

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

ALDAI CONSTITUENCY, HELD

AT KOBUJOI DEV. TRAINING INSTITUTE

Thursday, July 4, 2002

CONSTITUTION OF KENYA REVIEW COMMISSION

**CONSTITUENCY PUBLIC HEARINGS, ALDAI CONSTITUENCY,
ON THURSDAY, JULY 4, 2002 AT KOBUJOI DEV. TRAINING INSTITUTE**

Present:

Com. Charles Maranga - Chairing
Com. Mosonik Arap Korir
Com. Abida Ali-Aroni

Secretariat in attendance:

Hassan Mohammed - Programme Officer
Anne Cheronon - Assistant Programme Officer
Susan Mutile - Verbatim Reporter

Com. Charles Maranga: Ningetaka kumuita chairman wa 3Cs ili tuweze tukapata mwenye kutuongoza kwa maombi kwanza. Asante.

District co-ordinator: Nitamuita Father Kiplang'at atufungulie kikao hiki na maombi. Karibu Father Kiplang'at

Fr. Kiplang'at: Nitawaomba tusimame wote ili tuweze kuomba msaada wa Mungu. Kwa jina la Baba na la mwana na la Roho Mtakatifu Amina. Baba yetu uliye binguni, jina lako litukuzwe, ufalme wako ufike utakalo lifanyike duniani kama mbinguni, utupe leo mkate wetu wa kila siku, utusamehe makosa yetu, kama tunavyowasamehe na sisi waliotukosea usitutie katika kishawishini, lakini utuopoe maovuni. Mungu Baba, tunakushuru kwa zawadi ya maisha yetu, tunakushukuru kwa kutuweka Kenya, kama wananchi wa Kenya, tunakushukuru kwa nchi yetu ya Kenya, tunakushukuru kwa viongozi mbali mbali, unaoendelea kututeulia, tunakushukuru kwa zawadi ya siku ya leo ambayo wewe mwenyewe umeanzisha, tunakuomba ili

uwe nasi ili yale yote ambayo tutaweza kuchangiana pamoja yawe ya kutujenga na kujenga nchi yetu, kuleta amani upendo na umoja. Tunaomba wale wote watakaongea uweze kuwapa Roho Mtakatifu, ili yote ambayo pamoja tutaongea yawe ya kutoka kwako na kutujenga kimwili na roho. Tunaomba baraka zako kwa Kristu Bwana Wetu Amina. Kwa jina la Baba la mwana na Roho Mtakatifu Amina.

Commissioner Maranga: You proceed and introduce your 3Cs.

Josiah Kirorei: Haya asante sana. Sasa nitachukua hii fursa kukaribisha commissioners, kukaribisha wananchi wa Aldai, tuendelee na hiki kikao tutoe maoni bila uoga kwa vile ingawaje hawa ni commissioners, pia ni wananchi, ni Kenyans kama sisi tusiwe na uoga kwamba pengine huenda maoni yetu hayatapokelewa. Sasa nitachukua tu hii fursa ndogo kuwaita members wa kamati yangu ya 3Cs, waje hapa mbele, niwaonyesheni. Karibuni. Members of the 3Cs please come forward.

Hapa mbele tuko na Bwana Rop, yeye ni secretary wetu. Bwana Chepkwony, yeye ni member, Esmulwan, ni member, Mrs Sally Too, yeye ni member, wengine bado wako njiani kama area MP bado atakuja tu, Mr Baranu. These are the ones, wale wamefika tayari. Asante sana. Sasa nafikiri kwa hapo nitawaachia commissioners to take off.

Com. Charles Maranga: Asante Bwana mwenye kiti. Nashukuru kwa hiyo introduction lakini kabla sijaanza kupeana yale masharti wacha nitangaze kuwa sasa huu ni mkutano wa Tume ya Kurekebisha Katiba, kuanzia sasa hadi mwisho hiki ni kikao cha Tume ya Kurekebisha Katiba. Kwa hivyo yoyote ambayo yatatendekaa, yatatendeka chini ya hiyo sheria ya kurekebisha Katiba. Basi kabla hatujaanza kabisa hebu niwajulishe ni akina nani tuko na wao hapa leo. Kwanza kabisa ninataka kuanzia na macommissioners ambao wako hapa. Wa kwanza kabisa hebu nimpe nafasi ajisemee mwenyewe.

Com. Abida Ali-Ar: Hamjambo? Mimi naitwa Abida Ali-Aroni ni naibu mwenye kiti wa Tume ya Kurekebisha Katiba. Kwa niaba ya Tume ningependa kuwakaribisha katika kikao hiki, na kuwaomba mzungumze bila wasi wasi ama uoga wowote, ili sisi wote tuweze kurekebisha nchi yetu na kuona kwamba tuna nchi ambayo tunastahili kuishi kama wanadamu. Asanteni.

Com Charles Maranga: Commissioner mwingine nataka kumpa nafasi.

Com. Mosonik Arap Korir: Mimi naitwa Mosonik arap Korir, commissioner

Com Charles Maranga: Basi mimi mwenye kiti wa kikao cha leo mimi naitwa Dr. Charles Maranga Bagwasi, vile vile ni commissioner. Basi mumesikia ya kuwa mnatakiwa kutoa maoni yenu kulingana na ile sheria, hakuna mtu ambaye anatakiwa awe na uoga wowote wa kutoa maoni, uwe askari polisi uwe nani uwe Provincial Administrator, uwe mwananchi wa kawaida, uwe mwalimu, uwe padre, kila mtu anatakiwa kuwa na haki ya kutoa maoni mbele ya Tume ya Kurekebisha Katiba vile unavyotaka. Lakini ni njia gani unayoweza kutoa maoni hayo mbele ya Tume ya Kurekebisha Katiba? kuna masharti. Kabla hapo nilikuwa nimesahau kidogo tuko na Secretariat Staff ambao wako hapa, tuko na wao hapa kutoka Nairobi. Nilikuwa

nimesahau kidogo. Wa kwanza kabisa ni Hassan Mohammed ambaye ni programme officer, yeye ndiye anahusika na maneno ya Secretariat. Anayefuata ni Anne Cheron, Assistant Programme Officer ndiye yule mwingine na vile vile tuna Susan Mutile ambaye ndiye mwenye kunasa sauti. Maoni yenu ambayo mtatoa leo, yote yananaswa kwa tape. Kwa hivyo, hata kama unaona commissioners hawaandiki kila kitu, tunanjia ya kunasa hayo maoni yako. Kwa hivyo, mimi ningewaomba kabisa, watu watoe maoni bila wasi wasi.

Kwanza kabisa, kuna yale masharti ambayo sisi tutafuata. Kwanza kuna hii registration form. Kama unataka kuongea mbele ya Tume, hii ni lazima ufike halafu uweke jina lako ufanye registration. Kama unataka kuongea, utaandikisha na useme unaonyesha ya kuwa unataka kuongea. Na kama kwa mfano unataka kusikiza vile vile unaweza ukaandikisha ya kuwa wewe ni observer ama ni mtu unasikiza tu. Kwa hivyo hiyo inakubaliwa. Kuna njia tatu ya kutoa maoni. Ya kwanza kabisa, unaweza ukafika mbele ya Tume uongee bila kupeana memorandum, hiyo ni jia moja ya kutoa maoni. Unakuja tu na unaongea maoni yako kutoka kwa kichwa. Ya pili unaweza kuwa na memorandum. Memorandum sio lazima ipigwe chapa, unaweza kuwa ni karatasi umeandika, unaleta unasema hii ni maoni yangu na sitaki kuongea uwachie hapo hivyo. Ya tatu unaweza kuwa na memorandum, na unataka kuelezea yale maneno ambayo ni ya muhimu ambayo yako kwa ile memorandum. Kwa hivyo hiyo ndiyo njia ya tatu ya kutoa maoni. Lakini vile vile unaweza ukatoa memorandum upatiane kwa Bwana Mohammed bila hata kuongea, kama huna wakati wowote wa kungojea. Na sisi tutafuata hiyo orodha ya listi. Sisi haturuki. Vile mtu amekuja, first come first served. Yule wa kwanza kufika ndiye anaongea. Sisi kama Tume, tumepita Kenya yote karibu sasa tumalize, tumeona ya kuwa, tukipatia watu dakika mbili hadi tatu, ni muhimu sana kwa mtu anatakiwa atoe mapendekezo: Kwa mfano kama unataka kuongea maneno ya chai, maneno ya elimu, wewe ongea vile taabu iko, lakini patia sisi mapendekezo sababu sisi kama Tume, kitu zaidi tunataka, sisi ni Wanakenya. Tunajua taabu nyingi za Wanakenya lakini tunataka utupe mapendekezo. Kama kwa mfano ni ofisi ya chifu inasumbua wewe, tupe mapendekezo unataka iwe namna gani. Kama ni DO, kama ni ofisi ya Rais, hiyo ni namna hiyo, lakini kitu tunataka, nayo watu wasitaje majina ya watu. Kwa mfano kama kuna chifu anasubua wewe, ama DO ama DC, usije hapa useme DO fulani, DC fulani, hapana, wewe sema ofisi ya DC iko na taabu namna hii, kama ni shule useme namna hiyo. Hapana sema kuhusu mwalimu mkuu fulani. Kwa sababu huyo mtu ambaye unataja hapa kwa jina, hayuko hapa kujitetea mwenyewe. Kwa hivyo, nawauliza kabisa mkitoa maoni hakuna kutaja mtu, unataja ofisi, kama ni ofisi ya chifu, kama ni ofisi ya DO, kama ni ya DC, kama ni ya PC, kama ni ya Rais, ile ofisi ambayo unataka kuongea kuhusu, kama ni Bunge, unataja Bunge, hapana kuja kutaja Mbunge wako, ati Mbunge wetu fulani hajatufanyia namna hii. Leo tunataka utaje ofisi mbali mbali. Tunaelewana hiyo maneno? Mnasikiza? Kwa hivyo usije hapa uanze kusema Mbunge wangu fulani, amenifanyia hivi, hajanifanyia hivi. Kwa hivyo, kila mtu namuomba hata kama hutaki kuongea, fanya registration kwa hii form tujue ulifika kwa huu mkutano wa Tume ya Kurekebisha Katiba. Hii ni mara ya kwanza kabisa Wakenya wanahusika na kubadilisha Katiba. Na Katiba mnajua ndio sheria kuu. Kwa hivyo leo mkija hapa, mtoe ile maoni mnaona yatasaidia kabisa vile ya kufanya.

Kuna watu ambao pengine, nitawapa what we call special attention. Kwa mfano wanafunzi. Hawa wanafunzi naweza nikawapatia nafasi ya kwanza ndio wapate wakarudi mashuleni. Kwa hivyo hawa ndio watu tunaweza tukaangalia. Lakini

otherwise tutafuata hiyo orodha. Tumeelewana? Na mtu yeyote ambaye anafika hapa kama unaongea bila kupeana memorandum, dakika ni tatu, yule ambaye ako na memorandum, dakika ni mbili. Tumeelewana? Hebu tuone wale ambao wamesikia vile nimesema. Dakika mbili, memorandum, dakika tatu mtu ambaye hana memorandum. Basi na unakuja hapa kwa mapendekezo. Story mrefu unapoteza wakati wako. Unatupa zile main points.

Wacha niwahakikishie ya kuwa memorandum ukipeana, sisi kama Tume tutaenda tuichape tena ndio iwe report. Mtapata report hapa kama constituency ya Aldai, baada ya sisi kutoka hapa na kurudisha hizi reports zote Nairobi. Kwa hivyo, utasoma na fulani fulani ndio mimi nilikuwa ninasoma. Ukifika hapa mbele, kuna hapa mahali utakaa. Utajitambulisha jina lako kamili. Kwa mfano mtu wa kwanza hapa anaitwa K. Mbaria. Lakini K inasimamia jina fulani. Kwa hivyo unakuja hapa unasema mimi ni fulani na fulani. Baada ya kujitambulisha ndio unanza kuongea. Tumeelewanana hiyo maneno? Na mimi kama mwenye kiti wa siku ya leo, wakati saa imekwisha, basi mimi nakukatisha mara moja.

Na mimi naomba tu wale ambao wanataka, kama hii nyasi sio mbaya, kama wanataka kuketi hapa ni sawa sawa. Kwa hivyo hii ni Kenya yetu, kwa mfano sijui kama viti havitoshi, nafikiri wengine wanaweza kuketi kwa nyasi ikishakauka. Kwa hivyo, nafikiri hiyo ndiyo maoni. Na wale wanafunzi ambao nimewaona wamefika, kama wanataka kutoa maoni, basi watupatie listi. Lakini wa kwanza kabisa hebu nimuite Bwana K. Mbaria. K. Mbaria ndiye mtu wa kwanza, unataka kuongea? Basi karibu. Kuja hapa uchukue microphone. Una dakika mbili mimi naona uko na memorandum. Unanza kwa jina lako.

Kipyegon Arap Mbaria: Bwana Commissioners, wananchi, majina yangu ni Kipyegon Arap Mbaria. Mimi nimesimama hapa kwa niaba ya Tiriki wote popote walipo. Mimi ndiye mwenye kiti wa elders wa Tiriki. Hawa wa Tiriki ni watu ambao wako minority katika Kenya. Hawajatambulishwa. Zaidi, wana memorandum, na nina mtu ambaye atasoma memorandum, na nina mtu ambaye ata highlight sehemu ambazo Watiriki wamekuwa wakiishi.

Com. Maranga: Hawa watu wako wako wapi? Kwa sababu una dakika mbili. Wewe huna haki ya kuita mtu yeyote lakini kama yuko hapa kwa listi. Ni Peter Sawe? Peter Sawa fika mbele. Kefa Chemwor, na mwingine?

Kipyegon Mbaria: Watiriki, zaidi kitu ambacho wanahitaji wanataka kitambulisho, na kitu ambacho hawana katika Kenya hii, ni code number, ili wakati wanafanya census, wana code number yao.

Pili, hawajaandikishwa kiwa kitambulisho cha Kenya kwa jina Teriki. Si Tiriki. Kwa hivyo nitamuacha Bwana Sawe, aendelee. Thank you.

Com. Maranga: Basi jitambulishe Bwana Sawe na kabla haujaondoka, mimi nataka uweke kitabu chetu rasmi sahihi. Kwa

hivyo, kuna mahali pa kufanya register. Bwana sawe, you have only two minutes.

Peter Sawe: My name is Peter Sawe Yama. I will read in English. Rights of minorities: we are a minority tribe.

Com. Maranga: And if you can give us your recommendations Sir, what you want.

Peter Sawe: Our recommendations are as you have already heard, code number for purpose of registration of persons and voting.

Constitutional Supremacy: whenever the Constitution should be amended we recommend that it be amended by two third majority in Central Parliament and have majority in regional Legislatures. And the supreme court should be introduced as the guardian and interpretor of the Constitution. There should be only two major political parties with one serving as a pendulum party for the swing board. Whenever there is a tie. We therefore discourage briefcase parties. Structure and system of Government, we recommend federal system of Government, that is majimbo.

Legislature: we recommend that Members of Parliament who do not perform should be recalled.

Asystem therefore of monitoring their performance in Parliament should be introduced.

Civil service: we feel the civil service should be made impartial and incorruptible. Chiefs and their assistants should be appointed by the Public Service Commission and not by individuals.

The judiciary: We recommend that judges must be independent and they must hold office at their pleasure not at the pleasure of the President but during good behaviour. They should be above and outside politics. They must not bar to political pleasure on public opinion. Local Government should be under the majimbo Government. The supervision and contorl should be exercised by regional legislature.

Com. Maranga: Thank you. I now you want to register and yule Mzee mwingine ni Kefa Chemwor. Lakini kabla sijapatia Kefa kuongea, ningetaka kuwaelezea vile vile, Wanatume ama commissioners wanaweza wakawauliza maswali kwa jambo lolote ambalo pengine unapendekeza mbele ya Tume, ili tuweze tukajua ni namna gani, unamaanisha nini. Kwa hivyo, usije ukasikia namna gani wanatume wananiuliza maswali mengi. Okey. Bwana Chemwor. Unaanza kwa majina yako.

Kefa Chemwor: Majina yangu ni Kefa Chemwor na kabla sijaelezea habari ya map, ningetaka mtu mmoja anisaidie kushika ndio muweze kuona nazungumza juu ya kitu gani.

Com. Maranga: Hiyo map kama unatuonyesha, wacha atuonyeshe dakika moja halafu atatupatia hiyo map.

Kefa Chemwor: Map hiyo iko hapo. Hii map amechora kufuatana na districts ambazo zinapakana, Vihiga district, Nandi district na Nyanza district. Tumeunganisha pamoja ituonyeshe pahali ambapo Wateriki walipokuwa wakiishi kabla hawajawanywa jinsi walivyo sasa. Kwa upande wa juu hapa “kuja unisaidie” kwa upande wa juu hapa, ni Vihiga district formerly Kakamega district na tumeonyesha tu the southern part ambayo inacover areas ambazo Watereki walikuwa wanaishi. Utaona kuwa nimeonyesha Teriki location na halafu Nyang’ori location. Hizo ziko kwa Vihiga district, which is now Hamisi constituency. Hiyo ilikuwa pahali ambapo Watereki ni indigenous.

Halafu katika southern part, tuko na Kisumu district na Kisumu district hapa ni Watereki. Pia walikuwa wakiishi hapo kabla wazungu hawajakuja, ina extend all over. Halafu upande huo kuna Nandi. Boundary ya Nandi na Tereki haijageuzwa tangu wakati hata wazungu bado kuja, mpaka 1963, ndio sehemu moja ya Tereki sehemu moja Kapsengere sublocation moja Kapsengere na Kapkerer iliunganishwa 1963 kuja Nandi. Sasa hiyo sehemu ni kidogo sana na hiyo inatokana na sehemu ya Nyang’ori location. Sublocation ambazo zilibaki katika Nyang’oli location ni kama saba, na location ambayo ilikuja Nandi ambayo nimeweka yellow hii inaonekana kama mkia hii ni Kapsengere, na sehemu kidogo ya Kapkerer. Upande wa Kisumu, district hakuna sehemu yoyote ya Tereki ambayo imekuja popote. Kwa hivyo memorandum ambayo mnasoma hapo itacover hizi area zote ya pahali ambapo Wateriki walikuwa wakiishi kabla wazungu hawajakuja kutawanyisha jinsi ilivyo sasa. Wako Waterki ambao walihamia Nandi kwa sababu ya kufukuzwa huko, na wao hapana husiana na hii, wao wameshakuwa Wanandi, lakini Wateriki ambao muemona council of elders na kadhalika wanatoka hapa Kapsengere na Kapkerer na wale wote ambao wako Tiriki na Nyang’ori.

Kwa hivyo map hii itawasaidia kuona sehemu zote ambazo Watiriki walikuwa wakiishi na hiyo ndiyo tutaomba wapewe ndio waweze ku-practice their human rights of governance ambayo ilikwisha 1924, uchief ulipogeuzwa ukaenda kwa Waluhya halafu huyu akaanza kuvunja sheria zetu za utawala wetu wa Kalenjin ya Teriki. Halafu 1929 Nandi ikaletwa kwenda Nzoia. Nzoia province which is now part of Rift Valley na huyu chief akazuia Teriki kuja Nandi. Halafu baadaye akageuza ikaenda kwa North Kavirondo. Ndiyo Nyang’ori and Teriki. Halafu alikuwa sasa hahusiani na kuchunga mipaka yetu na pahali pa boundaries, languages na customs. Kwa hivyo southern part of Teriki ikabaki kwa Wajaluo huko. Between 1930 and 1933 siku ile Carter Commission inakuja kuchukua details ya kila kabila, yeye alifunga Weteriki wasipeleke memorandum yao kama ilivyo sasa na kwa hivyo hakuna Mteriki yeyote ambaye alihusishwa katika hiyo Carter Land Commission ya 1930-33 ndio hao Wajaluo wakachukua sehemu nyingine na Waluhya sehemu ya juu.

1946 hiyo Tereki location katika North ikagawanywa mara mbili, ndio ikaenda Terek location by Luhyas na Nyang'ori location. Sasa ikawa Maragoli wao walikuwa Wateriki, Waluhya wa Tereki location, na upande huu ukawa Nyang'ori. Sasa ikawa hatuna code si wa Kalenjin hawa walikua huko. That was in 1946. 1963, tulikuwa agitation ya siasa tukitaka tulete Nandi hapa. Lakini ilikuwa ngumu kwa sababu tulikuwa tume baki kuwa minority. Na kwa kuwa minority walikuwa hawawezi kuhesabiwa, huyo mheshimiwa wetu, Kipchoge ndiye alikuwa chief wa Nyang'ori location. Walikuwa kufanya agitation lakini kitu ambacho kilikuja hapa ni huo mkia kidogo mnaona hapo Kapkerer na Kapsenger part of it. Kwa hivyo jinsi ilivyo sasa, from 1972, hatujakuwa na human rights of governance ya Tereki. Tumekuwa under oppression for almost 80 years now. Kwa hivyo kitu ambacho kiko, katika commission nyinyi ni kimbilio yetu Tereki mtuokoe tuwe na lugha kama watu wengine kama Nandi tufanye our customary laws, na tu-practice our own language na kadhalika. Asante.

Com. Maranga: Asante. Hebu subiri nijue kama kuna maswali kutoka kwa wanatume. Kuna swali moja.

Com. Abida: Mzee Chemwor, unasema kwa wakati huu hamuwezi ku-practise mila yenu, lugha na mambo kama hayo, ingawa katika mazungumzo yako umesema mmenyang'anywa ardhi yenu, nini apart from hiyo mmenyang'anywa ardhi, nini kinawazuia ku-practise hiyo mila na lugha ambayo mnastahili kuwa mnatumia?

Kefa Chemwor: Katika Western, vitu vyote vinafanywa kufuatana na majority votes. Kwa hivyo sasa kwa kuwa Waluhya ndio wengi kuliko sisi, hatuna sauti yoyote kwa upande huo. Na vitu vinafanywa kufuatana na hao wenyewe.

Com. Maranga: Asante Mzee wangu. Asante Bwana Kefa Chemwor. Nakuomba sasa uweke sahihi kitabu chetu rasmi cha Tume kuonyesha ya kwamba umefika mbele ya Tume ya Kurekebisha Katiba. Sasa namuita Eric Mutai ambaye ni mwanafunzi. Erik Mutai? Where is Eric Mutai? Unaanza kwa majina yako na utuambie umetoka shule gani.

Eric Mutai: Kwa majina ni Eric Mutai. Natoka katika shule ya Chepkumia. Kwa hivyo nimekuja kuleta maoni kwa niaba ya shule ambao hawakuweza kufika kwa vile wanendelea kwa miradi mbali mbali.

Com. Maranga: Darasa lako la ngapi?

Eric Mutai: Niko katika darasa la nane. Naenda kusoma katika memorandum yangu, mambo ya Katiba jinsi inavyo hitajika katika maoni ya kila mtu. Njia ya kuadhibu shuleni kwa njia ya kiboko tunaomba iendelee. (clapping) Ama mtoto atumwe nyumani kwa muda fulani kuzuia utovu wa nidhamu. Kwa vile utovu wa nidhamu pia unaendelea kwenda chini, kwa vile fimbo ilisemwa imeondolewa hapo awali.

Kunyanyaswa kwa wasichana kimapenzi na wananchi inapaswa kuchukuliwa hatua kali za kisheria kwa mfano kupewa kifungo

kadhaa gerezani, kuadhibiwa vikali kama vile kucharazwa viboko kadhaa na pia kupewa kazi ngumu, kama vile kufanya kazi katika miradi mbali mbali kama vile mashuleni. Wale wanafanya hiyo kazi ama washukiwa wanastahili kuchukuliwa kufanya miradi kama vile shule, kufanya mabarabara na hata kufanya miradi mbali mbali.

Watoto maskini wasomeshe bila kulipa karo yoyote shuleni. (clapping) Mwanafunzi msichana ambaye anaendelea na masoma akiolewa, hatua kali inabidi kuchukuliwa kwa mtu aliyemuoa ama afikishwe mahakamani. (clapping) Tungependa wazazi wasomeshe wasichana sawa na wavulana. Hakuna ubaguzi (clapping) kwa vile hapo awali hata wavulana walikuwa wakichukuliwa hatua kali ambao walikuwa wakipendwa sana kusoma, ilhali wasichana walikuwa wakiachwa kwa umaskini.

Wasichana wananyanyaswa sana kwa kufanya kazi nyingi nyumbani. Kwa hivyo wasichana hawana nafasi hata kidogo ya kusoma. Suluhisho ni kwamba kazi zote zisawasishwe, na pia kuajiliwa kwa watoto wadogo wa chini ya miaka kumi na minane inapaswa kupigwa marufuku na Serikali. Waalimu wahudumiwe vyema na Serikali kulipwa sawa na kutoingiliwa na wazazi ili watufanye vyema katika kupita masomo yetu. Shukrani.

Com. Maranga: Asante. Subiri hapo utaulizwa swali.

Com. Abida: Eric, katika ulimwengu msima, imesemekana kwamba kupiga watoto ni kitu ambacho hakikubaliki, dunia msima sio Kenya pekee yake. Na Kenya imetia sahihi katika mkataba unaosema tuangalie masilahi ya watoto. Je hakuna njia nyingine yoyote kama mwanafunzi unayaona kwamba wanafunzi wanaweza kuadhibiwa ila kwa kiboko, kwa sababu hatuwezi kuchunga masilahi ya watoto na kuweka signature katika mikataba ya dunia halafu tunafanya vingine katika nchi yetu. Hakuna njia nyingine ambayo nyinyi kama wanafunzi mnaweza kuwekwa adabu bila viboko?

