

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

ALDAI CONSTITUENCY

HELD AT KAPTUMO SOCIAL HALL

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16TH JULY, 2002

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**CONSTITUTIONAL PUBLIC HEARING, ALDAI CONSTITUENCY, HELD AT KAPTUMO COUNTY HALL
ON 16TH JULY 2002**

Present

Com. Mosonik arap Korir
Com. Abubakar Zein Abubakar

Secretariat Staff

Hassan Mohamed - Programme Officer
Abdi Salan G. Hassan - Asst. Programme Officer
Grace Gitu - Verbatim Recorder

The meeting started at 10.00 a.m. with Com. Mosonik chairing.

Com. Mosonik: Kabla hatujaanza ningependa kutangaza kwamba hiki ni kikao rasmi cha Tume ya Kurekebisha Katiba ya Kenya na ningemuuliza bwana Coordinator atupatie mtu mmoja wa kutuongoza kwa maombi. Tusimame kwa maombi.

(Prayer)

In the name of the Father, the Son and the Holy Spirit, dear loving Father, we assemble today here for a special function to present our views to the Commissioners that will help the destiny of this country. Lord Saviour Jesus Christ, we are now about to start, may I commit the Commissioners and all those who are working with them unto you Lord, as they work bless them in a special way. I present all the people who have come here and also who are still coming. We invite thy presence that you may bless the occasion, be with us and bless us in a special way till the end of this session. We pray this trusting and believing in Jesus name. Amen.

Com. Mosonik: Tukiendelea ningependa kumuomba bwana District Coordinator bwana Kiprono, atujulishe kwa wanakamati wake.

Julius Kiprono (Coordinator): Asante sana wananchi, na kwa vile mimi si mwenyekiti wa hio kamati nitamualika Chairman wa 3Cs, ambaye pia ni Chairman wa County Council ya Nandi bwana Councillor Kalalei, aje hapa ili awajulishe kwa wanakamati wake na pia kwa wengine ambao ni viongozi ambao tuko pamoja nao siku ya leo. Bwana Chairman tafadhali.

Kalelei (Chairman): Commissioners wetu, wageni wale wako hapa nasi, DO, na wananchi watukufu, hamjambo? Yangu pengine itakuwa tu kuwaonyesha members wa kamati ya Aldai Constituency forum, waje hapa mbele, karibuni. Katika kamati ya 3Cs tuko watu kumi., lakini kwa sasa tuko wachache. Hapa kuna mzee Chemron, yeye ni member ya kamati ya Aldai Constituency forum, Sally Too, pia yeye ni member, Dina Muruon yeye ni member, Chepkwony Julius, yeye ni member wa kamati na Kiprono, ambaye ni Coordinator wetu wilayani na yeye pia ni member wa kila kamati katika Constituency. Na kuna wengine ambao hawako, pengine wakiingia nitawajulisha. Kabla hatujasema chochote nitaomba tusimame kwa dakika moja kwa heshima ya Commissioner ambaye ni First Vice Chairman, Dr. Ooko Ombaka, tumpatie hiyo heshima ya one minute silence. Thank you. Hon. Dr. Oki Ooko Ombaka ambaye aliaga dunia, alikuwa ni First Vice Chairman wa Commission, na tunasema pole. Nitachukua hii fursa ya kukaribisha Commissioners kwa kikao hiki ya Aldai katika taarafa ya Kaptumo. Nikiwa Chairman wa Aldai Constituency forum ninasema pole kwa vile tuliahirisha kikao ile ingine tulikuwa tumepanga. Ninaamini kwamba nyinyi mko tayari kupeana maoni yenu kwa Commissioners, hii ni nafasi njema tupeane maoni yetu.

Kila mmoja wetu ako na nafasi ya kupeana maoni, ninafikiri mumejiandikisha, na utasema chochote ile unafikiria iko kwa moyo wako vile ungependa Katiba iwe. Mtapewa fursa, mtaitwa majina na mtakuwa guided na Commissioners, mnakaribishwa tuendele. Thank you so much. Ninafikiria itakuwa vibaya kama sitapatia bwana D.O. ambaye tuko naye hapa nafasi ya kuwakaribisha Commissioners.

Danson Mwangi Maina (DO): Asante sana Chairman wa County Council ambaye pia ni mwenyekiti Aldai Constituency (3Cs), Commissioners wetu ambao wamefika hapa na pia watayarishi wa kikao hiki na wananchi ambao wameshafika hapa, hamjamboni?

Audience: Hatujambo.

Kile ambacho ningesema ni kwamba ninawakaribisha nyinyi wote katika Kaptumo Social Hall, hasa wale ambao wamekuja ili watoe maoni ile wameandika na ambao watatoa kwa kusema, mnakaribishwa mtoe maoni yenu. Na pia Commissioners feel at home, stay with us na tunafikiri mtasema ukweli na pia mmeona maoni ambayo watu wa hapa Kaptumo wametoa. Asanteni.

Com. Mosonik: Asante sana bwana D.O. Tukiendelea sasa kwanza ningependa kuwajulisha kwa Commissioners ambao wamekuja hapa, wafanyi kazi wengine wa Tume ya Kurekebisha Katiba ya Kenya. Niko hapa na Commissioner mmoja mwenzangu, jina lake ni Abubakar Zein Abubakar – sijui wasikie sauti yako kidogo tu.

Com. Zein: Habari ya asubuhi. Ninafuraha kubwa sana kuwa na nyinyi hapa siku ya leo, na kama alivyosema mstahiki mwenyekiti kwamba tunasikitika hatukuweza kuchukua maoni yenu siku iliokuwa imetengwa, lakini tunahakika mmepata fursa ya kuongeza maoni yenu. Kwa hivyo leo tutahitaji maoni mengi zaidi, asanteni sana.

Com. Mosonik: Asante. Na mimi ni Commissioner Mosonik arap Korir na hapa tuko na wafanyi kazi wenzetu wa kutoka Tume. Wa kwanza ni bwana Hassan Mohamed, yeye ni Programme Officer, ukiwa na maswala yeyote ungependa kuuliza utawasilisha kwake. Wa pili ni msaidizi wake Asst. Programme Officer ni Abdisalan Gure, kazi ya yake ni kuandika orodha ya watu – nitawaeleza baadaye jinsi hiyo kazi inavyofanywa. Wa tatu ni Grace Gitu ambaye ameketi hapo nyuma, yeye ni verbatim recorder.

Tukiwa hapa kazi hii yetu tutaifanya kwa njia kadha: Kwanza ni kwamba munajiandikisha mukiingia mlangoni, wale ambao wangependa kutoa maoni na hata wale ambao hawana maoni ya kutoa leo. Sisi wote tunajiandikisha, tunaonyesha kwamba tutatoa maoni kwa maandiko au memorandum au wengine wanataka tu kutoa maoni ya kimdomo. Ikiwa ni hivyo unaandika ni oral presentation, lakini wale wengine wakija hata kama hawatoi maoni tunataka wajiandikishe, kwa ajili tukipeana ripoti kwa Tume tutaandika na kusema kwamba tulikuwa Kaptumo Aldai na wananchi ambao walihudhuria walikuwa ni watu kiasi hiki. Tutasema wengine walitoa maoni kwa memorandum, wengine walisema tu kwa mdomo, wengine walihudhuria kikao na hiyo ni kuonyesha nia yenu ya kurekebisha Katiba. Kwa hivyo kila mtu ajiandikishe. Mnajiandikisha kwa hii form na nina hakika wengi wenu wamejiandikisha na tutafuata orodha ya majina vile imepangwa hapa. Tutaanzia mtu wa kwanza ambaye alijiandikisha mpaka mwisho, lakini wakati mwingine tunaweza kuruka kidogo hapa na pale tukitumia fursa hiyo kwa maoni yetu. Kwa mfano, tukiwa na watu walemavu ama wanafunzi wa shule ambao lazima warudi darasani au kama ni waalimu ama kama kuna mama mmoja/wawili ambao wanataka kuharakisha ndio warudi nyumbani ama kufanya kazi ingine ama mtu ambaye hajisikii vizuri, wanaweza kutueleza halafu tutawapatie nafasi kwanza. Kwa hivyo tunajiandikisha kwa mlango, halafu nikiwaita jina mtakalia hapa mbele na kutakuwa na microphone kama hii (iliyo na Hassan mkononi). Nikikuita jina utakuja hapa na utataja tena hiyo jina lako kabla haujaanza kutoa maoni, kwa ajili tuna-record vile unasema na tunataka kuinasa kwa machine.

Ukiwa unasema na unafanya written submission, kawaida tunakupea dakika tano, lakini nikiona kuna wingi wa watu tutapenda

uharakishe utumie dakika chache na itakuwa ni afadhali. Dakika tano kama umeandika na yule hajaandika achukue muda kidogo zaidi, kawaida tunasema dakika kumi, na nikikuharakisha utaelewa kwa ajili tunataka tuwasikie wengine. Baada ya kutoa maoni utajiandikisha pale na bwana Abdisalan Gure atakueleza ni nini tena unatakiwa kuandika kwa register yetu. Lugha tunaotumia ni mbili, Kiingereza au Kiswahili na tungependa sana watu wengi wajaribu kusema kwa hizo lugha mbili, kwa ajili maoni unatolea Tume, sisi ambao tumeketi. Watu wengine wanapenda kutoa hotuba ndio wananchi wengine wasikie, lakini tunahakika kwamba watu walipokuwa wanakuja hapa walikuwa wanajua maoni yao wenyewe. Ikiwa kuna shida ya hizo lugha mbili, tunaweza kutafuta mtafsiri, bwana kuna mtu ambaye anaweza kutusaidia? Kwa hivyo ikiwa ni lazima, tutakuwa na mtafsiri na tunahakika kwamba wengi wanaelewa ikiwa sio Kiingereza au Kiswahili, wanaelewa lugha ya hapa nyumbani. Ikiwa kuna lugha ingine tena mtujulishe mapema kwa ajili pengine tunalazimika kumtafuta mtafsiri. Kama kuna mtu ambaye ana shida ya kusikia, itatubidi tutumie ile lugha ya sign language, je kuna mtu kama huyo anaweza kutusaidia, do we have a sign interpreter? Okay. Kwa hivyo ikiwa mmeketi karibu na mtu ambaye hasikii, mtueleze ndio tutafute mtu wa kumtafsiria.

Tukiwa hapa nikusikiza maoni, kawaida watu huanza kulalamika na kusema ni shida gani wanazo, na hiyo ni sawa. Lakini wengi wetu tunajua shida za Kenya na kitu muhimu sana katika kurekebisha Katiba ni kutoa mapendekezo, vile ungependa ifanywe ndio hiyo shida itatuliwe. Kwa hivyo ukiwa unasema utilie maanani pendekezo ya proposal au recommendation vile kurekebisha shida hizo zetu na tena tumekubaliana kuhusu vile tunasema kwamba majina ya watu hatuyataji. Ukitaka kusema juu ya ofisi ya rais ama ofisi ya Chief ama ya DO, kufafanua na kutaja majina ya watu sio taratibu yetu kwa Tume, unataja issues/maswala sio majina ya watu. Na ikiwa mtu anatoa maoni yake tunasikiza kwa makini kwa ajili kwanza lazima tuonyeshe heshima, na kitu cha pili, hata muhimu zaidi ni kwamba hii yote inanaswa kwa kanda, na tukiwa tunatoa kelele kelele hapa haitasikika itaharibika record ya hapa. Ukiwa na maoni tofauti, hayo ni maoni yako na utapata nafasi ya kuyatoa. Kitu kingine ni kwamba Makamishina wanaweza kuwauliza maswali ya kufafanua, unaweza kusema kitu ambayo hatuelewi vizuri. Tunaweza kukuuliza, 'tafadhali je vile umesema unataka ifanywe namna gani? Ukiulizwa kama unajibu unajibu, kama haujafikiria usijilazimisha, mtu akikuuliza, 'hiyo sasa hiyo school fees italipwa namna gani na umesema masomo iwe ya bure. Kama hauna jibu, useme hapana sijafikiria hapo lakini pendekezo langu ilikuwa ni vile nimeeleza.

Ninafikiri sasa tunaweza kuanza na mtu wa kwanza kabisa ni Joseph Mugun, tafadhali karibia hapa.

Joseph Mugun: Hii nafasi ambayo nimepata ninafikiri nina mapendekezo saba ambayo nitajaribu kusema kwa haraka:

- 1) Ningeomba Tume hii itupatie kipengee ambayo itatulinda na culture yetu hasa Kikalenjin.
- 2) Culture ni kitu muhimu ambayo tungehitaji ilindwe kwa sababu hatuwezi kuchanganyika, itakuwa ni taabu.
- 3) Phase ya jimbo hili tungehitaji irudi kwa sisi ili tupate mabarabara sana na mambo ya mahospitali tupate na matibabu bure. Pia tupate masomo ya shule bure kwa maana kazi imekosa na tuna watoto wengi. Tunahitaji iwe sheria ambayo itatusaidia katika jimbo letu.
- 4) Tunaomba Tume hii tunahitaji sehemu yote ya forest kwa maana tumeona mvua imekosa jimbo yetu, wa-preserve forest yetu kutokana na ukame, iwe sheria ya kulinda umuhimu wa forest.

- 5) Hii ndio muhimu sana, ningependa sheria ya kulinda utility land ya sehemu kama division, maana hiyo kitu imewekewa watoto na imekuwa biashara na council yetu imekuwa kama kujitajirisha na ni mali ya wananchi, hiyo ni utility land. Tunaomba sana sheria iwekwe kwa sababu corruption imekuwa nyingi. Unaweza kuta mtu ametoka Eldoret na kuja kushtawisha plot ambayo haujui nani alimpa na sisi wenyeji tukiwa hapa hatujui huyo mtu alipata namna gani. Kwa hivyo ningependa sheria iwekwe ndio mali yetu tujue kwa sababu mababu zetu waliweka na tumekuta na tunazijenga zaidi kwa watoto wetu siku zijazo.
- 6) Matibabu iwe bure kwa sababu magonjwa haina siku na haina saa. Tungeomba serikali yetu tukufu iwe inatupatia dawa bure ili tuishi kwa na afya njema.
- 7) Ya saba ni kuhusu masomo na nilikuwa nishasema. Hayo yote nimemaliza, asante.

Com. Mosonik: Asante sana. Peter Chengo na ukimaliza ujiandikishe upande ule mwingine.

Peter Chengo: Thank you Commissioners. I have few points that I want to give:

- 1) Men and women who give birth to children out of wedlock should be forced to share the cost of upbringing the children so that we don't have this problem of street children who are really giving the government a great menace.
- 2) The orphaned children from AIDS victims should be taken care of by the government so that they are not really disadvantaged, because this children have a problem when their parents pass away and no one will always care for them.
- 3) The Nyayo Tea Zones like the one in Nandi District, should benefit the people of Nandi so that we don't have this money being shared in the government. This is because we have some children who do not have school fees, we lack some medicine in our hospitals, yet this is some of the resources in our district that should benefit the people of Nandi. So this money got from these resources should be used to help the people of Nandi.
- 4) The President's term of office should be limited to a term of five years, to two terms of five years and not more and it should not be extended whatever the case.
- 5) The people appointed to hold offices should be academically qualified, and also of integrity and if they mismanage the offices they should be charged in a court of law.
- 6) Nominated MPs should be people with at least 'O' level standard, also the ministers appointed should be of the same qualification so that we don't have some manipulations that sometimes happen with people who do not have the good qualifications in their respective jobs.
- 7) The Asst. Chiefs and the Chiefs who are the representatives of the people in the homes and in the local areas, should be elected by the people they administer so that they are able to know who are the right people who can really lead them well. So that we don't have these people who are taken or appointed by the government and in the long run you find that now they are using that office to frustrate the people they are administering. If they are elected by the people they will always be sure that they have a right to do the right thing other than giving them problems. Also with the chiefs, you find that in their offices they have a place where people have to be charged, people are arrested and asked to pay some fines and they are

not taken to a court of law. We want this to be stopped, a law should be there stating that if a person has been arrested by the Chief, he should be sent straight into a court of law and be charged. Not them doing it and getting money from the public.

- 8) Women who are married should be entitled to share the properties of their husbands in case of separation and also be able to own the property if the spouse dies to avoid the relatives claiming the deceased property leaving the wife and the children in problems.
- 9) Corruption can only be reduced if people found to be corrupt are charged from the grassroots to the top level, because we have found that most of the people who are charged are the people who have no powers and the powerful people are left like that and corruption still continues.
- 10) People working with the government and have acquired properties through corruption, like land grabbing, should be investigated and even the properties they had sold earlier should be assessed and be asked to pay back what they have taken.
- 11) The poor people also should be assisted by the government to get lawyers whenever they are in a court of law because most of the poor find themselves in problems whenever they come to a lower court. The rich always go scott-free because they have lawyers who can defend them on such issues so that they can be freed.
- 12) The issue of the civil service where employees are leaving the government. This should be streamlined so that all the civil servants have the salaries to the par of the private sector to avoid some people not performing their duties and also stop this issue of corruption. Because if people have enough and they are really at par with other people at the private sector, I don't think there will be any inducement that will make somebody be corrupt.
- 13) The people also should have the right to give a vote of no confidence to a councillor or an MP, who does not perform his duty well within his term of office.
- 14) The university chancellor should not be the Head of State. Universities should always have their own different chancellors because this has caused problems that whenever students want to graduate, they have to wait for the Head of State to give a date so that this graduation could be done, yet this can be done by people who are qualified as chancellors heading the universities.
- 15) The sub-tribe, Teterik, of the Kalenjii. This is a sub-tribe which is now getting extinct because of the assimilation which has come to them. This people should be guided because they are very few and they are being assimilated and their language is getting distorted. They have been assimilated into the Maragolis and the Tirikis and even the Tirikis have already taken their names. So we would like this people to be given special treatment because they are just like the El-molo, these tribes with minority people.
- 16) Free education should be given by the government so that every child has a right to education. The unprivileged poor people just keep away because they don't have money, it is the cost of reading that has made this. On that issue, uniforms also should be done away with so that our children can go to school with any clothes so long as it is clean.
- 17) About the environment, I think-----

Com. Mosonik: I want you to summarise.

- 18) The environment should be conserved; the water swamps where we have the marshes and areas like game parks because these are areas that have helped us to get some foreign exchange.
- 19) The Commissions set by the government should be made public as soon as the report is completed because most of these Commissions have been set and we have not been given the reports, e.g. the Commission on tribal clashes and on Ouko's death.
- 20) During elections, the minimum percentage of votes that a presidential candidate should have, should be 50% so that he is considered to be the right winner. Thank you.

Com. Mosonik: Ulisema 50% percent for MP?

Peter Chengo: 50% for the councillor within his ward, the MP and also the President.

Com. Mosonik: Only 50% for the president or is there any other requirement?

Peter Chengo: No.

Com. Mosonik: The reason I am asking is because there is a rule now about 25%. So are we discarding that rule about the President having 25% in five provinces.

Peter Chengo: In fact, add that one of five provinces.

Com. Zein: Ngoja ndugu, usiwe na haraka kuna maswali. When you propose that every candidate in an election must win by over 50%, and the trends in the world (not just Kenya), is that President Bush for instance won with less than 50%, anywhere you think about, Israel, America. The tendencies are that sometimes people don't even turn up to vote and very few people get 50% in an election, so basically what you are saying to us is that automatically in the country there will be possibilities of two general elections. If you are starting from the Councillor to the President and if they don't attain 50%, then I assume you are proposing a run-off between the top two. So basically what you are saying is that automatically there must be a run-off on evidence, that is what you are saying. Will this country afford to run to elections of that nature?

Peter Chengo: That is what we want now, we want something which will be fair.

Com. Zein: When you are saying, it also has to be practical. The second question I have for you is when you say the wife should have the right to inherit from the husband, does the husband have the right to inherit from the wife?

Peter Chengo: Both have the same rights.

Com. Zein: Do you envisage in a marriage that somebody could have personal property, the wife could have her own personal property if she wanted and the man could have his own personal property.

Peter Chengo: The issue is that when these people are married, they always work together to attain property, but because one of them who is the husband has been given the responsibility to be the head of the family, so in the long run if he is going to cause some problems, the wife will be left like that yet she was one of the contributors of the properties. So that is why they should be given something.

Com. Zein: The last question I have is, if there is a group of people which by choice themselves decide they don't want to be called this or they don't want to be assimilated. How can a country through a Constitution force them not to be assimilated?

Peter Chengo: With these people I am talking about, they never accepted to be assimilated.

Com. Zein: That means somebody is forcing them.

Peter Chengo: It is the conditions and the environment which is forcing them, not at their own will.

Com. Zein: So you want the Constitution to be involved in social engineering and protect small communities from being assimilated.

Com. Mosonik: Asante sana. Next time maybe you can think about exactly what can be done to protect; do you mean demarcate land for them, introduce your language in schools, what do you have in mind? You have to give us some suggestions.

Joash Mochoi: Yangu nitasema kwa highlight, hata ingawa niliandika katika lugha ya Kiswahili.

Kwanza ni kuhusu utamaduni. Utamaduni zetu zimepotea sana tangu wakati Wazungu walipoingia hapa na pia watu wetu wakaja kuiga, kupoteza tamaduni zetu. Tamaduni zenyewe watoto wanaanza kupoteza kila kitu ambacho lazima wafanye kama tabia za Kalenjin kama Wanandi, watoto hawafuati kwa sababu tumeshaingilia sana sehemu zingine za Wazungu na Waswahili. Kwanza watu wakiambiwa watumbuize wageni, akina mama wanaanza kuchukua vitabu za kanisa na kuanza kuimba. Na nikisema kitu kwa Kinandi munisamehe, sijui wazee mulieka wapi (ki ondeano boisieki longotunueki chekicham obisien okweki atkinye?), nyimbo zimeshapotezwa. Pendekezo langu ni wazee kubuni vikao vya kusaidia watoto ili wafunzwe kutoka rika kwa rika. Ninapongeza watu wa Pwani, Maasai, Samburu na kadhalika, wamejaribu sana kuweka tamaduni zetu za kienyeji,

nyimbo na kadhalika. Kiini ambacho kinanipa niseme hii, sisi wengine tumeudhika sana kwa vipindi vya runinga (television). Tunaona tabia mbovu za Wazungu ambayo wanatuonyesha na haziambatani na tabia zetu, wanaanza kufanya mambo ambayo sio mazuri. Kwa hivyo pendekezo langu ni kufanya tuhifadhi tamaduni zetu ili watoto wetu waendeleo kujua.

Pili, kuongezea ningependelea watoto wa shule za msingi wafunzwe katika lugha za kienyeji ili waendeleo. Wakati hii nikiandikia mtoto barua, ananiandikia kwa Kiingereza, na hio sio vizuri. Nikiona mtoto anaona runinga, inanibidi niondoke pale kwa sababu ninaona vitu vichafu vya wazungu. Sasa watoto washapoteza lugha yetu angalia nimeokota karatasi ambao ningetaka kuwaonyesha. Mtu hapa anaandika Jumatano,

December, kumi na tisa (*kotukul yekitinye luket*), sasa amechanganya lugha ngapi? Hakusema Kikalenjin direct, hilo ni pendekezo la kwanza.

Pendekezo la pili ni kuzorota kwa elimu hapa Aldai, Nandi, na sehemu zingine za Kenya. Ningependelea maafisa wa elimu kama Tactutors APSIs, kuajiriwa na Tume ya kuajiriwa wafanyi kazi wa serikali kwa sababu inapatikana mwanasiasa anaenda ku-pick mtu kutoka darasani ambao ni kiwango ya kutosha, enda ongoza waalimu. Na hiyo elimu inazoroteka kwa njia kama hiyo. Inahitajika wawe wakihamishwa kama wafanyi kazi wengine wa serikali. Hatutaki a local person awe hapa kwa sababu anajuana na watu fulani, hawezi kufanya kazi yake vizuri kama taktutor, APSIs, wahamishwe ama wapewe transfers maanake wana ubinafsi na uwenyeji. Ubinafsi na uenyeji umezorotesha elimu hapa Nandi kutoka kwa mwalimu mkuu wa shule ya msingi, taktutor, APSI, mpaka kwa DEO. Mzazi ukitaka kuongea hakuna mtu ambaye anasikia maneno yako.

Tatu, uzorotaji wa utawala. Utawala wa kwanza, sehemu hii ni kama ya elimu. Naibu wa Chief na Chief, waajiriwe kirasmi, sio kisiasa, kiukoo na ufiada. Maanake mtu wa ukoo mkubwa anasema anataka fulani aongoze watu, hapo mtu hawezi kufanya kazi mzuri. Pia wazee wa mtaa, walipwe mishahara na serikali na wapewe uniform kwa sababu wamejifundisha njia ingine ambayo sio mzuri. Mimi nikiwa mlalamishi, nikienda kwa mzee wa mtaa anaidai shilingi mia tano, yule ambaye nimemshtaki anadaiwa shilingi mia tano, sasa hapo utakata kesi namna gani? Kwa hivyo afadhali serikali iwalipe.

Pia watawala, haitakiwi waingilie mambo ya kifamilia. Kama mimi nimekosana na bibi yangu, aende kunishtaki kwa Chief ama kwa Sub-Chief, aje kuniingilia, nitafikiria mambo mengine na ninaweza kuwaumiza. Kwa sababu naweza kufikiria wana urafiki.

Kwa hivyo, Chiefs na Asst. Chiefs waepuke kuchukua maneno ya bibi akienda kushstaki bwana.

