

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**BARINGO CENTRAL CONSTITUENCY,**

**AT**

**KARBARNET COUNTY HALL**

**ON**

**4<sup>TH</sup> JULY 2002**

**RECORD OF THE PROCEEDINGS OF THE CONSTITUTION OF KENYA REVIEW COMMISSION PUBLIC HEARING IN BARINGO CENTRAL CONSTITUENCY AT KABARNET COUNTY HALL ON 4<sup>TH</sup> JULY 2002.**

**Present:**

Com. Pastor Zablon Ayonga  
Com. Zein Abubakar  
Com. Phoebe Asiyu  
Com. P.M. Wambua

**Secretariat staff in attendance:**

Fatuma Jama	Programme Officer
Makomere Wambeyi	Ass. Programme Officer
Lydia Moraa	Verbatim Recorder
Elijah Ndagula	District Cordinator

**Elijah Ndagula:** Commissioners wetu wa Constitution of Kenya Review Commission, viongozi wa Kabarnet, Baringo Central, wananchi watukufu, leo ndiyo ukingo wa kazi yote ambayo tumekuwa tukifanya kwa sababu ndiyo siku ambayo Commissioners watakuja kuchukua maoni yetu kama watu wa Baringo Central, ili kutumia kwa kuchangia uundaji wa katiba mpya ya nchi yetu.

Kwa hivyo kama inavyokuwa desturi yetu, tutaanza mkutano huu wetu kwa maombi. Kwa hivyo ningempa nafasi hii Pastor yeyote, mama kama anaweza kutuomba, atuombee ili tupate kuanza mkutano huu wetu wa kuchukua maoni.

**Mama Elizabeth Chesire: (Prayer):** Tuombe. Baba wetu wa mbinguni, muumba wetu, Baba wa Mwokozi wetu Yesu

Kristo, tumekuja miguuni pako mungu wetu asubuhi ya leo, kwa tarehe ya leo, mwezi huu wa saba hapa, ofisi yetu ya County Council Baringo Central.

Mungu asante sana Baba. Asante kwa ulinzi wako, asante kwa uongozi wako mwema, umetuongoza tangu tuzaliwe sisi wakubwa na wadogo.

Sasa Mungu wetu, sisi tuko hapa kama watoto wako na tena kama viongozi wa kuja kushughulikia mambo ya katiba yetu ya Kenya nzima. Sasa Mungu wetu tunakuja miguuni pako kuuliza usaidizi wowote kutoka kwako, mawazo yote mazuri kutoka kwako, halafu sisi tupate kutunza nchi yetu ya Kenya, kwa uwezo wako na uongozi wako mwema.

Sasa baba yetu asante kwa viongozi wetu wale umewatuma kutoka mbali, umewapa kazi hii kuongoza, uwalinde na kuwabariki. Na tena hata tunakumbuka Rais wetu mahali popote alipo, msaidie na kumbariki, kwa maana yeye ni kiongozi wa Kenya.

Mungu tubariki sisi zote, hata wale wangali bado wanakuja, waongoze na umpe kila mtu ujasiri ya kusema maneno ya kutosha sisi zote tuseme Amina. Mungu wetu ninaomba hayo machache katika jina la Yesu Mkombozi wetu.

**Elijah Ndagula:** Kama vile mnavyojua, Tume ya kurekebisha katiba ya Kenya wakati huu inazunguka katika nchi yetu kusanya maoni ili kuchangia kwa kuunda katiba mpya ya nchi yetu. Wakati huu wameshazunguka katika provinces zote na mkondo huu ni wa Rift Valley Province. Halafu baada ya kumaliza Rift Valley, ambako tunatarajia itakuwa wiki ijayo, wataenda upande wa Western Province ili wamalize kazi hiyo ya kusanya maoni kutoka kwenye constituencies.

Baada ya hayo wataenda kukaa chini na waandike katiba mpya, wakitumia maoni ambayo mtakuwa mmechangia kama wananchi katika kila constituency yetu nchini.

Kwa hivyo kama sijawapa Commissioners nafasi hii waendeleo na kazi yao, na wafanye introduction halafu waanze kazi, ningependa tu kuwajulisha kwamba tuko na committee ambayo inaitwa Constituency Constitution Committee, yaani 3C, ambao wamekuwa wakinisaidia kufanya kazi hii katika constituency yetu yetu.

Kwa upande wa Salawa tumekuwa na councillor Cherambus akiwa kwa hiyo committee, upande wa Kabarnet tumekuwa Mayor Kiprono, pia upande wa Tenges tumekuwa na Pastor Raimoi, halafu upande wa Marigat tumekuwa na Caronent Buru, pia tumekuwa na wakili wetu Bwana Kenei, tumekuwa na Mama Leah Tuikong', tumekuwa pia na Bwana Hosea Kiplagat na Bwana Richard Chebon upande ule mwingine.

Kwa hivyo wao ndio committee members na nataraji tukiendelea watakuja na baadaye tutakuwa na nafasi ya kufanya introduction. Kwa hivyo nafasi hii nitampa Commissioner Pastor Zablon ili atufanyie introduction ya Commissioners ambao wako hapa, na pia afanye introduction kwa DC wetu ambaye nimemwona kuwa ameingia na Mayor wa Kabarnet. Kwa hivyo nafasi hii nampa commissioner.

**Com. Pastor Ayonga:** Ningelipenda kuwauliza Bwana DC na Mayor waje hapa mbele na Clerk wa Council kama yuko hapa.

Nadhani kabla ya mimi ku-introduce Commissioners na staff ambao tumetoka nao ofisini, ningalipenda kumwuliza Bwana DC atukaribishe, tuko district yake na Bwana Mayor atukaribishe, kwa maana tuko katika County Hall yake, yeye na Clerk of the Council, ndipo tutajisikia kwamba tumekubalika hapa ndipo tuendelee.

**District Commissioner:** Asante sana Bwana Commissioner, Commissioners ambao wako hapa, Msahiki Mayor, viongozi na wananchi, ningependa kuchukua nafasi hii niwakaribisheni hapa Kabarnet. Ninafikiri mmezunguka na ni kama siku ya tatu katika sehemu hii. Karibuni, tumekuwa tukitarajia, wengi wamekuwa wakiongoja ili waweze kupatiana maoni yao. Kwa hivyo tunashukuru mmepata nafasi, wananchi mna uhuru ya kupatiana maoni. Karibuni. Asanteni sana.

(Applause)

**Com. Pastor Zablon Ayonga:** Bwana Mayor.

**Mayor:** Commissioners ambao mmekuja ili kusikiza maoni yetu kuhusu katiba ya nchi hii na DC na Clerk, viongozi, mabibi na mabwana, hamjambo?

(Applause)

Basi nami kwa niaba ya viongozi wa Baringo ya Kati, ninachukua nafasi hii kuwakaribisha katika town yetu na vile vile katika constituency yetu kwa ajili ya kazi iliyo mbele yetu. Kwa hivyo Commissioners, mjisikie mko nyumbani. Pia, ninataka kuungana na Bwana DC kwamba sisi tumekuja hapa, kwa ajili ya kutoa maoni yetu kuhusu katiba ya nchi yetu. Hii ni mara ya kwanza sisi, nafikiri kwa sisi zote tuliohapa ndani kupata nafasi kutoa maoni kuhusu jinsi katiba yetu tunavyotaka.

Kwa hivyo ni siku ya muhimu sana na ni jambo la muhimu sana kwamba wakati tunatoa maoni, tutoe maoni kwani katiba ambayo itakayoandikwa kutokana na maoni yetu ni katiba ambayo itaendesha nchi kwa miaka mingi ijayo kwa hivyo tunashukuru sana kwa sababu tumepata nafasi.

Labda siyo rahisi kupata nafasi ingine kama hii hata kwa miaka mingine, labda sisi tutatoka dunia hii bila kupata maoni mengine.

Kwa hivyo ni wakati wa maana sana nitoe maoni ambayo itaongoza nchi yii na kutuendesha kwa njia iliyo bora.

Kwa hayo machache ninachukua nafasi hii tena kusema asante, mjisikie nyumbani na mtoe maoni bila woga, bila kufikiri kwamba maoni ni ya watu fulani. Asante sana, na Mungu awabariki sana.

(Applause)

**Com. Pastor Ayonga:** Ninawashukuru Bwana DC na Bwana Mayor kwa kutukaribisha. Tumekuwa na wakati mzuri sana katika hii district yako Bwana DC, we have had maoni mazuri sana, tumekuwa na mikutano mizuri ambayo tukitoka hapa tutasema hatakuwa na incidence yoyote, hatakuwa na walevi wowote, lazima iwe Bwana DC, hii sehemu umeitunza vizuri sana,

watu hawanywi pombe.

(Applause)

Maanake tumepata watu ambao ni mature people, who have come to give there views and they have given us very mature views, ya kuweza kurekebisha katiba yetu.

Kwa niaba ya Commissioners ambao niko pamoja nao, tumechukua muda huu kama muda mzuri sana ambao tumekuwa nao katika Baringo na pia tunatumaini kwamba leo pia tutakuwa na mkutano mzuri hapa Baringo.

Tunayo sehemu moja ambao kesho tutakuwa, Mogotio, na kazi yetu ya Rift valley ya North, ya Kaskazini, itakuwa imeishia hapo.

Si sisi tu ambao tuko hapa Rift Valley ya Kaskazini, Commissioners wote, tuko vikundi nane na hivi vikundi nane vimetawanywa kote katika Rift Valley ya Kaskazini na kesho tutamaliza na wiki ijayo tutaenda Rift Valley ya Kusini na baadaye tutamaliza kazi ya Rift Valley tarehe kumi na saba mwezi huu ndipo tutaenda Western Province.

Lakini kwa vyovyote, tumekuwa na maoni mazuri na jinzi ambavyo Mayor alisema, hatuwezi kupata nafasi tena ya namna hii ya kutoa maoni. Huu ni wakati wa namna ya pekee na tena sisi wale ambao tuko hai na ambao tutatoa maoni, tutasema kwamba tulichangia kikamilifu katiba ya Kenya.

Kwa hivyo leo tunatazamia maoni yale yatachangia kurekebisha katiba. Ili nisipoteze wakati, ninataka kuwa-introduce Commissioners ambao niko pamoja nao na nitawapa nafasi wawasalimu pia.

Hapa mkono wangu wa kushoto ni Bi. Phoebe Asiyu. Phoebe Asiyu natumaini anajulikana na wengi kwa maana nimeona wamama wengine hapa wanamsalimu namna ya pekee, tena ninasikia yeye ni shemeji wa upande huu na yeye atakuja kuwaambia ushemeji wake, na ni politician wa zamani.

Politicians wale ambao wamekomaa, yeye si dot.com, yeye ni politician wa zamani. Yuko hapa na atakuja kuwasalimia na mtakuja kukubaliana nami kwamba ni politician aliyekomaa.

Mkono wangu wa kulia hapa karibu ni Commissioner Paul Wambua. Yeye si Commissioner tu lakini yeye ni mwana sheria na yeye nitampa nafasi awasalimu. Na kule mwisho na si mwisho tu, ni Commissioner Abubakar Zein. Huyu Abubakar Zein ni a Jack of all trades, mara ni Mwalimu, mara ni mwandishi, mara ingine sijui ni nini, lakini ni mtu mwema sana ambaye anachangia katiba hii kwa namna ifaavyo na yeye pia, huyu mwana Mombasa, mwana pwani, nitakuja kumpa nafasi naye awasalimu.

Na wakisha wasalimu, kabla hawajawasalimu, pia kutoka ofisi tunao staff ambao wanafanya kazi. Mmoja wao ni programme officer ambaye ni Bi. Fatma, yuko kule, Fatma simama ili wakuone. Huyu ndiye anayeongoza programme zetu hizi za kuzunguka na kuona kwamba kila jambo na zile memorandum zenu hakuna hata moja itapotea. Halafu nina vijana wawili, Makomere simama. Huyu kijana anaandika kama typewriter, mkono wake unaenda namna hivi, kila neno mnalosema linaangukia kalamu yake. Hiyo isitoshe, kwa maana hatuwezi kuamini mkono wa mtu, tuna Binti hapa ambaye anaitwa Mora, a

Moraa simama, huyu Binti ana kumashini kile ambacho kina-record. Hakuna neno la mtu ambalo litapotea wakati umekuja kuchangia. Hata ukikohoa tutachukua kikohozi chako na tutakuambia mzee au mama, si ni wewe huyu uliyekuwa unakohoa? Sasa leo unageuka namna gani?

Kwa hivyo katika hii kazi yetu hapa leo, kila neno litaandikwa. Mnapotuona hapa Commissioners, nasi tunaandika makubwa makubwa. Msije mkafikiri mbona yule sasa haandiki? Maneno yale yangu nilikuwa nayasema mimi kumbe hayakuwa na maana? Mambo yako kule, mambo yako hapa chini, yanaandikwa na yananaswa. Kwa hivyo tunatumaini kwamba mtachangia katika siku ya leo kwa katiba yetu.

Hebu nimpe Bi Asiyo nafasi awasalimie kwa kifupi ndipo Commissioner Wambua na Commissioner Zein pia wawasalimu.

**Com. Hon. Phoebe Asiyo:** Asante sana Pastor Ayonga, Commissioner

(Applause)

kwa kunipa nafasi hii ya kuwasalimia watu wa Kabarnet. Bwana DC, Bwana Mayor, Bwana Clerk, wale wakuu wa 3C's, wale ambao wamekuwa wakiendesha civic education na wale wote ambao wamehudhuria mkutano huu wa leo, tunawakaribisha kwa hamu sana na tunangojea kusikilisa maoni yenu juu ya katiba mpya, tukijua kwamba maoni yenu yatajenga Kenya mpya na kwamba maoni yenu yanaweza kuleta Kenya, watu wa Kenya waanze kufikiria zaidi kama ndugu.

Waliletwa na Mungu kuishi kwa nchi moja, hata kama hawasemi lugha moja, hata kama hawana culture moja. Lakini kiroho tutakuwa watu moja tukitengeneza katiba mzuri ambao itatuleta karibu; itatufanya tuwe marafiki na itakabhidhi mambo yote ambayo ile katiba ya zamani, ile ambayo hatukuchangia, tuliandikiwa na watu wa Britain.

Na wale watu wetu ambao walikwenda huko kuchukua hiyo katiba ambao bado wako wanaishi tuwape heshima na tuwape asante sana kwa kwenda huko Ulaya kuchukua hiyo katiba ambayo imetuongoza kwa miaka karibu arobaini. Na kwa kweli imetuongoza vizuri lakini hiyo nyumba, maana katiba ni kama nyumba ya mzee, wazee wa Kenya hawakujenga ilijengwa na wazee wa Ulaya. Sasa hivi leo tumepata nafasi, wazee wetu, kina mama wetu, vijana, tujenge nyumba mpya ya Kenya ambao watu wote wa Kenya wataweza kuishi kwa amani, kwa mapenzi na kwa umoja.

Na unajua, katika nchi nyingi sana hapa Africa, katiba hairekebishwi isipokuwa kukiwa na shida kama vita, kama kukosana na watu, kama kuna machafuko, ndiyo watu wanakaa chini wanatengeneza katiba mpya ya kuwalinda. Kwa hivyo mjione kama watu wana bahati sana, mnatengeneza katiba hali hakuna vita.

President yule ambaye walianza katiba hii bado yuko hai. Presidents wengi hawatengenezi katiba kama bado wanaishi, ni wachache sana. Kwa hivyo mjione mlio na bahati kubwa sana kwa nchi hii yetu ya Kenya na tumsifu Mungu kwa maana ametuwesha kufika na kutengeneza katiba ambayo itatusaidia kwa miaka mia moja ijayo.

Kwa hivyo kama utaongea, uongee ukijua si ya leo au kesho pekee yake, lakini hata miaka hamsini ijayo, katiba hii hii ambayo

mnatengeneza leo itashika nchi hii na itakuwa ndiyo sheria kuu ya sheria zote ambazo zitalinda maisha ya watu wa Kenya.

Ninawapa asante sana kwa kufika, tunatumainia kwamba mtatupatia mawaidha mema ambayo yatatusaidia sisi kuandika katiba kwa maana sisi hatuna maoni, maoni ni yenu, ninyi ndio mtaandika katiba, katiba itakuwa ni yenu.

Asanteni sana.

(Applause)

**Com Paul Wambua:** Changei tugul?

(Applause)

Kawaida wazee walisema, vijana hawasemi maneno mengi. Yale ambayo ni ya muhimu yamesemwa tayari na Commissioner Bibi Asiyo na Pastor Zablon Ayonga.

Kwa hivyo yangu nikuwasalimu kwanza na pili kuwashukuru kwa kufika maanake kama ilivyosemekana, nafasi ni hii tu. Tuliambia sisi kama tume, tutawapatia nyinyi nafasi mzumze na kwa kawaida tukianza kikao tunamaliza wakati mtu wa mwisho ameshazungumza. Kwa hivyo nafasi ni yenu, msije mkasema hapo baadaye ya kwamba sisi hatukupewa nafasi kuchangia katiba ilipokuwa inaundwa. Katiba ni yenu, na hii imeamuliwa iwe ni a people driven constitution, kwa hivyo kila mtu lazima apewe nafasi ataje angelipenda yawe kwa katiba.

Kwa hivyo ningependa kuwashukuru kwa kufika, ninafikiria na ninatarajia tutakuwa na siku njema na maoni ambayo yatatolewa hapa yatakuwa ni yale ambayo ni ya muhimu na yatachangia katiba nzuri. Kwa hivyo asanteni sana.

(Applause)

**Com. Abubakar Zein:** Habari ya asubuhi.

(Applause)

Nina furaha kubwa kuwa nanyi leo na nina shukuru kwamba nimepata fursa ya kuja kukutana na nyinyi. Na kama alivyosema mwenzangu baada ya wazee kuzungumza, ni ada desturi na mila zetu kuafiki na kukubali na kusema kwamba, tunayaunga mkono waliyoyasema wazee. Na kama alivyosema mwenzangu kwamba sisi tunafuraha kwamba mmefika na mmejitarisha kutoa maoni. Kwa hivyo kazi yetu itakuwa ni kupokea maoni hayo na kuyafanyanyia kazi na tunawahakikishia kwamba maoni hayo yatakuwa ni kati ya maoni ya wakenya wengine yatakayotumika kujenga katiba mpya.

Asanteni sana.

(Applause)

**Com. Pastor Ayonga:** Asante kwa hizo salamu zote ambazo zimetoka kwa Commissioners, sasa tunataka kuanza our serious

business. Na kabla hatujaanza, ningelipenda kusema haya machache kwa utangulizi.

Kwanza: Leo si siku ya maswali; mmekuja hapa hatutumaini kwamba mtakuja kutuuliza maswali kwamba mambo ni hivi na hivi, tunataka je, hapo tungefanya nini?

Kuna maswali yaliyofanyika wakati wa civic education, mambo ya maswali yalikwisha. Leo tumekuja tukitumaini...

Karibu Bwana Hosea, karibu, karibu sana.

Nilikuwa ninasema kwamba leo si siku ya kutuuliza maswali, leo ni siku ya maoni. Tuna tumainia kwamba umeshatayarisha maoni yako ulipokuwa nyumbani na umetaka kuchangia katiba ukisema hivi na vile ndivyo unavyotaka, siyo kutuambia kwamba mnataka muangalie. Sisi hatuungalii kitu, sisi tumekuja kukusanya maoni. Kwa hivyo kama ulikuwa unakuja kutuuliza maswali, badilisha mawazo yako.

Kitu kingine: Kuna kijitabu tulicho tumia watu ili kiwasaidie tu kuchangia mawazo yao, kiwe kama changa moto kwao kwa kufikiri juu ya sehemu mbali mbali ya katiba. Hapa leo hatukuja kama Mwalimu amekuja darasani amechukua text book na ana-expect wanafunzi kujibu juu ya waswali yaliyomo katika hiyo text book kwa maana nimeshaona pahali pengine mtu anakuja amebeba kile kijitabu chetu na anaanza kusema “namba moja: hii na hii na hii, jibu ni hivi na hivi”. Kama tungekuwa tunafanya namna hiyo, mtu mmoja tu ndiye angeongea hapa, ajibu hicho kitabu chetu, tuseme tumemaliza hizo namba na kurasa, turudi nyumbani.

Leo tumekuja mchangie mambo makubwa makubwa mazito mazito na ambayo unasema dhahiri, siyo yale ambayo unapita round kwamba ni hivyo na hautuambii unalolitaka tumetaka useme lile ambalo unalolisema.

Kingine: Hatutaki jina la mtu yeyote kutajwa hapa, jina la mtu. Kitu ambacho tunachangia ni issues, mambo yanayotendeka, mambo tunayo tarajia.

Tena, tutatumia time; mnaangalia, hall imejaa na sisi tunatazamia kila mmoja aliyomo hapa atakuja kutoa maoni. Kuna wengine kweli mmekuja kama observers, kusikiza. Tungependa kama umekuja kusikiza, uwe kimya. Hatutaki baraza zingine hapa, baraza ni moja tu na ni yule anayeongea. Na yule anayeongea aweza kusema vitu pengine wewe hupendi, hatutaki umkataa toka hapo ambako umekaa, ungojee wakati wako, hayo ni maoni yake. Tunataka maoni ya kila mmoja yaheshimiwe, uyapende, usiyapende, ni maoni yake na kila mtu ana uhuru wa kusema jinsi apendavyo.

Atakayeongoza kikao hiki asubuhi ya leo, nimemuuliza mama Bibi Asiyo aongoze kikundi hiki lakini kabla hajaanza, ningependa mum-recognize bwana Hosea Kiplagat ambaye ameingia. Bila shaka Bwana Hosea, tungependa kusikia umetukaribisha hapa kwako na utusalimu pia.



(Applause)

**Hosea Kiplagat:** Commissioner Ayonga na wenzake, mimi ningetaka tu niseme, nikiwa mmoja wa viongozi kutoka wilaya hii ya Baringo, mnakaribishwa.

Mimi nimekuja kama stakeholder wa district hii na ninafikiri wakati nitakapopewa nafasi, mimi pia nitazungumza yale niko nayo. Ninafikiri langu tu ni kusema asante sana kwa yale yote umetueleza. Thank you.

(Applause)

**Com. Pastor Ayonga:** Kwa sasa nitampa mama Asiyo nafasi ili atupe taratibu ni jinsi tutafuata ili tuweze kupatia kila mtu nafasi. Na unapoambiwa dakika ni hizi, tafadhali utii. Hatukuweka hizo dakika bure, ni kwa maana tunajua tusipokata hivyo, wengine watatoka hapa siku ya leo bila ya kusema kitu.

Mama Asiyo sasa nafasi ni yako na utuongoze kwa mkutano.

**Com. Hon. Asiyo:** Asante sana Pastor Ayonga kwa kunipa fursa hii ya kuendesha mkutano ambayo tunafanya hapa kwa kikao cha Kabarnet County Council. Na vile umesema, ninataka kuhimiza na kusema kwamba:

I now officially declare this meeting as an official sitting of the Commission to harvest the views of the people of this constituency and as the Act requires, you should feel very free because the Act protects you and gives you the right and the freedom to say what you think will help to improve our nation.

Tukianza kuongea, wale walio na memorandum watakuja hapa mbele, watapeana memorandum yao, ninataka kuwahakikishia ya kwamba hiyo memorandum umeandika itaingizwa kwa computer, hata comma yake itaingizwa kwa computer. Hakuna kitu umeandika itakuwa nje ya maandishi yetu ya computer kabla hatujaanza kufanya analysis, tukishasikiliza maoni ya watu wote wa Kenya.

Pili: Kuna watu ambao hawajaandika na wanataka kusema tu kwa midomo yao, tutawapatia dakika kama tano ikilingana na vile uwingi wa watu utakuwa. Pengine saa zile watu watakuwa wengi sana, tutapunguza muda lakini kwa wale wameandika, wafanye tu highlight ya yale mambo muhimu ambazo wanataka tusikilize kwa mdomo yao ilituweze pengine kuwauliza maswali kama kuna haja ya kuuliza swali lakini kama wameandika wajue yote yataenda na yatafika kwa maandhishi ya kitabu chetu kikubwa kule Nairobi.

Na kama umezungumza, kuna register pale. Utaandika jina lako na usione vibaya ukiulizwa maswali mengine pale kwa maana ni vizuri tukujue vizuri ili siku ingine na ni siku karibu, watu wa Kenya watachagua watu mia sita na kama hamsini hivi, wazee na vijana na kina mama, ambao watakutana mahali pengine hatujui itakuwa wapi, watasoma hiyo mambo mlisema na watajadilia

kabisa kwa hiyo ripoti yote. Ndiyo watakubaliana kwamba kwa kweli haya ni mambo watu wa Kenya walisema na hivi ndiyo tutafuata, katiba ya Kenya itakavyokuwa.

Kwa hivyo ni heri kusema vizuri, sauti isikike kwa machine yetu na pia ukiulizwa maswali hao uyajibu yote, ndiyo kama kutakuwa na shida siku hiyo tuko Kabarnet, tutakuja kukutafuta tukuweke chini tena, tuweke maandishi yetu halafu uongee useme kama ulisema kweli, au ni sisi ndio tulisema uwongo.

Na saa ile tukiongea leo, tukiona mtu mlemavu au mzee au mtu ambaye ni mgonjwa au mama mja mzito, tunaweza kumpa nafasi aongoe hata kama alikuja amechelewa. Mambo yale mtaongea nyinyi wenyewe mnajua. Ninajua pengine mtaongea juu ya mambo ya utaratibu wa serikali, vile mngpenda iwe kwa siku sijazo, mambo ya uongozi.

Mambo pengine ya watu walemavu, vile mnataka waishi kwa miaka ijayo kwa maana kwa kweli hawajapata nafasi nzuri miaka hiyo mingine iliyopita. Sasa kwa kikatipa muwapatie nafasi kamili ya kuishi kama watu wengine wa nchi hii.

Mambo ya watoto muangalie sana mtueleze, na elimu yao. Pengine mambo ya vijana, mambo ya wazee, mambo ya kina mama, mambo ya uchumi, mambo ya mashamba, kila kitu ile nyinyi wenyewe mnaona mnataka iingizwe kwa katiba hii mpya, mjione mko huru kabisa kuongea na sisi.

Nimeshukuru sana kwamba Bwana Hosea Kiplagat amepata nafasi ya kuja kukaa na sisi. Yeye ni kama mtoto yangu, mimenjua tangu zamani sana na ni mtu mwema sana. Na nimeona amefika, nimeshukuru sana. Na ninaona wazee pia wamekuja na ni heri tutii wazee. Unajua university kubwa sana ni ya uzee; mtu anasoma mambo wengi wakati anaishi dunia hii. Kwa hivyo msidharau mambo yanatoka kwa vinywa vya wazee, myasikilize kwa makini. Nao wazee mtusaidie, na muwasaidie vijana ili katiba yetu iwe nzuri.

Yule ambaye alikuja mapema sana na alijiandikisha kuwa anataka kuongea ni Mama Lydia Jeruto Toroitich. Yeye atafuatwa na William Kiprof halafu kama Bwana Hosea atatuambia wakati unataka kusema, tutampa nafasi aongee na kama kuna wazee wanataka kurudi mapema au wagonjwa pia tutawapa nafasi. Kuna Stephen Tomno ambaye pia ataongea na Zippora Komen pia amejiandikisha kama mtu anataka kuongea halafu atafuatwa na Alfred Kosgey na tutaendelea namna hiyo isipokuwa katikati... Msichana utakaa hapo chini vizuri, kitaratibu, useme kwa ufupi na useme ile mambo inakuhusu na itaingia kwa ile machine na sisi pia tutaandika vile unasema. Haya! Una nafasi sasa ya kuongea.

**Lydia Toroitich:** Quests of honour, ladies and gentle men, asante sana kwa kuja kwenu Kabarnet.

Ile Lydia Jeruto ninasema, ninaomba nirudishiwe kazi yangu ya casual hospitali. Na mimi ninaomba kama wagonjwa ni wagonjwa na unaambia enda ita daktari, wasiseme ni kazi ya out-patient, ya out-patient na kazi ya ward ni ya ward kwa sababu patient akiwa mgonjwa anakuja daktari wamuangalie.

Siku ingine mgonjwa wa Out-Patient alikuwa mgonjwa, mimi nikakimbilia watu wanaitwa ICU nikawaambia “Excuse me, kujeni muangalie huyu patient, huyu patient yuko mgonjwa” Wakakataa wakasema kazi ya out-patient ni ya out-patient na kazi ya ward ni ya ward. Ni vizuri kama daktari anaitwa aje asaidie patient, awasaidie kwa roho mzuri.

Asanteni.

(Applause)

Com. Hon. Asiyo: Asante sana kwa kuzungumza maoni yako, tutaona vile itatengenezwa. Asante.

**Com.Pastor Ayonga:** Ningalipenda tunapofuata hii list, kwamba kwanza tungewapa wakati watu ambao wanatoka Baringo Central yaani tumekuja leo kuwahudumia watu wa Baringo Central na kama kuna mtu mwingine ambaye ametoka kwingineko,tutampa nafasi baadaye. Ikiwa umejua umejiandikisha katika list hii, hakuna neno lakini kama wewe si mkaaji wa Baringo Central, tungelipenda ungetuambia sikutoka Baringo Central lakini nyumae tunaweza kukupatia nafasi. Tumeelewana?

Tumetaka tu kufanya haki. Kama nimekuja nyumba yako kukuhudumia, ninataka nijue kwamba hawa ndio watoto wako, kwanza niwahudumie ndipo wale wageni waliokutembelea pia nitawahudumia. Sisi tunahudumia kila mmoja kwa hivyo yeyote asione ubaya, na si ubaguzi lakini tunataka kufuata priorities. Thank you so much. Mama Asiyo unaweza kuendelea.

**Com. Hon. Asiyo:** Asante sana mzee Ayonga. Hata kwa sheria yetu inasema tutasikiliza maoni ya watu wa constituency, kila constituency. Kwa hivyo kama mtu ametoka nje ya area hii, aeleze kabla hajaongea na hataongea mbele ya wale watu wa hapa. Kwa sasa kuna Bwana William Kiprop ambaye amejiandikisha kuongea. Mzee Kiprop nenda hapo mbele ukae, uchukue machine, hiyo microphone, halafu uanze kuongea. Asante. Bwana Kiprop ukimaliza, Bwana Stephen Tomno atakufuata wewe, awe tayari pia.

**William Kiprop:** Bwana chairman wa Commission, neno langu ninalotaka kuandikisha ni kuhusu sheria inayohusika na mambo ya watoto: Watoto hawatii wazazi , watoto hawatii...

**Com. Hon. Asiyo:** Sema jina lako kwanza mzee.

**Mzee Kipruto:** Jina langu ni William K. Kiprop kutoka kipkaech sub-location, Central Baringo.

Kwa hivyo sheria ninavyotaja ni kuhusika na mambo ya watoto. Hawatii wazazi na mbeleni zamani wakati sisi wazee tulikuwa tukitii wazazi wetu na hata watu wakubwa wakubwa. Unakuta watu hawawezi kutii na hata sasa ukiona mtu hata hawezi kujua, kama councilor akipita hapa, ajulikani kwamba ni nani ama kama baba akipita huku, hauwezi kujua ni nani. Ukimzalimia mtoto anasema mising, mising na hiyo haikuwa kwa sheria yetu ya ki-Tugen.

Lazima mama aheshimiwe, baba aheshimiwe, mtoto aheshimu baba. Kwa wakati huu sasa tunaona hiyo imeharibika na unakuta

watoto wanaendesha mambo ya pombe, watoto wadogo wanaharibika na mbeleni watoto hawakuwa wanakunywa pombe. Hata kina mama unakuta hawakuwa wakinywa pombe lakini wakati huu sasa imechafuka.

Kwa hivyo sheria ninataka iwe kama ile yetu ya zamani, kuweko na amri kali na kulikuweko hata kiboko. Watu wanawatandika watoto wakicheza cheza wanachapwa na kwa hivyo ingefaa hiyo sheria ipitishwe iwe kama zetu. Sisi tulichapwa na tungali tuko, mbeleni tulikuwa tukichapwa na tungali tuko na nguvu na tumefuata sheria.

Unakuta mtu hata akiingia kwa ofisi ya DO, watu wanaingia tu hivi hivi, hawawezi kujua DO ni nani, haya! Ukiwakuta wanaingia kwa chief, wanaingia tu kiholela, hawawezi kumheshimu kama ni chief.

Kwa hivyo tunataka sheria iangaliwe kwa upande huo, lazima waheshimiwe. Mpitishe sheria iheshimiwe watu wazima na watu wote.

Second: Kuhusika tena na mambo ya ardhi. Ardhi katika sehemu yetu hapa imeharibiwa na vijana. Mzee anasema hii ardhi tunagawanya na fulani na fulani, mpaka ilikuwa inapita sasa kijana anakuja kuniingilia akisema mzee si mpaka yetu inapita huko.

Kwa hivyo lazima mpaka ifike huko na lazimisha mimi niseme uwongo kwa sababu yeye anataka hii ardhi iwe yetu na hiyo si haki.

Kwa hivyo vijana ndio wameingilia wazazi na wazee. Kwa hivyo ninataka hiyo sheria ichuguliwe kabisa kwa mambo ya ardhi, hasa ardhi kwa sehemu yetu ya Baringo, hapa hapa, ardhi hapana iko mzuri. Ni hayo tu niliyokuwa nayo.

**Question:** (Inaudible)

**Mzee Kiprop:** Tungependa ardhi, wako wazee wa zamani, wazee wawe wakichunguza mambo ya ardhi. Wazee, hapana husika na vijana. Kwa hivyo nimemaliza hapo.

**Com. Pastor Ayonga:** Mzee jambo la ardhi linakuwa na maana kubwa sana katika katiba yetu na ningelipenda mzee utuambie, hawa vijana ambao umeongea juu yake, vijana pia wanataka warithi ardhi. Je ungeweza kutupa mwelekeo, hii ardhi ingalifanywa namna gani.

**Mzee Kiprop:** Kwanza kuhusika na mambo ya ardhi, mzee na wale wengine walio pamoja, wazee, wajue hii ardhi tulikuwa tumefyeka zamani tulikuwa hapa, mpaka wa huyu ni hapa, mpaka wa huyu ni hapa na iwe under mzee halafu mzee wakati wake atapeana kwa mtoto yaani kurithi. Watoto watagawiwa, kama ni mbili au tatu, wanagawiwa kwa kurithi. Si mtoto aje kuniambia ati nisongeze ya huyu kando huku na turudi tusongeze ya huyu ili shamba yetu ipanuke bila kutii mila yetu.

Kikwetu, mtu kunyakuwa shamba ya wengine ni mbaya, ni dhambi.

**Com. Pastor Ayonga:** Na tena ardhi hii mara nyingi tunaposema kwa watoto, tunafikiria watoto wa kiume. Je, una wazo lolote kuhusu watoto wasichana?

**Mzee Kiprop:** Kulingana na kimila yetu.... (gap cos of end of side A)

Kama hakuolewa na mtu, basi ni lazima apewe shamba nyumbani, ataenda wapi.

(Applause)

Na kama yule ameolewa, ameenda kwa nyumba yake, hawezi taka shamba yangu tena ati kurithi shamba

(A bigger round of Applause)

**Com. Zablon Ayonga:** Hebu niwaambie kitu kimoja. Katika recording yetu, tusingalipenda kuruhusu makofi kwa maana we are not holding a political rally. Tafadhali tungelipenda mheshimu. Hapa tuko kama watu waluo kotini na kule kotini hata kama mtu amesema ushahidi mzuri wa namna gani, hakupigwi makofi. Kwa hivyo tumetaka kufafanua juu ya tofauti hizo. Asante mzee kwa maoni yako. Wengine pia watatoa yao.