Eric Mutai: Ni vizuri kupea mtoto kiboko kwa vile utakuta kwamba hata mtoto azungumziwe kivi, hataelewa hiyo mambo ilhali apigwe, hata kidogo hivi. (laughter)

Com. Maranga: Basi asante Bwana Mutai kuja hapa uweke sahihi katika kitabu chetu rasmi. Asante kwa maoni yako. Yule anayefuata ni Linet Toroitich Majina kwanza,

Linet Toroitich: I am Linet Toroitich.

Com. Maranga: Thank you proceed.

Linet Toroitich: The constitutional proposal for Kbojoi Training Institute. Constitutional Supremacy. The new Constitution should restrict the amendment power of Parliament by raising the proposals to a larger majority, 80%. All fundamental amendments of the Constitution be subjected to a national referendum.

Defence and National Security: training period for the police force should be extended for at least two years so as to improve the services they provide to the public. Political parties, Parliamentary political parties should be funded by public funds, depending on their Parliamentary strength.

Structure and System of the Government: the new Constitution should create the office of the Prime Minister, he or she should be elected by Members of the Parliament, who should also be answerable to Parliament. The President should remain ceremonial head of the state.

Legislature: qualification for the MP should be at least a form four leaver. Conditions for the MP should consist a maximum of two terms of five years each. Defectors should be barred from contesting in the by-elections. The new Constitution should put in place the mechanism in which the constituent should recall their MP in case they feel like. The MPs should have offices in their constituencies and fix a day in a week when to meet their constituents. At the end of every year, the constituency committee composed of chairperson of the political parties and participants in the last general election, should prepare a report on the MP's participation in development and parliamentary contribution for Speaker to consider his or her worth. MPs should be allowed by new Constitution to determine their salaries and benefits. A Parliamentary Service Commission should do this, not the President. The current exorbitant salary should be reviewed or checked by a review, reducing them for the sake of the ailing economy. Nominated MPs should be done away with and if maintained, the Constitution should define their role perhaps to represent the vulnerable groups who are marginalised.

We should have a coalition Government to ensure multipartism representation at the executive and legislature. Laws passed by Parliament should be given assent by the President without any conditions.

General elections: they should be specified in the Constitution thereby giving the beginning and the end of the Parliament term. The executive qualification for Presidential candidate to include degree holder, 30 years of age, should not be an MP. The Constitution should provide for a strict two terms of five years each for Presidential tenure with well specialised roles and duties.

President should be questioned in case of misconduct through impeachment. There should be a fixed number of ministries provided by the new Constitution. The new Constitution should do away with the provincial administration and allow the police force to maintain law and order and not the PC and DC.

The judiciary: courts should have a maximum period of listening and making ruling on cases. Abolition of death penalty. Local Government; mayors and councillors, council chairman should be elected directly by the people and not other people. Qualifications of mayor, Council chairman and councillors eighteen years old, form four leaver. Nominated councillors should be done away with. Local Government minister should not have powers to dissolve councils, neither the President. Electoral system and process; civic, Parliamentary and Presidential election should be conducted on different days to avoid confusion

during counting. A registered voter should vote at only polling stations. Issuance of ID and electoral cards should go on simultaneously. Voter registration should be a continuous process. Electoral Commissioners plus the Chairman should be appointed by the Parliament. Electoral commission should be independent and enjoy security of tenure.

The rights of vulnerable groups: the new Constitution should guarantee free and compulsory education, primary education, for all children. There should be a distribution of disabled schools throughout the country. Sanitary pads should be considered as necessity and hence reduce taxation on them for people take them as luxury but they are not. They are a necessity. The Vice President post should be reserved for women not men. There should be equal chance of acquiring land and ownership.

Land and property rights: Kenyans should own land anywhere in the republic. There should be a ceiling in land ownership. Upper limit 100 acres per person. We are strongly opposed to the extension of the Parliamentary life as it amounts to crime against democracy. General elections should be separated from the Review process. Thank you.

Com. Maranga: Thank you very much Linet. Let me know if there are any questions from my colleagues. Alright, none, and now you can register. Thank you very much. Sign our official register. Let me also say this, wale ambao mnapiga makofi sana, msipige zaidi kwa sababu saa ingine tunafanya recording, hatutaki maneno ya Aldai iwe ni vigelegele na nderemo lakini hakuna maoni muhimu. Kwa hivyo naomba madada zetu hapa wawe chini kidogo. Asante. Kiption Arap Choge? Okey Karibu. Halafu Kiptuon atafuatiwa na mwanafunzi kutoka shule ya upili ya Chebisaas Girls High School. Jeradine Koech. Jeradine Koech ako? Basi awe tayari.

Kiptuony Arap Choge: Bwana officer wa Katiba, mimi naomba vile wewe unatupa sisi dakika mbili, na sisi ndio tunatengeneza sana mambo ya Kenya, tunataka tuongee dakika kumi ili tutengeneze maneno ya watoto wetu hawa. Watoto hawa unaona mbele yako Bwana officer, hatutaki tuongee mbili mbili hivi halafu tunatupa yale maneno ya watoto wetu ambao wako nyuma kwa sababu tunateseka. Kwa hivyo Bwana officer mimi naomba hata ingawa niko na karatasi hii, tutaongea kidogo sasa. Na ile nyingi, iko hapa.

Ya kwanza Bwana officer, mimi naomba ofisi ya Serikali: mimi mwenyewe kama raia mimi najua ya kwamba..

Com. Maranga: Sema jina lako mzee kwanza.

Kiptuony Arap Choge: Jina langu ni Ali Kiptuony Choge kutoka Chemase location. Mimi naomba ofisi ya Serikali tunaanzia na assistant chief kwanza na tunafuata na chifu. Halafu tunafuata na councillor, Mbunge, halafu tunafuata na President mwenyewe. Kwa hivyo, mimi naona tunawacha utaratibu ule ambao tungefuata. Kwa hayo, mimi nasema nataka assistant chief, mimi mwenyewe nimpangie laini nyumbani hapa sio ofisi ya President, Kiptuony ndiye anaandika. Mimi naandika yote. La pili, chief, ninapangia laini na wananchi ndio tunatoa yule mtu ambaye atakwenda kufanyia sisi kazi kwa njia nzuri. La tatu,

mimi najua MP wangu pia, mimi nafuata kupangia laini ili aende kusaidia sisi kazi. President pia awe namna hiyo. Kwa hivyo, tunaomba haya yote sisi raia ndio tunapangia laini ndio tupate ukweli, kwa sababu hao watu wa juu wanaandikia sisi mtu yule ambaye hawezi kutusaidia. Bwana officer tunaomba haya maneno yote yarudi nyumbani ndio tubadilishe hayo maneno.

La pili, Bwana officer, ni huu umaskini ambao unakujia sisi. Mimi ni mkulima wa miwa na nimelima miwa kutoka Miwani na tumenyang'anywa pesa kwa miwani, Bwana officer, na watu wakubwa, na tutaenda wapi? Watoto wetu kama hawa hawasomi. Tutaelekea wapi? Pesa yetu sasa iko miaka tatu, na hiyo pesa hatuoni. Na mafactory yote kwa Kenya, Bwana Officer, tunaona yanaelekea kukua bure, hakuna, wananchi wanateseka. Unaona ya maziwa hakuna, mahindi, hii inaitwa cereal board, hakuna, kila kitu kinaharibika. Tunaomba kwa Katiba yetu hii tubadilishe na kufuata sheria, ukweli ambao unaweza kuchungia sisi watoto wetu. Kwa sababu vile mimi niko hapa, sasa mimi ni Mzee wa 61 years. Na mimi nikikaa bila kuongea kwa ajiri yua watoto wetu hawa, watoto hawa wataumia.

Com. Maranga: Basi asante Mzee wangu, malizia ya mwisho kabisa.

Kiptuony Arap Choge: Maneno ya mwisho ni ya mashamba. Mashamba tunataka iwe equal. Tunaona wengine wako na acreage elfu mbili, na wengine hawana shamba. Kwa hivyo, bwana officer, tunaomba land officer afanye hiyo ivunjwe yote halafu ifanywe ile ya juu iwe acre mia tano pekee yake na ile ingine igawanyiwe wale wengine kwa sababu tunaona ni hasara. Huu mchanga ni wa Mungu. Na hawa binadamu ni wa Mungu. Kwa hivyo officer tunaomba hiyo iwe hivyo.

Com. Maranga: Asante sana. Nashukuru kwa maoni yako. Ningeomba sasa utupatie hiyo memorandum na uweke sahihi kitabu chetu.

Kiptuony Arap Chemwor: Basi asante sana wananchi.

Com. Maranga: Yule mwanafunzi afike. Jeraldine Koech. Wewe ndiye Koech? Okey. You start with your full names and then you tell us where you are coming from.

Jeraidine Koech: Okey. My full names are Jeraidine Koech from Chebisaas Girls High School. We have come here to give out our student views on the Constitutional Review and the students are just behind me. So our views as the students for the students' review, the following are the Constitution reviews as regards the Constitution. First is about the youth. On the side of the youth, the current Constitution is silent as regards to the youth. The youth should be included in the Government programmes provided for them. This is because democratically the youth form a large percentage of the population. They should also provide for a ministry for youth affairs to represent the Kenyan youth so as to represent their wishes.

Second point, that is the curriculum (Constitutional studies): from common observation people seem to be ignorant of the

Constitution. Therefore as a suggestion, the Constitution should be made one of the compulsory elements of the school curriculum into different languages. E.g Kikuyu, Kalenjin, etc for those who are not conversant with English or Kiswahili. It should also be availed in public libraries so that people may access easily and know their Constitution well because in this side, most people do not know what is in the Constitution. In fact you can go on asking. As somebody what is a Constitution, they do not know and yet they say it is a Constitution.

Third point, ownership; the current constitution, lacks ownership thus so many amendments have been made within a short period of time, that is thirty eight since independence, that is for Kenya. An example is the American Constitution, not even a single amendment has been made, not even a clause. The amendments that have been made so far in the Kenyan Constitution are so many because it belongs to everybody and what belongs to everybody actually belongs to nobody. Consequently the Members of Parliament have always changed and re-changed the Constitution without the slightest thought to ask the Kenyan people, whether they seem to see such changes are really necessary. With that I suggest that the Kenyan Constitution have a preamble in which the rightful owner is fitted in categorical terms. This will therefore mean that the owner will always be consulted when the need for changes arises not only the Members of the Parliament should only be making changes of their own without consulting the people.

My fourth point. That is education. The Constitution should be stated clearly on the procedure of change of one system of education to another. An example is the 8-4-4 system. If at all they feel that they should change the system, then at least it should involve all the stakeholders, that is the teachers, parents, educationalists such as professors. If a conclusion or a solution is reached then this should be tried first, that is by picking up few schools and trying the system. That is piloting. On the other hand the stakeholders should be included such as the teachers as I had said, the parents, students not forgetting the educationalists. If at all you want and really need a better Constitution, then we must come up with good ideas. Some have come up with ideas which are not logical at all e.g the issue of striking out computer studies to replace it with the mother tongue and yet we still have hopes to industrialise in the magic year 2020. Let the Constitution come out clearly on this issue so that one person does not wake one morning and bring radical changes in the education sector without involving the stakeholders.

Com. Maranga: Is that your last point?

Jeraidine Korean: No.

Com. Maranga: Can you summarise, please.

Jeraidine Korean: My fifth point which is the last point. Environment: the laws concerning the environment on conservation, care and protection should be clearly enacted in the Constitution, to avoid the destruction of forests. The issue of land grabbing should be looked into by enacting laws. Kenya has witnessed destruction of forests, environmental pollution, land grabbing, etc

because the current Constitution is silent on these issues. We suggest that clear statements be made as regards environmental conservation to curb the evils so far witnessed. Thank you.

Com. Maranga: Thank you very much. We have several questions and maybe I start. How do you define a youth? According to you who is a youth? Can you give the age limit of a youth?

Jeraldine Korean: Okey. I can say the age limit for a youth is between thirteen years to around twenty years.

Com. Maranga: So anybody between twenty and thirty is not a youth.

Jeraldine Korean: No in this as we look into my point on the youth, it does not mean the youth who are in school.

Com. Maranga: The reason is that you said they want to be in Government so I want to know..

Jeraldine Korean: Yes. That is why I am saying, the reason why they have to be in the Government and that is the youth does not mean that they should be in school.

Com. Maranga: Okey. Thank you.

Com. Mosonik: I just wanted to tell you that the American Constitution has been amended about fifteen times, I do not know the exact number of amendments and I welcome you and your classmates to go to the library and do research. So that you don't mislead yourselves. It has been amended since it was enacted in the year 1787 as you said correctly.

Secondly, you recommended that the Constitution be a compulsory subject in the curriculum could you tell us at what level if it is the school system, where it will be taught, at what level.

Jeraldine Korean: Well, I was suggesting that the constitutional review should be taught right from the lower levels that is all levels of the school to be 'A' levels.

Com. Mosonik: Sorry are we communicating? Is there an 'A' level here? What I am asking is, just relax, would you like it to be taught in the lower primary, the middle primary school, secondary level or where?

Jeraldine Koech: From the primary to secondary level

Com. Mosonik: So that it is continuous?

Jeraldine Koech: Yes

Com. Mosonik: Like what? Like history?

Jeraldine Koech: Like any other subject and should be taught in steps as we go higher

Com. Mosonik: Okey, thank you

Com. Maranga: Thank you very much, I ask you to register and give us your memorandum. Thank you for presenting. The next person is John Talam? Atafuatwa na Nathan Kipkemei. Nathan Kipkemei ako? Hayuko? Just a minute, ako? Okey you will be the next. John anza kwa majina yako

John Talam: My names are John Talam. This morning I would like to present my views to the Constitutional Review Commission. First, I would like to talk on the issue of giving out of power and reception of power. I would like in the new Constitution the outgoing President should not be governed or should not be sued because of the evils that he did while he was still in the office, so the Constitution should be free or should be clear that the President who is going should be sued if he made any mistakes or he has wronged the country in any office. Those who are in various offices should know that if they make any problem or they corrupt anywhere, they will be sued according to such problems. Because, if that one is not there, those who are in the office will continue making problems, causing problems to the public, knowing sure that they will not be sued and so when they finish their work or they go on retire they will just live comfortably with their families.

Secondly, MPs and Councillors, we know them having a life duration of five years after the election. We realise that most people in these offices are dormant. They become passengers in their offices, when they are in meetings they do not participate.

So the new Constitution should allow by-election to be held in case of such things witnessed. Because, somebody sitting in any office for five years without an development or retarded development is actually a problem in our country.

Chiefs and their assistants: the new Constitution should clearly show how local men or local man can claim for his rights from him. Because we realise that these people cause problems in the rural know areas, whereby people do not more about the Constitution. So in this case, these people do not know where to go and if they happen to go to the District Commissioner's or to the DO's office, they are just the same and you are told you do not know anything of what you are talking about. So, they limit themselves somewhere so that they will not complain. So the new Constitution should allow the local man to actually have a say in the Government not just being dictated or being given a very short time or somewhere to present himself.

Com. Maranga: Last point.

John Talam: Presidents and MPs as well as councillors in addition to the qualifications that are there they should not be retired members. Retired members always have retirement pension so why should they go in an office and seek for election? Thank you.

Com. Maranga: Thank you very much Talam. Now you hand over that memorandum and please sign our official register. Mr Nathan Kipekemei. Okey Mzee fika mbele yetu. David Choge? You will be next.

Nadhan Kipkemei: Shukrani kuonana na nyinyi wakubwa wetu wa Katiba.

Com. Maranga: Anza kwa majina yako Mzee wangu.

Nathan Kipkemei: Jina langu ni Nathan Kipkemei. Asante sana. Niko hapa kutetea habari ya uhuru wa kuabudu. Uhuru wa kuabudu umefanya mission yetu ambayo inaishi Kaimosi, Chepkunya location, missionaries ambao walikuwa hapo kitambo walipohama na waliwacha mission. Mission kama iko na mashule, mission ambayo iko na vitu mahali pao pazuri, inaendelea. Lakini hawa wakageuka wakaenda kubadilisha na kuleta jina lingine linaitwa IDCC. Na hili jina yenye linaitwa IDCC sasa inaanza kufuruga hata watoto hawataki nini hawataki shule, hawataki chochote. Wanaalika wanafunzi ambao wanafunzwa tu kwa muda wenye wanafunza na hapati kazi mahali wanaenda. Makanisa ni registered. Kwa hivyo mimi nasema afadhali uhuru ya kuabudu usiingilie dini ambayo imekuwa registered tayari na kuharibu. Ombi langu ni hilo. Niko na karatasi hapo. Tulichukua majina yetu, mimi ni chairman wa hiyo mission lakini wao walishitaki sisi katika kortini tarehe kumi na nane, barua ilitoka kwa Attorney General kusema wamepewa ruhusa. Tukahangaika sana kortini kwa sababu sasa wamepewa hawa wanabadilisha sasa. Niko na karatasi hapa na majina yangu na ombi langu ni hilo. Asante.

Com. Maranga: Basi asante sana. Naomba wewe upatiane hiyo karatasi, memorandum, ili uweze ukajiandikisha hapa. Asante. David Choge? Basi nataka kumtambua Bwana DO wa Aldai Bwana Charles Begi. Asante, karibu na tunakukaribisha hapa sana. Asante. David Choge proceed.

David Choge: My names are David Choge and I present these views in conjunction with my fellow teachers. The new Constitution should have a preamble. Parliament should be the supreme organ to amend some parts in the Constitution, in others, public should be involved in referendum e.g in cases like multipartism, administrative and constituency boundaries. Citizens should have the right and be respected to have access to services and national resources regardless of who provides such other than being mocked and being denied such important services.

The legislature: any person who vies for MP should not be allowed to bribe or induce for votes. The person should instead be allowed to express himself. The Constitution should provide that on top of Parliament power to remove the executive, it should

also provide penalty for misconduct that led to its removal from power. That one can lead into judgement in court.

The executive: the Presidential powers should be reduced in the new Constitution like in the cases may be of appointment chairman of parastatals, dissolving of Parliament. The President's tenure in the office should be fixed but in the case where people feel that it should continue they should be consulted. The provincial administration should remain as it is and few changes to be made.

1. All police posts should be in chiefs' offices to avoid small courts in the offices of the chiefs and to curb criminal offences earlier.
2. The assistant chief should act the roles of village elders and the village elders to be done away with.
3. All chiefs should undergo training like the police, not the induction courses or seminars on administrative issues.
4. All chiefs should be elected by the public but not allowed to campaign.
5. The office of DO to be removed and assistant DC to be at that level and the chiefs to act the DO's roles.

On the part of judiciary: the judicial officers to be appointed by a body of judges of high integrity. A powerful council of elders to be set up at locational level headed by a qualified personnel in law so that we can avoid petty cases reaching high courts and solving the society's problems because they are aware. The constitution should strengthen penalties like death penalty to avoid conflicts being released even after killing or murdering others and robbing people of their properties violently. The penalty should be given within a short time. The Constitution also should ensure that people who cannot afford court expenses e.g like paying advocates should be assisted by the court.

Local Government: mayors and council chairmen to be elected by the people and should serve for a period of five years in order to avoid this incomplete work, somebody is removed.

Com. Maranga: Your last point.

David Choge: Second last, ethnicity should be guaranteed by the Constitution. For example, we should not have such collective names like Kalenjini instead of Nandi. For example in issuing of IDs you find that a Nandi is told to write the name Kalenjini, elsewhere may be a Magaroli is told to write Luhya.

Natural resources should be shared by the immediate people first before others. Lastly, the Constitution should be made available and accessed by the people because you find that people are not aware even of the old Constitution. Maybe it was good and we are changing. May be we could have changed some few items in it. Thank you very much.

Com. Maranga: Asante. Thank you very much Bwana David Kipchoge. Now I request to please come forward and hand

over your memorandum and sign our official register. Basi nichukue muda huu kumtambua Mheshimiwa wa Aldai Mheshimwa Kiptun Arap Choge. Karibu mehemishiwa wenu ako hapa. The next point is James Saina. James Saina? Saina ako? Alright kuja. Huyu atafuatwa na Evans Cheboiyo. Evans Chemboiyo? Evans ako? Hayuko. Paul Kenyi? Hayuko. Okey where is he? Okey basi you will be next. Okey proceed.

Kiptun Arap Choge: Kwa majina, mimi naitwa James Saina. Asante sana wananchi kwa jumla na macommissioners. Ningependa kutoa maoni yangu kwa hao macommissioners. Ya kwanza nitaiielekeza yangu kwa upande wa Serikali ijayo. Mimi ningependa Serikali ijayo, ichukue hatua kama hii. Ya kwanza ni mambo ya hospitali kwa sababu raia wote wanataka wawe na afya nzuri. Serikali ijayo ninapendelea wawe na matibabu ya kutosha isiwe kama mahospitali ambayo inaendelea hivi sasa.

Ya pili, nitaiielekeza katika upande wa elimu. Ningependelea Serikali ijayo katika Katiba yetu wanafuzsi kutoka darasa la kwanza wasome bure. Zingine ningependa Serikali ijayo ichukue nafasi hii kila raia mahali alipo apate maji mazuri. Nyingine, katika upande wa mjumbe wa area ama councillor kama inawezekana katika Katiba inayokuja kama huyo Mjumbe hatafanya kazi kwa watu wake ama yule councillor hatafanya kazi, ningependelea raia wawe na uwezo wa kuweza kumsimamisha. Pia ningependa kwa upande wa administration kuanzia assitant chiefs na chiefs. Wakati wanapochaguliwa, wachaguliwe kwa njia ya mlolongo. Na pia wakati wamechaguliwa wapigwe transfer wasifanye mahali walipotoka. Asanteni.

Com. Maranga: Asante Bwana Saina. Nakuomba uweke sahihi kitabu chetu rasmi. Bwana Paul Kenyi. Halafu Bwana Kenyi atafuatwa na Kelvin Omonde ambaye ni mwanafunzi kutoka Kouchoyi Primary School.

Paul Kenyi: Asante sana Officer. Majina yangu ni Paul Kenyi kutoka Chepkumia. Ninachangia hii marekebisha ya Katiba katika Kenya. Yangu ni kwamba uchaguzi katika Kenya ni lazima uchaguzi unapoendelea, mwenye kusimamia uchaguzi awe Attorney General. Rais lazimz ashuke katika hicho kiti na Attorney General asimamie uchaguzi ili siku hiyo yale mambo yanafanywa na uchaguzi Rais lazima atumie pesa zake kufanyia campaign. Serikali ijayo, ningependela kwamba iwe ni Serikali ya majimbo kwa sababu Serikali ya saa hii inaonekana kwamba haitaweza kufanya kazi vilivyo na wananchi wa Kenya. Kwa sababu ukiona kwamba katika ofisi ya Rais mamlaka yote ya imeanza kuwekwa pale juu na wananchi hawatafaidika sana. Kwa sababu saa ingine hata Rais anaweza amua kwamba anahitaji mtu huyu ili awekwe kwa kiti.

Wanafunzi kutoka darasa la kwanza hadi darasa la nane lazima wasomeshwe bure na wale watoto ambao watapita na hawana pesa ya kufika katika shule ya secondary, ni lazima waone kwamba hawa watoto wapate pesa ili waendeleo kusoma vizuri kama watoto wa matajiri. Na tena katika majimbo, lazima ionekane kwamba Serikali ijayo majimbo iendeleo kwa sababu inaonekana kwamba hii majimbo ikiendeshwa katika Serikali hii yetu vitu vyote vitakuja katika district. Na vitu vikiendeshwa katika district itaonekana kwamba hiyo Serikali ni ya wananchi kamili. Kwa sababu ukiona sasa majimbo ikiendeleo, kila kitu tutaamua sisi kama ni district ya Nandi, kama ni district ya Kisumu, mambo yote tutaamua vilivyo, na tutatatua kwa sababu tuko

pamoja.

Sisi tunaonelea, madaktari wasifungue clinic zao kama wangali wako kazini. Saa ile wameenda retire, waende wafungue clinics kwa sababu watapata pesa kidogo kidogo ya kuendeleza kama hakufanya kazi wakati ule alijiriwa.

Com. Maringa: Pointi yako ya mwisho Mzee wangu.

Paul Kenyi: Mambo ya mashamba: lazima ziwekwe zote katika county council, ili county council ichunguze mambo yote katika mambo ya asili ya sehemu hiyo. Kwa sababu unaona kwamba katika Serikali hii ofisi kuu inaweza kuamua kwamba hii forest lazima ifyekwe hivi, na wale watu wanaishi karibu hapo hawapati nafasi ya kujua mambo gani yanaendela katika ardhi zao. Hayo ndio mambo niliyokuwa nayo.

Com. Maranga: Asante sana Bwana Kenyi. Nakuomba uweke memorandum katika orodha rasmi ya Tume. Kelvin Omondi, halafu utafuatiwa na Nancy Cheron. Kelvin first and you start with your names first. Both of you. Muanze na majina yenu, full names. Anzeni.

Kelvin Omondi: Kwa majina ni Kelvin Omondi kutoka shule ya msingi ya Kobujoi.

Nancy Cheron: My name is Nancy Cheron from Kobujoi Primary School. We want free education from nursery to standard eight.

Kelvin Omondi: School milk programme should be continued.

Nancy Cheron: Feeding programme to be introduced in all primary schools.

