

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

BELGUT CONSTITUENCY, HELD AT

KAPSUSER SDA CHURCH

ON

Tuesday 16th July 2002

**CONSTITUENCY PUBLIC HEARINGS, BELGUT CONSTITUENCY
HELD AT KAPSUSER SDA CHURCH ON TUESDAY 16TH JULY 2002**

Present:

Com. Prof. Wanjiku Kabira
Com. Prof. Ahmed Idha Salim
Com. Bishop Bernard Kariuki
Com. Dr. Mohammed Swazuri

Secretariat Staff In Attendance:

Collins Mukewa - Programme Officer
Robert Machatha - Assistant Programme Officer
Vivian Muli - Verbatim Recorder
Catherine Chebet - District Coordinator

The meeting was called to order at 10.25 a.m, with Commissioner Kabira in the chair.

Com. Prof. Salim: Samahani ikiwa yawezekana wale ndugu zetu pale wangukuja hapa mbele, itakuwa Borra ziaidi ili kwamba

wale wapya wakija, wanajaza huko nyuma. Ikiwezekana, bila kutaka kuwasumbua sana. Tungependa kuanza sasa. Samahani, kuwa tumechelewa kidogo, lakini tunangojea wananchi waje, kwa idadi ya kutosha ili kuanza, na desturi yetu ni kuanza na maombi. Ningeuliza ikiwa iko kati yetu, kiongozi wa dini ambaye atakuja hapa mbele, kutuongoza. Yuko, ameshaingia. Tafadhali kaa tu kwa dakika moja kisha (not clear).

Ningependa kabla ya maombi na pia kuomba mwenzetu hapa ataje katika maombi yake, jambo la kusikitisha sana lililotokea katika commission yetu, au tume yetu, tumepata mumesoma gazeti za leo, na wengine kati yenu mumesikia kutoka jana, habari ya kifo cha naibu wa mwenyekiti wa tume, Dr. Oki Oko Ombaka. Mungu amrehemu. Na sisi tukiwa wana tume wenzake tungependa kuwajulisha nyote, na kuwaomba, tumuombe si leo tu lakini nafasi yoyote mtakaye kuwa nayo, kumwomba Mungu amrehemu, amweke pahala pema.

Dr. Ombaka, ni mtu halisi. Mtu kamili, kama inavyowezekana kwa binadamu, kuwa kamili. Ni mtu myenyekevu, juu ya elimu yake yote, na utumishi wake wote, kwa nchi yetu ya Kenya, katika maeneo tofauti. Sisi wawili tumekuwa tukijuana na yeye miaka mingi sana, sisi wawili kwa hakika ni walimu, kama alivyokuwa yeye. Yeye na sisi wawili tumekuwa tukisomesha pamoja katika chuo kikuu cha Nairobi kwa muda wa miaka mingi sana, kabla ya hii tume kufikiriwa tunamkumbuka kwa furaha kubwa sana ya kuwa tumeweza kumjua mtu kama huyo, katika maisha yetu. Binadamu katika maisha yake ana bahati kubwa kujuana katika maisha yake na watu ambao watamtia ule moyo wa utu, na ule moyo wa uwaminifu, na moyo wa kupenda wenzake na hivyo ndivyo alivyo kuwa Dr. Ombaka. Mtu mnyenyekevu, very careful man, very humble man, despite his vast almost oceanic knowledge, and ability. So we all mourn him. As colleagues at the University, as members of the Review Commission, where we have the privilege, the privilege of working with him, and also as a mwananchi, and I think it's a loss. Ni hasara kwetu sisi, mtu binafsi, hasara kwa Commission, na pia hasara kwa nchi. Kwa hivyo, ningependa uliko uinuke sasa, for a minute silence to his honour, na pia baadaye, mumtaka mwenzetu hapa azidishe au akamilishe maombi yetu kwa maombi pia. Kwa hivyo, tuinuke tafadhali kwa muda wa dakika moja in his honour.

(1 MINUTE HONOUR TO DR. OMBAKA)

Mathew Makobior: Our dear loving heavenly Father, we Thankyou this morning, because you have allowed us to see a new day. Also Lord we Thankyou for these visitors, who have visited us today from the constitutional Review Commission, to come and hear our views here in Belgut Constituency this morning. I Thankyou because you have given them travelling (not clear) in all wherever they have been travelling and collecting the views; and hearing before we continue, we would like to remember the family of Dr. Ombaka. When now they are mourning about their father, and their relatives also. We commit them all to your hands, so that you may help them this time. Not only the family but also the Commission, and not only the Commission, but even those who have been working with him before. We commit everything into your hands, so that you may be in their midst, Lord. For us here, this morning, as we come before you in this church to present our memorandum and our views; we pray we may have your blessings and guidance, as we present these memorandum this morning Lord. Because we

want our country in the future to be a country which will be led by the constitution which the people of this Kenya have made together. So that when we shall be saying Thankyou, Lord because you have helped us, we are going to Thankyou because whatever we are going to say these morning will be of great help to our new generations in the years to come. So Lord, Thankyou and we praise you (Kipsigis).

Mathew Kakibi: Amen. Thankyou.

Com. Prof. Salim: Asante sana. Na sasa iliyobaki ni kuwaeleza jinsi ambavyo tutapokea maoni yenu.

Mathew Makibior: My names are Mathew Makibior.

Com. Wanjiku Kabira: With those few introductory remarks from the Vice Chair of the Commission, I want to begin by introducing the team from the Commission, and I want to begin with Professor Salim, who is the Vice Chairman of the commission. I think I am very happy he was able to introduce the process and that we have been able to honour Dr. Ombaka, but I was just thinking as we were praying; that Ombaka would have said that should we continue with the hearing and you are dead, I would just have said, “no, life must go on”. So we will continue with the hearing. Professor Salim is the Vice Chairman of the commission as I have just said. I want to ask him to talk to you because we have heard his voice and you will hear him for the rest of the day, but my name is Wanjiku Kabira, and I am one of the commissioners, and I want to ask the staff to just come and introduce themselves.

Collins Mkewa: Hamjamboni?

Audience: Hatujambo.

Collins Mkewa: Kwa majina naitwa Collins Mukewa, Programme Officer kutoka Commission headquarters Nairobi. Asanteni.

Machatha: Hamjambo?

Audience: Hatujambo

Robert Machatha: Kwa majina naitwa Robert Machatha Kibugi, Assistant Programme Officer, kutoka headquarters Nairobi.

Vivian Muli: Hamjambo?

Audience: Hatujambo.

Vivian Muli: Kwa majina naitwa Vivian Muli, kutoka headquarters Nairobi.

Com. Wanjiku Kabira: So, thank you very much, that team is very important because as you present your views, we are going to do a verbatim recording. We mean every word for word, so when you see us listening to you, and maybe not writing every single word, because we are waiting for you to make your recommendation, and then we put it down. But word for word description or elaboration is being recorded, on the tape. And when we take that to the commission, that is now transcribed and translated, and then sent into the process of data analysis. So basically that's what they are doing, and then the programme officer is going to assist us in the general management of the programme of the hearings today, and he is also going to record the memoranda. For the purposes of record, for the purpose of history, any person who makes any recommendation will have their names appearing in our own list.

Nafikiri tunasikizana na kila mtu. Si ndio?

Audience: Ndio.

Com. Wanjiku Kabira: Kwa sababu sasa nilianza na Kingereza, nili-assume kila mtu anjua kingereza, kwa hivyo, lakini tutatumia lugha zote wakati wa hearings today. The Assistant Programme Officer here, actually anatakiwa again taking the detail of the report. So that, that report can go to the Commission by the end of the day. So that is our team. Do we have any briefing? Do we have any members of the constituency committee? Okay, so maybe the co-ordinator will come back later. I understand she has gone to the other hearing. There is another hearing taking place in town, at Kericho Teachers College, but she'll come back. So that's our team.

We want to explain the process for the hearing. Vile tutafanya, kila mtu atachukua dakika tano, na kuna mtu atapiga kengele, au apige kitu kingine tukiwa hatuna kengele, dakika tano zikimalizika. Na hiyo dakika tano, unatakiwa ukuwe na memorandum, au ukiwa unataka kuzungumza tu kwa mdomo. Na dakika tano ni nyingi sana ukitaka give us highlights. Lakini usisome memorandum, kwa sababu hiyo memorandum tukienda Nairobi, tutaisoma kila neno.

Kwa hivyo huwezi kusoma memorandum yote, lakini tunakupatia dakika tano umalize, utupatie ile key points. The points that you think are very important. Tukiona vile ulisema hatukupata vizuri, we don't understand it. We can ask you some questions so that you explain, we know that particular point. When you get here we will ask you to give your name first, and it's not because we don't because we will have called out your name from their list, but for the purpose of record. So that when the recorded information is being transcribed there is no confusion as to who said what. So we would like you give your name,

before you present the memorandum, so that the transcriber, of the information, will know the following information has come from this particular individual.

So when we ask you we are just asking you to say it on the microphone, so that it is properly recorded, so that your presentation is not confused with somebody's else explanation. We are going to be here for as long as there are people to present their views, until 5 o'clock, 6 o'clock, we will be here, because these is the day for the people in this constituency, Belgut. And these is the day for the people within this vicinity to present their views. So will make sure that we are here as long as there are people to present those views.

I think maybe the other thing that I need to mention is that, we would like people to listen to each other. This is what we call a forum, and a forum is a place where people express their views without interruption, and also without disagreement from the public. You wait for your turn, if you don't agree with that particular individual, and you can present your own views, but also the idea of listening to each other is because, we intend to bring you back the report of the constituency. If you didn't hear what other people were saying, you won't be able to know whether what we have written is the correct information or not. Kwa hivyo, ni vizuri tusikizane, kila mtu ajue vile mwingine anasema. So that when the report comes back, you are ready to confirm this actually is what we said. So that it is a very important follow-up. And having said those many words. I would suggest that we begin, so that those who came early can leave at their pleasure, and those who came late, can present their views late.

What we will do, we will follow the registration as it is beginning with number one; and to be fair to everybody, that is exactly what we are going to do. But we also what to say, that in the course of the day, we may skip some of the names. If for instance we have somebody with disabilities, who comes in, and we may want to give that person an opportunity, so that they can go. We may want to take that opportunity, so that they can go. We want to take that opportunity to give them some time to present their views before. If you think that we have some older men, because old men get very tired. You know when you are 75 you get more tired than the younger people. So we will give the opportunity to those people to present their views before the others. Sometimes we also give opportunity to women in recognition of the fact that when as the day comes to an end, they are expected to be at home. If not for anything else, to be able to cook. To prepare the food and so on for the children and other members of the family, but when we change that we will also tell you. So we want to try to be as democratic as possible, but also as sensitive as possible to the needs of the various members of these particular forum. And maybe with those few words, unless there is a question, it is clear. Kwa hivyo, tutaanza moja kwa moja and I don't know, we are coming here
(not clear).

So tuna vitu viwili kwa sababu kuna chairman, unaweza kusema maoni yako kwa Kingereza au utupatie maoni yako kwa Kiswahili. Na ukitaka kutoa maoni yako kwa Kipsigis, is that your language? tutatafuta translator, kwa hivyo, tuna viti viwili hapa. Yule anataka kuongea na lugha ya mama, tutatafuta translator from amongst yourselves, and so that they are free to

express themselves. Kwa hivyo, ulikuwa na swali?

Interjection: (Not clear)

Moses Rotich: Okay, majina naitwa Moses Rotich, kutoka Kabianga location. I was just asking a question that, you said that Kabianga locational level and we have written a memorandum all of us; and I think the person we had sent to come and read is only one. Now that you have given only five minutes, and he was to go point by point and then will it be in order, because we are maybe about 10 or about 15, but only just one person will go through what we had already set for, that we had.

Com. Wanjiku Kabira: We said we will be sensitive to the various interests. What is very important is to recognize that it's difficult for other people also to hear, if you read word for word, but he or she is going to raise the point even if he keeps the five minutes, we know that it is a representation from the location. So we are not absolutely rigid, but at the same time its good for him not to read the memorandum, because we will read it, but if it takes a little longer to just pick the points and explain them, then that one we will understand.

Moses Rotich: Thankyou.

Com. Wanjiku Kabira: We shall call Edna Sigei.

Edna Sigei: My names are Edna Sigei. We have a memorandum representing women in Belgut Constituency. We had made up a questionnaire which helped to form the memorandum and in this memorandum we have included things like citizenship, basic rights, rights of vulnerable groups, political parties, legislature and judiciary, the electoral system, the legislature, the local government, constitutional commission, land and property rights, participatory governance. Maybe I will just put up a few points on each section and...

Com. Wanjiku Kabiru: What you could do look at basic rights, and then see you recommend without the background. In these section you recommend, then your five minutes will be used very well, and you will have made your point.

Interjection: But I hope, what we have put down are our recommendataion. So what will happen? Seems my names are written since I an next on the line, and we are in the same group, I am even willing to sacrifice my five minutes, so that she can get enough time.

