

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**MARAKWET EAST CONSTITUENCY,**

**HELD AT TOT CENTRE**

**ON**

**1<sup>ST</sup> JULY 2002**

**MARAKWET EAST CONSTITUENCY PUBLIC HEARINGS**  
**HELD AT TOT CENTRE**

**COMMISSIONERS PRESENT**

Com. Prof. W.H. Okoth Ogendo  
Com. Isaac Lenaola  
Com. Alice Yano

**SECRETARIAL IN ATTENDANCE**

Triza Apondi	- Programme Officer
Jomo Nyaribe	- Assistant Programme Officer
Martina Odhiambo	- Verbatim Recorder
Solomon Kibet Cheserek	- District Co-ordinator

The meeting started at 10.50 a.m. with Com. Alice Yano in the Chair.

**Clr. Lydia Baileng'o:**

**Prayers:** Mungu Baba, Mungu Mwana, Mungu Roho Mtakatifu alie Mbinguni tunakuja siku ya leo mbele yako ili tukijadialiana pamoja uwe nasi. Baba unajua siku ya leo ni siku ya kurekebisha Katiba uwe nasi Baba. Toa mioyo ni mwetu iwe nyepeshi tukitoa maono uwe pamoja nasi ili isaidie Kenya yetu. Baba unajua siku ya leo kuna wakubwa wetu kutoka Tabaka mbali mbali, umeongoza tena wamefika nyumbani. Twakushukuru, tunaomba hayo yote machache tumetaja katika jina la Yesu Christu mkombozi wetu, AMEN.

**Com. Alice Yano:** Basi na tunasema asante sana kwa hayo maombi. Na kabla hatuanza mukutano yetu lazima niseme ya kua hii ni Kikao cha Tume cha Kurekebisha Katiba. Ninataka niwajulisheni wenye tuko nao leo: Kushoto wangu,

I am Com. Isaac Lenaola – kutoka Tume

I am Com. Okoth Ogendo- kutoka Tume halafu mimi mwenyewe ninaitua

Com. Alice Yano.

Pia tuko na wasaidizi wetu kutoka office ya Tume ya Kurekebisha Katiba. Tuko na Programmes Officer wetu, Triza Apondi – salimiana

Tuko na recorder wetu Martina Odhiambo. Na tuko na mwenye ana andika hao maoni yote, analitua Jomo Nyaribe, salamiana Jomo.

Pia Leo tuko na mwenye mchapishaji wa Gazeti, Bw. Piketi Biketi.

Tuko pia na Bw. District Co-ordinator wetu Bw. Cheserek, tafadhali salamia watu halafu uwajulishe wale wasaidizi wako.

**Bw. Solomon Cheserek:** introducint other members of the 3C's and the Assistant District Co-ordinator - Kipyatich John.

Thank you and welcome to TOT, welcome to Marakwet. Thank you.

**Com. Alice Yano:** Asante sane Bw. Co-ordinator. Kuchukua hayo maoni tuko na taratibu ama masharti tunao fuata. Ya kwanza ni lugha ya kutumia wakati unapo patiana maoni yako. Unakubaliwa kutumia lugha yoyote hasa Kingereza, lugha ya

kimombo, Kiswahili na pia lugha lile wewe mwenyewe unalo lielewa, kama hapa nyumbani ninajua lugha ya hapa ni ya Kimarakwet. Tutakua na interpreter wa kuhakisha ya kua tume elewa yale maneno ungetaka kuambia wana Tume.

Na ukipatiwa nafasi ya kupatiana maoni yako, najua munashangaa kwa nini naonge na Kiswahili. Nitaongea na Kiswahili halafu nitarudia ya kinyumbani niwaeleze ni nini ninasema.

Unapo patywa nafasi ya kupatiana maoni yako, waweza kutupatia yale maoni wewe mwenyewe umandika ama memorandum. Waweza kutupatia bila kuongea chochote. Utajiandisha na kusema hii ni maoni yangu, nimeandiki na ningetake Tume waende wakasome ili waelewe maoni yangu ni nini. Pia unakubaliwa kutoa maoni yako kama hauja andika – oral presentation wewe mwenyewe uje hapa mbele, useme mimi jina langu ni fulani, fulani na hayo ni maoni yangu na utuambie maoni yako ni gani. Na pia, unakubaliwa kutoa memorandum yako ama yale mandishi umeandika halafu waweza kusoma yale pendekezo ungetaka pengine tujue hapo, hapo.

Kama unatoa memorandum, na unataka kuongea juu yake, tuna kupatia dakika tano. Kama hauna memorandum ama ji karatasi chochote umeandika, tunakupatia dakika kumi ya kutuelezea.

Pia tuko na horodha ya kufuata na ninge hitaji kila mtu mwenya anakuja hapa kupatiana maoni, tafadhali jiandikishe kule juu tutafuata hii vilivio kamili. Pengine tutaweza kuvunja ile kufuata hio horodha pengine kama wewe ni mwalimu wa shule na ungetaka kupatiana maoni yako haraka haraka urudi shule, pengine wewe uko na mgonjua ungetaka kuangalia ndio pengine tuta vunja yale masharti tumeandika hapa.

Na kama tuko na wale wezetu hawaja bahatika kuelewa ama kusikia venye wanaongea, tutajaribu kutafuta interpreter ili ukiongea na sign language tutaelewa.

**Com. Alice Yano:** (rani ko betut neo nekikamwoiwok atkinye amiyu kotobwoti yakinye kinye keyai Civic Education korani kobetut kwong nokonu maoni chekwoket kit ne korm komochei onai ole amatoiwei ngimoche imwa ngolion imwa kekas komie kasitnyo noto kekas kele kemwa ne )----- (she then continues in Kiswahili --- usi kaogope, leo si siku yenye utasema ati naogopa pengine nikisema hivi, Chief atanifuata, pengine Bw. DO. Atanifuata, hapana. Leo ni siku yako uhuru ya kusema chochote unataka kusema. (kakole kokeny enyo imoche ingalal kiyonun ingalale kutit ake tukul ngimuchi ingalale Kingeresa kosawasawa, Kiswahili anan ngimach Markwete kokararan amu tokoi kechenge chito nemwou kole kakamwa boiyondoni anan chebiosoni eng Markwete kole, kole kekose acheket. Kokeny ngekonin kelech in kakekonin nabasi ingalal yakai metinye kartasi nekesir kekonin takika kumi, koyokai ketinye kartasi nekesir akimoche iteshi ngalekuk kekonin takika tano). Nafikiria sasa ni saa yetu ya kuanza hii kazi na tungeanza na Lydia Bailengo. Tafadhali Lydia patiana maoni yako.

**Cllr. Lydia Bailengo:** Asante sana. Maoni yangu ya kwanza ni kuhusu Forest yetu. Kule Forest tunaombe Sirikali wachunge

Forest vile inakaa, na pia ili tupate maji sisi pande ya chini, atupatagi maji wakikata pale juu. Tunahitaji Forest iwe mahali pa kutengeneza mzinga na kule ndani ichungwe isi kulwe na mnyama yoyote, kama ni ngombe au mbuzi, ikaw hivyo ili sisi pande wa chini tupate maji.

Ya pili, ni kuhusu Insecurity: Hapa kwetu tuko na shida sana kwa sababu tangu miaka zingine zimepita, miaka ishirini na kadha, tumesumbuliwa na watu wetu jirani. Hatulimi, hatufanyi nini, tumeomba maindi ya relief na sisi hatujastailiwa tupewe maindi ya relife. Kwa sababu ya insecurity tunaomba maindi, tunaomba maindi tunakua kama wafukara.

Interjection by Com. Yano: Hawa jirani ni nani?

**Cllr. Bailengo:** Jirani ni wa Pokot. Wametusumbua sana. Sasa tunaombe Sirikali ya kwamba, hizi mabunduki ya halali, Sirikali wanasema tunachunga raia na mali yake. Sasa, saa hii tunaona kuna mabunduki ya nje, yenye tunasema ni ya halali. Kwa nini tuko na mabunduki ya aina mbili? Tungeomba Serikali na hii inaitua Homeguards iendelee.

Ingingine, kuhusu sasa Serikali yetu, hawa askari wenye tunakaa na wao pande wa chini, wangempatia risk allowance, kuliko hawaenda wanafuata ngombe, wanawawa na Serikali hakuna chenya wanafuatilia, afadhali wapewe risk allowance.

Tungeomba mashamba tukatiwe. Kila mtu awe na shamba yake ili ukiwa na Title Deed hata unaweza omba loan, unaweza omba nini. Hapa wanaitaga No-man's land. Sasa tunaona ya kwamba tungekatiwa mashamba.

Rasili mali yetu ya Marakwet kama maji inge faa iwe yetu, haki yetu, kama Jebara au hii maji inateremka. Mtu asije kujenga anasema ni maji yake na hio ni maji ya Marakwet. Sisi wenyewe tunataka kukaa na tuone vile rasili mali ya Marakwet vile tutaendelea.

Na tungeomba masomo, yabure kuanzia Std.I mpaka University kama hapo awali kwa sababu wanakaa nyumbani bila masomo. Mtu anasoma akifika darasa la nane, anakomea hapo. Mara wengine wenye hawana kitu chochote, wazazi wao wame wawa, baba ame wawa na Pokot, mama ame wawa, ngombe zimend, mtoto anafika Std.II sasa anaenda kuwa maid, na sisi hatukua tunatajaria maneno ya maid. Hapo tunaone ya kwamba ni vizuri masomo iwe ya bure.

Ya mwisho, tunaomba ya kwamba hizi maneno ya misuko, misuko Sirikali wakomeshe muliko sisi tunapigwa pigwa saa yote, yote na hatujui ni nini wanataka. Asante.

**Com. Yano:** Asante sana. Jiandikeshe tafadhali kule. Halafu anaefuata ni Christine Talam, Maendeleo Ya Wanawake Organization.

**Christine Talam:** Commissioners munakaribishwa. Yangu itakua fupi sana kwa vile tume, tuko na memorandum yetu ya Maendeleo Ya Wanawake Organization. ----- na tumeandika na tuko na Forty-nine points na bila kupoteza wakati ningeomba Mrs. Kilimo aje aende through. Mrs. Kilimo kuja osome hawa memorandum ya akina mama, tusichukuwe nafasi kwa kuwa masaa yatakwishwa.

**Com. Yano:** Ujiandikishe

**Mrs. Lina Kilimo:** Asante sane Wana Commissioners na Marakwet wote wale wamefika hapa leo. Mimi ninaitua Lina Kilimo na ningeenda ni some haya tulipendekeza kama wamama kwa lugha ya Kiingereza.

You already have our Constitution as women from Marakwet District, but this is what we came up with. I don't know whether I should go through all of them.

Interjection – **Com. Okoth Ogendo** – Just the main points

**Lina Kilimo:**

The first one is that we want justice to prevail for all in the Constitution for men and women because we feel that although there is justice now, we don't see it applying to the women.

Women to be recognized to be recognized in the community in the new Constitution. We know that as people from the Kalenjin ethnic group, women are never recognized, we are considered as children. So we want a protection in the new Constitution, that we should be seen as people.

: Women to be recognized as adults. Men and women should be equal. Our Constitution should actually address that men and women are equal before the law.

Good customary laws to be incorporated in the National Constitution. We know that there are some customary laws which are not good and we want them to be done away with so the good ones should be kept.

Murder cases: Killing especially in our community here, if one man kills somebody, then the people from that Clan will come and take the livestock or destroy the property of the brothers or all the people from that clan, that is one of the customary laws which we would actually want removed. So as for these types of cases, the concerned murderer should be prosecuted himself without involving the relatives.

Land ownership: We want male and female children to be equal in land ownership in the national Constitution. Here we know that girls, we came up maybe you can just add, because it is not written in our memorandum, but during our discussion as we went round Marakwet Constituency, women said that, we don't mind the boys being given land, but there should be some land preserved by the parent which can still be given to the girls who are not married off because sometimes these girls are chased away by the brothers that this belongs to us.

Legal customary law e.g. Forced marriage should be changed.

The customary law should be under the National Constitution. Depending on each ethnic group, they have their own customary laws; I think the next Constitution should still have a place for customary laws. But mind you, it should be the good customs that we want really honored by the new Constitution.

Early pregnancies of girls should involve both the boy and the girl. We don't want only the girl being victimized. If it is being chased out of school, both of them should be chased and the two should be responsible for the new baby. Whereas there was an amendment saying that the girl should be responsible if she gets a child out of wedlock, it is up to her, and they should see that she takes that child to school. If she doesn't take, then she will be in problems. How, when we are already marginalized as girls in the old Constitution? So the boy and the girl should be responsible.

We would like the Kenyan Constitution to be reached by all. Like us down here in Kerio Valley, we don't know what is a Constitution or where are the laws written. We understand that until you reach Nairobi and go to the Government Printers so that you can get or maybe get a copy from the DC. We would like the next Constitution which we shall make maybe from today, to be available, maybe at the Chief's place, at a school library so that anybody can go and really know what the Constitution says about your situation at any one time.

The language used in the new Constitution should be such that can be understood, English, Kiswahili and if possible in the local languages so that anybody can really understand how it applies to their daily life.

Identify: We want citizenship to be Kenyan, to qualify to be given citizenship, you should actually come from Kenya or have roots in Kenya so that you can qualify to be given citizenship.

We propose a national dressing so that we can be identified and in this we would like it known that the women should not be only ones who dress like flowers with a national dress. Even the men should have a national dress, same colour but different design to fit the men and the other one to fit the women.

Land ownership: We would like the Title Deed to appear in both names and not just Mr. And Mrs., it should be Mr. so and

so, his name and Mrs. so and so, it should bear the lady's name so that we can have protection as women.

Children's Act: to be recognized equally by parents in the new Constitution. Right now what customarily our people believe the children when they are still young, they say, yeah, that is for the mother but we want it to be recognized that even when are still young, they belong to both parents because whenever there is a problem usually, it is thrown to the woman. So we want the children's Act to be recognized equally by both parents.

On Security: You know right now you are in TOT where security is not very nice. We people, we have really had a rough time with our neighbours, the Pokots, that is a complaint which we cannot really let you know as Commissioners. But on security as women from Kerio Valley, we wish the Government can actually protect us. We would like a non-man's land to be created between us and the Pokots or even in any two ethnic communities that are warring against each other, there should be a non-man's land where the security personnel are deployed there permanently not what we have right now in TOT. The security personnel only come in when there is strike and that strike in most cases will have involved somebody's life or somebody's livestock. Then they come and find when you are already dead. What do they really come and save. So we actually want a non-man's land where the security personnel are deployed permanently not like now the security personnel come and live with us and yet our farms are below the roads. So they kill us before the security personnel reach here.

We are very bitter even about that because in Kerio Valley, you find more widows that are man-made than God-man because of the gun from our neighbours.

Human life and property to be adhered to strengthened in the Constitution under the review because of the current poverty. We feel our animals are taken, that came our because when our animals are taken, our husbands are killed, there is nothing, there is loss of human life, we lose our property and there is no way we can get that property again. So, can the new Constitution see to it? We just don't want it verbal that it is there and yet it is not practical. We know that the Constitution protects our lives and property but it is not really practical. Can the new constitution add on to what exists there that it should actually be practical? If it is protecting and it is gone, what will happen to that person who has not done his work of protecting? That is now the Government.

The Police force personnel to be managed and empowered by the people down at the sub-location in the National Constitution. We still have this problem of the officers waiting for orders from above. We feel that is what has actually caused a lot of suffering down here because before the orders come, we have already been cleared off. We would like this security personnel to be employed at any particular sub-location or any session to be answerable to the people of that community so that they can get orders from those people, if it is the Chief in that area or the elders in that community. We want those security personnel to feel as part of that community and decide together with those people on what steps to take to ensure proper security for all of us. We don't want orders from above any more.



Concerning health: Health facilities to be provided free by the Government at the sub-location level and hospital facilities to be provided by the Government at the Divisional level by the new Constitution. Instead of us having a District Hospital which sometimes is very far away from where the people are, we would like in every Division, a well equipped hospital just like what you would have in a District. In that way, for us women, our journeys to maternity would be shorter. Right now, we still have to walk about fifty kilometers to Kapsowar or more and you know the terrain the way it is. We find that if this health services are brought close to us and they are well equipped, we shall appreciate and the fact of cost sharing should be removed because it is not actually practical. Cost sharing, I go and pay ten shillings to be given a card and then I am told to go and buy the medicine. So what is that cost sharing? I don't even get those drugs in that. So let it be put in the new Constitution that actually health should be a priority in every division and it should be free and that is also when we got independence, it was to remove diseases.

On education: The Government to provide free education from Std.I to Std.8 so that I as a parent can save money from that Std.I up to Std.8, then I can educate the child from Form I to Form IV after that we would like it to be put in the new Constitution that the Government should take over after Form IV and these children should be taken to maybe somewhere like the Youth Service or the Army for some years where they should go and learn some survival skills then after that those who have passed can go to University and those who did not pass can be deployed having learnt some skills. This is to remove the loitering of our youth right now. After Form IV they are just at home with us. They see as if there is no hope and we cannot be able to take them to colleges. So we would like the Government to take over from Form IV, whether you got A or D, you go to an institution where you are taught survival skills and after that those who are going to university can go to university and those who did not make it can come and learn outside practicing what they have actually learnt from the special institutions. All the technical schools which were there should also be re-introduced.

Again still on education: Right now the Government might say that we have free education, but it is really practical. We have what we call user charges which are charged to parents. If it is free, let it be practically free and well equipped. If it is a school in TOT, let it be well equipped as it is in Nairobi so that we can have equality. Then there will no marginalization because we will have had the same kind of education.

Natural Resources e.g. Water, Forest: The Government should recognize the residents of that area first. An example I would give is this one for water, you know of the Chebara Dam. That water, the tap, there is no pipe turning backwards towards Marakwet. All of it has gone to Eldoret. We don't mind sharing our natural resources. But before they are exported rather or sent to another Constituency or District, the people of that particular District should be given first, what is found there. If it is water, give water to the whole of Marakwet then the excess water, give to our neighbours. That should be put in the new Constitution so that we don't feel that we are being cheated our natural resources.

The Local Authorities: The County Council Chairman should be elected by the people from the grassroots in the new Constitution. Councillors, we can elect them the way they are right now but the Chairman of the County Council should be elected by the people. You can be a Councillor yes, but later on he should come round now to sell himself so that we see whom do we really want to be the Chairman of our County Council.

The administrative chief to be elected by the people at the locational level in the new Constitution. We don't want the old Constitution where right now, you tell the Chief, that there is something wrong here, he will say after all I am not in your pay-slip. He is in the pay-slip of the Government but if we actually elected the Chief ourselves, he would be more caring to us. So we would want the Chief to be elected just like the way we elect Councillors and MPS.

The National Assembly: MP's should be controlled on how much money they are using or at least there should be no money. Right now there is a lot of handouts and there are no checks and balances for them. So we want it put in the Constitution that anybody wanting a Parliamentary seat should just come and address people in baraza and if he wants to assist, he should assist institutions and if they are found to be spending money, buying votes then they should be nullified from vying for that Parliamentary seat.

Creation of Parliamentary boundaries should be similar to the creation of divisional boundaries. Depending on the terrain of the community for example in Marakwet we have a very bad terrain. We have the highlands, the middle escarpment and then we have the lowlands and if they run the way it is right now, it is difficult for an MP to be in the valley and then at the same time to be in the highlands or the escarpment. So we would like the legislative boundaries to be similar to those ones of the divisional so that they can easily be reached.

The three Arms of the Government should be separated. The Judiciary, the Legislature and the Executive. They should operate independently and also for them to be able to operate independently, we saw it as women that if our MPS were not put in the cabinet, they would be able to adjudicate for our rights, it is better than when they are put in the cabinet. So we came up with a suggestion that anybody who is a Member of Parliament should not be put in the cabinet and the people in the cabinet should be chosen or elected by the Parliament and these people should be professionals and they do not represent any Constituency. They are there to serve as Ministers in the Government.

The disabled persons to be assisted by the Government and given free education and other facilities in the new Constitution. If we know that there is place where our disabled children can be taken to, then we would not hide them in the houses. We will not see them as a burden. We will take them to the Government or an institution which we propose should be in every district so that the proximity between the parent and this disabled child is very near. We can be able to go and see that child wherever they are, of course in the District.

Then we came to Trustland ---

**Com. Yano:** (interjection)

**Lina Kilimo:** Oh, is it over? On Trust land: Where you are right now does not belong to anybody; it could be just a trust land. The Government can take over anytime. But according to the clan, we know that this land belong to somebody. We would like Trust land to be given a Title Deed in the name of that clan so that we can secure this land for our future children. If it is put in the new Constitution that this land from this hill to that hill, this parcel of land belongs to this clan, then in the future if that clan would like to sub-divide their land, they will just come and take the whole of that title at the lands office and sub-divide so that trust land does not belong to the Government anymore. We would like to belong to the people of that community.

Abused Children: Parents of the abused children to be prosecuted in the new Constitution. I am sure a child did not come just from anywhere, there is a parent. So the Government should be able in the new Constitution, the routes of this child. Even the street children that we see, they should trace them until where they came from and those parents should be prosecuted but in a case where we find that they are not able to look after these children, the new Constitution should be able to help those parents to look after their own children maybe give them something.

Human Rights Policies and principles to be incorporated in the new Constitution and all these human rights will include the God-given one and even the man-made human rights like development.

Customary Marriages to be issued with a legal certificate in the National Constitution and at this state, we did not indicate but we in No.31 of our proposals as Maendeleo Ya Wanawake, we want a marriage certificate to be issued at the first instance when the two parents agree or the negotiations time when they are talking about dowries and everything before you go to that man's home. We want to be given a marriage certificate so that we can be protected as women.

Child labour: Under 14 years to be protected under the new Constitution. Any child below 14 years should not be taken as a house-girl or anybody; even the parent has no right to over work that child. We want these children to be protected more so the girls.

Orphaned children to be assisted by the Government through their relatives. In a case where all the parents are dead, let the new Constitution take into consideration these children by tracing where the ancestors are and give those parents the ability to able to look after those children who are orphaned so that we don't have street children or we don't have children being taken to children's homes. We would like to continue maintaining the family unit.

Provision of the disabled institutions, I think I had said that one, to be provided by the Government at every district.

Equal distribution of services to the District levels to be provided by the Government in the new Constitution and we can only achieve that equal distribution when we have everything run by the Local Government in every district.

We decentralize what we get instead of taking to Nairobi. The Local Authorities should be the one handling any money coming in and getting out of the district.

The Magistrate Court: To avert corruption, we thought that any advocate or magistrate found dealing in corruption should be prosecuted and the best way to prosecute them is to take away from them their certificates so that they don't work maybe for one or two years, they are not practicing. In that way, I think they will more truthful.

About Title Deeds.

Equality for top government posts for women to be recognized in the new Constitution.

Academic qualifications of Councillors should be Std.8 and above because sometimes you will find somebody who is really a leader but did not reach form IV.

The National Elections should be by secret ballot in the new Constitution.

:The Congenital Rights to be protected by the new Constitution.

Customary laws

Interjection by **Com. Okoth**: Congenital or Conjugal?

