

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

NAROK SOUTH CONSTITUENCY, HELD AT

MULOT CATHOLIC HALL

ON

10TH JULY 2002

CONSTITUENCY PUBLIC HEARINGS,
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Present

Com. Prof. Wanjiku Kabira – Chairperson
Com. Prof. Idha Salim
Com. Dr. Abdirizak Nunow

Secretariat Staff in Attendance

Collins Mukewa – Programme Officer
Robert Muchatha – Assistant Programme Officer
Vivian Muli – Verbatim Recorder
Masayio Ole Pelelo – District Coordinator

The meeting was called to order at 10.30 a.m with Com. Kabira in the chair.

Tafadhali tujiandikishe na mukae kwani tunaanza hivi sasa. Tafadhali muharakishe.

Com. Kabira: Tunataka kuanza sijui kama mKo tayari, tunasema tuKo hapa kutoka saa hii mpaka jioni na ni vizuri kwa sababu tunaona kuna watu kama kumi waKo tayari kutupatia maoni watupe, na tutaanza. Na kwa sababu tutakuwa hapa mpaka wote wanataka kutupatia maoni, tutapatia kila mtu wakati kutoka saa hii mpaka saa kumi, kumi na moja mpaka wale waKo na maoni watupatie. Mimi jina langu ni Wanjiku Kabira ni na one of the Commissioners and on my left there is com. Prof. Idha Salim I am going to ask him to greet you,

Com. Salim: On your right.

Com. Kabira: On my right, I am sorry.

Com. Salim: Hamjamboni nyote. Nimefurahi sana kuwa nanyi hapa na nyinyi hivi leo.

Com. Kabira: And on my left now is Com. Dr. Nunow, I will ask him to greet you.

Com. Nunow: Habari ya asubuhi. Natumaini tutapata maoni yenu nyote jinsi mngependa kuona Katiba ikitengenezwa. Asanteni.

Com. Kabira: Na tuna wafanyi kazi kutoka kwa Commission waKo hapa na nitawauliza wajitambue.

Collins: Kwa majina naitwa Collins Mukewa Matanda, Programme Officer kutoka Nairobi, asanteni.

Robert: Kwa majina naitwa Robert Muchatha Assistant Programme Officer kutoka Nairobi.

Vivian: Kwa majina naitwa Vivian Muli, Verbatim Recorder kutoka Nairobi.

Com. Kabira: Hiyo ndiyo team iliyokuja hapa na pengine mnajua tuKo Southern Rift Valley kwa hivyo tuKo na Commissioners wengine wanaenda to various constituency. Maybe before I talk the process, I would ask Pastor Seur to officially open this meeting with a word of prayer and then we will talk about the process.

Pastor Seur: Tuombe. Baba uishiye juu mbinguni tunasema asante hii ni siku muhimu ambayo wewe umetuwezesha tuwe pamoja na Commissioners wetu ambao wamekuwa na kazi kubwa kutembea Kote nchini wakikusanya maoni ambayo yataweza kutoa Katiba ambayo itaweza kuongoza nchi hii. Tunasema ni asante kwa washiriki ambao wamekuja kutoka sehemu mbali mbali katika tarafa hii ili watu watoe maoni yao kuhusu Katiba. Munguuwe pamoja na sisi utusaidie, utuongoze tuwe na moyo mzuri wa kujadiliana juu ya Katiba ambayo tumeingojea na iweze kutupeleka mbele. Tunashukuru kwa sababu umeweza kuongoza makamishina wetu mahali wametoka au wamekuwa hawa, uendelee kuwapatia afya nzuri, uendelee kuwapatia afya katika kukabiliana na kazi Baba ambayo iKo mbele yetu. TuKo pamoja na wewe Mungukatika jina la Yesu Kristo ambaye ni MKombozi wetu Amen.

Com. Kabira: Asante sana Pastor. Pastor sijui kama ni wewe uta-introduce committee members or we have the head of the committee.

Pastor Seur: Okey, I will introduce them. Mimi naitwa Pastor Seur na mimi ni mwanakamati kwa hii mambo ya constitution. Halafu tuKo na civic providers ambayo ni Mutai, hebu simama Mutai, anatoka kwenye kanisa hili ambalo tunafanyia mambo ya constitution. TuKo na Korir, kwa wale ambao saa hizi tuKo na Korir naye alikuwa akifanya upande wa juu, wengine hawajaingia saa hizi lakini kwa sasa ni hao wawili waKo hapa ndani. Kwa niaba yao and on my behalf nachukua nafasi hii kuwakaribisha. Karibuni sana.

Com. Kabira: Asante sana Pastor Seur, leo nitafanya introduction kidogo juu ya utaratibu ule tutafuata kutoka saa hizi mpaka jioni. Tuna njia tatu hivi zile twaweza kutumia kwa kutoa maoni. Wale wameandika waweze kutupatia memorandum halafu wakitaka wanaweza kuzungumza juu ya hiyo memorandum na tutawapatia dakika tano.

Yule hana memorandum lakini anataka kuzungumza tu kwa mdomo lakini hajaandika hata huyu tutampatia dakika tano.

Ukiwa una memorandum na unataka tu kujiandikisha ni sawa tu kwa sababu hayo maoni tutakuwa tumechukua na utajiandikisha lakini ni vizuri kusikia. Tunataka kusikia yale unasema na yanatusaidia tukitumia hiyo memorandum na kuzungumza kidogo juu ya yale maoni unaona ni muhimu sana. Na tunasema kila mtu atapatiwa dakika tano lakini saa ingine tukiona hatuna watu wengi twaweza kukupatia muda mrefu kidogo na tukiona watu ni wengi sana twaweza kusema leo kwa sababu hall iKo full na kuna watu mia moja wanataka kuzungumza tutakupatia dakika tatu, twaweza kusema hivyo. Tukiona tuna wazee wale wazee kuliKo sisi, kama 80 years twaweza kuwauliza wazungumze kwanza hata wakiwa wamekuja saa tisa. Na tukiona pia pengine tuna watoto wa shule twaweza kuwapatia wakati lakini vijana kama wale naona mbele yangu tutafuata ile karatasi vile imeandikishwa kutoka number moja, number two and so on. To make sure that we are giving everybody an opportunity to present their views and also that we are being fair.

Hata pia akina mama wakiingia si mnajua akina mama wanarudi nyumbani kutengeneza chakula sio? Wakiingia twaweza kuwaleta mbele na wakitaka hata kuzungumza wakiwa peke yao hata hiyo tunaweza kufanya na kukiwa na watu wale wasiojiweza kama the disabled (walemavu) wakiingia twaweza tu kuwapatia wakati wazungumze bila kupotezea wengine wakati. Kwa hivyo hiyo ndiyo taratibu ile ambayo tutafuata kutoka leo mpaka tumalize.

Okey, na tutasema pia ukija hapa vile utasema kwanza ni kusema jina laKo halafu utupatie maoni. Na tunakuuliza you repeat your name because we are recording na unajua ya kwamba ile recording tunafanya tukirudi Nairobi, hayo maoni yatawekwa kwa karatasi. So sometimes when you don't know the name the information can go to somebody different. So it is very important for you to say your name before you begin your presentation.

The other thing we wanted to say is that you can speak in any language, waweza kuzungumza kwa Kiingereza, uzungumze kwa Kiswahili au uzungumze Kipsigis, tutatafuta translator. Pastor aKo hapa na wengine wa 3Cs kwa hivyo wanaweza kutusaidia

kutafuta translator. Ukitaka unaweza kuzungumza na ... what other language is there? Maasai, if we have Maasais during these presentations, Dorobo, whatever language it is there will be somebody who will know how to translate. Unless you want to speak in Chinese you may not have somebody to translate but otherwise the others we will be able to get somebody to translate.

So We want to begin immediately so we give people enough time to present their views and I want to say we are very happy to be here, some of us have come here for the first time. Like Prof. Salim and myself and we think we have a very beautiful country so we are looking forward to staying for the rest of the day and collecting your views and with those few remarks, I don't know whether there is somebody who wants to say anything. We will begin by calling the first presenter and you will forgive us if we don't pronounce the names very properly or as well as you may think. Samuel Ng'etich, do we have Samuel Ng'etich? He was number one on the list and he says he will present orally, he is not here. Kuna wengine waKo hapa wanataka kuzungumza lakini hawajajiandikisha majina?

Ole Pelelo: *Omoche omwowok eng kutit ale mi karatazinon ogere mi sang. Ko karatazinon mi sang Ko mi che kabwa amasirkei. Karatazinon mi sang kesirei kainet ak kiit ne Kosoru yu. Ngot Ko kenyoni ibur buch isire ilen kanyabure buch ngot Ko kesire ile itindoi memorandum ne iKoitoi isire ile aKoitoi memorandum.Kot Ko kesire ile metinye memorandum aKo ing'olole buch ak kutit Ko melen kesir kele tor obure ane ak ang'alal kityo omotinye memorandum .So motoiwei karatazinon toretch Kora Konai commissioners Kole ng'o chu Komi yu, Kotiana, Ko ngo ne KoiKotoi si ye kigurei kenoe so iKote kainet eng sang. Sir ile aKoitoi memorandum amesir ile omwoe buch eng karatasit anan ile kanyoni buch inyobure. Konoto anyun ne Komoche osomok asi Kobit Kochakta.*

Com. Kabira: Thank you very much. Samuel Ng'etich hayuKo, John Sang'? He is there. John I will give you five minutes, tutakupatia dakika tano na uanze.

Mr. John Sang': My names are John Sang' and I am presenting this memorandum on behalf of Justice and Peace Commission – Mulot. We wish that the Constitution of Kenya should have a preamble in which it addresses the people of Kenya, it opens with a declaration of who are writing this Constitution and should reflect visions which include good governance, the international conventions which this country is a signatory, the supremacy of the people, supremacy of the law and should go down to show the history that we have undergone since we became independent and show our rich diversity religious, ethnic and cultural integrity. Should also reflect on our social economic aspiration.

The other thing that we wish to have in the Constitution is that we should have the Parliament retain a 65 majority percent vote in amending the Constitution of Kenya if such amendment being sort is beneficial to the people of Kenya in terms of economic dynamism that the country might be wishing to adopt. Parliament should have power to amend the Constitution, should be limited for allowing only amendment that promotes the investment, economic improvement and the well being of the people but not seeking to strengthen any organ of the government.

All parts of the Constitution must not be amended by Parliament unless such amendment is for the people's wish. The Constitution's amendment should be conducted by referendum which should be conducted by the Kenya review Commission created or in existence in conjunction with the Electoral Commission of Kenya.

The other one is our national security all discipline forces, the military and so on, the Paramilitary police and prison should be established by the constitution. The President should not be a Commander in Chief of all the Armed Forces. Parliament must ratify the decision made by the President about the Armed Forces and execution of extra ordinary powers should be vested and vetoed by the Parliament .

On political parties, we wish that we engage... The political parties should engage in social affairs including fundRaising, organizing awareness of programmes of issues of national importance, disasters, diseases, information dissemination and Political code of conduct should be produced, all parties should be guided by this political code. The code of political parties should set the terms which should be met by all parties and should include parties being at least popular in at least half of the provinces of Kenya in order to merit being financed by the state from the public funds.

All parties must relate to one another in accordance to the code and any infringing of this code should result to the party being struck out of the political race for at least one term. Kenyans should embrace the federal system of government in which the Executive and Legislative authority share the role of government, the district regional, divisional and locational unit. This will enable to protect the public from denial of services, justice and economic rights.

The constitution should provide for two-chamber Legislative House whose functions should be including appointing bodies of government organizations, Parastatal, Attorney General 's Chambers and should have a Lower House which should be House of Representative and Upper House which should the House of Senate.

Parliament to continue running its own affairs without being arm twisted by the Executive and controls its own calendar and operating part time schedule. We wish that the President should allowed to form a government from non-Parliamentarian who should be technocrats and people of first knowledge in the areas of jurisdiction.

Moral and ethical conduct for MPs and presidential candidates should be created by the Constitution to protect the affairs or these offices from abuse by voting in immoral and unethical persons. The MP should be recalled by the electorate any time between the term if the MP has committed economic crimes and disorders of development corruption and so on.

The Constitution should also set out qualification for the President to at least be a degree holder, a presidential term of two terms of five years each; Functions of the President as a leader of the government to protect life and property of citizen by ensuring

that organs of the government operate well.

On matters of land, ultimate ownership of land should be vested on the individual citizen, this ownership should be protected by the constitution. The government should own forest lands and other lands like the ADC farm in trustee and on behalf of the immediate local community and the Local Authority shall be prohibited by the Constitution to control use of land owned by the individual. Land control board should be re-acquired by Constitution to be available to the people in the lowest administrative units as possible. Registered land should bear names of the registered owners and proposed next of kin to cover for those who would have sold land secretly to the detriment of the community members.

Land inherited should be based on registered owners immediate dependants. No ceiling of land should be created by the Constitution. Individual large chunks of land should be turned to generate revenue, for the government to tax lands which are up to ten thousand acres and above and this revenue...

All treaties which have been signed before the independence time should be removed by the Constitution because they tend to create superiority of certain ethnic groups and overlook the existence of other ethnic communities in the same area of jurisdiction. So such treaties as the Maasai treaty before independence should be removed by the Constitution and be allowed to exercise good governance and to allow all communities residing in that ethnic area to be universal.

Kenyans should own land anywhere in the country on the basis of mutual acquisition terms. Land be categorized as one of the basic needs. Thank you.

Com. Kabira: Ngojea kidogo Mzee Sang'. Okey, Mr. Sang' before you register, you are saying that land inheritance should be by direct dependants. So you are suggesting that women, boys and girls (sons and daughters) should equally have access to land.

Mr. Sang': Yes.

Com. Kabira: Okey, thank you very much. Please register. Can we have Mr. Richard Lang'at? Let us hope he will come back. Mary Vicky? You are the one? Okey.

Mary: My name is Mary Vicky. I am going to speak on behalf of women.

Com. Kabira: I don't know whether you are close enough to the microphone or whether you want to hold it but it is okey.

Mary Vicky: I am going to repeat. My name is Mary Vicky and I am going to present my proposal on the side of women and

the first thing we said is that both genders should have equal rights in terms of inheritance. Men and women should have equal access to land. The mechanism to be employed is that both names of the man and woman must appear in the title deed. There should be restrictions in the ownership of land.

The Constitution should guarantee access to land for everybody. There should be a joint title deed. There should be enough security, no wife beating and so on. Our female children should receive the same education as males. If a female child is not married she should get the same share in the family as male children and inherit everything, which is there as male children.

There should be freedom of movement and freedom to business everywhere. About widows, the wife should inherit a husband's riches in full. Women should have rights to seek for any seat in leadership. The wife should have a right to elect a leader of her own choice not to be dictated by the husband. Women should be included in leadership, Especially in Local Authorities .

Citizenship should be given to both men and ladies when it comes to marrying outside the country. Our traditions, should be set aside when it comes to women issues. There should be a law that governs women when it comes to discrimination.

Dowry should be abolished for it is the cause of all mistreatment of women by men since they claim they have bought their wives and therefore they are their property.

Female circumcision should be abolished completely and instituted as a law

Local government – Mayors and council chairmen be elected directly by the people. They should serve the same time as the other councilors. Leaders must be experienced, literate and fair. It should be a must for a language test when vying for a Local Authority seat. People should not recall the councillor. Nomination should be retained and the criteria is to those who have the second position in vying and must come from the winning party.

Citizenship – the indigenous members born in the country, those wanting the title of citizenship through registration and marriage to foreigners. Regardless of gender, the spouses should be regarded as automatic citizens. Children of Kenyan parents should be entitled to automatic citizenship. That is all.

Com. Kabira: Thank you very much, and we go to KipKosgey Tulmat.

KipKosgei: *Kanienyu Ko Kipgoskei Salat Tulmat.*

Translator: Jina langu ni KipKosgey Sala Tulmat.

KipKosgei: *Ong'olole eng kutit*

Translator: Nitaongea vernacular.

KipKosgei: *AKo ng'alekyuk ane Ko che Konemu ane,*

Translator: Na hii ni maneno yangu peke yangu ambayo nilitoa peke yangu.

KipKosgei: *Ko ng'olyot ne tai ne Koasir eng yu oKose ole eng Komostab kiruogik che mengechen Kouon to kinem asi Koek boisiek che ng'etu aKosich kiy kiten*

Translator: maneno ya kwanza ambayo natoa aliona ya kwamba yule naibu wa chief atolewe halafu apatie Mzee wa mtaa mamlaka ya kutawala.

KipKosgei: *Ko ng'olyot age nebo aeng Ko ng'olyondeni kilelen mpakaisiek eng kabilosiek oKose ole ta kinem asi Komeny ake tugul ole Komeny eng Kenya ini.*

Translator: Hoja ya pili ambayo natoa ni kwamba yale maneno ya kusema mipaka ya ukabila yanafaa yatolewe kwa Katiba halafu kila mtu aweze kuishi mahali popote Kenya.

KipKosgei: *Ng'olyot nebo somok Ko eng title deed osome ole uon nda kinde usit kwenet Koikei robinik cho kikichob si masikyini Komong title deed cho bo walaghai*

Translator: Neno la tatu ni kuhusu kumiliki ardhi ambayo title deed inafaa iwekwe uzi kama ile iKo kwa pesa halafu walaghai wasipate kutengeneza ile title ya bandia.

KipKosgey: *Ko namba ang'wan ole Koasirte eng iman Ko chang bik che masikini chemi Kenya Ko Koasir eng beit nebo Kenya ole uon kaikai nda kindoi beit nebo ngony si Komuch aKot chito one mi ngony Koal heka 45. Imuchi Konam chito mbaret neo si karon Koalda eng beit nebo ghali. Ko nda inde Kenya kiwangoit kityo ne yomekei ak chitukul Koal*

Translator: namba ya nne ni kwamba umaskini Kenya umeendelea na watu wengi ni maskini na hawawezi kununua ardhi. Inafaa iwekwe ceiling, bei ya ardhi iwekwe chini halafu kila mtu aweze kununua kwa sababu wengine inawezekana kuwa walikuwa wanashika shamba kubwa na sasa wananyanyasa wengine kwa kuwauzia bei ya juu.

KipKosgei: *Nebo mut Ko president ak makamu Komachei Komomi ole iwakilishoni iwokilishoni Kenya tugul mekelen mbunge Kou ngunon ninyon Komakilelen kimoche Kobunji Narok South kimoche kityo Kobunji Kenya tugul Kou noto akine mwakamu akine aKotembean Kenya tugul.*

Translator: Namba ya tano ni kwamba kuhusu Presidentna Makamu wa Rais wanafaa wasiwe na constituency ambayo wanawakilisha lakini tu awe mtu wa Kenya kwa sababu anawakilisha Kenya kwa jumla ili aweze kutembelea kila mahali na kufanya maendeleo kila mahali na kuangalia kila mahali sawa sawa.

KipKosgei: *Namba lo ne akesunen, eng bunge kikileweni Ko nyolu yo ng'olole eng bunge kekase amu kikase kele tang 'alal mbungeiyot ake tugul amu kitindoi redio Kong'alal Kosir Kor Kosomonji chitob habari ng'alek che Komwoe mbungeiyot kimoche kekase ng'olyot ne Komwoe mbungeiyot ne KokiKoite*

Translator: Namba sita ni kwamba wakati hoja inaenda kwa bunge inafaa kwamba wabunge tuwe tukisikiliza moja kwa moja kwa sababu tunataka kusikiliza vile wanachangia kwa hoja ile ambayo inapelekwa Parliament. Kwa sababu hao tuliwachagua ili wasimamie kwa bunge lakini wakati mwingine anasimamia hawa hatuwezi pata maneno yao barabara vile walikuwa wanaendelea. Thank you very much.

Com. Kabira: Asante sana BwanaKipKosgey, tafadhali urudi kidogo tunataka ujiandikishe jina laKo hata ikiwa huna written

memorandum kwa sababu umetoa maoni na kuna swali kutoka kwa Professor Salim.

Com. Salim: BwanaKipKosgey ulisema ungependa kuwe na ceiling ya juu ya shamba au ardhi. Ni kiasi gani ya ceiling unataka kila mtu awe nayo?

KipKosgei: *Elfusiek mut hekait.*

Translator: Inafaa kuwa elfu tano kwa kila acre wakati mtu anauza.

Com. Salim: Ya chini, awe na ardhi kiasi gani?

Translator: *Kole, imoche Kotinye chitugul hekaisiek ata?*

KipKosgei: *AKor mut Ko ma ya.*

Translator: Ni acre tano kwa kila mtu.

Com. Kabira: Okey, thank you. Lakini Mzee KipKosgey tafadhali jandikishe hapo. Asante Mzee KipKosgey. Joseph Kirui, hayuKo. Ikiwa Joseph Kirui hayuKo tutamuuliza stanely Kerich. Na mwingine ni Kipkemoi Sagotet.

Kipkemoi: *Kainenyu Kipkemoi Arap Sang'utet. Ng'olyot ne okere ne mi Kenya eng katiba chu Kokimwoe Ko kiit ne Korom Ko Kobur chito eng Konda age tugul ne kanyorji menjet ngo Koolei Koal. Eng ng'olyot ab Kenyatta KotaKonyor Arap Moi*

Translator: Anasema neno kubwa ambalo anaona kwa Kenya ambalo ni ngumu sana ni neno la kuishi. Inafaa kila mwanaKenya aishi mahali popote vile Kenyatta alikuwa ameweka na pia BwanaMoi.

Kipkemoi: *Nebo aeng akas kele Kokile kimoje kwondo ek muren nenyi kiomechi tite agenge okere ole uu no moimukaksei yoto*

Translator: anasema tena iKo neno ambalo iKo haki ya binadamu ya kusema ya kwamba inatakikana mwanamke na mwanamume wawekwe kwa pahali pamoja ya tite lakini hiyo haiwezekani.

Kipkemoi: *Si amwa Kou noto Ko agere lagochuchok bo kasari ole ituni kei eng kanisa ak karon ikas Koba Kotini Ko ng'alek choto.*

Translator: Nimesema hivyo kwa sababu naona watoto wetu siku hizi unawaona kwa kanisa lakini kesho unapata waKo kwa Koti.

Kipkemoi: *Ko ng'alek choto che iweku emoni kimi Konyo let*

Translator: Ndio hiyo maneno yaturudisha nchi yetu nyuma.

Kipkemoi: *Ko Kongoi eng yoto ak omwoiyok ole atebet Ko wendi Kou ye Kou nebo meng'isiet kityo.*

Translator: anasema ya kwamba asante lakini mambo ya kumiliki ardhi yaende vile yalikuweKo. Asante.

Com. Kabira: Asante sana. Thank you very much for your views. Tutamuuliza phillip

Phillip: *Olen ne tai owekyini Kongoi Jeovah eng karononi ne kaKotuiyech kibagenge.*

Translator: Anasema anashukuru Mwenyezi Mungukwa siku ya leo kwa sababu ametukutanisha pamoja.