Utawala wa pili, hii ni kuhusu askari. Wahalifu wakishikwa na askari siku hizi labda mtu ametengeneza pombe, kama sio pombe ni makosa mengine, wanabuni Kangaroo Court, fine ya shilingi elfu tano, kama ni kodi inakuwa shilingi mia mbili au mia tano. Pia wa traffic, wanawacha gari inasimama hapo, wanaenda kando, halafu conductor anamkimbizia kitu. Na hata hajui ni kitu gani kibaya kwa hili gari, labda mtu amebeba bangi au dawa za kulevyu, hawajali. Hao ni polisi wa traffic na nimesema wale askari wengine wanabuni Kangaroo Court. Hii ikatazwe na mtu aende kortini. Mwalifu akishikwa hapa Nandi – na hiyo nimeshashuhudia hapa Aldai – hupelekwa Vihiga, labda hamjaona hapo na hali kuna court ya Kapsabet au police station. Na

hiyo ni ajabu sana mtu kupelekwa Hamisi kwenda kufanyiwa kesi huko. Kama mtu akishikwa Nandi inafaa apelekwe Kapsabet. Pia askari wameingilia sana ugomvi kati ya bibi na bwana na hiyo ni makosa.

Tano, uzorotaji wa wajibu wa serikali. Hatuna uwazi, transparency na accountability uajiri wa kazi. Nafasi ya kuandika polisi au jeshi hutangazwa lakini huandikwa kwa kinyume, kiwango cha D+ na kuendelea juu. Baadaye unakuta wenye kuandikwa wameandikwa huko Nairobi wa D- ya KCPE, na hali mtu ametoka na vyeti vikubwa vikubwa vizito vizito kuenda Kapsabet. Hiyo ni mbaya, mtu anaweza kuhojiwa kwa kazi kama ya ualimu mwaka jana, walimu walihojiwa wakaambiwa kwamba mtaajiriwa. Baadaye wako nyumbani walifuzu, walimaliza college.

Hapa sehemu hii ya Aldai tumesumbuliwa sana na watawala Chiefs. Wanasema chukua barua ya kukata mti yako uliopanda ama ukipewa anakuambia uende mpaka kwa DC. Na nimestaajabu serikali ilisema wakati ule, kata moja, panda mbili, na ajabu ni mti ni yangu ambayo nilipanda, ninataka kujengea nyumba, bibi anataka kupikia chakula, ninataka kupasua mbao, nisomeshe watoto. Hii imekuwa ajabu niondoke kwangu niende mpaka kwa DC.

Matumizi ya pesa ya serikali: Imesemekana serikali haina pesa. Pesa ziko lakini kuboronga ni kusema extravagancy umezidi. Magari makubwa makubwa hununuliwa kwa shilingi milioni kumi badala ya gari kununuliwa kwa milioni moja au milioni moja na nusu. Magari namna hii itagharimu kiasi gani? Mishahara minono minono kwa watu fulani. Pia kuna mtu moja ambaye anaweza kupata kazi nne na hizo kazi nne badala ya kuandika watu wanne ni ajabu. Safari ya kutoka nje kutumia pesa nyingi.

Com. Mosonik: Ninajua umeandika hiyo yote, karibia kumalizia.

Joash Mochoi: Kitu kilichoko kwa uhojaji wa watu waliohitimu vyuo mbali mbali. Mwanafunzi ana vyeti vyake, ameshapeana, amejaza form yake vizuri na ameenda katika chuo. Amejifunza chuoni na baadaye anakuja kufanyiwa interview, na ni ajabu sana na mtu ana certificate zake vizuri, amepita kwa kiwango kinachoonekana vizuri. Unakuta board of governors kama hakusoma, anampa mtu wa diploma ama degree anafanyia interview, ni ajabu sana. Kumalizia, tunahitaji ----- (end of tape) na kadhalika. Asante Commissioners.

Com. Mosonik: Ulisema kwamba ma-chiefs na manaibu wao wanaingilia maneno ya nyumbani, na hiyo sio mzuri. Ukasema pia polisi wanafanya hivyo hivyo, sasa nani wawe wakisaidia kuamua?

Joash Mochoi: Thank you very much. Watu ambao ningetaka waamue ni watu wa familia au watu wa ukoo. Kama hakuna, kuna wazee wa mta hapa ama jirani, hao ndio wanaweza amua hayo maneno badala ya kusema ya kwamba ati chief anaingia ama askari, nitafikiria mengine na bibi yangu.

Com. Mosonik: Asante, jiandikishe tafadhali. Wilson Kirongo.

Wilson Kirongo: Ninatoka Kaboi Location. Asante sana Commissioners kwa kikao hiki ambayo iko Kaptumo leo, na hii inanikumbusha way back in 1963 tulivyokuwa intermediate school hapa Kaptumo. Tuliitwa tukiwa wanafaunzi tukuje kwa hii hall ili tupate mambo kuhusu Katiba ikiongozwa na hayati Ronald Ngala ambaye alikuwa safarini akienda Lancaster House, London. Inanifurahisha tena ya kwamba hiki kikao na ile ingine inafanywa na watu wengine nchini Kenya itatuletea results mzuri ambao itatuchukua kwa muda ili tupate ufanisi. Swali yangu ni moja kabla sijasema proposals yangu. Kenya ni sovereign state tuko na independence, na hiyo civics tulifunzwa kwa shule, ya kwamba an independent country ambayo iko na Parliament inafanya sheria yake kwa Parliament. Lakini, my concern is not clear, hapa tuko na Commissioners, tuko na selective meeting na tuko na Parliament. So the question is, are our views here will be debated by Parliament or a Constitution assembly, because in the absence of Parliament it is the Constitutional assembly which collects the views through the Commissioners.

Com. Zein: Ndungu yangu, mambo matatu na sikukukosea heshima, ninataka kukuambia mambo matatu na utanuiwa radhi, sawa? Kwanza, leo hatukuja kujibu maswali sisi. Hiki kikao si kikao cha elimu ya uraia, ni kikao cha kukusanya maoni ya Wakenya kwa minajili ya kubadilisha Katiba yetu, sio sawa hivyo? Mbona waturudisha nyuma hivi, dakika zote hizo ulizochukua kuzungumza uliyoyataka, ushamaliza muda wako. Kwa hivyo tukuambie bwana umemaliza peleka hayo maoni kule, lakini sio vizuri kusema hivyo kwa sababu wewe ni Mkenya mwenzetu. La pili, Tume hii ina mfumo wa kurekebisha Katiba, uko chini ya sheria ilioundwa na bunge, sijui kama unaelewa hivyo? This review process and the Commission is governed by an Act of Parliament. All the Commissioners in this Commission were nominated by Parliament and were appointed by the President of this republic. Sijui kama ushafahamu hivi?

Wilson Kirongo: I am getting you.

Com. Zein: So basically what we are saying, we are doing things according to the law which has been established by Parliament. La mwisho, kwamba baada ya sisi kukusanya maoni yenu, tutakaa chini, tuandike report, kwanza report moja ya kuwa kila sehemu ya uwakilishaji bungeni tutaandika mlituambia nini. Report ya pili ni report ya kitaifa na tutaandamanisha report hizi mbili pamoja na mswada wa kubadilisha Katiba, mapendekezo sasa, Katiba yenyewe na utarudi kwenu ili mchambue na kujadili mambo haya. Baada ya hapo, kutaitwa mkutano wa kitaifa kuhusu Katiba utakaozungumzia mambo haya. Ikiwa kuna maafikiano katika mkutano huo, matokeo yake yatapelekwa moja kwa moja bunge, ndio bunge ipitishie. Ikiwa hakuna maelewano, kutakuwa kuna kura ya maoni itakayo ongozwa na tume baada ya hapo, matokeo yake yatapelekwa wapi? Bunge. Sasa sijui swali lako la Constituency assembly inatoka wapi, hakuna mtu anaozungumzia Constitution assembly, there is no such thing in the law, so sijui umetoa wapi mambo hayo ya Constitution assembly.

Wilson Kirongo: Nimekuelewa.

Com. Zein: Sasa nimumie yeye kama mfano, tena kwa sikukuvunjia heshima. Tafadhali sana mtu ukija hapa, useme unatoa

maoni, najua ni mila, desturi na ada zetu za Afrika kwamba ukifika hapa uwataja waliokuja na kuwakaribisha wageni, ndio kawaida yetu hiyo. Tukaribishe Makamishina, mtusifu kidogo, sio sana kidogo tu, baada ya hapo umtaje bwana DO, umtaje mstahiki, mwenyekiti, ndio mila yetu hiyo. Lakini leo tunawaomba mila hii tuibadilishe kwa sababu hatuna muda mrefu, nyinyi ndio mnatuambia fanyeni kazi usiku na mchana mmalize kazi hii. Tunawaomba tubadilishe kidogo tu kwa leo tu, kesho turudi katika mila zetu maanake ni mila nzuri. Lakini leo ukija useme mimi jina langu fulani wa fulani, mapendekezo yangu kuhusu Katiba ni haya – utaje moja, mbili, tatu, nne, tano, sita, umalize, mwingine aseme. Sawa?

Audience: Sawa.

Lingine, ukija hapa ukituambia unajua siku hizi hali ya uchumi ni ngumu, nani asiyejua hayo? Hata sisi tunajua hali ya uchumi ni ngumu. Kama unataka kutoa kama alivyosema mzee aliondoka hapa anataka elimu ya bure, sema pendekezo langu ni kwamba watoto wa Kenya wafundishwe wapate elimu ya bure, basi tosha. Lingine la mwisho kabisa – na sipendi watu waseme kama mimi la mwisho la mwisho kabisa – kwamba, ukiwa unataka kutoa mifano, mfano uwe moja maanake ukitupa mifano mingi sisi tunaolewa, kila kitu tunaolewa. Ukituambia habari ya mzungu alikuja lini hapa tunajua mwaka gani alikuja na vitendo alivyofanya. Sasa ukitoa fursa yako ukiitumia vizuri na wengine watapata fursa ya kutumia fursa zao na kwamba kuna wengine watasema maneno yatakayokufurahisha wewe. Yakikufurahisha, tafadhali usipige makofi na nitakuambia ni kwa nini ni vizuri usipige makofi, kwa sababu nikukukasarisha utafanya nini? Ikiwa yule anayekufurahisha utampigia makofi, yule atayekukasarisha utafanya nini, utanza kumzoma? Hatukubali hayo kama alivyosema mwenzangu, anayetoa maoni ni yake, yakikufurahisha yakufurahishe moyoni, yakikukasarisha yakukasarishe moyoni mpaka utakapopata fursa na wewe uje useme, ya yule bwana ninayaunga mkono au nayapinga. Sawa?

Audience: Sawa.

Com. Zein: Ndungu yangu, tumie zile dakika chache ulizobakiza kumaliza kazi yako.

Wilson Kirongo: Asante sana. Mimi ninaenda directly kwa proposals:

Presidential elections iwe ikifanywe every five years. The President elected should stay for two terms consecutively. Educational standards lazima ziwe set kwa Presidential, Parliamentary and Civic candidates.

Interjection Com. Zein.: Inaudible

For a presidential candidate, at least degree level is ideal. For Parliamentary, diploma and above (Form four). Cabinet. The ministries should be reduced from the present number to about eighteen. The people appointed to be ministers should have relevant educational qualifications to their ministries.

Parliament: Should be separated from the Executive, it should have powers to impeach the President in case of Constitutional misconduct.

Nomination of Members of Parliament and Civic seats: Nominations should come from special interest groups. Losers in general elections should not be nominated. Nominations should be vetted and confirmed by over 70% votes in Parliament, that is for parliamentary seats or parliamentary nominations. Parliament should discuss the misconduct of a minister with a majority vote to get him sacked.

Election rules: Vote buying should be an election offence, those found should be disqualified from the exercise. Counting of votes should be done in the polling stations. Funding of all political parties should be done by the government. Uchaguzi lazima tupige kura directly not through queueing or any other method. Security of all candidates regardless of their parties must be given by the government. The general election date should be in the third week of November of every fifth year after the general elections.

There should be also a coalition government where the winner does not have the majority votes.

Local government should be autonomous. Should manage all the resources within its trustland. It should control all the income from the resources within the trust land and remit 30% to the central government and uses 70% in the local area. Mayors and Chairmen of the councils should be elected directly by the people. County Councils should get rid of the new population of chokoras.

Natural resources: This also has to come under the County Council, it has to benefit the people through its earnings to the tune of 70% and 30% to the central government. Local communities living around the forests should be encouraged to guard the forests and get the benefits from it directly. Saw millers should have enough seedlings to replant on the affected plantation.

Land tenure: The present system should be retained with a few changes:

- 1) Subdivision of agricultural land should have a ceiling in acreage.
- 2) The Chairman of Land Control Board should not be the PC.
- 3) Land allocation to the landless should be left to the County Councils since the councillors know who is exactly landless.

Education: The present system of education should be changed to 7-4-2-3. The syllabus should not be changed every now and then since this affects parents financially. Primary school education should be free for all and it has to be compulsory for all.

Health Services: Medical services should be free of charge in government health centers and hospitals. Thank you very much.

Com. Mosonik: You said there should be a ceiling on the sub-division of agricultural land, but you did not suggest the acreage.

Wilson Kirongo: For a minimum production of any good harvest, sub-division should not go below five acres.

Com. Mosonik: Asante, just register there.

Com. Zein: Thank you very much bwana Kirongo, you were very precise when you chose to go to the proposals. Asante sana.

Com. Mosonik: K. Busienei.

K. Busienei: (Amache angalal ngalek chokere ak che imi serikali.)

Translator: These proposals are in relation to issues which are a problem to the government and himself.

K. Busienei: (Mitukuk cheborchinkei serikali kobet amuibeti lakok).

Translator: There are things which the government is making an effort to ban because they are a problem to the children.

K. Busienei: (Mitukuk cheborchinkei serikali kobet amuibeti maendleo).

Translator: There are things which the government is trying get rid of because they will promote development.

K. Busienei: (Noto kotukuchu maiyek,kerchek chebo bokitet,nyesorek ak chorset).

Translator: These are the problems:

1. Alcohol
2. Drugs
3. Bhang
4. Stealing.

K. Busienei: (Komoche kechengchi angatutiet ngalechu neyomekei amu kikere kele borchingei serkali amaimuchi).

Translator: I want a law which will touch on these issues because we are seeing the government is trying to get rid of them but it has not been successful.

K. Busienei: (Bendi tukuchu asi kokoch ametnyo nebo Kenya singotio).

Translator: It is going to bring problems in Kenya if it is rejected.

K. Busienei: (Noto ko ngoliot akenge kotinye ngalek angwan kityo).

Translator: That is one thing, I only had four things.

K. Busienei: (Kamwa nebo chrstianik,konetech ngatutietab Jeiso amu Jeiso kokosubindetab Jehova amu inendet koiwei Jehova.

Translator: As Christians, he would like to see to it that teaching of Jesus Christ affects the lives of Kenyans because he fears God.

K. Busienei: (konyol kisub ngatutikchi akachek.Ngotketinye Kanisosiek bokol akenge koyolchin keiku koyonikab Christo tukul).

Translator: So we should follow his commandments. If we have a hundred churches, all of them should be believers.

K. Busienei: (Nebo somok okere eng eriait emet ninyondet ni ko ngoliotab kokwet).

Translator: Thirdly, I am talking about the village elder in our area.

K. Busienei: (O kasit ne yoei missing kabisa,ako irinyi tukuny chechang chekakat iku boriot,ako chichi komtinyei musiara).

Translator: He has a big responsibility and he controls many things which could have caused more problems, and yet he does not get any salary.

K. Busienei: (Amawendi imbarenyi tinyei Opisinyi nemi keti kel ako Opisit noto komanyoru musiara).

Translator: He doesn't go to his farm because he has to settle issues, yet he does not get any money.

K. Busienei: (Nyolu kikoch musiara chitab kokwet).

Translator: The village elders should get salaries.

K. Busienei: (Nebo angwan kekere ketinye mianwokik kou Ukimwi).

Translator: Fourthly, there are many diseases, e.g. AIDS.

K. Busienei: (Komibik chemitei oionin,michemi lekemanik ak ako tinyei ratioinik mibik chemitei timwek chemobwoti ole itei bik chngololchin).

Translator: There are people who are in remote places. They have radios, there are people in the bush but I don't think people who can talk to them can reach them.

K. Busienei: (Osome tuketab Kenya kechochi kongalale Ukimwi ,amuchitukul kotinyei ratio).

Translator: His request is that the KBC should talk about AIDS, because each and every person has a radio.

K. Busienei: (amanyoru bikche inetisei).

Translator: They cannot get access to people who can teach them.

K. Busienei: (amache ole mainetsiei bik).

Translator: I don't want to say that people are not teaching, people should be taught in Kenya.

K. Busienei: (amochekinde tuketab Kenya,ak kikoch saisiekchi che amndoen.Kongoi).

Translator: The majority of them should be taught and hours allocated in the in the broadcasting stations so that these issues can be handled. Thanks.

Com. Mosonik: Naftali Kerich.

Naftali Kerich: Thank you Commissioners. I am presenting recommendations for a group. I sat with mzee Tot and Councillor Chemiron na tumeandika kitu. I would like to present the views without wasting time.

- 1) Structures and systems of government: We should adopt both majimbo system of government and central government. In the jimbo system, it should be based on the original boundaries which were created when we got independence in 1963 and this should be provincial boundaries. Each jimbo should be autonomous, that is self-ruling. In each jimbo, the citizens should have the power to own all the land within its jurisdiction.
- 2) All parcels of land should be deemed trustlands and in divisions can get free titles if the area in it has been designated for human settlement. Any other land should be under trustland, there should not be any government land in the jimbo system. The people who live in the jimbo system should own that land.

Transfer of land: the District Land Control Board, Locational Land Control Board and Divisional Land Control Board should have all the powers and not the central government. The post of Commissioner of lands should be scrapped and instead the Chairman of the District Land Control Board should be empowered and the Chairman should be a local and not the PC.

When it comes to the management of land, the Judiciary and the lawyers should not be allowed to handle land cases. It is the District Land Control Board, the Location Land Control Board and the Divisional Land Control Board who should be allowed to manage Land.

The second point in the jimbo is revenue. Each jimbo should have the power to collect its taxes from its natural resources and then the jimbo should send some percentage of revenue to the central government and similarly the central government should send some agreed amount to the regional authority.

- 3) Education. The central government should have the overall power in policymaking, employment of teachers and education officers and development of higher education institutions. The local communities in each jimbo should provide physical facilities in their schools.

The quota system of students intake in any learning institution should be maintained because it is fair. Each child in Kenya should be able to learn anywhere so long as the quota system is maintained.

- 4) There should be a legislative regional assembly in each jimbo. The elected regional assembly representatives should have powers to make laws. In this jimbo there should also be elected councillors in urban and councils. These councils should be strengthened as part of the jimbo.

- 5) The Executive authority of the regions: There should be Provincial administration in each region and the Provincial administration should not be controlled by central government, it should be controlled by the regional authority. There should be no powers from above and the internal security in the region should still be maintained by the police, but the recommendation here is that we need regular police. There should be one merged police force, GSU should be disbanded and members of that body be made to be part of one police unit. The appointments of civil servants should be by either Provincial Public Service Commission or the normal Public Service Commission which we have.

Com. Mosonik: You have a long memorandum, I will give you one minute to finish. Unajua kwamba ukiwa umeandika tutaenda na yote kusoma tafadhali, ndio tulisema unachukua dakika tano ku-highlight. Uwe na hakika kwamba tutasoma.

Naftali Kerich: Kama umenipatia dakika moja nitasema tu kuhusu central government – serikali kuu. There should be a central government and MPs should be elected.

Com. Mosonik: What will be the functions of central government, can you tell us.

Naftali Kerich: The functions of the central government is internal and external security or take care of the security of the country. To collect revenue from commodities that we all Kenyans own and to distribute the revenue to local authorities. There is one body I would like to be removed from the central government. This is the Directorate of Personnel Management, if we have Public Service Commission to employ public servants, there is no need to have another body within the office of the President called the Directorate of Personnel Management. That one should be scrapped because it is one body which creates

tribalism in the distribution of jobs.

The Prime Minister and the President should not have powers to be the Commander in Chief of all Armed Forces, instead we should have National Security Councils which manages Armed Forces. Also the President and the Prime Minister should not control the jimbo. The jimbo should control themselves.

Com. Mosonik: Submit the memorandum there please, ngoja kidogo there is a question.

Com. Zein: You are saying that the Executive (President and Prime Minister) should not be the Commander in Chief of the Armed Forces, who should have the right to declare war when it is necessary.

Naftali Kerich: I said that we should have a National Security Council. This is the body that should be concerned because there is no need of giving one person to be in charge of security for the whole state.

Com. Zein: All over the world, even where you have National Security Council within the structures of a government, the right to declare war is given to one person for the simple reason that sometimes when (God forbid) but when war occurs, if you were going to sit to wait to call for a meeting of a group of people to discuss and to vote over whether to defend our country or not, by that time our country would have suffered from aggression. So all over the world, if you could give me one example, where a country in the world where a decision to declare war for instance is done by a group of people, I would be very happy.

Naftali Kerich: I would have liked the National Security Council, to be the one that decides and then they give permission to the President or the Prime Minister to declare the war.

Com. Mosonik: Maybe another way of asking the same question is to say who would be the members of the National Security Council.

Naftali Kerich: The members of the National Security Council should be composed from representatives from the jimbo regions and we should also have some from the clergy and from the civil society.

Com. Mosonik: Okay asante sana. Peter N'geny.

Peter N'geny: I am going to present my views.

Citizenship: The use of Identity cards should be used to prove ones citizenship of that country i.e. Kenyans. Secondly, a foreign woman being married by a Kenyan automatically qualifies to be a Kenyan.

Political parties: We should only have two political parties, that is to say the ruling party and the opposition party to avoid splinter groups on tribal lines. The Constitution should regulate the formation and management conduct of political parties. Political parties should also respect one another.

Structure and System of the Government: Each district should directly benefit from the natural resources, other than outsiders coming to invade a certain district, for example a forest in Nandi district should first benefit the Nandi community.

Executive: The Provincial Administration should be given more powers to curb the increasing crimes and lawlessness among our people. For example, somebody committing a crime if he/she was to be taken to Kapsabet he/she would have already disappeared and he won't be found. Since the assistant chief and chief deal directly with people, they should also be given more powers and maybe given more APs to assist them. All provincial administrators, chiefs and asst. chiefs should be transferred from one place to the other.

The Legislature: Parliament should have limited powers in its own procedures through standing orders. Languages are required for Parliamentary and Civic leaders in order to allow active participation in Parliament discussions and international fitness in case an MP and a Councillor is invited to attend a foreign meeting. He/she should be in a position to communicate well.

An independent committee should be set aside to determine the salaries and benefits of MPs instead of the current one which they just go ahead adding themselves so many things. In a multi-party state, parliamentarians should not use abusive language or be restricted to tour and address other areas.

Council Chairmen and Mayors should directly be elected by the people. The current two-year term for Mayors and council Chairmen is good and should be maintained. All the councillors should have a minimum qualification of Form four and above.

People should also have a right to recall their MPs in case they don't participate fully and actively in development rules in their relevant constituencies. Nominated Councillors should be abolished because there are no defined duties for him or for her, and he is exploiting wananchi in paying taxes in form of trade licences to pay his people.

(end of tape)

Philip Ruto: Ulimaji wa mashamba, hasa katika Nandi. Iwe ownership inaandikiwa watu wawili, bwana na mke na ikiwa kuna mmoja ambao ataaga dunia, mmoja wao automatically atakuwa successor.

La pili ni mambo ya uajiri katika kazini. Pendekezo langu ni kwamba, one man one job, isiwe kuna watu ambao wanapewa kazi mbili au tatu.

La tatu, inahusu Provincial Administration. Ningependekeza ya kwamba chiefs, asst. chiefs, pia wawe transferred in between the districts (wazunguke katika districts zao).

Political Parties: Political parties should also be limited to three katika serikali yetu, isiwe ni parties nyingi.

Langu la mwisho ni kuhusu elimu. Ningependekeza ya kwamba, watoto mayatima wawe wanasomeshwa bure na pia mambo ya uniform iwe scrapped off from our schools. Ni hayo tu ambayo ningependekeza.

Com. Mosonik: Nikuulize, umesema title deed iwe kwa majina ya watu wawili, na ikiwa wamama ni watatu.

Philip Ruto: Asante sana bwana Commissioner. Ikiwa wamama ni watatu, I think also they are entitled to have a share from the same. Kwa hivyo, ningeeonelea ama ningependekeza ya kwamba ikiwa mwanaume yuko na bibi wawili au watatu au zaidi ya hapo, hizo properties ziwe ni joint.

Com. Mosonik: Swali lingine, umependekeza kuwe na vyama vitatu vya kisiasa, na wakati huu kuna vyama karibu hamsini. Ukiulizwa ni vipi vitatu, utasema aje?

Philip Ruto: Ningesema hivi, kwamba zile parties ziko na the big numbers. Kuna small parties ambazo unaweza kuona ni tribal kwa sababu ina watu wawili au watatu, hata kuna zingine hawana any representatives in the parliament. Kwa hivyo ningeeonelea ya kwamba zile big parties, at least three of them should be given that chance.

Com. Mosonik: Na hizo zingine zinapigwa marufuku ama nini?

Philip Ruto: Ningeeonelea hivyo, zipigwe marufuku.

Com. Mosonik: Asante, ujiandikishe tafadhali. Kuna mwanafunzi moja Christine Chepkemboi, tafadhali ukuje, halafu utasema shule yako ni gani na darasa lako.