**Lina Kilimo**: Conjugal, whatever, I think it is Conjugal. Conjugal Rights to be protected in the new Constitution because sometimes we also have these come-we-stay marriages, you know, conjugal rights,

**Com. Prof. Okoth**: Conjugal.

**Lina Kilimo**: Yeah, and then now you have lived with somebody for three years and then I don't have a certificate and there is that problem. Yeah, we would like actually, for us women to be protected because we are cheated into these marriages and then after three years he discovers that he cannot live with me, so we want to be protected because, surely it is known that we

have lived with that man for sometimes.

**Com. Prof. Okoth:** You don't want the man to be protected?

**Lina Kilimo:** Women are more venerable than men.

Freedom of Speech should be protected. Maybe I will just over what I ----

Wife properties to be protected in the new Constitution, I think I said that earlier. We want a Title Deed, as soon as you are married, if that man had a Title in his own name, it should be changed to both names for the wife and the husband.

Gazetted Forest: which are not under the Government, we would like it to be brought to each community to protect their own forest. If it is a forest guard, let a forest guard be employed by the Government from that clan where the forest is so that he answerable to his clan and even to the Government, not bringing somebody from another different district to come and protect our land. So I think that way we will be able to protect our forest. I think that is all. I have not read everything but you have our proposals, what we have written.

**Com. Yano:** Thank you very much. I think there is some clarification to be made. Prof. Okoth Ogendo is going to ask you some questions.

**Com. Okoth Ogendo:** You have raised the question of security between the Pokots and the Marakwets. You are suggesting a security zone, a buffer zone, a very expensive exercise for maintaining security. Isn't there a way of resolving that conflict without a military system? Can the Marakwets and the Pokots talk together and dissolve it?

**Lina Kilimo:** We have talked and I think there have been so many barazas here and there about security but we have not achieved anything. Maybe it will be achieved once we have a buffer zone between the two communities because we don't know who is cheating who here? Okey, sometimes we know that we are being cheated, our neighbours are not truthful. We would hold a baraza just like recently we held a baraza across their area, but the next time they are here killing somebody. Sometimes they come killing one by one and they have guns. There is no way you can actually protect yourself from somebody who has a gun and maybe we cannot actually even agree on anything because of customary practices especially which are our neighbours, the Pokots have. They have this custom whereby if you want to marry, you have to bring fifty cows and there are so many young men who want to marry and they don't have those cows, so anybody who is ready to marry will have to come and steal cows from us. So I don't know how we will be able to manage that at the moment because to remove a culture from people will take sometime and as it takes that long time to remove that culture, within that time many more Marakwets will have died. So I think the fastest way is to put a buffer zone as they teach them not to steal or as they try to remove that part of their

culture.

**Com.Prof. Okoth Ogendo:** My next question is on trust land. You say trust land should be registered in the names of clans. How do you identify a clan? Give me an example for example, we have the Marakwets but you are not talking about registering the land in the name of the Marakwets, what are these clans? How do we identify that this is a clan that should be registered and this is a clan that should not be registered?

**Lina Kilimo:** Thank you Mr. Commissioner. The people in every community knows their trust land. For example, if you are here, there is that hill called Kaibirir , after that there is another hill called Sangutang and it is known that between this hill and that hill belongs to this community or even where there is no hill, this lands are demarcated by stones. It is known by the people in the area. They will just tell you that from that stone to this stone, this land belongs to this clan and so that is the piece of land that we would want to be given in the name of that clan. So that in future the people of that clan depending on how much they increase, siku ile inajaa gorogoro they come and sub-divide their land.

**Com. Lenaola:** --- the second part is for example in Marakwet East, can you identify a number of clans to say that nine or six or seven clans who live in Marakwet East? How many are they?

**Lina Kilimo:** I wouldn't know how many numbers belong but they exist.

**Com. Yano:** Thank you very much Lina. We are very grateful for that lengthy presentation. The next one is Nyamakudo. Na tafadhali kama unatafsiri, sema kila kitu chenye amesema sio ile wewe inafikiria. Ile ni yeye mwenyewe amesema.

**Chesawach Nyamakudo:** *(ataune alekakibwa ngalekab katiba ko achek bikab Markweta kokimakiro katiba nerubei ni.Kikitebi achek engkoroni ngoitu Chumba kemiachek koroni, baba ak kuko.Kikisikchech achek koroni)*

**Translator:** Nafikiri anasema kuhusu hii mambo ya Katiba hasa sehemu yetu ya Marakwet. Tangu wazungu wawache,

**Mzee Nyamakudo:** *(kinyorchech Chumba koroni)*

**Translator:** walitupata

**Mzee Nyamakudo:** *(ak kingoit Chumbek kokinyortech kemikuni)*

**Translator:** Amesema mzungu ametupata hapa akiwa hivi hivi.

**Mzee Nyamakudo:** *(kingondoiwech akoitun kenyonu Uhuru ketebi atebta nekaram ak keboisie nekaram akoi kenyitab 1969 koit bundukisiek ak kesarenech achek kiyak)*

**Translator:** After independence we used to live peacefully until 1969 when the issue of guns came in.

**Mzee Nyamakudo:** *(kingete kechor kiyakik kokiweku Serikali, kechor kowek Serikali agoi 1992 kebar chi anyun eng koronieni,kekweri kiyak chemowekuchi akot akongo.Kebar tukwak bicho ak kwamat koba tuchata kobat.Kelekerwoch kole Serikali ngobetio anan kerotin ,keryon akobone.)*

**Translator:** From 1969 up to 1992, although the fighting was going on the Government kept on refunding the animals so they used to follow and bring back the animals but from 1992 there has been no compensation and what the Government has only managed to do is to come and tell us, forget about that one, let us look for peace.

**Mzee Nyamakudo:** *(kongete 1992 kokikibar bik che chang.Boisiek chechang komeitos ngab maimuchi koam ingui ako kitinyei kiyakik kwai.Lakok checha komakobendi sukul ako kingwan koborchetab bundukisiek)*

**Translator:** From 1992 up to now we have lost so many people. The old men are dying because they have to eat vegetables and these are people who used to take their own milk and meat and their children have not managed to go to school. But most of all there have been more people dying from the gun from 1992 up to date.

**Mzee Nyamakudo:** *(ko ngouchon anyun kele amune kakonget bichu kotebto bundukis ,kotebto Pokot ,koch Turkana asi kobwoni kout Markweta,kekwing anyun kele katiba ini koribei bik alak kolakta alak?)*

**Translator:** We wonder from 1992 up to now, our people have been dying and we are told to forget and also our neighbours, the Pokots have been given home guards to finish us, so we wonder is the Constitution which is there protecting one community and against another one?

**Mzee Nyamakudo:** *(anyun kemwoe achek kele yanye kengalale ngalechu bo katiba kongololi chitukul kemwaanyun kele ngalechu bo katiba kosikorib chitukul eng Kenya ana bik che echen?Anan korib emotinuek alak asi kobwa bik che koromen akobar alak.)*

**Translator:** We would like to be put in the new Constitution that people should be protected to have their right to life it doesn't matter whether you are big or small. Whether you belong to a particular ethnic community or you belong to a particular party we should be protected and it should be practical.

**Mzee Nyamakudo:** (kemwa achek kele ngele chi ne kobek tukuk chi ,chi neteno anen ako nyalil kotkome akoi lakok chik, akelen kiribei bich kolia makwekchi tukukchi tukul yematomuch Serikali korib bich?)

**Translator:** If the Government is unable to protect people's property and their life, if in a case where the animals have been taken or the property has been destroyed, can the Government protect or compensate that person? We would like in the new Constitution that if in a case where an old man for example like him, has lost all his property, the Government should be able to compensate.

**Mzee Nyamakudo:** (eng Markwete komi korin chelekit mut.Mi chekekuren Endo,Makoro,Borkot,Almal akomi Sengwer)

**Translator:** In Marakwet there are five clans. We have Endo, Makoro, Bergut, and Sengwer and Almol. There are five clans in Marakwet.

**Mzee Nyamakudo:** (chamkemwoe kele achek ketinye mbarenik akomi rotyot.Kirotie achek ak Keiyo eng olitaban akBukusu eng oliboren ak Pokot eng Kapenguria, eng Kitale ak Sabiny.Kekwong anyun kele kakitisiech kongete em ne karam akoi lekam.Kongete kokowo Chumbindet akoi oin kowo korono ak kele kwal bich kwal bich.Kalene bichu koroni ichek?)

**Translator:** These clans which make up the Marakwet community used to have land but after the while man left ---- Marakwets because that was actually our initial land.

**Mzee Nyamakudo:** (*kikile kiale Chumbek,kitnyei chumba kor eng Markwete nekioltoi*)

**Translator:** They say that they bought from the Whiteman, did the whiteman really have land in Marakwet? That is our land.

**Mzee Nyamakudo:** (kimoche katiba kokerwech kole kakiwekwech koretyo.Kimeto kikingi Chumbek che iboru rotionik)

**Translator:** We want our first boundary to be brought back to us. It is demarcated. The whiteman left some thorns to show that this was the boundary for Marakwet. We want that land given back to us.

**Mzee Nyamakudo:** (*chiche kiale Chumbek kobo kocheng sikowekchi robinik chi .*)

**Translator:** The person who bought from a Mzungu should just go and look for that Mzungu to be compensated.

**Com. Yano:** (interjection in audible)



**Mzee Nyamakudo:** *(imbara noto konebo Transzoia,nekirote ak Bukusu,Sabiny,Pokot ak Keiyo.Mito bigonisiek olekirotien komanda )*

**Translator:** The land from Transzoia where they border the Bukusu, the Keiyo that land belongs to Marakwet and the Sabaot and West Pokot. There is a boundary. If the people are keen, they will actually find that boundary. There will be some boundary that the Mzungu put there.

**Mzee Nyamakudo:** *(Ahek Markwete ngeteb akobo bek ak tekel kelechech bo Serikali.Serikali go ngo?.)*

**Translator:** As Marakwets community, we have our water and we have our forest. These are our natural resources and we understand they are saying that these natural resources now belong to the Government. How come? Who is the government by the way? I thought it is us.

**Mzee Nyamakudo:** *(akele koret komobochi kikesiartech eng koretyo akomi lalwesiek che kikirotiechi ak kerotiechi.)*

**Translator:** We understand all this our land you tell us it is trust land under the Government. Yet we know ourselves that this land belongs, we have demarcated. There are thorns to stones to show that demarcation of this land of ours. Yet we understand that it is called a trust land and it belongs to the Government.

**Mzee Nyamakudo:** *(maimukoksei kele monenyo imbarenchuto ako menyei bik)*

**Translator:** You can't call it trust land. There are people living in this place. How can you call it trust land? It is for people.

**Mzee Nyamakudo;** *(kakisaren bich tukukwai akelen mabochi amune)*

**Translator:** This land of ours belongs to us and it is demarcated and we are living there and now you say it does not belong to anybody, that it belongs to the Government. To add on to that, our animals are being taken, you take away our things. What is happening?

**Mzee Nyamakudo:** *(yokile kakinyor uhuru kenye keibenech ahek Markwete imbarenik ko ngete Transzoia)*

**Translator:** We used to have our land as I said earlier from Transzoia bordering West Pokot. That used to be our land and now because that land of ours has been given to other people, that is why people have gone to cut the forest. Give us back our land and we shall not cut the forest.

**Mzee Nyamakudo:** (kikobwa bik alake che kiko ngemech akorebenech tukuk akolen kikesoman akomomichi neimuchi koita ki)

**Translator:** He is wondering that there is so much mix up of things until somebody says that I am above the Constitution. What is that? He says I am learned. Yet interfering with people's lives.

**Mzee Nyamakudo:** (ngalechu kakimwa achek kemoche korib chi aketukul,ak ngo maimuchi bik che indoiwech kosub ngatutik ko kaikai kowek Chumbek kokeny)

**Translator:** We want our views that we have given you today to be followed and the views of each community especially us the Marakwet should be respected and those people who are now ruling us, if they are not able to rule over us then they should surrender power to the Mzungu. Let the Mzungu come back because we think we were better off when the Mzungu was here than the current power.

**Mzee Nyamakudo:** (kimoche anyun tukuk tukul chekakimwa kisub amuchoto chetoretech achek Markwete.Amatyit Nairobi oburburen)

**Translator:** We would like the views that we have given today as Marakwets to be taken seriously and to be followed by whoever will be ruling us. The Commissioners, you who are here, please take note that what we have said is on a serious note. We don't want you to go to Nairobi and forget some of the views that we have given. We want those views to be actually adhered to because I think it will be better for us.

Interjection: Com. Yano: (in audible)

**Mzee Nyamakudo:** (akwek bichu bo Kenya chu kokike altak eng robio.Kioalte emoni bo bich)

**Translator:** Now the views we have given as Marakwets, if it is not adhered to, we swear that we are going to curse somebody. We don't want you to go and use whatever; you know you alter the views for money. What we have said, let it go as raw as it is. Don't go and sell our land for money.

**Mzee Nyamakudo:** (ngot kobo kwany kwany chi tukche kakimwa keyokchini kokwany kwany inendet)

**Translator:** The views we have given today, some I have given, some our young men will give to you some written proposals on how they want the Constitution to be concerning the Marakwets, please go and follow them, because we are bitter as old men from Marakwet. We will send something to mix you up if you go and mix up our views.

**Mzee Nyamakudo:** (kimoche kewekwech tukuk tukul chekikeibenech kongete.):

**Translator:** Now we want compensation for our property. That which has passed and that which will start us from today because we will consider the new Constitution from today. We want compensation for any property of ours which has been taken by the Pokots.

**Mzee Nyamakudo:** (kimoche tukukcho kribwech amukikekas kele tukukcho alak keiben lorin eng Tugen ak Chepareria.)

**Translator:** We are trusting that you are going to take our views seriously and our complaints seriously in the new Constitution. We want protection as Marakwets. How come our property is taken, we hear they are going by lorries in Tugen? They are going by lorries in Chapareria and nothing is done about it.

**Mzee Nyamakudo:** (bek chemi Chebara kokai kai keboisie akichek asimosobe bikalake kenyolili)

**Translator:** Our natural resources for example the water in Chebarar, it is being taken to another District while ourselves, we are thirsty here. There is no water. We don't have clean water. Can it be put in the new Constitution that we want our natural resources to satisfy us first before being sold to people in Eldoret or anywhere else.

**Mzee Nyamakudo:** (kinerekotin eng mootunuek cho akobo ngalechoto)

**Translator:** We feel that we are being denied our rights, the right to our natural resources. We are actually very annoyed if you can see right inside us.

**Mzee Nyamakudo:** (amat owirte ngalechucho eng Nairobi.)

**Translator:** We don't want what the

**Interjection: Com. Yano:** Mzee Nyamakudo, bado haujamaliza?

**Translator:** ----- the views you will collect here today we don't want them to be brushed off in Nairobi, that oh! Foolish Marakwets said that. No, we are intelligent even if we are not learned.

**Com. Prof. Okoth Ogendo:** Tell him we are going to write a report on the views of the Marakwets and the report will come back here and you will look at it and you will certify that what we have told us, we have correctly recorded.

**Translator:** (Kisire ngalekchu tukul ak keweku asi oro ngo kikisir kou yomoche )

**Com. Yano:** Asante sana Mzee Nyamakudo. Mwenya anaefuata ni William Murkomen. William? Kursen Kisang? Kisang? Kursen, can you hurry up. William and Suryak Chelanga, yuko? Chelanga? Oh, very good. Jitayarishe.

**Com. Yano:** William, strictly five minutes please. I can see that you have a memorandum.

**William Murkomen:** So the Commissioners, here I have with the views for Endo Parish and we were using the manual.

First we had a Preamble that in the Preamble, most modern Constitutions have a Preamble stating why the Constitution is being enacted and we were asking, do we need this? We said, yes. We need a preamble that can state clearly how the Constitution was enacted. So the following national regions should be set in the preamble. Empowerment of Kenyans, socially, politically, economically and spiritually. The following common experiences should be reflected in the preamble.

Interjection: **Com. Yano: William** if you are going to give us this memorandum, what you do is when you start with the preamble, just give us in one sentence on the preamble not the whole thing.

**William Murkomen:** Okey, so we have in the following common experiences we had only said we shall have freedom of speech, freedom of worship, free and fair elections, land rights, security, equal distribution of resources, political parties, freedom of expression. We also touched on direct principles of state policy that we need statement in the Constitution that may capture and see guiding principles that it is done.

Constitutional Supremacy: We said that in the current Constitution, it allows Parliament to amend any part of the Constitution by 65% majority. We said strictly 70%.

In the Legislature we said that all parastatals heads should be vetted by Parliament, Permanent Secretaries, Electoral Commission, Provincial Administration, Ambassadors, all those should be dealt with in the Parliament.

In Executive: We said qualification for a person to become a Minister should be between 35-70. Should be a degree holder. Should have been in Parliament for two terms.

We said a lot. We have others and I hope we shall present later but for example we have things like the Government is able to protect people with their property, that one is there but it needs reinforcement. It needs to be reinforced that when that one is not done, the person, maybe they have seen that person has stolen, when that person fails, we need the Government to compensate for the lost property and life.

The other things, we have removed in the papers, we have said there is a trust land, we said as Lina has said that in the trust land, we shall not have something called trust land. We should have demarcation of our land so that each and every person should own a land as a clan. Maybe hold a whole block for the clan which of course should be subdivided. We have also resources.

We have put also resources in the papers that resources from a certain place should be under the people of that area, under the community, things like forest, water, mines, minerals should be under the community that the people in that place should own that resources.

On deployment of Security, we have said since guns have become a problem, we have said that any administration, when that person fails to work, he should be removed, there is no otherwise.

We have also things like basic rights that there should be adequate justice. Justice should be done. You know, when you find that people, there is employment for people, you find that there is 'Kitu Kidogo' imeendelea saana. So that one, each and every person should be given his own right that hakuna kitu kidogo, mahali popote.

We have also some things like cultural and ethic values that in local ceremonies, they normally do their ceremonies and that is all. There should be certificate. Cultural dressing should be included in the Constitution also that we need to preserve, to remind us of our dressing.

Circumcision should be restricted only to boys over eighteen years but not girls. Tradition herbal medicine and surgery should be put into consideration.

Naming ceremonies should be there because people have seen that one is a belief and it should be maintained.

Life sentence for that person, you know here, we have people who are mentally sick and you find that person might kill somebody. When that person kills a kinsman, he is the only person that should be put into jail for life and no destruction of property.

Halafu, we have also put things like ----

Interjection: Com. Yano: Please wind up.

**William Murkomen:** ----- okey, so maybe to wind up we have things like succession and transfer of power that when

election is on, the person to take care of the country is the Chief Justice and the election result should be announced as soon as possible.

There are also the three Arms of the Government, which should be separated such that the Judiciary, Executive and the other one (Legislature) should not (word not clear)

So maybe to wind up, I will put this one in order. I have made it that is to summarize what I have written.

**Com. Yano:** Thank you very much Mr. Murkomen. I have a question for you. There is this issue of, I think you are the second presenter talking about murderers, that they should be prosecuted individually and not that the whole clan should suffer. Can you shed light on it so that it is understood why you are saying that the whole clan should not suffer but an individual? Secondly, you talked about traditional medicine and surgery. Can we get to know what kind of surgery you have and how effective it is? Thank you.

**William Murkomen:** Okey, may be pertain this person to be dealt with individually, you find that in these clans, we so many clans, so when we have so many clans, another person may bring that problem from another clan. So the clan that maybe they have lost their person might come to destroy the properties of the other clan. So that is what we have said that we don't want that one – clanisim.

**Com. Yano:** So you are saying that the whole clan should not be guilty for the wrong of one individual ---

**William Murkomen:** Yeah, that is it. Yeah.

**Com. Yano:** Good, very good. What about traditional surgery?

**William Murkomen:** Traditional surgery is more effective here such that we have said that we need to also train those people to become more expert in may be operating people who have injury.

**Com. Yano:** Thank you very much. Surten Kisang amefika? Surten Chelanga? Chelanga kuja.

**Chelanga Surken:** (kikuro Suter Chelangat)

**Translator:** He is called Surtek Chelanga.

**Surtek Chelanga:** (amuo gongoi amu kobua koroni ako tebe boi lokoi)

**Translator:** I appreciate your coming here and asking old men like us.

**Surtek Chelanga:** (momingala chokitinye chokiner ak bik alak ak kemisalama )

**Translator:** We don't have many stories to tell you as old men because we grew up with other people and we live in peace together.

**Surtek Chelanga:** (kikimi nemie akoi koba Chumbek ak kenyonu uhuru)

**Translator:** We lived in peace until when the whitemen left then we understood that now we have freedom.

**Surtek Chelanga:** (kikengenyoru uhuru bik che tuen kelen kiakenge)

**Translator:** Since we got independence as black people, we thought we were one person.

**Surtek Chelanga:** (kitinye achek baba agongo ne tinyei korus che chang)

**Translator:** We got a father who married many wives.

**Surtek Chelanga:** (kikiilen ribei bich kou boiyot)

**Translator:** We thought this father will rule over us like the way the old man governed us.

**Surtek Chelanga:** (ketebi yemi katikati kele kikocharak kor )

**Translator:** We said and we thought we were living peacefully but reaching somewhere in the middle we discovered that the land had sub-divided itself.

**Surtek Chelanga:** (konget baba nikai kikuren achek baba kosas got ake)

**Translator:** Now this father who had married many wives we thought he loved all of them, but suddenly we have discovered that he loved one house more than the other .

**Surtek Chelanga:** (kocho ki ne kekuren bunduki koroni )

**Translator:** Something called a gun came to this land of Marakwet.

**Surtek Chelange:** (kirube kele michi ne kele home guard nekikindenochi biko alak )

**Translator:** It started by the fact that there are home guards given to another person.

**Surtek Chelanga:** (kenam anyun home guard kobar lakokab got ake )

**Translator:** There are home guards, who were given to the children of the other wife by the father which are used to kill the children of the other wife who are now the Marakwets.

**Surtek Chelanga:** (kewekisie kebar bichu kikuren Markweta )

**Translator:** The Marakwets were killed.

**Surtek Chelanga:** (kebar bikwai, kesare kiakikwai )

**Translator:** The people have been killed and their property taken away from them.

**Surtek Chelanga:** (ako kakilen oleibtoi kobo Kenya tukul)

**Translator:** They are being killed by the Pokot yet we thought that we are together as Kenyans under one father.

**Surtek Chelanga:** (kobetwech anyun kele kibo Kenya tukul ako ngo echei kotorei nebo koin)

**Translator:** So we wonder now, if we are Kenyans, why are we being killed?

**Surtek Chelanga:** (kibcheyak Kenya koik oeng)

**Translator:** Kenya has divided into to, the Marakwet and the Pokot and we feel that the Pokots are the Kenyans and we are not.

**Surtek Chelanga:** (ngole bichu bo Pokot bo Kenya )



**Translator:** The Pokots are Kenyans not us.

**Surtek Chelanga:** (*kikere kele mami olekebo*)

**Translator:** (imoche keyai ne?)(to Surtek Chelanga):

**Surtek Chelanga:** (*kimoche kandoindet kokerech tukul kou lakokchi chebo got nyi*)

**Translator:** We want it to be put in the new Constitution that whoever will be our ruler or the President should see us as one, should consider Marakwet as part of Kenya.