**Mzee Kiprop:** Thank you very much sir.

**Com. Hon. Asiyu:** Asante Bwana Kiprop. Sasa tuko na Stephen Tomno na atafuatwa na Zipporah Komen. Zipporah Komen uwe tayari na wewe utafuatwa na Kipyegon. Endelea mzee.

**Stephen Tomno:** Commissioners, ningetaka kushukuru kwa nafasi hii nimepata. Ningetaka kuzungumza juu ya mambo manne.

Ya kwanza ni juu ya government structure, ya pili ni mambo ya urithi ama inheritance, ya tatu ni juu ya nidhamu ama elimu ya watoto wetu na ya nne ni juu ya sheria ya machiefs.

**Com.Hon. Asiyu:** Ningetaka kusema kama kuna mtu anataka kuongea ki-Tugen, tuko na mtu ambaye atatafsiri kwa kizungu au kiswahili, kwa hivyo unaweza kusema lugha yoyote na ni heri umeanza na kiswahili, endelea namna hiyo ni mzuri.

**Stephen Tomno:** Asante. Kwa mambo ya government structure tumekuwa na President

**Com.?:** Tafadhali sema jina lako.

**Stephen Tomno:** Mimi ninaitwa Stephen Tomno kutoka Orokwo Location. Ningetaka kuzungumza juu ya election ya President: Tumekuwa na Presidents wawili na tunasikia President aliye sasa atastaafu na hatujui yule atakuja kushika usukani atakuwa namna gani. Maoni yangu ni hii, ya kwamba President ambaye ataingia, tungetaka awe ni President ambaye ni Ceremonial President.

Na huyu Ceremonial President awe ni mtu tunaita kwa lugha ya kimombo Nationalist; mtu ambaye hatakuwa akiangalia kabila yake ama dini yake, ni mtu ambaye atakuwa akipenda kila mtu katika Kenya.

Ninafikiri nimemaliza kazi ya President na departments zingine za serikali itakuwa kama vile ilivyo isipokuwa nikisema Ceremonial President, inaonekana hiyo powers ambayo president amekuwa nayo kwa miaka mingi itakuwa imeletwa chini kidogo.

Sasa ninaingia kwa ofisi ya Prime Minister: Ningetaka kutoa maoni yangu ya kwamba yule ambaye ningependelea sana aendelee na kazi ya kushikilia kazi ya serikali, awe Prime Minister, ambaye party yake itakuwa na majority ya members of Parliament, na election ya members of parliament iendelee kwa miaka mitano. Ikiwa party yake itaendelea kupata kura kwa wingi, naye aendelee awe Prime Minister ama mwingine kutoka hiyo party anaweza kuwa Prime Minister.

Na kama party ingine ikipata majority ya members of parliament, wanaweza kutoa Prime Minister.

Ninaenda ya tatu: Ningependa kusema ya kwamba tuwe na federal government. Kwa sababu gani nimetoa hiyo? Kwa sababu kumekuwako na exploitation ama unyanganyi kutoka makabila ambao wamepata education ya zamani, wanaingilia makabila ambayo hawana education, wanawanyang'anya mashamba, wananyanganya mali, wananyanga'ya hata plots na kila kitu.

Kwa hivyo tukiwa na federal government, ninafikiri hapo kazi ya kuchunga kila mmoja katika area hiyo ndiyo itakuwa mzuri. Tumeona ya kwamba hawa watu watu ambao wanatoka mahali pengine, pengine wanatoka province ingine mpaka province ingine, ikiwa wanataka kupata accommodation kama vile tulikuwa tunafanya zamani, kama Mtugen anatoka hapa anaenda Nandi, lazima afanye mambo ya wanandi na asijiite ama alete desturi yake ya Tugen aende huko Nandi halafu ajiite yeye ni Mtugen. Hiyo ni mbaya sana. Ama Mtugen akienda huko Maasai land awe ni mtu ambaye anaheshimu watu wa Maasai na sheria ya Maasai.

Tukifanya hivyo, kila kitu itakuwa mzuri na hakutakuwa na mambo ya kuchocheana ama mambo ya vita mahali popote.

Nikisema hivyo, kama kuna watu ambao wametoka mahali pengine tuseme kama wametoka Nyanza ama pengine Western ama pengine North Eastern, kama wamekuja Rift Valley wakiwa wamekuwa elected, ningetaka wa-identify themselves with the people of that area. Yaani awe mtu ambaye anaona wale watu wa upande huo kama ni watu wake na kazi yote awafanyie wale watu wa huko.

**Com. Hon. Asiyo:** Ninaona wakati wako unaenda ukiisha, kama una mambo muhimu haujataja ungetaja sasa maana hiyo karatasi yako sasa ni mali yetu, tutachukua na tutaweka kwa computer yetu. Sasa huwezi kurudi nayo isipokuwa ukitaka kwenda kuandika vizuri na kuleta.

**Stephen Tomno:** Nitaenda kuandika vizuri halafu nirudishe.

Sasa uchaguzi wa councilors: Ningetaka kuchangia ya kwamba election ya councilors kwa sababu ya communication na mis-communication wawe watu wa elimu na ikiwezekena wawe form fours na kwenda mbele.

Sasa ninaingia kwa mambo ya urithi: Ningetaka kusema vijana ama boys na wasichana wana haki ya kupata elimu sawa kutoka kwa wazazi wao. Masomo yoyote hata kama ni kuingia university na wapi, hiyo iwe right ya kila mtoto katika familia.

Na mambo ya ardhi: Ningetaka kusema kwa desturi yetu msichana huwa hawezi kupatiwa ardhi nyumbani na kuna sababu ambayo nitaenda kusema; tunasema ya kwamba msichana anapatiwa ardhi mahali ambako ameenda kuolewa. Na msichana ambaye ameolewa na kijana wa hiyo nyumba, tunasema anapata ardhi yake kwa hiyo nyumba ambaye amekuja kuolewa. Sasa atakuwa mtu wa hiyo nyumba na atakuwa na equal rights kutoka kwa baba ama mama wa hiyo nyumba.

Kwa hivyo sababu yetu ya kusema hivi ni hii; tukikubali watoto wavulana na wasichana kukaa kwa kiwanja moja, kutakuwako na shida siku sijazo. Watoto wataanza kuoana, halafu baadaye ndiyo tutapata shida kubwa sana, ambayo ungepata watoto ambao pengine akili zao haziko timamu. Wengine hata wanaweza kuzaliwa watoto wa mguu moja ama mkono moja ama wenye wanakosa hata macho.

**Com. Hon. Asiyo:** Hapo tumeelewa maana umeandika. Sema jambo moja ya mwisho ya muhimu ambayo ungetaka tusikilize maana maandishi yote itafika kwetu.

**Stephen Tomno:** Asante. Pengine wazazi wangetaka kupatia msichana haki ya kupata shamba, pengine huyo msichana amekuwa mtu mzuri kwa nyumba hiyo na tunasema ikiwa mzazi fulani ama wazazi wawili wanataka kumpatia msichana shamba, isiwe hapo karibu. Wanunuliwe shamba mbali na nyumbani ili wa-avoid hiyo mambo. Thanks.

**Com. Hon. Asiyo:** Umemaliza? Kuna swali moja hapa.

**Com. Paul Wambua:** Umetaja kuwe na Ceremonial President lakini kitu kimoja tungelitaka kujua ni kama huyo Ceremonial President atakuwa na kipindi kimepimwa awe akitumika baada ya kimoja ama vipindi viwili hawezi kuendelea na pia kama akifika umri gani pengine astaafu, tungetaka kusikia maoni yako kuhusu mambo kama haya.

**Stephen Tomno:** Ningetaka kuongeza ya kwamba President ambaye ni ceremonial awe elected baada ya miaka mitano na election yake ionekane ya kwamba isifanywe pamoja na ya wabunge. Yake itaingia pekee yake halafu baada ya hiyo yeye

mwenyewe sasa atakuwa na nafasi na nguvu ya kuendesha kazi ya hao wengine.

**Com. Hon. Asiyu:** Tunafahamu hiyo lakini hata mimi nina swali moja tu ya mwisho. Kama mzee huyu unaongea habari yake amezaa wasichana pekee yake, wasichana tu, hakuna mwanaume, na pengine kuna wasichana wake wengine hawajakuwa na bahati ya kuolewa. Hiyo shamba yake itagawiwa watu wengine waende naye au hata hawa watoto wake alizaa hapo wanaweza kwenda kulima hapo na kupata chakula?

**Stephen Tomno:** Kitu ambayo tulikuwa tunafanya zamani, kama mzee ama mama wa mzee fulani hakuwahi kupata kijana, ile shamba wanaweza kuuzia watu wa jamii yao halafu hiyo pesa wanaweza kununua shamba kutoka mahali pengine. Maana hata jamii ya hiyo wangali damu moja. Kwa hivyo hata wakiolewa kutoka kwa family hiyo, hata naye ataendesha hiyo damu tena.

**Com. Hon. Asiyu:** Kwa hivyo wasichana hawawezi kupata nafasi ya kurudi kuona hata nyumba ya baba yao, waonyeshe wajuukuu hapa ndio babu alikuwa anaishi kwa maana sheria inakataa.

**Stephen Tomno:** Kwa Tugen ilikuwa inakataa. Basi niendele.

**Com. Pastor Ayonga:** Hapana.

**Stephen Tomno:** Imekwisha?

**Com. Pastor Ayonga:** Ilikuwa imekwisha.

**Com. Hon. Asiyu:** Sasa hiyo karatasi ni yetu, kama hukutosheka na maandishi, nenda rekebisha halafu utuletee. Maoni yako yote yako pale ndani tutachukua tafadhali. Asante sana Bwana Tomno. Mama Zipporah Komen kwa niaba ya Baringo Association for Deaf People. Tafadhali kaa pale mama Zipporah Komen. Or you have already got a written memorandum? Zipporah what you do, just mention the very... just highlight important issues because we have this with us already and you don't need to read it please.

**Zipporah Komen:** Ladies and Gentlemen hear am presenting for the Deaf Association people in Baringo. I am sorry, the time if I have to sign for the deaf will have to be long because if I don't sign it is a problem.

I don't know, even in school the deaf people are given a lot of years to study and finish their work but if given little time to maybe sign for them, it is a problem. I don't know, if you can allow me to read some, the better.

The deaf people should be allowed to own driving licences and hence just the same as other countries. By the way the deaf are



hear in front. May all the deaf stand. I am representing them and may be when you see them just the way they are seated there you think they are people who are hearing but they are deaf.

The media should have interpreters, so that they follow current affairs like other hearing friends. This will help them understand national and international news.

Equal distribution of resources and other things to the deaf: The deaf should be given a percentage in Jua Kali kiosks and in the market stalls, in education and in civic and parliamentary seats and also in work places or employment.

Funds to be set aside to give to the deaf to start their own work, business so that they can be independent.

Protection against discrimination in land allocation, education by the government and parents.

The first five are mostly about the deaf but as I go to the sixth one it is about the nation.

Retain the concept of nominated MPs.

Anybody who has tried to vie for parliamentary that year should not be nominated for it is an abuse to the electorate.

People of high integrity should be elected.

Special measures to be put in place to increase women participation in parliament.

Borrow a leaf from Uganda, women to be elected by co-women from given regions.

A president to be removed from office whenever there is misuse of power, for example corruption or entertaining corruptive figures and misuse of public funds.

There must be an interpreter in court whenever a deaf person is being charged.

Mayors and Chairmen of county councils to be elected by people for left alone they buy people hence we get people who don't deserve to be in that post.

People to have rights to recall their councilors. This should be done by the committee members at a ward and report and report to the county councils.

Remuneration of councilors to be determined by the ministry of local government or the resources in that district.

Reserve seats for the deaf, blind and the physically disabled people.

The election process should be simplified: About this, I have three points to register;

Be registering throughout the year, votes and counting of the votes be done in the stations where voting was done, computerize every constituency returning office.

Electoral Commissioners should be holding degrees and must have served diligently before in other offices.

Appointment of Electoral Commissioners should be in parliament and each region to be represented.

The Electoral Commission Chairman should enjoy security of tenure for tax money is limited to cover all the Commissioners.

There should be two terms of five years each in office.

The interests of people with disability is not fully taken care of, for the physically handicapped can not climb on buildings.

There are no driving licences for the deaf, no identification cards by the nation for the deaf and respect for the blind and the physically handicapped when crossing roads.

The constitution should address the disability of the hearing impaired, the blind or the visually impaired, the mentally and the physically handicapped.

The constitution should guarantee and protect of the children in education especially the early childhood education.

In this nation, nursery school teachers are not employed by the government yet this is the foundation of human beings.

Child abuse by parents and teachers and other people should be dealt with with a lot of seriousness.

**Com. Hon. Asiyo:** Zipporah we have all these that you are reading listed in this memorandum and ---- (Inaudible) and you have just one minute now to round up and ----(Inaudible).

**Zipporah Komen:** Okay. I think there are about five points remaining, I will just rush through.

The mechanism which parliament should control the management of public funds is to have a strong anti-corruption unit but not the use of the police for they are the most corrupt people in this country.

Attract competent Kenyans to work in public offices by paying them very good salaries and allowances.

Anybody with a bad record should not hold a public office.

Public officers should declare their assets anytime they are required to do so.

**Com. Hon. Asiyo:** Yes. Now the time is absolutely over, if you can please round it up now. We have your document and nothing will be left out of it.

**Zipporah Komen:** Okay. Thank you.

As a teacher, this part of corporal punishment should continue. If you spare the rod, you will spoil the child. Please this one is an important and maybe the last point to tell you. Thank you very much.

**Com. Hon. Asiyo:** Thank you very much. Please, just a minute, there is a question.

**Com. Pastor Ayonga:** Zipporah you have said Electoral Commissioners should be degree holders. What do you think we can gain from degree holders and what problems have we undergone with the present Electoral Commissioners? Is it because if we had any problem it is because there was no degree person? Is there a magic that the degrees could do to make our Electoral Commissioners or system become more efficient?

**Zipporah Komen:** Thank you sir. I think when we elect people with education to such offices, at least education is a right, at least you know what you are doing but not to be told. You see if you are not educated, you may just give views because other people are giving you but if you are really educated, you will give views because you feel the views will help the people.

**Com. Pastor Ayonga:** Education does not mean a degree. Education has got you know lots of ways of having education. All of us who have come here today to give the views, and people are giving very responsible views. They don't need to have a degree and to be educated is not in the book work alone. Bookwork, yes, is one aspect of education but there are other things also that we should include and let's we not think that an educated person is a person with a degree. You are limiting other people who can also contribute.

**Zipporah Komen:** Sir, I don't know whether...

**Com. Wambua:** Let me put it this way. Are there other people who should have limitation of education because you have only specifically referred to Electoral Commissioners and in one of those questions we have asked in the booklets is that is should there be education limit for councilors, for presidential candidates, for MPs; you have specifically referred to the Electoral Commissioners and left out all this others.

Can we have a comment on each of these?

**Zipporah Komen:** Well, you have asked though I went through all those questions, they are in this book but when it comes to... may you really want to know my views when I come to this of councillors. About the Electoral Commission, that is an office where the people who are holding it should really know what they are doing but be a councilor, the knowledge you have acquired can assist you.

I don't want to say a councilor should be a degree holder or a form four holder but if he is really capable of leading the people in that ward, then there is no reason why he should not be elected.

**Com. Hon. Asiyu:** Thank you very much. Just a point of information Zipporah, the government has already put in place that for all future elections, the votes will be counted at the polling station.

**Zipporah Komen:** Thank you very much.

**Com. Hon. Asiyu:** Thank you very much. Can we now have Mr. Alfred Kosgey? If Mr. Alfred Kosgey has not come, then we will ask Joel Kipkoech. Is he here? Kama Joel hayuko na pia Alfred Kosgei hajafika, tuko na Elizabeth Chesire. Mama Elizabeth Chesire, halafu atafuatwa na Kibichii Chebii lakini saa ile Alfred Kosgey anakuja, tafadhali atakuja hapa mbele. Wewe ni nani mzee? Joel Kipkoech. Okay. Wewe utaongea mbele ya mama Elizabeth Chesire. Nilikuwa na ikawa hujalingia lakini kwa vile sasa umeingia, kaa chini pale.

Mama utangojea kidogo huyu Mzee Joel aongee halafu utafuata yeye lakini ukae karibu ni mzuri. Alfred Kosgey hayuko na huyu ni Joel Kipkoech ambaye pia ataongea bila maandishi na tutampa nafasi atueleze juu ya katiba mpya. Unaweza kuendelea sasa mzee.

**Joel Kipkoech:** Mimi ni Joel Kipkoech kutoka Central Baringo. Kwa maoni yangu ningeomba serikali yetu, mimi ninaongea juu ya forest, katika forest hii ambayo iliwekwa na wazee wa kale, ningefurahia hiyo sehemu itengwe na kama kutakuwako na maneno kwa sababu tumeona vijana wengi wa siku hizi hawajali hiyo sehemu na kwa upande ya wazee, wanajua hiyo sehemu ya forest kun dawa, inaleta mvua, inaleta hata wakati wa kiangazi kuna matawi ambayo wanyama wanaweza kula.

Kwa hivyo mimi ninauliza serikali yetu hiyo sehemu ilindwe na isiharibiwe kwa sababu ikiharibiwa, hata upande ya chemchemi ya maji...

Nowdays nikitazama kabisa hiyo forest, vijana wameenda bega kwa bega kutafuta kuni, kutafuta namna ya kuuza ili wapate pesa, kwa sababu ya ukosefu wa kazi, lakini hiyo sehemu itakuja kuharibika wakati ujao, let us say ten years to come, itakuwa bure. Sehemu ya maji haitakuwa, dawa haitakuwa hata matawi imekwisha yote na tutakosa hata mvua.

Ya pili mimi ninaongea juu ya mashamba kijijini humu, kwetu nyumbani: Zamani za kale vijana hawangeweza kuongea hiyo sehemu ya mashamba kwa sababu kwa upande wetu wazee waliwekwa hiyo sehemu ya mashamba.

Ardhi ni kali, ni kitu muhimu kwa sababu Mungu aliumba hiyo ardhi na ikawekwa kama si kitu ya kuchezeza na watoto. Ni wazee tu. Kama kuna maneno, wazee wanakwenda kaa chini na kuelewa hiyo sehemu ya ardhi ni ya nani, ndiyo sasa itakwenda bara bara. Lakini vijana wa siku hizi wengi wao wanatumia pesa ili kupata kuharibu hata yule asiyekuwa nazo.

Kwa hivyo mimi ningeomba serikali yetu hiyo iwekwe chini ya wazee. Maneno yangu inatosha hapo, sina mengi kwa sababu mimi sikupata kusoma hayo masharta ya vile mtu angetakikana kuongea lakini mnaweza kunisamehe hapo.

**Com. Hon. Asiyo:** Asante sana, asante sana Mzee Joel. Sasa tutamsikiliza mama Elizabeth halafu nyuma ya mama Elizabeth, tutamuita Bwana Philip Cheptingu ambaye ametoka Moi University, Faculty of Medicine.

**Elizabeth Chesire:** Mimi ni mama Elizabeth Isaya Chesire wa kanisa la AIC Kapropita, Baringo Central.

Na mimi ninataka kusema habari ya watoto mayatima kwa maana nimeona wale watoto maskini, wale watoto mayatima, hata wale maskini, ninaona wako na shida sana na mimi ninaomba serikali yetu tukufu kutafuta njia ya kuwasaidia hawa watoto.

Zamani mababu zetu walikuwa wakiwasaidia sana watu maskini, lakini siku hizi ninaona watu wamekuwa tofauti. Watu walio na mali wanajipenda wenyewe, wanapendana wenyewe na kusaidiana lakini maskini hasaidiwi sana, hana usaidizi.

Na ingawa serikali yetu kama huyu Rais wetu, mtukufu Rais, kila wakati anasaidia watu wale hawana vitu kwa mashule, kuwapatia pesa. Halafu baadaye wakati hiyo pesa imeshaingia kwa mikono ya watu wetu wakubwa, hizo pesa zinaanza kupotea, wale walikuwa maskini kabisa hawapewi hizo pesa.

Sijui ni kutojua kuchunguza, viongozi hawajui kuchunguza au ni nini? Kwa maana ninaona maskini bado wangali tu namna ile ile na sisi tulisanya pesa mingi.

Ninaomba hiyo kwa unyenyekevu katiba yetu hii itazame sana.

Kama imeshasemwa hii ni ya wasiojiweza, wafanyiwe tafadhali. Hata ukisoma kwa Biblia, kwa neno la Mungu, inasema mlio na uwezo, bebeni nguvu ya wale hawana nguvu. Hilo neno liko kitabu cha Warumi 16.

Hilo ni langu la kwanza.

Neno la pili: Ninataka kusema habari ya wale wasichana wetu: Unajua siku hizi na zamani ni tofauti. Watu wamekwisha ongeseka sana. Zamani tulikuwa wachache, kwa kufundisha, walikuwa ni wachache lakini sasa watu wamezaa na wamezaa na

wamezaa .

Mimi nimezaa wasichana tisa, na hao wasichana tisa kama hawataolewa, wataishi kwa shamba gani? Lakini kitu ninachotaka hapo kwa wasichana, wasichana wale hawajaolewa, tafadhali baba awape shamba, mahali pa kuishi.

Lakini kitu ninataka kusema tena hapo, wasichana, ninataka amri iwekwe kwa katiba yetu kuwa saa hii watu wazae watoto wawili na watoshe. Kwa maana hakuna mahali pa kuishi. Watu wengi namna hii wataishi wapi?

Mimi ninahimiza hiyo, mimi ninasema sana hilo neno; ni vizuri kukataza hawa kuzaa watoto wengi sababu hawana mahali, hawana bwana na hawana mali. Hiyo ni vizuri katiba yetu iangalie hilo neno sana hata ingawa mimi sikuandika kitu kama watu wengine wanaopeana makaratasi yao. Mimi sijasoma lakini ninamshukuru Mungu wangu kwa maana amenifungulia ya kujua kusoma Biblia tu.

(Laughter)

Mimi ni mama ameokoka.

Ya tatu: Kutahiriwa kwa wasichana si haki hata kidogo. Ninataka hiyo iwekwe kwa katiba yetu kabisa. Weka kwa katiba yetu kabisa kusema kuwa wanawake hawatakikani kutahiriwa kwa maana hata ukisoma kwa Biblia, hilo neno haliko. Mungu alitoa ya wanaume lakini ya wanawake haiko na Mungu si mjinga kama sisi. Mungu ni mwenye uwezo wote, kwa nini hakusema wakati ule alisema ya wanaume? Hiyo, ninataka iwekwe kwa katiba yetu, ikataliwe katika Kenya yetu yote.

Hilo neno halikubaliwi hata kidogo tafadhali kwa maana wale watu wetu waliofanya hiyo kitu ilikuwa ni kwa sababu ya ujinga tu, walifanya kwa ujinga.

Neno langu la nne: Tafadhali tena, hii mambo ya kukataa watoto wasipigwe kwa shule kwa maoni yangu si mzuri. Kwa maana watoto wanaweza kujivuna zaidi mpaka hawatatii maneno na hiyo desturi yetu Tugen zamani, dawa ni kupiga. Si kuua, ni kupiga piga tu kutoshana na kitu kidogo. Kama ni mtoto mdogo unamuweka kiboko yake kidogo si kiboko ya kamba kama hii, ni ile *birirwet* ile unaenda kuchukuwa majani kidogo na kupiga piga. Kumfundisha namna hiyo, namna hiyo, namna hiyo, namna hiyo mpaka anajua.

Kama anakuwa mkubwa, unamuongezea kiboko yake kidogo.

(Uproar)

Kama anakuwa kubwa tena, unaongeza mpaka... Lakini hii ya kukataa jamani, kusema mtoto asipigwe, hiyo hakuna kwa desturi yetu ya Watugen. Hata ukienda kwa Biblia, inasema ukimpiga mtoto unaokoa maisha yake na hiyo ni kweli, kuokoa

maisha ya mtoto.

Kitu tu kama ni Mwalimu, ni kumfundisha kuwa asimpige mtoto kwa njia mbaya. Lakini wakati kama imeanzishwa nyumbani, mtoto anaweza kutii kwa maana anajua hii kitu imekatazwa. Mimi nasema Mungu awabariki. Asanteni.

(Applause)

**Com. Hon. Asiyu:** Unataka kuulizwa swali hapa.

**Com. Pastor Ayonga:** Kwanza ninataka kukushukuru kwa jinsi ambavyo umetoa maoni mazuri na umefanya references zako kwenda kwa Biblia. Nadhani jioni nikitoka hapa nitaenda kusoma Warumi 16.

Kuna jambo ambalo umesema juu ya kuzaa watoto wengi. Umesema juu ya FamilyPlanning. Kwa maana watu wameongezeka, watu wazae watoto wachache, lakini hukutuambia watoto wachache ni wangapi.

**Mama Chesire:** Mimi naona wanne wanatosha. Mimi nasema Mara mbili kwa maana kwa watu wale walioana, wacha wapate watoto wanne. Wale wasichana wetu walioko nyumbani na hawana bwana, afadhali wazae mmoja au wawili.

(A big round of uproar)

**Com. Hon. Asiyu:** Asante sana mama tumeshukuru kabisa kwa maoni yako. Sasa ukienda pale uandike jina lako na uweke sahihi. Mama, Commissioners wanauliza wewe unaweza kuwa na umri gani sana? Unaweza kujua umri wako?

**Mama Chesire:** Nitajaribu ile nilisikia kwa wazazi wangu zamani. Mimi ninaona miaka yangu ni miaka tisini na mbili. Nilihesabu juzi peke yangu nikapata tisini na mbili.

**Com. Hon. Asiyu:** Sasa tunataka ufike miaka mia moja na tutafurahi sana. Tunakuombea ufike miaka hiyo mia moja. Sasa tuko na Philip Cheptingo kutoka Moi University School of Medicine. Karibu ukae Bwana Philip, Philip Cheptingo. Kama ungependa kukaa au kusimama, chaguo ni lako lakini uko na dakika zile zile chache na kwa maana wewe ni lecturer hiyo karatasi yako itakuwa mali yetu saa hii hii ukimaliza mambo yako. Hutaenda kurudia tena maana ninajua umeandika vizuri, utatupatia. Just highlight the important areas please.

**Philip Cheptingo:** The Commissioners, the district leaders Baringo district, ladies and gentlemen. Mine is to present a...  
(silence) Sorry for the delay.

We need decentralized politics and governance to facilitate delegation, which is a recognized efficient management. We require

this form of decentralization of governance.

We require a National Assembly which should be composed of the House of Representatives i.e. the MPs and we also require a Senate, what I mean by the Senators is that every district should contribute a recognized person who should represent their district as a Senator.

When you come to the Regional Assembly, we have the provisions and so in the Regional Assemblies we have the Councils and a Senate. What I mean is, you find out that those who have been selected in their respective districts to be the Senate members will also automatically represent their district in the regional level.

We also require a government which has Local Councils as we have, as adopted in that form of governance.

Directly elected Executive President with a running mate.

President and the Vice President to have no seat in Parliament. What I mean is that the President should not be an MP. The Vice President too should not be an MP but the Vice President should be a Senate member.

The Cabinet should be unelected Members of Parliament; for you to become a Minister, you ought not to be a Member of Parliament.

The Ministries should be fixed and the constitution and the process of increasing or decreasing be subjected to Parliamentary approval because of the financial implications.

The position of the Defence Counsel i.e. Army, Air force, Navy and the Para-Military Police to be provided for.

The appointment to head constitutional offices to be subject to Parliamentary approval and the security of tenure to be retained.

Parastatal Chiefs to be answerable to their respective boards which are appointed by the respective Ministers.

We need to define the role of the National Assembly, which is to rule the country.

We also need to define the role of the Presidency, which is the leadership of the country.

The role of the government should be to govern the country.

The President should be free to appoint his Ministers from suitable citizens regardless of their political stand. Earlier on, I had



mentioned that for you to become a Minister you don't need to be a Member of Parliament. Ministers should be people who are not Members of Parliament.

A Kenyan public servant should be subjected to the National Public Service Commission's vetting and Parliamentary approval whereas all the other public servants should be subject to Regional or Local Public Service Commissions's Vetting.

The entire public service team should be shielded from political manipulation and be held accountable to the National Assembly, that is, at the National level or Regional Assembly, that is, at the Regional level or Local Councils at the Local level.

The constitution should seek to promote strong institutions as opposed to powerful offices or individuals. What I mean here is, we realize there are some institutions, we should make institutions to be powerful, not offices or individuals. It should be the institutions.

The constitution should also seek to promote continuous interest on the part of the citizen, in the affairs of the country and seek to accommodate his or her own views at any time of his/her contribution.

The constitution should provide for a specific election date for the National Assembly, Regional Assembly and Local Councils.

The constitution should provide for procedures in transition of power.

The constitution should also provide for the retiring president.

Public borrowing by the Central Bank of Kenya on behalf of the government should be tabled for approval by parliament, especially on the amount and cost, i.e. the interest and duration. It should not be a blanket mandate used as is the case at the moment.

The Parliament should be the financial controller for the Country.

Parliamentary remunerations and its review should be subject to a constitutional procedure.

When you come to the issue of the economy, we the Baringo people we find our land is dry, most of the parts of the land is dry.

We want the constitution to govern us such that whatever we have, the stones we have around in Baringo Central should be equally to other areas, may be in like Uasin Gishu and so forth. We should not see the other people from other constituencies seeing Baringo Central as a stony area that is a desert or something of the sort.

The constitution should provide a way of improving the economy of that region.

And also concerning land, the constitution should provide, if anybody has for example more than 1,000 acres of land and yet he does not use, then the constitution should provide that if you do not use your land for more than five years, the land will belong to the government automatically.

As per now, the land constitution says that only three feet is yours, the remaining, anything below three feet is the government's. Well, most of the minerals should be, are are below feet. Then the constitution should provide that if a mineral is found in my land, then it should get a higher percentage, may be fifty percent of those resources should come to me because the land is mine.

Otherwise, I am very grateful, thank you very much.

**Com. Hon. Asiyo:** Kuna maswali ambayo tungependa kukuuliza. You seem to have suggested devolution of power

**Mr. Cheptingo:** Yes.

**Com. Hon. Asiyo:** because you have talked about Regional Assemblies but you have not even given us the structures and how these Regional Assemblies will be formed or elected. Can you very briefly take us through this.

**Mr. Cheptingo:** I start with the National Assembly. As I mentioned before they are formed by the Representatives or rather the Members of Parliament from the various constituencies in the Country. There are also what we call the Senators forming also the National Assembly. The Senators are people who are automatically chosen by the people of respective districts to show because of their outstanding activities or what they have done in their districts so the people decide to chose them to represent them in the Senate.

And then when it comes to the Regional level, you find that it is also formed by Members of Parliament from that Region, for example, Rift Vally province, you will find that all the MPs from Rift Valley become automatic members, the representative to the Regional level.

**Com. Hon. Asiyo:** So you are actually asking one person to be sitting in two different chambers.

**Mr. Cheptingo:** Such that the problems at the Regional level can be solved at the Regional level before they go to the National office but the office of the President, the President should not be a Member of Parliament. There is something that I wanted to mention concerning the Member of Parliament.

The President should not be a Member of Parliament because;

One, most of the time you find people of Baringo Central, our MP is also our President. Most of the time we have not any chance of seeing him, when he comes to see us here we find people from North and South Baringo coming to see him. So the people of Central Baringo do not get the chance to see him, (applause) we have never met him and that is why i am explaining that the President should not be a Member of Parliament.

**Com. Hon. Asiyó:** Who will head the Regions?

**Mr. Cheptingo:** The Regions are headed by the governors.

**Com. Hon. Asiyó:** You are talking that the governors will head the regions?

**Mr. Cheptingo:** Yes.

**Com. Hon. Asiyó:** And the President will be?

**Mr. Cheptingo:** The overall in the whole nation.

**Com. Hon. Asiyó:** Then you are suggesting the American system where....(incomplete, then the rest is inaudible)

**Mr. Cheptingo:** Not purely the American System. They are appointed by the President outside the Parliament.

**Com. Hon. Asiyó:** But they are not Members of Parliament.

**Mr. Cheptingo:** They are not Members of Parliament.

**Com. Hon. Asiyó:** Then don't you think many people will therefore want to... (Inaudible) (Laughter)

**Mr. Cheptingo:** Well, I don't know, but I believe it should not be so.

**Com. Hon. Asiyó:** Okay.

**Com. Zein Abubakar:** Thank you for your views Bwana Philip. Two questions on land. You are suggesting that, if I got you correct, idle land above 1,000 acres if is not utilized for five years should automatically be confiscated by the government?

**Mr. Cheptingo:** Not necessary to be five years, let me say specific periods.

**Com. Zein:** So the important part is that there is a fixed term

**Mr. Cheptingo:** Yes.

**Com. Zein:** after which it is confiscated by the government.

**Mr. Cheptingo:** Yes.

**Com. Zein:** Other places, other countries what they do is, such land attracts taxation rather than confiscation and the taxation is used then as an incentive for the person to utilize the land.

**Mr. Cheptingo:** I could concur with you also in the same thing. It is happening.

**Com. Zein:** You were suggesting confiscation, not taxation.

**Mr. Cheptingo:** Okay. Some areas might be very difficult for maybe agricultural activities so in such areas or rather environment, they need to be assisted. If the area is an arid area, the government should find out, the constitution should provide for the people of that region to be assisted but if somebody is in an highland like Uasin Gishu, having maybe something like 1,000 acres and he neither uses it, then automatically the government can either take the land back or the government can introduce tax and tax that person.

**Com. Zein:** That is fine. That is clear. The second part which I just need a very small clarification on is this: You are saying that if there are minerals on a piece of land, the owner of that land should get a percentage of the proceeds in sharing with the government?

**Mr. Cheptingo:** Yes.

**Com. Zein:** Is that in perpetuity, in terms of continuously as its being mined or is it compensation for the minerals.

**Mr. Cheptingo:** Okay. I think it should be the issue with the minerals. I want to give you examples here. We have River Kerio here. River Kerio has sand. This sand is being harvested by the local government, the Baringo county council, but the revenue that they get there does not benefit the community there, it just benefits the people.

**Com. Zein:** That is not what I was referring to. I was referring to the point you made that somebody owns land three feet deep. If minerals are found under three, it does not belong to the person.

**Mr. Cheptingo:** Yes.

**Com. Zein:** You were suggesting that there should be new provisions where if the government finds minerals, the person who owns the land should benefit from the minerals. What I am asking is, is it in perpetuity or compensated. Continuously as the government mines the person also gets?

**Mr. Cheptingo:** It should be a continuous process. As the person mines, this person should be compensated all the time.

**Com. Pastor Ayonga:** What percentage must this person get?

**Mr. Cheptingo:** I am not sure of the percentage but...

**Com. Ayonga:** You are not sure? What do you think he should get?

**Mr. Cheptingo:** Should be more than fifty percent.

(Laughter)

**Com. Hon. Asiyo:** Just one more clarification please. I am not very clear in my mind whether I have heard you right, when you talk about land that is not in use. You know what is happening in Zimbabwe. Are you suggesting that we should compensate those people whose land is not in use? Compensate or confiscate? I really did not hear what you said.

**Mr. Cheptingo:** Okay. What I had in my mind is this; most of the time, areas, which are arid, are neglected, they are not being considered. For example I talked about Baringo Central. Most of the region is stony. The Constitution should provide a way of improving the economy of this people. Either for example if it means stones, we do the crushing of the stones. The Constitution should provide that the mining of stones should be done in Baringo Central to improve the economy of the people of that area but not the issue that it is stony and then it be left that like that.

**Com. Hon. Asiyo:** So is it that that area should not belong to a particular person? Should belong to the County Council or the people?

**Mr. Cheptingo:** It should belong to the individual, but not to the government. But the Constitution should provide to assist this person to come to improve his economy.