Phillip: *Olen kiit ne tai ne omwoe, omwoe Koshinet ole kiit nekimoche eng Kenya Ko keKoshine kibagenge.*

Translator: Kile kitu mimi nahimiza ni umoja kwa Kenya ili watu wa Kenya wakae kwa umoja.

Com. Salim: Atupatie majina kwanza.

Translator: *Kainet Korok*

Phillip: *Kainet kegunon Philip Kenduiwa*

Translator: Anasema jina lake ni Phillip Kinduyua.

Phillip: *Ko kiit ne kimoche eng Kenya Ko kalyet.*

Translator: Ile kitu tunataka kwa Kenya hii ni amani iwekwe kwa Constitution kwanza.

Phillip: *Kakomeny chi tugul ole kanyorji mbaret eng Kenya ini nyo*

Translator: na kila mtu aweze kuishi kila mahali Kenya popote amepata shamba.

Phillip: *Ago ng'olyot ake nebo aeng olen tetab baba Ko makichomtoi*

Translator: Kitu cha pili ambacho anasema ni kwamba ng'ombe ya baba hatuwezi kukubalia wengine.

Phillip: *Olen Komatinye ng'alek che chang.*

Translator: Sina maneno mengi.

Com. Kabira: Mzee Phillip, hebu nikuulize swali. Eti ng'ombe wa...

Phillip: Baba.

Com. Kabira: Hatuwezi kumpatia nani?

Phillip: Hatuwezi kukubalia wengine.

Com. Kabira: Hiyo ni kusema nini?

Phillip: *Kamwa ole ii teta nebo baba Komakichomtoi kigochi chito age. Kou teta nebo babanyin is ibak kamwa*

Translator: Anasema ya kuwa ng'ombe wa baba, yaani ile mali aKo nayo hawezi kukubali mwingine amnyang'anye yeye kwa sababu inafaa kuwa peke yao kwa nyumba yao.

Phillip: *Eeh kamwa Kou non ole ii yaani Kou eng Rift Valley ininyone Ko ingen ile eng bik alak Ko itei betut ne lenei chito kanam ole omoche anam. Ko ingen ile emoninyon bo Kenya Ko tetab baba mokichomdoi akechek*

Translator: Anasema anatoa mfano kama Rift Valley ya kwamba inafika siku ambayo wengine watahitaji kuingia ndani. Lakini hata sisi watu wa Rift Valley tunataka sisi tuwe ndani lakini hatuwezi kukubalia wengine waingie.

Com. Kabira: Okey, ningetaka kuuliza swali lingine tu ya vile alisema.

Translator: *Mochei Koteben tebutiet Kou ye kemwaite*

Phillip: Mimi nasema tunataka amani kwa Kenya.

Com. Kabira: Okey, how do we get peace? Kwa sababu tunataka maoni yaKo, uweze kutuambia tunaweza kuipata kwa njia gani?

Translator: *Kole ngap kaima ile makichomtoi tetab baba kesiktoi ano kalyet?*

Phillip: *Kisiche kalyet ngap kimeng'isie Kora Kou atkai Ko yo ibak kaKomwa age omoche owo gorennyu Komomoche egine nenyu?*

Translator: Anasema tutapata amani kwa sababu kila sehemu inafaa kuwa na mali yake.

Phillip: *Olen Ko kaKoyam Kou non.*

Translator: anasema imetosha hivyo.

Com. Kabira: Okey, mwambie angojee.

Com. Salim: Mzee Kinduiya ulisema kwa upande mmoja ungesema kwamba mashamba Rift Valley lazima iwe ni ya wenyewe. Sio?

Translator: *Kole eng oret age Ko kele*

Com. Salim: Kisha ukasema ya kwamba mkenya aweze kuishi KoKote anapenda. Sasa ikiwa mtu anatoka nje ya Rift Valley anataka kuishi Rift Valley, hawezi?

Translator: *Kamwa Kole kema ile nyolu kenyoru kalyet eng Kenya ago bik che mobo Rift Valley Konyolu Koistakei ara imoche Kou nee?*

Phillip: *Non kanyo eng kalyet Ko menyeye Ko non manyo eng kalyet Ko meng'toi ano ibak?*

Translator: Anasema ya kwamba ikiwa mtu ameingia Rift Valley kwa amani ama kwa kununua anaweza ishi. Lakini yule mwingine anakuja kwa fujo ama kwa kunyang'anya sisi hawezi kuishi.

Com. Kabira: Asante sana na tumesikia. Tafadhali jiandikishe. Asante sana. Joseph Korir.

Mr. Korir: Basi kwa majina naitwa Joseph Korir. Kitu ningependa kuchangia kuhusu haya mambo ya Constitutionni mambo ya sheria katika Kenya. Sheria, watu wengi sana hufungwa kwa kuwa hawajui sheria. Sheria imewekwa katika kiwango kile yule mtu pengine hajaingia shule ama kama alisema, hawezi kufafanua. Sasa maoni yangu, sheria ingewekwa katika hata lugha, zile tribes ziKo Kenya ziwekwe katika hiyo lugha kama biblia halafu kila mmoja apate kuelewa.

Kuhusu tena mambo ya sheria, zingine zinakuwa kinyume cha binadamu. Yaani pengine unaweza kushtakiwa halafu unaambiwa mpaka ionekane hauna maKosa halafu wakubali, wewe huna maKosa wakati umeteseka. So, ndio sababu nimesema hii sheria iwekwe katika ile lugha inayoeleweka.

Halafu hii sheria tena vile ingefaa ifundishwe katika mashinani. Ianzie kwa grassroots, kila mKenya apate kuelewa. Kama itakuwa ni shule ianze kama subject kwa vile sasa kila binadamu ana haki ya kuishi na ndiposa anafaa kujua vile anatakiwa akiishi kama binadamu.

Kwa mambo ya ukaaji, mambo ya kusema pengine ukabila na nini, kama tungefaa kuitwa wanakenya, ingekuwa ni bora kila binadamu ambaye anatoka Kenya apate kukaa mahali amekaa tangu pengine azaliwe. Kwa vile tukienda mambo ya historia wale walikuwa wameishi wamekufa na hawawezi kutueleza kwa nini walikuwa pale. Sasa wenye walizaliwa pale wapate kuishi pale.

Kwa mambo ya elimu, kuna sheria za elimu zimewekwa katika kiwango kingine... pengine unasikia mtoto ashapita katika kiwango fulani na sheria inasema lazima uwe na kiwango fulani pengine upate kuajiriwa kazi. Lakini huenda kuna hii kitu tunaita kama kuajiriwa kwa kazi, hasa iangaliliwe hii lengo ya mtoto ama vision ya mtoto inakaa namna gani halafu aende katika hii line ya kazi yake. Badala ya mambo ya subject pengine kiMunguMunguunapata B+ lakini kwenda katika hiyo kazi unashindwa hata kutekeleza.

Ndio mara kwa mara nasikia mambo ya discipline, mtu amekuwa interdicted kwa vile ameingia kazi sio yake. Kwa mambo ya usalama, maoni yangu kwa haya mambo ya usalama, ingekuwa bora kama sana sana wale wanahusika wanasimamia usalama hasa kama upande wa ma-chiefs halafu pengine watu wengine wale wanasimamia mambo ya usalama, angefaa alindwe vizuri. Unaweza kuta pengine mbunge anachungwa kuliKo chief na pengine chief anang'ang'ana na uhalifu. Hana escort, wakati wowote anaweza kuuawa kama kuku isipokuwa tu ni Mungu anachunga yeye. Kwa hivyo ni vizuri, mwenye anahusika kabisa na kung'ang'ana na mhalifu apatiwe security ya kutosha ama apatiwe escort ili wakati anapotekeleza kazi yake awe ni katika ile sheria asitoke pale bila mtu wa kumlinda yeye.

Kwa upande wa haya mambo ya judges, kwa maoni yangu ni vizuri hawa watu wanaitwa judges wangepaa wasiwe appointed na mtu mmoja. Ni vizuri mtu asimame kwa kikao kama hiki aangaliliwe na wananchi halafu pengine apewe mambo ya vyeti vyake alisomea

Com. Kabira: (inaudible)

Mr. Korir: So, nilikuwa naona kama haya mambo ya Judiciary, wanakuwa appointed by the President. anafanya kazi kulingana na amri. Saa zingine kama anaambiwa asifanye hii kwa vile anachunga mshahara lazima achunge hapo. So ni vizuri kama tungepata mtu independent asiwe anafanya kazi kulingana na kupatiwa yale mamlaka. Kwa hayo machache asanteni.

Com. Kabira: Asante sana BwanaKorir, hakuna swali kwa hivyo utajiandikisha na ... una memorandum?

Mr. Korir: Sina.

Com. Kabira: Okey, utajiandikisha kwa secretariat na asante sana kwa hayo maoni.

Mr. Korir: Thank you very much.

Com. Kabira: So we have Benson Korir.

Mr. Benson Korir: My name is Benson Korir, I am here on behalf of African Gospel Church. For the church, we have that every citizen of Kenya who is 18 years of age must obtain an identity card, a must.

On the side of defence, the church has seen that the Constitution should prevent the President from being the Commander in Chief of the Armed Forces. The church has also seen that here in Kenya we should have only three parties and this will eliminate ethnic animosity.

Also, we have seen that every Kenyan must be a member of one of the three parties. On the Legislature, the church has seen that there are certain appointments to in the government, which were previously done by the president. That is appointment of ministers.

Now, the church wants the Parliament instead of the President, to be the one that is concerned with the appointment of ministers and the judges, Auditor General. Here in Parliament, those to be ministers will be scrutinized by the Parliament well. So there will be nobody who is not qualified enough managing a ministry or being an Auditor General.

On the election of the President, the church has seen that it is good for Kenyans to elect a President who is for the whole of Kenya, and not from a constituency. That President will not be from a particular constituency. He will have to represent the whole Kenya. So will his Vice President. The vice President should also be elected by the wananchi directly. We want in the Judiciary, we should start right from the grassroot level with council of elders before we go to the magistrates courts, we should have a court of elders.

With the local government, the judge has seen that mayors and council chairmen be elected directly by the wananchi. Mayors and council chairmen be educated people. Should be an educated person having gone up to form four level and above. On the basic rights, the church has seen that the Constitution should provide basic rights such as education water, health facilities, land as a basic right and security as a basic right.

Also on the side of basic right, we should have, the church has seen that it is good for both boys and girls to own property and also have equal rights to education. Both boys and girls should be educated.

On the side of land and property, the church has seen that each and every Kenyan should own land anywhere in our federal state. On the land and property rights also, the church has seen that every Kenyan and every citizen in that federal state must own land, everyone in that federal state must own land.

Also, a Constitution should ensure that the property of every individual wherever it is in that federal state be safeguarded.

The church also found that the Constitution should contain the culture of every tribe here in Kenya. On the management of national resources, the church has seen also that with the federal state, which will be in place in the constitution, national resources should be shared equally among all the federal states here in Kenya.

Environment and natural resources the church also have seen that it is good for the Constitution to safeguard natural resources such as forests, water and the common society be given power to look after the natural resources.

Com. Kabira: Okey, you have finished?

Mr. Benson Korir: Yes.

Com. Kabira: Thank you very much and please hold on for questions.

Com. Salim: You say that every Kenyan must have land. You emphasized the word 'must' have land. Can you envision one day that all the land will be gone and if the Constitution says that every Kenyan must have land. How can we get land when it is all gone and distributed among the Kenyans today?

Mr. Benson Korir: With that one, I hope that somewhere... because I know that you will go there to sit and look at the memoranda that is already written, I hope we shall come back to what one Mzee had already said but I can't go over that.

Com. Kabira: Okey, thank you very much Mr. Korir. Mr. Leonard Lang'at.

Mr. Lang'at: My name is Leonard Lang'at, I will just go one by one. Most of the people who have talked here have talked of a federal state so to me I will also go to.... Kenya should automatically go to Majimbo after this Constitution and every jimbo should elect their own governor through secret ballot.

Two, every Kenyan should be accessible to land in their respective jimbo. Colonial boundaries should be removed.

The President should be rotated among all the states and should be of high-class education like degree. All councilors should have at least form four level of education. Political parties should be limited to 3 to avoid grouping into tribal parties.

Parliament remuneration should be decided by a panel of technocrats formed by the Constitution.

Parliament arians and councilors should be of high morale and of high standard of education.

No lobby group should be allowed to interfere with the Constitution like the Law Society of Kenya. That is all, thank you.

Com. Kabira: Thank you very much Mr. Lang'at. There is a question for you.

Com. Salim: BwanaLang'at ulisema ya kwamba colonial boundaries should be removed. What should replace them?

Mr. Lang'at: The state should be divided, all boundaries should be manned by the state like governor and should be directed by the Constitution.

Com. Salim: What boundaries should there be because you wanted Majimbo so there are many Majimbos. You said you want Majimbo, you also said colonial boundaries must be removed. How do we divide Kenya into Majimbos? What are the boundaries of Nyanza, if there is going to be Nyanza or if there is going to be a Rift Valley Province or a Rift Valley Majimbo? Who should decide on the boundaries?

Mr. Lang'at: There should be some boundaries, which are like the ten miles of sultan that should be cleared off within the coast. There is another one which was declared by the Lenana and Nandi warriors, such boundaries if they exist within the Constitution up to date and mapping up to date should be outdated and removed immediately.

Com. Salim: But when you remove these boundaries what do you put in their place?

Mr. Lang'at: And then the jimbo will have to supervise to have such a line.

Com. Salim: But then how do you know that now I am traveling, I have now left jimbo fulani, I have now entered jimbo jingine. Where is the boundary between the two?

Mr. Lang'at: It will be decided by probably... Somebody has talked of Lower House and Upper House. There should be a Constitution, which is created in such a Lower House, which already is going to supervise such things as directed by the Constitution, thank you.

Com. Salim: Thank you.

Com. Kabira: So you are saying in other words you don't have any view on where the boundaries should be.

Mr. Lang'at: I don't have any at the moment.

Com. Kabira: So, we can take this one to Central Province?

Mr. Lang'at: Not really.

Com. Nunow: Mr. Lang'at, let me follow up from where Prof. Salim left. Are you referring to... When you talk of colonial boundaries, are you referring to the current provincial boundaries that separate from one province to another or are you referring to the three miles strip that the internal problem that are not really provincial boundaries?

Mr. Lang'at: I am not talking of the present provincial boundaries. Present provincial boundaries should exist and anybody who is within that boundary, if any jimbo is going to be accepted should stay within. They should not be created or if anything like Majimbo should recreated or added, nobody should be interfered with and that means, it should only be created by the Constitution and should remain under the care of the Constitution. Thank you.

Com. Nunow: So are you happy with the current provincial boundaries being the basis for the Majimbo?

Mr. Lang'at: Yes exactly, and if necessary added.

Com. Nunow: How many Majimbos do you want?

Mr. Lang'at: At least we would like to have 15. Thank you.

Com. Kabira: Thank you very much Mr. Lang'at. With 15, we will think about it. What I meant is that you don't have a view on ... because currently we have eight. So you want some of them divided into two to make 15.

Mr. Lang'at: We want administration with good governance.

Com. Kabira: Thank you very much. Do we have Ben Marusoi? Julius NKoroi?

Mr. Julius NKoroi: Thank you very much for this time we have met together. My name is Julius NKoroi, I am a farmer. I am going to present about land. The government should have the power to acquire private land which is not used by the owner.

Secondly, Restricting of land ownership by non- citizens. Both men and women must have equal access to land where a girl is not yet married.

There are no specific boundaries based on ethnic, groupings and no restrictions by Kenyan citizens on land ownership. The provisions of the willing seller and willing buyer principle should be encouraged so that the landless people can buy land anywhere within the Republic of Kenya.

Kenyan citizens must be able to buy land anywhere in the country because we are all citizens of Kenya and we are brothers.

Executive - they must be assessed by the qualification for essential candidates as a university graduate.

Secondly, the President must be having 2 terms of five years or ten years.

The functions of the presidency should be defined in the Constitution because we don't want a President who is above the law.

The Constitution set on the presidential powers should be limited because there are a lot of powers oppressing the common mwananchi; Appointing and sacking people without the knowledge of the Parliamentarians and the ministers the way he wants.

The Constitution provided for removal of the President because of his misconduct while in the office, the minister must be given the power through the mwananchi to vote for him or her to get 65% who must remove the President in the office.

The relationship between the President and the Parliamentarians must be the MP of his area. The President must be a MP because he or she is a representative of this area. We do not need Provincial Administration, because they are doing nothing in the provincial area.

Local government – Mayors, councilors, must be elected directly by the people. The current terms for mayor and councilors should be two years term. The councilors will need to operate under the Central Government.

Four, there should be a minimum education level for councilors, a form four pass in English and Kiswahili.

There must be a requirement of a language test for those vying for Local Authority seats.

Six, there must be a moral and ethical qualifications, also form four level of education, he/she should not be corrupt and should look well.

People should have the right to recall the councillor back home if he or she is not performing and they vote again for another one.

The Parliament should be given the right to adjust wages of the councilors. We retain the nominated councilors with the following criteria: Must be of form four level and should not be corrupt, must be a person of development. Thank you Commissioners.

Com. Kabira: Thank you very much Mr. Korir.

Com. Salim: Just one point to clarify please. You said the President's term should be five or ten years.

Mr. NKoroi: Thank you very much.

Com. Salim: Is it either or?

Mr. NKoroi: Sorry, come again.

Com. Salim: Can you clarify on that.

Mr. NKoroi: The President must be for five or ten years in the Parliament. If he goes for the first term and tries again to contest the seat in Parliament for the next five years which makes two terms in the office, that is only two terms. Thank you very much.

Com. Kabira: Thank you very much Mr. Korir. Alfani Kolgoren.

Alfina: Kwa majina ni Alfina Kolgoren. *Ng'alek chuk ong'olole eng kutit.*

Translator: anasema maneno yake ataongea kwa ile lugha anaelewa zaidi.

Alfina: *Ng'alekyuk Kora Ko bo Komostab chepyosok.*

Translator: maneno yangu ni kwa upande wa wanawake.

Alfina: *Ng'olyot ne bo tai Ko nebo yatitaet ab tibik.*

Translator: na la kwanza ni kuhusu tohara ya wanawake.

Alfina: *Monyolun amu notok ne tere somanet eng lagok aKo Konu Kora mionwek che chang.*

Translator: hiyo haifai kwa sababu ndio hiyo inarudisha nyuma masomo na tena inaleta magonjwa mengi.

Alfina: *Nebo somok Ko Konyor somanet Kong'ete nursery aKoi Standard Eight. Somanet nebo buch.*

Translator: Tena anahimiza ya kwamba wasichana wapate masomo ya bure kuanzia nursery up to std. 8.

Alfina: *Nebo ang'wan Ko nyolu eng Komostab chepyosok yon Kosirto chito Ko nyolu Kotelelchi chepyosonoton*

tugukchik asi Komanyor shida kereben tuguchoton Kou eng Komostab bomurisiek.

Translator: Tena anasema kwa upande wa wanawake, wakati Bwanaakiaga dunia inafaa ya kwamba mali iende kwa mama halafu asinyanyaswe na mashemeji wake.

Alfina: *Nebo mut Ko nyolu Kora Konyor Konyik Kondoinatet Kogerkeit eng murenik Koi Kot kibagenge.*

Translator: wanafaa wapatiwe uongozi ule ambao unalinganishwa na ule wa wanaume.

Alfina: *Nebo let Ko nyolu Kora Konyor security ne yamat.*

Translator: Na tena inafaa wapate ulinzi wa kutosha.

Alfina: *Ko chon chechuk.*

Translator: Yangu ni hayo tu asante.

Com. Kabira: Asante sana Bi. Kolgoren. Thank you very much. Tafadhali jilandikishe. Do we have Wilfred Lang'at? Joseph, who has come?

Wilfred: Wilfred Lang'at. Thank you very much. My names are Wilfred Lang'at. I am presenting a memorandum from the Kipsigis residents of Sogos, Olok division, Narok South constituency, Narok District.

To the Constitution of Kenya Review Commission. I will contribute by way of reading selected topics.

Com. Kabira: You will highlight the key issues. I will start by reading the acknowledgements. We as residents of Sogos wish to thank the government of Kenya for appointing the Constitution of Kenya review Commission to Review Kenya's Constitution to suit the needs and aspirations of the peoples of Kenya. Thank also to the Constitution of Kenya review Commission for seeing the needs to consult and seek views from all Kenyans in this Constitutionmaking.

I will read the preamble. The Constitution of the people of Kenya by the people of Kenya. We the people of Kenya have solemnly be resolved to constitute Kenya in one sovereign state as a democratic republic of Kenya and to guarantee to all these citizens the following, justice, liberty, equality and fraternity. In an effort to hasten development, we the people of Sogos would want a federal system of government where we shall have the present provinces turned to states and accorded autonomy.

The proposed Federal Republic of Kenya shall thus have 8 states, Nairobi retaining the status of capital city and Rift Valley, due to it's expansiveness should be split in two to form North Rift and South Rift state with Eldoret and Nakuru as their major towns or cities respectively. Our present Sogos is a result of merging of the former Sogos with a population of 19,000 people and the former salimiyan ward with a population of 14,000 people.

Both are expanse, have difficult terrain of big valleys and regions ridges coupled with poor communication and infrastructure thus making accessibility to various points difficult. The two former wards should thus be reinstated. Our region Sogos falls in

the expansive Narok South constituency with over 66,000 thousand registered voters in five divisions. We would want the constituency split in two to create a new constituency with a suggested name Sismara constituency.

The existence of our nation depends...

Com. Kabira: I know you ...

Wilfred: This is a summary, I am just beginning I have not even began.

Com. Kabira: You know Mr. Lang'at what you should do is just pick on highlights, on the sub-topic.

Wilfred: Infact I am clearing, this is just the summary of the whole thing. If I can finish this preamble, maybe I can go to other issues.

Com. Kabira: The only problem is that you are reading. We can excuse you and give you another two to three minutes because you started at the beginning.

Wilfred: With Prof. Idha Salim, I know I will be given even five minutes. We would like the Constitution to put in place the necessary laws and mechanisms to jealously guard and sanctify individual and property wherever they are within the Kenyan borders. Land as a property is a contentious issue and in this regard, land entitled to individuals should be free hold and absolute.

According to sessional paper number ten of 1965 on African socialism and its application to planning in Kenya, the three priorities in the government development policies, was the removal of ignorance through education, poverty and diseases. Along this line medical services to all Kenyans should be free. Many dear lives are lost due to inability to afford or access health services. The disadvantaged poor are getting poorer and poorer in trying to access these expensive but vital services, to a point where they despair and fair extinction.

Education in Kenya is unaffordable to most Kenyans especially in the secondary and tertiary levels. If it is our desire as a nation to bridge the gap between the rich and the poor, education in the tertiary level and downwards to any point in the secondary level should be free. Most job opportunities are reserved for university graduates and so children from poor families should access such schools of higher learning.