**Surtek Chelanga:** (*ngo momochei koyum lakok eng gotnyi komwa olekibendi*)

**Translator:** If not, then the President should tell us where we should go. We want to be told, are we still Kenyans? If we are still Kenyans, let it be put in the new Constitution that Marakwets are also Kenyans.

**Surtek Chelanga:** (*ngotkounoto kemwoiwech olekibendit*)

**Translator:** If the President does not consider us to be Kenyans, then let him tell us where we should go.

**Surtek Chelanga:** (*amune asi kerebe councillor kito nekingololen eng Kolowo,ole kimi barasa yekingotiem komwa koimutik cho? Kikisas ngalekchi anan ne?*)

**Translator:** On 20<sup>th</sup> of June this year, we went for a baraza e.g. for a peace meeting at Kolowo, and our Councillor tried to talk our problems, the microphone was taken away from him. How come? Like myself, my animals were taken away just the other night and nothing has been done. Instead we are being told to forget. How can you forget your property?

**Surtek Chelanga:** (*kikirebe coucillor microphone eng eut*)

**Translator:** Are we not Kenyans? You take the microphone from our Councillor, my animals are taken. Then you tell us to forget. Are we not Kenyans?

**Surtek Chelanga:** (*ngalek tukul kou che kamwa boiyondonin ak karachuna echa kobo tukul bikab Markweta .)*

**Translator:** All the views that you will collect from Marakwet, some our youth have written down, others have been said orally

like the previous old man who was ahead of me, all those we want them to be taken seriously because those are our views.

**Surtek Chelanga:** (kimoche achek kewekwech tukuk cho komo kilechech outie)

**Translator:** We do not want to be told to forget any of our properties that are taken away from us. We would want it to be compensated for. In the new Constitution there should be a compensation for any property.

**Surtek Chelanga:** (mokororon borwekab lakok ako sungukonotei eng barabara momi kie kelibonen sukul)

**Translator:** Our children's health is not good. Some of the young ones are suffering 'kwashoko' and so many of the children do not go to school because we are not able to pay their fees. All our property has been destroyed. Can the new Constitution protect the property of Marakwet?

**Surtek Chelanga:** (nyolunot kokon Serikali toretet ake tukul ketoret che sipitali ak alak che kibe tukuk ak kebar bikwai.)

**Translator:** We would want the Government to honour what they normally say that protecting our lives and our property. Can they practically show by paying even the hospital bill for these people who have been killed or injured. So we want compensation and the Government should meet the expenses for anybody who has been hurt.

**Surtek Chelanga:** (amoche kelibanwa tukchu tukul ak kenam chorik)

**Translator:** The thieves (the Cattle rustlers) should be caught.

**Com. Yano:** *Kongoi* (Asante sana) Daniel Talam. Daniel Talam halafu atafuatiwa na William Kiptoo.

**Daniel O. Talam:** Commissioners, my name is Daniel Talam and I work for Electoral Commission of Kenya. I am going to be very brief because our time is also very scarce.

One: My views are: The Constitution that we are reviewing today: We should have a President, Vice-President and a Prime Minister who is supposed to be the Head of the Government.

Secondly, the President Powers, currently in existent is just too much and they have been abused. We would like the Presidential powers to be trimmed and the President should be answerable to Parliament and he can be impeached.

Appointments to parastatals or the judiciary, they should be rectified by Parliament and professional people should be appointed

to man the professional bodies as required. In the past, appointments have been made to people who have no qualifications to run that kind of institution and they are run down just because of the political mileage. So our Constitution should actually separate the three Arms of the government.

When we come to Parliamentary elections, we would like it to be done in every five years and no extension.

Members of Parliament: Those who have failed their Constituencies should be recalled and should be put in the Constitution that voters can recall their ineffective Members of Parliament back home and vote them out before the end of their term.

When we come to nominations: People should be nominated who are qualified being Members of Parliament or Councillors, people who are able to articulate the problems of their people not just people to be picked because he is my political admirer and then I appoint them. People should be appointed on merit.

Under the same nomination, we would also, especially Members of Parliament, gender issues should be taken into consideration and my opinion is every Political Party that exists and they have a chance to nominate, they should nominate a lady into the August House to represent of the issues of the few marginalized ladies in this country.

I am going to touch on Security and this is where the Marakwets have been marginalized. The Marakwets have been marginalized in the sense that even though the current Constitution provides for security of every individual and his or her property, in this case the Marakwets, I think they have been marginalized because of the following:

Our neighbours “the Pokots”, the Transzoia, the Baringo and Keiyos” the Government have provided them with home guards and we have come through our own initiative and investigations that these home guards have actually been used to kill us with prior knowledge of the Government. I say this because if the Government has given the Marakwet guns we have used them killing the Pokots and they know, those guns, because it the Government, it has been discovered that the bullets used are actually belonging to the Governemnt. So we have proved beyond any reasonable doubt that there is an ulterior motive on the issuance of these guns to our neighbours. So this is our demand and we are not asking because it is our Constitutional right that we have to be protected. We demand that we, the Marakwets should be tiven home guards like our neighbours, fullstop. It is not something we are faking but this is our demand and we want it to go in black and white that we demanded it.

We come to our natural resources. The Marakwets are people who have in the past taken care of their natural resources except the forest. The Government so far has failed and this is why the forest is being destroyed by Marakwets. It is not our wish because the Government gave us part of the forest but they have not actually come to tell us exactly where we should stop People who have been brought from outside, they have actually cleared that forest in the form of grazing in fact. So we would like our forest to be taken back to the clan because we looked after the forest or any natural resource.

It has been said earlier on that we have actually demarcated our land according to stones and it has been there since the time of Noah up to today. We want to be given Title Deeds according to clanism and whatever is got, the Government says three meter or three feet belongs to the individual. After that, it belongs to the Government. We want everything whether one hundred feet down or a hundred feet up to belong to the individual.

I am sorry I have taken time.

**Com. Yano:** I'll give one more minute.

**Daniel Talam:** Thank you. Now, health services: We would like health services to be provided free of charge by the Government.

Education, likewise to be free of charge from Standard one to Eight and then the parent if able to pay Secondary but University to be taken over by the Government.

Finally, the Government that I wish to have in this Country of ours should be Federal system of Government in other words Majimbo. So with those few remarks, I say, thank you very much.

**Com. Prof. Okoth Ogendo:** I am trying to understand this problem. Why would the Government arm all the Marakwet neighbors but not the Marakwets?

**Daniel Talam:** According to us, and this is what we have done because we also have our relatives across the border, I think the Government has a hidden agenda because down here when we look at it, the productivity of this area is supreme to other places. So we feel those guns were used so that we can be chased away from here so that somebody somewhere will come and take over the natural resources, which is on the ground here.

**Com. Prof. Okoth Ogendo:** Why would the Government do that?

**Daniel Talam:** Well, this is our investigation and we have no shame to say that they have something sinister because we believe there is something more good along the valley here.

**Com. Yano:** Thank you very much Mr. Talam. William Kiptoo. You will bring it later? Jeremiah Yano. Yano? Hauna maneno ya kusema Jeremiah, yako ni observer? Lina Kilimo. You had already presented or you want to present also some more?

**Lina Kilimo:** Just one or two points.

**Com. Yano:** Okey.

**Lina Kilimo:** Thank you. My name is Lina Kilimo and I was here earlier to present the views that we collected as Maendeleo Ya Wanawake Organization. I am just here to present one personal point on women.

Women are not able to ascend into power because they have too many hurdles along the way. The first hurdle we have is cultural which we are happy has been put down that there should be no female genital mutilation but apart from that one, there are so many others like too much work for the girl child that she is not able to school or she is not able to concentrate on her studies. If it can be put in the new Constitution that a girl whether you get a baby early you should be able to go back to school. That the government should see to the retention of the girl child in school. If those hurdles makes the girl to fall down, we want to remove these hurdles but if they cannot be removed and the girl falls, the Government should make sure that this girl goes back to school and another one, if there can be a law enabling women to take to court any man who slanders her, because we are human beings and we seem to believe their lies more than the truth. There is so much slandering when women come out to want power or to want leadership, so they are slandered until you give up along the way. If the Constitution can be there that we can take these men to Court for saying wrong things about us e.g. they can slander that a woman has become a prostitute and you have not even become just because they don't want you to get leadership or power. So we should be given the right as women to be able to sue anybody who says wrong things about us.

**Com. Yano:** Thank you very much Lina. The next one is Dr. Joseph Yano.

**Dr. Joseph Yano:** Thank you Commissioners for giving me this opportunity. (ngongololchi bichu eng kutit notere simachilil ngoliondet kele kakowalak kutitkai)

**Com. Prof. Okoth Ogendero:** Dr. Yano, you are addressing the Commission.

**Dr. Joseph Yano:** I was excusing myself so that I can speak to you in a language that may be elusive to them. Now, like every other speaker who is given the opportunity to speak after others have spoken I would not want to be too repetitive on what other have said because what they have said has gone into record and what probably I would have wanted to say.

Well probably because I am just presenting orally, I'll say that the Preamble should exist to define the nation and the people and then it should give aspirations in direct principles.

Why first of all the preamble? Why are we making and who are making it? The Nation and the people and for what reason? For the diversity of the Nation to be united in enjoying the Constitution and agreement and partnership between the people and their Government.

The Directive Principle should have, you know, many Constitutions do not have, they have a directive principle. But what is a directive principle? Most of it is not enforceable by law. So it serves no purpose. We would want this one to be enforceable, the directive principle. Issues like security then can come in because the Government can divert funds, which have been budgeted in Parliament to cover for an insecurity problem.

We would also like to look at the affirmative action and do you know, there is a lot of affirmative action when we talk about affirmative action, we are not just talking about gender. We are talking about an affirmative action about security so that certain funds can be diverted to stem the insecurity and the insurgency of the Pokot in this area. That will help the people a lot.

Then another affirmative action that can have the Government diverting funds is the education of the children. You know that this area, because these guys have been rendered, they have been impoverished, obviously education, even usually they put a heretical (clear) kind of education that this has become number one from Nairobi. This guy can never be number one because he is dogging bullets as he sits for an exam. Obviously that is not an environment to pass an exam and become number one. We would want the Constitution to have that in the affirmative action of the directive principle. Basically security and education.

Of course in an area like this most of the people who suffer most are women and children. The Government must specifically look at it.

As for the affirmative action and for the purpose of having equitable distribution of power, I have something to say. Nominations in this country can be used to accommodate the affirmative action for gender, representation for disabilities, the disabled people and those kind of things. Today people are being nominated just for expediency, political expediency, friendship and political manipulation. But I believe that initially the Constitution intended that the elections may not accommodate and bring about competent leaders because you know elections is just going to talk to people and telling them, elect me and the wrong person can be elected and you can't change it because it is the right of the people and because you cannot get the correct leadership, then you use the nominating power to accommodate the gap the correct leadership that the Nation desires and what the people have given you and today these nominations because I believe that the Country is not as it were, it can be able to have competent leadership in Parliament but those positions for nominations both in Parliament and in County Councils should accommodate for affirmative action. It should be used to nominate two or three women to cater for that interest group because you know like in our place here, a woman is not likely to be elected because we are still culturally so firm that their place is in the kitchen. Then probably we can nominate them.

I feel that the police should also be defined in the Constitution and the Commissioner should be appointed by Parliament and once appointed that office becomes Constitutional so that when there is a problem like these ones that we have with insecurity we can be able to ask the Commissioner of Police and he will be answerable. We will not need to ask the Government. We will ask the Commissioner of Police why he has failed to perform his duties and we as the people should be able to take him to Court for failing to discharge the responsibilities that go with the office and we can also remove him so for failing to perform.

The Armed Forces discipline: I think they should be disciplined themselves but subject to the Judiciary.

**Political Parties:** I feel that the Political Parties in this country is just another mode of association and everybody should be entitled to associate with as many Parties as they want and their role other than just being Political Parties should be civic education and they should be allowed to freely hold any educative meetings in the country without interference of police or Executive power as long as that kind of meeting does not go ultravias to the interest of the Nation. Of course the same political parties should be funded from the public coffers. They serve an interest in this country. They serve as an alternative Government and therefore they should also enjoy from some public funds so that they are not frustrated and parties that have great ideas for this Nation are just gradually left out because of no funding.

**The mode and structures of systems of Government.** I am for the federal system. I believe that part of the security system that we have is because we have a Government in Nairobi that has not been appreciative of the diverse part of the Nation. I believe that they are not in-charge of our boundaries and such a Government that is not in-charge of its own boundaries is not a Government. It is only a Government probably for Nairobi and not for these people. So we want a federal system. Some kind of system that will operate on the ground. Some kind of system that will act very fast on an insecure system like this. That will act very fast on the deteriorating standards of education. That will act very fast to know that there has not been a hospital in an area that is this big and if this people can't have that, the previous Constitution that has served us for almost forty years has in itself a preamble that says we will fight against illiteracy, we will fight against poverty, we will fight against ill health and they have achieved non in this area. What do these people have to say about that Constitution? Nothing, and we hope this Constitution will have something to say for them and for that to happen, a federal system will be much more effective.

**Legislature:** I believe there should be some basic education for those who go to Parliament so that they are effective in the representation of the people and the Parliamentary powers should be enhanced in such a way that when you have appointments, the Executive does not take all those powers. The Parliament should have from, if it is Public Service Commission for instance, it recommends some three names, I am happy the other day, when you Commissioners were to replace one the Commissioners, I think your Secretary, it had a mechanism of going through Parliament so that Parliament also can sieve out some of the candidates who are likely to have sneak deals, as long as we do not have influence of the same system so that when it comes to ratification, you give three names, that name has managed to be filtered through all these channels by that kind of an influence. We want a water tight system, a system that somebody gets appointed by his own

professional kind of thing, he comes to Parliament, he produces his credentials and then the same can be considered up there. Of course, that should be done with consideration that you do not have, you know this country is a bit imbalanced. There are people whom the missionaries visited their place first and therefore they managed to learn English language faster than us and for those of us who do not know the English language, we are not incompetent also in leadership. Some of those for geographical interest can be covered. But the co-business should be competence.

The Executive powers of the President should be restricted to two terms. A minimum education for such a President and some kind of exemplary show of some leadership that is National should be considered and then probably the Presidential powers in a Federal system should be limited to Foreign Policy, Armed Forces, probably immigration and citizenship and the others should be just public relations. An Indian kind of Government in terms of Executive would be ideal where the President only can act temporarily where the Prime Minister has been impeached and the President can step in to accept the resignation of such an incompetent Prime Minister and hold the country in a stable situation until a replacement is made.

**Com. Yano:** Two minutes.

**Dr. Joseph Yano:** Oh! The time goes that fast eh! (Laughter)

**Com. Prof. Okoth Ogendo:** You have taken more than ten minutes.

**Dr. Joseph Yano:** Judiciary: Today litigation has become so expensive for the common mwananchi. I do not know how you guys are going to accommodate so that the mwananchi can have a cheaper way of litigation and access the Courts. Most people abandon their cases in Courts because of the expense and at the same time there are too many delays in those Courts, so that somebody who is not guilty goes to Court and stays for one year, his case is adjourned every other day until he says, if I had said I am guilty in the first place, I would have finished even this sentence. This is a frustration and a coation where Kenyans are suffering under the Judiciary. I hope that the Judiciary is going to be much more effective and if they need more personnel there should be no restriction why you have only thirty six judges in this country and we are paying taxes heavily, so that others loot it in billions and gold that cannot be found.

**Local Government:** I can only suggest in Local Government that they be more authoritative and the Councillors be given authority. Today the Executive officers in the local Councils have more authority and the Councillors are only public relations. They go to a meeting, they pass certain decisions and the decisions are not implemented by the chief officers. They cannot even transfer them. They cannot take disciplinary measures against them. This is not Local Government. So, the Councillors should be given more teeth just like Parliament they should be given more teeth where the Executive if he does not implement what Parliament says, then the Parliament should have precautionary measures, probably, and that brings me to the issue of the Ombudsman.



This Nation requires an Ombudsman because if the Government wrongs me I have nobody to go to. I cannot report to the same Government that you have wronged me. I mean, we are only quarrelling, isn't? There must somebody else I can report to and say that the Government has failed. Everybody stands here today and says, you Commissioners, you should tell the Government. Can you imagine that? But the Government has also employed you. So we want an Ombudsman to whom if a DO here wrongs somebody, you can go to an Ombudsman and complain.

Then we want to respect our **cultures**. Of course some people have said here that female genital mutilation should not be there. I am of course, not against it. But I am saying that our culture should not be inferior to that of any other person. We should all be recognized as ethnic groups of this Nation and everybody and his culture should be allowed to practice his or her culture and then we can only bring education to the people gradually and then they will find there is no need for this culture. Of course there are other cultures that are retrogressive like the Pokot one where they need to pay the dowry using Marakwet cows. Somebody should be paying dowry from his own cow, not Marakwet cow, so that if they want to marry, then let them marry from their own cows, and if they don't have, let them agree to pay in installments in life.

Then, I want to talk about **land and property rights** and this one is very simple. This area is all demarcated by our ancestors. They have what we call indigenous deacons. We have tribal deacons here. There is no conflict of land between one clan and another. What only happens is that we have a bit of conflict up there because some people had said that they didn't need that land. So somebody else encroached it gradually and probably may have thought that he acquired it by adverse possession. Now, what conflict you are seeing about land, if have read any papers about conflict of land, is because this land has become insecure, somebody has gone to find out what happened to his land there, because he thinks it is secure, isn't it? So that is why the conflict is, because now he has gone to evict that guy, and say, "toka kwa shamba yangu". But otherwise we don't have conflict. Everybody knows his land. What we want the Constitution to do is to respect that there is no trust land here, this land belongs to people.

**Management and use of Natural Resources:** Of course you that we have a pin for collecting tax. I suggest that we have a pin for using tax so that we do not have a tap that bring in and nobody sees who takes out. So thieves can still from here and we are working very hard to fill a tank that is bottomless "imetoboka". We don't want that. Put that in the Constitution.

**Environment and Natural Resources:** We should have, I think today the Forestry Department and the Ministry of Natural Resources has collapsed. We do not even have Foresters here. So that even the DO'S and Chief have been made to become Forest Officers. Every day they are sacked because they have not stopped people from going to the Forest and yet there should be a Forester, Forest Guards who should be taking that responsibility. It is unfair to sack somebody arbitrarily like that. So the Forest Department should be enforced with an Environmental Management Board, which must liaise with the community committee to manage their own forest, water resources and all that is required and of course every project must be

community friendly just like we are seeing electricity here going and we are not benefiting from it. You know these are the kind of things, which can encourage some of the people to feel frustrated and blow that project up. So in order for it to be protected, then the people must benefit from it, so the project must be people friendly.

**Participatory Government:** More often than not, you hear about rigging and I think this is where the Electoral Commission should be free of the Executive powers so that it can be able to conduct a free and fair election and then the people can participate in their own Government by having a representative in the Government and then they will consider themselves partners. They will participate in their own Government, because nobody of his own free will should be governed against his will. God created us free and we must be free until we sub-contract our freedom to the Government.

**Com. Yano:** One more minute. I am just giving you a minute.

**Dr. Joseph Yano:** Constitutional Commission: These Constitutional Commission are doing a good job like the Human Rights, those ones we should have, Gender, we should have that, Anti-corruption and all that but these things make no meaning if they write reports that gather dust on the shelf. So they should have a presentation directly once they have been, they should have periodical reports that are debated in Parliament so that it becomes public, not that you have a Commission that then presents to the President and then the President puts it somewhere and then that is the end of it, even the public does not know what went on. I suggest that they develop some teeth by having some mechanisms by which they present their findings and that their findings become free of the Executive.

Now you are telling me that I have one minute, and so,

**Transfer of Power:** Let me just finish with this, I have talked about the Ombudsman, this will be my last point. The power should be transferred in my opinion, to the Speaker of the National Assembly in the event of anything, probably the President dying in office, or an impeachment or something and the Speaker should of course not have an interest in the subsequent elections that will come and that the elections of course will be conducted by an entrenched kind of system. Thank you.

**Com. Yano:** Thank you very much Daktari, I have a question for you.

**Com. Prof. Okoth Obedo:** Why should power be transferred to the Speaker? Why don't we hold elections well in time so that there is good transfer later? Why should the Speaker be involved in this?

**Dr. Joseph Yano:** I was just looking at a situation where the President probably meets an accident. Then the election is not due. You have to a stopgap election.

**Com. Prof. Okoth Ogendo:** What about the Vice-President?

**Dr. Joseph Yano:** I have no Vice-President in my kind of presentation. I have a President and I have a Prime Minister.

**Com. Yano:** There is also one question Daktari. You have given us, you said that you would prefer a Federal System of Government; can you kindly give us the structure of the same? Do you have it in mind? Do you have the structure in mind?

**Dr. Joseph Yano:** I have a structure in mind. I have a President who obviously does not represent any Constituency and he carries limited executive powers. I have defined that this is the Armed Forces, the Foreign Policy, Citizenship, okay? There are a few others that we can add which are national. You know if we are talking about Armed Forces, he is in-charge of territorial security. He is not in-charge of internal security. Then you have probably a Governor in every Province, okay, who can then delegate the other structures into that Province of government.

**Com. Lenaola:** ----- center of power in the Province----- or re-defined?

**Dr. Joseph Yano:** Re-defined of course with the Government. This one now with the Provincial administrator who is appointed by the President is not what we want. The Governor will be elected by the people.

**Com. Prof. Okoth Ogendo:** No, no, the question there is this, we keep the Provinces as they are now -----

**Dr. Joseph Yano:** Yes, yes.

**Com. Prof. Okoth Ogendo:** ----- or we create new ones?

**Dr. Joseph Yano:** No, no, just as they are.

**Com. Yano:** Still with your Pokot neighbours?

**Dr. Joseph Yano:** Yeah, still with our Pokot neighbours. (Laughter)

**Com. Yano:** Thank you very much Dr. Yano. We are very grateful. Chelimo Chemok Kindly register yourself. Chelimo? Karibu, karibu Chelimo. Halafu ataefuata ni James Cheserek, Senior Chief Endoo. You are an observe, na umeweka Oral presenter, kwanza written? Lakini mujue ya kwamba hata kama wewe ni chief, uko na uhuru ya kupatiana maoni yako.

**Dr. Joseph Yano:** Just before I finish, there is something else I wanted to add on professionalism in the Constitution. There are

many professions that have been infringed today so that the public is not protected. One is my own profession called the Pharmacist where everybody has opened shop and is endangering the public by giving the wrong things and the Executive is not protecting professionalism any more so that even the purpose of educating children is not there. If somebody has trained as a Pastor, for heaven's sake let him be a Pastor and let no quack pretend to be a Pastor without training and if somebody is a teacher, let him be a teacher and teach our children. Let nobody else who has gone to Nursery start teaching the children because they will never pass. Thank you.

**Chelimo Chemok:** (kainen nyu ane ko Chelimo Chemok)

**Translator:** My name is Chemok.

**Chelimo Chemok:** (ngalechu bo tuyoni ,kotuiyot nelechech leuyo kikiner achek keiku boi komomi siku ne maluei chi jebo tany eng koretnyi)

**Translator:** The meeting that we have here today I wonder what has happened because as we grew up we never knew that somebody can be chased away from his home.

