme machache tu na nina memorandum, nimeshukuru na nimesema asante.

Com. Nunow: Asante sana mama kwa hayo maoni. Julius Chepsoi.

Julius Chepsoi: Sababu ya kuulizwa turekebishe sheria ni kuwa kumeonekana kuna makosa fulani kwa kuwa sheria nyingi zimetudhulumu. Jina ni Julius Chepsoi. Kwanza, lile ninaona ni vibaya ni serikali ku-privatise veterinary services inaonekana ng'ombe wetu wataharibika. Tunataka sheria wakati huu serikali ifikirie ng'ombe za wananchi watakaa namna gani. Waone kuwa veterinary wamewekwa na wasimamiwe na serikali wala sio private kwa sababu ng'ombe watakufa na ni uchumi wa wananchi.

Pili, kwa mambo ya kilimo kama kuna irrigation, kunastahili kuundwa Ministry ya irrigation peke yake kwa sababu ukame sasa unaonekana kwa sababu watu wamekuwa wengi, chakula kinapungua na maji yanaenda bure na kwa hivyo inaonekana kuwa uchumi utaadhirika kama serikali haitarekebisha sheria za wakati huu na mambo ya kilimo kupitia irrigation.

Tatu ni haya mambo ya baraza. Maendeleo mengi ambayo yamefanyika Kenya, sheria ya wakati huu itambue baraza kama kitu cha maana ambapo wananchi wote wanatoa maoni yako huko na wanasahihisha mambo yao na kupanga maendeleo yao. Forests zimeleta vurugo nyingi kati ya wananchi hasa wa eneo hili. Kutoka kwa serikali kuu, watu wanaangalia tu na Council inaharibu forest ni ya serikali kuu. Mambo ya wananchi inakanyangwa na hawapati chochote na wananchi wanajua hiyo ilikuwa area yao. Kwa hivyo, irudi kwa sababu wananchi wamevumilia kwani hivi karibuni marekebisho ya sheria yatakuja ili forest ziwe juu yao.

Ingingine hi kazi. Nikiandikwa kazi halafu wale wanatoka Nairobi ama Nakuru wanatufuata mpaka kwa district wanakuja kuchukua watu. Ninataka kila kazi ambayo inaaajiriwa kama Police ama AP ifuatwe kwa division. Kuna divisions zingine ambazo wamekaa kwa hii nchi na watoto wao hawajaandikwa kwa sababu ya “grabbing” ndogo ndogo ya watu kuhongana. Kwa hivyo ninataka kazi ikitokea, iende kwa kila division ili wapate watu wao. Katika hii Bunge, sisi kama Constituency ya Keiyo South tunaunga mkono haya mapendekezo ya kusema Wabunge waongezwe kwa sababu wajumbe wataweza kupitia watu wao kila wiki. Hili tuongozwe vizuri.

Kwa mambo ya majimbo, tunajua hapa ni Marjor, huko ni Nyaru na kwa hivyo inajulikana kwamba hili ni jimbo la watu wa Nyaru na hawawezi kutawala watu wa Marjor. Kwa hivyo, tukisema watu wa Province fulani, kuna mambo yao lakini tunajua sote ni watu wa Keiyo South na bado tuko watu wa location moja na bado tuna majina yetu ambayo yanatufanya tukate decision yetu kama watu wa jimbo hilo. Kwa hivyo majimbo ni mazuri na haifai tungoje wakati mwingine. Tukikaa tena, hii inaweza kuleta vita. Mbona juzi kuliwa ma clashes na kulikuwa na serikali moja? Kwa hivyo, hii ni kwa kuwa ilikuwa imeonekana kwamba wilaya zingine zilikuwa zimekanyangwa kanyangwa na kunyanyaswa mpaka watu wenyewe wanaumizana. Kwa hivyo ninasema majibo yanafaa ili mtu ajulikane kama yeye ni mwenyeji au ni mgeni na anafanya kazi gani. Lakini mlango ukifinguliwa mpaka wengine wanataka kuongoza wengine, na binadamu hawataki kuongozwa. Kwani tunajua juu ya ule utumwa wa Misri na watu wa Israel wakati wa Yesu, kikiletwa na kitu kaa hicho wengine watakuwa kama wako Misri na wengine “watatsema sisi ni Waisrael”. Kwa hivyo tunataka tubaki provinces ili tutawale mambo yetu.

Machifu nao wamechafuka kwa sababu ya kuhongana. Chifu si wabaya na hawakuchaguliwa kwa njia nzuri. Kwa hivyo hii system ya mlolongo ili wenyewe watoe Chief wao, hakuna makosa kwa administration na hata DC anaweza kuwa-mislead na chifu. Kwa hivyo Chief akiwa mzuri, hata DC atakuwa mzuri, DO atakuwa mzuri; Lakini kama mabaya yako kwa nyumba hiyo harufu itanuka mpaka itaguza watu wote. Kwa hivyo, wacha tulainishe machifu wachaguliwe, baada ya miaka kumi, aende tena kwa kiwanja aangaliwe kama bado anafaa au ameharibika.

Wazee wa mitaa, hata wao wapewe miaka kumi ili waangaliwe na majina yao yajulikane mpaka kwa district na hata kwa County Council ijulikane wazee wa mitaa ni akina nani ili hata Council na viongozi wote wa district, wakitaka kitu kutoka kwa kijiji ajue kwamba hawezi kutekeleza kitu kabla hajawasiliana na wazee wa mitaa ambao wanatambulika na wananchi. Na wawe wakipewe mishahara na wawe utawala wao ni wa miaka kumi. Wakizidi, mpaka wengine wamelewa na uongozi au mapenzi ya watu, mambo yataanza kuharibika. Kwa hivyo tunataka wawe wakifanyiwa renewal. Kwa hivyo recommendation katika Katiba ya Kenya, ni kuwa elders watambuliwe kabisa kuwa ni wakubwa hata kuliko watumishi kwa sababu watumishi ni kama Councillors, Chiefs na kadhalika. Lakini elder, atambuliwe kama mkubwa wa watu wote kwa sababu hawezi kusema hongo. Kwa hivyo, kwa hayo mengi ambayo nimesema hapa Keiyo tunataka hayo mambo ambayo nimetaja vitu kama forests, minerals, zisipite Nakuru tena. Zitawaliwe na wenyeji na viongozi wao wale wamechagua na kama viongozi wanaharibu, baada ya miaka mitano akalishwe nyumbani na mwingine aje kurekebisha. Asante sana.

Com. Nunow: Asante sana Mzee kwa hayo maoni. Sasa hapa mbele nina orodha ya watu mia tano – mia nne tisaini, na kama vile tulisema asubuhi, muda ni siku hii tu. Kwa hivyo, naomba tena mtu ukipata fursa uende straight kwa mapendekezo kwa sababu ukienda kwa mapendekezo utamaliza. Lakini ukiwa na memorandum, highlight tu. Visit key issues in that memo because we will read every word there is in what you have written. That way you will give more opportunities to present their views. So, I will give every one of you dakika tatu – chini, kutoka tano ziwe tatu kwa sababu ni muhimu sana na itatufanya tusikie vibaya tukiacha watu wengi wakiwa wamekuja na maoni na hawajapeana. Heri msikizwe, mtoe core points na muangalie sana sana yale hayajasemwa uanze na hayo na kama muda wako bado uko uendelee na zile zimesemwa mbele yako kwa sababu hizi zitakuwa Constituency views at the end of the day. Asanteni. Matthew Sinyei na atafuatwa na Andrew Toroitich.

Matthew Sinyei: Kwa majina naita Matthew Sinyei and I am going to highlight on land and other natural resources and I will be very brief. All lands in Kenya should have title deeds. All lands laws should be consolidated and forests given out for shamba system should be shared equally amongst residents surrounding the forest. Any private of Trust Land with oils or minerals should not be acquired by the Government or any investor without the agreement of the acquirer and the owners. The lease period for such land to the acquirer should not exceed 20 years. In case the land is taken from the owners, adequate compensation should be given to the owners and houses built for such displaced persons. Such displaced persons should be entitled to monthly annual dividends. All the communal land held in Trust by the Local authority under which jurisdiction they fall should only be used with the consent of the people residing on the land in accordance with the customary law.

There should be a land Commission whose duty should include;

- Protecting all public land including forests and game parks.
- Allocation of available land to squatters and the landless.
- Developing a mechanism for optimal utilization of land.

A tax should be imposed on the disuse of private land. Lease of harvesting resources, mining minerals or oils to be transacted

on the consent of the of the local people. There should be a Commission established to run all the natural resources in the country. And for the system of Government, I will only say that until this vice which is tribalism is actually curbed, there is no way that by adapting the federal system, we are going to make anything. Thank you.

Com. Nunow: Asante sana Bwana Sinyei. Andrew Toroitich.

Andrew Toroitich: My names are Andrew Toroitich. The chairman and the Commissioner, I would like to propose by saying that I will only touch about the society for only two minutes. The society and probably women; I would like the Commission to abolish alcoholism for all women. Why? It is the spread - I term it as epidemic disease which is now the cause of Aids. Two, the problems – as you know women are the backbone of all the family. So, I would like the Commission to look into that about women only, because they are the backbone of the society. It is in this conjunction and it is likewise to the genital mutilation of women. I would like all those to be abolished completely. I am only touching on that. Thank you Mr. Commissioner.

Com. Nunow: Toroitich, jiandikishe huko tafadhali na utuachie hiyo karatasi. Phillip Kigen na atafuatwa na Sammy Chesang.

Philip Kigen: Kwa majina naitwa Philip Kiptor Kigen kutoka Cherosa sub location Marichor location, Keiyo South. Kabla sijaendelea ningependa kuomba Mr, Chairman nafasi ya kusimama kwa maana sisi Wakalenjin, wazee husimama. Mimi naunga mkono serikali ya majimbo kwa maana jimbo, ni kama kijana kuenda kwake na baba akae kwake na apangie kijana mambo yake. Nasema asante kwa sababu zamani kuliweko na majimbo na Kenya ilikuwa jimbo na governor wa zamani aliyekuwa Sir Everlin Barring na wakati tulipotapa uhuru tukachagua wajumbe,

Com. Nunow: Tafadhalini tunyamaza.

Philip Kigen: Sasa, naomba majimbo yapatikana halafu tupange kazi yetu kwa maana tukiwa tuko Kenya moja, hatupangi kazi yetu. Ikiwa tuna majimbo.....(*End of side A tape 3*)

Wamepoa? Kwa hivyo mkiwa mmepoa, naongea juu ya majimbo. Naomba majimbo yaje ili tuweze kutawala mali yetu kwa majimbo na tutapata Prime Minister naye President achague watu wake na apate mamlaka yake na watu wake. Pia, President awe anatawala askari na majeshi. Kwa hivyo naomba majimbo yawe.

Ya pili ni mambo ya election ama uchaguzi. Kuchagua mtu ni kuanzia sub location, halafu tunakuja location, halafu division, halafu unaenda juu na hatutaki yule ambaye anachaguliwa kutoka juu. Naomba hiyo iwe namna hiyo kwa maana tukifanya hivyo, kazi itaendelea.

Audience: (inaudible)

Philip Kigen: Tosha na asante Bwana Chairman.

Com. Nunow: Asante sana Mzee.

Com. Kabira: Sorry, can we explain something incase you think we are not doing the right thing. We are following the list; the way we have from outside, we are following this list but we also said in the morning, if we have people with disabilities, give them priority so that they can go. We have also asked that if there are older men and women – 70, 75 and above, we given them priority so that we make sure that everybody participates. So, that's what we are doing. So, the list that was going round is just actually to get men and women who are 75 and above because they get tired of sitting so will go but the younger people will wait a little longer. Yes, please.

Speaker: Okay. In regard to that, we appreciate what you are doing but it should only and only be exactly what the list is. Because, I don't know whether the university student representative was in the list. I want to believe we came earlier before he came. So, we are so much concerned. Let those who are old and the disabled and let it not be 'stage managed' that a certain individual should go and present in the name of getting old even if they are not 70. people are looking at the years. If they are not 70 you better stop them. Thank you.

Com. Kabira: Okay. Thank you.

Sammy Chesang: Okay. Madam Chairperson and other Commissioners, my name is Sammy Chesang and I will go straight to the points. My opinion is that power should be devolved to lower level to facilitate efficient services delivered to wananchi. I, therefore, suggest that we have a federal system of Government where the President is the Head of State elected directly, and the Prime Minister from the majority party. In the federal system of Government, there should be closer representation accountable to Parliament— just to mention of few, and the provincial regional authorities will ensure the delivery of essential services to each locality.

On Legislation there is a (inaudible) the communities which were ignored and neglected during the colonial Government will benefit when we have the federal system in areas of education and control of resources. It will also empower the people in decision –making in all matters that affect their rights. The people will also be in charge of their affairs and masters of their destiny. Also, the present powers of the Government, though it has been very good for the last 40 years, it leaves some room for some small interference.

Also, if we have the federal system in the regions interaction the disctricts in the scientific advancements. So, if we have the federal system, then intellectuals and experts who mostly are in the city as opposed to districts where they can (inaudible) and

they are telling us to go to the farms when we do not have the know how. So we want the federal system to bring the intellectuals here and then we can really go very far with their knowledge. It will also be homegrown, where we have scientific cases and extension of course. The local authorities will also have a national and human resources to enable it to conduct expansions.

Our leaders and other opinion leaders, if we have the federal system of Government, can allocate an amount of time, say half time of their lifetime towards the economy than wasting time. If we have the central Government here, some people will begin going there and leave people here hanging on the fence. But, if we have federal system everybody will be pulling their strengths together and also self-help projects will be imposed.

The structure of Government in the federal system will have the President as the Head of State and Commander-in- Chief, Vice President and principal assistant chosen by the President, the Prime Minister will be the leader of Government business and he should have two deputy Prime Ministers. Their roles should be defined; either administration or political affairs. There will also be the legislature and the executive, the Chief Secretary and be the Cabinet. There will also be two Regional Assemblies i.e. National Assembly and the Senate. The Senate will have the tribal leaders and the Regional Assembly will be constituted of representatives from the districts and the provincial of executive officers, shall coordinate all the Ministries and the chairman will be chosen from among the representatives in the District.

Coming down, we come to the Councils. We shall have District Councils and chairman of the Council and Councillor. In the Judiciary, we shall have the Chief Justice and the Supreme Court. And finally, I would like to support that we have land cases involved the board tribunals and the clans and the family. Finally, Administrators should be enforced and vetted by the community. Before somebody is employed as a Chief he should be vetted first and then he goes for an interview. The Constitution to provide for case of former Presidents. The disabled to be involved in consultations in their planning and programmes. Thank you Madam Chairperson and I leave my memorandum with me.

Com. Nunow: Thank you Mr. Chesang, we have received you memorandum. Nitamuita Pastor Christopher Misoi (inaudible).

Pastor Christopher Misoi: Okay. Mimi ni Christopher Misoi. Memorandum yangu inatoka Seventh Day Adventist Church.

The Chairman, Constitution of Kenyan Review Commission;

Subject: Seventh Day Adventist's Comments on Recommendation on the Kenya Constitutional Review 2001 – 2002.

Seventh Day Adventist comments on recommendation on the Kenya Constitutional Review:

Preamble: The Seventh Adventist Church – SDA, having been established in the Republic of Kenya nearly a century ago is a member of a large worldwide organization of the Seventh Day Adventists. The church in Kenya has over the years grown in membership and is now standing at over 2 million. It has established itself through out the Republic of Kenya and has tirelessly

been working to enhance the welfare of mankind by offering many services of teaching, preaching and healing through the setting up of some of the renowned Seventh Day Adventist institutions e.g. hospitals, schools, colleges, universities and relief development agencies.

For this reason, the Seventh Day Adventist Church is strongly appealing for the setting up of a comprehensive Constitution that will cater for the rights of the church, the community and the individuals in matters of life, religion, liberty, association and expression. We, the Seventh Day Adventists wish to make a specific comment or recommendation based on the Holy scriptures, to the Constitution of Kenya Review Commission as follows:

The basis of the Constitution: We the Seventh Day Adventist Church, recommend that the basis of the Kenya Constitution must have God as the Supreme and Divine authority. We strongly recommend the recognition of the divine supreme authority and Constitutional governing the great universe around as the basis of (inaudible) authority Constitutional guideline. SDA recommends as follows:-

Recognition of the supreme divine authority and ruler of the great universe around. The Adventists believe and recommend the recognition of God as the everlasting, eternal, omnipotent, omniscient and most holy being, noted to be a creator, sustainer and ruler of the whole visible and invisible great universe consisting of billions and billions of planetary systems in which, the earth is a tiny speck inhabited by nations and considered to be a drop of a packet. The very first universe where he reigns where he reigns as the supreme authority and ruler, light of light, King of kings and Lord of laws.

So, because of time, let me summarize what I have in my memorandum. Kwa sababu kanisa la Seventh Day Adventist Church lina zaidi ya watu milioni mbili katika Kenya, nina-recommend kwa sababu huwa wanapumzika siku ya Jumamosi – on Saturday, Sabbath keepers na tumekuwa na matatizo kwamba – I recommend kwamba Constitution ambayo inakuja, watoto wetu ambao wanapumzika siku ya jumamosi – wengine wamefukuzwa shuleni, wameteswa kwa sababu wakati wa michezo hawafanyi kwa sababu ni Saturday, inawekwa siku ya jumamosi and they normally worship on Saturday. So, I recommend that the Constitution should recognize – sio kwamba waweke- they should recognize that katika Biblia inayosema kwamba siku ya Sabato lazima itunzwe, na lazima tumwabudu Mungu akiwa muubaji. Kwa hivyo, watoto wasiteswe na wasisumbuliwe siku ya sabato na pia wasifanye mitihani siku ya Sabato ambayo ni jumamosi, bali wapewe nafasi.

Lingine ni kwamba market day huwa inawekwa siku ya jumamosi. Some ladies would also like to participate in business but due to the fact that it is a Saturday, inakuwa ni vigumu kwao kufanya kazi siku hiyo. Mwisho ni kwamba sponsors – tumekuwa na matatizo na mashule. Ningerecommend kwamba government aided schools ambazo ni primary schools, zisiwe na sponsors. Iwe ni shule ambayo kama imekubaliwa ni ya wazazi, wazazi wenyewe wapewe jukumu na sio kusumbuliwa kwamba sponsor ameingia na kuleta sheria ambayo ni ngumu kwa shule. Another recommendation ni kwamba, tuwe na Constitutional courts ili tukiwa na shida, we can still appeal and we can challenge rulings made in other courts. Jambo lingine ni kwamba tuwe na Supreme Court ambayo – tunasema kwamba unajua Kenya yetu tumekuwa na shida kwa sababu we don't have Supreme Courts. So, we should have Supreme Court ambayo inahukumu kukiwa na shida. Mwisho, ni kwamba - ni lazima tuhifadhi

forests kwa maana Mungu mwenyewe aliumba mambo yote na akasema kuwepo na miti na ni nani anaweza kusema kusiwe na miti? Kwa hivyo lazima tuwe na forests na itunzwe.

Com. Nunow: Asante sana Bwana Misoi. Charles Kibiego; Noah Rono.

Noah Rono: The Commissioners, jina langu ni Noah Rono na ningependa kutoa maoni yangu binafsi hasa kuhusu elimu. Ningependekeza kwamba serikali ichukue elimu kutoka pre-primary iwe free; isianze tu kutoka standard one – mpaka darasa la saba, ndivyo wafanye mtihani wa kwanza, miaka minne ya secondary education na miaka miwili ya higher education na miaka mitatu ya university. Wakati huu tuna watoto wetu wengi ambao wametoka nje ya Kenya kutafuta elimu ya kidato cha tano na kidato cha sita huko Uganda na nchi zingine, wakitafuta elimu bora. Hii system ambayo nimependekeza naona kuwa itaboresha elimu yetu na watoto wetu wengi hawatatoka nje ya nchi yetu.

Pendekezo langu lingine ni kwamba, tuwe na siku tano za kazi kwanzia jumatatu mpaka ijumaa. Kuna watu ambao wanaishi mbali na family zao – pengine bwana anafanya kazi South Nyanza na mke anafanya kazi Nairobi na siku moja haitoshelezi hao watu wakae pamoja na familia yao. Siku tano za kazi ndizo napendekeza. Katika shule, ningetaka sponsorship iondolewe katika shule zote za serikali kama vile tumesema. Unakuta kwamba kuna watu watatu – kuna mzazi ambaye ni stakeholder, kuna sponsor ambaye hatujui kazi yake, na kuna serikali ambayo ni sponsor na unakuta kwamba huyu sponsor anafinya vitu vingine na kukataza vitu vingine kwa stakeholders ambao ni contributors wa kazi zote za shule. Sehemu zingine unakuta hata watoto wanakatazwa vyakula vya relief kwa sababu ya religion – kwa sababu ya sponsorship. Tungependekeza, shule zote za serikali ziwe uniform na cultural diversities ziheshimiwe katika Kenya. Kwamba Muislamu aheshimiwe kwa vile anavyopenda kuabudu. Vile Mkalenjin wa Keiyo anapenda kuabudu aheshimiwe. Culture yako iheshimiwe bora tu, iwe inaleta umoja wa taifa letu.

La mwisho ni kwamba, ningependekeza tuwe na Supreme Court ambayo hatujakuwa nayo hapa Kenya na pia korti ya Commission kama hii iwepo kwa maana wakati huu hatuna hapa Kenya. Tukivunja moja ya Constitution, tunachukua katika local courts ambapo pengine haitashughulikiwa vyema. Ningependekeza kwamba Constitutional courts ziwepo ambapo tukivunja moja la Constitution, iamuliwe na Constitutional court. Hayo ndiyo mapendekezo yangu, nasema asante sana.

Com. Nunow: Asante Mzee Rono, nimuite Barnabas Kimaiyo, tafadhali nafasi ni yako na utafuatwa na Simeon Kipkoech.

Barnabas Kimaiyo: Kwa majina ni Barnabas Limo Kimaiyo kutoka Mawe location, Matkei division. I will talk on citizenship. Anybody who is born of a Kenyan family, is a Kenyan; And children born by those people, should be Kenyans. Any male Kenya, regardless of which country he has gone and married, the children he will bear will be automatically Kenyans. The Kenyan women who bring their men into Kenya, those men are not Kenyans and they will have less privileges. Children who are born, somewhere in other countries and they have to acquire the citizenship, they have to receive their citizenship and they

become automatic Kenyans.

I now go to natural resources. Natural resources for example, minerals and forests should remain within the community area and the County Council should act as a trustee and the benefit that accrue from the sale of the forests or the minerals, 5% of that should be given to the central government. The benefits of these should benefit the wananchi who are living within the environment. The management of the natural resources should be given to the committee appointed by the community within the region under the supervision of the trustee i.e. the local government. Any unnecessary encroachment of the forests e.g. charcoal burning or any kind of destruction to the natural resources should be dealt with with stiff punishment to those who cause the havoc. Water catchment areas should not be tampered with and if any, the management committee has the power or the mandate to punish such persons.

Shamba system should be practiced depending on the management of the natural resources and those who should qualify, are those people who are landless, the young generation and those who live within the environment. And lastly, those who qualify should be the people who live within the environment. Thank you very much Commissioners.

Com. Nunow: Asante sana Bwana Kimaiyo. Simeon Kipkoech, tafadhali karibia. Alex Kimtai jitayarishe.

Simeon Kipkoech: Thank you Commissioners. I am going to talk about freedom of worship in our schools. We have to strictly learn for five days yet as we claim that we have freedom of worship, our students are being forced that they have to learn on Saturdays and go to preps on Saturdays sometimes. Even in day schools or primary schools, we are being forced to go to school on Saturdays. I need to say that a law should be implemented so that our students can be secure.

Another one is on sports which are being carried on Saturdays and Sundays where adults who like to express their talents in running and other things, are being restricted by the days that these activities take place. So, I suggest that sports days should be considered not to be on weekends so that we can express our talents. That is all, thank you.

Com. Nunow: Asante Kipkoech. Alex Kimutai. Alex are you there? Is that Alex Kimutai? Okay, endelea.

Alex Kimutai: Thank you Commissioners.

Com. Nunow: Evans Kipkoech jitayarishe.

Alex Kimutai: I am going to deal with a major arm of government which has also received a public outcry for it has been tarnished and that is the Judiciary.

Com. Nunow: Your name first.

Alex Kimutai: Alex Kimutai.

Com. Nunow: Endelea.

Alex Kimutai: The independence of the judiciary must be.....

Audience: Jina, sema jina.

Alex Kimutai: My names are Alex Kimutai and I am going to deal with the judiciary. The independence of the judiciary must be guaranteed by the Constitution. Judges must be holders of university degree in law and they shall be appointed by the President after recommendation by the Judicial Service Commission and approval by Parliament. There should be a Supreme Court. The Attorney General should not have any power to discontinue any criminal case before its logical conclusion. All Kenyans must have access to justice from courts of law and prosecutors should be lawyers by professions. Representatives of the public in criminal cases should be lawyers. There should be a time limit during which, justice must be done in a court of law.

The Judiciary should be able to control its own timetable. Funds to run the Judiciary should be charged directly on the consolidated fund. The Chief Justice and all judges should be guaranteed a security of tenure by the Constitution. Lastly, the retirement age of the judges to be made 70 years. And lastly, unitary government is enough for us; it has failed in Somalia, recently in Nigeria and lastly Madagascar.

Com. Nunow: Alex, there is a clarification. On your last point – just a minute, what did you say on systems and structure of government? I did not get you correctly. Speak on the mic.

Alex Kimutai: Unitary government is good for us. We do not want federal government because it has failed in many of African states like Somalia and Nigeria and recently Madagascar.

Com. Nunow: Okay, thank you Alex. Evans Kipkoech.

Evans Kipkoech: Okay. My names are Evans Kipkoech and I would like to make the following recommendations or proposals to the panel of Commissioners. I am going to discuss directly on local government. I am going to start directly on local government and I propose the following; Powers from the central government should be devolved to strong and well-financed local authorities at the ward and the Constituency level. The number of local authorities must be regionalized and entrenched in the Constitution. Funds charged directly on the consolidated funds, should be used to finance Local authorities. Mayors and Council Chairperson should be elected directly by the people. They should serve for a two five-year term only. Council, City, Municipal, Town and County should be left to operate independently from the central government. Powers of

the Council, City, Municipal, Town and County Council should be shared among Councillors and Chief officers to promote accountability and transparency. Powers of the Local government Ministers in all the Council matters, should be limited not to include power to dissolve any Council and not to determine the salaries of the Chief officers.