Edna Sigei: Okay, thankyou. In citizenship, we feel that everyone who lives in Kenya and resides in the country, Kenya, should be regarded as automatic citizen. The constitution should be reviewed to enact a provision that will allow and provide

everyone equal right to be automatic beneficiary of the law. If a lady gets married to a foreigner, and she is a Kenyan citizen, the husband should also be automatic citizen without discrimination. A child Born of Kenyan parents, should be entitled to automatic citizenship, without questions if the parent is a Kenyan. The law equalizes both sons and daughters as Kenyan child. They are protected by the constitution without discrimination of child sex.

Anyone Born in Kenya by a Kenyan parent, is a Kenyan citizen by birth, but has to prove by registering, at the registrar of persons after attaining the age of 18 years. The other way of obtaining citizenship is by applying for it.

On basic rights, we hope and think the constitution, should be reviewed to provide free education up to secondary level. Since women are part of the society, and also citizens, they should be given a right in part of every document e.g title deed. Women who are married should share names in the title deeds on land and estate, to ease the process of succession on one's departure or death. A girl child should be given a right to inherit his parents property, equally with a boy child without discriminating the girl. The constitution should be reviewed to provide protection and security, health care, water, shelter and employment. It should also provide food by encouraging marketing of farm produce through proper policies. The constitution should guarantee all fundamental rights to all Kenyans, without classification of subjects.

Rights of vulnerable groups. Women is interest are not fully guaranteed. All rights that are given to men, should be made equal of that to women; because all of them pay taxes equally. The constitution should be review to give room, and enable the handicapped persons to participate equally with all Kenyan citizens in building the nation without discrimination. We support the constitution to make the provision for affirmative action in favour of women and other marginalized groups.

Political parties and the legislature, and the judiciary. The constitution should be reviewed to address the regulation of forming of a political party, management and conduct of political parties by giving a guideline on how the political parties are formed. Also by amending the law on how the party should cope with the law of the land. Every political party must be gender sensitive according to the constitution review, to allow women to participate in leadership structures. The government should find and give limited campaign expenditure, to get rid of rigging and corrupt way of winning elections. The government should give and state strict measures on the way it should spend (not clear) the money presented in any elective post in the campaign. That is, every party should state how they have used these money.

Women should be given an upper hand during their campaign, rallies, by being provided with security. Women of non governmental organizations, should be given a seat in the parliament, or allocated a representative through nomination. The constitution should be reviewed to provide equality in promotion without discrimination of sex. When the Judicial Service Commission is making appointments of magistrates and high court judges. The Electoral Commission, electoral systems. The barriers that keep the women away from vying for electoral seats are; lack of exposure, limited resources e.g. funds, poor security and protection, during their campaign time. That gives rooms to hecklers to make female contesters shy away. This is

the only alternative to increase the participation of women, in both parliament and local authority. All seats meant for nominations, should be given to the disabled and handicapped people e.g. the blind. The constraints that hinder one mostly from contesting, is competition on wealth. There should be a provision in the constitution, that deals in monitoring the candidate's expenditure, to know how much the individual contestant has spent on his campaigning. The government should set up a fund for women candidates. What the government should do, is make the playing ground level that can suit everyone, and even financing the campaigning material for women eg cars, loud speakers, and so on.

The legislature. The constitution should be made in such a manner, that it sets aside a number of seats to be contested by women only. A law should be amended, so that on nominating a candidate, there should be constituencies that will only be contested by women. A person vying for a parliamentary seat should be learned. Maybe hold a diploma or "O" level and above. The local government. Since women are the best community workers, and that they are always with the electorate at home, the local authority act should be amended through the reviewing the constitution, so that about $\frac{3}{4}$ seats can be contested, or contested should be given to women, only to contest with the fellow women contestants.

The mayor to be elected directly by the people, who are the electorate. All the councillors should be left to manage their affairs without intervention from anywhere, by being empowered to deal with their own way by central government. The councillor should be a person who is learned. Nomination should be retained and the issue of gender balance be addressed broadly; and be part of nomination, as beneficiary as a balance. The people who are the electorate, should be consulted if there is a need to dissolve a council, but not the President minister or any other person.

Constitutional commissions. The Constitutional Commission should continue to foresee the implementation of gender responsive policies, and also be receiving complains and to be a correcting office. A seat should be set aside for women representative at national level, but should not only be the only person continuing in gender and development commission, and other commission.

Land and property rights. All children are the same, and they have a right to inherit family property and land. Those with marital status, will depend if they are living happily. If not, they have a right to the same property. There should be a ceiling on land owned by an individual, because the owner was the sole person who acquired through struggle and sweat.

A couple should be instructed to register their property in their both names. The title deed should be registered, and all names must appear in the document. All Kenyans should be given rights to own land anywhere in the country, without restriction. We support every Kenyan to get access to land, through the constitution. The ownership of land and property should be left to the individual, and should be allowed to remain solely for the people who bought it. There should be an established constitutional land commission.

Participatory governance. The constitution should institutionalize the role of the civil society, so that its establishment should be perfect, and be able to sensitize the public through educative systems. By mobilizing them for civic education, and creation of awareness. Each group must be given full attention by persons concerned with the exercise. The non-governmental organizations should be given a role to check and balance and, also monitor activities and projects that was started by the government. There should be a constitutional commission, that will gather and cater, and deal with gender issues, such as guidance, on the purpose of strengthening it. This report was prepared by country micro-entrepreneur women's association of Kenya, in collaBorroration with the collaBorrative center for gender development. Thankyou.

Com. Wanjiku Kabira: Thankyou very much for your presentation before you go Edna. Maybe because you said you are in the same group. There is a question you can respond to because there are two of you. So I was going to ask you to come here, because of the microphone, if you are going to respond together. So I wanted a number of clarification. One of them is, are you recommending a gender commission?

Ednar Sigei: No actually we are not recommending a gender commission. We are just recommending a constitution, which is gender sensitive. We want a balanced constitution whereby both men and women are participatory.

Wanjiku Kabira: In you presentation, you said you were recommending a constitutional commission, that will monitor the implementation of gender, not in those words, earlier on, so I just looking for a clarification, whether you are calling that a gender commission; in the same way you recommended a land commission.

Edna Sigei: Maybe on the land issue most of our community.

Wanjiku Kabira: The land I've not yet asked. So if you are not recommending a gender commission, then that is what you had read. A constitutional commission that would monitor, you read, so I wanted the clarification. You didn't call it a gender commission you called it a constitutional commission?

Edna Sigei: You said to continue to forsee the implementation of gender responsive policies?

Com. Wanjiku Kabira: That is what you said, that what I would like you to clarify. Where you are asking for a gender commission.

Edna Sigei: We are asking the constitution, or in the constitution that gender policy.

Com. Wanjiku Kabira: What was the sentence before.

Edna Sigei: The constitutional commission will continue to foresee the implementation of gender responsive policies.

Com. Wanjiku Kabira: So what is a constitutional commission? What sort of body is that?

Edna Sigei: The constitution itself, maybe our phrasing may have not been right but we were requesting in the coming constitution; or the constitution we are forming now, should look into these policies concerning gender and implement them.

Com. Wanjiku Kabira: I was asking actually what sorry (not clear). What you have recommended in that is a commission that will monitor. It will not be called gender commission. It could be any other name, but what you have is a commission, which is in the constitution, whose business will be to monitor gender responsive policies. That is just what you have read. So maybe you may not call it a gender commission, it could be a women commission, it could be anything.

Edna Sigei: It can be a body in the commission.

Com. Wanjiku Kabira: No, the body is the one called the commission in the constitution (laughter).

Edna Sigei: I think it should be something within whatever implementation should be there, also cater for these gender responsive policies that is they should have a touch on it.

Com. Prof. Salim: So in other words, you want the constitution to provide for a body?

Edna Sigei: Right.

Com. Prof. Salim: And what would you like to call that body?

Edna Sigei: Well...

Com. Prof. Salim: Is it to deal exclusively with monitoring gender issues, or is it among other things a body.

Edna Sigei: Amongst other things.

Com. Prof. Salim: Amongst other things.

Edna Sigei: Yeah.

Com. Prof. Salim: All right, I think that's clear

Edna Sigei: Okay.

Com. Prof. Salim: And then if I may ask another question, while you are on the mike. Did I hear you right, that you wanted $\frac{3}{4}$ of the council seats to be for women.

Edna Sigei: Kind of.

Com. Prof. Salim: You did.

Edna Sigei: Yeah.

Com. Prof. Salim: Okay Thankyou I just wanted to clear....

Edna Sigei: (Not clear) because we felt the women who are at home.

Com. Wanjiku Kabira: No it's okay. So you want $\frac{3}{4}$ of the sits at the council to be contested by women. Okay, how do you determine which wards should be contested by women?

Edna Sigei: Yes. I feel if we would have a ballot system when it comes to that, so that, we don't really state that this wards to be contested by women. We just have a ballot system, where we know. Yeah then pick them. This time it could this ward, next time it will be another ward; but we have seen it will be a better representation.

Com. Wanjiku: Okay, so for these wards only women candidates will stand for those wards who (not clear) for women. Now did you have a percentage for parliament?

Edna Sigei: No, we didn't really give.

Com. Wanjiku Kabira: Why?

Edna Sigei: We thought down here at the local government at the council It is the women who are at home, who know the electorate better and maybe they could work better for the people. Then in future maybe we shall climb the ladder and see what happens, and go to parliament.

Com. Wanjiku Kabira: So when you say, but you still said, that there should be nomination for women to parliament, so you will be happy with one position? If you nominated one woman to parliament.

Edna Sigei: No.

Com. Wanjiku Kabira: So how many would you be happy with?

Edna Sigei: Maybe they should (not clear) at least they should have a representation of quite a number of women.

Com. Wanjiku Kabira: What percentage?

Edna Sigei: Can we give it 50% .

Com. Wanjiku Kabira: 50 percent of the women in parliament?

Com. Prof. Salim: $\frac{3}{4}$ again?

Edna Sigei: No, not $\frac{3}{4}$, this time we want to be gender sensitive. Yeah.

Com. Wanjiku Kabira: Okay. I may have skipped it. Did you talk on inheritance on land rights?

Edna Sigei: Yes.

Com. Wanjiku Kabira: Did you talk about girls inheritance to their fathers property?

Edna Sigei: Yes

Com. Wanjiru Kabira: Married or un-married?

Edna Sigei: Married or un-married they should all have a share.

Com. Wanjiku Kabira: Okay.

Edna Sigei: And right to inherit land.

Com. Prof. Salim: The girl child?

Edna Sigei: The girl child

Com. Wanjiku Kabira: Okay thank you very much that was Edna Sigei and Rachael Cheruiyot. Okay thank you very much for your presentation.

Edna Sigei: Okay. Thank you.

Com. Wanjiku Kabira: Next person is Rose Maina. You are from the same group? Okay so do we have him KiBorr?

Mathew Makibior: Thank you. My name is Mathew MagikiBorr, and I am going to say on oral not on written. The main point that I would like to say is on orphans. Orphans should be addressed very well in the country, because these orphans are children who have been left by their parents, who have died either from HIV Aids, or have died in accidents or any other diseases. My concern is about these children because, when they are left, they are taken care of by foster parents, and this foster parents are having their own families. A family can be left with six, and the same family might be having another six. When you go in terms of education, these children are really having a hard time to get to school, because the foster parents might be paying attention to his or her own children, while these are not really catered for.

So in the end you find these children are left and they become labourers in the community, or they are taken work elsewhere. They don't go to school, but my suggestion and recommendation, the government should really help these children to go through schooling. And when they grow they get money and be able to support themselves. Because when they are left without being assisted, they become useless in the end, they can not even build their homes. The parents might have left them a piece of land one or two acres but they cannot even develop that because they don't even have assistance from anywhere. So that is my recommendation. Thank you.

Com. Wanjiku Kabira: Thank you very much, there is a question for you.

Com. Prof. Salim: Bwana MakiBorr. I just wondered, beyond education do you see any need for more help in other fields? For example, we may educate them, but they might not have homes, what about the issue of shelter for them and other needs, clothing?

Mathew Makibior: Okay those are the actual things. I think I oversighted. They should be provided with shelters, clothing. Even on medical side their health should be taken care of because they cannot help themselves.

Com. Prof. Salim: Thank you very much.

Mathew Makibior: Thankyou.

Com. Wanjiku Kabira: Can you also sign our books, and Thankyou very much. Now Joseph Chepkwong.

Joseph Chekwony: Asante, kwa hii tume, kwa sababu wamefika hapa, na tunasema tena pole, kwa moja wenyu ambaye ameaga dunia tunasema pole na Mungu awe nanyi daima. Yangu nitasema to kuhusu kuunga mkono kwa. Huyu nakumbusha mimi kusema majina. Majina yangu naitwa Joseph Arap Chepkowny vile niliandika hapo, hiyo tu.