**Chelimo Chemok:** (kinge etu kikitinye tuka chechang chekicham keoltoi kimekesome chi tukuny )

**Translator:** As we grew up we had our animals, which we used to sell. We never used to beg anybody for anything.

**Chelimo Chemok:** (yekakibwa tuyoni koyobek betuni imwoiwo ole atebe,ngotomite koret)

**Translator:** I would want to know whether after this meeting we have here today, what the outcome will be. Will I still be here?

**Chelimo Chemok:** (kingoroni kokimenye achek koboto akot Pokoti ak kikichome akoi anyun kenyor bunduki ak kikoch home guard akocho bundukit noto koik neiketei bich )

**Translator:** We used to co-exist with our neighbours, the Pokots, until something they were given, something they call home guards came in and that home guard was supposed to protect them but it has turned against us.

**Chelimo Chemok:** (kikitinye kenye kotiek ak ngotit che kicham keboren kei ako kimakibwat kele tosyonech eng koret)

**Translator:** When we used to co-exist with our neighbours, the Pokots, long before the home guards came, we used to fight of

course, using the bows and arrows and we didn't mind that one but with the invent of the home guards, life has changed.

**Chelimo Chemok:** (amoche anyun ale lia makiyum bichu tinye bundukis koba komosta agenge sikotebi koroni kokararanit )

**Translator:** My opinion is that the people who have been given home guards should be put in one particular place so that they can be taken care of not to misuse those home guards of theirs.

**Chelimo Chemok:** (ketekenyoru maendeleo ak koba lakoi sukul)

**Translator:** Then we can at least have development and children can go back to school.

**Chelimo Chemok:** (kimokoya koroni kimi ndisinik akoi mwokoinik ak alak.Makomichotukul rani,kikoik rubet kityo.)

**Translator:** Now we are starving because we no longer till our land. We used to have bananas, cassava, but now we do not have because there is no peace.

**Chelimo Chemok:** (yetokomi bundukisiek go mongen kotokosobei koroni)

**Translator:** If these guns, the one we call home guards are still being given to the Pokots, then we will not exist as Marakwets.

**Chelimo Chemok:** (kole ane onguste tukchu koba)

**Translator:** Let the home guards be removed so that we can co-exist as we used to before.

**Chelimo Chemok:** (kotokosob koroni )

**Translator:** Then there will be life again in this valley.

**Chelimo Chemok:** (akot ndokichengchinin Pokotiek kotokoba kumoborei bich.)

**Translator:** If you can give an alternative, to the Pokots, then they will not be killing us. May be in the new Constitution; let them look for an alternative for the Pokots so that they can leave us alone.

**Chelimo Chemok:** (ndokichengei olebendi kotokoba lakok sukul)

**Translator:** Home guards should be removed from the Pokots. They should not be given home guards, and then we can live in peace again.

**Chelimo Chemok:** (kotonyoru akot tany agenge, akot ara)

**Translator:** So that I can at least own property once more.

**Chelimo Chemok:** (akot oinlakat koki kwer tuka eng kapolis)

**Translator:** Just the other evening, animals were taken from here where you are seated, next to the Police Station. These people are fearless because I think these home guards must be very powerful.

**Chelimo Chemok:** (ko asiketeb komie kokongusu bichu eng yu)

**Translator:** I think the home guards finally should be removed so that we can live in peace.

**Chelimo Chemok:** (*motinye ngolio ake*)

**Translator:** That is all I can say.

**Com. Prof. Okoth Ogendo:** Should the Marakwets be given home guards?

**Translator:** (to Chelimo Chemok – ndokikochin Marakwet home guards?)

**Chelimo Chemok:** (ee koiweis kole makesoren tukuk)

**Translator:** Yes, if you give the Marakwet the home guards, then the Pokot might fear to come and attack us because they will know that we are armed. Right now they come here because they know we have nothing.

**Chelimo Chemok:** (kimuren kou ye u ichek)

**Translator:** We are men just like them, so if we are given, then we shall be like them.

**Com. Yano:** Asante sana. Tunashukuru. (kongoi missing boiyot)

Lazima ukisema shida yako, lazima useme jawabu. Asante. Mwenye anaefuata sasa ni William Chepturur – Councillor.

(Cheptoror )+. Karibu william. Halafu Councillor Karben Benjamin Kibor atafuata.

**Councillor William Chepturur:** Asante Commissioners. Nataka kuguzia yale wenzangu wameongea. Kuanzia 1963 tangu tupate uhuru, tulikua tunafuata mlolongo ma chiefs ambapo kwa sasa inaonekana mtu ana apply kazi tu kama huku Kapsor unaenda mpaka Nairobi na unakuta mtu ya shambani anaenda ku apply huko na atapata hio kazi na hajui shida ambae iko katika Location. Ningeomba zirudiwe tena msujo ipangiwe tena ma chiefs msujo na kulingana na hao tena, wale wame apply hawafanyi kazi vizuri. Kwa sababu anaweza kusema mimi mwenyewe nili apply kazi yangu na nikapata. Iende hii Katiba mpya, hata inede miaka tano, chief atawale baada ya miaka tano, ili kila mtu awe ni bidii ya kazi.

Ingingine ni Councillors: Ningeombe Katiba, Councillors awe mtu ya Std.8 na mtu ya Parliament awe bora amemaliza Form IV. Awe mtu ya Form IV kuelekea juu. Kwa sababu unaweza kuta mtu mwingine ambae anakalia degree karibu kumi na awezi ongelesha watu kama watu kumi ama asimame karibu masaa mawili ama nusu saa. Hana maongeo kuongesha watu.

Na Councillors awe akilipua na Central Government kwa sababu sisi sasa tukienda kama huko Kapsowar, hakuna vitu kwa hio nyumba. Afadhali pesa yet itoke kwa Serikali.

Mambo ya uizi. Ningeomba Tume achungulie hii mambo ya uizi kwa sababu unakuta police 'leta kitu kidogo', unakuta mwizi 'anasema lete yote'. Ningeomba hii Katiba mpya kama mtu anakua mwizi, ikatwe mkono kaka nchi zingine kama Nigeria huko, akatwe mkono ili awe kiwete, asiwe mtu yaku nyanganya mtu mali yake.

Kitu kingine: Elimu: Ningependa mambo ya elimu, kila mtoto awe educated kwa sababu akisoma mpaka afike darasa la nane ili akikosa fees, unaona anakuja kuwa jambazi. Ningeomba Serikali ituplie mbali pesa za Secondary, iwe free kuazia Std.I mpaka amalize Form IV. Yangu tu ninasema asante sana.

**Com. Yano:** Asante sana Councillor. Asante sana. Benjamin Kibor, yuko tayari. Halafu atafuatiwa na Wilson Kiptor. Kiptor tafadhali jitayarishe.

**Cllr. Benjamin Kibor:** Kwa majina naitua Councillor Benjamin Kibor kutoka Kapten Ward. Bw. Commissioner au Commissioners wetu, niko na maono machache na kwanza, mahali tuko, tuseme kama mahali tuko TOT, ningesema kwa Katiba mpya kwamba, kama kuna wakati wa kutangaza kwamba kuna kazi ambae vijana wataandikishwa, katika Katiba mpya, hio nafasi ipelekwe moja kwa moja kwa Divisions, kwa sababu, vile watu wetu wanakua, wote si sawa kwa area zingine. Unakuta vijana wa sehemu za chini, wanambiwa ati wana alama alama na ni kwa sababu ya area. Inge faa wachukuliwe kama vijana wa TOT Division na wa andikwe katika station yetu ya TOT ama Divisions zingine.

Ingingine, ni mambo ya usalama katika Marakwet ama katika bonde la Ufaa, kwamba kwa mambo ya usalama kwa ile sheria

ambae tulipata ambae tuliletewa tukaambiwa kwamba tutachunguwa na mali yetu na tunaona mpaka ya sasa hatulindwi na ile Katiba vile imeandikwa. Ningesema kwamba kwa kila Serikali ambae intakuja baadaye tunataka Serikali wakihurumia yule mwizi, wacha wawe wakilipa ile garama mwizi amelele ama kama wanyama ama mtu kuwawa, wacha Serikali wa compensate kwa sababu wamehurumia yule mwizi kuharibia mwingine maisha.

Ya tatu, Forest: Forest ni Forest ya Marakwet si ya Serikali na si ya upande mmoja tukiwa kama ya Marakwet. Kama kuna Forest, inasemekana tu ni Forest ya Marakwet si ati Forest ya watu wa upande fulani. Forest ni kutu ambae tuna tunza ama tunachunga kwa pamoja kwa sababu inatusaidia.

Ingingine ni kuhusu mshahara ya wa Bunge: Mshahara ya wa Bunge ama Wajumbe iwe wakipimiwa wasiwe ati wanakaa tu na wanapitisha kwamba watajiongezea mshahara kwa sababu mukiona uchumi ya Kenya vile iko, hata tunasema wenye wameharibu uchumi zaidi, ni wale wajumbe wako, kwa sababu wamechukua ile pesa yote, yule masikini ange pata kidogo. Kwa maoni yangu, hawa wapimiwe mshahara kwamba Mbunge ni kiasi hii, mtu ya Siri ni kiasi hii, halafu naibu wa waziri ni kiasi hii.

Ingingine, ni kwa upande wa Police: Police wakiwa wanasaidia raia wakiwa bara barani, kwa ile pesa wanaitisha isiwe ni pesa ya mkubwa ningesema kwa maoni yangu kwamba, kama kuna pesa ambae itakubaliwa mtu mkosaji alipe project fulani ianzishwe ambae hiyo pesa itafanya kuliko iende kwa mfuko ya watu wachache.

Ingingine ni ugawaji ama kugawa vyeo katika nchi ya Kenya. Tusiseme kama mini ni mkubwa wa Police, ndungu yangu pia atakua mkubwa wa Police. Mukiona pengine kama Prisons, Police unaona karibu familia moja wamejipanga karibu kutoka inspector mpaka huko juu na wale hawana watu. Wataishi namna gani? Hiyo iangaliwe kwamba kila mtu apewe nafasi yake.

Ingingine ni kuhusu mambo ya NGO's. Kama kuna NGO ambae kuna kazi inataka kufanya, wach ianzie ground si ati wananzia juu wakiteremka chini kunyaga chini zaidi. Kwa sababu nisiseme hivyo, kuna groups ambae inajitoa nje na wanasema wanafanya kazi kwa mahali fulani, pengine wanasema hawa ndio wanasaidia upande wa TOT, na ukikuta kwa ile mradi wanatangaza juu, ati inaendelea, unakuta hio kitu hakuna katika ground. Wacha kila kitu ianzie ground ielekee juu ndio hata watu wetu waweze kupata haki yao na kwa maoni yangu ningesema watu kama hawo wakipatikana wastakiwe kwa sababu wameharibu jina ya jamii ama wamechafua jina ya Marakwet, kuseme kwamba wamefanyiwa hii na hawana hio. Ningesema kwamba watu kama hawa wakipatikana na ile project aionyeshi, mtu kama huyo afikishwe Kotini bila kusema witness ni nani au nani, bora amepatikana ni ile takabadhi pengine imeandikwa ya kuonyesha kwamba kuna project fulani na kama hakuna astakiwe moja kwa moja.

Mwisho ni kwa upande wa Councillors. Wenye wanaumia zaidi kwa upande wa siasa ni Councillors. Kwa maoni yangu ningesema kwamba kwa sababu mimi sitakaa Council miaka mia moja, ama miaka mingapi, ile muuda watu watanipatia nifanye



kazi hata kusaidia watu wangu, ningesema Councillors wawe watu wakulipwa kama wajumbe. Pesa itoke kwa Central Government isisemekani ati tunategemea mambo upande wa Local Government ambae hatuoni chochote. Na ile pesa inatoka kwa Local Government tunaambiwa mpangie kazi na musijaribu kukula hata peni mmoja. Kwa hivyo wacha Central Government ilipe Councillors.

Mwisho, Bw. Commissioner, kuna maobi ambae tuliomba wakati mwingine na ni upande yenu tu, kwamba munge tuandikia vijana wachache wakuweza kutufunza tuweze kujua namna tunaweza fanya hii mambo ya Katiba na mpaka wa sasa watu wetu wengi hawaelewi mambo ya Katiba. Watu wachache tu, wachache, wachache. Na ningesema kuna groups ambae wanajiita NGO's katika sehemu hii na niko na list na hawa watu hatuwaoni kwa kufanya practice ama kutufunza ama kututumia hawa watu wa Civic Education. Kwa hivyo watu kama hawa, hata wachunguzwe kwa sababu kama pengine kuna cake ya Kenya nzima, mbona isifike ground?

**Com. Yano:** Tunaweza ionge baadaya.

**Cllr. Benjamin Kibor:** Asante

**Com. Yano:** Asante sana Cllr. Kibor. Anae fuata ni Wilson Kiptoo. John Kilimo, unejiandikisha ukiwa unasema wewe ni observer, pia ni oral presenter. Sasa ni wewe mwenyewe utatuelezea.

**Wilson Kiptor:** Commissioners mbele yenu ni mlemavu ambae Mungu aliumba na baado ninalia sana kwa sababu ya walemavu. Naona hata mwenzangu hapa ni mlemavu ama namna gani? (LAUGHTER) Asante sana sisi wote ni wa Mungu. Sisi wote tumeumbua na Mungu.

**Com. Prof. Okoth Ogendo:** Sawa.

**Wilson Kiptor:** Tuna haki ya kuishi kama kila mtu. Ya kwanza uwa nasikia kwamba kuna loans ya walemavu ambao wanapewa na sisi katika sehemu hii hatujaone hizo loans na hatupewe na sijui ni kwa nini. Maoni yangu ni kwamba, walemavu wale wamelemaa na wamesoma wapewe loans waendele na biashara zao wajisaidie nayo. Mlemavu nikipewa kipande yangu saa hii, imeandikua Republic of Kenya, na sijui ni kwa nini nime onewa sana kama mlemavu. Shule, kazi hawa andiki sisi. Wanasema ni mlemavu, kwa hivyo ajiwezi, awezi kazi.

Ya pili ni usalama. Usalama ya mlemavu ----

**Com. Yano:** Wilson, ukisema shule, upendekeze, useme unataka nini kwa maneno ya shule.

**Wilson Kiptor:** Mashule, ningependa kwamba walemavu wajengewe shule yao ama boarding wale ambao anaenda kusoma vizuri bila ku disturbiwa ama kusumbuliwa ata kuna watoto ambao wamelema wameziliwa na kuna ulemavu mwingine imetokana na uizi wa mfungo katika bonde ili la Kerio, na ningependa Serikali ama Katiba hii mpya ione kwamba mlemavu amejengewa shule na amepewa ulinzi ya kutosha. Mimi siendi Tugen, siendi Pokot kuenda kuiba. Ama wewe unaenda ndugu yangu? Unaendaga raid. Ukipewe bunduki utaenda raid?

**Com. Yano:** Awezi kuenda.

**Wilson Kiptor:** Uwezi. Mimi siwezi Nikiongea juu ya usalama, nataka Katiba hii ione kwamba mlemavu analindua vizuri bila kusumbuliwa. Nitaonge juu ya ndugu yangu mmoja ambae baado niko na uchungu ambae aliuliwa akiwa Form III, St. Paul's Subkondo Secondary School, ambae alimiminia risari kifuani, baado nina uchungu na ninasikia hata kulia, lakini ninaomba Mwenyezi Mungu anipe nguvu na atupe nguvu kaka walemavu, na tusikumbuku na tuyasahao yale yamepita. Tunahitaji usalama kama walemavu. Na nimeongea juu ya mashule.

Special Schools ya walemavu zijengwe. Hata naogopa saa hii, hata ikilia saa hii sijui nitakimbia namna gani? Inaweza lia saa yoyote. Naomba Katiba mpya ione hio maneno. Kwa hayo machache nasema asante.

**Com. Yano:** Niko na swahi moja hapa. Sehemu zingine tumeenda walemavu wanasema eti kama ingewezekana watengewe nafasi Bunge. Ili watekeleze mambo yao. Uko na maoni kuhusu hao. Pengine wapatiwe nafasi au wakuwe nominated waende Bunge kuwatetea.

**Wilson Kiptor:** Kama kila mtu, wakati wa nominations, nataka walemavu a nominatiwe kama kila mtu a represent disabled katika Bunge ama Council. Kwa hayo machache nasema asante sana.

**Com. Yano:** Asante sana. John Kilimo. John Kilimo? Ni wewe? Joseph Lokenda, acting Chief, Kaben. Joseph? Observer? Na mumeandika yote oral? Pius Chebet, Assistant Chief? Observer. Na hapana ogopa, hata Chief mumekuliwa mupatianeni maoni. Hakuna mtu atawafuta kazi. Mwenye atawafuta kazi ndio ataonana na Katiba sasa. Elly Cherop. Uko na maoni, yes, tafadhali njoo upatiane maono. Ama uko na kazi, endelesha kazi yako kwanza, tutarudi saa zingine. Antony Korir? Ninaona kuna vijana wa shule wamefika. Muko tayari kupatiana maoni? Umejiandikisha. Ndio, kuje ni tafadhali. Ni wangapi wapatiana maoni kati yenu? Okey. Unajua Professor anapenda watu wasome, ndio unaona amekazana sana, yeye ni Professor, na anataka Professor atoke hapa kati ya hawa watoto. Yano Kisila, Yano Kisila, observer. Paul Cheboi. All these are observers. Paul Cheboi. Anthony Korir. Have we called Anthony?

**Com. Lenaola:** Yes we have.

**Com. Yano:** Anthony tafadhali. Bas, utafuata Anthony.

**Anthony Korir:** Commissioners, I am Anthony Korir and I have been a Civic Education provider for Foundation for Dialogue and I have been collecting views since January until June and the following are the summary of what I have been collecting from the Youth.

**Com. Yano:** Are you representing the youth?

**Anthony Korir:** I have been a Civic Education provider ----

**Com. Yano:** ---- so that is a summary of

**Anthony Korir:** ---- of what I have been collecting from the youth.

**Com. Yano:** So you are now going to represent the youth? Okey.

**Com. Lenaola:** So tell us the number of youth that ----- so these are your views?

**Anthony Korir:** These are the view I collected from them.

1. There is what we call the Preamble in the Constitution and when introducing the Constitution, I think it should set corruption, insecurity, and equitable distribution of the National case or Resources, gender balance.
2. Maximum retirement age of a President should fifty-five years.
3. A President should hold office for a maximum of two terms of five years each.
4. Minimum age of a President should be thirty years.
5. A President should be impeachable even while in office.
6. Presidential powers should be minimized.
7. An independent Commission to control employment of appointments.

**Com. Yano:** I hope you are not--- are you reading?

**Anthony Korir:** Yeah. It is a summary.

**Com. Yano:** Is it is a summary. Okey. Then move very fast.

**Anthony Korir:** Eight: There should absolute independence of the Arms of the Government i.e. The Executive, Judiciary and Legislature.

Registration of Voters should be a continuous process.

The Members of Public Service Commission should be appointed by Parliament.

The idea of trust lands should be removed from the Constitution. I think everybody knows what the Constitution says about trust lands. It states that any land outside Nairobi is a trust land. So that idea should be removed from the Constitution.

**Com. Prof. Okoth Ogendo:** (inaudible)

**Anthony Korir:**

Twelve: Of course there is still a point coming after that. There should be no leasing of land once a Title Deed has been issued. I think the current Constitution states that if you have the Title Deed, it is being leased to you for 99 years. You are not the owner. So that idea should be removed completely and once you are issued with a Title Deed, the land belongs to you.

**Com. Yano:** So you do away with Leasehold and the rest.

**Anthony Korir:** Everything, correct.

Title Deeds should be issued to communal lands. For example here at the moment we don't have Title Deeds. We don't have Title Deeds here and I think it could be better if the Government issued Title Deeds to people around this place. Communal lands should be demarcated by the Government. I think Dr. Yano talked about demarcation but that demarcation was by old men, deacons being put around. So the Government should come in and demarcate the land so that if you are issued with a Title Deed, it belongs to you.

There should be no double employment. One man, one job.

A copy of the Constitution should be accessible to everybody.

There should be gender balancing in employment or appointments.

There is this what we call affirmative action and I was suggesting that 30% of total Members of Parliament should be reserved for women.

There should be equal distribution of land.

Child rights should be there and parental care and response.

A well-defined system of education should be put in place for every Kenyan.

All media channels should be liberalized e.g. if it could be liberalized perhaps we could be having T.V's here. All of us, we did not watch World Cup. We missed World Cup and perhaps if the media channels could have been liberalized, we could have watched the World Cup. (LAUGHTER)

Employment in public and private sectors should be fairly distributed amongst the forty two tribes in Kenya.

Protection of Agricultural Sector for instance, maize should not be imported while there is enough stock. This is a problem we had recently. There is no price for maize. Kila mtu aliona hiyo maneno juzi.

The Electoral Commission of Kenya should be independent.

The President should not appoint Commissioners of Electoral Commission and I think my friend Mr. Talam is listening and he will bear me witness.

The Commissioners of the Electoral Commission should be appointed by independent Commission and vetted by Parliament.

Electoral Commission should fund all political parties.

Electoral Commission of Kenya should be given powers to prosecute election offenders.

Citizenship should not be denied to a foreigner woman married to a Kenyan. I think Dr. Yano talked about that.

Public Universities to elect their own Chancellors and Vice-Chancellors. I think everybody knows that it is the President who appoints them.

Minority rights should be put in place for example children's rights.

Marginalized communities should be protected like us Marakwets, we are being attacked by the Pokots, and everybody has talked about that.

The Police Force should be streamlined.

There should be accountability of governed revenues at all levels. There is this issue of forest, we have a forest up here and what I was being told by people up there, they want to control the forest themselves and not the Government. So Forest should be protected by the wananchi themselves.

There is this issue of Federal System of Government or Majimbo; I think people are for that.

Civic Education should be taught in Primary, Secondary and Colleges.

A Citizen should belong to only one Party. I disagree with Daktari, he said that one should belong as many parties as he feels like, but there is this issue, ukishindwa kwa KANU, unakimbilia DP, so it could be better ukishindwa kwa KANU, that is all for you.

Interjection: **Com. Lenaola:** Na ukiwa -----(Laughter)

**Anthony Korir:** Education level of a President should be University Graduate.

A President should declare his or her wealth before he or she assumes office.

**Com. Yano:** How far do you still have to go?

**Anthony Korir:** Now far.

**Com. Yano:** I am giving you a minute. Please try and finish.

**Anthony Korir:** Okey. Voters should have control over their MP. He or She should be recalled any time voters feel he or she has not performed to their expectations.

Members of Parliament should be at home every weekend and should have an office in his or her Constituency.

Members of Parliament affairs should be decided by wananchi and not themselves like the other time they hiked their salaries to, I don't know around half a million.

So every District should have a judge. We don't have a judge in Marakwet. If we have a case, we have to go to Eldoret. I think it could be better every District to have a judge, a court that is. Cases should not be taken far away from where the crime occurred. Once someone retires from office, he or she should not be employed again. Like, una retire halafu unaambiwa unakuwa chairman wa KTDA, unakuwa chairman wa where, no.

The Constitution should be written using both Kiswahili and English.

There is this issue of bursary. I think it should be distributed equally in every District.