**Com.Hon. Asiyo:** Some industry?

**Mr. Cheptingo:** Yes.

**Com. Hon. Asiyu:** Okay. Thank you then. If you could come in now please Bwana Philip sign our register and deposit your memorandum with us, we will run it through our computers. Kwa sasa niko na Chebii, sijui kama Chebii aliongea. Nilikuwa nimemuita hapo mbeleni. Bado hajaonekana? Uko sasa? Umefika? Sasa kuja maana tulikuwa tumekuita hapo mbeleni. Okay Bwana Chebii, ukimaliza tutauliza Mheshimiwa kama ataongea tena nyuma ya Chebii.

**Philip Chebii:** Asante sana Commissioners wetu. Nitaongea juu ya lugha inayotumika katika shule, kufunzia watoto. Jina langu ni Kibichii Chebii kutoka Sacho, Baringo Central.

Yangu itakuwa ni kuhusu lugha inayotumika kufunza watoto shuleni, hasa wale watoto wachanga ambao umri wao haujafika miaka miaka kumi na kwenda juu. Tukiangalia mikakati zetu na tuseme falsafa yetu ya elimu Kenya kwa sasa, inatumia lugha ya Kiswahili na Kiingereza katika kufunza watoto ilhali Kikatiba inasema kuwa lugha ya kwanza ya mtoto inapaswa kutumiwa kumfunzia mtoto. Yaani mother tongue lakini haifanyiki. Hii sasa imeleta shida kwa watoto kwa sababu shuleni walimu wanasema wanatumia “disk”. Watoto wanaumia, wazazi pia wanawachokoza watoto nyumbani kuwa hawaongei vile wanavyopaswa kuongea shuleni, kama ni Kiingereza ama Kiswahili. Hii imeleta zogo nyumbani, zogo shuleni. Kinyume, imeleta watoto kutokuwa na furaha ambayo pia ni haki ya binadamu.

Ninapendekeza lugha ya kwanza ya mtoto iwe ni lazima mtoto afunzwe kwayo kuanzia daraza la kwanza hadi la nane. Lugha ya mama yake.

(Laughter)

Halafu huku wakitumia lugha ya mama, mtoto atakuwa akijifunza mambo mengine katika lugha yake na utamaduni wa watu wake. Halafu pia lugha hizi ambazo ni za kitamaduni, lugha zetu, kama Kikuyu, Kitugen, Kijaluo zifunzwe katika college zetu, zifunzwe katika universities zetu na pia zitumike katika redio ama televisheni ili kujenga lugha hizi na kujenga Kenya kama taifa ambalo lina watu tofauti tofauti.

Pili: Ningependa kuwa kama kuna mtu ambaye angependa lugha yangu, Kitugen, kwa mfano, asomee mpaka apate shahada ya juu kama Ph. D. katika Kitugen, katika Universities zetu.

Tatu: Sheria ambazo zitafanya kuwa ni hatia kwa mwalimu yeyote ambaye atapatikana akimfunza mtoto mdogo akitumia lugha ambaye yeye mtoto haelewi. Iwe ni hatia kwa Mwalimu yeyote kutumia lugha ambayo siyo ya kwanza hasa kwa jamii zetu ambazo bado zinaishi kwa masingara yao ya zamani. Kama vile tunavyo ishi sisi hapa Baringo au vile wanavyoishi Wakikuyu sehemu zingine au Wataita upande ule mwingine.

Isipokuwa tu tuseme kama sehemu za miji zetu. Kama mtoto amejifunza Kiswahili kama lugha ya kwanza ama Kiingereza kama lugha ya kwanza, basi lugha hiyo itumike katika shule za mjini.

**Com. Hon. Asiyu:** Jambo lingine?

**Chebii Kibichii:** Jambo lingine la nne ni kwamba Kiswahili na Kiingereza, kama lugha ya mama inatumika kumfunza mtoto, yawe yanafundishwa kama masomo mengine kama Hesabu au Kingeresu. Wanapofika form one, form two mpaka form four, waanze kutumia Kingereza kumfunza mtoto kwa sababu sasa mambo yameanza kushika, yameanza kuwa nzito na labda watoto kutoka jamii mbali mbali wameanza kuja pamoja kusomea hizi shule zetu za upili.

Ikiwa Kiswahili sasa na Kingereza itatumika vile inavyotumika sasa katika Secondary Schools, hata colleges, Lecturers wanaweza kutumia Kingereza kuwafunza wanafunzi kwa sababu Lecturers nao watakuwa wakitoka lugha mbali mbali, nchi mbali mbali, wanaweza kutumia Kiingereza.

Sheria hizo nne, ninataka zitumike katika upande wa elimu ili kuwafanya watoto wetu kuwa na furaha shuleni wakicheza, wakisoma.

Kuhusu ardhi: Ningependa kuwa; ukitetembea tuseme area hizi zetu za Baringo, utaona kuwa ni kame, ni mawe. Kwa hivyo ningependelea kama kungalikuwa na sheria ambayo itasema kuwa sehemu ambazo zinaweza limika ziwekwe title deeds lakini sehemu zingine ambazo haziwezi kulimika, tukijua kuwa Watugen walikuwa ni watu wafugaji, ziwe ni communal, yaani ziwe hakuna shamba la mtu.

Tusije kuambia watu wapande ndizi huko Marigat au huko Cheploch ilhali ndizi haipandwi huku. Tuwaache watu wafuge mbuzi au ng'ombe ndiyo wapate nyasi kama shamba ni communal, ndiyo wajipatie mapato.

Ya mwisho itakuwa ni kuhusu haki za mtu: Tusiwe, nitaongea juu ya experience, hii mambo ya mazoea kuwa uajiriwe kazi kwa sababu una experience. Ninafikiria hii ni njia moja ya kuwabagua watu. Kwa mfano, juzi nilisoma kwa gazeti, wanasema wanataka engineer ambaye ana 10 years experience. Ukiona engineers wetu ambao walipitia 8-4-4, hawajawahi kupata experience ya 10 years. Kwa hivyo ninafikiria that is unfair kwa sababu sasa, nitapataje kazi mimi ilhali nilitoka University mwaka wa 96? Haijafika 10 years experience, niko na 3 years experience. Hiyo ni ubaguzi.

Sheria iwekwe kulinda hiyo. Experience itupiliwe mbali.

Mambo ya kuandika askari na nini na nini: Kuangalia ufupi, urefu na nini, kama mimi ni kilema, hapana. Tuangalie akili jameni. Kama akili ni timamu, mtu atwange kazi.

(Applause)

Hiyo pia ni ubaguzi. Tusiangalie. Juzi nilitaka kujiandikisha kuwa Polisi lakini kwa sababu macho yangu siku hiyo yalikuwa mekundu, nikaambiwa ondoka, macho ni mekundu. Sikuwa nimevuta bangi lakini nilibaguliwa kwa sababu ya maumbile yangu, macho yalikuwa mekundu. Huo ni ubaguzi.

Mambo kama hayo yaondolewe.

Hii ilikuwa ya mwisho lakini juu ya ubaguzi.

**Com. Hon. Asiyu:** Ya mwisho, ya mwisho sasa.

**Chebii Kibichii:** Ya mwisho, ya mwisho sasa ni kuhusu mambo ya... Kwa sasa tunaishi kwa ulimwengu ambayo inatumia computers na tungepaswa serikali iweke sheria ambazo zitaweka rahisi mtu kujinunulia computer. Kama ni mambo ya kuingilia mambo ya internet iwe ni rahisi. Kwa sababu kwa hivi sasa, mtu anaweza kusoma nyumbani kwa kutumia internet.

Kwa hivyo mambo ya kuagiza computer kutoka nje, taxes iletwe chini ama computers ziletwe chini mpaka hata hakuna taxes. Au ziwe kuwa computers zinaweza tengenezwa Gilgil, vile ambavyo wanavyo tengeneza simu. Tafadhali sana. Ingekuwa ni bora kama computers zingeundwa Kenya ili watu wasome bila kutumia pesa nyingi.

**Com. Hon. Asiyu:** Asante sana. Asante sana. Nina swali moja kwako. Unataka watoto wasomeshe kwa lugha ya mama yao na tena unataka watumie computer. Sasa tutatumia gani? Kwa maana computer nyingi iko na kizungu, kifaranza, lugha za wale watu ambao wanatengeneza hizi computer. Unataka mtoto asisomeshe computer mpaka afike High School? Je, kama ana uwezo wa kusomesha kwa shule ya kawaida na wewe hutaki asomeshe na lugha ya Kizungu, tutafanya namna gani? Si huyu mtoto atabaki nyuma sana kwa watoto wengine wa dunia?

**Chebii Chebichii:** Vile nilivyosema, kwa hivi sasa itaonekana kuwa somo la computer litakuwa ni somo mpya. Kwa hivyo mambo ambayo yatakayo tumika yatakuwa ni ya Kiingereza. Kumbuka pia wakati wanapofunza mtoto kuna somo la Kiingereza inaenda kando kando, ikifunzwa kama somo la hesabu. Kwa hivyo mtoto anajifunza kwa lugha yake huku pia somo nyingine ni Kiingereza.

Kwa hivyo atakuwa akielewa Kiingereza na mambo yale mengine anayapokea kwa kutumia lugha yake.

**Com. Hon. Asiyu:** Lakini unajua ya kwamba computer ni lugha. Computer si masomo si masomo tu, ni kama lugha. Na unasema lugha ile mtoto asomeshe nayo ni ya mama na unajua computer ni lugha na unataka asome hiyo lugha. Sasa atasomesha namna gani?

**Chebii Kibichii:** Kwa hivi, asante sana Commissioner. Tukiangalia nchi ya India kwa mfano, kwa sababu ukiangalia mambo ya Comparative Education, utakuta kuwa India, watu wanachukua mwendo kama huu. Mtoto anajifunza kwa lugha yake



kwanza, huku akijifunza Gujarat, yaani lugha ya Kihindi ambayo itatumika kwa Secondary school na Kiingereza pia ambayo itatumika University ama College.

Kwa hivyo sioni kama kuna shida.

**Com. Hon. Asiyu:** Ndiyo. Ni vizuri sana. Na unajua computer nyingi sana inatengezwa huko na kuuziwa watu wa Ulaya. Asante sana. Kama kuna swali lingine?

**Com. Pastor Ayonga:** Nadhani Bwana Chebii, hukutazamia kuulizwa hayo maswali na una nafasi ya kufikiri again and then add some additional information into your paper but for now hiyo tumetosheka.

**Chebii Kibichii:** Asante.

**Com. Hon. Asiyu:** Asante sana Bwana Chebii. Hebu nenda pale ufanye registration. Sasa tafadhali mpatie Mheshimiwa Hosea Kiplagat hiyo microphone hapa juu, oh, atakaa pale pale. Sawa kabisa. Tunataka ishikwe na machine. Sema majina yote.

**Hosea Kiplagat:** Asante sana Mwenyekiti wa Commission na Commissioners wenzako. Mimi nikisimama, kwa majina ninaitwa Hosea Kiplagat, kutoka Emom Location, Baringo Central.

Mimi nikianza, nikipendekeza serikali ya devolution of government, that is federal government. Either tu borrow from countries such as Germany e.t.c.

I propose to have a Senate, which is representing districts and a House of Representatives to represent constituencies.

I also propose compulsory learning of environment, yaani elimu ya misitu. I propose that each citizen of this country who owns land should plant trees at least in ten per cent of what he or she owns and the government should provide the technical knowhow and the seedlings.

I also propose that the central government should be ofcourse..a President lazima awe amechaguliwa na watu kutoka regions zote na awe na 25% at least na awe President ambaye amechaguliwa tu kama President, not a President from a constituency.

I also propose the structure: A President must be a President with authority, with powers. Not a President yule yuko hohe hahe, yule asiye na mamlaka yoyote. Awe na Vice Presidents wake wawili na kuwepo na Prime Minister ambaye ana head government policy.

Huyo Prime Minister awe na Deputy Prime Ministers wawili. Of course one of them, I don't really want to dwell in restructuring because that is detail, I will be sending my details before the fifteenth. I believe that is the deadline. So I will detail those matters.

Ningependa also Parliament wawe waki-pass resolutions ya maneno. At least kuwe na sixty-five per cent ya members of Parliament.

I would also propose that the Local Authorities or the Local Government, such as Chairmen of the Councils or Mayor must be elected by wananchi. I propose education. At least wawe na "O" level wakiwa ni Member of Parliament kwa sababu watu wote si lazima wawe wamesoma. Wengine hawakuweza kupata pesa ya kuendelea na masomo na inaonekana mtu akiwa amefika "O" level, at least anaweza kutimua mbio mpaka Parliament au Council, awe Councillor.

Another suggestion ni this question of language: It should be done away with because if somebody has gone to "O" level, what is the point of going back to language? That is English. Somebody cannot go upto "O" level without knowing or understanding English.

I think on those few remarks I would prefer to summarize unless there is any question from the Commissioners, I am ready to answer.

**Com. Hon. Asiyu:** (Inaudible) yote iwe ni sixty-five per cent. Kwa sasa tunatengeneza Katiba na watu wenyewe ndio wanatengeneza. Je, ungependa kama kuna kitu muhimu, ungependekeza namna gani? Kama kuna jambo muhimu inahusu nchi hii, ni hiyo hiyo Bunge ibadilishe Katiba au turudi kwa wale waliotengeneza katiba hii, ndio wabadilishe?

**Com. Zein:** Just to add Madam, just to add. The sixty-five per cent iwe ni ya...Kwa sababu umependekeza kuwe na Senate na kuweko na House of Representatives. Hiyo sixty-five per cent iwe kwa Houses zote mbili au kwa moja tu?

**Hosea Kiplagat:** Kwanza nitaanza na Commissioner mwenzako, Mwenye kiti. Ningetaka niseme kwamba lile pendekezo la kubadilisha katiba, ningependekeza ya kwamba hayo mapendekezo yawe... give powers to those elected to Parliament but I am only talking of the percentage within the House, within the Parliament. That is the clarification.

And of course I am for the parliament not for the Senate. Thank you.

**Com. Paul Wambua:** Kidogo Bwana Hosea, ningelipenda kujua kama... ulizungumza education level ya MP na Councillor lakini haukutaja education level ya President. Tungelipenda kujua kama kuna proposal yoyote uliyo nayo kuhusu education level ya President.

Pili, ningelipenda kujua kama una proposal kuhusu limit ya terms za President ama unafikiria President anaweza kuendelea mpaka afe bila kumuwekea limit in terms of age ama terms.

Ya mwisho ni hili, ulitaja 25 per cent awe elected. This 25 per cent sikusikia vizuri, is it of all regions ama particular regions and when you talk of regions, are they Provinces?

**Hosea Kiplagat:** Thank you very much Bwana Commissioner. I think I will start with that important one. 25 per cent from all regions within the Republic of Kenya.

Na ingine kuhusu terms: Ningependekeza kwamba ziwe three to four terms za President and since we know that the law at the present time, anyone can be a President at the age of 35, so multiply, simple mathematics, Mr. Commissioner, four terms, at least not more than four terms so that there is a foundation.

Ya mwisho ninafikiri ni kuhusu education: I think I would like to make it at least from the President to the Councillor should be at least "O" level, specific. Thank you.

**Com. Pastor Ayonga:** Kuna kaswali ka mwisho ambako pia ni shukrani kwa watu wa Baringo. Tumezunguka hapa kwenu na one thing that has attracted us is the beauty of the forests. Wakati mwingine tumekuwa tempted tuwache kazi twende kukaa chini ya miti lakini tunalazimishwa kwamba watu watafikiri we came here for joy ride.

Tumeona ile miti ya asili ambayo imezunguka nchi yenu hapa na umesema mtu apande about 10 per cent of what he found. Unajua sehemu zingine Bwana Kiplagat hamna miti. Watu wamesha katakata miti na hakuna mti. Kwa hivyo ukimwambia 10 per cent, hana 10 per cent kwa maana hana basis of 10 percent. Je, ungalipenda kupendekeza ili watu waweze kulasimishwa iwe compulsory thing ambayo inakuwa supervised by the forestry department ili nchi yote ionekane kwamba imepandwa miti?

**Hosea Kiplagat:** Thank you Bwana Commissioner. Ningependekeza hivyo kwa kuwa itakuwa ni muhimu sana kwa nchi nzima kuweco na forestry au environment of 10 per cent na iwe ni compulsory, so that the government can supervise and advice.

I would please like to chip in the question of land. I think it is important that the government should subsidize agriculture as whole. Kwa sababu agriculture, mimi binafsi siwezi kusema kwamba mtu akipewa shamba au akiwa na shamba lolote, kwanza kuweco na free hold. Mtu binafsi amiliki hiyo kitu free hold na tena serikali i-subsidize because there cannot be any improvement in that farm without subsidy and I think it is high time this country should subsidize every piece of land owned by he/she in this land of Kenya. Thank you.

**Com. Hon. Asiyu:** Thank you very much Bwana Kiplagat on behalf of the Commission. If you could kindly please now sign our register and later if you would kindly do us a favour by sending a written memorandum before the 15<sup>th</sup>, as you rightly said,

we would be greatly appreciative.

Now there is a representative of the Catholic Church, a certain Mr. George Abiero, Catholic Kabarnet. He has a written statement. We will give you Bwana Abiero like three minutes to just highlight because you have written everything down, you do not need to read it. And please do not read, simply highlight the important areas. Give your full names before you start your presentation.

**George Abiero:** Thank you very much the Commissioners. My names are George Abiero from the Catholic Church and here i am presenting the views of members of the Catholic church from Kabarnet.

The document I am holding here contains about ten issues so I will just mention them and touch the main points as you have said.

One: We are looking at the Constitution itself.

Two: The type of government we want.

Three: Separation of powers.

Four: The political status.

Five: Elections.

Six: The local government.

Seven: The appointment of Ministers and Departmental Heads.

Eight: Education.

Nine: Health

Ten: The resources; under the resources we have looked into the land issue. (gap cos of end of tape 2 side A)

It is the supreme law of the land. It safeguards the rights and properties of the people. Therefore it should be safeguarded by the people themselves and for this, it should not be amended by the parliament without the consent of the people.

**Speaker:** (Question inaudible)

**Mr. Abiero:** Yes. Through calling the referendums. Yes.

Two: The type of government we want is that in order to stamp out the corruption in the Country, we need a coalition government where the major political parties in the country headed by the winning party forms the government.

Political Status: The Country should remain a multi-party State with a limited number of political parties, most likely three. All these parties should be funded by the government. This will contain the idea of forming many political parties within tribal lines.

Legislature: Anybody can be elected as an MP provided that the current constitution stated that he should be 21 years but we are proposing that he be from 25 years.

We would like the Constitution to provide this for the electorate that: We can have to call the vote of no confidence on our sitting MP because we have seen a tradition where after electing an MP on a certain political party, he goes there and becomes a political polygamist.

Now he was elected in KANU, in the parliament he is a member of SDP. So, we should be given the powers as the electorate to call him back and elect a person of our choice in in the party we want.

Judiciary: We propose that the Executive or the President should not appoint the Chief Justice or the Judges. This will bring....

**Interjection:** (Inaudible)

**Mr. Abiero:** Names of the Chief Justice should be proposed by Parliament, then they vote with 65 per cent to elect the person to become the Chief Justice.

**Com. Hon. Asiyo:** (Inaudible)

**Mr. Abiero:** No, because he is the final. Just to sign. The President will be signing what has been approved by the Parliament.

Local Authorities: For the efficient services, all the Local Authorities should be delinked from the Central government.

And on their elections: A Mayor should be elected by the people. This will avoid some issues where we find a person can use his wealth to become a Mayor.

**Com. Hon Asiyó:** (Inaudible)

**Mr. Abiero:** Okay.

Ministerial appointments and departmental heads: All the persons to be appointed to head any post, be it ministerial or departmental should be professionals in that field.

Provincial Administration: If deemed fit by the Constitution to be there, we propose that the Chief be elected by the people and not to be appointed by the Executive. This will give us a person of our choice to govern us in that area.

The last point is here: We recommend that the Constitution should safeguard the rights of all the citizens. Be it that you are disabled, you should be given the priority to be active in the management of the country's affairs.

And because some are written here, I hope...

We have some recommendation on the issue of land so there is no need of reading them.

**Com. Hon. Asiyó:** Thank you very much. We will take that document it becomes our property. I just want to ask you one question, two questions. I will ask you the first one.

You are telling us that the Local government should be absolutely delinked from the Central government. Are you suggesting autonomy of Local Authorities?

**Mr. Abiero:** Yes.

**Com. Hon. Asiyó:** And therefore, that leads perhaps to two sets of governments?

**Mr. Abiero:** And infact it is there but because you told me not to read it ....

**Com. Hon. Asiyó:** No problem, but you have suggested you want two governments. One at the Local Authority level and another one at the National level. So you are devolving power to the Local Authorities?

**Mr. Abiero:** Local Authorities.

**Com. Hon. Asiyó:** To run their own businesses?

**Mr. Abiero:** Yes.

**Com. Hon. Asiyó:** Not look for funds from the Central government?

**Mr. Abiero:** No.

**Com. Hon. Asiyu:** Okay. Thank you. Next question.

**Com. Zein:** I have a question for you concerning the appointment of Judges and the Chief Justice. You are recommending that these appointments be made by Parliament and at the beginning you said one of the basis for submission is separation of powers. What is the value of these appointments being done by Parliament and not the President? What is the value?

**Mr. Abiero:** Okay. We were looking at it on this way that, may be it sounds as an appointment but according to the way we compiled it here it should be proposed. The names to be proposed by the parliament because they are our representatives. We cannot stand and elect the Chief Justice. So they do it on our behalf then they vote and they present that issue for the president to append his signature.

**Com. Zein:** but still, the effect is the same. This is not a proposal. You are saying it is an appointment. They propose men, they vote for them. The fact is that this particular procedure, I have not come across any country having this kind of procedure.

If you say reduce Presidential powers and then you give all of the Presidential powers to Parliament, then Parliament can exercise tyranny too.

If you are saying there have to be separation of powers, you have to think of balances and checks. If you are proposing in terms of efficiency of governance, you cannot have parliament. What if they do not get sixty-five per cent.

**Mr. Abiero:** Now, because the Country is being governed by the three arms, here all are going to participate because if the Members of Parliament are proposing the names, then they approve the name of that person and present it, then it is within the knowledge of Members of Parliament plus the President that they have a Chief Justice.

**Com. Zein:** The current procedure under the current Constitution is that the Judicial Commission proposes names to the President and the President appoints from the proposed names. If you wanted to include parliament you could say then this names can be vetted by Parliament then you can have all the three arms involved.

**Mr. Abiero:** Okay. Our aim here is to have the three arms to be involved whichever way it appears.

**Com. Hon. Asiyu:** May be because you cannot have Parliament perform the functions of the Executive. Thank you and please sign the register. I have Pauline Cheronu. Pauline, please come over and make your statement. If it is written just highlight, kama hukuandika unazungumza tu. Sema tu mambo yale ya muhimu mama, na useme kwa uchache ili uwapatie watu wengine nafasi.

Lakini kwanza utueleze majina yako yote ndiyo uongee.

**Pauline Cheron:** Kwa majina ni Councillor Pauline Cheron, Municipal Council, Baringo Central.

Bwana Commissioner, kwa maoni yangu mimi ninaomba ya kwamba election ya Councillors, wakati wanafanya uchaguzi, tunaona wakina mama hawawezi kusimama kuomba Council. Wengi wanaweza kuomba lakini mimi ninaomba wakati wana-nominate, waweke wakina mama kwa wingi ili waweze kuwazaidia kina mama.

Ya pili: Mimi ninaona tena siku hizi wasichana wadogo wanapewa mimba na wanaume. Mtoto aliye na fourteen years ama thirteen ama fifteen, hajaweza kufika eighteen years. Ninaomba serikali iwachukulie hatua wanaume hao, wale wanaharibu wasichana wadogo kama hawa.

Ya mwisho: Ninaomba wasichana, wako wale watu wanawapeleka wasichana jandoni na hata hiyo hata serikali ya leo wamekataza. Na mimi ninaomba ya kwamba tuweke sheria. Yule anayetahirisha wasichana, waweke sheria kali ili wasichana wetu wakae na wasome kwa njia mzuri.

Kwa hayo machache ninasema asante.

**Com. Hon. Asiy:** (Inaudible)

**Cllr. Cheron:** Wacha kina mama wawekwe kuwa nominated kwa sababu hata wakisimama kwa upande huu wetu, hawawezi kuchaguliwa kwa sababu bado wanasema wamama hawawezi kufanya kazi. Mimi ninaonelea kuwa wakina mama wamenyanyaswa. Sasa maombi yangu ni kupatiwa. Kama ni kumi na wawili, si waache wamama wawe hata kumi halafu wale wengine wawili wawe wanaume kwa sababu wanaume wameshakuwa elected tayari.

**Com. Hon. Asiy:** Kwa hivyo umependekeza kwa vile viti kumi na viwili, kumi vipewe wanawake na viwili wanaume.

**Cllr. Cheron:** Ndiyo.

**Com. Hon. Asiy:** Ndiyo. Hiyo ni maoni yako, tumeshururu mama. Asante sana.

**Cllr. Cheron:** Asante.

**Com. Hon. Asiy:** Sasa tutamsikiliza Bwana Jeremiah. Jeremiah yuko? Hayuko. Bwana Robert Wafula? Na Bwana Wafula umetoka kwa KPNA, utatueleza hiyo KPNA ni kitu gani, ni chama gani, halafu utueleze mambo yako kwa ufupi na kwa maana umeandika, ninakupa dakika chache sana kwa maana hiyo barua yako sasa itakuwa yetu. Endelea useme jina lako kwanza halafu uendelee na maoni.



**Robert Wafula:** My name is Robert Wafula Simiyu from KPNA, which stand for Kenya Professional Nurses Association. Ninakaa hapa Baringo Central. I wanted to specifically speak about the Nurses' Act, which regulates the nursing practice in this Country, knowing that the nurses are the back bone of the health system. If we are going to deliver on primary health care, then we have to work on this act.

We need to overhaul this Act to ensure that... there is this segregative portion in the nursing where we used to have enrolled nurses and registered nurses. You find that the registered nurses is like they were given more power and they are fewer in number.

We want the act to provide for the scrapping of these differences between enrolled nurses and registered nurses so that we can achieve harmony in nursing to deliver the primary health care concept.

Then, the Nursing Council that regulates this is a representative body but the election of councillors that constitute this Council is not done openly. We would wish to have the elections of this councillors being more open so that the nurses participate in electing the Councillors.

Then of course, we have been hearing of harmonizing nursing, but then we find that still there is the training of the second level of nurses that is going on.

We propose that the second level of nurses be done away with so that we train only one cadre of nurses as it is happening in Britain and in the US.

That is all that I can present. Thank you.

**Com. Hon. Asiyu:** (Inaudible)

**Rebecca Tomno:** Asante sana Commissioners. Majina yangu ni Mrs. Rebecca Tomno. Niko na maoni mawili.

Ya kwanza ni kuhusu watoto na wasichana: Ingawa watu wengi wameshasema maneno ya watoto, nami pia ninataka kugusia habari ya watoto.

Kweli tunazaa watoto na tukishawapata watoto, kitu cha kwanza ni kumfunza mtoto. Ukishafundisha mtoto unafua vile mtoto anakua. Nikiendelea na hapo, ninataka sheria kali iwekwe kuhusu watoto.

Kitu cha kwanza kwa mtoto ni kuwekwa kiboko lakini si kiboko kali sana. Lakini ni kuwekwa kiboko ili aogope sheria, kwa maana zamani sisi tulikuwa tunachapwa. Hata mimi pia nilichapwa nikipoteza ng'ombe. Tunataka iwekwe sheria ya kwamba mtoto achapwe lakini si sana.

Pili: Kuhusu wasichana; kwa niaba ya Maendeleo ya Wanawake, ninasema ya kwamba ni hatia mbaya msichana kutahirishwa na ninataka iwekwe katika sheria ya kwamba wasichana wasitahirishwe kamwe.

Tatu: Kwa upande wa kina mama; mama akisha olewa, bwana ako na shamba. Na kama bwana ako na shamba, bwana anapatiwa title deed. Ninaomba Katiba hii iangalie ya kwamba mama pia asinyanyaswe kwa maana tunanyanyaswa sana na wanaume wetu. Wanaume wanachukua title deed ya shamba wanafanyia vile wanapenda.

Ningependa Katiba yetu ya Kenya ama sheria ya Kenya iangalie ya kwamba mama pia anapatiwa uwezo ya kupata title deed ya hilo shamba hilo, pahali ameolewa.

Ya mwisho: Corruption; ninasema corruption kwa maana katika nchi yetu ya Kenya tumeona watu wengi wamekula pesa na haujui pesa wanatoa wapi, wanauza vitu. Inatakikana sheria kali iwekwe hata kama ni nani, ya kwamba yule mtu ambaye amechukua pesa kwa njia mbaya, iwekwe iwe sheria ya mwaka ujao kwa maana tunaenda mwaka mwingine ambayo tunataka kuchagua President. Tunataka ya kwamba mali yetu ichungwe sana na sheria kali iweko, iwachunge wale wanakula pesa kwa corruption.

Tena ya mwisho, nimezungumza zaidi, ni hii; kuhusu ulinzi wa mashamba yetu au mali yetu katika nchi ya Kenya. Tunataka iwe sheria ya kwamba kesho tukipata mwingine, unasikia fulani amekuja kunyang'anywa mali yake. Tunataka iwekwe sheria, sheria ambayo tunatunga sasa, iwe hiyo ikichunga mali ya Mwanakenya katika hii Jamhuri yote ya Kenya.

Na kwa hayo, ninafikiri mtafanya hiyo iwe Katiba kali na ya corruption iwe tena kali. Yule amekula pesa ya watu afungwe, afanyiwe Katiba kali. Ni hayo tu niliyoyasema.

**Com. Pastor Ayonga:** Mama Tomno, umesema wamama wamenyanyaswa na unataka wamama wawe na uwezo wa kupewa title deed.

**Cllr. Cheron:** Ndiyo.

**Com. Pastor Ayonga:** Unaposema wamama wapewe title deed, umetaka kusema ile title deed iandikwe majina mawili au mama apewe title deed yake?

**Cllr. Cheron:** Hapana. Hiyo title deed nimesema apewe bwana na mama.

**Com. Pastor Ayonga:** Majina yote mawili yaandikwe.

**Cllr. Cheron:** Ndivyo.

**Com. Pastor Ayonga:** Ili mmoja asiwe anakunywa pombe anauza title deed.

**Clr. Cheron:** Ndivyo.

**Com. Pastor Ayonga:** Asante.

(Laughter)

**Com. Hon. Asiyo:** Asante sana Mama Tomno kwa mambo yale umetueleza. Wewe ulikuwa unaitwa nani Mzee? Utangojea kidogo kwanza Mzee. Tulikuwa tumekuita hata tukakata jina lako. Ulikuwa nje, sasa utakaa kidogo tuwaite wale ambao majina yao yako hapa. Sasa tuko na Bwana Peter Keitany, Clerk of the Council. Tafadhali usitoke nje safari hii, utapotesa wakati wako. Tunataka kumsikiliza kila mtu. Tutamwita Bwana Peter Keitany ambaye ni Clerk of the Council, apite hapo chini akae, atueleze majina yake kamili na cheo chake, halafu ndiyo afanye presentation yake.

**Peter Keitany:** Thank you very much Commissioners. My names are Peter Kipkelgon Keitany, I come from Baringo Central and I am also the clerk to the County Council of Baringo.

According to the statistics done in this country, they are saying that Kenya is 80% Christian and we are here today making a law because of disobedience. I want to read a verse in 1 Timothy 1:9-10. It is talking about the law and it is relevant to this occasion.

**Com. Pastor Ayonga:** You are reading from?

**Peter Keitany:** 1 Timothy 1:9-10. “We also know that law is made not for the righteous but for the law breakers and the rebels, the ungodly and sinful, the unholy and irreligious, for those who kill their fathers or mothers, for murders, for adulterers and perverts, for slave traders, for liars and butcherers and for whatever else is contrary to the sound doctrine.”

This is a Christian country so we must base our law on the Bible, because if there is a Constitution, which was written, it is the Bible. The best Constitution ever found on earth.

Let me start with the Preamble: In our Constitution, we need a preamble that sets out clearly the national vision of Kenya as a multi-party democratic state meant to uphold the principles of peace, love and unity.

In constitutional supremacy, parliament should amend any part of the Constitution by sixty-five per cent majority votes but in addition the public should be involved through referendums by the Commission. This is because as per recent experience

where Parliament derives benefit, it has voted hurriedly and unfairly without deep consideration of crucial national issues affecting the citizens.

Political parties: Apart from mobilization of the public, political parties should be able to promote political stability in the country.

They should form a very close link between the people and the government.

They should initiate and support good legislation promoting national interests and rising above petty politics.

The Constitution should regulate the formation and conduct of political parties. Not the Registrar of societies or even the Electoral Commission because so far they have made very insignificant control.

There should be no limit to the political parties, the number of political parties, so as to promote more democracy. Limiting the parties will kill democracy since it will be in doses. Democracy should be given in full and not partly.

Infact there should be a provision for an independent candidate like in India where we have people without any party affiliation who are able to be neutral in times of crucial national crises.

It also avoids block voting and blind voting against issues by political parties.

Political parties be financed by the members and from public funds to avoid the sourcing of funds from foreign countries which will compromise or destabilize the national interests.

Only major political parties with fifty Members of Parliament and above should be financed from public funds to ensure that only popular parties are supported.

The state and political parties should agree to work closely on national issues e.g. security, foreign affairs and the economy.

Structures and systems of government: Kenya should retain the Presidential form of government because it brings more stability. The Parliamentary system is quite unstable because Parliament can easily vote out a government within a day e.g. India, Pakistan and Japan. I remember one time India held elections twice within five years.

The mixture of systems in the third world will lead to a tag of war and hence instability i.e mixing a lot of systems.

The federal system is also a good one where powers are shared between the Central government and the Regional government and the Regional government can use the present provinces and we can call them states. They will have their own members of Parliament, they will have a Parliament, they will be headed by a governor who will be having specific powers.

They will also manage the internal forces, the Police, the GSU and all Police forces but the central government will manage the

Army and the Foreign affairs. This will take democracy to the grassroots and help to distribute the national resources.

Local authorities to be delegated more autonomy in terms of revenue collection and expansion of areas of operation and they should take over the ministry of public works, education, water, social services and agriculture.

Legislature: A Member of Parliament must be a form four. And he should be thirty years old. Parliament should vet the following appointments: The Attorney General, Chief Justice, Electoral Commission Chairman, Controller and auditor General, Permanent Secretaries, Vice President Ambassadors, Other Constitutional offices and top Chief Executives in the public sector.

Parliament should not have unlimited powers.

There should be an independent judicial Commission to make decisions on standing orders, salaries, benefits and conduct of parliamentarians because parliament has shown a lot of irresponsibility, selfishness and biases in areas where they benefit.

Passing legislation in a few minutes without proper discussion is unfair to Kenyans and we do not need a rubber stamp parliament.

Being a member of Parliament should continue to remain part time because MPs are required to do much work in the constituencies. But for chronic absenteeism and technical appearances, seats should be declared vacant and by-election be taken.

Language tests for Parliamentarians are not sufficient considering the competence of the sitting MPs over the years. Members of Parliament should have a minimum of form four level qualification with experience in public life.

Moral and ethical qualification for Parliamentary candidates are necessary to curb indiscipline e.g. fighting and insults and all those things.

The concept of nominated MPs be retained but the fraction should be reduced because it is a big burden to the exchequer currently.

Nominated MPs must be professionals and not laymen to raise the level of debates by injecting unique inputs e.g. they should be lawyers, they should be economists, they should be educationists and eight of them should be nominated per province, one each.

There should be no special measures to increase women participation in Parliament because it will kill the spirit of competition, gender equality in opportunities, initiative and hard work by women.