Christine Chepkemboi: I am Christine Chepkemboi from Kaptumo Primary School, a standard eight pupil. I wish to make the following proposals:

- 1) First, girls like boys should have equal share of the family property.
- 2) Men who impregnate schoolgirls should be prosecuted and made to be responsible for the child.
- 3) The government to fully meet the cost of primary education.
- 4) Free medical care for all especially the young and aged.
- 5) There should be corporal punishment in institutions to minimise cases of indiscipline. Thank you.

Com. Zein: Christine, wewe unasema viboko virudishwe shuleni; ni wewe umesema hivyo au ni mwalimu amesema lazima uende useme hivyo ndio viboko virudi?

Christine Chepkemboi: Ni mimi nimesema.

Com. Mosonik: Asante sana Christine Chepkemboi, ujiandikishe tafadhali.

Tulimruka mtu mmoja, Shadrack Ruto kwa ajili aliandika observer. Na kama kuna mtu ana memorandum na angependa kupeana tu, unaweza kuja na kuandikisha memorandum na kuendelea kuketi. Shadrack K. Ruto – tafadhali uchukue muda mfupi kwa ajili una memorandum, sisi wenyewe tutaisoma.

Shadrack K. Ruto: Ningependa kuwaalika hawa wote wenye wamekuja kutusukiliza ama ku-harvest maneno ya Constitution hapa Kaptumo leo kwa sababu tumengojea hii nafasi kwa muda mrefu. Kwa hivyo ningeweza kusoma machache kwa sababu hii inaonekana ni tofauti sana kuliko yale yote yaliyosemwa. Nina mapendekezo ambao sio yangu, ni ya group ama ni ya kanisa, tungependa kupendekeza kwa Tume ya Kurekebisha Katiba ya Kenya.

Com. Mosonik: Utueleze ni kanisa gani?

Shadrack K. Ruto: Seventh Day Adventist. Nitasoma kwa Kiingereza.

- 1) Recognition of the supreme divine authority and ruler of the great universe around – that is God.
- 2) Recognition of the significance of establishing Kenya as a God fearing nation Constitutionally.
- 3) Recognition of God as the supreme lawgiver. The Adventists believe and recommend recognition of God as the supreme lawgiver of both physical and moral laws governing the universe around. The physical laws to control every created object and moral pressures to guide the intelligent beings he has created.
- 4) On environmental and natural preservation. (I will have to expand) Some people have already talked about this issue but it is very important that we should continue to talk about it because it touches on human lives. Natural resources or our forests are very important. Forests and human beings cannot be put separate, human beings and plants are friends because human beings benefit from the plants. For example we have had in our area the forest that is guiding Kaptumo known as Canaan, has already been sub-divided by people whom we don't know and if we are sober on this issue, we should never ever allow it.
- 5) On the regional recognition of courts,decalogs as basis on earthly Constitution. This touches on the freedom of worship. In Kenya sometimes we already have a law which allows freedom of worship, but surprisingly enough that freedom is not practiced in all the institutions. So my recommendation is that whatever we are giving now should be taken seriously.
- 6) Another issue is about the learning institutions. Learning institutions sometimes force our students or our pupils when we

already have a law in Kenya that all people should have their own rights and freedom of worship.

Com. Zein: You are saying to us that as part of the sub-section of freedom of worship, people should respect the Sabbath, that is what you are saying?

Philip Ruto: Yes.

Com. Zein: That children should not be forced to undertake religious instructions which is not of their faith?

Philip Ruto: Yes.

Com. Zein: Then say that, you are giving us a long story, unaenda kando. Hayo specific proposals ndio tunataka sisi.

Philip Ruto: Thank you. Another issue is about schools which are being sponsored. We would not like that term of sponsorship of schools but we should have specific schools which are either mission schools or government schools. Sponsored church schools are doubling. Some schools which are being sponsored by certain churches are being built by the people or by the locals.

Com. Zein: Point made. Either mission schools or government, that is enough.

Philip Ruto: Then we have what we call certain church-sponsored-----

Interjection Com. Mosonik: You have just said you don't want those ones.

Philip Ruto: Thank you. Upto that end, those are the few comments I wanted to make but otherwise we have the whole thing that we have written down that we hope the Constitution will consider. Thank you.

Com. Mosonik: Asante sana. We shall read the memorandum and do what is called data analysis and it will be tabulated, can you just hand it in there and register. David Yego.

David Yego: Asante sana Commissioners, Chairman, DO wetu.

Political parties: Ningependelea ya kwamba every province to have one political party. I say so because I am talking of majimboism. Ya pili, political parties should be financed by the State.

Structure and systems of the government: Powers should be devolved to lower levels of the government, such as District to have powers of the District lands.

Legislature: The duties of the MP should be four days every month. Wananchi should have powers to recall the MPs when his/her duties are not satisfactory. The MP should act according to his people.

Executive: The president should not have powers of appointing the ministers and the managing directors and head of departments.

Provincial Administration: They should give their chiefs and assistant chiefs transfers according to their districts.

Local Government: People should have the right to recall their councillors if they see that they do not work together.

Employment and education: Salaries go with duties, e.g. MPs and Doctors. We find that the MPs are being paid a lot of money while the doctors are lowly paid and when you look at their duties, the doctor has a lot of work than the MP. My decision is that someone to be paid according to his work.

Education: Education without employment makes no interest to parents and the students, e.g. you find that somebody who has been educated to university level and he has no job. This makes the parents to have no interest in taking their children to schools.

Basic rights: To avoid these children-----

Com. Mosonik: Let me interrupt you, are you saying provide jobs for university graduates only, what about the secondary school leavers?

David Yego: Generally I mean those who have been educated from the Form four level to university.

Basic rights: To avoid these children called chokoras, I would like to say that when somebody impregnates a girl, the baby should be taken care of by that boy/man to avoid this single parenthood. Thank you.

Com. Zein: Could you clarify for me your submission that we should have one political party in a province, what does that mean? Does it mean that we will ask each province to come up with a political party, does that mean that in that province no other party will be allowed to operate. What does it mean?

David Yego: Because I am talking of majimboism, I would like to have one party at provincial level.

Com. Zein: What does that mean, for instance, let's pick Rift Valley as an example. You are going to have a jimbo and in that jimbo there is going to be a system, a structure. You are saying in that structure you should have only one party, not more than one.

David Yego: Yes one.

Com. Zein: Okay, fine.

Com. Mosonik: Ronald Tirop.

Ronald Tirop: Asante Commissioners. Maoni yangu ni hii:

Kimila ya Kinandi kitunzwe sawa sawa na hii Katiba na mimi ninaongea kama Mnandi.

Mtoni zote zitumiwe na Mnandi, kuna Wazungu wengine wamefunga ng'ambo hiyo, hata maji ng'ombe haiwezi kukunywa. Hii afadhali ichukuliwe na Constitution.

Com. Mosonik: Ufafanue hiyo umesema saa hii, umesema nini?

Ronald Tirop: Nimesema kimila ya Kinandi. Ya pili hii maji iwachwe kufungwa, kuna Wazungu wamefunga maji hapa town hii, hata ng'ombe ya Wanandi hawakunywi maji (estates).

Ya tatu, hii forest tunayo hapa tunafuga kwa ajili ya maji na maji inateremuka kule Lake Victoria, na hao hawalipi kodi na wanavuna samaki, wanauza bila kujua hii maji inatoka wapi. Hiyo inafaa kuangaliwa na Katiba.

Interjection Com.: Inaudible

Ronald Tirop: Tunataka hata hao walipie wale wanatunza forest upande hii.

Ya nne, tunataka power line iwe rahisi kwa sababu hii maji tunakuza hapa inaenda kusukuma power light kule Owen Falls. Ipatiwe wanandi kwa bei rahisi kuliko pesa kuliko pesa nyingi.

Ya tano, maternity ya akina mama iwe karibu. Hapa Kaptumo tuko na taabu kwa sababu hakuna mtu wa kuchunga maternity ya wamama.

Interjection Com. Zein: (inaudible)

Ronald Tirop: Ipatiwe watu wale wana ujuzi kwa maternity.

Com. Zein: Ndio ninasema, maternity iwe karibu na wapi?

Ronald Tirop: Karibu na watu.

Com. Zein: Unasema maana ya kuwa karibu na watu ni ki-division, kitaarafa, ama wapi?

Ronald Tirop: Kwenye division, sababu wamama wanaweza kujifungua saa yeyote.

Ya sita tunataka councillors wote katika Nandi hapa, waongee, wanasanya revenue kwa kila maduka na kila mahali. Lakini hawaonyeshi wananchi vile inatumika, tunataka pia hiyo iangaliwe kwa Katiba.

Ya nane, tunataka boundaries ya Nandi, zote ziwe za 1963, bila kukatwa ingine nje. Hata ikisemekana labda hii iende mahali fulani lakini iwe ya Nandi.

Ya tisa, tunataka hizi ma-estates inasemekana 99 years lease kutoka kwa Wanandi, inasemekana ni crown land, tangu 1905 na hii lease inalipwa kwa nani, tunataka ilipiwe Wanandi ili wasomeshe watoto wao. Hii ni kwa sababu tangu uhuru kulikuwa na mahali inaitwa Africa Educational Trust kule Uingereza, ilikuwa inasomeshea watoto wakati wa ukoloni. Lakini hiyo pesa imekaa huko bila ya kurudishiwa Wanandi na hakuna Mnandi anasomeshea nayo.

Ya kumi, jambo imekuwa ngumu hapa ni askari wa APS kusumbua wananchi, halafu wananchi wanaanza kutukana serikali. Tunataka hii Katiba ione njia ingine ya kutumia ili watu wasisumbuliwe kama Kangaroo Courts.

Interjection Com: (Inaudible)

Ronald Tirop: Kusumbua ni kusanya kusanya watu, kukumatwa unaambiwa, “leta pesa, leta nini, mimi ninapeleka wewe kotini”. Tunataka hiyo iangaliwe sawa sawa na tunataka wale watu wamekula kiapo sawa sawa, sio wenye kuhongwa na wamekubali kutumikia hii serikali. Na kwa maoni yangu ingetafutwe njia vile hawa askari wanaweza kupigwa transfer. Asanteni Commissioners.

Com. Mosonik: Ngoja swali.

Com. Zein: Kwa vile bwana wewe ndio umetoa swali la maji kufungwa na watu kuzuiwa njia, sisi tulipokuja tulikuta vizuizi njiani. Nani anaweka vizuizi hizi?

Ronald Tirop: Hizo vizuizi ni ma-estates (ni wazungu).

Com. Zein: Wanaweka kwa sababu gani? Ni security, okay. Thank you.

Com. Mosonik: K. Sirma. Atafuatiwa na Evelyne Ng'eny na M. Kiplag'at.

K. Sirma: (kongoliot nongololen eng tuiyoni konekimoche eng achek Nandi).

Translator: What I want to say in this meeting is what we Nandis want.

K. Sirma: (koeng mengotet kemoche kisub kou kolekitebtoi Nandi yekinye engkeny akoi inguni).

Translator: In terms of residents, we would like to see to it that the culture of the Nandis the way it was since before is preserved.

K. Sirma: (ko bitetab Nandi komakimoche kabilet ake nenyokochutei Kolenjin orit eng mengotet).

Translator: According to the culture of the Nandis we don't work with another tribe which comes and live amongst the Nandis.

K. Sirma: (konebo oeng komi eng mengotet kokikobwa kokoito Serikali emetnyo neboNandi eng komostab Chemase).

Translator: Secondly, we want to highlight the fact that the government has given over our land in Jemase.

K. Sirma: (kemoche keweche koronoto konyo komosta nekibo akinye eng Nandi).

Translator: We would like to see that the land is returned back to the owners the Nandis.

K. Sirma: (konebo oeng komi bik che nyoliltos akomi Forest).

Translator: There are people who are suffering and yet there are forests.

K. Sirma: (kesome kikochi bik che nyoliltos ketilchi emonoto eng Forest).

Translator: So we would like to see those people who are landless given land from the portion of these forests.

K. Sirma: (kokeny komi kou kabilosiek ,kokomosta nekorekto komostab Marakoli kokikochi Morkorek kokochi Terikek).

Translator: Also, in relation to the site of the portion of land that goes towards the Maragoli should be given to the Teriks.

K. Sirma: (konoto anyun kele engamune ngotkomarikit emet komcheikomeny kapchitukul olekimi yekimi kongete).

Translator: So what we are saying is that if there is a scarcity of land, each and every group of people should live where they were living since before.

K. Sirma: (ak ngoro Serikali kouto kokakion bichoto koba komostanyua kabchitukul ole kimenyei koker Serikali angomi koret neimuchi kokoch bichoto).

Translator: And once these people who were not the residents of this place are chased away, then the government should take the responsibility of seeing to it that they are given another piece of land which is currently not owned by any other person.

K. Sirma: (komikouni kokeny kingotomo koba Wabeberu osol kingongete komi Wabeberu kokikimwa akobo Tindiret kele nenyo achek Nandi).

Translator: Before the colonizers went back to their country, we used to say Tindiret is our land.

K. Sirma: (basi koinguno koko eng komostab Tindiret komi nekokebutchi Lemek).

Translator: But now even the land in those sides of Tindiret which belongs to the Nandi, has been given to other tribes e.g. the tribes of the Western.

K. Sirma: (komengotet anyun nenyo komakimoche keburuchkei ak bik alak).

Translator: So according to us, we don't want to live as a mixture of tribes.

K. Sirma: (komias ko oin ketinye nyalilta ak kobo oret).

Translator: Recently, we have had problems with roads.

K. Sirma: (kitinye nyalilta nebo oret kongete Kipsigak akoi Serem ko kikakobwa kap Mukoya Kolekiyoe oret akoi koit Serem akomayai).

Translator: We have had problem with the road from Kipsigak to Serem and Mugoya Company came here and said that they were going to make the road and they have not been able to do it.

K. Sirma: (kibwotianyun kele ngone,ne ketinye semakiyoiwech oranoto ako kika kobwa kap Mukoya konyokochob oret,ako kikeyai eng Districk nebo Kapsabet kokikeyai ortinwek che chang kinde lamit ibkonget nebo Kaptumo akoi Serem).

Translator: So we don't understand what we have done wrong because they have tarmacked other roads in Nandi district, but this one they haven't.

K. Sirma: (olen kongoi techoto chechu).

Translator: Thanks.

Com. Mosonik: Evelyne Ng'eny.

Evelyne Ng'eny: I am going to present my proposals:

- 1) All Kenyans need equal rights, one-man one job to avoid monopoly by those who have Godfathers.
- 2) Bribery in job seeking should be done away with and transparent ways of employing people be made clear.
- 3) Women should have a right to be protected by the government.
- 4) A man impregnates somebody's daughter should take care of the child in case he will not marry her.

Thank you.

Com. Zein: Evelyne, we have heard a lot of people and you are also saying the same thing – one person one job. Is that in the public sector or also in the private sector?

Evelyne Ng'eny: I am talking about the public sector.

Com. Mosonik: Asante Evelyne. Kama kila mtu angefanya kama Evelyne tungesema ni vizuri. M. Kiplagat.

M. Kiplagat: Asante sana. Ningeomba nibadilishe kidogo nimpe Imam ndio aendelee kwa sababu yuko nyuma kidogo. Imam wetu aendelee badala yangu, mimi nilikuwa nimejiandikisha na alikuwa amechelewa kidogo, lakini sasa ameshafika.

Mohamed Changiwadu Sultan: Asalaam Aleikum Warakhmatulahi Wabarkatu. Kwanza kabisa ningelipenda kuwashukuru kwa kuweza kuhudhuria hapa hivi leo ili tuweze kurekebisha Katiba ya nchi yetu ambaye inatuhusu sisi Wakenya wote kwa jumla. Na kama ni jukumu letu sisi kama wakenya kubadilisha Katiba hili, ni lazima tuweze kurekebisha Katiba ambaye kwamba tunaamini ndani yake na tuko tayari kulinda Katiba hiyo na pia ikiwa itawezekana (if necessary), tuwe tayari kufa kwa ajili ya Katiba hiyo. Kwa hivyo kwa sababu ya hiyo ni kwamba ningelipenda Tume hii ambayo ni ya marekebisho ya Katiba, imeweza kutanguliza mambo mengine kabla ya mengine kwa sababu tunarekebisha Katiba ili tuweze kuwa na makao mazuri au tuishi vizuri.

Sasa tayari, wakati tunapokaa na kurekebisha Katiba, tumeshawekewa economic system ambayo ni lazima tuifuate hiyo system ya economy ili tukirekebisha Katiba tunarekebisha kulingamana na hiyo system ya economy. Kwa hivyo ingelikuwa ni jukumu

letu kabla ya kwanza kurekebisha Katiba, tuweze kujadili kwanza ni system gani ya economy ambayo tunataka kuishi ndani yake-----

Interjection Com. Zein: (inaudible)

Mohamed Sultan: Nitafanya haraka kidogo samahani. Nitakwenda moja kwa moja katika mazungumzo yangu. Kwanza kabisa ni kuhusiana na mambo ya citizenship ambayo tungelipenda Waisilamu katika ule ubaguzi ambao tunafanyiwa kuhusiana na birth certificate, ID na passport na kadhalika, iweze kupunguzwa.

Jambo la pili, kuhusiana na Judiciary ofisi ya Kadhi. Lazima kuwe na Kadhi's Court of Appeal. Halafu na kuwe na ma-Kadhi katika kila district kwa sababu saa hizi tuna Kadhi ambaye ni wa North Rift na yuko Eldoret na ana-cover mpaka Turkana.

Tatu, kwa upande wa economic system. Ningelipenda kushauri ya kwamba kuwepo na interest free banking system au businesses.

Nne, kuhusiana na foreign policies and international relations ya nchi. Ningelipenda ku-propose ya kwamba isiwe ni fikra ya mtu mwenyewe binafsi kwa sababu Waisilamu wamepata matatizo sana, hasa kuhusiana na hili swala la foreign policy. Tunakuwa na foreign policy ambayo ina-protect nchi fulani kwa malengo yake na matakwa yake kwa ajili ya kugandamiza raia wetu ambao ni citizens. Na nikisoma kwa ufupi, "Muslims in the country have increasingly found themselves the victims of attitudes and stereotypes resulting from global and external perceptions regarding Muslims and Islam. Indeed as citizens, Muslims are increasingly in conflict because of relations between the government and foreign countries holding notions and pursuing policies detrimental to Islam and the Muslims. We therefore as Muslims propose that the parliament of Kenya be involved directly in decisions regarding relationships between Kenya and any foreign country, where such relationships have direct impact on the lives of the people of Kenya. This should include treaties, conventions and regional and bilateral treaties".

Nikimalizia, upande wa ardhi ningelipenda, kwa sababu ardhi nyingi za waisilamu zimekuwa zikinyakuliwa kwa njia tofauti tofauti. Sasa ningependelea ardhi hizo ambazo kwamba zimenyakuliwa za waisilamu, ziweze kurudi kwa waislamu ambao ni wenyeji na wakaazi wa sehemu zile. Halafu pia, katika zile ardhi ambazo kwamba zilitolewa kwa ajili ya miskiti na kadhalika, ardhi hizo pia ni lazima ziweze kurudishwa kwa waisilamu. Na kwa hayo machache ndugu zangu, ningependa kuwapa hizi proposals kwa urefu ili mutaweza kupitia. Waasalam Alleikum.

Com. Mosonik: Ningependa kujua ardhi ya waisilamu ambayo ilinyakuliwa iko wapi, tafadhali fafanua.

Mohamed Sultan: Nikifafanua kwa kukitoa mfano, waisilamu wa Kabiet waliweza kupewa ardhi na serikali tangu 1940, na hii ardhi imeweza kunyakuliwa na baadhi ya watu na wakajenga majumba zao. Pili, waisilamu wa Kapsabet katika hii Nandi

District, waliweza kupewa ardhi pia na serikali tangu zamani, lakini ardhi hiyo, sehemu fulani za ardhi zimeweza kunyakuliwa na baadhi ya watu ambao kwamba wanajuana na wakubwa fulani katika serikali na kadhalika, pamoja na sehemu zingine.

Com. Zein: Unasema ubaguzi unaotendewa Waisilamu kuhusu citizenship (uraia) upunguzwe, wewe unataka upunguzwe, usiondolowe, lakini upunguzwe tu. Kama ninakuelewa vizuri, nimekusikiliza umesema upunguzwe.

Mohamed Sultan: Sasa nikirekebisha hiyo statement yangu, ni kwamba uondolewe kabisa sio upunguzwe.

Com. Mosonik: Jiandikishe tafadhali. Ningependa tuwasikie walimu wawili, wa kwanza ni James Bungei.

James Bungei: Honourable Commissioners, ladies and gentlemen, thank you very much for this opportunity that you have given me to present my views. I would like to express my appreciation first of all to one of the Commissioners who said the following on 9th June, 2002; “the elite and professionals have not presented their views on reforms to the Constitution of Kenya Review Commission. The Commissioner was concerned that only the ordinary people had attended the constituency seminars and hearings countrywide. We want these views of the elite to be examined along with those of other Kenyans. Journalists and other professionals should tell us what they want in this Constitution”. Therefore I am going to present my views basing it on the issues in the red book.

First of all on preamble. I see that a preamble is an introduction to a Constitution and it is an introductory part of a Constitution-----

Com. Zein: Mwalimu, we know what a preamble is.

James Bungei: So on the part of the preamble, I would like this to be included in the Constitution of Kenya so that we can be told the two reasons why we are having these hearings for the public to give views. This is because in the first Constitution that was written for Kenya in 1963 at the time of independence, was done by the people of the Legco going to the Lancaster House in London. So we want to know in this introduction to the new Constitution why we are having a new Constitution now, we want reasons. So a preamble should be included. Moreover, on the question of referendum you have already made this very clearly to us, I didn't know that before. But what I would like to say is that this referendum appears to be now almost inevitable because------(end of tape)

We want especially on the question of land and property, a special treatment by the government or the Constitution on this particular issue. So we would like a referendum to come and eventually the parliament to discuss; that is what we are looking forward to very sincerely here so that we can put our views very strongly in the Constitution.

Thirdly, on the rights of vulnerable groups. In the past the colonial rulers of Kenya had a Constitutional special provision for certain disadvantaged districts. For example closed districts like Baringo and others. We would like this special provision be included in our new Constitution that will come. In today's Kenya there are still disadvantaged districts and tribes and therefore we would like this to continue as a special provision in the Constitution - educationally, minorities, nomadic and pastrolists tribes.

Fourthly, is the question of ethnic diversity and communal rights. On this I have said that linguistic and tribal and cultural diversity is God-given and therefore is natural. We would therefore like ethnic and cultural tribes to be given the right to their diversity, as you express that unity indiversity. We would like to remain diverse, nevertheless we remain unified. Therefore, in my view I would say that we should have in this country majimbo system so that that the tribes that are there are not consumed by other tribes simply because they are minority or otherwise culturally different.

We would like in this special provision for the Constitution to ensure that there is security of persons and properties especially on the question of land and on this particular issue I would like to quote from the book of Tom Mboya, "Freedom and After", which on page 106 says, "the position of our friends in Central and South Africa is not different from our rule, we fought against exclusive reservation of land". And then on page 106, "the lack of mosquitoes in Kenya led Kenya into being called by Sir Charles Elliot "a white man's country". And the Devonshire white paper of 1923 says, "that when there was a clash of interest between the indigenous and immigrant people, the interest of the indigenous people should be paramount". But this paramouncy of African interest was never upheld, it was only when the nationalist movement became organized and effective that the white settlers and colonial powers recast their supremacy policies and the first reaction to this nationalist onslaught was the introduction of new slogans in Kenya and Central Africa, South Africa –in those multi-racial. So we would like the interest on land because land is the main means of production in Kenya and all over the world to be taken care of as a special provision for the tribes that are God-given and have been placed where they live. We want this to be taken into consideration by the new Constitution.

I don't want to quote very extensively but I would like to give my final view on succession and transfer of power. We would like this to be taken very seriously by the Constitution because-----

Com. Mosonik: Can you just make your recommendations on that issue, on succession and transfer of power, what do you want to say?

James Bungei: What I would like to say is that the current President of this country like those that have been there in the past, be guaranteed security welfare and immunity from legal processes. If any, then this legal processes should be undertaken now when they are still in office in the form of impeachment and things like that. It should be allowed in the Constitution, impeachment when they are still in power. But once they are out, they should be no interference at all, they should be

guaranteed their security and welfare. That is my recommendation so that there is no witchhunting. Thank you very much.

Com. Mosonik: Julius Gitonga, mwalimu mwingine. Can you try to make it precise.

Julius Gitonga: These are my recommendations:

I will start with the Government Structure. We should have a government of national unity in which the head is the President assisted by the Vice President. The President must be elected by the people and answerable to the people while in the office. The same case to the Vice President. We would also like to have the same head of the government, that is the President, his/her powers reduced. He should delegate some of his duties to the National Assembly, e.g. he should not be the one to decide when to go for the elections or decide the length of the period of the National Assembly session. Upon death while in office, the next president must be elected and not go directly to State House, but the already serving Vice President will hold the office before elections are done. He can as well contest for the elections. The President in the office is not above the law, we would like the Constitution to look at it. He is also another Kenyan and should be under the law but to his respect.

The Cabinet Ministers should not be Members of Parliament but excellent Kenyans with wide knowledge and experiences in the field of the ministries they are to serve should be coopted by the President and then confirmed by the Parliament to see if tribalism, corrupt people and incapable potential ministers. They should be answerable to Kenyans through the Parliament and finally to the president.