Judges should not be appointed by the President. There is this issue of the three Arms of Government. This is where it comes in. We have judges who are being appointed, like the Chief Justice, he cannot be independent.

Judicial Service Commission should be appointed by Parliament to avoid fear of executive reprisals.

All appointments by the President including Ministers, Judges, Police Chiefs, Vice-Chancellors, Members of Electoral Commission should be scrutinized and confirmed by relevant Parliamentary Committees.

Social interest or Minority Groups should be represented in Parliament. My colleague who was here talked about the disabled and the Commissioners told him that it could be better if they are represented in Parliament, so that is my point I was bringing, special interest or minority groups should be represented in Parliament.

There should be an independent Supreme Court with final authority over disputed judicial questions made by the Executive.

**Com. Prof. Okoth Ogendo:** Only if the Executive is in office.

**Anthony Korir:** You are not getting the point. There should be an independent Supreme Court, with final authority over disputed judicial questions made by the Executive.

**Com. Prof. Okoth Ogendo:** I am asking you, what about other matters, -----

**Anthony Korir:** ----- from ---

**Com. Prof. Okoth Ogendo:** -----individuals might have an issue, do they go the Supreme Court also?

**Com. Lenaola:** ---- or companies ---

**Anthony Korir:** --- no there are cases ---

**Com. Yano:** You said only the Executive isn't it?

**Anthony Korir:** What I am saying is that there are cases which do not reach Supreme Court, okey?

**Com. Prof. Okoth Ogendo:** I am asking you, do you only want cases in which the Executive has made a decision to go and not others?

**Anthony Korir:** Others will not reach Supreme Court. If they reach, they should be independent.

The President should not have powers to dissolve Parliament.

The issuance of Identity Cards and Passports should not be controlled by the Office of the President. An independent body should be formed to oversee it. I think that one is open because if ID Cards, people may be denied, the President feels he will not vote in Central Province, he will collude or he will deny those people ID Cards because that is what is needed for one to vote.

Parliament should not have powers to make laws. The wananchi should be involved in making laws.

**Com. Yano:** Last point. Last point so that you give us, we are going to read it.

**Anthony Korir:** Just two points please.



**Com. Yano:** Aha! Very fast.

**Anthony Korir:** I think they are not important issues. The Constitution should make provisions for a former President in terms of let us say, security, let us say the President retires, I think it could be better or it is wise if he or she is allowed state security until his or her death. I think also, he should be allowed to earn, 30% of his or her previous salary.

There is this last point, the office of the Ombudsman should be introduced and given or allowed absolute independence. Thank you.

**Com. Yano:** Thank you very much.

**Com. Prof. Okoth Ogendo:** Can I? Please sit down. You are saying Parliament should not make laws. So what is the use of Parliament?

**Anthony Korir:** What I am saying, yeah, correct, Parliament should not make laws. The wananchi, if they try to make that law, the wananchi should be involved. Every citizen, like what you are trying to do now, should be involved. Even amending, I think even amending -----

**Com. Prof. Okoth Ogendo:** Even procedures because if we are going to draft that, we have to have a procedure, -----

**Anthony Korir:** ----- it will be expensive

**Com. Prof. Okoth Ogendo:** ----- Parliament, hold it, the Bill goes to Parliament, Parliament passes it and then it goes to the people. How does it go?

**Anthony Korir:** Actually, I know it will be an expensive exercise, but it is important ---

**Com. Prof. Okoth Ogendo:** No, no, I am asking you how? How? What do we do? How do we take to the people? Forget about the expense.

**Anthony Korir:** Before a Bill goes to Parliament, if a law is, if we want Parliament to make a law, people should be asked, wananchi everywhere, because somebody like Orengo can just come with his law and he mobilizes all the MPS and -----

**Com. Yano: Mr. Korir:** what Professor is asking you is the procedure of involving the people to make these laws. You have said that you don't want Parliament to make them, isn't it?

**Anthony Korir:** Correct.

**Com. Yano:** Then how do you ensure that these people make the law?

**Anthony Korir:** But this is what you are going now. You are making laws to make our own Constitution and Constitution is law.

**Com. Prof. Okoth Obedo:** Alright. It is okay. We have got your point.

**Com. Yano:** Thank you very much. We are very grateful for that. Now I will call upon the students. Florence Jemutai. Then atafuatwa na Kipkoe Cheserek. David Chelanga, halafu Lilian Biwott. Say your name, the school you are in and the class you are in and you should add the age.

**Florence Rotich:** I am Florence Rotich from Kerio Valley Secondary School. I am in Form IV and eighteen years old.

**Com. Yano:** Go on now.

**Florence Rotich:** My points are mainly based on education bursary and the first point is our Government should provide free education from Primary up to Secondary and if it becomes so seriously the students who are learning in University should pay some small amount.

The second point is, the girl child has greatly been vulnerable because when they are sent home for school fees and when they reach home and the parents cannot afford to give them school fees, they resort to marriage and as such it leads to a lot of problems e.g. they may even contract HIV/AIDS.

**Com. Yano:** What do you say about the girl child? How should the girl child be treated?

**Florence Rotich:** In my opinion, the Government should consider the girl child by providing them with bursary or free education.

**Com. Yano:** Go on.

**Florence Rotich:** Another point is, the Government should form guiding and counseling bodies so that they can offer advisory services to the youth and even to the parents so that they can know the importance of education.

**Com. Yano:** Go on.

**Florence Rotich:** The other point is, many youths have completed school and most of them have passed but the chances of employment are very few such that if others may fail and they offer money for bribery so that they can be employed. So the Government should take serious note on that.

Another point is the issue of bursary: You find that our Kenyan Government has been offering bursary to most schools but our area, they offer bursary equal to most areas. So I would like to ask them to consider the remote areas like ours differently.

The last point is most of our schools have few teachers who cannot be able to meet the requirements of the students. You find that one teacher conducts assignments from Form I to Form IV and the school has double stream, and so he cannot be able to mark the assignment because of the overloading.

**Com. Yano:** So what is your request?

**Florence Rotich:** So I would like to ask the Government to employ more teachers. Thank you.

**Com. Yano: Okey.** Thank you very much. Thank you very much Florence. Kipkorir Cheserek. Kipkorir. Move very fast, you are still young.

**Kipkorir Cheserek:** My name is Kipkorir Cheserek from Kerio Valley Secondary School. I am in Form III East.

To start with, the Government should establish both Primary and Secondary School Country-wide in order to boost the level of education for the young Kenyans.

So, establishment of public library in rural areas in order to improve the standard of education being lowered by many dropouts in the Primary levels.

Our Government should ensure the street children can be taken to school in order to improve their standard way of living and have better way of earning so that they reduce the theft cases being of high rate in urban areas.

Ensuring political stability by the Government to ensure conducive environment for education of young Kenyans. Thank you.

**Com. Yano:** Thank you very much Cheserek. There is a question for you Cheserek. Thank you very much. You can now go

and do your examination. David Chelanga. David.

**David Chelanga:** My names are David Chelanga from Kerio Valley Secondary School, Form IV East class. We as students, we should have to be given rights by the Government and some of the rights we want to enquire from our Government are:

The Government should set up diploma in learning institutions for higher education.

Another one, the Government should consider education for the disabled members of the society.

**Com. Yano:** Which kind of considerations do you want?

**David Chelanga:** To be given a chance to go to school.

Another one, teachers should be given increments in their salaries to reduce the high rate of strikes.

Another one, the Government should set up industries in the rural areas to increase job opportunities and also to reduce the rural/urban migration.

**Com. Yano:** Go on.

**David Chelanga:** Another one is: the Government should set up both Primary and Secondary Schools to curb the high rate of school dropouts which is more predominant along this Valley. Those are my views.

**Com. Yano:** Thank you very much. Thank you very much Chelanga. Lilian Biwott. Lilian.

**Lilian Biwott:** My name is Lilian Biwott from Kerio Valley Secondary School, Form IV East.

**Com. Yano:** Sauti kidogo?

**Lilian Biwott:** Form IV East.

**Com. Yano:** Ongea na sauti. Tunafanya recording na this is historical. When you will be a hundred years na ukitaka kusikia vile uliongea utapata kwa hio recording. So ongea tusikie.

**Lilian Biwott:** Lilian Biwott, from Kerio Valley Secondary School, Form IV East. Here I have two points to put across.

One is that the Government should provide uniforms and bursary to schools so that schools, most of our parents are not able; they are not able to provide uniforms.

Another one is that, the Kenyan Government should offer free education to students either in Primary, Secondary and better institutions like Universities.

**Com. Yano:** Yes?

**Lilian Biwott:** That is the only one.

**Com. Yano:** Asante sana. We wish the best in your exams. Now you can go back and do your examinations. Kuna mwalimu angetaka kupatiana maoni yake? Yes, mwalimu kuja. Halafu ukaende ukasomeshe watoto sasa. What is your name please? Peter Yego.

**Peter Yego:** Kerio Valley Secondary School. Yes, Dear Commissioners, I have these points:

One: There has to be complete separation of Arms of Government that one should not influence another one as we have seen.

The next one there should be fair and equal employment practices. What we see today is a far cry. When it comes to employment of the army, the police and all other forms of employment, there is a lot of ill practices. You have to know somebody to get employment. In the long run we are going to have some people who are not qualified manning positions of national importance. This should cease.

Even in the Civil Service, employment of Civil Servants, PS, Directors, should be by qualification only, not by relationship as we are seeing and should be people of integrity, people of good track record, people without any scandal of corruption and if that takes place, we don't want a case when somebody is removed from one Ministry and taken to another one to transfer the problem. For the moment somebody is removed from office, he should cease to hold any other public office by virtue of that.

Now the next one is the question of Education: The Government should take keen interest in financing of education at all levels if the country is to develop. They have to finance even the free Primary education. They have to employ the Pre-Primary teachers. They have to fully finance the Primary education. They have to finance the Secondary education and give adequate bursary to those who deserve in higher level of learning i.e. at the University not the case where those people who don't deserve get more and those who deserve get less. That one has to cease.

Now, on Social Security measures: Government should guarantee social security. The Government should guarantee

employment to those who are willing and able to work but can't find work. Now there should be some employment guarantee schemes by the Government. The people who are now willing to work, the Government should pay them because it is the duty of the Government to create an environment where employment will be generated.

**On Health Services:** The Government should not distant itself from provision of health services, the medical care and health care. Now the people who don't have money to pay are suffering even for simple diseases because they cannot afford. So the Government should really intervene through the new Constitution that this should be guaranteed to all citizens of this country, the medical services.

Now, there is the forest, and other natural resources. The policy today is that we have to clear the natural forest to get an existing forest. Now, what will happen if (----) will come like we have seen in these areas, the forest. So if there is a natural forest, it should be conserved not to be cleared to create room for (word not clear) which cannot do in that environment. So we want, there should be complete protection of these natural resources given the fact that Kenya, much of it is arid land. So we have to protect (word not clear) our forest. If the country is have continuous supply of water ----- industry -----, it should not be interfered with. So that one, a lot of industry is based on that.

**Now about Parliament:** We have seen under the new Constitution the failings of Parliament. Parliament should not extend its life. Parliament should not give itself salary. They should not decide how much they should earn otherwise that is unfair. It should be the Parliamentary Service Commission to look into the salaries that the Parliamentarians should earn. I think the Constitution should give Parliament, how it should be extended not the Parliament itself to extend it because this is a place of law and pass laws which will extend it's life. Then they are failing.

**Parliamentarians:** As somebody has said that there has to be an impeachment that if you fail to measure as per the electorate, then you should be impeached. So there should be a provision where MP'S failing, and those who don't deliver, should be removed even before the lapse of that term. The policy says that there is a guarantee of five years so I can misbehave, now that I don't fear next time, so there should be an impeachment. Even the President should be impeached so that at least he can be accountable to the people.

**Com. Yano:** Last point.

**Peter Yego:** My last point is the question of salaries. We see, you have to be challenged to get salaries. There must be a national organ which must regulate the salaries of all persons based on their qualifications and the work they do. Not through trade unions, not through a department that increased salaries. There is a lot of mismatch. So there should be some equity here so that people get fair salaries. So that has to be enforced.

**Com. Yano:** Asante sana.

**Peter Yego:** Perhaps madam, give me just one minute.

**Com. Yano:** The last one.

**Peter Yego:** The last one is the question of home guards. The Government should guarantee security not the question of giving home guards. So the Government should be the sole proprietor of security organs and not the individuals being given arms without even training, without even responsibility on how they should use the arms. Because you have said that is the last, I would have continued, otherwise thank you very much.

**Com. Yano:** Mwalimu, si ati nakutaza muuda. Mukiona hizi karatasi tuko nazo sasa baado tuko na watu mia moja wangetaka kuongea na kwa hivyo itanibidii nifupishe muuda yenye tunawapatia kuongea. So, kila mtu wakati ukikuja nitakupatia dakika miwili, miwili. Tafadhali guzia yale maneno ungeona ni muhimu sana kwako. Tumeelewana hapo. Anaefuata ni Relison Kimaiyo. Relison. Relison. John Chesir. John. John. Jane Cheruto. Jane Cheruto. Na kama wewe ni observer, sema mimi ni observer. Halafu tuna (laughter). Jacob Kaino Jacob. John Kipkasan. John Kipkasan. Elizabeth Chepkonga, Elizabeth. Samuel Biwott. Samuel Biwott. Observer? Daniel Martingas. Daniel Martingas. Edward Kiplagat. Edward. Patrick Biwott. Patrick Biwott. Na hawa watu wamejiandikisha wote wameenda wapi? Na hatutarudia tena. Stanley Mutai. Stanley. Benjamin Biwott. Jeremiah Kiptoo. David Cheboi. Jeremiah. David Cheboi. Phillip Kandie. Yeah, karibu. Halafu Julius Bailengo. Julius Bailengo, yuko?

**Phillip Kandie:** Thank you very much. My names are Phillip Kandie. I am a school leaver. I could like to present my views on Constitutional amendment for review process.

Distribution of funds like HIV/AIDS funds: You find that we, DOT-COM generation class have been declared that they know that much. There is a lot of money that is being issued to eradicate or rather to improve on the encroachment of HIV/AIDS virus, which is really claiming us. I would want the Government to be effective to take some initiative that is possible and also to educate us freely as facilitators on that national epidemic, which is AIDS. Free courses for those willing to know the control measures for the HIV Virus.

Another one is the recruitment to employment. I would want to say that the Government should be very keen in recruiting us Kenyans for one: the Government should not use forged certificate which is your height or your what, because no one chose to be short or to be tall. It is only the nature.

**Com. Yano:** (in audible)

**Phillip Kandie:** Yes. Like in the Police or AP's. Somebody like me, if you do not reach a certain height, you are rejected out.

It does not mean that I am not able to carry the gun and weight also should be considered. Can you tell me that people from North Eastern; I think the heaviest person should be fifty-five kilo grammes. Somebody from North Eastern could be having Forty-two kilo grammes, and he is in Kiganjo or Embakasi. It depends on the food I eat. (Laughter). Yes on genetical make up and also this 'nini', this intake, college intakes. We, we are not different from people from North Eastern. For one, we are Pastoralists community, that is to say, that our education, performance cannot be compared to somebody learning in Mangu High School or Nairobi. Like elevating or raising grades to be 'C' stand and above minimum. I am not a fool not to be taken to college. If I fail in professional exams, I should not be posted because most people can make it through leakage and other (word not clear). If at all there could be constant learning or rather if at all we would be equal in terms of facilities, we could say that. You find that a school it is a school but it is a skeleton school minus library and ABCD. So, the Government should eradicate on that and who passed that law that, 'C' stand and above is the only grade to take to college? Is it the PS or who?

**Com. Yano:** Can you recommend? Recommend.

**Phillip Kandie:** It should be ----- What I am recommending, this reconsideration should be equal base. Yes.

**Com. Yano:** Go on. Another point is gender, this cultural activities like Female Genital Mutilation. I am against it somehow. Not very much. I would want to say, at fifty, a lady should feel a ----- not necessarily the genital organ given elsewhere because we believe that pouring of blood is a sign of sacrifice, you become clean. If you say, FGM campaign should not be practiced, I am telling you Hon. Commissioners that prostitution will be very high and HIV virus will be very, very high.

**Com. Yano:** Another point.

**Phillip Kandie:** Those are enough points that I collected. (Laughter)

**Com. Yano:** Ellie Jerop. Elly Jerop. Elly, umetupatia soda na ukaenda. Karibu, karibu upatiane maoni yako. Halafu atafuatua na Jacob Kaino.

**Ellie Jerop:** Thank you so much. I am Elly Jerop and I have a few points I want to make. The first one is on education. I am considering education specifically appointed to care for people and orphans especially those who are poor. You find that most of these people are just left behind and their life becomes frustrated. If the Government could actually give protection to these people so that they can be educated I am very sure that their lives can be better.

**Com. Yano:** Protection on what sense?



**Ellie Jerop:** On the side of education.

**Com. Yano:** So you want free education?

**Ellie Jerop:** Yeah.

**Com. Yano:** Go on.

**Ellie Jerop:** The next one is on security: That the Government should set measures on which citizens, when we say that every citizen has the right to have security, then people on this side of Kerio Valley are still the citizens of the Government of Kenya and this will actually help the children continue with education considering that at this time, most of the children are out of school just because of insecurity. Actually, the Government could turn and know that it is protecting its people, then the education is being taken care of.

The next point is on Property Rights: That the boy child and the girl child should have equal rights in inheriting property.

The next point is on the Chancellor and the Vice-Chancellor of the Universities, that it should not be based on politics but it should be based on academics.

The next point is that the Government should counter check on sharing of the National Cake especially within the District. This is considering infrastructure and communication. Considering even things like our roads. They are very poorly constructed and I am very sure that if these roads could be even today well constructed like other Districts, you people could not have even come by air. You could have just come direct to this place by vehicles.

Lastly is on the media: The Constitution should set a law that which is going to govern the media i.e. the T.V. and the Radio considering the programs that are being passed over to each and every person, the youth, the old, especially the movies that are going to promote the habits of the people. Thank you so much.

**Com. Yano:** Thank you very much for those views. Jacob Kaino. Jacob.

**Jacob Kaino.** I am Jacob Kaino. Thank you Commissioners for giving me this opportunity to tell you my opinion on the matter.

Now there are so many points, which have been said which are more or less similar with mine. But I just want to lay emphasis

on some of them.

Now to start with the System of Government. I am supporting the current one which is democratic that the Presidential powers should be trimmed now that he has no much power over the Parliament.

A President should be elected after five years in every after five years, the President's term of office should be five years. Two terms of five years each. During this election period, somebody should be appointed to take care of the Government which is not the case at the moment. I am proposing maybe the Chief Justice to be the person responsible until when the results of the elections have been declared and during elections, unlike the first elections, which has been marred by too much interference from the Head of State, maybe influencing for a certain candidate to be elected, that should stop. Elections should be free and fair as it is said. It should not only be in principle but must be in practice.

**Com. Yano:** The next one.

**Jacob Kaino:** On Resources: I am proposing that resources must be evenly distributed amongst diversified communities.

**Com. Yano:** Go on.

**Jacob Kaino:** On security issues which has been much said here, I am proposing anybody who has been empowered to be in-charge of security like the Minister for Internal Security must be empowered fully so that in case of any emergency like insecurity, he will not be consulting anybody for a go-ahead. The current system is so poor that when dealing with emergency, there are so many people on the line that have to be consulted such that anything which can happen cannot be arrested immediately. So I am proposing somebody in-charge of that should be given executive powers to act immediately.

Our case here, because we have been known to be cattle rustlers, although we are not the causers, any stolen animals and in most cases, ours as Marakwets must be compensated five times the stolen animals

**Com. Yano:** Last one.

**Jacob Kaino:** Anybody killed, at the cost of what is happening, of course should be compensated.

Finally on corruption: I am proposing that this issue of corruption is concerning poor payment. Many workers are so much underpaid, most Kenyan workers in general. I am proposing if the Government cannot pay people properly, they should cut down the size of the workers for efficiency and good payment.

**Com. Yano:** Thank you. Umemaliza, si ndivyo? Thank you very much. Jacob Rogut. Jacob Rogut. Jacob yuko: Jacob Tilem. Jacob Tilem. Benjamin Kimoyo. Benjamin Kimoyo. Pricisaa Chesir yuko? Yeah. Utafuata.

**Benjamin Kimoyo:** Asante sana Commissioner. Yangu yatakua machache kabis. Mimi ni Benjamin Kimoyo.

Maoni yangu ya kwanza ni kuhusu Serikali itayo kuja. Ningependelea Serikali inayo smamiwa na Majimbo System. Federal System of Government ya kua mwenye ataongoza majimbo hio, iwe ni mtu mwenye ana electiwa direct na watu wenyewe.

Na pili, mwenya anaweza kusaidia kwa kazi ikuje kama Wilaya, County Council Chairmen wawe wakielectiwa direct from the people pia.

Na ya pili, nikuhusu qualifications zao. Ni wawe watu wenye wana masomo kamili. Wawe degree holders kama Governor na County Council Chairmen.

Naaja ingine kuhusu mila za watu. Ningependelea kuona kwamba mila ya watu fulani iwe respected. Kwamba kunawo ma daktari katika jamii. We have surgeons na wanao tumia akina mama wakijufungua. Hawo pia wawe watu wenye wanaweza kuangaliwa na Serikali. Katika jamii ya Marakwet tuko na ma surgeons wenye wanaweza kupasua watu kichwa na mifupa pia na tumeona tangu jadizo na babu zetu, kuna watu wenye wamefanyiwa huduma huo, wamezidi kuishi. Tungependelea sana kwa Katiba ijao, Serikali iangalie kabisa kwamba watu wao wawe wakilupua hata na Serikali.

Halafu, ingine ni kuhusu masomo. Masomo ningeonelea kwamba masomo iwe ya lazima katika Primary level haki mpaka Secondary level, na iwe free. Kwa sababu, kuna wengi sana katika jamii hawajabahatika, hawana mali ya kusomesha watato hao. Ndio sababu tumeona sana, ni wengi hawaja pata elimu ya kutosha. Ningependelea Katiba ijao, iangalie hio kabisa, masomo iwe free kotoka Primary level mpaka Secondary level na higher learning institutions iwe ina angaliwa kama kuna bursary paid wapewe.

Ingingine Bw. Commissioners yangu ni kuhusu ma offisi za Serikali. Hatuoni haja mwananchi atoe tax yake afikirie kwamba anaweza kupata huduma lakini ili hali, huduma huo haoni. Mwishowe wanarudi katika jamii ama watu fulani waseme at mjenge ofisi ya Serikali kama DC's office ama ofisi ya Chief. Ingekua bora kwa Katiba ijao, wawe wakiangalia kama kuna mtumishi wa Serikali fulani, lazima anjengewe ofisi yake na Serikali hio, hio kama District Commissioner's Office na hata DO's na Chiefs, kuliko kusumbua wananchi kujenga na wajenge ofisi kama hizo.

Ingingine ni kuhusu huduma za aina mbali mbali. Si unaona katika sehemu nyingi Kenya, kuna sehemu zingine wenye hawawezi kutoa ata zingine kulisha wananchi na vyakula na ili hali huduma zingine wanapewe, kama bara bara na mambo mengine. Ingekua bora sana kitu kama huduma, kama bara bara wapewe watu wenye wanaweza kutoa mali yale wanaweza ku

hudumiwa wa Kenya wengine kama kutoa chakula na mengineo. Lakini si kuweka lami tu kwa sehemu mbali, mbali wenye tukija kuona usaidizi wao, hakuna.