Minimum education for any person vying to be a Councillor should be “O” level. Mayors and Council chairpersons should be university degree holders or its equivalent. The nomination of Councillors should affiliate gender parties as well as people with disabilities. There should be a code of conduct for Councillors. Local government authority should have the following functions: provision of social services, maintenance of local infrastructure; promotion of local economy and promoting participatory democracy within the local community. The Council should implement the local development. On the structure of the government, I propose the unitary type of government.

Com. Nunow: Asante sana Kipkoech kwa hayo maoni. Kipkosgei Chepsoi. Mzee Kipkosgei Chepsoi.

Kipkosgei Chepsoi: *Akoti kap tuiyoni en kainetab Kiptaiyandet.*

Translator: Nawasalimu katika jina la Yesu.

Kipkosgei Chepsoi: *Noto amwoe ale mongen ane ingeresek is.*

Translator: Mimi sifahamu lugha ya Kimombo.

Kipkosgei Chepsoi: *Atinye amwa ng'olyot ne kararan ne u ne komwoe boisiek, amun kang'olole Kalenjin.*

Translator: Niko na neno la wazee ambao walikuwa wakizungumza kwa kilugha.

Kipkosgei Chepsoi: *Kokose agot boiyot age ne komwoe kole kin koitu chumbechu emoni kemitei*

Translator: Kuhusu neno ambalo mzee mmoja alisema ya kwamba kabla ya wazungu kufika, hawa walikuweko.

Kipkosgei Chepsoi: *Kale kikitinye imbarenikyok chemi Keiyo ak kora komoite chi or nebo chi.*

Translator: Kwamba katika mashamba ya Keiyo walikuwa na ng'ombe na walikuwa wakichukua maziwa.

Kipkosgei Chepsoi: *Ko kingoit chumbek kemwochi kirwogindet kolenchi mbaretab chi kobo chi.*

Translator: Na wazungu walipofika wakasema ya kwamba shamba la mtu ni la mtu.

Kipkosgei Chepsoi: *Ko agot ingunon kemwoe noton amun ingoker chito age kotinye chito age mbaret ne kararan neo*

Translator: Na mwingine akiona kwamba una shamba kubwa ambalo ni nzuri,

Kipkosgei Chepsoi: *Kole amune asi kotinye neteno ni*

Translator: Anauliza ni kwa nini ako na shamba kubwa namna hii?

Kipkosgei Chepsoi: *Atebe ale kingwendi chi tum amanyo kosich laagokyik?*

Translator: Ninasema ya kwamba mtu alipokwenda kutahirishwa si alikuwa anataka akija azae watoto?

Kipkosgei Chepsoi: *Ko amun kikonyo konyo kogoi Mungu chi lagokyik, koto manyichi chi? Ngonyor chi lagokyik ko to manyichi chi?*

Translator: Na mtu akipata watoto wake, ni nani atanena neno mbaya kuhusu hao watoto?

Kipkosgei Chepsoi: *Ko komwoe agot agane ale mamochi chi kot konyo konyeren imbar nebo chi.*

Translator: Kwa hivyo haistahili mtu aseme mabaya kuhusiana na mashamba ya mtu.

Kipkosgei Chepsoi: *Ngo mining' anan ko woo kobo chito*

Translator: Kama ni kubwa ama ndogo ni la huyo mtu.

Kipkosgei Chepsoi: *Ngot kong'etyi yon ko kalyan macheng' nenyin*

Translator: Na kama una wivu nalo si utafute lako!

Kipkosgei Chepsoi: *Komolchingei?*

Translator: Si ununue tu!

Kipkosgei Chepsoi: *Ko amune anyun ye koroalchigei imbarenyun kong'etyi moo kole amune si kotinye imbaret chito age ne oo.*

Translator: Na kwa nini asinunue shamba kubwa anauliza ni kwa nini ako na shamba kubwa?

Kipkosgei Chepsoi: *Ochome anyun ng'olyondonon komwoe boiyondonon eng' yon.*

Translator: Napenda hilo neno ambalo huyo mzee amesema mahali hapo,

Kipkosgei Chepsoi: *Ko en anendet ko maasoman.*

Translator: Na yeye hajasoma,

Kipkosgei Chepsoi: *Ane ko Maina ak kwo Chonginyek.*

Translator: Yeye ni mtu wa Maina.

Kipkosgei Chepsoi: *Ko amun kikinnet lagokyok amun ko logoichu sowek.*

Translator: Na watoto ni watoto wa Sawe.

Kipkosgei Chepsoi: *Ko che kirokas akwek Kiingereza.*

Translator: Na wanaosikia lugha ya kimombo,

Kipkosgei Chepsoi: *Ko atinye agot ane kongoi mising ogas amun ki atkinyet komi chumbek kochubech ko amun kiogas Kiingereza ko matakochubech chi Vernacular*

Translator: Wakati wa wazungu tulikuwa tumechokozwa lakini tuliposikia hii lugha hatukuchokozwa tena.

Kipkosgei Chepsoi: *Kachan ng'olyot ne kamwa boiyondonon ko ndakamamwa ko kamwae*

Translator: Hata mini ninasema neno ambalo huyo mzee alikuwa amesema tu.

Kipkosgei Chepsoi: *Ko komwoe agot agane ale kararan inibat imbareng'ung korur.*

Translator: Na ukilima shamba lako lipate mazao mengi,

Kipkosgei Chepsoi: *Ko ye kakorur beek ko makiboiboitu en imbaranatonni?*

Translator: Na tufurahie hilo shamba,

Kipkosgei Chepsoi: *Ko ngomorur kotoiwendi ibak i?*

Translator: Na hilo shamba,

Translator: *Kokobek saiti.*

Kipkosgei Chepsoi: *Ara amwawok kongoi en kainet nebo Kiptaiyat.*

Translator: Hivi anashukuru.

Kipkosgei Chepsoi: Ndio.

Com. Nunow: Asante Mzee Chepsoi, tafadhali uandikishwe. Mary Leiteba.

Mary Leiteba: *Kotom atestai achame akatak. Kale atebi ing'wdenyi? Agot indo tonon ko maya.*

Translator: Ninanawasalimu, hamjamboni?

Audience: Hatujambo.

Mary Leiteba: *Ane ang'eten zone one komostab Chepyor.*

Translator: Mimi ninatoka zone ya kwanza ambayo ni Chepyor.

Mary Leiteba: *Ko kokitesetai ak tupchosiek ago memorandum nenyon ko kakogoito David.*

Interjection by translator: "Shikilia nisome.

Mary Leiteba: *Memorandum nenyon ko kakoitoiwech David ne ko kiboisiei tugul..*

Translator: Memorandum ambayo nilikuwa nimeandikisha ambayo Daudi alikuwa nayo, amepeana.

Mary Leiteba: *Ko ng'olyot ne atindoi ane ne akase koimon ko*

Translator: Neno ambalo linawasha moyo wangu ambalo ningependa kuwakilisha,

Mary Leiteba: *amache asom serkali nitok kichobe ngunon kotet*

Translator: Ningependa hii serkali ambayo tunatengeneza ianze kupanga,

Mary Leiteba: *Ko amache keng'at ng'otutioni ak ketesta lagokyok che tibik.*

Translator: Na ieunde hii sheria na waongeze pamoja na watoto wetu ambao ni wasichana.

Mary Leiteba: *Ak kijanainik kora.*

Translator: Na vijana kwa jumla.

MaryLeiteba: *Amun makomi ole kenyorchini. Ki en keny ko kikitinye nafas ne king'ololchinen tibik. Kikoini ng' otutiet.*

Translator: Hatuna wakati kwa wakati huu, lakini zamani tulikuwa na wakati wa kuwapa wasichana sheria.

Mary Leiteba: *Ko kitindo boisiek akichek ole ikochinen werik.*

Translator: Nao wazee walikuwa na wakati wao wa kuwashauri vijana wavulana.

Mary Leiteba: *Ako ngunon ko kikonyo sugul ko kikotaban lagok, koba kanisa kokikotaban mekonyoru ng'otutiet nebo wazazi.*

Translator: Na kanisa ilipofika, wakaanza kutofautisha wakaweka wasichana waende kanisani ili wasipate elimu ya akina

mama.

Mary Leiteba: *Ako bendi amakasei tugul. Ang 'anye ale makasei tugul, amun agot chu kimi gaa yu komokikose tugul.*

Translator: Nasema kwamba hawasikii kwa sababu hata walio hapa hawataki kusikia.

Mary Leiteba: *Ko kosom serkalinyon kechopwech skulit ne ngo kakiker sugul*

Translator: Na hii Katiba, watutengenezee shule ambazo zikifungwa,

Mary Leiteba: *Ne u 4K Club ne ngokakiker sugul kinde tibik asi kineti atepto ole teptoi.*

Translator: Ili wasichana wafundishwe kuhusiana na jinsi wanavyohitajika kukaa.

Mary Leiteba: *Amun asi kofupishan koroito ni kikuren Ukimwi.*

Translator: Ili ugonjwa wa ukimwi uweze kumalizwa.

Mary Leiteba: *Amun mami kit age ne tore kobaten ng'otutiet. Keonyan lagok.*

Translator: Maana hakuna kitu kinachomalizwa pasipokuwa na sheria ambayo inaonya watoto.

Mary Leiteba: *Ago chechang' kemetoi kele lakoba kanisa, kakoba sugul.*

Translator: Na wengi wanaachwa wakisema kwamba wao wameokoka na wanaenda kanisani na hata wameelimika.

Mary Leiteba: *Ago lakwet ne tomo kosik ko moingen. Komi borto. Tomo komeny tamirmiryet.*

Translator: Na huyo mtoto pengine ataenda katika mienendo ya kiroho.

Mary Leiteba: *Ko en choto ko mootese ochopwech 4K Club en serkalini.*

Translator: Kwa hivyo, sitaendeleza mengi lakini mtutengenezee mahala,

Mary Leiteba: *Asi kobit kebe. Agot ane ko maasoman amuche awanet*

Translator: Ili tuweze- lakini hata mimi sijasoma na ninaweza kuwafundisha.

Mary Leiteba: *Ko aneti amun kiinetan mzazi nenyun ko a mining'*

Translator: Na ninawafundisha kwa maana wazazi walinifundisha.

Mary Leiteba: *Ko kekose boiyondonon kolen obo Maina ko a kitinda mimba nenyin..*

Translator: Na huyo mzee ambaye amesema ni wa Maina, yeye ni kitinda mimba wangu.

Mary Leiteba: *Ko mootese. Oyoivech kou noton.*

Translator: Sitaendelea lakini mtende vivyo hivyo.

Mary Leiteba: *Amun agot inda kirwai kele tetektegen konaisiek tugul amakisuru lagok ko mami kiy ne kakiyai amun kinyo koroito kobun tekuiyot ole ng'wan.*

Translator: Maana tusipotazamia watoto, sana kuna mbegu ambayo imepandwa na imetoka mahali pabaya.

Mary Leiteba: *Kainenyun Kekurenon Mary Leiteba. Abunu Chepyor Sub-Location, Kitany Location.*

Translator: Mimi ni Mary Chepyor na nimetoka Kisang sub location, Kaptarafa.

Com. Nunow: Asante mama. Asante sana kwa hayo. Joseph Chemjoo.

Joseph Chemjoo: Chairman, naitwa Joseph Kiptaprotich Chemjoo. Yangu yatakuwa mafupi and I would like to speak very briefly. My idea is that I stand for bi-cameral government; that means we have to two Houses - a House of Parliament and a House of Senate. I have worked on the system and I know why that system was abolished. It is because it did not favour certain interested powerful people. Anything that is for accountability should have two systems like we have in accounts where we have Accountants and Auditors. If the Accountants were to run business on their own without being audited, they would direct every other issue towards their favour. So, we require such a type of government.

Secondly, federalisms. This was the first prominent Constitution of Kenya idea to have regionalism because, all the numerical numbers of people are not the same. And if we are to allow a larger populous community to run the affairs on the majority vote, the minorities will not have a chance of defending their rights. So, to equalize that, we should have a base system whereby natural resources are governed by the people they affect. There will be no peace if the natural resources are not managed by the concerned because, whoever created this world understood those problems and that is why every community has its own occupational area. We do not want to have a system that we find in other provinces which are "Injustices", they do not have interpreters when they are talking. You find other provinces like the Rift Valley, if somebody speaks his own language, he needs an interpreter because there are other communities which are prevailed to be in that area. And that is why, peace cannot come unless things like land, forest, water and all other things are managed by the people who are concerned.

I have one other particular thing, that we have a community in Keiyo which has been marginalized. Those are the Ogiek who are part of us. They should be given their rights. They should go back and establish themselves where they were born and ancestrally brought up. That is why we have problems with the forests because these people who are guardians of forests and are deriving their livelihood from the forests, have been marginalized and even they are not there they are on the verge of extinction. So, they should be given their land rights in the forests so that they can understand one another with the neighbours on how to manage or how to live together. Mr. Chairman, I think those are my few points and I have a write-up which I will

present here.

Com. Nunow: Thank you very much Mzee Chemjor for those views. I now call Mheshimiwa Prof. Kamar.

Prof. Kamar: Thank you very much Commissioners. I am only going to talk in addition to what has been presented for Maendeleo ya Wanawake. I'll have my opportunity in the university (inaudible) and I think some of you will be there. So I just want to stress a few points that were raised on Maendeleo or that did not come out clearly. One point that Maendeleo wanted to put forward is the issue of property rights for women. When we talking of property rights for women, we are not talking of property rights from the point of marriage. We know that you need to have a right as soon as you get married to share the things that you have. We want to go a little bit behind that – we want to go backwards and talk about the right of equality at the point of inheritance. We know that there is father who wants to discriminate between a daughter and a son and I think that the constitution should show very clearly that a child, whether a girl or a boy should have a right of inheritance from the parents. We know the complications which the culture has come up with. But, when talk of women at the point where they are already married, the reason they cannot develop themselves is because if you don't have anything, you cannot take a loan and you can't get anything. There is nothing wrong with people getting married and having property from both sides of the family. That is one things that we really think should be stressed.

We want the inequality also to go down. We want the issue of equality and equity – the principle of equality and equity to transverse all sectors as far as women and men are concerned and it starts from education and goes right through to appointment, employment that there should be equal opportunities. At the point of employment, we should consider both our girls and boys. We should consider them at the point of education. Currently - I don't want to the university one because we are going to discuss – we talk of a cut off point that (inaudible) the university. But we also take students in the parallel programmes and we take the cut off point in the parallel progamme is C+. If C+ takes you to the university, our proposal is that the number of girls and boys getting loans from the government should be equal so that you may go as long as you can reach your C+ because that is (inaudible) to the university. So we are talking of equal opportunities for girls and boys in school and equal strength of education in boys' schools and girls' schools. Sometimes you find that the girl's schools are not well equipped; you go to a secondary school for girls' and find that it is not well equipped compared to the boys. That is a point that the women in this province in particular want to be in place.

That also goes as far as the political parties are concerned. The political parties should consider bringing in equal number of women because we have enough women who are qualified to go to any position. So, our suggestion is that it should be entrenched that nominations for positions should be equal even at the political parties level.

The last one is a point that may be the ladies that came here from Chebior mentioned, that we must really stress the issue of guidance and counseling has been lost. Because traditionally we used to guide and counsel. It is a loss - something that is very

valuable but it has been lost. We would really like to stress as women that we bring it back in whatever format. Either, we entrench guidance and counseling in the education system right from class one so that people get to know what are the do's and the don'ts in society; Because we are losing our youth not for any reason but because we have lost our responsibilities as parents, we are too busy as parents and so children are growing on their own. So we really need to entrench the issue of guidance and counseling and allow opportunities for the same to be practiced.

I think we mentioned that we are for federal system more because we really believe that the natural resources can only be managed properly by the people from the place. You are the one who feels the pain, if the water runs out you are the one who feel the pinch and we should be given an opportunity.

My next point is the issue of a comprehensive Constitution. Some of us initially believed that we should do the election with the old system if we have to do with it year. But, if they say that we use the new system, my personal view is that the Commissioners should be given time to do what they are doing and to do it properly rather than rush; because this is not something that we are going to do every other year. It is something that is going to be done now - and we hope that whatever comes out of this will carry us for a period of time. I really think the Commissioners should not be given a lot of pressure, they should look at the work that we have given them and look at it thoroughly – like somebody mentioned that we do not want anything to be left out – anything to be called unimportant. I think you need time to look at those and come up with a Constitution that will guide this country for the next 40 years because we have had the first for the last 40 years. I think pressure should not be given at the expense of getting the right document.

That, I personally believe, let the comprehensive one whatever it is, let the Parliamentarians go and discuss and tell us the direction. But for the Commission, give us something that is worth talking about. Otherwise, thank you very much.

Com. Nunow: Thank you Professor for your views and I am sure we will hear more when we come to the university on 9th. Pius Cheruiyot.

Pius Cheruiyot: My names are Tuum Cheruiyot Pius from Makwa Parish and I would like to present the following to the Commission. One, our Constitution must state our Preamble clearly. It must include the tribes that we have in Kenya, the different cultural and traditional values, democratic and multipartism as principles to be in our Preamble. Also, we will not forget to say that we have different religions in Kenya.

Constitutional supremacy: 90% of the total votes in the Lower House, here I mean the House should be divided into two – the Upper House and the Lower House. Members of the Parliament will amend the Constitution only when they score 90% and in the Constitution, the Constitution should be divided into two parts. One part should be the ordinary part and the second part should be the supreme part. In this case I mean that the ordinary part can be changed by Members of Parliament and a special

section should not be amended by Members of Parliament. Here I mean the Preamble, the National Philosophy, the National Anthem, except at 90% of votes in amending the Constitution; and also, directing principles of the state policy.

National defense and security; the President should not be given the whole power to declare a state of emergency for more than 7 days. In case there is insecurity, then the President should only be given powers for 7 days and after those 7 days, it should be (inaudible).

Political parties: Here, I feel that the Constitution should allow political parties to be funded. In this case, we meant that 3 political parties should be funded equally and the 3rd, 4th and 5th should be funded in respect to their strength in parliament. The 6th party onwards should not get any funds so as to discourage formation of splitter parties and minor parties in this republic. I will also talk on member of public being allowed to recall their Member of Parliament. Here is a situation where one will express himself in parliament. I think, and we felt, that if I will be in a position to collect 52% of the total registered votes in a constituency or a ward, that MP should forfeit his seat in Parliament or in the local Council.

In the case of salaries for the Members of Parliament and the Councillors, it should be calculated on the national or the regional. Here we mean the salaries - because we have seen members of Parliament allocating themselves salaries. We need these salaries to be calculated and given a certain percentage of the national GDP. That means if a country's GDP will drop, the allowances should also come down; if it goes up the allowances should go up.

I will also talk of nomination of Members of Parliament. They should not represent any party interests. Okay give me two minutes please.

Com. Nunow: Hallo, hallo, finish one point, I am giving you one point. Choose the last important point you want to mention.

Pius Cheruiyot: Okay. I was talking of nomination of Members of Parliament. We need nominated Members of Parliament to be in charge of national disabled, Women affairs, Christian affairs, Muslim affairs, minor races affairs, national minor and indigenous religions and children's affairs. Thank you.

Com. Nunow: Thank you Pius for those views. Benjamini Cheron. Elijah Chemweno, ni mzee. Reuben Katan, Mary Kipchoge.

Mary Kipchoge: Kwa majina naitwa Mary Kipchoge kutoka Olsorua. Ninaongea juu ya widows ambao wananyanyaswa baada ya mume wak kuaga. Kwa kweli tunajua kila mtu ataaga. Lakini familia yao wakiona kuwa ana kitu kama mashamba, ng'ombe na whatever, wanaguza kumasema na kupigwa. Tunataka serikali iangalie, hasa kuanzia kwa chifu na wazee wa mitaa. Tungetaka huyo mama anaende mpaka huko anamueleza kwa nini mali yake yananyakuliwa. Kabla ya hayo, hata huyu

mama mwenyewe zamani mama kama ameachwa na bwana, sharti achunge watoto na achunge hata mali. Lakini siku hizi nikiangalia naona kuwa hata huyo mama akisema eti ana nafasi ya kuolewa mara ya pili, ninaomba hivyo hata afungwe kwa sababu anawacha nyumba na watoto. Naona sharti afungwe kwani hiyo ndiyo answer.

La pili tena, mtoto akilalamika asikizwe kama ana tabia nzuri huko nyumba na hata wazee wa mitaa waone ni kweli, na afikirie na wasinyanyaswe kwa hata yeyote. Asante.

Com. Nunow: Asante. Ezekiel Komen. Karibu Mzee, karibu hapa. Peana microphone,

Ezekiel Komen: Hezekiah Kiptoo Komen

Translator: Ninaitwa Ezekiel Kiptoo Komen.

Ezekiel Komen: *Ng'olyot ne ang'ololen kobo bounotet*

Translator: Nitanena kuhusu ufalme.

Ezekiel Komen: Anan Ko bororyet.

Translator: ama majimbo.

Ezekiel Komen: *Majimbo netai*

Translator: Ya kwanza, hiyo ni ya kwanza ninanena kuhusu majimbo.

Ezekiel Komen: *ak nerubei.*

Translator: Yenye inafuata hiyo,

Ezekiel Komen: *ko Majimbo nebo kap chi tugul.*

Translator: Ni majimbo ya kila jamii

Ezekiel Komen: *Kou ye ki u emetab Keiyo*

Translator: Jinsi shamba la Keiyo lilikuwa ama mahali pa Keiyo palikuwa.

Ezekiel Komen: *Kong'eten kingo kait bikyok Rift Valley*

Translator: Tangu watu wetu wafike Rift Valley,

Ezekiel Komen: *Ko kinyokotoi konam imbarenik ak kopchei*

Translator: Waliweza kunyakua mashamba na wakagawa.

Ezekiel Komen: *Na kupchei akonde koik.*

Translator: Na wakaweka mipaka ambayo ishara yake ilikuwa mawe.

Ezekiel Komen: Ne mosirei chi.

Translator: Ambayo hakuna mtu alikuwa anapaswa kupita.

Ezekiel Komen: *Ako boisien oret komugul nebo bichoton.*

Translator: Maana ukoo wote wa hiyo jamii ulikuwa unapenda kazi.

Ezekiel Komen: *Ko agot ingunon en emoni*

Translator: Hata sasa tukiwa katika hili taifa,

Ezekiel Komen: *Ko kikenam imbarenik*

Translator: Tumenyakua mashamba,

Ezekiel Komen: *Keboisiei koteb ku noton ne ng'otutienyon ne makiweli ama iywei chi ama reben chi chi. Ngoreben chito kome.*

Translator: Na hakuna mtu alikuwa akistahili kunyakua shamba la mwingine na akinyakua afe.

Ezekiel Komen: *Ko noton anyun keribe kou noton.*

Translator: Tunataka iwe hivyo.

Ezekiel Komen: *Ko nebo aeng ko emet ole u.*

Translator: Ya pili ni jinsi taifa ilivyo.

Ezekiel Komen: *Kou ainosiek*

Translator: Kama mito,

Ezekiel Komen: *Ak emet ne kikikonor koik samiyta ne kison.*

Translator: Na mahali ambapo pamewekwa ili pawe mahali pa kuombea.

Ezekiel Komen: *Ak ainosiek keribe beek kot ko mobetyo.*

Translator: Kwa hivyo, wachunge maji kwa mito isiishe ama isipotee.

Ezekiel Komen: *Amun emenyon ko koret ne bunu beek, ne ikosune beek tulongok.*

Translator: Maana hili taifa letu ni mahali ambapo maji inatiririka kutoka kwa milima.

Ezekiel Komen: *Kwanyun ingunon kou noton.*

Translator: Vivyo ni hivyo.

Ezekiel Komen: Kogeny i

Translator: Tena,

Ezekiel Komen: Kirwogik

Translator: Machifu,

Ezekiel Komen: *Ko kikikwee konamge ak bik chemagat, che kostoi ak che ng'omen*

Translator: Walikuwa wanachaguliwa kutokana na watu walio na hekima,

Ezekiel Komen: *anan koribe bik en kondit*

Translator: Na wale ambao wanachunga watu kwa heshima.

Ezekiel Komen: *Ko ngunon kemoche kerub kunoton kora*

Translator: Na kwa hivyo ningependelea ifuatwe namna hiyo.

Ezekiel Komen: *Makimoche kenam chi kou nebo siasa*

Translator: Hatutaki kushika kitu kama ni cha siasa.

Ezekiel Komen: *Kimoche korib bik en kondit*

Translator: Tunataka ilinde watu kwa heshima.

Ezekiel Komen: *Anan kekonyit chichoto*

Translator: Na huyo mtu aheshimiwe.

Ezekiel Komen: *Kou notok eng yoton.*

Translator: Na ikuwe hivyo.

Ezekiel Komen: *Ko kimi bik rebik*

Translator: Kuna watu ambao walikuwa wananyakua,

Ezekiel Komen: *Choto ko che nyokuani malik ab bik alak.*

Translator: Watu ambao walikuwa wananyakua mali ya wengine.

Ezekiel Komen: *Ko chichoto, achek kenysisiek chu kitai*

Translator: Na miaka ile ya mwanzo,

Ezekiel Komen: *Ko kikibire chito ak kereben malik.*

Translator: Ilikuwa instahili mtu huyo achapwe na alipe.

Ezekiel Komen: *Ko ye maimuch chito kebel eunek*

Translator: Na kama haitawezekana mikono ichomwe.

Ezekiel Komen: *Kou noton anyun.*

Translator: Na ni hivyo.

Com. Nunow: Okay, asante Mzee, asante, Tumeyasikia na tafadhali jiandikishe pale na umwambie akitaka kutupatia hayo maandishi, tutayapokea. Edwin Kibet. Kuja Mzee. Nimemuita?