Naunga mkono serikali ya majimbo, kwanza kabisa. Kwa sababu wakati huu, au wakati wa uhuru, tuliona mengi ambayo haikutufurahisha sisi. Tuko na hii mashamba ya white highlands, ambayo Wazungu walikuwa wana keti, ama walikuwa wanatumia, kwa sababu hii watu wengine kutoka Central. Hatukuenda Central kununua shamba, na hii watu wamekalia Rift Valley yote na pande ingine, wanakaa kama kupe ambayo iko kwa ng'ombe na nyonya watu wengine tu. Tunataka serikali ya ulaya, halafu kila mtu napata sahani ya baba yake. Kuhusu tena.

Joseph Chepkwony: Tuko kama pande ya Suswa. Watu ingine ambayo barabara yao naitwa Kapsaosamik, ndio Wazungu tena wameita hiyo jina ni Kipsigis asili. Tena kwenda kwa Chamakul, pahali pazuri ambayo kama tuko hapa nje tutaona, ni watu ambao barabara yao naitwa chamagondek na hiyo ni Kipsigis asili, hatukuwa na mtu mwingine, hata ikisema hii ni Kalenjin ama nani, tuko na Tugen, tuko na Nandi, iko na Keiyo Marakwet, na hizo zingine zote, iko pande zao.

Sisi kama Kipsigis asili lease ya Wazungu imekwisha, tunataka nunua hii mashamba. Hiyo ni haki ya wa Kipsigis. Wazee wetu walitoka pale, na sisi bado tuko pale, na tutaona pale hata siku zijazo hata Mungu anajua. Kwa sababu hata bibilia inajua wale wame chukua vitu ya wengine ametukanwa makikichupi? Chekisir kiwatosheki? Simwa makibior yoton. Yaani make sure kamili huyo mtu atasemwa. Hii Makibior tasema kwa Kiswahili ili muelewe vizuri, sababu pengine mimi sikutamka vizuri. Mwachin kidogo. Makikichup che kisir kiwato?

Translator: (Not clear).

Com. Wanjiku Kabira: You come here so that we can record your translation.

Translator: Yeah.

Joseph Chepkwony: Kamwa ale en Bible komwoe kole kikichup che kisir kiwoto.

Translator: He says that those who go beyond the boundaries of others are cursed.

Joseph Chepkwong: Ko komwoen kityo kou ye kimeng'te ak bichu en Rift Valley ko ma kiyen.

Translator: Because how we are living now in the Rift Valley is what he does not want.

Joseph Chekwong: Amun kiking'olge ak Borroriosiek.

Translator: Because all tribes are mixed.

Joseph Chekwony: Ago mi kiwotetab age tugul.

Translator: And there is a country for each tribe.

Joseph Chekwony: King'eten chumbek kou Londiani, Molo, ko kibo Kipsigisiek, kibo bikab kolenjin.

Translator: He says that the land from Molo and the other highlands, when the whites came in, they took over that land. It was for the Kipsigis.

Joseph Chekwony: Ko noton amune agot asi ko kibitz Borriet en 1992 ne magigoshine.

Translator: That could be the reason why 1992 clashes came up.

Joseph Chekwong: Ko kobek.

Translator: Okay.

Com. Wanjiku Kabira: Umemaliza?

Translator: Yaah, amemaliza.

Com. Wanjiku: Okay nina swali. You want Majimbo, ama you want ukweli ya Kipsigis asili iangaliwe si ndio?

Joseph Chekwony: Yaah upande huu.

Com. Wanjiku Kabira: So are you saying we should create boundaries along tribal lives for the jimbo.

Joseph Chekwony: Yaah.

Com. Wanjiku Kabira: Okay asante.

Com. Prof. Salim: Maybe samahani kidogo, samahani mzee, maana hiyo jawabu yako imenifanya kuliza swali moja kuhusu jambo hilo. Hivi ni kusema kwamba kila Kabira liwe na boundary yake?

Joseph Chepkwony: Yaah

Com. Prof. Salim: Na tuseme kuna Kabira arubaini na mbili

Joseph Chepkwony: Eeh, moja tuko tu nayo (not clear)

Com. Prof. Salim: Lakini ukisema kuwa ni unataka majimbo, ambayo kila jimbo ni la Kabira fulani? (not clear) yani.

Joseph Chepkwony: Jimbo. Kama sasa tuseme Rift Valley tuko pamoja na Maasai, tuko pamoja na Samburu.

Com. Prof. Salim: Na Nandi na Kabira

Joseph Chepkwony: Zile zingine.

Com. Prof. Salim: Okay.

Joseph Chepkwony: Yaani desturi yetu napatana na hiyo watu.

Com. Prof. Salim: Sawa.

Joseph Chepkwony: Kimila yetu napatana na hao watu.

Com. Prof. Salim: Okay, na hiyo mipaka ambao umetaja ni mipaka ya Rift Valley ama ni mipaka ya eneo la Kipsigis?

Joseph Chepkwony: Hapana ni eneo la Rift Valley.

Com. Prof. Salim: Rift Valley.

Joseph Chepkwony: Kwa hiyo kabira yote tuko Rift Valley.

Com. Prof. Salim: Sawa Thank you.

Joseph Chepkony: Na ile iko kwa Nyanza ni kabira yao ya Nyanza.

Com. Prof. Salim: Okay asante sana.

Com. Wanjiku Kabira: Okay. Asante sana Bwana Chepkwony. Njoo ujiandikishe tafadhali. Using kitabu yetu. Bwana Edwin Mitei.

Edwin Mitei: Asante sana kwa kusikiza maoni yetu. Kitu tunataka ni majimbo. Jina yangu naitwa Edwin Mitei. Kwa hapo mimi nataka maoni yangu, ni majimbo kila mtu akae sehemu yake. Mengine tena, mini nasema, hii watu kama ma-chief na nini, wachaguliwe na raia hiyo sisi tunataka. Councillor vile vile achaguliwe na raia, hata mayor. Kwa hivyo yangu ni machache sina mengi nasema asante.

Com. Wanjiku Kabira: Nitakuliza swali, kama vile tuliuliza Mr. Chekwony.

Edwin Mitei: Unasema kila mtu akae mahali pake.

Edwin Mitei: Mimi nasema kama Rift Valley, huyu mtu wa jimbo la Rift Valley wakae, kama Mnandi, Maasai hata wapi wakae, kama Rift Valley.

Com. Kabira Wanjiku: Kwa hivyo unasema tuwe an majimbo, with the current provincial boundaries. Si ndio? What do you say it in Kiswahili.

Com. Prof. Salim: Mipaka ya wilanya. Kuna mpaka ya mikoa.

Edwin Mitei: Eeh.

Com. Prof. Salim: Tuseme pia Bwana Edwin, katika Rift Valley kuna wale wanaosema kwamba hao ndio watu wa asili. Hawa ni Nandi, hao ni Maasai, hawa ni Tugen hawa ni Keiyo na kadhalika. Tuseme watu kutoka Pwani wamekuja kuingia hapa Rift Valley, mtu wa Pwani kama mimi nikanunua mashamba, itakuwa vipi?

Edwin Mitei: Haitakuwa ati wewe ni mtu wa kama mwingine. Utakaa region yako. Kila mtu akae region yake.

Com. Prof. Salim: Yani nisiwe na shamba katika Rift Valley mimi, mtu wa Pwani?

Edwin Mitei: Eeh.

Com. Prof. Salim: Sina haki ya kupata shamba?

Edwin Mitei: Huna haki, kwa sababu wewe uko Pwani na Rift Valley, iko mara mbili? (laughter)

Com. Prof. Salim: Na ikiwa sina shamba Pwani, lakini nina shamba moja tu. Rift Valley acre moja, itakuwa nini?

Edwin Mitei: Lakini kama wewe mtu wa jimbo hilo, kaa jimbo hiyo tu.

Com. Prof. Salim: Sorry.

Edwin Mitei: Eeh.

Com. Prof. Salim: Nikae tu.

Edwin Mitei: Eeh.

Com. Prof. Salim: Bila shamba?

Edwin Mitei: Eeh.

Com. Prof. Salim: Watu mingi hakuna shamba hata hapa.

Com. Prof. Salim: Okay Asante sana. Thankyou.

Com. Wanjiku Kabira: Ni sawa, asante tafadhali jiandikishe.

Edwin Mutei: Haya.

Com. Wanjiku Kabira: Okay, do we have Mr. Simon Leison. Ametoka? Okay Mr. Jackson Metet.

Jackson Meteh: These morning I want to thank God for enabling us all to attend this meeting. My name is Jackson Meteh. I have got only one word that has already been read, but I want to add some other words. I want to say like this about title

deed. When you want to go and get a title deed, there are so many expenses which are not good, because this land belongs to my parents and I want to inherit. So what I want is to inherit without any expenses, because what are these expenses which you can't even afford to pay. So what I want is these expenses to be removed, and I want to inherit it without any expenses.

Com. Wanjiku Kabira: Okay.

Jackson Metet: Yes.

Com. Wanjiku Kabira: Ni hiyo tu?

Jackson Metet: Yes.

Com. Wanjiku Kabira: Okay. Asante sana. Mr. Samson Rotich

Samson Rotich: Jina langu naitwa Samson Rotich ningependa kutoa maoni yangu ya kwamba, yaani kila Mkenya awe na haki kisheria, mkosaji asichukuliwe kama bila korti kuamua. Chief au mfanya kazi wa Serikali wowote, awe akiheshimu Mkenya.

Yale ningependa kuongeza ni kwamba, ile serikali ya majimbo iwekwe katika sheria. Kwa vile nchi iligawanywa hapo kitambo. Ilipogawanywa kila Kabira ilipatiwa sehemu ya kuishi ilipopatikana hapo.

Kuhusu hii mashamba ya majani chai. Hizi mashamba ilikuwa ya mababu zetu, na kwa hivyo, wa kale wapatiwe yaani zaidi ni wa Kipsigis kwa sababu mashamba hayo yalikuwa mkononi mwa mababu zetu. Kwa hivyo sina mengi ya kuongeza.

Com. Wanjiku Kabira: Okay asante sana Rotich, kwa hayo maoni na tutamuliza Esther Chepkwony.

Esther Chepkwony: Jina yangu naitwa Esther Chepkwony. Kwa maoni yangu mimi nataka majimbo, kwa maoni yangu. Tena agenda ingine county council awekwe nguvu, weka katiba hiyo.

Tena maoni ingine tunaona, maana sisi tunataka majimbo tunataka vitu yetu kama ya Kericho District, akuwe Kericho District. Siyo kusema ati majimbo mtu ahame, tunataka mali ya Kericho District. Kila jimbo lichunge mali zao. Kwa hivyo tunataka Kericho District isikwende huko treasury. Maana saa zingine, kama barabara ni mbaya, umwambie councillor atengeneze barabara, hatakuwa na kitu itabidi aende kuomba Nairobi. Kwa hivyo, hii jimbo siyo ya mtu kuhama, tunataka ya kuvamiana, tunataka jimbo ya kila jimbo ichunge vitu vyao, kwa sehemu zao. Kama hii majani chai, tunaona tu majani chai, lakini nafikiri hata watoto hakuna huko wameandikwa; kwa hivyo unaona kila mtu anaimba majani chai. Kweli majani chai ni ya Kericho District, lakini property pengine watoto wetu hawawezi pata hii property, tunaona na macho kwa hivyo tunataka kuwe jimbo

wachunge vitu vyao halafu atikie mwananchi kama mimi ile iko kichaka. Saa zingine siwezi enda Nairobi kuomba kwa treasury pesa, maana yote inasanywa kule. Kwa hivyo, wekeni katiba. Tunataka pesa ya kila jimbo ikae, na governor andikwe kuchunga hizi vitu. Ndio hiyo maoni yangu.

Com. Wanjiku Kabira: Okay Esther, ngojea tafadhali ngojea kidogo.

Com. Prof. Salim: Bi. Esther, county council umesema kwamba.

Esther Chepkwony: Ipewe power.

Com. Prof. Salim: Power zaidi. Hasa power aina gani waweza kutueleza kidogo? Fafanua kidogo.

Esther Chepkwony: Kama hii ya pesa inasanywa yote, ikiwe mamlaka ya county council, hata hospitali county council itaweza kupea hospitali dawa nini, maana tunapata shida sana.

Com. Prof. Salim: Okay asante.

Esther Chepkwony: Hata barabara ni mbaya sana.

Interjection: Barabara bado tengeneza?

Esther Chepkwony: Bado tengeneza wanasema pesa iko Nairobi, na pesa inasanywa humu. Kwa hivyo tunataka kuwe karibu Kericho District.

Com. Prof. Salim: Thankyou.

Com. Wanjiku Kabira: Nitauliza swali, nifwate ile mwalimu ameuliza. Kila mkoa ikiwa ina tumia ile pesa inatoka kwa hiyo mkoa, tuna, district or province, ile jimbo, nayo central government itafanya nini?

Esther Chepkwony: Hata kidogo tukipea central government hapana mbaya lakini watu wa area hiyo wanataka wapate vitu hivyo.

Com. Wanjiku Kabira: Kidogo kama ngapi?

Esther Chepkwony: Sasa kama tumeweka governor kwa jimbo, committee yake itaua ngapi itaenda kwa treasury, kama jimbo imekuwa.