Ni hayo tu ndio yangu nilio nayo.

**Com. Yano:** Asante sana. Ulisema ni machache na ikawa mengi.

**Benjamin Kimoyo:** Poleni basi.

**Com. Yano:** Priscilla Surker. Dakika mbili Priscilla.

**Priscilla Surker:** Kwa majina ni Priscilla Surker kutoka Kaisir Location. Yangu ni kuhusu hospitali. Hospitali yetu hapa Kerio Valley sio vizuri kama ile iko upande wa Kapsowar na sana sana vituko vingi inafanyika hapa na Serikali aiwezi kuangalia kwamba hio kitu inafanyika hapa ni kitu kibaya. Sasa unaona sasa watu wanapigwa mabinduki, malisasi,

**Com. Yano:** Tafadhali pendekesa, hospitali unapendekesa nini?

**Priscilla Surker:** Napendekesa ile inaweza kulete huduma ya haraka kama vile kumongezea mtu maji au damu. Na vile, vile kama mwenye alikua ametoka hapa amesema ni bara bara yenyewe iko mbaya na yenyewe hata kama sas kuna vitu yenya inatoka hapa kama mazao lakini hakuna bara bara nzuri yenye inapitia mpaka wananchi wenyewe wanapata kitu kizuri kutoka mazao ya mashamba yao.

Na ya tatu ni kuhusu Elimu: Elimu pia iko chini sana hasa kwa malipo ya waalimu wa ECD. Waalimu wa ECD unaona Serikali uwa wanalipa mti tu lakini chini hawakuangalia kama mti imemea namna gani. Wanawacha zile ziko chini lakini wanaangalia juu.

Hio nilikua nikipendekesa tu waalimu wote walipwe kwa Serikali.

Na neno lingine la mwisho ni kuhusu, kunaneno inasemekana kama kitu ikitendeka hapa TOT, wanapiga simu kwamba hio neno lingine inatoka juu lakini lazima wale wakohapo watengeneze kama ni DO au ni askari wenye wako hapa kama wakifuata wakifika ngambo hio, karibu wafuate wafike lakini sio neno inatoka Nairobi ahi hio neno ikomeshwe, hio jambo ikomeshwe na hio inatokana kwamba ni nani yenye juu mwenye awezi kusikia uchungu ya hapa? Ni hao tu.

**Com. Yano:** Asante sana Priscilla. Anae fuata Priscilla ni Mzungu William. Mzungu. Haya, karibu Mzungu.

**Mzungu William:** Asante sana Commissioner. Yangu itakua machache sana na nitajaribu kuharakisha. Kwa yale Serikali itakayo kuuja ---

**Com. Yano:** Sema majina.

**Mzungu William:** ---- majina ni Mzungu William. Yale maoni yangu, natka Serikali itakayo kuja, iwe mambo ya hospitali, kwa sababu ukienda mambo ya hospitali, unakuta hospitali ingine ni mzuri kuliko ingine. So nataka ile Serikali itakayo kuja, ma hospitali zote ziwe sawa iko dawa, na iko kila kitu. Kuliko, hata ukienda hata hospitali ingine hapa chini, unambiwa hakuna dawa, enda nunua. Na yule mtu hawezi? Yule hana pesa? Ama kuna ingine ukienda kuna nini, ingine kuna madawa ile si original. Kwa pengine yule mtu hajui kusoma ukienda uko Samburu, ukienda nchi zingine, unaweza kuandikiwa dawa, enda nunua lakini ukifika uko, yule daktari anambia hii ingine inaweza fanya hii kazi, na uko na hio ingine. Sasa tunataka iwe sawa. Hospitali zote ziwe sawa.

Mambo ya ma bara bara iwe sawa sawa kabisa kwa sababu unaweza kutoka na mtu, kama Marakwet hapa, unatoka Nairobi unaenda leave, na mwingine anaenda Turkana huko, wewe unakuja kukaa hapa Eldoret siku tatu, na hizo masiku zinaisha. Na yule anaenda Turkana au anaenda huko, amefika kwake. Napengine uko na siku tatu tu. Hizo masiku zimepotea ukiwa njiani huko.

Na mambo ya Elimu. Kwa sababu Serikali nataka Serikali ile itakayo kuja, mashule zote wize sawa, kama ni mambo ya Library, ziwekwe Library kila shule. Juu uwezi kuambia mtoto ile ako hapa afanye mtihani na yule yuko Nairobi, na ile shule iko Nairobi ni well equipped, iko kila kitu. Pengine hata wewe hata mambo ya waalimu, wanasemaga, zamani waalimu walikuwa wanatoka sehemu mbali, mbali na wanafanya kazi kila mahali. Sasa wewe unalete ile mtu anatoka hapa, anakuja kufunza hapa, sasa, si mpaka you exchange halafu tuone pengine mwingine anaujuzi zaidi ya kufunza kuliko mwingine. So mambo ya waalimu wakae kama zamani. Wawe transferred kama kila mtu. Kama mfanyi kazi wowote kwa sababu kwa sheria ya wakati huu, tunasema kama wewe ni mfanyi kazi, utafanya kazi kila mahali Kenya. Hakuna mahali hautafanya kazi. Sio kuambiwa enda Marakwet, unasema mimi siendi huko kwa sababu ni bad area. Si wewe uli sign contract ati utafanya kazi uko. Kwani unataka nani afanye huko. Na huko mahali nzuri, nani ataki kufanya kazi mahali pazuri? So Serikali ile itakuja, nataka kila mfanyi kazi azunguke ata waone wengine halafu upeleke hata maendeleo kwenyu huko mahali unatoka.

**Com. Yano:** Jambo lingine.

**Mzungu William:** Jambo lingine, Madam, ni mambo za kimila za watu. Unajua kuna kimila zingine kama Nigeria, ukienda Nigeria wako na kimila zao. Kunazingine aina maana yenyewe kama ile mutilation mimi sioni kuna maana hio.

**Com. Yano:** Kama gani?

**Mzungu William:** Hii mutilation, hii ya kutohara ya wasichana Sasa hio inaonekana hakuna maana. Kitu kama hio, kutairi

mtu, unatairi mtu ya nini na hakuna, kutairi sio akili. Kama ingekua kitu ya kuharibu kichwa ningesema wacha ikae. Lakini hio ni kupenda kwako, kama unataka kufanya sawa. Basi kwa kila kimila.

**Com. Yano:** Ya mwisho.

Mzungu William: Mwisho Madam. Mwisho kabisa. Ile iko mwisho kabisa ni mambo ya Insecurity: Mambo ya, kwa sababu inataka kuwe na watu fulani wa Serikali, wale wataangalia, kwa sababu hapa ukiona mali ya watu inachukuliwa halafu unaenda una ku report kwa Serikali, halafu unarudi tena unaambiwa ngoja, mwishowe unakosa. So tunataka kuwe na watu fulani, Serikali wakikosa kutekeleza ile maneno, kuchunga vile wanasemanga, si Katiba inasemanga kia mwananchi atalindwa na mali yake. Na akikosha kulinda vile wamekosha kulinda area hii, tutafanya nini na ni Serikali? So mpaka kuwe na kikundi, ile Serikali itakuja tuwe na another body ile, wawo waki fail, tunaenda kwa wale wengine kuwastaki hawa, waleta wale wengine. Mimi hakuna zingine, ni hayo tu.

**Com. Yano:** Asante sana. Tunashukuru sana kwa hayo maoni. Anne Komen. Anne. Anne Komen. Jane Chemtut. Jane Chemtut. Jane wewe ndio unaandikisha huko? David Kiptoo. David Kiptoo. Na kama wewe ni observers, ni tafadhali sema wewe ni observer, halafu tuna cancel. Lucas Kaling'a. Stanley Yano. John Kipyatich. Kipkemo Yego. Yes karibu. Richard Kaino yuko? Richard.

**Kipremo Yego:** Basi asante sana Hon. Commissioners for this opportunity to present my views on the new Constitution that we want for Kenyans.

First of all I was against the changing of this Constitution. Why should we change it? It should stay the way it is. But after deep analysis, I realized that this thing served us for over forty years. We inherited it and those people who drafted it have sufficient knowledge about the law and some Constitutional law. But some crooks came in and twisted and manipulated and looked at some loopholes. So we need to seal those loop holes. In short what we are saying is that the people we entrusted in the Government were not doing the right things and we were not having a way of impeaching on them. If we had a way, we would just have gone round and removed from power and said no, you are not serving our interest.

**Com. Yano:** I have got the point, recommend please.

Kipremo Yego: So what I am saying is that we need now to amend the Constitution so that we have all those things in place. We don't want to put anything to chance. By the way as I continue, I want to recommend first of all to this Commission, that it is possible, we don't go to elections before a new Constitution. Some crook might come and highjack the whole process and therefore we suffer again for another time. So that is my first recommendation. Let this process be finalized and then we go to elections. It is better 'the devil' we know than an 'angel' we don't know. That is a jargon for the Englishmen. But what I am

saying is that we don't know who will come. We are used to our President, we are used to our leaders. We know them and how they will behave. So please let us speed up this process then we go to elections and have new leaders who will rule over us in a fair way.

Now my recommendations are as follows:

First of all we need a Federal System of Government where the President and the Vice-President are directly elected by wananchi. They go into the election process as a team, a running mate. We know that if President Moi is running for the presidency, we know his Vice-President is so and so.

Then secondly, in the Federal system, the President should not be a Member of Parliament. He should have been a Member of Parliament before but immediately he stands for the presidency, he is put in the nomination papers; he relinquishes his position as an MP and struggles for the presidency. If he fails to gain the presidency then bad enough he just goes home. He should not be a mere Member of Parliament. We don't want to have people like Kibaki in the Parliament who was running for presidency, once he has lost, he just goes home, no Member of Parliament, nothing.

Now in this Federal System of Government, we have an Upper House and a Lower House. I am putting this one across because we have had a problem. Right now we have problems here. We are so angry with our MPS. He makes very poor decisions. But there is no way we can recall him and say, hey, my friend, you are answerable to us. We voted you in. You are not articulating our issues. So for five years, we are wasted. Like the way, elders have been speaking here; we have been wasted since independence. In fact, if we were given the opportunity to choose whether to remain in this Country, we would have opted to go to another Country because we have not seen anything positive and our leaders have let us down. We want a way of impeaching on them.

So a Member of Parliament, we should have a Member of Parliament who will be answerable to us. We can say one day, my friend, can you come back and ask votes from us again. We are having a second thought about you. So that is for the Member of Parliament.

In the Lower House, I wanted the Councillors or Local Authority people to be promoted to be a Lower House and then qualifications is raised like they were articulating their salaries should also be paid by the Central Government. They should be people of integrity, people who have academic credentials to articulate issues because we move from the Local Council all the way to Parliament. If there is a gap missing, there is something missing, just like our Heads of State were articulating for a Federation, East African Federation, because there is a missing gap. You cannot reach the international world. You need a stepping-stone. Even us as wananchi, we need a stepping stone. We move from the Local Authority, which is the Upper House and then now you can go to a Federation like the East African Community. Good.

The next idea of the Government I want, which should come in two days time, maybe before the end of the year. The powers of the President should be reduced. We have had a whole powerful President. He can mortgage this Country. He can sell the Country to IMF and say, you can do whatever you want to the Country. He is too powerful. We need to reduce his powers, he becomes ceremonial. Now if he becomes ceremonial, who will perform the duties that he is currently doing? We need a Prime Minister who is elected by the Members of Parliament. Members of Parliament whose qualifications we are yet to put across. I am not going to mention them because my friends have said and those were presented, must be people of integrity. Then, they will sit down and say, we need a Prime Minister. Then they will elect a Prime Minister who will be the Head of Government now. The President is ceremonial but the Government is under the Prime Minister. The Prime Minister is answerable to Parliament. If he fails, then Parliament will say, fine we are looking for somebody else.

We need to have a Cabinet, which is small. We don't need thirty Ministers. We don't need two Ministers in one Ministry. We need seven or eight or a maximum of ten Ministers in such a Government. That is the set up of the Executive. We have a very good document in Civics we were learning that we have three Arms of the Government. It is in theory. Perfect. What happened? It is because the Government was doing the wrong things. The Government was doing things that it should not do. The Government failed to do what it should do. What we are saying now is this separation of powers; we don't even need a new law to amend it. It is already there. We want people who are going to implement this. If you don't do it then there is a way of removing you from there.

**Com. Yano:** The last point.

**Kipremo Yego:** The last point is on the Rights of the individual. I believe and most of you do, that the right to life is God given. Nobody has such a right. Even a criminal. So first of all the right to life, we need a law on abortion. It should be abolished. Nobody is allowed to commit abortion. If you are found, you will be in for it. It is murder case and the law is equally there.

No hanging. If you kill somebody, I don't like the idea of killing you again. It is taking a life. So the life imprisonment should be the maximum or circumstances should be put in place so that nobody is put to death.

Another one is on prison terms. In most cases you are put in prison and you spend a whole lifetime. I think the Government should put machinery in place where prisoners are put into productive use. You don't languish in prison until you die. You will become a liability to the Government. Why put somebody in Prison and feed him until he dies? Why don't you make good use of him? So I think the Government should come up with a policy on prison terms. People should be employed while in prison. They should be studying and doing such things.



On human rights again lastly, we need to have equal rights. Whether you are a man or a woman. Whether you are a girl or a boy. If we go at this rate or marginalized girl child, the boy child will equally be in problems. I think we should slow down the pace and say, we are all equal. Don't favour the girl. Don't favour the boy. Yes. Give them all equal opportunities.

Finally, -----

**Com. Yano:** That is not the final?

**Kipremo Yego:** That was on human rights. This was on the rights of the individual.

On the rights of the individual: The Government should set up special funds. I like this Government. They have wonderful ideas but implementing it is a problem. We have something called KTDA around here. KTD, its purpose, if you go to the Archives, you will get very good documents. But it has failed miserably because the implementation stage, it was chaotic. We put in political leaders. So we need to put such institutions to make them and train them and look for ways of making them useful to the communities. Look for example, just turn behind, Hon. Professor, just turn behind. You will see a machine there,

**Com. Prof. Okoth Ogendo:** The one that is lying there -----

**Kipremo Yego:** ----- which was useful during the colonial time and during the Kenyatta administration, I am apologetic of the fact that I am not mentioning the Moi Government because these things stopped functioning during his regime and what they are saying is the organization use to work up to somewhere and then it failed. That is just an example. That thing, it could have been put into productive use.

Another idea is on a special programme for the marginalized communities. Most people mentioned about insecurity. You are lucky today you came by air. Once our friends across see a helicopter, they will not attach us. So you have no problems, no worries. (Laughter) You don't need to run away after this. But the problem of the Pokot is not that they are warriors, we are equally,----- we can fight them and even beat them. We can fight. But we don't want. We have no time for fighting them. We want to do development just like in the international world. But the problem of the Pokot is, they have been left behind. What they are trying to express is, --- it is like somebody who is eating and somebody is there hungry. So he is coming to slap us that, why are you finishing the food? So I think the government should look for special programmes targeting marginalized communities and then enlighten them. Once they get engaged in the will of development, they will have no time for this kind of stealing, killing people and so on. It is the Government who has ignored such people and they now want to create attention that we are also in Kenya.

**Com. Yano:** So you don't blame the Pokot, you blame the government?

**Kipremo Yego:** Yes, it is the Government, which is failing to do what it is supposed to do or doing what it should not do. That is the thing. So Hon. Commissioners, thank you very much. I don't want to repeat all that my friends have said ----

**Com. Yano:** --- you have taken more than your share of the time. Thank you very much --

**Kipremo Yego:** ---- I also, let me mention something called efficient monitoring unit. Such units should be entrenched so that it monitors all the things that the Government has put in place including your Commission. Including your Commission. If you are doing the wrong things, then the Commission should say, 'no', this Commission, the efficient monitoring unit should come up and say, these people are not doing the right thing. The office of the ombudsman should be in place and so on and so forth, whatever my friends have said. Thank you.

**Com. Yano:** Thank you very much. Samuel Kipten. Samuel yuko? Samuel. Observer. George Cheboi, George, Observer? Moses Chepkonga? Observer. Karibu.

**Moses Chekkonga:** My names are Moses Chepkonga and I have three two points to put in to the coming Government.

Ningependelea hii administration kama Provincial Administration, District Administration na ma Chiefs na naibu yao, wapewe nafasi ya kufanya kazi yao bila kuwa interfered na Political Parties. Ninasema hii kwa minajili ya usalama. Ukiangalia sana usalama katika Eneo hili, hii watu kama hawa Administrators ambao wange angalia maneno ya security na kufuata mpaka hata warudishe mifugo ya wenyewe, wanakua interfered na political parties kama Wabunge na wana siasa. Ningependelea tu wawe kando kabisa na watu kama hao. Wawe body ambao haitakua na tashwishi.

Ya pili, ningependelea hii Constitution, some of the Constitution should not be national. Tuwe na Constitution yakuweka kwa District level. For example hapa Marakwet tuko na, tuseme maneno ya mashamba ambao wazee wanaweza kuangalia na kutatua kuliko inde Kortini ambapo watu wengine watakua wakinyanyashwa. Ningependelea kama hii Sheria iwekwe katika District level. Ni hao tu.

**Com. Yano:** Thank you very much Chepkonga. Evans Surker. Evans. Observer. Joseph Kiptum? Observer? Karibu. Endelea.

**Joseph Kiptum:** Ile maneno ninasema kwa hapa ni mambo ya usalama. Haya ya pili, tuko na maji ----

**Com. Yano:** Ukisema usalama, pendekeza.

**Joseph Kiptum:** Hii mambo ya usalama, tulikuwa na mali yetu lakini Pokot waliharibu na Serikali ina baada ya kukata tu mto ya Kerio, soso ime enda Uganda. Hio ndio hatuna usalama ----

**Com. Yano:** Unataka Serikali iangalie hio maneno.

**Joseph Kiptum:** Iangalia hio maneno.

**Com. Yano:** Haya, sawa sawa. Na maji?

**Joseph Kiptum:** Mambo ya maji. Tuko na maji area hii ya Marakwet. Ile maindi ambao tunaomba Serikali, tunataka Serikali isaidie sisi wafunge hii maji yetu, kuliko iende Kerio, watengeneze katika shamba yet. Haya, baada ya kutengeneza kwa hapa, ile iliobaki ipelekwe Pokot halafu irudishwe mahali yenye imetoka, ile imebaki. Wakati nakwisha tosha Marakwet,

**Com. Yano:** Maji? Ehe!

**Joseph Kiptum:** Maji, yenye imebaki, wapitiwe Pokot halafu walipishwe. Hiyo walipishwe walete hio pesa baada ya Marakwet ikimalizika. Hii mto ya Embobut na hii Aror intengenezwe hizo maji. Halafu baada ya Marakwet kupata yote,

**Com. Yano:** Unaweza kuongea kwa Kimarakwet? Kuna mtu ataweza kutafsiri .

**Joseph Kiptum:** (mochei kotoretech serikali kotekonwech dam ak kondeniwech berechisiekab bek .Imuch kealte bek koba komosuek kou Pokot,ak Baringo.Chepkondok chebitu koimuch ketoretekei eng maendeleo)

**Translator:** Us people of Marakwet community, we are blessed with a lot of water. We have beautiful rivers, Embobut and Aror. Now we would like the Government to dam for us these rivers so that we can irrigate our land and the excess water from the dam should be exported to the neighbouring Districts of Pokot and Baringo. The money from the sale of this water can then be used to help us to develop our community. Then we shall be self-sufficient.

**Joseph Kiptum:** (nebo somok ko ngalekab barabara makebunei barabariosiek kikoyakitu kobek kotko makeiben kiake tukul eng gari.Kikoyakitu tukuk chechang eng imbar ak gorik.)

**Translator:** We have very poor infrastructure in Marakwet. Our roads are not very good. If we had good roads, our fruits like the mango tree you see up there, we would be able to export them out.

**Joseph Kiptum:** (bek chekikikany koba akoi Eldoret konyolu kelibanech achek Merkwete )

**Translator:** We have a beautiful forest and we have good water from the Forest for example the ones which have been taken to Eldoret via the Chebara Dam, we would like the Government to compensate us because this is our God given natural resources. If it is taken out, us as a community, we should be paid for it.

**Joseph Kiptum:** (Haya .)

**Translator:** Haya.

**Com. Yano:** Asante sane. Tumeshukuru sana. Margaret Yego. Margaret Yego. Margaret Yego, yuko? Ama ni observer? Francis Ruto? Francis? Benjamin Kiprotich? Ninaona waalimu. Waalimu muko na maoni ya kupatiana? Kama muko nayo, mukuje mupatiana maoni. Najua leo pengine watoto wenu wanafanya exams. Okey, mukiwa na maoni ukuuje hapa mbele. Edwin Kimtai. Edwin. Pastor Musa Suker. Pastor. Observer. Talai Kilimo. Talai Kilimo. So mwaalimu sema jina lako.

**Wilson Kiprotich:** Good afternoon first of all.

**Com. Yano:** Good afternoon to you halafu upatiane maoni. Haya endelea.

**Wilson Kiprotich:** Okey I would wish to also give out my views and so much has been said but I still don't lack something to say. First of all I would wish to talk about resources. Natural Resources: Touching Marakwet, I would wish to say that the water resource should be looked into critically because some districts may not have other resources other than water or other sources of income other than maybe their natural resource, which is water. So making it a Government resource is putting us to the wrong end.

**Com. Yano:** So what do you recommend?

**Wilson Kiprotich:** I recommend that water be given or be regarded as some income or an income to some communities so that some of us like the Marakwets can really stress on being given something regarding our water.

**Com. Yano:** Ehe: Go on.

**Wilson Kiprotich:** Secondly is the issue of distribution of the Government resources for example this electricity. Electricity issue is becoming a real problem to us not of course talking about the water being the source of it. If you talk of the 'white elephant' which is across by, it is discouraging to hear that it is passing by Marakwet and we have the water which can tap the

electricity within here yet we don't enjoy even a single bit of it. Talk of the nearest school here, a big problem.

**Com. Yano:** I would like to hear your recommendation.

**Wilson Kiprotich:** My recommendation is that with relations to electricity, I would wish that the Rural Electrification Program gives priority to areas that have water so that instead of distributing the electricity that we would have produced locally here, they be given the priority to tap their own electricity and may be relate it to the main (word not clear) so that we can easily enjoy that resource.

Thirdly, is the Politics: I would wish to air out my view that, we the electorate be given the power to impeach our Member of Parliament if we are tired of him or her at the shortest notice so that in any case we elect a person and by virtue of may be his representation, we can gang up and we can impeach him and the issue of -----

**Com. Yano:** This is the last one?

**Wilson Kiprotich:** Chiefs: It is slightly sensitive but the truth is that Chiefs must be transparent and in relation to employment of Chiefs, it should be systematic so that a Chief is employed in relation to education so that the students we produce have a feeling that you can even be employed as a Chief. So the level of education should be at least Form IV. So also is for Councillors and every other individual that is willing to participate in any community development.