Kelvin Omondi: Kenya School Equipment Scheme to be revived so that to equip the schools with equipment.

Nancy Cheron: Regular transfer of teachers to be controlled and more teachers to be employed.

Kelvin Omondi: The Government to assist in building both primary and secondary schools to minimise school problems.

Nancy Cheron: Computer lessons to be introduced by the Government in all Primary and Secondary schools for the learners to be equipped with the new skills coming up.

Kelvin Omondi: Special schools should be provided with facilities and equipment like wheelchairs, callipers, braille so as to

encourage parents to take such pupils with disability to school.

Nancy Cherono: Subjects like French, German to be introduced in all schools

Kelvin Omondi: Free electricity to all primary schools.

Nancy Cherono: Thank you.

Com. Maringa: Thank you very much, hand over your memorandum and sign the official register. I also want to have these students here, Hilary Kaptimet, from Kimaren Secondary School, then I also want to have Flomina Kipchirchir and then also Benard Kitur. The three students from Kimaren Secondary School. Please. And please you can tell us your forms whether you are in form one two, three, four like that. Thank you.

Kitur Bernard: I am Kitur Bernard from Kimaren. Form three. My presentations are as follows. The first one, we would like in the next Constitution, the President should not have the following powers: should not be the chancellor of public universities. This is because the person who is to lead the public universities should be a professor to be the chancellor. Secondly should not be the patron of various societies, e.g the Agricultural Society of Kenya. We would like a person who is leading such societies to be specialised in agriculture and is a professional in agriculture. Thirdly should not be the one to sign a bill so that it becomes a law. We would like the passing of the bill, two thirds of the bill to agree on the bill. If not agreed by two thirds of the Parliament, the bill should not be come law. The President should not be the only one who should decide whether a bill is going to become law or not. In the next Constitution, we would like those people who are corrupt to be prosecuted. We would like investigations to be done after a person has been noticed as corrupt. And if the person is really corrupt should be prosecuted.

The existing Government or company that take office is there to please the people of that area not because the project is economically viable, that most of the initiated projects like dams, the Seven Folk scheme, the Eldoret Airport, the Turkwell, they have constructed there a dam but the returns are so little. Why? Because it is either roads or the project in that area the government is trying to win the people of that constituency that they might come back to the current Government.

Another issue is that in the issue of districts, there should be a referendum, why? Because in naming most of the districts they are done tribal lines that they say this is Nandi district, this is such a district, not because it actually deserves to be a district but it is because of the people of that area.

Another aspect is the political parties. They are so much saturated and most of them are divided according to the tribes. There is a party of the Nandis or the Kalenjin, there is a party of Luos and there is a party for these ones. So while contesting they do

not look at the personality of that aspirant but they look at the tribe and the area he comes from.

Also the Constitution they are trying to make that some subjects are eliminated from primary education, now how can we try to copy or emulate other countries. Why? This is a country that or whose existence depends on agriculture. So if we scrap out agriculture from being one of the subjects taught in schools, then where are we to stand? The industries that we survive on are agriculturally based. So at least agriculture should be the subject to be promoted and not the one to be withdrawn.

I want also to say that in Parliament, if it would be possible at least to give the local mwananchi some chance on matters concerning the MPs, it would be a bit better, because now if the MPs want an increment in the salaries which MP can stand and say I oppose it? They already said that they want an increment because it concerns them most. So if there was a way of making the people vote or vie for them whether to get that little increment or not, it will be a bit better.

I would also like to say that there must be universal education for the disabled, that these people are not capable in physical activities so they should be given free primary, secondary and even university education because they do not have a base to support themselves. That is all.

Com. Maranga: Thank you very much and sign up our register and give us the memorandum. The next person is Clement Keino. Come and start with your names. You will be followed by Gaslim Cheruyoit.

Clement Keino: Asante sana commissioners. Majina ni Clement M. Keino. Yangu ni oral not written. Itahusu mahali tunasimama, tunasema ni ardhi. Mambo ya mashamba tukiangalia misukosuko mingi sana inatokana kwa mambo ya mashamba. Sisi katika tarafa ama katika area ya ubunge ya Aldai wale ambao wanasimamia transfers ya mashamba yaani Land Control Board yetu imewekwa katika wilaya yaani kule Kapsabet ambayo ni constituency ingine. Kwa hivyo wale wananchi wanatoka hapa mapka kule Kapsabet wanachukua pesa nyingi. Kwa hivyo ningependekeza ya kwamba Control Board ya Aldai iwekwe katika tarafa ya Aldai ili watu wanaweza kuwa na njia ya rahisi ya kuangalia mambo ya Land Control Board.

Jambo lingine ambalo tumeona tena ni matatizo ni kule kutambulisha. Kuna kitu kinaitwa kitambulisho, yaani ID. Mbeleni ilikuwa zile forms sasa zinaandikwa inauliza pengine wewe ni kabila gani, your clan and whatever. Tumeona sasa mambo ya imebadilika. Lile jina kama ulikuwa ni Kipsigis ama Nandi ama nani, inabadilika iwe Kalenjii. Kwa hivyo consultation ama kuuliza wananchi kama wangependa kubatizwa tena kuitwa kabila ingine sisi hatujaulizwa kama wakaaji wa area.

Jambo lingine ni kuhusu escarpment, yaani hii laini yote ambayo milima milima ya Nandi kuna sehemu ingine inaitwa Nandi Hills. Na hii sehemu yetu ilikuwa inaitwa Nandi Escarpment. Juzi tena kuna mtu amenyemelea mpaka ikabadilishwa pole pole, tunasikia inaitwa ati ni Nyando Escarpment. Sijui kama sisi tumeulizwa ama ni mtu mmoja ameenda na akabadilisha. Kwa hivyo hiyo tunasema haiwezekani. Sababu yangu tu ilikuwa ni ya Oral. nafikiri hilo ndilo pendekezo niliona ni heri lizingatiwe na

nyinyi ma commissioners.

Com. Maranga: Asante mzee wangu. Nakuomba uweke sahihi kitabu chetu rasmi. Casmir Cheruiyot atafuatwa na councillor Kipserem Chemwor. Anza kwa majina.

Casmir Cheruyoit: Jina langu ni Casmir Malakwen Cheruyoit wa Chekumia. Commissioners, ninaonelea kabla sijasema maneno machache hapa ya kwamba Katiba hii imaliziwe kabla ya uchaguzi. Kwa sababu watu wote wanatamani kuona Katiba mpya. Basi sasa kwa maoni yangu naona Serikali ambayo itakuja iwe Serikali ambaye itakuja iwe Serikali kuu yenye nguvu lakini President asiwe mwenye mamlaka makubwa. Tuite yeye labda ceremonial President au non-executive. Kuwe na waziri mkuu ambaye ni Prime Minister ambaye anaweza kuenda parliament, anaweza kuulizwa maswali, anaunda Serikali yeye mwenyewe na anaweza hata kufuta mawaziri. Tena katika Serikali hii, kuna wizara nyingi hasa kwa wakati huu. Ningependela ya kwamba, wizara hizi zipunguzwe kwa sababu zimekuwa nyingi sana. Baada ya kupunguzwa, wizara ingine ianzishwe ambayo ingaliitwa wizara ya ulinzi, (Ministry of Defence), kwa sababu hata nyinyi mlisoma kwa magazeti siku nyingine na iko Minister ambaye anaitwa Minister for Internal Security. Lakini inaonekana hapo ni hafifu kidogo. Tungelipenda kuwa na Minister wa kuchunga nchi. Tunajua ya kwamba kama mtu anakuja Kenya, yuko Minister wa ulinzi.

Parliament: zamani wakati wa uhuru tulikuwa na nyumba ingine, ilikuwa inaitwa senate. Watu ambao walikuwa senate walikuwa wachache na sheria zote zilizopitishwa Parliament, zilipelekwa senate, na hao watu wa senate wanachunguza wakiona makosa, wanarundisha tena huko, na hiyo ilikuwa break. Serikali kuu ni nzuri, lakini inakuwa congested. Imetatizikia sana. Kwa hivyo kama kuna Serikali ya majimbo, hiyo ni mzuri halafu itakuwa rahisi na Serikali kuu itawapa hawa kazi. Tena kuwe na Serikali ya wilaya, kama ilivyo sasa lakini ziwe na nguvu. Tuna county council, municipal councils lakini hakuna nguvu. Kwa hivyo kuwe na Serikali yenye nguvu ya wilaya.

Tena, sasa kuna kitu ambacho inakuwa na matatizo sana na ni mashamba, watu wamesema, hasa katika Aldai hii. Watu wanauza mashamba na tungelipenda watu wenye kuuza mashamba, wajulikane wanakwenda wapi na wamepata wapi shamba, na mwenye kununua shamba aseme ametoka wapi na kwa nini anakuja hapa. Si kusema ukabila, lakini because of security reasons. Watu wajulikane, kwa sababu mashamba yakipotea kutakuwa na mambo mengine mabaya.

Com. Maranga: Ya mwisho Mzee wangu. Point yako ya mwisho.

Casmir Malakwet: Ningalipendelea, machifu wana matatizo kwa sababu wanakaa katika location moja mpaka wanastaafu, na unaweza kupata matatizo. Ningependelea hao wahamishwe kama watu wengine halafu watapata maarifa. Si kwa ubaya lakini for their own security. Asante.

Com. Maranga: Asante Mzee. Tupatie hiyo memorandum na utuwekee sahihi hapa kitabu chetu rasmi. Councillor Kipsem

Chemwor?

Kipserem Chemwor: Mimi kwa majina ni Kipserem Chemwor kutoka Tiriki. Na yangu yale mimi nataka kusema, district ya Nandi igawiwe ziwe mbili. Hapana Kapsabet pekee yake. Hiyo ndiyo mimi nimependa, Districts ziwe mbili maana huko ni mbali. Ile nitapendekeza tena, korti ya zamani walipeleka Kapsabet, warudishe mahali ilikuweco zamani maana huko ni mbali. Na kwa Korti, Mnandi awe kwa korti ili asikize maneno ya wazee maana watu wote hawajui Kiswahili, hawajui Kiingereza na wanaleta mtu mwingine kuja kusikiza kesi ya Nandi.

Pia, nchi hii kama sisi watu wa Teriki tulinyang'anywa, na sisi tunapendekeza mipaka iwe kama ya zamani. (clapping) maana wakati wazungu walikwenda, walituharibia na kutukata pande ingine Kakamega pande ingine Kisumu, na wakati walienda, sisi tunaomba turudi kama zamani. Hatuwezi kuwa Kakamega, Kisumu, maana watu wetu ambao walikuwa Kisumu walibaki huko. Wajaluo waliokuwa upande wa kwetu walikwenda kwao. Sisi tunataka watu wetu wale walibaki Kisumu warudi Nandi halafu tukae kama Wanandi. Pia watu wetu walihamishwa na wazungu kuenda Tanzania. Na wakati walifukuzwa kutoka Tanzania, mashamba yale wangepewa Kitale, walipea watu wengine na watu wetu wanatangatanga humu. Sisi tunataka watupatie ardhi ya Kitale maana walifukuzwa huku na wazungu.

Tena upande wa masomo sisi Wanandi tumerudi chini. Sisi tunataka transfer iweko maana hii ni Kenya. Wakati sisi tulipotelea sana tulipata hapa LPCI. Mahali masomo iliharibikia ni hapo. Sisi tunataka masomo yarundi kama zamani. Haya maofisi ndogo ndogo yahamishwa, yatoke, halafu walimu wafundise watoto kama zamani. Hapo ndio tulipotea watu wa Kalenjin. Tuliletewa watu wengine. Pia, mimi naomba mtu ambaye atasimama nandi kutaka kazi ya chifu, awe Mnandi. Pia mjumbe yule anataka kusimama Nandi pia awe mnandi, hapana mtu mwingine yule mtu wa kurudisha au kutafsiriwa maneno yake. Awe Mnandi, na Mluhya aende kusimama kwao halafu azungumze maneno ya kikwao watu wao wakisikiza. Sisi tukiwa Wanandi, hapana mtu mwingine aje asimama Nandi, awe mjumbe, awe assistant chief, awe chief, hapana. Huko muende mkaseme hivyo. Tunataka tutawale wenyewe maana wazungu waliondoka wakaenda kwao tukambaki tukiwa Wanandi, Wajaluo, tukiwa Wakikuyu. Hata Wanandi hakuna wale walipelekwa huko Kikuyuni.

Com. Maranga: Ya mwisho Mzee.

Kipserem Chemwor: Ya mwisho, mimi nasema yangu nafikiria ofisi ya Rais isiwe na nguvu. Maana ikiwa na nguvu tutandanganywa huku ati rais amesema na sisi tuko huko. Asiwe na nguvu.

Com. Maranga: Asante kuna swali unaulizwa.

Com. Mosonik: Umependekeza ya kwamba Nandi district igawanywe mara mbili. Ungetueleza mipaka iwe wapi.

Kipserem Chemwor: Mimi nafikiri Nandi district igawanywe kutoka Kopchoi ikate ije upande huu mpaka huko upande wa Tiriki.

Com. Mosonik: Na ya pili ulisema korti irudishwe mahali ilikuwa zamani. Hatujui ilikuwa wapi.

Kipserem Chemwor: Zamani wakati tulirudi Nandi tulileta korti ikawa Kimeloi. Sisi tunapendekeza iwe Kimeloi.

Com. Maranga: Nakuomba uweke kitabu chetu sahihi. Anayefuata ni James Lang'at. Wakati ni wako. Halafu atafuatiwa na Christopher Tanui. Christopher Tanui ako? Okey you will be the next. Unanza kwa majina yako.

James Lang'at: Jina langu ni James Lang'at.

Com. Maranga: Ongea kwa microphone.

James Lang'at: Jina langu ni James Lang'at, niko hapa kwa niamba ya walemavu katika tarafa ya Aldai. Kwanza kabisa niko na point sita, na mimi nitanena namana hii. Health, ama afya: free health services to be given to the disabled persons and their children at the dispensaries and national hospitals. In case of private hospital, health funds for the disabled to be set aside by the Government.

Second, special hospitals to be built for disabled undergoing operation within the district. Education: free education to be provided from nursery to university level. Disabled person to be provided with uniform and stationery Special schools to be built within the district e.g deaf school mentally handicapped, and physically disabled. Rehabilitation centers to be built in every district.

Job opportunities; disabled who are qualified to be employed by the Government according to their careers. Government may set aside funds for the disabled who have completed rehabilitation courses and, are seeking for self employment; additionally they should not be rejected as they are still able.

Equal opportunity: no person should be denied access to opportunity to suitable employment because of being disabled. Moreover, there should be no discrimination in promotion of training. Niko na my colleague Bwana James Karani. Kuja.

Com. Maranga: Wewe huna haki ya kumuita hapa. Wewe umemaliza? Asante.

James Lang'at: Bado

Com. Maranga: Sasa kama wewe bado, utarudi na hiyo memorandum wakati nitaita Karani ndiye atakuja kumaliza. Lakini wewe weka sahihi kwa yale maneno ambayo umeongea. Mwingine Christopher Tanui.

Christopher Tanui: Kwa majina naitwa Christopher Tanui. Yangu ni kutetea walemavu. Naomba Serikali inayokuja, Serikali ya kesho, ipatie walemavu kadi ya hospitali ili wapate matibabu bure kwa sababu hao ni walamavu. Hakuna uwezo.

Pili, wasaidie tena kusomeshea watoto. La mwisho, kuna wafanya kazi wa serikali wamesahau wazee wa mitaa, mimi naomba Serikali ijayo wapatie wazee wa mitaa uniform. Ni hayo tu.

Com. Maranga: Asante Christopher Tanui. Asante kwa mapendekezo yako. Hebu kuja register hapa. Mzee wangu kuna official register. Margaret Birigen?

Margaret Birigen: Kwa majina mimi ni Margaret Birigen nawakilisha sehemu za akina mama wa Aldai katika Kobujoi. Kobujoi Women Body Constitution Review Commission Report 4th July 2002.

Introduction: Aldai women like other women elsewhere in Kenya have been thinktank of social stability, economic prosperity, family well-being and communal amelioration. It is a historical fact that women suffered no less than their male counterparts in the devastating struggle for our independence. We played a fundamental role during this critical transitional period, reinforcing and complementing our men folk through provision of food, shelter, comfort, inspiration, arms, information and the impetus to fight on. Moreover, we shouldered the enormous responsibility of taking care of the young, vulnerable ones during this difficult times and gave them the nurture and grooming necessary in the dynamic struggle for a emancipation from all forms of slavery and injustice. Even as victims of cultural biases and constraints, we proudly and valiantly stood by our men, submitting to them unfledglingly and obeyed their will to the detriment of our personal dignity. We have faithfully and devotedly executed our secret esteemed role of our motherhood in spite of being degraded, subjugated, to marginalised and circumscribed by the very man whom we have nurtured and sustained with our own hands. Women have remained underdogs, subservient and emasculated even in this age of technology and enlightenment.

Com. Maranga: Give us highlights on your document. Okey proceed.

Margaret Birigen: We the Aldai Women Body Constitutional Review Commission Report, we should have a preamble in our document. (inaudible)

Com. Maranga: Ningeomba wale ambao mko karibu na hiyo waya tafadhalini, may be saa ingine mtu hajui mguu ikipita kidogo ndio inagonga hiyo waya. Tafadhalini mimi naomba hao wazee wamekaa hapo, mtuchungie hiyo waya. Endelea mama.

Margaret Birigen: Common experience: we should acknowledge our oppressive colonial history and common struggle by the women and men for independence that should inspire in our national vision that..

Com. Maranga: Margaret, I think I had requested you to give us the main highlights of your document because we are going to read that memorandum. Like you had started very well. You said we have a preamble. Can you continue and give us the highlights please.

Margaret Birigen: The directive principle of state policy: we should have the supremacy of the will of the people powers. The people should express their will through regular free and fair elections of leaders at national and local level. All people should be involved in governance through continuous or sustained civic education which should be the primary responsibility of the Government.

The values: values should be included in the Constitution and this should include human dignity and equality, respect for human rights, non discrimination placing country above self. Three, constitutional supremacy: the President's term should only be two terms.

Citizenship and children rights: as it is now the current Constitution denies women the right to pass their citizenship to their children or spouses in the event that their spouses are foreigners. Male citizens exclusively enjoy this right, and it is therefore discriminative. Recommendations, women and men should have equal rights to confer citizenship to their spouses or children automatically.

Bill of rights: the Constitution should also provide for the right to access information, a right to civic education. Women should have freedom of expression, conscience, worship and association. Freedom and security of persons provision should acknowledge the vulnerability of women to violence both by public and private sectors. Violence against women by private actors should be recognised and construed as torture in humans, cruel and degrading, punishment or mistreatment.

Political parties: there should be easy registration of political parties and should be limited to eight parties. 35% of the party executive body, leadership organ should be women. The parties must field at least 35% of women candidates for elections.

Participation in governance: Aldai women seek assisting of Government that incorporates principles of equal and full and meaningful participation of women in governance and development, respect for men and women ensure a share by women to productive resources. A council of elders should be instituted at the divisional level. The council should constitute of men and women of integrity who are empowered to settle disputes and advise the community or partitent social, economic and political issues. Women should be given a priority to become village head persons in view of some delicate and sensitive gender issues which would be handled quite appropriately and definitely by them. Their would entail advising and counselling girls on good behaviour and moral uprightness.

Com. Maranga: Margaret, I want you to wind up. I have given you ten minutes because you are a woman, and because many of you are not here and you really need to finish up. Okey. Thank you.

Margaret Birigen: The executive: the President's office should be clearly separated from Parliament so that the office is de-linked from parliamentary processes. The President should not be above the law. Every presidential aspirants should have a running mate, who is the Vice President and should be a woman. (Clapping)

Electoral process: reserving 35% seats for women. Family law which is very important to us all; a man for one reason or another opts to marry a second or other wives must procure land and other basic necessities for her in order to minimise conflicts. Widows or orphans should be entitled to good civil care by the state through respective churches or religions. A child born by a daughter while still unmarried should be automatically adopted by the girl's parents and catered for in every way if the mother gets married and the husband automatically refuses to take the child, in this case because the child is born of a different father.

Conclusion: women should be pensionable and anyway because you have given me less time, I could have given more than I have said.

Com. Maranga: Thank you very much Margaret. But there are questions. Let me assure you that I have given you about fifteen minutes and because you are a woman, I gave you that special recognition so you should not complain. Thank you. Now we have questions. Please bring it up again.

Com. Mosonik: I just wanted to ask you, you said that the political parties should be eight. So we wanted to ask which eight, like now they are almost fifty. If you are asked to name eight, why are you recommending eight or proposing eight and not another number?

Margaret Birigen: They should be eight for the reason that when somebody is a leader, for example that one for the President, that person should be over 35 years and below 70 years so that he will be able to lead the Kenyans properly. Is that the question? I did not answer your question?

Com. Mosonik: You recommended eight political parties. So I was asking you which eight and why eight political parties, vyama vya siasa.

Margaret Birigen: They are here I will give you.

Com. Maranga: Thank you very much if everything is in the memorandum. Thank you very much Margaret for appearing before the commission. Sasa mimi nakuomba uchukue hiyo memorandum na ufanye official registration.

Margaret Birigen: Asante sana lakini bado mtatupatia nafasi kidogo, sisi wamama tuna maneno mengi.

Com. Maranga: Asante. Yule mama ambaye anakuja mbele ya Tume anapewa wakati. Julius Chepkwony? Basi wewe ndio wakati wako na tafadhali utupatie mapendekezo, atafuatiwa na Anthony Koech. Koech ako? Anthony sasa nataka kwenda haraka haraka, utaongea? Basi uwe karibu. Two minutes please. Tuko na watu zaidi ya watu mia mbili and over three hundred now we have, who want to speak. Anza kwa majina, two minutes please.

Julius Chekwony: My names are Evangelist Julius Chepkwony.

Com. Maranga: Just a minute Sir, wale ambao wako na memorandum na wangetaka kuondoka, kuna mahali hapa mnaweza mkapeana memorandum kwa Bwana Hassan Mohammed. Hebu simama wakuone, na uchukue mkono juu. Huyo ndiye unaweza kupatia memorandum bila kungojea. Asante. Endelea

Julius Chepkwony: My names are Evengelist Julius Chepkwony from Chepkumia, Aldai. These are my views in brief.

1. Freedom of worship: people should be free to believe and worship as they wish so long as their conduct violates no laws that validly protect the health, safety or morals of the community or nation. Devil worship is undermining and threatening the morals of the society and it should be banned in the new Constitution. We have proposed that no religious or spiritual qualification for public office. There should be a wall of separation between church and state, that is no state religion. Church and state should constitutionally be separate but not enemies. No religions group shall seek the aid of Governmental power in enforcing its religious beliefs upon others. No student attending public school sponsored by a church should be forced to adopt the beliefs of the sponsor church or be interfered in his or her faith.
2. Family institutions should be protected in the new Constitution for it is the formation centre for divine and human relations. Breakdown of family morale produces criminals. Come-we-stay marriages should be discouraged. Families should be encouraged so that they can transmit moral values that respect the Constitution. Family courts be established that deal with domestic violence.
3. Gluttony and greediness and drunkenness should be discouraged in the new Constitution and counselling centres be established in all institutions for Proverbs Chapter 11 verse 14 says that without counselling a nation falls.
4. Mr. Commissioner Sir, I am in speed and I will use my two minutes because I represent a large group of people,

corruption: separate anti-corruption body with power to investigate corruption should be established. All should be investigated, public servants and private citizens, including even the police.

5. Cultural activities which affect the physical health of the individual be banned. E.g. FGM, premature marriages be banned, wife inheritance, circumcised boys living in poor constructed shelters and unhygienic environment. Traditional male circumcisers be trained.
6. National symbols like money, flag, National Anthem be addressed in the new Constitution. Images of the President on the coin should be removed.
7. Health and cleanliness should be enforced in the new Constitution. The current Constitution is very poor in enforcing. We get homes and in towns where we live in unhygienic litters and everything else. Smoking in public areas should be banned.
8. Contesting age for councillors and MPs should at least be thirty years and above. For the President 35. Chief Justice be in charge of executive powers during presidential elections.
9. National resources: the Government should apportion benefits from resources between the Central Government and the communities where such resources are found.
10. Passengers: drivers and conductors of matatus should go for full training. Colleges be established and this will lessen road accidents.
11. The name Kenya should be given a new meaning. We live in Kenya and we do not know the meaning of Kenya. Therefore we want to baptise and I propose baptism of the name Kenya into a new meaning. We have to retain the name Kenya but we have to give it a new meaning. And I am proposing the meaning to be “strive to excel”
12. Opposition: the name opposition should be abolished. We should not have something called opposition parties because the name opposition, what are they opposing? It should be changed to watching parties because they are watching the party in power to correct some mistakes. What are they opposing there? (Laughter)
13. Unplanned pregnancies and births has affected this nation. When one brings a human being on earth, he or she should be held responsible by the Constitution. That is the most important thing. Address that thing here. Many families, parents are suffering because of children born at home. A police can impregnate a child, mtu katika jeshi anaweka mtoto mimba na hakuna pahali anapelekwa. (laughter) Kwa hivyo lazima kama mtu anaweka mtu mimba, alinde huyo

mtoto na afanyiwe mambo yote. Asante sana Bwana Commissioner hapo.