The Members of Parliament should not be corrupt people. First they should be transparent enough to describe their history through writings and disperse the pamphlets to the public to read. Must be in the house all the time and accountable to his constituents. If the constituents develop differences with him/her, he should be dropped. Constituencies should be reduced, there is no money to pay the many MPs we shall be creating now and then.

On education; unless the sponsors are ready to support the schools financially, they should withdraw from the public schools completely or the government to withdraw. All Kenyan children should have an access to education. These rich people we have should declare their source of wealth and if valid, they should sponsor at least a badly child or children especially chokoras. The government should ensure they have attached children to such people. The Teachers Service Commission should perform its duties of serving teachers and not delegating duties to BOGs and PTAs. Teachers should be employed by TSC officials who are professionally qualified and not exposing them to BOG for interviews.

Land and natural resources: All Kenyans must have land and not living off forests to give people. Those people with huge tracts of land should lease to those without land or the government to buy from them and to lease to people or subdivide. They should as well account from where they got the land. Kenya's forests must not be cleared in the name of settling people. Land

will never expand but population will continue growing, hence the government should find ways of educating people to reduce population and not curving of forests. All grabbed land must be returned to the public, the only body which can curb land and for public use is the Parliament and not the President, Ministers or Permanent Secretaries. Forests must be kept under the care of the community around and not foreigners, in this case people from other places in the name of District Commissioners and forest officers. The latter should only see that the environment and government policies on forests are followed. The communities should be advised to form conservation groups to enlighten people on the importance of forests and other natural resources.

On information, all the licenced mass media to be allowed to air their information countrywide. For national unity, Kiswahili should be natured from primary schools to higher levels of learning. Local languages should be informal and not formal. Thank you, those are my views.

Com. Mosonik: Asante, ngoja kidogo.

Com. Zein: When you say that you are proposing constituencies to be reduced, to how many?

Julius Gitonga: Maybe every division should have at least one. Every district should have two constituencies, something like that.

Com. Zein: That would bring us to 140 constituencies.

Julius Gitonga: Which is fair as far as the economic situation is concerned.

Com. Zein: Other places we have gone people are telling us MPs have large areas to cover, too many people to see, we need more MPs because we can't access our MP.

Julius Gitonga: Maybe I'm saying that because my district is made up of one constituency and we didn't have problems.

Com. Mosonik: Mwanafunzi Zadock Nampala:

Zadock Andeka: I am in Form three at Kaptumo Boys High School and these are my views:

First and foremost I am going to start with this issue of the government having to create a certain minimum number of job opportunities per year. By this I mean, you will find that every year we have so many people who have problems of getting

jobs and most of them are the youth who leave universities and other institutions like colleges. They get problems in obtaining jobs or any other form of job facilities.

On the hand, the youth as we know are the future leaders of this country. Despite this, there is nowhere in the Constitution written to show love and care to this young generation. The youth should also be involved in running of the government and the country so that if their time comes, they are assured of being people who can be responsible enough to run the country. This means that the youths should be given equal rights like any other Kenyan, they also should have their representatives in the Parliament who are also teenagers and have the experience of youthful life. This issue is going to be affixed by age of 18-30. By the look of you we can also see that even in our midst the youth that we have here are very few, by that I mean this is because the youth are being given very little chances of exposing themselves and even giving out their views.

In our communities we also have people who have different disabilities, but so far the Constitution has done very little or nothing to do with them. This people are also human beings and they also have rights to have equal chances-----

Interjection Com. Mosonik: Excuse me, so what would you like to see done for the disabled?

Zadock Andeka: This is what I want it to be done for the disabled.

Com. Mosonik: Just say it straight. We have a chance now to do things in a different way. So don't complain about the present, tell us what we should do in the new Constitution.

Zadock Andeka: The Constitution should constitute on the rights and the welfare of fellow Kenyans who are disabled. This will also help in eradicating poverty, for example, if you go to the issue of job opportunities you will find that most of this people who are disabled they cannot be allowed in certain jobs because of their disabilities. In addition, also those people who are very poor, this is not their wish and it is not also the wish of God. This Constitution should look for means and ways of helping this people. For example, we have people who own a lot of properties like land, so this people should be requested by the government or by the law to fully utilize the land so that the other people who are poor can benefit from that.

The Constitution should also consider the street children and the homeless people. This can be done by introducing a law that will restrict people from living in streets and at the same time providing shelter, food and clothes and nay other basic needs for them. The law should be clear about rights of the children than before, particularly now AIDS is here and will create orphans, let no one exploit them.

The President should not be appointing Vice Presidents after elections. Let one get a running mate or the ruling party in elections to do(inaudible) Otherwise that is all.

Com. Mosonik: Jiandikishe. Kipruto Leltai halafu kutakuwa na Jomo Kibiego na Nelson Chepkeng. (*Leltai anan ne?kainet,imoche ikoite kityo?kemoche ingalal?*)

Michael Koech: Mimi ni mzee Michael Koech wa kutoka hii location ya Kaptumo. Ninatoa shukrani kwa wazee wetu ambao wametoka Nairobi kuja kutusaidia kurekebisha hii sheria.

Translator: Michael Koech from Kaptumo, he appreciates your presence here.

Com. Mosonik: (ani ilekakateb kainet ,kikurenen Kipruto Arap Lelta?).

Michael Koech: (koin ngalekchu kokoasir engyu,kawechi kongoi akobo okwek chekomuch obwa oitu yu asikobit otoretch olitokimite akobo ngoliotab ngatutik).

Translator: He appreciates all of us who have come here so that you can assist in this process, about the Constitutional review.

Michael Koech: (kosome ole amune si makinyoru KFA nekindoi bekcho).

Translator: He is asking why we cannot get a store to put our produce.

Michael Koech: (kosome olen amune si makinyoru KCC nekindoi cheko ako kikitinye kongete).

Translator: Why don't we get KCC so that we can take our milk there and yet we have plenty.

Michael Koech: (kimoche Bank,makenyoru robinikab Bank chekitoretengei chekikisome kongete atkinye tai kokisome loan siketoretekei asikobkit keboisie komie).

Translator: Initially we used to get loans from the banks but it has become difficult these days, so we need that to be taken into consideration.

Michael Koech: (kongoliotab lakok,makitinyeacheket ngalek missing, ko ngoliotab lakok komochei lakok kikochi kiboket eng sukul asikobit kokasit Mwalimoinik).

Translator: These other proposal is in relation to children in schools. He is proposing that children should be caned so that they can be more disciplined.

Michael Koech: (atebekokeny ngoliotab koretinyo nekile Tindiret,kingoba Chumbek kokiwoano koretinyo nebo Tindiret makingen keletinyei ngo ,osomwech bikab ngatutik koronoto si kekonech).

Translator: The other issue is about land that we owned initially in Tindiret, right now it is no longer in our possession. So we would like a Constitution which will see to it that we are given back that land.

Michael Koech: (abwoti alekokesi ngalekchu yoto, kongoi).

Translator: That is all.

Com. Mosonik: Jomo Kibiego.

Jomo Kibiego: I am going to present my views and they are going to be merciful views. First of all I would like to talk about pregnancy in schoolgirls. I would like to propose for a law that will protect our schoolgirls because we get more problems there and their parents toil for them. Secondly-----

Com. Zein: How do you want it solved?

Jomo Kibiego: Because they are in school.

Com. Zein: How do you want the girls to be protected?

Jomo Kibiego: I am asking on how to protect them, a law to be there so that the public or any other person not to interfere with schoolgirls.

Com. Mosonik: You know you are being asked what should the law say, do we hang these people for example or what do we do?

Jomo Kibiego: A law should be there.

Com. Mosonik: Iseme nini hiyo sheria.

Jomo Kibiego: Iwalinde wasichana ili waendeleo na masomo, so that some people to interfere with them.

Interjection Com. Zein: (inaudible)

Jomo Kibiego: Yes, that it is illegal. Achukuliwe hatua na sheria.

Com. Mosonik: Sheria gani hiyo?

Yes, sheria ndio inakata tu. Secondly is concerning the government (what do we call this one – I have forgotten). I was saying

about the government utility. Actually we have government utility everywhere, we should protect them so that any other person cannot come and interfere with the government land because they benefit us later on. Another one is free education in primary schools to enable people or those who don't have money to educate their children. We get more problems because some of the parents don't have anything.

Fourthly, matibabu ya bure kwa mahospitali kwa sababu kuna watu ambao hawajiwezi kulipa fees ya hospitali na sisi ni Wanakenya. Tunaomba Tume hili ituwasilishie mambo haya ili watu wapate kutibiwa.

Concerning the disabled people, we should ask the government to consider these people because they don't have any help from anywhere. I had those views, I will not continue. I thank the Commissioners who are here for receiving our views.

Com. Mosonik: Asante. David Lang'at, atafuatwa na Nelson Chepkin halafu B. Rono.

David Kibiego Lang'at: Niko hapa kupendekeza report ambayo tumeandika kama walemavu. Kwanza kabisa ningetaka nianze na education.

Education: Disabled people be given free education starting from nursery school to university level. The government should build for them special schools according to their disabilities, example the deaf schools, the blind, mentally disabled schools and for the physically disabled. The government should build rehabilitation centers for the disabled persons. Disabled children be given free education since their parents cannot afford to pay for their school fees.

Health: The government to consider the disabled and treat them free of charge in all hospitals and in case of private clinics, the government should set aside funds for the disabled to meet their hospital bills.

Employment: Qualified persons be given jobs just like other normal people. Disabled persons be absorbed in all departments even in military, some can be secretaries.

Settlement: The government to assist them to get trust land for their settlement and cater for their settlement and cater for their childrens well-being, that is education. If possible, at divisional level, they should be given tuition funds to use and get finance to attend to their domestic problems.

Politics: Qualified disabled persons be considered in politics. The disabled people be nominated in civic and parliamentary level, they should be given at least 10%. In case of Parliament, they should be given a ministry headed by a disabled Minister to cater for the disabled persons.

The government should have a special budget for the disabled through social services. National funds for the disabled be headed by a disabled person since now it is being held by a non-disabled person and they can't know the well-being of the disabled. They should be exempted in duties and other levies.

Roads and buildings: In case of blind persons, they should be given identification items for the drivers to know them since they are unable to see incoming vehicles.

Government offices be built in such a way that disabled persons can reach. Most of them foreign buildings and the disabled persons cannot get there. Lifts be available for the disabled persons to reach storeyed offices. Ladders be fixed in public vehicles to cater for the disabled persons.

Mass media: Sign language be introduced in television for the deaf persons. Telephone booths to be accessible for the disabled.

These are the few proposals we have come up with this as a group, thank you.

Com. Zein: You have proposed that people who cannot see, should be given identification items. What is used internationally even in Kenya is the white cane, do you feel that the white cane is not sufficient? When somebody uses the white cane even when they are crossing the road the driver knows that that person cannot see.

David Kibiego Lang'at: Hizo vitu zinapatikana sana katika miji, lakini tungetaka ziwe mpaka local.

Com. Mosonik: Ulikuwa ukisema kuhusu wale wanasikia wawe na identification na wale hawasikii ama ni wale tu hawaoni?

Wenye wako blind.

Com. Mosonik: Na kumekuwa na swala, je hawa walemavu (the disabled), wawe wakienda integrated schools wasome na wengine ama waende special schools vile umesema wewe mwenyewe?

David Kibiego Lang'at: Wangepewa special schools na wapewe enough facilities.

Com. Mosonik: Asante sana, ujiandikishe tafadhali. Nelson Chepchieng (hayuko), B. Rono.

B. Rono: (kongoi eng boisek chekobwa kochob ngatutik cheb Kenya).

Translator: He appreciates your coming concerning the Constitutional review.

B. Rono: (kikere tukuk,nga kilen kikeboukei,komitukuk chetekekerenech).

Translator: Since independence, there are some things that we are not getting access to.

B. Rono: (kouni kitinye bich chebwonei kochengei kotoret bik che nyolilitos eng emoni,ngelen kenyoru kolen oba Opisitab Social services).

Translator: For example, we have people who are offering some help to people but when we go to them they say go to the offices of social work.

B. Rono: (akokakobwa bichoto kongete bitonin kotorchinech kito neinet nekotokikochinin buch koba Districts ak sub locationisiek).

Translator: And yet this people have come all the way from countries abroad with the aim of assisting this people.

B. Rono: (kokekere eng yoto kele manyolu).

Translator: So we are saying it is not fair, rather they should distribute the assistance or send the assistance at district levels.

B. Rono: (nebo oeng kokemenye imbarenikab Chumbek).

Translator: Secondly, we have the land which the white people were living.

B. Rono: (komitei olekikende kikingit kolemesiru yu).

Translator: There is something they use, a mark to mark their boundaries.

B. Rono: (akonguno kokikochik koroyoto akolechi bik chemitei yoto kolanda bitonin).

Translator: But at the moment they have removed that mark and they have transferred to another place so that they can push the locals further inside.

B. Rono: (akikotekemi kipnene kokakobat akonde chaik akonyokoker bek).

Translator: And in a short while when we are still watching, they have decided to cultivate that land, plant tea and then they have fenced it.

B. Rono: (ara anyuni kimite ngatutik ingircho?)

Translator: So which laws are there?

B. Rono: (ngeker ngatutich choto kokibo 1948).

Translator: When he looks at the laws which are functioning at the moment they are the laws which were enacted back in

1948.

B. Rono: (siamua kounoto ole 1948 kokia akenge ne kikwo kos ak Moindik ak Chumbek).

Translator: I say this because I went to a course with the Indians and the white men.

B. Rono: (kokikangetar course,kokiit kele ndekeyae kit kenin koin inyeibo emoni koni kobo bitonin koamei robinik chechang iyome chengering).

Translator: When I finished the course, they decided that those who belong to countries abroad get more salaries than those who are locals.

B. Rono: (kemoche anyun kokakechob ngatutik,kokerkeit biktukul cheyoei boisiet).

Translator: So we want to see in the new Constitution all the people who are offering some services be it Westerners or the citizens of this country get the same treatment.

B. Rono: (ako ngeker kouni kitochelewan kitosip otounen kingoboikei Kenya, kotasiochobe ngatutik akai).

Translator: Since Kenya became independent, there were laws which were made. That is all.

B. Rono: (choto chuket motinye chechang).

Translator: Mzee anasema kwamba mipaka ya ardhi ile ya zamani, ile walikuwa wameweka wakati wa white highlands, sasa kuna makampuni inavusha hiyo mipaka inapeleka mbele na wanachukuwa hiyo ardhi. Anaweza kutuambia ni wapi hiyo mambo inafanyika?

B. Rono: Hapa kwa estates.

Com. Mosonik: Asante sana ujiandikishe tafadhali upande ule mwingine. Rosaline Sambu.

Rosaline Sambu: Ninazungumza kwa niaba ya wamama wa Kaptumo. Pendekezo yetu ya kwanza ni kuhusu uchaguzi. Tunapendekeza yule ambaye anapata 50% achaguliwe aende bunge ama kwa council. Tunapendekeza pia 35% iwe ya akina mama katika bunge na 45% iwe ya akina mama katika County Council.

La pili, tungetaka maji, stima na matibabu kwa akina mama katika vijiji vyote. Ingingine ni mashamba. Tunataka majina yote iandikwe katika title deed, ya bibi na bwana. Kwa sababu hiyo shamba ni yao wawili.

La tatu, ni kuhusu mama ambaye bwana yake amefariki. Tunataka serikali imwanganalie kwa sababu -----

Com. Mosonik: (kalian kouyo boleibik,ongekoshi mama komwa ngalekchi).

Rosaline Sambu: Wamama ambao ni wajane; tunaomba serikali iwachunge hawa kwa sababu bwana akienda wale madungu za bwana wanakuja kunyakuwa mali. Kwa hivyo tungetaka serikali isimamie upande huo. Pia upande wa watoto tungetaka baba awe mwenye kuchunga watoto zaidi kwa mahitaji yote ambao watoto wanataka. Tena wale watoto ambao bwana amezaa nje ya ndoa, achunge hao watoto pia kwa sababu ni watoto wake. Awapatie masomo, matibabu, malazi na chochote ambacho huyo mtoto anahitaji. Yule msichana ambaye hakuolewa ni lazima awe moja wa watoto wa baba, ikiwa ni mwananume au msichana, mali igawanywe iwe sawa kama yeye yuko nyumbani kama hajaolewa.

Kuhusu mashamba ambazo ziko kwa mikono ya serikali tulipendekeza ya kwamba shamba yote irudi kwa local authority. Pia mashamba ya kuuza, ni lazima mzee wa mtaa aju, assistant chief, chief, DO na local authority, kwa sababu mashamba imeleta magorogoro watu wanaenda kwa mawakili wanamalizia kesi huko halafu mashamba inaenda kabla sisi kujua.

Na kwa wale watu ambao wanashika wanawake njiani kwa nguvu, wapatiwe sheria kali wafungwe maisha.

Upande ya wamama, tunataka wamama wavae nguo nzuri, nguo ya heshima, nguo mrefu, wawache trousers na zile nguo ambazo zinaonyesha nguo za ndani. Hiyo ni sheria ya akina mama ambao tulipendekeza. Asante nimemaliza.

Com. Mosonik: Hapana, wewe huwezi kuuliza maswali, sisi ndio tunauliza tusipotosheka ndio tunauliza. Mama mwengine Emily Bushenei.

Emily Bushenei: (kongoi eng boroini kongo akokwek chekoobwa okoswech ngalekcho).

Translator: She appreciates the opportunity that she has been given and you coming.

Emily Bushenei: (motinye ngal chechang)

Translator: She has some few things to say.

Emily Bushenei: (chokasomoni Rosaline kokikisire)

Translator: What Rosaline has said is what they had written.

Emily Bushenei: (koutie ngolio agenge)

Translator: But there is only one issue she has not mentioned.

Emily Bushenei: (noto ko Sipitali .Kinyoliltosi eng Sipitali)

Translator: About hospitals. We suffer a lot in the hospitals.

Emily Bushenei: (ngobua kerchek cheuchokokikon kele kitoreten bik nyekeoltoi)

Translator: When drugs are sent to be used to help wananchi, some people sell them.

Emily Bushenei: (si iwe iyal kerchek kobeku chemotinyei robsiek).

Translator: So you are given the responsibility of going to buy the medicine again, for those who don't have money they die.

Emily Bushenei: (nguno amoche Serikali korbwech kerchek).

Translator: So I want the government to take care of the drugs that they send.

Emily Bushenei: (kokeny amoche kerb lakok chemotinyei sikiki).

Translator: I also would like the children who don't have their parents to be taken care of.

Emily Bushenei: (amoche Serikali ngokatengochin oto sikoribok kot koikei lakok cheto)

Translator: The government to device a way on how they can help them, either they can build a home for them and help them so that they can become like other people.

Emily Bushenei: (motinye ngalchetia olen kongoi)

Translator: That's all she had, thanks.

Com. Mosonik: Mama mwingine Bornes Kirorei

Bornes Kirorei: Preamble: We the people of Kenya recognize the supremacy of the Almighty God over our beloved nation, acknowledging the gallant efforts and the immense sacrifice of our national heroes in the struggle of freedom, self-determination and justice. Galvanized by a consuming desire to build a society based on multi party democracy, justice, accountability, transparency, equality and promotion of general welfare; and upholding a sovereignty of status in the family of nations. Do hereby solemnly term our common and supreme will upon this Constitution of Kenya as an ultimate document of the expression of the indestructable yearn of the realization of the political of all the citizens through the inailable principles of unity, peace, liberty embodied in our national anthem.

- I. Women should fully be represented in formulization of policy in all important national issues including the economy and government which has been reserved for men. They should reserve 30% of seats in the parliament.
- II. The government should ensure through Constitutional provision that women being a marginalized group enjoy rights opportunities – and access to education, medical services, safe drinking water, work, decent shelter and security. In short

human dignity.

- III. The principle of equality including equality of gender should be enhanced and upheld by the Constitution and any practice or policy contravening with this will result in severe punishment of the offender. In any case the discrimination on the basis of gender is illegal and unethical.
- IV. The government should approve and commit itself to the promotion of affirmative action policies with the option of addressing and redressing past inequalities which women have suffered.
- V. Land title deeds ought to have both the names of husband and wife to guarantee security of family property, and to ensure that women are not economically persecuted or disinherited in the event of the husband's death.
- VI. Fathers should be legally bound to take care of the children they sire out of wedlock to promote moral responsibilities.
- VII. Sexual pervasion including homosexuality should be proscribed and the offenders legally penalized severely. At the same time the rapists should be imprisoned for life.
- VIII. Unmarried daughters who may have dependants should be legally entitled to part of their father's property.
- IX. The review process of the Constitution of Kenya has to incorporate into the law treaties and conventions already rectified.
- X. Local councils should have more powers to decide on matters within the local authorities.
- XI. At least 75% of the funds raised within the local authority and only 25% should go to the central government.
 - Councillors should be remunerated from the consolidated fund.
 - Lands in Kenya to be under the local authorities.
 - Private land in Kenya should be given to local authorities.
 - For any sale of land, village elders, assistant chiefs and local authorities should give a consent.
- XII. Mechanisms and accountability need to be put in place to ensure democratic and transparent local government.
- XIII. There must be a referendum before the Parliament can amend a Constitutional provision using the current given 65% votes.
- XIV. An important body mandate of the Judiciary should conduct the referendum.
- XV. The rights of Kenyan women in marriage and ownership should not be dictated by customary law or clear laws set out in the Constitution.
- XVI. Inheritance rights-----

Com. Mosonik: Since umeandika vizuri tutaweza kusoma lakini utueleze tu yale mambo muhimu, highlight only please. Useme this memorandum contains something on preamble, on education, just do that and then we shall read the rest, please.

Bornes Kirorei:

- XVII. The remaining one is the rights of widows and widowers, orphans and single mothers. Their rights have to be recognized and protected.

XVIII. Domestic violence to be tackled and resolved in family courts at least at the grassroots level.

XIX. Another one is concerning the salaries, an independent body should be established to look into the salaries, allowance of the Members of Parliament.

XX. The thing other was concerning the disabled persons. The disabled should receive equal treatment in law, be guaranteed free education to universities and easy access to social services.

XXI. FGM should be rooted out and enforcement laws should be made. Children born after separation should not have legitimate claim to a share of the property of their mothers' ex-husbands.

XXII. And the last one was concerning retirement. Retirement benefits must be in all fairness accompany the retirement letter. That is all we had.

Com. Mosonik: What did you say about the children of separated mothers?

Bornes Kirorei: Some mothers or some children tend to claim the property of their ex-husband and that is why I mentioned that the children born after separation should not have any legal to the share of the property of their ex-husbands.

Com. Mosonik: But you are also saying that we should protect the rights of the single mothers. So single mothers are not separated?

Bornes Kirorei: Single mothers are not separated mothers, they were never married, and those are the people we were saying they should have an access to their fathers property. They should be given a share of their properties.

Com. Mosonik: But the children of a separated mother whose father is very well-known, should not have anything.

Bornes Kirorei: They should not claim because they don't legally belong to that-----

Com. Mosonik: Is it separated mothers or divorced mothers.

Bornes Kirorei: The two of them, separated mothers and divorced mothers.

Com. Mosonik: They have no right at all. Asante sana.

Bornes Kirorei: There was something I had mentioned, concerning unmarried daughters who may have dependants. Those ones were never married and are the ones who need to claim for their fathers' property.

Com. Zein: When you say that unmarried mothers should have access to inheriting land from their fathers, let me get this

clearly, unmarried women should have a right to inherit land from their fathers. Then at the same time you are saying that there should be a principle of equality. If there is a principle of equality what would stop married women from inheriting from their fathers?

Bornes Kirorei: For married women they belong to where they are married and their properties are in that family and that is why we are saying even the title deeds to bear their names.

Com. Zein: What I am saying madam, I don't know which you want to establish; I fully appreciate what you are saying. You are saying among the culture of the people here, married women cannot have a claim to their fathers' properties, that is what you are saying, but at the same time you are saying that there should be equality of gender. So you are saying, if I interpret this in Constitutional terms, if we were to include in the bill or rights, that men and women are equal. It also means that if they are married or not married they would still have a claim in their fathers land, that is what it will mean.

Bornes Kirorei: That is not what we meant after we had discussed.

Com. Zein: I just wanted to clarify that.

Bornes Kirorei: Thank you.

Com. Mosonik: Ulikuwa umesema kwamba 'our memorandum', whose memorandum is that, who else contributed?

Bornes Kirorei: This is a memorandum for Aldai women and we are sponsored by Collaborative Centre of Gender and Development.

Com. Mosonik: Sasa tunataka kuharakishe kidogo kwa ajili imefika lunch time na hakuna mtu ataenda mahali ndio tufanye speed please. Na museme yale ambayo wengine hawajasema ama ukisema ukitaja useme, "ninakubaliana na yule", haraka haraka kabisa, tafadhali tusirudie sana. Ben Sambu halafu Julius Chepkwony, halafu Kosgey. Wapi Ben Sambu? Hayuko, Julius Chepkwony yuko? Are you Ben Sambu, just make it fast, you look like a teacher.

Ben Sambu: Mapendekezo yangu moja, ni kwamba ninataka kuongea juu ya marupurupu ya watu wa serikali. Sehemu hii imekuwa na matatizo kwa mfano wengi wanaandikwa katika district level, majina inachukuliwa Nairobi. Na inafika wakati mtu anastaafu badala ya kupata pesa yake hapa anapata matatizo ya kwenda Nairobi anamaliza pesa na kurudi.