Spoon-feeding women will open avenues to weakness, dependency syndrome and inferiority complex.

Women in Kenya today are doing fairly well in education, public service, politics and business and we do not need to spoon feed them.

The following rules should govern the conduct of parliamentarians.

**Com. Pastor Ayonga:** Bwana Clerk, nadhani tutaisoma hiyo memorandum yako na ninaona bado hujafikia quarter. Tafadhali give us only highlights. Sisi tutaenda kusoma.

**Peter Keitany:** Fine. Thank you very much.

**Com. Pastor Ayonga:** Tena unajua imefika saa saba. Ninaona watu wanapiga miayo. Unajua miayo? Sijui ningeisema namna gani kwa Kitugen. Miayo.

**Com. Hon. Asiyu:** Wanaanza kutoroka.

**Com. Pastor Ayonga:** Na wakipiga miayo ninaona wanatoroka toroka na sitaki watu watoroke, ninataka wasikie maneno. So give us highlights. Dakika moja tu.

**Peter Keitany:** There should be a provision for a coalition government with parties with parties with similar manifestos forming a government together.

The issue of having two chambers is very expensive and cumbersome and therefore I recommend one chamber of Parliament because it is cheaper.

The power of Parliament to remove the Executive is adequate and this ensures that a weak Executive cannot be in charge hence political instability.

The president should have power to veto legislation passed by parliament if it will compromise national interests but for proper checks and balances, the president should not be above the law, only God is above the law because he is perfect.

Parliament cannot override the President's veto to avoid dictatorship from Parliament.

The President should dissolve Parliament when its term expires or when it fails to discharge duties or during a constitutional crisis or when he is threatened by political instability so as to pave way for new order.

Executive: I want to propose a nationalist Kenyan citizen. The minimum academic qualification should be a diploma with at

least fifteen years experience in management of public organization.

He should be a person of integrity, having forty to sixty five years only.

**Com. Hon. Asiyo:** You know all that is in that document and we are going to be reading it through very well and we will put it into the computer. Can you just highlight one more important issue Bwana Clerk so that we have room for other people.

**Peter Keitany:** Let me talk about the Local government.

**Com. Hon. Asiyo:** And we have 236 people who have registered.

**Peter Keitany:** Okay. The Local Government system: The mayor should be elected directly for five years to ensure political stability in Councils but Chairmen of County Councils should be elected by the people, should be elected by Councillors for five years because it is expensive and cumbersome to elect somebody with a mandate, for example Baringo has three constituencies, you will get somebody with a mandate of three constituencies without powers.

If we have to do that direct election, I recommend that the Chairman now will take over the powers of the District Commissioner in the current system because he has the mandate of the whole district.

There should be much autonomy in Local authorities. The powers of the minister should be reduced, he has too much powers. He should only have supervisory role so that the Councils can deal with appointments, they can deal with upgrading of wards, they can recommend all those issues.

I recommend that twenty per cent of the money from the income tax be given to Local Authorities. At the moment it is only five per cent and it is doing a good job. It will strengthen the local authorities to deliver more to the people at the grass root level. Payment of Councillors should be done through the Consolidated Fund just like the MPs because it is a big burden to the Local authorities and it is making so many local authorities not to deliver more services.

The payment also is quite chaotic, you will find a councillor earning quite chaotic. You will find a Councillor earning seven thousand in another place, another one is earning twenty thousand in another Council because the ministry says you pay according to your ability so there is a lot of chaotic system and people should be paid properly according to a proper system. They are leaders and they need that treatment.

The electoral Process: All the elections should be held at the same time because it will be cheaper; it will not involve a lot of expenditure.

Also this people who defect, an MP or a Councillor who defect to another party should be recalled and this will discourage the

issue of vote buying and misuse of the people's mandate.

Twenty five percent representation at least in five provinces as is provided by the current constitution is very necessary.

Seats be reserved for specific interest groups like minorities, the disabled and even nomads.

I want to say that I am not satisfied with the demarcation of constituencies and wards. You will find a location or a ward here with 260 voters and another one has 10,000 voters. It is quite unfair representation so we should have a better system of defining how people can be represented in this country.

The election date be specified in the Constitution and let it be January after every five years.

**Com. Pastor Ayonga:** Bwana Clerk, nadhani we have to be fair with other people also here and I think that material you have is very useful and we are going to make use of it. Thank you so much. Next, I am calling over the Mayor.

**Com. Hon. Asiyo:** Bwana John Kiprono, the Mayor, if you can please be as brief as you possibly can so that we have many more people who have come to talk be given the opportunity to do so. Thank you Sir.

**John Kiprono Chepkwony:** Basi asante commissioners kwa kunipa nafasi hii. I will be very very brief because I do understand that other people have to give their views also. Majina ni Councillor John Kiprono Chepkwony, kutoka manispaa ya Kabarnet, constituency ya Baringo Central.

Commissioners, maoni yangu ni kwamba, kuhusu system ya serikali, we need a federal system of government kwa sababu communities zingine wana uwezo kuliko zingine na sisi tungependa kupewa uwezo wa kuendesha mambo yetu.

Kuhusu Constitution: Kwa sasa asilimia sitini na tano ya Wajumbe wanaweza kubadilisha sheria ya nchi hii. Mimi ninakubaliana na jambo hilo lakini ninataka kuongeza kwamba mbele ya kupitishwa, referendum iendeshe katika nchi hii. Ninasema hivyo kwa sababu tumeshaona wajumbe wanaweza kupitisha mambo yanayo wahuu kwa masaa mawili. Hiyo ni kuonyesha ya kwamba hata wao ni watu kama sisi and they can be selfish also.

Commissioners, ninataka kusema jambo kuhusu land and property ownership: Kwamba watoto wote, wawe wavulana au wasichana wawe na haki ya kumiliki ardhi au mali yoyote katika nchi hii. Hiyo ni licha ya kuwa katika mila zetu kama Watugen hatukuruhusu wasichana wapate shamba lakini mambo yameshabadilika sasa na mimi singependa msichana wangu ahangaike pale kwa barabara na nilikuwa na shamba hapa. Kwa hivyo mimi ninataka wasichana pia wapate mashamba na kumiliki mali katika nchi hii.



Kuhusu mambo ya ugawanyaji wa shamba: Ninataka iwekwe kwa sheria ya kwamba shamba isigawanywe mpaka inakuwa plots tu. Unaweza kuona shamba acre elfu tatu watu wananunua, wanagawanya acre tano tano, wanagawanya acre mbili, wanagawanya fifty by a hundred, mpaka inafika mahali ambapo hata wao wenyewe hawawezi kujitoshelesha kwa vyakula. Kwa hivyo iwe restricted na wale ambao wanashamba kubwa, kama shamba inalala bila kutumiwa, tax iwekwe juu yake. It should be taxed ili waweze kutumia ile shamba.

Commissioners, I want to say something about basic rights: Kwamba the Constitution should guarantee basic rights for all Kenyans, that is, in health care, water, security, education na mambo mengine.

Mambo ya masomo iwe ni compulsory mpaka form four na serikali itoe pesa ya kugharamia masomo. Kuwe na free education kutoka pre-school mpaka form four.

Nataka kusema vile vile ya kwamba serikali itoe physical facilities zote i.e. buildings, books and other facilities. Kwa sasa ni ngumu sana kwa wananchi kutoa facilities hizi.

Commissioners, nataka kusema jambo moja halafu nije la mwisho, kuhusu environment: Misititu yetu, mimi ninataka iwe kwa sheria ya kwamba tupewe mamlaka ya kuchunga misitu yetu. Hivi ni kusema tuwe na sheria ya kuweza kuchunga forests zetu zilizo karibu na communities ambazo ziko hapa na mali zozote ambazo zinatokana na misitu hizi na natural resources zingine pia wananchi wafaidike kutokana na rasilmali hizo.

Commissioners, ninataka kusema jambo kuhusu local authorities: Kwamba Councils zipewe mamlaka ya kuendesha mambo yao bila kufungwa mikono na sheria zilizoko sasa. Pia Councils allowances zitolewe na Central government.

Ile ya mwisho ni election: Kabla ya election kuna mambo ya nominated councilors. I propose that the system be retained but a nomination of these Councillors should really represent the interests of special people, special interest groups unlike the current system where everybody else can be nominated even when they do not know what they are supposed to do.

Finally, election ya Chairmen na Mayors should be done by the people. Kwamba watu wapewe mamlaka so that we are answerable to all these people unlike currently where we are answerable to a few Councilors.

Thank you so much.

**Com. Pastor Ayonga:** Wewe Bwana Mayor unasema mashamba yagawiwe kwa watoto wa kiume na wasichana wote ni watoto wako. Hilo ni wazo nzuri sana na tena umesema mashamba yasigawiwesana mpaka yamekuwa kama plots. Hukutuambia ungalipenda kama mtu ana shamba lake, likiwa tuseme limefika kwa mfano, huo ni mfano ninakupa, kama ni acre kumi lisigawanywe. Ikiwa ni acre hamsini, hiyo unaweza kugawia watotoili hizo plots, to avoid having plots na shamba kuwa

nzuri economically kwamba linaweza kuchunga watu. Ungetupa hekima yoyote juu ya hiyo?

**Cllr. Kiprono:** Bwana Commissioner, asante. Kuna mambo mawili hapa. Kwanza, kuna sehemu zializo na mashamba makubwa makubwa kama vile Uasin Gishu, Trans Nzoia, Nakuru na kwingineko. Kwangu kama wale wakulima wa huko wasiruhusiwe kugawanya mashamba yao chini ya ekari hamsini lakini kuna watu wa hapa Baringo, kwa mfano, mashamba yetu ni acre tano, mbili, tatu, isigawanywe chini ya ekari moja. It should be one acre and above. Ikienda chini ya ekari moja, baadaye itaenda kuwa uneconomical.

**Com. Hon. Asiyu:** Unaweza kutupatia hekima ingine tena Bwana Mayor. Umesema kwamba misitu na environment kwa jumla ilindwe. Ungependa hii kazi ifanywe na nani kwa maana tumeona destruction of our natural resources, especially forests. Who do you want to give this responsibility? Ni nani atalinda misitu na resources zingine? Ni Councils au ni communities au nani?

**Cllr Kiprono:** Asante Mrs. Asiyu: Mimi ningependa kusema kwamba misitu ilindwe na kamati ya sehemu ambayo misitu ile iko pamoja na Council ya area hiyo. Let us have a special committee to take care of this forests kwa sababu wenye kuharibu misitu ni wale watu wanaokaa karibu na misitu hiyo. Na tukiwa na watu kutoka sehemu ile ambao wanataka kutunza ile misitu, wazee na wamama wa shemu ile, bila shaka msitu utatunzwa as opposed to what is happening currently. Serikali wanakaa huko na sisi tunaangalia kwa mbali.

**Com. Hon. Asiyu:** Tumeshukuru sana.

**Com. Pastor Ayonga:** Wewe unasema watu wanao haribu misitu ni wale wamekaa hapo kando lakini bwana Mayor, wale watu wanao kuja toka Nairobi wakaja kuangusha misitu hapa na kubeba logs. Sasa wanahusikana namna gani na hawa watu ambao wako hapa na mara nyingi pengine hawa watu wameshikana na Councils au watu wengine wakubwa wakubwa wakafanya misitu ikakatwa na hao wenyeji kando kando hapa hawana uwezo na hata hawajui. Kitu wanaona tu ni malori yamebeba miti?

**Cllr Kiprono:** Commissioner, hatuna watu kama hao kwa upande huu lakini tukiwa na mamlaka ya kuchunga misitu yetu tutawafukuza hata kama wameletwa na nani.

**Com. Hon. Asiyu:** Asante sana Bwana Mayor kwa maoni hayo. Tafadhali uandikishe jina pale kwa register yetu. Robert Korir? Robert Korir, jina lako bado liko mbele. Wacha Bwana Kipsuto aongee. Mzee, dakika chache sana. Tuko na watu zaidi ya mia mbili wanaotaka kuongea.

**Cheboson Kipsuto:** Jina langu ni Cheboson Kipsuto kutoka Baringo Central. Maoni yangu, ningependa mahali tunaelekea huko mbele, kwa mambo ya election hii inakuja.

Si vizuri kufanya elections kabla ya Katiba mpya kumalizwa. Ikae mpaka mambo ya katiba iishe. Ile katiba ya zamani ikae.

Ya pili: Mambo ya ufisadi; nimeona nchi yetu, mimi ninaona vijana wengi wa Kenya hawana kazi, wanabaki hapa mashambani kwa wingi kwa sababu ya mambo ya ufisadi. Hakuna pesa kwa serikali. Sasa nikafikiri ni vizuri Parliament kwa siku sijazo, pahali tunaelekea, watoe kamati ndani ya bunge ya kuangalia mambo ya pesa.

Pesa yote ikitaka kutengewa barabara ipitie kwa hiyo kamati iangalie kwa sababu sasa pesa ya Kenya inachezewa na kila mtu, hata karani wa ofisi anakula, hata nani wanakula mpaka watoto wetu wanabakibila kazi.

Mpaka tunaona mtu ako na watoto watano, watoto sita na hawana kazi na walimaliza form four. Sasa nikaona ni vizuri pesa... Mpunge anema hii barabara inataka kutengenezwa, priest anasema hii barabara inataka kutengenezwa, kila mtu anachezea pesa. Kwa hivyo mimi ninataka kamati itafutwe ya ku-control pesa siku sijazo, parliament hii tunaelekea.

**Com. Hon. Asiyu:** (Inaudible)

Mr. Chepsuto: Hapana, iwe kamati mbali na ile ya Bunge.

**Com. Pastor Ayonga:** Kamati zetu za hapa nyingi zina njaa. Wakipata kamati wanasema huu ndio wakati wetu na wao wanakula.

**Mr. Chepsuto:** Hiyo ni maoni yangu tu. Mimi ninaona kwa sababu nimefanya research.

**Com. Pastor Ayonga:** Kamati ikipewa itakula, hata itakula kidogo. ----(Inaudible)

**Mr. Chepsuto:** No, kamati iwe Nairobi, iwe ya kukaa Nairobi na iwe iki control pesa Nairobi kwa sababu saa hii watu wanachezea pesa Nairobi, makarani wanakula, kila mtu anakula mpaka nchi inasorota na wale wa kamati walikuwako.

**Com. Hon. Asiyu:** (Inaudible)

**Mr. Chepsuto:** Si wale kutoka ofisi yao huko Nairobi wanaleta pesa mpaka hapa.

Ya mwisho ni mambo ya mashamba. Mimi ninaona raia wa Kenya wanaongezeka. Sasa, wale wako na mashamba kubwa kubwa kama hii ya wazungu na wengine hawawezi kulima, wako na shamba ekari elfu moja na wengine hawana shamba.

Serikali igawanye, mtu abakie na shamba ndogo kama ekari hamsini, ekari sitini.

Unakuta MP mmoja ako na mashamba karibu nne, eka elfu tatu tatu.

**Com. Hon. Asiyu:** Okay, asante sana mzee. Ninafikiri hiyo ni mwisho sasa.

**Mr. Chepsuto:** Yes. Ya nne, President awe na terms mbili pekee yake.

**Com. Hon. Asiyu:** Haya! Asante sana. Sasa bwana Robert Kipkorir, hebu kuja na useme kwa machache sana halafu baadaye tutakuwa na Peter Keitany. Peter ameongea. Hellen yuko? Hellen Chepyegon? Hellen Chepyegon ameenda. Are you the one? You had talked yesterday. You did not talk yesterday.

**Hellen Chepyegon:** (Inaudible)

**Com. Hon. Asiyu:** Yes. But you talked. Today give other people a chance.

**Hellen Chepyegon:** (Inaudible)

**Com. Hon. Asiyu:** If we will have gone through everybody. Okay Bwana Kipkorir, unataka kusema ukisimama?

**Robert Kipkorir:** Yes.

**Com. Hon. Asiyu:** Sawa sawa lakini jaribu kutaja tu mambo ya muhimu

**Robert Kipkorir:** Okay I will be brief. Kwa majina ni Robert Kipkorir. I am a young man as you see me. I come from Morokwo; I am a preacher and a young youth leader in Central Baringo. I have some (not clear) issues I want to present.

First of all is the issue of power: I propose that youth and women should be given their opportunity fully in this section especially without suspicion or may be culture may not come in here. That is the first thing.

Number two: This issue of trust lands, for example the lakes, rivers and the rest. I want to propose that the immediate people or the community should be the beneficiaries from these because they are within the lakes. Sometimes you see may be the Councils or the what, they take a bigger share in money yet these people are the people who are within the place and sometimes they do not have anything.

Therefore they should also be remembered, they be given some amount.

**Com. Hon. Asiyu:** (Inaudible)

For example, I mean if there is some certain assistance, may be food, may be money because these people collect money from their lakes, from where those people are. For example Lake Kapnarok, Lake Bogoria and Lake Baringo.

Let me now go to the political arena: As we know that Kenya is a multi-party state according to Chapter 2 of the current constitution. I want to propose that all the political parties should fully participate in all constituencies, not even the most powerful party within should intimidate them.

Because you see sometimes, let me say like a place like this, if somebody tries to say I am a what or a what, the next thing you will find is your head cut off. I am saying that let these people come in, let the law be on their side so that there will be competition and when there is a lot of competition in the country, there will be a greater achievement or development in the country.

Those are my brief views.

**Com. Hon. Asiyu:** Thank you very much Bwana Kipkorir.

**Mr. Kipkorir:** Thank you.

**Com. Hon. Asiyu:** Can we now have Mr. S.K. Cheptoo. Na Bwana Cheptoo ninaona umeandika. Una maandishi, utasema machache sana sana halafu utuachie karatasi. Bwana Cheptoo akimaliza, tutamuita Stephen Toroitich ajitayarishe halafu nyuma yake atakuwa Kiprop Chirchir.

**Samwel Cheptoo:** Thank you very much Commissioner, mine is going to be very brief. My names are Samwel K. Cheptoo, Mosop location, Kabarnet municipality. Nitazungumza kwa Kiswahili ili wale wazee ambao wako hapa wapate kuelewa yale nitakayotaja.

Kwanza Commissioners, serikali tunayohitaji ni serikali ya Majimbo, ambayo tuko na President na tuko na Vice Presidents wawili na Prime Minister na deputies wawili. Hiyo ndio serikali tunayohitaji.

Tuwe na Parliaments mbili, Senate na Regional Parliaments.

La pili ni mambo ya Local government. Kwa pendekezo langu ninapenda tuwe na Councils mbili pekee yake. County Council na Municipality. We abolish the Town Council and Urban Council because it is not economical in this Country ili Councils hizi mbili ziwe na mamlaka nyingi, kwa mfano wasimamie mambo ya elimu, wasimamie mambo ya forests, wasimamie mambo yote ambayo iko katika Municipality na County Councils pia wawe na mamlaka ya kutosha.

Na kwa upande wa elimu ninapendekeza kwamba discipline iendelee. Tuwe na discipline maana hiyo ndiyo kitu ambayo inasaidia watoto wetu wawe na nidhamu ya kutosha.

Na upande ya masomo, tuwe na masomo kutoka pre-school mpaka secondary school free of charge. Iwe financed na serikali kwa njia yoyote ili watoto wote wawe na right ya kusoma.

Kwa upande wa afya au health, tunataka our people wawe na access to NHIF ili wakienda kwa hospitali wasilipe chochote. Wawe wameingia katika NHIF, whether you are employed or not.

Na kwa upande wa Provincial Administration, mimi ninapendekeza ya kwamba the Chiefs' Act iendelee kuweco kwa sababu bila hiyo hatuwezi kuwa na stability in our areas.

Na lingine tuwe na sheria katika nchi hii kwamba wewe ukioa, uwe na maximum ya watoto wangapi. Bibi mmoja na watoto the highest should be from two to four. Anything more than four is your own shauri.

**Com. Pastor Ayonga:** What happenes if you break that?

**Mr. Cheptoo:** Watu wanasema Mungu amesema zaa mpaka mia moja. Kweli Mungu aliwaambia wale wa kwanza endelea kuzaa mjaze dunia. Lakini wakati huu ni ngumu sana na Ukisoma katika Mhubiri 6:3, inasema ya kwamba ni hajambo kuwa na watoto ambao unaweza kulisha na kufalisha kwa sababu watu wakizaliwa wengi na wanakosa chakula na wanakosa kila kitu. Kwa hivyo it is biblical kupata watoto wa kitosha.

**Com. Hon. Ayonga:** Lakini mimi ambalo ninauliza ni kwamba kwa yule mtu atavunja hivyo na wanazaazaa watoto wamejaa na hawezi ku care for them, unataka afanyiwe nini?

**Mr. Cheptoo:** Ashtakiwe, akabiliwe na sheria.

**Com. Pastor Ayonga:** Pia hiyo ndio tunataka utuambie.

**Mr. Cheptoo:** Tunataka sheria ambayo itawakabili watu. Wawe controlled. Watu wasiendelee tu ku.. Anatwanga mimba mtoto wa huyu, anaweka wa mwingine, anaweka wa mwingine. Tunasema hapana.

**Com. Pastor Ayonga:** Lakini unaona haujatuambia sheria. Mbona unazunguka zunguka?

**Mr. Cheptoo:** Ninataka sheria iwekwe.

**Com. Pastor Ayonga:** Iwekwe na nani?

**Mr. Cheptoo:** Na sisi. Na hii katiba mpya.

**Com. Pastor Ayonga:** Ninataka wewe uwe wa kwanza kuweka hiyo sheria.

**Mr. Cheptoo:** Ndiyo tunatengeneza sasa.

**Com. Pastor Ayonga:** Ndiyo. Sema.

**Mr. Cheptoo:** Kwamba tuwe na controlled births in this country. Kuwe na policy kwa sababu kwa wakati huu we don't have any policy in this country concerning family.

**Com. Hon. Asiyu:** Okay. Kuna hiyo umesema tumesikia hata kama hukutaja kabisa ni kusema kwamba wale wanaume wanazaa zaa tu wafanyiwe family planning ile ya permanent ili wasizae tena.

(Laughter)

**Mr. Cheptoo:** Thank you Commissioner. Asante.

**Com. Hon. Asiyu:** Sasa sema ya mwisho Mzee.

**Mr. Cheptoo:** Lingine ni kuhusu disabled people, ambao hawajiwezi. Serikali iwa-train na iwapatie quarantee of employment.

Na ya kuelekea kwa kumaliza ni mambo ya corruption. Corruption commissioner, ninafikiri imefika kiwango mbaya sana. Kwa sababu ukishafika hata kwa employment, wanamwambia kijana mdogo toa pesa.

**Com. Hon. Asiyu:** Sasa tufanye namna gani?

**Mr. Cheptoo:** Tuwe na sheria kali kuhusu corruption.

**Com. Pastor Ayonga:** Hiyo sheria ndiyo tunataka wewe useme.

**Com. Hon. Asiyu:** Utuambie.

**Mr. Cheptoo:** Mtu ambaye anafanya corruption kwa position yake, kama amechukua mali ya umma, afungwe na afuatwe na mali yake iuzwe na hiyo pesa ya umma irudishwe.

Kama mtu ame-abuse office yake, kama mimi kwa mfano, mimi ni kiongozi halafu niambie kijana atoe elfu ishirini ili nimwandike kazi, nifutwe kazi na nishtakiwe nifungwe.

**Com. Pastor Ayonga:** Na yule aliyetoa?

**Mr. Cheptoo:** Pia afungwe.

**Hon. Pator Asiyu:** Lakini unajua Mzee, kwa nchi nyingi wanafanya kitu ambayo unajua inaitwa restitution. Mtu analipa ile alitoa na analipa mara mbili juu. Halafu hawekwi jela maana jela atakula ugali ya serikali tena. Hiyo mali tu ndiyo inachukuliwa na inarudishiwa serikali halafu yeye ataenda tu.

**Mr. Cheptoo:** Commissioner, what I want is that.

**Com. Hon. Asiyu:** Hiyo ni mzuri?

**Mr. Cheptoo:** Kabisa.

**Com. Hon. Asiyu:** Okay.

**Mr. Cheptoo:** Ya mwisho ni mambo ya water, maji: Maji katika nchi yetu ni shida kubwa sana kwa sababu tukiwa na maji kwa mfano hapa, wale wakaaji wa sehemu hii wengi hawawezi kulipa ile pesa ambayo inahitajika na the Water Corporation. Kwa hivyo ingewezekana, clean water ifike kwa watu at a minimal price. Mahali kila mtu anaweza kununua badala ya kwenda kuchukua maji kwa mtoni ambayo baadaye watakua na shida. Kwa sababu yeye hawezi ku access maji kwa sababu yeye hana pesa ya kulipa.

Thank you very much.

**Com. Hon. Asiyu:** Asante sana Mzee Cheptoo. Ni Mzee Cheptoo, si ndiyo? Weka sahihi yako kwa hiyo register yetu na utuachie karatasi. Sasa ninamuita Bwan Stephen ambaye alikuwa amesema ataongea. Yeye yuko karibu? Kama Toroitich hayuko, ninamwita Bwana Kiprop Chirchir. Wewe ni Bwana Chirchir? Haya kuja karibu Bwana Kiprop Chirchir uongee na sisi kwa dakika chache sana. Kwanza utueleze jina lako na kule umetoka halafu uendelee.

**Kiprop Chirchir:** Kwa majina ninaitwa Kiprop Chirchir, mimi ni mwenyekiti wa wanafunzi wa university kutoka Baringo



District. Nikiwa hapa ninayaleta maoni kutoka kwa wanafunzi wenzangu.

To begin with, the students advocate for a ceremonial President and a Prime Minister. The Prime minister should belong to the party with the majority seats in parliament, should be appointed by the president and ratified by parliament.

Secondly, the president and MPs should have a degree. This is because as we see it currently our parliament has been vested with the authority of making laws for this country and we cannot put some one with limited ability, someone who has gone to high school and this laws are laws which are mean't to govern not only Kenya but internationally so you find that university degree is appropriate.

For councillors, "O" level is okey because this is a person who deals with the people and we should not give him so much restriction because academics for a Councillor is not a very major issue. His ability to deal with the people is one.

The position of nominated MP should be abolished and in its place, we nominate people, like we give six seats to women, four seats to the disabled, and then one seat each to children and the youth.

The Chairman of the District Development Board should be a native of the district. Currently this seat is being held by the District Commissioner and we find this person cannot be solely answerable to the community.

So we would propose that this seat be elective and should be contested by a native of the district for a period not more than five years.

The same board should publish its report and the programme it is undergoing, every six months in a year.

Another issue is the issue of security. We find there are so many firearms currently in circulation within our boundaries and we would propose that any one found with illegal firearms be jailed for a period of not less than ten years without an option of a fine. This is because some of these people are being sponsored by the rich people in the society and if you give them an option of a fine, they will be bailed out again. So this people should be jailed for a period of ten years.

The same goes for people like robbers and rapists, especially rapists. Currently we are finding that there is an increase in rape cases and with the aids issue we find we cannot accept to terminate someones life through that. Someone who is involved in such an act should be outrightly castrated, no question about that.

(Laughter)

Mayors should be directly elected by the electorate. This is because these are people who make policies for a place like Kabarnet and the rest and this is a cosmopolitan. This person should not necessarily be a native of the locality, for example Kabarnet. This should not be someone born and brought up in Kabarnet.

This is because most of this town are built and you would find someone from Nginyang' who can understand this place better than the natives of the place can. Therefore, we would propose that anyone who has been a resident here for a period of not less than ten years can be elected as Mayor of that locality.

On the issue of natural resources, a third of the proceeds from natural resources which are escapated from a region should be used within the locality and then two thirds be used by the government or by the person who has been authorized. One third by the people within.

Another issue is donations through NGO's. We might find some donors who would want to assist a local project, these people should not be taxed by the government because they are assisting it. Anything which they donate as long as it is to be used should, not be taxed, but if for example issues like vehicles which they bring to use, when they want to go out, the person who buys it from them should pay tax to the government because these people have finished what they wanted to do with it.

On the same length, we have private non- commercial schools. These are schools, which are set up either by missionaries or some natives who would want to assist the government. We would propose that the government gives these schools teachers because currently we find that these schools are treated like commercial school yet they are coming in to assist the government. These people be given teachers.

The Kenyan budget should be made by an economic board, not by the ministry of finance. This board should be constituted by six members appointed by the ministry and then two members each from the business community and the industrialists and then the federation of Kenyan employers and Cotu.

On the issue of land: Idle land should be taxed if it has not been used for a period of two years. Any land which has not been used for a period of two years should be taxed and these tax should be severe so that we don't find people leaving their land idle while we have people who could use this land productively for this government and to bring revenue to our country.

Lastly, education in primary schools should be free and those in high school should be subsidized to something close to free. Currently we find that some parents cannot afford to take their children to high school because the fees keep on being increased each and every time. So if we are going to have the government subsidize, then we are going to educate our children to a very long extend.

Thank you.

**Com. Hon. Asiyo:** Thank you very much. There is a question.

**Mr. Kiprop:** Yes, Madam.

**Com. Pastor Ayonga:** Bwana Kiprop Chirchir,

**Mr. Kiprop:** Yes, Sir.

**Com. Pastor Ayonga:** first, I want to know whether I heard you correctly. Did you say the President and the MPs should be holders of a degree?

**Mr. Kiprop:** Yes, Sir.

**Com. Pastor Ayonga:** Okay, then I have a question for you. What magic is in a degree that when these people have degrees have degrees is when they can perform and rule this country properly? You being a university student, I want to take you back to history. You know Great Britain and those of us who went to school earlier before you were born, we used to take pride or they use to take pride for those who went to Oxford University, Cambridge and the other like British Universities. However, these countries where we can say the birth of education came from, they did not think at least at certain times that a degree was really a criteria for a leader.

Whereas education is good, bookwork is good and you can have as many degrees as you can possibly get, this does not determine that you are necessarily going to be a leader of a country. Let me give you one example; during the Second World War, there is this big name which comes as Winston Churchill. Have you heard about it?

**Mr. Kiprop:** Definitely, Yes.

**Com. Pastor Ayonga:** This man never saw the gates of the university and yet he carried out this Country, the British Empire, which the sun never set. And this man who never saw the gates of a university took this Country through during the Second World War and the British came out as winners. Let me bring you to your time; most recently we have had, have you heard the name of a Prime Minister called John Major?

**Mr. Kiprop:** Yes, of Britain?

**Com. Pastor Ayonga:** John Major never saw the gates of the University.

**Mr. Kiprop:** Yes that is true.

**Com. Pastor Ayonga:** Yet he became the Prime Minister of this highly educated, sophisticated people. Our Country is forty

years now since independence and none of our Presidents is a degree holder, and yet they have maintained peace, they have built so many universities, they have done all that they have done without the degrees. Would you like to change your thoughts?

**Mr. Kiprop:** No. I will not change my thoughts. I would want to be very clearly...

**Com. Pastor Ayonga:** No. We are not debating.

**Mr. Kiprop:** Yes, I am not debating.

**Com. Pastor Ayonga:** I just wanted to tell you that others also can be leaders without degrees. A leader should be chosen as a leader without thinking of a degree. Thank you. You can sign unless Mama Asiyu wants to ask you a question.

**Com. Hon. Asiyu:** I just want to support you that education is good because it sharpens people's mind.

**Mr. Kiprop:** Thank you Madam.

**Com. Hon. Asiyu:** And makes them able to see the global village in a much more clearer way. However, we also know of people with Ph. D. who are complete drunkards.

**Mr. Kiprop:** That is true.

**Com. Hon. Asiyu:** So really you should have given us many more qualifications rather than just education.

**Mr. Kiprop:** I was contributing to among the other qualifications.

**Com. Hon. Asiyu:** Very good. Now I see what you are going to be telling us. We can see through you and we are happy that you represented the university students of this district and please give them our regards and tell them that their views have been taken clearly by this commission.

**Mr. Kiprop:** Thank you.

**Com. Hon. Asiyu:** Can you please now sign our register? Mr. Silas Ruto. Is he here? Silas, before you talk, before you come, there was somebody ahead of you. If you can just, just prepare. I have Reverend Joshua Nachuru, who is going to represent the AIC Baringo. I would like him to please come over and make his presentation, after which you, Ruto Silas, will give us your presentation. Karibu sana Bwana Joshua. Tumeshukuru kwamba AIC wameona ni vizuri mmoja wao kuja

kuongea. Tayari watu wa Catholic na kule tumeenda makanisa mengi yameongea sana sana na sasa ni wakati wa AIC officially kuongea.

You try to be brief. Please just touch those important issues.

**Rev. Nachuru:** Thank you very much Madam. Nachukua nafasi hii kumshukuru Mungu kwa kuwaleta ninyi salama na ninasema asante sana kwa nafasi hii. Wakati niliingia, niliingia mapema, lakini sikupata nafasi ya kuja kuketi hapa, niliketi kule juu kwa sababu nilikuta watu wamejaa, ingawa sikuchelewa sana. Kumbe saa ile mliingia, watu wakajaa hapa, nikaketi huko juu.

Na pia nilidhani ya kwamba Chairman wangu, ambaye ni Reverend Raimoi angekuwa hapa na kwa sababu yeye hayuko, nikaona ni vyema nichukue nafasi hiyo kwa sababu mimi ni Administrative Secretary katika Baringo Region. Kwa hivyo wakati Chairman hayuko, bila shaka mimi nina uwezo huo wa kuweza kuzungumza kwa niaba yake.

Basi, kwa sababu ya hiyo, mimi sikuwa nimetayarisha, lakini nimeamua kusema machache kwa niaba ya kanisa.

Kwanza kabisa, ninataka kuchukua nafasi hii kusema ya kwamba, tunataka Katiba katika nchi yetu ya Kenya ambayo inatulinda sisi zote, regardless of whether you are a woman or a man. Tunataka Katiba ambayo inatulinda na kutunchunga; watoto, wazee, wamama, bila kujali wewe ni mtu wa aina gani.

Kwa sababu nimeona hata sasa, tukiona katika miji yetu ama towns zetu, utakuta ya kwamba kuna wale watoto ambao wanatangatanga katika miji na hakuna mtu anajali. Wanaomba omba na hakuna mtu anajali.

Ningetaka kutoa ombi, serikali, kwa sheria ya sasa ambayo tunatunga, iwe na nafasi ya watoto hawa maskini. Walindwe, wapewe makao, makanisa yamejaribu kuwachukua wengine lakini mimi ninaona ya kwamba serikali haijaangalia sana. Si kwamba naidharau serikali yetu, ninaipenda, lakini ninataka sheria sasa ifanye kazi kwamba watoto kama hawa hata kama hawana wazazi wa kuwajali, lazima wawe na watu wanaojali.

Jambo la pili: Ningetaka kusema ya kwamba madhehebu yote wapewe uhuru wa kuabubudu, yaani makanisa wawe na freedom of worship. Ninashukuru kwa maana kwa Katiba iliyopita, ilikuweco na kwa hivyo bado ninasisitiza kwamba iweko na nafasi ya freedom of worship katika...

**Com. Hon. Asiyu:** (Inaudible)

**Rev. Nachuru:** Ni hiyo pekee yake mimi ninasema ya kwamba kusiweko na nafasi ya kuabudu shetani. Waabudu Mungu pekee yake, lakini hatuwezi kupinga mtu akiabudu kwa njia yoyote ile anataka, bora tu anamwabudu Mungu kwa sababu yeye ndiye aliye umbwa wanadamu wote.

Jambo ya tatu ningetaka kusema mambo ya Corruption: Ningeomba katiba iwekwe ya kusema ya kwamba wale ambao wanafanya corruption wapewe adhabu, wapewe adhabu kali. Mimi nikiwa Pastor, nimeshangaa na hata nimeshindwa kwa sababu tunawaona watu wetu viongozi wanachukua hongo na kibiblia inatakazwa. Biblia inakataa mambo ya corruption.