Our culture and cultural values should be stated exploitatively in the Constitution. Special highlights in our culture are those dealing with marriage and divorce, inheritance and dispute. These are the key areas that should help combat social ills in the

society.

Maybe I will jump to...page eleven on basic rights. This is a short one. Our Constitution provision for fundamental rights are not adequate. Other rights that should be entrenched in the Constitution includes education, shelter, property, health services, security, food and employment.

Death penalty should not be abolished in the constitution. This harsh penalty should stay to scare away murderers and other capital offenders who themselves have no respect and sanctity of life.

The Constitution should provide security, health care, water, education, shelter, food and employment as basic rights for all Kenyans. The government is responsible for ensuring that all Kenyans enjoy basic rights. The Constitution should deal with specific issues such as free security, free education, free health care and water and put in place laws and measures that create an enabling environment to encourage food production and create employment.

The Constitution should provide for compulsory and free education. The free education should be from tertiary level downwards. This will cater for children from poor families in pursuing higher education and getting employment. Kenyans should have the rights to access the information in possession of state or any other agency organs of state except those that border on national security.

The Constitution should guarantee all workers the rights to trade union representation for the sole purpose of guarding their welfare and security. Constitutional Commissions, institutions and offices. We need Constitutional Commissions, offices and institutions that supervise the exercise or the Constitutional functions.

Such Commissions are, we have proposed about 13, one Electoral Commission. This is to oversee the general and by elections, to arrange, monitor and facilitate the same. Judicial Commission should be created.

Com. Kabira: I am just hearing you mention them without talking about them.

Wilfred: We suggest that we have the electoral Commission, judicial Commission, Public Service Commission, education Commission, Health Commission, Disaster Commission, National Fund and Salary Commission. I think I would like to read this one. This should be a vital Commission under the finance ministry, should be managing the national fund, should be preparing salary structures for civil servants, legislators, councilors and should determine the salary structure of Parastatals, NGOs and private sector.

There should be Land Commission, External Trade Commission, Human rights Commission Anti-Corruption Commission, the

Ombudsman office, national defence council.

There is one topic that I would like to read on basic rights.

Com. Kabira: You dealt with it before. So I am giving you a chance to say your last most important point.

Wilfred: The most important point is on education and health care. That all Kenyans should access free, education and health care.

Com. Kabira: Thank you very much, sorry, that was Mr. Lang'at. I think that is a very detailed presentation and we have seen that you have the memorandum from the residents and we are going to read every single detail you have in that memorandum. And the reason why we are restricting you from reading all of it is that we now have about forty people who want to speak.

Wilfred: But if time will be available later in the day we would like to read the whole thing for the benefit of everybody.

Com. Nunow: Mr. Lang'at, get the point. You are not presenting to the public, you are presenting to the Commission. Even if this hall is empty we will still listen to you. So it is not a baraza, it is not a political rally, it is strictly to the Commission to get your views and we shall read every word therein. So, don't worry about ...you can show them the copy later at home or give to another politician to read to them or something like that. But for us it is to get your views and it is to the Commission, you are addressing the Commission, not the public.

Com. Kabira: So, thank you very much and they have confirmed that you have presented to us.

Wilfred: No question from the Commissioners?

Com. Kabira: Sorry, excuse me. Thank you very much. Now, Joseph.

Joseph: In Kenya, women interests are fully guaranteed in the constitution as one, they are issued with ID cards like any other citizens. They have access to all the other property even land and title deeds. They have a right to vote and to and not to be voted for in any election. They have equal access to education and health care and other facilities just like men. As such, they are not as vulnerable as other minor communities. Disabled people are not fully taken care of in the Constitution. They should be awarded special care like free education and nomination in every elective office. Given special jobs and be given salaries or allowance monthly. Mentally disabled should be given special attention and the government should provide special homes. The rights of children should be enshrined in the Constitution as per international children laws. Other groups, which are vulnerable, are the physically handicapped, mentally retarded persons, destitutes and orphans that is street children, aged people, displaced

persons and refugees as per international law. The Constitution guards well for women rights except for violence against gender. They are from ethnic or special communities which seem to vulnerable like (inaudible) clan of the Kalenjins, the Dorobos of Kenya, the Njemps and the Elmolos.

They should be accorded all basic rights like security, health, water, shelter and education. Some of them need only awareness. The Dorobos Ogiek of Narok South, like in the case of Dorobos of Narok South, they are not vulnerable as they are able to compete well in all sectors of economy and there is no marginalization.

The Kalenjins and the Dorobos are part of the larger Kipsigis tribe. Their culture at customs and way of life is the same. They don't have any other language apart from the Kipsigis language. They have access to schools, health institutions and they are accorded land rights of registered plan Act. Narok Dorobos are even better placed as they are very educated, economically stable and have access to employment opportunities like other Kenyans. They are nearly and entirely inter-married with their Kipsigis cousins, they keep big livestock herds as they have chosen to settle in farms and left out nomadism and forest living a long time ago.

They are politically and administratively active like Sogoo location has a retired chief and assistant chief in service coming from Dorobo, so many policemen and other professionals throughout the country. Lecturers in the state university, they have one professor from the locality and a member vying for a political seat, just to mention a few. They are not a vulnerable group. Asante sana.

Com. Kabira: Umemaliza? Just hold on.

Com. Salim: BwanaJoseph, do you belong to any of these vulnerable groups yourself?

Joseph: No.

Com. Salim: You don't. They know what hurts them, speaking for themselves...

Joseph: They are not vulnerable groups and they have intermarried, and we are living...we don't even know what...

Com. Salim: I am just surprised that you are speaking for them and saying that they are not vulnerable, they are not being discriminated against, they are not denied any rights and I wondered whether you were one of them.

Joseph: We live with them and we share equal rights.

Com. Salim: But we've heard them as they said in different hearings and they all say that they are having problems. They are marginalized, they live in areas in forest but the benefits coming from those forests go to other people. The Ogiek for example, they were telling us that. So, I was wondering how far we can take your word that they are not having problems. What credentials do you have that what you say is really the truth.? Nothing but the truth?

Joseph: It is the truth.

Com. Kabira: Thank you. At least I could see that you are not a woman, so I didn't have to ask you whether women rights are fully guaranteed in the new Constitution.

Com. Nunow: If I can just make a follow up, I think what is important is not, for instance if you are a member of this minority group or the so-called vulnerable groups, we would understand if you said you are happy. But so long as you are not a member of that group, I don't think that it is morally correct for you to talk on their behalf and again on their behalf not arguing for them but telling the Constitution Commission to ignore them. So and this is for all of you, talk about what you would want in a Constitution not things that will make others less off or better off, but look at Kenya and look at the condition yourself as the community and as a region. So, those will be the guiding factors and I think it would not be fair for you for instance, for one of you to come there and say the Maasais in that end are extremely happy and I don't think need anything, but you have the right to say that the Kipsigis lack the following and should be given. So try to look at it in that perspective.

Com. Kabira: We have taken your views. Thank you very much and please give the memorandum to us. Thank you very much Mr. Lang'at. Now, Wilson Rotich, is not there. He is actually a person with disability, he should have been able to come and tell us whethersorry, it is Wilson Ruto.

Mr. Ruto: Naweza kutumia Kiswahili. Nafikiri sitasoma hii memorandum lakini ningependa kugusia gusia kidogo halafu nitapeana. Kwa majina mimi ni Wilson Ruto na kwa niaba ya walemavu katika Narok, ningependa kupeana hii memorandum to the Commission. Ningependa tu kugusia kidogo kwamba walemavu ni watu wametengwa katika jamii. Kwa mfano unaweza kuta watu ambao wamelemaa na hawawezi kutolewa waonekane. Halafu tukienda kwa upande wa constitution, hawa ni watu ambao hawana representatives. Kwa mfano tukienda kwa bunge ama kwa kamiti yoyote, walemavu hawana mtu wa kuwatetea. Ningependelea katika Constitution mpya mambo ya hospitali ama malipo ya hospitali iondolewe kwa walemavu wote kwa sababu hawana uwezo wa kutafuta hii pesa, sio kudaiwa kama watu wengine.

Walemavu katika hizi kama banks, wawe wanapewa loan kwa sababu wote sio wote wamelemaa kiwango ya kwamba hawawezi wakafanya kitu ya kuendeleza taifa hili. Kwa hivyo wawe access to loan ambaye restriction zake sio kama za watu wengine mtu yeyote mzima.

Upande mwingine katika Kenya, kwanza kwa upande wa uchukuzi, magari ya abiria ama mijengo yenye tuKo nayo, tunapata kuwa walemavu saa zingine huwa na shida ya kuingia kule. Kwa hivyo ningependekeza kuwe na kisheria yenye inaweza kusimamia walemavu kwamba katika magari za uchukuzi wawekewe kifaa chenye wanaweza kusaidika nacho ili waingie kule ndani kwa sababu wanaweza kuwa wanataka kusafiri.

Tukija upande wa Serikali wakati wa budget ama katika ile makadiria ya pesa za Serikali, walemavu hawana pesa, wametengewa. Tungependekeza kuweKo na pesa za walemavu katika Kenya wakati wa budget. Wakati wanatayarisha hiyo makadiria ya pesa za Serikali waingize ya walemavu ndani ili kwamba nao wapate kitu cha kujisaidia kwa sababu wengine hawawezi kutembea kabisa. Na wengine hawaoni.

Kwa upande wa elimu, ningependekeza kuwe na elimu ya bure kutoka chini mpaka juu kwa walemavu wote bila malipo. Halafu kwa wale wenye akili punguani, watengewe mahali penye wanaweza lindwa na Serikali. I think that is all, thank you.

Com. Kabira: Ruto, can you just hold on for a minute.

Com. Nunow: I was just wondering, you have mentioned the need for budgetary allocation. Ulitaja kwamba watu ambao ni walemavu wapewe kiwango fulani cha pesa katika budget ya nchi lakini kwa wakati huu unajua walemavu wanawekwa kwa idara mbali mbali katika ministry mbali mbali au tofauti. Wengine kwa culture, wengine kwa vocational training, wengine wapi na kwa hiyo budget ya ministry ndio pengine wanakuja chini yake. Lakini kile unasema, wawe na budget kando kabisa ambayo inasema hii ni ya walemavu sio kwa ministry fulani.

Mr. Ruto: Hiyo ndio nilikuwa nikimaanisha.

Com. Kabira: Please register yourself, Agnes Laboso.

Agnes Laboso: Kwa majina ni Agnes Laboso lakini sitaongea Kiswahili, nitaongea lugha ya mama. Nitaongea juu ya akina mama. *Ko ng'olyot ne atelelen Ko ng'olyot ab chepyosok ateteoni aKobo chepyosok Ko ng'olyot ne omwoe Ko omoche amwa kiit ne kosome chepyosok Ko kesir boiyot ak chepyoset eng tittle deed amu kitinye taabu eng yoto* (Kipsigis)

Translator: Anasema anaongea kuhusu akina mama. Jambo la kwanza anaomba iangaliwe ya kwamba kwa title deed mama na baba waandikwe pamoja.

Laboso: *Eng ng'olyot nnebo aeng Ko eng account ne tinye boiyot kemoche kejoinen Koek agenge.*

Translator: Neno la pili kuhusu familia ni kwamba ili account ambayo Mzee aKo nayo, iwe jina la mama pia limehesabiwa kwa hiyo iwe joint account.

Laboso: *Age nebo somok Ko eng chepyosok ateteon I Kou noni, eng nominated councillor kemoche kenominaten chepyosok si ketinye council ekechek eng kebeberiat.*

Translator: Kwa upande wa council, anasema akina mama inafaa wawe nominated councilors ili wawe na nafasi mahali fulani kwa county council.

Laboso: *Ko ng'olyot nebo ang'wan ne agesune Ko kisome ekechek chepyosok eng Komoswek che chang Komotinye committee eng Komosta age tugul ne teteonjini chepyosok kesome kele eng Komosta age tugul ne mi boisiet ne nyolji serikali kemoche Komi kamati chebo chepyosok ne teteoni chini nebo chepyosok.*

Translator: Anasema kwa idara mbali mbali ama kwa kazi mbali mbali za Serikali, inafaa kuwa akina mama wawe wamewekwa kwa kila idara mbali mbali ama kamiti mbali mbali ili wapate au wahusishwe kwa kila kazi ama jambo ambalo inaendelea.

Laboso: *Kongoi kainenyu Kogurenon Agnes Laboso.*

Translator: Asante na anasema jina lake ni Agnes Laboso.

Com. Kabira: Hebu nimuulize swali, what about inheritance?

Translator: *Kokile ilen nee eng ng'olyot ab Kondiet ab malik.*

Com.Kabira: About daughters and wife.

Translator: *Eng ngalek ab tibik ak chepyosok*

Laboso: *Ko eng ng'alekab tibik ak chepyosok ak werik, Komi Kou noni Kondiet ab malik ab kaa Konyolu kindi malik ab kaa chepyoset ak boiyot tugul ak lagok.*

Translator: Anasema kuhusu inheritance kwa nyumba inafaa ya kwamba baba na mama wawe kwa nafasi ya kwanza. Iwe next of kin pamoja na watoto.

Laboso: *Ko momi ng'olyo age ne omuchi amwa amu tuguchoto Kobo Koyoto aKo nyolu Kondi Koyoton Ko tugul.*

Translator: Anasema hizo mali ni za hiyo familia kwa hivyo inafaa kuwa kila mtu anapata kwa familia.

Com. Salim: Agnes, swali jingine, unasema ya kwamba It is okay, sorry, thank you.

Com. Kabira: Asante sana Agnes. Can we have Selina Tanguss.

Selina: Majina ni Selina Tanguss. Nitaongea kikalenjin. *Si kekass tugul . Ko ng'alek che ong'ololi Ko Konamkei ak chepyosok (Kalenjin)*

Translator: Maneno ambayo ataongea ni kuhusu akina mama.

Selina: *Chepyosok ong'ololen ole kiKoetyi boisiet ak ne sirei Ko kiKochi Kora katiaknatet eng boisiet age tugul ne yoei. Ng'olyot age Ko kingen kele miten che boisichinkei aKongen Kole magat Korib Ko kigerat anan ratat eng ne yoei.*

Translator: Anasema ya kwamba akina mama wapatiwe uhuru kwa kila kazi ambayo wanafanya kwa sababu wengine inajulikana ya kwamba wanachungwa nyumbani lakini wanafungwa kwa kazi ambayo angefaa kuendelea.

Selina: *Ago nebo aeng Ko KoKoshin ak boiyot anan kaa Konyin Koger Konyin Komie.*

Translator: Ya pili ni ya kwamba akina mama inafaa wasikilizane na waume zao ili waweze kuwachunga wao vizuri.

Selina: *Ko ng'olyot age Kora Ko mi eng ng'alek ab groupisiek Ko eng Komosi nyo bo division Ko maityini tuguk chepyosok che chang.*

Translator: Anasema ya kwamba kwa vile vikundi vya akina mama vitu vingi havifikii akina mama.

Selina: *Moityini Kogeny nyolu Koityi groupisiek Kogeer Kole mi nee groupini ak tinye nee groupisiechu bo chepyosok si Kosich kamuget.*

Translator: Kwa sababu vitu vingi vingefaa viwe kwa hizo ma-groups halafu hata hao wapate nafasi ya kujiendeleza.

Selina: *Ko kiit age Kora Ko Kou chepyosok Kondoan Kotinye ng'olyon Komosikyini ofision anum Kong'alal anan Koibchi ne KoKose kityo ale otinye ng'olyot Konamkei ak kelewenis asi Kochut chepyoset age tugul council age tugul ne mi.*

Translator: Anasema ya kwamba akina mama wengi hawapati nafasi ya kuchaguliwa kwa ma-offices mbalimbali lakini anaomba ya kwamba akina mama wapatiwe nafasi ili waweze kuchaguliwa kwa kila elections zinazoendelea ili hata wao wawe represented sawasawa.

Selina: *Kong'eten chepyoset kaa Komi ak boisiek Kou chebo Kokwet anan committee age tugul Konyolu Komi chepyoset*

Translator: Anasema kuanzia nyumbani mashinani ya chini kabisa pahali popote ambapo iKo kamati ikiwa ni shule ikiwa ni group fulani, inafaa kuwa akina mama wanawakilishwa.

Selina: *Ndomi Kou nonon angen ole Kosichei toretet,*

Translator: Kama ingekuwa hivyo, akina mama wangepata usaidizi zaidi.

Selina: *Momuochechang Kongoi kainet Ko Salina Tangus.*

Translator: Anasema hasemi mengi, asanteni jina lake ni Selina Tanguss.

Com. Kabira: Asante sana. Utajiandikisha hapo.

Translator: *Kole sirkei eng yono.*

Com. Kabira: Hellen Koech.

Hellen Koech: Kwa majina ni Hellen Koech na nitazungumza kwa 'kikale'. *Ng'elek che Komokyinengei oKose ole*

takitononji Ko missing tibik oKose ole uon yaani tibik che mitei kaa che mokitun Ko tabutyi mbarenik kwanisiek.

Translator: Anazungumza kuhusu wasichana ambao hawakuolewa na waKo nyumbani. Anasema ya kwamba inafaa wazee wapatie hawa mashamba (ardhi)

Hellen: *Yaani Koger Kole Korib eng oret ne kerei Kole Kosor si manam bananda.*

Translator: Na tena baba zao waone njia ambayo inaonekana itaoKoa hao ili wasilemewe na ufukara ama umaskini.

Hellen: *Amu oret agenge nabo bananda Koya missing*

Translator: Kwa sababu njia ya umaskini ni mbaya zaidi katika Kenya hii.

Hellen: *Ago ng'alek alak Ko yotitoisiet oKose ole yaani takerak eng Komostab tibik missing*

Translator: Neno lingine ni kuhusu tohara ya wasichana, anasema ya kwamba anasikia kwamba inafaa kitu iKomeshe kabisa kwa upande wa wasichana.

Hellen: *Amu yaani ye kiyatita tibik Koityi Kotunet ne moitie kiy .*

Translator: Kwa sababu wakati wanapashwa tohara wanapashwa wakati tu watapeanwa kuolewa ambapo haina maana yoyote kwa sababu watawacha masomo.

Hellen: *Amu itei Kot ak Kowek KonyoKoKon banananda eng kaa Kora.*

Translator: Kwa sababu ataolewa, anaenda kwake na anarudi nyumbani tena kuleta umaskini zaidi.

Hellen: *Ak Komostab mionwek Kora eng yotitoisiet.*

Translator: Tena maneno ya pombe wakati wa tohara.

Hellen: *Ko oKose takiker yonito missing amu oKose rirek che ech missing yewek lagok kaa kimokitun aKonyoKonam bananda.*

Translator: Hapo tena anasikia uchungu zaidi kwa sababu watarudia nyumbani bila kuolewa na tena wataendelea na umaskini na vitu vingi vitakuwa vimetumiwa.

Hellen: *OKose ole takikil Komosanito missing.*

Translator: Ndio mimi nataka hapo ihimizwe zaidi.

Hellen: *KaKoyam Koten cho.*

Translator: Yangu ni hayo tu.

Com. Kabira: No, ni sawa tu, asante sana Bi. Hellen Koech.

Translator: *Kongoi missing Hellen nebo Arap Koech*

Com. Kabira: For the views.

Translator: *Eng ng'alek che kaiKonech ui bisirkei eng un anyun.*

Com. Kabira: Richard Kanji.

Richard Tanui: My names are Richard Tanui, presenting memorandum from the Kipsigis residents of Sogot, Molo Division, Narok District.

I am presenting the memorandum on local government, thank you. In the Local Authorities , mayors and council chairmen should be directly elected by the people and should not represent any word. They should go for a full five year term. The council should not continue to operate under the Central Government but should be made independent and accountable to those who gave them the mandate.

Qualification for councilors should be that they can speak fluently both languages of Kiswahili and English and able to read and write and they should be morally upright. Remuneration for councilors should be by the regional Parliament . Nomination of councilors should be allowed only on th basisi of gender, especially for women and disabled groups.

In the municipality state a councillor should stick to the party which sponsored him or her to the council or else he should resign and seek re-election. The President or minister should not have power to dissolve a Local Authority but only take legal action to Parliament discussion and approval.

The county council should not operate under Central Government but should be independent and responsible for their own duties and be transparent and accountable to the people who elected them. Mayors and council chairmen should not be given their wards as their area is the whole area of jurisdiction. Their qualification should be a diploma or a degree and should be subject to administrative and management courses. Sogot location has 13,000 people and the other location has 14,000 registered voters to make a location of 33,000 people. This has created a disparity or discrepancies in which the population in a ward can be greater than in a constituency in the Republic.

Equity from the locations will be an advantage to us in Narok when it comes to sharing of resources and services. Thus the ward should be divided into 2 before the next general elections.

I am most emphasizing on provincial administration. We need a Provincial Administration answerable to the people. The lowest cadre should be a village elder. We do not want a Provincial Administration whereby you find a chief being a dictator instead of a servant of the people. The village elders in the location should sit as a panel and select appointed nominees from applicants. So it also applies to chiefs. Chiefs should be elected by the people. They will forward them to DC for selection, appointment of one person as chief within a location. The DC should be appointed by the governor and transferable within a state. The DC is also an appointee of the governor but his appointment should be vetted by regional Parliament.

The chief will be answerable to the DC, village elders can pass a vote of no confidence in the chief by a majority vote of 65%.

Village elders are to be elected every 5 years by any method chosen by villagers. Village elders are to be selected to avoid corruption. Mr. Commissioner, can you allow me to address a very important issue here which reflects the views of the Kipsigis at Sogot which I would like to put before you. I will go through it briefly. Now, I am presenting a memorandum on cultural ethnics indigenous departments and communal rights.

Kenyans, ethnic and cultural diversity contributes to our national culture. Our cultural and ethnic diversity should be protected and promoted in the Constitution because it contributes to a national organized culture.

The new Constitution therefore should allow the formation of council of elders to deal with these diverse issues in our community. Paramount among them are: Marriage and divorce, inheritance, all forms of disputes like on land and boundaries

The Constitution should allow the local community council to put their laws in writing. They are to be referred to and should be followed when dealing with cases. We as Kipsigis consider ourselves as part of social groups whose interest should be catered for in the Constitution. We would like the Constitution to ensure that our interests as a social group, the kipsigis in particular are fully taken care of such as the rights to life, and enabling environment to enjoy liberty, equality, justice and fraternity as much as other communities.

Security of an individual, that is his entire community and property. Free medical and education services, culture and cultural values that will make us a cohesive identity and enable us to relate well with other communities that constitute this great nation. We should have two national languages that is Kiswahili and English. The Constitution should recognize and promote indigenous languages in addition to the two national languages.

Com. Kabira: Thank you very much Mr. Tanui. Before you go, I had a question for you on just the last issue, cultural diversity. So, are you proposing that each community will have a council of elders? Are you proposing that each community will have a council of elders to deal with those cultural matters that need to be protected. How do you form that council?