Interjection Com. Zein: Mapendekezo yako nini?

Ben Sambu: Mapendekezo yangu ni kwamba hawa washughulike walete pesa katika district level tupate katika area hii. Ni hiyo moja tu.

Com. Mosonik: Julius Chepkwony.

Evangelist Julius Chepkwony: Honourable Commissioners these are my views with my friends:

1) Students be selected to the universities according to the courses they have selected. Competitive courses be given to students with high points accordingly.

Com. Mosonik: Let me tell you, you know I teach in the university and that is what happens now. There are many students per courses selected, when they don't meet the points their names are put in the newspaper inasema, 'make a second revision of the choice'. So it is already there, make another proposal.

Julius Chepkwony: What I mean here is that when students are selected to the university according to the courses they have selected, sometimes when they reach there they are given another course, that is what I mean.

2) Universities be left to work independently without the influence of politics and therefore the president should not be the chancellor of public universities.

3) If a divorced working mother dies, her will and wishes on who shall inherit her property should be respected. Her children who went with her when she was divorced should bury her and be left to inherit the property without the interference of her former husband.

4) Constitutional courts to be established.

5) Abortion: Biblically abortion is murder because life begins at conception. This issue should be addressed in the Constitution and we are losing many girls on that.

6) Chiefs and asst. chiefs should go for full time college of administration.

- Development committees be chaired by the Councilors.
- Chiefs and assistant chiefs should not be transferred because they are the ones who know people locally. They should assist the DOs since they do not know the people there. Therefore we need qualified chiefs, working full time, who are college administered and who can actually assist the DOs and DCs because they are acquainted with the area. So chiefs should not be transferred.

7) MPs should have offices in their constituencies, people should not go to their homes when they have problems they want solved.

8) The certificate of marriage should go hand in hand with certificate of health. This will minimize or reduce transmission of diseases such as TB, etc to the next generation. Thank you.

Com. Mosonik: Before you leave, where did you read that life begins with conception?

Julius Chepkwony: In the book of Jeremiah chapter one, verse 1-10. God addressed the prophet that I knew you and I set you part when you were still in the womb of your mother.

Com. Mosonik: Ngoja kidogo, unajua the same problem was there in America na Reagan said that “life begins at conception”. But about 1000 prominent scientists disassociated themselves from his statement and in Kalenjin culture, a person was not a person until they came out of the womb of their mother (in Kalenjin) na kulia kwanza. Otherwise ilikuwa inanyongwa, you know the way the mothers were controlling this thing. If a girl gets pregnant out of wedlock, they waited for the child to emerge and held it by the neck and then inatupwa, lakini ikiwa imelia, then it is a human being. That was the Kalenjin concept of when life begins. So this one of yours I have respect for it.

Com. Zein: Ngoja kijana. I think Dr. Mosonik was trying to explain to you about the procedure of admission to universities. You were saying that people should be given the courses they apply for, what if they don’t qualify, they don’t get the marks. You also say that the most competitive disciplines and courses should have a higher cut-off. So you choose law, you don’t get the points to be admitted for law, so you should be left out you should not be given another option?

Julius Chepkwony: What I mean is that there are people who have actually qualified to go for law. But you find that there is discrimination, they are put somewhere else.

Thank you, anymore?

Com. Mosonik: Let me tell you, the university does not discriminate. There are only so many places because you don’t want to create a problem that is there. Inasema kuna wanafunzi watasoma na kuna nafasi mia moja na ishirini tu, na watu kama elfu mbili wame-qualify. Sasa wana-rank top 120, wanaanzia number one, halafu mwisho mwisho wanaweza kusema tuchukue wasichana wawili-watatu, lakini sio number 2000 na kuna nafasi 110 hivi, you see? So the university is very transparent something called A.B wanafanya it is very fair.

Julius Chepkwony: So I want the new Constitution to reinforce that.

Com. Mosonik: That was Julius Chepkwony, Peter Nui please. Hayuko, halafu I Kosgey.

Ibrahim Kiplimo Kosgey: Yangu itakuwa machache na ni kuhusu yafuatayo:

La kwanza, Katiba ya sasa haiwatambui wazalendo wa nchi hii, kwa hivyo ninapendekeza ya kwamba Katiba ya sasa kuwe na marekebisha ili wazalendo waliochangia katika historia ya nchi hii wawe wakitambuliwa na kuwe na dhamani katika utambulizi wao. Na wala isiwe tu hali ya kuwaita kutaja majina yao katika streets au stadiums, unasikia Oloo street, Cheruiyot street, bila dhamani yeyote.

Com. Zein: Unataka wapewe pesa?

Ibrahim Kosgey: Kwa hivyo kama sio pesa, ni wakfu ubuniwe kikatiba kuendeleza yale juhudi ya yule mzalendo. Kama alikuwa mwalimu, wakfu uendelezwe ili uwe sustainable, kazi yake iendelee.

La pili ni kuhusu uteuzi wa Ministers. Mimi ninatoa pendekezo ya kwamba minister akiwa appointed, wale constituents wake wawe na mamlaka ya kuchagua mbuNge mwengine kwa vile yule aliyekuwa appointed kuwa minister, sasa yeye ni mbuNge wa Kenya, yeye ni mbuNge wa taifa na wale wengine sasa wanakuwa political orphans hawana mtetezi. Kwa hivyo mimi ninapendekeza ya kwamba, Minister akiwa appointed, wale watu wake wawe na uwezo wa kumchagua mbunge mwengine wa kutetea masilahi yao.

La tatu, ni kuhusu mapatano ya kitaifa – international agreements. Hapa natoa mifano miwili. Hapa kwetu tukiandika askari kama ni jeshi ama polisi, tunaandika tukijali masilahi ya watu wa Kenya, hatuna ya ziada. Lakini hivi karibuni ninasikia katika international agreements inafanywa huko huko bila kuwahusisha wale wenyewe ambao ni waadhiriwa moja kwa moja kama vile wazazi wa wanajeshi wanaoteuliwa kuhudumu kwa UN peace keeping missions. Kwa hivyo, ninapendekeza ya kwamba kukiwa na haja ya kuwateua watu waende kufanya kazi nje wale wazazi wao, wawe wakihusishwa katika maamuzi ya kuwapeleka pale.

La pili hapo, ni international agreements kwa resources za Kenya. Kwa mfano, hapa tunasikia ya kwamba miradi mengine yanaenda yanafanyika mahali pengine na sisi wenyewe ambao pengine ndio chanzo wa miradi hizo, hatunufaiki. Nikitoa mfano tu ni kama vile rasilimali za maji. Maji unasikia ya kwamba miradi mengine wazungu hata wakitoka mbali sana wanaweza kuwa na control ya maji kuliko sisi wenyewe ambao tunaishi na hizi mito. Nikitoa mfano, ni maji ya River Nile., chanzo ya River Nile ni hii misitu yetu ya hapa Nandi lakini sisi hatuna access na wala hatuna sauti, tukijaribu sasa kuziba mito hapa tukitaka kutumia kwa miradi yetu, wazungu huko ng'ambo watalalamika kuliko sisi wenyewe. Kwa hivyo mimi ninapendekeza kwamba katika Katiba ya sasa, wahusika wawe wakihusishwa moja kwa moja katika maamuzi ya makitaifa. Watu wawe wakiulizwa, jambo fulani.

La tatu, ni kuhusu utaipishaji ya ardhi. Tunasikia ya kwamba katika Katiba ya sasa, kukipatikana kama kuna dhahabu katika shamba langu, moja kwa moja itachukuliwa na serikali na fidia yake pengine hata inapitia kwa mawikili ambao kwao ni ngumu sana kupata ridhaa. Kwa hivyo mimi -----

Interjection Com. Zein: Kwa sababu mtu anapomiliki ardhi ni mpaka fiti tatu chini na dhahabu haipatikani hapo, hupatikana chini zaidi.

Ibrahim Kosgey: Hapo mheshimiwa Commissioner ninashukuru kwa vile umenisaidia. Hapo ndio mimi ninataka ipitishwe ya kwamba ardhi iliyo juu yako ama ardhi ulionayo hapo iwe yako mpaka chini na sio chini peke yake hata juu. Kwa hivyo mheshimiwa kwa hayo machache ninashukuru.

Com. Mosonik: Pengine tukuulize kidogo, ulisema tutambue wazalendo, lakini nani atasema nani ni mzalendo? Hivi majuzi watu walikuwa wanasema wazelendo hawapewi medali na kuna wengine hawastahili kupewa. Sasa nani atatambua hao wazalendo na la pili kama umesema Minister akiwa Minister watu wake wasiwe mayatima na je, kuhusu Rais mwenyewe akichaguliwa kuwa Rais, kuwe na by-elections kwake ama iwe namna gani?

Kuhusu hii mambo ya dhahabu, kuhusu madini, nikupe mfano kidogo kwamba pengine wewe una ardhi yako hapa ndogo katika hiyo ardhi umemiliki ipatikane madini wewe uwe unatumia hiyo madini kujinufaisha wewe. Watu wangapi katika eneo hili watakubali mambo haya? Wanasema madini haukutengeneza wewe, madini yaliumbwa na Mungu kwa hivyo yanufaishe watu wote.

Ibrahim Kosgey: Ndio ninataka Katiba yenyewe ifafanue ya kwamba mini nipatiwe ridhaa ya kutosha na kama sio ridhaa, niwe hata na shares katika kama ni kampuni ya kuchimba madini na kadhalika. (end of tape)

Kuhusu Rais, wale watu wa constituency yake vile vile wachague mbunge mwingine. Kuhusu wazalendo, hili ndilo swala ambalo nilikuwa ninajadilia, kuwe na mfumo mwafaka ya kutambua mtu fulani ni mzalendo wa kitaifa, ukifikia kiwango fulani wewe ni mzalendo kimkoa hata mpaka kiwilaya. Kwa hivyo Katiba yenyewe itoe ufafanuzi na muongozo mwafaka utakao fuatwa kutambua kwamba huyu ni mzalendo wa kitaifa, huyu ni mzalendo wa kiwilaya na kadhalika na isiwe tu majina ya street na kadhalika. Uwe na dhamana katika utambulizi huo.

Com. Mosonik: Jiandikishe tafadhali. J. Tot (umepeana), asante sana hiyo ilikuwa memorandum ya group. W. Koech, hayuko, Elisha Bira.

Elisha arap Bira: Siwezi kurudia ile imesemwa na watu, lakini nina neno moja ambao ninataka hii Katiba ione kwa sababu katiba inaanza nyumbani, msingi ni nyumbani. Kwa hivyo, tunataka mzee wa kijiji, serikali imwandike impatie kitu.

La pili, tunataka wazee ambao zamani walikuwa wanaitwa African God. Na hawa wazee wanajuwa A to Z kwa ile kijiji watu wanaishi kwa sababu tumeona masumbuko kubwa kwa mambo ya ardhi. Tuna siku hizi wakora, zamani kulikuwa na wazee

wa nyumbani wanajua kila kitu, mtu akipata taabu watu wake wanajua wale wazee ambao wako karibu kwao. Kwa hivyo tunataka serikali iwaone wazee wa nyumbani, waone mambo ya mashamba.

La tatu, tuanona hii mambo ya serikali, tukitunga sheria lakini hatuchungi ni ngumu. Zamani kulikuwa na mtu wa kuchunguza pesa anaitwa auditor. Anaona mambo kama inaenda mzuri ama inaenda mbaya, halafu hapatii serikali aibu kwa sababu siku hizi pesa inakuja kufika hapa inapotea, lakini tunalaumu nani? Tunataka hii serikali ione hapo. Ni hayo tu.

Com. Mosonik: Asante, ujiandikishe tafadhali. Samuel Rono.

Samuel Rono: These are my recommendations or proposals:

The Presidency: There should be the post of the President as it is now and also the post of Prime Minister. The President should be elected together with his running mate while the Prime Minister should have two deputies. President to remain the Head of State while the Prime Minister and his two deputies to be the Head of Government. Also, the retiring President and the retiring Prime Minister should be limited to two five-year terms, and they should be well motivated, remunerated and pensionable after their period so as to motivate them to retire, so they should not wish to remain in power.

Elections: Civil servants and teachers should be allowed to contest Civic, Parliamentary and even Presidential elections without necessarily relinquishing their positions. This will improve the quality of leaders being elected because the electorate will not be limited to only those who have retired from the public service and those who could not manage to get employed anywhere else. For every candidate contesting he should be literate and should have reached a certain level of education but not necessarily being graduate because history has shown that there were those who were not necessarily graduates but they were successful and exemplary leaders like Sir Winston Churchill and John Major both of Britain, Ronald Reagan and Abraham Lincoln both of USA. They had humble education background and they are exemplary leaders. So they should not be necessarily graduates but they should be literate and possibly have a minimum education of Standard Eight for every seat.

System of education in Kenya should be compatible or acceptable in the other East African community states since the East African Community is moving towards East African Federation. The system of education should be compatible with them so that Kenyan graduates can get employment in the other two countries without being questionable.

Com. Mosonik: Can you tell us how it would become compatible?

Samuel Rono: For example right now an 8-4-4 graduate may not get a university admission in Tanzania or Uganda unless he has gone to Form five and Form Six some are still adopting the former system of 7-4-2-3. So the system of education here in Kenya should be like that one of Uganda and Tanzania.

Com. Mosonik: Let me ask you as a joke, supposing we try to persuade Uganda and Tanzania to have 8-4-4?

Samuel Rono: It will be okay so long as they will accept.

Com. Mosonik: Lakini tena nilikuwa ninataka kukuuliza unajua kabla ya uhuru ama ile miaka ya kwanza ya uhuru, kulikuwa na kusoma mpaka Standard Eight, ilikuwa inaitwa hesabu ya Durel. Mimi sikuifanya lakini nilisikia, halafu wanaenda Form four Alliance, Mangu, Maseno, halafu wanaelekea Uganda mahali ilikuwa inaitwa Makerere. Secondary school ilikuwa miaka mine, kama sina hakika, unajua kwamba kulikuwa na system kama hiyo zamani?

Samuel Rono: I am roughly aware of that.

Com. Mosonik: Sasa hiyo system ilifanyika nini, kwa ajili watu siku hizi wanasema turudie ile ya zamani, wanasema tu ile tu ya Form six, lakini ili ya wazee ya Durel ilikuwa ni Form four tu. Ilikuwa 8-4-4, unajua hivyo? Na wazee wa zamani ndio walikuwa wamesoma kabisa, wanasema wanafanya hesabu ya Durel, ilikuwa kitabu ngumu. Sasa sijui kama ni kurudia ile ya hivi majuzi ama kurudia ile 8-4-4 original, ama tueleze Tanzania na Uganda ya wakati huu?

Tutaenda lunch break na turudi saa nane kamili.

Com. Zein: Na saa ile tutaenda kupumzika nina swali ninataka ufikirie (ngoja kidogo hatujaamua kuondoka kwanza), unapendekeza kwamba public servants wawe wanaruhusiwa kwenda kwa elections bila ku-resign position yao. Hiyo ina maana Dr. Mosonik au mimi, elections ikiitwa na bado tuko ofisini niendeleo na kazi na niendeleo kugombania kiti, hiyo ina maana DC wa hapa aweze kusimama kura, hiyo ina maana, judge, Attorney General, hao wote wanaeza kusimamia kura. Ufikirie hivyo.

Com. Mosonik: Tumsikize Phillip G. Langat.

Com. Zein: (inaudible)

Com. Mosonik: Samuel Rono alimalize.

Com. Zein: Kulikuwa na maswali

Com. Mosonik: Really? Yes, halafu power ikaenda off. Maliza tafadhali.

Samuel Rono: I was still making my contribution when power went off. I was saying civil servants including teachers should be given leave when they want to vie for civic, parliamentary or presidential elections. Just like before (in 1980), particularly teachers they were free to contest civic seats without necessarily resigning.

My other point without repeating was that Permanent Secretaries should have professional qualifications in the areas where they hold and they should continue being appointed by the president and vetted by parliament.

The other proposal is that communities who lost their land, human lives and properties during the colonial period should be compensated and the way of compensation should be catered for in the new Constitution, just like communities in other areas of the world like the Aborigin while those ones in Kenya particularly the Maasai were never compensated.

My other proposal is that forests, game reserves, Nyayo Tea and other resources within a community, their income should be used to provide social services within those communities. We have had times whereby our forests were being harvested, taken by Rye Ply woods and others while the incomes were being used to develop other areas and the areas which produce these resources were left undeveloped.

The last one is on Electoral Commission. When constituencies are being increased, population among other factors should be mandatory, like community interests and the geography of the place should be put into consideration. But there should be an automatic formula, for example if there are 300 constituencies in a country of 30 million inhabitants, it means averagely the residents of the constituencies will be 100,000. So it is mandatory that once a population of a place has reached 100,000, it automatically becomes two in the next elections. Thank you.

Com. Mosonik: You have to think about the DCs and others.

Com. Zein: One of the reasons why that provision is there in the Constitution, I can give you at least two good reasons. The first one is to act as a protection against abuse of office. If I am a public officer I can abuse my office to campaign for myself. The other one has to do with after you have tried your luck and you fail, you go back to the office. What happens to those people who opposed you in the elections, will they get equal service from you?

Samuel Rono: It is very true. For some positions like that one of a DC the occupant may abuse, after going on leave and when he comes back he can think otherwise. But for some positions maybe they can get a cut mark, for example teachers, I was talking of teachers. Before 1989-----

Interjection Com. Zein: Teachers are very influential in the community you can give students problems if particular parents opposed you in an election. It is the same thing as.....(inaudible)

Com. Mosonik: Philip G. Langat. Please make it very fast.

Phillip G. Lang'at: Thank you honourable Commissioners. Mine is going to be very brief because most of it has been said. I will only point out some of the few points that may not have been said well.

One I think is the question of citizenship there is need to include the following information in an ID. That is the clan, the original family name. What I mean by the origin is the ancestral origin. When it comes to political parties I think they should be limited number not more twelve, because the more we create political parties the more the confusion is getting into the country.

Members of Parliament should have a full-time job and they should not aspire to acquire any public land or property. When we look at the Provincial administration, there is need for our new Constitution to address issues; that rules be specified so that each person appointed to a position knows exactly what role he is to play.

The Judiciary: In our area we have our cultural settings and social settings. So we want to say that any Judiciary that comes along should respect all the cultural settings because that is the basis for that community for the Nandi community.

When we look at security, it has been abused at many times. So we want to say that every Kenyan should be treated equally. In other words you find that an MP is more protected than even the ordinary citizen, the same treatment should be given equally.

Health services: We would like to see that the health services are free and the medicine should be subsidized in the case of private enterprises.

The agricultural protection should be there; like in our Constituency it is mainly an agricultural area. So that anything coming from this place should actually be protected so that we don't import what we have and then we kill the productivity of the people. So there should be a law covering the agricultural produce.

Employment: We have said one man one job. We want to add to it that any retired person should go to rest, and therefore any opportunity should be given to other people who have not retired.

Education: We would like free education from primary to secondary and the university be subsidized by the government.

Land: It is an asset that is protecting all of us and we want to say that land should become a community property. That means that anything to do with land should involve the family, the village members and the administration, even the transfer of land, there must be an approval from all the three.

Idlers: We have some people who are not producing anything in the society. The new Constitution should look into policies which will manage these idlers so that we have everybody producing.

The other areas which are not agricultural, we want to say that every area has a potential to be developed to produce something. Therefore, the new Constitution should look into tapping the potentiality of every area.

Infrastructure: The new Constitution should merge infrastructure like roads and other infrastructure according to the needs and productivity of that area.

Religious institutions: In the recent times we have seen many religious groups coming up. There should be a guideline on the religious establishment in our new Constitution.

Finally, all the elected leaders should be people with high integrity and also people with a lot of good qualities when they are elected with a lot of literacy.

Those are the few comments that I had to add to what had been said.

Com. Mosonik: Barnabas T. Kemboi, Sammy Kilach

Sammy Kilach: Commissioners, views yangu ningependekeza kwamba tuunde Katiba ambayo inaruhusu majimbo katika mikoa yetu. Pili, ningependekeza ama ninaunga mkono wale walikuwa wameongea hapo mbeleni kwamba elimu kwanzia nursery mpaka kidato cha nne iwe ni ya free. Pendekezo lingine ningependekeza kwamba huduma ya kiafya katika jamii iwe ni huduma ambayo ni ya bure. Nikiendelea, ningependekeza pia ya kwamba kama tungehifadhi mazingira yetu ningelionelea serikali za wilaya – na mutaniwia radhi kwa sababu nikiguza pale, wengine watafikiria sababu mimi ni diwani watafikiria mimi ninatetea lakini hatutakuwa madiwani ya maisha – wapewe uwezo ya kupanga ratiba za kutetea mazingira na mali za asli katika sehemu wanakotoka. Lingine ningelipendekeza kwamba ikiwa kuna jambo kama kuwapa watu makao, forest iwe inajadiliwa katika serikali za wilaya kabla haijakuwa degazeted by the government.

Lingine ningelipendekeza kwamba chiefs na manaibu wao wawe wakiteuliwa na raia. La nane, wale watu ambao wanaishi katika wilaya tofauti, kwa mfano wilaya ya Nandi, kama sio kabila ya wilaya hii kazi yake ni kutekeleza wajibu ya kibiashara hakuna nafasi ya kugombea kiti yoyote kama ni ya udiwani ama kuongoza kama chief ama kuwa Mbunge. Ndio ninapendekeza ninasema majimbo without eviction is the best method of the government.

Ninapendekeza pia neno ambayo inatumika kwa sasa katika serikali kwamba, tumekuwa tukisikia serikali inasema tumekuwa

na jukumu ngumu kupitia donors. Lakini mimi ninafikiria donor ni mtu ambaye anakupa kitu bila kurudisha. So I can turn the word donor ibadilishwe na iitwe lender because kama mtu anakukopesha unaweza kumuita donor aje na ameku-lend, hajakupa free? So this issue of saying ati donor wametukataza msaada – lenders wametukataza msaada. So Commissioners, we should put it very clearly, they are lenders not donors.

Pendekezo lingine, ningependekeza kwamba ikiwa kuna jambo serikali inataka kufanya wahusishe wakereketwa, yaani stakeholders that is raia kwamba, Commissioners ningependa kusema kutoa tu mfano moja, juzi tuliambiwa kwamba serikali imefanya amalgamation ama merging katika wards, of which each and every tribe kuna clans ambaye zinakaa hata wakiwa kule Kosorai na wengine wako Kaptumo, they remain one clan. So ningependekeza kabla hawajatoa maamuzi kule Nairobi ama ofisi kuu ili tupate kutoa solution yetu, tuhusishwe kwanza kwa sababu kuna clan zingine hawaishi na clan zingine na hiyo sio mimi ndio nimesema, lakini clan zilikuwako na Mungu ndio alipanga hivyo. Kwa hivyo they have a right to be there and it was not a mistake to be there. So ningeeonelea hiyo jambo ya kupitisha mambo kule na kusema inatoka juu, tuwache sasa itoke chini kuende juu, ndio raia wapate kuelewa na waelewe ni jinsi gani tutaweza kuwafanyia kazi.

Kustaafu: Mtu akishastaafu kutoka kwa serikali, ningependekeza kwamba serikali tafadhali isijaribu tena kumpatia kazi ingine. Kama computer imejua ya kwamba you have now attained retirement age, over 55 years, unakuta anapewa director ya parastatal fulani because somebody somewhere is cousin or a brother. So this thing should stop.

Ya mwisho ningeeonelea pia, vile nilivyosoma katika hii kitabu ya Constitution inauliza raia, mtu wa kadri ya masomo gani anastahili kuchaguliwa. Ninapendekeza hivi; kwa mfano, kuna mzee kama yule alikuwa amekaa hapa, that old man alikuwa anajaribu kuongea Kiswahili. Huyo mzee ataweza kuwa anapendwa na watu wake na hakuna namna ataweza chaguliwa kama diwani ama mjumbe, lakini masomo yake ni ile ya class ya nane ya zamani. Ningesema, let us not predict and pass a resolution by saying that you must be a graduate or a form four leaver to be elected – a leader is born. Kwa hivyo, utaweza kuwa you are educated but you cannot lead. So let the people decide whom to elect and give them freedom of electing whoever they want. Thank you.

Com. Zein: The last point you are making; should I interpret it to mean if somebody does not know even how to read and write, they should put themselves forward for elections?

Sammy Kilach: Because we are told by the government that after a five-year term in the council or Parliament, they are telling us we can elect somebody of our own choice, election is free and fair----

Com. Zein: No no, you are going elsewhere, I don't want you to give me many of stories ndugu yangu. I am asking simply, should somebody who doesn't know how to read and write be allowed to run for office, yes or no?

Sammy Kilach: No.

Com. Zein: Second question my brother, you made the point that if you are not from this district, you should not be allowed to make anything except business.

Sammy Kilach: Business but you have nothing to transact as a resident of this area.

Com. Zein: Is this for only this area or if you have a Nandi in Mombasa he should not be allowed to run office.

Sammy Kilach: He should not run a business but he should have anything to do with the customs of the area.

Com. Mosonik: Kiprono Chemiron.

Kiprono arap Chemiron: Waheshimiwa Commissioners, mimi nikiwa hapa yangu ni mafupi na ninafikiria nikisema moja moja itakuwa rahisi kumaliza.