14. I am now ending, Honourable Commissioners, we need to come up with a Constitution that is not below international standards. Make a Constitution that would create a common national identity and unite the nation. The new Constitution should be written in simple language, in Kiswahili and English and should be made available to the members of the public. It should also be taught to members of the society. Mr. Commissioner Sir, and your colleagues, our Member of Parliament, distinguished guests, I beg to move. (laughter)

Com. Maranga: Permission granted and sign and register. Thank you. Anthony Koech. Do we have Charles Melenge? Unaongea? Utafuata huyu, uwe tayari.

Anthony Koech: Asante sana Bwana Commissioners. Yangu yatakuwa kama yafuatayo. Mambo ya mashamba twaomba katika Constitution kwamba, ramani ile ilivyokuwa imetengenezwa mwaka elfu moja mia tisa na tano ibaki vivyo hivyo, isibadilishwe. Kukiwoko na mtu yeyote ambaye ametoka mahali pengine, akaishi mahali pale, lazima awe part and parcel of those people. Awe ndani yao. Lakini mambo ya ramani yasibadilishwe. Sio watu wengine kuja kuingilia katika mashamba ya Nandi.

Pili, ni mambo ya masomo. Naomba katika Constitution hii mpya iwekwe mambo ya masomo ya zamani yaani 8-4-2-3.

Tatu, mambo ya tohara kwa wasichana naomba kwamba akina mama wafundishe akina dada mambo haya yalivyokuwa ya zamani kwa sababu katika dunia tuna historia. Kwa hivyo wafundishwe tu mambo hayo yaliyokuwa yakitekelezwa hapo mbele na mambo ya tohara yasiendelee.

Katika upande mwingine, mambo ya President, katika uchaguzi wa President iwe tofauti na uchaguzi wakati wa kuwachagua wale ambao ni Wabunge. Kazi ambazo ziko wapewe wale ambao wamesomea ama wamehitimu kwa kazi hiyo. Mambo ya ofisi ya Rais, iwe two terms, yaani tano, tano miaka kumi. Baada ya hapo kutakuwoko na nafasi ingine.

Mambo mengine ni mambo ya majimbo. Twataka katika Kenya hii tuwe katika hali yetu ya majimbo ili kila jimbo liwe na mambo yao. Watekeleze mambo yao vilivyo. Mambo ya kazi ile kama ya polisi, army, ama nini, ningepomba ya kwamba ikiwa wale ambao wanakuja kuandikisha waanze katika constituencies, sio katika districts kwa sababu wakati huu ni mbali. Hatuna pesa za kutosha, kwa hivyo kusafiri kutoka hapa mpaka Kapsabet ni kupoteza wakati. Kwa hivyo waje waandikishe katika kila constituency katika Kenya.

Mambo ya mashamba: mashamba yale yaliyokuwa ya wazungu, hatujui ni kwa nini wengine wana acres elfu tatu, kumi, na huku wananchi wa Kenya wengine hawana, saa ingine ni pointi moja ama pointi mbili. Kwa hivyo hapo ichunguzwe kwamba

mashamba yale yaliyokuwa ya wazungu yakatwe na ikiwa zaidi, wapewe acre mia tano lakini yale mengine, yapewe kwa wananchi. Asante.

Com. Maranga: Asante Mzee wangu na ninakuomba uweke sahihi. Charles Melenge. Atafuatwa na Paul Kemboi. Paul Kemboi alikuwa anataka kuongea? Hakuonyesha kama anataka kuongea ama hataki. Wapi Bwana Paul Kemboi? Ningetaka kujua. Ako? Hayuko. Basi Charles Melenge.

Charles Melenge: Mimi kwa majina ni Charles Melenge Koskei kutoka Kamalua village. Maoni yangu ningetaka kulenga mambo ya vyama. Kwa mambo ya sheria ya sasa, hiki chama cha KANU kinalalia sana vyama vya opposition na kwa maana hiki chama cha Kanu ni giant, ningependa upande wa Electoral Commission ibuni chama kingine giant kuundwa halafu hivi vyama vya opposition vianze kupigania hicho kiti kwanza. Kwa nini hao watu wa opposition wanakuja wanagombea tu kiti cha U-rais moja kwa moja, kwa nini wasiende kwa uwaja wakimbie kwanza tuone watakwenda final ili tuone sasa watapata ushindi au la.

Kitu kingine ningependa ni kulenga haya mambo ya umaskini. Umaskini umetokana na kutokuweco na shamba. Ningeomba sana sheria ipitishwe ili watu wawe wakilima kwa forest. Na forest ni ya Serikali ndio, lakini walime wapate vya kukula. Halafu baadaye kama rotuba inakwisha wawe wakipanda miti na kuendelea pahali pengine, pahali haijafyekwa, wafyeke, walime, ili wapate chakula. Miti iwe ikipandwa kwa stages misitu ibaki ikiwa ya Serikali. Yangu ni hayo Bwana Commissioner.

Com. Maranga: Weka sahihi kitabu chetu rasmi. Apollo Kuto. Atafuatiwa na Jacob Tuwei? Ako? Hayuko huyo. Basi uanze kwa majina, you have two minutes to give us the main points.

Apollo Kuto: My names are Apollo Kuto, I am representing for the mayor community. My views are as follows and they are based majory on education. The first one is the recruitment of teachers. The recruitment of teachers has of late been done by boards of governors as agents of Teachers Service Commission and it has not gone so well because we have tribalism, nepotism and corruption of those who are supposed to be recruited as teachers. So it is suggested that the Teachers Service Commission should take back their responsibility of recruiting teachers and recruitment should be done on merit basis only and recruitment should be done taking into consideration the year of graduation.

Two, promotion of teachers: it should be done purely on merit. It should also be based on the years of experience. The promotion should not be done based on any special courses because teachers do not have access to most of these courses and you only find teachers in small schools do not have access to most of these courses. Only teachers in big schools have access to these courses. So it should be based only on experience and merit.

Teachers training institutes: Primary Teachers Training Colleges: minimum grade, it is suggested should be C+ and above to

encourage competition. Personnel in the field should be posted to any part of the republic of Kenya to allow National integration. Secondary Teachers Training Colleges and Universities: only those who qualify with a minimum grade of B and above should be admitted to the courses. Only those who choose teaching as a first choice should be admitted to the courses to enhance academic standards not as a second choice. The summer programmes being offered in most of our universities should be completely scrapped because it is tantamount to cloning of teachers and it is producing incompetent teachers which is lowering education standards.

Teachers' emoluments: teachers being role models from a noble profession deserve to be better remunerated that is to boost their morale and to attract qualified personnel in the teaching profession. It should be suggested that the Government of Kenya should implement the Teachers Service Remuneration Committee's pay package of 1997.

Management of schools: most of the schools' Boards are illiterate and semi-illiterate. And that leads to poor management of schools, frustration of staff and students unrest. It has been suggested that the Ministry of Education only allow those with the minimum grade of C and above at form four level to be members of the Board. The suggestion is that the Chairman of the BOG should be an academician, that is holder of Diploma/Degree and above. The head teachers should sign a contract with the Board for at least five years to enhance proper school management and to avoid dictatorship.

Com. Maranga: Your last point.

Apollo Kuto: Curriculum development: there should be equal training opportunities provided to all teachers irrespective of their work station in case of curriculum change or review. Teachers on the ground should be given greater percentage of participation as committee members in case of curriculum change of review. Duplication of topics in subjects should be discouraged. Entry in and out of school system should be flexible to cater for those who drop out of school due to lack of school fees. Important policy decisions should not be made by a few people. Examples, change of the school curriculum and such like.

Universal primary education: it is suggested that the Government provides free primary education to all children because it is a basic human right.

School finance assistance: it is suggested that an emergency fund should be set up to deal with problems or emergencies in schools such as fires and the rest. Thank you Mr. Commissioner.

Com. Maranga: Thank you very much. I request you to sign and give us your memorandum. I am calling the next one Zakayo Bett. Zakayo ako?

Zakayo Bett: Kwa jina ni Zakayo Bett. Maoni yangu yatakuwa juu ya nguzo ya nchi ambayo itakuwa ni kilimo. Yangu yatakuwa mafupi na machache. Ningesema ya kwamba, Kenya inategemea kilimo kama uti wa mgongo ni kilimo. Kwa hivyo tunaona hapa sehemu ya upande wa Agriculture na Veterinary, tunaona kwamba hizo huduma hazifikii wananchi kwa njia iliyo bora. Kwa kuwa tukiangaliwa upande wa technical advice kwa upande wa veterinary hazifikii mwananchi ama mkulima kwa njia iliyo bora. Kwa kuwa mambo yote karibu imepelekwa katika division na hapa unaona ya kwamba mkulima hapati huduma hizo. Ningependekeza ya kwamba kila location iwe na extension worker kwa upande wa veterinary ili wahudumie wakulima kamili ili tupate mapato mazuri kwa upande wa ng'ombe na maziwa na hata upande wa agriculture. Isiwewe tu iwe sehemu mbali. Pia, vitu vya kutumia kama vile pikipiki na magari vipatikane ama vipewe na Serikali ili wakulima wasiwe na ugumu wa kutembea kwa muda mrefu kufikia hawa extension workers wa veterinary. Hawapatikani. Kwa sehemu za dips tungeona ya kwamba free services zingepaanwa ili wakulima wapate mapato zaidi ili ng'ombe wao wasikufe na Serikali washikilie upande huo wasimamie upande wa deepes na pia wasifanye retrenchment kwa upande wa mambo ambayo yanahusiana na agriculture na veterinary. Kwa hivyo kama retrenchment inaendelea upande wa civil service, ibakie sehemu ya agriculture kwa kuwa hiyo inaguzia wananchi direct na veterinary. Hayo ni yangu.

Pia ningependekeza kwa upande wa vyama vya upinzani. Vyama vya upinzani viwe vinne katika national. Hiyo ni maoni yangu. Asante sana.

Com. Maringa: Thank you Mr. Bett. Mimi nakuomba uweke sahihi. Basi wakati huu mimi namuita Mbunge wa area hii ambaye ni Mheshimiwa Choge, na nataka na yeye vile vile atoe mapendekezo kwa Tume ya Kurekebisha Katiba lakini unajua yeye ni mheshimiwa, mimi nampa dakika thelathini ili aweze kutoa maoni yake na baadaye wananchi na wao vile vile waweze kutoa maoni. Bwana Choge.

Hon. Kiptum Arap Choge: Bwana Chairman wakati wa leo wa Constitution Commission, members wa Constitution commission. Nina furaha wakati wa leo kupewa nafasi hii kusema machache ambayo ninaweza kusema. Mahali ambapo mmekaa sasa ni mahali ambapo mmekutana kwa sababu..

Com. Maranga: Please Mheshimiwa nakuuliza uanze na majina yako kamili because we are recording.

Hon. Kiptum Arap Choge: My name is Honourable Simeon Kiptum Arap Choge, Member of Parliament and an Assistant Minister in the Ministry of Home Affairs. Hii ni Constituency yangu, natoka Aldai Constituency. Yangu ni kusema kwamba mahali mnakaa sasa ni mahali muhimu sana katika historia ya Kenya. Maana Wanandi wanajulikana kufuatikana na maps ambazo ziko hapa kutoka nchi ya Nandi ilitoka kutoka upande wa Kitui kuenda mpaka Naivasha. Nasema kwamba Wanandi walifanyiwa ukatili mwingi, mpaka wengine kwa wakati huu wako upande wa Sudan, kuna wengine katika upande wa Ethiopia kuna wengine walio upande wa Congo, kuna wengine Uganda, kuna wengine Angola na sehemu kubwa ilibakia upande wa Pokot, hata Keiyo, Tugen na Marakwet. Bila Nandi kuleta amani katika Kenya na kuleta mchango wao katika Kenya ambao

walinyang'anywa, sifikiri kwamba kungekuwako na amani katika Kenya. Kwa hivyo Wanandi ni lazima wapewe heshima kubwa na vile vile pongezi maana kutoka upande wa Uganda, kupitia Tranzoia, Uasin Gishu, Nandi, mpaka Naivasa, mpaka Ngong, Keruwa, iko jina waliweka huko Keruwa, ndio jina ambalo ni la Wanandi, linasema "hatupiti hapo". Na Wanandi walifanyiwa haya, na kwa kuwa walifanyiwa hayo, kuna memorandum ambayo ningelitaka tusomewe, na baada ya kusomwa, nitaendelea vile vile kuwaelezeni kidogo kabla sijaingia katika upande mwingine wa mazungumzo yangu. Huyu mwananchi ningetaka asome hiyo memorandum kwanza kabla sijaendelea.

Com. Maranga: Lakini Mheshimwa hiyo itakuwa sehemu ya wakati wako.

(inaudible) Mr. Chairman, I am reading it on behalf of the area MP. The Nandi claims: now that the Nandi have been driven out of their country it has been thrown open to European settlements main Kenya diary January 1906. We have an example of these in Nandi who have just been driven out of a large part of their country by their rivals into the reserve to the north in order to make room for the settler. This is because instead of making themselves useful to the white man, they made themselves a nuisance to him, Reverend (inaudible) The reserve bay for the British is too small and does not allow for expansion. I fear it is all based on requirements for white settlements and not on the welfare of the Nandi. This is very short sighted policy and must lead to grievances. After all it is African land not ours to dispose of Kenyan diary 1906. The Nandi diehard General Manning Overall British Commander of the area in which the Nandi field force was operating.

Introduction: what happened years ago to the people of Nandi waged a great patriotic war in defence of their land and freedom. It was fought with supreme courage and determination against the overwhelming and technically advanced firepower of the British Army which had launched a full scale of Nandi territory. For the previous fifty years with strict and disciplined spirit of mobilization and full strategy of Nandi and ensured an expansion of their control over white areas of the North West of Kenya. They had given proof more than a month for the Arab slave trading caravans from the coast who avoided Nandi land at all costs. Their reputation and organisation ability enabled them to dominate effectively the regions stretching from and Naivasha to Mt. Elgon and Kitale and from Menengai and Nakuru through Molo and Tinderet to the present day Kakamega Forest. This domination is fully documented in the reports, books and maps of the early travellers and survey parties for the Uganda Railway. The maps are tied.

(inaudible) soldiering and surveying in British East Africa, while 1893 he met a plateau of Nandi on a well worn track in the Mau Forest on their way to Kamacia. However, Nandi spears is a long run could never be a match for their rivals and machine guns for the British troops who were acting on direct orders of the British Government to drive the railway to completion through all circles as quickly as possible. Such indeed was the importance of the projects the British imperial policy and the route to India as formulated laws Salisbury and Rosburry. The Nandi were now directed in the way and if necessary they had to be eliminated. The Nandi however, knew nothing of the two lots and even if they had known anything about them, they would have cared less, the result was a fight to the bitter and inevitable end. The cost of the Nandi was high indeed and while

for obvious reasons no accurate estimates of Nandi casualties exist. The British commanders openly admitted that the official figures should probably be multiplied by at least four times for several years. These figures had been deliberately deflated in respect for the more sensitive reactions for the officials in London, foreigners and the colonial offices to stolen land. Before the British invasion, the people of Nandi were in physical and beneficial occupation of the whole of the British Nandi Hills and the Tinderet massive. They also occupied the grass land in the Nyando Valley, now sisal estates and the sugarcane growing areas now centred at Miwani, Muhoroni and Chemelil Sugar Mill. In January 1906, the Nandi field force was deployed by the British in a major ethnic cleansing operation. Its orders were to clear the Nyando valley, the area between Tinderet and Muhoroni, Kipogori and Songor. The policy was to be conducted as a Scotch Act operation and the region was systematically devastated block by block. All Nandi houses, stores and crops were burnt. Stock was seized and human beings, man, woman or children found alive were shot and killed. The land thus cleansed was to be alienated under 999 year lease for European settlers. In all 1250sq miles of some of the richest, most fertile land in Kenya was allocated to these European settlers. Those Nandis who survived the operation were informed that in future, they would be confined to the native reserve to the North near Kabiyet and far away from the British Railway. Many promises were made then broken. They were assured that the reserves would always be theirs and no more land would be deducted from it. Even Winston Churchill a Minister in the colonial office who had once expressed open admiration for the staunch fight the Nandi had put up declared that the land they had left belonged to the Nandi for all time and they would lose another inch. These two turned out to be lies. First in July 1912, thirteen and half square miles were excised to Kaimosi. The initial alienation of two farms there was carried before the outbreak of the First World War. The remainder, along with the farms in the Kipkaren block also inside Churchill's inalienable native reserve were given to European soldier settlers in 1890s came. In their book, "Public Law and Political Change in Kenya" page 81, Ghai, Chairman of the present Constitution Review Commission and JBW Hosland discussed the scheme and I note: "approximately two million acres were ear marked for the scheme, a large part of it being excised from the Nandi reserve, without compensation. It was also observed that the boundaries of these areas were never properly marked on the ground. There is a strong Nandi claim to the pastoral areas in Uasin Gishu District both North and South of the modern town of Eldoret. It is also confirmed in general comment in the report of the Kenya Land Commission of 1934 that more African-occupied land was taken from the district of Nandi, Kericho, Sotik, and allotted to the European farmers than from any other area of Kenya".

Nandi war casualties: based on the only figure that exist of casualties in the 1895, 1906 Gueillira Campaign the number of Nandi soldiers killed seemed to be not less than ten thousand. The sources for these various British Army reports (inaudible) that this need to be multiplied by at least four times as the original figures were masked to suit the finer feelings of the foreign office staff in London. It should be noted that there are no statistics for wounded only and must be assumed that the British usually finished them off. Civilian casualties are not tabulated anywhere. Clearly the 1906, cleansing operation mode where man, woman or child was to be spared nor has any specific instructions that differentiates between civilians and soldiers in this particular campaign. We believe that a figure of five thousand civilians killed would entirely reasonable. If Madson and other historians estimates the population in Nandi in 1900 to be around forty thousands to forty five thousand these totals means that between 1895 and 1906 some 30% to 35% of the Nandi population lost their lives patriotically defending their land. Their

freedom, their livelihood and their families in the Second World War had British casualties to be in the same percentage 30% of the British population. 50% this would have meant 15 million British killed. The actual figures of the British casualties in the Second World War worked out a mere 1.5 percent of the entire population. Many of the Nandi military and civilian prisoners were thrown into the concentration camp of the Nandi Fort where they were tortured and other wives mistreated and beaten.

Hon. Kiptum Arap Choge: Hayo ambayo mmeshasikia yakisomwa yanatoka kwa kitabu hiki, yanatoka kwa Kenya diary ingine hii yanatoka hapa na hapa. Na hii ndio ingine. Hii ni kueleza kwamba Wanandi walipoteza mchanga nyingi sana. Na hapo Cheronei aliteta kule katika Lancaster House 1963, hata mimi nilikuwa mjumbe tuliobaki hapa. Aliteta mpaka wakasema kwamba, mtarudi nyumbani kwenda kutengeneza maneno ya mashamba kule nyumbani. Baada ya Cheronei kufika hapa nyumbani alipelekwa huko na huko, na masumbuko mengi. Basi, waliotaka kuiba mchanga waliimba kinyume cha sheria. Kuna Nandi claims, ambayo ina-claim hayo mashamba, na bado kwa wakati huu tuna-claim kufuatana na map ya 1905. Na hakuna mtu anayeiba leo na kesho aambiwe kwamba ati ile uliiba jana ni haki yako na utendelea kuwa na hiyo haki. Memsikia sheria kama hiyo?

Kwa hivyo Wanandi wana claim zao wanataka vitu vyao vilivyoibwa, kuua watu, na mashamba hayo kutoka upande wa Naivasha mpaka upande wa Kakamega kule. Wanandi walishikwa wakawekwa kwa jela ambayo haiko katika Africa, ni Nandi pekee yake inaitwa Nandi Fort. Wanandi wote waliokuwa Kanau mpaka upande wa Kitoshi upande wa Kitale, Uasin Gishu, Naivasha walishikwa wote wakawekwa Kiptur Fort na Kaptumo Fort. Na makabila mengine, yalipata nafasi kuja kuchukua mchanga ya Wanandi ambao walikuwa wamezuiliwa hapo mbeleni na Wanandi. Kwa hivyo tunauliza hii commission vile vile ifanye request kwa British Government kutoa compensation kama walivyotoa katika upande wa German inaitwa martial compensation. Hata Korea mwanamke ambaye alishikwa hata matiti pekee yake alilipwa compensation na hapa Mnandi, hajalipwa compensation hata kidogo. Basi, kama ukipatikana umepita katika ile sehemu ambayo uliwekwa ndani, Nandi Fort, wewe ni maiti. Hakuna kabila lolote katika Africa, ambalo lilifanywa namna hiyo. Ndiyo mimi nasema hapa ni special. Na mahali nyumbani Samoei alipozaliwa, ni hapa hapa. (inaudible) Wale wote Laibon walio Kipsigis, walizaliwa hapa hapa. Yule Samoei alipokwenda mpaka Baringo na akarudi akaja kuishi Nandi Hills akauwawa kule, lakini baba yake alikufia hapa hapa. Hapa ndio nyumbani ya Nandi yote. Na ndio nilisema hapa ni special. Na watu wa hapa hawajapewa mchanga wowote katika settlement scheme (Nandi dialect). Kwa hivyo, kuna maeneo na maeneo yale hatuwezi kuelewa yanaelekea upande gani na sisi tungependa ku-register katika Constitution kwamba kutoka wakati wa Kenyatta hata wa President Moi, watu wa Aldai hakuna hata mmoja ambaye alipewa scheme. Hii imefanya population ya hapa kwenda juu zaidi na hakuna yeyote anayefikiriwa.

Basi kwa wakati ule wa kutesa Wanandi, walitesa Wanandi, wakauwa Wanandi elfu kumi, wakaua vile vile watu raia elfu tano, wale elfu kumi walikuwa warriors. Ngo'mbe elfu sabini zilipelewa kwenda military kwa wazungu kwenda kutumia. Mbuzi mia moja ishirini elfu. Ngo'mbe elfu sabini, mbuzi mia moja ishirini elfu pamoja na kondoo na nyumba elfu kumi zilichomwa, nyumba zingine ambazo zilikuwa nje ya Nandi Hills elfu tatu zilizochomwa. Acre elfu tano za mimea ziliharibiwa. Mlisikia

kwamba Nandi warriors walikuwa ten thousand, civilians walikuwa five thousand, seventy thousand heads of cattle, one hundred and twenty goats and sheep, ten thousand huts and property burnt, three thousand other people or other people elsewhere were also killed and five thousand acres of crops were destroyed. Hii yote tunataka twelve billion. UK pound 150 million kama compensation. Vile vile kwa upande wa Samoei hajafanyiwa compensation yoyote kwa sababu aliuwawa, na after war crimes, tumekuwa ignored British haijalipa sisi, hatukuwambia hao kuja hapa na bunduki na hapa na kuua watu.

Napenda vile vile kusema kwamba katika map ya 1896 mpaka 1903 ambayo iko hapa mtaweza kuona Wanandi ambao sehemu ambazo mimi ninasema kwamba walinyang'anywa na waliuwawa na wakachoma nyumba. Nasema vile kwa sababu hii kama hapana ingia katika Constitution, itakuwa ngumu kabisa. Na Seronei alisema lakini hakuna mtu aliyekubali katika Lancaster House. Hata Idi Amin alijua kwamba katika sehemu ya Nandi inakwenda mpaka Naivasha, kabla Idi Amin kufukuzwa alijua kwamba sisi hatukuwa katika upande wa Kenya, tulikuwa Uganda na hiyo sehemu ilikuwa yetu. Basi tunataka hivi, wale Waafrika ambao waliishi kule tupewe compensation na British kutoka Naivasha mpaka Mt. Elgon, mpaka upande wa Bungoma. Tunataka compensation hiyo kama wanavyofanya North and South Korea, kama wanavyofanya Germany, na mahali pengine popote. Tunataka hiyo compensation.

Vile vile ningependa kusema kwamba, ile sheria iliwekewa watu wa Talai, kwamba hawawezi kutoka nje mpaka kwa wakati huu bando wanafungwa, movement yeyote freedom yoyote, hawana, wakipatikana nje ni kushtakiwa na kufungwa. Hawa wafunguliwe kama wengine katika Kenya ambao wameshafunguliwa. After all hawakuuwa mtu. Hawakumpa mtu sumu. Ilikuwa tu ni kutabiri mambo ya hapo kesho. Mayor Segen alifanya maneno maovu sana kwa Wanandi. Alikubali mwenyewe katika kitabu hiki. Hata Governor alikubali katika vitabu hivi kwamba tumetendea Wanandi kinyume cha sheria, hata Churchill, hata juzi vile vile, kwa kuhusiana na maneno ya mashamba hata chairman wenu Ghai alitamka hayo maneno na ishasomwa hapa. Kwa hivyo nataka haya mambo yafuatwe vizuri sana kuanzia upande wa Muhoroni, ningetaka wale Waafrika walio kule ambao wamepewa scheme, hawawezi kuguzwa watakaa lakini wajue kwamba huo mchanga ulikuwa wa nani? Waanze kulipa kwa Wanandi katika Nandi County Council ile kibali, lease, kwamba waendeleo kulima kule.