Audience: Mzee Elijah. Umeita.

Com. Nunow: Ni Elijah ama Reuben?

Audience: Ni Elija.

Com. Nunow: Okay.

Elijah Chemweno: Elijah Chemweno

Translator: Majina ni Elijah Chemweno.

Elijah Chemweno: *Atinye ng'alek aeng che amuche amwa*

Translator: Maneno ambayo nitatamka ni maneno mawili.

Elijah Chemweno: *Nebotai ang'olole agobo kondiisietab tuguk. Amache tibik koib tuguk ab kwan ye kowo kwan kot kolil.*

Translator: Ninataka wasichana wachukue ama warithi mali wazazi wanapokufa ama wanapoaga dunia. Wawe wanarithi.

Elijah Chemweno: *Amun betusiek che kikosirto*

Translator: Maana wakati sasa umepita,

Elijah Chemweno: *Amun betusiechoton komoche korib chito tugukab kwan.*

Translator: Inastahili wasichana wawe wanachunga vitu vya wazazi wao,

Elijah Chemweno: *Kosir konyokoib chitab oret age kole amun kitupche*

Translator: Kuliko mtu wa ukoo aje achukue.

Elijah Chemweno: Asi neit taa olin

Translator: Ili akifika kule town,

Elijah Chemweno: *komwa kole koib tugukab werit ne kitipche.*

Translator: Anasema eti amenyakua vitu vya ndugu yake.

Elijah Chemweno: *Konyo chepto konyo konyalil ago kitinye tuguk kwan*

Translator: Msichana anasumbuka na baba yake alikuwa na mali nyingi.

Elijah Chemweno: *Ng'olyot nebo aeng'*

Translator: Ya pili,

Elijah Chemweno: *Ko ng'olyotab lewenetab kirwogik*

Translator: Ni uchaguzi wa machifu.

Elijah Chemweno: *Kikilewen kirwogik en betusiek chebo tai komie.*

Translator: Wakati wa hapo mwanzo walichaguliwa vizuri.

Elijah Chemweno: *Ko kingoit betusiekab siasa kolewn serkali ichegei*

Translator: Na wakati wa siasa ulipofika serikali ikaanza kuwachagua.

Elijah Chemweno: *Ko kikichakwani amun kikingen kot ne imuchi korwoch ak ne tebyei.*

Translator: Na tulikuwa tunawachagua kwa maana tulikuwa tunawafahamu jinsi walivyo.

Elijah Chemweno: *Kikimoche kipkonyitiot ne imuche kokonyit emet Vernacular*

Translator: Tulikuwa tunataka mtu ambaye anaheshimu taifa.

Elijah Chemweno: *Kosir age ne nyo koibe chito tugukab chito tugukab chito age.*

Translator: Kuliko mtu ambaye anatuletea mambo ya mtu mwingine.

Elijah Chemweno: *Ng'olyot noton ne komoche.*

Translator: Hayo ni maneno ambayo nilikuwa nataka kuhimiza. Nimemaliza.

Com. Nunow: Asante sana Mzee Chemweno kwa hayo. Mzee Reuben Katan.

Reuben Katan: *Kainenyun ko Reuben arap Katam.*

Translator: Majina ni Reuben Katan.

Reuben Katan: *Ko ng'olyot ne atindoi ko ng'alekab imbarenik.*

Translator: Neno ambalo niko nalo ni kuhusiana na mashamba.

Reuben Katan: *Ng'alekab imbarenik kong'eten Soin.*

Translator: Kutoka kule Soin pale,

Reuben Katan: *Agoi mwisho nebo scheme Kaptagat.*

Translator: Mpaka mwisho ambao ni Kaptagat,

Reuben Katan: *Kong'eten Soin agoi mwisho nebo Timborua.*

Translator: Kutoka mwisho wa Soi mpaka Sitiborwa.

Reuben Katan: *Ko imbarenikyok che kikimi Soin*

Translator: Tulipokuwa Soi mashambani yetu,

Reuben Katan: ko ki Majimbo.

Translator: Ilikuwa ni majimbo.

Reuben Katan: *Amun ki keiyo ko ki majimbo nebo emet Keiyo, bikab emonoton.*

Translator: Maana watu wa Keiyo walikuwa wanakaa katika hali ya majimbo.

Reuben Katan: *Ak ye kikikurege Majimbo anyun*

Translator: Na waliposhika majimbo,

Reuben Katan: *Ko kipchei abchei kotinye chi tugul koikyik*

Translator: Waligawa,

Reuben Katan: *kotiny imbarenik title.*

Translator: Wakagawa mashamba yakawa na Title Deeds.

Reuben Katan: *Ne agoi ingunon kotinye title*

Translator: Na mpaka wa leo yako na Titke Deeds.

Reuben Katan: *Kiobogoku ane Soin*

Translator: Nimewacha kule Soi,

Reuben Katan: *Ago kiabagagu imbarenik che tinye title.*

Translator: Na nimewacha mashamba ambayo yako na Title Deeds.

Reuben Katan: *Motwoe chi.*

Translator: Hakuna mtu ambaye anaweza kuguza,

Reuben Katan: *Motwoe chi agoi konyoko tebenan kosom.*

Translator: Na hakuna mtu atakuza mpaka aje aniulize.

Reuben Katan: *Kikebwan anyun emoni. Kimi emoni*

Translator: Mahali tuliko sasa,

Reuben Katan: *Ko kimakomi title*

Translator: Hakukuwa na Title Deeds.

Reuben Katan: *ak kingoit title dkokerkeit nebo Mosop ak Soin.*

Translator: Na Title Deeds zilipofika, mambo ya Soi na pande hii zikawa sawa sawa.

Reuben Katan: *Motwoe chi imbaret nebo chi*

Translator: Hakuna mtu anayepaswa kuguza shamba la mwingine.

Reuben Katan: *Kingobata noton kobit che kelenen scheme ko kakinyoru uhuru.*

Translator: Baada ya hiyo, kulikuwa na mashamba ambayo yalikuwa yakiitwa “Schemes”

Reuben Katan: *Kipcheito DC nebo Keiyo.*

Translator: Yalikuwa yanagawa na DC wa Keiyo.

Reuben Katan: *Ko ki bchechin bikab Keiyo.*

Translator: Na akagawa kwa watu wa Keiyo.

Reuben Katan: *Ko kin ko kakebchechi Keiyo.*

Translator: Baada ya kugawa kwa watu wa Keiyo,

Reuben Katan: *Koboi DC nembo Uasin.*

Translator: DC wa Uasin Gishu akaanza kutawala.

Reuben Katan: *Amune ago kibcheu DC nebo Keiyo.*

Translator: Kwa nini na DC wa Keiyo alikuwa amegawa hayo mashamba?

Reuben Katan: *Agonyokono DC nebo Uasin gishu.*

Translator: Na DC wa Uasin Gishu akaanza kutawala.

Reuben Katan: *Kimoche schemes chemi Timborua ak Chemi Kaptagat kobwa Keiyo.*

Translator: Tunataka mashamba ama am-Title Deeds yaliyo Timboroa na Uasin Gishu iletwe ama irejeshwe ije Keiyo.

Reuben Katan: *forest*

Translator: Ninataka kunena kuhusiana na forests.

Reuben Katan: *forest komi Keiyo.*

Translator: Keiyo kuna forest.

Reuben Katan: *Kimoche kobo Council nebo Keiyo forest nenyon..*

Translator: Watu wa Council waanze kutawala mashamba ya Keiyo.

Audience: (grumbling inaudible).

Translator: Kutawala ma-forests –Council ya Keiyo itawale forests.

Reuben Katan: *Kobekyi yoton ng'alekb imbarenik.*

Translator: Mwisho wa mambo ya mashamba umefikia hapo.

Reuben Katan: *Anyon anyun en emenyon nebo Rift Valley komugul.*

Translator: Ninakuja Rift Valley.

Reuben Katan: *Ko komoche Rift Valley koik Majimbo.*

Com. Nunow: Maliza ya mwisho tafadhali. Mwambie amalize point ya mwisho.

Translator: *Kole tar nebo let. Kole mwa nebo let.*

Reuben Katan: *Nebo let ko lagok che kokile makibirei en sukul*

Translator: Ya mwisho ni kuhusiana na watoto ambao walisema ya kwamba hawawezi kuchapwa shuleni – kuadhibiwa shuleni.

Reuben Katan: *Ko kikibiron ane asi ang'omit.*

Translator: Mimi niliadhibiwa ili niwe mwadilifu.

Reuben Katan: *Ko kachilil ng'atutuet, mokibiron buch.*

Translator: Nikikosa kutenda kulingana na sheria, si kando na hayo.

Reuben Katan: *Koborwon si ayas komatayai kioton.*

Translator: Sheria inanionyesha ili nisitende kinyume na hiyo.

Reuben Katan: *Ara kokichomchi komor lakwet mwalimuiat ne ineti.*

Translator: Kwa hivyo haistahili mtoto achokoze mwalimu ambaye anamfundisha.

Reuben Katan: *Amakichomchin kobir.*

Translator: Na kwa nini huyo mtoto hakubali kuchapwa?

Reuben Katan: *Mokichome noton.*

Translator: Sisi hatuwezi kubali hivyo.

Reuben Katan: *Harambee.*

Translator: Nitanena kuhusu harambee.

Reuben Katan: *Harambee ko kikitinye achek Keiyo.*

Translator: Tulikuwa na harambee hapa Keiyo.

Reuben Katan: *Amuchi agur kijanaek chebo kokwenyun konyo kotoreton kobotwon imbaret.*

Translator: Ningeweza kuita vijana wa kijiji wanisaidie kwa kunilimia shamba.

Reuben Katan: *Kiogure konyo kokerwon kerwetab tuga.*

Translator: Na waje wanifungie mahali ambapo ng'ombe walikuwa wanalala.

Reuben Katan: *Na hiyo ilikuwa ni Harambee.*

Translator: Na hiyo ilikuwa ni harambee.

Reuben Katan: *Kingwamenan teta ng'etundo kewach*

Translator: Simba alipokula ng'ombe, walikuwa wanaitwa na kupiga mayowe ama makelele ili watu waje.

Reuben Katan: *Ko ki Harambee noton kora Vernacular.*

Translator: Hiyo ilikuwa harambee,

Reuben Katan: *asi koba kebar bunyondonoton.*

Translator: Ili waende waue huyo mnyama.

Reuben Katan: *Ko kitinye anyun kakile bunik somok en Kenya.*

Translator: Tuna maadui watatu ambao wako katika taifa,

Reuben Katan: *Kokile berberyet,*

Translator: Hii ni ujinga,

Reuben Katan: *ak koroito*

Translator: Na ugonjwa,

Reuben Katan: *Kakoutwon age, ka nee e*

Translator: Nimesahau ingine.

Reuben Katan: *Ko somok che cham kemwoe en Kenya*

Com. Nunow: Mzee,

Reuben Katan: *Ko abwati ale...Kongoi.*

Translator: Asante.

Com. Nunow: Asante pia. Utaandikisha hapo. Wakati ndio unatusukuma zaidi. Edwin Kibet. You have three minutes please and timekeeper be strict on that time. If we have to cover even a quarter of these people, we have got to be strict on the time.

Edwin Kibet: My names are Edwin Kibet and I am going to talk on Public Finance and the economy. All money withdrawn from the consolidated fund must have prior approval of Parliament. An Anti-Corruption Commission should be established by the Constitution. The President, Prime Minister, Vice President, Cabinet Ministers and all person appointed to Constitutional offices and their families shall disclose all their wealth before being sworn in. This disclosure should be made after every one year that they serve in office. The expenditure by the State House should be limited especially the size of Presidential motorcade and security system. Parliament should retain the powers to appropriate public funds.

Taxation law should be stimulated to reduce overtaxation of Kenyans that is currently taking place. VAT should not exceed 15%. Printing of additional currency should be approved by the Parliament. The Government should not print more money for the purpose of elections as it causes inflation and instability of the economy. Audited public accounts should be made available to members of the public. I would also add that we do not want to have parallel degree programmes because it is structured in its own. Otherwise, we would want private Universities to remain private and public Universities to remain public. Thank you.

Com. Nunow: Thank you Bwana Kibet for being precise and to the point. Albert Kibet.

Albert Kibet: Thank our Commissioners. My names are Albert Kibet from Kocholo. I would like to touch on the following points. For the governance, I support Federalism and I may not say the reason why. Then we go to the type of Ministries where I would want the government to add a Ministry for Youth and Women Affairs. On Chiefs, I support that they should be elected by people at the grassroots level. The village elders should also be paid by the government so that they can be strong on their work. The MPs should not decide how much they should earn.

The freedom of worship should be limited so as to eradicate devil worshipping in Kenya. On elections; I would prefer that the election that are to come to be done after the new Constitution has come out. Constitutional Commission Institutions and Offices; our Nation should have various Commission Institutions and offices that supervise the exercise of Constitutional functions in all Ministries enforced to ensure fair and equal distribution of needs to all Kenyans. It is also good to start the office of the Ombudsman to ensure that all Kenyans are given equal rights by all the government organs. This will assist in eliminating corruption. Thank you Sir.

Com. Nunow: Thank you very much Bwana Kibet for keeping your time. Eliud Sabot. Charles Maiyo, Mzee Charles Maiyo. Truphena Jemutai.

Truphena Jemutai: My names are Truphena Jemutai and I will say something about electoral systems and processes. Transparent ballot boxes shall be used in all kinds of elections in Kenya. all elections should be by secret ballot. Ballot papers should have security marks. There should be reserve seats in Parliament for marginalized groups. The creation of constituencies should take into account the geographical size as well as the population distributions. Counting of votes should be at the respective polling stations. Registration of voters should be a continuous process. For one to qualify to be a voter, he or she must be 18 years and above. Voter registration must be made accessible, cheaper and convenient to the voters.

The National Identity Card and the Passport can be used by registered voters in place of voters cards. General i.e. - Civic and Parliamentary elections should be done separately from the Presidential one. The Presidential elections should always come after the Civic and Parliamentary elections. There should be the Electoral Commission of Kenya comprising of only 9 Commissioners, appointed by Political Parties and vetted by Parliament. The Chairperson of the Electoral Commission should be appointed by the President and vetted by the Parliament. The timetable for General Elections should be enshrined in the Constitution. This implies that Section 59 of the current Constitution must be amended.

The Electoral Commission of Kenya Commissioners, shall enjoy the security of tenure for two five-year term. The Electoral Commission of Kenya should be independent and impartial. It should also have powers to prevent electoral violence and bribery of voters and misuse of public resources. The use of State resources for campaign should be banned by the

Constitution. Thank you.

Com. Nunow: Asante sana Jemuita. Komen Kogo.

Komen Kogo: *Oebchi it anyun ng'olyondonon. Akotok tugul en kainetab Jeiso.*

Translator: Nawasalimu wote katika jina la Yesu.

Komen Kogo: *Kainenyun kerurenon Komen arap Kogo.*

Translator: Majina ni Kogo kutoka Metkei.

Komen Kogo: *Ang'eten Mawoi location en olin bo Metkei.*

Translator: Nimetoka Metkei Division.

Komen Kogo: *Ko kingokil aindo aegu kijanaiyat en 1963 kokokinyoru bounotet i*

Translator: Nilipopata ufahamu wakati tulipata uhuru 1963,

Komen Kogo: *Ko kimito Majimbo.*

Translator: Kulikuwa na majimbo.

Komen Kogo: *Kimi KANU ak KADU.*

Translator: Kulikuwa na KANU na KADU pia.

Komen Kogo: *Ko kimi Senator nekele Chemjor ne kibo Marijor.*

Translator: Kulikuwa na Senator ambaye alikuwa anaitwa Chemjor kutoka Marijor.

Komen Kogo: *Ko melen kiy ne kilen kitou kouni keng'orei.*

Translator: Kwa hivyo sio kitu cha kuanziswa na kusema tutapita tuende wapi.

Komen Kogo: *Ko ng'olyotab lagok*

Translator: Kwa mambo ya watoto,

Komen Kogo: *Ko melen biliru kou bobat.*

Translator: Hawawezi kukua kama mimea ingine.

Komen Kogo: *Moche kesirchichi chebo.*

Translator: Inatakikana, ama instahili aandikishwe kwa mwenye alimzaa.

Komen Kogo: *Eng' achek Keiyo.*

Translator: Sisi Wa-Keiyo,

Komen Kogo: *Ko kikumwae kele makimole moing nebo chi.*

Translator: Walikuwa wanasema kwamba mahali ambapo nyuki huzalia hakuna mtu ambaye anastahili kukalia pale.

Komen Kogo: *Agot komi moet kotom kotum kobo chi.*

Translator: Hata kabla hajazaliwa ni wa mtu.

Komen Kogo: *Komokimoche kobetyo bik.*

Translator: Kwa hivyo hatutaki watu wapotee.

Komen Kogo: *Ko olebo kijanaik otebe koito.*

Translator: Vijana muwe mnauliza kuhusiana na mahari.

Komen Kogo: *Si ngigomoni lakwa nebo chi ko kainai.*

Translator: Ili Ukipoza msichana wa mtu, uwe umefahamu.

Komen Kogo: *Itebe chepto aginye, iteben komet.*

Translator: Msichana nawe uwe unauliza mama.

Komen Kogo: *Ilenchini mi koito kap anummi? Kokokamanan chi.*

Translator: Uulize kama kuna ukoo wowote ambao pengine kuna mtu anakupoza.

Komen Kogo: *Ko moseretos bik.*

Translator: Na watu hawatakuwa wanatawanyika tawanyika.

Komen Kogo: *Ko kiunon keiyo.*

Translator: Kwa hivyo Keiyo ilikuwa namna hiyo.

Komen Kogo: *Kwachek eng imbar kou ye kamwa chi,*

Translator: Na sisi kwa mashamba jinsi mtu amesema,

Komen Kogo: *Ko kikngelume koik ko kikibune let.* Vernacular.

Translator: Eeh?

Komen Kogo: *Kiki bune let kelume koik, kelume lainda.*

Translator: Walikuwa wanapitia nyuma wakiweka mipaka ya mawe.

Komen Kogo: *Ko ngunon omoche oribge bik amo obotesoni imbarenik ab bik obegu.*

Translator: Kwa hivyo mjichunge msiingilie mashamba ya watu maana mtaangamia.

Komen Kogo: *Ko kilume boisiek kobo kaplelach ago ngunon ko murenik chebo kaplelach ko meungong' ne bo chi.*

Translator: Watu wa kabila letu walikuwa wanaweka hiyo mipaka ili usivuke ukaingilia mahala pale.

Komen Kogo: *Ko awendi kora ngunon Society.*

Translator: Sasa naingilia mambo ya society.

Komen Kogo: *Ko kikomach kobutyo societisiek en Keiyo ama kichome kou non.*

Translator: Societies katika Keiyo imeanza kuanguka na hatukaki iwe namn hiyo.

Komen Kogo: *Sababu maendeleo ne kimoche si kisomesanen lagok keribe societisiek.*

Translator: Kwa sababu hizo societies zinatusaidia kusomesha watoto.

Komen Kogo: *Si kobekyi yoton amache korib chitugul society amun si osomesanen lagok. Kongoi mising ngoberurok Jehovah.*

Translator: Nikimalizia, nasema mchunge ma-society ili mchungie watoto. Mungu awabariki.

Com. Nunow: Asante Mzee kwa hayo. Charles Kosgei. Mzee una dakika tatu.

Charles Kosgei: Jina langu ni Charles Kosgei kutoka Kocholua location katika Metkei division. Nitasema juu ya basic rights kutoka kwa akina mama wa Kocholua kwa kuwa waliungana na wakaandika sheria zao kuhusu maisha yao. Nitasema katika lugha ya Kingereza. There should be a guarantee for Civil, Political, Social and Economical groups for all the Kenyan citizens to allow expressions in all human general conducts. Kenyans should protect their culture, basics needs and their occupation in their Constitutions. The basic rights of social and economical rights will assist in uplifting the standards of people in Kenya. good cultural practices should be identified and be the documentors in every social or ethical groups. The Ministerial departments should participate in identifying and postering social, cultural and economical Constitutions.

Kenyans should have the rights to access information in the positions of the State or any other agency or organs of State. The Constitution should guarantee all workers the rights to Trade Unions representations. In this case, the government should focus on ensuring equal economical standards in the whole sector of employment or job opportunities in organizations uplifting living standards of people. Therefore, no Kenyan should suffer economically while serving the nation. Thank you. Kwa ufupi tu, akina mama walikubaliana kwamba wangetaka majimbo ishirini ili wachunge mali yao wenyewe. Asante sana.

Com. Nunow: Asante Mzee Kosgei kwa maoni yako. William Rono. Isaack Kiptok ajitayarishe.

William Rono: Kwa majina naitwa William Rono kutoka Kocholua, Metkei Division. Nina machache hapa ambayo ningependa kuguzia ama kutoa kama maoni yangu. Naanza kwa kusema kwamba wale wanaoiba pesa za uma – public funds, kabla hawajafutwa ama kuwachishwa kazi walipe hizo pesa hata kama ni ngapi halafu wafungwe. La pili, ni mambo ya Provincial Administration ama utawala wa Mkoa. Kwa maoni yangu, hawa watu ni hatari kuliko hatari. Hawa watu watolewe kabisa kwa sababu wameharibu nchi yetu hasa hapa Keiyo kwa sababu wanatumiwa na mwanasiasa fulani kugadamisha wananchi wa Keiyo. Kwa hivyo, hawa watu watoke na waende kabisa.

La mwisho, ni juu ya system of government. Kwa maoni yangu ningependa hii inayoitwa Government of National Unity kwa sababu haya mambo ya majimbo, tutachimbana mpaka tufe. Majimbo ni wale wakora ambao waliiba pesa za umma na wale walianzisha tribal clashes ndio wanataka kujificha katika majimbo yao. Kwa hivyo hakuna majimbo. Thank you very much.

Com. Nunow: Thank you very much Bwana Rono. Isaack Kiptok. Isaack uko wapi? Eeh. What's your name? Kimtai, no, no, no. Somebody else. Isaack Kiptok. Rael Limo.

Rael Limo: Kwa majina naitwa Rael Limo kutoka Kaptakwa. -----kwanza, to be in all schools to assist in spiritual. Education should be free at least in primary schools and fundamental stages. Primary education should be compulsory and technical and professional education shall be generally available and higher education should be equally accessible. There should be schools for physically challenged persons in every district. There should be a Minister for education. Parallel degree programmes should be completely scrapped. The Constitution should set up guidelines in the establishment of public Universities. The President should not be the Chancellor of any public or private University.

Adult education should be revived. A mechanism should be devised to check the (inaudible) and inability to read and write – this is illiteracy among all Kenyans. Age should not be the factor one for consideration in secondary or higher education. Girls who become pregnant while in school should be allowed to continue with their education after they give birth. Free education should be provided to orphans upto any level they may attain. Government policy should be established to take refugees to check brain drain to other countries. The policy may include the salary and increase of teachers. 8-4-4 system of education should be eradicated and replaced with the old one which is 7-4-2-3. Higher education should be supplemented

with lower facilities to benefit needy and bright students. All employment should be on merit and not based on nepotism. Lastly, from the DO upwards, they should be well educated and with good Civic qualifications.

Com. Nunow: Asante Bi. Limo. Isaack, are you from the Justice and Peace? From where?

Speaker: (Inaudible)

Com. Nunow: Okay, I think it was misspelt. Okay then, it is your turn.

Isaack Kiptai: Thank you very much Commissioners and all the Keiyos who are here today. My names are Isaack Kiptai from Kaptarakwa, Mokko. My proposals are: that we reject majimbo completely because it is an extra burden to the taxpayer. In as much as we would wish to tax the mwananchi to increase the revenue, we do not wish to create a kind of majimbo system because it has a lot of bureaucracies. You have had of tribal animosity and it is also difficult to implement.

I also propose the unitary system of government because it is cheaper and it ensures a National cohesion and harmony. We should also introduce a Parliamentary system of government with a Prime Minister, a ceremonial President and a strong Local Government System. About the President, he should serve a maximum of two five-year terms and he should be subject to impeachment anytime he or she infringes the oath of office. He should be elected by all Kenyans by majority votes. All the appointments made by the President should be subjected to the Parliamentary approval.

In the case of a new President being elected to the office, the predecessor must vacate the office within 24 hours failure to which treason charges shall be imposed for the failure to vacate the office. The office of the ombudsman should be established. Thank you very much.

Com. Nunow: Asante Kimtai. Kibet Limo.

Kibet Limo: Thank Bwana Commissioner. My name is Kibet Limo. I will say my recommendations briefly and in short. Because this Constitution is meant for all people in Kenya, it must be translated into Kiswahili so that all people can read. In the Preamble, we should put our introduction to the new Constitution and I have given an example as I will give to you here. Political Parties came and they are here and my recommendation is that – there are parties that belong to one district or one ethnic group or tribe and they should be banned. Commissioners, I recommend that this new Constitution should make rules for political parties. Finally, I recommend that you go and use in this new Constitution, Article 55 of the Ghanian Constitution on how to control parties. Those that use violence should also be banned.

In the government, we should have the President, introduce Prime Ministers and Deputies in all province. Because we want these big jobs, Commissioners, let the Constitution adopt the Federal government; although I have heard it being opposed.

There are a lot of jobs in the Federal system because we will have Senators and we shall fight for those jobs. People say it is bad but they will be MPs because there will be Parliamentary Assemblies.

In the Legislature, Parliament should be given authority to vet senior administrators, like what they did in the appointment of Commissioners. Appointment of Electorals-----

Com. Nunow: (Inaudible)

Kibet Limo: On Basic rights - let me finish on the basic rights. The current Constitution forgot other rights like cultural rights because they have abused the rights of tribal cultures, solidarity rights, rights to a clean and healthy environment, right to vote and take part in politics, rights of the disabled – it is not in the current Constitution, rights of the elderly – the elderly people we follow suit of Portuguese Constitution, rights not to be refused the emergency treatment, rights of a child; And also, duties must be there and not only rights. There are duties like to be patriot or to defend the Constitution, if there is a witness there there must be duties and responsibilities before rights because people are only talking about rights only. But, what are your duties? To defend the Constitution, to respect the law and so on.