Com. Wanjiku Kabira: Okay, kwa hivyo, unaweza kusema kama percentage 10, 15, 15%, 10% au nini?

Esther Chepkwony: Eeh, halafu watu wa area hii wapate vitu vyao.

Com. Wanjiku Kabira: Wapate 85% or 90%?

Esther Chepkwony: (not clear) chai na vitu vyote wanasanya huko juu Nairobi.

Com. Wanjiku Kabira: Na tena kazi ya central government itakuwa nini, kwa sababu umesema jimbo itakuwa ikifanya kazi ya hospitali na mashule.

Esther Chepkwony: Hata barabara.

Com. Wanjiku Kabira: Hata barabara.

Esther Chepkwony: Iko shida sana.

Com. Wanjiku Kabira: Okay na hiyo central government ifanye nini?

Esther Chepkwony: Si itapewa kidogo central government.

Com. Wanjiku Kabira: Ifanye nini na hiyo?

Esther Chepkwony: Si sasa kama pesa yote itasanya huko, si hapa patakuwa na shida.

Com. Wanjiku Kabira: Okay, nauliza hata kila jimbo ikipatia central government kitu kidogo. Hiyo 15% wanatumia wakifanya nini? What will they do? What will be the functions?

Esther Chepkwony: Kama huko headquarter, kama nataka kitu percent kwa hii si itapatiwa. Kwa maana kama chai, miwa yote inatengenezwa Kisumu, lakini mapato yote Nairobi. Na kama kila jimbo itachunga vitu vyao si watoto wetu wa huko watapa usaidizi.

Com. Wanjiku Kabira: Nimesikia, lakini ninauliza kazi ya central government itakuwa nini?

Esther Chepkwony: Kotko komoche central government komogikochini?

Translator: Kolyonji

Esther Chepkwony: Ana kotebi kobunji jimbo. Si itagawia maskini nini, hospitali iko nchi kavu (laughter).

Com. Prof. Salim: Wajua mama Esther siku kutakuwa na serikali ya majimbo lakini kutakuwa pia na serikali ya kati, si serikali kubwa huko Nairobi ambayo italinda serikali hizi, na kuwa na mahusiano na serikali hizi nyingine, na kwa hivyo serikali zote zitahitajia pesa. Mwenzangu anakuliza kiasi gani ya pesa ya hizo , areas kama Kericho mtaipa serikali- what percentage? Sehemu ngapi katika mia ibakie hapa Kericho, na sehemu ngapi iende Nairobi?

Esther Chepkwonyi: Kama tumeshawekwa jimbo, itakuwa governor na committee ndio wanajua.

Com. Prof. Salim: Na kule Nairobi kutakuwa na serikali kubwa.

Esther Chepkwonyi: It doesn't (not clear).

Com. Prof. Salim: Watapewa kitu siyo hujui ngapi?

Esther Chepkwony: Eeh, maana sasa jimbo hajawekwa, na tunataka iwekwe (laughter) halafu governor na committee watajua zile vitu zitaenda huko juu. Lakini hapa chini tunataka (not clear) wapate nguvu zaidi, maana mwananchi yuko.

Com. Prof. Salim: Unajua Kenya itabakia nchi moja, ingawa itapata serikali ya majimbo, Kenya itabakia nchi moja kwa hivyo ile serikali ya majimbo tukiseme Rift Valley, itaunganishwa na serikali ya kati. Serikali hiyo ya kati kwa mfano, itatupa ulinzi, kutetea maadui ya Kenya kutoka nje, wanaovamia Kenya, Kericho District itataka ulinzi, kwa hivyo Serikali kubwa ndio itatupa ulinzi, na mahusiano na nchi nyingine. Kwa hivyo, itahitaji pesa kuendesha kazi zake za ulinzi kwa hivyo.

Esther Chepkwony: Lakini hapa chini tunataka kuwa na nguvu zaidi halafu mwananchi apate kitu.

Com. Prof. Salim: Okay.

Esther Chepkwony: Hatutaki huko juu sana.

Com. Wanjiku Kabira: Dakika moja hebu, that was Esther, nataka kukuliza juu ya akina mama. Kama mimi nimeolewa Eastern, lakini nimezaliwa central, nitakuwa wajimbo mbili?

Esther Chepwony: Wewe utakuwa wa Eastern.

Com. Wanjiku Kabira: Siwezi kununua shamba Central?

Esther Chepwony: Aah aah, wewe utakuwa Eastern.

Com. Wanjiku Kabira: Niende kule bwana ako?

Esther Chepwony: Maana tumeuza wewe huko (laughter)

Com. Wanjiku Kabira: Okay, asante ujiandikishe. (laughter) Asante sana kwa hiyo maoni. Unajua tunauliza hii maswali kwa sababu ni vizuri kujua kile watu wanatafuta, kwa sababu hata tukizungumza juu ya majimbo kama ni majimbo kwa province, au ni ethnic majimbo au ni district, ni vizuri kujua ni nini watu wanatafuta. Kwa huyo tunauliza watu wafafanuwe wanatafuta nini wakitaka majimbo na wanataka majimbo iwe ya aina gani. Kama ni economic majimbo au ni whatever it is. So, ni kwa hivyo tunauliza hiyo maswali. Okay, do we have David Koros.

David Koros: Asante sana kwa hii wakati umepea mimi ili nami nichangie hii maneno ya Constitutional Commission. Yangu nilikuwa nimeandika individual but, majina yangu ni David- B, Koros, kutoka hapa hapa tu Kapsabet, Belgut.

Yangu nilikuwa nimeandika individual but it's a group view. Nilikuwa ninasema, time for the constitutional review should be lengthened. If you want me to elaborate, I will elaborate.

Chief's and their assistants be through popularity votes in the areas they serve. The President who will be elected, should maintain some powers in appointing some people in the government like, the vice chancellors of the University, like the head of the armies.

The disabled and the handicapped should have a seat in Parliament through nomination, not election.

Salaries of M.Ps should not be through parliament. Salaries should not be mediated or talked in Parliament.

Interjection: (Not clear)

David Koros: Salaries of M.Ps or President should not be agreed in Parliament, but through commission in various areas which elect these people who represented them. Women rights should be followed by what the Bible says, or God has authorized as are uppermost to earthly rights.

Contestants for councillor seats should be people with basic education up to form 4 and they really have certificates and they are popular, regardless of sex. If you are popular if you are a man it's okay, and also with the M.Ps it should also be same, but should also be through popularity not wealth; and they should be people who are learned who can help the electorate.

In inheritance, it should be shared equally between sons and daughters, unless only if one is married to another person; and he or she will have any other right again because if I am married to a woman abroad say a wife and I am married to that person. I don't have right to come and claim any inheritance from my father's land. The same to the woman or daughter.

The government of the day should create employment with all means. If not it should be dissolved by people and not through parliament, the people I say the commission. Thankyou.

Com. Wanjiku Kabira: Ngojea kidogo.

Com. Prof. Salim: Bwana Koros. I think you said something about inheritance or family property, should be inherited equally by both male and female offsprings.

Davis Koros: Okay.

Com. Prof. Salim: Correct, but you said that right will be lost if the son or daughter married a foreigner? Did you say that, or did I misunderstand you?

Davis Koros: Yeah, I said that but I shall elaborate.

Com. Prof. Salim: Okay you want to elaborate

David Koros: I said if I am married by a foreigner, and I have moved out to that country, and I have been given a citizen in that country, I don't come back again and have any right in my family.

Com. Prof. Salim: Ooh, if you yourself.

Davis Koros: Yeah.

Com. Prof. Salim: Change your citizenship.

Davis Koros: Yes.

Com. Prof. Salim: Than you lose your right?

Davis Koros: I lose.

Com. Prof. Salim: Or say your sister also takes another citizenship. She also loses her right?

Davis Koros: Yeah.

Com. Prof. Salim: But if you keep your citizenship, or say your sister marries a foreigner but she keeps her citizenship.

David Koros: Yes.

Com. Prof. Salim: Can you or your sister, say maintain your right to inheritance?

David Koros: Yeah, if I still have that citizenship within a certain community.

Com. Prof. Salim: Or tribe, I still have a right but if I have lost the citizenship of that place I don't have a right.

Com. Prof. Salim: Okay Thankyou

Com. Wanjiku Kabira: Did you say citizenship of a tribe? Or did you mean if I become a Ugandan.

David Koros: I was saying, if am a Kipsigis by tribe, and I had a Kenyan citizenship, but I will not now come back and say my father was a Kipsigis, and then I will have that right, If I had acquired citizenship of another country.

Com. Wanjiku Kabira: Okay, the foreigner means out of Kenya?

David Koros: Out of Kenya, Uganda.

Com. Wanjiku Kabira: Not out of tribe?

David Koros: Not out of tribe.

Com. Wanjiku Kabira: Okay (laughter). Thankyou very much, and may be one more question I wanted to ask you. I didn't understand what you said women rights and the Bible?

David Koros: I was saying, you know there are somethings which cannot go beyond ourself even if to what level. Because Gods laws are above our by-laws, I don't know our written laws so what I was saying in the Bible, there are some parts which maintain are for women and men rights. Like authority in a place. Even if you are the President of the place and there is your husband. When you are at home you are not the head of the husband, the husband if the head of yourself. So these rights women are saying, they want to have rights like men. There are some rights for men which they should give, and there are some rights for women there are in the Bible. I didn't bring the Bible I could have read for you.

Com. Wanjiku Kabira: Sorry if you go on. You are saying if they have a right outside the family? As you have just said you can be President.

David Koros: Yeah.

Com. Wanjiku Kabira: But when you get back you are a wife.

Davis Koros: You are a wife (not clear).

Com. Kabira: Your husband is the boss.

David Koros: Your husband is the boss.

Com. Wanjiku Kabira: Okay.

David Koros: Yeah.

Com. Prof. Salim: I just wondered, why there is opposition to women wearing trousers, because they probably think trousers represent the man who has authority over the woman. So when the woman wears trousers it's sort of a challenge to the man. I've just wondered because...

David Koros: It's a sort of challenge, if you now allow them to do other things, they will do others that they were not allowed to do by God.

Com. Prof. Salim: Okay.

David Koros: They will do queer things at times.

Com. Prof. Salim: Thankyou very much.

Davis Koros: Thankyou.

Com. Wanjiku Kabira: Thankyou very much. So we want to welcome the local chief. I was told he has come. I don't know who he is, but we want to recognize his presence. He hasn't arrived. Okay, I got a note saying, and the councillor of the area?

Interjection: Not clear

Com. Wanjiku Kabira: Of the area. Okay, its you. Okay, yeah do you want to great the people in your ward?

Councillor: It's not my ward (not clear).

Com. Wanjiru Kabira: Ooh, you are visiting this ward, but its in the same constituency. Okay. Thankyou.

Interjection: (Not clear)

Com. Wanjiru Kabira: But you will be presenting views anyway.

Interjection: (Not clear)

Com. Wanjiru Kabira: Maybe they are on the way. We don't (not clear) so that's why we don't know if they have arrived or not. We wanted to check.

Interjection: (Not clear)

Com. Wanjiru Kabira: Which one?

Intejction: (Not clear)

Com. Wanjiru Kabira: Are you a member of 3 C's?

Interjection: (Not clear)

Com. Wanjiru Kabira: Okay, please introduce yourself, because we are your guests and we have been looking for you.

Rachel Terer: I am Mrs Rachel Terer from Kabianga, I am a committee member, Belgut.

Com. Wanjiku Kabira: Is there any other member here? Any other member of 3c's.

Interjection: I don't know whether they have arrived.

Com. Wanjiru Kabira: Okay, Thankyou very much, so will ask Rachel Terer to present. Okay Grace Soimoi

Grace Soimo: I am Grace Soimoi. I have only one point; I want to use my language.

Interjection: (Not clear).

Grace Soimoi: Yes.

Com. Wanjiru Kabira: Can we get somebody to translate?

Grace Soimoi: Alen kit ne komoche amwa agenge ko ami lainitab chepyosok ko kisome bikab ngo'tutik kondewech kesir kainaiyok koik netai boiyot en title deed ko ne bo aeng ko chepyosok.

Translator: My point here is , I want in the constitution that Men and women, in the title deed they should have both names.

Grace Soimoi: Yeah.

Translator: That's all.

Grace Soimo: That is all.

Translator: Yes, unless you have a question.

Com. Wanjiru Kabira: No it's okay Grace. Thankyou very much, you want the husbands and wives names on title deed. Okay Thankyou very much. Now Eunice Lang'at.

Eunice Lang'at: Mimi nitaongea kikale (Kalenjin) Koinutikyuk ko Eunice Lang'at. Komoche ateb ng'olyot agenge kityo

agobo logokyok.

Translator: I want to ask one question about our children

Eunice Lang'at: Kitinye lagok iman, kitinye lagok iman chepto ak werit.(Kipsigis)

Translator: We have got sons and daughters

Eunice Lang'at: Ko en werit komoche kebutyi imbaret. Lazima inne chon kebutyi.