Na hii lease, commissioners ikiendelea katika jamhuri nzima, mtu ataenda Kisii ataishi atapeana lease ya shamba, atapeana lease ya business na ataishi bila ubaguzi bora mtu mwenye mali atambuliwe kwamba hii ni mali yake. Na hatuwezi kuwa na taabu. Hata Kikuyu anaweza kuja hapa na kulease shamba, na kufanya vile vile lease ya maduka, na kufanya business, lakini mtu ambaye anakuja na kusema kwamba ni yangu yote, na sisi tulifungwa mahabusi, halafu makabila mengine yanakuja, ni jambo hatuwezi kukubali. Hapa nili-quote kusema katika upande wa Israel na katika upande wa Palestine, wanapigana kila siku kwa ile inatwa Gaza Strip, kitu kama Lamu. Na hao ndio wako na ustarabu katika nchi hii, Waisrael na Waarabu hakuna mtu alipata ustarabu kuliko wao, lakini leo wanapigana na hatutaki mambo kama hayo kesho yatendeke katika Kenya. Nataka ile Muhoroni, Chemelil, Miwani, hayo mashamba ambayo bado iko intact, sisemi Wajaluo wafukuzwe watalipa tu lease kwa county council ya Nandi.

Ilikiwa nani? Waanze kulipa kwa Wanandi katika Nandi county Council ile cess ama kile kibali, lease, kwamba waendeleo kulima kule. Na hii lease, commissioners, ikieendelea katika Jamhuri nzima, mtu ataenda Kisii, ataishi, na hatalipisha shamba. Ataishi bila ubaguzi. Bora mtu mwenye mali atambuliwe kwamba hii ni yake. Na hatuwezi kuwa na taabu. Hata Kikuyu anaweza kuja hapa na ku-lease shamba, na kulease, na kufanya vile vile lease ya maduka, na kufanya business. Lakini mtu ambaye anakuja na kusema kwamba ni yangu yote, na sisi tulifungwa mahabusu, halafu makabila ingine ikakuja, ni jambo hatuwezi kukubali. Hapa nili-quote kusema kwamba katika upande wa Israel, na upande wa Palestine wanapigana kila siku kwa ile inaitwa Gaza strip. Kitu kama Lamu, na hao ndio wana ustaarabu katika nchi hii. Waisraeli na Waarabu, hakuna mtu aliyepata ustaarabu kuliko hawa. Lakini leo wanapigana. Na hatutaki mambo kama haya kesho yatendeke katika Kenya. Nataka ile Muhoroni, Chemelil, Miwani, haya mashamba ambayo bado yako intact, sisemi Wajaluo wafukuzwe, watalipa tu lease kwa County Council ya Nandi. Halafu tu-avoid hii maneno ya kupigana kama watu wa Palestine na watu wa Israel. Hayo mashamba ambayo bado yako intact, ambayo nimetaja, Britain inunue kama compensation, na wapatie Kapsabet County Council, kendelea kwa watoto wa Nandi kusomea kama fees. Vile vile Nandi hills, mashamba yote ya Nandi Hills, maana hapo ndipo Samoei aliuwawa na iko evidence hapa, kwamba waliua watu 10,000 ili kusudi kupata haya mashamba kule. Wakatoa ng'ombe wao wakapeleka wakaleta watu wakafanya katika Kaptumo, Nandi, Fort Kipsigat Nandi Fort, Kipchure Nandi Fort. Wakafunga watu kule mahabusu baada ya kuwatoa pande zile zote na kupeleka ng'ombe wao, kuwafanya kuwa maskini.

Napenda vile vile kusema kwamba Wanandi, huyu mtu anaitwa May Zeegan alikuja mpaka Nandi, katika County Council na akakubali kwamba yeye ndiye aliu Samoei na nisamehe, mambo kama yale, na yale, wakapata akina Paramount Chief Elijah akawaeleza. Mambo kama hayo, ni lazima yaingizwe katika katiba hii maana Seroney alikataa London, na kuja Kenya akakataa, watu wa hapa wakaanza kumuonea wivu, wakampeleka hivi na hivi, kwa sababu ya ukweli wake. Na Nandi ndio imetoa peace, love and unity. Kukula mashamba hii yote, na kila mara kusema twende scheme, Muhoroni kuna scheme, upande wa Sotik kuna scheme, upande wa Tongaren kuna scheme, upande wa Kipipiri kuna scheme, mtu gani Mnandi ambaye ametoka katika area yake na kwenda pahali pengine kwenda kupewa scheme? Mumewahi kusikia siku moja? Hakuna. Wote ni kuja Nandi tu. Na hii itafikia wakati Wanandi watachoka na mambo kama hayo. Ma-governor wote waliokuja hapa pamoja na Wilson Churchill, imetajwa hapo, walisema kwamba Wanandi walifanyiwa kinyume cha sheria, na wakaharibiwa, na wakauawa kwa mambo ambayo hatuwezi kukubali kamwe katika British.

Basi, mambo yangu yafika hapa kwa claims ya Nandi, tunataka Kaimosi Tea Estate, Nandi Tea Estate, na yale mashamba yote ya miwa, yapewe Nandi County Council Britain inunue na iwape Nandi County Council, kwa watoto wenu kusomea.
(clapping)

Basi, kuna kitu kimoja ambacho ningependa vile vile kuingilia. Kuna ukabila mwingi ambao tunafanyiwa sana. Na hii, nasikia mwingine anataja jina la Nyache, Nyachae anatumia huku watu. How long will you go on fooling people like that? Utaendelea mara ngapi kudanganya watu kwamba ati Nyachae ndiye analeta watu kuja kuishi hapa Kapsabet? Nyachae ndiye ana-control

civil service? Nyachae ni mtu raia kama nyinyi. Kwa hivyo ukipumbaishwa, ujue unapumbaishwa. Kuna ukabila ambao unaendelea. Na hii ni kufanya Wanandi kusagwa left and right. Na ndio unaona, na mimi ninafurahi, sisi watu ambao wananunua mashamba hapa, wajue kwamba Wanandi walikuwa kwa Fort. Wakaja kimakosa, na wananunua kimakosa. County Council haina representative hata mmoja katika County Council – katika Lands Control Board. DC kutoka huko tu, na watu wake ambao wanakunywa pombe wengine walevi, wengine walikwisha meno, anawaambia kuja katika Lands Control Board, na kupitisha hii mashamba. Hii ni maneno ambayo na ni vizuri, County Council wamejiiondoa kwa hayo maneno (Nandi Dialect).

Haya, kuna vitu ambavyo vinapewa illegally, hata DC kuingilia forest na kuanza kupeana kwa watu, inaonekana kwamba amepata kibali, ukiuliza watu (inaudible) tangu lini DC amekuwa serikali? Na hayo mashamba yote yanauzwa Nandi, they are being sold illegally, there is no representation from the County Council in the Land Control Board, and you should never be cheated again to send there somebody. Let the DC himself sell, na wale watu ame-handpick. Haya yalisemwa, mambo ya mashamba, katika upande wa Lancaster House. Nandi iko kwa taabu kwa sababu mashamba yao yainagawanywa kama zamani mtu alikuwa anachinja chini ya miti na kuanza kukata nyama na kuanza kumpa mtu tu bila hata kupima.

I am almost coming to that. Wanandi wametendewa yale ambayo hayafai. Kwanza wameandikiwa chiefs tangu zamani, ambao si Wanandi. Na imeendelea kutoka wakati wa Amiani, upande ule, upande wa Ntonnio, Kipketer, wako upande wa Chweya, hata mpaka Maiyo, kwa akina Stephen, hawa watu wote sio Wanandi. Na hawa ndio wameuza mashamba, na kupeana mashamba. Hawa watu wote unaona hapa, commissioners, walitoka kule wengine kuhama, kuja hapa kwa sababu ya persecution. Kufungwa mguu juu, na wewe uko uchi, na kichwa kinaangalia chini na bibi yako bado anakuona, bibi yako kuona hivyo anasema kesho sisi tutahama, kwa maana anaona upweke wa mume wake. Na hii inasemekana iliandikwa na mzungu mmoja alikuwa anaitwa, Bwana Hoffman.

Basi, haya mambo ni mambo yale ambayo tunatake yaingizwe kule kwamba Wanandi hawajauza shamba lolote tangu zamani. Ni watu wale waliandikwa kule kama machief, ni shauri yao. DC wa Kapsabet aendeleo kuuza, ni shauri yao.

Haya, extension of Parliament Tunataka Parliament ipatiwe muda mpaka wakati wa Constitution kwisha, kwa sababu, just wait, I want to explain.

Com. Charles Maranga: Excuse me please, hayo ni maoni yake, Mheshimiwa just a minute. Just a minute, please mimi naomba wananchi wa Kobujoi, wakati mtu anatoa maoni yake, wewe utakuja hapa, ufike mbele ya Tume, utoe nawe vile vile unavyotaka. Kwa hivyo heshimu maoni ya kila mtu. Asante.

Hon. Kiptum Arap Choge: Ungekuwa leo President kwa katiba hii, katika January, yeye ni President, Ghai anamaliza labda mwezi wa tano, ukimwambia kwamba chukua Constitution hii ufanye elections, kwa sababu sasa uko illegal, Parliament

ime-confirm kwamba hii Constitution ifanye kazi. Atakataa. Atasema sisi tunaangalia maneno namna hii. Na muda unasonga. Kwa hivyo tulionelea kwamba Ghai Commission imalize mambo yake, ikishamaliza mambo yake, President ambaye anaingia ofisi, achukue kiapo kwamba atalinda hii Constitution ambayo Ghai Commission imefanya. Na bure mimi kama ni President sasa ukinichagua December, mimi nasema, kwa nini kuwe na elections saa hii na mimi ni President? Basi, Constitution hii tunaangalia. Let them come up with another Constitution kuangalia kama mambo ni sawa sawa. Na mimi naendelea. Nyinyi hamuoni hapo? Mnaona hapa tu. Tunataka Parliament inongezewe muda. Ikishaongezewa muda, hayo maneno yanaweza kuja kutataniwa na bunge ile mpya alifanywa, because we will be in Parliament (inaudible) to protect that new Constitution but I cannot protect that new Constitution, if I am elected using the previous constitution. It will first of all force me to go out to be elected on that new Constitution, then I come and swear nitalinda hii Katibaa kama ilivyoandikwa ndani yake. Na wewe hapa unasema bure ai ai oo oo.

Haya, corruption katika Kenya: Hata ukitengeneza Katibaa hii, hata usipotengeneza katibaa hii, kitu kinaitwa corruption katika Kenya, na hii ngozi yangu ambayo naona aibu, kuvaa hii ngozi, hutafaulu. Matunda hayatafika kwako. Angalia, plots zote zimeisha. Kampuni zote za serikali zimekwisha, na huoni pesa hata kidogo. Watu wale wanapelekwa kotini hakuna hata mmoja kwisha shtakiwa, kwisha patikana, kwisha fungwa. Basi. Mimi nina-propose kwamba ikiwa kwa Constitution mpya, ama hii ingine ambayo tunatumia sasa, wakiweza kuchukua hatua haraka, wakitaka ku-root out corruption, ni lazima, kwa sababu ya ngozi hii ya Choge mbovu, pamoja na yako walete, wafanye exchange program, na British Government ambao walikuwa wakoloni wetu huko mbeleni, maana system ni karibu moja. Lete watu 250, wazungu wa-mann financial institutions from this, Province up to Nairobi, mahali pa kuingia pesa wasimamie. Na hawa sura hizi nyeusi, wafanye vile vile wafanye exchange waende kule Britain. Wale wazungu tena waje Kenya wa-mann Districts, Province, mpaka Nairobi, Mwafrika kazi yake, apige cheo kile, ya Corporal na Sergeant pekee yake kwa sababu wameonyesha aibu katika nchi yao. Mimi nataka Division yote wafanye exchange. Si washikwe, (inaudible) wafanye exchange program.

Haya, nataka, kwa sababu ya corruption, bado naendelea, wale watu ambao wameiba pesa, tufanye Truth Finding Commission. Mtu aeleze haki ya mali yake. Kama Choge ako na acres 3,000 na alinunua, basi ni yake. Kama iko acre moja ama mbili ulinunua, basi ni haki yako. Let us find out. Truth Finding Commission. Wapate hawa watu ambao wamekwisha pona mali ya serikali. Basi. Sitaki washtakiwe. Nataka warudishe 70% na 30% ibakie yao. 70% iende kwa serikali, na 30% iwe bloody jasho ile ambayo walikuwa wakikimbia usiku na mchana, wabaki nayo hiyo. Nataka kwa hayo maneno, kuna watu ambao kama kuna motion katika serikali, maana watu wanazungumza ya kwamba tuongeze viti tisini, tuongeze viti vingine namna hii, tufuate population, tufanye hivi, Members of Parliament katika Parliament wametumia huyo uwezo kujitayarisha ama kujitajirisha katika sehemu zao. Mimi nataka yule mtu mdogo, hata Elmolo, apate haki ya kusema hapana. Na hiyo isifanywe. Nataka 98%, na 98%, watu wale wa Ethnic groups ndogo ndogo wakiwa wote pamoja kama wakisema no, pamoja na kifua chako, kubwa, huwezi kupitisha kitu.

Mimi ninataka katika upande wa ile corruption, bado narudia kidogo, wakitaka kushtaki wale watu wa corruption, ambao

wamekula pesa, ni lazima bunge wapate idhini ya 98% of the Members of Parliament sitting because I am not of the opinion that they should be accused after they have surrendered 70% of their total wealth back to Government. So, if Parliament wants them accused, or any new President, they should seek 98% of the sitting Members of Parliament, which will be very difficult to prosecute.

Com. Charles Maranga: Please finish because I am going to interrupt you.

Hon. Kiptum Arap Choge: OK. Thank you. I am on the last one. Just one more. Sitaki tena President awe na powers zote Nairobi. Nataka kila District iwe na mambo yake. Itoke Nairobi, isipitie Nakuru, ije direct mpaka kwa District hapa. Na kukiwa na viongozi, hata Prime Minister from every District ni heri yule Prime Minister wa Nandi akule, na Prime Minister yule wa Kakamega District asiharibu vitu. Maana hii corruption akishika kama ilivyo sasa, mtu mmoja akishika Nairobi, nchi yote ya Kenya inaumia. Kwa hivyo Bwana Chairman, naona kwamba unaniharakisha kuniambia kwamba wacha, nitawachilia hapo, na sitafika kwa mambo ya Defence na intelligence, na kadhalika.

Com. Charles Maranga: Asante sana Mheshimiwa, nashukuru. Tutasoma memorandum, asanteni.

Hon. Kiptum Arap Choge: Na mtasoma kweli?

Com. Charles Maranga: Tutasoma kila kitu na utapata hiyo repoti ya Aldai.

Hon. Kiptum Arap Choge: Na hivi vitabu?

Com. Charles Maranga: Kila kitu, hivyo vitabu tuachie. Hivyo tuachie ni copy yetu.

Hon. Kiptum Arap Choge: I have referred to them in the memorandum.

Com. Charles Maranga: That's OK. Thank you very much. Asante, weka sahihi kitabu chetu rasmi. Sasa yule anayefuata ni Silvester Keter. Keter? You are the next. Atafuatiwa na Nathan Bor. Basi nataka muwe na dakika mbili mbili. Watu ni wengi, Mheshimiwa ana represent nyinyi ndio sababu ameongea sana.

Silvester Keter: My names are Kiptanui Silvester Keter, I come from Chepsiria, Maraba Location. I have a few points to make, especially on very important issues, which we have to be very serious with, so that we move to the next Government in a proper way.

The first thing is about systems and structure of Government. I propose our country to adopt the Federal system of

Government. This is why we are here. We have been in the present Government and we have found that this has not brought us the goods we wanted. That is why they have brought the Commissioners to come and listen to our grievances. So may I take those who are listening to us to propose to the proper people that we adopt the federal system of Government.

We have 8 provinces in our country and I propose some of them to be divided into 2 and they are going to be called states. I should like them to be this way:

- Rift Valley, we have 2 states,
- North Eastern, 2 states,
- Eastern, 2 states
- Nairobi to remain as it is,
- Coast to remain as it is,
- Nyanza 2 states,
- Western 2 states,
- Central 2 states.

Each state should be led by a Governor, who should be elected by the voters. This person should be responsible for any matters dealing with political, economic and social. He should be responsible for anything that goes on within the state.

The Districts should also be managed the way they are now. That is they should also have a local Government led by an elected leader, for example the Chairman and he should have all the responsibilities to discuss with his members about the politics going on in the District the economy of that District, and the social welfare of the people of that District. We think and we feel that we are not being given the correct goods, which we should have.

Provincial administrators who are there now should be replaced by elected administrators. Chiefs and Assistant Chiefs should be elected by the members or the people who are living in that area, so that we would not like to have imposed people from the Government. Even people who are hated by the people in the area are the ones who are chosen by the Government to look after their interests, which is not good.

Com. Charles Maranga: Your last point Sir.

Silvester Keter: My last point, although Mr Commissioner, I think I still have a bit of it.

Com. Charles Maranga: We will need to give everybody a chance. They are over 300 hundred people.

Silvester Keter: The Electoral Commission should be – the electoral system and process. Civil and Parliamentary elections should be done together at the same time; but the Presidential should not be done with the above 2.

Another point is about the post of Prime Minister: We would like to have a Prime Minister in our country. He should be the person in charge of security, health care, and all the other necessities.

Management and use of Natural Resources: The natural resources which were given to us by God e.g. the Nandi people have so many things and would like to have those natural resources and their income, that is what comes out of them, to be used by the Nandi people. E.g. forests, wildlife services, and all the others for their benefit.

Com. Charles Maranga: Thank you very much. Please hand over your memorandum and sign.

Silvester Keter: Thank you very much.

Com. Charles Maranga: The next person is Jonathan Bor, you are next, 2 minutes please, and keep to that 2 minutes. The next one is Jacob Kirwa. Are you there? Jacob Kirwa ako? OK. Ukae karibu. Asante.

Coun. Johnathan Kibet Bor: Mr Chairman, MP, Commissioners, Ladies and Gentlemen, my names are Councillor Johnathan Kibet Bor. The Kenya Constitutional Proposal, the year 2002.

I will start with the elective posts. Ya kwanza ambayo nitaanzia ni ya President. I propose here that for one to qualify to be a President, he should be a degree holder, should be a citizen of Kenya, and at least 40 years of age.

On the side of the MPs, one to qualify to be an MP, should be at least a form 4 leaver, be a member of that locality, i.e. of that District, and should also be at least 24 years of age.

On the side of Administration, Mr Chairman, ni kwamba, kuna wale wazee wa mitaa, tunaanzia chini kabisa, the village elders wanafanya kazi kubwa, so in my memorandum, I propose that every village elder should be given a monthly incentive of Kshs.2,000/= .

While I propose that the Assistant Chief should be done away with, the Chief should be the basic administrative boss and should report directly to the DC. I also propose that the DO should be done away with. Thus the Chiefs should report to the DC, and then the DC should report to the PS. The local authority should be permitted to be in charge of all the resources of a particular locality. All the resources within a locality should be under County Councils of those Districts.

Com. Charles Maranga: Your last point Sir, Councillor, last point.

Councillor Bor: To be a councillor, one should be a person of that locality and should be a form 4 leaver. Mayors and Council Chairmen should be elected directly by the people. All development meetings of every locality should be chaired by a locally elected leader of that District. All the White Highlands in every locality after the 99 year lease should be divided among the locals of that District free of charge.

On land ownership, girls who are unlucky not to be married should be considered equally with the boys. They should have equal rights with the boys because they have not been married.

Lastly, customary laws should be observed and respected, by every leader.

Com. Charles Maranga: Thank you very much, Councillor, now hand over your memorandum.

Councillor Johnathan Bor: Thank you.

Com. Charles Maranga: Now, the next person is Jacob Kirwa. Hayuko. Next is Mark Korir. Yuko? Hayuko. The next one is David Obiayo, and will be followed by William Kipchoge. Ako? Hayuko. Stephen Tunge? Haonekani. Just a minute Obiayo. The next person will be Richard Ruto. Are you there Richard? OK basi uwe tayari.

David Obiayo: OK. Thank you very much. I am David Obiayo, from Kapsengere. I will start with qualifications for elections as a President:

1. The person should have a Degree from a recognised University or its equivalent; CPS and CPA.
2. The person should not have any criminal record. He or she should declare her/his wealth, and how this wealth was obtained.
3. The person should undertake an AIDS test to avoid incapacitation while in office.
4. The person should be between 45 – 65 years.
5. Protection of the President. The President should be subjected to law, and may be sued.
6. Ministers and Cabinet Ministers: due to poor economy recovery, there is no need to create additional Ministries or post

of Prime Minister.

7. The maximum number of Ministers be spelt out by the law and should not be left at the discretion of the President.
8. The minimum number of Assistant Ministers be reduced to 2 in every Ministry.
9. Parliament: The Constitution should be reviewed so as to give more power to Parliament, as regards to:
 - (a) Tenure of office in the service of the public.
 - (b) Prerogative of mercy, appointment of permanent Secretaries, and the role of permanent Secretaries re-defined in the new set up.

Members of Parliament: Qualifications. He should be a degree holder, from a recognised university. This will improve quality of contribution in Parliament.

Com. Charles Maranga: Your last point, Sir. You have a memorandum. Highlight the main points.

David Obiayo: I think I will now touch on the salient areas.

Com. Charles Maranga: Give us the last most important point.

David Obiayo: The last most important point is that Councillors' minimum qualifications should be D+. That will also improve services in the council. Thank you.

Com. Charles Maranga: Thank you very much. The next person. Nilikuwa nimeita Richard Ruto? Atafuatiwa na Henry Kibitok. Yuko? Halafu tunataka vile vile Henry Saina. Ako? Kaa karibu Mzee. Tutakuita huyu akimaliza.

Richard K Ruto: I am Richard K Ruto, from Kobujoi Institute. I am presenting my personal views to the CKRC. First I would like to talk about the Parliamentarian and Civic representatives, that is the Councillors should have offices in their area of representation to avoid harassment when they are visited in their homes.

Fringe benefits enjoyed by senior Government officers should be reduced, and to field workers who mobilise economic development should be provided with vehicles or motor bikes to improve their mobility.

Salaries and allowances for field workers should also be amended to avoid corruption.

Minority tribes should be respected. Tribes who live in the forests should not be chased out because they know how to live in the forests because they were born there. People like Ogiek know how to live in the forests and their earnings are derived from the forests. So there is no need to chase them out.

Bursaries for children from poor families should be approved using details collected in the home including social limitation.

Introduction to Constitutional law should be taught in schools to avoid expenses used in civic education. People should be informed of all perspectives regarding the Constitution. Language used in law should be clear so that each citizens can understand it. It should not be confusing to the public.

Subjects which enhance rural development like agriculture should be re-introduced and emphasised. There should be one man, one job. There should be no doubling of roles in any sector. Commissions should be reviewed so that we have a universal commission that deals in matters pertaining to all citizens. There should be no commission for certain work, and another commission for another work. There should be one universal commission.

Copies of gazetteement should be amended and displayed at public notice boards, so that the public can easily read.

Com. Charles Maranga: Your last point, Sir.

Richard K Ruto: Special jobs should be reserved for the disabled; like computer works and telephone operations for the physically handicapped. Nomination posts be reserved for special groups like the disabled. Thank you.

Com. Charles Maranga: Thank you very much. I ask you now to come and sign the register. Wapi yule Mzee? Henry Saina, come up here and give your views. Wapi Henry Kiptok? Ok wacha kwanza Henry Saina atoe halafu utafuata Mzee wangu. OK chukua microphone Mzee.

Henry Kiplagat Saina: Jina langu ni Henry Kiplagat Saina. Kwa maoni yangu, ya kwanza ni lazima igeuze utamaduni kwa masomo Kenya. Kwa sababu utamaduni ule wa, zamani kwishazeeka, na tunataka kuingilia utamaduni wa masomo. Watoto waanze kutoka nursery halafu asome mpaka university bila fees. Na huu utamaduni wa zamani, afadhali uachwe kabisa. Kwanza hata hasa pombe. Pombe imeharibu watu Kenya kabisa. Pombe, hata kwa makanisa, hata divai itolewe, na padre aoe. Anasikia uchungu gani, kwanza aoe aache kusumbua watu. Lazima mabadiliko ya Katiba yamalizwe halafu bunge ivunjwe. Na wale wanasema bunge ivunjwe kwanza ni bure. Wanataka kufanya nini? Jesu amekwishafunguliwa kwa msalaba. Halafu watu wanataka kumrudisha kwa msalaba tena? Hayo mambo yangu yanatosha.

Com. Mar: Asante Mzee wangu, basi niulize Henry Kiptop. Mzee kuja na huku ujiandikishe ati umefika mbele ya Tume. Kuja hapo ujiandikishe. Mzee Kiptop utanza kwa majina yako, na kwa ufupi kabisa.

Henry Agori: Jina langu ni Henry Kipitop Arap Agori kutoka Kapsengere, Terik Location. Namba ya kwanza ni juu ya pombe. Katika location, hasa yangu, watoto wameumia kwa pombe, na serikali inasema punguzeni pombe au wacha pombe. Lakini serikali ya upande wa kwetu huko, wamefanya pombe kuwa chai. Kwa hivyo nasema kwa committee hii ende kwa DC wamwambie pombe iachwe kabisa kama upande wa Baringo.

Ya pili ni elimu. Mwalimu ambaye anafundisha Primary schools wanapeleka watoto wao katika high cost schools. Halafu wanakuja kunyanyasa watoto wetu. Kwa hivyo mwalimu ambaye mtoto wake ako kwa high cost school, asifundishe primary ya watoto wa raia. Aende afuate mtoto wake.

Ya tatu, Chief na MP na Councillor, wananchi wapewe uwezo wa kupiga vote of no confidence kama wanatenda vitendo ambavyo vinaudhi wananchi wa area hiyo kwa sababu MP akiingia huko anakaa, baada ya miaka minne, anaanza kuja na miaka ile ingine amejificha huko Nairobi. Kwa hivyo nasema kama tunawezapewa uwezo, mtu kama huyo tufanye vote of no confidence.