Com. Nunow: Asante Mzee, tutapokea hiyo memorandum.....

Kibet Limo:(inaudible) Mr. Commissioner, I could lecture here since I had a lot.

Com. Nunow: We will read everything there is. If you have written, you have done well.

Kibet Limo: Thank you very much.

Com. Nunow: At least that will remain in your head. We will read everything you have written. E. K. Kiplagat. Lukas Kosilbet.

Lukas Kosilbet: Thank you Commissioners. My recommendations are on behalf of the retired persons. My name is Lukas Kosilbet. They are written on behalf of the retired persons because these are very important people who have devoted most of their lives to working for the public and the Constitution should honour and consider them. We have the following recommendations:

We recommend that the current regulations that retired servants and teachers earn lifetime pension and five years after, be retained because this is satisfactory. In view of the fact that public servants have little time to engage themselves in private investments to turn to after retirement, it is recommended that the voluntary retirement age to be reduced to 45 years and compulsory retirement increased to 60 years.

Third, the maximum pension currently paid is adequate but computation of 25% is not enough - we recommend 50% of the computation because 25% is very little money and we need more so that we can invest in something more profitable. Annual increments and maximum of grade should be effected. It is further recommended that one year notice of retirement is appropriate to enable processing of the pension in such a way that when the person retires, he retires with his money unlike now Bwana Commissioner, where pension can stay even for years without having it processed.

We also recommend for an indepent Board incorporating pensioners and Treasury officials to be established so that they can manage and process the pension. A fund should also be established to cater for medical expenses and petty needs for the needy persons of over 70 years irrespective of whether they are retired or where they are (inaudible) citizens. Where culture allows, we recommend that homes for the elderly be established. Thank you very much Bwana Commissioner.

Com. Nunow: Asante sana Mzee Kosilbet kwa hayo. Michael Rono. Anza, na una dakika tatu.

Michael Rono: My names are Michael Rono and I will start with finance and economy. First, I would like to highlight on money. Before any money is withdrawn from the consolidated fund, the government or the concerned people should carry out statistics on areas where that money is to be spent. Secondly, expenditure by Ministries be reduced e.g. the purchase of vehicles. In certain Ministries we find there are so many vehicles which are not in use at all. Some are being used by the concerned people for their leisure.

Thirdly, on finance I would urge the government to pay our people and mainly the graduates a little money to help them sustain themselves before being employed e.g. for purchase of clothing, food and shelter. Also, the number of Ministries should be reduced from the recent number to a maximum of twenty and a minimum of 16 at least; and each Ministry to be headed by a qualified person. If it is the Ministry of Agriculture, it should be headed by somebody qualified in agriculture but not a retired Military Officer as it has been in certain areas.

Also, there is the issue of the Provincial Administration. The entire Provincial Administration should be scrapped and elders, regardless of gender, be paid a little allowance to help them satisfy their duties and get rid of Kangaroo courts. That's all.

Com. Nunow: Asante sana Michael Rono. Isaack Chebii, Joseph Kandie.

Joseph Kandie: Kwa majina ni Joseph Kandie kutoka Marijor. Sina mengi ya kusema isipokuwa tu kuhimiza maneno mawili ambayo yamezungumzwa na mimi pia ningetaka kuyataja nayo ni kuhusu Provincial Administration. Hawa watu wanatakikana watolewe kabisa kwa maana, ukiona wamekuwa wakichagua Assistant Chiefs na ku-create sub locations in clanism – imeenda mpaka kwa clans and so hatuoni maana ya hawa watu. We should have village elders na wawe wanapata mshahara.

Nikigusia kwa majimbo, tunaendelea kusema we are not tribalistic in Kenya but we are coming to tribalism if we want majimbo.

So, we should go for Unitary Government. so, yangu ni hayo tu sina mengi na nitapeana memorandum yangu baadaye.

Com. Nunow: Asante Kendie kwa hayo. Ruth Keboi.

Ruth Keboi: Kwa majina ni Ruth Keboi, na kwa yote yamesemwa sitayarudia. Ninahimiza neno moja tu kwa upande wa akina mama. Ya kwamba, unaporegister marriage yako, una-regitiwa katika mahali ina-registiwa na ninahimiza ya kwamba hata kwa Title Deed, iwe niko registered kwa sababu kama nimekuwaregistered kuwa mama wa hiyo nyumba, nataka pia niwe registered kwa Title Deed; mimi na mume wangu tuwe registered katika hiyo Title Deed ili nisihangaike baada ya kifo. Iwe ina-reflect kwamba nilikuwa mama wa hiyo nyumba. asante, ni hayo tu.

Com. Nunow: Asante sana mama, jiandikishe, jiandikishe tafadhali. Ezekiel Cheruiyot.

Ezekiel Cheruiyot: I would like to highlight a few things about our Constitution which is in process. Thank you the Commissioners and the Chair. Personally, I first want to talk on issues of the Preamble. The preamble of the Kenyan Constitution-----

Com. Nunow: Your names Sir.

Ezekiel Chetuiyot: My names?

Com. Nunow: Yes.

Ezekiel Cheruiyot: My name is Ezekiel Cheruiyot and I am a resident here. I want to talk on the preamble - issues on the Preamble: There are very many issues that were not considered and that is: the Multi Party Democracy and the vision of people of Kenya. It is not an issue whereby anybody even Head of State goes to the streets and say that this “is our development and we want this and that”. That is not the case. We want the vision of the people of Kenya to be emphasized in the Constitution.

Three, the values and experience of Kenyan people such as the culture of the National Unity, independence from bondages of colonialism; you find most of the people are still suffering from colonial hangovers because of the Constitution which is not clear.

So, we emphasize that we want to be delinked and we should not be associated with any colonial aspect. Some of them are the colonial administrators – colonial type of leadership which people are now going to which is the majimbo, where we want people to stay in groups so that the government may rule them until they die and then where their parents were buried it is dug and then people settle there; we do not want that.

The Constitutional amendments accessibility; we want the Constitution to be written in a language people understand. For example, in Kalenjin, in Luhya, In Dholuo and any other Kenyan language. We don't want Constitutions which are just for professors and lecturers. We want the Constitution to be interpreted and written in the local languages where possible. And more than that, it should be very much available to the people of this Nation if it is a people's Constitution. That is what people want. We do not want Constitutions which stay in archives, libraries and government printers. We want the Constitution to stay how the same Constitution will reach the people and at the same time, it should also account on issues of Civic education. Because, after this there are many people who have never come here but they want to know what is going on and what has been passed so that they will adopt and go by it. They need to be told through Civic education. So Civic education must continue.

Another thing is on issues of Commissions. There are a lot of Commission which need to be put in place and more than this, the police should be trained so that they know all these things because they have been going out with "rungu" claiming that they are implementing the laws na kuchunga unga. Shame on them. We want the Constitution to take care of the Kenyan citizens against the arbitrary arrests, against police harassment and many other things. So, the Judiciary should also play a role. It should come in and implement the law to the letter.

So, all Kenyans should have access to justice in every court and not only those who just go and then their cases are heard and they are paid a lot of money and think that they have won the case, no. Lastly, I want to express a few things about political parties, vigilante groups and collection of public funds. There has been a lot of things going on. Like in this area we have what we call warriors and I don't know what a warrior is. The Constitution should state whether we want vigilante boys in the villages and then they should be paid and if we don't want them, we should stop them so that they don't go around doing all petty things and becoming war lords around because the Constitution is allowing other political parties to use bribery and violence during elections.

Another thing is that herbal medicine should be taken care of. And the Commission should show and state that we should have an implementation Commission ya Constitution. Tunataka ile committee ya kuhakikisha kuwa haya maneno yanafanyika. So we want an implementation Commission for the Constitution. And the last thing that we have seen throughout the day, is oppression of our people and harassment which has caused a lot of fear, and we are very sorry that, even to the extent of leaders have deciding which things to go on the screens and people saw. It is so shameful that people don't want to be screened because they are violating media rules, freedom of expression, freedom of information and many others. So, the Constitution must entrench those things and state them clearly for the benefits of Kenyan people. Thank you and sorry for taking a lot of time; But, I want to say that the structure of government which we need, is the one which will establish ombudsman and the Presidential term should only be five-two-year term. Kusiwe na mambo ya kuongoza kama uongozi ni wako. Parliament should not be extending their tenure every now and then eti sasa wanashikilia Constitution. Constitutions is not for parliamentarians. It is for Kenyans and they should say they want to extend the Parliament because they are after Constitution. It is us who are

manning. Thank you.

Com. Nunow: Thank you Cheruiyot, we have heard you. Thank you for your views and please let us have your memorandum. Benjamin Sereto. Nkuri Orgut – Committee member; may be anashughulika. Charles Koech.

Charles Koech: Thank you Commissioners. My names are Charles Koech and I have more than one issues to discuss. First of all is about the management of Boards. Mambo ya management ya Boards; we have Pyrethrum Boards, National Cereals and Produce Board but how comes somebody mwenye anapanda mahindi ana-manage mambo ya KCC? Yeye anajua how many months maize inatake ndio ikuwe mature, but hajui how many months ng'ombe anachukua ku-deliver.

The next thing is about retirement. Mtu anaretire - I don't know he was the Ex-whatever halafu aki-retire anakuja kuwa civil servant. So where is he going, he is not retiring! The next thing is about the Commissions. We have been having many Commissions – sometimes Commission of Enquiry into clashes, Commission of Enquiry on land, but we are not given the issues they discuss. So, they should set aside a Commission where these other Commissions will present their views of wananchi to the other one so that they can be independent and non partisan.

About the MPs, they have been given a lot of power and so they decide what to do. They can decide how many times they want to increase their salary - even up to ten times. The wananchi should be given that priority to decide what the MP should have and the MPs to discuss what the wananchi should get because, if the doctors and teachers are given what salary they would want, they would go for Kshs. 100,000. Also, about national resources like Trust Land, for example the catchment areas, they should be under the wananchi who are there. Somebody from Nairobi cannot come and Minister and manage and protect the catchment area yet the benefactors are people in that same place. Maji ikipotea yeye ataenda Nairobi apate maji yake ya pipe na watu wa hapa watahangaika. Thank you very much.

Com. Nunow: Asante Koech for being precise. Gilbert Kiperus.

Emmanue Suronee: I am Emmanuel Suronee and I am stepping in for Gilbert.

Com. Nunow: Mko wawili? If you have joined your memorandum please present it. You can't stand in for him. If you have a memorandum he has given you, you present and that is how you can stand in for him Robert Sirma. Let's hear those who are here in person first.

Robert Sirma: My names are Robert Sirma and I want to give a proposal on the Bill of Rights. An independent Human Rights Commission should be established by the Constitution to promote and enforce the Bill of Rights. Various UN conventions such as human UN convention on elimination of all forms of discrimination against women (inaudible)

and the universal declaration of Human Rights which Kenya is signatory, should be entrenched in the Constitution. The present Bill of Rights contained in Chapter 5 of Kenyan Constitution is outdated and does not provide for an adequate framework for protection and promotion of internationally recognized Human Rights. In my proposal, all the rights contained in the present Constitution should be retained however on exceptions that are (inaudible) these rights in the Constitution and other laws, should be removed. It should be the duty of the person seeking the breachment of the rights to prove the necessity and lawfulness of such breachment. Because most of the rights have been (inaudible), I think that is the only one I could give. I will present a memo.

For the last one, I think we are still thinking – I am proposing for the current Unitary form of Government and do away with majimbo completely.

Com. Nunow: Thank you Robert. Michael Tanui na atafuatwa na Samuel Sigoi.

Michael Tanui: Asante sana Makamishena wa Marekebisho ya Katiba. Nitagusia mambao mawili au matatu kuhusu Bunge. Katika Bunge, Parliament lazima iwe na calendar ya kuonyesha ratiba ya kazi yake. Rais asiwe na nguvu ya kuvunja Bunge hata kama ni wakati wa vita. Wabunge na familia zao lazima watangaze mali yao kabla ya kuingia Bunge. Parliament iwe ni kazi ya kila siku kwa Wabunge - siku tano kwa wiki. Lingine, ni kuhusu mambo ya mashamba. Kama kuna mashamba ya forest ambayo imekatwa miti na inataka kupeanwa kwa wananchi ili walime na watengeneze ili miti ingine ipandwe, lazima jamii ambayo inaishi karibu na hiyo forest wapewe hiyo shamba kwa usawa na sio kusema kwamba hili shamba ama forest, imelingana na ukoo fulani na huo ukoo wana exclusive rights kwa hilo shamba. Hilo tunakataa na kusema watu wote wenye wanaishi karibu na huo msitu, walime halafu baadaye wapewe miti wapande na wao wenyewe wachunge kwani hiyo ni rasilmali yao.

Kwa mambo ya serikali, ninapendekeza serikali ya umoja ya Urais ambayo si ya majimbo maanake watu wetu wamewekewa kusema mambo ya majimbo tu na unaona hata ukisikiza maoni ya watu hapa, utafikiria ni kusema kama wewe ni mtu wa kutoka ukoo ule urudi kwa huo ukoo. Hiyo ni misinterpretation ya hiyo Constitution. Kwa hivyo, mimi napendelea serikali ya Unitary Government. Asante.

Com. Nunow: Asante sana. Samuel Singoi.

Samuel Singoi: Thank you Commissioners and members of the public. my views will be very brief. I will first talk on education. Primary education should be free and no one should be allowed to be a Board member in more than one school because, if one becomes a Board member in more than two schools, he will be influential and may cause strikes.

I also want to talk about the government which I feel is right for the Kenyans in the next government. I think majimbo is a dangerous thing because it never helped us so much when it was there in 1963. It was actually meant to protect some

individuals. So, we feel that a Unitary government is so fair because the Constitution we are actually trying to review today, was discovered by those people in the Unitary Government.

Lastly, Kenya should not be led by a Military Government because it will encourage dictatorship. Also, Commissions formed – one more minute – Commissions formed and they never gave wananchi the recommendation should, in the future, be taken to court so that they explain what they have been writing because they have actually wasted the resources. Thank you Commissioners.

Com. Nunow: Asante Bwana Singoi. Mathew Cheruiyot.

Mathew Cheruiyot: My names are Mathew Kintai Cheruiyot. I want to talk about the basic rights of Kenya or of the Constitutes. Our Constitution must guarantee us Basic Human Rights as stipulated in the universal declaration of Human Rights Charter as should not alter any of the clauses. Two, our economical and cultural rights must be protected by the Constitution. Three, death penalty should be abolished.

Another point is that the government must guarantee security, health care, water, medication, shelter, food and employment as basic rights for all Kenyans. Kenya Human Rights Commission be formed Constitutionally to ensure everybody is ensured and guaranteed the right as adequate as the Constitution must provide and guarantee free primary education as a basic right to every Kenyan. Apart from security issues, Kenya must have a right to any information in state organs or agencies. Apart from the Disciplined Forces, all Kenya must have a right to from or join trade union.

My personal position is that positions of Chiefs should be scrapped and replaced by village elders and they be given salaries. Another point is that women and men should be equal before the law and must be guaranteed that by the Constitution. Thank you.

Com. Nunow: Thank you very much. Amos Kipiri na atafuatwa na Samuel Ruto, jitayarishe.

Amos Kipiri: Commissioners, asante kwa kunipa nafasi hii na ningependa kutaja mambo machache ambayo mengi yamejadiliwa lakini ningependa kuanza na mambo haya. Kwanza ningetaka kusema ya kwamba kuna sheria ambazo Kenya imeshaandika ama treaties ambazo zimeshaandikwa kama Human Rights ya International Human Rights. Hiyo lazima iwekwe kwa Constitution ili iweze kuhakikisha kwamba hatuandiki sahihi na hatupati mambo ambayo sio consistent na vile tumeandika pia katika international situations.

Halafu, kwa sababu tunatengeneza sheria ambayo inagusia mambo mengi, ningependa kusema kwamba kuwe na implementation. Zamani kulikuwa na Standing Order Section 152 implementation committee lakini sasa nataka iwe

Commission, kuwe na implementation Commission ili kuhakikisha kwamba mambo ambayo yamejadiliwa ama sheria ambayo imepitishwa iwe inafuatwa kulingana na hiyo sheria.

Kwa upande wa Civic education, mimi ni mmoja wa wale walikuwa wanajaribu kuangalia mambo ya Civic education inavyoendelea hapa na ningependa kusema kwamba haya mambo ya Civic education iwekwe kwa Katiba halafu iendelee baada ya haya. Nasema hayo kwa sababu zifuatazo: kwanza kutakuwa na transitional period ambayo itakuja kutoka kwa this old government and the new dispensation of the new government. Watu wanataka kuelimishwa. Sababu ya pili, ni kwamba kuna mambo kama referendum ambayo itakuja. Watu wengi hawaelewi hii referendum itakuja namna gani na bado wanataka kuelimishwa. Halafu, kutakuwa na new structures in the Constitution kama new types of government na vitu kama hivyo. Watu wanataka kuelimishwa ili wajue; kama tutakuwa na Prime Minister, unajua watu watakuwa na mentality ya kusema President, President – tunataka haya mambo ya new structures, watu waelewe na waweze kufuata.

Mambo ya Administration. Provincial Administration inaonalekana kama ni illegal body kwa sababu kwa Constitution yetu, hakuna mahali ambapo panasemwa vizuri. Kulikuwa na mambo ya Chiefs na hata najua District Commissioners wanatumia Chief's Act ile ya Chapter 128 na ninasema hiyo iscrapiwe ama isingiziwe kwa Constitution. Sababu nyingine nasema kwamba Proncial Administration ya PC, DC, Chief, DO na Assistant Chiefs watolewe ni kwa sababu they are loyal and subject to the ruling party activists. Hata serikali ingine ikija watakuwa wanaifuatilia. Nataka hao wote Ma-DO na wengineo watoke.

Nikisema kuhusu National cohesion, nataka kusema kwamba kuwe na State Policy ya kudevelop National language ili tusiwe kama tuko wawili, na mtu mwingine anasema hapo kwamba tunamsema. National language – Kiswahili – kuwe na policy ambayo itasaidia kutengeneza kama mambo ya elimu ya watu wazima, iendeleze mambo ya elimu, shule na hata katika public places kuwe na sheria ya kusema au ku-address watu kwa lugha fulani halafu watu waanze kujifunza polepole.

Nikimalizia, nasema kwamba mambo ya Federal system of government nayakataa kwa sababu ya sababu zifuatazo:

Moja, tunaingia upande wa globalization ambapo kuna mambo ya African Union, East African Community na hata upande wa biashara kuna KOMESA, NEPAT, AGOA na vitu kama hizo. Nataka kusema kwamba kwa sababu tunaendelea ku-integrate and not disintegrate, ningependa kusema kwamba haya mambo ya majimbo tunayareject kwa sababu katika dunia hata tunaona European Union wanakutana na nchi zingine na hata African Union ilizaliwa juzi – the day before yesterday na tunaanza kusema mambo ya disintegration.

Finally - poleni kwa kuchukua saa kwa sababu Commissioners hata tungeomba pengine mrudi kesho mchukue maoni mengi kwa sababu muda ni mdogo sana. Upande wa Executive, role ya Ministers iwekwe vizuri kwa sababu hatutaki mtu achukue Ministry na hajui mambo anayofanya. Halafu, kuguzia tena ile implementation, kuna sheria ambazo zimetengenezwa na hazifuatwi kikamilifu. Kama juzi tulisikia ya kwamba kuna sheria za East African Community walikuwa wanasema wanataka akina mama watatu kutoka Kenya.

Com. Nunow: Bwana Kipiri, I will stop you, I am sorry.

Amos Kipiri: Okay, thank you. I am going to make my presentation in the next few minutes for the memorandum. Thank you.

Com. Nunow: Thank you very much.

Amos Kipiri: Ningependa mje hapa siku nyingine.

Com. Nunow: Alright, thank you very much. Samuel Ruto, halafu Fredrick Lagat.

Samuel Ruto: Majina yangu ni Samuel Ruto kutoka sehemu hii ya Marchore. Kitu cha kwanza ambacho ningetaka, wengine wetu wamesema na ninazidi kusema kwamba Provincial Administration – Machifu na Assistants wao na DC’s wafutwe kabisa katika Katiba ya Kenya. Tena majimbo isiwapo Kenya - we reject. Kuna kitu cha ajabu – nilikuwa nimeona DC hapa asubuhi na sijui kama bado yuko. Kama yuko, nashangaa Machifu wako wanashika pesa ya raia bila receipt na sijui kama hiyo ni criminal offence. Do you know? Kwa nini wanafanya namna hiyo? Watu wanapeana pesa zao na hawasemi chochote na wanasema ni viongozi, wanafanya namna gani? What are they saying? What are they guarding?

Pili, juu ya misitu, ningetaka ilindwe iwe mali ya public, iwe ya watu wote. Kwa hivyo Katiba iwekwe ya kusema ya kwamba misitu isigawanywe mpaka itipishwe na Bunge kwa sababu sehemu zingine watadanganywa na County Council itanyakua.

Ya tatu ni muhula wa Rais, iwe two terms of five years each. Baada ya hiyo ajiuzulu aende nyumbani na kusiwe na eti analindwa na sheria baada ya kutoka. Kama anafanya makosa ashtakiwe. Sijui kama Chief’s Act iliyoletwa na wazungu zamani walitaka indirect rule. Sasa sijui kama serikali ya Waafrika inatufanyia indirect rule kweli. Si hiyo kitu ilikuwa na wazungu wafanye indirect rule ya kwa hivyo, kama tumepata uhuru, tupate uhuru wa haki na indirect rule itoke. Asante.

Com. Nunow: Asante sana Mzee Ruto zaidi, kwa kuchunga muda. Fredrick Lagat.

Fredrick Lagat: Kwa majina ni Fredrick Lagat kutoka Tumeiya Location. Mine is this; deveolution of power. The power has been misused in some places and hence we are now saying there has to be devolution. We are going to conceive as a child and the child has to grow and the growth has to be seen from Sitotwo today. When a tree grows, it grows outwards and this is now going to start from here. We are going to adopt a pyramid style of government.

Com. Nunow: Bwana Lagat, please be at one place as you talk - this is not a political rally.

Fredrick Lagat: Okay, sorry. Pyramid style of government - in other words, company style where in a company we have staff meetings and the report is submitted to the Directors. So, we have to start from the village where we have the village elders. From the village elders we come to the Council of elders and that now constitutes the pyramid style and the power ends start from the people. In that way, corruption will be out because resource management will start from the village and whoever does something wrong, whoever kills will be known because he is a child of the people of the area and they will this is our child and he has stolen from us.

Presidential powers: The President has to be there, the Prime Minister and a Vice President. On land tenure, all grabbed land and unfairly allocated land to be re-distributed. The forests should be protected by the elders. Development to be by the elders and revenue to be distribution. Legislation should be posed against the rapists and they should be given capital punishment and also defilers – those who are getting hold of our small daughters – hangman’s noose should be on them. There is no excuse, you rape a child – sorry, sorry, I have started – I am telling them because I have children. You find somebody defiling a child who is five years. What are we saying? So, we have to entrench that clearly. Infact, I feel very bitter when I read in the Newspapers about this. Devil worship has to be outlawed and the living God to be the controller and to be worshipped in this country.

Marriage institutions to be entrenched so that divorce is out. Divorce should not be encouraged for the sake of our children. You bring the children and then the lady to go with them, where? You brought them here so they are your children and prostitution to be outlawed. Sorry, but please take those points very seriously. Thank you very much.

Com. Nunow: Asante sana. Tumeyasikia na tutayachukua kwa sababu umeshaandika, so there should be no problem. Thomas Kigen na Steve Shulei ajitayarishe.

Thomas Kigen: I am Thomas Kigen and I will talk about Public service, Central bank and other public institutions which should be made autonomous and shall be accountable to Parliament only. These are Constitutional structures which are above and beyond parties and party politics. Parliament must be the supreme body to be consulted on all matters pertaining the management of these institutions.

Secondly, management of education, schools and public institutions; Members of Parliament, Councillors and Provincial Administration should be Constitutionally barred from holding offices in various committees at the institutions of learning and hospitals and other institutions. This is to avoid misuse of such position to procure undertake advantage for political survival and tendency to propagate narrow interests for themselves.

The present Section 47 of the Constitution should be amended to read 75% – 90% to enhance the role of the majority in changes of Constitutional nature. A Constitutional provision for national referendum to involve all Kenyans when major or

national changes are envisaged. A Constitutional provision for a continuous and comprehensive Civic education to encourage citizens continuous participation in public life.

Third; definition of term: A provision should be entrenched in the Constitution to design key terms which are regularly used, openly misuse, scandalized and a source of confusion e.g. the terms peace, development, politics, government, corruption, public resources, public servants and civil servants, hardship areas, the youth, e.g. peace is a fruit of justice and not absence of war and in fact peace is development. The misuse of such important terms have manifested in increased ignorance of the truth and this leads to serious scandals.

Hardship allowance has been misused for political reasons. When the Constitution cannot declare the conditions under which an allowance is applicable. There are cases of areas which were once hardship zones; But some have ceased such status, owing to the opening up of such areas yet, civil servants continue to earn the allowance at the expense of the tax payers.

Economy: Agriculture is the backbone of our economy. It provides more than 80% of the population's daily livelihood livelihood. The Constitution must clearly indicate the need to marshal all resources to this sector for the sake of meaningful economic take off. The articulation of agricultural policies must emphasize greater participation by farmers in decision making and in marketing and it should also indicate the role of agriculture in industrialization of our nation. Finally, in case we want majimbo, the Constitution could provide that may be in twenty years time, we could be ready for such a system of government. Otherwise for now, we should encourage a Unitary one which has served us so far.

Com. Nunow: Thank you Bwana Kigen. Steve Shilei, hayuko?

Audience: Inaudible

Steve Shulei: My names are Steve Shulei, I come from this constituency and I would like to touch on a few areas since most of the areas have been touched but I would like to stress some points on the Executive. I would like to see the Executive, the Judiciary and the Legislature being separate entities but, the Legislature to check on the functions of the Executive. The members of the Judiciary - the Attorney General, the Chief Justice and the Judges of Court of Appeal to be appointed by the President subject to approval by the Legislature.