Translator: The sons are given a share of land

Eunice Lang'at: Kemoche ngonon kikochi chepto agine imbaret.

Translator: I want also the daughters to be given a share of land.

Eunice Lang'at: Amun kikosich lagok amami yeindo akomi gaa.

Translator: Because some of these have given birth to children, and have nowhere to go.

Eunice Lang'at: Kotawirte kora lakwenyun kwo kotkobogome en timin ko chubon aka kwaman kora.

Translator: Because if I leave any children and she died outside, I'll also be cursed because of her blood.

Eunice Lang'at: Kokochoto che kotinye.

Interpreter: That's what I had.

Com. Wanjiru Kabira: Thankyou very much for what you want for your daughters and the other peoples daughter.

Thankyou, do we have Jackson Rotich?

Jackson Rotich: Jina langu ni Jackson Rotich. Kijiji yangu ni Kapsusir. Maoni yangu ni hii. Katika 1963, Wabeberu walikuwa wameenda na tulipewa uhuru kamili, na tukakuja mpaka 1970. Watu waligawiwa mashamba. Kila mtu alipata map

yake. Wakati tunapata map yake, na kuuliza map hiyo ilikuwa ni ya uwongo au ni ya ukweli? Na map hii iliandikwa document ndani. Na kila sehemu upande wa serikali, kama shule, kama watu ambao wanaishi karibu na mpaka na hiyo shule. Na shule inataka panuliwa, na inasemekana itahamishwa mahali pengine, na iko mahali ambayo barabara ya wakoloni ilipita yard. Kwa ikiwa kulifanywa exchange mahali pote nchi Kenya, kuna sheria, kwa mtu yoyote kuondoa alama ya barabara au kikingi hiyo. Hakuna maswali ndio hiyo.

Com. Wanjiku Kabira: Unasema watu walitolewa mahali pale walikuwa wakilima na barabara itengenezwe na mashule?

Jackson Rotich: Ndio.

Com. Wanjiku Kabira: Kwa hivyo unauliza kama unaweza kulipwa compensation?

Jackson Rotich: Ndio na vipi mimi nauliza hivi. Sasa iko mwenye tuligawia shamba hiyo, au mtu aliuza hiyo shamba halafu akapatiwa mpaka yake. Anaweza ruka aje mpaka afike kwa shamba lako, ambaye wewe uko na yako, na hiyo map inaonyesha nazungunmza Kenya mzima.

Com. Prof. Salim: Bwana Rotich, nafikiri unasema mambo ya map hiyo nikuonyesha ardhi?

Jackson Rotich: Eeh ndio.

Com. Prof. Salim: Au shamba?

Jackson Rotich: Shamba.

Com. Prof. Salim: Yako mwenyewe?

Jackson Rotich: Mwenyewe.

Com. Prof. Salim: Sasa hiyo ilifanyiwa nini?

Jackson Rotich: Hiyo shamba ilichukuliwa. Wengine nasema hii ni yangu, na shamba yake iko na namba yake.

Com. Prof. Salim: Eeh.

Jackson Rotich: Sasa tutafanyaje hiyo?

Com. Prof. Salim: Swala yako ni nini?

Jackson Rotich: Swala yangu ni hivi. Kwa nini?

Com. Prof. Salim: Eeh

Jackson Rotich: Yeye anapigania hiyo shamba na shamba hiyo hapana yake?

Interjection: (Not clear) land dispute

Com. Prof. Salim: Yaani iko mtu mwingine. Wewe unayo title deed ile yako. Sasa mtu mwingine anadai “haki ya hiyo” shamba?

Jackson Rotich: Hiyo shamba na hapana yake.

Com. Prof. Salim: Je hawa wazee wakijiji ulijaribu kusuluhisha mambo kwa njia yao, maana tunasikia wazee wa vijiji ndio wanao jua mambo yalivyo?

Jackson Rotich: A wamesuluhisha. Lakini hapa anaendesha, ananiambia kwa nguvu
(not clear)

Com. Prof. Salim: Na serikali tuseme kwa njia ya chief, kwa njia ya DO, na njia ya DO wamesema nini? Wameingilia jambo hilo? Au land board, hawa kuingilia jambo hilo. Hawakusema shamba hili ni la huyu au yule?

Jackson Rotich: Na kama chief mwenyewe hajachukuwa hiyo, na anajua iko sheria hiyo.

Com. Prof. Salim: Chief amesema nini?

Jackson Rotich: Ikiwa chief amesema juu ya hiyo shamba, hii na huyu sasa akaendelea kung’ang’ana hiyo shamba mtafanya aje?

Co. Prof. Salim: Kwa hakika ni kesi ambayo lazima ifikishwe kila eneo, ifikishwe kwa wazee wa vijiji, au mzee wa kijiji. Ikiwa hapo hawakutosheka wanaendelea mbele.

Jackson Rotich: Asante sana.

Com. Prof. Salim: Asante sana hiyo ni bahati ya kuweza kukuambia sio?

Jackson Rotich: Asante

Com. Wanjiku Kabira: Okay asante sana Bwana Jackson Rotich. Emily Tanui?

Emily Tanui: I am Mrs. Emily Tanui. I am going to give my own views to support Mr. Makibior about children's rights. According to my views for children. Children should have education with a word must. So in the future, everybody has his or her knowledge to express themselves, especially in the side of employment. So to eradicate poverty in our country. The second one every community should take their children for health facilities to eradicate magonjwa.

The third one. There is also basic needs for children that is food, clothing and shelter. This is all about children, and supporting Mr. Makibior's views.

That 's all about children.

Com. Wanjiku Kabira: Asante sana Emily, tafadhali Emily jiandikishe. Tutamwita councillor Florence Koskei.

Com. Salim: Eight for them to have as many as four wives if they want to. I am a Muslim but I only have one now, I have no other plans. It's too late for me to get any more than one. But this again might clash with say another part of constitution, that of freedom of worship or freedom of religion. How would you tackle this issue?

Councillor: Thank you. I think for the polygamous question, I was putting it in this way, because where we have polygamy, we have the first wife, who came in her early twenties and he's married and they build a family. When she's in late fifties, another one comes in and the other has to walk out with nothing; or if the community with this customary law are kind, they will say they are sharing half, which is really very difficult for the person who has been there all her life. So I think, the polygamous thing should be looked into, in a way that if somebody wants to marry another wife, let them look for a different property, and leave the other one on the property they started together.

Com. Kabira: Okay, Thankyou very much councillor for your views. Please sign in our book. Joel Korir, Joel kuja.

Joel Korir: My names are Joel Korir, I am going to read a memorandum for (Not clear) Youths guided by Magrama Mission Foundation. Preamble, Is required in our constitution, that is to see the national vision of our country in diverse with several features or to be shown in the preamble; which will cope with it's people. That is to see the agricultural activities and the

common experiences felt in the country. For example, the Mau mau uprising, the bomb blast, the derailing of the train and the ferry failure, and others. Principles of state policy; Our constitution should have a statement which captures the national philosophy and guiding principles, the philosophies of Harambee, Nyayo should be captured as a strong statement of Nation, and the national anthem.

The Kenyan currency should remain having head of the first President and probably the second only. This will limit the making of money hence stabilising the value. Constitution supremacy; This should remain supreme in the state. Also it should have checks and control state operations.

Citizenship; All persons Born within the country get honoured to be Kenyans. This is confirmed by the birth certificates, by registration of person, or by the same procedure which are set by the state. Over 18 years as a citizen, to be given some allowances maybe for up keeping.

Again in the citizen's area, senior citizens are the ones to vote, and those who came and acquired citizenship here, should not vote. Another thing as the citizens, I felt there should be, we felt there should be classes of people in Kenya, maybe one, two or three, because we are that the economy has gone, and so it is very hard for the poor people to come up. Spouses should be accepted as Kenyan citizens by their surrender of their status made with their parents. The rights and obligations of citizens, are clear in the current constitution and should remain the same. Citizenship should not be a dual function. It should maintain the national identity card senior citizens back and temporary citizens. That is the two same things I'm talking about.

Defence and National Security. In this, the state has to be able, to control the defence and have a clear status of the procedure to continue as before.

Political parties: The political parties should play a role in other developmental issues hence promoting unity of the country state. There should be at least 3 political parties, which will check and balance the growth of the nation. Each party will finance itself through their will. These arm supports from public funds, to be rationed. This ratio will monitor the function. One of the terms and conditions imposed on financing is seen from the development function run in an area. The state and political parties, will relate in very many areas hence maintaining nationhood. These parties will be recognised by the state and vice-versa.

Structures and systems of government. Since Kenya has a Presidential systems of government. Since Kenya has a Presidential system of government, it will not be bad to adopt a hybrid system in which executive authority is shared between President and the Prime-Minister. This is because the powers within the Executive office be shared such that, the President takes control of armed forces and international relations, while the Prime Minister takes control of issues within the country, mainly in the parliament, that is the legislature. The Prime Minister to control provincial administration, and elders to be paid

some allowances. The Prime Minister will work closely with the central government, to see that the district, provinces, and the local authorities, work as required; and chief's act to be reinstated (ring) Thankyou very much.

Lastly, lands and property rights; white highlands, multi-tea plantations to be given to the Kipsigis community. Royalties to be paid at the proceeds of the farms. All the government farms e.g. A.D.C (farms, forests and plots within every town be given back or surrendered by those who have taken. Thankyou very much.

Com.Kabira: Maybe two small points. One of them, just answers why do you want us to capture the bomb blast in the preamble?

Joel Korir: The national, remembrance of that event.

Com.Kabira. : Was it a heroic deed from our part?

Joel Korir: No, not infact, but it is just something to remember our people who died at that time.

Com. Kabira: Okay, so we are remembering the ones who died. Okay. The other issue, I didn't capture, which land did you want to be given back to Kipsigis?

Joel Korir: They can be million farms here, the tea farms I'm talking about. The Brook bond and (not clear), highlands. That farm belongs to the Kipsigis community, and see now even the produce that is coming out there, some people somewhere, are just getting those things, and people within her are just suffering.

Com. Kabira: Who owns them now?

Joel Korir: Maybe some..... the white people or whoever is ownning, but nobody is ownning those things anyway.

Com. Kabira: No.....so are the parastatals are they owned by a parastatal body?

Joel Korir: I think it is individual or private companies anyway.

Com. Kabira: Like whites?

Joel Korir: Private companies.

Com. Swazuri: I follow that up what exactly happened do you think in history? I am a historian but I'm not sure of that detail

related to Kericho, say Brooke Bond, how did it acquire it? Did it lease the land from somebody?

Joel Korir: Yah.

Com. Swazuri: Was it from the Government?

Joel Korir: Not from.....

Com. Swazuri: Or from private individuals?

Joel Korir: From private individuals here, the people.

Com. Swazuri: And the private individuals, were they whites or were they Kipsigis?

Joel Korir: The Kipsigis.

Com. Swazuri: Are they very long leases?

Joel Korir: I understand it was to expire some few years back, but we never saw anything happening so we are wondering where it has gone.

Com. Swazuri: Do you think then this is a matter for the individuals concerned.

Joel Korir: No

Com. Swazuri: to pursue?

Joel Korir: No, It is just the Kipsigis as a community to pursue

Com. Swazuri: What about the individuals who actually owned the land? Do they have a say in the matter?

Joel Korir: Yah, there are some clans anyway, in particular who were chased from those farms, but we as the Kipsigis, felt that we need to talk as a community.

Com. Kabira: So in a way actually your questioning the right of the people, the local people.....

Joel Korir: Yes.

Com. Swazuri: Who leased the land to Brooke bond?

Joel Korir: Yes.

Com. Swazuri: They did not have the right in your view.....

Joel Korir: Yes.

Com. Swazuri: to do so?

Joel Korir: Yes.

Com. Swazuri: It goes beyond their property. It goes to the property or that is actually that is part of clan land?

Joel Korir: Yes

Com. Swazuri: To some extent it's a local dispute?

Joel Korir: Yah, it's a local dispute

Com. Swazuri: Okay.

Joel Korir: Yah.

Com. Swazuri: Thankyou.

Com. Kabira: Thankyou very much Mr. Korir for your views. Stanley Towett.