Mr. Tanui: When it comes to forming that council, our community knows because there used to be such councils before the present life came into being. We propose that the system of council of elders should be protected in the new Constitution.

Com. Kabira: How many women will you have in the council?

Mr. Tanui: In a council, if they are ten, the women will be three.

Com Kabira: Why not five? You know in our society, we consider the advice of men more than the advice of women. They have more creative ideas than women, so there must be the majority in number.

Com. Nunow: Mr. Tanui, kidogo usikimbie ndio tupate kujua zaidi. You made a point on regional Parliament during confirming and appointing the PC and all that. You refer to governor and you refer to regional Parliament but this you haven't mentioned what kind of system you propose. You didn't Maybe it's in your memorandum and probably you didn't find the time but what kind of system do you propose under which you have a governor and the rest. If you make references to institutions that don't exist now, you have to first propose those institutions to be created.

Mr. Tanui: I think in my memorandum, if you could allow me go through it, we propose the system of Majimbo. Thank you.

Com. Kabira: Thank you for your views. Can we have Simeon Ng'etich?

Mr. Ng'etich: Kwa majina mimi naitwa Simeon Ng'etich na nitaongea kuhusu jambo moja la ardhi peke yake. Nasema hivyo kwa sababu ardhi ni msingi wa maendeleo ya kiuchumi nchini Kenya na inapaswa kumilikiwa na kushughulikiwa kwa namna ya kudumu. Nasema hivi, yule anataka kumiliki wa mwisho kabisa ardhi ni mtu binafsi. Serikali isiwe na uwezo wa kutoa ardhi ya mtu binafsi kilazima kwa lengo lolote. Mtu awe na uwezo wa kumiliki ardhi kwa mfano mahali tunakaa sasa hii kanisa, iwe yao kuanzia hapa juu mpaka huKo chini kama kuna kitu huKo chini ni yake. HuKo ndani ya ardhi huKo chini. Na akitaka kujenga kitu fulani huKo juu awe na nafasi yaani sehemu hiyo yote iwe ni yake.

Serikali kuu na Serikali ya mitaa isiwe na uwezo wa kusema namna wamilikaji na wakaazi wa Navyotumia mali yao. Kuhusu ubadilishaji wa ardhi yaani urithi wa haki za ardhi, familia waangalie. Ikiwa ni Mzee hayuKo. Mama ashughulikie watoto wale wameachwa. Mzee, kwa mfano mama naye ataenda, Mzee abaki ashughulikie watoto. Raia wa Kenya awe na haki kuishi mahali popote nchini. Na pia apate cheti cha kumiliki shamba. Kutumia hiki cheti ni kama tulivyokuwa tukitumia zamani. Tulikuwa na cheti ambacho kinasema mtu awe naye mwaka tisini iwe namna hiyo. Na isiwe na vizuizi vyovyote.

Kiwango cha juu cha ukubwa wa ardhi ile mtu anaweza kumiliki, ile mtu anaweza kumiliki bora anatumia kusaidia uchumi wa Kenya bora anafanyia kazi. Sio lazima iwe sawa, akichukua acre mia mbili, mia tano, sawa bora anatumia. Ikiwa atachukua na ikae bure, alipie Kodi Serikali. Hakuna kukanusha umilikaji wa ardhi miongoni mwa watu wasiokuwa raia wa Kenya.

Utaratibu wa kubadilisha umilikaji wa ardhi, urahisishwe. Kama watu wameshasikizana, waende kwa land board wapewe kibali cha haraka iwezekana vyovyote ikiwa wote ni raia wa Kenya. Wanaume na wanawake wawe na uwezo sawa na wa kumiliki ardhi. Ikiwa mwanamke hajaolewa, kama bado aKo nyumbani na kama ameolewa, aende kwa bwana.

Mapatano yaliokuweKo kabla ya uhuru miongoni mwa jamii nyingine kama Wamaasai, na kadhalika yaondolewe kwa sababu itakuja kuleta ukabila. Mambo ya mipaka, yaondolewe, ile tu inahusu ukabila itabakishwa tu kama uwakilishi bungeni kama mipaka itabidi iwekwe, iwekwe hiyo. Mipaka ambayo inahusu mtu binafsi shamba yakena mwingine, shamba baina ya mimi

Kikuyu, Kipsigis hivyo iwekwe mtu ajue mpaka wake ni wapi lakini mpaka inahusu kabila tuseme hapa ni Kipsigis, huku ni Dorobo, huku ni Masaai, huku ni Kikuyu hiyo haiwezekani, iwekwe kando.

Pia, kama kuna ardhi ambayo imetengewa mahali, kwa mfano Serikali iKo na mashamba mengi, area hii kuna mashamba ambayo imetengewa. Ikiwa inatakiwa kushughulikiwa na watu wa sehemu hiyo mahali kama kuna watu tuseme pande hii kuna ardhi ambayo haijatumika, ni watu wa sehemu hiyo waangalie vile watafanya pamoja na Serikali, line hiyo. Sio watu kutoka mahali pengine.

Katiba ihakikishe haki ya kila mkenya kumiliki ardhi mahali popote nchini. Kuna first registration ambayo mtu wa kwanza kupata title ya nyumba hii. Isiwe na pingamizi ikuje ichunguze ni namna gani, imekwisha. Ikae vile ilikuwaKo zamani. Kwa hayo machache, asanteni.

Com. Kabira: Asante sana BwanaNg’etich.

Com. Salim: Umesema mimi ikiwa hii nyumba ni yangu, ardhi hii ni yangu kusiwe na jambo lolote. Hilo limekwisha. Tuseme ikiwa msingi wa kupata ardhi yoyote ilikuwa sio halali, kukafanywa uchunguzi ikaonekana kwamba wewe hukuipata kwa njia halali. Yaweza kuchukuliwa na Serikali ikiwa kuna proof (ushahidi) kwamba haikupatikana kwa njia ya halali?

Mr. Ng’etich: Ikiwa shamba...kwa mfano nimesema nyumba kama hii. Mimi ni mtu wa kwanza kupewa kibali, nasema isikuje kuchukuliwa na mtu mwingine. Labda Serikali ikitaka kujua mlipata namna gani.

Com. Salim: Lakini tuseme mtu amepawa na yeye ni wa kwanza kuipata lakini alipawa kwa njia ikiwa ...

Mr. Ng’etich: Serikali iangalie kama ni njia isiyo halali na mbele pale haikuwa imepatiwa mtu labda Serikali iende nayo lakini sio mwingine.

Com. Kabira: Excuse me, hujamaliza. Ulisema if a girl gets married, akiwa ameolewa asipatiwe ardhi. Na ninataka kuuliza akiwa ameolewa na kijana hana ardhi?

Mr. Ng’etich: Nilikuwa nasema kuhusu mali ya nyumbani. Msichana akiwa nyumbani ni lazima awe na ardhi kama watoto wengine na kama atakuja kuolewa, aende mahali pengine, yule ameo ni lazima aKo na wazazi, sasa hapo ni nyumbani kwao. Watakuwa na ardhi huKo na kila kitu.

Com. Kabira: Na akiwa hana?

Mr. Ng’etich: Nani akiwa hana?

Com. Kabira: Kama mimi kijana wangu akioa msichana waKo na mimi sina ardhi?

Mr. Ng’etich: Kama tuseme mmeapatana na mtoto mwingine pale, mtoto waKo amepatwa na mwingine hana ardhi, hayo ni mambo sasa ya Serikali kuuliza atapata ardhi wapi.

Com. Salim: Kidogo tena tupate wazi wazi BwanaNg’etich. Umesema ikiwa msichana ameolewa atapata ardhi kule kwa nyumba ya mumewe. Sasa tunapata mashtaka pia na tumesikia kwa watu waliokuja hapa mbele yetu, sio hapa tu kwingine pia kwamba yule aliyeolewa pia akishakufa mkewe anapata taabu kurithi mali ya mumewe kwa ajili hao relatives wa mumewe aliyekufa wanamwingilia. Kwa hivyo hata akiolewa saa nyingine hapati ardhi ile iliyokuwa ya mumewe. Wale ndugu zake yule mume aliyekufa hawampi ruhusa kupata kitu. Kwa hivyo kule hayuKo na huku hayuKo.

Mr. Ng’etich: Nilisema ya kwamba mali ya nyumbani iwe ni baba na mama, wawe na uwezo. Kwa sababu mama anaweza kufa ama Mzee vile umesema. Lakini mama akibaki si bado aKo na shamba ile ya Mzee? Kwa hivyo kama huyu mama ataleta mtoto nyumbani kwetu, ni lazima tuwe na ardhi.

Com. Salim: Tunapata picha nzuri hapa. Kwa upande mmoja tunasikia hasa kwa wanaume kwamba msichana akishaolewa hana ardhi kwa familia yake, apate ardhi kwa mumewe na watu wake. Sasa yule mume saa nyingine anakufa na akina mama wanashtaki kwamba akishakufa mume yule, hawa ndugu zake yule mume wanamfukuza huyu mama, hawampi kitu kwa hivyo anaKosea Kote kuwili. AnaKosa kwa babake na mamake kisha anaKosa katika nyumba ya mumewe. Sijui kama hayo yanatokea. Kwa hivyo anadhulumika huyu, na aliyeolewa pia anadhulumika. Yule single girl child anapata kwa babake, lakini huyu aliyeolewa saa nyingine pia anapata taabu. Hapati kwa mumewe. Mume akishakufa hapati share katika ile miliki au property ya mumewe kwa ajili ya ndugu zake yule mume hawampi nafasi kupata. Wafikiri tatizo kama hili litaondolewa vipi?

Mr. Ng’etich: Yaani shida kama hii kwa sababu tukisema ameolewa yaani mtu kama ameolewa, kuna mara mbili. Labda aolewe kabla ya hawajapata shamba labda ni hiyo unasema. Lakini ikiwa naenda kuo, ni lazima niwe na shamba ama nina matarijio fulani ya kupata shamba. Lakini ikiwa wataoana vile mama alisema kabla hawajapata shamba, waende kwa Serikali. Lakini akiwa na shamba Mzee aende afariki, yeye atarithi ile shamba ya Mzee wake na apatie watoto wake. Lakini kama ameolewa kabla hawajapata shamba, tuseme hiyo ni bahati mbaya, waongee na Serikali.

Com. Kabira: Kwa hivyo kabla kuo uulize huyu mtu kama ana shamba?

Mr. Ng’etich: Kama aKo na shamba. Uliza kama aKo na shamba.

Com. Nunow: BwanaNg’etich, kama una mtoto waKo wa kike ambaye hajaolewa na unagawa ardhi yaKo kwa watoto waKo, unampa ardhi. Ukishampa baada ya muda aolewe utarudisha hiyo ardhi ama bado itakuwa ni yake?

Mr. Ng’etich: Kama nimempea ardhi kama hajaolewa, aje apate bwana, hiyo mali ni yake.

Com. Kabira: Asante sana. Paul Chepkwony.

Mr. Chepkwony: *Onomen Korok awareness. Eng awareness Ko nyolu Koger serikali Kogeer Kole walemavu tugul Ko kakinam kibarta eng kaa yokakisich mat kele kakiwiny chit ne Kokisich ne solomwet. Nyolu Kong’eten kiKochi garisiek tugul chebo Educational Assessment Reachers Centre asiKosungukanat Koyai awareness ak Komut bichotet Koba sukul si Koba biKosomonso. Amu ngot Ko masoman Kotese tai Kora Koeku solomwet as zaidi*

Translator: Anasema ya kwamba anazungumza juu ya awareness. Wakati mlemavu anapozaliwa, anafaa ajulishwe kwa Serikali halafu isiwe ya kwamba labda anafichwa nyumbani bila kujulikana yeye aKo wapi.

Chepkwony: *Kamwan ole nyoru Kong’et serikali, Educational Assesment Reachers Centre cho yochin assessment lagochototet KoKochi garit ne mobile asi Kosungukanat Kocheng’at lagochotet*

Translator: Anasema ya kwamba Educational assessment regional center wapatiwe gari la Serikali ili waweze kuzunguka ili wagundue ama wajue mahali hawa watoto waKo.

Chepkwony: *Number two; Medical care. Eng Kora eng lagok che solomonik Ko nyolu kigoi NHIF kelibonji 100% ago libonji stempusichono si Kolibonji amu motinye robinik.*

Translator: Anasema kuhusu utibabu wa NHIF, inafaa kuwa ikiwahudumia hao kikamilifu kwa maana hawana pesa ya kutumia. NHIF inafaa kushughulikia mambo yao kwa hospitali na tena wawe wakiwekea wao stamps kwa sababu hawana pesa ya kulipa kwa NHIF.

Chepkwony: *Rehabilitation; Tos nyolu eng District age tugul Komiten Rehabilitation Centre asiKomuch bik che walemavu Koibchi alak tugul che moimuchi Koliban robisiek.*

Translator: In every district there should be a rehabilitation center so that the disabled person can be able to reach there because we don’t have money.

Chepkwony: *Ak kiKochi free training.*

Translator: Then we should be given free training.

Chepkwony: *Ak tun kaKotar keger kele kanyor Kasich kazisiek bichoto Kora.*

Translator: And when we have completed their training, it should be guaranteed that we will get jobs.

Chepkwony: *Support services. Nyolu Kora kigochi walemavu wheel chairs ketoret ak kigochi crutches ak kigochi white can amun moimuche Koal icheket Kora tukchon indet Kou ye ogere chuchechu chuk ngunon Komonyoljon abunot chuchechu nyigisen chutok zaidi.*

Translator: anasema ya kwamba walemavu inafaa ihakikishwe ya kwamba wamepewa wheelchairs na hivi vitu vya kutembea kwa sababu saa zingine wanapewa vile vizito ambavyo hata hawawezi kubeba. Kama hii yake kwa mfano hii yake ambayo saa

hii aKo nayo lakini ni mzito mno kwake.

Chepkwony: *Ko nyolu KoKochi serikali tugucho indet amun mokimuchi ole kicheng 'en kesich.*

Translator: Kwa hivyo Serikali inafaa ku-provide hizo vitu kwa sababu hawawezi kupata mapato ya kununua hizi vitu.

Chepkwony: *Namba five accessibility. Access to the physical environment. Nyolu kegeer olebunote walemavu Kou town kele Kokichobji stage chekwaket*

Translator: anasema ya kwamba disabled people should be given special routes in town and our stages should be different from that one of the public.

Chepkwony: *Amun Kou taman ak aeng Nairobi Ko monyolu owo chito neu ane ne bunote chumainik chu kityecho ak oribe garit ngot Kor Koimenjo. Chito nebo wheel chair Kora Komatot Kolany garit Konyolu keKonech stage nebo disabled icheken.*

Translator: Anasema kwamba kama Nairobi wakati wa rush hours walemavu hawawezi kupanda gari kwa sababu watakanyagwa kwa hivyo afadhali wakati waKo na special stages and special places ya kupanda magari.

Chepkwony: *Kigoi big cities kityo eng Kenya.*

Translator: especially in those big cities in Kenya.

Chepkwony: Access to information and communication,

Translator:

Chepkwony: *Access to information and communication. Nyolu Kora bik che blind anan bik che deaf kigochi interpretation eng kanisosiek anan kigonchi braay anan kigochi sign eng television yoon geerei news Konyolu si Kogeer news akichek.*

Translator: He is speaking about, even the blind people should be given special interpretation during functions like church services and ...na hata wale ambao in the deaf people should be given sign interpretation kwa TV so that they will also able to interpret and know what is happening in their country.

Chepkwony: *Number six Education.Special education Ko nyolu kegonech che kibore special fund for disabled amun ngot kele special need Ko mokisiche disabled Kora bik che solomonik.*

Translator: He is saying that there should be a special fund for education of the disabled because we are not able to educate ourselves; we cannot get funds for education.

Chepkwony: *mot kiyomo ak robisiek che bo needy students kimoche chebo special.peole(disabled)*

Translator: That fund should be different from that one of the needy students of Kenya because the disabled people should have special priorities than the needy ones.

Chepkwony: *Number seven family life, personal integrity Nyolu Kora bik che solomonik Kokeso anan Konyolu kitun akichek(Kalenjin)*

Translator: Walemavu wanafaa ya kwamba... yaani Constitution inafaa ku-guarantee ya kwamba tupate nafasi ya kuoa ama kuolewa pia.

Chepkwony: *Amun inyoru chito ne Komoche Kotun lagwet ne ngw'oloten Kolenen Kor Koborei Koit kwanda anan Ko sigikyik ngot imutu lagwanon ibial Koret eng ake metuni eng yureu.*

Translator: Kwa sababu mara nyingi inapatikana yule mtoto ambaye labda ni mlemavu labda kwa mguu na amepata mtu ambaye anataka kuoa, baba ya huyo kijana ataambia kijana yake ya kwamba, ukioa huyo wewe nenda ununue shamba pahali pengine na usimlete kwangu.

Chepkwony: *Kora Kou chito neu ane ne abunoti chumainik obore osich lagwet madam ne omoche otun ne KogeKoshine obore otun Kong'et werit ake ne mi taban yo Kole chito ne bunoti chumainik Kou nenon.....*

Translator: Na pia for example mtu kama mimi ambaye natembea kwa crutches, wakati nimepata labda madam ambaye mimi nataka kuoa, yule mtu ambaye aKo kando anaenda anamwambia yule mtu mlemavu; Unaenda kuolewa na mtu kama huyu! Wacha yeye kabisa!

Chepkwony: *Konyolu Kogeer serikali yo indet Kogeer Kole Kochob ng'etutiet eng yono.*

Translator: Kwa hivyo the Constitution should guarantee us all those rights.

Chepkwony: *Kebe eight culture; Nyolu Kora eng ng'alekab kipkaa, Komo nyolu kele solomonik Ko maiberurisei anan lionen mayaei kiy kele mara Koya Kou notet.*

Translator: Kwa maneno ya utamaduni, inafaa ya kwamba wale walemavu wapatiwe nafasi kwa utamaduni wao kama wakati wa blessings. Sana sana wanabaguliwa kwa sababu wanasema ya kwamba mtu ambaye ni kiwete akiku-bless labda utapata ulemavu fulani.

Chepkwony: *Kora eng culture Komonyolu kele kiwete Ko moimuche Kondochi wei ia kipKoratiat Komandochinin anan kele momuche nono nyolu kegergeitu tugul.*

Translator: Na sana sana kwa culture, viwete wanabaguliwa sana kwa culture kwa sababu wanasema ya kwamba hawawezi kuongoza mahali fulani ama pahali fulani ama yule mtu ambaye haoni hawezi kuongoza watu. Kwa hivyo inafaa ya kwamba tuhakikishe ya kwamba Kenya watu wake waKo sawa kwa kila jambo.

Chepkwony: *Koutwon* (Kalenjin) *Nimesahau kitu kimoja kwa family life andngele Kotunkei moe kelen ngele kanyoru lakwet ne kiwete ak omoche otun le kele moitunei chono kisigu kiweteisiek kityo anyun*

Translator: Tena kwa family life, sana sana inasemekana ya kwamba... tuseme mimi nikiwa kiwete nipate mwanamke ambaye ni kiwete na mimi nataka kuoa, watu wanakataa na kusema ya kwamba hawawezi kuoana kwa sababu watazaa watoto ambao ni viwete tu.

Chepkwony: *Nine employment kasisiek. N yolu Kora kele Kokichob chito eng every district in Kenya Job placement officer asiKogerei Kole nyoljo kasit ainon ye Koyobu rehabilitation.*

Translator: Anasema ya kwamba in every district there should be a job placement officer ambaye atahakikisha ya kwamba hata kazi inapeanwa kwa walemavu.

Chepkwony: *AsiKoger Kole nyolchon kasit oinon anan nino ni asi mait standard Kocheng'oti omotinyei robisiek.*

Translator: Halafu hata viwete wapate nafasi ya kuajiriwa kwa sababu huyo job placement officer atakuwa anaangalia huyu kiwete anatoshana kwa kazi gani.

Chepkwony: *Ago nyolu eng every sector eng olemi kasit age tugul Konyolu kegeer kele kakiKonech some percentage kele aKot 10% amu ki 10% enhg population eng Kenya.*

Translator: There should be a percentage in every sector of employment for the disabled people of Kenya.

Chepkwony: *Asi kegeer kele Kokisich kasisiek Ko nyolu kegonech percentage eng kasisiek alak tugul che miten*

Translator: So that it should be seen that we also get equal rights to employment.

Chepkwony: *Awendi legislature bik che bo ng'atutik eng parliament Ko nyolu keKonech ministry nenyot ak kelewenen bik somok. Kilewenen chito ne masoitoi ,kilewenen ne ng'woli ak ne mosoitio*

Translator: Ana-propose tena kwa Legislature ama muundo wa Serikali ya kwamba inafaa ya kwamba wale walemavu wapate ministry yao tofauti na wapewe watu watatu ambao watachukuliwa kuwa...

Chepkwony: Physically handicapped, deaf and blind.

Translator: Wale ambao ni wivete, wale ambao hawaoni, na wale ambao hawasikii.

Chepkwony: *asi kesich Konyo roKoret Konyo aKoi district amu ngot Ko makichobwech eng yu ministry KomaKoi kimuch eng ngony yure yu.momi yu raising awareness.*

Translator: Halafu tukipata ministry kama hiyo ndio tutapata mrija ambao utanzia national level mpaka kwa district level, otherwise wivete watakuwa wakibaguliwa milele.

Chepkwony: *Awe local authorities*

Translator: Kwa Serikali ya mitaa,

Chepkwony: *Nyolu kegeer Kora kele eng county council Ko kakilewen aKot kiwete ne shughulikanjin kiweteisiek alak eng yotet*

Translator: There should be nomination of disabled persons so that they will be taking care of the other disabled people.

Chepkwony: *Kora nyolu kechabwech Kotini ne teer nebo walemavu amu mitei neborei kiruogji Kor Ko menoi kiit ne ibuotei moche kesomonji Korok. Kot tor iruogjini mara Kou agene kikageruokjini besio Koruogji age Kole kale hee amu moKosei che kiruogjin kerat.*

Translator: Tena kwa Kortini inafaa kuwa special court for disabled people kwa sababu iKo wakati mwingine ambao mtu alipelekwa Kotini lakini haikujulikana kile kitu anafikiria, sasa wakati aliulizwa maswali tu akaitika lakini akafungwa kwa sababu ya hiyo. Lakini haikueleweka vizuri kile kitu alikuwa anafikiria.

Com. Salim: Pendekezo laKo ni nini hapo?

Translator: Special courts for disabled people.

Chepkwony: *AKo nyolu Kora kechabwech cell mo nyolu kibikegerchech cell ne uu noni ne kichoboitoi eng ngony kele. Noylu kegonech ne special.*

Translator: Even when it comes to custody of disabled people, there should be special sales or units so that they should not be given a place like this one. There should be special.