**Com. Hon. Asiyu:** (Inaudible)

**Rev. Nachuru:** Ndiyo. Maana ukiona hata Zakayo alipookoka, alisema ya kwamba anaweza rudisha mara nne. Kwa hivyo watu wakipatikana wamefanya uwongo au wamehongana, kisheria wahukumiwe na warudishe mara nne.

**Com. Hon. Asiyu:** Hutaki walaaniwe?

**Rev. Nachuru:** Wasilaaniwe lakini warudishe mara nne ya ile ambayo wamechukua.

Jambo la nne: Ningetaka kusema ya kwamba katika hapa Baringo, kuna makabila matatu na ningetaka yajulikane. Mimi nikiwa Pastor sina ukabila lakini kwa sababu Mungu ametuzaa na kuweka lugha mbali mbali, kabila lingine lisifunikwe bali makabila yote yatambuliwe na yajulikane.

Katika Baringo kuna makabila matatu; kuna Tugen, iko Ilchamus na iko Pokot wa East. Kwa hivyo wote wajuline, ya kwamba kabila lingine lisimezwe na lingine. Kwa hivyo hiyo ijulikane wazi.

**Com. Hon. Asiyu:** (Inaudible)

**Rev. Nachuru:** No. Ilchamus, of which it happens that I come from that tribe. That is it.

Jambo lingine, mashule ambayo wana sponsors, wako na haki ya kuabudu katika mashule hiyo, wakiwa na mikutano yoyote, wapewe freedom, isipokuwa waongee na Headmaster ama Head Mistres, wakubaliane lakini wakubaliwe wawe na mikutano, wakiwa na mipango yoyote ile, kwa sababu imefika wakati siku hizi unaona kuna shida. Watu wanazuiliwa kuwa na mikutano katika shule na hao ni sponsors.

Jambo na sita: Mekanisa wapewe title deeds kwa sababu ukiona makanisa mengi wako under County Council lakini imefika wakati, kwa sababu ya corruption, watu wanataka kunyakua hata plot ya kanisa. Kwa hivyo ningetaka kuomba makanisa wapewe title deeds. Sisi AIC - Kenya tuna trustees, tuna seal ya kanisa ambayo tukishapewa, si kila mtu anashika. Kuna seal ya Kenya mzima ambaye office yetu kuu ya Bishop katika Nairobi ndio pekee yake iko na hiyo seal na kwa hivyo tuna utunzaji bora, kwa hivyo hakuna wasiwasi.

**Com. Pastor Ayonga:** Hizo title deeds ni kwa wale wanao makanisa katika miji? Kwa maana kule nje hakuna grabbers

lakini makanisa yanakuwa na problems katika miji? Ninakuuliza, si ndivyo?

**Rev. Nachuru:** Kuna problem katika miji?

**Com. Pastor Ayonga:** Ndiyo, ambako katika municipality ambako wana plot,

**Rev. Nachuru:** Yes,

**Com. Pastor Ayonga:** keshowe itakuwa grabbed kama title.

**Com. Hon. Asiyu:** Yaani unataka makanisa yote katika Kenya, ----? kama iko reserve ama iko town.

**Rev. Nachuru:** Sasa hiyo sisemi kama ikiwa ni lease, ikiwa katika risafuni, ikiwa lease ndiyo inafanya kazi, wapewe. Ikiwa katika town, wapewe title deed.

Jambo la mwisho, sikuwa nimetayarisha lakini nilisema niseme kitu, ni mambo ya tohara ya wasichana. Nilishukuru kwa kuwa mama moja hapa amezungumza, kwani hilo jambo nilikuwa nimeandika pia. Jambo la tohara ya wasichana ipigwe marufuku. Mimi ninasema hiyo kabisa kwa nguvu kwa sababu ukisoma katika Kumbukumbu la Torati 29, inasema mambo yale ambayo imefichwa ni ya Mungu lakini yale ambayo tumepewa ni yetu na watoto wetu. Kwa hivyo mimi ninasema mambo ya tohara ya wasichana ipigwe marufuku kabisa.

Thank you very much.

**Com. Hon. Asiyu:** Asante sana mzee Joshua kwa maoni yako. Tafadhali andikisha jina lako pale kwa kitabu chetu. Sasa yule jamaa ambaye nilitaka aongee, Bwana Ruto Silas. Uko na nafasi sasa ya kuongea kwa muda mfupi. Wewe umetoka Kapropita na uko na kitu umeandika tayari umetupatia, taja tu yale ya muhimu, just highlight the important the important issues. People are still coming, already I have a list of 257 people who want to talk and only thirty-six have talked. So please.

**Silas Ruto:** Thank you very much. I will have to say I am Silas Ruto from Kapropita.

**Com. Hon. Asiyu:** Thank you.

**Silas Ruto:** Commissioners, Ladies and Gentlemen. It is a very wonderful opportunity that we have to function in this Country and we have to participate in this exercise.

I would like first to start by mentioning one important thing, which a writer made, and this one is that; we need a constitution that

commands obedience. Not by force but by consent, and one which will make Kenyans do their apportioned duties in the correct manner. Not because of force but because one is either self-motivated to do it or because of his/her sense of obedience to authority.

We will not have people respecting authority if there is no mechanism, a state mechanism that is there to drive and make people have a clear cut direction and I would like to say that this is an enviable time that honesty and sincerity should be articulated in our constitution.

Going to the subject now, I would like to say that many have mentioned even some of the points that I have made here, but I will only highlight.

One: The preamble: The preamble in a Constitution is very important, just like your face. Anybody's face is an introduction. It will tell who that person is, how that person is looking like, how do you feel, that kind of thing. Infact we should have the same because it tells you the objectives, the values, the visions and the relevance of the Constitution. Otherwise, it would be very irrelevant and very difficult in application if it has no direction. Our Constitution should actually enforce this one.

In terms of the principles of the state policy, in our Constitution, we should have or it is a component of sets of principles, rules and structures of governance and if the same should be so then the same should be reflected. The following should be reflected in our Constitution.

I think in our currency we have a problem; we have been having a one sided kind of... whereby we have had the head image of the president or a leader for that matter, appearing in the currency.

I would like to suggest that the coat of arms, devoid of parties' symbols and inclinations, should be reflected in our currency so that we have that as very important and it is actually uniting all Kenyans.

The national anthem should be reflected in this Constitution, because if we are actually entrenched and we are seeing that our national anthem is good, then we should also have it in the Constitution. Otherwise, if there is any time that we shall change the National Anthem, then it should not be there. Therefore, these are very important documents, which should actually be there.

In that national currency, therefore we can have such structures like Mt. Kenya, which is a physical feature, that if you mention only Mt. Kenya, it dawns on people that, that is Kenya. Therefore, we should have it in our currency instead of the head of the head of that particular leader of that time. What happens if that leader goes in that first term of five years? So, should we change our currency? These will be unnecessary changes that we will need to effect.

We better make it now, so that it becomes stable and we will live with it for as long.

The institution of Parliament should also be there because it is a very important institution. The photograph of the parliament can



also be imprinted there, among other other national oriented symbols. Than is the currency.

The Constitutional supremacy: Sixty five per cent was good. That was a good majority and it was actually signifying a very best democratic procedure, so that one should actually be retained in the constitution.

However, there was only one observation that we made as the Kapropita Community, that one is the referendum. The parliament should not be given exclusive powers to make some constitutional amendments. Otherwise, can a referendum come to the people who have the mandate, just like this Commission now going to the people? I believe it has been popular and the Commissioners, you can bear witness that people participated. It is not that we do not have what to say, but it is that somebody somewhere is denying us that kind of chance.

Therefore, can the referendum come and decide on certain kinds of changes in the Constitution and then we give these people this document. Let them now take our views from the ground, go and articulate the same in Parliament, bearing in mind that they have that issue which they have brought from the various areas.

In citizenship...

**Com. Hon. Asiyó:** You are coming towards the end of your presentation and which we are going to put in the computer anyway...

**Silas Ruto:** Then I will hurry.

In citizenship, it is very clear that we should have only the document of the birth that is citizen by birth. We have all those and it is very clear.

By naturalization, I raise this one to 21 years old and above and of good character and intends to continue residing in Kenya. In case somebody has come from outside, that is the kind of ... If that person has stayed in Kenya for 21 years, then that is actually the mark line to make that person a citizen and should have all those qualifications of the good character and that he has actually made that intent that he is living in Kenya.

And then the identity and all that.

Defence:

**Com. Hon. Asiyó:** The last one. Yes,

**Silas Ruto:** In defence, it is very important that that machinery should be enshrined and entrenched in the Constitution.

The President should be the Commander-in-chief to avoid confusion of roles. This is a very sensitive area and it has taken us far in Africa particularly. The Constitution should command and give that person power to use this Army properly. Why should we have things like cattle rustling in an independent state of thirty-nine years? Why should we have it? It is a very repugnant kind of cultural practise that should be stamped out. Why don't we use our machinery to put them off? Are we condoning them, or is the Constitution condoning them? It is not clear. Therefore, can the Constitution come out once and for all then it becomes very clear what is to happen?

Political parties: We have had a lot of confusion in the political parties so it should be limited to two because of the issue of most of them becoming tribal. We have even one person being the Presidential aspirant, he is the MP, he is everything. Why don't we have a popular party, be it two or four at most to make Kenya a wonderful state.

Structures and systems of government: That is the last one Madam.

**Com. Hon. Asiyu:** And let it be the...

**Silas Ruto:** the last one. Yes.

The structure is that we maintain the Presidency but this President should not be a member of parliament. Should be elected by all Kenyans and that we should never have a Prime Minister. Why should we? This is to avoid conflict of roles and to reduce expenditure. We do not need to bring in a lot of machinery, which actually causes a strain in an area that is already downtrodden.

The federal system structure: We should have the Regional government and then in the regional government, we should have a chamber there but we do not have to have two chambers at the top. The other chambers should be within the region.

From the region, we should have two popular representatives from the region who should be elected. Not necessarily the governor, the governor must remain there but we should have two representatives sent to the Central Parliament to represent the interests of the various states.

And then we avoid the PC's section in the Provincial administration. Can we now launch down to the district and then it goes down to the chiefs.

Let us have also certain fellows like the village elders; they have been there as figure heads. Can the Constitution recognize them now? This is the moment they have to be recognized because they have been doing a wonderful job. Can they be recognized at that level so that the system becomes very cordial, normal and very functional.

**Com. Hon. Asiyu:** Thank you very much Mr. Silas Ruto: You know that everything you have written there is going to be entered into the computer, so really since you have covered most parts, just give us that document. It is a very well written one

and we will make full use of it and we appreciate your coming over.

**Silas Ruto:** Thank you, thank you so much.

**Com. Hon. Asiyo:** Thank you, very much. Do you have any question? Okay. Right now we will have Chelelno Damaris, halafu atafuatwa na Andrew Kwo

nyike, halafu tutaenda kwa bwana

Joshua Maketai. Hawa wote nimewaita kuna mmoja yuko hapa tarayi? Okay, unaweza kuja. Huyu mama Damaris akija, mumwambie aliitwa na hakupatikana, sasa tumeweka jina lake kando.

**Andrew Kwonyike:** Thank you very much Commissioners for this opportunity. My names are Andrew Kwonyike from Kapropita.

Mine are going to be proposals on the electoral system and process.

I propose to you today that a representative electoral system is the best is the best, with a simple majority rule for one to win.

A candidate should be barred from switching from one party to the next. If such a case occurs, to a parliamentarian, then he stands a chance of losing the seat immediately.

A twenty-five representation in all provinces should remain the way it has been in our current constitution.

Presidential election should be directly done through secret ballot and counting of the votes should be announced immediately in each polling station.

I also propose that an Election Commissioner should have a minimum of a degree. This is an issue that you have come across and you really contest it but I would like to support my first proposer by saying that it really is good. It is a feature that is supposed to be a characteristic of all Commissioners because they are the ones who are going not only to articulate what the members have proposed or articulate what the other members are going to propose but also present in a logical manner.

Secondly, they are going to analyse. We don't need people who have not gone to school because we would like our Constitution to be properly analysed, we would like our constitution to be properly interpreted, all the views without even misinterpreting a single view of each and every proposer.

Funding of the Commissioners should be from the Ex-chequer. It should not be left without any budgetary allocation.

On basic rights, am talking specifically on the side of the death penalty: I believe life is precious but in this case, criminality also is not condoned. Let this issue of death penalty be properly implemented.

We have had cases of condoning the highest level of criminals in the land that they have been pardoned by the Act of presidential amnesty or something similar to that. This has left a lot of criminals coming and committing crimes every now and then to an extent that they jeopardize the otherwise good governance or running of our society.

We would like that kind of penalty to be impelented to the letter.

My other proposa I is on eduation: In the recent past, we have had a lot of changes coming up in the education sector. I strongly recommend that the education commission should be at least considered in the constitution, to look into the matters touching education.

I recommend that all the way from the ministry level, the people who should be in charge must be competent professionals who know everything to do with education, please, upto university level. The Chancellor should be a professional not a politician. Our universities have been subject to political manipulation because of the constitutional inability to provide its good running.

I have the issue of discipline in schools also. Please allow me to recommend the cane as the best way possible. I am supporting my other proposers.

Free education for basic education from Primary to form four. I also equally recommend and ask the Constitution to allow the government to provide this one free.

The 7-4-2-3 system of education be re-introduced. I am saying so because right now as we are in this room, the East African universities cannot recognize our form four leavers. They have to undergo some bridging courses before they are allowed into those universities unlike the past when even Makerere University would allow our form six leavers from this country.

We need to revert back to that particular kind of system.

Recruitment and promotion of both primary and secondary schools is a matter, which has really made the teaching fraternity to have some kind of a division. Promotion to the Primary teachers is coming from the ministry of education and the promotion of Secondary School teachers seems to be coming from the Teachers Service Commission. Can we have a Constitution which provides that one particular body is in charge of the promotion of these teachers?

Why are they being subjected to all these divisions yet they serve one particular common purpose?

On the same, any classroom teacher who has served the teaching force for a minimum of ten years should be automatically be promoted to the next job group.

**Com. Hon. Asiyo:** And that one has been recommended to us by many many----?

**Mr. Kwonyike:** Very good. Thank you so much.

**Com. Hon. Asiyo:** If you could kindly now just cite the most important.

**Mr. Kwonyike:** Let me finish this one and go to the most important one.

Promotion of Head teachers also in the education sector should not be politically motivated. It should be based on experience whereby I am saying for Primary schools, a teacher who has served in the classroom for ten years should be promoted automatically on professional lines and secondary may be eight years. And those secondary fellows with masters, four years. That is okay.

Then on the side of land and property rights, I am supporting my other colleagues by saying that let land be jealously protected, especially the ADC farms. May they be repossessed and be owned and taken care of by the government. They were assets to the government but now they have become individual private owned lands.

May any land owned individually, which exceeds fifty acres be taxed. That means 1-25 acres may be exempted from taxation and the taxation should be at five percent of the current value of that particular land so that the government also may benefit from any empty land elsewhere.

I also support this issue of some percentage resource benefits should be apportioned to the individual or community where the resource is found especially... I have given five per cent of the value of the mineral or any resource found or exploited in that particular area to benefit the individual person. That means I am agreeing with my other proposer in this line.

Why am I saying five per cent? Because it destabilizes that particular person in his ecological area where he used to stay.

Two, through may be pollution and deprivation of the same.

Lastly may be on environment and natural resources, I am recommending that the communities within those particular areas should play the role of caretakers to any natural resource found in a particular area. And along that line the Parliament should enact laws or through the constitution, there must be some laws to protect the natural resources properly.

**Com. Hon. Asiyo:** Can you come to the conclusion now?

**Mr. Kwanyike:** Yes. Lastly, on the international relations, may all the powers on international relations be vested on the Executive?

The transfer of power: May it be done immediately when a president is sworn in. The power should be given to the next incoming President.

Otherwise, for those few remarks, I say thank you very much, unless you have a question.

**Com. Hon. Asiyo:** Thank you very much. You have covered it all so very well. If you can please kindly deposit that the document with us, so that it becomes our property and sign our register at the back there. Can we now have Councillor Joshua Maketai followed by Councillor Kosgei then Robert, Robert is an observer, Councillor Kosgei is not here, halafu atafuatwa na Ibrahim Hassan ambaye ameandika mambo yake, hatakuwa na haja ya kuongea kabisa. Endelea sasa Councillor, tumekupa nafasi.

**Joshua Matetai:** My name is councillor Joshua Matetai from Kabarnet Municipality. I have a written document and I think I am going to over what I have just placed because most of them have touched it.

The first one is that the structure of government that we would like to have is the federal system of government. In this case, we would like to have a President who is elected by the majority of the Kenyans themselves. This President will be elected through votes by all Kenyans in a given time.

He shall be the President if he wins a majority of the votes from all parts of the nation. And the runner up, who will be second to him, be given as the Vice President, be provided as the vice president.

Third, we should have a Prime Minister. The Prime Minister minister shall be...

**Com. Hon. Asiyo:** Bwana Councillor, dakika moja tu. Mzee na mimi tunasikia njaa kidogo, tutakula na kurudi ni kama hawa jamaa wetu pia wamekula wamerudi. Tafadhali endelea.

**Clr. Matetai:** Asante. Ninamaliza tu.

We shall have a Prime Minister who will be elected by the people, who will come from a party. Remember that the President is not a party member. Yeye hana party yoyote.

Under the Prime Minister we shall have two offices; the foreign affairs and the finance government.

We shall also have a senate which will sit in this parliament. The senate will be chosen by all the tribes of Kenya. They will have a representation from the people themselves, from every tribe of Kenya and they will seat in one House with the members of the National assembly who are going to be elected by the members through elections.

Down the ladder we shall have the Provincial assembly and then the District assembly until the Locational assembly.

I cannot be able to mention the powers that they are going to be conferred but may I also mention some few things here.

Other things that we would like to have in our constitution is that because our society changes every now and then, we would like our constitution to be reviewed in a given time, rather than having it being moved by some few political fellows at a certain time and condemning it .

Therefore, we shall have a time or a moment in our callender that the review of the Constitution is preferably after every twenty-five years.

Then about jobs, kazi; you find that most of our people do not have work to do. I would like our constitution to have some powers to make sure that all able bodied people in Kenya do work.

This should be penalized at least when someone does not work and he is able, should be given at least a month's jail in home jail. This is to curb idlers and robberies.

Land that is not utilized should be taxed so that the people who own land may utilize it to produce products that are consumable in the nation.

About education: We need to place emphasis on the type of education we receive. Nowadays we receive academic education but we have just forgotten the technical part of it. Therefore, we would like to see that the education we receive right now is the one, which will enable the Kenyan to sustain himself.

Third, about political contenders: In National and Local authorities, those who are going to contest should be thoroughly screened from corruption and other insurbordinate activities. They should not be let to just to go and contest for activities while their side, where they come from doe not riflect what sort of good leaders they should be. Therefore, they should be screened thoroughly before they come in to contesting any seat either in Local authority or in National authority. May be they can be done through the Judiciary.

We also know about the state farms, somebody has talked about the state farms. In Kenya, most of these farms which belong to the state have been sub-divided to our citizens but you find that we are missing so many commodities. Kenya is now failing to produce even food to sustain itself, even wheat. We are almost going out to look for that. If there is any land that is still there, it should never be subdivided; it should be left to be developed to produce some food for our needy nation.

Land grabbers should be brought before books, no matter how long the crime was committed. That has embarrassed so many people and that has done away with so many people.

Declaration of property: One should declare his own property before being made to become a leader. Should be able to

produce how much you have, probably in cash or in other property so that it will stop this kind of corruption that is lingering in our leaders.

In the case of nomination, it should like to request that it should be done away with unless only to these sectors where there is no otherwise e.g. the disabled. They should have representation there.

Men and women in Kenya are equal and should be given representation through polls.

Mayoral posts and Chairmanship of the Councils should be done through vote. The people should be given time to choose their own leaders.

There are some policies that the government at times comes in with that should not actually be let to go by. For example the policy of education in disciplining children. It came without being screened and I feel that the government should look into, the constitution should look into it before it is brought up to the public.

The National Assembly should sit and look into the policy, before it is taken in to affect the people.

Corruption of any kind should be punishable through jail, because fining is just a meagre punishment so one can receive depending on what the National assembly will pass. The terms of jail will be determined by the MPs that will be chosen.

I think that one is brief on my side because I have got a lot of documents here.

**Com. Paul Wambua:** Yes, Bwana Councillor Matetai, thank you very much for your presentation, I believe you have a memorandum which you can give to us. Please Register yourself. We want to call Councillor Kosgei. Councillor, taja majina na utupe maoni na ufupishe maneno tafadhali.

**Councillor Kosgei:** Basi mimi ninaitwa Councillor Kosgei kutoka Kabarnet Municipal Council.

Kwanza ninapendekeza serikali ya majimbo kwa sababu majimbo inawakilisha zile jamii chache.

Majimbo itamaliza maneno ya corruption hiyo yote nyinyi mnasema kwa sababu zile pesa zote zinazosanywa kupitia kwa jimbo, pahali kila jimbo itakuwa na governor yake ya kuwakilisha na kufika hapo kuna pesa zitawachwa ziende kwa Central Government na zile zingine zitabaki kwa jimbo na tena itasaidia watoto kwa wakati hii kazi ni ngumu kupata.

Kwa hivyo ninaunga serikali ya majimbo; Regional government agent kwa sababu hata mbeleni, wakati tuliponyakua uhuru, tuliandika gari lile la wabeberu lile na lilikuwa na ---? Regional government agent, yaani ilikuwa serikali ya majimbo. Kwa hivyo mimi ninaunga hiyo sana.



Ya pili ningeaona tena maneno ya sheria; kila jimbo iwe na sheria yake.

Tena ninaunga Prime Minister na Deputy wake, hata mama apewe hiyo, waonekane wako ndani ya serikali kamili.

Ya tatu: Uchaguzi wa Rais; ninaona inawezekana Rais achaguliwe moja kwa moja kama President wa wote. Si kuchaguliwa na wabunge kuwa President.

Wakati wake, hii inasemekana two terms, yaani miaka kumi, kama President kazi yake ni mzuri, aongezewe hata miaka mitano aendelee mbele.

Lingine ni hii maneno ya mashamba. Wakati huu kuna shida ngumu ya kazi, kuna shida mingi ya chakula kwa hivyo hiyo shamba kubwa kubwa ingekuwa national farms iwasaidie wale vijana walio nyumbani kwa sababu ya kukosa kazi.

Wapelekwe huko kuandikwa kama wakati wa ubeberu ili nao wafanye kazi na kujipatia kitu. Serikali iwe ina lease hayo mashamba kwa wale wanaendesha kwa sababu ya ukosefu wa kazi.

Sheria ingine ambayo ningetaka ipitishwe ni maneno ya ajali ya magari. Ingefaa ibadilishwe kwa sababu mtu mdogo kijana anaweza kupatiwa licence, kabla hajafika hata miaka ishirini, anaendesha gari analeta accident. Ninataka watu wapewe licence kama wamefikisha miaka ishirini.

Ya pili: Kama dereva akipatikana akilewa, licence yake inafungwa miaka mitano.

Ya tatu: Idara ya traffic, kama wanapatikana mtu aliye na makosa kwa hilo gari, wawe waki-charge papo hapo na alipe hiyo fine badala ya kuzunguka wapi wapi. Kwa sababu wameshafundishwa kama laws za police halafu wanamaliza kazi yote ili tuokoe maisha ya watu kuliko kufa saa zote kwa ajali za magari.

Na kama wakipatikana wameshakunywa pombe, police wakuwe na ile lactometer ya kupima nayo. Kama mtu ananuka pombe, basi licence inaenda.

Lingine ni maneno ya urithi kwa msichana: Kwa kweli hii haikuwa desturi yetu zamani lakini kama mtu anazaa wasichana, hakuna mwanaume, si ana haki kuwarithisha wasichana wake shamba? Si ana haki? Kwa nini ndugu yangu yule mwingine ananiona sina wanaume, anataka kuja kurithi hiyo shamba. Hiyo haiwezekani. Hiyo shamba inatakikana msichana apewe.

Ama msichana akizaa nyumbani na amekosa bwana, mpatie nusu acre na uwache maneno ya zamani.

Maneno ingine ningetaka kuweka kwa haya maneno ya Katiba ni maneno ya kipande. Ingewezeke, mtu apewe kipande akiwa na miaka kumi na sita. Usingoje mpaka ndevu inamtoka mtu, nywele nyeupe, miaka kumi na minane ndiyo mtu anapewa

kipande. Kwa hivyo mimi ninaomba kama ingewezekana kwa sheria, vijana kutoka miaka kumi na sita wapewe kipande.

Maneno ya kutowatahirisha wasichana, mimi ninaunga mkono lakini kitu ninasema ni kwamba hata wanaume wana uhuru.

Kama yeye hataki kutahiriwa hapana lasimisha kwa sababu dunia ya sasa ni dunia ya kutafuta masomo.

Ukimlazimisha msichana kutahiri, utashtakiwa lakini mwenyewe akikubali kwenda, ninafikiri hawezi lazimishwa. Mnaona hii masikio? Kuna mtu alimlazimisha mwenzake asitoboe? Kuna mtu alilazimisha?

**Com. Paul Wambua:** Councillor, tafadhali fupisha maneno maanake tuko na watu wengi wanataka kuongea.

**Cllr. Kosgei:** Haya! Hakuna mtu alinilasimisha kwa hivyo kila kitu itakwisha kutegemea maendeleo ya nchi. Kwa hayo mafupi na machache kwa sababu ya saa, ninasema asanteni sana, Mungu awabariki.

**Com. Paul Wambua:** Asante Councillor, asante sana.

**Cllr. Kosgei:** Yes, Sir.

**Com. Paul Wambua:** Tafadhali jiandikishe hapo, kama uko na memorandum utupatie. Hassan Ibrahim? Ibrahim Hassan? Hayuko. Edwin Tomno? Edwin, tafadhali kuja hapa, taja jina na ufupishe maanake na sasa tunabadilisha mwenendo sasa. Kama jambo lishatajwa, na limezungumziwa, usirudie. Maanake tayari tumepokea, na limeingia kwa machine. Watu wangali wengi na tuko saa tisa sasa na tunataka kumsikia kila mtu.

Kwa hivyo kama jambo limetajwa, limezungumziwa, usiweke mkazo eti uongezee moto. Litaje tu na upite maanake tayari tumepokea. Endelea tafadhali.

**Edwin Tomno:** Mimi ninaitwa Edwin Tomno, ninatoka Kituro Location.

Pengine nikipitia tu juu ile nilikuwa ninataka kusema, kwanza ni juu ya serikali. Ningependelea federal government President awe anachaguluwa na watu na awe Head of State na Prime Minister awe amechaguluiwa awe head of the government halafu tuwe na two chamber Houses.

Senate iwe inawakilisha the forty-two tribes. Kila tribe iwe na mtu wao mmoja ili wawe na vote moja. Kama ni Wakalenjin, wawe represented na mtu mmoja, kama ni Wakikuyu, awe ni mtu mmoja, ili wawe in charge ya Senate na Parliament iwe tofauti, iwe na MPs wa constituency.

Ningependa kuongeza ya kwamba kwa wakati huu Constitution inatengenezwa, ningetaka kuhimiza ya kwamba ili hii Constitution ikae, isiwe ikiguswa ikibadilishwa ama ifanywaje na Bunge ama Senate, iwe kama kuna jambo linataka

kubadilishwa, warudi tena kwa wananchi, waende wafanye referendum ili waweze kupendua kitu yoyote ama waandike kingine kipyua.

And then nilitaka kuongeza pia kuhusu maneno ya pesa ya Kenya au currency: Our currency notes saa hizi carry the portrait of the Head of State. I think the constitution should be made in a way to say that these notes do not put on any Head of State who is living or who is in office, asiwe ameonyeshwa kwa noti ama kwa pesa yoyote ya Kenya.

What we need to do ni kwamba kama mtu amewacha ofisi, noti inaweza kuwa na picha yake ili kwamba mtu asi take advantage kwamba saa hizi ako kwa kiti, pesa iko na picha yake.

Tusifanye hivyo kwa sababu tunajua wakati huu tunaenda kwa wakati tutachagua President mwingine na haitakuwa vyema tukichagua President kila miaka mitano, tunabadilisha noti zetu za Kenya.

Pengine ningependa hiyo sheria ituchungie hiyo.

Ya mwisho ningetaka pia kuongeza juu ya term ya President. Kama mtu amechaguliwa kuwa Rais, awe ana miaka zaidi ya thelathini na tano na aendelee kuwa Rais akichaguliwa mpaka afikishe umri wa miaka sabini na miwili. Ninafikiri hiyo ndiyo wakati tutasema Rais amekubaliwa ku-retire. Awe seventy-two years and below lakini akipitisha miaka hiyo, ninafikiri afadhali a-retire.

Kwa hayo machache, nimeshukuru sana.

**Com. Wambua:** Asante sana Bwana Tomno. Tutamwita Kiprop Wesley. Kiprop Wesley? Basi tumwite Rhoda Kandie. Ako wapi? Mama kuja mbele hapa, taja jina na utupatie maoni yako kwa kifupi.

**Rhoda Kandie:** Asante sana Commissioners. Jina langu ni Rhoda Kandie, mimi ni mkaaji wa Baringo central constituency.

Nitaenda kuchangia kwa mjadala na nitaanza kwa kusema ya kwamba Constitution making i-recognize ile mambo ya marriage ile inafanyika traditionally maana wakati watu wanaenda kwa engagement, we believe that is a forum where people go and commit themselves to that marriage.

Kwa hivyo ninasema ya kwamba pahali wazee wamekaa na wameongea wakasema hawa vijana waowane, wapewe na kibali kuwa na certificate ambayo watapeana hapo hapo so that baadaye kusitokee shida ya kusema ya kwamba huyu hakuwa bibi yangu. Bora tu wazee wamepitisha, basi wapewe certificate papo hapo.

Ya pili ni mambo ya elimination of all forms of discrimination against women. Kwa mfano mambo ya FGM; watu wamezugumzia na sisi wakina mama tunakataa kabisa tohara ya wasichana. Kwa kila hali na mali tunakataa kabisa. Hata kama wengine, msichana atajisikia ya kwamba yeye angependa kwenda sisi tunakataa maana kuna maana yake.

Kwa hivyo waelimishwe badala ya yeye kuruhusiwa. Waelimishwe ya kwamba tohara si kitu ya maana, badala yake kuna madhara fulani ambayo yanatokana na tohara. Na pia kulingana na Biblia, tohara hairusiwi kamwe.

Kwa hivyo sisi tunasema tunakataa na itolwe kabisa.

Ya tatu: Any form of domestic violence against women. Kabila letu bado wanaamini ya kwamba usipimpiga bibi yako, hawezi akakaa vizuri. Sisi tunasema hiyo si mzuri kwa sababu kama mama amekosa, si aambiwe tu ya kwamba hii ni makosa? Si lazima apigwe. Hata wengine wanapigwe mpaka wanaumizwa wanaenda hospitali na mama anarudi tu anakaa nyumbani, anaona hiyo ilikuwa ni kuadhibiwa na huku ameumia, hata amekakwa na wananyamaza tu.

Sasa, sisi tunasema kama kuna aina ya kutoa discipline kwa mama, isiwe ni ile inaenda kumuumiza lakini labda wazee waje waongee, wasuluhishe hiyo shida ambayo imetokea lakini kama mzee amempiga bibi yake mpaka amemuumiza, mama ana haki kwenda kumchukulia hatua ya sheria maana a human being is a human being is a human being. Hata mtu yeye anaenda mpaka anakosa lakini hakuna wakati anapigwa na bibi. So why should she be beaten mpaka anaumizwa?

Ya nne ni mambo ya rape: Rape, wanaume ambao wanafanya hicho kitendo cha kutumia force kwa wakina mama, wasichana hata watoto wadogo, sheria iwekwe ile kali kabisa mpaka mtu akipatikana na hiyo shida ya ku-rape, aende jela hata kama ni miaka ishirini ndiyo wengine wajifunze ya kwamba hiyo si kitu mzuri ambayo amefanya. Others can learn from that penalty ambayo imetolewa kwa mwenye amepatikana na hiyo makosa.

Ya tano ni mambo ya family property: Mimi ninapendekeza ya kwamba kama kuna shamba ambalo limekuwa inherited from parents, kama kuna mali yoyote ambayo imekuwa acquired na bwana na bibi baada ya wao kuoana, iandikwe kwa majina ya both husband and wife so that hakuna wakati mzee ataenda kutumia mali ya family kwa njia yake ambayo bibi haelewi.

Hiyo pia itaenda kusaidia wakati mmoja wao amefariki kwa bahati mbaya ama kwa ajali. Kama ni bwana ametangulia na bibi aweze kuwa na haki ya kurithi family property. Na kusitokee mambo ya kung'ang'ania maana tumeweza kusikia ya kwamba mtu akifariki, kama ni bwana, na alikuwa na mali, watu kutoka, sijui wanawake wametoka wapi, wanakuja kusema hata mimi nilikuwa bibi yake, hata mimi nilikuwa na watoto yake na hapo mbeleni haikuwa imejulikana ya kwa alikuwa na bibi.

Kwa hivyo kama bibi na bwana wanaandikisha family property kwa majina yao, then itajulikana ya kwamba this is the right wife to this man and this is the right husband to woman. Kwa hivyo family property iandikishwe majina yote ya bwana na bibi. Asante sana.

Watoto ambao wamezaliwa kwa family kwa bibi na bwana: Mimi ninaunga kwamba mtoto ni mtoto. Akiwa msichana akiwa kijana, ako na haki kurithi mali ya family ama mali ya baba yake. Okay thank you.

Maana wenye wameathiriwa sana kwa mambo ya family inheritance ni wasichana na sisi tunasema msichana kama ilikuwa ni bahati mbaya akae nyumbani, basi na yeye awe na haki ya kurithi mali ya wazazi, siyo kando vile mwenzangu amesema

anunuliwe shamba mbali. Mbona anunuliwe shamba mbali? Si yeye ni mtoto tu? Kwa hivyo ilikwa ni bahati mbaya kwamba ako nyumbani. Yeye apewe haki ya kurithi mali ya baba yake au ya mama.

Wakina mama wawe na haki ya usemi kuhusu mambo ya uzazi. Mambo ya family planning. Kulingana na afya yake anasikia hawezi akaendelea. Mama asaidiwe kuwa na haki ya kusema ya kwamba yeye ametosheka na wale watoto ambao wamepatikana na aweze kuendelea kuishi maisha mazuri kama watu wengine.

Inayofuata ni mambo ya elimu kwa watu wote ama kwa watoto. Ningependekeza ya kwamba watoto wote wapewe elimu sawa na tuwe na free education mpaka Secondary level na serikali iweze kutoa vifaa kama zamani maana zamani walikuwa wanaprovide vitabu, exercise books na hata teaching materials kwa mashule so that ile responsibility ya parents itakuwa tu ni kujenga shule maana saa hii serikali inasema there should be free education for all lakini how free is that education na sisi hapa wazazi tunaumia tukinunua vitabu?

**Com. zein:** There is something we say we want free education without hidden costs.

**Rhoda Kandie:** All right. Yes, without any hidden costs.

**Com. Paul Wambua:** Na pili, mama, yale mambo ambayo yametajwa nimesema usirudie. Taja tu kwa kifupi na umalize maanake bado tungali tuna watu wengi.

**Rhoda Kandie:** Ninasikia wakati ninarudia ninasikia labda kuna kitu ambayo haikufafanuliwa vizuri ndiyo ninarudi kusema ndiyo iweze kueleweka.

Kwa mambo ya mashamba, ningependa kupendekeza ya kwamba hapa katika nchi yetu ya Kenya watu wamegawanyika mara mbili; kuna matajiri kupita kiasi na kuna maskini kupita kiasi, kwa sababu wale walio na uwezo wanaendelea ku-acquire mali kwa sababu wako na uwezo lakini wale maskini kwa sababu hawana chochote wanaendelea kuwa maskini.