La kwanza ni kuhusu corruption. Corruption imeendelea katika Kenya hii lakini hatujui dawa yake itakuwa nini. Kila mahali ukienda ni corruption, kutoka grassroots mpaka kule juu Nairobi ni corruption, lakini siwezi kujua tutafanya nini. Munaona serakali imeshindwa kufanya mambo haya au pengine kuna kitu fulani hatuwezi kujua ni kitu gani inazuia serikali ku-arrest (kukamata) hao watu ambao wanafanya hivi. Unaona mtu anachukua milioni ya pesa na kesho unaona akienda kortini anaambiwa, “wewe kwenda nyumbani utakuwa unakuja kortini”, na ni mamilioni. Sasa Commissioners hiyo isiendeleo, watu wakamatwe, waende kortini na wafungwe jela na kunyang’anywa mali yao kurudisha kulipa ile mali ambayo aliiba. Jambo la pili ni mother tongue-----

Interjection Com. Mosonik: Wafungwe jela muda gani?

Kiprono arap Chemiron: Vile itaona kwa sababu mimi ni raia, mimi si magistrate.

Com. Zein: Umesema ile mali alipata kupitia ufisadi, awachiwe?

Kiprono arap Chemiron: Arudishe.

Com. Zein: Na ikiwa alikula akamaliza, alienda akalewa akafurahi, akaenda kutembea Mombasa huko?

Kiprono arap Chemiron: Kama ana ploti iuzwe.

Com. Zein: Na akiwa hana plot? Tayari kufungwa mzee ashasema.

Kiprono arap Chemiron: Afungwe haidhuru. Jambo la pili, ni mother tongue katika shule za primary. Tunataka iwe compulsory, ifunzwe katika shule, kwa sababu tunaona watoto wanapote siku hizi. Unaona hata kama ni Mnandi na Mnandi unaona wanazungumza Kiswahili, hata ndani ya nyumba ako na baba yake na mama yake wanazungumza Kiswahili. Si watu hawa watakuja kupotea?

Jambo la tatu Commissioners ni hii habari ya boundaries ya districts au provinces. Kitu ambaye mimi ninapenda iandikwe katika Katiba, kama sisi Wanandi tunataka ile mpaka ambaye iliwekwa na wabeberu wakati wa vita baina ya wanandi na wazungu mwaka 1959, ifatwe hiyo hiyo mpaka. Hatutaki ile ambayo iliwekwa na Boundary Commission ile ya juzi ya 1963. Walikuja wakanyang'anya mashamba ya Wanandi nyingi sana, sehemu kubwa, wengine wamekuja na wakakuwa wenyeji wa district hii na si mchanga yao. Hiyo mimi ninaweka mkazo kabisa.

Jambo lingine ni kuchanganya watu. Unaweza kuona serikali ina shamba fulani, wanaanza kugawa na kuchanganya makabila, na hiyo ni ku-create vita kama ile ya juzi, 1992 clashes na sisi hatutaki clashes. Serikali ikitaka kugawa shamba fulani, wapatie kabila fulani pekee yao, sio kuchanganya. Kuchanganya ni vita wana-create na wanasema sasa kuna amani katika Kenya, kuna amani kwa wakati huu; lakini hatujui ya kesho, watu wakishachanganyika mambo mengine yanaweza kutokea. Na tunataka kupinga hiyo, hatutaki mambo hayo yaendeleo. Pia katika hii district kuna watu ambao walikuja na wameishi hapa kwa muda mrefu. Watu kama hawa hatuwezi kusema ikiwa wamekaa miaka mengi ati waende sasa, isipokuwa wafwate mila ya watu wa hapa. wasiseme wao ni watu fulani, kama sisi Watiriki au Wakikuyu, wakishaishi hapa awe Mnandi azungumze Kinandi afanye kutairi Kinandi na kufanya mambo yote ya Kkinandi. Hivyo tutakubaliana. Lakini wakija kujitenga, hatutaki.

Watu wanasema habari ya Tinderet. Tinderet ilikuwa ya Wanandi, Wazungu walifukuza Wanandi kutoka Tinderet wakati wa vita. Waliposhinda Wanandi wakaanza kuchukua ardhi ya Wanandi, lakini ni crown land hiyo. Tunataka irudishwe kwa Wanandi kwa sababu waliwanyanganywa kwa nguvu, hawakupewa. Hakuna mtu aliwaruhusu na sasa lease yao imekwisha na wakati wao umekwisha. Hiyo chai yote tunataka watuachie, wamepata faida ya kutosha.

Com. Mosonik: Ninafikiri umemaliza.

Kiprono arap Chemiron: Habari ya harusi. Kuna harusi ya kanisa, kuna harusi ambao watu wanaoana kwa DC na kuna ile ya kuo ya kikwetu. Tunataka ile harusi yetu ya Kinandi ihalalishwe iwekwe katika Katiba, halafu sisi tukishaoa iwe haki kwa sababu harusi ni harusi. Ya kanisa sio harusi kuliko harusi zingine, harusi ni harusi.

Com. Mosonik: Umalize hapo.

Kiprono arap Chemiron: Karibu nimalize. Mtu alisema kuhusu employment ya chiefs and assistant chiefs. Hii inataka watu wenye elimu isifanyike vile inavyofanyika wakati huu. Unaona watu wakifanya interview, mtu wa Form four, university na pengine mtu wa Form six, wakifanya interview, ikitumwa kesho unaona mtu asiye na certificate hata ya primary unasikia ni chief. Ni faida gani ya watu kusoma kama watu wa elimu hawawezi kuchaguliwa?

Com. Mosonik: Iwe Kenya nzima chief ni lazima awe amesoma mpaka university?

Com. Zein: Umemaliza?

Kiprono arap Chemiron: Karibu kufikia mwisho. Kwa forest, kama government wakitaka forest kutumia lazima waulize local authority kwa sababu wao ni guarantors, kama forest iliyo katika district ya Nandi sasa iko katika mikononi mwa local authority. Ninaona ajabu nikiona watu wanakuja kugawa, inakatwa inapewa watu bila kuuliza local authority, hiyo ni ajabu, sisi tumeshangaa. Jambo kama hilo, serikali ikitaka kila kitu lazima waulize local authority.

La mwisho, mwingine ameshasema kama kuna campaign kama ya County Council au Parliament, mtu akitaka na yeye ni outsider (mtu kutoka nje), asiwe na nafasi ya kugombania kiti chochote katika hiyo district. Pia districts zingine sio Nandi pekee yake, hiyo ninakataa na pengine sio mimi pekee yangu, tunakataa. Ninafikiri ni hayo tu.

Com. Mosonik: Swali moja. Ulisema lugha ya mama ifunzwe shuleni mpaka darasa gani?

Kiprono arap Chemiron: From standard one upto standard eight.

Com. Mosonik: Na watoto ambao wanasoma ama wanaishi pahali kama Nairobi, miji mikubwa ambapo kuna mchanganyiko ya watu?

Kiprono arap Chemiron: Siwezi kuingilia sana wenye wako town, lakini tunataka katika district nzima wafundishwe mother tongue.

Com. Mosonik: Phillip Chirchir, Dan Too. Na iwe haraka haraka mapendekezo tu, dakika moja-mbili.

Dan Isaac Too: My recommendations are as follows:

- 1) In relation to the issue of land: The government should introduce taxation to force those who own land but are not making use of it to make use of that land.
- 2) Education: The accrediting body should not be the government, instead there should be an independent body to accredit

education of higher learning, example universities in Kenya.

- 3) I am proposing that all Kenyans should be given passports without problems just like IDs.
- 4) I am proposing that in relation to schools (education), that the status of the sponsors in schools should be clearly stated the Constitution because there have been problems in relation to sponsors and patrons in schools. The Constitution should state what is the role of the sponsors in the schools and if the government has to scrap all the sponsors and we only have mission and government schools, then the government should give back the ownership of the schools to the missions which belonged there before. This is because missions own churches and when the government took over, they became partners in offering education. So if the sponsorship was to be scrapped then the schools have to be given back to the sponsors.
- 5) There should be stiffer penalties for those who cause environmental degradation. For example, those who cut trees in the forests should be penalized by a fine that is equivalent to the cost of the product sold in the market. And secondly, on top of it they should undertake the cost of planting in those forests and tending those trees until they mature should be made by those people.
- 6) The corrupters and the corruptees should be given the same penalty.

Com. Zein: The last one?

Dan Isaac Too: The last one is the corrupters and the corruptees, so that we can curb corruption should be given the same penalty.

Com. Mosonik: Asante. Samuel Keino, halafu Daniel Korir and then Reuben Lang'at.

Samuel Keino: Commissioners, mimi naitwa Samuel Keino. Yangu nitasema kwa haraka ile iwekwe kwa sheria. La kwanza ni forest. Tunataka forest isimamiwe na wananchi wa hapa Nandi. La pili ni wazee wa hapa kwetu. Wazee wa hapa kwetu inatakiwa wapate mshahara na uniform.

Interjection Com. Mosonik: Si umesema ni hayo tu?

Samuel Keino: Mimi ninaendelea. La tatu, kuna hawa watoto ambao wanacheza, vijana wanaweka watoto mimba. Mimi ninataka iwekwe kwa sheria. Wanaweka wasichana mimba na hawawezi kuwaoa halafu wanawaacha. Mimi kama mzazi ninapata taabu, nikija kuuliza maziwa ninasikia mtoto amemaliza maziwa. Hii iwekwe kwa sheria.

Com. Zein: Kwa hivyo mzee unataka ifanywe nini ndio maziwa yasimalizike?

Samuel Keino: Kitu ile mimi ninataka ni sheria iwekwe ili ichunge hawa watoto wasicheze, sivyo? Wakishajua sheria ni kali hawawezi kucheza.

Com. Zein: Sasa sheria gani ndio iwekwe?

Samuel Keino: Wabunge wataweka sheria, mimi ninataka wapelekwe kortini.

Samuel Keino: Kuhusu police, mimi ninataka Administration police, police na stock theft, college iwe moja kwa sababu mimi ninaona wengine hawana discipline, kama AP hawana discipline. Ninataka college iwe moja wafunzwe, wakimaliza college ya Kiganjo wanaenda transfer wote kwa sababu discipline ya askari ni tofauti. Mimi ninataka hii iwe sheria.

Com. Mosonik: Tumeelewa hiyo.

Ya mwisho ni shamba. Mimi nikona shamba, halafu baadaye ninaona mtu mwingine anasema anataka rent na shamba ni yangu. Hiyo ni kweli. Kama County Council mimi sifichi. County council ni sisi tunawaandika halafu wanakuja kusema wanataka rent, rent ya nini na shamba ni yangu - hiyo ifutwe.

Com. Zein: Sasa mzee, County Council ikiwa haina haki ya kutoza kodi – maanake hiyo rent ni aina moja ya kodi, ikiwa hawana haki ya kutoza kodi, watafanya kazi zao na nini?

Lakini wasiwekwe kwa shamba, afadhali watafute kitu ingine.

Com. Mosonik: Daniel Korir, hayuko? Reuben Langat? Sammy Kesio, Kevin Kosgey, Michael Songok ama Sombol, Felix Kirwa.

Felix Kiptoo Kirwa: A resident of Kaptumo. I would like the following to be entrenched in the new Constitutional reform:

- 1) Land transaction should be left in the hands of local authorities.
- 2) Greater control of development should be left to local authorities.
- 3) The government to provide free education upto secondary level.
- 4) Free medical services to be guaranteed by the state to every Kenyan.
- 5) Forest land; its control to be left in the hands of local authorities.
- 6) We should have in Kenya a fixed general election date which will be known by everybody.
- 7) Next elections to be done under the new Constitution.
- 8) Harsh penalties to be given especially in this time HIV/AIDS to rapists.
- 9) Death sentence should continue.
- 10) The life of Parliament should be extended to six years.
- 11) President to serve for two terms.

- 12) Appointment of civil servants to receive parliamentary approval.
- 13) Councillors remuneration to be paid by the central government to avoid the burden on public.
- 14) The President should have his running mate as a Vice President so that they be voted together in case something happens to the President, the seat will automatically be taken by the Vice President.
- 15) Farmers in our republic should be protected by the government, especially in areas of sugar, wheat and even our manufacturers.
- 16) Kenya is over taxed. We would like the taxes levied by the government to be lowered.
- 17) Customary laws to be incorporated in the new Constitution.
- 18) Harsh fines for illegal brewers and traffic offences.
- 19) Cabinet should be reduced and ministries in Kenya to be approved by Parliament.
- 20) There should be no Constitution amendment in Parliament, if there is any amendment then a national referendum should be called.
- 21) Political parties should not exceed more than twelve and if a political party is to be formed, it must have 1000 members in every district so that it looks like a national party.
- 22) Land ownership is becoming a problem and it should be owned by the community not individuals.
- 23) Jurys in courts of law should be established, not only in higher courts but even in the lower courts.
- 24) Every Kenyan to settle in his/her ancestral land which he was in before independence.
- 25) Disabled people to give free education and they should not be taxed. Free education to be extended upto university level.
- 26) In Kenya we should have a lower and upper house.
- 27) We should also have President and Vice President, the Prime Minister and Deputy Prime Minister.
- 28) Ministers and Assistant Ministers should be avoided from civil service, not from being MPs.

With those few remarks, I beg to end.

Com. Mosonik: Tell us why you are recommending twelve parties and not more or less than that.

Felix Kiptoo Kirwa: In fact when we see the present parties, you can find a party which is mainly found in Kisii, like this one of Anyona. So that one cannot be regarded as a national party. Also we have some other parties which are concentrating on other areas. Formally before the NDP joined KANU, we used to know NDP mainly to be in Nyanza. If a law is provided whereby new parties are to be formed, then that party must get endorsement by 1000 people in every district so that it can look a national party.

Com. Mosonik: So if they have more than 1000 people in each district, why would you restrict them to twelve?

Felix Kiptoo Kirwa: I know with such a law many will not go through.

Com. Mosonik: Asante sana, peana memorandum yako. Muda inaenda na sisi wenyewe tutasoma, hata kama ukiwa na speed ya huyu mzee lakini usijaribu hiyo speed tena. Geoffrey Tanui. Useme mawili-matatu, dakika moja tafadhali watu ni wengi kabisa.

Geoffrey Tanui: Commissioners, DO, maofisa wa serikali, wananchi wenzangu, hamjamboni?

Audience: Hatujambo.

Geoffrey Tanui: Commissioners sitasema mengi, yale ambao ningetaja imeshatajwa hapa. Kwa hivyo siwezi kurudia ijapokuwa tu nita-----

Interjection Com. Mosonik: Tafadhali mzee, umetueleza hiyo yote utupatie memorandum hiyo.

Speaker: (inaudible)

Com. Mosonik: Lakini si ulikuwa unasoma tu.

Speaker: (inaudible)

Com. Mosonik: It will also remind us, tupatie tafadhali. Endelea tafadhali.

Geoffrey Tanui: Kwa sababu mambo mengi yametajwa, singependa kupoteza wakati wenu kwa kurudia. Labda nitataja tu neno moja. Hiyo inahusu mambo ya shule. Shule iwe free kutoka nursery mpaka standard eight, na katika secondary na university pengine tulipe kidogo. Kitu ambacho ningependelea kuongezea ni kuhusu discipline. Kwa sababu wale wote ambao wamekuwa kwa serikali, wale ambao wame-retire na wale ambao wameenda ku-retire wakati huu, walipitia discipline ile kali ya kiboko. Kwa hivyo kama itakuwa shida ingekuwa vizuri kama mtoto amekosea na kuna shida fulani, wazazi wawe invited ili aelezwe hapo na hapo. Hakuna mzazi ambaye atasema-----

Com. Zein: Viboko virudishwe shuleni.

Geoffrey Tanui: Ndiyo, kwa hivyo sitarudia.

Com. Mosonik: Jacob Keter.

Jacob arap Keter: Nitaongea kwa kilugha. Jina langu langu ni Jacob Keter ninaishi Mosombor sub-location.

Jacob arap Keter: (kimoche kechob Katiba kosubkei akole kiu akolekike walawalta ko ngechob Katiba neni komochei kisub komakongetein koma kowolowoli wabunge chemi wakatinoto amunguno kokikengemangem kobokyai tukuk alak chekikoba sang)

Translator: His proposal is that in the review of the Constitution, the original Constitution should be taken into consideration, other than the one which has some minor amendments which have been incorporated in.

Jacob arap Keter: (amu eng Nandi kiotebetab nekimei.Kititot kondit chito eng kiwato ,kimokosirei kiwato koakot chebiosk ko kimokosirei kiwato chebo murenik).

Translator: According to the Nandis there was discipline, people used to respect their limits. For example women never went beyond their limits to where men were.

Jacob arap Keter: (ko nguno kemoche Katiba ne kisubi konerbwech kebeberta nebo Kenya noto ko Rift Valley kobokei kapchitukul eng kongwai)

Translator: So in the new Constitution we would like to see a Constitution whereby it will allow, for example Rift Valley to govern itself.

Jacob arap Keter: (choto chemokotin inguno).

Translator: That is what we need for now.

Jacob arap Keter: (komakomi ngala alake chotese,ngot kisub cheuchoto chekakechomwech ingunoto kokororon choto)

Translator: He doesn't have more to say, only that if it is followed it would be better.

Com. Mosonik: David Sugut? Elijah Kurgat? William Tarus? Hakuna Evelyne Ng'eny mwingine, ilikuwa ni mmoja. Na huyu mama Mrs. Anita Ruto, alijiandikisha? Sijaona kwa hii list yangu. Endelea tafadhali, dakika moja.

William Kibiego Tarus: I come from Chemase, Aldai Division. My proposals are these:

- 1) The servants of God and also messengers should be respected in the community and the nation, whether they are rich or poor that the Lord may bless the land.
- 2) Our names Sabbeans should be recognized instead of Kalenjin because it is not our fore-fathers name. Also it is because Seba regard us and it is written in the bible.
- 3) Also we should use Sabbeans-----

Interjection Com. Mosonik: Excuse me, ulisema jina liko bibilia gani?

William Kibiego Tarus: S-a-b-e-a-n-s.

Com. Mosonik: A - ni jina ya nani wakati huo?

William Kibiego Tarus: Ya Kalenjin.

Com. Mosonik: Hiyo ni jina ya Wakalenjin? Okay asante.

William Kibiego Tarus: Also, we should use Serbians known to be of Kush as Cushites and not Nilotes as the name is from River Nile. Nile is not our fore fathers.

Interjection Com.: (inaudible)

William Kibiego Tarus: It is from Joel, Chapter 3 verse 8. It says sons and daughters of the nations will be sold to the hand of Juda and Juda will sell to the Sabeans people far off.

Com. Mosonik: So are you a son of Juda?

William Kibiego Tarus: So we are Sabeans, regarded by Seba, the son of Kush, Kush being the son of Ham.

Com. Mosonik: Amesema kwamba Wakalenjin jina yao ni Sabean na tena Wakalenjin sio Nilotes, hatuna uhusiano na River Nile, sisi ni Cushites. Hayo ni maoni yake. Endelea tafadhali.

William Kibiego Tarus: Four, if every man is to go to his origin, we should all turn to Eden in Iraq. Therefore, every community destination should be respected and for that, we should respect those whom we get living in the land. The land you are going to live on, whether you have bought or you have been given, you should respect those who are there.

Five, may these issues be considered a priority in the law reform process as it concerns people lives in danger. According to the speech and the letter that I gave to the Commission in Kobuja, Aldai Division, I stated that Kenyans allow our President to continue leading, that he may complete the work given to him.

Interjection Com. Mosonik: Hebu sikiza vizuri, ulikuwa umesema Kobuja, sasa unarudia leo.

William Kibiego Tarus: Yes, there was something that I had left.

Com. Zein: What is that you left?

William Kibiego Tarus: The work that was given to the president, I did not mention and I will mention it in short.

Com. Zein: Kwa nini haukusema ile ulisahau, ulianza kutumbia habari ya Sabean na Joel alisema. Si umewaambia wale wengine Wakalenjin wanaitwa Sabeans?

William Kibiego Tarus: I did not say that Kalenjins are Sabeans.

Com. Mosonik: Tafadhali taja ile ulisahau tu, just one ni nini hiyo?

William Kibiego Tarus: One, according to the word in Isaiah 43:1-5 and 45:14, in he may peace to Israel. I think the others you go and read.

Com. Mosonik: Asante sana. Mrs. Anita Ruto. Ningetaka ukimaliza tafadhali ujiandikishe, lakini useme kwa ufupi halafu upeane memorandum upande ule mwingine.

Mrs. Anita Ruto: Yangu ni mafupi. Moja ni kuhusu wasichana. Wasichana wetu ambao wako katika colleges, wakipata mimba na hawajamaliza, huondoka na kukaa nyumbani. Na wakikaa nyumbani yule ambaye alihusika anaendelea labda na kazi au masomo. Tunataka serikali iweze kuwachunguza ili msichana akipatikana na mimba, yule mwenye kuhusika afukuzwe sawa na huyo msichana. Na ikiwezekana, tungeomba serikali itusaidie kwa watoto wetu ambao wako katika primary schools. Not only in primary schools but also in secondary schools, yakwamba mwalimu akipatikana ame-impregnate mtoto mwanafunzi, apate kuwachishwa kazi haraka iwezekanavyo.

Lingine ni kwamba, tuna hivi vyombo ambavyo vinatumika hapa na pale ambavyo, hivi vitu ni kama videos kwa kila sehemu. Watoto wetu wamepata kupoteza hali yao ya kawaida ya kimsingi/kinyumbani kama Wanandi, kwa ajili ya hivi vitu na vinaruhusiwa na serikali. Tunaomba kabla hawajapeana ruhusa, ionyeshe, iwe imekuwa scrutinized properly.

Lingine ni kuhusu hizi mashamba ambazo ziko karibu na hapa, mashamba za chai hapa Nandi. Hizi mashamba kwa kweli tunajua ya kwamba inatumika huko sehemu ambazo ni za wazungu, yaani uzunguni. Lakini tunaomba serikali iwe inatuweka katika mstari wa kwanza kwa vile ambapo wanaweza kutugharamia watoto wetu hapa upande wa kielimu kulingana na hizo pesa ambazo zinatoka kwa hizo mashamba. Asanteni.

Com. Zein: Mama unasema, ikiwa kuna mtu atamvunja mguu binti ya mtu-----

Mrs. Anita Ruto: Ata?

Com. Zein: Atamtia mimba. Yule binti akifukuzwa shuleni na huyo mtu afukuzwe kazini. Hiyo mimi sijapinga lakini yule msichana awe na haki ya kurudi shuleni.

Mrs. Anita Ruto: Tunahitaji wasichana warudi shuleni, lakini huyo-----

Interjection Com. Zein: Hiyo tushamaliza.

Com. Mosonik: John Koech? Thomas Kesio? David Chelelei?

David Chelelei: Asanteni kwa nafasi ambayo nimepata wakati huu. Jina langu ni David Chelelei, kutoka sub-location ya Kipkong'oi. Kenya basically, is an agricultural country and agriculture should be given importance. The Minister of Agriculture should be somebody knowledgeable in agriculture – somebody who is a degree holder in agriculture. Also his Permanent Secretary should have the same qualities. This is because what Kenya gets in agriculture helps the country in the form of taxation and a place which is known to be very good in agriculture (which is fertile), producing crops like tea and maize and good in livestock, should be well developed in infrastructure – accessibility to that area should have good roads. So that the products from that area could be taken to the market very easily.

Com. Zein: We understand that.

David Chelelei: I think that is what I had. Thank you.

Com. Mosonik: Cornelius Tanui. Hayuko? Ni wewe.

Cornelius Tanui: Commissioners, asanteni kwa kunipa fursa hii. Yangu itakuwa ni machache. Kwanza kabisa pengine ningerudia sehemu moja tu. Wenzangu ambao wamenena hapo awali, wamesema kuwa ikiwa machifu na manaibu wao ni watumishi wa umma, wanastahili pia wapewe transfer. La sivyo kama transfer haitawafaa, ningeponelea kwa maoni yangu kuwa wachaguliwe na wananchi kwa vile wako sehemu hiyo.

Jambo la pili ninaonelea, ningependa kuwa sehemu zile za kuhifadhi utamaduni zihifadhiwe. Jinsi ningependelea zihifadhiwe ni kuwa pahali pale ipatiwe title deeds kama vile Wanandi sehemu zao za kuwafanyia vijana wao tohara hazina title deeds. Sasa wakati mwingi tunasumbuana na mwenye ardhi hiyo. Ningependelea wapatiwe title deed na hiyo title deed iwekwe kwa chief.

Oni langu lingine ni kuwa watu wengi wamesema kuwa, wanawake pia washiriki katika uongozi mbali mbali. Kwa maoni yangu ni kuwa iwapo hapo awali tumeongea kuwa wake na waume wawe sawa katika jamii, mbona sasa tuwape nafasi? Pia wapewe fursa ya kushiriki au kupigania viti vile, iwapo watashinda ni sawa, iwapo watashindwa, iwe sawa.

Oni lingine ni kuwa, tumeguzia sehemu mingi kwa mfano iwapo serikali imetambua kuwa mahali pale ni nzuri katika kilimo, wakati ule wakutengeneza njia, simu au vyombo vingine vyote vya kusaidia, ningependelea wananchi wa sehemu ile wapatiwe fursa waamue wenyewe iwapo watapatiwa donation, then they will have to pay for themselves. For instance, we realize that we are in an agricultural soil but unfortunately our roads are inaccessible in that most of the time we have been having some donors, lakini the signatory is only one person. We should also be allowed to be the signatories of our own development.