Provincial Administration: I would like to touch something on Provincial Administration. This has been a tool to intimidate and violate Human Rights and this has worked very well in our current government. The appointment of the Provincial Officers has been done by the President and he is the sole man to dismiss them and we say that the whole institution of Provincial Administration be abolished down to the Chief's office.

Federalism: It has been a very good system of government for the last few years through Provincial Administration, but we have seen frustrations to the people through the so called formerly devolution of power – the DDC. Money has been swiddled through DDC and we say that Federal government to be abolished and we adopt a unitary government. The powers of the Provincial Administration is to be taken over by a strong local authority with a chairperson elected as a Mayor or a Councillor and Chief Officers elected by the people and not by the Councillors. The Councils to take over all responsibilities for infrastructure, take care of public utilities, forests and the like. Co-operatives; we have seen many.....

Com. Nunow: That is your last point.

Steve Shulei: That's my last point. In the issue of co-operatives, Kenya has been depending on agricultural products and in the last few years we have seen the collapse of so many co-operatives due to appointment of Directors by some body which has no concern for the farmers. So, we recommend that co-operatives like KCC, Pyrethrum Board, Kenya Tea Authority and the Coffee Board to be run and controlled solely by the farmers themselves and the appointment of Directors to be done by the farmers according to their share in the Co-operative Society. For example, KCC which was instituted KCC 2001, the Directors are not known by the farmers. They want to guard the dairy industry the farmers are crying foul and we would like to see this stop to this and the farmers to take care of their own property.

Com. Nunow: Thank you very much.

Steve Shule: I'll submit my written report.

Com. Nunow: Yeah, thank you. Andrew Kemboi.

Andrew Kemboi: Thank you very much. My names are Andrew Kemboi. On the supremacy of the Constitution, no law should be passed, even if it has gone through the Presidential assent it should not be passed before a comprehensive national referendum is held. On citizenship, every foreign person wishing to be a citizen of Kenya should pay a citizenship fee which reflects the approximate amount of tax such a person should have paid if he was a Kenyan citizen.

On the Executive, Members of Parliament should not double up as Cabine Ministers or Assitant Ministers because this could result into misuse of one office at the expense of the other and then it will give an impression that some MPs are more priveledged that others.

Another thing is that Members of Parliament should have offices which are officially recognized by the constituents such that the Members of Parliament are expected by the Constitution to be in their offices as the constituency on particular dates and not by the road sides or in social halls or in very informal places.

Members of the Cabinet who are Ministers and Assistant Ministers should be chosen from other professional and expert Kenyans. For instance, Ministry of Health should have somebody who is an expert doctor to be taken in as a Minister for Health. Ministers and Assistant Ministers should be taken in by the parliament. The appointment of the Attorney General and the Chief Justice should be done by Parliament so as to cut down the Presidential powers in the Judiciary.

In the Legislature, Members of Parliament should not be allowed to use handouts or cash while in campaign trails so that they do not use cash to induce the voters for this is one aspect of corruption and it should in fact, constitute an electoral offence which should lead to my opinion, or my proposal, to dismissal or disqualification of such a candidate.

On the Provincial Administration, the area of jurisdiction of a Chief is exactly the same as that of a Councillor and there is no reason why a Councillor should not be given the responsibilities of a Chief if they are there to take over. Therefore the provincial Administration should be done away with.

In the Judiciary, until a case has been finalized in court, the Attorney General should not have the power to terminate a case in court. Just a minute, on education-----

Com. Nunow: Mr. Kemboi, if everybody says “just a minute”, so many of these people will go back without presenting.

Andrew Kemboi: Thank you very much.

Com. Nunow: Thank you very much and let's have your memorandum. Samson Cherop, Samson, please let us have your name and then you have three minutes. If you hear the bell, summarize the point that you are at, at that particular time.

Samson Cherop: Jina langu ni Samson Cherop na ni mwenyeji wa hapa. Maneno ambayo niko nayo nataka iende kwa Constitution, ya kwanza ni President atawale mara mbili kwa miaka mitano halafu aende nyumbani. Mambo ya shamba, kila mtu awe na shamba lake na sio mtu aje kucheze shamba lako. Shamba lako ni lako. Halafu mambo ya foreigners, wasikubaliwe kununua shamba. Mashamba yawe ya Wakenya. Mambo ya (inaudible) Constitution itengeneze kitabu ambayo kila kitu kama ni ya Keiyo iwekwe ndani wala sio mambo ya kusema kutafanywa namna gani. Hicho kitabu kiwe na mambo yote ya Keiyo.

Kwa mambo ya masomo katika mashule na mambo ya lugha kama inasemwa hapa sasa, watu wasisahau mambo ya lugha yao. Zamani ilikuweco na hata sasa lazima iweko ili watoto wafunzwe ndio wajue mambo ya kitamaduni, ya kinyumbani kwa lugha yao.

Mambo ya parties, tuwe na independent candidates ambako mt akisimama, awe anabaki na kukaa tu lakini awe ni independent.

Wewe unasimama tu ukiwa independent na hakuna mtu atakunyanyasa; unasimama kwa kama independent - peke yako. Tunataka hiyo iwe. Mambo ya funds kwa parties, kila party iwe na funds zao wenyewe na sio ati serikali itoe pesa kwa chama fulani. Kwa kazi ya Parliament, mjumbe akichaguliwa awe full time. Hakuna mambo ya kusema ati waanza jumanne mpaka Alhamisi. Wanaenda wapi? Wafanye kutoka Monday to Friday na serikali iwatafutie ofisi kwa kila constituency ndio yeye akija, aseme ni tarehe gani atakuwa kwa ofisi yake na aje kule. Mambo ya mishahara yao iwe na Commission ambayo inaangalia ili wasiongeze vile wanavyotaka.

Mwisho, ni mambo ya miti; mtu akipanda miti yake kwa shamba lake, akate vile anataka kwa sababu shamba ni lake na asisumbuliwe na kuulizwa kwa nini anakata. Akate miti yake vile anataka, apasue mbao na auze na asishikwe. Thank you.

Com. Nunow: Asante sana Mzee kwa kufuata huo muda. Kenneth Chumo, hayuko? Okay, kuna wazee kabisa? Nimeona wengine wakiingia but, vile wanajitayarisha waje mbele wapewe nafasi baadaye; Kenneth Chumo? Okay Boiyo, kuja hapa tafadhali. Simama ukitaka, ama uketi.

Interjection: You want me to translate?

Kipkener Arap Koima: *Ang'ololi ako amwae ng'alekab Kalenjin amun kutit ko bo Kalenjin ne ang'ololen.*

Translator: I am talking using Kikalenjin because that is what I know.

Kipkener Arap Koima: *Anun kaking'alal kong'eten korun agoi*

Translator: And I am surprised because we have talked from morning up to now.

Kiptengen Arap Koima: *amun mokose komwoe bichu Kipsoili ago ingen kole mi bik che mogose.*

Translator: And I am surprised that we have not been talking in Kiswahili!

Kiptengen Arap Koima: *Amu is ingunon ko mi che ng,alale Kingereza,*

Translator: And now when you are talking in English,

Kiptengen Arap Koima: *komi bi che mokosei.*

Translator: And there are people who do not understand English.

Kiptengen Arap Koima: *Ko ngunon ko melen komi ng'olyot age. Ng'olyot ne komwoe ngunon ko kakobut bik chechang, ago kakemwa ng'olyot agenge ne tokyin ke Majimbo.. Vernacular*

Translator: People have talked and they have talked, -*kikurenin ng'o.*

Kiptengen Arap Koima: *Kikurenon Kipkener arap Koima Vernacular*

Translator: Kwa majina naitwa Kipkeneteng Arap Koima.

Kiptengen Arap Koima: *Ko ngunon ko ng'olyot ne kakemwa ko kakobunji iman amun*

Translator: You have said some few issues and it is true

Kiptengen Arap Koima: *Majimbo ko ng'olyotab iman.*

Translator: Federalism is the best.

Kiptengen Arap Koima: *Amun ingonon koiwekab Kolenjin en tugul*

Translator: And now in Kelenjin systems,

Kiptengen Arap Koima: *Ko kiwek che mi Keiyo, ko koita ko kiginde ko mawale chi.*

Translator: The shambas which are in Keiyo Valley are not touched by anybody.

Kiptengen Arap Koima: *Agot olitok ingunon ko olr kikonam chito ak konde koikyik ko mawale chi.*

Translator: And if you have your own stones or your own marks on the shamba nobody touches them.

Kiptengen Arap Koima: *Ko ngunon ko mami ng'alek alak chechang'. Kimoche kityo ng'alekab Majimbo inegen.*

Translator: I have nothing else to say apart from majimbo.

Kiptengen Arap Koima: *Ko ngunon si kemwoe Majimbo ko kebje rabisiek en Nairobi,*

Translator: Why we are talking of majimbo is because of the money which is being shared in Nairobi.

Kiptengen Arap Koima: *Ko yekilen any konyokeker chechok che bo barabaret, kila kitu,*

Translator: And when we come home to see the roads,

Kiptengen Arap Koima: *ko ngelen keitun ko nyalildane kenyolili.*

Translator: They are bad.

Kiptengen Arap Koima: *Ang' korok ko kikekon rabisiek en meto.*

Translator: And the money has been given from Nairobi.

Kiptengen Arap Koima: *Ko yon kakonyo Majimbo ko kakenai kele kakesob amun kakeyoiwech oret.*

Translator: When majimbo comes, then we know we have survived or we are going to live because we are going to get something.

Kiptengen Arap Koima: *Ko ngunon ko mami ng'olyot age.*

Translator: I have nothing else to say.

Kiptengen Arap Koima: *Ko ngo kere ko kayam en yon.*

Translator: Thank you so much.

Com. Nunow: Asante sana Mzee. Nitamwita. William Chemisto.

William Chemisto: Kwa majina naitwa William Chemisto na niko na machache. Pendekezo langu la kwanza ni kwa upande wa elimu. Elimu ya wakati huu ni elimu yenye inagharimu mzazi gharama kubwa. Kwa mfano, mtu hawezi kuelimisha mtoto wake afike kidato cha nne kwa maana akifika kidato cha tatu hivi akose school fees, huyo mwanafunzi amekosa elimu. So, napendekeza elimu ya mbeleni maanake akifika kidato cha Form Two ndio angalu ataweza kufanya mitihani na awe na cheti chake.

La pili; serikali ya sasa ni serikali ambayo ni ya maana kwa sababu nikiwa Keiyo ni sawa nikiwa Coast. Lakini serikali ya majimbo, hakuna mahali popote ambapo itatupeleka. Kwa mfano, sisi tukiwa watu wa Southern division, hatuna madaktari ambao hata wanaweza kufika kumi na sasa itakuwa maajabu tukiitisha mambo ya jimbo na hatujajiwezesha kwa area yetu.

Tatu, kwa elimu ambayo itakuwa imefaa sana, mwanafunzi apewe elimu kutoka nursery school mpaka standard seven free. Kuhusu bursaries, zinafaa kuwa zikigawanywa kupitia kwa mashule wala sio districts ambao ni wachache ambao wanachukua pesa za wale wanyonge.

La nne, ni kuhusu mashamba. Mashamba yetu ni haki yetu na tusione mtu yeyote akija kuchukua shamba ndogo ambalo ni la mtu myonge ili aunganishe na lake. Sioni haja ya mtu kuwa na shamba la ekari elfu moja ile hali kuna wengine tunaoita chokora na hao wachache wamechukua shamba lao. Asanteni.

Com. Nunow: Asante sana kwa hayo. Thomas Kiptoo - Okay Mzee.

William Kiplagat: Commissioners na wale wote wako hapa, nitachangia kwa mambo ya President na majimbo na umaskini. Mimi naitwa William Kiplagat (inaudible). Mimi nauliza kwamba serikali yetu iliyoko hapa kwa Upresident iendelee hivyo kwa miaka kumi na serikali ile ya central government ambayo tunaendelea nayo iendelee, kwa maana kile kitu tunachotumia hapa Keiyo ni majimbo ambayo watu wachache wamependa vile vitu ambavyo vinatolewa. Ikiwa ni shamba ndogo ndogo, inakuwa yao wenyewe na watu wengine hawapatiwi chochote. Nataka kuuliza kitu kimoja; squatter system katika Kenya, nafikiri ilikuwa kwa wazungu, kwa nini hiyo squatter bado inaendelea na wakisema tusaidie ma-squatter ambao hawana kitu wale bado wanaendelea kufaidika na wakienda kule, wanaandika Administration Police ama police wowote na kufunga wale wanaenda kuuliza. Kwa hivyo, nasema hiyo ni mbaya. Mambo yote yasaidiwe wale watu maskini.

Kwa mambo ya serikali, ile serikali tuliyo nayo iendelee vivyo hivyo kwa sababu sisi tumeumizwa na mambo ya majimbo kwa sababu tunayo majimbo hapa ndani na tunataka tuende mpaka Nairobi, tupate biashara zetu na tupate kila kitu ili hata nyinyi mkija hapa, m-feel fit muwe nyumbani. Asanteni.

Com. Nunow: Mzee jilandikishe. Mzee Lang'at tafadhali jilandikishe. Hosea Kimtai, hayuko? David Surei. Tupatie majina na uendelee kwa dakika tatu.

David Surei: Kwa majina ni David Surei. I am going to present my proposals to the CKRC. I will start with the new Constitution. When the new Constitution is ready, it should be made available to every Kenyan so that when a section of it is being addressed in Parliament, then you can also come out of your house and talk about it and you have it in your house as a political bible.

Second proposal is on education. I want to touch on the parallel degree programmes. This parallel degree programmes should be abolished. This is because it is a compromise on the standards of education in the Public Universities. It is also a compromise on the performance of the lecturer. Again, it is like having a private university within a public university. The second area is the examination body in public universities. At the primary and secondary levels we have the National Examination Council which sets and marks exams done by the students. In the university, it is the lecturers who set exams and also mark the very exams. So, I would like to suggest that there be an Examination body in public universities to set exams and also to mark the very exams. This is to avoid misuse or abuse of these procedures so as to avoid tribal favour in the award of marks, or even sex for marks favour and also it is a way of making sure that the syllabus is covered.

Lastly, I would like to talk about health in Kenya. There is this idea of cesarian operations in public hospitals and also in private hospitals. These cesarian operations should be done only when it is necessary because in most cases, we find that there are mothers who can deliver in the normal way but they have undergone operation during delivery unnecessarily. Lastly still on the cesarean idea, I think operation has been put as a business activity and so some women have been operated because it is a money business. If those people want money, they take a woman who could deliver normally to theatre. Thank you Commissioners. I think the time has become very short.

Com. Nunow: Thank you. Samuel Kotut. Mikimoni Elijah, Oh! Sammy, okay continue.

Samuel Kotut: Thank you Commissioners for this opportunity.

Com. Nunow: Jina kwanza.

Samuel Kotut: Kwa majina naitwa Sammy Kotut from Kabiemit Location. I am here to present the position of Keiyo South

Education Foundation. On the electoral process, we wish to submit that a simple majority process should be used as a basis of deciding the winner of elections other than that of the President.

Participation of women in elections: We recommend that women should not go beyond three kilometres when they are going to the polling stations. On the disadvantaged group, we are recommending that two seats be reserved especially for the blind, the physically disabled and all other disadvantaged groups.

Political Parties: We recommend that the House of Representatives be given or be allocated money from the consolidated fund on equal basis to all other active political parties. The registration of political parties should also continue so long as the parties to be registered meet the requirements by the registrar of societies. Also on this issue, we wish to recommend that the appointments to the National Offices be made by the person or the institution responsible regardless of the party affiliation of the appointees so long as the person meets the qualifications of such a post, including that of Ministers.

Still on the issue of the Electoral process, crossing to other parties; we recommend that political parties should be allowed to dissolve themselves without the election leaders losing their elective posts. Upon dissolving a political party, all members of that party, should join one other undissolved party and any other group which will not comply – group of fewer members - will lose the elective post and should seek re-election.

Because time is up - I have a comprehensive document which we shall present - but just to mention in passing the parliamentary increment in salary, I want to point out that a Commission be set so that all parties that would require increments, whether they are teachers, whether they are civil servants or parliamentarians, they should be given to this Commission to look into possibilities of renumeration of the concerned. Thank you very much Commissioners, we will present our memorandum at a later stage. Thank you.

Com. Nunow: Tafadhali ujiandikishe kwamba umetoa maoni na tuna hamu kupokea hiyo memorandum pia. Kimoni Elijah, Michael Kigen, Jael Keboi Rotich, is he there? Joel Keboi Rotich. Cheruiyot Kimeto, karibu boiyot.

Cheruiyot Kimeto: *Amwae kongoi Commissioner ak okwek tugul che kobwan.*

Translator: Nashukuru kwa Commissioners na wale ambao wamefika mahala hapa.

Cheruiyot Kimeto: *Amun koobwa yu so koswech rirekyok Vernacular*

Translator: Kwa maana mmekuja hapa ili msikie.... “majina, sema majina, mwa kainet korok”.

Cheruiyot Kimeto: **Jina langu ni Cheruiyot Kimeto.**

Translator: Kwa majina ni Cheruiyot Kimeto.

Cheruiyot Kimeto: *Ko aweche kongoi.*

Translator: Nashukuru,

Cheruiyot Kimeto: *ako any sikobit okanaptech*

Translator: Ili mpate kutuinua,

Cheruiyot Kimeto: *En emoni komakionyei*

Translator: Maana mahali hapa sisi hatuoni.

Cheruiyot Kimeto: *Amun kimi emoni kong'eten komi koburiek ako kingoba koburiek komakinanech.*

Translator: Tulikuwa mahali hapa tangu wakati wa wabeberu na walipoenda, hawakutukumbuka.

Cheruiyot Kimeto: *Ko kikiteben emoni bo forest ko ngunon*

Translator: Tulikaa mahali hapa kwa forest na sasa hivi,

Cheruiyot Kimeto: *komakinanech agot konyo kele lyon.*

Translator: Hawakutukumbuka waje waulize mambo yako namna gani.

Cheruiyot Kimeto: *Ale kongoi obea yu si kobit otoretech*

Translator: Kwa hivyo, ninashukuru kwa maana mmefika hapa ili mtusaidie.

Cheruiyot Kimeto: *amun kikakebe kebenet nemi soenik.*

Translator: Maana tulikuwa tumeingia kwa shimo lenye wanyama ndani.

Cheruiyot Kimeto: *Komach koluguyech Vernacular*

Translator: Walikuwa wanataka kutumeza,

Cheruiyot Kimeto: *agi kekur Mungu kelechi torettech agoi tun konyokong'etech bik alak che itu.*

Translator: Mpaka tukalilia Mungu kwamba watu wengine waje watuinue.

Cheruiyot Kimeto: *Ara amwae ale en achek kokose kemwoe ak kekwere Majimbo*

Translator: Kwa hivyo ninasema hasa kwa wale nilikuwa nasikia wakisema majimbo,

Cheruiyot Kimeto: *Ko ye kimwa agot en koito Majimbo*

Translator: Na wakisema majimbo nauliza, je wakati wa kupoza watasema kuhusu majimbo?

Cheruiyot Kimeto: *ko kebeta agobo ng'alechoto kilen Majimbo*

Translator: Tuachane na hayo maneno ya majimbo.

Cheruiyot Kimeto: *Yokas komwoe chi ng'olyon kole Kipsigis ak Nandi koyomege*

Translator: Nilisikia mtu akisema kwamba Wa-Kipsigis na Wa-Nandi ki kitu kimoja– wameshikana.

Cheruiyot Kimeto: *kole Tugen ak Keiyo koyomege*

Translator: Watu wa Tugen na watu wa Keiyo ni kitu kimoja.

Cheruiyot Kimeto: *kole ongiyomege tugul ak keiku kutit nebo Kalenjin.*

Translator: Tunatoshana na kwa hivyo, tunastahili kuwa lugha moja ambayo ni ya Kalenjin.

Cheruiyot Kimeto: *Konyo anyun oin ko kakoit kit age ne katun kobe bik konyo chesawil asi kobit kobesyo bik.*

Translator: Juzi kulikuwa na kitu kingine. Shetani alikuwa anataka kuingia ili agawe watu.

Cheruiyot Kimeto: *Ago ki bik komoche komeng'is ak kolenchi omeng'isien en emoni.*

Translator: Na watu walikuwa wanataka kuishi jinsi Mungu alikuwa amewapa waishi katika taifa hili.

Cheruiyot Kimeto: *Ko komi agot kit age ne kikilen ketekyin lagok agot sugulit ne inetege musong'notet ko mi bik che kerektech.*

Translator: Wakati ambapo tulikuwa tunataka kuuliza kuhusu shule fulani na kulikuwa na watu ambao walikuwa wanatuzuia.

Cheruiyot Kimeto: *Ko ndakiteb kole oba ole ongen.*

Translator: Na tukiuliza wanasema tuende kwenye tunajua.

Cheruiyot Kimeto: *kerir kekur Mungu kelei kerech ole kibendi*

Translator: Tukalilia Mungu na kumwambia atatazame kwenye tunaenda.

Cheruiyot Kimeto: *ak kemoche kisop lakwa age tugul ngo kiwete, ngo kipkoratiat, kemoche kosopn age tugul.*

Translator: Na tunataka ikiwa mtoto ni kiwete na mlemavu yeyote yule kwa sababu ni mtoto, apate maendeleo.

Cheruiyot Kimeto: *Ko korosom anyun ale kongoi mising amun koobwa yu sokoswech rirekyok*

Translator: Kwa hivyo ninashukuru kwa maana mmefika hapa ili msikie kilio chetu.

Cheruiyot Kimeto: *Amun mamache kotachang'it,*

Translator: Sitaki kuendeleza sana,

Cheruiyot Kimeto: *oibwech choton ak otoretech eng' yoton,*

Translator: Mchukue hayo na mtusaidie mahala hapo,

Cheruiyot Kimeto: *amun kitinye lagok chechn' che ko lulio en kilasisiek ab tisap ago sisit eng' olon*

Translator: Kwa sababu tuna watoto wengi ambao wameanguka kutoka darasa la saba na la nane.

Cheruiyot Kimeto: *ak kemoche kesomchin polytechnic anyun si konetge musongnotet si kosir ge kityo.*

Translator: Na tunataka watuombe mashule ambayo watajifundishia wenyewe na wapate kujiari.

Cheruiyot Kimeto: *Ara motese chechang' ingoberurok Jehovah*

Translator: Mungu na awabariki. Sitaendelea.

Cheruiyot Kimeto: Ak kelechok agobe ak tun obwa kogeny

Translator: Na Muende na mrudi tena.

Com. Nunow: Asante sana, Mzee pia Mungu akubariki kwa hayo maoni. Peninah Jeptrui, Emmanuel Kigen, Kile Cheruiyot, Sila Cheruiyot, Elsalap Cheruiyot. Is that Elsalap Cheruiyot? Sorry? (inaudible). I had called you?

Kimoni Elijah: Kimoni Elijah.

Com. Nunow: Kimoni Elijah, okay go ahead.

Elijah Kimoni: Okay Asante sana wenzangu wa Keiyo, Commissioners na ma-officer wote. ningependa kuchukua fursa hii,

Com. Nunow: Sema majina.

Elijah Kimoni: Majina naitwa Elijah Kiptoo Kimoni kutoka Soi. Asante sana kwa fursa hii na ningependa kuongea juu ya Executive. Kwa upande wa Executive memorandum yangu ama maoni yangu, ningependa kuongea President awe chini ya sheria.....(*End of side A Tape 5*).

.....kuthibitishwa na Wabunge wenye wameenda katika kikao ama wale ambao wamechaguliwa kuwa Wabunge. Tena, ningependa kuongea kuhusu Wabunge. Wale ambao wamechaguliwa kuwa Wabunge, lazima wajenge ma-offisi katika constituencies zao ili tupate nafasi ya kuenda kuwaona wale tuliochagua lakini sio kuenda Nairobi ama Eldoret ama kwa hizi vichaka vichaka ambapo watu huenda kufichana. Ninataka kusisitiza hilo kwa sababu, wenye hawafiki Nairobi kama wengine

wetu hasa walemavu na maskini, hawawezi kuonana nao na ile hali walimpigia kura na yeye akachaguliwa.

Ingingependa kuongea juu yake ni mashamba – Trust Lands. Kwa sababu natoka upande wa Valley ama huko Soi, nimeonelea ya kwamba mababu zetu ama wazazi wetu, wachache walienda kudanganywa kwa kupatiwa mia nne halafu transfer – flouspar ichimbiwe. Lakini, ukweli uliopo – wananchi wa Keiyo ni kwamba maskini ambao wanaishi huko Flouspar wana hatari sana kwa sababu wengine wanaishi karibu na pahali ambapo minerals zinachimbwa. Tafadhali niendeele kidogo.

Com. Nunow: (Inaudible)

Elijah Kimoni: Fine. Ukiwaona hapo, wanaishi katika umaskini na hata hawajapewa compensation na hata hawalipwi chochote kila mwezi ile hali tunadanganywa kuwa tume-compensetiwa ama tumepewa shamba lingine. La, nakataa hilo.

Tukienda kwa Administration, nakataa mambo ya Administration kabisa. Juzi tulipokuwa tukifanya Civic education pale chini DO anatumfukuza na wale askari wa Administration Police wanafukuza wazazi wetu na katika hiyo hali ya kuwafukuza, unapata wanachukua nafasi hiyo kufanya mapenzi na watoto walio kwa secondary na wame-impregnate ¾ ya wasichana pale chini. Sasa nasema Administration yote itolewe kabisa na ishindwe kabisa kwa Jina la Yesu! Kwa sababu tunona kwamba tusipoiondoa tutaishi katika umaskini. Nataka niseme – kidogo tu. Nataka kusema.....

Audience: Inaudible.

Elijah Kimoni: Haya asante.

Com. Nunow: Thank you Elijah, we will need your memorandum. Timothy Kipsat.

Timothy Kipsat: My names are Timothy Kipsat and I would only like to say something on legislature. First, I will propose for, an independent Commission to be established to determine the salaries and benefits of the MPs. Again, the concept of nominating MPs I will propose that there should be nominated MPs so that unprivileged groups can be reached. Again, Parliament should have powers to remove the Executive through vote of no confidence.