Sasa, ikiwa ni mambo ya ku-acquire land, tuwe na kiwango fulani ambayo watu hawatakikani kupitisha. Kama ni acre elfu moja, basi iwe ni kiwango ya mwisho ya juu na yule ambaye hana wasaidiwe ku acquire hata kama ni acre tano. At least acre tano itaweza kuwasaidia.

Na mambo ya plots; tukiongea mambo ya plots, kuna watu ambao wako na zaidi ya plots ishirini ama ishirini na tano. Wako na plots tano Kabarnet, Nakuru Kumi, Nairobi hivyo, wakifika huko Mombasa wako nazo. Why do we have people having that monopoly of acquiring plots?

**Com. Zein:** Kwa hivyo unapendekeza nini?

**Rhoda Kandie:** Ninapendekeza ya kwamba...

**Com. Paul Wambua:** Wacha kidogo, wacha kidogo nikuambie. Hiyo shida, ukitaja shida, tupatie proposal. Tunaielewa sana. Taja shida ukisema wale walio na plots mingi tunataka hii ifanyike, hiyo tosha. Move on to the next point.

**Rhoda Kandie:** Ninataka nipendekeze ya kwamba the highest a person can have in terms of plots iwe ni tano pekee yake na wengine pia wapate nafasi ya kuwa na plot.

Na hizo plots ziwe computerized so that hakuna mtu ataenda kutumia kujipatia plots zingine so that it is reflected in the computer, wakiona yuko na zaidi ya tano, then computer ita-reject.

Inayofuata ni mambo ya wafanyikazi wa serikali:

**Com. Zein:** Hiyo shida?

**Rhoda Kandie:** Shida ni kwamba wafanyikazi wa serikali, uajiri wa kazi tunasema ministries zote ziko sawa lakini ukiona, ministries zingine staff wao wanakaa kwa job group fulani for twenty years without any promotion na wengine wanasonga wanasonga wanasonga.

Sasa, if it is the same government, why do we have that big difference?

**Com. Zein:** Proposal?

**Rhoda Kandie:** Proposal ni kwamba Ministries ziwe na commission, I mean serikali iwe na commission ambayo inaangalia promotion for all ministries sawa sawa so that we have promotions coming after every two years na kila mtu atasikia amenufaika.

Halafu pia government parastatal bodies: Mimi ningependekeza ya kwamba kwa sababu government parastatal bodies wana-pay a lot of money such that unaona wafanyikazi wa serikali wanatoka, wanaacha kazi baada ya kuwa trained, a lot of money is spent of training, halafu akimaliza amepata sasa ile knowledge ya kutosha. And then huko inatangazwa kazi wanataka wafanyikazi. Huyu ana-apply kwa sababu tayari amepata hiyo experience. Anatoka anawacha. Sasa the government is loosing a lot of money on training na inaenda kwa parastatal.

So ninasema hivi, ya kwamba parastal bodies wa-pay the same salaries together with government ministries.

**Com. Wambua:** Sasa mama, umepita hata muda mara mbili sasa. Kwa hivyo maliza.

**Rhoda Kandie:** Okay. Nitaenda kumalizia tu hapo, hiyo ingine nitapeana tu as a document ambaye itaenda kwa recording. Otherwise thank you very much and God bless you.

**Com. Paul Wambua:** Swali. Na ufupishe tu, ninataka clarification. Ulisema traditional marriages iwe recognized na certificate ipeanwe papo hapo, nani atapeana?

**Rhoda Kandie:** Kuna wazee ambao wanaheshimiwa katika, kama ni village fulani, village elders.

**Com. Paul Wambua:** Nimeelewa lakini nani atapeana hiyo certificate, ofisi gani itapeana hiyo certificate?

**Rhoda Kandie:** Ofisi ya Administration ndiyo wako na hiyo uwezo ya kupeana marriage certificate. That particular family wa-get in touch na administration so that the assistant chief can attend na apeane hapo.

**Com. Paul Wambua:** So jibu ni assistant chief ama chief.

**Rhoda Kandie:** Yes.

**Com. Paul Wambua:** Okay. Asante. Pili, umesema domestic violence against women na haukutaja domestic violence against men na tunajua kuna wakina mama wanachapa mabwana sana sana. Tunajua kuna hiyo. Ukisema domestic violence na ile punishment ulitaja, itaenda both ways, kwa wakina mama na wakina baba. Wakina mama ambao wanawapiga mabwana zao na vice-versa. Ni sawa sawa?

**Rhoda Kandie:** I want to be gender sensitive na ninasema wazee kama kuna shida, na wao pia wasaidiwe, the same way the women are being assisted.

**Com. Paul Wambua:** Haya! Sawa sawa.

**Rhoda Kandie:** Asante.

**Com. Paul Wambua:** Thank you very much. Wapi Mark Yatich? Ninasikia jina lako halitutajwa, sijui kwa nini halikutajwa lakini vile utafanya, tafadhali kuja hapa utumie five minutes. Uko na memorandum? You have a memorandum? Then it is three minutes. Hihglight the key issues, give us the memorandum, we are going to analyse it, we will read it thoroughly and make sure that no point is...

So you have three minutes and you have to make use of the three minutes. Highlight the key issues.

**Mark Yatic:** Commissioners, it is unfortunate that I was skipped but I will try to be as brief as brief as possible. First, may I present the draft memorandum and in due course you are going to receive a comprehensive presentation from KNUT.

For now I want to highlight just a few areas on what I have here.

First is the issue of amendment of the constitution: You will agree with me that it has taken quite along time or it has taken us time and a lot of resources, so, amending this constitution should be subjected to a referendum which should in this case be conducted by the Local authorities and if need be, if it is realized that there is need for the amendment of the constitution, then it should be taken back to Parliament and it should receive seventy per cent approval by Parliamentarians.

On citizenship, the constitution should provide for only... there is no dual citizenship in this case. If one has chosen to be a Kenyan citizen, he should hold only one citizenship and no more than that.

For political parties, we propose that these ones get limited to only three and should be financed by the state from the ex-chequer.

The Constitution should also make a provision for independent candidates running for various seats.

On elections, the Constitution should provide for a simple majority kind of election and whenever a person or a leader defects from his party, then this person should be subjected to a re-election.

On the Electoral Commission, we are proposing that the constitution should provide for an independent Electoral Commission and in this case it should be independent to set a time table for elections.

We realize we have about twenty two commissioners so we should have two representing a province or a region and the remaining, the balance, six should be nominated by the three political parties.

Registration of voters should be a continuous exercise; it should not be limited to a certain periods.

On education and other human basic rights, KNUT proposes that the Constitution should provide free education and uniform education in this case for every Kenyan child upto secondary school level.

This free education should also have a uniform syllabus that should never be changed for a period of at least ten years. The Constitution should state this very much because we have realized cases where the syllabus keeps being changed every now and then.

We would like a provision in the Constitution that MPs who do not perform to the expectations of the electorate be recalled back by the electorate and of course be subjected to a re-election.



**Com. Paul Wambua:** Bwana Yatich, ile dakika tatu imeisha na nitakupa ingine moja.

**Mr. Yatich:** Niongezee ingine mbili tafadhali.

**Com. Wambua:** Moja tu.

**Mr. Yatich:** Okay. There is the issue of workers's rights: Every worker should be entitled to trade union representation.

The kind of government we are proposing is the federal system of government where we have a ceremonial President and a Prime Minister. I think that one has been mentioned and so I don't need to go into details of the federal system of government.

On land utility, we want to propose that the state or the provincial administration should be able to control and monitor utility of land.

Transfer of powers, whenever an election has been done, should take place within three months.

Finally, because I am rushing so fast, this Constitution should be obeyed by all.

The government should make known the commissions which have been put in place and it should even compel the government in power to honor every agreements that it comes up with.

Thank you very much.

**Com. Paul Wambua:** Bwana Yatich, umetaja mambo ya ku-recall Mps,

**Mr. Yatich:** Yes.

**Com. Paul Wambua:** but you did not talk about a Councillor. What about a councillor who does not perform? What about a President who does not perform according to expectations? All these are elected leaders, do you have any proposal in your memorandum on that?

**Mr. Yatich:** Oh, yes.

**Com. Paul Wambua:** There is.

**Mr. Yatich:** Infact anybody on electoral, who has been selected by an election is subjected to a recall and a vote of no confidence.

**Com. Paul Wambua:** Asante sana, thank you very much.

**Mr. Yatich:** Thank you.

**Com. Paul Wambua:** Just a minute.

**Com. Zein:** In your memorandum, do you specify what kind of mechanism is going to be used?

**Mr. Yatich:** As I said, this one is not comprehensive but we are sending you a more comprehensive one but we are sending you a more comprehensive one very soon.

**Com. Zein:** Yes.

**Mr. Yatich:** This one is just a draft on our proposals and you are getting a more comprehensive one.

**Com. Zein:** It will be helpful to ask if you are proposing a recall mechanism for elected officials. You also propose what format this mechanism will take. What form it will take.

**Mr. Yatich:** Definitely you will have that.

**Com. Zein:** Thank you.

**Mr. Yatich:** Thank you.

**Com. Paul Wambua:** Thank you Bwana Yatich. Tuko na Amos Kangogo? Not there, Silas K. Yator? Not there, Lucy Chelimo. Kuja hapa mama, taja jina na utuambie yale ambayo hayajasemwa tafadhali. Kama yamesemwa taja kwa kifupi tu.

**Lucy Chelimo:** Okey my names are Lucy Chelimo a student Kenyatta University. I come from Oroko location, Baringo Central.

First of all I want to say we have the problem of job insecurity which has led to technology transfer. I would like to suggest that our constitution should cover, which provide job security so that the government should not spend so much training may be an

environmentalist, that will not help the Kenyans may look for a job in USA or UK. And the government has spent so much money in training this person. I suggest that the constitution should provide job security.

The second thing is the president, if a president happens to be an MP for a certain constituency because he has to be, he should set a commission or rather a body that is going to be a representative. For example Baringo Central it has been.....

**Com. Paul Wambua:** Just a minute Lucy I want to guide you a bit. One of the things we are considering is whether in fact the president should be an MP. So we want your views on that, should he actually be an MP?

**Lucy Chelimo:** Yes he has to be an MP.

**Interjection Com. Paul Wambua:** According to your proposal...

**Lucy Chelimo:** According to my proposal.

**Interjection Com. Paul Wambua:** Okay, carry on.

**Lucy Chelimo:** But should choose a representative that will serve his people because it is hard to see the head of a state.

The next one is the local authority, should not be delinked from the central government. Because we understand that in a certain municipality or a county council the mayor, clerk, the auditors, the secretary all of them are from the same family because of the delinkment. If it was from the central government, maybe the body will send a clerk, then send a secretary right from an interview from the office. Not really talking like you know maybe my nephew is my kid here what do you do, do something for me. It is going to break that problem.

I propose that there should be given a strong link to the central government. Let's say the government, the central government should send all those people except the casuals who should be maybe taken care of by head of that organization.

Lastly head of the department, I suggest that head of department should not be less than 35 years. We have observed that what we are calling Young Turks are not very good in tackling small problems. I am sorry I am one of those Young Turks but we are seeing there is a problem in that. Maybe a husband comes says the problem is here, my wife is in maternity I need some imprest and he cannot be given. But when a younger person comes maybe says I want to take my girl friend to Nakuru he will be given that imprest. So when an old man is given nobody should be able to see all those problems. Only that.

**Com. Paul Wambua:** This term Young Turks which has been used many times, what is the age bracket. Do you have an

idea?

**Lucy Chelimo:** I believe a younger person may be like 18 – 22 years old.

**Com. Paul Wambua:** 18 – 22 is young turk?

**Lucy Chelimo:** Yes, or someone who has been able to may be after marriage, you should be saying things have changed.

**Com. Paul Wambua:** Some of those things referred to as young turks are old as 45 apporaching 50's. They are actually 50.

**Lucy Chelimo:** Me I propose someone who wants to be an head of department must be above 35 years.

**Com. Paul Wambua:** Okey thank you very much Lucy. Register yourself. I had thought you would make a presentation on education. Okey asante sana Lucy. Jackson Mborogi hayuko? David Chesaro.

**David K. Chesaro:** Basi mimi ni David K. Chesaro kutoka Baringo Central.

Nataka kuchangia mswada hii kuhusu mambo ya akina mama. Na mimi haswa ni Tugen, na katika culture ya Tugen ni kwamba mwanaume awe ametairiwa na vile vile akiwa awe mama lazima atairiwe, na hiyo ni culture yetu ya Tugen. Na hatuwezi kwenda kando ya hiyo, we are Tugens and circumsition for both boys and girls must be retained.

Ya pili, ni kuhusu katiba kuhusu serikali kuu. Watu wengi wamechangia majimbo na mimi naunga mkono kwa sababu sisi kama Tugen ni kabila ndogo sana,na tukiungwa katika sherikali ya majimbo tutaweza kujulikana huko ndani. Najua kwa sasa tuko lakini iwe observed kwamba sisi tunapendelea majimbo, regional government. Kama mfano wa South Africa au America.

Kitu nyingine ambayo ningesema ni kwamba, elimu kwa mtu ambaye anataka kuwa MP iwe O level kutoka O level lakini ya councillor kutoka KCPE nafikiri ni afadhali. Kwa sababu tukiweka MP na councillor sawa si vizuri. Na kuna local authority ambaye hawajapata mtu ambaye amesoma. Kwa hivyo KCPE ingekuwa ni afadhali.

Na kuhusu mambo ya kurithi shamba, sisi katika kimila ya Tugen, mwanamke hakuwa na chochote cha kurithi. Kama umewazaa wasichana, si kuna ndugu yako amewazaa wavulana? Watarithi hiyo mali yako lakini in the present world, ningesema kwamba kama mtu amewazaa wasichana pekee yake, basi hawa wasichana wake wanaweza rithi mali yake, wawe na haki.

Kuhusu mambo ya mtu ambaye amechaguliwa kuwa MP au Councillor au President, kuwe na sheria ya kwamba asipofanya

chochote kwa miaka tano, au akifanya miaka miwili mwaka wa tatu hakuna kazi anafanya, kuwe na sheria kwamba arudishwe na election ingine ifanywe ili mtu asiende kusema nilinunua kura na anawahepa watu wake.

Ninafikiri ma-commissioners sitakuwa na mengi kwa sababu sikuandika, niliandika tu kitu kidogo na ninafikiri watu wengine wamechangia.

Ninasema asante.

**Com. Paul Wambua:** Kuna swali hapa.

**Com. Zein:** Ninataka kujua kama kweli nimekusikia vizuri. Unavyosema kwamba unataka tohara iwe ya lazima kwa wasichana na wavulana?

**Mr. Chesaro:** Ninasema kwa culture, unajua sisi ni Tugen.

**Com. Zein:** Ninafahamu, umesema kwamba kulingana na mila na desturi za Watugen,

**Mr. Chesaro:** Yes.

**Com. Zein:** wewe unapendekeza tohara,

**Mr. Chesaro:** Iendelee.

**Com. Zein:** iendelee.

**Mr. Chesaro:** Yes. Kwa wasichana wavulana.

**Com. Zein:** Kitu ninataka kujua kutoka kwako ni kwamba tohara hii itakuwa ya lazima?

**Mr. Chesaro:** Katika culture yetu ilikuwa ni lazima ufikishe miaka ambayo mwanaume ukitaka oa, huwezi oa bila kutahiriwa.

**Com. Zein:** Mzee wangu, nisikize vizuri.

**Mr. Chesaro:** yes.

**Com. Zein:** Hivyo unasema, hivyo ndivyo ilivyokuwa katika kimila.

**Mr. Chesaro:** Yes.

**Com. Zein:** Mimi ninakuuliza unasema nini kuhusu mambo tutakayotia kwenye katiba? Unasema iendelee kuwa lazima kwamba iliwa kuna msichana hataki kupashwa tohara, watu watamshika lazima, wampashe tohara?

**Mr. Chesaro:** Hataolewa.

**Com. Paul Wambua:** Okay. Asante Bwana chesaro. Ninaona hapa imewekwa tick Gideon Chersogon, alitoa Maoni? Gideon Chersogon. Haya! Alex Chelimo alitoa maoni? Hatujui. Tumuite Simeon K. Yator, Paul K. Tomno? Paul K. Tomno. Hosea Kiplangat ndiyo nafikiria alitoa maoni na akaenda kwa hivyo tumwite Charles Barkeso, S.K Tanui, Tanui yuko? Haya! Atafuatiwa na Andrew Kiptui, Andrew yuko? Andrew Kiptui basi. Tanui Endelea hapo. Taja jina na kufupisha maneno tafadhali.

**Stephen Tanui:** Kwa majina ninaitwa Stephen Tanui, ninafanyanya kazi hapa lakini nyumbani ni Eldoret.

Ningependa kuchangia maneno machache hapa kuhusu Constitution hii ya kwamba ile shamba iliyokuwa ya serikali from 1964 mpaka 2002 ambayo imenyakuliwa na politicians, non-deserving people iwe repossessed na wapewe watu maskini. Kama si hivyo, wananchi wataona vile watafanya.

**Com. Wambua:** Hiyo siyo maoni. Ungekoma tu useme itolewe kwa wale ambao walinyakua na ipeanwe kwa wale ambao hawana mashamba, ukome hapo. Siyo kusema hii... hapana.

**Mr. Tanui:** Okay.

**Com. Wambua:** Sasa kitu cha pili, maanake sitaki kukurudisha huko, tafadhalini tutulie, ungetuambia kama zikichukuliwa, hawa watu watalipwa ridhaa ama watakuwa compensated. Ungetaja maanake hatutaki kuuliza baadaye, taja hapo halafu uende kwa point yako ingine.

**Mr. Tonui:** Hiyo shamba irudishwe na watu maskini wapewe bila kuwalipa waliokuwa nayo kitu chochote kwa sababu walichukua kwa nguvu au kwa mapendeleo.

Mali ya serikali kama nyumba, plots in town, iwe reposed pia na isaidie serikali kwa kuongeza mshahara kwa wafanyi kazi wake.

Ya pili ni corruption: Ikiwa kama ni government officer ambaye amekuwa corrupt, ya kwanza, au kama politician, ni kumfuta kazi, ya pili ni kushtakiwa. Kumfuta kazi na kushtakiwa.

Presidential appointments: Lazima ziwe vetted katika Parliament ili itupilie mbali mapendeleo. Awe mtu ambaye yuko experienced kwa hiyo kitu ambayo inatakikana.

Chiefs: Wawe transferred from location to location kama mfanyikazi yeyote wa serikali kwa sababu binadamu ni binadamu, wanaweza kukosana na mtu. Ikiwa yeye ni chief na tumekosana na yeye, akae for thirty years, I will suffer for thirty years. Kwa hivyo lazima aondoke kidogo, lazima aende transfer kama mfanyikazi wowote.

Presidential elections: Ifanyike mwaka mmoja before ndiyo yule ambaye atakuja kurithi awe handed over within that time of one year, smoothly, smooth transition.

Regional Government: Tuwe na Majimbo.

**Com. Paul Wambua:** Kidogo, one year before the term of the existing president?

**Mr. Tanui:** Yes. One year before

**Com. Paul Wambua:** Before the term ends?

**Mr. Tanui:** Yes.

**Com. Paul Wambua:** Okay.

**Mr. Tanui:** Regional government ifuatiliwe ili kila jimbo itumie resources yake fairly. Kama ni Rift Valley, watu wa Rift valley wafaidike na ikiwa kama may be amenunua nyumba na hatoki Rift Valley, may be I would say hangekuwa na uwezo hata kuwa katika kamati ya shule.

I mean somebody from another province.

Education: Education iwe ya zamani; standard one to seven, form one to form four, then University. Syllabus isiwe ikibadilishwa now and then kwa sababu watu wataumia zaidi.

Mambo ya tohara iwe optional na mama akimpiga mzee hawezi kuwa na respect katika kijiji hicho. Hata yeye naye azomewe na wazee wale, kama ni kusonga, asonge; kama ni kubaki ataleta tabia mzuri, sawa sawa.

Even one time Parliament ilikuwa imelete mambo ya kusema kutompiga bibi lakini ikatupiliwa mbali kwa sababu mwanamke lazima...

**Interjection:** (Inaudible)

**Mr. Tanui:** Yes.

**Audience:** (Laughter)

**Com. Zein:** Sasa hiyo ni hadithi na hatutaki. Wewe unasema Mama akipiga Bwana, achukuliwe hatua,

**Mr. Tanui:** Yes.

**Com. Zein:** lakini Bwana akipiga Mama, asichukuliwe hatua?

**Mr. Tanui:** Maybe slightly.

Ya mwisho: Ikiwa kama President anachaguliwa, lazima ipatiwe mtu mwingine ambaye hatakuwa na interest kuwa candidate kuwa acting President mpaka yule mwingine aje kuja kutawala.

President aendelee for two terms, ikiwa kama ataweza, kwa sababu akiendelea mpaka fifteen atalete chuki ile kama ya chief, nitaumia zaidi kwa hivyo asonge kidogo mimi nami nipate nafasi.

**Com. Paul Wambua:** Tanui, nina swali moja tu ndiyo uende ujiandikishe. Ukisema kupasha tohara iwe optional, ni pande zote kwa wafulana na wasichana ama unasema optional tu kwa mama.

**Mr. Tanui:** Optional kwa mama kwa sababu wengine hawataki yule ametahiri, wengine wanataka yule hajatahiri so kwa hivyo iwe optional kwa wamama, mimi mwenyewe ni lazima nitahiri, lazima na kwa mama, asipotahiri na kama anataka mimi nimwoe, nitamwambia aende atahiri.

**Com. Zein:** Ndugu yangu, umependekeza kwamba kuwe na term limit for the president na unasema kwamba tuweke vitengo vivili vya mihula miwili, asipitisho hapo

**Mr. Tonui:** Yes.

**Com. Zein:** lakini kwanza ulikuwa umependekeza kwamba election ya Rais ifanywe one year before term kuisha.



**Mr. Tanui:** No, nimesema, yes atakuwa President wakati hata yule amejitokeza ame-win lakini iwe smooth transition.

**Com. Zein:** Lakini kuwa unafikiria unapendekeza kuwa kuna mtu ana-act wakati wa transition.

**Mr. Tonui:** No, ikiwa kama tuseme kama three months hivi, three months to that time.

**Com. Zein:** Okay.

**Mr. Tonui.** Yes. Na kitamaduni; kitamaduni iwe ikifuatiliwa sana kwa sababu watoto wa siku hizi hawajui utamaduni.

**Com. Wambua:** Asante sana Bwana Tanui, jiandikishe hapo. Tumwite Andrew Kiptui. Andrew tumekupatia nafasi maalum kwa hivyo tumia dakika tatu, three minutes. Hata wewe uko na shughuli kwa hivyo tunataka uondoke.

**Andrew Kiptui:** Thank you so much Commissioners for this chance. My name is Andrew Kiptui, I am one of the stakeholders on child rights and because I have a memorandum here with me, I am going to be brief.

We the stakeholders on issues concerning children, having considered comparatively the provisions for children in the Constitution of our sister Countries of Uganda, Ethiopia, South Africa and India and having considered international trends and the provisions of international instruments, protective of childrens rights, key of which are the United Nations Convention on the right of the Child of 1989 and the African charter on the rights of the child and welfare of the child of 1990, believing that issues of governance are core to our society and the principles that guide our governance should be manifest in our Constitution and we therefore call for the inclusion of a preamble in our refute Constitution that embraces the fundamental values which would be essential for the protection of children of Kenya.

They include the following in point form: Freedom, participation, equality, solidarity, tolerance, respect for nature, hospitality, shared responsibility, vitality to human values, responsibility of citizens.

There are some twelve principles, twelve constitutional principles and I will just talk of principle one which distinct recognition of children in a special sector, the section under the Bill of Rights.

Principle number two, definition of a child: Where there is clear definition of childhood which would create clarity in the acknowledgement of enforcement of children's rights for the purposes of legal interpretation and connected intent and a child should be any person below the age of eighteen years and this definition shall be considered to mean every boy or girl and children with disabilities.

Principle number three is nationality and citizen rights.

Principle number four is right to life and basic rights.

Principle number five is right to education.

Principle number six is protection from abuse and exploitative measures.

Principle number seven, safety interest principle.

Principle number eight, special constitutional office for protection of children where we would wish to have it guarantee effective protection of the child and ensure full enjoyment of rights due to all children.

The Constitution should establish a special office named children's ombudsman and this would be an independent constitutional office vested with full security of tenure with the following mandate among others. I need not to mention them because these are detailed.

The other point I would mention, principle number nine is access to justice by children.

Principle number ten is governance.

Principle number eleven is succession and community rights.

Principle number twelve is non-derogative rights of the child where every child has the right to a name and a nationality from birth, to family care, parental care or appropriate alternative care when removed from the family environment, to basic nutrition, shelter, basic health care services and social services and to be protected from mal-treatment, neglect, abuse or degradation and to be protected from exploitative labour practices.

Not to be required or permitted to perform work or provide services that are inappropriate for a person of that child's age, sex and disability or place at risk the child's well-being, education, physical or mental health or spiritual, moral or social development.

Now because of time commissioners, I would beg to stop there and hand over this document that I know you will have time to go into the details. Thank you.

**Com. Paul Wambua:** Definitely, definitely. Please register the memorandum and make sure that you sign. There is one

question bwana Kiptui, there is one question from the Commissioner there.

**Com. Zein:** Since you have focused on the rights of children, we have had a lot of presentations and submissions from Kenyans saying that corporal punishment should be retained in schools. The new law bans corporal punishment. Do you have a position on that?

**Mr. Kiptui:** For our case here, we talked of corporal punishment, which we also supported to be possibly retained in schools because these children have to be shaped in school because that is the right place. Thank you.

**Com. Paul Wambua:** We call L.K. Kipkeiyo, not there, Wesley Kimeres, yuko? Hayuko. Chepting'a Philip? Abraham? Dickson Kiptoo? James Tarus? Rev. D.K Chemon? Mark Kibet? M.C. Kimaru? P. Bwalei? Willy Muge? Yuko? Omulama? Yuko? Hayuko. David Tomno? Yano Sigei? Okay kuja hapa Yano.

Bwana Yano, utafupisha maneno maanake mengi yamezungumzwa, yamesikika, yamepokelewa, kwa hivyo usirudie yale ambayo yame...

**Yano Sigei:** I will be very brief. Thank you Bwana Commissioner. Mambo yangu ni machache mno. Kwanza ni mambo ya pombe, beer. Kuna pombe, tangu vilabu ifungwe, kuna pombe mbaya imeharibu watoto wetu. Kuna pombe sijui inaitwa kumi kumi, tano tano, tunakataa hiyo pombe. This foreign beer inaharibu watoto, watoto wanakuwa garbage.

Tunataka vilabu virudishwe, vilabu vile vya zamani ili tukunywe Busaa, Busaa is not harmful. Busaa is healthy, Busaa iko na machicha inaenda tomboni na inakuwa chakula.

**Com. Paul Wambua:** Bwana Yano,

**Yano Sigei:** Yes, Commissioner.

**Com. Paul Wambua:** Tunataka utoe mapendekezo. Kuhusu sifa ya Busaa, hiyo ni ya siku ingine. Tuambie tu unataka Busaa au pombe ya kienyeji ihalalishwe, basi.

**Yano Sigei:** Hasa tunataka hivyo, ndiyo. Hiyo tumemaliza.

Ninaenda kwa wanawake: Men should be allowed to marry so many women kama mila ya Sharia Law ama hii yao ingine hii. Hii mambo ya mwanaume kuoja mwanamke moja ni balaa hiyo. Wanawake siku hizi ni chungu mzima, wameshakuwa wengi kuliko wanaume.

Tunataka mwanaume aoe, at least at most, four women.

**Com. Paul Wambua:** Yano, kidogo tafadhali. Sasa, hapo naona umepita. Wewe sema tu tunataka wanaume, polygamy iwe legalized na utasaidia.

**Yano Sigei:** Kabisa, kabisa. Mimi hata saa hii nitaweza kuanza mkiamua saa hii nitaanza.

**Com. Paul Wambua:** Haya! Endelea.

**Yano Sigei:** Wife beating: Kumalizia kabisa, sina maneno, wife beating is a must. Hiyo ni lazima kwa sababu mimi mwenyewe nimelipa so kuchapa ni sawa sawa lakini hatutaumiza. Tutachapa tu kidogo.

**Com. Paul Wambua:** Kidogo, kidogo, kidogo. Wife beating lazima lakini kiasi gani?

**Yano Sigei:** Kidogo.

**Com. Wambua:** Kidogo?

**Yano sigei:** Yes. Ile haitampeleka hospitali. Thank you very much Commissioners.

**Com. Paul Wambua:** Okay Bwana Yano. Tumwite Julius Wendot. Yuko? Sawa tu. Benjamin Sergon? Charles Bowen? William Komen? Hapa Bwana Komen. Wewe ni nani? Who is in front? Kwa hivyo wewe William, huyu mwingine atangojea kidogo. Ulikuwa nambari gani kwa list? Do you remember your number? Ile ambayo uliandikisha hapa? Haya! Basi wewe ngojea hapo tutakuita. Endelea hapo Bwana William Komen, ninaona unabeba memorandum. Memorandum yenyewe tutaishoma kwa hivyo please summarise and you have three minutes. Just give us the key issues.

**William Komen:** Asante sana Bwana Commissioner.

Mine I will start first with Local government and the National Assembly that MPs and Councillors be elected on a different day then the President on another day. Preferably may be after two weeks or so.

Chairmen, Mayors of County Councils, and Municipalities be elected directly by the wananchi and their term of office be extended from that of two to five.

Secondly, electorate should have the powers to recall councillors and MPs who are non-performing in case of defection, corruption, criminal offences and others, through a vote of no confidence.

Land use and Agriculture: Where minerals are discovered, the government should channel back ten percent of the proceeds to develop the area concerned and the owners of the land be compensated.

The government to subsidize farmers by meeting marketing expenses, farm inputs and also put minimum prices for essential cereals like maize. E.g. for the last season, the prices of maize fell from fifteen hundred down to four hundred or three hundred and fifty.

So we would like the in new Constitution that we have the lowest price to be maybe one thousand shillings per 90kg bag.

Personal land ownership rights be respected.

Peoples cultural identity and beliefs should not be banned but be protected in as far as it does not infringe on the laws of the land.

On rights, the government to take responsibility over all orphaned children and the aged people be placed in special homes.

These are children who have become orphaned as a result of Aids.

Those children who are born out of wedlock should be provided for by their biological parents even if marriage does not take place so as to reduce the issue of street children.

On Aids, the government should also subsidise on the medical care and services.

Corruption: Civil servants to have security of tenure of office but they should be protected from political interferences in all cadres of civil service.

Lastly, anti-corruption offices be extended to divisional levels, not to be stationed only in one place, may be at the City. Thank you.

**Com. Wambua:** Bwana William Komen, asante sana. Tafadhali register your memorandum. Raymond Cheptumo? Andrew Kiptui? I think alizungumza. Kenneth Chelagat? Kenneth utakuja hapa utaje jina na tafadhali utupe yale ambayo hayajasemwa.

**Kenneth Chelagat:** Commissioners, mine is to propose on legal education in various education sectors.

One: You will find most of the Kenyans sometimes in most cases are said to be lawless and we sometimes feel that Kenyans are not conversant with the already existing law.

I would propose that law be introduced in the syllabus, from standard six to standard six to standard eight to make Kenyans be conversant with the law.

From there, Kenyans will be able to know even the penalties. Sometimes we get people in prison who may not know anything about the law. They only get the definition of the law when they are in court.

Secondly, while introducing a legal syllabus to the Primary syllabus, I would also propose that the Judicial department in Kenya be put in every division in Kenya so that the residence within the area of the jurisdiction covering the division can at least be able to get legal knowledge.

You find that in most cases people are brought to court, some of them are sentenced, the language of the court is not understood. I propose that the magistrate within the residency i.e the resident magistrates' court should have somebody who speaks the language of that catchment area so that the language may be understood.

You find that some people are prosecuted yet they do not understand the language used. I therefore propose that the magistrate who is within, for example within Central Baringo here, that is Kabarnet Resident Magistrate court, should be one who can understand the language of the people.

You find that someone who is asked to interpret in the court sometimes can interpret wrongly and we get the wrong people in prison and the culprits are acquitted out of the courts.

I would also want to talk on elections: The civil servants in Kenya are put under strict conditions that they must resign from the civil service.

I would propose that they be given they be given the chance to stand for civic and parliamentary seats unconditionally, without resigning from the civil service. I am saying this because...

**Interjection:** (Inaudible)

**Mr. Komen:** Thank you.

**Com. Paul Wambua:** We have picked it.

**Mr. Komen:** So that is my proposal that the civil servants to stand or vie for civic and parliamentary seats unconditionally. Otherwise, that is all I have, thank you.

**Com. Zein:** But one more clarification. If they loose, they continue?

**Mr. Komen:** Yes. If they loose they go back to their jobs.

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

**Mr. Komen:** Thank you.

**Com. Zein:** The reason why there is a clause that, I believe one of the reasons why somebody is supposed to resign is, could you imagine a situation where the DC of this area is going to run for election and he has gone on leave. He has gone on leave but he is still the DC and he runs for election and he looses and he is still the DC of this area.

**Mr. Komen:** On that one I will still propose that in the government there are some people who should not stand for election, for example members of the provincial administration should not stand for that.

**Com. Zein:** What about the Police?

**Mr. Komen:** The Police as well should not stand for that. I propose in particular those who have unions.

**Com. Zein:** What about the doctor of the public hospital here?

**Mr. Komen:** Well, he can stand for it. He can stand for it, if he wins, he proceeds to the good house, that is Parliament.

**Com. Paul Wambua:** What about the Agricultural Officers?

**Mr. Komen:** He can stand for it.

**Com. Paul Wambua:** Thank you. Albert Chemesir? Not there, tutarudia hapo Bowen, nilikuwa nafikiria ni mzungu kumbe ni wewe. Ngoja kidogo Bowen. Okwot Dismus? Pastor Tochim, SDA church? Hayuko. Kwa hivyo tumpatie Bowen nafasi. Sasa Bowen, maneno yawe mafupi kabisa na yawe ni yale ambayo hayajatajwa hapa. Tusirudie yale yametajwa maanake yale ambayo yametajwa tayari tumeyapokea na yamenaswa. Kwa hivyo tuambie yale ambayo hayakutajwa hapa.

**Charles Bowen:** I am Charles Bowen, Kapluk Primary School teacher, North Baringo constituency. I come from North not Central.

I am just going to talk about the Provincial Administration: Since the provincial administration is playing a very important role in

the development of this country. I propose that chiefs and assistant chiefs should be elected by the people of that particular area but before that, they should apply to the District Commissioner and after the interview, the first three candidates should be sent back to the location so that any of the three who succeeds in the election will be recognized by both the people and the by office of the District Commissioner.

I also think that chiefs should be provided with security because he lives with the people and whenever there are criminals in the area, without the security he will not be able actually to execute his duties.

In some areas, the police stations can be as far as thirty kilometers away so if the local people are told to report such criminals to the Police, well, you will go thirty kilometers away and when you come back, you will not find them and we find that one placing that particular area under insecurity.

Another very important thing is the Council of elders. The Council of elders are very important people according to our tradition. They have been there from time immemorial and whenever there are simple cases in that particular village, the elders who have been chosen by the villagers will be able to handle such cases to the satisfaction of the people and whenever there are criminal cases, then those ones can be channeled to the magistrate's courts and other higher courts.

The elders should be paid by the government because they are giving good service.

With those few remarks, I say thank you very much for listening to me.