Stanley Towett: Majina ni Stanley Towett. Ninatoa maoni kuhusu sheria ya wanawake ku- inherit vitu kama land, na vitu vingine, kwa vile wenzetu wameanza kutaja hapa. Kwangu nafikiria ni review ya sheria kulingana na tribes, kwa sababu nimesikia wengi wanazungumza kuhusu sheria kama ni kubuni sheria leo; ama kutunga sheria. Lakini nafikiria ni ku-review. Kwa Kalenjji, kulikuwa na sheria, kama mtu akiua mwingine, akiwa mwanamke au mwanaume. Kwa mwanamke ilikuwa inalipisha ridhaa, ama pesa, ama ngombe tisa, na kwa manaume ni ng'ombe kumi. Hiyo ilikuwa sheria ya wazee. Sasa

tunataka sheria tena I-review kwa kuchukuwa mali. Mwanamme hawezi kuwa sawa na mwanamke. Hiyo ni vita nyingine ambayo imeanza juu. Mwanaume yuko juu ya mwanamke ama msichana kiasi fulani. Kama ni ku-review, hawezi kuwa sawa. Kwa mfano, jamii kwa Kalenjin, jamii wasipopata mvulana, wanaona kuna kasoro, angalau wako na watoto karibu kumi wasichana, bila mwanaume, wanaonekana kuna kasoro. Kumaanisha kwamba mwanaume ni ya dhamani ya juu sana kuliko msichana. (Applause) Sasa hii sheria ya kusema wanawake wawe sawa na wanaume, hiyo ni vita ya Delilah ana Samson tangu zamani. (laughter). Kwa sababu Delilah alikuwa msichana mrembo na Samson alikuwa kijana mwenye nguvu kiasi fulani. Sasa hapo, hawakuwa sawa, sasa kusema wanawake na wanaume, kulingana na sheria ya Kalenjin, ama ya wazee wa zamani, si sawa. Siwezi kuwa na wao.

Wanawake wapewe nguvu fulani, ama usawa kiasi Fulani; lakini wanaume wawe juu. Tuseme hivi, kama ninagawa shamba langu kwa watoto wangu wawili, msichana na mvulana. Kama ni acre 10, mvulana anawezakuwa na acre 6, na msichana anaweza kuwa na nne kwa sababu atatafuta bwana yake kujaza naye hiyo. (laughter) Na vile wamesema, ingeonekana wanawake wengine wanataka kuingiza mila ya watu wengine. Tunasema mila ya Kipsigis, sheria ya Kalenjin kwa sababu sisi ni Wakalenjin. Sasa tuseme kuandikisha majina mawili, yangu na ya bibi yangu! Kwanza bibi yangu kwa mfano, anaitwa Mary Cheronon, Anapoingia kwangu anasema Mary Cheronon Towett. Sasa jina langu limeingia kwake sasa. Sasa anandika tena Mary Cheronon Towett kwa Certificate na Stanley Towett kwa certificate, maana yake ni nini? Ameingia kwangu, hata kipande chake, I.D. yake ameandikisha jina langu. Sasa we are one now. Kwa nini tuna double tena iwe mbili? Hiyo haiwezekani. Inatakiwa wanawake waelewe vizuri ya kwamba mwanaume ya Kalenjin ako kisheria ya Kalenjin, si sheria ya dini. Unajua we can mix sheria ya Kalenjin na sheria ya dini. Sasa mwanamme wa Kalenjin anaweza kuwa na wanawake hata ishirini. Hakuna sheria kwa Kalenjin ambayo inasema mwanamme anaweza kuwa na bibi moja. Naweza kuwa na kumi lakini vile nimeona, watu wanaleta sheria zingine kutoka zingine na unaita, “we are now presenting to the review committee”. Hiyo wanabuni sheria. Lazima Wakalenjin watunge hiyo (ring) sheria yao halafu wana-review siku ingine. Hiyo napinga kabisa vile wanaweza kusema, ati watoto wote wawe na mali sawa, hiyo napinga kabisa. Inatakiwa sheria ya Kalenjin iwe ya Kalenjin.

Com. Kabira: Okay, ngoja kidogo

Stanley Towett: Ehe.

Com. Salim: Bwana Towett.....

Stanley Towett: Yah

Com. Salim: Nataka ufafanue kidogo nifahamu Borra zaidi.

Stanley Towett: Ehe.

Com. Salim: Katika tuseme sheria ya kimila

Stanley Towett: Ya

Com. Salim: Ya hapa. Ya Kipsigis. Mtoto msichana anapata kitu chochote, katika inheritance, katika urithi?

Stanley Towett: Kwa sheria.

Com. Salim: Maanake jana tumeambiwa msichana hapati kitu kabisa. Akiwa ameolewa, au akiwa na single, hakuolewa. Ni kweli?

Stanley Towett: Msichana atapata bwana. Hiyo ndio kitu ambayo atapata.

Com. Salim: Hukunijibu sawa sawa. Nasema kisheria ilivyo, msichana ikiwa ameolewa, au hakuolewa hapati kitu.

Stanley Towett: Hapati chochote.

Com. Salim: Sasa kurudia maneno yako. Umesema kwamba, kwa hivi sasa, ukiua mwanamme analipishwa ng'ombe kumi, na ukimua mwanamke analipishwa tisa. Ukasema hiyo inaonyesha, kwamba kuna tofauti kubwa. Nionavyo mimi hakuna tofauti kubwa.

Stanley Towett: Ehe.

Com. Salim: Tisa na kumi tofauti ni moja tu.

Stanley Towett: Eh, ni moja.

Com. Salim: Kwa hivyo thamani ya mwanamke si chini sana ya mwanamme.

Stanley Towett: Si sana na hawezi...

Com. Salim: Iko karibu sana.

Stanley Towett: Iko.

Com. Salim: Kwa hivyo huoni kwamba anahaki ya kupata kitu? Ikiwa tuseme mimi nina watoto wawili, mimi ni Kipsigis. Moja msichana moja mvulana.

Stanley Towett: Ehe.

Com. Salim: Siwezi kumpa moja 10% of my property and the other one say 9%

Stanley Towett: Ehe.

Com. Salim: Au hiyo si haki, nisimpe kitu kabisa, huyo msichana.

Stanley Towett: Hiyo ni sawa. Ikiwa percentage ukiwa na 100% unaweza kupea mwanamme tuseme 9 and 10%

Com. Salim: Maanake percentage kati yao ni ndogo sana. Tisa na kumi.

Stanley Towett: Ehe.

Com. Salim: Yawezekana kwamba huyo msichana aweza kupawa kitu katika urithi kufuatana na hiyo thamani yake ya kimila?

Stanley Towett: Vile nilisema kwa mfano yangu, nilitoa nikasema nikiwa na acre 10, mimi mwenyewe, na ninao watoto wawili, wakiume na msichana. Nilitoa mfano ya mwanaume apate 6, na msichana apate 4.

Com. Salim: Katika urithi?

Stanley Towett: Kwa urithi.

Com. Salim: Lakini hiyo itakuwa inapingana na mila, maanake umempa msichana, ingawa mila inasema usimpe kitu.

Stanley Towett: Haipingani ma mila

Com. Salim: Lakini umetuambia, hapoa awali umekubali kwamba, msichana hapatiwi kitu, anangojea mpaka aolewe ndio apate. Lakini babake hampi kitu. Wajua, samahani, tunaendelea kufahamu mambo hayo, hatutaki kuingilia mila sana, lakini tuwafikirie watoto wetu, wakiwa wasichana au wakiwa wavulana, maanake dunia inabadilika na mila nyingi zinabadilika. Ikiwa kuna mila ambayo kidogo si ya haki, mtu akubali kwamba hii si haki, na ampende mtoto wake msichana na mvulana; hata kama sio sawa sawa lakini amfikirie. Amzingatie katika urithi wake ampe chochote. Kwa hivyo unakubaliana kwamba, labda mila tuseme ya Kipsigis, inastahili ibadilishwe ili kwamba baba; aruhusiwe kumpa mtoto wake wa kike sehemu fulani ya urithi.

Hiyo ni kitu kizuri kufanywa au itakuwa wazee hawatakubali? Maana inakwenda kombo na mila.

Stanley Towett: Unajua wazee, hawatakubali kwa sababu, yule mtoto ambaye anapatiwa kurithi ni yule mototo ambaye hajaolewa.

Com. Salim: Anapawa? Lakini.....

Stanley Towett: Yule ambao hajaolewa, akirithi mali ya baba yake, anaonekana atakuwa wa hiyo clan. Hatakuwa kwa pande wa-clan mwingine, kwa sababu msichana.

Com. Salim: Kwa hivyo, wajua sisi, kwa hakika mimi nauliza, maana nimekuwa confused kidogo. Jana tumeambiwa, hata yule ambaye hajaolewa, single, hapatiwi kitu. Wakumbuka jana commissioner? Iko jamma moja, ametuambia akiolewa asipolelea msichana hapati kitu, kila kitu inakwenda kwa wavulana, Hiyo ni sawa?

Stanley Towett: Yule unajua, yule hajaolewa, angali wanafikiria ataenda kwa clan ingine.

Com. Salim: Lakini yule ambaye hajaolewa anapewa kitu?

Stanley Towett: Amedhibitisha kwamba hataolewa.. Hatatoka kwa clan niende clan nyingine. Amekuwa members wa hiyo clan.

Com. Salim: So single daughters or girl child are given the right to inheritance? This is what we want to really confirm. Ikiwa msichana wangu mimi ni Kipsigis, nina msichana nina mvulana, ikiwa yule msichana bado kuolewa, waweza kumuachia kitu?

Stanley Towett: Eh.

Com. Salim: Sio?

Stanley Towett: Eh.

Com. Salim: Oh, that's what I want to know.

Stanley Towett: Naweza kumuachia, lakini iatakuwa wa clan hiyo.

Com. Salim: Na akisha olewa tuseme, anapokonywa?

Stanley Towett: Akiolewa.

Com. Salim: Anapokonywa?

Stanley Towett: Kwa sababu mali itaenda kwa clan ingine.

Com. Salim: Asante.

Stanley Towett: So long as amekuwa member of the clan, anaweza kupata hata sawa na mwanamme. Kwa sababu hata majina ata-inherit kutoka hiyo clan.

Com. Salim: Okay, Asante.

Stanley Towett: Asante.

Com. Salim: Ngojea kidogo, kidogo tu. Unajua vile nasikia ukisema, ni vizuri kuelewa lakini, ukiwa unaolewa kwa mtu maskini si vizuri, kwa hivyo ni vizuri ukae nyumbani, uwe na watoto wako; kwa sababu utapatiwa urathi na baba yako. Yule maskini kijana, nifanye nini na yeye?

Stanley Towett: Huyu msichana ameolewa na kijana maskini?

Com. Kabira: A..a, Mimi ndio msichana nataka kuolewa, lakini huyo kijana ni masikini.

Stanley Towett: Nisawa. Wewe ni (not clear) wangu.

Com. Kabira: Na hana chochote. Kwa hivyo vipi atasikizana.....

Stanley Towett: unataka kuleta yeye hapa?

Com. Kabira: Hapana mimi nitakaa nyumbani mimi unapatie uridhi, kwa sababu nikiolewa kwa yeye, huwezi kunipatia, sindio?

Stanley Towett: Na yeye ni bwana yako?

Com. Kabira: (Laughter).

Stanley Towett: Sikujua hivyo vile wewe unasema

Com. Kabira: Okay.

Stanley Towett: You want him to be your husband when you are here?

Com. Kabira: I would want him to be my husband, but I would also want both parts to benefit from being your daughter who has land.

Stanley Towett: So if you want to benefit from the land which I have, you will bring him to our clan, and there's some ceremonies seems that you have married him now. So, I'll give you the properties, and that man will belong to that clan.

Interjection: Adopted?

Stanley Towett: Yah, adopted

Com. Swazuri: So then, even a married woman then can inherit?

Stanley Towett: A married woman?

Com. Swazuri: Yes once she brings her husband in to your clan, will she have the right to inherit.

Stanley Towett: Yah, she will have

Com. Kabira: But you said earlier that if your daughter is married, she does not get anything. She'll have to get something from her husband?

Interjection: (Not clear)

Stanley Towett: Unajua.....

Com. Kabira: She doesn't . Every body is saying, once she gets married she doesn't get anything?

Stanley Towett: Yah.

Com. Swazuri: Okay, I think he's confusing us.

Com. Kabira: Thankyou very much, lakini ningetaka kusema neno moja tu.

Stanley Towett: Sema tu.

Com. Kabira: Kwa sababu ulileta ile mambo ya Kipsigis, ng'ombe 9, na ng'ombe 10, ukiwa umeuwa mwanamke unalipa ng'ombe 9, na mwanamme unalipa ng'ombe 10. lakini vile ningetaka kusema, kwa sababu ulisema, tuna-review the constitution lakini hatu-review ile, the Kalenjin constitution. "Ningetaka kusema tuna-review vile tunakaa pamoja ikiwa ni wanaume na wanawake, ikiwa ni Kabira hii na ingine ikiwa ni wale wana mali na wale hawana mali. So, as a nation, we are reviewing how we relate with each other.

Stanley Towett: Hiyo unamaanisha ya kwamba, tulipokaa zamani, ndio tulikaa kisheria, hatukukaa kiholelaholela. Kisheria. Sasa hiyo sheria sasa tunaona zile zingine ambazo zimekuwa backward. Tuna-review hiyo sasa, tukisema tuna-review sheria Fulani, bila kubuni zingine ambayo zinaweza kuchangia tena kutoka mahali pengine.

Com. Kabira: Lakini pia vile naongeza, akina mama wa Kipsigis, wana vile wamependa kwa tradition, na kuna ingine akina baba wanaona hiyo ndiyo nzuri. Kwa hivyo hata hii ni wakati ya kuzungumza juu ya hiyo; kama vile tunazungumza hapa. Kwa sababu tumeona akina mama wengine wanasema, "tunataka wasichana wa inherit do you want to reconsider that?"