On Judiciary, I would like to propose that the Constitution should ensure that all people are (inaudible) by giving them lawyers of their own choice. On land and property rights, I propose that the Constitution should guarantee access to land for every Kenyan if there is unsettled land. That is all.

Com. Nunow: Thank you Bwana Kipsat kwa hayo maoni. Elizabeth Kipsat, Elizabeth yuko? Alice Barto. Okay, Mzee Kiptoo Kipkurui. Jina kwanza.

Kiptoo Kurui: *Kainet ko Kiptoo Kurui*

Translator: Ninaitwa Kiptoo Kurui,

Kiptoo Kurui: *Abunu Kocholwo.*

Translator: Mimi ninatoka Kocholwo.

Kiptoo Kipkurui: *Ko achek en Keiyo*

Translator: Sisi Wa-Keiyo,

Kiptoo Kipkurui: *Kakas omwoe ng'alechu tugul.*

Translator: Tumesikia hayo maneno yote.

Kiptoo Kipkurui: *Ago ndonyo Majimbo,*

Translator: Hata majimbo yakija,

Kiptoo Kipkurui: *Ko mo bouge korko en korenyon, mobouge chepyoso en korenyon*

Translator: Mama hawezi kutawala katika taifa letu.

Kiptoo Kipkurui: *a mobouge lakwa en korenyon.*

Translator: Na hakuna mtoto ambaye anaweza kutawala.

Kiptoo Kipkurui: *Boiyon ko boiyon,*

Translator: Mzee ni mzee,

Kiptoo Kipkurui: *Mureren ko muren.*

Translator: Na mwanaume ni mwanaume.

Kiptoo Kipkurui: *Ara ngunon*

Translator: Sasa hivi,

Kiptoo Kipkurui: *ago ingunon kemoche kele achek ko ngonyo Majimbo*

Translator: Sisi tunataka majimbo yakija,

Kiptoo Kipkurui: *ko bora komi amani.*

Translator: Bora amani iwepo.

Kiptoo Kipkurui: *bora komi kalyet.*

Translator: Bora amani iwepo.

Kiptoo Kipkurui: *Ko nebo aeng’*

Translator: Ya pili,

Kiptoo Kipkurui: *Mi bik alak che amache si amwa en yu saro tuguk che yoei.*

Translator: Kuna maneno mengine nataka kusema ili nione chenye watu wengine watafanya.

Kiptoo Kipkurui: *Amune weche kee chepyoso anan ko boiyo kokur lagok ak kolenchi opendi ano ra. Owech wech konai?*

Translator: “Ninataka uweke mdomo karibu kwa mikce, watu wasikie”

Kiptoo Kipkurui: *Nebo oeng’*,

Translator: Ya pili,

Kiptoo Kipkurui: *Ko mowendi boiyot siroino ak kolenchi lagok ak kolenchi lagok obendi ano che tom kotunis*

Translator: Hakuna mzee ambaye huenda kuambia vijana wakiwa mahali ambapo wanalala ati kuzingira wanataka kuenda wapi na hawajatahiriwa,

Kiptoo Kipkurui: *Kilein kityo obwa gaa kakochul komet musarek*

Translator: Wanaambiwa, tu mje mama amepika uji.

Kiptoo Kurui: *Anan ka koyo chaik.*

Translator: Ametengeneza chai.

Kiptoo Kipkurui: *Ko anyun ingunon ye kaimwochi lagok,*

Translator: And when you have told the children,

Kiptoo Kipkurui: *ilenchi obendi ano ra, ko kagoboun.*

Translator: And when you have asked the children, ‘Where are you going today?’ They have ruled you.

Kiptoo Kipkurui: *anan ilenchi chepyoset iwendi ano ra,*

Translator: And when you ask your wife where she is going,

Kiptoo Kipkurui: *ma iman en Keiyo.*

Translator: It is not right in Kalenjin or in Keiyo.

Kiptoo Kipkurui: *Ne bo aeng'*

Translator: Ya tatu,

Kiptoo Kipkurui: *Ko koitab ing'weny nemi Keiyo,*

Translator: Yale mawe yamewekwa mpaka huko Valley,

Kiptoo Kipkurui: *ko maweche chi.*

Translator: Hakuna mtu anapaswa kupindua ama kutoa.

Kiptoo Kipkurui: *Yakitu logoi.*

Translator: Watoto wataharibika.

Kiptoo Kipkurui: *Anan ko mukulda chichoto.*

Translator: Or he will die – I am sorry – or he will die.

Kiptoo Kipkurui: *Ko komoib sait ne o,*

Translator: Before I take a lot of time,

Kiptoo Kipkurui: *Ko onai ole chepyoso ko chepyoso*

Translator: A woman is a woman.

Kiptoo Kipkurui: *Motinye utawala en gaa*

Translator: She has no rule,

Kiptoo Kipkurui: *Itilchi leshenit kap tubeiywo kokwany*

Translator: I am defeated – Mzee sawa sawa.

Kiptoo Kipkurui: *ak kora kongen kotiny lakwenyin ne moting.*

Translator: She knows how to take care of her child.

Kiptoo Kipkurui: *Kongoi mising.*

Translator: Thank you, thank you.

Audience: Inaudible noise.

Com. Nunow: Tafadhalini,

Translator: Mnyamaze kidogo.

Com. Nunow: Can we be quiet and we continue? Teriki Rono. Excuse me, can you wait for your turn.

Emily Rono: *Alen ne tai achame akatak tugul en kainetab Jeiso. Ane kekurenon Emily Rono ak kekurenon Teriki.*

Translator: Ninaitwa Emily Rono na pia Teriki.

Emily Rono: *Ak abo komostab Marichor*

Translator: Nimetoka Marichor,

Emily Rono: *Amenye Kamelil Sub- location..*

Translator: Kamelil sub location.

Emily Rono: *Sasa kit ne amwae ane amwoe kongoi agobo bichu konyo konetech ng'alechu,*

Translato: Ninashukuru kwa sababu ya hawa watu ambao walikuja kuchukua haya maneno.

Emily Rono: *Kot kimuch kinetge toretechi ogonech chepyoset age tugul ne kila koka kiker sugul kotoretech komostab tibik si keteb ing'weny si kinetge tugul,*

Translator: Mkitupatia mama mmoja ambaye atakuwa anatumfundishia wasichana baada ya shule kufungwa,

Emily Rono: *ak boiyot ne imuchi konet kijanaek atebet,*

Translator: Na mzee ambaye anaweza kufundisha vijana,

Emily Rono: *asi kobit kotebi emet kou keny asi kobit koribok ng'atutik..*

Translator: Ili waweze kukaa kama zamani ndio sheria ipate kuwekwa.

Emily Rono: *Amun ingunon ogere emet ko kokotumtumen ago loboti emet ak kekere kele mi lagokyok ole ya.*

Translator: Maana tunaona dunia inatingizwa.

Emily Rono: *Kit nemito ko yo owekte ge obe otet ng'alechoto si kobit onyo torettech ago netai,*

Translator: Mkirudi, muende mtengeneze haya meneno ili yaweze kutusaidia.

Emily Rono: *ak otoretech kakile mi tuiyet ako kokoit emoni bik alake che kakosyeb bik alak ara kimoche keker kele kimoche si kenam kirwokik kekwoe kila ku bik cho councillor chon kikwae en kenyisiek mut kewerta agine kinde age komokosyebe chito age.*

Translator: Kuna watu ambao wanakanyaga na kusukuma wengine na kwa hivyo, tunataka kuangalia haya mambo.

Emily Rono: *Kimoche ngekas kotokwome ko anyiny ko kaking'iren kaketumtaen si nyokwam werit age ara kaam inege si kolya?*

Translator: Nataka akiwa anaendelea atolewe ili mwingine aendele naye aendele.

Emily Rono: *Amunn yon kikwae MP ko amune si makikwai kirwogindet agine? Tebe yoton si kolyan?*

Translator: Mbunge anapochaguliwa, kwa nini Chifu asichaguliwe anakaa kule tu?

Emily Rono: *Ak kekwi President ole bo ne bou emet ama kikwa kirwogik amune?.*

Translator: Wanachagua President na kwa nini hawachagui Chief?

Emily Rono: *Ara amwawok kongoi ak oger ng'olyondonoton ak onai. Kooamech ak koosyebch zaidi agot en forest ko kooam bik safarini sana.*

Translator: Nashukuru sana na muende mtazamie hasa mambo ya forests.

Com. Nunow: Cherono Lagat.

Interjection: Noise from the audience.

Cherono Lagat: *Agotok tugul.*

Translator: I greet all of you.

Cherono Lagat: *Kainenyun ko cherono arap Lagat kap Siaba.*

Translator: My name is Cherono Arap Lagat.

Cherono Lagat: *Ong'eten Tumeiyo Vernacular*

Translator: I come from Tumeiyo.

Cherono Lagat: *Ko momi logoiyo ne omwoe*

Translator: There is nothing much,

Cherono Lagat: *Omwoe kityo kongoi amun ko obwan.*

Translator: I am thanking the Commissioners for coming.

Cherono Lagat: *Ko ngunon ko makimoche kot kinyet chi ak kelenchi ng'et ui wendoten.*

Translator: This team that we are looking for, we want to look for somebody so that we can benefit.

Cherono Lagat: *Che tugul ko robe imbareng'uwai ne kibo kugo.*

Translator: Everyone should look after their land which they were given by their forefathers.

Cherono Lagat: *Ak koribe samiyta nebo kugo.*

Translator: And they look after where their fathers were.

Cherono Lagat: *Ak koribe bekab kugo.*

Translator: And they also look after the waters of their forefathers.

Cherono Lagat: *Amun mi tabarta keribe*

Translator: The sides of the rivers must be taken care of.

Cherono Lagat: *Ko makimoche kele koistoge chi tugul teben chi tugul eito ng'wai.*

Translator: And nobody should be told to move away rather, they should stay where they are.

Cherono Lagat: *Ama kiyeten chi kosomot kazi*

Translator: And you do not refuse somebody to carry on.

Cherono Lagat: *Mi logoiyot ne amache amwa.*

Translator: There is another thing I want to say,

Cherono Lagat: *Agobo sugul.*

Translator: About schools.

Cherono Lagat: *Kiyaine si kele mokibire lakwet, kiyai nee bichu. Mokibire amune ako kikibir bichu tugul?*

Translator: Why is it that a child should not be disciplined in school?

Cherono Lagat: *Amune? Nyoru ngunon ng'omnotet i?*

Translator: Why? Has he got the cleverness?

Cherono Lagat: *Monyoru ng'omnotet kot ko mokibir.*

Translator: He will not be clever.

Cherono Lagat: *Kikibirech asi kenai tukcho tugul.*

Translator: We were beaten and that is why we know what we know.

Cherono Lagat: *Ara agere ale nguno ochop tuguk kou non.*

Translator: And I am saying you prepare things like that.

Cherono Lagat: *Mi ng'alekap kirwogik.*

Translator: There are the Chiefs.

Cherono Lagat: *Ki kirwogik ko kikikwoe en gaa. Mokimoche kekwai eng' sang.*

Translator: After all, the Chiefs were being elected at home.

Cherono Lagat: *Ne kikwoe en sang ko monyokoyaei kasit komie.*

Translator: When you elect from outside or nominate outside, they will not (inaudible).

Cherono Lagat: *Kemoche kekwai en gaa si ngomayai kasit ketinye*

Translator: We want to elect at home so that we can.....

Cherono Lagat: *Ten chon chechuk.*

Com. Nunow: Asante Mzee. Jane Kandie.

Jane Kandie: *Kotom atestai agotok en kainetab Jeiso.*

Translator: Kwanza nawasalimu katika jina la Yesu.

Jane Kandie: *Kakebwa yu iman ago kakekas ng'alek at kai kora.*

Translator: Tumekuja mahala hapa na kwa kweli, tumesikia maneno mengi.

Jane Kandie: *Ko kan kekas ng'alek ko kakiboiboitu.*

Com. Nunow: Sema majina.

Jane Kandie: *Jane Kandie.*

Translator: Ninaitwa Jane Kandie.

Jane Kandie: *Abunu komostab Tumeiyo Location.*

Translator: Ninatoka Tumeiyo.

Jane Kandie: *Amache amwa anyun ng'olyo agenge. Momoche chechang'.*

Translator: Ningependa kusema neno moja wala sio maneno mengi.

Jane Kandie: *Omoche amwa agobo imbaret iman.*

Translator: Nataka kusema kuhusu mashamba kwa kweli.

Jane Kandie: *Kakemwa imbarenik,*

Translator: Wamesema maneno ya mashamba.

Jane Kandie: *ago ngemwa imbarenik, ko kingebitu keny en kap kugo komi chitugul oldap kugo ng'wan.*

Translator: Na tangu wakati wa wazee kila amtu alikuwa kwa shamba la wazee ama mahali walipokuwa wametoka.

Jane Kandie: *Korono en Keiyo komugul kotinye ortinwek agoi komanda barak, agoi komanda ing'weny*

Translator: Katika Keiyo tuna ukoo kutoka juu mpaka chini.

Jane Kandie: *Ngotinye ortinwek kotinye agoi boisionik.*

Translator: Na kukiwana ukoo, kuna kazi ambazo wanafanya.

Jane Kandie: *Kotinye koboto koiwek.*

Translator: Wako pamoja wakati wa kupoza.

Jane Kandie: *Ak anyun mang'et chito ak kwo koret ab age.*

Translator: Na hakuna mtu alitoka kuenda mahali pa mwingine.

Jane Kandie: *Kong'eten Soi agoi Mosop*

Translator: Kutoka Soi mpaka kule Mosop.

Jane Kandie: *Komach koit nee asi kele kimoche konyo choto age ne bunu komosin.*

Translator: Na ni nini imetokezea wakasema wanataka mtu kutoka sehemu ingine?

Jane Kandie: *Ak kingen kele kibo koita kou ye ki u, ye ngoteb chito ko mobokosirei agot ndo mi koret agenge ko masirei chito koitab age.*

Translator: Na tulikuwa tumesema hakuna kushika mtu ambaye alikuwa amepooza.

Jane Kandie: *Kongoi amun en keiyo kotokan kenya ko kimi majimbo amun kimokowegugei age ak konyo bitoni age.*

Translator: Kulikuwa na majimbo na hakuna mtu alikuwa akitoka upande ule kuja mahali pengine.

Jane Kandie: *Ingoteb anyun koret koring' Keiyo ak koring' Mosop.*

Translator: Kutoka Keiyo mpaka Mosop kukae jinsi kulivyo.

Jane Kandie: *Amokany konyo chi ne ng'eten oldo age ak konyo ko urken kot age.*

Translator: Na mtu asitoke aje kuingia kwa boma hili.

Jane Kandie: *Mokichome ago makichome.*

Translator: Hatuwezi kutukanana.

Jane Kandie: *Ngotebi anyun kou noton amun kaking'alal agobo imbaret.*

Translator: Tumenena kuhusiana na maneno ya shamba.

Jane Kandie: *Kityinin kotab chitugul imbarenyin, kiityinin lagokyik*

Com. Nunow: Excuse me, let me caution you against intimidating speakers. Kama hukubaliani maoni ya mtu ambaye yuko hapa, ungoje wakati wako na tumesema mara nyingi. Mbona mmpigie kelele mtu ambaye anazungumza? Yeyote anayezungumza ni maoni yake. You must have some culture of tolerance because wewe pia unataka kusikizwa. Je, ukisimama na watu wote waanze kupiga kelele? Tafadhali tuwe na heshima. Nimeanza na hayo tangu asubuhi. David Kibiap, Nixon Kosgei?

Speaker: Daniel (inaudible)

Com. Nunow: Daniel?

Speaker: Inaudible.

Com. Nunow: Yeah, you are right, okay. Sorry.

Daniel: Nachukua fursa hii kuwashukuru Makamishena ambao wamefika hapa na hata wasikilizaji ambao ni wa jamii yetu ya Keiyo. Kuna miswada mbalimbali ambazo ningetaka zibadilishwe kwa sababu tunajaribu kubadilisha Katiba. Ya kwanza ni kuwa kuna Wakenya ambao wako katika nchi za mbali na wanatakiwa kujulishwa yale yanayoendelea kwa sababu ni Wakenya. Mlisema, a Kenyan has to have a passport and he or she is a citizen of Kenya anatakiwa kujua mambo yote ambayo yanaendelea na hata yeye atoe maoni yake kwa Katiba kupitia vyombo vya habari na kupitia computer. So, it is good to at least for this Commission, to introduce a web and also to email the Kenyans on what is going on.

Also, we have problems of diplomatic nature for those Kenyans who are outside. You have heard that some of them have problems related to death. We do not have funeral benevolence fund which can assist in having the deed carried from outside countries to this country. So, the government should introduce some of the funds through Parliament so that Kenyans and those in diplomatic missions outside the country and their consulars should assist Kenyans when they have problems.

Another thing is about the water catchment and the forest. I just want to emphasize what people have said - I do not want to repeat; it is that the community should take care of the forests and we should know that the central government has been the cause of our problems because some of our resources have been raped anyhowly and we are not benefiting.

The third one is about the Judiciary. We want a situation whereby if somebody has been jailed, it is good for the family to visit the person and even to have some hours like 5 hours – especially for those married. Take an example; will you come back after ten years having one kid only? So, it is nature and it does not forgive. It is up to the government to understand the people.

Let the wife go there, chat with her husband stay with him, share family disputes so that the family can continue at home and procreation will also be there. Si hiyo ni common sense?

Another thing is about the Chiefs. Chief mnaona kazi imeisha kweli kama vile mmesikia kutoka kwa wananchi and in the past, we have seen Chiefs who have been spearheading the women group meeting. Hata wanawake wanataka kuongea mambo yao Bwana Chifu yuko! Kwa sababu yeye ndiye chairman wa shamba, wa bathroom na kila kitu. So, you people tubadilisha haya maneno.

So, nimeshukuru kwa fursa hii. Sina karatasi kwa sababu karatasi yangu ilikuwa kwenye ubongo wangu.

Com. Nunow: Thank you Mr. Kibiap. May be for those who do not know, the Commission has a website and a lot of material has been coming in from Kenyans abroad through the website. So, Kenyans abroad are effectively and actively taking

part in the Review Process. Having said that, let me call Moses Rono. Lilian Chebii jitayarishe.

Moses Rono: Thank you Commissioners. My name is Moses Rono from Keiyo South. Mine is very few and my presentation is this. I would like Kenya to remain as a Kenyan nation and the flag of Kenya to remain the way it is. The present Constitution which we have at the moment, was good but it was only lacking implementation.

Another issue is about employment Act. I urge the government or the Public Service Commission to be advertising for vacancies in the headquarters and they submit the same advertisements to the grassroots level i.e. the locational or sub locational level for every Kenyan or every school leaver, awe akiona so that aweze ku-apply halafu aandikwe kazi. Because we find at the moment, kazi zote zinaandikiwa Nairobi na I think Locational level. So, tunataka that process iwe implemented na iwekwe kwa Employment Act for everybody to know.

On parties, I propose two parties to be enacted in Kenya instead of 41 parties or whatever. We need only two parties in Kenya. Also on land issue, we need to have elders from a community – those who are able to implement about the land issues because tumeona ya kwamba land, kama itasimamiwa na Provincial Administration, hawatadistribute accordingly because you find a District Commissioner coming from North Eastern kuja kusimamia land Keiyo, na hatajua problem ya Keiyo. Lakini mtu mmoja akienda kwa district anaenda kuinfluence him apewe shamba. So, we need elders from our community or Local authorities to head such organizations za mashamba. In Keiyo-----

Com. Nunow: The last point.

Moses Rono: What we need in Keiyo, I propose this way, we need to have our culture intact, our attires to be intact with us. Land and our resources in Keiyo to be taken care of. That's all.

Com. Nunow: Thank you very much Bwana Rono. Mama nimekuita; Lilian Chebii.

Lilian Chebii: Madam Commissioner, Commissioner Sir, here I stand on behalf of Rural Women Empowerment in basic services.

Com. Nunow: Tell us your name.

Lilian Chebii: My name is Lilian Chebii. First, I will talk on female circumcision. The law against circumcision of girls should be enforced. The same applies to early marriages of girls of under 18 years.

Education: The Government should ensure free education for all boys and girls up to form or or up to university and avail loans

to all at the university level and not a few. On domestic violence; it should stop completely and fair punishment for those who violate law be enforced. The harmful cultural practices to both men and women must be outlawed.

Rape: Special Courts and criminal investigation branches to deal with rape cases. The law should be stern and should carry capital punishment. Under inheritance of family property, family property should be registered jointly between husband and wife so as to avoid legal costs of transfer incase on dies and also to avoid rivalry from relatives who may wish to take advantage.

In the case of a polygamous marriage, I propose that the first wife should have a say on both the marriage and the issues regarding property acquired during monogamous status. In this case, I propose that traditional courts should be established at family, village and community levels as it used to be before.

Marrige, as I finish, the Constitution should come up with a requirement test, I mean medical test of HIV/Aids before a marriage can be solemnized. To finish, because the time has gone and I am going to present this memo, I request that if it is possible, Commissioners should be given enough time to finish their work and come up with a satisfying Constitution. Thank you very much.

Com. Nunow: Asante Bi. Chebii kwa hayo. Sasa, tumefikia saa kumi na moja na ingali tuna watu wengi. Tuna lists mbili; kuna hii kuwa hii njia kwa sababu kulikuwa na dates za registration. Kama WanaTume tungependa at least tuhakikishe Tumepunguza zaidi na kufuatia mpango wetu, tunapanga kufunga kikao kufikia saa kumi na mbili. Kwa hivyo, wale wana memorandum ningewaomba wa-present hizo memorandum kwani ni kama umezungumza kwa sababu hata ukizungumza, bado tutasoma hiyo memorandum word to word na utakuwa unazungumzia kuhusu memorandum yako. Lakini ni hiari yenu - it is individual's choice but I think that would make much more sense. Na wale wengine ambao wamepresent, tafadhali ukija hapa uje na points tu. Upeane points tatu au nne halafu mwingine aingie. Tujaribu kuchukua sio zaidi ya dakika mbili, two minutes so that we don't leave anybody hanging and going back with their ideas. It is better to present part of your views than not presenting at all, at least that is my view. So, please take two minutes and if you go to the points you can give up to six to five minutes actually. Thank you. Nixon Kosgei, Joseph Yego, Joseph are you there? Joseph Kosgei, Thomas Boit, ni yule anakuja? Okay, Joshua Sigite. Sema jina.

Joshua Sigite: Thank you Mr. Commissioner. My names are Joshua Sigite from Naro. I have several points but I think I will rush through them. The form of government should be a government which is actually decentralizing the powers as well as the services. Then we have have the structure of government and system of government. This should be a three-tie system of government. With this I mean, the President and the Vice President, the Prime Minister and the Executive Prime Ministers, and then Executives.

We have the functions but I don't want to address them as well as the functions of the Prime Ministers. I want to present about

two-chamber Houses which are the House of Senate and the House of Parliament. So, in those two Houses we should have the Senate to elect people from districts or from the forty two tribes and they have around 100 members. With regards the Parliament, we have to expand its functions to have the disaster committee, emergency committee, National Development Committee, National Budget Committee and then Gender Parliament Committee. The appointments to be vetted – I want to present the appointments to be vetted by Parliament which are, the nomination of Ministers, the appointments of Chief Justice and top rank judges, appointment of Directors and Heads of Parastatals.

When we come to the Member of Parliament. To be elected, he should have a good moral behaviour displaying good characters all the way from school and then, in his constituency he should be going there once a month so that he can take the views to Parliament. Changing of parties should be curtailed by the Constitution. Political parties; I want to recommend that they be lessened to a smaller number and not around 45 – they be three or five so that we can avoid groupings of tribalism.

Then Multipartyism to be entrenched in the Constitution. Defection from parties to the one party, the person should resign from that party and then seek election. Then we have the local government - sorry may be I can jump those ones. I want to say something on the ...

Com. Nunow: Make your last point.

Joshua Sigite: Yeah, the last one I will jump. The government to have policies on some sectors and these are the sectors: Agriculture, Marketing Business and Industrialization. And then they should install one chapter in those policies of the bodies that I have mentioned. The government to be a welfare State. I think, that is all. Thank you very much.

Com. Nunow: Thank you for following the time. Chekuri Kandie, Josiah Kotut, Fredrick Kibor.

Fredrick Kibor: Madam Commissioner, Commissioner Sir na all my constituents, good evening? I will go straight to the points.

Com. Nunow: Name first.

Fredrick Kibor: I am Fredrick Kibor. I will talk about Councillors. They ought to be people who have at least their education – at least degree graduates. About the Police Force, we want the Commissioner of police to be given security of tenure. Nominated MPs; I think we should give to those people who have disabilities so that - of course they cannot beat those people who are able - they should be given that chance and be withdrawn from all the regions of the country.

About the number of political parties, I think it should be at most five. On the issue of women, all those mothers who may by chance give birth to twins or triplets, should be assisted by the government because they had not planned to get twins or triplets. About citizenship, I want the Constitution to allow dual citizenship for those people who are in abroad; when they go and stay there, they are no longer Kenyan citizens. I want the Constitution to give dual citizenship. About dressing, the Constitution should also state the kind of – a minute – they should state the kind of dress because sometimes a woman is raped because she is wearing a mini skirt or is stripping and such things. Lastly, about parallel degree courses, I don't want it to be removed because sometimes people or students fail to do their career choices and they may take parallel degree courses as an alternative. Thank you.

Com. Nunow: Asante Kibor. Kiplel Sawe, Ben Barmao.

Ben Barmao: Thank you Commissioners pamoja na wananchi wa Keiyo. Yangu yatakuwa machache sana. Nataka kuongea kwa ajili ya rasilimali ya Kenya. Rasilimali ya Kenya ni nini? Rasilimali ya kwanza ile mimi naona ni nzuri kwa nchi ili iwe tajiri ama iwe namna gani, ni youth – vijana. Sasa ninataka kuona ya kwamba vijana wa nchi ya Kenya wapewe elimu ya kutosha because we are not exploiting the resources - the youth itself. So, I am asking the government to provide free education from nursery school to standard eight and after standard eight, they will continue to form four by providing bursary kama zamani vile walikuwa wanatoa kitu kinachoitwa remission.