**Com. Paul Wambua:** Asante Bwana Bowen, thank you very much for being brief. Kiprop C. Kenneth? Christopher Milgo? Sasa tumemfikia yule William Komen wa pili. Aje hapa William Komen. Na William, yale maneno pengine ulikuwa unataka kutaja hapa na yamesemwa na yule mwingine, angalia yale ambayo hayajatajwa na useme hayo.

**William Komen:** Jina langu ni William Komen, Central Baringo, Orokwo location.

Maoni yangu Bwana Mwenyekiti ni kuwahusu askari wa Army, Police, AP na Prison. Hawa askari, ningependa kama ingewezekana kwa sheria ya mtu kuandikwa kama askari, awe na tabia safi kutoka shuleni, mzee wa mtaa, assistant chief na chief ili mtu awe kama askari.

Kwa sababu askari wengi wamekuwa na tabia mbaya. Wameanza kufanya robbery na mambo mengine kama hayo.

**Com. Paul Wambua:** Hiyo tumesikia. Askari wale ambao wana-serve katika Armed Forces; Navy, Army, Airforce, Police, wawe watu wa tabia mzuri na wawe certified kutoka village, imetoshia. Si umesema hivyo?



**Mr. Komen:** Ndiyo.

**Com. Paul Wambua:** Next point please.

**Mr. Komen:** Point ingine ni kwamba ningependa kama pesa ya hawa askari ingekuwa sawa. Kama ya Police, Army, AP, pesa yao iwe sawa. Hakuna wengine wanafanya kazi...

**Com. Paul Wambua:** Mishahara yao ilingane?

**Mr. Komen:** Ilingane. Mshahara yao ilingane. Asante sana. Sina maneno mengi.

**Com. Paul Wambua:** Asante Bwana Komen. Jiandikishe hapo tafadhali, maoni yako tumeyapokea. Benjamin Kigen? Who are you? I have not given you permission to speak. You cannot ask, you must seek permission from us before you talk. We are conducting the proceedings, you direct the question to us if there is any comment but you can't address him. Benjamin Kigen? Kigen yuko? Yes, tafadhali kuja hapa mbele. Pitia upande huo tafadhali na ufupishe maneno. Bwana Kigen, tafadhali fupisha maneno, yawe yale ambayo hayakuzungumzwa hapa na wengine.

**Benjamin Kigen:** Mimi ninaitwa Benjamin Kigen kutoka Kipkaech, wilayani Baringo Central. Ningependa kuchangia hii maneno kuhusu watu ambao wamelemaa. Wale ambao wamelemaa wamewachwa nyuma.

Inaweza kuwa ulipata accident ya gari, umepata taabu mbali mbali na ukawachwa bila kushughulikiwa na ukawa namna hiyo. Ningetaka serikali ile inayochaguliwa na wananchi iwe pamoja na wale wasiojiweza. Wapewe nafasi yao ya kuona ya kwamba wanaweza kusaidiwa vyema maana mtu akiwa mlemavu, si kupenda kwake au kuchagua, ni kitu ambacho kinakuja yenyewe na mimi ninaona watu kama hawa wameachwa nyuma.

Pia ningeweza kusema wale ambao ni criminals wanaweza kuua, wakishaua wanapewa bond kama wenyewe jamii yao bado wanalia. Inatakiwa bond ikatazwe kabisa. Mualifu yeyote ambaye anaweza kuua mwenzake awekwe mbali kabisa na bond.

Ya tatu: Mimi ninaona tena kuna sheria ambayo mngelainisha kabisa. Kuhusu wale ambao hawana shamba na hawana hata mahali pa kuishi na hali wengine ambao wako na sehemu kubwa wanasongesha, wanasongesha. Mtu akijengea hata kiosk wanakuja kubomoa na ninataka hiyo sheria ichunguzwe tena wasiwanyanyaze wale wanajitafutia mkate wao, kunyakuliwa kiosk yao. Unaweza pata kama wametupiliwa mbali usiku, hata hiyo pia tuwe na sheria ya kulinda watu kama hawa.

**Com. Paul Wambua:** Lngine.

**Mr. Kigen:** Asante.

**Com. Paul Wambua:** Asante sana, jiandikishe huko. Mark Kiptui yuko? Bwana Kiptui, fupisha maneno. Please be brief.

**Mark Kiptui:** Basi, ninaitwa mark Kiptui from this constituency.

The first thing I would like to say is that we reduce the power of the President. The powers of the President should be reduced and should be transferred to Parliament in general.

For one to be an MP, he should have at least reached form four.

Special panels of professionals should determine the salary and the benefits of members of parliament.

We should not have nominated MPs and the same applies to Councillors.

Measures should be put in to increase women's participation in Parliament.

The Constitution should permit a coalition government.

The President should not have power to veto legislation passed by Parliament.

The Legislature should have power to override the President's Veto.

The President should not have power to dissolve Parliament at his own will.

The Constitution should specify qualifications for the Presidential Candidate in as far as age and education is concerned.

The Constitution should provide for the removal of the president.

**Com. Paul Wambua:** Do you have any proposals on that? On the qualifications, on education qualifications?

**Mark Kiptui:** Yes I have.

**Com. Paul Wambua:** You have, but is in the memorandum?

**Mark Kiptui:** I was trying to summarize.

**Com.Paul Wambua:** Okay, carry on.

**Mark Kiptui:** I was saying the Constitution should provide for the removal of the President for misconduct while in office.

Parliament should have more power than the President.

Judicial officers should be appointed by Parliament and they should have a minimum qualification of a degree.

The Constitution should provide for financial resources on issues from the poor citizens. That is to say, allow me to explain briefly please. We have poor citizens who cannot be able to meet the legal costs and the Constitution should provide such that they be catered for in a court of law.

**Com. Paul Wambua:** In short you are saying that legal services should be availed to those who are charged with offenses and they can't afford. Is that what you are saying?

**Mark Kiptui:** Yes, legal services or the expenses.

**Com. Paul Wambua:** Legal aid?

**Mark Kiptui:** Yes.

There should be no Judicial Review of laws passed by the Legislature.

The Mayors and the Council Chairmen should be elected by the people direct.

Councillors should have reached at least form four level of education.

Special qualified Council panels should be appointed to determine the Councillors' remunerations.

I have said we should not have nominated Councillors.

We should retain the simple majority rule as the basis for winning an election.

A candidate who fails to seek nomination in one party should be allowed to seek nomination in another party so as to avoid the

problem of rigging.

We should retain the rule of at least 25% representation in at least five provinces for Presidential Candidates.

We should have seats in Parliament for special interest groups such as the orphans, the widows and the disabled.

Civic, parliamentary and presidential elections should be done simultaneously so as to avoid the tendency of votes switching to one direction where the wind seems to be going.

Election date should be specified in the constitution.

Electoral Commissioners should be appointed by Parliament and should be representative of the Country's regions.

Though the Constitution guarantees the right to life, the death penalty should not be removed or abolished lest it sends a wrong signal to criminals.

The Constitution should provide for compulsory and free Primary education.

Another basic need of Kenyans which the Constitution needs to guarantee or to address I propose that the constitution should give every Kenyan Citizen above eighteen years a minimum basic salary of maybe for one thousand five hundred per month to take care of extreme cases.

Individuals should have the ultimate ownership of land, however the government should take extensive private land and rent it out to poor citizens if it is idle so as to increase food production. However caution should be taken lest it is abused.

I am just about to finish.

Ownership of land by non-citizens should be restricted.

Pre-independence land treaties and agreements involving some communities should not be retained because they serve colonial and foreign interests.

Second to that, Kenyans should own land anywhere in this country.

Parliament should handle revenue raising, management and distribution and also the management of finance and human resources.

Sorry I still have two points.

**Com. Paul Wambua:** Mark Kiptui, asante sana for your presentation. Give us that memorandum we are going to read it thoroughly,

**Mark Kiptui:** Okay.

**Com. Paul Wambua:** we will read it by computer, not just reading it, so we will not miss out anything. So if we can just kindly register it. There is a question here for you please.

**Com. Zein:** Thank You. You proposed that there should be no legal review for laws passed by Parliament.

**Mark Kiptui:** Yes.

**Com. Zein:** One way of managing Constitution legally is through review. If there is no one to review the laws made by Parliament, what would check Parliament from making unconstitutional laws? We are making a new Constitution now, now under the ---(not clear) Constitution Parliament is supposed to make laws in conformity with the Constitution; they cannot make laws that are against the Constitution.

Now, the only check against parliament exceeding their mandate and making unconstitutional law is through legal review. You are saying we should not have legal review, what is going to check Parliament from making unconstitutional law?

**Com. Paul Wambua:** Just to add onto what my colleague commissioner has said, forget about even Parliament passing laws which are unconstitutional, those who are appointed to offices sometimes exceed the powers which the law has given them and one way of challenging that is through judicial review of administrative action so that we are saying that although the law allows you to do certain things, you have acted in excess of the authority which you have been given. So judicial review is the method of checking to ensure that actually those who are in office comply with the law or act in accordance to the law.

Now if you suggest that we abolish it, how to we even check to ensure that one, as he said, constitutionalism is maintained; that people do not act unconstitutionally, that Parliament does not pass unconstitutional laws, that those who occupy public offices do not exceed their authority which is given by the law. How would you check that?

**Mark Kiptui:** May be it was an overview.

**Com. Paul Wambua:** If you did not saturate may be in your presentation, may be that is something you can think through and write but if you think you are ready with it you can may be suggest, but if you are not, please don't rush, you go and write and say in accordance this what I would propose, I have reconsidered this point. It is okay.

**Mark Kiptui:** Thank you.

**Com. Paul Wambua:** Asante sana. Now, Mzee, wewe unasema huyu awache kuzungumza na tumempatia nafasi, kuna shida gani? Hebu kuja hapa mbele, kuja hapa. Chukua hiyo mic, taja jina lako.

**Jeremiah Kukui:** Jeremiah K. Kukui.

**Com. Paul Wambua:** Haya! Jeremiah Kukui, nataka, nimekupa dakika moja.

**Jeremiah Kukui:** Hapana dakika moja, ten, fifteen minutes.

**Com. Paul Wambua:** Ngoja, ngoja, ngoja sasa. Ngoja, ngoja. Utuambie yale hayajasemwa hapa. Yale ambayo hayajasemwa, dakika moja tafadhali.

**Mr. Kukui:** Dakika moja? Yale ambayo hayajasemwa? Ni mambo gani Bwana, mbona unani-let down? We can be free.

**Com. Paul Wambua:** Sasa, nitakupokonya hiyo mic kama huzungumzi maanake hatutaki uharibu hii proceedings. Taja yale ambayo hayakusemwa. Nimekupertia nafasi sasa.

**Mr. Kukui:** Asante. Mimi mwenyewe ninasema Commission ya hii Committee to review imeenda chini na it is very lazy. It should be speeded up, halafu Parliament ivunjwe, ikishavunjwa iendelee mbele, sasa iwe namna gani, watu...

**Com. Paul Wambua:** Sawa sawa, hiyo tumesikia.

**Mr. Kukui:** Haya!

**Com. Zein:** Mzee Jeremiah, unataka sisi tufanye kazi yetu haraka tumalize na Bunge ivunjwe, unataka Bunge ivunjwe na kura ifanywe. Na sisi tutamaliza kazi yetu haraka ikiwa wewe utatufanyia haraka umalize yale unayosema.

**Mr. Kukui:** Haya! Basi. Hapo tena, mwanamke hana haki katika Kenya hii.

(Laughter)

Mwanamke hana haki katika Kenya hii au dunia hii, mwanamke ni mwanamke. Hata asome mpaka class saba au kumi au

wapi, hakuna.

**Com. Zein:** Sikiza Mzee wangu. Kuna mambo ambayo ukituambia sisi, hatutayachukua kwa sababu sisi tunafanya kazi hii kulingana na mujibu wa sheria.

**Mr. Kukui:** Ndiyo. Na hii sheria ndiyo mimi ninasema.

**Com. Zein:** Na mimi ninakuambia Mzee wangu, sheria haiturusu kuandika haituruhusu kuandika hayo maneno unayosema; mwanamke hafai kupewa haki yoyote kwa sababu sheria...

**Mr. Kukui:** Hana, hana haki.

**Com. Zein:** Basi nakwambia hayo unayosema hayarusiwi kwa sheria tunayo...

**Mr. Kukui:** Hana, hana.

**Com. Paul Wambua:** Una lingine la kusema Mzee?

**Mr. Kukui:** Ya pili, Parliament kam ishavunjwa, mwanamke hatajikani awe Councillor au Mbunge au yeyote.

**Com. Paul Wambua:** Una lingine? Uko na lingine?

**Mr. Kukui:** Mtoto, kama hapana enda shule apigwe na Mwalimu, afundishwe adabu.

**Com. Paul Wambua:** Lingere?

**Mr. Kukui:** Sababu huyu mtoto kama hapana fundishwa...

**Com. Paul Wambua:** Hapana. Lingere, tumeelewa hiyo; mtoto kuadhibiwa na kiboko, tumeelewa, sema lingine...

**Mr. Kukui:** Lazima iendelee.

**Com. Wambua:** Ndiyo. Ya mwisho.

**Mr. Kukui:** Mwisho gani?

**Com. Paul Wambua:** Una ya mwisho?

**Mr. Kukui:** Mwisho, mwanamke lazima apigwe kiboko...

**Com. Paul Wambua:** Basi, haya!

(Laughter)

**Mr. Kukui:** Apigwe kiboko, hapana uwongo.

**Com. Paul Wambua:** Hapana. Jiandikishe huko. Sasa tumemaliza. Ninataka kujua...jiandikishe huko tafadhali.

**Mr. Kukui:** Sijamaliza Bwana (inaudible)

**Com. Paul Wambua:** Nitakuita tena, nenda hapo ujiandikishe. Sasa...ngojeni ngojeni, sijamwita mtu yeyote. Ngojeni, ngojeni kwanza, ngojeni. Ninataka kujua wale ambao wamejiandikisha na hawajaitwa ama waliitwa na wakawa wako nje. Ni wangapi? Haya! Nataka mje upande hii niwapatie nafasi. Wale wawili na huyu Mzee, wa tatu, kujeni hapa. Mzee wewe ndiye utaanza, kuja ungojee hapa tafadhali halafu hawa wangojee hapo. Kuja upande huu sasa.

Haya! Kuna mtu huko juu ambaye aliandikwa na hakupewa na hakupewa nafasi ya kuzungumza? Huko juu? Kuna mtu? Hakuna. Kuna mtu upande hii amejandikisha na hakuitiwa nafasi azungumze? Kuja hapa.

Speaker: *Kole nee e.*

**Com. Paul Wambua:** Ngoja kidogo Mzee, ngoja kidogo. Kuna mtu mwingine ambaye amejandikisha na hajapewa nafasi? Hayuko. Basi, Mzee, unataka kuzungumza? Haya! Kidogo tu. Sasa vile ninataka, wale ambao nimewaita sasa, nataka mtaje yale ambayo hayajatajwa. Ukitaja yale ambayo yametajwa, nitakusimamisha.

Useme yale hayajatajwa. Na hapa nimepewa list nyingine. Chumo limo yuko wapi? Kuna Japhet Chesumei, ni wewe. Kuna Silas Cheptalam, ni wewe. Kuna William Chelelgo, ni wewe. Kwa hivyo tutaanza na Mzee na tutafuatana hivyo, tumalize.

Yale ambayo mtataja ni yale ambayo hayakutajwa. Kama maneno yashatajwa, tayari yamepokelewa, yamenaswa, tumeyasikia, tumeyaandika. Hata ukirudia, hayataongezeka. Elimu ya bure Primary school imetajwa kwa hivyo hakuna haja ya kusema elimu ya bure Primary. Kwa hivyo kama unajua lile unatuambia siyo ngeni, ujue nitakusimamisha. Kwa hivyo tuanze na



mzee. Mzee taja jina tafadhali na utupatie mapya.

**Abraham Sacho:** Kwa jina mimi ninaitwa Abraham Sacho.

Kwa ukweli yaani mambo yenye yamesemwa hapa yenyewe mimi hata mimi naweza kuipongeza lakini niko na jambo kidogo tu. Hiyo kidogo ni pengine sisi tuko na viongozi wa taifa hawawezi pengine kupeleka mawaidha ya watu vile inatakikana.

Ndio unaona hata kama ni mambo ya elimu, kama ni mambo ya umaskini, inakuja kuwa hakuna ngazi ya kupandia ndiyo tupate usaidizi.

Mpaka tupate usaidizi haki ya Mungu, unaona nchi vile iko saa hizi, unaona ni mawe tu, ni changarawe tu.

Sasa mimi ninapendekeza tuwe tunasaidiwa tu

**Com. Paul Wambua:** Na serikali?

**Abraham Sacho:** Ndiyo. Tupewe usaidisi.

**Com. Paul Wambua:** Kuna lingine?

**Mzee Sacho:** Tupewe hata watoto wasome tu kwa vile pengine hatuwezi kugharamia fees.

**Com: Paul Wambua:** Kwa hivyo hiyo ni elimu ya bure? Hiyo imetajwa. Kuna lingine Mzee? Kama hakuna...

**Mzee Sacho:** Mimi nimeshukuru nyinyi Tume ya Katiba. Ni pongezi zaidi.

**Com. Paul Wambua:** Asante sana.

**Mzee Sacho:** Pongezi kwa kututembelea kwa sababu hatungeweza kupata nafasi ya kuja mpaka Nairobi au tutembelee mahali pengine.

**Com. Paul Wambua:** Basi Mzee tumesikia na asante sana. Jiandikishe hapo maanake yale uliyokuwa unataka kuyataja tumeyasikia na tumeyaandika. Kwa hivyo jiandikishe hapo tumwite mwingine. Asante sana.

**Mzee Sacho:** Elimu tu, weka juu.

**Com. Paul Wambua:** Tumeandika hiyo. Tumeandika na hata tumeweka star. Utataja jina tafadhali. Naona umebeba makaratasi mengi. Hiyo kama ni memorandum tutaenda kuisoma na tutaisoma na computer, tutaisoma kila kitu. Kwa hivyo

utaje kwa dakika mbili tu yale ya muhimu. In short summary.

**Paul Keitany:** Okay. Thank you Bwana commissioner.

**Com: Paul Wambua:** Jina ni?

**Paul Keitany:** My names are Paul Keitany from Kasore in Baringo Central Constituency.

Most of the things have been touched here and I would like to propose that the political parties that we have in Kenya should strongly be reduced to only three for a competitive healthy nation.

The other one is pertaining on local government. It has been mentioned, yes, but the other one of the Mayor and Chairman of the County Councils have been mentioned but on my own account I tend to propose that the deputy also should be elected by wananchi so that they will deliver properly.

On the issue of the Constitution: Our Constitution, after we shall have reviewed this one, should have an amendment such that every after twenty years, we do the review of the Constitution.

**Com. Wambua:** Just a minute. Wale ambao wako na simu, tulitaja asubuhi, tafadhalini zimeni simu. Can you put off the phones.

**Mr. Keitany:** I propose that we have basic education and basic education should be from Primary to form four. Somebody had already mentioned that.

On the issue of Councillors and MPs being nominated, I strongly propose that in our new Constitution we should not have such nominations.

On the issue of forests, because these ones are for the next generation, I tend to propose that every place where there is a forest, the village elders of that community should be the ones to be given the responsibility to guard those forests for the future generation.

So much of the details are here and I beg to stop there. I will leave you this one.

**Com. Paul Wambua:** Thank you Keitany. Tafadhali jandikishe huko. Just record yourself, hand in the memorandum, we will read it thoroughly. Next.

**Silas Tochim:** Pastor Silas Tochim kutoka kanisa la Seventh-Day Adventist, Baringo.

I must admit that most of the points we had proposed have been raised, so I am going to reduce.

I want to propose that may the prevailing religious liberty continue and may it be strengthened that it caters for the needs of the SDAs.

In some schools you find that there are classes offered on Saturday and we as Seventh-Day Adventists keep the Sabbath day as the seventh day, so it should allow SDAs to have that freedom.

The Prize giving, graduation and games should be avoided on Saturday to meet the needs of the SDAs.

The other thing is, we propose to the Constitution Review Commission that imported items of churches and religious organizations should be tax free because these are not profit making items.

The other thing is on sponsorship of schools: You will find that sponsors of schools have more strength surpassing even the voice of the parents such that the utilities or the facilities of the schools are not being used in a balanced way because the sponsors have that power to refuse.

We propose that let it be balanced that the sponsor should not have that authority over the parents.

The other thing is on education: Though it has been said, the old system of 7-4-2-3 should be reversed because you will find that the 8-4-4 system is independent because even in East Africa you will find that we are the only one having eight four four and our students going to university must undergo that pre- university programme.

May the old system be reinstated.

The other one, which of course is the last one, is that the family unit should be safeguarded in that people working in the civil service or whichever organization should be given an opportunity if possible to work near their homes to have time to stay with their families and the five working days should remain so that people will have time with their families to avoid many many bad things. Thank you.

**Com. Paul Wambua:** Bwana Tochim, before you leave I want to ask you one question which we normally ask. Sabbath day you are saying should be respected for those who are SDAs so that they should not be forced to do any work. The mainstream churches have their Sunday, Muslims have their Friday, are you suggesting in any way that those three days should be made non-working days? Or what are you suggesting?

**Pastor Tochim:** If you got me right, that was under the umbrella of liberty of worship. If somebody is having that mind or

belief that they should worship on Friday, they should be given that freedom. I am not saying Saturday only.

**Com. Paul Wambua:** No, what am saying is that there are two ways of looking at it. We can either say all these days be declared non-working days or one should have the freedom to worship on the day his church prefers to be the day of worship. Is that what you prefer?

**Pastor Tochim:** Yes, the latter.

**Com. Paul Wambua:** Okay. Thank you very much Bwana Tochim. Next, according to the way you are sitting, tufuatane hivyo. Ndugu tafadhali, tunataka kusikia yale ambayo hayakusemwa. What is your name?

**Silas Cheptalam:** Silas Cheptalam.

**Com. Paul Wambua:** Silas Cheptalam, please make sure that you give us new proposals which have not been made.

**Silas Cheptalam:** Okay. Mine is very brief. I want to talk on something on the Examination Council: I believe this is the right forum. The rule in the Examination Council at present is that if somebody loses a certificate or it gets destroyed, there is no replacement and what they require, if you go looking for a job is the confirmation of the certificate from the Examination Council.

It is very difficult, especially now that jobs are scarce, you find that if a job is put into notice or may be advertised, many people come. If you ask now for confirmation, people will go for the real certificate, they will not require entering into that problem of confirming.

My proposal is if, like now, schools, for example there is a school here called Ayiebo High School. There was a problem and the school got burnt and unfortunately people had not collected their certificates for two years, that is two classes..

**Interjection:** (Inaudible)

**Mr. Cheptalam:** That is what I am coming to. I am saying they should employ investigative measures that they can confirm. If it is true, like if a school is burnt...Okay. That is what I wanted to say. Thank you.

**Com. Paul Wambua:** Asante sana. Thank you Bwana Cheptalam. Now we call the next person there, please make sure that you give us new proposals, something we have not heard this morning. Taja jina.

**Japheth Chesumei:** Kwa jina ninaitwa Japheth Chesumei. I would like to contribute towards this Commission a few ideas.

One: My proposal will be based on development; in this country, most of the development is based in the urban areas. It is my proposal that any industry or any other national industries should not be taken to the urban areas but to the rural areas where we have the majority of the people. This will stop the movement of people from rural areas to the urban areas and once that is done, it will promote equitable development in the entire Country. It is my feeling that decentralization of major industries and other major development should be in the rural areas, so that we can have equitable development.

**Com. Paul Wambua:** Haya! Tumesikia. Next point please?

**Mr. Chesumei:** The next point is about human rights. Most of the Kenyans have had their rights mismanaged. We have so many organizations which have been sidelined as a result of hicropatism of leaders who are placed in those positions like KCC, KNTC, so many. If I can mention, it is not less than six.

I feel the laws of this country should protect the rights of every farmer in this country and I am appealing that there should be a basic law that can protect the farmer or any ordinary mwananchi on development which they have established so that it may not be a waste in a day through corruption.

Another issue is about religion: In this country, we know that we have freedom of worship. I feel that freedom of worship should not go to an extent that it can deny somebody his rights because we have some worshipers who may demand the ----(not clear) of a certain group or a certain individual. I feel that if such worship is found to be within the country, it should be removed by the law because I don't think it is good to have that freedom of worship while you are denying somebody his rights to live.

Another issue is about liberalization: Today in this Country we are talking about liberalized market. I feel that Kenyans should have a law that they can liberalize certain issues within the Country when there is a demand but when there is good production by the Kenyans or the farmer, they should give a certain quota because I know they we are living in a global world, so they should give a certain quota because if he can liberalize everything, then those who are strong from outside this country may flood in their own goods.

**Com. Paul Wambua:** Hayo yalisemwa asubuhi Bwana Japhet. Tafadhali taja yale hayajasemwa.

**Japhet Chesumei:** Sorry, I was not there, forgive me. If you can let me know, I will leave it.

**Com. Paul Wambua:** Hayo yalitajwa.

**Mr. Chesumei:** Okay. Let us come to the forests and environment: We both need land and forests. I feel where the

government has given land to those needy characters or individuals, there should be a plan so that there is intercropping, we have the forests and we have the water, so if that I have five acres, then the Ministry of environment and water can come in and say that this is an area which we need, I contribute one acre, my neighbor contributes another one acre and then another one contributes.

**Com. Paul Wambua:** There was a proposal of ten percent of all land to be given for forestry, so it is the same thing. Is that what you are proposing? At least a contribution.

**Mr. Chesumei:** I am talking about intercropping so that the farmer works together with the forestry department, that crop which is being planted in my one acre will be mine but the management is under the forestry and environment.

**Com. Paul Wambua:** Okay, move on to the next point.

**Mr. Chesumei:** Land ownership: We know that we have the right to have land but then we have some people who have chunks of land and that land is lying unproductive. There should be a law that makes sure that whatever piece of land you have is used.

**Com. Zein:** Your proposal is that idle land to be taxed, idle land to be ...(Inaudible)

**Mr. Chesumei:** Okay. Thank you.

**Com. Wambua:** Next.

**Mr. Chesumei:** The next point is political issue: In 1992 we moved into multi-partyism and it was not that good and it was not all that good because to me the multi-party or the parties which were created at that time never sold the ideas to the wananchi. Instead they were...

**Com. Paul Wambua:** We have already a proposal that political parties be limited, we have received...

**Mr. Chesumei:** I am not talking about them being limited, I am talking on being disciplined to sell the ideas to the wananchi so that we can buy the ideas.

**Com. Wambua:** How do we do that?

**Mr. Chesumei:** By selling the ideologies and policies to the wananchi.

**Com. Paul Wambua:** Okay. Sawa sawa.

**Mr. Chesumei:** Not coming and saying this is an ---? This person is bad, they should sell their good part of it. Any party, let us say DP or KANU should say these are our policies, we are going to do ABCD and they they go to the public and say this is what we are going to do.

**Com. Paul Wambua:** In short we need party discipline? Good. Any other point Bwana....

**Mr. Chesumei:** For that much I wish to thank you for giving me this opportunity.

**Com. Paul Wambua:** Okay, asante sana. Jiandikishe hapo. Next. What is your name?

**William Chelelgo:** Kwa jina ninaitwa William Chelelgo.

**Com. Paul Wambua:** William Chelelgo?

**Mr. Chelelgo:** William Chelelgo.

**Com. Paul Wambua:** Haya! Endelea Mzee.

**Mr. Chelelgo:** Asante Bwana Commissioner. Yangu ni machache.

Kwanza, Bwana Commissioner, sisi Tugen, tunaishi kulingana na jamii na jamii hizo tangu zamani walikuwa wanaishi sehemu zao nakuna mpaka zao. Wakati huo kuna watu ambao, mtu anaweza kwenda kuomba hifadhi kwa jamii fulani, anapewa hifadhi. Anaishi huko, anazaa huko mpaka watoto wao wanakuwa wakubwa. Wanaweza kurudi kwa plot yao nyumbani ama wanaweza kununua shamba mahali hapa, tangu juzi juzi wakati ilisemekana shamba inauzwa kwa sababu zamani shamba haikuwa inauzwa.

Basi, sasa yangu bwana Commissioner, ninapendekeza kuwa mipaka ya jamii ijulikane katika Katiba ili mashamba ya jamii yasinakuliwe na wengine kwa akili yao ama nini.

Ili kama mtu anaishi kwa jamii fulani ama amenunua shamba mahali fulani ama kipewa shamba fulani, akae na hiyo shamba yake, hana shamba lingine ambaye anaweza kushtaki jamii ati tunang'ang'ania shamba na yeye.

**Com. Paul Wambua:** Hiyo tumesikia.

**Mr. Chelelgo:** Kwa hivyo, hiyo ni yangu Bwana Mheshimiwa.

**Com. Paul Wambua:** Hakuna nyingine.

**Mr. Chelelgo:** Hakuna nyingine.

**Com. Paul Wambua:** Haya! Asante sana. Wachacha tumwite mtu wa mwisho hapo.

**Omulama Ayaya:** Asante sana Commissioners. Mimi ninaitwa Omulama Ayaya na niko na mapendekezo ambayo ningependa kuchangia Kuhusiana na hii tume ya marekebisho ya Katiba.

Kwanza kabisa nikigusia mambo ya kisiasa, watu wengi sana wamependekeza kwamba term ya President iwe terms mbili ya miaka tano tano lakini mimi ningependa kupendekeza tofauti kidogo kwamba kwa vile sasa Tume ya marekebisho ya Katiba huenda ikatilia mkazo njia ambazo zitafanya serikali, tuseme mikono tatu ya serikali kama tuseme legislature na Executive na Judiciary ku function sawa sawa, ikiwa hivyo, hata ikiwa President atakuwa na nguvu gani, ikiwa hata atakaa kwa ofisi mpaka akufie huko ama hata mpaka kura imtoe huko, kuna uwezekano kwamba anaweza kufanya hiyo kazi bila ku-abuse, kutumia mamlaka yake vibaya.

Sasa nilikiwa nataka kupendekeza Rais wa nchi awe anaweza kutolewa kwa kazi na kura ama kama ataweza kuchaguliwa na kuchaguliwa na kuchaguliwa, aendelee mpaka afe.

Ningetaka kupendekeza upande ya wajumbe kwamba MPs ndiyo ningependekeza kwamba wao wawe wakichaguliwa kwa kipindi kimoja tu ya miaka tano na kama angependa kurudia kuwa mjumbe tena, huyo yeye akae miaka ingine ishirini ndio tena aweze kusimama tena akitaka kuwa mjumbe. Otherwise wewe ukitaka kuwa MP, ukishafanya kazi yako kwa miaka mitano, unatoka kabisa, kijana mwingine anachaguliwa.

Tena nilikuwa nataka kupendekeza kwamba MPs wawe kati ya miaka ishirini na moja na hamsini.

Watu hawa wengine wawe wanaweza kuendea kazi kama ya ukansela ambayo hiyo ningependekeza isiwe na kipimo ya miaka wala masomo kulingana na vile mapendekezo ingine ilikuwa.

Pia nilikuwa nataka kupendekeza ya kwamba Katiba ile mtakuja nayo iwe inatetea pia the fear of God.

Kuwe kwamba kama Katiba ile ya zamani inasema kwamba Kenya is a Sovereign State. Pengune hapo tuongezee kwamba ni



sovereign state ambayo inatawaliwa na kuogopa Mungu; watu wawe wanaweza kumuogopa Mungu na tena hiyo katiba iwe inaweza ku-borrow heavily kutoka kwa Bible wakati inaandikwa.

Pili: Nilikuwa nataka kupendekeza ya kwamba kila juhudi ifanywe kuhakikisha kwamba Macommissioners hawafanyi hii mambo ya Katiba kuwa tu mambo ya hivi hivi kwa kuwachilia mambo ya kihivi hivi kupenyeza ndani kwa sababu kuna mambo mengi hata nikisikiza redio wakati mnachangia nasikiaanga sauti zenu kwa redio, watu wanapendekeza vitu zingine ambavyo zinaweza kushughulikiwa na wakati ama hata sheria ya asili ya watu.

Kwa mfano wakati watu wengi wanachangia mambo ya equity na equality na mambo ya roles kati ya wanaume na wanawake, kuna kuja hapo na kunakuwa na kuchanganyikiwa kwingi. Ndiyo nilikuwa napendekeza kwamba kama mnaweza kutumia neno la Mungu kidogo kuandika hapo, pengine mtaweza kupata jawabu haraka.

Kwa mfano mambo ya shamba, biblia iko wazi wazi sana kwamba ikiwa mtu akuzaa mtoto mwanamume, ile kitu inatajikana na shamba lake, assume that you we using the Bible but if you were using the tradition, say the Tugen tradition, you will also find that vile kulikuwa na mtu amependekeza hapa, kuna mtoto ambaye pengine hajaoleka na ni msichana na baba yake hakuwa na mtoto mvulana, vile hiyo shamba yao ingefanywa, so that we don't have a mix up and clashes of ideas and cultures.

Nilikuwa pia nataka kusema ya kwamba Katiba hii mtaandika iwe inaweza kuweka ndani measures za ku-stamp out laziness kwa maana shida zetu mingi, ikiniuliza mimi, ninaona zinaanza na uzembe so much so that tumezoea sana mambo ya kuomba omba na vitu ya bure na hiyo mambo inafanya, tuseme, wazee wengi wanategemea wamama ati waende wauze mboga pale sokoni waje wawalishe ama kama mtu anafanya kazi, anakunywa pesa yake yote, anawachia ati bibi ndiye atanunua chakula. Mtu kama huyo, mwanamume wa aina hiyo, inatajikana kuwe kunawezekana kuwe na kifungo hata kama ni ya miaka tatu ama hata kama ni ya nje, ya kufunga mtu kama huyo, ili ajifunze kutoa jasho ndiyo aweze kulisha family yake.

Mwisho nilikuwa kuomba hii tume, itakapopendekeza mapendekezo yake, ipendekeze kitu kuhusiana na mavazi ili kwamba kusiwe tu na free style of dressing so that kuna watu wanatutembelea uchi dunia hii. Ukienda Nairobi siku hizi kuna aibu nyingi sana ile tunaona huko so that kwa mfano kama ni mambo ya wanaume kufaa tight jeans kwa mfano, ijulikane ni wanaume wa miaka ngapi, kutokea miaka ngapi.

Ningependekeza wawe vijana kuvaa mambo ya tu-jeans na kuvaa tu-T-shirt na kuvaa kutembea na vifua nje.

Vile vile ningependekeza kama ni mambo ya kuvaa mini skirt, ijulikane ni watoto wa kiasi gani, ningependekeza wawe vijana miaka fulani, may be upto eighteen, mtoto msichana msichana kuvaa vitu kama mini skirt ama skin tight ama mambo ya malong'i haya mmezoea kuvalisha watoto wetu ili kwamba shida ya kijamii kama hii mtu alikuwa amechangia hapa ya rape ipunguke kwa sababu mahali kama South Africa, rape cases ziko juu sana kwa sababu mavazi ya huko hata mkiona kwa TV kwa vipindi ambavyo vinatoka upande huo, watu wanatembea uchi tu.

Sasa kama mtu anaweza vaa vizuri...

**Com. Paul Wambua:** Tumeshika. Kuwa na proper dressing code.

**Mr. Ayaya:** Yes.

**Com. Paul Wambua:** Kuna jambo lingine Bwana, ama hilo ndili la mwisho?

**Mr. Ayaya:** La mwisho kabisa, hilo pendekezo la Prime Minister hiyo, nilikuwa ninataka kusema kwamba haina haja kwa sababu kama Constitution yetu itaambatana na government ya Mungu, assuming that we shall borrow heavily from the Bible, then what it will mean is that, you see God is very overall; we don't have a Prime Minister in Gods government, may be we have ministers in form of Michael and Gabriel but we don't have those things of Prime Ministers and so on, those Corruptive posts that people are trying to create so as to get food. I do not know whether you are getting what I am saying.