**Com. Yano:** Thank you very much and I hope you are through Mwalimu, are you?

**Wilson Kiprotich:** I wish to say one about Maembe,

**Com. Yano:** --- as you go?

**Wilson Kiprotich:** you know this Maembe is one of our area of production especially around here and we would with or we would urge the Government to give us a place so that Maembe can be considered as a horticulture crop so that when it comes to exporting, we are also given a priority now that we even have the Eldoret Airport.

**Com. Yano:** Thank you very much. Jeruto Prisca. Jeruto? Jeruto. Observer. Nicholas Kibor. Nicholas Kibor. Komen Kibor. John arap Rotich. John arap Rotich. Edwin Kitum. Edwin. Ni wewe? Jackson Kirop. Jackson. Observer? Stephen Kosgei? David Chelanga? Edward Kiptoo. Bowen Kiptoo. Shadrack Atisei. Paul Cheserek. Paul? Huyo ni Co-ordinator? Karibu, karibu mzee. Paul karibu patiana maoni yako.

**Paul Cheserek:** Niko hapa kutoa maoni yangu.

**Com. Yano:** Endelea halafu mzee akufuate.

**Paul Cheserek:** Niko hapo kutoa maoni yangu ingawaje wengi wamesema ambae ningesema. Lakini ambae ninataka kuseme ni kuhusu msitu. Maji ni uhai ya binaadamu na kama tunaona maji ni uhai mpaka hii Forest itunzwe.

Kwanza kabisa ipitie community initiative wa value zaidi kwa vile hawa ndio wako na uchungu wa maji zaidi. Maji ikipotea maisha hakuna. Sasa mpaka hawa wa form a committee ya kutunza forest wasiwachilie ati kuna watu wa highlands wenye wanatunza. Wa wachie watu wa valley waunde kamati hawa watu wenye watahugulikia kulinda hio msitu.

Kwa upande wa security: Ningeonelea kwa Serikali ambae inakuja kuona ya kwamba mtu analindwa na mali yake. Sio kama saa hii ati ukiwa na mali yako inaporwa na hakuna mwenye anatekeleza. Kwa Serekali ambae inakuja itunze mtu na mali yake. Asante ni.

**Com. Yano:** Asante sana Paul. Mzee kuja na utuambie jina lako.

**Paul Cheboi:** (ki ngetechei Kapsowar kokiki mengech.)

**Translator:** He is telling us the history since Kapsowar Hospital was constructed. He was a young boy, some four generations away.

**Paul Cheboi:** (kikiliboni chepkondet agenge chumba)

**Translator:** At that time the tax was ten cents.

**Paul Cheboi:** (kieng yoto kosom Kenyatta uhuru)

**Translator:** At that time we were paying tax to the Colonial Government and a little while after that Kenyatta came to power.

**Com. Yano:** Go on. Endelea Mzee.

**Paul Cheboi:** (kiami ane Eldama Ravine Kenya Railway))

**Translator:** He was working as a Railway Officer in Eldama Ravine.

**Paul Cheboi:** (kenam Kenyatta kowo Kitale)

**Translator:** Kenyatta was arrested in Kitale.

**Paul Cheboi:** (nomei Chumba )

**Translator:** By the Colonial Government.

**Paul Cheboi:** (*kikirwok Maina ak Chumo eng Keiyo ak Markweta*)

**Translator:** At that time, the administration was Keiyo and Marakwet and it was one administration boundary.

**Paul Cheboi:** (kosomei Kenyatta Uhuru)

**Translator:** That is when Kenyatta came to power.

**Paul Cheboi:** (kerwoch kot kesom uhuru eng Kenya, kesom Chumba)

**Translator:** We got independence from the Government at that time.

**Paul Cheboi:** (*kesut Kenyatta kwo Lodwar* )

**Translator:** Around that time Kenyatta was languishing in prison in Lodwar.

**Paul Cheboi:** (kingomi Kenyatta Lodwar kongololchi Kimoi Chumba)

**Translator:** Moi at that time treated him there and he was conducting the Colonial Government about his release.

**Paul Cheboi:** (koba Chumba)

**Translator:** Immediately thereafter the Wazungus left and we got our independence.

**Paul Cheboi:** (kokenyini)

**Translator:** Currently, as of now,

**Paul Cheboi:** (makomi Korongoro, miagenge agenge )

**Translator:** The generation of that time, we can count one or two people.

**Paul Cheboi:** (nekwong bichu mengech uhuru nguno)

**Translator:** You young people, this independence now is yours.

**Paul Cheboi:** (ko katiba ne kikisir koribei Uganda,Sudan, Tanzania ak Somalia)

**Translator:** The Constitution which we got at independence recognized other countries like Uganda, Sudan, Tanzania and even Somalia.

**Paul Cheboi:** (ara anyun mokose ngalekab boi?)

**Translator:** Now if you don't recognize that Constitution now (Laughter), then what you are saying is that you don't recognize what the elders did at that time.

**Paul Cheboi:** (obendi ano eng Kenya? Ak okurekei ngo? Oyai kou yomoche)

**Translator:** So that it suits you as of now.

**Paul Cheboi:** (Ngatutik chekibo atkinye kokioribech akoi ra)

**Translator:** He is saying that Constitution which we enacted at that time is what brought us this far.

**Paul Cheboi:** (*Kongoi,oba ngatutik chelelach*)

**Translator:** Thank you very much. What he is recommending is you should do new things which suit you now, because this is your generation. Thank you very much. Haya, kongoi.

**Com. Yano:** Asante sana. James Beikik. (itnye kenyisiek ata we obo?*i*) Karibu. Patiana maoni yako.



**Jacob Cheserem:** Change sana.

**Com. Yano:** Change sana.

**Jacob Cheserem:** (*Kikureno Jacob*)

**Translator:** My name is Jacob.

**Com. Yano:** Jacob nani:

**Translator:** to Jacob, Jacob ngo?

**Jacob Cheserem:** Jacob Cheserem, amenye ane tulwet, koichun..

**Translator:** I am Jacob Cheserek and I live in the escarpment up there, those rocks.

**Jacob Cheserem:** (*Koichun mi barak yun*)

**Translator:** Those rocks up there.

**Jacob Cheserek:** (*Koimutiet notinye*)

**Translator:** My problem is,

**Jacob Cheserek:** (*Awendi akuikui yoti eng koik, kougisono koik*)

**Translator:** My problem is rocks. As I said, I live up there among the rocks and I am a disabled person, I have problems, the rocks keep on hurting me.

**Jacob Cheserek:** (*Ko nganyoni akoi aitu yu kokauimian*)

**Translator:** When I come from the escarpment up to down here I am already hurt, bruised because of the rocks.

**Jacob Cheserek:** (*Kot kole ane asomchikei go eng yu, kotomo anyoru, amiasome*)

**Translator:** So because of these problems of coming from up there to down here, I decided to look for a small room down here in the Valley and I have not yet found the place.

**Jacob Cheserek:** (Mito chinekirirena akoi kokono kibatisiek tutikin)

**Translator:** Because I am a disabled person, one person had mercy on me and gave me a few Iron Sheets.

**Jacob Cheserek:** (Kotameno kotamena tuche kitektoi)

**Translator:** Now I cannot put up the house. I am not able to earn anything to enable me put up the house.

**Jacob Cheserek:** (*Kikokeskei baba nenyu, mitei mama kityo akomaimuchi kotoreto*)

**Translator:** I don't have a father. My father has already died and I only have my mother who cannot be able to assist me much.

**Jacob Cheserek:** (Kai asome serikali kotoreto kotekwo got )

**Translator:** I would like the Government to help me construct a house or at least it should be put in the new Constitution so that people like myself who are not able to put up houses, the Government should be able to build houses for them.

**Jacob Cheserek:** (Ak asome kokeny kotoreto garit neamuchi abunot. Ak ketoret bik alak cheuane.)

**Translator:** Even something to enable me move around. As you can see I am crawling. If the Government can be able to buy wheelchairs for people like us,

**Jacob Cheserek:** (*Kibwa boskilisiek alakeyu koyachekitu motoretch*)

**Translator:** Some bicycles came here but they were not good. They were of no use so they never assisted us.

**Jacob Cheserek:** (Ndaimukoksei keibwech baskilisiek chekikwerie eunek)

**Translator:** We would like bicycles that can be hand-driven because like myself, now I only have one hand, the left hand, which I can use to drive around. So the Government in the new Constitution should be able to see to the needs of the disabled. Buy for them the equipment.

**Jacob Cheserek:** (EE,EE)

**Jacob Cheserek:** (EE,EE)

**Translator:** He would also like the Government to educate, right now he is old. He cannot be educated but he would like in the new Constitution, education to be provided for the disabled people.

**Jacob Cheserek:** (Amoche kokeny serikali kotoret konet bik alak che iimikei kou ane.Kongoi)

**Translator:** Thank you very much.

**Com. Yano:** Kongoi. James yuko? Paul Kipkorir? Paul Kipkorir. Nyogesa Kilimo. (Com. Alinec Yano – kele ka Niicholas ) James karibu. Nyogesa Kilimo.

**Nicholas Kibor:** (EE,Nicholas )

**Wananchi:** (mwa kainet)

**Nicholas Kibor:** (Nicholas Kibor)

**Translator:** My names is Nicholas Kibor.

**Nicholas Kibor:** (*Kingomi Kenyatta,kondoiwech, kikiribei koroni bikab agriculture kori kotei imbarenik*)

**Translator:** During the Kenyatta regime, this place was very beautiful. It was nice. They used to help the agricultural people to make terraces for us.

**Nicholas Kibor:** (Kimoche achek serikali kosir lakoi cheinetotei bich olekirbtoi)

**Translator:** Now in the present time, we would like the Government to employ young people to help us to make terraces and teach us how to make use of our farm so that we can have good produce.

**Nicholas Kibor:** (kimoche kokeny ye kikwei Kirwokik ko,kaikai kekwei engoret nekibongoni lainit)

**Translator:** We would like in the new Constitution that Chiefs should be elected by the people by queuing system so that the Chiefs can be answerable to the people.

**Nicholas Kibor:** (Kokeny komi bik che kele Kabatabis.Ikere Kabatabisechu,komochei serikali kokoch location sikongen kole miano ak koboris bikab locationit ingiro asi makoyonoti bik koroch lekemani )

**Translator:** We have our neighbours, the Pokots who are a problem to us. When they come and steal, you cannot follow them because they have no permanent home. We would like the Government to establish locations and give them permanent residence these Pokots, so that if they come and steal, we will know that this is their location and they can easily be found. Right now, they steal and they disappear because they have no permanent residence.

**Nicholas Kibor:** (Ngoliondeake komomi lamit barabaresiek eng Markweta.Kikiwekchine serikali asimachbwech oratinwek?Kimoche kindoiwech lamit asi kobit kimuch kealte minutik cho.Keib akot akoi Eldoret,kap Indege.)

**Translator:** We would like the next Constitution to ensure good roads for every person like us the Marakwets, we would like to have tarmac roads so that we can sell our produce. Why have we been neglected by the Government?

**Nicholas Kibor:** (Kitinye kokeny ngasiek che ibei serikali koteksen amoliboni.Kimochekoliban.Amuliboni liboni serikali tukuk betusiechu))

**Translator:** We have our natural resources here for example down here where you are, we have a lot of sand. We don't want the Government o just come and pick our sand. It is our natural resource, and they should be able to buy this sand from us and export wherever they want to build houses.

**Com.Yano:** Richard Kapsirop. Richard. Mwole Kisang. Jeremiah Biwott. Observer?

Daniel Kibor. Biwott Cheserek. Shadrack Chelimo. Shadrack, karibu. Na Shadrack atafuatiwa na Kisang Kitum yuko?

Ernest Kipkeu. Ernest Kipkeu. Daniel Kipkeu. KimtaiYego. Kimtai Yego.

**Shadrack Chelimo:** (Akotok engkainetab Jeiso)

**Translator:** I greet the congregation in the name of Jesus.

**Shadrack Chelimo:** My name is Shadrack Chelimo.

**Shadrack Chelimo:** (amoche angalal akobo ngwonin nemikoroni .Kimokomi ngwonin kenertosi achek.Mitoraninyun ne o.)

**Translator:** I want to talk about the pain in this land. When I was growing up, there was no pain. But now there is a lot.

**Shadrack Chelimo:** (Ne ngwonini ?Kero Merkweta kokakerkeit ak chi ne motinyei baba nesoru )

**Translator:** Marakwet people are like orphans with no father to rescue them..

**Shadrack Chelimo:** (Kokoro Merkwetin kole Mungu inekei neimuchi kosorwon)

**Translator:** Marakwets now consider God as our only father who can assist them.

**Shadrack Chelimo:** (kosorwo we Mungu)

**Com. Yano:** (Sarunenen ne?)

**Translator:** I only consider God as my father because the Pokot, who are my neighbours have been given something by the present Government and then they have added on something else they also get from across the border.

**Com. Yano:** What is this something else?

**Shadrack Chelimo:** (Tinyei Pokotiek tingtingit neboren bich .Kabarenech achek bikab Markwete )

**Translator:** The Pokots have got home guards and they add with other amunitions they get from across the border and I believe as a Marakwet that they are given these home guards to finish somebody else, who is me, the Marakwet.

**Shadrack Chelimo:** (Ak yekakoboris, keibchi amitwokik kelech oamisie,omitwokik cheterchin)

**Translator:** Then after they have done their killing, the Government gives them relief food. It is like they are being paid so that they can come and kill me.

**Shadrack Chelimo:** (Kikilen serikali bik kotebi eng nekararan amu kikoch Mungu serikali ngubut asikoribech)

**Translator:** I thought the Government has the right to protect its people and their property. But now I am wondering this same Government, which is supposed to protect us, the Marakwets is arming my neighbours, the Pokots to come and finish me.

**Com. Yano:** (Imoche ne?)

**Shadrack Chelimo:** (Kimoche katiba kechob neribei chitukul koteb komie)

**Translator:** We would like it to be put in the new Constitution that the people, especially us the Marakwets, we should be protected. We want to have our rights to life and our rights to own property. The Government should take care of our property.

**Shadrack Chelimo:** (kimoche serikali kotoretech eng bichu kabarech)

**Translator:** We would like the Government to revenge for those who have been avenged. If the Pokots avenge us, if they come and kill us, the Government should be able to retaliate and hurt them as much as they have hurt us.

**Shadrack Chelimo:** (Nyolu koker seikali ngalechuto tukul)

**Translator:** The Government in the new Constitution should be able to know who are the aggressors and who is being aggressed. Right now, we are being aggressed and yet I don't see them recognizing that. So they should also be able to compensate me by aggressing the aggressors.

**Com. Yano:** Sema kitu kingine.

**Shadrack Chelimo:** (*Tinyei ngwonin Markweta akobo ngalechuto* )

**Translator:** We want the new Constitution to ban corruption. Right now there is a lot of corruption in the offices. An old man like me, I go to an office, wanting help from that office. Yet when I reach that office, the people ask me to give them something small. Yet I went there with a problem. How do I give them something and I am in problems.

**Shadrack Chelimo:** (Mito kokeny yewochi komochei toretet eng office kelechun kokon ki kitikin.Kakai kitelel tukuchoto .Nyolu ko office nebo serikali keyochin bik tukuk ko mie)

**Translator:** To curb corruption, we would like anybody found to be asking for handouts, he should be sacked or prosecuted and jailed because right now they ask us for even about twenty thousand shillings to be able to employ your son. You don't have this money while you have been struggling to educate the child. So any corrupt officer should be prosecuted and jailed.

**Shadrack Chelimo:** (kaikai serikali koisto tukchu yach si ketebi komie)

**Translator:** In the new Constitution, the Government should be able to curb corruption under all circumstances.

**Com. Yano:** Ya mwisho.

**Shadrack Chelimo:** (kongoi missing)

**Translator:** Thank you so much.

**Com. Yano:** Benjamin, Benjamin. Ben Maiyo. Paulina Murkomen. Paulina. Pauline Murkomen. Agnes Biwott. Rael Kiptoo. Observer? Rael unakuja?

**Rael Kiptoo:** I am Rael Kiptoo. (kimoche ketekwech polytechnic engoli)

**Translator:** We would like a polytechnic to be built near here.

**Rael Kiptoo:** (mochei ketech eng location ak division)

**Translator:** We would like a polytechnic to be built in every Division.

**Rael Kiptoo:** (kimoche kokeny ketekwech sipitalit nekimuchi ketorete chi asi makebendi akoi Kapsowar)

**Translator:** I would also like to express myself about health. We want a well-equipped hospital especially one that will have an operation theatre because, for example if somebody has to be operated on, we have to go all the way to Kapsowar. We want a well-equipped hospital at the Division.

**Rael Kiptoo:** (*kilen serikali koribei bik koboto malikwai, amune asimayoei kounoton?*)

**Translator:** I thought that the Constitution says that the Government has got a right or is obliged to take care of somebody and her property and her life. But what is happening? We don't see that happening.

**Com. Yano:** (kemoche koyai ne?)

**Rael Kiptoo:** (nebo angwan)

**Translator:** *(kemoche anyun keribech)(to Rael Kiptoo)*

**Translator:** We want the Government to be truthful and practice that which it vows to do, to protect the lives of the people.

**Rael Kiptoo:** *(Kimoche ngalek ab kaliet asi kobit kobois kwonyik ak lakok komie)*

**Translator:** Another one on Security, women and children are suffering on those rocks as you can see up there because these women are not able to go to their farms and these farms are normally below the roads. They cannot till and they are suffering there and starving.

**Rael Kiptoo:** *(kimoche nekonyitot Daniel Toroitich Arap Moi kongololchi Pokotiek asimakoborienech nekiech)*

**Translator:** We would like the President, His Excellency, Daniel Toroitich arap Moi to talk to these Pokots to stop their attacks on us of everyday.

**Rael Kiptoo:** *(Kongoi)*

**Com. Yano:** Rael, tunataka clarification kidogo. Umesema penya munaishi uko juu, nataka ueleze vizuri ndio kila mtu asikie, niweke kwa hio recording. Huku juu unasema munakuja mashamba hapa chini,

**Rael Kiptoo:** Ee

**Com. Yano:** --- si ndivyo. Huko juu hakuna mashamba?

**Rael Kiptoo:** Huko juu hakuna mashamba. Tunalalaga huko juu.

**Com. Yano:** Sasa kule ni kulala tu na hapa tu ni mashamba.

**Rael Kiptoo:** Mashamba hapa chini.

**Translator:** Up there as you can see, those are just rocks and we normally we just sleep there. All our land, our arable land is in the Valley and now we cannot be able to till that land because of insecurity.

**Com. Yano:** Asante sana. Tumeshukuru sana Rael.



**Rael Kiptoo:** Haya.

**Com. Yano:** Moses Biwott. Moses Biwott. Marani Julius. Julius Marani. Cheserek Bailengo. Michael Murkomen. Timothy Kilimo. Timothy. Timothy Kilimo. Obersver?  
Pius Kilimo. Pius Kilimo. Kipkore Jeremiah. Yes, karibu Kipkore.

**Kipkore Jeremiah:** Habari zeny;

**Com. Yano:** Mzuri. Jina?

**Kipkore Jeremiah:** Kipkore Jeremiah. Katika Katiba yetu kuna vipengela ambavyo tuaona vinafaa sans virekebishwe. Kwanza kabisa ni jukumu la President. Ukiona tunasikia katika Katiba ile ya sasa, kwamba President is above the law. Na hii above the law ndhi imepelekea wananchi wengi kuumia sana.

**Com. Yano:** Pendekeza.

**Kipkore Jeremiah:** Ningependekeza hivi, Katiba inayo kuja, President awe kama kila mmoja.

**Com. Yano:** Yeah? Point ya pili.

**Kipkore Jeremiah:** Point ya pili: Resources zile iko. Ukiona katika Katiba ya sasa inasema e.g. Maji, Land na kadhalika ni mali ya Serikali. Na ukifika mahali pengine ambapo, pengine mashamba baado gawanyua upewe Title Deeds, wale wana adhirika sana ni wala huko. Kwa mfano maji. Kwa mfano hata mchanga na Forest. Tungependa katika Katiba inao kuja, kwamba kila kitu ya resources ile iko iwe ya community ile. So that Serikali ikitaka iombe huko.

**Com. Yano:** Enda kwa ya tatu.

**Kipkore Jeremiah:** Ya tatu. Kuna hii shida ya pengine inatokea ya ajali, mara mtu anapata ajali ya bara bara, na anakufa na anapelekua mortuary. Ati anaambiwa post motem inatakiwa ati hii ni mali ya State. Na kama huyu ni mali ya State, na ni mwili ambae imakufa, kwa nini State isi shugulikie kulipa na kadhalika? Kwa nini mtu na jamii yake wanaambiwa alipe na kadhalika? Tungetaka katika ile Katiba inakuja, kama ni sisi ni mali ya State, State ishugulikie kila kitu. Wapatieni tu mwili kwa ajili ya kuzikua. Lakini mambo ingine ya kusema lipa hii, what, what. Iwe mali ya State, kama kweli sisi ni mali ya State.

Ya nne ni okey, saa hizi Serikali nasema inalinda kila mtu na mali yake. Kweli hio ni Katiba ya sasa. Lakini, Katiba ya sasa aisemi, okey, vile Serikali inasema italinda mtu na mali yake, isipoweza kunilinda na mali yangu, nitafanya je?

**Com. Yano:** Pendekeza.

**Kipkore Jeremiah:** Napendekeza hivi. Serikali ile iko ama kiongozi yule yuko, kama kwa sababu ame apa kunilinda na mali yangu, asipoweza kunilinda na mali yangu, awe presecuted immediately. Tusingoje atoke kwa madaraka, ili astikiwe. Astikiwe, ama alipe hio mess maramoja.

Jambo lingine, ukiona Kenya saa hii, karibu kila mwananchi ana silaha. Ni masikitiko sana. Na huku tunaendelea kulipa kodi, leo kesho kwa minaaajili ya kulipa askari na kadhalika. Kwa nini raia wawe na bunduki?

**Com. Yano:** Pendekeza.

**Kipkore Jeremiah:** Tunapendekeza hivi. Sheria ya kukuja iangalie kabisa kwamba raia yoyote asiwe na bunduki. Lazima tusiwe tukilipa Kodi, ya kulipa watu ambae wangechunga watu na huku raia wana bunduki au silaha zingine ambazo zina umiza.

La mwisho ni ile Kodi tunalipa tu. Katika Kenya tunalipa Kodi nyingi sana. Na ukienda sasa kwa mfano katika shule za Primary na kadhalika wazazi wananunua vitabu tunanunua kila kitu. Kwa nini hizi pesa tunalipa kama Kodi zisi tumike kununua mahitaji, learning resource katika shule zetu? So katika Katiba ya kuja, zile Kodi zinalipwa ziendeleo kufanya kazi, kujenga bara bara, kununua vitabu kwa shule na kadhalika.

**Com. Yano:** Asante sana.

**Kipkore Jeremiah:** Mwisho, mwisho: Katiba ni maisha, kwa habari ya kusema, tuharikishe Katiba ili twende uchaguzi, should be stopped. Hata Katiba ati ikienda miaka miwili, iende miaka miwili, na tupate Katiba ya kwenda kusaidia wa Kenya ambao wanazaliwa hata two thousand years to come. Na tusiharikishe Katiba kwa sababu ya tarehe ya uchaguzi. Yeah. Asante.