Mambo mengine ambayo ningependa kugusia ni kuwa katika shule nyingi unakuta kuwa nidhamu zimerudi chini. Ningependelea nidhamu ile ya awali irudishwe shuleni kusudi mwalimu apate nguvu ya kumuadhibu yule mwanafunzi na kumfunza vile inahitajika. Sioni kwa sababu gani mbunge ama waziri wa elimu aseme kuwa wanafunzi wasipewe nidhamu tena na hali yeye sio mwalimu pale. Ningependelea wakati sheria kama hizo zinatengezwa, ni heri kuhusisha wahusika na wahusika wa elimu ni walimu. Sioni kwa nini waziri wa elimu apitishie kuwa hakuna kumpiga mwanafunzi tena.

Mapendekezo yangu ya mwisho ni kuwa, tumeambiwa kuwa ni umri gani ambayo ingemfaa Rais, Mbunge au Diwani. Kwa maoni yangu ningesema kuwa yule ambaye aliye na kitambulisho au mtu yeyote mwenye umri wa miaka kumi na nane anastahili kupigania kiti hicho. Kwa vile wakati huu hatuna kazi na tuna vijana wengi ambao wamesoma lakini sheria ile itawazuia kupigania viti hivyo.

Ya mwisho ni kuwa ningependelea zile kodi tulizozitoa kutoka kwa local authorities, turegeshewe tutumie. Kwa mfano kwa muda mrefu sana nimekuwa nikigombana na watu wa local authority ambao wanakusanya kodi, na wakisanya kodi zile hata baada ya miaka mitano hatuoni maana yeyote. Asanteni.

Com. Zein: Usitoe habari baada ya maoni, ukishasema kwamba unataka kodi utumike kutoa huduma kwa wananchi, basi.

Com. Mosonik: Anthony Keter? Hayuko. Elkana Mugun? Shadrack Mwei?

Shadrack Mwei: Pendekezo langu la kwanza ni kuwa, tuwe na ofisi ya MP kwa kila Constituency. La pili, tupatiwe wananchi powers incase of inefficiency among the MPs, we should have powers to say that our MP is not efficient so they should go for elections.

Thirdly, we should have specialization in jobs, not some people having four jobs while others don't have any.

About taxation, we have many industries and they are being taxed. The taxes collected from those industries should be used for development of that area first.

Finally the natural resources like industries, forests and Nyayo Tea Zones. The people within the area should be given priority.

Thanks.

Com. Mosonik: Elkana Mugun.

Elkana Mugun: Asante sana Commissioners, hata ingawa wameshataja, nitapitia juu kidogo. Nandi customary law iwe recognized. Kwanza, circumcision in men is compulsory, kwa ladies ni voluntary kwa kabila zingine lakini sisi tulikuwa tumeshawacha kidogo, hatuwezi kulazimisha hiyo. Vile nimesema customary law iwe recognized, there is a place known as Kaptai, iwe reserved kwa Wanandi ili wafanye ritual yao.

About marriage, men can marry – there are three types of marriage, kuna customary, DC's na church. All to be documented – I want a document.

Equality: In our culture, men are men, no equality tukienda mume na mke. A man governs a woman in the house lakini kwa kazi tuwe sawa. Mimi nikiwa kazi na yeye akiwa kazi tuko sawa, lakini ndani ya nyumba I am the governor of that house.

Land listed for whites: In Nandi it should benefit the indigenous Nandis and when the lease expires, women, girls au or the present generation who are landless to be considered.

Forests: Forests in Nandi belongs to the Nandi and it should also benefit them, for example, when hived for landless. They are the owners to be given and land to be given by a panel of concerned chosen elders of the area.

Boundaries of Nandi to be redrawn. Compared to the hills down there there is a place known as Nyando escarpment while it was a Nandi escarpment.

Local government to be given powers in this new Constitution to allow them govern their jurisdiction and benefit from their respective forests. Tea zones also to be owned by respective County Councils wherever they are.

Government/Administration: Provincial administration to stay. That is chiefs and assistant chiefs to stay and be nominated by the government.

Type of Government: It should be federal which means majimbo, with jimbo which allows room for Vice President, Prime

Minister and their deputies.

Parliament: Parliament be extended to allow Commissioners to accomplish their work and come with a document which is the Constitution signed by the President who is here with us, to be a law so that we go to elections with a new Constitution.

Com. Mosonik: Asante sana.

Elkana Mugun: Members of Parliament the incumbent of the coming parliamentarians will all have to be salaried and I don't see why others panic for only 5 months in addition for you to accomplish the work.

Com. Mosonik: Asante, umemaliza?

Elkana Mugun: Nikimaliza, Judiciary: (ninarudia mtu mwingine alikuwa ametaja) There are cases which pile, when a crime is committed here in Kapsabet, the court is to be done in Nakuru – that is unfair. Kitu ikifanyika in Nandi, they have judges, they have magistrates, be done here.

Com. Mosonik: Not in Nakuru----

Elkana Mugun: Not in Nakuru, not in Vihiga, let it be done here, mahali makosa ilitokea.

Com. Mosonik: Sasa umalizie hapo.

Elkana Mugun: Nikimaliza, -----

Com. Zein: You have taken more than five minutes. When we say that each person who has a memorandum should take only five minutes, it means kuna chance ya mtu ambaye wewe unamzuia asizungunze. Tutasoma hiyo.

Mambo ya nomination ya Wabunge or Councillors to stay. Nominations must be done so that young people could be nominated kwa sababu hawawezi kupelekwa na ile (inaudible) iko na pesa na kadhalika. Kwa hayo machache, I beg to move.

Com. Mosonik: David K. Rotich, yuko? Na David K. Sang, yuko? Halafu James K. Songok.

David K. Rotich: These are my views:

- The local government: Councillors to be elected by people according to their wish and his popularity.

- Nomination of women and youths should be considered because they don't have any money for campaigning.
- President: President should be under the law of the country because he is also a citizen.
- MPs and councillors: If they don't perform their duties in their areas, the law should allow us to give them a vote of no confidence or if they have neglected their areas.
- Nyayo Tea Zones money should be used for bursary and for health in the nearest dispensaries or hospitals.
- Environment and natural resources: The products of forests which is indigenous trees, should also benefit the people who are within that area.
- Security structure: There should be a village elder who is well-educated so that we can polish the assistant chiefs, chiefs, DOs, DCs and PCs. We can have a court system whereby a village elder can go directly to the police and after police to the court.

So those are my few remarks.

Com. Mosonik: David K. Sang? James K. Songok?

James K. Songok: Commissioners, yangu ni machache, ile ningesema watu wengi wameshaongea. Yangu ni kuhusu barabara; ningependekeza kuwe na sheria ya kuchunga barabara zetu zisiharibike kila wakati kwa sababu ninanunua gari na ninalipa kodi kwa petroli na kodi ya kuchunga barabara. Lakini hizi barabara ni mbovu wakati wote, hizo pesa zinaenda kwa mfuko ya mtu. Ningeomba kuwe na sheria ya kuchunga hizo barabara, halafu barabara ikiharibika mini mwenye gari nitapata ruhusa ya kushtaki Minister wa roads aende mahakamani ajibu kwa nini barabara ni mbaya. Hiyo ni yangu.

Com. Mosonik: Asante sana. (in Kalenjin) Paul Majo? Charles Too, of the Kenya Koiyo Elite.

Charles Too: I represent a group as you read, Koiyo Elite.

Com. Zein: Hiyo ni memorandum?

Charles Too: Sio memorandum, these are just points.

Com. Mosonik: That technically is called a written submission, si imeandikwa?

Charles Too: It is written.

Com. Zein: (inaudible)

Charles Too: Haya, sitachukua hata dakika moja. I will go as per the red book which has given us the guidelines.

Constitutional Supremacy: Parts of the Constitution that directly affects parliament should not be amended by Parliament. That is my recommendation. The public should be involved through a referendum called by a special Commission, constituted by parliament to make such a change.

Defence and national security: The head of the government should be the Commander- in-Chief of the armed forces.

Parliament should have authority to invoke emergency powers in case of emergency situations.

Political parties: The number of political parties should be limited to three and funded/financed from the public funds.

Otherwise the members of the public who are members of this parties are taxed for these funds to be availed.

Structure and system of governance: My opinion or our opinion as a group is that we should adopt a hybrid system of Executive authority between the President and the Prime Minister. The Prime Minister should always be present in the Parliament and should be appointed by a parliamentary majority, while the President to be elected directly by the people.

The President should not withhold consent for bills which have been passed by Parliament so long as the Prime Minister would have put his consent.

Also the President should not hold the title of the chancellor of universities as he may not be qualified or due to his political affiliation, he may not perform the duties of a Chancellor well.

Budgetary allocation and expenditure should be controlled by Parliament and not the Executive.

Legislature: Members of Parliament should not be tourists or property owners in their constituencies but should be residents residing in the areas where they represent. Member of Parliament who changes residence, the constituents should be empowered to petition so that they can pass a vote of no confidence upon such an MP.

MPs should not act on basis of conscience and convictions, but should be given time to consult constituents before participating in any decision making or voting in Parliament.

Civil Service: Our proposal is that the civil servants should not participate in business and at the same time in government service as this is a lure to corruption. A well paid civil servant would be able to desist from corrupt practices and business practices. If a civil servant is involved in business, he should be terminated from service.

Land and related properties: The individual should have an ultimate ownership of land as a right not as a prerogative or inheritance from the parents.

The current system of giving powers to elders who otherwise are well knowledged or well versed with the communal ownership are not the right people to make decisions concerning individual ownership of land.

Management of resources: Idle tracts of land should be taxed heavily or owners notified and subsequently the land is sub-divided among the landless for generation of wealth and eradication of poverty.

To avoid classification and of the society also, I would suggest that public investment policy be made to source capital for small enterprises and reduce joblessness. On the same note also foreign investors should be vetted to avoid dumping substandard products and monopolies which may harm the residents of our country. Thank you.

Com. Mosonik: Ujiandikishe tafadhali. Phillip Ng'eny.

Phillip Ng'eny: I am coming from Koyo sub-location. I am going to present my individual proposals to this Commission.

The first one is; I would like to suggest that the death penalty in our country should be abolished. Instead of death penalty there should be life imprisonment to allow the person who broke the law to change his life in future.

Com. Mosonik: Let me ask you a question, you have explained. How can somebody change his life if that life is in prison upto the very end?

Phillip Ng'eny: When he is in prison, I wanted to explain, when that person is sentenced to life, he is there to be trained maybe to be a carpenter. So he can play a vital role to our country. Secondly, detention-----

Interjection Com. Zein: (inaudible)

Phillip Ng'eny: Other people who are sentenced for a long time should be given certain training.

Com. Zein: Unasema, iwe kama corporal punishment?

Phillip Ng'eny: Capital punishment should be changed from death penalty to life imprisonment.

Com. Zein: (Inaudible)

Phillip Ng'eny: Si anyongwe, abaki hivyo tu ndio asiue mtu mwingine.

The second proposal is that detention without trial which we have had for so many years should be abolished. A person must be taken to a court of law.

Com. Zein: Detention without trial has already been abolished.

Phillip Ng'eny: I was not aware of that.

Free education: The government should give free education from standard one to form four. This is to enable those who are not able to pay-----

Com. Zein: We understand that why.

Phillip Ng'eny: Four, the government should take care of the chokoras who are loitering in town because those people are also supposed to have their rights. The government should set a school for those chokoras to be trained, so it should be responsible for them.

Five, President of the Republic of Kenya should be elected by the people. He should be a degree holder. He should not be an MP of any constituency, he ought to be a neutral person.

Com. Mosonik: (kaikai mibik chengalaltos.Kaikai amot kebolye ka).

Phillip Ng'eny: He should be a Commander-in-chief of the armed forces since he is elected by the people. We are in a democratic state whereby we are supposed to be represented by the person who is elected by the people. He should have the right to declare war as he is the Commander-in-Chief of the armed forces.

Six, he should have a running mate for Vice President before vying for the seat. He ought to propose this person to run as a Vice President for wananchi to elect him. The President should be removed by a vote of no confidence through Parliament. The President should not be a chancellor of any university.

Nine: Number of political parties should be limited. To my suggestion they should be five. This is to eradicate tribalism in our country because presently where we are having so many parties. There should be a law to govern the parties so that one member who is in a party should not criticize the party and he should only be in one party.

Federal government should be formed of which the head of each jimbo should be a governor. Provinces should elect their own governor, being one of the MPs. Prime Minister's post should be elected from the majority party in Parliament. Prime Minister should be the head of the Parliament. He should be in a position to appoint Ministers. Coalition government should be formed whereby all political parties should be represented in the ministries or cabinet.

Com. Mosonik: That is a government of national unity, all the parties are there.

Phillip Ng'eny: Coalition government is whereby the ministers are being appointed from the various registered parties.

Com. Zein: You understand what a coalition government is, all parties are involved in forming a government of national unity to make a coalition party.....(inaudible)

Phillip Ng'eny: So that is a government of national unity. I was proposing also that two houses should be formed, an upper house or upper chamber and a lower chamber. I am proposing that the upper house should be represented by fifty members. Since there are eight provinces in Kenya, the upper chamber will have eight governors to represent each province. This should include the President, Prime Minister, the Speaker of the National Assembly, and the NGOs should send three representative. President should appoint nine members including the Attorney General and Chief Justice, that will make 50 members in the upper chamber.

Com. Mosonik: Is that a memorandum, because I would like you to submit it.

Phillip Ng'eny: I am almost completing.

Com. Zein: Unajua Phillip, tutasoma hiyo, sasa ikifika saa kumi.... Haya makaratasi yote ni watu wanangoja.

Allow me just to present one. This is about marriage: There is a problem in our country whereby although the law allows the three types marriage, Christian, Civil and traditional marriage, I would like to propose that the government recognizes traditional marriage and should provide a written certificate where people can refer to avoid problems in future instead of using local witnesses. Marriage cases should be handled by elders who know those people well. Village elders should be given salaries in order to avoid corruption in our country.

To finalise, MPs should be full-time sitting in Parliament in order to present their views. For an MP to stand as a President he ought to declare his wealth -----

Com. Mosonik: Hiyo style sio mzuri. Sammy Baiyo. Kila mtu dakika moja tafadhali. Na mimi ninaweza kuwa rude ninajaribu tu kuwa mtu mzuri, lakini kawaida mimi ni mtu mbaya sana. Please be very brief.

Sammy Baiyo: Asante sana Commissioners kwa kututembelea hapa leo. First, bila kupoteza wakati ninaingia kwa agenda ile ilikuwa inatakikana. This proposal falls under Judiciary although it had been said, I will emphasize it in brief. Here is a law whereby two people are disputing a boundary; for example, let me say Mr. Brown and Mr. Black are disputing of a boundary-----

Com. Mosonik: Excuse me, just emphasize the point, what point was it?

Sammy Baiyo: It is a case whereby, the case should be done here locally, but somebody who has money decides to take the case to Mombasa or Nairobi wanting to take advantage of the other one.

Com. Mosonik: Is that a case about land or what is it about?

Sammy Baiyo: It can be either, land or-----

Com. Mosonik: One is land and another one?

Sammy Baiyo: Land, or maybe it's a building or about livestock.

Com. Mosonik: So you are saying those to be addressed -----

Sammy Baiyo: To be addressed here, locally where the witnesses could be available.

Com. Mosonik: Yes, another point.

Sammy Baiyo: Point number two; this falls under local government. The term of mayors and the Council Chairmen should be five years.

Com. Mosonik: Should they be elected or appointed?

Sammy Baiyo: They should be elected.

Com. Mosonik: By the wananchi?

Sammy Baiyo: Yes, by the wananchi.

Com. Mosonik: Next point?

Sammy Baiyo: The minimum qualification for a councillor to be elected must be form four level. Nomination of councillors and even MPs must be scrapped because-----

Com. Zein: You want them scrapped.

Yes. Point number three, mismanagment of public funds. Whenever a person is put into a position to head an institution or any public office and found to have misused the funds, I think the best thing is to be hanged or be shot through a firing squad. So

that the future generation-----

Com. Zein: Umesema unataka wapigwe risasi ama wanyongwe, sawa?

Com. Mosonik: Na hiyo nikusema wakufe kabisa because hanging and firing squad is the same thing, they end up in death. Okay, umalize.

Sammy Baiyo: The other one is chief and assistant chiefs to be transferable. Thank you.

Com. Mosonik: Kipkoech Chumo, afuatwe na Wilson Ng'etich.

Kipkoech Chumo: Land ownership should remain in the family. Land disputes should be dealt with by the village elders and should be observed by the government.....

The Parliament: One to be in Parliament through one party. When you are in Parliament you stay until that term ends.

Com. Zein: What happens to defectors?

Kipkoech Chumo: They resign and come home or pay for the expenses. No merger.

Disabled should be given first priority regardless of education; they should be given job opportunities in government institutions. Men and women should be treated equally. In such a case where women have their organization, that organization should be abolished because we are all equal. I suggest that places preserved for women should be stopped immediately because we are all equal.

Com. Zein: Wanawake wanadai mambo mawili, wanasema kutoka na historia ndefu ya kugandamizwa, wamekuwa hawana uwezo wa kuenda mahali kama Parliament. Kwa hivyo wanasema moja, watambulikane kama wana haki, na pili, ili kurekebisha yale matatizo ya zamani, wateuliwe.

Kipkoech Chumo: Ninakubali kwa sababu tumewapatia nafasi nzuri kuwa equal, tuko equal sasa. Wanaweza kutetea kiti chochote, apite ama aanguke, sawa.

Before I go to job opportunities, retirement age should be extended from 55 years to 65 years. Retirement benefits to accompany the letter of retirement. Job opportunities: Police and APs, when they are recruiting people they should not make it a must that you must be of a certain height. They are discriminating those ones who are short and qualified. Asante sana.

Com. Mosonik: Wilson Ngetich, atafuatwa na Joseph Ng'etich, yuko?

Wilson Ng'etich: The Commission, lawyers, and officers of departments; my name is Wilson Ng'etich.

Com. Zein: Mzee wangu, ungekuwa ushajitambua mapema.

Wilson Ng'etich: I have the following issues:

- I will start with the basic rights. All Kenyans should enjoy basic rights, example, free medical, free education, water and electricity.
- Secondly, land and property: All Kenyans should be guaranteed land.
- Local government: Elected councillors are enough; the issue of nomination should be scrapped out.
- Mayors and Chairmen should be elected by the people.
- Legislature: MPs elected should be recalled by the people if their duties are not upto date. Also the issue of nominating MPs should be scrapped out.
- Lastly, (I would like to emphasize) the issue of impregnating girls; whoever who is responsible for the pregnancy should take care of the child by providing the basic rights. If he is willing to marry it is okay, if not he should face all the responsibility required.

Com. Mosonik: A question, ulisema everybody should be given land, where do we get the land to give to every Kenyan?

Wilson Ng'etich: What I am saying is that every Kenyan should be guaranteed land, example in Kenya they have conserved forests whereby they are being protected for animals and we don't see the benefit of these wild animals. Also, there are some people who are having 1000 acres, while there is somebody who is landless. So I would like the new Constitution to take this point because nobody bought a land from God. Initially if you follow from our grandparents they said we(inaudible) this land, which is not true. The issue of selling land started in the middle.

Com. Mosonik: Joseph Ng'etich? Hayuko. Titus Tisen.

Titus Tisen: I would like the new Constitution to entrench the following points; those who have spoken have said most of it but I will go through very fast.

There should be a central government and a federal government. Tuwe na majimbo ambaye tutakuwa na Prime Minister, governors na President ambaye atakuwa answerable to the Constitution. Most of the activities will be conducted and controlled by the Constitution. As concerns job opportunities, let there be competency in the appointments of those to hold

public offices, there should be no godfathers and no apartheid.

As for the freedom of worship, the law has been there but in many times it has been abused very openly. We have seen students learning but interfered with some board of governors-----

Interjection Com. Mosonik: Just say what you want to see done.

Titus Tisen: I would like the freedom of worship be honoured as entrenched in the Constitution. The sponsorship in public schools should be scrapped off because it tends to create a lot of unnecessary monopoly and interference in the running of the schools. Let the schools be categorized to public schools and private or mission schools where the public schools will run according to the dictates of the public.

Four, we would also like to see in the new Constitution a five-day working week. This will allow most of the civil servants to attend the spiritual nourishment of their choice without fear or without interference.

Education has been said by many and I also concur with them when they say it should be free from nursery to form four level. This will mean most of the Kenyans will have access to education we would have eradicated illiteracy into a larger level. It should also be compulsory to in the primary section.

The new Constitution also should look into ways and means of assisting the physically handicapped to live better lives and enjoy as the others do because it was not their fault. Many people have said about the Nyayo Tea Zones around our district. Whatever that comes out of that place should be used to benefit the education in the district, bursaries and medication in the district level.

Com. Zein: County councils to be autonomous.

Titus Tisen: There should be a provision for the welfare of the aged. In the Constitution we have those people who retire, those who were once employed. But we have agemates of those people who were never employed, they had been at home and also old. They should be considered to get something, to buy just a loaf of bread.

The three arms of the government should run autonomously so that the Parliament, Judiciary and the Executive have distinctive roles and no interference.

Interjection Com. Zein: Separation of powers?

Titus Tisen: Yes, that is what I mean, separation of powers. The last one is, all political parties (some of them have said we should have a number of them), once they have registered, we should have a level ground and all laws restricting the freedom of association be repealed. The assistant chiefs and the chiefs to go for compulsory training before taking office once they are employed or nominated. Thank you.

Com. Mosonik: Tanui Nicholas? Mohamed Sultan? Stephen Sugut? Paul Melgo? Bwana J. D. Ng'eny? Yuko?

J.D. Ng'eny: Yangu yatakuwa machache na nitagusia tu kuhusiana na nyanja tatu kwa sababu tayari zishatajwa. Yangu italenga kwa uongozi na ningependekeza kwamba uwezo wa Rais na kazi zake zipunguzwe. Nikisema uwezo wake, singependa Rais wa nchi hii awe na uwezo wa kuteua watu wenye mamlaka makubwa katika serikali yetu. Rais asiwe akiteua maboloji na watu wakubwa. Tunaweza kusema kwamba kuhusiana na watu wakubwa, akishawateua ipitishwe bungeni.

Com. Zein: Ungesema wanateuliwa na Rais, lakini kupitisha ni Bunge.

J.D. Ng'eny: Pili, kazi za Rais zipunguzwe kwa sababu tunaona Rais wetu anafanya kama amri jeshi, anakuwa chancellor na kadhalika; singependa Rais wa nchi hii awe chancellor wa university. Na kufikia hapo sipendi serikali ionekane katika chuo kikuu, asijihusishe kuteua wakubwa, alipe pesa tu na kisha atoke.

Tatu, ningependekeza tena Provincial administration iondelewe kabisa na serikali inayoongoza katika wilaya, mikoa na hata chini yake ichaguliwe, sio iteuliwe.

Kuhusiana na elimu, ningependa kwamba mfumo wa elimu usibadilishwe na mtu moja au hata na Tume, ubadilishwe na bunge pekee yake. Ya pili kuhusiana na elimu pia, ningependa wale ambao wamemaliza chuo kikuu waruhusiwe kufanya kazi hata kama ni nje ya nchi. Serikali isaidie vijana watoke nje, wasiseme tu hakuna kazi na wanafungiwa humu ndani.

Ya mwisho, ni kuhusiana na Tume ya Katiba yenyewe kwa sababu tunaona mulipopewa kazi hii ilichukuwa pesa nyingi na kelele nyingi. Tungependa iwekwe katika sheria, iseme tutakuwa tukirekebisha Katiba yetu pengine baada ya miongo miwili. Isije tena tukachukuwa muda mkubwa kuwateuwa na kuwalipa pesa nyingi. Ninataraji mumenisikiza.

Com. Mosonik: Ujiandikishe. Geoffrey Kipkoech.

Geoffrey Kipkoech: Nitatoa haya machache kwa Constitutional Review Commission. Ningependelea Parliament ipewe nguvu ya ku-appoint Commission of Enquiries.

Ya pili, ningenelea ya kwamba ex-military men and women wapewe kibali ili waweze kuwafunza wananchi wanaohitaji kujua

yanayotendeka katika barracks, free bila kusumbuliwa. Pia kuwe na kitu kama mobile Parliament ambapo Bunge itakuwa inazunguka.

Com. Zein: Mobile Parliament maanake nini?

Geoffrey Kipkoech: Bunge itakuwa inazunguka zunguka, sio ile tu tunasikia ambayo iko sehemu ya Nairobi.

Com. Zein: Ninavyokuelewa, iwe kwenye gari ikizunguka ama unataka wakati fulani wakutane Rift Valley, wakati mwingine wakutane Nyanza, wakati mwingine wakutane Coast, au kwamba wawe na magari wanazunguka.

Geoffrey Kipkoech: Hapana, ningetaka wakati fulani wakutane Rift Valley.

Com. Zein: Vikao vyao viwekwe sehemu mbali mbali nchini.

Ya mwisho, ningependelea minimal reforms ifanywe wakati huu kwa sababu kuna shida nyingi katika nchi yetu ya Kenya. Katiba yote isirekebishwe kwa wakati huu, tungetaka uchaguzi ifanyike ifikapo December.

Com. Mosonik: Hiyo ilikuwa ya mwisho, ulisema wewe mwenyewe.

Geoffrey Kipkoech: Umesema nini?

Com. Mosonik: Wewe mwenyewe ulisema, “ya mwisho”, si hiyo ni ya mwisho? Lakini tungetaka kukuuliza kwa ajili umesema minimal reforms, kufanya mapendekezo ni minimum reforms gani ambayo tutayafanya ndio tuweze kuwa na uchaguzi mwezi wa December?