Chepkwony: *Nyolu Kora district hospital keKonech Kot ne kibore disability room ak keKonech free ak keyai exercise eng tugucho kiyaen mazoezi*

Translator: And then in the district hospitals, there should be a special therapy room for them to be doing their exercises and it should be equipped.

Chepkwony: *Amu ngot Ko makiKonech Ko keldo ne kikechobwo Kouni Ko tesetai Koweksei Kolenen.*

Translator: Because if we are not provided with such a center, such a leg which has been operated will continue, will result in because of lack of exercises.

Chepkwony: *Agoi yon Ko katar ai.*

Translator: Hapo nimemaliza.

Com. Nunow: Mr. Chepkwony, ulitaja representation, a certain percentage for people with disability in employment in all sectors. What specific percentage, have you given a thought to what percentage in employment and in Parliament and in other representation would be appropriate for people with disability?

Chepkwony: *Angen ale kateb..... kingen kele eng population nebo Kenya angen ole negit 30 million. Ko negit disabled chemiten Kenya Ko negit 10% that is 3 million. Ko nyolu keKonech 10% Kora eng parliament.*

Translator: Unajua ya kwamba in Kenya we have got thirty million people and we have got about 10% of them being disabled people. For that matter, we should be given a representation of 10% in every sector.

Chepkwony: *AKot eng county council ak parliament 10% Kora.*

Translator: Also in the Local Authorities and in Parliament .

Com. Kabira: Thank you very much and before you go I wanted you to tell us what are the special interests of women with disabilities that need to be protected.

Chepkwony: *Kakamwa ane eng yo ole eng ole kiribei kwonyik che kiweteisiek Ko king'et moKoraek chechangKora ak Kotekane advantage. Kiasomonieng olimbo Thika town aKo to mitten Kora. Ko ki keKona bik che blind mbor kimuru Nairobi Ko congested stage iniKomwoe ne ya Ko ngeteb moKoraek Kolenji nyo oborun oret ak Komoche Komut lagwet.*

Translator: Anasema ya kwamba alikuwa ameongea kinaga ubaga kuhusu hiyo lakini hata yeye anajua alikuwa anasomea huKo Thika na kuna wengine hata labda hawaoni lakini wakati tunakuja kwa bus mpaka Nairobi sana sana watu wanachukua advantage ya kupeleka wasichana na kuwaharibu kwa sababu hawaoni na hawajali masilahi yao. Kwa hivyo ndio nilikuwa nimeuliza kuhusu stages. Special stages of such people.

Chepkwony: *Konyolu keger chito ne unon, Komut chicho indon abaKorib anan Kolibonji robisiek Kotiekei ak sheria che Kokichob.*

Translator: Such a person ambaye anachukua jukumu la kuchukua mtu kama huyu na kuenda kumharibu inafaa ionekane ya kwamba awekwe fine ama alipe vizuri ama achunge kuhusu sheria ile ambayo tutakuwa tumetengeneza.

Com. Kabira: Thank you very much, jiidikishe tafadhali. Do we have Anna Korir?

Anna Korir: *Kainet Ko Annah Korir ak oteteoni eng Komostab chepyosok.*

Translator: Kwa majina naitwa Anna Korir, nitaongea kuhusu akina mama.

Anna: *Otinye Komostab tibik, aKobo Komostab keyatita Ko eng maoni ne nyu Ko mat kitakeyatita chepto eng sobenyi.*

Translator: Anaongea kuhusu wasichana na anasema kwa maoni yake haifai kwa wasichana kutahiriwa.

Anna: *Kiit nebo aeng Kora, Ko omoche eng maoni nenyun Ko Kokerkeit somanet nebo chepto ak muren*

Translator: Kuhusu wasichana anasema ingefaa masomo yawe sawa kwa vijana ambao ni wavulana na wasichana.

Anna: *Kiit nebo somok omoche amwa ole omoche Konyor chepyosok katiaknatet eng Komostab biashara.*

Translator: Swala la tatu, akina mama wawe na haki ya kumiliki biashara kama wanaume.

Anna: *Amun uchumi ne kitinyen nguno Ko nyolu Komakinyal muren atkai tugul ak nyolu ngot Kotindoi uchuzi chepyoset neyochei Koyai chepyoset biashara Konyolu Konyor katiaknata noto*

Translator: Kwa sababu ya majukumu ya hali ya uchumi ingefaa akina mama wawe na uhuru wa kufanya biashara ili kujimudu kimaisha.

Anna: *Nebo ang 'wan omwoe Konyik cho kiKosirtoe manong 'otoik*

Translator: Swala la nne, ni kuhusu akina mama ambao maBwanazao pengine wameaga.

Anna: *OKose ole ndo Kosirto monong 'otiot ab chepyoset ne mara sait age Ko kimitei boisiet kiKochi haki yake ne aenge Ko cho bo NSSF ak pension*

Translator: Ikiwa Bwanaya mama huyo ameaga na huyu mama amebaki, yale mapato kama NSSF na retirement pension apewe.

Anna: *Eng chokchinet Komakitorta kwo ofisit ni ak ni Kota Konyor mioni tesetai ngunon amu ng 'alet ab bik che ng 'ole.*

Translator: Ili asiwe anarushwa kwa ofisi hii, ofisi ile mpaka pengine apate magonjwa kama ya siku hizi.

Anna: *Ko ma tinye ng 'al chechuketibichon nitok.*

Translator: Yangu ni hayo tu.

Com. Kabira: Asante sana, hakuna maswali. Tafadhali ujiandikishe kwa secretariat. Thank you very much, we want to give another chance to Nancy Koech.

Nancy Koech: Kwa majina ninaitwa Nancy Koech, yangu ni memorandum for Mulot Division Womens Rights.

A woman has the right to own property in that home, that is her matrimonial home.

Then, a woman has the right to speak and be heard by the community.

A woman has a right to own land and the title deed and joint account incase of financial matters.

A woman has a right to inherit from the husband. 50% of the women to participate in legislation and Local Authorities like by nominating presentation.

50% of women should be presented or nominated in Local Authorities and administration like chiefs.

There should be fairness in treatment in nation building. They should be given a chance to fight for their rights in voting.

Free education should be provided from nursery level up to secondary level.

Laws and the Constitution should be printed in an understandable language.

Women should be recognized in the community in areas such as employment in all sectors equally to those of men.

Inheritance should be equal in the family for both sons and daughters. For the disabled it has been said but I am going to read it as a memorandum.

Disabled women should be given special security, free education, employment and especially in leadership. In any committee, disabled women should be considered.

50% of women to be represented at the local control board. Unmarried daughters to have equal shares in family wealth as the sons.

The Constitution should pass a law to stop F.G.M and to protect girls from torture, cruelty, inhuman or degrading punishment such as forced marriage.

Participation of women in decision-making will lead to good governance. With that, thank you.

Com. Kabira: Thank you very much, I know we talked about the same issue with the gentleman who presented earlier about married... the girls who get married inheriting from their fathers. What is your view?

Nancy Koech: My view is that at times, inheritance of the husbands.

Com. Kabira: Married daughters inheriting from their parent's property.

Nancy Koech: According to those who are married, they will go and get their own farms but incase of divorce, if it comes to

divorcing she should also have the share at home in order to eradicate poverty because if that mother continues bearing children they don't have a farm, I think we shall have more destitute children.

Com. Kabira: What about if you are married but you have no land and you have not divorced because you still love the man although he is poor.

Nancy Koech: According to that, we are going to... for our parents, we are going to invite our parents for a talk. We bring both parents so that we discuss then we see who is better than the other. Then with that one, maybe you will provide us with a mechanism so that we prove ourselves.

Com. Kabira: Thank you very much Nancy for your views. So please just sign your name in our book. I am looking for George Ruto.

Mr. Ruto: Thank you very much honourable Commissioners, wananchi wenzangu, mabibi na mabwana. Vile nitakavyo-present maoni yangu mtaniwia radhi Commissioners kwa sababu nitachanganya lugha zote mbili, Kiswahili na Kizungu pamoja. Kwa hivyo mtaniwia radhi.

Katiba ambayo inaenda kutengenezwa kwa hivi sasa inafaa itengenezwe na watu na iwe ya watu. Pili, kwa laini hiyo, Katiba iwe inaandikwa kwa lugha ambayo inaeleweka kwa watu ambao hawana elimu ya kutosha.

Constitution ikishaandikwa, maoni yangu ni kwamba iandikwe kwa Kiswahili kwa wale ambao hawana elimu kubwa na pia iwe ikiandikwa kwa Kizungu. Na iwe Kizungu ambayo ni simplified ili ieleweke vizuri isiwe technical vile ilivyo kwa hivi sasa.

Nikiacha line hiyo niende kwa Constitutional supremacy, wakati wa kubadilisha Katiba Parliament itapewa nafasi ibadilishe ... the Parliament should amend the simple parts of the Constitution by 65% majority votes. Kwa major parts of the Constitution we should involve the public through referendums in amending the Constitution.

Citizenship- all children born Kenyans should be automatic citizens. A woman married to a Kenyan though a foreigner can also be an automatic citizen. Kenyans can only possess a national identity card and that is enough to be called a citizen.

Nikienda kwa line ya political parties, ni vizuri zikuweko. Then inafaa sheria iwekwe iwe ikisimamia vyama vya siasa. Vyama vya siasa inafaa vipunguzwe viwe vichache kama viwe viwili vikubwa ili itengeneze demokrasia inayofaa. The political parties should be financed by the tax payers money. Political party itakuwa na uhusiano na state kwa sababu inaleta watu pamoja kwa njia ya matengamano.

Line ya structure and system of government, kwa maoni yangu ninaonelea Serikali ya Majimbo ni bora. Provinces zinazosimama kwa hivi sasa ziwe zikisimama iwe jimbo hizo. Ikiwa ni nane vile ilivyo sasa, ni Majimbo manane yaliyoKo hivi sasa yabadilishwe yawe Majimbo na yawe na

Nikiwacha line hiyo na niende kwa sababu ya time, nitataja taja kubwa kubwa kwa sababu nita-present na nitawacha hii memorandum. Tukienda line ya Legislature, mtu atakayechaguliwa kwa Bunge ni mtu awe amehitimu miaka ishirini na moja kwenda juu.

A person to be elected to be a Member of Parliament should first qualify in the languages tests of both English and Kiswahili.

Com. Kabira: (inaudible)

Mr. Ruto: Okey, wacha basi nikaribie ingawaje sijui kukaribia sana. Mtu atakayechaguliwa pia aende kwa Bunge ni mtu ambaye yeye hana criminal record. Mtu ambaye anajulikana ni mzuri, mienendo yake ni sawasawa ndio ahitimu achaguliwe aende kwa Bunge.

Tena inafaa kuwe na Commission ya kusimamia mapato ama salaries ya wabunge. Kuwe na Commission ya kusimamia line hiyo. Wasiwe hawa wenyewe ndio wenye ku-decide na kujipea mshahara. Kuwe na Commission ya kusaidia line hiyo.

Tukienda kwa line ya Executive, mtu atakayechaguliwa kuwa Rais ni mtu ambaye amehitimu miaka thelathini na tano, mtu mzuri mwenye elimu ya juu na awe mwanasiasa ambaye ni popular, awe a popular politician. Lazima record yake iwe mzuri, aache kuwa na record ya uhalifu. Mtu wa aina hiyo ana-qualify kuwa achaguliwe kuwa Rais. Kwa line ya Provincial Administration, kwa maoni yangu ni kwamba kwa Provincial Administration ma-chief na assistant chief, line hiyo yao hawana kazi ya kutosha sana kwa wananchi. Kwa economy tuliyonayo sasa ndio ninaonelea ya kwamba kwa kuwa kuna village elders, village elders wawe wakiwasiliana na DO na kuanzia DO kwenda juu itakuwa ni sawa sawa. Kwa sababu kwa maoni yetu kazi kubwa inafanywa na hawa watu wa ma-village elders. Kwa hivyo kati kati hapa hatuoni kuna kazi.

Nikimaliza hapo niende kwa Judiciary, inafaa tuwe na resident magistrates courts, tuwe na law courts, tuwe na law courts, tuwe na High Courts, na tuwe na court ya juu(Supreme Court). Iwe ikimaliza, isiwe na mvurutano mingi katika hapo na hapo ninaona itakuwa ni vizuri zaidi.

Nikimaliza line hiyo, niende kwa line ya local government, mtu ambaye anachaguliwa kuwa Diwani, ni lazima mtu awe ana elimu sawa. ikiwa ni elimu ndogo, iwe ni elimu ya primary level na kuenda juu. Tena ni mtu ambaye anaongea lugha zote mbili, Kiswahili na Kizungu sawasawa.

Council chairmen and mayors inafaa wachaguliwe directly na wananchi kutoka nyumbani, wasije wakaenda huKo juu wachaguliwe na madiwani, watahongana. Kwa hivyo kwa maoni yangu inafaa iwe namna hiyo.

Tena, ipewe uwezo kwa wale watu wanaochagua mjumbe wa Bunge na councilors, ipewe wananchi uwezo wa kuwarudisha nyumbani ikiwa wameona ya kwamba yale wanafanya ni mabaya. Warudishwe nyumbani kwa sababu Constitution iliyoKo sasa ni kwamba mtu akishachaguliwa, mpaka amalize miaka mitano, hakuna kufukuzwa. Kwa hivyo tunataka constitution, ya kuita hawa nyumbani. Electoral wards...time inakwenda mbaya.

Com. Kabira: Give us your last two important points.

Mr. Ruto: Mimi naendelea kumaliza maliza. Tukienda kwa line ya haki ya mashamba, wacha niguze hiyo. The Constitution should guarantee the right of ownership to an individual. The owners or the individuals should determine and control the land by themselves individually. Sheria ya kubadilisha mashamba irahisishiwe baada ya the parties ambaye yule anauza na yule ananunua wakishasikilizana ndio waende kwa land control board wajaziwe form na wapewe idhini. Anayenunua aende automatically apewe cheti cha kumiliki shamba hapo, itakuwa simplified.

Nikienda tena kwa line ya shamba, incase... kwa sababu, ikiwa shamba ya familia iKo, kwa title deed kwa maoni yangu inafaa iandikwe majina yote mawili ya familia, ya mume na mke. Wakiandika title deed hiyo moja iwe secured kwa familia kwa sababu mambo mengi yameonekana kwa Katiba iliyopita, kulikuwa na mizozo wa kuuza ardhi. Mume anafanya maneno yake kwa sababu yeye ni supreme, anasema shamba iuzwe na watoto wabaki bila. Kwa hivyo sasa wakikuwa wote wawili, itasaidia hiyo line.

Nikienda kwa line ya akina mama, akina mama wawe na rights zao kama kawaida. Rights ya kwanza ni akina mama wasinyanyaswe. Ikiwa mumewe ameaga dunia, kwa maneno ya urithi, asinyanyaswe. Na tena iwe automatic inheritance kutoka mume akiaga dunia na bibi yake abaki, ConstitutionI-guarantee, mama awe automatically next of kin ambaye atarithi mali ya mumewe bila kulete ndani wale watu wa jamii za mumewe.

Tena akina mama wawe na haki achaguliwe kwa vyovyote vile imesemwa hapo awali wawe na representation everywhere na tena nikiwa kwa hao akina mama, akina mama wasinyanyaswe kimapenzi ama namna gani na iwe na sheria ambayo itasaidia akina mama wasinyanyaswe. Kwa sababu njia moja ama nyingine akina mama wananyanyaswa tena kwa line ya tohara. Wengine wanalazimishwa wapashwe tohara bila ya mapenzi yao. Kwa hivyo ni maoni yangu Constitution iwa-guarantee hao akina mama na wasichana wasinyanyaswe kwa kupashwa tohara kwa lazima ama kuolewa wakiwa wachanga. Tuwe na sheria itakayolinda hawa wasinyanyaswe.

Nikimaliza maliza...

Com. Kabira: Hiyo ndio ya mwisho.

Mr. Ruto: Hata inafaa kwa sababu nita-present hii memorandum, ingawaje mimi ningeendelea, nitamaliza hapo kwa sababu I will hand over this memorandum to you ili uende uangalie badala ya mimi kusoma na kumaliza time ya mtu mwingine, iwe niachie mtu mwingine aendele. Ikiwa kuna swali ndio ninangojea.

Com. Kabira: Ngojea Mr. Ruto.

Com. Salim: BwanaRuto asante sana kwa maoni yaKo. Kwa hakika ni very wide ranging, umetaja mambo mengi sana, sasa ni kutaka kufahamu wazi zaidi. Umesema ya kwamba major parts of the Constitution zibadilishwe kufuatia kura ya maoni, yaani referendum. Lakini hatujui what you regard as major parts in the constitution. Unasema minor zifanywe na Parliament, major zifanywe through referendum lakini hukuweka wazi, major ni sehemu gani ya Constitutionambayo wewe unafikiri ni major na ambayo lazima kuwe na referendum kubadilisha?

Mr. Ruto: Pale ambapo ninasema ni major parts of the Constitutionambayo inatakiwa kufanywa kwa line ya referendum ni kwamba kama inataka ifanywe overhaul, ibadilishwe yote ni lazima I-involve public na ikiwa ni kubadilisha vipengele vidogo vidogo, sio shaka. Sijui kama nimeweka wazi.

Com. Salim: Hayo ni maoni yaKo, sawa.

Com. Kabira: Thank you very much, I think you don't have any other. Okey, asante sana Mr. Ruto for those views. Now, Richard Lang'at you were here in the morning.

Mr. Simon: Honourable Commissioners I am talking on behalf of Mr. Lang'at, I came late. Now, this is our feeling as a group...

Com. Kabira: Who are you?

Mr. Simon: I am Simon Tetui on behalf of Lang'at. Now, the Kenyan Constitution should have a preamble with plural 'we' that is, should be for the people and of the people and because of lack of time I will be rushing. When it comes to the Constitution supremacy, the Parliament should not amend any part of the Constitution without the approval and the consent of the electorate unless such amendments will be of benefit to the whole country. That is when we can apply the 65% majority vote. For any amendment of law to the public should be involved through referendums organized by the Commission.

Citizenship – any person born of Kenyan citizens should be given automatic citizenship of Kenya with identification papers

immediately after birth.

I come to land and property. In cases where girls are heirs of the family, they should acquire direct inheritance from the parents. Any sale of the land is subject to land control board for further verification and approval. When it comes to the treaties that were made sometimes back, the pre-independence land treaties agreement involving certain communities should be cancelled and regarded null and void as such treaties were colonial because they were made and therefore contravenes the rights of ownership. On owning property anywhere in Kenya. The members are during colonial days the Kalenjins and when we talk of the Kalenjins, we have the Kipsigis, the Nandis, the Dorobos the Tugen and all those others. During colonial days the Kalenjins were living in many parts of narok district but were overlooked by the white settlers and were driven out from their inhabitation. Places like Ole Shebani, Lemek, Ngareta, Mau, Nelelo, Suswa, Siabei, Ndabibi, Ongata Bargo, Olulung'a and Marti and some parts of Loit and some of these Kalenjins were driven from these areas some of them have even been living in Tanzania and others came this way. So actually the Kalenjins are inhabitants of Narok district.

Now, political parties - because I will presenting this, I would only touch one item, the number of political parties in Kenya should be at least three to avoid tribal turmoil or problems. At least three, because utakuta kila tribe inataka iwe na chama chake. Let us have three incase of problems, we will solve the problems. At most three, I stand to be corrected. Thank you.

Defence and national security- the Constitution should state the establishment of Armed Forces. While we agree that the President remains the head of Armed Forces, any decision made by him should be vetted by Parliament and the defence council. Should there be wars or any national problem, the defence council and the Executive may meet to solve the problem.

Land and property rights- the ultimate ownership of land should be vested to the individual and any natural resource should be owned by the immediate community. If the government wishes to acquire private land for certain purposes the terms and conditions depend on the owner.

During land transfer and land inheritance the land board should be contacted at the lowest level. Infact the land control board should be put even to the village level for easy administration. So we requested that the land control be brought to the lowest level of administration.

There shouldn't be any selling of land but those with over five thousand acres should be taxed per acre. I am hurrying up.

Com. Kabira: have you finished?

Mr. Simon: Not yet,

Com. Kabira: Because your time was up long time ago.

Mr. Simon: When it comes to structure and system of government ...

Com. Kabira: Can you present your last two points.

Mr. Simon: Yes madam. We should adopt the federal type of government in Kenya and we feel as part of Narok there is need to have a Sismara district, hence another West constituency where we should have at least seven wards, namely, Ol Megenyu, Sogot, Sagamnya, Limochiok, Mulot, Nenarai and Nelelo. Thank you.

Com. Kabira: You are through?

Mr. Simon: Yes.

Com. Salim: Land control board to come to the grassroot level, who should be the members of these control boards?

Mr. Simon: The immediate sub-chief, the village elder and the area wazees.

Com. Kabira: Thank you very much Mr. Lang'at. Can we have Lang'at.

Emmanuel: Asante sana Commissioners na wananchi. Kitu ningependa kuongea nitaongea nikichanganya maneno, Kiingereza na Kiswahili. Majina ni Emmanuel Lang'at.

Structure and system of government – the President should be elected by majority vote and also the President should elect a vice president. Prime Minister should be elected by Parliament . A President is supposed to achieve at least 25% votes in five provinces.

Federal system of government should be established whereby Executive and legislative authority is split between the Central Government and Regional Government to reduce.....and this establishment of regional administration should not interfere where an individual ought to live provided that he is a Kenyan.

Legislature- two parties to unite Kenya.

Judiciary– judicial offices be appointed by PSC, qualification; degree level, tenure; like any other civil servants. Judicial powers of the state should be vested exclusively in courts. Provincial Administrationshould be abolished and replaced by police force.

Local government – councilors must have a form four certificate.

Basic rights – nobody should be remanded in cells unless proved guilty. Every Kenyan should be provided for compulsory and free education for only three children per family to encourage family planning.

The Constitution to guarantee all workers the right to trade unions like in any other nation. The rights of vulnerable groups, for children rights, wherever a divorce occurs in a family, children to be provided property by the father.

Land and property rights- ultimate ownership of land should be individual but limited sub-division should be 2.5 hectares. Government should have the power to compulsorily acquire property land only for schools, hospitals or offices and police forces. Kenyans should own land anywhere in the country.

Management and use of national resources. Parliament to retain the power to authorize the raising and appropriation of public finance. Land tax should be introduced according to the size of land to encourage proper use of land and avoid a lot of begging from donors.

Every district should have a national school equivalent to Alliance School.

Com. Salim: Which one? Alliance Boys or Alliance Girls?

Emmanuel: Both Parliament should appoint Controller and Auditing General. National Intelligence Services should reports to Parliament to curb corruption and also present reports concerning government workers, teachers and private bodies.

Public Service Commission should be elected by Parliament and be taken by the Parliamentary committee to court if found in corrupt practices.

There should be a code of ethics for holders of public office. Public officers should declare their assets before being appointed to offices or elected to Parliament or councils.

Environment and natural resources,

Com. Kabira: So you are on the last point? Is that the end of your presentation? Is that your last point?