Com. Charles Maranga: Ya mwisho Mzee wangu.

Henry Kiplagat Saina: Ya mwisho ni mashamba. Kama shamba iko ya kugawia watu, village elder apewe uwezo wa kuchagua mtu yule maskini apewe shamba, sio MP ama Councillor achague mtu yule alimpigia kura, halafu anapewa shamba.

Com. Charles Maranga: Asante Mzee wangu, kuna wengine wengi, weka sahihi. Mwingine ambaye nataka kumuita hapa ni Jackson Chunguli. Wapi Chunguli? Ndiyo huyu? OK kuja basi. Jina lako kamili ni gani? Dastone. OK karibu. Anza kwa majina, halafu ningetaka Patrick Maiyo awe tayari.

Jastone Chunguli Madola: Mimi jina langu ni Jastone Chunguli Madola. Mimi pendekezo langu, Commissioner, ni hii katiba tuliyo nayo sasa, haina kasoro yoyote. Kasoro ambayo tuko nayo ni Tume ya uchaguzi haiko huru. Mpiga kura hako huru; korti haziko huru; kwa hivyo ile kitu ningetaka wafanye marekebisha ni Ofisi ya President ipunguzwe mamlaka. President asichague Permanent Secretary. Asichague Commissioner wa Polisi. Asichague Mkuu wa Sheria. Asichague mkuu wa korti, Chief Justice. Hivyo vitu ndivyo vinafanya sisi hatuendi na serikali yetu vizuri. Kwa sababu mtu ambaye anataka kuwa Permanent Secretary, Under Secretary, anaweza kurithi kazi ya Permanent Secretary, kufuatana na ujuzi wake, na masomo yake. Hata kwa polisi namna hivyo. Mkuu wa Sheria anatakiwa abaki kama mshauri wa serikali sio ahusike na siasa na chama

chochote.

Tume inatakiwa ipewe uwezo. Bunge ikifungwa, ama ikifunguliwa, lazima Tume ya uchaguzi iandike barua kwa Ole Kaparo , Speaker. Waandike barua ya kwamba bunge inatakiwa ifunge siku fulani, na kura itakuwa tarehe fulani. Lakini isiwe kwa Ofisi ya President. Hiyo si calendar ya President. Sisi tunapea President, Wabunge, na Councillors miaka mitano – contract ya miaka mitano. Ikiwa anafanya vizuri kura tutampa. Lakini wale watu bado wako kwa Ofisi, kwa hivyo sheria haiwezi kuling’ anywa, kuwekwa pamoja na mbunge na Permanent Sectetary. Permanent Secretary ndiye anafaa apewe uwezo, na Bunge tulipea hawa miaka mitano. Miaka 5 inaisha mwaka huu. Tunataka tupige kura mwaka huu. Tuingize wengine, tufute wengine.

Kwa hivyo habari ya kusema Bunge iongezwe, zile pesa za kuongeza Bunge, tunataka zirudi kwa Education, waalimu wapate mshahara. Waalimu wako na taabu sana. Waalimu wanapata mshahara wa chini sana. Wapate elfu 10. Hawa ndio wanalea watoto wetu, hata wanalea yule wa minister,

Com. Charles Maranga: Ya mwisho, point yako ya mwisho Mzee.

Jastone Chunguli Madola: Point yangu ya mwisho, sisi hatutaongeza kipindi cha bunge. Kipindi cha Bunge kinaisha

Com. Charles Maranga: Sasa vile umetoa mapendekezo yako ya kurekebisha hiyo katibaa, asante Mzee. Kuja weka sahihi hapa. Yule anayefuata ni Patrice Maiyo. Two minutes, Sir. Give your points Patrice Maiyo. Patrice Maiyo afuatwe na Reverend Father Kiplagat Antony. Ako? OK. Sawa, utamfuata.

Patrice Maiyo: Majina yangu kamili ni Patrice Maiyo. Maoni yangu ni kwamba (kwa sababu nimepewa dakika 2) mashamba yote ambayo yalinyakuliwa na wale ambao wanajiita watu wa vifua yarejeshwe kwa serikali, na wasaidie maskini ili kila mtu ajisikie katika nchi yake ambayo ni Kenya. Sisi sote tumezaliwa hapa Kenya, na hatuoni ni kwa nini wengine wako na mashalmba, na title deeds, halafu wengine hawana chochote.

Pia, katiba iandikwe, na iwe sheria. Na hiyo sheria ifanye kazi. Isiwe sheria ya kwenda kukaliwa katika kiti. Ikiwa tutafanya hivyo, itakuwa ni vyema.

Halafu pia serikali huwa kila siku inaweka ujumbe kwamba tunapigania umaskini, ugonjwa, na elimu. Hizi services zote hawatoi. Hawatoi kwa sababu gani? Watu, hawaajiriwi. Mtu anaposoma kufika kiwango fulani hana kazi, na kuna mtu ambaye amejirundikia kazi 10 na zaidi, na kuna watu wanastahili kupewa nafasi ya kushika hili tunda la Kenya. Kwa hivyo, tungependa hiyo iendelee.

Umaskini: watu wamekuwa maskini zaidi. Na serikali imebuni Tume pia ambayo ni ya Administration kutoka kwa Chief na kuendelea juu kwamba ndio wafisadi zaidi wa kunyayasa raia. Mtu mwenye hana chochote, anaambiwa lete hii. Mtu mwenye

hana kitu anaambiwa lete hii. Kwa hivyo, serikali imekuwa ni kwamba wananyanyasa raia, hata mwenye hana chochote.

Pia hata kitambulisho chenyewe, anakuambia ati ulipe kitu ndio upate kitambulisho, na anajigamba kwamba ni Mkenya. Kwa hivyo katiba ya saa hizi, tunataka kitambulisho Mkenya apate bila kulipa chochote kwa sababu amezaliwa katika udongo huu.

Halafu, mambo ya elimu. Elimu kweli ninaweza kukubaliana ya kwamba tugawe gharama. Lakini kwa upande wa elimu, ni heri serikali itusaidie kulipia wazazi katika sehemu zingine katika shule. Kwa mfano, watoe sitima ya bure kwa mashule, watoe maji ya bure, maji masafi katika shule, ili mzazi naye ajikakamue atoe mambo ya karo, na pengine kujenga. Kwa hivyo serikali ya saa hizi, imechukua ya kwamba wao wako tu kurekebisha mambo ya katiba. Kwa sababu ni kwamba, ikikuwa wiki hii, mtu akifikiria leo, Patrice atakuwa mwalimu, atakuwa. Kesho hatakuwa, hatakuwa. Kwa hivyo, chanzo cha ufisadi sababu uko Kenya ni kwamba mtu akiwekwa pale bunge kama mjumbe, akiwekwa awe Minister, afahamu ni wakati gani ndoto itakuja awe si Minister, amefutwa, na mwingine ameajiriwa. Kwa hivyo, mambo ya kujichukulia tu sheria na kukalia sio vizuri. Kwa sababu ni hivi,

Com. Charles Maranga: Basi malizia.

Patrice Maiyo: Wacha nimalizie, asante sana. Many amendments in the Constitution that offer Centralized power in the hands of the local Government and Ministries are in the hands of the President. Kwa hivyo, huo ni mchanganyiko wa vyeo vyote. Asante sana.

Com. Charles Maranga: Asante, na nakuomba utuletee hiyo memorandum, na ujiandikishe. Reverend Father Kiplagat Antony.

Father Kiplagat Antony: My names are Father Kiplagat Antony, I stand on behalf of the Catholic Church, Kobujoi and also in Aldai here.

The Constitution should have a preamble. The new constitution should have a preamble that states the values and aspirations of the Kenyan nation and society. It should state that all Kenyans are created equal human beings with certain fundamental and inalienable rights. The preamble should be constitutive. “We the people of Kenya”, that should be the starting point. “We” “Sisi kama wananchi wa Kenya”. It should address historical grievances e.g. tribal and political clashes, cattle rustling and political zones, we have come out of such issues in our Government. All the fundamental amendments of the constitution should be subjected to a national referendum.

Citizenship: All the indigenous people of the land are automatic citizens of Kenya. Women who are married into this country, by Kenyan men automatically become citizens of this nation, because many cultures in this country accept that if you marry that

woman belongs to where you marry too.

The rights and obligations of a citizen: the constitution should provide that all the citizens enjoy all the rights and privileges within this country. IDs should be carried as citizenship cards and not as a Nandi or any tribal sign, as you heard people complaining that there are many.... IDs are given as it will symbolize that you are a Nandi, or you are a Kikuyu. An ID card should be an expression of telling the other people outside Kenya that I am a Kenyan citizen, and not that I am a Nandi, Kikuyu or this. There should be an added sign of an ID card that expresses your tribal origin or something like that.

The constitution should allow Parliament to declare war after debating. Majimbo system should be provided by the new Constitution. After all, we had it before uhuru.

Cabinet Ministers must be vetted by Parliament, and not appointed by the President. The constitution should provide for age limit for voting and contesting parliamentary seats or Presidency. At least 35 years and above, and 70 years age limit for the President. If he or she will be 70 years, should retire.

The people should have a right to recall their MP if he or she is not able to serve them well. Through their professional field of appointment by Parliament, the MPs get their salaries and be determined by their grades of studies. All MPs must have an O level certificate and must be a college graduate of a certain kind. E.g. a teacher by profession or nurse, agriculture and etc.

The mayor and his vice should be elected by the people. Two years are enough for them to be in power after which one can be re-elected or dismissed. Councillors should be form 4 leavers. The people have the right also to dissolve their councillors or dismiss them. We should use secret ballot in electing our Members of Parliament. There should be the President's day for elections and maybe MPs and Councillors have their own day. Members of the Electoral Commission should be learned. The constitution should provide that all the citizens have the basic rights and other human rights. The constitution should leave it open when dealing with property ownership as regards women according to each and every culture of the citizens or different communities we have in this country. E.g. among the Nandi people, a woman is not allowed to own land, unless in that home a boy was not born. So that woman will be given land. Land belongs to the community. The Government can acquire land from the community on condition that it compensates for the same. Local Authorities and communities should have power to control the use of land.

Com. Charles Maranga: Last point Reverend.

Rev. Father Antony Kiplagat: My last point is that the constitution should protect and promote the cultural and ethnic diversity in Kenya. The constitution should allow each community to have cultural centres in the country.

Lastly, the constitution should state the clear relationship between the Government and the church rights and privileges the church should enjoy in the country. The constitution should clearly state what freedom of worship means. In Kenya today, we hear of devil worship. Is it freedom of worship? The Government should state that very clearly. Thank you very much.

Com. Charles Maranga: Thank you Reverend, please sign up the

Com. Mosonik Arap Korir: You said the constitution to define what is freedom of worship. Is devil worship freedom of worship? What is your answer?

Rev. Fr. Antony Kiplagat: There should be a limitation of worship because if you say freedom of worship, you are allowing people to worship anything. Freedom of worship! Worshipping what? Worshipping God, worshipping the cow or what? What is it? That is what I mean by “they should define the meaning of that”.

Com. Charles Maranga: Thank you Reverend. Sign our official register, and give us your memorandum. Ronald Bojigei. Hayuko? We have Paul Chepkwony? OK. It’s your turn. Paul Chepkwony atafuatwa na Nicholas Kiplimo Bitok. Bitok ako? He is not there. David Kipchirchir Sum. David ako? Hayuko. OK., proceed.

Paul Chop: Kwa jina ninaitwa Paul Chepkwony. Nitaghusia sehemu mbili. Sehemu ya kwanza ni sehemu ya kanisa. Ninawakilisha kanisa la SDA katika sehemu hii, na niko na mapendekezo kwa Tume ya marekebisha ya katiba, na ninasoma jinsi ilivyo nikielezea sehemu ambayo inahitaji maelezo.

There should be freedom of worship. I mean, a unique religious liberty which includes the following:

1. Right to profess or not to profess a religion.
2. Right to refuse to take any oath contrary to personal convictions.
3. Right to participate or not to participate in any form of worship.
4. Right to observe a day of worship of one’s own choice and not to be compelled to do otherwise.

Secondly, the views of the SDA church pertaining to this review: Students to be permitted to worship on a day of their own choice. E.g. here in Kenya, we have 2 days of worship namely Saturday and Sunday. These days should be excluded from public days. There should be 5 days of work in a week and 2 days of religious affairs.

In schools, exams should not be done on either Saturday or Sunday for some students. Recently we experienced such issues where some students who refused to do exams on Saturday were chased home simply because they refused to exams on that day because of church issues.

Games and other school activities should not be done on either Saturday or Sunday because both students of these beliefs have to participate too. School work programs should not be scheduled on any of these days, special ceremonies like graduation, prize giving day, parents day, and fund raising should be done on other days but not on Saturdays or Sundays.

Social activities. These include harambee. Even those who worship on Saturdays and Sundays would like to participate in fund raising. So some have been excluded simply because fund raisings are done on Saturday or Sunday.

Holidays: Holidays like Madaraka Day, recently we had a Madaraka day on a Saturday, so people were excluded from participating and they are citizens of Kenya. There should be a way whereby this day should be either brought forward or pushed backwards.

Com. Charles Maranga: Your last point, Pastor.

Paul Chepkwony: Last point ni kwamba: the state should not be affiliated to any specific church. There should not be a state church but a God fearing state in our republic. Thank you and I hand in my memorandum.

Com. Charles Maranga: Thank you very much. Hand over your memorandum, sign up, but you forgot about the Muslims, I don't know. Thank you very much. Now the next David Sum?

David Sum: Thank you very much. I am David Kipchirchir Sum. I come from Chemase location. I came here as a youth group leader and more than that, I came in my personal capacity to represent the youth in the constitutional review to be enacted as the rule of law.

Some of my recommendations or proposals to the change of the constitution I am going to give almost 10 of them in a very speedy way.

1. First of all, in the next constitution to be we would like the preamble to be established. A preamble among other things said by Kenyans, I would like especially emphasis to be addressed in the constitution especially pertaining to the current economic turmoil. You can see, or we can realize that despite the political stability we have had in this country, we are having economic turmoil which has come up as a result of corruption. So my point to the preamble is that we should acknowledge in the preamble that we have been having economic turmoil in this country and we should not repeat that. A

clear mechanism should be put in place which does away with corruption.

2. **The human rights:** The constitution should greatly emphasize the fundamental rights and freedoms of an individual. These rights should include political and civil rights as already addressed in Chapter 5 of the current constitution. Also in the next constitution economic and development rights should be addressed, the cultural rights, the social and minority rights. The minority rights in this case I mean the rights of the children, women, the disabled, and the rights of the marginalised communities. All those things should be included in the next constitution. Such rights also should be articulated in the first chapter, unlike what is happening in the current constitution where the first chapter is dealing with the Executive, we would like to see, since democracy means that it is the people's will in the formulation of the Government. That is for the people by the people to the people, so in this case, those rights, political, civil, economic development, cultural, social and minority rights should be addressed in the first chapter.
3. **We should have devolution of power.** In the current constitution, we realize that power has been heaped on one particular person, and that is the President. So such powers should be disseminated to other persons e.g. with the creation of the Office of the Prime Minister, where some other duties will be delegated to the Prime Minister, some other professional duties like being a chancellor of a University should be delegated to somebody who is qualified on the profession.

Com. Charles Maranga: Your last point.

David Sum: My last point, I would like to emphasize I come from the sugar cane sector where we realize that the sugar cane industry is failing so much. We would like the Sugar Act 2001 to be also enacted in the next constitution so that all those people in the line in the Sugar sector can also enact what is in the Sugar Act. What we can see now in the sugar sector is that we are already having an Act in place, but the Act is not fully working just because we still have that kind of concentration of power.

Com. Charles Maranga: Thank you very much and hand over your memorandum. Kuna mmoja ambaye niliruka kidogo. Charles Koech of Kefri? Ako? Hayuko. OK, then the next one is Sally Too. That is Sally anaendelea kujipanga, ningetaka kujua kama Sam Maritim Anyona ako. Awe tayari baada ya Sally Too.

Sally Too: Kwa majina ni Sally Too. Yangu ni machache. Ningependa serikali wakati mtu anastaafu, anapewa pesa yake papo hapo kwa sababu akikawia sana anangojea mpaka hata afe kabla hajatumia hiyo pesa yake.

Ya pili: Freedom of worship: It is good to worship one God not so many like worshipping the devil and other gods. They have to specify that area.

Land Control Board should include women. They should be even 35% because even in the Land Board, women have also got some plots and if they have some complaints no body can assist them.

Nandi District should be divided into 2, Aldai and Kapsabet because Aldai is a very large area and for people to go to Kapsabet, you have to struggle to get money.

The last point: Vice President should be a woman so that corruption can be stopped (clapping).

Com. Charles Maranga: Asante sana Sally, thank you very much. Sam Maritim Anyona you are next. Atafuatwa na George Karani..Geroge Karani ako? OK, you will be next. David Barno ako? Ashaongea. So George Karani utafuatwa na... Anyona?

Sam Maritim: Kwa majina naitwa Sam Maritim. Kwanza, nitaanza kwa ufupi. Being a Member of Parliament should be a full time occupation in order to concentrate more in national affairs and Kenyans be satisfied of the salaries they earn. MPs and Councillors should be tested on languages at different levels before they are allowed to contest. Salaries and benefits of MPs should be determined by an independent commission in order to avoid the question of MPs adding themselves salaries the amount they want.

Parliament should have its own calendar lay out when it is in session and when it goes on recess to avoid inconveniences like last December when MPs went into recess and being told to come back to allow the continuation of CKRC to continue.

MPs should lose their seats if they change parties during life of Parliament and be told to pay the cost of running by-elections. That will stabilize political portions in this country.

The President should not be an MP. If an MP is given the post of President, then by-elections should be done.

Com. Charles Maranga: Anyona, your last point.

Sam Maritim Anyona: Add me 2 more minutes, Sir.

Com. Charles Maranga: No.

Sam Maritim Anyona: Hope you Commissioners will be the first commission to succeed in this work because all the commissions led by this Government have never succeeded so far. That is my last comment.

Com. Charles Maranga: Thank you very much. Pray for us that we succeed and we hope we are going to succeed. Thank you very much. Sign up and please give us your memorandum. George Karani. Start with your names and please summarise your points. Thank you.

George K: Kwa majina ninaitwa George Karani, ninatoa maoni kwa niaba ya walemavu katika Division yetu ya Aldai. Kwanza kabisa, kuna mwenzangu mmoja alikuwa amesoma mpaka katikati, lakini nitajaribu.

Tunataka walemavu warithi mashamba sawa sawa. Land Inheritance: When inheriting land, the disabled should be given land, both boys and girls equally. Trust land: should there be any allocation of land by the County Council, the disabled should be considered first.

Recreation and social amenity plots should be provided for the disabled by the County Council, or Municipal Council.

Structures: Roads, buildings, cars, public houses, be accessible to the disabled. The buildings should be built to enable the disabled through, and if it means upstairs, they must be fitted with lifts. Special toilets to be built for disabled in public places where the disabled go by their hands.

Roads: Public roads be expanded enough to cater for the disabled because of the use of wheel chairs. Deaf, blind, disabled be identified when moving on the roads by a sign or wearing of uniforms. Public facilities: vehicles be built in such a way that the disabled are able to use. That is they should be lifted with ladders. Telephone booths, be made in such a way to enable disabled to use. That is not too high for them to reach.

Politics: Disabled are asking for nominations as Councillors at the County Councils. At least they should be given 10%. In parliament they should be appointed to Ministerial posts.

Senior posts in the Government be well distributed to include the disabled. Polling stations be nearest to the disabled in residential areas.

Disabled contesting parliamentary or civic seats be promoted and funded by the party for which they are contesting. During voting, disabled may be assisted by the polling officers to vote.

The Head Office for the National Council for disabled and any other disabled institution be headed by a disabled person.

Miscellaneous: Chief Justice shall consult with the Council to provide free legal services for persons with disabilities in all matters that affect their legal rights and benefits provided. The spouse....

Com. Charles Maranga: Your last point, Sir.

Karani: The persons with disabilities should be exempted from all court filing fees. In cases where they attend court, the persons with disability shall be entitled to free or sign language in duplication, braille services, and physically guide assistance to enable them understand and abide by the court proceedings and orders. Disabled persons be recognised in administration posts. E.g. locational committees, Divisional and even District level. Thank you.

Com Maranga: Thank Mr Karani. Now I request you to sign up our register and hand over the memorandum. I now have Simon Arap Koech. He will be followed by Moses Abraham Konga Odera. Are those 2 names combined or are they one name? Do we have Moses Abraham Konga Odera?

Speaker in Audience: They are 4.

Com. Charles Maranga: I have never..... (laughter). OK, thank you.

Simon Arap Koech: Mimi ni Simeon Arap Koech. I propose that the new constitution should guarantee an equitable distribution of natural resources and a greater participation of the citizens in identification of development projects and monitoring. In protection of the underprivileged, I propose that the new constitution should protect the underprivileged citizens from extreme want by providing a social safety net for the unemployed, and other marginalised social groups and geographical areas.

Local Authorities: On Councils, I propose that fundamental and transforming reforms be undertaken to the Local Authorities as follow:

The Local Government should empower the councils to manage their own affairs especially resources within their areas of jurisdiction.

The Chairmen of Councils should be elected directly by the people, not the Councillors who can be compromised to vote with their stomachs.

The people should be involved in the affairs of the Local Authorities in terms of service delivery.

Under collection of revenue, I propose that the new constitution should force the Government to use a specific percentage of the National revenue generated in a particular area to build roads, telecommunications, markets, schools and industrial training institutes in order to enhance equitable economic development.

On education, I propose that the new constitution should set out guidelines on the vision, content and objectives of national education system. It should provide for a compulsory free and universal primary education, which is alive to modern technological requirements and sensitive to the cultural, social and religious needs and peculiarities of the Kenyan people.

On medical services, I propose that the new constitution should create a mechanism to guarantee free medical services to underprivileged inpatients and outpatients; an affordable consultation and ward fees for citizens of low income or economic means. That is medical services should not be commercialized.

On state power, I propose that the new constitution should clearly demarcate state power to ensure that the President or the Chief Executive or Ministers should not be Members of Parliament because they cannot serve their constituents well once appointed to the cabinet.

On separation of power, I propose that the new constitution must separate the functions of the Head of State, and the Leader of Government. In order to achieve this, there should be a President who shall be the Head of State and a Prime Minister who shall be a Leader of Government, that is politics.

Com. Charles Maranga: Your last point.

Simon Arap Koech: Thank you. In my last point, I want to say something about MPs and Councillors. With respect to nominated MPs the new constitution should provide the following:

Nominees to come from special interest groups.

A person who has contested in a general election and loses in the same should not be nominated.

Nomination should be vetted and confirmed by 65% vote in Parliament.

To ensure independence of the nominated MPs they should not be nominated to the cabinet.

Thank you.

Com. Charles Maranga: Thank you very much, hand over your memorandum and sign our official register. The four whom I called, Moses, Abraham, Konga and Odera; can we have one of you present.

Moses Abraham Konga Odera: I am sorry, I am the one with the 4 names legally, not illegally. They are constituted in the old constitution.

Charles Maranga: OK. Please proceed. You are required to finish in 2 minutes.

Moses Abraham Konga Odera: My name is Abraham Moses Konga Odera, I have got very few things to say:

Let the new constitution promote intermarriage to eliminate this issue of tribalism. When we describe tribalism, it is a barbaric statement from Oxford dictionary.

Another one is let the constitution have a preamble. The preamble part of it, let us have the vision and mission of it to the country, and the other part is that on the side of the old constitution, in chapters, which is up to chapter 11, we see that that part of chapter 3 that deals with the Electoral Commission, let the Electoral Commission be an independent body that deals with elections independently and controls the election because we have found out that the present constitution has given powers to the President and has made him to give so many names. He is the secret weapon, he is what what ... so many things. And when we have the independent Electoral Commission, it will want to make all the things that deal with elections.

Another one is chapter 5 that deals with fundamental rights and freedom of the individual. There is a section that I am also worried about. I am requesting the new constitution to make freedom of worship. Worship what? This is the section that has promoted freedom of devil worship in Kenya and we have allowed even to promote the worship that does not promote the kingdom of God.

Lastly, education: As you are dealing with this constitution, we have found that education is power. And when knowledge is power, Sir, is that we would like to request that the new constitution after you have done everything and have finished, let it come and let it continue that every one in Kenya should be given education such that they become aware of what is taking place. Then, the old constitution has come about because of what has taken place in Kenya. People did not know. Up to now, people are asking what is it?

Lastly, the office of the Ombudsman should be promoted to counter check this issue of corruption and such things.

Thank you.

Com. Charles Maranga: Thank very much. Sign up and give us the memorandum.

Abraham Moses Konga Odera: Lastly Sir, the Government should take care of the projects. These multi-million projects should not be politicised. Let it be protected. Thank you very much.

Com. Charles Maranga: OK, the next person is Charles Kipketer Kosgey. Then he will be followed by Henry Maiyo.

Ako? He is not there. If you do not respond I assume you are not there and call the next.

C. Kosgey: Mr Commissioner, Sir, your colleagues and all who have attended this meeting, my full names are Charles Kipketer Kosgey, I have come here to represent Nyamase Youth Association for Rural Development. I would request your office to allow me 4 minutes because I am representing an Association.