Stanley Towett: Kwa mfano vile walisema, ninatumia moja ambayo mwingine anasema, yaani Polygamy. Sheria ya Kalenjin, mwanamme anaweza hata kuoia wanawake mia, hiyo ilikuweco. Na sasa wanawake wameona ya kwamba, ni sawa wawe na mwanamke moja, kwa sababu wana-protect hizo mali. Kama wanataka hivyo sasa, tribes sasa watakaa chini, na kupitisha sheria sasa, sio wao wenyewe wapitisha hiyo sheria. Kwa sababu ni war between men and women, sawa na between Delilah na Samson. Ni sawa, inaelekea hivyo.

Com. Kabira: You know tunasema, hata Mungu amesema, ni vizuri, kwa Bible ni vizuri watu wakae pamoja wazungumze, waone vile vizuri kukaa pamoja, sindio?

Stanley Towett: Ndivyo.

Com. Kabira: Si lazima iwe vita.

Stanley Towett: Itakuwa vita kwa sababu wameweka kama sheria yao. Wanaweka kama sheria, wanataka kunasa wanaume tuwe chini ya sheria yao, ambayo wametunga, na hiyo sisi wanaume tunapinga vikali.

Com. Kabira: Si unaona hata wanawake wakiongoza itakuwa vizuri, kwa sababu kama wewe alikuwa imejiandika kama observer. Ulituma karatasi unasema, ninataka kuongeza” si nilisikia?

Stanley Towett: Ulisikia.

Com. Kabira: Na leo tunazungumza?

Stanley Towett: Ndio.

Com. Kabira: Si ni hivyo tunafanya na katiba hii yote? (laughter)

Stanley Towett: Okay.

Com. Kabira: Okay, Asante.

Stanley Towett: Asante sana.

Com. Kabira: Okay, tutamuuliza James Sitok.

Interjection: (Not clear).

Interjection: Chogun e bomori(the rest not clear)

James Sitok: *Kolenen in awekyini Jehovah kongoi negakomutwech toechu. En kainenyun kekuron James Arp Sitok. Ko en ng'alek chotindoi en ireyu ko ng'alekab majimbo.*

Translator: What he talks about is on federalism.

James Sitok: *Si amwa konamge ak majimbo ko amun en emoni ko kikinyoru ko kimenye bikyok komosi ireyu, kapchain ireyu.*

Translator: Since when we grew we found that our parents, our grandparents lived in the tea estates.

James Sitok: *Ko alen ki mi kit ne kikamwa bichoton che kiyechen che kikait, toek che kikabwa korani.*

Translator: I think there was an agreement between the whites and our grandfathers

James Sitok: *Ko kongoi mising amun kokoit yonitoni, ko kait koba akichek si kobunji imbaret bik che kibo.*

Translator: I think it is time for them to go, so that the land becomes for the family.

James Sitok: *Ko amun in yon bendi ko makilen is kele amune si koba bendi amun kiitu, bendi si konget bik che kibo oloton ndandan kikoba che kimi ko kisich bik sigobendi.*

Translator: Because when they leave there are also people who were left by our grandfathers.

James Sitok: *Ko kou noton ko kikere agot tuguk chechang' che kikowalak ngele district ko inoni, ko ngunon samwa majimbo ko amu Rft Valley ko tugul ko koboch kapsabet, Eldoret ak olinbo Masaini ko samwa ko amun tuguk che kitinye en komosiep Kericho ireyu keibe keboisen en komoswek che motobwone tuguk, che motonyoru faida missing, keib tugukab komosi koboisien bik alak.*

Translator: Whatever we get from farms here in Rift Valley, and any produce which comes from Kericho here, they are taken outside our province so it should remain to be ours.

James Sitok: *Ko samwa kou non ko amwae kou ye karan okose komwae ngo'lolindet age kole tugukab koret nebo keboisien en yoniton amun tugukyok, che bo bichoniton, lupchanikyok ko nyolu ke boisien en tugukwak.*

Translator: Whatever we get here we should use it here.

James Sitok: *Ko in, kokolenen yatuch yoton yon ko kit ne kamwa en majimbo ko tugukab yebo kewekyin yebo kou ye wektoige Borrtab chito ng'ung'unyek ko kikiyoen ng'ung'unyek.*

Translator: That means that whatever we get here in our jimbo should remain here just like for example if somebody dies today the body goes to the ground.

James Sitok: *Alen kobek komosaton. Ko komostage nomwoe ko ng'alekab in, yon kisiran aek kiboityot komonyon abou in chito ne kisiron, konon boisionik inendet.*

Translator: I am through with that part. I will then touch on the issue that when I'm employed I'm not going to rule over my master, he will be the one to assign work to me. **(Editor, kindly disregard the taped translation).**

James Sitok: *Samwa konamge kounon ko kiboitini che kitinye en kipsigis ko mekoyoe kou ye kikimokto.*

Translator: The reason I'm referring to that, those who have been employed in our land here, they are not doing what they are supposed to do.

James Sitok: *Konamge ak ko u councilaek ak kirwogik ko mayae, kikonam oli eb gaa koik kotini. Ne kotoite ne kanam kotini konyo korwokyi en ireyu.*

Translator: Some will say that the councillors or the chief, they make their own superior court at home.

James Sitok: *Ko kounoton amache any chi age tugul ne boisiechin bik ko nyolu koleweni bik si ango yae ne ya kokikoito inendet chi choton.*

Translator: These leaders should be elected by the people directly.

James Sitok: *Amun ki ko boisien bik en oret age mi chechik ak komi che ma chechik.*

Translator: Because they have separated the people

James Sitok: *Ko kuo noton ko kere bik kityo awekyini Jehovah kongoi amun kagagon nafas ini asikobit kemwa kit age tugul ne iimech.*

Translator: I thank God because he has given us an opportunity to say what we have, what is troubling us.

James Sitok: *Ko in, alen matinye chechang' missing kobaten mising inne sana ko majimbo non ak ng'alekab bik che boisie ko nyolu kolewen bik che kiboisiechin*

Translator: *I don't have much, I put emphasis on the majimbo issue and the issue that the servants should be chosen by the people being served. (Editor: fresh translation was supplied cos the previous omitted a lot.)*

Com. Kabira: Thankyou very much Bwana Sitok for your views, na inaonekana ile ulizungumza ilikuwa very clear, kwa hivyo hakuna swali, ujiaandikishe tafadhali. Okay, Thankyou. Do we have Mary Korir? I wanted to find out wheres he is) Mary Korir .

Mary Korir: I am Mary Korir from Belgut division. I am going to present a memorandum from Belgut division women.

Belgut division women held a meeting on 11th May 2000 at Sosiati playgorund and proposed the following:-

1. Bill of rights; enshrine equal access of resources and equality before the law to men and women, boys and girls in consideration of gender, race, religion, way of life etc. Guarantee security and equal protection by the law to men and women. Women rights must be guaranteed under the bill of rights. Women participation in the legislature, local authorities governance and decision making. Although the current constitution does not directly bar women or other marginalised groups from participation in decision making structures; cultural and historical values will limit them. The situation can be rectified if laws that advocate for equal representation and distribution of all natural resources are legislated. The current parliament has a representation of 9 women out of a total of 224 M.P, a case that is also evident in the local authorities and in all the key organs of the government.

The electoral system is also patriarchal in structure and does not therefore reflect a democratic situation. The representation of women at a 9 against 213 male legislators as (not clear) which is also manifest in the local authorities. We feel a situation that does not portray gender balance to them maybe. This situation, the political transition, needs an establishment of association criterion acceptable to all citizens to guarantee a stable social economic environment.

We propose the following:- Devolution of power in all government structures to ensure local authorities and local communities participate women. We'll ease access to leadership positions if this happens.

Extend participatory democracy, to give a chance to the women and men of Kenya to participate freely and fairly in decision making, and debating on national issues.

Eliminate all forms of discrimination on this (not clear) of sex in recruitment, appointments and training in the disciplined forces; and all other institutions of governance.

Every Presidential aspirant should have a running-mate, vice-President, who is of opposite gender. The President and vice of the state, should be of opposite sex.

Review the electoral system to determine what system is more accommodating to women and the-marginalised groups, that is counting at every polling station during election.

2. Property and inheritance rights. Cultural traditions have been a major hindrance to women's economic and advancement in their access to the (not clear) resources although they play a critical role in national development. The constitution should guarantee women access to productive resources and benefits from family wealth, ie. Land and property inheritance, as wives and as daughters. We propose the following:- Recognize, the condition of elimination of

all forms of discrimination against women in the constitution, and ensure the domestication of the same.

Enshrine affirmative action for allocation of resources for women and other marginalised groups in the constitution. To guarantee civil rights and liberties to the female and male children. To provide protection measures under special circumstances, who include children in armed conflicts, children marginalised on economic, social or political reasons. Also if a girl bears a child at home before marriage, the man concerned to take the child after 3 years.

Recognise and domesticate conviction on children's rights that Kenyans signatory to all in constitution.

To provide, children, leisure, recreation and cultural activities for the development of the child, and pay special attention to girls and children with disabilities and children in marginalised communities. That is all I have for today.

Com. Kabira: Thankyou very much. Maybe for a little clarification Mary. Devolution of power to the lower levels to allow for people's participation. What levels were those, and maybe what powers did you want to devolve to the lower levels?

Mary Korir: I think we meant that women they are not given more powers especially in the local government. So we suggested that at least if there is let's say if the for local government if the chairman is a man at least a woman will be given to be a vice-chairman.

Com. Kabira: Yes, but I was just thinking about devolving power from the centre to the local authorities, like the discussion we had before. What powers did you want the local authorities to have?

Mary Korir: At least yaani to give women power. You know for current local government, there's no woman who have any power currently. So at least we would be given to be also a chairman, or to be a vice-chairman, that is what we meant.

Com. Kabira: Thankyou very much Mary for your views. Can we get Titus Korir? Titus Korir.

Titus Korir: My names are Titus Kipkoel Korir, I come from Belgut division, residing precisely in the tea estates. I just want to make a very short presentation concerning land issues; and you will excuse me I may given you just a small background on these issues of land in the tea estates.

Now, when the colonial government came into this area of Kericho in the early 1800, they found the local people residing in the tea estates, it was forests by then. Some areas had been cleared, and the local people had already fought, either the animals or other tribes, and they eventually resided here. When the British government came, the colonial came, what they did was allocate the suitable land which the local people were already residing, to what they call ex-army officers who had served in the 1st world war. They were brought into this country and they were allowed to select some of the good land in the

highlands. So they selected and they allocated them, ignoring the people who were there already. When those officers came here, because they were officers, they were not planters, they were supposed to plant what they call 'flux' which was used for making sisal, they didn't succeed. So they wanted to go away. When they went away new colonial or British citizens who were now planters came and bought the land from the disabled officers who were only allocated irrespective of the people. So these people who now bought the land made the local people to be squatters and yet they were there before. So this attach here, African Highlands, Brook Bond etc. Since then, some companies have given very small shares; could be five percent for the local people to get involved, some companies are totally owned by the British, or other people.

They don't have they don't allow local shares, and so all the profits will go to shareholders overseas not here. Now, the thorny issue is this; the local people already here, they were displaced, they were never compensated, and yet they fought for this land our forefathers died. Either, because they had to okay, put animals or the other tribes you know! Here some of the like the Kisii used to be here, but they were moved away and a lot of people died. So there is that bitterness, unless some constitution is made or compensation is made, this issue will continue and will be a thorny issue. Like I can see the Zimbabwe issue coming up in this country, because of that fact. So I am not suggesting anything but I am saying something like a constitution should be made so that any of the local people are taken into consideration as compensation; or if they are going to be allowed to have shares as locals, so that they can feel that they are participating, and they are actually earning the fruits of what their ancestors suffered for. Without that there's always going to be a big problem, that is my good contribution.

Audience: Claps.

Com. Kabira: Thankyou very much, I think that was a, a very important interjection because you have clarified a lot of things that, eeh, we actually did not have information and I think the recommendation on which you have made that either compensation for the land that, was alienated from the Kipsigis people or, eeh sorry, just hang on a minute; either the possibility of the compensation for the land that was alienated or two; if there's ownership or co-ownership of the estates, eeh, the resources accrued from these companies, by these companies. And those are the two recommendations you've given.

Titus Korir: Yah, in addition to that ofcourse you know the government has given, when a second lot of people came in they were given a lease for nine hundred and ninety nine years. So even if the local people say when they expire, it will never expire. They have been here for seventy five years now. So they are going to still be here for many years. So I am saying; I wish, okey, my recommendation was either compensation is thought about, or some ownership by the local people is looked into. It's not going to be here only, I am also thinking about other highlands. You know if you go to Nandi, you go to other areas where the white settles went into, the local people had to be kicked out and or made to be squatters, yeah, what is going to happen to them?