Emmanuel: There is another one. Forest land should be protected by the constitution. Parliament should be responsible for

management and protection of natural resources. Also in international relations, Parliament to select ambassadors.

Anti-corruption Commission should be established by Parliament.

Com. Kabira: Hiyo ndiyo ya mwisho? Thank you very much, please sign your name. Can we now have Julius Barsuguta, followed by Councillor Felix Koech.

Julius: *Ane kegunon Julius Barsuguta*

Translator: Majina ni Julius Barsuguta,

Julius: *Eng maoni ne nyun Ko monyoljin eng Kenya Ko ta kele kakirat chorindet.*

Translator: Kwa maoni yangu haipaswi kwa Kenya ya leo kusemekane mwizi amefungwa.

Julius: *Nyoljini chorindet Konam kei ak rotwet no tilate bik Konamkei agine.*

Translator: Inapaswa kuwa mwizi apatikane na kisu kama vile anabeba kisu.

Julius: *Monyoljin Kora Kotakerat chito ne borien kwondab chito anan Ko lakwet ab chito.*

Translator: Haipaswi katika sheria, mtu ambaye amefanya raping kwa mke wa mtu afungwe.

Julius: *Mara Kotinye miondo ni KoKotar bik nyoljini agine kwo rotwet.*

Translator: Pengine anafanya raping kwa kusudi ya kuambukiza ugonjwa kama ukimwi kwa hivyo anapaswa kuuawa.

Julius: *OngeKosine. Monyoljini Kora Kotaketinye kiruogutik ab mbararik Kosirtoe kenyisiek mut.*

Translator: Haipaswi kuwa na kesi za shamba kupitia miaka mitano.

Julius: *Eng Komosi nyon ogere ketinye kesisiek ab mbararik che kiKosirto agot kenyisiek sosomu.*

Translator: Katika eneo hili letu tunaona tuna mizozo ya mashamba ambayo imezidi au imeenda kwa muda wa miaka zaidi ya kumi.

Julius: *Amakai kimwa kele bo ng'o mbarani.*

Translator: Na wala haijawahi kusemekana shamba hili ni la nani.

Julius: *Nyoljini Kora Komatinye chorindet anan chicho boriote kwonyik Komatinye ogiliot.*

Translator: Inafaa yule mwizi au yule amefanya mambo ya raping asiwe na wakili au asiwakilishwe katika mahakama.

Julius: *Nyoljini Kora kebchei kasisiek che yoe neu Rais anan ng'otutik cho titye inendet . Chang missing.*

Translator: Kuhusu Rais, anafaa kupeana mamlaka mengine ambayo anayo kwa sasa.

Julius: *Anan kerat chito kenyisiek che itei tisab Ko motorei agot kenyit agenge Ko kaKonyoKotiach boiyot.*

Translator: Saa ingine tunaona mtu amefungwa pengine miaka saba na kwa matangazo ya Rais, pengine anaweza kumwachilia huru.

Julius: *Kimochei Komi chito ne yae kasit noto ine aKorib chorindet Kotakai Kotar ng'atutik che ki KokiKochi.*

Translator: Kwa hivyo kunapaswa kuwa na mtu ambaye anaangalia ili watu kama hawa wasiachiliwe.

Julius: *Nyolchi Kora, Kotoret Komostab chepyosok*

Translator: Tena ningependa kuguzia kusaidia akina mama.

Julius: *AKobo yatitaetab tibik*

Translator: Kuhusu kutahiriwa kwa wasichana.

Julius: *Bik che nyoljini keKochi ng'atutik che kimen Ko murenik,*

Translator: Wenye kupaswa kupewa sheria kali ni wanaume,

Julius: *Choto che ilosimisoni Kole ngeyatita tibik,*

Translator: Kwa sababu hao ndio wanasema wasichana watahiriwe.

Julius: *Ago si KotaKoi outie Komata oyai kioton omwoitok ra,*

Translator: Kwa hivyo ningependa kusema kuhusu hao.

Julius: *Obendi nee ole kiyotitoen tibik?*

Translator: Je, wanaume wanaenda kufanya nini katika pahali wasichana wanatahiriwa.

Julius: *Ago ole mi lagweng'ung. Iwendi nee?*

Translator: Sijui wazee wanaenda kufanya nini penye wanatahiriwa wasichana.

Julius: *Non itok Ko okwek che mochei kiKochi kergong'iet ne yomeikei; murenik.*

Translator: Kwa hivyo wazee ndio wanapaswa kuadhibiwa na sheria.

Com. Nunow: Kwa hivyo ungesema nini kuhusu hao?

Translator: *Imwoe nee ayun ogobo ng'alechoto?*

Julius: *Omwoe ole ngotebi kabisa. Mata kekas agot betut agenge.*

Translator: Ikae kabisa iwe si halali kutahiri.

Julius: *Motinye maana.*

Translator: haina maana yoyote.

Julius: *Ko sabakachei abakachen kiit agenge kityo*

Translator: Kwa hivyo nataka kusema jambo moja ili nimalize.

Julius: *Nyoljin Kenya Kotinye waziri mkuu.*

Translator: Kenya inafaa kuwa na Waziri Mkuu.

Julius: *Asi Kotoretikei ak rais eng ng'atutik,*

Translator: Ili wawe wakisaidiana na kiongozi wa nchi.

Julius: *Ten chono.*

Translator: Ni hayo tu.

Com. Kabira: Asante sana BwanaBarsuguta, kuna swali.

Com. Nunow: Mzee Barsuguta umesema, kuhusu kusamehewa na Rais, kwamba Rais asisamehe. Asisamehe mtu akifungwa lakini hujasema pendekezo laKo kuhusu huo uwezo wa Rais wa kumsamehe aliyepatikana na ataenda kufungwa. Ungesema nini kuhusu hiyo?

Translator: *Kale kemwa ile ngerat chito Kolyon boiyot*

Julius: *Nyoljini Kobunji Komostab ng'atutik ng'alechono.*

Translator: Kuwe na msingi ambao unasemwa na sheria kuhusu vile mtu ataachiliwa.

Com. Nunow: Rais asiwe na uwezo wa kumwachilia mtu?

Julius: *Mat Koyai rirge eng yoto amu kiKoyai hasara chichoto*

Translator: Isiwe ni jukumu la Rais kuwa na huruma kivyake kibinafsi.

Com. Nunow: Okey, asante hiyo nimeelewa. Ya pili, ulisema kuhusu rapists. Ulisema wenye wananajisi wasichana na akina mama wasikubaliwe kuwakilishwa na wakili Kortini. Je, ukweli utajulikana vipi kama yule ambaye hajafanya jambo kama hilo ambaye anashitakiwa kwa dhuluma na hana wakili? Ukweli utajulikana namna gani?

Translator: *Kokile kemwa ile chito ne kakinamji Kokaborie lagwa anan Ko kwondo Komanyoljini Kotiny kigochi ogiliot eng Kotini Ko kakiteben kele kenoen nee imanit ye matinye ogiliot eng Kotini?*

Julius: *Kimoche Kobaorian dakitari ak chito ne kigere,*

Translator: Yale yanatakiwa tu ni ushahidi ujulikane na ushuhuda wa daktari na mwenye kuona kitendo kikitendeka.

Com. Salim: Na swala langu linahusiana na la mwenzangu. Sijui kama nimeKosea lakini ulisema pia mwizi asipewe wakili kumtetea.

Translator: *Kokile kemwa ile ngwany Kole mania ngo kanai Komie lakini uon kakas ole kemwa ile agot chorindet agine Komakigochi ogiliot eng Kotini,*

Julius: *Kamwa Kou non amu Kokiet biashara,*

Translator: Nimesema hivyo kwa sababu biashara imezidi.

Com. Salim: Lakini huenda saa ingine, mtu anashitakiwa kuwa ni mwizi lakini hakuna ushahidi wa kutosha kuhakikisha kuwa ni mwizi. Kwa hivyo huoni kwamba huyo ambaye ameshikwa ana haki ya kujitetea na kutumia wakili kumsaidia?

Translator: *Kole sait age Ko no kishtakan chito eng Kotini kele chorindet ago mara Ko eng iman Ko chorindet*

Komegere ile ngot Konyor chito ne imuchi Koteteonji eng Kotini Ko mara Kotaretok?

Julius: *Mami chito ne kitokjin ngemwai kele chorindet Ko chorindet Kou cho mwokei askarik eng Nairobi.*

Translator: Nadhani si jambo la kuwa anashikwa bure, ni mwizi tu kama vile wale wanapigwa risasi kule Nairobi. Ni mwizi tu.

Com. Salim: Lakini huoni ya kwamba huenda maKosa yakafanywa ikitokea maKosa na kwamba kuna haja ya mashahidi kusema kuwa wameona jambo hili limefanywa. Maana usipofanya hiyo huoni kwamba yule jamaa anaweza kufungwa na yeye hakufanya jambo lolote?

Translator: *Kole megere ile tos Kobot moKosa eng yono ye matinye chito neimuchi Koteteonji eng Kotini ago mara chito ne kakinam KogomaKotinye lelut age tugul?*

Julius: *Ng'omnatet ne mi Kotini Ko oh kergeri ne otinye melen itwoljin chito buch KotoKor Korat buch.*

Translator: Anasema orodha ya mahakama na vile mahakama inafanya kazi ina uwezo wa kujua mambo hayo. Hakuna mtu anaweza rukia mahakama na aepuke bila kutambulika.

Com. Salim: Lakini unajua kwa mahakama waKo judges kule na judges si wao ambao wanatembea kwenye mabarabara na kumwona mwizi. Ma-judges wanakaa tu katika mahakama. Lakini ma-judges mbele ya kutoa amri mtu kufungwa lazima kwanza wasikiza mashahidi kabla ya kufunga mtu.

Translator: *Kokilenjin eng Kotini Komiten bik che keguren judge. Ko judge Ko machito ne wendi eng ortinwek ak Komoswek olin asi Koger chorindet anan Ko bik che kalel. Ko megere ile nyolu Komi bik che kama baornatet eng Kotini?*

Julius: *Yo kakiba Kou non Ko si Ko mayan Ko agot ane Ko kianam chorindet Ko kiit Nakuru kai ami Nakuru betut nebo Kotini keleon kitaiswen chorindo nikinye eng oling'wong ye manyo yu.*

Translator: Anasema hata mimi nimeshika mwizi nikapeleka mpaka Nakuru lakini nilipokuwa huKo nikaulizwa, 'je, umewahi kumwona mwizi huKo mashambani pale?'

Julius: *Anai ole kichunda robinik.*

Translator: Nikajua ni pesa ilimwachilia huyu mwizi.

Com. Kabira: Okey, asante sana Mzee Barsuguta. Tafadhali ujiandikishe hapo. Councillor Phillip.

Cllr. Felix: Honourable Commissioners, my names are Councillor Felix Koech from Narok county council, Mulot Division.

Votes should be counted at the polling stations to avoid rigging as in the past whereby ballot boxes were collected and taken to the centralized stations for counting.

Administration police should not be allowed to conduct elections as it has been the case previously since they were biased. Ballot boxes should be transparent not black while being expensive as this would help in detecting rigging.

The creation of constituencies should be based on the population density at least not less than 20,000 people and community interest except in areas like North Eastern.

Cap 265 of Local Authorities Act be reviewed. One, councils should be granted autonomy. Local Authority Service Commission should be established. That is hiring and firing of chief officers.

Mayors and chairmen to be elected directly by the people. councilors should be paid through consolidated bank account.

Future President and MPs should be free of terminal illness. This should avoid unexpected incapacitations while in office.

Future heads of state should not belong to any political party to avoid the temptation of serving personal or sectarian interest.

Registrar of political parties appointed by Parliament is established to deal with funding of political parties.

Political parties with less than one million members should be deregistered.

Nine, A party should have a national outlook to qualify for registration with a minimum of one million members.

Ten, judicial officers, head of government Parastatal heads, Attorney General , Chief Justice be vetted and approved by Parliament .

Eleven, the Attorney General 's powers be trimmed. The consent to prosecute role has been misused by AG's office often delaying cases for the politically correct individuals.

Twelve, the victims of police torture be compensated by the state. ;

Cap 288, county council should hold the trustland vested in it for the benefit of the person ordinarily resident on that land.

Land control board be decentralized. Protection and management of natural resources would be best managed by the community living around that area.

Adequate compensation of persons killed by wildlife should be reviewed. The current figure is inadequate.

Electoral Commissions- Commissioners be independent. Composed of persons with proven track records and integrity not persons with political inclinations to serve political parties or individuals.

Provincial administrations- chiefs must be people with managerial skills and should always be transferable and people with proven education.

Youths should have a voice in all parts of life like leadership for adequate representations. As far as land ownership is concerned, yaani hii sheria ya mashamba ya kusemekana ukiishi kwa shamba ya mtu for more than five to twelve years eti unastahili kupata share ya hiyo shamba iangaliwe kwa sababu siwezi kukubali kama niKo na shamba yangu nikipoa mtu kama mchungaji mahali baadaye ana-demand hiyo. Hiyo iangaliwe.

Finally, however much we have the concept of representative democracy, the Commissioners, the Ghai led team they are not constitutionally guaranteed. Your being in office is not justified in the constitution and we are therefore a bit worried because the terms of reference, the security of your tenure is not guaranteed. Therefore we feel that this thing should go to Parliament and amendment be done so that the mechanism be put in place to ensure the time framework-when to finish your work and ensure that the Constitution be taken to the national referendum. Thank you.

Com. Kabira: There is a question for you but before that, I think we did not ... Prof. Salim did not actually introduce himself as the deputy to Prof. Ghai. So, I was going to ask him whether he would have wanted to respond to your concern.

Com. Salim: Concerning the entrenchment.

Cllr. Felix: I have said that however much we love have the concept of representative democracy, our MPs should not be there to supervise the work of the Commissioners and yet you don't have constitutional guarantee to protect you as a Commission to stay in office. You don't have the security of tenure.

Com. Salim: Well, all I can say is that our request to be entrenched is already before Parliament, it passed the first stage, I believe and we are waiting for it to pass the second and third but due to other matters before Parliament, those stages were not gone through. So we hope that they will be gone through but all I can assure you is that so far there has been no interference whatsoever in our work. We have proceeded along our programme without any hindrance.

Cllr. Felix: So, thank you. Let us hope the hopes and finally we have a very good Constitution before elections. Any more questions for him?

Com. Nunow: BwanaDiwani, you mentioned that the creation of the new constituencies be based on the population density, at least not less than twenty thousand and the community interest. And then there was a discrimination you said except for North Eastern. What would you like the conditions to be in North Eastern?

Clr. Felix: In North Eastern you find that the place is an arid area, it is dry, people are nomads, they are moving from place to place looking for pasture and probably food. So that is why I put North Eastern aside.

Com. Nunow: I wanted to know how constituencies could be created in North Eastern. What criteria should be used in areas of that nature where there are nomadic Pastoralists moving from place to place across the place?

Clr. Felix: Community interest and probably geographical features.

Com. Nunow: You are saying population should not be a factor in that area.

Clr. Felix: Population should not be a factor in North Eastern.

Com. Kabira: Thank you very much for your views and please register with us. Now, Irene Limo.

Irene Limo: Mine are very few. Domestic violence should be ...My name is Irene Limo from Sogoo. (Inaudible) to support mothers and girls. Domestic violence should also be included in the Constitution so as to end wife beating and any other mistreatment of women. Women should be included in leadership especially in Local Authorities .

Working husband should not be separated from their wives for this leads to breaking of families and also the spread of the deadly disease AIDS.

A girl child should not be discriminated in any way especially when it comes to education.

Women should inherit their husbands as man do to their wives, letters of administration should not be given to monogamous marriage but the wife should inherit from the husband directly.

Our tradition should not be set aside when it comes to women issues. There should be a law that governs women when it comes to discrimination. Mine were few.

Com. Kabira: Thank you very much for your views. They were few but they were important. Thank you very much. Please

register your name. Do we have Paul Keter?

Paul Keter: Honourable Commissioners, fellow Kenyans good afternoon. My name is Keter Paul. By profession I am a teacher but I would like to present my views concerning the Constitution reforms in our country.

To start with I have tried to answer the entire questionnaire but I will have to go through. First I would like to mention that it is important that we have the preamble to our Constitution which to me is a gateway for every Kenyan to know that the Constitution belongs to us. It should be called a people driven Constitution, it is the property of the people.

As such, in the preamble, we should mention the fact that we are brothers and sisters whereby despite the fact that we are of various ethnic backgrounds, we should live as brothers and sisters whereby we have to respect each other as brothers without any animosity arising. This will also enhance our living standards educationally, economically and socially and create a healthy competition for emulation for the betterment of our country.

To start with, the directive principles of the state policy, we need statements in our Constitution capturing the national philosophy and guiding principles that Kenyan communities should live in unity, peace and liberty guided and protected by the just laws for the good development of every citizen as it is stated in the national anthem.

The democratic principles that should be entrenched in our Constitution clearly entrenched in our national anthem. That is: justice, unity, peace, liberty, service to all from our hands, hands and minds, that is labour and thanksgiving. Those laws be made by Parliament should seek to protect the rights and integrity of every Kenyan without causing any undue damage, or harm or havoc to the ethnic communities.

Among the important values that should be reflected in the Constitution are the unwritten ethnic Constitution matters affecting marriage, property ownership. Exercise justice, morality and equal and fair distribution of resources.

These principles should be enforceable. You know that every Kenyan, an independent Kenyan must have a share of the national cake; education, health, food, land, employment, shelter and security.

Constitutional supremacy- the Constitution is the people's property and I said that Parliament should not have any powers to meddle with it but should only do so after a referendum has been carried out by the citizens and that ninety percent of the sitting MPs should support it. This means that Parliament should not have any powers to amend any part of the Constitution but should seek public opinion but not without consent from the public. This referendum should be carried out by religious organizations or non-partisan parties.

Citizenship- automatic citizenship should be given to all members of the 45 or so communities of Kenya or any offspring thereof whether in Kenya or outside. Every Kenyan should be accorded an opportunity to serve, defend and participate effectively in nation building; That all citizens should be equal before the laws of Kenya, due to the need to improve economic growth and development and that dual citizenship should be granted to both citizens and those non-citizens who have good plans to invest and develop Kenya.

Kenyan should be given identity cards, passports, birth certificates without any complications. Defence and national security. Defence of our country should be placed in the hands of competent people, the Armed Forces should be autonomous with their own ministry and not directly under the Executive .

The police and the prisons should be under the Ministry of Home Affairs and that to guarantee the security of every citizen, people in villages should be under a village elder- elect who should know his villagers and even be more aware of any visitors or new comers to the village for security reasons. In urban centers such people should be elected by / or more blocks.

The Executive may only declare war if our country has been attacked after a cabinet meeting and that Parliament should vet such actions and finance it.

Political Parties: As a multi party state, there should be about four main stream parties in Kenya and that such parties should provide civic education to all citizens. That politicians should know that belonging to a party does not mean serving the party and forgetting the rights and the needs of the electorate. Those politicians, uttering any inciting statements be jailed for ten years without any alternative of a fine to create peace.

Com. Kabira: You are on the last one, please give your most important point.

Keter: My last important point...

Com. Kabira: Because it looks like you have another fifty points. Give your last important points and then the rest we shall read.

Keter: The structure and system of government – we should have a Parliamentary system of government where the President is only ceremonial and the Prime Minister is the Executive . The Prime Minister shall appoint his cabinet from outside Parliament , but this appointment should be for professionals who qualify to these posts that such appointments should be vetted by Parliament and be financed by the Parliament . Devolve power to lower levels of government the Provincial Administration should be done away with and elected leaders take over their roles. That elected village elders work full time and are paid together with elected councilors and that ought to be availed at the divisional level.

Legislature- the Legislature shall vet the appointments to the Public Service, legislature, Executive and the Armed Forces. That Parliament shall be autonomous and that MPs shall be working full time. Public channel information be used to provide civic education to all citizens. Our top leaders should be qualified people to lead with a degree that is a bachelor of commerce for President and Prime Minister and at least a diploma in commerce for ministers and assistant ministers.

The Judiciary- should be autonomous. That Parliament shall vet appointments of the Judiciary and the judicial Commissions ... that the Judiciary shall keep the Legislature informed about laws and laws in formation.

Lastly but not least – the electoral system, that the elections when held the votes should be counted in the polling stations and announced there and then radioed to the electoral headquarters so as to avoid this rigging. And I don't know whether you will allow me to read about handing over of the power.

Com. Kabira: The handing over of the ...

Keter: The succession and transfer of power.

Com. Kabira: Okey, just one minute,

Keter: The Speaker of the National Assembly should be in-charge of the Executive powers during elections. That votes be counted at the polling stations announced and given to the electoral Commission headquarters. That after the elections, the incoming President assumes offices within 14 days. The Chief Justice should swear in the incoming President at State House. And the outgoing President should hand over to the incoming President on the day of swearing in. That is to be done by conferring or handshaking with the incoming president.

The President should be in office for two terms of five years each and not more. That security be given as well as welfare but should ...

Com. Kabira: Thank you for your views, do we have David Cheruiyot, hayuKo. Okey, what about Simon.

Simon: I want to talk about the youth. I am Simon Kirui. So, my view is that the youth should be given freedom of employment regardless of the places they come from. Like for example if they are from this place and another youth from another place comes here, they (visitors) should not be asked to introduce say themselves as persons who come from that place.

Another thing is that, in my view, I see that the projects for the youth should be funded to tap the energy for the youths because

if they are left untapped they can be destructive. Like funding the youths to be active in terms of football and other games and other projects.

Another thing is about the ID registration for the people and the citizens, the age for registration for ID for youths should be reduced because those youths who will finish school earlier are not employed because of not having their ID. So, in my view I was thinking that they should be given ID as soon as they join the secondary school or if not that, they should be given at fifteen years of age.

Another thing, for the youth, because you see most of the youths are completing school and they don't get any employment incase of an employment like the one from the government, there should be no bribery because the youth have no money. Like for example recently they were employing and they were recruiting people in the army, AP s and all that but some of them were being asked to give 50,000 shillings which I don't know where they were to get from.

Another thing is that also for the old people, they should be ... no, I should talk about the youth first. They should be given Commissions, that these people should be having representatives who are recognized by the higher authorities to protect the youths from exploitation.

The other thing is that, I was thinking because of the ignorance among the youths and other people, the constitution should be introduced in schools and maybe even if it is possible the booklets for the constitution should be given to the youths because sometimes you see that they are harassed because they don't know the laws. Like some other policemen were telling us "do you know more law than me?" So, the constitution booklet should be given to the youth and other people.

I have talked about the Commission, there should be... a Commission should be formed to protect these youth incase of anything that they want to do. Otherwise I don't have much.

Com. Kabira: Thank you very much Simon. Do we have Anthony Cheruiyot? Anthony Cheruiyot is not there. And Eric Bett?