**Com. Yano:** Asante sana. Nenda ujiandikishe. Joel Kilimo. Joel Kilimo. Nakufina hapa hapa, tumesoma horodha yetu yote na tumeita kila mtu mwenya alikuwa amejandikisha. Bila tu pengine kulikuwa na mtu mwenye, kama umechelewa pole. Ile tu kama kulikuwa na mtu mwenya kuna ako na lile jambo, yenye anajua akienda nyumbani leo, hataweza kulala, ila atuambie ile jambo. Kama kuna mtu kama huyo. Na kama umeongea sitakupatia nafasi. Tutapatia tu nafasi wale hawajapata nafasi ya kuongea. Kuna watu kama hawa? Nione mikono zenu, naona mmoja hapa. Haya, kujeni hapa mbele. Kila mtu nitapatia dakila mmoja, moja, moja. Useme tu lile jambo yenya aijakuziwa na mtu mwingine.

**Kirop Stephen:** Commissioner, Good afternoon.

**Com. Yano:** Good afternoon to you. Give us your name first. Kaeni huko kando. Wewe umechelewa wewe. Ee.

**Kirop Stephen:** My names are Kirop Stephen. I don't know if this has been mentioned before. I would like the new Constitution, in the new Constitution if we can have a Justice Commission to see that Justice is being done to all Kenyans wherever they are, even down, down there in the marginalized areas like in our place because at times like security ---

**Com. Prof. Okoth Ogendo:** Where is your place?

**Kirop Stephen:** Here, in the Valley, Kerio Valley because we are suffering a lot. If we could be having such a Commission to see that justice is being done to all Kenyans.

Another one is on Courts, Kortini: I would like that in the new Constitution, if we can have some Mobile Courts to move in the interior parts to the ground level, whereby all wananchi is being tough because at times it is very hard for us, because let me mention, in our district of Marakwet we don't have Court, we go to Keiyo District, (word not clear) so we would like if there could be Mobile Courts to move around and hear various, speeches or whatever from wananchi or even the old wazeez. We don't have money to go up there for their cases or if possible in the new Constitution I would like even the Council Elders to be given a chance to hear some small or some cases, some small disputes not just to rush it to Courts because sometimes not all people are able.

**Com. Yano:** (inaudible) Last one.

**Kirop Stephen:** Yeah. As far as security is concerned I wanted to mention something that the Security personnel to be left aside to deal with all the insecurity cases not political whatever to come because sometimes, when there is cattle rustling is going somewhere, you find that the security personnel are deep in but after sometime they are told to fall away. Then we wonder. So we want it in the new Constitution, that the Security Personnel to be set aside to be free from all political affairs.

**Com. Yano:** Thank you very much. Mikono, mikono, wewe ni wa pili, wewe ni wa nne, were mzee wangu umeongea. Wa nne, wa tano, wa sita, wa saba. One minute each. Ongea hapa.

**William Murkomen:** Okey, labda yangu ----

**Com. Prof. Okoth Ogendo:** Jina?

**William Murkomen.** William Murkomen.

**Com. Yano:** Wewe umechelewa wewe, endelea. Endelea.

**William Murkomen:** So mimi sina maoni ya kusema isipokua document yangu nimeleta.

**Com. Yano:** Very good.

**William Murkomen:** Nafikiri ni ombi tu. Wakati tulikuwa tunajaribu kuandika hii Katiba, wazee walikuwa na hofu sana kwamba hii Katiba yetu itafika kweli? Sasa, ombi letu ni kwamba, maneno yetu kweli lazima ifikishwe vile tumesema.

**Com. Yano:** Asante.

**William Murkomen:** Nafikiri ilo ndio ombi langu pekee yake.

**Com. Yano:** Tafadhali jilandikishe. Nafikiria uli chelewa. Kabla venye hatuja anza hii mukutano, Professor alieleza vizuri ya kuwa baada ya kuchukua maoni yenu, tutaenda tungeze report, na hio report itarudia nyinyi mukae nao, kwa muuda ya siku sitini, muchambuwe, muingalie na mujihakishie yakua yale maneno yako ndano ni yale maneno mulitupatia,

**William Murkomen:** Asante Commissioner

**Com. Yano:** Halafu tukisha chukua kutoka hapo tunaenda kufanyia kazi. Wa tatu?

**Edward Kiplagat:** My names are Edward Kiplagat.

**Com. Yano:** Okey, Mr. Kiplagat.

**Edward Kiplagat:** I want to touch on basic rights only. The case of death penalty should never be abolished because the same offender will come and commit the same crime. For he knows anytime he will be free.

Secondly, the case of failure of this Constitution. They have failed automatically to protect the citizen and his property. I could suggest that the new Constitution should give a directive Code of Conduct that should be followed and answerable arm of Government in case such issues arose.

Another one is on education: the new Constitution should give us a free education up to Form IV level.

Towards rights of vulnerable groups: I could suggest that the new Constitution should form a Commission first and foremost to

look after issues that relate to forced love affairs, mapenzi ile inaanza kuwa ni mbovu sana.

**Agnes Biwott:** ----- ni zangu lakini nitaongea moja. Ningependa katika sheria ambae tunaunda sasa hivi, Serikali wachukuwe priorities kwa development na to collect information kutoka wananchi wenyewe. Wasiwe wakipanga kazi juu kabla ya wananchi, kwa sababu priority inatoka kwa wananchi wenyewe.

Halafu kuna mambo ya kuajiri kazi: Tungependa sana sheria ya wakatu huu iweze kuona sana wale watu wote wama trainiwa kwa vizara mbali, mbali waajiriwe ili nafasi zingine zipatikane na hio iwe mortisha kwa wengine kwa sababu hio sasa ndio tunaone imeumiza watu wengi hata kutosoma na kutofanya mambo mengine yote.

**Com. Yano:** Endelea.

**Agnes Biwott:** Na mwisho, ningependa sheria ya wakati huu, itunze wa Kenya. Yaani wa Kenya wote wawe sawa bila maendeleo. Waone kila mwananchi ama ni mwana Kenya, ni mwana Kenya kila mahali. Wasiwe na upendeleo. Asante.

**Com. Yano:** Asante sana. Number tano.

**John Kibyatich:** Pole kwa kuchelewe, I am sorry, I was late and I missed my chance to present my views.

**Com. Yano:** It is okay. I am giving you only a minute

**John Kibyatich:** John Kibyatich is my name and I am going to speak on participatory Government and I am speaking as a youth.

I want during appointments of nominated Members of Parliament, a youth representative should go to that Parliament and enter into the Cabinet so that he can represent our interest anywhere at any time. Also, under international relations, I think this an area where nobody has talked. I do not want any future President to be a Mr. PR man. A Public Relations Officer of this Country because this attitudes and these beliefs will lead the donor funds to refuse to pump in money. I want the Parliament to form a small Committee of people who will be sent out to go and talk of issues pertaining to our Nation.

Parliament also should give a stand on National issues and international issues. There are so many Treaties which may be our Head of State enters into which are not commensurate with the aspirations of this Nation. Look at the case of the Nile River. That Treaty was entered by wazungus long time ago and other treaties. They are not commensurate with the aspirations of the people.

**Com. Yano:** Maliza.

**John Kibyatich:** I proceed. Now, we want it to be enshrined in the Constitution that any future bilateral or unilateral agreements be done by this Committee of Parliament and these PR people.

Okey, I have finished with that. I also want to speak on something called, Commissions created. These commissions created always created after wrong doings. After something has gone wrong that is when a commission is formed to rectify and cover up and do all these things. In future, we do not want commissions to be created that only come to cover up things but commissions that do their work. Okey.

**Com. Yano:** Last point.

**John Kibyatich:** Last point is on succession and transfer of power. There is a big problem here. When we are handing over power, maybe a President is handing over power, he is still in power himself and may be a future President may be will see that his election is actually going wrong, he can either suspend the Constitution and rule by decree, become a dictator so, I want during this transition period, the Speaker of the National Assembly should take over until a new Government is formed.

**Com. Yano:** Thank you very much.

**John. Kibyatich:** Okey. May I just say something small on something else here. Just one point please.

**Com. Yano:** Is that a new point?

**John Kibyatich:** Yeah. A new point on Defence and Security: I think this issue of vesting on the Executive the powers to declare war and be the Chief of the Armed Forces and DOD, I think he is interfering so much. We should form a Ministry of Defence with an Interior Minister who is vested with absolute powers to regulate the goings-on inside the Parliamentary issues not Parliament, Military. Thank you so much.

**Com. Yano:** Thank you so much. We are very grateful for those very youthful views. Number six? Karibu mama.

**Margaret Yego:** *(Anekekureno Markaret Yego)*

**Translator:** Her names are Margaret Yego.

**Speaker:** Ata alakuwa ame andika:

**Com. Yano:** Aah: Wacha aonge.

**Margaret Yego:** (Eng emoni nyo bo Markwete kenyolili amu ruitos chebiosok ak lakok olimbo koin ak keringon amuyokobelei korik bunik)

**Translator:** In our land of Marakwet, women are really suffering with children because they spend their lives inside rocks and caves because of the problem of insecurity where houses were burnt.

**Margaret Yego:** (Makebendi akot kwen amumomikalyet)

**Translator:** These days, we cannot go to a domestic works in the shambas and even fetching firewood beyond Turkwel power line down here.

**Margaret Yego:** (Kaikai ndo imukoksei takimut lakok ab Pokotiek koba sukul asi makonerchinin chorso)

**Translator:** She is recommending that the Government should introduce a policy where the young Pokot children are forced to go to school so that they don't have time to engage in war-like activities.

**Margaret Yego:** (kokeny kokikotebi group nebo chebiosok kotko makongen kie tesei tai)

**Translator:** She is also making an observation and recommendation about the women groups. She is saying that it looks like there is no national agenda for women groups and especially those ones, which were already formed.

**Margaret Yego:** (Mochei kochob serikali arorutiet ne imuchi kosub chebiosochuto koucho tinyei mashinisiek chebo bek)

**Translator:** A national agenda on women should be able to look at such things as groups which own income generating activities like posho mills.

**Margaret Yego:** (Mochei kokeny serikali kotoret kipteninik amuichek cheimuch kobarasta ngalekab keny kou ye kiu cheu Nyakinyua)

**Translator:** The Government should also look into cultural issues and promote women traditional dancers in general because they promote people's culture. She is giving an example of a group like 'Nyakinyua' which was so prominent sometime back and they used to benefit and also be able to channel their people's culture.

**Com. Yano:** Yes. Do they have such a group themselves?

**Translator:** She says that they have some groups here but they are no longer being promoted these days. Perhaps she is recommending that the Ministry of Culture should do something to promote the Marakwet culture.

**Margaret Yego:** (Kimi kurubisiek chebo kwonyik chekikikwei sikondochi alak, momi toreto neikochinin serikali bichuto?)

**Translator:** She is saying that there were elections for women representatives but it looks like they don't get support from the Government. That's all she has. Thank you.

**Com. Yano:** Asante. Asante. Okey. Wacha akajiandikishe. Tell us your name.

**Pauline Kipkeo:** Jina langu ni Pauline Kipkeo. Mimi yangu ninatoa maoni yangu kwa Serikali yenye inakuja ijali mambo ya wamama sana. Wamama wamewachua nyuma. Katika hivo, mimi sija Marakwet hapa na generally, tunataka wamama hata wawe wakisikuzua maneno yao. Na Serikali yenye inakuja, sheria kama mtu ameolewa akuwe, wakiwa na jamii yake, tuseme kama baba na mama, kama ni shamba imenunuliwa, iwe baba jina lake iandikua na mama mwisho. Kwa sababu, dunia kweli sisi ni maua. Watu uwa wanakufa na baado wengine wanazaliwa. Na kuna mahali baba akiondoka mama anabaki, mashemeji wanasema hii ni mali ya kijana yetu. Na kama hio jina ya bwana ilikua imeandikua yeye pekee yake, kama hakuna ya mama, huwa mama ana adhirika sana na watoto

Kwa hivyo kuna wazee wengine hata wana kama hio jina yake imeandikua hiyo nini yake, hata mwingine anaweza tafuta watu huko nje, anasema mimi niko na shamba. Unakuta mzee ameuza shamba kisiri, amechukua pesa labda ametumia kwa njia mbali, mbali sitaki kutaja, lakini kuna njia mengi saana ya kutumia pesa. Na kama hio shamba imeenda hivyo, mwenya anaumia sana ni mama. Kwa hivyo kama hio jina yenye mimi ninapendekeza, iandikwe mbele ya akina wazee, kama jinya ya mzee na ya mama mwisho. Ili hata kama mzee anataka kuuza, hio jina ya mama itaulizwe wakati wataenda kwa lands. Itasemekana na huyu mwenya jina lake iko mwisho, ni nani? Sababu, hio shamba ikiandikua tu mzee pekee yake, mzee wako na njia mengi sana ya kuuza shamba halafu mama anabaki. Na mwenye anaumia ni mama na watoto.

**Com. Yano:** Jambo lingine.

**Pauline Kipkeo:** Jambo lingine ni mambo ya maji. Watu ya area hii wanaumia saana. Kwanza mimi, wacha tu niwambie siri moja. Mimi ninaishi town leo nime enda mpaka pale juu, nakuta mama mwingine anasema, ohh sasa leo mtoto yangu atakunyua nini? Maji. Ile kitu ilioko, watu wa area sana wapewe maji na mafereji iende kila nyumba. Ili wapate maji, kwa sababu maji ni maisha. Maji ni maisha ya bina adamu. Na ni lazima tukule, na ni lazima tuoge. Tusipo oga hata sisi wenyewe hatuta karibiana.



Kwa hivyo wamama na hata watu wa hapa na community ya Marakwet watengewe dam ya ku supply maji. Huko kwanza, huko juu. Hio tu.

**Com. Yano:** Nyamakudo, kuna jambo unataka kusema? Kuna jambo unataka kusema yenye aijasemwa na wewe hukua umesema mbeleni? Kama ni kurudia sitakupatia nafasi. Moja tu. Basi. Eh. Moja.

**Mzee Nyamakudo:** Sisi kurutu tunasema tunataka Katiba yetu hii ambao tunabadilisha tunataka ati President iko juu ya sheria. Hapana taka hio sheria. Sheria iwe juu halafu President awe chini ya sheria.

**Com. Prof. Okoth Ogendo:** Juu, Juu zaidi.

**Mzee Nyamakudo:** Juu, juu zaidi. Hapana yeye. Na ingine, hizi pesa yetu ya Kenya, hapana taka weka kichua ya mtu. Nataka weka tu ile Simba na ingine ile map ya Kenya au Mbuni pande ingine. Halafu ikae hivyo. Hiyo ndio yangu tu.

**Com. Yano:** Asante sana Mzee Nyamakudo. Nafikiri sasa tumeweza kumaliza. Hata siwezi kukupatia sasa. Tumeweza kumaliza juu tumepatia kila mtu nafasi najua hakuna jambo itasemekana yakua ati, Marakwet hawakupatiwa nafasi kuongea. Naona mumeguzia kila jambo yenye Katiba inahitaji.

Na kabla sija endelea na pengine kufunga hii mkutano, kuna jambo Commissioner Lenaola angetaka kuwaelezea.

**Com. Lenaola:** Kuna swali iliulizwa leo kwamba kuna makundi yalitumua kufanya elimu ya raia katika Marakwet. Nafikiri Councillor alisema jambo hilo na pia kinaja mmoja alisema hivyo pia.

**Translator:** (kamua chichi kole kimi bich nyo konet bich ngalekab katiba)

**Com. Lenaola:** Makundi hao ni kama Kuinet Central Management,

**Translator:** (Kundisiek cheu Kuinet Central Management)

**Com. Lenaola:** Kertor,

**Translator:** (Kerto)

**Com. Lenaola:** Kwilil Kenya Limited,

**Translator:** *Kwilil Kenya Limited,*

**Com. Lenaola:** Marakwet Professionals,

**Translator:** *Marakwet Professionals*

**Com. Lenaola:** Maendeleo Ya Wanawake Organization,

**Translator:** *(Maendeleo nebo chebiosok)*

**Com. Lenaola:** Marakwet Views in Action,

**Translator:** *(Marakwet Youth in Action)*

**Com. Lenaola:** Moi University Students Association.

**Translator:** *(Nebo lakokab University chebo Moi)*

**Com. Lenaola:** Na hii si swali ambalo imeulizua katika Marakwet pekee yake.

**Translator:** *(Matebut nekakiteb eng Markweta kityo, kiketeb eng olotukul)*

**Com. Lenaola:** Karibu Kenya nzima tunaulizwa haya makundi, mbona hawakutufunza maneno ya Katiba?

**Translator:** *(kiketeb eng Kenya tukul)*

**Com. Lenaola:** Na jibu letu ni fupi sana.

**Translator:** *(kamua inendet walutiet kole)*

**Com. Lenaola:** Tulikuwa na mpange kabambe kwamba haya makundi wapewe fedha ya kuwafunza wa Kenya hali ya Katiba.

**Translator:** *(kikakichob kele asi koba bichoto konet bik akobo katiba eng Kenya komukul)*

**Com. Lenaola:** Lakini fedha hazikuja.

**Translator:** (matekenyor robisie choto)

**Com. Lenaola:** Na mahali kama Marakwet ama Turkana, ama Samburu ama Pokot ni mahali papana pa kubwa sana.

**Translator:** (kole korotunwek cheu Marakwet,Turkana,Samburu,ak Pokot komoitei chi okoronoto ak kolo)

**Com. Lenaola:** Na pia vile mumesikia mulisema nyinyi wenyewe hamna bara bara, hamna transport, hamna lami, kwa hivyo kufika mahali mmoja mpaka pengine ni kazi ngumu sana.

**Translator:** (komua olemomi barabar,momi lam kokeit koret tukul ko korom sana)

**Com. Lenaola:** Kwa hivyo makundi mengi, hazikuweza kufikia watu manyumbani.

**Translator:** (maitita bik che kita inetisie komoswek che chang)

**Com. Lenaola:** Ndio tukasema ma Commissioner kuja hawa wenyewe kujaribu kufunza wananchi kwa muuda mfupi sana.

**Translator:** (koineni kibwa Commissioners eng boroindo ne nwach)

**Com. Lenaola:** Na Commissioner alikua chini ya huu mti kujaribu kufunza haya mambo ya Katiba.

**Translator:** (*kimito Commissioner Yano konetok eng uruono*)

**Com. Lenaola:** Kwa hivyo hakuna fedha ambazo hawa wamekula.

**Translator:** (mami robia che kikiam buch)

**Com. Lenaola:** Na si walikataa kuwafunza. Ni njia na hali hawakua nayo.

**Translator:** (amakitai koyai kasinoto maimukak kou ye kikibangan)

**Com. Lenaola:** Lakini kwa maana mumetoa maoni yenu,

**Translator:** (amukoteb akwek)

**Com. Lenaola:** Tunawahikishia kwamba yale mutayasema, yale mulisema ni ya maana sana ki katiba.

**Translator:** (tukuk chekomwa akwek kobo komonut kabisa ak kebekendeni kitabut kounoto)

**Com. Lenaola:** Na jawabu la Tume ni kuchukua haya mambo na kuyafanya katika Katiba mpya ya Kenya.

**Translator:** (kasityo ko kiyum ngalek tukul chekakimwa ak kobekinde katiba nebo Kenya)

**Com. Lenaola:** Jambo la mwisho.

**Translator:** (ngoliot nebolet)

**Com. Lenaola:** Baada ya sisi kuandika Katiba katika draft,

**Translator:** (yekakesir ngalechu tukul )

**Com. Lenaola:** Kama sheria haitabadilishwa,

**Translator:** (ngomakiwal ngatutik)

**Com. Lenaola:** Tutaizungusha tena kwenu,

**Translator:** (kewekukokeny)

**Com. Lenaola:** Tutajaribu kuja tena kuwafunza kulingana na hio draft ya Katiba.

**Translator:** (yeketiem kinetak kou yekasirta bichu)

**Com. Lenaola:** Ili muelewe Katiba yenu itakua namna gani?

**Translator:** (asi kobit ona ole katebto ano)

**Com. Lenaola:** Kwa hivyo, si kwamba baada ya leo hatutarudi hapa ama hakuna kazi itafanyika juu ya Katiba. Baado kuna stages zingine nyingi ambazo ni lazima nyinyi pia mukue katikati ya hio kazi.

**Translator:** (mobolet bani tekobwoni kokeny ngab akoi kenai ngokakicham anan olo)

**Com. Lenaola:** Nafikiri mimi ni hayo tu.

**Translator:** (Kongoi.)

**Com. Yano:** Asante sana Bw. Lenaola kuhakikisha ya kua watu wetu wame elewa kilicho tengeka.

**Translator:** (komwochi kongoi Bw.Lenaola)

**Com. Yano:** (mamiki neoteshini amwoe missing akobo tebutiet nekateb councilor )

**Prayers:** Baba mwenyezi Mungu asante kwa wakati huu ambao umetufikisha. Asante Mungu wetu kwa kila mmoja wetu ambae amekusanyika mahali hapa. Mungu tunawaweka mkononi mwako kila mmoja wetu alie zungumuza. Wale walitega sikio, na Mungu wenya walitoa wakati wao kuja kukaa mahali hapa. Mungu tunajua hayo yote ambae tumefanya ni yakutuletea Serikali mzuri, Serikali Mungu ambae utatuundia. Mungu tunaomba ili yale yote tumezungumuzia kama yalikua yanakuchokeza Mungu wetu utusamehe. Na kama Mungu yalikufurahisha utukufu ikuje kwako, Mungu wetu. Mungu utuwatumia hawa ma Commissioners watumie wale ambao umeweka kwa mamlaka ili watende kazi ambae ni ya haki na zaidi ya hayo Mungu wetu, Serikali iwe ambao Mungu utafuraia. Mungu yale yote ambae tumezungumuzia, kuandika, kunena, kuwaza, hebu yawe yakuletea sifa Mungu wetu. Bariki na kila mmoja wetu tunapo ondoka. Mungu hata wenzetu, ma Commissioners wanapo ondoka, Mungu uwaongoze, uwalinde na zaidi ya hayo, uwape hekika. Mungu uwe pamoja nasi wakati huu na hata milele maana naomba katika Jina la Yesu alie Bwana na Mwokozi wetu. AMEN.

INDEX OF VERNACULAR

MARAKWET EAST CONSTITUENCY HEARINGS

TOT CENTRE DATED 01/07/02

PAGE 1 COMMISSIONER ALICE YANO TAPE 1 SIDE A

PAGE 19 – MZEE NYAKUDO TAPE 1 SIDE A TOWARD THE END

- MZEE CHELIMO CHEMOK TAPE II SIDE A

PAGE 91 - JOSEPH KIPTUM TAPE III SIDE A

PAGE 95 - MZEE PAUL CHEBOI TAPE III SIDE B

PAGE 98 - JACOB CHESEREK TAPE III SIDE B

PAGE 101 - NICHOLAS KIBOR	TAPE III SIDE B
PAGE 103 - SHADRACK CHELIMO	TAPE III SIDE B
PAGE 116 - MARGARET YEGO	TAPE IV SIDE A
PAGE 119 - MZEE NYAMAKUDO	TAPE IV SIDE B