**Com. Paul Wambua:** Oh yes. We have understood and it has been recorded.

**Mr. Ayaya:** Please, thank you.

**Com. Paul Wambua:** Okay, asante sana. What is the problem? Ulijiandikisha wakati gani?

**Speaker:** Nani mwingine anataka kwenda?

**Com. Paul Wambua:** No, those ones I have finished with them. According to me, huyu mzee alimaliza kuzungumza, huyu sijamwita maanake tulimaliza wale walikuweco...

**Interjection:** (Inaudible)

**Com. Paul Wambua:** Hapana. Tumemaliza Mzee, wacha tuwapatie wengine nafasi. Wewe umejiandikisha? Sasa how do we call you? You have not registered your name there. Who has registered his name and has not spoken now? Mzee, nitawapatia nafasi, sasa wa mwisho kabisa tutaenda hivi na msikize vizuri.

Utazugumza, huyu atafuata, na wa mwisho atakuwa ni District Coordinator Elija Letangula. That is the procedure na kila mtu apate three minutes, tumalize. Mfuatane hivyo hivyo.

**Pastor Aaron Kipsomet:** Basi, asante Mheshimiwa, mimi ni Pastor Aaron Kipsomet. Ninamaoni karibu manne.

Ya kwanza: Tumeona ya kwamba kuna shida ya watoto wetu ambao ni wasichana. Tukiangalia idadi ya wale wanaoingia shule kwa Primary, kwa kama class one, ni wengi lakini wakifika darasa la nane, ni wachache ambao wanaweza kufanya mtihani wa darasa la nane.

Shida ambayo inatokea ni ya kwamba kuna wasichana ambao katikati kwa shule ama hata kwa Secondary school wanapata mimba na wakipata mimba, hawa watoto wana akili lakini kwa sababu ya mimba...

**Com. Paul Wambua:** Unapendekeza nini?

**Pastor Kipsomet:** Ninapendekeza ya kwamba hawa watoto waruhusiwe waendeleo na masomo. Ikiwa ni shule hiyo ama ingine, waendeleo kwa sababu ya maisha yao.

Jambo la pili ni mambo ya kuwaajiri chiefs ama assistant chiefs. Tumeona ya kwamba watu siku hizi, assistant chiefs...

**Com. Zein:** Mzee wangu, pendekeza.

**Pastor Kipsomet:** Pendekezo ni hivi, ningependelea sana kama Assistant Chief ama Chief wangechaguliwa na watu.

**Com. Zein:** Watu wametoa maoni hayo na wengine wanasema wachaguliwe na mlolongo.

**Pastor Kipsomet:** Okay, haya. Lngine ni dini. Kenya kumekuwa na uhuru wa kuabudu lakini kuna dini zingine ambazo si halali. Pendekezo langu ni ya kwamba dini ambayo ni ya mashetani iondolewe kwa nchi yetu.

**Com. Zein:** Kuhusu uhuru wa kuabudu, iwekewe vikwazo kwamba watu wanaoabudu shetani wasiruhusiwe.

**Pastor Kipsomet:** Ndiyo. Jambo lingine la mwisho: Tumekuwa na pornographical books ama hii nauzwa kwa magazeti kila mahali na wanaenda kuangalia.

Pendekezo ni kwamba serkali ione ya kwamba pornographical video ambayo ni mbaya iondolewe kwa watu wetu.

Asante sana, ni hiyo niliyokuwa nayo.

**Com. Zein:** Asante sana. Tafadhali jiandikishe pale. Ndiyo, ndiyo. Kama unavyoona mwenzako tunavyomwambia, tunataka mapendekezo kwa sababu ukitupa hadithi, haingii kwa katiba. Mapendekezo yako ndiyo yanaingia kwenye katiba. Utaje jina uendelee.

**Weston Wanjohi:** Kwa majina ninaitwa Weston Wanjohi.

Langu la kwanza ningependekeza ya kwamba tuwe na a unitary form of government.

The Constitution inafaa kutu address as Kenyans and in that Constitution, the name of the Country should be changed in order to foster national unity.

**Com. Zein:** To what?

**Mr. Wanjohi:** To what? I suggest that the Country should be named the Democratic Republic of Kenya and that will also affect the Kenya currency.

Hii pesa yetu ya Kenya sasa inafaa ibadilishwe.

**Com. Zein:** Hapana Stories, pendekezo.

**Mr. Wanjohi:** Pendekezo yangu ni ya kwamba some changes should be made.

**Com. Zein:** Which changes?

**Mr. Wanjohi:** The face lift of the Currency.

**Com. Zein:** You are going to propose that we should not have images of persons on the currency?

**Mr. Wanjohi:** Yes. Not all the currencies, the major currency, the bigger currency inafaa kuwa na picha ya the current head of state,

**Com.?:** Sawa,

**Mr. Wanjohi:** Halafu the other currency inafaa kuwa na vitu ambayo iko na pengine uchumi, nchi na mambo yanahusiana na unity

**Com. ?:** Sawa.

**Mr. Wanjohi:** Halafu tukishuka chini kidogo kuna mambo kama ya appointment ya Auditor General, ya Attorney General, Commissioner of Lands, all those should be parliamentary appointees but not appointed by a person who is holding the office of

the President.

Another suggestion ni ya kwamba mambo kama office ya Attorney General. In the current constitution, role za AG ziko duplicated.

**Com. Zein:** Hapana, hapana. Pendekeza.

**Mr. Wanjohi:** Pendekezo yangu ni ya kwamba, the AG should not sit in the Executive government and at the same time acting as the government prosecutor.

**Com. Zein:** Are you proposing that we should ---(not clear) Attorney General?

**Mr. Wanjohi:** Yes that is my recommendation.

**Com. Zein:** The Prosecutor General should be the advisor of government and the minister for constitutional affairs.

**Mr. Wanjohi:** Yes.

**Com. Zein:** Sawa.

**Mr. Wanjohi:** Ya mwisho ni ya kwamba, because I believe that it is not the Constitution which wants us, it is us who want a constitution, so most of the things yanayofanyika inafaa iwe ni raia ndio wanaongoza. We want a government ambayo inahitaji raia, raia ndio wanaongoza so mambo mingi inafaa, kama mambo ya budget, raia wawe wanatoa views; economists wanatoa views vile budget ingetakikana kuwa.

Ninafikiri ni hiyo pekee yake.

**Com. Zein:** Asante sana. Kabla sijakuja kwa Coordinator...Mzee wangu, nikisema kabla sijakuja kwa Coordinator, ni ajie fursa nizungumze. Mimi sikuzungumza leo, mlinisikia nikizungumza?

**Audience:** (Inaudible)

**Com. Zein:** Basi nipeni fursa nizungumze kidogo. Kijana ulikuwa unataka kusema nini ambalo halijasemwa? Una mangapi? Kimbia basi mara moja, usimame pale. Mzee wangu, kaa karibu na yeye useme moja pekee yake kwa sababu umeshazungumza na sisi mara mbili, ukasema unaandika memorandum itakuja, kama umesahau jambo ni hili, sawa. Taja jina na useme.

**Raymond Cheboi:** Ninafikiri mimi kwa jina ninaitwa Raymond Cheboi. Nilikuwa nataka tukuanza kuangalia mambo ya documents, confidential documents. Kusema tu kuhusu documents zile za serikali. Unakuta zingine, tuseme kama zile za application... nilikuwa tu niseme kuna documents za serikali ambazo ni muhimu sana kwa mwananchi, kwa mfano ile ya application kwa upande wa kazi ya serikali na mengine. Ukikuta saa zingine hii documents inakuwa very scarce, yaani haipatikani kwa urahisi na ukipata moja unakuta inasema photocopies are not allowed na yule ofisa mkubwa anayepeana huko anasema ile shida iko...

Nilikuwa nataka tu niseme kuna sheria ingine ambayo...

**Com. Zein:** Unapendekeza karatasi muhimu za serikali ziwe --- (not clear) kwa mwananchi?

**Mr. Cheboi:** Ndiyo hiyo.

**Com. Zein:** Basi.

**Mr. Cheboi:** Asante. Halafu kwa upande mwingine ni autonomy ya Local Authorities. Nilikuwa ninataka kusema tu kuna serikali kuu na kuna serikali za wilaya. Ninataka kusema serikali kuu na hii serikali ya wilaya kwa hakika inatumikia mwananchi.

So tukija kwa service delivery, saa hii uzito sana iko kwa serikali kuu na tukija kwa serikali za wilaya unaona sana tunategemea...

**Com. Zein:** Unataka nini?

**Mr. Cheboi:** Tunataka Autonomy:

**Interjection:** (Inaudible)

**Mr. Cheboi:** Okay. Na nilikuwa tu ninataka kuongeza kwa mfano...

**Interjection:** (Inaudible)

**Mr. Cheboi:** Ni mawili. So ninafikiri, kulingana na vile mambo ya kuabudu, mimi ninamuunga mkono pastor aliyekuja kusema hapa ile sheria ya kuabudu iwe free lakini kama kuna mengine ambayo si mazuri kwa mwananchi hakika iwe restricted.

Kwa haya, asante.

**Job Seng'enge:** Asante sana Waheshimiwa Commissioners. Yangu ni machache ambayo.

**Com. Zein:** Taja jina.

**Job Seng’enge:** Jina ni Job Seng’enge, former Councillor. Asante sana.

Mimi niliona kwa upande wa President na Prime Minister vile Wakenya wataendelea kupendekeza, awe ni mtu kutoka miaka arobaini na tano na kuendelea. Isije ikawa ni kila mtu ataleta mtoto wake hata yule bado anamnyonya mama na kusema anakuwa President.

(Laughter)

**Com. Zein:** Mzee wangu, ngoja Mzee wangu. Siasa mimi sitaruhusu lakini... unajua mini ninakuheshimu sana Mzee wangu? Umependekeza kwamba Rais aanze kuchaguliwa akiwa na miaka arobaini na tano. Lingine,

**Mr. Seng’enge:** Asante Mheshimiwa.

**Com. Zein:** Lingine, Judge na waalimu wale wa Secondary ambao walisomea, pamoja na madaktari wakuu, wale wote ambao wana uchuzi waliosomea kwa muda mrefu, waendeleo mpaka miaka sabini kwa kazi yao. Sawa sawa, hata nyinyi vile vile, namna hiyo.

Na walimu wale wa Primaries waende mpaka miaka sitini.

Ya mwisho ni ya kwamba tulipopendekeza mambo ya majimbo, kuna neno moja ndani yake. Kuna katika Kenya, kati ya provinces yote nane, kuna provinces mbili ama moja ambayo tayari imefanya majimbo hawaruhusu jimbo lingine kufanya biashara katika area hiyo.

**Com. Paul Zein:** Tafadhalini, tunafaa tumsikize huyu anayetoa maoni.

**Mr. Seng’enge:** Ikiwa tu sitaji kwa sababu tukiwa katika Commission namna hii tunasema mnaelewa tu. Sasa ndiyo tunasema ili kufufua uchumi, ni rahisi watu wanapoketi chini, ikiwa ni province na kujifikiria vile watu wao watapona.

Asante sana, sina mengi. Nitatuma tu ile yangu. Asante kwa kuniheshimu hivyo.

**Com. Zein:** Asante Mzee.

**Com. Zein:** Mzee, hakuna mtu mwingine amepewa fursa mara mbili. Ngoja wale wamalize, ninamalizia na huyu halafu utaniambia kuna kitu kimekufanya ushindwe kulala.

**Elia Letangule:** Asante sana. Kwa majina ni Elia Letangule kutoka Marigat.

Pendekezo langu ni kwamba community ya Njemps, jina lake haswa ni Ilchamus. Pendekezo langu ni jina la Community ya Njemps, ambao wanaitwa Njemps ni kwamba hilo siyo jina hasa. I-L-C-H-A-M-U-S.

La pili: Njemps ni moja ya community ya Maa na tunavyojua, katika agreements za 1904 – 1911, Wamaa walipoteza nchi yao kubwa kwa wazungu. Pendekezo langu ni kwamba kama vile kuna kuwa na compensation, community ya Njemps wawe compensated kwa sababu ya hiyo nchi walipoteza wakiwa ndani ya community ya Maa.

Kwa ujumla, Maa community tunaomba tupewe compensation kwa ile ardhi, ile land, white islands ambayo ilinyakuliwa na Wazungu kutoka kwetu na hata baada ya uhuru hatukurudishiwa.

Pia, community ya Njemps ni ndogo sana katika Baringo district na hata wakipewa miaka mia moja hawatachagua MP. Ninapendekeza kwamba nominated MP iangalie watu kama hao because even if we are given a thousand years...

**Interjection:** (Inaudible)

**Mr. Letangile:** Small groups pia, kwa hivyo nominated Councillors waangalie vikundi ambavyo havitaweza, kama Waswahili hapa Kabarnet na Wanubi.

Asante sana.

**Com. Paul Wambua:** Basi, tumefika mwisho wa kikao hiki. Mzee bado ana insist. Mzee, hebu kuja, kuja hapa. Kuna shida gani? Sema.

**Speaker:** Asante sana kwa kunipatia nafasi ya pili. Kitu yenya ningetaka kuwaambia wananchi wangu hawa...

**Com. Paul Wambua:** Tunataka utupatie mapendekezo.

**Speaker:** unajua nyinyi ni wageni lakini mimi ni mwananchi wa area hii. Kitu yenye ilinibabaisha mpaka saa hizi, wewe ukiwa pale, hata na huyo, kitu yenye, mimi niliendanga shifta, Mzee yule hayati aliambiwa a-declare war huko Somalia. Akasema mimi watoto wangu ni wachanga, siwezi ku-declare war.

**Com. Paul Wambua:** Basi, basi.



**Speaker:** Basi, sasa nyinyi mtuchunge tafadhali.

**Com. Paul Wambua:** Tosha basi, tumesikia hayo.

**Speaker:** Mtuchunge tafadhali, don't even harass us.

**Com. Paul Wambua:** Haya! Asante sana.

**Speaker:** Asante sana. Hiyo ndiyo kitu ningetaka hata watu wajue; tumelindwa vizuri sana. Hata kama tuko maskini, tunaweza kuwa ndani ya kwapa tu ya mtu. Asante sana.

**Com. Paul Wambua:** Basi tumefika mwisho wa kikao hiki kuanzia asubuhi na sasa ningependa kirasmi kutaja ya kwamba sasa tutakoma hapo na kwa niaba ya Macommissioner wenzangu ambao hawajarudi hapa, walitoka, ambaye alikuwa mwenyekiti wa kikundi hiki cha Commissioners, Commissioner Pastor Zablon Ayonga na Mama Phoebe Asiyu. Na kwa niaba ya mwenzangu hapa, commissioner Zein, ningelipenda kuwashukuru nyote ambao mlifika hapa na kutoa maoni yenu.

Maoni ambayo mliyatoa ni ya maana na kazi yetu kama Tume ni kuhakikisha kwamba yale maoni yote ambayo yalitolewa hapa yataingia kwa reports; kwanza ya Constituency, ambayo tutaitengeneza na pili kwa ile report ya kitaifa ambayo tutatengeneza.

Kulingana na taratibu ambazo zimewekwa, tutamalizia hapa Rift Valley province ifikapo tarehe ishirini na saba mwezi huu, kumi na saba, si ishirini na saba, halafu tutaelekea huko Western Province na tunatarajia kwamba tutamalizia Western Province tarehe thelathini mwezi wa saba.

Tukimaliza Western Province, tutaanza shughuli kwanza ya kuandika report na report zitakuwa za aina mbili, kutakuwa na report ya constituency ambayo itarudishwa kwenu na mtaichunguza kuhakikisha ya kwamba yale yote ambayo mliyataja kweli yaliingia kwa hiyo report. Ikiwa kuna mambo ambayo mliyataja na hayakuingia kwa report, basi mtapewa na nafasi ya kutaja tena.

Halafu tutatengeneza pia ile report nyingine ya kitaifa, ikiwa sheria iliyoko sasa haitageuka, tutatakiwa tuirudishe kwenu tena muisome halafu mtupatie maoni yenu kwamba yale yote ambayo mliyataja kweli yako kwa hiyo report.

Pia tutatengeneza Katiba, Draft Constitution, na hiyo Katiba pia kulingana na sheria mtatakiwa muisome, mhakikishe ya kwamba inafaa kulingana na ile report ambayo tuliitengeneza na kulingana na maoni yenu.

Tutatakiwa tuipeleke kwa kikao maalum cha kitaifa, ambayo tunaita National Constitutional Conference, na kwa kikao hicho

kutakuwa na MPs ama all elected and nominated MPs, kutakuwa na Commissioners, wakiwa ishirini na tisa, kutakuwa na waakilishi wa vyama vya kisiasa, kutakuwa na waakilishi kutoka kila wilaya na hawa watachunguza na kwa kweli, katiba itatengenezwa kwa hiki kikao cha National Constitutional Conference.

Wakishakubaliana kwa ile Draft Constitution ambayo Tume itakuwa imetengeneza, basi hiyo itapelekwa huko Bunge na itapitishwa kuwa katiba mpya.

Ikiwa hawatakubaliana, sheria iliyoki inasema ya kwamba kuwe na referendum ama kura ya maoni ambayo wananchi sasa wataamua kwa yale mambo ambayo hawakukubaliana.

Basi ikipitishwa ama kura ikipigwa, Draft Constitution na maoni yenu yatapelekwa Bunge na Bunge itapitisha iwe Katiba Mpya.

Huo ndio basi utaratibu ambao tutafuata kuanzia leo na kwa hivyo tutarudi hapa hapa maanake sheria inasema turudi hapa kwenu tuzungumzie hizo report za Constituency na za kitaifa na wale ambao walikuwa wanafanya mambo kama 3Cs, nafikiria wako hapa, bado kuna kazi na hiyo kazi mtatakiwa muendeshe, mtatakiwa muwasomeshe wananchi kwa yale mambo ambayo yamebaki, stages zimebaki, reports ambazo tutaleta huku, halafu tutachukua maoni tena ya wananchi.

Kwa hivyo tungelipenda kuwatambua wale ambao walikuwa wanafanya kazi katika hii constituency ya Baringo Central. 3Cs wako wapi? Naambiwa wote wameondoka lakini hata wakiwa wameondoka, lakini tungependa kuwashukuru wale ambao walipanga mpango huu kuhakikisha ya kwamba kikao hiki kimefaulu na hawa ndio wale members of 3Cs, nafikiri pengine wametangulia huko Mogotio, maanake kesho tutakuwa huko Mogotio pia kuchukua maoni ya wananchi. Kwa hivyo kwa niaba ya Commissioners na kwa niaba ya Tume, tunataka kuwashukuru wote members wa 3Cs waliohusika kupanga kuhakikisha kwamba tumefaulu na pia District Coordinator ambaye alianza kufanya kazi, yeye ndiye field officer wa Commission, kuhakikisha ya kwamba pia tumefaulu katika wilaya ya Baringo, tungependa kumshukuru pia naye.

Sijui kama kuna member wa Provincial Administration hapa? Kama hayuko, asubuhi ya leo tulikuwa na DC. Ningelipenda kushukuru pia Provincial Administration maanake wao wametusaia sana kupanga huo mpango kuhakikisha kwamba vikao vyote katika wilaya ya Baringo vimefaulu.

Kwa hivyo kwa niaba ya Tume pia ningelipenda kuwashukuru Provincial Administration ama hiyo idara ya utawala.

Tumefikia mwisho sasa wa kikao hiki. Nitampatia mwenzangu Commissioner Zein kama angependa kusema machache halafu tutamuuliza mtu mmoja atuongoze kwa maombi halafu tutakifunga kikao na Mungu akitujalia, tutakutana tena kwa kikao kikingine. Hata ikiwa si cha Katiba, kingine tu.

Kwa hivyo Bwana Zein...

**Com. Zein:** Yangu yatakuwa machache sana. Ningependa kuchukua fursa hii kuwashukuru wakenya wote waliofika hapa,

hasa wakaazi na watu wa kutoka sehemu hii ya Baringo Central kwa kutoa maoni mazuri na maoni ambayo sisi tunawahakikishia tutayatumia kama nguzo na misingi ya kujenga Katiba mpya na kama alivyosema mwenzangu, hakikisho hilo mtalipata mtakapo angalia ripoti, muone kwamba ripoti ya constituency au ya sehemu ya uwakilishaji Bungeni ya sehemu hii imeonyesha mambo yale mliotueleza.

Na pia ningependa kutoa shukrani zetu nyingi sana kwa watu wa Baringo kwa sababu toka tulipofika hapa Baringo juzi, tukaanzia Baringo North na leo tumefika Baringo Central, mmetukaribisha kwa wema na tumekuwa na tumeishi hapa vizuri sana. Tumekuwa na raha nyingi sana na ukarimu wenu tutaukumbuka kwa muda mrefu sana na tutaondoka hapa na ukumbusho ambao hatutausahau hivi karibuni na pia sichoki kusema kwamba tumefurahi sana kwamba tumestaajabukuona jinsi mnavyolinda mazingira hapa na kwamba sehemu hii ni sehemu ya aina ya pekee katika jamhuri ya Kenya kwa sababu sisi tumetembea karibu nchi nzima sasa kama alivyosema, tumebakisha mkoa wa magharibi pekee yake, lakini hatujaona misitu yenye miti ya kiasili mingi kama tulivyoona huku.

Kila mahali tunapo angalia tunaona kijani tu, kijani kibichi.

Tunawashukuru sana na tunawapongeza na kuomba muendeleo na kazi hizo na tunaamini kwamba utamaduni wenu umewasaidia kuchangia kuwa na utunzi wa mimea na misitu ya aina hiyo kwa sababu hata mapendekezo tuliyopata, tumepata kwamba watu wanapendekeza mambo yanayofanyika hapa pia yafanyike sehemu zingine nchini na yalindwe kikatiba. Kwa hivyo tunashukuru sana.

Mwisho kabla sijakaa chini, ningependa kwa niaba yenu kumshukuru huyu dada hapa, huyu bibi aliyekuwa akitafsiri. Wengi wenu mnaona tu anatumia ishara. Ni muhimu sisi kueleza kwamba kama Tume ya kurekebisha Katiba, sisi ni taasisi ya kwanza katika taifa letu kusema kwamba ni lazima tuwe tunatumia lugha ya ishara, sign language, kama njia ya kuwafanya ndugu zetu ambao hawasikii waweze kufuatilizia mambo haya na waweze kuchangia mambo haya.

Kwa hivyo tunamshukuru sana kwa kazi aliyofanya. Kutoka asubuhi amekuwa akiendelea mpaka sasa na ndugu zetu toka asubuhi wamekaa wakisikiliza na walipopata fursa wakatoa maoni yao.

La mwisho kabisa, pia kwa niaba yenu, ningependa kuwashukuru wao. Njia ya kuwashukuru kwa sababu wengi mnazoea na mlikatazwa kupiga makofi, pengine kwao tuwapigie makofi.

(Clapping)

Tunashukuru sana. La mwisho kabisa, mimi ninafuata desturi zenu kwa sababu mtu anakuja anazungumza hapa anasema la mwisho, la mwisho kabisa, la mwisho kabisa, la mwisho kabisaaa, na mimi wacha niseme la mwisho kabisaa kwamba, kwa niaba yenu nawashukuru wafanya kazi wa Tume ya kurekebisha Katiba. Wamekuwa wakifanya kazi hii kwa muda mrefu lakini

hawajachoka na wanaendelea kufanya kazi hii.

Asanteni sana na Mungu awabariki.

**Com. Paul Wambua:** Basi tutakoma hapo. Nilikuwa nimekumbuka pia kuwashukuru hawa maanake niliangalia nikaona hakuna mmoja wao alitoka hapo na kweli wako na imani na shughuli hii ya kurekebisha Katiba maanake hakuna mmoja wao alitoka hapo. Nilikuwa nitaje lakini kwa sababu mwenzangu ametaja hayo, sitayarudia.

Kwa hivyo nitamuuliza mmoja wetu ambaye anaweza kutuomba, Pastor yuko wapi? Aje hapa atuombe halafu tutafunga hiki kikao cha leo.

**Pastor:** Tusimame kwa maombi. Basi tuombe.

*Baba Mtakatifu, Mungu Muumbaji, Mlinzi na Mwokozi wetu, tunakushukuru kwa jioni ya leo. Asante kwa kikao ambacho tumeketi tangu asubuhi tukizungumzia jambo kubwa ambalo linahusu nchi yetu na sisi kama Wakenya.*

*Tunashukuru kwa sababu kwa uwezo wako tumefikia mwisho. Asante kwa watumishi, Commissioners ambao wamejitoa katika kazi hii kubwa na tunawaomba upate kuwaongoza na wengine ambao wanashirikiana pamoja uwe nao hata wanapojiandaa kumaliza sehemu hii ya kwanza ya kutengeneza Katiba, upate kuwasaidia na kuwapatia afya, uwalinde katika kusafiri kwao.*

*Tubariki kama wenyeji wa Baringo ya Kati na uwabariki pia watu wote ambao tutashiriki katika kazi hii. Tulinde tunapoachana mpaka tutakapokutana tena katika mkutano kama huu maana tumeomba tukiamini kwa jina la Yesu ambaye ni Mwokozi wetu. Amina.*

#### *PRIVATE HEARING (ONE PERSON)*

**Com. Paul Wambua:** What is your name?

**Samwel Chepkole:** My name is Samwel Chepkole, Samwel Cheboi Chepkole.

**Com. Paul Wambua:** Why are you not willing to give your views in public?

**Mr. Chepkole:** It is because I feel it might not be very healthy for me thereafter. You not yet still in a very open system. Sometimes comes and complains that you have done something or you are into politics or something like that. But we really aren't into politics.

Since we are discussing a national issue, the awareness should have been raised amongst the people that everybody who has something to say should come, whether you are a teacher or something like that.

There is the thing of if you are a civil servant and so when we have normally left, you start talking with the politicians and so that is engraved in many people. I am sure you have witnessed that many civil servants are just on the sides.

**Com. Paul Wambua:** And why is it that you did not consider the alternative of writing a memo?

**Mr. Chepkole:** I was not even expecting to meet the Commissioners except for my Colleague here who we teach together. After talking, then I found out Commissioners were here then as I was expressing my points, he said why don't you call the Commissioners.

**Com. Paul Wambua:** So you were not aware there was a sitting today?

**Mr. Chepkole:** I heard of it last night only.

**Com. Paul Wambua:** I think what we could do is that we just ask you to give us those aspects which you consider to be sensitive and then you can take your time because there is still time upto 15<sup>th</sup> of this month.

**Mr. Chepkole:** I will be away, I will be in Nairobi.

**Com. Paul Wambua:** You write your memorandum and either you bring it to Nairobi or submit it to the District Coordinator because part of the reason you are giving us is that is you were not aware. If you were aware, you would have written and given us. This is something, which has been going on for quite some time, civic education and all that.

The visit here was also advertised extensively in the newspapers so the reasons I mean you are giving us sound to us partly you feel that you have been victimized partly because you are not aware.

Give us those aspects, which you thought maybe would not be spoken in public and then you can write because this questions and issues are many. May be you need to take time, go through each one of them and give your proposal accordingly. If we were to sit and listen to all that, it would take the whole day.

So give us those issues which you think could not be spoken out there and then take you time, write a detailed memo, there is still time upto 15<sup>th</sup> and submit it, either give it to the District Coordinator or a member of the 3Cs, the Chairman or bring it to Nairobi.

**Mr. Chepkole:** I think there are no issues that cannot be mentioned there except that my own responsibility and my work, so

I felt like if I speak very eloquently on issues, it can also implicate badly on me.

Let me give you the issue of Councillors or something like that...

**Com. Paul Wambua:** You should not worry about that because we have had DCs present views to us, we have heard DOs presenting views to us. A PC presented views to us, we have had a PS present views to us. The PS did not say he will just go out and get a written submission.

We are going to interview the President at some point. So you should not worry.

We have heard Headmasters. Yesterday we had formal presentation from KNUT in Baringo North. They sent the Secretary to come and present the views of KNUT and they made very, what you might consider political statements concerning salaries of teachers and so on and so forth, concerning enrollment of students from Primary to University level, funding and so on and so forth.

So I don't think should you worry about anything; you should not worry at all but since we are here, we can give you three minutes, four minutes and the other people can hear what you have to say.

**Mr. Chepkole:** Thank you very much for offering me the priviledge.

One issue I had is...

**Com. Paul Wambua:** Just repeat the name again... Samwel?

**Samwel Chepkole:** Samwel Cheboi Chepkole, Principal, Tenges boys.

**Com. Zein:** We normally record every session, so do not worry about it.

**Mr. Chepkole:** Okay. My main interest is on education; that if we can set centers of excellence per every division, where you have a very qualitative Secondary school that will give chances to areas that have not been priviledged to get education. Getting people qualifying for lucrative courses like Architecture, Engineering, Law and Medicine because as per the current set up, those communities that have had an early start normally do qualify and unless students have gone to other schools in those areas, there own schools can not give them a chance.

For example, when you look at North Eastern Province, in 1999-2000, not even one single candidate had sat for Physics and therefore that means they are technologically disadvantaged.

An area cannot change, transform its own socio-economic situation if some of their own people have not reached a very high

level as far as education is concerned.

I also suggest that if we could have funding of education upto form four that would better be the basic education for Kenyans. After that they can go through their loans.

**Com. Zein:** Are you proposing free education upto form four?

**Mr. Chepkole:** Education for all to form four free for every one. That is what I am trying to suggest.

The other issue is on the institution of Chief: Where the chief should be of higher education, say a minimum of form four, perhaps a C or C+ and should have undertaken a training, preferably teaching or pastorhood so that we have people who can understand the perception of the moment in terms of world trends unlike now where we have many illiterate chiefs who will rule may be more through the muscle and then there is no understanding. So if the chiefs can be developed in terms of...

First of all you are a professional, you have a minimum of four and then from there you have a syllabus, training programme for chief on running of public affairs in there locality, that would be okay, it will assist because in most of our cultures, the traditional set-up is gone but we must have somewhere to lean on.

When you leave it to the politics where you say let the leader be the one elected, then there will be a lot of politicking around and the issues are not addressed. It will be just mudslinging, talking about one another and so we do not have somebody to look to like the church and the stable administration.

Those are some of the things I thought I would say.

The land issue: Land should not be limited in terms of how much one owns. What we would have done according to me is maybe develop infrastructure to as many places of the country as possible and let people come out of the urban area.

If it is a local center, let them be more there then provide facilities in that set up where you have a school, you have water, you have health, and you have all those. That will make many people come to the market, they get to technology, they get to the power line, they get quality education, they start businesses and they will not refer to the land.

That way you will have those who can specialize in farming or any other activity doing it, of course alongside the state. There is the individual who is very good in that area and then the state; of course the overall overseer of land.

The other issue is on the environment: As far as the environment is concerned, because I look at Kenya now, we are very polluted. We have put rubbish even in front of our shops and we have destroyed the forests so the lungs which would give us

fresh air... so I was suggesting if we can have environment and natural resources as a subject, we develop a syllabus for that area to be taught at Primary, Secondary upto university level.

First it should be compulsory at Primary and Secondary because it is a relevant subject.

If we are telling a country let us have industrialization by the year 2020, industries definitely will bring pollution and that pollution will affect the state of our health and if that is so, then the environment component should go alongside the industrialization efforts we are trying to make.

You can be a professor of environment but you are living in a very dirty atmosphere because rain falls, it carries all the dirt and causes Typhoid, Amoebiasis among the people therefore the government will spend a lot of money on health to treat this people but if they all were environmental conscious, they would have known how to keep their wastes, to dump them in the right place, clean them and the way they stay, trees and all these.

For these to happen better, when that has been done, I wish that the natural resources and environmental issues, particularly the forests, may be mineral resources or wildlife, the local community should have a share of ownership so that they do not destroy because when they know it contributes to their lives, then they will definitely protect and by protecting they know they will have money to educate their kids, they will have money maybe for the common facilities, they will have some of their own employed there, along the state management.

I wish that the ownership is both community based and state.

Community may be at the local level could be the Local government or any other set-up that we think is functional for the management of our natural resources. Otherwise, as it is now, you will find that it is state owned. Somebody is sent from Nairobi to this place then he just finishes the forests and goes away and the elders have been here for ages and they have not destroyed so when they see somebody coming in within one and finishes the forests, they see that we better even benefit ourselves; we have taken care of it and somebody has just taken it.

That has led to fast rate of the depletion of our forests.

On water management: You look at it that we don't have enough safe waters. Maybe one percent of the world's water is clean drinking water. A way should be found out because as you can see, through this environmental problem, we are manufacturing water and we are selling it now at the shops. What will happen to those people who will not afford? Can we set up structure in place that can save the ordinary people so that they have at least access to clean drinking water because most of the diseases that people suffer from are water-borne?

The component of the environment and water is what can help better health than most of the money that would have been used to treat, can be used to create job opportunities or economic activities that can help our country to prosper in a very healthy atmosphere because you can be progressive industrially but people are not healthy, that would not be good.



And then the issue of governance as far as the state is concerned: I would have wished that... In 1997 you remember very well that we were saying no reforms, no budget, at one stage we almost went without a budget. I think you remember if you were following what the parliamentarians were doing to the extend of fighting.

Then the next one came; no reforms, no elections. I would wish that in the coming election, can we do it on a new constitution so that the dissenting voices, those who were dissenting in 1997, if they were genuine and good leaders, they will definitely be elected.

Otherwise, they would look like they had no reason, it will look like they were either focusing on the President, the current President or they were just interested in selfish things.

At least if we have the new Constitution, because everybody has participated, I can see ufungamano was there, the opposition was there, KANU was there and now professionals have been brought in to steer this thing through. Therefore, if it can be done on a new Constitution, then it will be okay. Otherwise, it will look like the current Constitution had no problem if we have to do it on this Constitution yet we were complaining before that.

Those are really some of the things that I thought if we can look at, we would be okay.

On election of Chairmen of County Councils, I would prefer that they be electable by the electorate themselves and not there Councillors because they are bought and they compromise their position and therefore they may not represent the interests of the people.

Another issue is if we can have two Houses of Parliament, may be a Lower House or a Upper House, whichever the name is because there are small communities that currently cannot be represented by the current set up because of majoritarian dictatorship because...

**Com. Zein:** That we understand. If you give us a principle we write if down. You want a bicameral system, fine.

**Mr. Chepkole:** Fine. I don't know what you ... I was just...

**Com. Zein:** A two-chamber House.

**Mr. Chepkole:** A two-chamber House...

**Com. Zein:** The reasons are very clear to us.

**Mr. Chepkole:** Okay. I don't have anything more as far as my issues are... those are the basic things I would have asked in the Commission.

**Com. Paul Wambua:** I still think what you could do Bwana Chepkole is, find time, see what other issues you can still write. I am still saying that there is time to contribute, because your suggestions are very very sensible, so why don't you find time, go through this, and give us a proposal on some of the issues that you have not covered.

You still can submit that memorandum to us before 15<sup>th</sup> and then it will be taken into account but these ones have already been picked, haphazardly

**Mr. Chepkole:** Okay. I had something on infrastructure, could it also...

**Com. Wambua:** I was saying you can write really. These are the things, which you thought you could tell us now and we have given you even more than the time that we were giving the other people.

**Mr. Chepkole:** I am very grateful.

**Com. Paul Wambua:** If there are other issues that you still feel have been left, please address and write. I do not know why you are fearing to write. Just write and give it to the Coordinator. Anything given to us is given in confidence, we do not disclose names of people. All we are saying is that let us have whatever proposals you have on each of these issues if it is not covered here.

**Mr. Chepkole:** Okay.

**Com. Paul Wambua:** Okay, thank you very much.

**Mr. Chepkole:** Thank very much Commissioners. Thanks for your kind consideration, otherwise I would have just...  
Asante.