Ya pili, ninataka kusema ya kwamba, katika nchi za East Africa yetu, tuna Uganda na Tanzania. Hapa Kenya yetu, kwa nini tume-introduce 8-4-4 and yet in Uganda it is the old system? We want to introduce the old system so that we will match together.

Ya tatu, I want to say something about parallel degrees. I know this is something which is commercial and is very private, yet and it is operating in government institutions. Why don't the people who are in parallel degrees go to – I want to request the government to let those people go to private universities and a public university to remain a public university.

Point number four, I want to ask politicians waache maneno ya shule. Mbona politician amekuwa chairman wa about five schools? They are eroding education in our districts and yet we have other elites who are capable to handle such things.

Ya mwisho, mimi naunga mkono serikali ya National unity. Watu wamekula matunda tangu 1963 na saa hii wameona kwamba wameonekana, na wanataka kujificha kwa majimbo. Tuunge mkono National Unity. Ili nimalize Bwana Commissioner, kwa economy ya Kenya ili tumalize corruption, tunataka kusema ya kwamba hata Zakayo alipatikana kuwa alikula mali ya watu na akasema atalipa mara mbili. Ya mwisho, nataka kumaliza na hii-----

Com. Nunow: Asante sana.

Ben Barmao: (inaudible) election ifanyike mwaka huu na Katiba - the old one.

Com. Nunow: Asante, tupate memorandum y ako tafadhali. David Kochio, Pastor Abraham Kibos, Joseph Kiplagat.

Joseph Kiplagat: My name is Joseph Kiplagat. Thank you very much the Commissioners. I would like to mention the following. One is language; that the new Constitution of Kenya be written in both English and Kiswahili. Secondly, there should be the preamble and it should include and read as hereunder: That, “we the people of Kenya having solemnly resolved to constitute Kenya in to a sovereign, secular, democratic republic and to secure to all its citizens justice, social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status and continuity and to promote among them all, a fraternity assuring the dignity of the individual and the unity and integrity of the Nation. In our constitute Assembly, this _____ day of 20_____, do hereby adopt an Act and give to ourselves this Constitution”.

That is the summary of everything. Lastly, I would like to mention about the disabled. That, the government of Kenya be mandated by the new Constitution to take full care of the minority and disabled citizens especially in the area of education, health and employment.

Pension: All the aged citizens of over 70 years, be given pension by the government and free medical care. Lastly, religion; There is urgent need for a Ministry of religious affairs and peace to deal with among things, registration of churches, foreign missionaries and peaceful co-existence among all Kenyans. Thank you.

Com. Nunow: Asante. Nitamuita Brigadier G. K. Seii.

G. K. Seii: Thank you Madam Commissioner, Mr. Commissioner and all the Keiyo South residents. Once again, my name is Brigadier (Rtd.) Gilbert Seii. I have served in the Military for about 25 years, I have been trained in America, Britain, India and South Africa. Number one, I want to deal with defense and national security. The questions which have been asked are; Should the Disciplined Forces, the Military, the Para-military, Prisons and so on be established by the Constitution? My answer is yes.

Number two; What mechanism should be used to discipline the Armed Forces? May I report here, that the Armed Forces has a mechanism which is in place which disciplines itself. Chapter 199 of the laws of Kenya, and rules and regulations which may be given from time to time established in 1968, has an extensive means of who will do what in case of any members, troops, units or formation of the Armed Forces - The law is very clear – ladies and gentlemen- and are always updated to suit the changing times. It should be noted that individuals are disciplined and so are units in the Armed Forces. You remember the disbanded 1982 - the abortive coup - those who wanted to bring that, were disciplined and I don't know where they are now.

Let me rush because it is two minutes. Should the Executive have exclusive rights to declare war? My answer is yes; after exhaustive consultation with those vested with the running of the Armed Forces. The current laws of Kenya have the President as the Commander-in- Chief and I am very happy that most of you want the President as the Commander-in- Chief of the Armed Forces of the Republic of Kenya.

The Military or the defense is yours; you are part of the Military - and give the time is up, - I think I have written something. But, I want to say something Bwana Commissioner.

Com. Nunow: Make your last two points.

G. K. Seii: One, one, thank you two. Number one, I want to say about inheritance of land. If I am married to somebody else, I don't think my father-in-law should give land to my wife; I think I should come and give land here. That is number one. Number two, about the shamba system and the forest – Mr. Commissioner let me update you why there is this forest, was because the mzungu pushed us up to the escarpment. And now, if they any water catchment area, they should clear these other parts and not the Southern or the Western part. So, because they wanted us to be eaten by animals - that is why they were putting us there and we still claim and I believe the forest in Kericho and wherever it is, should be for those people.

Number three, I think the system of government which I propose – not anybody- it must give the service to the people. Imagine that Lokitan man, the Kibish man who is 1,200 from where we are having to come from Lokitan going to Nairobi. Please gentlemen, you know that the services can be decentralized and everybody can benefit. The Kenya Meat Commission should be taken to Habasuen where there are animals, KCC to be brought here, the fish to be taken to the lake and I am sure, we shall all enjoy. May I wish you good safety and God bless you.

Com. Nunow: Thank you very much Brigadier Seii, We will receive your memorandum and we will read it thoroughly. Utatupatia majina yako kwa microphone. Tupatie majina kisha utupatie mapendekezo yako.

Cheruiyot Koima Rono: They call me Cheruiyot Koima Rono.

Com. Kabira: Cheruiyot?

Cheruiyot Koima Rono: Koima Rono. I am a former Kenya Navy Captain. What I exactly feel, is that I should not talk especially in English because I am a Keiyo. I want the Constitution “*ko mi kiy ne kelen kikirei, kamoche ane komi kiy ne kelen kikirei.*”

Com. Nunow: Just a moment, please just a minute.

Cheruiyot Koima Rono: I can talk in English, even French and even Germany. *Komoche kityo in en Keiyo?* Do we talk in English or *Mongen ale kikuren nee kikirei in English*. I was staying in Southampton the other day you know *kikirei ko ki ne mochome chi*.

Com. Nunow: Mr. Cheruiyot, you only have two minutes.

Cheruiyot Koima Rono: Okay, okay, okay.

Com. Nunow: Say your points please.

Cheruiyot Koima Rono: *Amache kele kikirei ke kirei ke kirei*. Okay (Vernacular)

Translator: Kitu ambacho kimekatazwa kimetakazwa.

Cheruiyot Koima Rono: *Kikirei*.

Translator: Ni kitu ambacho hakikubaliki.

Cheruiyot Koima Rono: Eeh, kwa watoto kama wewe bado ni mtoto *kekure kikirei*.

Translator: Wanaita kitu ambacho kimekatazwa hakikubaliki.

Cheruiyot Koima Rono: Halafu haya maneno ya kuchagua Machifu, yapewe wananchi ambao wanataka kuresist Machifu. Hiyo itupiliwe mbali na wananchi, na wapewe haki ya kutoka kwa sub location – kutokana na mzee mtaa. Right?

Com. Nunow: Asante sana Bwana Cheruiyot. Ningependa kumuita Samsom Mwarei, yuko? Okay. Tafadhali dakika mbili, sema points mbili au tatu.

Samson Mwarei: Bwana Commissioner,

Com. Nunow: Anza na jina.

Samsom Mwarei: My name is Samson Mwarei from Kenya (inaudible) Co-operative Limited. My points are; we need a preamble in Kenya. We need a preamble in our Constitution that sets out our national visions of land, Peace, Unity and Progress.

Second point is that we need the directive principles of the State policy; we need democratic principles like economic

approach. Another thing is the Constitutional supremacy. 65% of the majority vote should be retained in the current parliament.

On citizenship, to be an automatic Kenyan citizen, you should be a person born in Kenya by parents who are Kenyan citizens and nationalized.

On defense and national security, Disciplined Forces.....(inaudible)

Com. Nunow: Please make your last point.

Samson Mwarei: Yeah. My last point is.....

Com. Nunow: Use the microphone.

Samson Mwarei: My last point is.....

Com. Nunow: Can you excuse him? I have allowed him to make his last point.

Samson Mwarei: My last point is that our nominated MPs should be increased from 12 to 16.

Com. Nunow: Thank you very much Bwana Mwarei, we will receive your memorandu. Please let's have your memorandum so that we can read it in detail. Richard Ruto. Please.

Samson Mwarei: Allow me to make the last one.

Com. Nunow: Please, just present it. We will read it.

Samson Mwarei: Thank you.

Com. Nunow: Richard Ruttoh.

Richard Ruttoh: Waheshimiwa Commissioners, I don't think I intend to say much because I have a written memorandum. But, one thing, in a democracy, you need a government which is accountable to the people and it is effective in delivering the services. So, such a government -----

Com. Nunow: Excuse me. Please, if you are moving either out or to give your memorandum, do it silently. Do not interrupt the speakers, please. Let's be orderly - they can sit on that front desk and come one after the other, please, because we do

not want to disturb the taping that is going on.

Richard Rutoh: So Mr. Chairman I was saying that a government should actually be run by the people or such officers appointed by themselves. Any office which is not appointed by the people - should be unconstitutional like the way they have talked about the Chiefs, Permanent Secretaries and the rest. I would propose a Federal government whereby there is a National Government, a Regional Government, District Government and a Divisional Government and all of them should be elected by the people.

The Regional Government should not be misunderstood to mean that it has to belong to that ethnic group which occupies there and the laws should be made in such a way, that it will cater for interests of every citizen of Kenya residing anywhere. About Parliamentarians, they should be vetted so that we don't get people who are not morally upright entering into such positions. So, we should be announcing six months in advance to anybody with objections to such a person – same for judges or any other offices.

For the resources, the citizens should sit down and get a sharing agreement with the citizens so that we don't disagree at the last minute like the way we are disagreeing Kwala now, in Nigeria and Abokoni land and other places. So, I will leave my memorandum Mr. Chairman and I hope, you will get time to read.

Com. Nunow: Thank you very much. We will definitely have to find time to read it because that is why we are there and we will, every bit of it. Sebilina Chelelgo. Ni wewe mama? Karibu, karibu hapa. Kaa kwa hicho kiti. Sebilina ni wewe? Mama, keti kwa kiti. Yeah, asante.

Sebilina Chelelgo: *Eng' kainaik a Sibilina nebo Chelelgo.*

Translator: Jina langu ni Sebilina Chelelgo.

Sebilina Chelelgo: Amumunu sub- location nebo Kiptuloi Vernacular.

Translator: Ninatoka Kiptuloi sublocation.

Sebilina Chelelgo: *Kamoche atetean onomwech solomonik en kenyini si kobit koribogis.*

Translator: Ninataka wasiojiweza, wale walizaliwa viwete – disabled,

Sebilina Chelelgo: *Ko chotok mising che kagonon anan amun kakas ng'wonindo ng'wai ko ng'wan kot*

Translator: Those who were born disabled should be taken care of.

Sebilina Chelelgo: *Kora kemoche en komostab imbarenik kewekwech imbarenik,*

Translator: In terms of farms,

Sebilina Chelelego: *kewekwech kebwan ole kararan asi kobit kebagach tumoiyeb koik.*

Translator: We should come from the waste land and come to the best land so that they will occupy the catchment area, highland areas.

Sebilina Chelelego: *Si koteben tong'ik oloton amun chomdos.*

Translator: So that when we are -

Sebilina Chelelego: *Kikose boiboiyet koribotin bik mising kosir tong'ik*

Translator: We are happy when people are happy rather than annoyed.

Sebilina Chelelego: *Ngoberur Jehovah Choton.*

Translator: Thank you very much.

Com. Nunow: Asante mama. Mama, Sebilina, muonyeshe penye atajiandikisha tafadhali. Samuel Sabulie, Bernard Cheruiyot, Solomon Chemweno, Kipkeni Koima?

Audience: Ameongea.

Com. Nunow: Anasema sio? Yule mzee? Okay. Kiptoo Luka, Fredrick Cheruiyot, John Cheruiyot, Bartojo Tuum, Festus Kiptoo, Cheron Kiplagat, Richard Taruz, Hezekia Komen, Hezekiah Komen amesema? Watu wamechoka eeh? Francis Kibiwott, Kiplama Ruttoh, utaitika ukiwa hapo. Jonathan Kiplagat, David Maiyo, David K. Maiyo.

Speaker: (Inaudible)

Com. Nunow: Eeh? David?

Speaker: Kipkoech Maiyo.

Com. Nunow: Si Kimaiyo – ni Maiyo.

Com. Nunow: Box yako ni ngapi?

Speaker: (inaudible)

Com. Nunow: No, huyu ni mwingine. Huyu ni 35 Kiptarakwa. Wilson Chesire. Tutakufikia usijali.

Wilson Chesire: Thank you Commissioner. My name is Major (Rtd) Wilson Chesire and I will only cover three points. First, I recommend the preamble. There is need to have a preamble in the Constitution which will immediately reflect the National vision of Love, Peace and Unity among all other ethnic groups. It should recognize the diverse ethnic and cultural values.

Second is Constitutional Supremacy: Naturally, the Constitution has to be supreme or, over other laws emanating from the diverse ethnic groups. Any amendment of the Constitution must be to a national referendum which should be conducted by an established Constitutional Commission.

Citizenship: A child whose parents are both citizens becomes an automatic citizen. A child whose father is a Kenya citizen also becomes an automatic citizen. A child born of a foreign father to a mother who is a Kenyan citizen, but not legally married can also be considered to be a Kenyan citizen. If the mother is legally married to a foreign father, the child must assume citizenship of the citizenship of the foreign father. Dual citizenship must be outlawed.

All Kenyan citizens must carry an ID card. Kenya citizenship can also be acquired through application after leaving the country for over 10 years. This citizenship category cannot enjoy the same rights and obligations as automatic citizenship. Thank you.

Com. Nunow: Thank you very much Major Chesire for being precise. Francis Ruwei, Pamela Tuiyot, Samson Kipicho, Sammy Koilege, karibu Sammy. Is Moses Sikipe there?

Moses Sikite: Yeah.

Com. Nunow: Okay, utamfuata.

Sammy Koilege: Commissioners, my name is Sammy Koilege and I come from Keiyo. I only have some few points to present to this Commission.

Com. Kabira: Jina?

Sammy Koilege: Sammy Koilege. One, is that the President should not be above the law and he should also go for two terms of five years each. As a President, he should have advisors when it comes to national issues and decision-making of national issues; he should be having other people to co-opt with, as elders. PC, DC, DO and the Chief's offices should be

scrapped and strengthen only the bodies which are there to implement the law, because it has become part of the offices which have been misused.

In the religious area, I propose a Ministry that can be in charge of registering religious bodies and should be autonomous, sovereign and it should not be intimidated from above or any other place. Lastly, I also propose the removal of Harambee. Harambee is a spirit from India not from Kenya and I propose we remove that one and we put “God-Help Kenya”.

Com. Nunow: Asante sana. Ni Moses eh? You will follow him. Pamela, just a minute, I had already called him.

Moses Sikite: My names are Moses Arap Sigite from Keiyo South, Kabieni sub location. Structures and the systems of government: First of all, I am endorsing a Federal system of government. Kenya needs a Federal system of government where the Executive powers are shared between the President and the Prime Minister, who should come from the majority ruling party. The Prime Minister should be the leader of the government and he should choose the Ministers, Civil Servants, Ambassadors etc. The President should be a ceremonial Head.

The federation should have three levels of Executive, Senate and the General Assembly and the House of Representatives. Regional Assembly to be at the Provincial level and comprising of two representatives from each districts and it should choose the Senators. All these applicants are supposed to be subjected to director of public integrity - that anybody aspiring for public offices, should be subjected to the Director of public integrity.

Chiefs should also be chosen by the people through mlolongo. They should hold the office for five years and be eligible for re-election once only. They should be assisted by village elders who are supposed to be chosen. Chiefs should not be civil servants. A Minister to be appointed to cater for the needs of women, the youth, the disabled and the elderly. I will also be happy, if women could stick to their question of equal opportunities and equality, then they should not be given reserved positions in parliament. But, if they will accept that they are not equal with men, then they should be given 30% chances in parliament.

Com. Nunow: Make your last point. One point only.

Moses Sikite: My last point is on local government. That all mayors and Council Chairmen and other people should be people who hold a degree – their education should be upto a degree level especially Chairmen and Mayors. But the Councillors should have a minimum education of up to to form four. Village elders should also be educated having achieved upto to probably D+. Thank you.

Com. Nunow: Thank you very much Mr. Sikite. Please submit your memorandum, we will receive it. Pamela. Start with your

name and then-----

Pamela Tuiyot: Thank you very much Commissioners. My names are Pamel Tuiyot. First, I am here in my capacity as a Kenyan and representing my personal views and also as a Keiyo from here. I would like to speak about the Judiciary in this country and I don't wish to repeat which has already been shared by the rest. I would like to say that in order for the Judiciary to serve the interests of Kenyans, it should be independent. It should not only serve for the interests of a few and perhaps the rich and on that note, I would like to add that there should be a tough penalty given to those Judges, Magistrates and Court Officials who we have entrusted with justice because they facilitate the process of justice - if they break – they are not fair, then there should be a tough law against those people.

I would also liketo say that the public prosecutors that operate in our courts should be qualified lawyers because as it is, when you go to the court and sometimes you have a criminal case- I have had the opportunity to go to the court and I have participated in taking some few people there. It has been very unfortunate because the prosecutors sometimes don't know that they are supposed to be – wanatakikana kuwatetea. Ni kama hawajui kwamba mko pamoja, wakuelezee vile utajitetea na ule ushahidi utapeana ndio uweze kushinda ile kesi. So, ningependa kusema prosecutors wawe should be qualified lawyers.

Thirdly, I would like to say that because cases take a very long time in court; cases can take forever, can take three years, sometimes it is justice denied or sometimes you agonize until you give up. So, I would like to say that there should be time limit for the cases that are taken to court so that when you go today and present your case in your case, you know that it is going to take one year and you shall know the outcome of your case.

Another issue that I would like to raise is that – in my personal view, I think that there should be Mediation Boards that should be introduced in the courts at district levels. This is because there has been such congestion of cases that are taken to court and because all Kenyans should have access to justice and that is not the case. My recommendation to the Commission is that, there should be Mediation Boards established at district level to enable people have easy access to these courts and it will also cost less, waste less time and it will be much better and the procedures will also be easier than what it is today.

I would also like to say that in the case of Chiefs – and that has come up a lot, if they have to be there, they have to be elected and they have to be representatives of the people. Village elders as well as it is, they play a very crucial role in our community, they can work together with the Chief. But they must be trained so that they are aware of the laws and whatever decision they make is consistent with the laws.

Finally, on Human Rights – I am sorry about time- Kenya is a signatory to so many UN Convention Treaties on Human Rights. So, it should make sure that all the laws it is signatory to and the laws that they have protecting Human Rights should also be consistent to that. Thank you.

Com. Nunow: Thank you very much Pamela for your views. Peter Maina. Pamela, jiandikishe. Peter Maina, Johanna Kipnoo, Johana Eh? Sorry, who are you?

Johanna: I am Johanna Kipnoo.

Com. Nunow: Johanna Kipnoo?

Johanna: Yeah.

Com. Nunow: Okay.

Johanna Kipnoo: I am going on with corruption and I want to say that it should be banned by the Constitution. In case of corruption, the one bribing and the one bribed should be equally charged with the offence. Anybody found guilty of stealing public funds and property, should be punished severely and sentenced to jail and forced to repay all the stolen property.

Everyone has a right to live. There should be freedom of worshipping God only and not the Free Masons. The President should not be above the law since all people are equal before the law. The law of trespass should be banned by the Constitution. The number of Ministries should not exceed twenty and it should be determined by the parliament. The Ministers should be qualified e.g. they should have the necessary academic qualifications to hold an office. The Permanent Secretary should be qualified in the relevant fields.

The President should be elected directly by the people. The term of the President should be two five-year terms only. Such a person elected for the term cannot contest for the Presidency at any time of his or her life. An MP should be elected for two five-year terms only and he shall have an office within his or her constituency for the electorates to be meeting with their MP and all the development issues affecting them not dealing with their problems along roadsides.

Com. Nunow: Thank you Mr. Kipnoo. Please let us have your memorandum. We will read the rest.

Johanna Kipnoo: Finally, there should be government of national unity not-----

Com. Nunow: Excuse me, Mr. Kipnoo I am the Chair of this station. If I tell you to stop you stop. I don't think we should have a two-way push and pull. How many are in this hall, who are registered and who are willing and able to present? Okay. Please strictly two minutes. I will still call out from the list but stick to two minutes when I call you. When you hear the bell, finish that statement on which you are at that point. I will give priority to that Mama. Are you registered mama? Okay, come

and give us your name so that you go home. These men can come home later.

Jane Kotut: My names are Jane Kotut from Kabiemit Location. Nimesikia watu wakiongea hapa lakini kuna kitu kimoja ambacho kimesahuliwa. Ile kitu ninge-request tu, ni the government to consider the offices of MPs at their constituencies. Yaani iwe karibu na administration block. Kama kuna ya DO, hata ya MP wa Constituency iwepo na hata ya Councillor ili tusiende tukitafuta Wabunge, tunaenda tukinyang'anya hawa makoti zao eti tunatawatafuta, so that we shall know where we shall get them. Even the Councillors, so that we may not be going to their houses kwa sababu hata mbwa wanaweza kumaliza wakati tunaenda kuitana. So, we want the offices for the MPs and the Councillors.

On chain of command; kama ni upande wa education uwe ni upande wa education kwa sababu hata unaweza ona Chiefs wengine hata wanaweza kupiga mwalimu transfer ama Councillor mwingine anaweza kuchukua mamlaka yake. Hakuna chain of command. We have the “small DC’s” when we have the DC in the office and we have other “Chiefs” when we have the Chief in the office. Kwa hivyo, tunataka chain of command kama ni Assistant Chief, afanye kazi yake na kama ni DC afanye kazi ya DC. Hii ni kwa sababu kwa upande wa security, unaweza kuona mtu kama AP ana-act kama OCPD while we have the OCPD mwenye angefanya hiyo kazi yake. Hata kuna Councillors wanaofanya kazi ya MP and we have the MP. So, chain of command inatakikana isimame Keiyo.

Com. Nunow: Asante sana Bi. Kotut kwa hayo. Elizabeth Maiyo. Joel Kimaget. Elizabeth Maiyo? Karibu mama. Joel Kimaget, atakayejitayarisha ni Hosea Kibige.

Elizabeth Maiyo: My name is Elizabeth Maiyo from Kaptarakwa. Actually, whatever I want to say has been said. So, I would just want to give my memorandum only. Thank you very much.

Com. Nunow: Thank you very much mama for being considerate of others. Hosea Kibire, yeah, Hosea? Kimtai. No, what I have here is Hosea Kibire, may be you will wait we will be calling. Moses Kerich, Dr. Joseph Kiplagat, (inaudible) Anderson Kipkoech, Alice Kipsang, James Kathika, Wilson Kiprono.

Wilson Kiprono: Commissioner, yangu yatakuwa machache kwani yamesemwa na nitaanza vile ilivyo,

Com. Nuno: Majina yako kwanza.

Wilson Kiprono: Majina kamili ni Wilson Kiprono wa Marjor. Ningependa watu wapatiwe passport kama mtu anahitaji, na isiwe na jukumu lolote ama mtu kukatazwa. Vyama visiwe zaidi ya vitano ambavyo vina nguvu na wafuasi. Wabunge wanafaa kufanya kazi siku tano na tena wafanye masaa matano. Mbunge yeyote ambaye atakosa kufika Bungeni bila hiari ya Speaker zaidi ya wiki mbili, atumwe kwa raia ambao walimtuma ili aulizwe. Mahakama ikiweka mtu akatika remand zaidi ya mwaka

mmoja au miezi sita halafu aachiliwe huru, basi alipwe marupurupu kwa hizo siku zote ambazo amepoteza.

Ufisadi: Yeyote ambaye atapatikana kama amehusika na ufisadi, apatiwe adabu kali ya miaka ishirini na mali yake yote itualiwe, hata iwe ya mtoto wake, bibi yake au shemeji yake au nani na huo mkono alioiba nao, ukatwe. Tena, wale Wabunge hawana party na wako Bungeni, ningeomba watolewe.

Kila mtu ambaye ako na shamba lake apewe Title Deed yake. Mwisho, Chiefs na Assistant Chiefs wachaguliwe na raia vile ilikuwa inafanywa zamani ili wahudumie watu. Asante sana.

Com. Nunow: Asante Bwana Kiprono. Philip Korir, Rev. Joacob Rono, Shaban Kandie, Carolyne Barmao, Irene Kibiego, Kibet Limo, Judith Cheruiyot, Lawrence Kiptoo, Dorcas Kipsos, Councillor Kiprono Kipsila, Jane Kotut – has presented. Chumba Kitoo, Jonah Kibet, Victor Kibet, Benson Kangogo, Kosilbet Joseph, Mary Tanui, Amos Kiprop, William Cheruiyot, John Limo, Abraham Kiptanui, Sameul Kiplagat, Josiah Cherop, Aaron Tereiro, Irene Biwot, Philip Tumo, Joseph Cheptarus, Barnabas Kiplagat, Lucy Tanui, Phili Chepchirchir, Leah Korir, Lukas Sawe, Kenneth Rotich, Dickson Kiptoo, Samuel Komen. Zachariah Kiplagat, Charles Keitany, Jonah Rotich, Shadrack K, you don't have a Shadrack K? Anne Chepkosgei, Elijah Chesang of KNUT, Esther Masai, Rev. Ismael Kosgei, Joseph.....*(End of Side A Tape 6)*

Joseph Makatu, Robert Kosgei, Jackson Kiprono, Edward Chebor, Benson Kipkeu Chelimo, Reuben Katan, Charles Maiyo,

Speaker: Huyo ameongea.

Com. Nunow: Reuben ni yule Mzee?

Speaker: Yeah.