Geoffrey Kipkoech: Ningeonelea kwamba minimal reforms ambazo zitafanywa, ni kuwe na level ground kwa political parties zote za Kenya. Pili, ifikapo elections hakutakuwa na political parties ambazo zitakuwa favoured kuliko zingine, tosha.

Com. Mosonik: Sasa ukisema level ground inategemea mahali umesimamia, ukiwa uko juu inaonekana inaenda hivi. Sasa utueleze level playing ground na pengine ni ya muhimu hii. Kama chama cha KANU inaweza kusema kuwe na level playing ground, is that you present your best candidate na asifungwe na watu kama bado tunampenda iwe two-terms out, mzee aendelee. Unaona hiyo ni level playing ground moja. Sasa yako ni gani?

Vile ningependelea level ground ipatikane, ni kwamba kama hapa kwetu sehemu ya Nandi ikiwa kuna opposition member yeyote ambaye anaweza kutembelea hapa, policemen ambao watakuwa deployed kule wawekwe tu kuchunga amani

hapo-----

Interjection Com Zein: Unataka wagombezi wa viti bila kujali chama chao, wawe na uwezo wa kuwafikia wananchi bila kuzuiwa.

Geoffrey Kipkoech: Bila kuzuiwa.

Com. Mosonik: Kufanya mikutano?

Com. Zein: Ya campaign.

Com. Mosonik: Na hiyo pekee yake, hakuna kitu ingine?

Geoffrey Kipkoech: Yes.

Com. Mosonik: Asante sana. Ujiadikishe tafadhali. Mohamed Kosgey.

Mohamed Kosgey: Yangu ni machache sana na ni kuhusu uchaguzi wa President. Mimi ningependekeza President wa new Constitution awe na miaka kutoka arobaini na tano kwenda juu. Sio mtu ambaye ana umri wa chini kwa sababu mtu mdogo hawezi kuongoza nchi ikawa nzuri. Yangu ni hiyo tu.

Com. Zein: Ukisema miaka arobaini na tano kwenda juu, miaka arobaini na tano mpaka mtu awe na miaka mia mbili anaruhusiwa kusimama tu?

Geoffrey Kipkoech: Hapana. Mimi ninataka miaka arobaini na tano mpaka hapo mbele kidogo, sio mpaka kufikia mia.

Com. Zein: Mpaka mia?

Geoffrey Kipkoech: Hata ikifika mia.

Com. Zein: Hakuna kiwango cha juu. Sasa vijana watasema, 'kwa nini mnatuonea sisi, mimi nina miaka arobaini na unanizuiia nisisimame na mtu ana miaka mia moja na hamsini mnamruhusu asimame?'

Com. Mosonik: Lakini ni sawa, umesema vizuri

Geoffrey Kipkoech: Jambo lingine ni kuhusu stima----- (end of tape) Nguvu ya umeme ijengwe hapa Nandi kwa sababu kuna mito mingi na hauwezi kutoa nguvu ya umeme kama hakuna mvua. That is why stima inapotea mara kwa mara. Yangu ni hayo.

Com. Mosonik: Stephen Sugut alikuwa na written memorandum, yuko? Ama pengine alipeana. Halafu Justine Bitok na Geoffrey Kipchirchir, sio yeye. Simon Lang'at.

Simon Lang'at: (ngoliot nomuoe netai kobo oret)

Translator: What he wants to say is about the road.

Simon Lang'at: (kikoyait oret kapisa ,nekikenyoilise eng Nandi betusiek chechang).

Translator: The road is in a bad condition in Nandi.

Simon Lang'at: (konguno kokai okerwech yoto).

Translator: So we would like you to take into consideration that-----

Simon Lang'at: (bichu kikwe makingen kelebokoyoei ne eng tai .)

Translator: We don't know whether -----

Simon Lang'at: (.kikome oret kongete ortinuek akot chebunei lakokab Sukul)

Translator: Most of the roads are -----

Simon Lang'at: (kisome kou councillor che kilewenirani kokaikai kokerwech ngalekab oratunuek).

Interjection Com. Zein: (inaudible)

Translator: He is saying that most of the roads are spoilt even the short cuts which they are using. So he is requesting the councillors who are going to be elected this time should help them to look into the issues of roads.

Interjection Com. Zein: Mzee tunasema, unatakaje tufanye nini barabara?

Simon Lang'at: (kimoche barabaret ochobwech)

Translator: He would want the roads to be made.

Simon Lang'at: (oratinwek chenuok chekibunei lakok koyach).

Translator: The short cuts should be abolished, only the main roads.

Com. Mosonik: Shadrack Leting'? Hayuko. Abraham Koech? Atafuatwa na Gedion Kontos.

Abraham Koech: Mimi ni Abraham Koech kutoka Mosombor sub-location. Mengi yamezungumzwa, yale ambayo ningependekeza, lakini nina pendekezo mawili pekee yake. Kuhusiana na marriage certificate, sisi tumesema iko sehemu tatu. Ningependekeza kwamba marriage certificates ziwe katika ofisi ya DO ndio watu wajiandikishe pale, ndio kila mtu awe na marriage certificate kwa wale ambao hawana. Wengine wanaweza kujiandikisha na kupata certificate kwa kanisa.

Lingine la pili ni kwamba kuna watu ambao wako na uwezo na wako na mali, lakini hawana namna ya kujilinda. Kwa hivyo ningesema kwamba wale ambao wana mali wapatiwe bunduki.

Com. Zein: Matajari?

Abraham Koech: Matajiri – yule ambaye ana uwezo anaweza kuuliza hiyo. Wapatiwe bila masharti. Ni hayo tu.

Com. Mosonik: Ninauliza swali. Ulisema matajiri, hiyo nikusema kwamba wanapewa kwa ajili wana mali.

Wanapewa ndio wachunge nayo.

Com. Mosonik: Kwa hivyo sio kusema bila sababu yoyote.

Com. Zein: Ninasema aje ndugu yangu, nchi zingine kama Amerikani, wana matatizo ya watu kuwa na bunduki sasa kwa sababu waliweka kwa Katiba yao, kwamba raia yeyote ana haki ya kubeba silaha.

Basi, kama ni hivyo inawezekana.

Com. Zein: Ndio ninakuambia Waamerikani waliweka kwa Katiba yao na sasa inawapa taabu, maanake kila mtu ana silaha, watu wanapigana tu na bunduki.

Kitu ambacho nilikuwa nimesema ni kama mtu anahitaji hiyo anapewa bila masharti.

Interjection: Com. Zein: (inaudible)

Lakini labda kuna masharti mengi, lakini sioni kama watu wako nayo.

Com. Mosonik: Gedion Kontos, sio yeye. Nelson Bii, halafu Peter Birgen. Tukusikilize kwa haraka.

Nelson Bii: Commissioners my names are Nelson Bii from Chepkong'oy, Kaptumo division. I have a written memorandum and I am going to go through slightly.

Com. Zein: Kwa vile tutasoma, chagua zile points tano muhimu kabisa, uzitaje. Na mimi nitakuwa nikihesabu moja, mbili tatu, mpaka ifike tano.

Com. Mosonik: Na kwa ajili wewe mwenyewe uliandika, unajua ni kama mwanafunzi wa kufanya mtihani – weka kando notes na useme.

Nelson Bii:

The new Constitution of Kenya should have a preamble. In this preamble we should say that all Kenyan citizens must respect the Constitution and nobody should be above the law in Kenya.

Supremacy of Parliament: We should not have Parliament to amend Constitution by 65%. When the Constitution is amended, we should have a referendum called by Parliament and the people should be the final ones to change the Constitution.

Basic rights: Every Kenyan should have basic rights of land, education, health, employment, and other basic rights (sitaweza kutaja zote).

Education should be compulsory upto "O" level and free. University education should not be compulsory in Kenya but should be free to all Kenyan children.

My last point is on agriculture. In Kenya most firms trading in agricultural products, that is tea, milk, meat and maize. These people don't have policies when they trade on these commodities. We should have policies on these agricultural products whereby when a firm receives a commodity from the farmer, that firm must pay the farmer within 30 days. When I say 30 days, I mean agriculture is an employment like any other employment in Kenya. Failure to this, I think they must pay the farmer interest at commercial rates. That is all I had for the Constitution. Most of what I have written, Commissioners you will read through. Thank you.

Com. Mosonik: Asante sana. Peter Birgen? Gedion Samoe, tafadhali uje.

Gedion Samoe: I have some written submissions here and I think I will give it to the Commission and members later. I am going to talk in brief.

Role of informal courts in judicial matters. Informal courts popularly known in Kenya as Kangaroo courts headed by village

elders, should be recognized and accepted as a basis of a basic judicial structure. The elders have arbitrated, reconciled, fined and settled land cases.(?) serious criminal cases and many crimes. In order to make it more efficient the following should be done:

- Every Kangaroo Court should be registered.
- Regular supervision by legal experts should be made to check their performance and necessary advice given.
- The informal courts could be structured so that its services would be similar to the American jury system.
- Elders should be encouraged to record their verdict for future reference.

Formation of government: The present system of government should be retained. Only competent and visionary leaders should be appointed to fill the post of President and Vice President respectively. Creation of a Prime Minister's post and his deputy will only help to breed ethnic animosity as the seats will attract competition among the various tribal groups. The Cabinet should consist of elected members of Parliament only. No nominated member should be appointed. Each Cabinet Minister should have some experience and proven abilities in their respective ministries. Cabinet reshuffles should be minimized as this does not encourage productivity nor enhance efficiency.

Local authorities: All members of the local authorities especially councillors should have some education, they should be educated upto form four and pass their exams. The local authority should be expanded and equipped with the necessary modern facilities and technology. This institutions should have a museum, video taping machines, computers to be used during cultural festivals and shows. Archeological hand packs and tribal regalia should be stored for educational, scientific and cultural purposes.

Sitting Members of Parliament salaries and allowances. All sitting MPs should not decide on their salaries and allowances as the case has been. Their salaries should be decided and regulated by an independent body to be constituted and shared by the Secretary to the Cabinet.

Education: The government should harmonize the admission of students, the national schools, colleges and universities to ensure that eligible scholars are admitted uniformly without favour. Nepotism, tribalism and racialism is quite rampant in higher institutions at the moment. Our government should work extra hard to industrialise as a way of creating job opportunities both in formal and informal sectors. This will inturn solve the perennial problem of unemployment which is quite high in Kenya today.

The government should only adopt one system of education at any given time and ensure its workability once it has passed its trial stages. It should minimize its constant changes from one system to another which is quite burdensome and expensive to both parents and teachers.

Last but not least, the teacher who is the bona fide custodian of a pupil in the school has the right to teach a child to read and write. He is empowered to discipline errant pupils using any appropriate means which are both humane and acceptable. That

is, caning and counselling should be used simultanously.

Com. Mosonik: Kuna mtu yeyote yule ambaye alikuwa amejandikisha na hajasikia jina lake? Ulijiandikisha nambari gampi?

Speaker: (inaudible)

Com. Mosonik: Na ulijiandikisha saa ngapi? Ama hata hiyo umesahau?

Speaker: (inaudible)

Com. Mosonik: Sasa nikupe dakika moja. Kama mtasema nyinyi wote hamjasema, tutalazimika kusoma orodha ya majina.

Com. Mosonik: Umekuja saa hii, kwa hivyo haujajiandikisha?

Com. Zein: Jina lako nani?

Speaker: (inaudible)

Ben Sang: Kuja tafadhali useme yako.

David Kibor Chepkwony: Ya kwanza ninaongea kuhusu mambo ya wamama na wazee. Nilisikia mukisema sisi tuko equal, lakini tukienda kwa mambo ya bibilia, inaturuhusu mwingine ako chini ya mwingine.

Interjection Com. Zein: (inaudible)

David Chepkwony: Wengine wanapoongea hapa.

Com. Zein: Sema wewe unataka hivi.

David Kibor Chepkwony: Mimi ninataka hivi; kwa sheria ya mume na mke tujue kwa bibilia, mwingine ako chini ya mwingine.

Com. Zein: Mzee haifai kuvunja vunja maneno sema unataka aje? Nani awe mkubwa wa nani? Nani atasimamia ya nyumbani?

David Kibor Chepkwony: Mzee asimamie mali ya nyumbani.

Com. Zein: Mzee ni mtu mwenye umri mkubwa, yaani mzee mwanamke au mwanaume asimamie?

David Kibor Chepkwony: Mzee mwanaume, asante. Mwanaume asimamie mji vile imeandikwa kwa bibilia.

Ya pili, ninaonelea sheria iwekwe kwa mashule ya serikali. Mambo ya sponsors; makanisa zingine zimewekwa katika shule za serikali na wananyanyasa watoto wa makanisa mengine. Hiyo iwekwe sheria serikali isimamie mashule. Mtu ajenge yake kanisa yake private atawale huko.

Ya mwisho, ni mambo ya biashara kubwa kubwa. Mtu yeyote apatiwe licence, ataweza kuleta vitu kutoka ng'ambo ama atoe vitu kutoka Kenya iende nje kwa sababu tunaona tunapitia sheria au licence ya watu wengine. Sheria itengezwe kila Mkenya awe huru kuuza vitu vyake nje ama alete vitu ili awe kama Mkenya wowote.

Com. Zein: Sehemu hizi tulizotembelea sisi watu wengi sana walituambia kwamba wakulima wanaumia, mkiwa mtaruhusu soko la mazao ya wakulima ifunguliwe. Mkenya yeyote anataka kuleta sukari, alete sukari, mwenye kutaka kuleta maziwa, alete maziwa. Wanasema 'tunataka izuiwe' kuhusu mazao ya wakulima, kama kuna mazao hayo Kenya yasiletwe kutoka nje, lakini wewe unasema tumpe licence Mkenya yeyote anayetaka kuleta chochote alete.

David Chepkwony: Kwa sababu kuna soko huru imefunguliwa kwa dunia.

Com. Zein: Sasa unataka tufungue soko huru, sawa?

Com. Mosonik: Asante. Yule jamaa moja nyuma, uje dakika moja hata wewe. Na mama akaribie, yule mama ameketi pale.

Ben Sang: I will just go through what I have written.

- 1) Land board should be based at divisional headquarters.
- 2) Land ownership should not exceed 65 years. (in Nandi dialect)

Com. Mosonik: Ya tatu na ya mwisho?

Ben Sang: Ya tatu lakini sio ya mwisho. Rapists should be charged, (I mean) mwenye amenajisiwa lazima alipwe kifedha.

Interjection Com. Zein: Compensation?

Ben Sang: Ndio. Ya mwisho, prostitutes should be punished with capital punishment – umalaya, lazima tuwe na stiff penalties kama kuuwawa.

Com. Zein: Hilo unalolisema ni pendekezo lako, lakini maanake nini unaposema hivyo?

Ben Sang: Pardon?

Com. Zein: Maanake nini, yaani mtu hafanyi umalaya pekee yake, sio? Wote wawili----

Ben Sang: Wote wawili wakipatikana,

Com. Zein: Capital punishment.

Ben Sang: Hata mimi nikinajisiwa-----

Com. Mosonik: Uketi na useme jina lako. Tafadhalini -----

Habi Chepkemoi Koros: Maoni yangu, mimi sina maneno mengi. Tunalia barabara imeharibika, sisi wamama tuko na shida nyingi sana. Tuko na wagonjwa na tunashindwa mahali tutapitia.

Interjection Com. Zein: Sasa unatakaje?

Habi Chepkemoi Koros: Sasa ninataka usaidizi kwa serikali itusaidie. Mara ya pili, hatukuja siasa, tunataka usaidizi. Kuna watoto ambao mama zao wamekufa na tunaomba serikali iwasaidie. Maoni yangu ni hiyo, sikuja siasa. Asanteni sana.

Com. Mosonik: Kufikia hapo wananchi wa Aldai, tumefikia kikomo cha kikao cha leo na vikao vya Tume ya Kurekebisha Katiba katika Aldai Constituency. Tulikuwa Kobochoi wakati ule mwingine na kulikuwa na watu wengi sana na tena leo tumewapata watu kama mia tatu wamehudhuria na kujiandikisha na hiyo ni ishara nzuri kwamba nyinyi watu wa Aldai mnashughulikia marekebisha ya Katiba. Kabla sijasema asanteni kwa niaba ya wenzangu, kwanza pengine ningewaeleze kwamba leo ilikuwa siku ya mwisho ya mikutano au vikao vya Tume katika mkoa wa Rift Valley. Mnajua kwamba tulikuwa tumewagawanyika kwa panels ama groups za Makamishina, tulikuwa sehemu tofauti tofauti leo. Nikiona hapa tulikuwa leo Naivasha na Egerton University, panels mbili zilikuwa Tinderet, Nandi Hills na Tagasis, Belgut katika Kericho, Ainamoi, Nakuru Town, Kuresoi. Leo ndio tumemaliza vikao katika Rift Valley, kesho tunakutana Nakuru kusema kwa ufupi tulisikia

nini. Halafu wiki ijayo pengine mliona orodha ingine kwa magazeti ya wiki jana na pengine leo tutakuwa Mkoa wa Magharibi (Western Province), tumalize tarehe ishirini na tisa. Tarehe thelathini tuwe na mkutano Kakamega, halafu tuelekee Nairobi ndio tuandike kwanza ripoti ya kila Constituency. Kwa hivyo tukienda tutaandika ripoti kuhusu yale tuliyasikia hapa Aldai (Kobochoi na Kaptumo).

Halafu tutaandika ripoti ya kitaifa - National Report. Baada ya hapo tunaandika msawaada (ndugu yangu hapa alinisaidia Kiswahili), msawaada nikusema 'draft bill' to alter the Constitution. Kusema kulingana na maoni ya raia, ile tulisikia tukizunguka Kenya nzima (kwa ajili tumeenda kila mahali, tangu mwezi wa nne), tunapendekeza sisi kama Tume Katiba hii au msawaada huu wa Katiba tutaandika. Na tukiwa tumeandika tunatakiwa tuchape hiyo Katiba, hizo ripoti za constituencies ya kitaifa, na tuwatumie nyinyi kwa siku sitini kulingana na sheria wakati huu, kuna wengine wanasema pengine hiyo muda ufupishwe kidogo, iwe mwezi moja. Lakini kulingana na sheria sasa itakuwa ni sixty days ya kutoa ripoti hizo pamoja na hiyo msawaada ya kubadilisha Katiba na kuwatumia kwa constituencies. Na mtasoma ripoti ya constituency yenu, kama tuliandika ukweli ama uongo, ama tulipata tarehe tuseme tulikuwa hapa mwanzo wa mwezi na ilikuwa ni tarehe kumi na sita mwezi wa saba, mtasahihisha nyinyi wenyewe vile vile na kuhusu maoni gani mliyoyatoa. Halafu mlinganishe ripoti yenu pengine na ripoti za constituencies zingine kwa hivyo ripoti ya kitaifa ndio muone kama ile Katiba/msawaada tunayotoa, inalingana na maoni yenu na raia wengine wa Kenya.

Kwa hizo siku sitini, mtakuwa na muda ya kujadiliana, kuangalia na kusoma na mtasikizana kama wananchi wa Aldai kwa ajili baada ya hapo kutakuwa na mkutano wa kitaifa, National Constitutional Conference. Kutakuwa na watu kama mia sita, wajumbe wote wa bunge, wakilishi watatu wa kila wilaya ama district, kutakuwa na wakilishi wa vyama vya siasa, civil society na Makamishina pia sisi tutakuwa hapo. Sasa wakilishini wenu watatakiwa wamejadiliana na nyinyi kwanza ambao mumewateua ama kuchawagua, halafu msikizane nao kuhusu vile watasema wakifika kwa mkutano wa taifa. Na kwa mkutano wa taifa Wakenya watatakiwa wakubaliane kuhusu Katiba mpya kwa kauli moja, inaitwa 'consensus'. Wakikubaliana siku moja itakuwa ni jambo nzuri sana ndio sasa uchaguzi unaweza kufanywa wakati wowote. Katiba ya Uganda iliwachukuwa muda wa miezi sita kujadiliana kwa mkutano yao ya taifa. Mnajua kwamba mkutano ya KANU ya hivi majuzi ilichukua masaa sita, mkutano ya Uganda ilichukuwa miezi sita. Kwa hivyo kama itachukuwa masaa sita ama miezi sita au wiki sita, itategemea vile Wakenya watakubaliana kwa haraka, kwa kauli moja.

Na kama hakuna kukubaliana kwa kauli moja kutakuwa na kupiga kura kwa mkutano huo. Hao watu mia sita watapiga kura kwa sehemu mbili na tatu, inaitwa two-thirds majority. Kwa hivyo kama ni watu mia nne hivi ndio wanatakiwa wasikizane kuhusu mambo/maswala ya kikatiba. Halafu kama wakenya hawatakubaliana kwa kauli moja ama hawatapata hesabu hiyo ya two thirds ya watu kama mia nne kati ya mia sita, kutakuwa na kura ya maoni ambayo itakuwa ni kama kura ya hii uchaguzi kuu. Lakini wakati ule tutachagua maswala au maswali, sio watu. Je, kina mama wapewe 30% vile walisema? Kuwe na uchaguzi wa rais kupitia 51% ama 25%, au kitu kama hicho. Kenya iwe ni nchi ya federation kama Nigeria, kama Ujeremani, kama America, ama ikae vile iko. Na haya yatakuwa maswala ya kikatiba ambayo yatarudishwa kwa wananchi kupitia

referendum ama kura ya maoni.

Baada ya hapo tunakuja tena kurekibisha kulingana na maoni, tunapea Mkuu wa Sheria Attorney anaweka tena kwa Kenya Gazette ile ya serikali kwa siku kumi na nne. Vile mnaona kwa kanisa kuna notice ya siku ishirini na moja, lakini notice ya Katiba mara ya mwisho itakuwa siku kumi na nne halafu ielekezwe na Attorney General Bunge, na Bunge ipitishie kwa kauli moja au two thirds majority. Ndio sasa Katiba baada ya hapo, Rais wa nchi akiwa ametia sahihi inakuwa ni sheria. Kwa hivyo bado tutakutana kwanza kupitia kusoma yale maoni yenu tukiwa tumeandika kwa report na ya kitaifa na ile mswaada na kadhalika. Nilitaka mjue vile mambo inaenda hatuendi mbali tunaenda ndio turudi na documents. Sijui kama mwenzangu angependa kuongeza kidogo. Is there anything else?

Kwa niaba ya wenzagu ambao walikuwa hapa; Programme Officer ni Mr. Hassan Mohamed, yule alikuwa akiandika tangu asubushi hapa Abdisalan Gure, Verbatim recorder ambaye alikuwa akinasa kwa tape recorder, Grace Githu, ulipenda kuketi na wananchi? Na mwenzangu hapa Commissioner Abubakar Zien Abubakar, tumewashukuru sana. (*kongoi missing bikcho. Kakeboiboitu eng tuiyet akongoribech Cheptolel nenyondet*) Tunataka sasa Coordinator atuongoze, please.

Julius Kiprono (District Coordinator): Yangu itakuwa ni kuwarudishia asante kwa niaba ya watu wa Aldai na Kaptumo in particular, ninataka tu kuwaambia Commissioners 'shukran' kwa kuwa nasi siku nzima, siku njema. Yetu tu nikuwatakiama mema kwa kazi yenu na kwamba, it is our wish that the will of the people will prevail at the end of the day. Ninashukuru kwamba hii kikao cha leo, ingawaje ilihairishwa ninaweza kusema imekuwa siku njema sana, that was quite a number na tunaamini kwamba at the end of the day, at the end of the whole process tutapata Katiba nzuri kwa nchi yetu. Ninasema asante sana kwa niaba ya Aldai nzima tumeshukuru kwamba tumepewa fursa kama Wakenya wengine kutoa maoni yetu, kwa kupewa nafasi nzuri bila kutishwa, bila mwingine kukatazwa, sidhani kuna mwingine atasema pengine sikupewa nafasi. Sote tumeshuhudia kwamba tumepata nafasi nzuri, ninatoa shukurani. Thank you so much. Nitamuita Imam wetu atuongoze kwa maombi.

(Prayer)

Tuombe. Kwa jina la Mwenyezi Mungu, mwingi wa rehema, mwenye kurehemu shukurani zote ni kwa Mwenyezi Mungu. Bwana wa viumbe vyote, mwingi wa rehema, mwenye kurehemu wewe tu ndio tunayekuabudu na wewe tu ndio tuanaomba msaada kutoka kwako. Utuongoze katika njia iliyonyooka, njia ya wale uliwaanemesha, sio njia wale uliwaghadhabikia, wala ya wale waliopotea. Ewe Mwenyezi Mungu tunakuomba katika haya yote tuliyoyafanya hapa hivi leo uweze kuweka mkononi mwako na uweze kubariki na kutafanya sisi kuweza kuishi katika hali nzuri ya kimaisha. Ewe Mwenyezi Mungu tunakuomba hawa wageni wetu walioweza kusafiri kutoka mbali uweze kuwarudisha kwao salama salmini na uweze kulinda jamaa zao na waweze kuwakuta salama salmini. Na wote ambao kwamba wameweza kuhudhuria hapa, ewe Mwenyezi Mungu wewe ndio mlinzi wa viumbe vyote uweze kuwalinda na uweze pia kuwarudisha nyumbani salama salmini. Hakuna mwingine ambaye

tunamtegemea isipokuwa wewe

Mwenyezi Mungu pekee yako. Wasalallah wallah waseidna Mohamad walalla wasebi wasallam, walahmdudilahi rabil allahmin.

The meeting closed at 5.00 p.m.

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