My proposal is placed in Chapters, and it is made of 12 chapters. As it was, in the previous constitution they were 11. The first chapter in my proposal is:

The Republic of Kenya should be a federal state.

Protection of fundamental rights and freedoms of individuals. There should be a law to govern street children to acquire such basic rights like education, shelter and land if available. In that chapter also, too, one should be given a warrant of arrest if he is a suspect or has been declared a criminal.

Freedom of association mainly on political issues because we the Nandis, we in the previous time after the multi-party era, we were tied to the pegs of KANU zoning and whatsoever, and we were afraid of such a thing to continue in the future Government.

Chapter 3 is on Citizenship. Whoever intends to be a citizen should be accorded citizenship after being declared by the former country as not having any criminal record.

Chapter 4: In chapter 4, the Judiciary: The Judiciary should be purely independent. Each and every court of law should have a prosecutor with a Degree in Law, not a mere primary school leaver police officer. Two: a suspect should be arrested after proper inquiry so that one is accorded with a bond. He should be granted bond on the first day to appear before court for available court cases.

Chapter 5. Parliament: Parliamentarians or whoever intends to be an MP should be a degree holder before he is cleared by the Electoral Commission and he or she should be tested in English and Kiswahili and found fluent in both languages. MPs should not be Cabinet Ministers.

Chapter 6: Natural Resources ownership. The first natural resource in Kenya is natural land and every citizen should have at least 2 acres and not beyond 50 acres. Any land beyond 50 acres should be repossessed by the Government and sold at 100% loan to landless surroundings. Unfortunately any society should be considered in the reserved land.

Chapter 7. Trust land should be changed to be reserved land which is reserved for future development and the land should also

be available for public use such as learning institutions, health centres etc.

Chapter 8. Finance - There should be a death penalty for those who corrupt regardless of their position in the government.

The Minister of Finance should be holding a degree from recognised institution in

- i) Economics
- ii) Having served in financial institutions for more than 20 years
- iii) Should be holding clean record in his previous position.

Chapter 9. The public service teachers to be given fair treatment on ones terms and conditions of service, salary increment

Com. Dr. Charles Maranga: Last point

Kosgey: or structure of their salary.

Lastly, the Executive – the President should not have excess powers, should not be an MP and he should be a holder of various degrees and particularly

- i) economy
- ii) law
- iii) administration

If one is elected for presidency and has acquired less than 51% of the cast votes, there should be a run-up election for whoever leads and his number 2. Thank you.

Com. Dr. Charles Maranga: Thank you very much, hand over your memorandum, and Bwana Maiyo, you are next, Maiyo, will be followed; No Henry Maiyo, just go to the next one. Wilson Koskey, Wilson ako? Wilson Koskey? Wewe ndiwe utafuata.

Henry K Maiyo: My names are Mr Henry K Maiyo and my Constitutional recommendations are as follows:

1. Doctors, Clinical officers and nurses who are operating private clinics should be abolished or stopped since they concentrate on private sector forgetting where they were employed, the government side, thus bringing about double-dealing instead of one man one job.

2. Maternity leave be given only twice i.e. in any womans life working period than yearly maternity leave consequently for each and every time within a period of 5 years.
3. Sub divisions of any forest, first priority to the members from within the district. First consideration – squatters, and those with little farms – 5 acres and below.
4. Nobody should own a farm of more 300 acres and above while the rest are landless.
5. The system of government in future should be the majimbo system.
6. All pieces of land allocated for public utilities which has been grabbed should be refunded.
7. And if a dispute follows between a buyer and a seller e.g. the ADC farm which were recognised or used for research should be refunded to the areas.
8. All the Chiefs and their assistants be vetted through voting system. Should also be liable for transfer like any government civil servant.
9. Planting of trees around individual farms or (inaudible) should be abolished since these create permanent shades which can be controlled. Any other added tree should also be cut down or be uprooted.
10. Any funds, donors should never any more come through the Central government but direct to the district levels as per recommendations and be supervised by the donor himself or local representative.

Com. Dr. Charles Maranga: Your last point.

Henry K Maiyo: Thank you. My last point- the new Constitution should establish a mechanism at all levels to curb corruption, economy sabotage, fraud and other economy crimes and conspiracy.

Other things like nepotism, tribalism, gender bias should be eradicated.

Com. Dr. Charles Maranga: Thank you very much Mr. Maiyo, sign up and give us the memorandum. The next person is Wilson Koskey and the next one to follow is Rev. Ombati – Nahashon Ombati. Ako, Reverend, okey you will be next.

Wilson Koskey: I am going to start with the preamble. The preamble should state who Kenyans are in terms of ethnic groups and races. It should establish the specific ancestral land of each tribe or race. It should say the customs, and culture of each community It should say the rights guaranteed by the constitutions for each ethnic group to own a district, a province or a region.

The preamble also should state how a national property is separate from communal, or individual property. For example, roads, airports - national property. Forests, man schools, hospitals - communal property. - Shamba, livestock, house – individual property.

I am also going to talk about the basic rights. The Constitution of Kenya in the next government should make provisions for social, economic and cultural rights. People are to be allowed to practice their customs, culture and religions. Each religious group should state whom they are worshipping to avoid devil worshipping. Certain religious groups should not interfere with others' rights.

Night activities such as funerals, night clubs, dances, ceremonies should be conducted quietly to avoid disturbances.

Com. Dr. Charles Maranga: Point yako ya mwisho

Wilson Koskey: The constitution should safeguard the people from pressure. Thank you.

Com. Dr. Charles Maranga: Thank you very much. Asante. Patiana hiyo memorandum na ujiandikishe. Mr. Ombati, hayuko? Ya. Halafu atafuatwa na Paul Kisorio, Paul, wapi Paul, Paul Kisorio, hayuko, Henry arap Kichwen, Henry arap Kichwen yuko, okey Ombati!

Pastor Nahashon Ombati: Commissioners, I would like to speak something that our – my name is Pastor Nahashon Ombati coming from Kipwaren. Since the church and the government work hand in hand in the promotion of our state, then I could like the government to look into the following 3 or 4 things in helping the church to curb some evils that are going on in the government. The government must help the church in curbing prostitution and other immoral promoting literatures sold mostly along our town streets. Literatures such as, you can get some literatures speaking of 600 and something sex styles with demonstrations. The government must order that thing down in order for the word of God to go on successfully. In connection to that again the government must not allow success cards with nasty and ghost pictures in the market for most of these cards spoil our pupils by setting them to think into things that are not existing, making them ran crazy for they are immature pupils and even students, these success cards have contributed to put these students and pupils in a worst state in life.

Again, the government must take a serious note and step to the people who call themselves “Preachers of the word of God” by the name of a Pastor, an Evangelist, an Apostle without certification or even a mere qualification to such and start blackmailing the name of a real servant of God by doing the opposite of the word more especially in towns, aiming to exploit people in search of their stomachs.

Com. Dr. Charles Maranga: Pastor your last point.

Pastor Nahashon Ombati: My last point in conjunction with that the government must also look in the issue of freedom of worship, the government must put it in a way that it may sound freedom of right worship. For freedom of worship has promoted many cults in Kenya, cults with spiritism hindering the proper worship of Yahweh. Thank you.

Com. Dr. Charles Maranga: Thank you very much, please sign up and give us your memorandum. The next person is Noah Biwott, Noah K Biwott, okey you are next! You will be followed by atafuatwa na John Kipyego Yator, Yator ako, Kipyego Yator? Hayuko. Okey then, Noah Biwott, then atafuatwa na George Kipruto, sorry, that one is an observer, then we have Kipkelin Chumba, basi utafuata huyo. Anza na majina yako.

Noah Biwott: Noah Kipserem Biwott: My proposals are from a group in Kapkoi. The first proposal – the main points –yes yes

1. We would like the issuing of the title deeds be made free and be at divisional headquarters not at district headquarters.
2. Talking of the natural resources – the natural resources to benefit the residents of the immediate area like the forests if we have anything from the forests that one should be used within the area.
3. Then again, let the boundary of Nandi District remain the way it was just or before independence. I am saying so because we are hearing of Nandi escarpment being taken over to other districts.
4. Another point is anyone coming to Nandi and is not a Nandi should not vie for any post of leadership because maybe in the process he will change the ways of people living there. So he should just come and stay there and follow what the others do.
5. Again Nandi should remain a tribe. I say so because when you want to acquire an ID you are told you are not a Nandi, you are a Kalenjin. Where is our Nandi name going? So it should remain a Nandi, not a Kalenjin.
6. Again, we would like the Kokwet elders or the village elders to be given something like salary by the government. I am not recommending that they be given uniforms but let them be given something by the government. They be paid by the government because they do a lot of work.
7. Again, we want one person to hold only one job. We would like to avoid this idea of saying you are the director here, you are the chairman there, you are what there. So one man, one job.

Com. Dr. Charles Maranga: Your last point.

Noah Biwott: My last point here is that MPs if they are inefficient they should be voted – we shall have a vote of no confidence if they are not doing their work well. And then again Vice President should be voted into office by the people and not appointed by the president.

Com. Maranga: Thank you very much. Asante. Thank you very much Bwana Biwott, tupatie memorandum na uweke hapo, basi Bwana Chumba ako wapi? Chumba hapo, haraka haraka dakika mbili, na atafuatwa na Peter Tanui, Tanui ako? Basi uwe tayari Mzee wangu.

Kipkelin Chumba: My names are Kipkelin Chumba and now I am representing the traditional customs. This Constitution we are going to make, traditions be protected by the government. This is because, you know nowadays women are wearing clothes of which now you can be surprised. We need women to wear clothes below their knees. Even in parliament, walisema lakini bado hawakuweka.

Ingingine, ni mwanamke akuwe under the husband. The husband is the head of the family even it is indicated in the Bible. So mambo ya kusema mwanamke ni sawa na bwana – hapana, lakini the wife or the woman, there are some other responsibilities of which she can be given.

Also traditionally there is that festival or cultural centers. We don't need most of the time to run to Nairobi or where, so every district in Kenya, lets say, Murang'a, Kakamega, wapi, to have their own cultural center and the Local Government will get their tax.

Forests forests should be controlled by the owners of those areas of that region. Like water, rivers should be controlled by those people who are living in those area. Nobody should be allowed to come and have that area.

Another item ni civil marriages. We know nowadays people run to DC's office, they get married there, so they leave the church

Com. Dr. Charles Maranga: What do you recommend?

Kipkelin Chumba: So I recommend that in those marriages, they should include parents of the husband and wife. They should include because one of my sons may be working in Mombasa and I can be told that my son has already married in DC's office and yet I don't know. And that son, I am still controlling.

Another point is political parties. Political parties should be 3 because most of the parties more than 3 should be useless.

Com. Dr. Charles Maranga: Okey. Last point.

Kipkelin Chumba: They are just running from here to there. Lastly, Local government should be given authority from the Central government. Local government should control everything. Another thing, it's alright.

Com. Dr. Charles Maranga: Thank you very much Sir, now hand over your memorandum. Thank you very much. Asante umejaribu na mimi naona uko na memorandum. Basi Bwana Peter Tanui.

Peter Tanui: Jina langu ni Bwana Peter Tanui. Na niko na maneno kama haya.

1. The land in Kenya to be shared so that other people should not get very vast land. They will have to have a 100 acres, that is the maximum.
2. To make a law to curb the thuggery in the country. If those people are found, thugs, I mean thieves, they should be executed.
3. Our Nandi cultural to be retained. i.e. Circumcision. We should circumcise both men and women (heckling) as it has been previously.
4. To have proper boundaries of our district because we have got other tribes which have entered into this district and have spoilt our culture and probably in future, we don't know what might happen to our children.
5. The Nyayo Tea Zones should be owned by County Councils – different county councils should own the tea zones so that they can give some income in those county councils.
6. The Nandi waters should be compensated by the nearby Nyando district and Kisumu district because that is part of our natural resource.
7. Education – we should adopt British government system of education in Kenya but not American type of education whereby things are only conducted by choosing. You tick the right one. We need British system of education which is a quality kind of education but not American. You see our children nowadays are speaking no English at the school, they speak their own mother languages but we who learnt in British education, we still speak very fluent English though I learnt 50 years ago. I have been a teacher, I am Peter Tanui from Kibwagen location.

Com. Dr. Charles Maranga: Thank you Mwalimu asante. Na unaonekana ungali wewe mwalimu.

Peter Tanui: Ningali.

Com. Dr. Charles Maranga: Thank you very much. Sign up and leave. Councillor Jonah Kurgat ako? Hayuko. Tupe Joseph Matui Joseph Matui, have you ever presented before us before? I mean any other venue? Okey thank you. Then you have 2 minutes give us your main points, I can see you have a memorandum.

Joseph Matui: Commissioners,

Com. Dr. Charles Maranga: Start with your full names.

Joseph Matui: I am Joseph K Matui. I will begin with a preamble which should be worded: “We the people of the Republic of Kenya consisting of 42 tribes need a constitution that will put us together as one people, one nation with one common language”. That is the kind of preamble I would like to have in Kenya as our Constitution. Now, my views and recommendations to the Constitutional Reform Commission are as follows:

We need a Native Act. Though we belong to one nation there is need for a Native Act which will tabulate the taboos and morals of different communities such as circumcision, marriages and culture.

On Education Act the person Act is very limited in content and matter. There is also need for a broad Act which includes free and compulsory primary education. Ideally, education should be appropriate for Kenyans and technology oriented. The higher institutions of learning should be autonomous in that it can exchange programmes with other relevant international universities. It can extend its funding to outside world. Also roles of universities, Chancellors, Vice Chancellors be defined. The national category of schools be abolished.

On the corruption issue – there should be an Anti-corruption Act – there is an urgent need for the Act to stamp out corruption in the country. The Act to give or allow full-scale penalty such as life imprisonment.

On Provincial administration, I need also to have the Provincial Administration Act. The existing trend be abolished and replaced with Police force. The duties be defined as for now, as they are conflicting and the (inaudible) Law and order are under the police force. The Act to include human rights protection.

On the other point, I want to talk about natural resources and environment, there should be an Act which protect our only valuable resource. The forest to be fully guarded by the Act so that the availability of adequate rain extends.

Com. Dr. Charles Maranga: Your last point.

Joseph Matui: My last point will be on Child and Woman Act. The child and woman in Kenyan society have been subjected to total brutality in form of rape, misuse, labour and above all torture. The act to prohibit women beating, sexual abuse, imprisonment of pregnant mothers: instead they should be placed under probation. Thank you.

Com. Dr. Charles Maranga: Thank you Mr Matui, thank you. Next speaker is Mark Birgen. Birgen – not there – where is he? Mark, then he will be followed by Samuel Serem, Samuel Serem? Ako, hayuko? Willy Cheruiyot, Willy Cheruiyot? Not there, so huyu anaitwa nani?

Mark Birgen: Jina ni Mark Birgen, Mark Birgen. Yah. Maoni yangu yanahusu kugawana mamlaka hapa Kenya. Hapa Kenya inatakikana iwe na President na Waziru Mkuu.

Vile vile tena sisi tunataka serikali ya majimbo .

Vile vile ikiwa President anataka kustaafu, au pengine anapatwa na bahati mbaya, ninapendekeza yule mtu anataka kuchukua hamu ya uongozi halafu tunajitayarisha kuchagua President mwingine ninapendekeza Speaker, kwa sababu Speaker ni mtu wa kuchaguliwa na wabunge. Kwa sababu nikisema Makamu wa Rais atachukua hiyo nafasi na kupigapiga wale wengine kwa sababu anataka hicho kiti. Kwa hivyo napendekeza Speaker asimamie kiti kama tunajitayarisha kuchagua President.

Ninapendekeza ya kwamba hapa Nandi tulikuwa na kiongozi wetu ambaye alikuwa anaongoza kwa kila namna. Na huyo anaitwa Samoei. Na kwa vile wazungu waliua, sisi tulirudi nyuma sana na mimi napendekeza, huyu Mwingereza alipe mtu wetu, na kulima, na kujenga mabarabara ya hapa Nandi, na kujengea sisi university ya watoto wetu. Vile vile mashamba ambayo wazungu walichukua nataka kurudisha sasa iwe ya Nandi. Na hayo mashamba, inatakiwa kupatiwa Wanandi bure bila malipo kwa sababu hao walichukua kunyakua kwa nguvu, sisi tulibaki juu ya mawe mpaka wa sasa. Tunasubuka na Nugu, tunasubuka na Nyani, hapana fuga hata kuku, hata mbuzi, Nyani anaratua. Kwa hivyo tumengojea kutoka wakati wa ukoloni mpaka wa sasa, hao Wahindi, hao Wazungu hawaeni, wanaishi kwa hiyo shamba, Wazungu bado wanaishi kwa hayo shamba ya chai, mpaka wa sasa. Kwa hivyo tunataka, hayo mashamba yarudi kwa Wanandi.

Com. Dr. Charles Maranga: Asante basi.

Mark Birgen: Vile vile ya mwisho tunataka sasa President achaguliwe na wananchi moja kwa moja. Makamu wa rais achaguliwe na wananchi moja kwa moja. Chairman wa County Council achaguliwe tena vile vile na wananchi moja kwa moja sababu labda maendeleo atachukua mahali alisimamia ward na akichaguliwa na Nandi wote, itafanya kazi bila kuona mahali. Asante.

Com. Dr. Charles Maranga: Asante basi. Kuja ujiandikishe hapa Mzee wangu kuonyesha ulikuwa umefika mbele ya Tume. Ayub Lubugu, Ayub, hayuko. MacDonald Kipchoge, MacDonald Kipchoge? Hayuko? Elijah Ng'etich, Elijah Ng'etich, not there. Sang Sammy, Sang Sammy, okey, ingia – hutaki kuongea – okey – Godfrey Nyongesa ako, basi uwe tayari.

Sang Sammy Kiprono: My names are Sang Sammy Kiprono, kutoka Bonjoge. Kwa sababu muda ni kidogo, nilikuwa na written and verbal presentation, the written I will give it out as a memorandum there, but I would like to concentrate on the verbal one.

The ones which I have not written here is that the powers of the President must be reduced, and those powers must be taken

back to the cabinet. They are the people who are supposed actually to check because they are many and it is going to be decided on consensus basis. So it is not one man's decision.

Now, on the cabinet again to check whether the cabinet is working well the cabinet must be elected by Parliament and again on distributive basis. If each province has 2 ministers or 2 cabinets, then all the provinces must have 2 so that when they are going to vote, there should be no majority issue unless if we have that equal distribution of the ministers and when it comes to voting, those people who are mature – more they will vote on behalf of themselves. Now the ministers must also be fired by the parliament under the vote of no confidence so that we do not have a President who is going to choose his own person and uses him to do corruptions.

Com. Dr. Charles Maranga: Last point.

Sang Sammy Kiprono: My last point is to accuse the Commission they are the ones who are supposed to have highlighted us on the Constitution but instead compared the constitution of Kenya to another country which actually other countries is not the same as Kenya. The tribes who are in Kenya are not the same as the tribes in other countries. So actually, people do not know what is the problem with our constitution although we are only making recommendations because if those recommendations are there, we are not seeing them actually being done. Thank you.

Com. Dr. Charles Maranga: Thank you very much Sang. Come and sign and hand over your memorandum. Godfrey Nyongesa, huyo Godfrey Nyongesa atafuatwa na Daniel K Choge, Daniel, Daniel Choge, not there. Okey Godfrey Nyongesa.

Godfrey Nyongesa: My names are Pastor G Nyongesa. I have 2 items that I wish to present before the commission.

1. I suggest that we have 3 political parties in Kenya and that all under the 3 political should make their Presidential candidates known to the Kenya citizens 2 years or more before the general elections. It is surprising that we are having less than 5 months to the elections and we do not know our Presidential candidates.
2. I also suggest that the President should be above party politics because he is President over all Kenyans and not a specific party. Thank you.

Com. Aroni Abida: Paul Kipchoge Rop, you are the one, okey.

Paul Kipchoge Rop: Madam Lady Commissioner my names are Paul Kipchoge Rop. First of all may I present my views and the 1st view is on preamble. In the present Constitution preamble is not there. So to sum up the spirit of philosophy of the Constitution, I propose that a preamble be included in the new document, and in the preamble, the diversity of Kenya citizen which include ethnicity, religion, race, should be recognised. And on that note, I would like Nandi to be coded in the

registration bureau to replace Kalenjin. That all the people of Kenya have participated in the making of Kenyan Constitution and Constitution values should unite the Kenyan society and all feel part of one nation without units, of which without each unit, the nation is incomplete regardless of the ethnic, religion, personal and other differences. The Constitution is meant for the people, and the people of Kenya are sovereign and no law for authority that is above the people, not even the constitution itself.

Constitutional supremacy – the constitution is supreme to all other laws of the land. Parliament should be deprived the powers to amend any part of the Constitution by 65% majority. Amendment of constitution should be shared between parliament and people to safeguard its supremacy. Amendments that are directed and tend to serve the interests of parliamentarians or parties that may be enjoying majority votes in parliament should go through referendum. For a vote to go through, in a referendum, simple majority of Yes/No should be taken from those who attend and vote. Referenda should be conducted by Constitutional Commission. In other words, I am saying that the current Review Commission should live on.

The political parties: there should be no limit in the number of political parties, there should be as many parties as there are interests in people. Political parties should be financed from public funds because at the end of the day each one of the people of Kenya will be a member of political party and they are all taxpayers on that under one condition that they reflect national rather than regional basis, they maintain a register of numbers, their manifestos should be seen to be promoting national unity, economic, political and cultural development.

Leadership position should be representative. Relationship between the state and the political parties, they should promote unity, they should work together to promote the social, economic, political and cultural well being of its citizens. The state should be seen to work to suppress the political parties and political parties at the same time should not be seen to be undermining the state.

The Legislature: Functions of Parliament should be expanded to include seeing to it that funds for development projects from Central government are disbursed to the districts according to the development needs of such district. They should be members of District Development Committees and they should be chairmen of development projects in their Constituencies. Their office should be established at Constituency level.

A body should be formed in form of Commission to determine salaries and other terms and conditions of service to Members of Parliament.

Com. Aroni Abida: Please wind up.

Paul Kipchoge Rop: Okey 75 seats nomination should continue and that the 75% of the seats should go to special interest

groups like the women, less privileged in society among others, and at least a member of Parliament should be nominated to represent the children.

Let me say something on the Local government. Mayor should be elected directly by the people and within extent of municipality. Likewise, the County Council Chairman should be elected directly by people. The two year term for Mayors is short, therefore we should give them 5 years' term. The Prime Minister or the President should only dissolve council upon the request of 2/3 of the council members. That a council should show the general public in the area of their jurisdiction development plans.

Responsibilities: The Chairman of the County Council should automatically become the Chairman of development projects replacing District Commissioners. Thank you.

Com. Aroni Abida: Thank you, John Biwott, John Biwott, Agatha Maina, au Maama, hii jina haisomeki, P O Box 20. John Biwott, Ben Rugat or Rugut.

Ben Rugut: Thank you very much. My recommendations are as follows:- First our Constitution should contain a preamble, my name is Ben Rugut. It should contain the preamble and in the preamble, it should state the purpose of the constitution, list reasons for writing the Constitution, and also clearly indicate that the government it established and the consent of the governed.

Now I will go to political system in our country. The system of government. There is a lot of powers vested on the government and it should be shared between the Prime Minister and the President. Prime Minister should be appointed by the majority party in Parliament and the President should be nominated by the 2 houses, i.e. the Senate and the House of Representatives. And in that, I will say I recommend also for Federal Government whereby in Kenya, we belong to tribes whether we like it or not, and these tribes should be considered as states and we build these tribes into states and then these states will form the Federal Government of Kenya. In short, this is what is known as Majimbo. This will reduce political tension that we have in Kenya. In Kenya sometimes when we go for elections, you see people voting on tribal basis, so we should strengthen the Federal Government.

Now- next, we should abolish Provincial Administration in Kenya. Provincial Administration has dictatorship and totalitarianism and we place with elected representatives who are not answerable to the head of state. We should have village councils, County Councils authority and autonomous republic or state and finally the Federal Republic of Kenya. Kenya wants to see the difference in the new Constitution as the second republic, by building the federation of tribe states.

The President should be the head of and should not be party to politics. He should be elected but as soon as he is sworn in as

the head of state, he should cease to be party to politics. He should be a university graduate. He should be an elected MP. He should be of age 35 – 70. Can be impeached by the Parliament in case of any offence if he is not performing well.

Judiciary:- We should have Supreme Court appointed by the Senate and house of Representatives.

Com. Aroni Abida: Please wind up.

Ben Rugut: To wind up the government should guarantee free education and compulsory also for primary. The government also should guarantee free medical services to all irrespective of the status.

Finally I should say, our country should be united under our Constitution. Thank you very much.

Com. Aroni Abida: Thank you very much. Please register, register. Thank you. Paul Keino Ronald, Keino Ronald?

Paul Keino Ronald: My names are Keino Ronald Kiprono. President should represent no constituency.

Parliament should have powers to run the government in matters like presenting budget and legislation.

Constitution should not vest all executive powers to one person. It should vest it in Parliament.

Nominations of MPs and councillors be done away. Women should vie for seats, not to be preserved for them.

Electoral Commissioners should be in a position of retirement by attaining 55 years of age.

We should have only 4 political parties in the country. State should not have powers to ban these political parties.

Disciplined Forces be established by Constitution . Constitution should guarantee to all Kenyans all basic human rights.

Land should be owned by individuals within a limited figure e.g. 10 acres to be the limit figure. Parliament should manage all natural resources. Deforestation should be banned completely.