Com. Nunow: Charles Maiyo, Kibet, Paul Kibet, Pius Maina, okay. Tuna Philip Cherotich? Na Alfred Kibiego, Rashid Kolbuch, hatuna? Okay, Maina endelea.

Pius Maina: Asante sana Ma-Commissioners wenye tuko nao hapa na wananchi wa hapa Keiyo. Mapandekazo yangu ni machache kuhusu mambo ya Urais. Mwenye anataka mamlaka, awe akiteua makamu wake kuwa running mate. Na Rais akianguka, aende na huyo Makamu wake. Halafu, Rais akiwa anataka kiti asiwe akitaka kiti cha Bunge tena. Awe anataka kiti cha Urais peke yake pamoja na Makamu wake pia. Na awe na umri wa miaka hamsini na kuendelea.

La tatu ni kuhusu mamlaka ya Rais. Anafaa, sio kusema ana masomo zaidi ama nini. Kuna ma-professor wenye hawajui hata kuongoza watu. Mapandekazo yangu ni kuwa, so long as watu wamechagua mtu, ni Wakenya sio kabila moja ama ingine. Aongoze vile anachaguliwa – napendekaza hivyo. Mambo ya administrators, napendekaza kuwa ikae vile ilikuwa lakini

discipline to be instilled. Ma-sub Chiefs na Chiefs wachaguliwe na wananchi. Thank you, ni hayo tu.

Com. Nunow: Asante sana Bwana Pius Maina kwa hayo maoni. Sally Kiprop – Sally, Laban Cheruiyot, Sasit Sirma, Councillor Vincent Chebore, Paul Barmasai.

Com. Nunow: Okay, karibu mzee. Tuko na Rotich Aibe, yuko?

Paul Barmasai: Jina langu ni Paul Barmasai. Mapendekezo yangu ni majimbo. Tunapendekeza majimbo. Halafu kuna wale watoto wanarandaranda ovyo ovyo kwa streets na wako na wenyewe. Hawafai kutuletea maneno mengi na hata kutuibia huko town. Wanafaa wa-communicate ili Mbunge wao awaangalie.

Com. Nunow: Chief afanye nini?

Paul Barmasai: Watoto waangaliwe.

Com. Nunow: Na Chief?

Paul Barmasai: Na Mbunge wao. Kama ni kabila ya Keiyo,

Com. Nunow: Umesema nini kuhusu Chiefs?

Paul Barmasai: Chiefs waendeleo namna walivyo. Watoto wanaorandaranda ovyo ovyo hatuwataki hapa Keiyo. Halafu, tunataka kuwe na control ya worship. Hatutaki maneno ya devil worshipers. Sisi Keiyo yote hatuna hao devil worshipers. So, tunataka maendeleo na hatutaki devil worshippers. Kitu kingine tunachotaka ni juu ya akina mama wale hawajaenda kwa manyumba zao. Wana wenyewe wale walizalia watoto na kwa hivyo waende kwao. Halafu tunataka kwa kurithi mali, yule msichana aliye nyumbani asipewe mali kwani ina wenyewe. So, hayo ni maneno yetu hapa Keiyo na hatutaki maneno mengi.

Com. Nunow: Asante Bwana Barmasai kwa maoni yako. Kimuge Chepsoo, Cheruiyot Koima, yuko? Alienda? William Kimaiyo, Joseph Chemjoo, Getrude Keitany, karibu mama.

Getrude Keitany: Asante sana Commissioners wetu. Mine will be very little since much has been said and I will mostly talk on registration of land and property ownership. In Kenya, the registration of the above is based on one side, that is the man or the male. Both sexes should be treated equally hence, the registration should be in the names of both couples, or in the choice of the name that has been chosen by the two family members who are the husband and wife.

The family property should be shared equally to both sexes of children. Inheritance of property should also be treated equally.

Again, I will talk on maternity leave. The period for the above should be extended from the present two months to three months with full pay. This applies to those who are employed. Some of the parents who are blessed with twins or triplets, should be given more time to take care of the children they given birth to. That is God's gift and we should also be part and parcel because it is always good to mould a human being during the early stages of life. We find that to be very important.

On customary law, we are saying that the customary law is very important and the authority should recognize the marriage and award them with certificates without any complication. The certificates should be like those ones given by higher authorities like the Judges, the Magistrates and the District Commissioner's offices. Tribes in Kenya still strictly follow their culture hence my above proposals. My fellow ladies should not abdicate their responsibilities in the name of equity. And last, my Commissioners, is about the early childhood education for the small kids. We should take that to be very important because when you mould a small child during the early stages, they will get good foundation and in future they will be good leaders. So, I propose that pre-school teachers should be paid even much better than the primary teachers because they do a lot of work.

On child abuse, I would like to say that whoever is found guilty should be treated seriously and possibly to be jailed for a longer time than that person who stole even a cow because he has done a very serious or grivious mistake. Thank you very much.

Com. Nunow: Thank you Bi. Keitany, tutapokea memorandum yako. Ben Kosgei, Elijah Chemweno. Mrs. V. Korio, Esang Kemboi, David Kipkorir na Emmanuel Cheronei na Chekut Chirchir wajitayarishe.

David Kipkorir: My name is David Kipkorir Kimaiyo from Metkei Division, Tumeiyo sub location. Commissioners, here are my views. Federalism to take it's course in Kenya. I mean majimbo to be present in the coming Constitution. Let everybody benefit from what surrounds him or her.

The parts; Political Parties to be reduced to a maximum of two or three parties only. PCs, DCs, DOs, Chiefs and Assistant Chiefs be elected by the prople in the coming Constitution. Number four; village elders to be given money by the government because they do a lot of job solving problems in villages. Number five, a Supreme Court to be included in the coming Constitution. Sixth point; Kangaroo courts run by DOs and Chiefs to be abolished in the coming Constitution. In a question of gender, a man remains the head of the house and there should be no equality in the home.

In sharing government posts, everybody regardless of gender to have a right in the coming Constitution. Public rallies licenses to be scrapped because the ruling government use then to intimidate others. Finally Commissioners, I propose we have a domestic court that deals with domestic cases. Thank you.

Com. Nunow: Asante sana Bwana Kimaiyo. Emmanuel Seroney; Chepkut is after - Emmanuel serone is before you.

Emmanuel Seroney: My names are Emmanuel Seroney and I would like to propose the following. On the structure of the government, I propose a Multi party State. On the form of government, I propose government of National Unity. The President should not be above the law so as to stop the abuse of power. The Vice President should be given specific duties. There should be an independent and impartial Judiciary. There should be creation of Constitutional offices where members of Parliament should be present in their constituency offices once a week when Parliament is in session and thrice a week when Parliament is in recess.

Parliament should have power to impeach the President on bad governance especially leading to deteriorating of the economy. There should be a fixed number of Ministries with specific duties where should have one Minister, one Assitant Minister and one Permanent Secretary. Proper remuneration of public servants to be able to curb corruption. Misappropriation of public funds should lead to prosecution where those who are found guilty, should be made to pay for that money or their property be attached for that money, or should serve a jail term that shall be determined by law

Rape cases should warrant a life sentence to curb the spread of HIV/Aids. Mass killing of citizens like in the case of banditry and tribal clashes, the security officer should be held responsible and should be prosecuted. On destruction of forests and intentional pollution of the environment, the officers concerned should also be liable for prosecution. Lastly, I propose the standardization of the Kenyan currency so that it does not change with the Presidents who are coming. Thank you.

Com. Nunow: Asante sana. Bwana Chepkut Chirchir.

Chepkut Chirchir: Madam Commissioner, Commissioner Sir, I take this opportunity to submit my proposals and contribute to the Constitutional Review. My views are as follows: one-----

Com. Nunow: Your name.

Chepkut Chirchir: My name is William Chirchir Chepkut. Thank you Commisioner. One, we want a Constitution which is sensitive to the needs and wants of the people. Secondly, we want decentralization of services to the people. This includes health facilities, infrastructure, roads, education etc. We shall also need trans-national roads to central government and we shall have central government agencies in the district levels. That is, instead of having a District Commissioner, we just improve by saying let us have District Chief Administrator. Instead of having a Provincial Commissioner we should have a Governor because, I repeat and I will indeed repeat, that the Administration are the executors and the implementers of government policies. And indeed, when it comes to management of our natural resources it should rest with the local people. We should manage our own things. If minerals are found in your area, you automatically become a share holder of that particular area.

It is untrue - and I want it to go in black and white; the issue of Kenya Flouspar we were 100% compensated. We were given either land or money. That was compensated and whoever is coming out that we were not compensated may God forgive him; I think it is not fair. Because it is in black and white that we were compensated.

Finally, let me talk about the structure of government that we want. We want an Executive President who will have absolute powers of appointing and firing and at times, subject to approval of the Parliament and we shall be having a Vice President incase of any eventuality. To wind up since time is up, we shall have a Prime Minister who will be the leader of government business and the deputy who will be incharge of Foreign Affairs and Defense and on the other side, the one incharge of administration and government enterprise. Finally Commissioner Sir, I had written to, you since I am going to console a family - we lost somebody through electro -----

Audience: Electrocution.

Chepkut Chirchir: Yeah, so, I thought you were going to be considerate; to be humane but there is no problem. I wanted to contribute on this issue of Kenya Flouspar. That is why I have actually remained Commissioner Sir, to contribute my views as a person because I am a beneficiary, we were paid 800 acreas and we were given the land. Let nobody cheat that we were not paid and I don't want somebody who does not reside there, to say we were not paid. Those are my rights out I am entitled. Thank you.

Com. Nunow: Thank you Bwana Chirchir. Tafadhali, Mr. Chirchir tafadhali jiandikishe. Pole kwa msiba nimepata ujumbe wako lakini nimetuma mtu kwenda ku-find out kama una memorandum, ili uweze kuacha lakini sijapata feedback. So, sorry about that.

Chepkut Chirchir: Sorry I was not even consulted. I was not even told to bring the memorandum. No problem because I have contributed and I wish you every success because you have handled this occasion in a professional and a prudent way. Thank you. There were no impartialities in this one which was an excellent exerice. May God bless you and santify you. Thank you.

Com. Nunow: Asante Bwana Chepkut and may God bless you too, we are happy. Nick Maritim, Gabriel Kimoi, David Komen – David it's your turn. Jane Cheronon atafuata baada ya David. Majina halafu uendelee.

David Komen: Jina langu ni David Limo Komen. Mimi ni mkaaji ya Keiyo South na kuchangia kwa mambo ya Katiba, yangu naona kwamba – zaidi ni kutoka na poverty eradication. Naona kwamba kwa mambo ya education, tusipokuwa na free education katika.....

Com. Nunow: Please tusikize ili tuweze kumaliza. Let's have silence.

David Komen: Tusipokuwa na free education, na sio kusema free education tu ni serikali – kuwe na levy ambayo – kuna road levy education levy na kwa nini isikuweco? Na ndiposa wakati huu unaona kwamba mtoto wa maskini anakaa nyumbani akitafuta wageni wamchangie, kutafuta Councillor achangiwe; Lakini sasa, serikali ione kwamba mtoto wa maskini amepata kuenda shuleni na mtoto wa tajiri aende shuleni. Ie kitu tu mtu angeulizwa ni, ana nini kama vile ng'ombe, kondoo moja au mbili au chakula. Lakini mambo ya kusema watu waleta pesa -iwe free and compulsory mpaka Form Four. Hiyo nasema ikae hivyo na isiwe bure - kuwe na levy. Nikinunulia mtoto wangu nguo au viatu kuwe na levy ambayo inaenda kwa shule. Tajiri akinunua gari, kuwe na levy ambayo inaenda kwa shule. Kwa nini tunaona hiyo (inaudible) kati ya matajiri na maskini imekuwa zaidi na hatuoni kama serikali inaangalia vizuri. Tunataka tunapochangia hiyo levy iwe inaonekana.

Jambo lingine ni wafanyi kazi wa serikali: Wakiwa wanaume, bibi yako akienda maternity leave lazima hata mwanaume apewe paternity leave. Huo ni ukweli. Sasa hakuna yaya kwa naona education ni compulsory. Yaya atapatikana wapi? Mimi niende nichunge watoto wangu na nione hata mama amekaa vizuri na hata niwe na hiyo paternity leave.

Jambo lingine ni kwamba, culture yetu ya Keiyo tunaona kwamba wasichana wasitahiri. Wakati ule ilikuwa promotion kuenda class ingine. Wakati huu, tuone kwamba kuna promotion ya watoto wetu kwa kutowatahirisha, lakini wapewe promotion kwa kufanya sherehe na watoto wetu wafundishwe mambo ya kuwa na akili, mambo ya HIV, kupika na kutunza bwana na mambo mengi yawepo. Hayo ni mambo ya culture na yatakuwa sawasawa yakiwepo. Asante sana.

Com. Nunow: Asante Bwana Komen, tafadhali jiandikishe. Jiandikishe hapo kwa hii desk. Jane Cheron.

Jane Cheron: Thank Constitutions - lady and the man.

Interjection: Inaudible.

Jane Cheron: Thank Constitutions, ladies and gentlemen.

Interjection: Inaudible.

Jane Cheron: English. So, I am here to say a little about Constitution of United National Organization. For the women here, I want the women to be learned enough as myself being a lady. Then I need to settle with the women or girls. We want to get further education for now I have seen men have had further education hence defeating us. We want the women to be Members of Parliament or Councillors or Chiefs. We do not have a woman Chief in the country or Kenya as a whole.

Then we want women as Presidents. We do not have except the Lady Queen Elizabeth only and (inaudible). We are learned

enough so I feel the children coming should be educated like me. I want (inaudible) those women and men leave the ceremonies. No ceremonies. In our Kenya we can (inaudible) here trying to be Councillor I can get. I can be a Councillor because I am a learned lady. From 1958, 57, I joined my age groups (inaudible). Thank you.

Com. Nunow: Thank you Mama Cheron, jandikishe. Sasa nitamuita mwanafunzi. Mmojawapo wa wanafunzi wa Sitotwo Primary – Jemima Lalchei

Jemima Lalchei: My name is Jemima Lalchei. I am in standard eight at Sitotwo Primary School and I am twelve years old. Ningetaka Katiba ya Kenya iendelee kwa shule kutoka darasa la kwanza hadi nane na tuwe na 8-4-4. 8-4-4 ni afadhali kuliko ya zamani kwa sababu miaka ni michache kuliko ya zamani. Ningependa walimu wa nursery walipwe pesa nyingi kuliko walimu wa darasa la kwanza hadi la nane. Ningependa wanafunzi wote wasilipe pesa kutoka darasa la kwanza hadi university ili watoto wa maskini wapate masomo pia kwa sababu watoto wengi wa maskini hawajapata masomo kwa sababu ya pesa.

Ni watoto wengi sana hawajaenda shule ya upili kwa sababu ya pesa na ni wengi sana wako nyumbani waliomaliza darasa la nane na wako nyumbani tu. Ni muhimu wanafunzi wengine walipiwe kwa sababu hawajiwezi kama hao hawajaenda shule ya upili kwa sababu ya pesa. Serikali iwasaidie wasiojiweza kama vipofu na viziwi. Wasaidiwe sana kwa sababu hawajiwezi. Walimu wa shule za upili waongezewe pesa kwa sababu wanafanya kazi kubwa. Asanteni, (clapping).

Com. Nunow: Jemima, asante sana. Umefanya jambo la maana sana kwa sababu majina ya wale waliochangia Katiba hiyo ikiandikwa, jina lako litakuwa kule na utaweza kujua kwamba umefanya jambo la maana sana. Brian Kigen - that brings me to the end of the list. Anybody? Hamna niaba lakini uta-present yako. Ni wangapi sasa sijaita ambao walijitayarisha kutoa maoni.

Okay. Sorry? Nitaanza na wewe. Wewe ni number one, two, three, who is that raising the hand in the middle of the crowd? Stand up. Wewe ulikuwa umezungumza? Okay, you are number four. I will be calling by numbers and you are the last person. Please, give us your name; take two minutes to give us your recommendations.

Dickson Birech: My names are Dickson Birech from Kamuosor Location, Metkei Division. I will go one by one. Electoral systems and process; Elections should be by voting by secret ballot. The winner of a Presidential, constituency and civic ward should attain at least 1/3 or 30% of the total votes cast. Candidates who fail to be nominated in one party should not be allowed to seek nomination in another party. To limit defection from parties, the candidates seeking nomination should sign a three-year bond or memorandum of understanding with their respective parties. All parties which get representation in Parliament after election should be bound by their respective party Constitution for five years.

The 25% representation rule in at least five provinces for Presidential elections should be changed to 30%. The minority groups like the Dorobos, Ogiek, Elmollo, Edorios, the disabled, the HIV infected and women should have special seats reserved for them because they are actually marginalized in the present Constitution. The Electoral Commission should be empowered by the

Constitution to pick the maximum expenditure by a Presidential, Constituency and Civic candidate during election time. And that, every candidate should declare his or her own wealth before nomination. The election date should be specified in the Constitution. The Presidential elections should be conducted directly after having chosen his running mate, Deputy Vice President who will only be elected at the Constituency level. The year 2002 elections should be conducted under the new Constitution which will guarantee equal opportunities in order for the election to be free and fair.

Basic Rights: The new Constitution should guarantee free health care for all citizens. It should also guarantee compulsory and free education up to form four level.

Land and property right: The local community and individual should have the ultimate ownership of land.

Com. Nunow: That should be the last point because the bell has gone. Make one more statement.

Dickson Birech: Okay. Mayors and Council Chairmen should be directly elected by the people after being elected first in their respective wards.

Com. Nunow: Thank you very much.

Dickson Birech: Thank you.

Com. Nunow: Let's have your memorandum. We will read the rest that is there. Number two.

Samuel Kotut: Thank you very much Commissioners. Mine will be very brief because.....

Com. Nunow: Your name.

Samuel Kotut: My names are Samuel Kotut. Mine will be very brief because most of the items have been said by my friends who were before me. I will talk on freedom of worship. I want the new Constitution to be put in such a manner that days set for prayer should be days for prayers and National ceremonies or public holidays should be excluded from these days. We worship the living God and not the devil.

Education: We talk of sponsorship in school. We want somebody – if you are a certain church you build your own school, manage it and let the soil and everything be yours. But, the schools that are being shared by the government and the community, let it be one person manning it so that there are no squabbles between the communities and the sponsors. So, scrap school sponsors of public schools.

Land and property rights: Most of the points have been touched but I will talk on land registration. There are so many systems of registering land and I propose that we have a free hold title system and scrap the lease-hold one. Land owned by an individual should not be limited to size provided it is in proper use.

Environment and natural resources: These entities should be vested with the local communities. That is, if there is a mineral that is within to the community, the community has to see it is beneficial to have that mineral extracted or will it have the environment spoilt. Thank you.

Com. Nunow: Thank you very much Bwana Kotut. Number three.

Kipkemboi Rotich: Madam Commissioner, Commissioner Sir, my names are Kipkemboi Rotich from Tumeiyo Location of Metkei Division. I had a written memorandum which I have already presented here. Thank you.

Com. Nunow: Thank you very much Bwana Rotich, we will read the memorandu. Number four.

Christopher Chirchir: Thank you so much Mr. Commissioner. My name is Christopher Chirchir. Thank you for this opportunity. Mine is that the President should not be above the law since I believe that when you are above the law, that means that everything is under you from the top to bottom. So, I propose that he should not be above the law.

Judiciary: The Judiciary should be checked since people have been suffering. A case goes on for up to 5 years or 10 years when somebody is in custody and people have been suffering and may be they cannot afford to hire a lawyer. So, this Constitution should check on that.

Another point is on Human Rights. Human Rights should come upto the law courts. Let us have Human Rights lawyers within us so that cases like rape cases or somebody might wrong you yet you have no funds and nobody will assist you. So, the Human Rights lawyer should be there so that they can assist the poor and the ones who cannot afford.

On the Flouspar issue, I want to contradict that and say that people were compensated something very little which was peanuts and it was not even the right people. So, I am proposing that we should be given land to run. The government should give you land and not money. That is what I am proposing. Thank you so much.

Com. Nunow: Thank you Bwana Chirchir and with that I come to the end of the session. I can see a hand up but I am not going to take it you will excuse me, because I had given you the opportunity to make up your mind. I do not want to open a Pandora's box where people get stimulated after another one has mentioned something then you remember something that you wanted to talk. Is it something that has not been said at all? Kama ni jambo ambalo halikutajwa leo nitakupa nafasi, lakini

kama utarudia point ambayo imetajwa, tafadhali utatusamehe.

Speaker: Inaudible

Com. Nunow: Okay, njoo, njoo basi.

Nickson Rotich: Jina langu ni Nickson Rotich Arap Keter and I what I really want is the rule of mutilation. We want (inaudible) in unity to come we finish mutilation hiyo mnasema mnasupport. Hakuna mambo ya kukata hiyo kitu. Mkikata hiyo kitu sasa hakuna utamu wa kuingia ndani.

Com. Nunow: Asante Bwana Rotich. Sasa ningependa kuchukua nafasi hii kuwashukuru nyote kwa utulivu wenu na kwa kukaa nasi tangu asubuhi na haswa, ningependa kumshukuru Mheshimiwa Seii ambaye aliketi nasi tangu tuanze hiki kikao na ninafikiri hiyo inaonyesha umuhimu wa vile anaangalia mambo ya Katiba na anataka kuwa na watu. Wengine wote, wazee kwa vijana ambao walivumilia hadi wakati huu tunashukuru sana. Kwa hakika report ya constituency na ya National, na irudishwe hapa, ningewaomba muangalie hiyo report vizuri, mhakikishe - mpaka wakati huu kuna miezi miwili imepangiwa shughuli hiyo. Pengine Bunge itabadilisha; nasikia wanataka kufanya amendments na wakifanya watapunguza uwe mwezi mmoja lakini kwa wakati huu according to the current Act, ni miezi miwili. Muweze kuangali line by line muone maoni yametiliwa maanani.

Mkiona kama kuna maoni muhimu ambayo yameachwa, mtachagua watu fulani kwa sababu Tume haitaweza kuja constituency tena. It is either ije kwa Wilaya ma hata kwa Mkoa pengine. Kwa hivyo - kwa sababu pia tunaharakishwa, tutoe Katiba mpya. Kwa hivyo muwe mmejipanga muweze kupeleka watu ambao wana hizo points mtaandika ambazo mnaona zimeachwa ili hizo points zichukuliwe hiyo round ya pili ambayo Tume itakuja round tena. Na muanze kufikiria jinsi mtakavyojipanga kwa National Conference – wale watatu ambao watatakiwa kule na wawe watu ambao wanaweza ku-negotiate on your behalf. Very strong people with loping skills, negotiating skills and oral skills as well - ili waweze ku-convince watu. Kule ni kama Bunge. So I am saying, that jinsi wanavyotetea ina-convince wengine waje kwa upande wako. Lakini mkipeleka watu wa kusikiza tu haitafaa. So, you have to pay a lot of attention to that as well.

Bila kuwachokesha zaidi - kama kuna memorandum ambayo imebaki ama mtu ambaye amezungumza na angependa kuandika memorandum, mko na nafasi hadi tarehe kumi na tano ya mwezi huu kwa sababu - mmeona imeandikwa kwa gazeti “Final Calls of Memos”. Kwa hivyo, mjitahidi muandike hizo points na mtume na sana sana hizo points ambazo hazingetoka kwa Constituency. Ningependa kumpa Mheshimiwa aseme one or two words then we can close the session later.

Mheshimiwa Seii: I would just like to say thank you very much on behalf of all the Keiyo people who are still here and those who have gone, we want to thank you. I am sure you will witness that we had a lot of things to say and I don't think you have sat until this time - perhaps in a few places. This is the first place Keiyo has broken a record of sitting the Commissioners all the way. But, I admire you for sitting there all the time - without food and without anything. I think we can give them a hearty clap

for sitting here, listening to our views, some of them are not understandable, some are understandable, some are repetitions and I don't know how you do it, but you have done an excellent job. Thank you very much.

Com. Nunow: Thank you Mheshimiwa. Nitampa Pro. Kabira aseme neno moja ama mawili kisha aite District Co-ordinator atupangie kufunga kikao.

Com. Kabira: I know people are tired and so I want to say thank you once again. You can see the file we have is filled and we even began a new one because we got so many memoranda from this Constituency and I believe that mobilization has been excellent. The number of people that we got today, the presentations and the focus is a clear demonstration of the work that people have done in this Constituency. So, we are really very proud. It is true that we have been finishing in many areas at around 4.00 o'clock, 4.30, 5.00 but it is now going to quarter to seven and we are still here. so, we are very proud that this constituency has done such a wonderful job. Thank you.

Com. Nunow: Asante. Now nitamuita Bwana Kigen – District Co-ordinator.....

Com. Kabira: Before that, I also want to say we have the biggest representation of women at this particular sitting and I think we are very proud.

Com. Nunow: Thank you. Bwana Kigen, take that mic.

Mr. Kigen: Yangu ni kurudishia Commissioners Asante. Dr. Nunow, Prof. Wanjiku Kabira na Ma-officers hawa ambao kama Mheshimiwa Seii amesema wamekaa nasi.....(*End of Side B of Tape 6*)

Asante. Pia natoa shukrani kwa Kamati, Chairman wa Constituency Committee ya Keiyo South na members ambao wamefanya kazi nzuri na pia wananchi wa hapa Keiyo South ambao wamefanya huu mkutano kufana. Nasema asante sana. Sasa ningetaka mmoja wenu tu asimame atufungie mkutano kwa sala.

Prayers: Let's close our eyes and pray. God Almighty we want to thank you, we give you glory and honour Lord. Thank you for the energy you have given the Commissioners to conduct this session in a fair way. God Almighty may you give them strength to continue with the same and we want proper utilization of the acquired skills. God Almighty, may you bless the residents of Keiyo in a special way na may you bless each and every individual who has contributed his proposals towards this Constitutional Review of Kenya. As we break and we retire, may you bless each and every person wherever he is going to his own destination. If he trespasses against your will and wish, we ask for forgiveness in Jesus' name. Those I pray trusting and believing, in Jesus' name we pray. Amen

Mr. Kigen: Thank you Mr. Chepkoech. Nafikiri sasa mnaweza kuenda nyumbani asanteni sana.