Eric Bett: My names are Eric Bett, I have a memorandum and I will only dwell on a few issues, particularly the Legislature, land and property rights, constitutional supremacy and succession and transferr of power.

The legislature- the appointments that are to be vetted by Parliament should be for Permanent Secretaries, Commissioner of police, lands service commanders like for army, Air Force and Navy defence council members and Chief of the General staff., the heads of parastatals and ministers. All diplomats, judicial appointees, Auditor General and Attorney General.

The best choice being the federal government, there will be Upper and Lower Houses. Upper House Senators will have

powers to veto presidential appointments. Senators to act as national lawmakers, Lower House will carry out duties of normal Parliament of enacting laws subject to judicial review.

Parliament should have ultimate powers to control its own procedures through standing orders and being a member of Parliament should be a full time job.

Voters should be over 18 years and civic and Parliamentary aspirants should be over 21 years. Presidential aspirants should be from 35 years and not over 75 years old. MPs qualification to be a minimum of form four certificate, that is national examination and proficiency test in English and Kiswahili.

The President should be a graduate, which is presidential aspirant. We should also introduce moral and ethic qualifications for Parliamentary candidates. An MP should be performing his duties well all the time, otherwise he should be recalled back through a 65% vote of no confidence from the registered voters.

He should act on convictions or instructions from his constituency or his party. A national salary Commission should be formed to determine salaries and benefits of MPs and should be vetted by the senate.

Nominated MP should be strictly disabled persons and women. Minority groups of ethnicity are not to be considered as disadvantaged in Kenya as they can effectively compete with others and succeed like President Moi's case where he is from the minority group Tugen and he has managed to head the nation for 25 years. The Dorobos and Elmolos are not disadvantaged in our democratic society.

MPs should stick to their parties manifestos in Parliament. If wants to defect, he loses his seat and should seek fresh mandate. The dominant party should form the government alone. One party should be in the Executive and multiparty in the legislature.

Parliament – we should have more than one chamber in Parliament . Composition should be the Upper House and Lower House.

Upper House- it should comprise of chief ministers and governors from each state or jimbo. The other ministers should be technocrats subject to vetting from Federal Parliament where they come from.

Lower House, will comprise MPs who are representatives of the constituencies and parties and who are not to be appointed as chief ministers or ministers.

Chief ministers- he or she is a person to be elected to from his region as its head. He should not have a constituency.

Parliament should have power to remove the Executive through a vote of no confidence. The President and his Vice are ceremonial figures of national importance to carry out state functions and duties.

Their functions will be different from the party functions. They will control important state affairs like foreign affairs, defence and other matters of national importance. The Upper House, that is senate should have the power to override the President's veto. Such circumstances should only be when the national security, public order and public health is threatened. The President can dissolve Parliament after a normal sitting duration of five year term.

The election of Parliamentarians should be staggered so that there is no time when there are no sitting MPs. Parliamentary and civic elections should be on a different date and presidential Local Authority chairmen, public mayors and state governors be held on a different day from Parliamentary and civic elections.

The Constitution should specify the qualification for presidential candidates and we suggest that he or she be a graduate from a recognized university. The President should be a Kenyan citizen of good morality. And should be of 35 years of age and not more than 75 years. He or she should not have a criminal record.

The President's tenure should be fixed to two five year term. The functions of the President should be, the head of state and not the head of government to veto Bills be passed by Parliament, Commander in Chief of the Armed Forces e.g army, Air Force and Navy only. The police, prison and administration should fall under the ministry for home affairs. Dissolution of Parliament and so on.

The Constitution should set a limit on presidential powers. I have proposed the federal system of government and that is where the devolution of power comes in. The Constitution should provide for the removal of President for misconduct while in office.

First and foremost is through Parliamentary vote of no confidence with at least 65% majority votes. Other circumstances for instance is the removal of immunity from legal process to allow him or her to be charged in the courts of law.

The President should be allowed by law to dissolve Parliament and Parliament should be allowed by law to remove the President by vote of no confidence so that there should be mutual understanding between the two institutions. The President should not be a MP.

Provincial Administration– we need Provincial Administration answerable to the people. The lowest cadre is to be a village elder. The village elders in a location should sit as a panel and elect or appoint nominees from applicants. They will forward them to the DC for selection or appointment of one person that is chief to head a location. The DC should be appointed by the

governor and transferable within the state. The PC is also an appointee of the governor but his appointment should be vetted by regional Parliament.

The chief will be answerable to the DC. Village elders can pass a vote of no confidence in the chief by a majority vote of 65%. Village elders are to be elected after every five years by any method chosen by a village.

Village elders are to be salaried to avoid corruption. Allow me some few seconds.

Land and property rights- the ultimate ownership of land should be vested on the individual with a free hold title deed and it should be absolute. Any land without individual title like gazetted forests should be owned and ran by the community next or residing around it.

The role of the government is to implement what the community requires. The government can have powers to compulsorily acquire private land for any purpose only on conditions of public security, public order, public health and so on, on full compensation of the individual or community surrounding it and it should be amounting to some beneficial effect. Refer chapter 75 of the present Constitution (1997 July C) protection of privatization of property 13 of 1997.

No one should have authority to control the use of the individual land. The government can only offer technical services. Any land transaction should have consent from all members of the family, village elders and the area chief.

Transfer of land should be to the next of kin as custodian to the children. All sexes of the children should be considered in this regard. There should be a ceiling of land owned by an individual. I propose one thousand acres of land.

All land owned by individuals should be taxed as per acreage. The rate of taxation depends on productivity or value of land. Non-citizens should be restricted from owning land but should lease. Transfer of land should be through land control board and should be available at locational level; men and women should have equal access to land and should be issued with title deeds.

Independent land treaties and agreements involving certain communities should not be retained, because they were made before independence to create room for colonial settlement. They were not made between Kenyan communities, Kenyan communities have co-existed without such treaties. The Constitution should ensure protection of individual properties wherever they may be within the Republic.

Registered land Act in the present Constitution should guarantee protection of free hold land titles to Kenyans. Kenyans can own land anywhere within the borders of Kenya without restrictions. The Constitution should allow but not guarantee access to land for every Kenyan.

Com. Kabira: Thank you very much...

Eric Bett: Let me mention two important issues please. Only two.

Com. Kabira: But don't read them.

Eric Bett: They are very brief. Constitutional supremacy- the new Constitution should not allow Parliament to amend any part of the Constitution by 65% majority vote. The public should be involved through referendums when such need arises.

A constitutional Commission can be formed to conduct the referendums. The succession and transfer of power. The Chief Justice should be in charge of Executive powers during presidential elections.

The elections result of the President should be declared after all votes have been counted figures from each polling stations should be stated. Each polling station, its agent should give assent to the figures by way of endorsing. Figures from each constituency should totally have a clear reflection of the number of registered voters to avoid inflation of votes in that constituency. Local and international media should give adequate coverage.

The incoming President should assume office soon after the results are declared. Soon after the elections results are declared and s(he) a winner. The incoming President should be sworn in by the Chief Justice.

The procedure to be followed as stated in the present constitution. The instruments of power should be transferred to an incoming President by outgoing President immediately after swearing in. The mode of transfer of instruments of power is by ceremonial functions. The Constitution should make provisions for a former President in terms of security, welfare, state recognition and not immunity. No, immunity from legal process after vacating office.

Com. Kabira: Thank you very much and like Dr. Nunow says we are going to actually read the details of all the memoranda. So, we will read the whole of it but what you haven't read we will still read. But thank you very much. Now, those are the people who gave us the names and said they were going to speak, we don't have any other list as of now. So I wanted to ask whether there is somebody in the audience who wanted to speak but had said they were going to be observers and they have changed their minds. So if they want to speak they can put up their hands and we see how many they are. You want to say in Kipsigis?

Translator: Yes, *Kogile eng listit ne Kokigoi eng yukai asubui Ko kaKobek. MeKomiten eng yureu bik che kasirkei*

Kole mochei Kong'adal. Ko kakile ngot imiten kwenet yo ak imochen aKo kemache imwa ng' olyon Ko imuchi nguno inyon anan inde eut barak keKonin nafasi.

Com. Kabira: So, can you say your numbers? Like you say you are number one...may we have some people there at the back.

Translator: *Kokile otononse si keit.*

Com. Kabira: There is nobody else?

Translator: *Mami age ngot Komi chi age itonon Kora*

Com. Kabira: Okey, tutaanza na...

Translator: *Kinome inendet nguno.*

Com. Kabira: You will be number one and then number two, number four and then number six, do you want to say something? Hakuna mwingine.

Translator: *Inye Ko ii namba two, namba three, ii namba angwan, nin mi let yun Ko namba mut, namba lo inoni, ii namba, tisab. MaKomi age?*

Com. Kabira: Tutampatia dakika tatu kila mtu, those who have changed their minds ee, but before we begin with those ones, there were two people here who were called but were not in.

Translator: *Kami bik che kagekur che kamaKomi.*

Com.Kabira: It is one, David Mutai, then we go to number one.

Translator: *David Mutai asi kebe anyun chito ne Kobo tai eng yuno.*

David Mutai: One we should have a preamble in our Constitution. The preamble should set out that the Constitution is made or written by Kenyan people. That the Constitution protects human rights.

Justice to all, moral integrity of leaders. Natural resources, diversity of culture, security to all citizens, gender balance. Experience related n our Constitution should be rich history of Kenyan diverse cultures.

Constitutional supremacy - this 65% majority vote procedure should be discontinued and replaced by referendums. Parliament shall only amend the Constitution in that amendment is to the interest and the benefit of Kenyans people and should do so by 85% majority. Powers of Parliament to amend the Constitution is well in laws of elections, succession, security and land issues. The public should be not involved in changing the Constitution by referendums of clauses of or all of that part of law is that being changed. Such referendum should be conducted by the Review Commission.

Citizenship – any person whose ancestors live in Kenya and belong to any one of the Kenyan ethnic groups citizenship should be conferred to him. To any person born of Kenyan citizenship living abroad or asylum seekers.

Immigration rules should be tightened. Perpetrators of illegal immigration to face persecution. Citizenship can be acquired by testimony of a village elder and own parents. The right, and obligations of Kenya citizens is to acquire identification or papers and to acquire any other responsibilities, as he or she may desire.

The rights and obligations of citizenship should not depend on the manner of citizenship acquisitions.

Structure and the statutes of the government- there shall be the President elected by the people. There be a Vice President elected by the Parliament. The government shall be formed by the leading party and divert it. The purpose of the assembly brought to the constituency and the district level and pioneers of the ... except for the church.

Security machinery and tendency – the chairman of the county council shall be elected by the people and is to perform powers conferred to the District Commissioners and have the council of elected councilors. Elected leaders he should confer his powers to elected leaders and those nominated by him in the location and the village.

The legislature- the Parliament should introduce the public service Parliamentary committee to standardize top appointments that the public service to include the police Commissioner who is appointed by the Public Service Commission and shall be removed by the Public Service Commission on the advice of Parliament on prove of his failures.

The functions of the Parliament should include Parliamentary Judiciary Service Committee to meet committee, have the Upper House and the Lower House. Lower House should be House of Representatives and the Upper House will be elected on geographical constituencies such as the district with the representative. Parliamentary service Commission. Parliamentary service Commission should have power to recruit discipline and manage Parliament staff. Control of the Parliament calendar should be removed from the President and given to the Parliament.

The Constitution to detain the minimum number of days that the Parliament could retain in a year with the Labour Day in Kenya.

Com. Kabira: Sorry Mr. Mutai is it possible for you not to read every sentence so we can give the other people a chance to speak? Just mention the issues.

Mutai: The Executive; the elections should be after five years. The Executive, the President should hold at least first degree or be a university graduate and be financially capable.

The local government- mayors and the council chairmen should be elected directly by the people and serve for 2 five year terms in office for mayor and council. Councils to operate under the local government, chief officers to operate under public service, and the minimum qualification for councilors should be at least be form four, grade C, must have a pass in both languages Kiswahili and English. There should be moral and tactical qualification for Local Authority and that people summon their councilors through council clerks who raise the complains in a full council which advise that the electoral Commission after such complains have been signed by great people from any two sub-units of the location.

The Electoral Commission system and process. Proposed system of election; the winner in an election has more votes, to win in the elections one has to have more votes. Women have equal chances in elections campaign. The ward who shall have at least 10% in every polling station and constituency...

Basic needs- no provision of fundamental rights is adequate. These rights should be entertained in the constitution,

Com. Kabira: What are you recommending in the Constitution? Just read what basic rights need to be protected.

Mutai: It is better if I go through them one by one.

Com. Kabira: It is because ... you know we have a number of people who want to speak and we have given you a long time.

Mutai: I can be given more chance.

Com. Nunow: We are going to read it ourselves. All you do is to highlight the key issues.

Com. Kabira: Highlight the key issues under the basic rights then the details we will read. Like you want with...

Mutai: Children to be given free education, free medical care, free security and employment.

Com. Kabira: Thank you, that was very good. You know even for the other people when you read it becomes difficult for

them. So that is why we say just highlight the issues. But thank you very much Mr. Mutai. Now we shall go to number one.

Tanguss: Thank you, I will just touch lightly on the following... My names are Samuel Tanguss. I will just touch lightly on the following issues as regards the disabled persons. Basic rights of disabled persons. Our basic rights should be well catered for by the government of the day. Such rights are as follows, land, education, health shelter, employment, food, and security. The disabled person should be provided education up to advanced level of secondary schools.

Free education up to advanced levels of the secondary schools, free medical services and also that for the disabled persons, university entrance pass mark to be lowered so as to allow many of them to join university institutions. Currently many of them never manage to attain higher educational levels. They should also be nominated to Parliament so as to represent the interest, of disabled persons and the rest you will get from this memorandum.

Com. Kabira: Thank you very much Samuel, number two. I think the book can come to you Samuel for signing. Number two ameenda? Si alikuwa hapa. alikuwa upande huu! Ametoka, what number were you? So, we go to three.

Anthony Mitei: My name is Anthony Mitei. Nitazungumza kwa 'ki-language' *mi eng Kenya Komi tabut Kou eng kibionik Ko tinye Koimutik ago tomo Kotoret serikali Kongete.*

Translator: Katika Kenya kuna shida kwa watu ambao wamekuwa akili punguani na Serikali haijawasaidia.

Mitei: *Kou noton Komuche kebirot eng townisiek anan Komechi ortinwek ago mosiche ribet ne mie.*

Translator: Kwa vile watu ambao ni akili punguani huwa tunawaona wakipigwa kwa mitaa, wakifa njiani, wakifa hivi hivi njiani tu njiani pengine kwa sababu ya kupigwa na hakuna sheria ambayo inawatetea.

Mitei: *Kogeny eng Narok district ketinye bororiosiek che chang aKo imuche Konyoru Kou boisionoik Komonyoru lagok ab bororiosiek alak Komuche Konyoru bororiet age Kou yon kisire polisiek, Kou yon kisire army ak boisosiek che ter Komanyuru bororiosiek alak.*

Translator: Katika district ya Narok kuna makabila ambayo yanaishi kwa pamoja katika district hii na kama ni kwa employment, kupata kazi, unakuta wakati wanaajiri kama polisi, kama Army, kama Prison, wanazingatia kabila moja. Ingefaa kuwe na sheria ambayo inatetea kwamba wenye kuishi katika hiyo district wawe na equal rights to employment.

Mitei: *Kogeny Komi robisiek che imuche Konyoru district Kou chebo utalii Komuche bororiet agenge Komanyoru bororiosiek alak robisiek cheu chon itok mara Koma ingen biik Kole mi robisiek cheu chon che sichei bororiet age.*

Translator: Kuhusu district kama Narok, kuna pesa ambayo inatokana na natural resources kama wildlife kwa ajili ya watalii. Huwa kwa kawaida tunaona ikiwa inanufaisha tu jamii moja katika district na hainufaishi wakipsigis sana. Ingefaa kuwe na sheria ambayo inasema hizi pesa kutoka kwa wildlife inufaishe jamii yote ya district.

Mitei: *Kotinygei Kora ak familia kapchi Komuche Kora Konyor soiyet eng Konyin mara kwendi ak lagwet agenge kwendot Komuche kiboKosich lagok che negit taman ak agenge, ak tun Kowek Konyo Komutu mosiket neo ak nyo Komach mbaret eng chichiton kiwe.*

Translator: Kuhusu jamii, nasema kwamba kuna saa ingine familia imeachana kwa kuachana, wameishi kama Bwanana bibi halafu kisha bibi akaenda. Ataenda akiwa na mtoto mmoja akawa ameenda, akirudi ana watoto pengine kumi na moja hivi. Na anakuja katika ile familia na hao watoto wote na wanataka kuwe na haki ya kumiliki shamba au kupata shamba kwa yule bwana. Tunasema kuwe na sheria kuhusu hayo.

Mitei: *Tagu kegere kele nyalu Koek ng'atutiet nonito nebo besiet amu kaKogon hasara eng chichin Kokimutyi lagok.*

Translator: Kuwe na sheria ya kutetea yule Bwanaambaye anapokea hawa watoto kumi na moja kwa sababu ni kama ni hasara kwake kwa sababu hakui responsible kwa wale watoto.

Mitei: Asante.

Com. Kabira: Asante sana Mzee Anthony. Do we have number four?

Translator: *Komi chito ne Kole namba ang'wan.*

Kirui: Asante sana ni machache tu yale nitaweza taja kuhusu haki ya binadamu.

Com. Kabira: Lakini jitambue.

Kirui: Kwa majina yangu ninaitwa Samuel Kirui kutoka hapa Mulot Catholic Parish na ningependa tu kutaja machache kuhusu haki ya binadamu. Vile tukiwa hapa Kenya, tunahitaji kile kitu kinafaa kwa mtu yeyote yule aKo nchi kama education service, I can say we need a free education. Na kitu kingine tunahitaji pia ulinzi bora kutoka kwa Serikali kwa vyovyote vile. Kama kuna kitu ambacho inahusika na wananchi kupewa kutoka kwa Serikali, ni wajibu wa wananchi kupata haki zao. Vile Serikali pia wanaona au saa zingine wanajionea kupatia vitu wananchi, ni haki yao kupata vile vinatolewa kutoka serikalini kule mbele.

Ya tatu, ningetaka kuhimiza pia kwa Serikali, kuna kifungo cha mitaa, saa zingine kinaweza kabiliwa mtu kufungwa. Kama kuna jambo lilikuwa limetendeka mahali fulani na mtu anaweza kufungwa kabla ya mtu hajafika Kotini ama mahakamani kulingana na kumKosea fulani ama kwa kusema jambo fulani ambalo haliambatani na watu ati aende kufungwa kwa miti, hiyo ningependa kwa Constitution to be abolished completely.

Kingine pia, ningependa kama sasa, kuna mali ya mtu binafsi, ningependa pia kuwa Serikali ichunge hiyo mali ya mtu binafsi kulingana na shughuli zake mbalimbali mpaka apate hiyo mali yake.

Na kitu kingine pia ningependa kuhimiza sana sana kwa upande wa vijana, vijana saa zingine wananyanyaswa na hawapati matakwa kutoka kwa Serikali kama vile wakati fulani. Kama kuna kazi mahali fulani saa zingine wananyanyaswa kulingana na utoto zao. Hiyo naonelea pia kwa Constitution a law to be put somewhere to help the youth.

The other thing issue that I feel it is not good is sometimes there are some leaders. If someone is somewhere in a job they can want only, there are tribes to be... wanataka watu wa kabila zao peke yao waongee. Vile sasa kama tukiwa hapa, sio sisi peke yetu tunataka tuongee, we are mixed here. We have the mothers and the youth and men and both young and old people. We want enough security in this Kenya, while we are the citizens of this Kenya, we want freedom of discussion.

Kingine pia, ningependa kuongeza tu machache kwa wale watu hawajiwezi. Labda saa zingine tunaona wananyanyaswa. Na kuambatana na sheria, haiwezi kubalika mtu yule mtu aliumbwa na Mungukunyanyaswa kwa mahitaji yake ama kwa mwenendo wake. That one should also be considered in the Constitution making.

The other thing also we have the area project development especially the roads. We have some problems also in this area. We need the government to sponsor development projects. We want the government also to see where... ningependa kuhimiza hii tena kwa Kiswahili. Kwa project yoyote ile inaweza saidia watu kwa matakwa kulingana na sehemu kama hapa, sasa sehemu jangwa tunataka hiyo kama kuna project ile inaweza kusaidia watu kwa maji kile kitu kimekuwa kibaya sana kwa binadamu. Watu wanapata huu ugonjwa mbaya sana ya typhoid. Hii inatokana na maji mbaya sana. The dirty water can be found in this area. And we need this one to be put in the Constitution also to help for the people.

Com. Kabira: Okey,

Kirui: And lastly, ningependa pia kusema kwa kumalizia, ningependa kutaja tu kidogo kuhusu mambo ya Serikali kusaidia watu kwa mambo ya njia, barabara nini na vitu vingine.

Com. Kabira: Maliza kwa sababu saa yaKo imekwisha. Asante sana BwanaKirui. Thank you very much. Number six.

Translator: *Namba lo nguni ne kimoche ne kasirkei Kole namba lo.* He was number two, he is number two. He talked earlier but he raised his hand. *Kogile ne kaKong'alal Ko matinye chamchinet. Ke namba ata inye? He was number five.*

Com. Kabira: Number five I think we have heard from you, we are looking for number six. So, then somebody views gave on your behalf. You were away? You were here and you didn't hear me calling number five? No, we had number five because now we are moving to number six. Anyway, it is okey. Go ahead.

Samuel: My name is Samuel and mine is on older people. I think older people should be funded by the government through NSSF. The land owned by the older people should be known by the government. Older people who have children in higher ranks in the government should be taxed to take care of their parents.

Older people who have higher ranks in the government should be taxed to their parents.

Com. Kabira: So if my mum is old she will be taxed?

Samuel: No. Their children.

Com. Kabira: Are you saying that they should be taxed? Where does the money go?

Samuel: To the parents. There should be a home for older people in every district with the parents who didn't bear children.

I come to the leadership. Village elders should be given salaries. Local Authorities - the councilors should be elected with at least primary education level. Since most people didn't attain secondary education due to poverty.

I come to traditions. Traditional marriage should be given marriage certificate because someone might marry through traditionally and then marry another through district officer for civil marriage.

Com. Kabira: Okey, so you should be given a certificate wherever you go?

Samuel: No, you should be given for the traditional marriage. Those women who have been married traditionally. I think that is all.

Com. Kabira: Thank you very much Mr. Kones. Any question? Now, then do we have.... thank you very much? Tafadhali jilandikishe. Namba sita.