Non- Governmental Organisations should have roles in government.

Constitution should protect cultural and ethnic diversity . Foreign affairs issues should be the duties of Prime Ministers or the President Constitution should not allow candidates to do campaign while in office or use public property like vehicles during

their campaigns.

Com. Aroni Abida: Thank you. Please hand in your memorandum. Stephen Koskey, Stephen Koskey, Arap Maina, Maina? David Melly? Peter Rotich, Peter Rotich?

Joseph Chepsiro: Asante. Mimi ninapendekeza serikali ya majimbo ibuniwe. Kwa sababu serikali ya aina hiyo itamwezesha kila jamii katika jamhuri yetu iweze kutekeleza mambo yao, desturi zao na tabia zao.

Jambo la pili ni mamlaka ya President. President amepewa mamlaka zaidi. Kwa hivyo katika kutekeleza Sheria za kisasa, President ama mamlaka yanafaa kupunguzwa. Katika district yetu hasa wakati huu, tuko Aldai, na tukiwa katika Aldai kuna sehemu ambazo tunapakana na Nyanza, na Western, sehemu kama Nandi Escarpment. Tukiteremka kule Kiboswa kuna sehemu ambazo zilinyakuliwa na sehemu za Western na sehemu zingine za Nyanza, kwa hivyo sehemu kama hizo ziweze kurekebishwa na kuleta. Kwa hivyo, nafikiri hayo ni ya ----- ?

Com. Aroni Abida: Francis Tarus Francis Tarus, Simon, wewe ni nani – Francis.

Francis Tarus: Majina ni Francis Kipsongoo Tarus. Vitu vyenye nilikuwa niwazungumzie ni mawili tu ama tatu.

Neno la kwanza ni msitu ya Nandi ibaki katika Nandi County Council na mali yake yote itawaliwe na Nandi County Council. Kitu cha pili ni masomo ya watoto: masomo katika primary schools yawe free kabisa tusiambiwe nusu nusu, mara tunaambiwa mnunue vitabu, mnunue nini, tunataka tununulie mtoto uniform na vitabu na ujenzi wa classes. Hayo ndio matakwa yangu katika serikali ijayo yenye tunataka isaidie mwananchi kikamilifu.

Tatu, katika hii misitu tena ya Tea Zone itawaliwe na Nandi County Council na tukitawaliwa kama misitu ama mali ya wananchi wa Nandi. Neno la kuamua, sisi ni Nandi, sisi hapana Kalenjin. Mimi ni Mnandi, sisi tukiwa Nandi ni Nandi. Sisi hapana Kalenjin mtu ambaye amepotea jina na amekosa taifa, ajiite Kalenjin. Lakini tukiwa wa Nandi, sisi ni Wanandi kamilifu tangu babu zetu mpaka wa sasa.

Mwisho ni utawala: tunataka kuanzia Assistant Chief, Chief, Councillor, mjumbe, tunataka akikosea kidogo tunakuja kusema ametukosea na hiyo report ikichunguzwa amekosa makosa, sisi tuwafutilie mbali tuchague Chiefs, councillor mwingine, tuchague mbunge mwingine.

President mwenye anawakilisha taifa asiwe president wa kuamua vitu. Saa hii tunataka tuseme president akifika muda wake ya kuacha mamlaka, sisi tutachagua President mwingine, hakuna President atatuchagulia ati huyu ni fulani, mchague huyu. Tutachagua President tukiwa Wakenya na iwe tuwe huru . Asante.

Com. Aroni Abida: Asante Mzee Tarus. Simon K Tarus. Linus Muhindi, Linus Muhindi, Thomas Sitienei, Thomas Sitienei, Richard Kirui, Richard Kirui, Simeon Too, Simeon Too.

Thomas Koros: Majina yangu naitwa Thomas Koros Sitienei. Vile nimeandika hapa kidogo, ni machache tu, si mingi. Nimeandika mipaka ya Wanandi iake vile ilikuwa zamani vile ilikuwa imewekwa na Wazungu.

Ya pili kwa hospitali, tupewe matibabu ya bure.

Ya tatu tuanzishe factories kwa Kenya.

Ya nne, tunataka majimbo kwa Kenya.

Ya tano, kuna wakati mwingine tunatakiwa watoto wetu wandikwe kazi lakini kuna kitu ambacho kinaitwa TKK – toa kitu kidogo – inatakikana hicho kitu kiondolewe.

Ya sita, ikiwa kama watu wengine ambao wameingia kwa Nandi ndani inatakiwa hao watu wafuate utamaduni wa Kinandi.

Ya saba, ikiwa kiongozi yeyote ambaye amechaguliwa anatakiwa huyo kiongozi aendelee kwa miaka tano, lakini kama anaharibu kazi kabla hajafika tano, ataondolewa na kutafuta mtu mwingine.

Nafikiria ni hayo machache ingawa nimepeana copy zingine, basi zitaenda kuchaguliwa huko. Asante.

Com. Aroni Abida: Asante sana jiandikishe tafadhali, Simeon Too, Jacob Motinyi, Paul Langat.

Paul Lang'at: Kwa majina naitwa Paul Lang'at. Ningependa kutoa pendekezo kama ifuatavyo: Education – ningependa Commission iturudishie ile system ya British System of education. Kwa sababu hii education tunayo ya 8-4-4- ni ya American na watoto wetu wamekosa elimu ya kutosha.

Inginge, Nandi boundaries zibaki kama zamani. Zibaki kama vile Chief tangu zamani wazee wetu walikuwa wameweka.

Inginge, in Police – yaani accused person. Accused person should remain in cell of the police not to be taken in prison. Vile mtu ameshikwa, hajashitakiwa, anatakikana awekwe cell ya police ili police aweze kulinda yeye. Sio kuweka mtu kwa rumande.

Ya tatu ni excess katika matatu. Wale watu excess and the driver should be charged with immediate effect. Hiyo inaonekana, police should be given powers to charge those 2 people, kama umekaa excess, unakuwa charged and the driver should be charged.

Ingingine ni Federal Government. Yaani tuwe katika Majimbo. Tukikaa katika majimbo, mila zetu zitakaa vizuri na tutakaa vyema, tutaelewana vile tulikuwa tukielewana zamani tukifanya kazi.

Ingingine ni kuhusu pombe, yaani local brews: watu wapatiwe 2 days in a week to drink – siku mbili watu wapatiwe, Jumamosi na Jumapili. Kufika Jumatatu ni kazi, sababu tukiweka kufanya kazi kila siku na pombe, tutarudi kwa pombe.

Na zingine ni ADC farms. ADC farms should be shared equally. ADC farmsz ilikuwa ni ya watu. Wakati Wazungu walifukuza watu walifukuza watu sio ADC farms ziwe za serikali.

Presidential powers to be nullified. President should not be given so much power like the one we have. President ipunguzwe powers yake.

Ingingine ni Military – Military in Kenya should be given work e.g. wajenge mabarabara, ama wajenge manyumba. Hiyo tender wapatie Military wapate pesa kuliko kukaa tu.

Com. Aroni Abida: Asante sana.

Paul Langat: Nafikiri kuna moja niliweka kuhusu culture. Kalenjin culture should be reserved – sio mtu kuamua huko Nairobi, Kalenjin culture ikae namna hii au Mzungu; hapana! Kalenjin culture should be preserved.

Com. Aroni Abida: Asante sana Bwana Lang'at. Andrew Chumo, Andrew Chumo Francis, Francis Rato au Ruto, imeandikwa Rato hapo, Justin Bitok, Mzee wewe ni nani?

Francis Ruto: Kwa majina mimi naitwa Francis Ruto kutoka area hii ya Kisogon. Maneno ambayo tungetaka kumpa hii Commission ni free education for primary ili watoto wetu wasije wapakata taabu baadaye. Wawe na kitu ambacho wanaweza kujisaidia.

Ya pili ni roads, roads ingewekwa kuwa ya muhimu sana kwa sababu akina mama wanategemea mashamba kulima mboga lakini hakuna mahali pa kupitishiwa. Kwa hivyo roads should be given priority.

Ya tatu ni Federal government. Federal Government inaweza kusaidia watu, vijiji, watu wanaweza kujiamulia mambo yao

wenyewe na Government inaweza kuwa karibu kabisa na wananchi.

Ya mne ni transfer of chiefs ili waweze kupata experience kutoka various places.

Ya tano, ni local elders should be given something – salary at least.

Ya sita, sisi Nandi zamani tulikuwa na kama mama ako na ng'ombe na hakuna mtoto, anaruhusiwa kuo. Hiyo should be maintained.

Com. Aroni Abida: Inaonekana umemaliza.

Francis Ruto: Nimemaliza.

Com. Aroni Abida: Asante sana Mzee. Asante. Justin Bitok, Justin Bitok, Joel Mibei, Joel Mibei, Gideon Kirui, Gideon Kirui, Javan Agui, Javan Agui, Richard Ruto, Richard Ruto, Richard Ruto, Jackson Chelimet, Jackson Chelimet, Councillor Tanui

Charles Tanui: Basi asante sana Commissioners na wananchi wote ambao mko hapa. Mimi ningetaka kutoa mapendekezo yangu. My name is Charles Tanui kutoka location ya Chemase. Commissioners, ningetaka kutoa mapendekezo yangu ya kwamba Chairman wa Land Control Board atolewe kutoka ofisi ya DC na iwe an elective post, na wale watu watachagua, kama ni Nandi district, ichaguliwe na Wanandi wenyewe. Maana tumeona tulikuwa na District Commissioner ambaye alikuwa ni Mkisii, sasa katika Kapsabet tuko na state ya Nyaribari huko Kapsabet pia Bwana Commissioner tunataka.

Pia Chairman wa County Council achaguliwe pia na wananchi, na asiwe ni Councillor, awe ni mtu anachaguliwa na wananchi tu ku-represent kiti katika County Council, iwe elective post kutoka kwa wananchi.

Ingingine ya tatu tumeona ya kwamba wasichana lazima wawe na protection kwa sheria ile inakuja. Tumeona vijana wetu, wanaweka mimba watoto karibu tano hivi, na hakuna sheria ya ku-protect wale wasichana. Lazima iwekw sheria ya ku-protect wale wasichana kwa yule kijana mmoja ambaye ameweka miba karibu watoto tano. Hiyo ni sheria iwe hapo.

Ya mne kwa sababu ya practice ile watu wetu wako nayo katika jamhuri ya Kenya ya kuo bibi zaidi ya moja, bibi wa pili yule ameolewa na mtu awe registered, maana mtu moja anaweza oa bibi wawili, tano, lakini huwezi kupenda wote. Utaona ya kwamba mwisho, at the end of the day, huyo mtu anaenda na bibi mmoja kando na kubeba mali yote huko na wale wengine wanabakia vilema, wanaumia pamoja na watoto wao. Kwa hivyo, sheria lazima i-protect hao watu, maana wewe ulikubali

kuoa zaidi ya mmoja, protection lazima iwekwe ndani yake ku-protect wale akina mama na watoto wako.

Inginge Bwana Commissioners mimi mwenyewe tu nataka hii Majimbo system. Hii ilionekana juzi hata '97 election. Kwa hivyo hicho ni kitu kinajulikana kwa watu wote, hiyo twende kwa Majimbo system sasa, kama inawezekana.

Councillors pamoja na MPs, after 3 years wawe reviewed, wapatiwe referendum tuone kama wataweza kuendelea ama hapana. Hiyo mimi napendelea kwa sababu I have been a councillor for the last 20 years na nimependelea hiyo. Let the wananchi decide baada ya miaka miwili.

Ya mwisho Commissioners ni watoto katika shule za serikali, zile zinakuwa sponsored by the government. Watoto maana iko denomination mbali mbali kwa hiyo shule watoto pia wapatiwe nafasi kwa kila mtoto aombe kwa wakati ule wake anapendelea mwenyewe. Na sheria iwekwe pia kwa makanisa ijulikane ni kanisa gani unaomba, na unaomba nini. Hapana freedom of worship saa ingine wengine wanaomba miti, wengine ni ng'ombe, anyway, lakini ionekane aina gani ya denomination au ni nini. Kwa hayo machache Commissioners, asante sana kwa kunipatia hiyo nafasi, kwa hivyo asante sana.

Com. Aroni Abida: Asante sana Bwana Councillor. Jiandikishe. Thomas Choge, Thoma sChoge

Thomas Kibet Choge: Okey. Kwa majina, mimi naitwa Thomas Kibet Choge, natoka sehemu za Mpakani huko Chemase, niko na maoni machache.

Ya kwanza ni kulingana na agricultural areas, jinsi vile tulivyo hapa Kenya, maoni yangu ni kwamba yale mashamba ambayo tumeandikishiwa kila mtu, whoever who has been registered or given title deed, na ako na shamba na shamba halimi, lazima lipeanwe, lipewe watu wengine kwa sababu huyu mtu hana haja nalo na hili jambo la kuwa na watu wasio na shamba – wanaitwa squatters isipatikane. Kwa sababu mashamba yamekuwa mengi, na watu hawatumi.

Upande wa public schools, public schools unakuta ya kwamba mara mingi mashule ambayo ni ya serikali ama wananchi wote wamejenga- na jinsi vile wamejenga mashule yote, shida ni kwamba, kuna kinyang'anyiro pale cha makanisa. Makanisa kudai ya kwamba ni shule zao yaani, sponsoring. Wazo langu ni kwamba iwe ikiongozwa na DEB yaani District Education Board. Public schools zikae kando isipokuwa tu mission schools. Mission schools is accepted. This one now, hii ya Catholic, mahali tuko wakati huu.

Jambo lingine ni freedom of worship – freedom of worship inatakikana watu waonyeshe kama wanafuata Biblia, waonyeshe scripture support au Koran. Hayo ndio mambo tunajua tu pekee yake. Inginge kama hakuna hiyo – out. Sheria inatakikana tuwe na several courts. E.g. Anti-corruption courts, Constitutional courts, Tribunal Courts, Military and Defence courts. Zaidi ni kwamba, tunaona hizi Constitutional courts hakuna. We can have someboy who is above the law and he violates the

Constitution. Therefore, he should not be above the Constitution: the Constitution must be above him.

Ya mwisho, kwa sababu mini najua dakika inakwisha, anybody who is a leader, anybody who is elected to a public office e.g MPs, Councillors, so long as we are now in a millennium whereby we are having a disaster disease, these people should be tested before being allowed to vie for this election for this seat. Kwa sababu watu mnachagua leo kesho kutwa mtu anaenda huko anakuwa corrupt kwa sababu ya ugonjwa, anaiba pesa ya wananchi kwenda kujitibu ama kununua dawa ambayo ni bei ghali sana, shilingi mia nane kwa kila mwezi. Huyu mtu si ataingia kwa corruption? Anatakikana ajulikane huyu mtu hana ukimwi ndio akubaliwe aendeleo, mtu akiwa kwa ofisi. Asanteni.

Com. Abida Aroni: Asante sana. William Kipsang, Kipsang.

William Kipsang: Some of the things I want to name – my names are William Kipsang.

All employed children should be remit, a percentage to their parents including daughters who are married and dowry payments should be dismissed. All working people in Kenya employed or not, should be taxed the same.

Employment in all branches of government ministries should be employed from all districts and be taken from grassroots level and divided equally on average.

All things captured by police from illegal persons, if they are useful things like timber should be taken to government institutions and be used by government ministries. (inaudible) should be banned in public. In the coming Constitution the salaries of every qualified person should be stated and added.

Trees planted by individuals should be for the owner and the Act by which the government takes all trees should be abolished or else the government should pay the owners.

I want to say also all Armed persons including police, the armed forces, should be allowed once every month to visit their families. And also, I want to comment that all unarmed police should not be tortured in their working places. Thank you.

Com. Abida Aroni: Jiandikishe hapa tafadhali. Iko mtu yeyote ambaye angetaka kuongea na hajatajwa jina? Okey,

Philip Kipkemoi Koiya: My name is Philip Kipkemoi Koiya, natoka Chamase. Yangu ni machache. Ningependekeza kama mimi ni raia wa Chemase, tuko na shida sana, tungepata division yetu ya Chemase ili huduma yetu iwe karibu kwa sababu tuko na shida sana.

Inginge ningependekeza hiki kiti cha County Council kama yeye ndiye anagombea kiti cha Chairman ningependekeza sio ma-councillors wachague. Ningependekeza wakuje waombe sisi raia kiti ili tuchague yeye huko ward.

Lingine ningependelea tena, hiki kiti cha ministry ya Finance ya serikali ijayo, wabunge wote wangempigia kura ili ionekane kuwa yeye ni mtu ambaye anaungwa na anaaminiwa na wabunge wote kwa Parliament. Ni hayo tu.

Com. Abida Aroni: Asante sana jilandikishe tafadhali, Wapi mwingine?

William Kipyego: My names are William Kipyego Tarus of Chemase Location, Aldai division, Nandi District.

What I am talking about is Presidency. As we see now in Chapter 2 sub-sec. 2, Presidency is terminated, and now according to what I see, and not only my opinion but concerning the word of God, I see that it is good that we may allow our President according to Isaiah 43: 3 – 5 and Joel 3: 8 – 10 to continue and to finish what God has given his servant not only

Com. Abida Aroni: What are you proposing? Don't preach – what are you proposing?

William Kipyego: I am proposing that at this time, as we see the reviewing of the Laws of Kenya, we should see concerning the word of God what God says and know that everything will be okay.

Com. Abida Aroni: So what are you saying in other words, we cannot understand you What are you saying, the President should retire or continue, be specific.

William Kipyego: Concerning

Com. Abida Aroni: You know when you are making the law you have to be specific. What are you saying?

William Kipyego: I propose that the President may continue by the word of God.

Com. Abida Aroni: And what are those verses, the chapters.

William Kipyego: Eee, it is the earlier Constitution –

Com. Abida Aroni: No read those verses from the Bible, what were they?

William Kipyego: Isaiah 43: 3-5 and Joel 3: 8 – 10.

Com. Abida Aroni: Next point , asante. Umemaliza,? Hata hiyo ni mzuri, haya Mzee.

Henry Kibirigen: Mwenyekiti Commissioner

Com. Abida Aroni: Jina Mzee tafadhali hatujui, jina lako.

Henry Kibirigen: Jina langu ni Henry Kibirigen arap Kichwen, Mwenyekiti na Commissioners wote, leo hapa itajiandikisha kwa history kubwa kwa maana Commissioners siku ya leo wamefika pahali Mnandi alizaliwa, Mnandi alianzisha maisha yake. Ukisikia Mnandi, ni hapa, Walaiboni, mashujaa hao walipigana na Wazungu miaka nane walitoka hapa. Walaiboni wale waliuwawa, ni kilometer haifiki hata moja. Basi jina hili Nandi, ningeomba kwa Katiba hii, iandikishwe jina la Nandi likae milele.

Na mipaka yote ambayo wazungu walipata Mnandi hapa mahali tulipo na tulikuwa na mipaka tunapakana na Western tunapakana na Nyanza na mpaka wetu upande wa Nyanza ulikuwa Miwani, mpaka wake ulikuwa ya railway, shamba ya miwa yote ilikuwa malisho ya Wanandi, hata kuna majina ya chumvi ya ng'ombe, inaanza inaitwa Kipkataa, inafuata railway, inaenda Chelibo, inaenda mpaka Chemetwa mahali iko factory ya Miwani sasa ilikuwa chumvi ya Wanandi, ya chumvi inaenda mpaka Kiboen, na laini hiyo inaenda mashamba hayo yote, Wazungu walinyang'ang'anya mpaka Uasin Gishu mpaka Kitale. Kwa hivyo ninapendekeza mipaka yote ile iliandikishwa mwaka wa 1905 ifuatwe.

Na katika bunge, mimi napendekeza hivi vyama vya kisiasa vilivyojaa kwa jamhuri hii ni kuharibu nchi. vinakoroga watu, ni kunyongana tu unasikia Afrika yote. Nataka party 2 tu, vyenye nguvu, vyama viwili halafu huyu akikosa , huyu anasahihisha, kuliko sasa, ng'ombe moja na ndume kumi, iko wapi?

Na nikiingilia ofisi ya Rais, Rais achaguliwe na wananchi na awa na umri wa miaka 60 na kwenda juu, na akae ofisi na Waziri Mkuu. Na Waziri Mkuu awe miaka 40 na kwenda juu. Kwa sababu unasikia Afrika mfaragano kwa vijana ambao wanasema wanang'ang'ania na kila mtu anataka kuwa mkubwa na pengine mwingine kwa umri, basi, nchi itaendelea. Napendekeza serikali ya Majimbo kwa maana hapa kwetu kuna methali inasema jua ni ya watu wote na kwa nyumba ni kwa kila mtu. Kwa hivyo Majimbo inafaa, halafu tunakutana Nairobi kwa serikali kuu.

Mambo ya umaskini. Mimi nataka Katiba hii tuandikishe kabisa, tumalize kabisa hiki kitu kinaitwa umaskini. Kuombaomba na kwenda ng'ambo kwa Wazungu na kuja huko, hii ni kuharibu nchi yetu, hii ni kuuza nchi yetu.

Mimi napendekeza ya kuwa kwa maana hapa Aldai kwa mfano Mungu alibariki, tunapanda kila kitu, chai,kKahawa, paleto, kila kitu kwa maana iko mvua kila saa. Ninapendekeza ya kuwa, tuondoe kabisa hii ya kuombaomba. Ninapendekeza ya kuwa kila mtu mwenye uhai, mwenye nguvu mwenye kukula katika jamhuri ya Kenya, awe lazima afanye kazi kwa masaa kumi kila

siku. Awe akifanya programme ya kazi yake tangu asubuhi mpaka jioni, kuliko watu kuzurura na kudanganywa na wanasiasa waende kwa barabara wapatiwe pesa na iko mchanga yenye inakaa bure hapa yenye rotuba. Kwa hivyo napendekeza kila Mwanakenya afanye kazi kuliko kuomba kuomba, na wewe sio maskini, una mikono, miguu na akili. Kwa hivyo tunataka mtu mzima yeyote iwekwe kwa Katiba lazima afanye kazi masaa kumi na aweke kwa programme na atumie ardhi yake ile anayo isibaki hata nchi moja.

Com. Abida: Umemaliza Mzee? Maliza tafadhali.

Mzee: Ningeomba mniongezee

Com. Abida: Tuambie la mwisho sasa.

Mzee: La mwisho ni ule uchumi wetu baada ya kupata, tunataka upitie kwa vyama vya ushirika, co-operative societies, halafu wakulima wafaidike wa mashamba madogo madogo, na co-operative societies isiingilwe na wanasiasa, kama macouncillors, kugawagawa watu au kugawa masocieties. Waachie wakulima wenyewe waamue wanataka society yao ikae namna gani.

La mwisho ninaomba heshima. Ninaona heshima ya Kenya, tunataka tuwe pamoja, vijana na wazee, tuheshimiane. Halafu Kenya yetu irudi kama zamani. Asante.

Com. Abida: Mzee kabla hujaenda, umetuambia tuwe na vyama viwili sasa tuko na vyama hamsini, tutatoa wapi viwili? Sasa kuna vyama hamsini, wewe unataka viwili, tutavitoa wapi?

Mzee: Waungane. Wazungunze waungane mpaka viwe viwili.

Com. Abida: Asante sana. Nafikiri wanafanya hivyo asante. The last person. Hakuongea asubuhi kijana? Okey.

Kiprono Teres: Commissioners and all the people who are here, I want to say that...

Com. Abida: Your name please.

Kiprono Teres: I am Kiprono Teres. The Government should set aside a day the President..

Com. Abida: Can you give us details of your school and class?

Kiprono Teres: I am from Kimalel Secondary School Form, Four student. The Government should set aside a day that the citizens will communicate directly with the President. The party which becomes second in general election should elect Vice President. Educated people should be elected to be above the President so that they will be giving him pieces of advice.

Lastly, these people who are working, that is the employees, should be given a period of ten years so that they will get capital to go and do something else so that they will give room to the young people. On the side of education in primary, they should start teaching Agriculture and examining it. That is all.

Com. Abida: Thank you very much. Please register.

Com. Maranga: Basi kwa niaba ya Tume ya Kurekebisha Katiba, tumefika mwisho wa kikao cha leo hapa upande wa Aldai na upande wa Kobujoi, lakini kesho tuko upande wa Aldai vile vile, upande wa Kaptumo, Kaptumo Community Hall. Kwa hivyo kesho tutakaa hapo na mimi nasema asante sana kwa watu wa Kobujoi. Kwa hivyo sasa kwa niaba ya Tume nasema asante sana kwa maoni yenu ambayo mmetoa, sasa tungeomba tu mtu mmoja aje hapa atuombee ili tuweze kufunga mkutano wetu wa leo. Asanteni na Mungu awabariki. Thank you. Let's have a word of prayer. Mtu atuombee please. Somebody to pray for us.

Sally Too (Prayer): Tuombe, kwa jina la Baba na Mwana na Roho Mtakatifu.

(Nandi dialect)

Cheptalel kwanda kamukataindet kilosun baba ak kitorrin saine eb koryagi kongoi amun inye baa ne kariyai betutu nieb ra kosulda kosme kora kele toechu kagobwa koinye ne imutati en olebendi, kisome bosioni kele kosulda en olan tugul kimoche serkali ne wendi koimie baba agot aingunon kichipchinigen uchgusi koinye ne ingen ngalek tugul ak ingoaak tugul en kamuget asome chuton koit ka barak kipsengwet en kainet nebo Jeiso Christo weringung. Amen

The meeting ended at 4.20 p.m.