Translator: *Ko ng'one kasir kei Kole namba lo inye?*

Titus: *Kwa majina ni Titus Bore. Komoche amwa kityo ole katinye ng'olyot agenge*

Translator: *Anasema anataka kuguzia mambo machache.*

Titus: *Komoche otinye lainit ab administration Kong'ete boisiek ab Kok Ko KoKose anwe ole nda kinde katiba kele kimoche kerobchi mshahara ak Kolewen bik tugul.*

Translator: *I recommend that village elders should be paid by the government through taxpayers' money.*

Titus: *Ak Kobur eng kasaerta nebo kenyisiek mut Kokerkeit ak councillor*

Translator: *Such village elders should be in office or operate within a term of five years.*

Titus: *Kogeny Ko Komoche atiny Kora Komosta ne Kotiny choruenyun Ko Kogere akine eng kebeberta nebo katunisiet eng Kenya Ko iyanat kiKochi chito certificate eng kap DC ak Komostap kanisa kityo ak mokiKochi eng chebo kipkaa.*

Translator: *He recommends that even if traditional marriage, they should be given a certificate to show that they are married*

just as they are given in church and also in the civil marriage.

Titus: *Amu sait ketinye lelutik eng olibo kaa yu kesei chito eng kipkaa ak kwo ne ngo miolino Kotun age ak Kotilji certificate.*

Translator: Because our experience is that we have seen problems where people who marry traditionally can proceed and marry in a civil marriage and then when the DC arrives the one who is married with a certificate has an upper hand.

Titus: *Ogeshi yon Kongoi.*

Translator: Thank you very much.

Com. Kabira: Okey, can I ask you a question? The one for traditional marriage, do you agree whether you are going to be monogamous or polygamous and will it be put in the certificate?

Titus: *Omong 'u ole kitinye boisiek ab Kokwet Kora Ko nda imukaksei Ko boisiek che yoei tumwek chuto.*

Translator: Hakuelewa swali, hebu mueleze tena.

Com. Kabira: I was asking, you know traditional marriages are open ended in terms of ...so when you get the certificate, if the certificate is being given by the chief or the D.O will the couple agree to put it in the certificate that you are married traditionally and you are monogamous or polygamous. So that your certificate still does not allow you ... if you and I agree we are going to be monogamous, but through a traditional marriage which does not also allow you to marry in the DCs office or anywhere else. Are people going to agree or how is it going to be done?

Translator: *Kakiteb kele ara nguno ngot keKonin certificate ago itindoi kwondo age eng kaa Konyolu Koterin akinye boiyot asi Kometun kwondo age Kosir yoton certificate ini?*

Titus: *Omong 'u ole ye kaKosib Kosir certificate ne tai Ko nin tai Ko nin taKonyonei Ko moKonyo Komwai ng'olyo.*

Translator: Anasema ya kwamba ikiwa nimepewa certificate nikiwa nina mke wa kwanza nitakuwa na haki ya kutokuwa na mke mwingine na itakuwa ina-bind sisi wote.

Com. Kabira: Ninauliza kwa sababu najua kuna kesi nyingi unaona kwa gazeti. Where people say they were married traditionally and then the man goes to church and then the woman goes and stops the marriage in the church because in her whole understanding when she got married to him and he took goats, there was no other woman.

Translator: *Kole otebe Kounon amu ogere eng kasetisiek Kotesetai kiruogutik anan iger kesit ne kiKokeso eng kaa Kole kikitunkei eng kaa ak kitun eng let kwo Kotunis eng kanisa Kole amun sait kingoketen nechoton Ko kiKomitei kwondo ne kiKotoben Kotok kele bo chichi. So Ko katebenen amun mitei ng'alek cheu chon che tesetai eng emet eng kasetisiek.*

Titus: *Ko ni Kosom ole Konyolu ndamukaksei amu chang bik ine che taKomi eng tradition.*

Translator: Anasema ana-recommend certificate kwa traditional marriage kwa sababu karibu wananchi kwa wingi kabisa

waKo kwa hiyo traditional marriage sasa ingefaa wawe na cheti fulani ya kuonyesha ya kwamba wanaishi kwa hiyo hali.

Com. Kabira: Thank you very much we have the headmaster Mr. Paul Chesimir. Mwalimu aKo? Ametoka? Okey, nimepatiwa majina mengine mawili, Anthony Cheruiyot na Kennedy Nyamogo. WaKo? Nimewapea. Is there anybody else so that we now say, you either speak now, or forever hold your peace?

Translator: *Kokile taKomi chi amu mochei keger hee ngot kimi imwa amu ngimemwa Ko kageker kabisa.*

Com. Kabira: This will be the last one. So who are the three? Were you here?

Com. Nunow: Can you ask them why they did not show their hands?

Translator: *Kokile kakakesomok onde eunek barak Kokalyan katomo oitu anan nee ne katerok katomo oitu ana nee?. Huyu Mzee anasema hakuwa ameingia.*

Com. Nunow: Huyu ndio lakini hawa wengine wote walikuwa hapa na hawajataka kuzungumza.

Translator: *Kokile bichon alak Ko uon Komi yu Ko kalya Komo yukai?*

Com. Kabira: Amekuja amechelewa, okey. Na wewe?

Translator: *Kokile inye Ko nee?*

Com. Kabira: Na wewe Mzee. There is one at the back here. You had your hand up? Umekuja sasa hivi? Kwa hivyo tumekubaliana hawa wawe wa mwisho?

Translator: *Ak inye boiyondeno mi batai yon no kainde eut barak?*

Com. Kabira: Can we then say that huyu Mzee alikuwa wa ...kuja hapa mbele tafadhali so that you can be number one. No, it is okey, I have your names here. You were registered and then you left. Then, can we have the others. So, you are number one, you are number two and then number three and then number four. So anybody who is inspired? Okey, kwa hivyo tukimaliza hawa...

Translator: *Kokile ongeyonjine hee amun chito Ko che letunen. Nyon yu boiyondoni abwan tai yu tugul cho mochei Kong'alal. TaKomi chi ne taKomochei*

Com. Kabira: Don't mind, because we called you before Cheruiyot and Kennedy. We will hear these ones who didn't have the chance to speak and then we finish with you. So there is nobody else, so after that we can close. The headmaster has gone away. The headmaster amerudi. Bado. Sorry, I had forgotten you gentleman and you are number five. Tafadhali kuja hapa. Okey, we will begin with the number one.

Translator: There is a deaf man who wants to say something. He is a deaf man.

Com. Kabira: Where is he? Ni sawa tu tutamngojea aandike tu halafu alete kwa sababu we don't have interpreters. Let us go on with the others.

Simon: Kwa majina naitwa Simon Koimbe. *Ng'olyot ne Komoche otiny eng yureyu Ko aKobo ng'alekab boisiet che kigere Komitei eng emoni.* (Kalenjin).

Translator: Anataka kuguzia juu ya kazi katika nchi.

Simon: *Miten lagok che chang che kiKosomonso eng emoni aKo kibononok sigik moitini robisiek chebo onganisiet Ko KoKose ole nda kinde ng'atutiet kele ndanyor chi tugul kasit.*

Translator: Kuna watoto ambao wamesoma sana hapa kwetu na hawawezi kupata kazi kwa hivyo ningependekeza kuwe katika Katiba kulinda watu ambao hawana kazi.

Simon: *Amun bichoton tugul Komotinyei bik che tiegei eng tai imuche inyoru lagwet ne tinyei C ak D Ko ngoba tuan kiwanjet kwo kesir niKobo D minus kebagach nebo C.*

Translator: Anasema kuna watoto pengine kwa mfano wamepata D na mwingine amepata C, utakuta mtoto mwenye D ndiye anaajiriwa kazi na yule wa C anatupwa kwa sababu hana pesa ya kupeana kuhonga.

Simon: *Nebo aeng Kora omoche kiruogik kebirchi kura Kou councillors yetar kenysisiek mut kelewen Kora.*

Translator: Kuhusu Provincial Administration hasa chief, anapasa kuwa anachaguliwa na watu kwa njia ya kupigiwa kura na akae miaka mitano ambapo atakuwa amemaliza kufanya kazi yake.

Simon: *Nebo aeng Kobiik eng reserve Kotiengei boisiek ab Kokwotinwek eng ng'alek che chang. Ko kiruogik ngiKochi ng'aloek Ko moititoi Kou ole uu bunei ongonisiet kiruogik.*

Translator: Katika mtaa utakuta ni wazee wa kijiji ndio wanafanya kazi na ndio wanaamua mambo. Wale ma-chief wanategemea tu kuhongwa na pesa na ukiwapa mambo hawafikishi vile imekuwa, wanabadilisha.

Simon: *Kono nito Ko toek ng'atutiet ng'olyot ab boisiek ab Kokwet kesub ng'alekwai missing amu tinyei ahadi Kosir kiruogik.*

Translator: Kwa hivyo sheria ingefaa ilinde huyu Mzee wa kijiji kwa sababu yeye ndiye anahusika moja kwa moja kutoka kwa raia kuliKo chief.

Simon: *Ko uon akeshi yon iton.*

Translator: Katiba imilinde pia. Ni hayo tu kutoka kwangu.

Com. Kabira: Okey, asante sana Mzee Simon. Utajiandikisha hapo. Number two,

Justus: My names are Justus Maina Kiplangat. I think we shall agree that the existing Constitution is not all that bad but what we have are bad leaders and I think it will be only fair if we come up with a very strong Constitution that will check the integrity and the credibility of the elected leaders. We also agree that like the issue of corruption, it is not that they are looking for people to corrupt but that our leaders have outrightly disregarded the existing Constitution or abuse the existing Constitution because we have some people who are seen to be above the law.

So I think nobody and I say nobody should be above the law. Everybody should be answerable to the Constitution including the President and the everybody else because even the President swears that he will abide and respect the Constitution and he will also be answerable to the same Constitution, because around him maybe young leaders or even all leaders who are corrupt and they will use the President or anybody else in the power to a mass wealth through corrupt means and at the end of the day, the people who will suffer are the common people. So what I am saying is that we should make a Constitution that will protect the common man against corruption.

James: Kwa majina naitwa James Kileges. Nitaanza kuongea juu ya mambo ya mashamba vile yalivyowekwa. Ninavyotaka kwa mashamba ni kuwe na haki ya kila mtu apate shamba, apewe title deed bila kulipishwa chochote.

Mambo ya utawala – wazee wa vijiji wapewe kitu ambacho kinaonyesha yeye ni kiongozi. Pili, apewe mshahara na tatu atambuliwe na Serikali. Mambo ya hospitali yawe free kwa kila mtu. Kila mtu apewe madawa kuanzia dispensary na katika hospitali kuu.

Kuhusu ma-chiefs na ma-DO mpaka DC ni vizuri chief ambaye anawakilisha mara ingine na assistant chief, ni vizuri assistant chief aondolewe halafu Mzee wa kijiji ashikilie hiyo nafasi na kutoka kwa hiyo nafasi ni mpaka kwa DO mpaka kwa DC.

Kuhusu mali kama vile ugawaji wa gharama kutokana na kama vile mahitaji ya...yaani kama chini ya barabara, raia apewe haki ya kutengenezewa, kama ni maji apewe, barabara apewe vizuri na watoto wapewe elimu bila kulipishwa chochote na mengine zaidi ili kuwe na usawa kwa kila kitu ambacho kinagawanywa kutoka kwa district. Kuwe na usawa. Kusitokee mambo ya uufisadi. Nilikuwa naonelea kama ni title deed sana, kwa sababu upande wa title deed, uufisadi unaingilia huKo sana kwa sababu watu wengi wanapigania. Nilikuwa naona title deed ipeanwe kama vile vipande ama vitambulisho vinavyopeanwa. Kwa sababu sijasikia mtu ameshtakiwa kwa kujipatia kipande hiki. Hivyo nilikuwa naonelea title deed ipeanwe bure kama vile card ya kura inavyoandikishwa.

Com. Kabira: Thank you very much Mr. Kileges. Number four.

Karonei: Basi kwa majina naitwa Barnaba Karonei. Yangu ni kuhusu mambo ya ufisadi wa haya mashamba tena. Ningependelea mambo ya mashamba, kama mtu... kwa sababu nimeona mara mingi malalamiKo ya watu ama hata yangu mwenyewe. Mtu anaweza kuninyang'anya shamba na kukimbia mpaka anapata title.

Akishapata title ukimwambia DC nimeibiwa shamba anasema mpaka muingie Kotini halafu Koti ipate kuvunja hiyo title. Haiwezi kuvunjwa na DC. Hata ikiambiwa hivyo mtu hana chochote atakata tamaa na kuacha. Kwa hivyo ningependelea ipewe mamlaka hata kuanzia Mzee wa kijiji mpaka kwa DC avunje hiyo title kwa sababu kama mtu hana chochote cha kuenda Kotini kupata pesa ya kushika wakili ama nini, utaona atakata tamaa na kuacha sababu hana chochote cha kwenda kutumia Kotini.

Pia, ningetaka... ninaingia sasa kwa upande wa Kotini. Upande wa Kotini tena, mtu akishashikwa na kuandikisha kesi Kotini, anaenda mambo ya 'mention' hata miaka tatu. Utaona yule mtu ambaye hana chochote atakuja kuwa maskini. Na ningetaka pia polisi wapunguziwe hiyo mamlaka yao. Ni kubwa zaidi kwa sababu ukiuliza judge, 'Mbona mimi ninacheleweshwa? Nasema polisi amesema hajakamilisha uchunguzi. Sasa ni uchunguzi wa miaka mitatu na mtu anakuja Kotini 'mention', hakuna 'hearing'. Ndio mtu utakuta ameenda mpaka anatembea kwa miguu na analala njiani kwanza halafu afikie mahali Koti iKo.

Ningetaka kuwe na kiwango fulani cha kusemekana ikifika hata miezi mitatu na polisi hajakamilisha kulete hiyo evidence, judge awe na uwezo wa kutupa hiyo kesi.

Pia ningetaka hii mambo ya ma-chief, sasa chief achaguliwe kama vile wenzangu wamesema kwa sababu hawa wengine wanatuambia saa ingine ukiwaambia, 'kwa nini unafanya hivi na hivi sio haki' anasema 'hukuniandika', hujui hata niliandikwa wapi'. Na kama tungekuwa tunapigia yeye mlolongo atasema atatsiku ingine atachunga kazi vizuri. Kwa hivyo asanteni sana.

Com. Kabira: Thank you very much BwanaBarnabas. Number tano.

Translator: I think I will read on his behalf. *Kiguren nee chichi? Ngoro kainenyi ?*

Com. Nunow: Your names first. Jina lake uKo nalo?

Translator: He is called Paul Kilel.

Com. Nunow: So, what you say is that these are the views of Paul Kilel.

Translator: So, I am going to read on behalf of Paul Kilel who is deaf and cannot speak. He says the following: The price of goods which I have made is not good at all and the maize has not been profitable. For some years now, I have not had maize in

the farm. So I want a tractor to borrow and help for my son. That is all.

Com. Nunow: (Inaudible).

Translator: I don't know. Maybe we ask him.

Com. Nunow: Do you have anybody?

Translator: *Kokile kiwerinyi* Hapo ndio anasema sasa kwamba kijana aKo kivyake na hana chochote.

Com. Nunow: So the son left him?

Translator: Amemwacha yeye.

Com. Kabira: So where is the gentleman who is translating? Thank you very much we were just trying to respond to the gentleman. Namba tano.

Stanely: Commissioners and the entire listeners, I want to thank God for this time that he has given to us. I also want to express my thanks to the Commissioners for coming to this place. My names are Pastor Stanely Towet. I have got about three points to make and first of all is the one on the qualifications of the person who is to be elected President or the MP and somebody gave the academic qualifications. I also want to add something on it that whoever is going to be elected should be morally, mentally and spiritually upright apart from the academic qualifications.

I also want to talk on the aged or the older people as somebody has said. That the government should prepare a place or homes for these people to be taken care of because right now people are very busy going to school and attending to various activities. So such people should be put in homes and I can say that these older people should be people from seventy-five and above. And also the AIDS victims should be put in a home if possible and the government should try to find finances for these people because it is becoming, terrible in our villages. So such people should be catered for. Thank you.

Com. Nunow: You said the home for the aged should be put up because people are busy and moving from place to place. Are you suggesting that the traditional African system of taking care of their parents is literally collapsing because of the modern lifestyles that people cannot take care of their own old people?

Stanely: I think the system is changing and especially because of the poverty that is increasing. So, the homes should be constructed now.

Com. Kabira: Thank you very much lakini tafadhali ujiandikishe, you sign our book. Anthony Cheruiyot.

Anthony: My names are Anthony Cheruiyot. I have very few comments to make as far as the Constitution review is concerned.

One, our Constitution badly needs a preamble. This is to stipulate clearly the aim of the constitution; whose is it, how is it to be applied. It should even state that the Constitution and any other laws. That is to do with the preamble. Secondly, I would like the President and the vice President of this country not to have any constituency once they are elected. This is to remove the idea of double standards when it comes to apportioning resources because they will actually take most of the resources to the constituencies.

Another thing, I would also like the appointment of the ministers and other public office bearers.. The Constitution should stipulate that these people be vetted by Parliament. The Constitution should clearly stipulate the separation of powers when it comes to the three arms of the government so that some of the powers apportioned to the President should be taken back to Parliament. On land issues, I would like the Constitution to stipulate very clearly that all people in this Republic are entitled to own land anywhere within the country of Kenya and they should be issued with title deeds.

The last one is that nominated members of the civic and Parliamentary elections should represent interest groups. That is to say that some of these people should represent the disabled, the youth, the women and so on and Parliament should vet their nomination. Thank you.

Com. Kabira: Thank you very much Mr. Cheruiyot. Please sign the book for us. Kenneth Nyamongo.

Kenneth: Thank you very much. My names are Kenneth Nyamongo. I have a few comments to make on our Constitution and they go as follows. First, the President should have a running mate so that the vice President is elected directly by the people.

Number two is that remuneration and salaries for our MPs should be handled by a separate independent body. This will avoid the idea where a person will decide what he is supposed to earn and in this case, there will not be equitable distribution of such resources.

Number three is that those people who have embezzled public funds should not just be transferred from one department to another but they should be made to pay and then they are barred from holding public office.

The other point is that there should be fair and equitable distribution of resources such that we know where the wealth of a

public servant comes from and this will avoid the idea where people squander public resources.

The other point is that in my view, I feel that the President should be impeached even when he is in office for fair governance. This President will be able to know that should he mess about with the country he can be impeached and he can be answerable for it. I think he can work within the framework of that time.

Another point is that MPs who do not deliver to the constituents should be recalled back. A provision should be made in our Constitution to cater for a vote of no confidence, for those MPs who cannot be able to deliver.

Cost sharing in essential public services I think should be scrapped more especially on health. Because these days health facilities are remaining for only those who are able. We have so many people who are dying in the villages because they cannot afford the basic health requirements.

And lastly, the appointment of the Chief Justice should be vetted by the Parliament and should be a person of integrity, a person with good moral standards who can be able to uphold our law, because we shall be depending on him for dispensation of justice.

Com. Kabira: Thank you very much Kennedy for your views. I think that was the last person as we agreed so I want to take this opportunity to thank you very much for your presentations and also for staying with us for the whole day. I have seen some of you came in the morning and are still here. I also want to say that when we take back the views we are going to read every single memorandum like you have been saying we are preparing constituency reports and as soon as we are through with the constituency reports, it will come back to you so you are able to confirm whether the views you presented are the views that are reflected in that report. And you will get maybe two months to debate on that particular report as well as a national report which will come later which will be a combination of all the reports from the constituencies and other memoranda that we had received.

So you will also be able to look at it with a Draft Constitution so that you can respond to that. We are also going through the process of electing the district representatives so that when we discuss these views, you can also share them with your district representatives so that when it comes to the process of negotiating at the National Constitutional Conference where the Constitution is going to be agreed upon, the views that you have shared with your own district representatives will also be brought on board to the National Conference.

We may also have a 25% civil society representation where they will have the church leaders, women organizations, other elements of the civil society like the trade union movement, NGOs and other special groups like persons with disabilities and through that representation, I am sure you will be seeing it in the news and on the radio how this process is going to be done

and therefore there will be many people at the national conference who will be able to take any comment that you have on the Draft Constitution and also on the final draft and the constituency reports.

So once again we want to take this opportunity to thank you and to promise you that we are doing as much as we can and we are definitely moving forward in the preparation of the final document, which is going to be very important for this country. I think those were my comments unless Prof. Salim you want to say something. I will hand over to Pastor who is in charge of this session for whatever he wants to say and then for some prayers before we leave.

Pastor Stanely: Thank you very much Prof. Kabira and the Commissioners. I don't have much to add on top of what you have said and what the participants have said before you. But maybe I would like only to introduce some of my team members. At the time when I was introducing them to you, there were some who were late. So please, can you stand up and I will try to mention your names before the Commissioners.

Mrs. Kolgoren is one of our committee members at the constituency level, Pastor Lang'at and also Pastor Mutai. Pastor Lang'at is from Full Gospel Churches of Kenya and Pastor Mutai is from African Gospel Church. Nafikiri kwenu ndugu zetu hapa, hatuna lingine la kuongezea ila tu ni kushukuru nyinyi maana kama sio kuja kwenu hatungepata siku kama hii na hii itakuwa ni historia. nafikiri kwetu itakuwa ni historia, hatujawahi kuona siku kama hii, hatukuwa tunajua kwamba kutakuwa na siku tutaletewa Constitution review. Lakini tunashukuru kwa yale ambayo yanaendelea. Mwisho tu ni kuwatakieni safari njema, kazi mzuri, maombi tutaendelea kuwaomba kwa kazi ngumu sana. Najua mnatembea barabara mbaya, Mungu uwasaidie. Wacha niulize tu, may I call upon Pastor Lang'at to come and close.

Com. Kabira: Before that, I forgot to thank the translator. I think he did a very good job for us. We would not have known what those other people were saying without him.

Pastor Stanely: Thank you so much. So, can we stand up for prayer? Pastor Lang'at?

Pastor Lang'at: Munguwetu katika jina la Yesu Kristo ni wakati mzuri tena ambao Bwana umetusaidia tangu tuanze mwanzo wa mjadala huu Bwana ambao tumeweza kupeana maoni na hata kuhusu Commissioners wetu ambao Bwana wameweza kusikiza maoni ya wananchi, Bwana Mungu wetu umesaidia kila mmoja. Baba asante kwa vile Umekuwa pamoja nasi tangu wakati ilipotolewa ya kwamba iwe Katiba ya wananchi. Kwa hivyo Bwana tunaomba ya kwamba kila neno ambalo Bwana limeshapitishwa hapa ama limeshapeanwa hapa Mungu wetu tunahitaji Katiba ambayo ni ya wananchi ile Bwana hata imetolewa na wananchi Mungu wetu. Kila jambo liende kadiri ya mapenzi yaKo. Wasaidie hata makamishina wetu ambao wametutembelea, wamevumilia hata shida mbali mbali na hata umbali wa kila vile Bwana umewasaidia, Mungu wetu upate kuwasaidia tena. Baba asante kwa kila mmoja wale ambao wameenda, upate kuwaongoza tena. Baba tunapochana tunajiacha miKooni mwaKo. Maana tumeomba katika Kristo Yesu MKombozi wetu. Amen.