Com. Salim: Maybe just to seek a bit more clarification. What do you think of the earlier version, I won't call it a version, but

the other statements made by a previous presenter, whom we asked a few questions and we seem to get some idea of the , of what to place here from him. He said that, land belongs to the clan, but some members had given it to foreigners. And that this clan leaders, whoever they are, had no right to do so. Or rather some individuals had done it, and he and I asked are these individuals local or are they foreigners? Were there any locals involved in giving land to this white settlers or gave approval to it?

Titus Korir: Partly, let me explain, partly, when they came here, there were some chiefs, who may have colluded with the colonials. They persuaded, say, if you give us this piece of land....

came and took over, because it was because everything was the land of the Queen. So when they allocated to the ex-officers from the , you know, the wars. So, although there was a bit of participation by some of the chiefs, without consulting the locals

Com. Salim: They belong to the collaBorrator?

Titus Korir: Yah yah, that is what I would say.

Com. Salim: Okay now, has anything been done in terms of documentation of this events, for example the local leaders have they gone through the records and came up with all this documents to support the claims now?

Titus Korir: I can give you a history of what I have just told you I am young but I've heard, but I have read in history which was written by some of the early planters. Yes, exactly what I have just said, I don't have it here with me but that is exactly what was written by them.

Com. Kabira: That is the sort of thing am referring to, even the settlers themselves have left behind diaries, to say how they acquired whatever they have and is that being collected by the Kipsigis themselves to support their claims now, for either compensation, or better still some of the land to be given back to them, whatever they want to have done. And has anything been done over all these years to claim?

Titus Korir: This claim has been given to our leaders every time but our leaders have talked about it, but nothing tangible has come out of it. It's an issue which is going to, every time to have problems like clashes. You know, people in the tea estates are going to go but it's a very touchy issue because, okay, the people who were there already, be it the British, or whoever the share holders, they have done a lot of things! You cannot just say you walk in there and take over, it will be just like other firms like ADC farms where they have been abandoned, nothing! These estates employ over fifty thousand people, unless you are careful how you are going to get involved, you will kill the industry, jobs and things like that. Without the tea industry here, we will not have Kericho town or any other place, so there are certain good things they have done and we cannot, I mean tea

you know, so we cannot damage.

Com. Salim: So, there's something wrong with the foundations? Yeah, so you must just bring in the people who are involved, who make the claim rightly and see how you can bring in!

Thankyou very much, this has been very very important information for us, Asante. I was wondering whether you can put that information together and give it to us as part of this constituency.

Titus Korir: Yah, I will please give me two days, I'll do that.

Com. Kabira: We'll give you two days, and they can get the district co-ordinator to give it to for memorandum. We had said 15th but we can consider this one as part of today's presentation, which is what you gave now but I now confirmed in writing probably more detailed. So because I think it is important information, that gives a clear background to what we are looking, the kind of recommendation we are making. Thankyou very much Mr. Korir Now Walter Soi.

Walter Soi: Nitasema asante na ninataka nizungumze juu ya torturing.

Com. Kabira: Anza na jina mzee.

Walter Soi: Walter Arap soi. *Atinye ng'olyon ne kikuren en kiingereza torturing ne ngonam bik police ko birebik. Ko magimache kioton.*

Translator: He's talking about the issue of torture under the hands of the police, he's disputing it.

Walter Soi: *En kobwotutikyuk amache yon kaginam chito, ko mat kebir kot kiruokyi.*

Translator: On arrest of an offender, he should not be tortured but instead arrested and handed over to the police.

Walter Soi: *Ogot yon kagenam kora ak kosich makosa kerote lakini makisubi en prison kebokebire.*

Translator: He's talking about the condition in the prison. Upon conviction of an offender, the torture should not proceed to the prison itself.

Walter Soi: *Nyolu tun komong chito en prison kotinye Borrtanyin ne kararan.*

Translator: The offender or the prisoner should come out of prison a dignified man, and in good health.

Walter Soi: *Kora en prison ko nyolu kenai kele chito ne kakirat ko chito, non kokimoche human rights ko mo kebir ak chito ne nyolu kora ngomi prison ko nyolu komi kot ne nyolu kotinye ventilations tugul koyon ago mokimoche kochilge en go gotai kosamisit kot tun komong 'u chito ko kikomian.*

Translator: He's talking about the conditions in our prisons should be humane should be good generally. I mean the prisoner should not be subjected to inhuman treatment in the prison.

Walter Soi: *Kit age ne kotinye kora ko Tribunal Courts. Tribunal Courts ichu kenyoru en district inguni lakini nyolu ketinye en sub-location ak location ak division, konyolu ketindoi.*

Translator: He's saying that the Tribunal courts which currently exist at the district level should be expanded to division, locations and sub-location.

Walter Soi: *Ak kora kotini ko nyolu ketinye kotini en location.*

Translator: The courts also should be found within the location

Walter Soi: *Ak ketinye en Division.*

Translator: And the division.

Walter Soi: High Court kemoche ketinye en district level.

Translator: High courts are supposed to be within the district courts.

Walter Soi: Shamwa kounoton ko kikochilge bik missing

Translator: because our high courts are congested.

Walter Soi: *Konyolu ketar ng'alek kikeshin district. Kit age kora ne komoche amwa ko kotinye ak development leaders. En development leaders che kitindoi inguni konyeten sub-location, location, division, district level, ketinye bik che kikilewenwech. Kimache kolewen raia bichoto.*

Translator: So we should clear the matters at the district level. He is talking about the development (not district) leaders, district, location, division, should not be people imposed or brought from other areas but are supposed to be people elected by the people they represent.

Walter Soi: *Amun kocham in ngo chairman chief en location, ko ngoip tuguk koibchi DO, komobokokonye DO, iywei DO ko goi kegere kele tuguk che kokomoche ki- peoposen, che tinyege ak development chechok ko mobendi through. Ko nyolu koib chitage ne kilewenate bik.*

Translator: Normally the chief chairs development issues in the location. He feels that presentations done through the chief, things to do with development, do not go through because the chief ends up fearing the DO. The same will have to be taken via another person who was chosen by he knows not who. **(disregard the translation please, it does not reflect the speakers views)**

Walter Soi: *Amoche amwa kora ng'olyondonon bo human rights. Komoche amwa ale tibik ak murenik kotinye equal right kogerkeit amun ane kwo christianinden ko kikikochi tugul kergeindo.* The same image so that every image that a human being has got is the image that was given by God. So we have got the same image whether white, black what, we have the same image, so, that image should be recognised. *Ara teweche ne o* (laughter).

Translator: I would also like to touch on the issue of human rights. I would like to say that both boys and girls have equal rights. I as a Christian knows that all we given equality. (After the part he spoke in English he asked the translator what his job was going to be now that he had spoken English, hence the laughter.)

Walter Soi: *Ko en ng'alekyuk ko momi chon kiBorre chepto,ng'etet, hapana. Kerge tugul.*

Translator: According to him the issue of boy or girl does not arise. Hapana. Both are equal.

Walter Soi: *Kitinye kora culture. Kingoit chumbek u komakimagengi cultures. Ingen bichu, culture. Ko nguni any kaking'alal kele tepye kounoton non en chepto ak muren. Ne kokitun komokosiche kii en gaa yu, kobogosich en yun ko ne makitun kosiche en kap Walter.*

Translator: There is also the issue of culture. When the whites came, we sort of disregarded cultures. These people (audience) know the culture. It should remain so when it comes to a son and a daughter. If a girl gets married, her share of the land awaits her in her husband's place, if she does not get married, she gets her share at Walter's place.

Walter Soi: An equal share.

Translator: An equal share

Walter Soi: Ng'alekap compensation, chon kibosto ko ki chito kora en kipsigis ko chito kelenen kobar chito. Ngo korko ang'o muren, ko kikibose tuga kokergeit, kimagilotu.

Translator: He's talking about, in case of murder, murder was prohibited in the Kalenjin community, and as a way of cleansing, the person who killed, was supposed to pay something, some token to the bereaved family.

Walter Soi: *Ago ki kerge chi.*

Translator: And it was that if you murdered a girl or a boy the compensation was the same.

Walter Soi: *Mi ng'alekab koshonet. Ko ngeker koshonet ko mokilenen kele echegeen murenik che kemoche. Kimi circumstances che u yon mosich kap chi muren. Ko kikiyoni kotunis, ago nokere kora kotunishoni ko kikiyoni. Mama nenyun ko kikishon ago ne wo nenyun lakini king'olole bamon'go ak mama neo si koweche koito ago kiyoe inendet. Ko nguni ngap makouchoto conditions ii, kot ngo moche mureno koshon, ndomoche, ko acheng'imbaret age ak abagach chepyosani woo ak tugukyik, magiburbureni. Abokora ko kure murenu chepyoset neo. Komi kalyet. There will be peace.*

Translator: What he is saying, among the Kalenjin, he's talking about polygamist families. You are allowed to marry as many wives as you can, but always the first wife that you married is recognized, has more say. She's the one who allocates the land or negotiates with the second wife. So he is saying it should be allowed, but if you want to marry the second wife then you have to buy her somewhere then you leave the first wife to stay where you were before.

Walter Soi: *Age kokeny ne komoche amwa ko kotinyge ak imbarenu kakemwa kototen. Kenya Tea farms. Chuto chu, the tea estates.*

Translator: He is talking about the multi-national farms.

Walter Soi: *Kimagomi mapatano ne kikiyai ak chumbek ile kenysisiek cheten kole.*

Translator: He is saying there was no binding agreement between the locals and the Europeans or the colonialist.

Walter Soi: *Amun kingobwa chumbeki, konyokonam bikyok che kiindoe, che ki kondoik ak kikochi excile koba, si ngonyokoibe inoni ko kaba bikyok che kiindoe, ko mami, kiyai ak ng'o? Makiyai, kimache keyai any tugul inguni.*

Translator: He is talking of the lease of the agreement should be re-negotiated now and it takes a legal dimension.

Walter Soi: *Amun kikiwon bikyok agot arap koilegen, agot arap koilegen, agot achon, kigeshi Gwasi emetab lemek. Ng'o ne mongen en koi, makiwoni?*

Audience: Kikiwon.

Translator: He's talking about the early activist, I would call the activist. Those people who knew about the ownership were exiled, he has mentioned one like arap Koilogen. That was a Kipsigis activist. So the first thing the European did was to exile them and then enter into agreement with the collaborators.

Walter Soi: Kongoi.

Com. Wanjiku Kabira: Sorry, maybe just one question. The issue of the torture by the police, what is your recommendation on what we should do with the police?

Walter Soi: *Amache ke-arresten chito ak kimut quietly komomi biret.*

Translator: He is suggesting the person who is tortured should be arrested, he is not supposed to be tortured and charged in a court of law. And the person who committed that torture should be convicted, it is an arresting officer, he should be charged for that offence.

Com. Wanjiku Kabira: Okay, I think that's the only question I had. Thankyou very much for your views. Mr. Joseph Soi.

Walter Soi: Thankyou.

Com. Kabira: Sorry, that was Joseph Soi, Johana Siele, Okay hayuko? So we'll listen to him when he comes back. Jackson Kosgei.

Interjection: (not clear)

Com. Kabira: Actually we had both Walter A. Soi and Joseph Soi. So I was calling.

Interjection: (not clear)

Com. Kabira: Thankyou, Thankyou very much. Jackson Kosgei, oh you are there.

Jackson Kosgei: Kwa majina yangu vile umesema ni Jackson Kosgei. Vile mimi nataka ni hivi, ama vile mimi na-propose ni hivi. The President should not be above the law. Asiwe above the law.

Com. Kabira: Sorry, can you begin with your name and also hold the microphone next to you?

Jackson Kosgei: Vile nimesema, the President should not be above the law. Halafu tena asikuwe na...

Com. Kabira: Sorry Jackson, begin with your name so we know who is speaking.

Jackson Kosgei: Okay, jina yangu ni Jackson Kosgei. Vile nasema, the President should not be above the law, kwa sababu akiwachiwa anamamlaka kuliko sheria anaweza fanya chochote. Anaweza iba, anaweza kufanya kitu chochote kama economical crimes, na kwa hivyo hawachiwi akuwe above the law. Lazima akifanya makosa ahukumiwe hata akitoka kwa mamalaka, lazima tena ahukumiwe, afuatwe mpaka ahukumiwe. Kwa sababu tuseme kwa mfano, kama kuna pesa ameiba na akiwachwa tu aende hivyo, nani atalipa hiyo pesa, ni sisi tatalipa wenyewe, watu wa chini, common man, kama mimi sasa, mkulima wa nyumbani. Nitamlipia tena. Hiyo siwezi kukubali, nitakataa kata kata kabisa.

Haya, majimbo, federation governemnt. Mi nataka federal government kwa sababu, kwa mfamno kama tea estates wengi wameongea juu ya tea estates. Kusema kweli hii walifukuzwa, wengine wakapelekwa mahali pabaya, halafu Wazungu watawale. Wakapata shamba fertile ya kupanda chai, kwa hivyo tunataka tupewe shares, watu wa hapa, Kipsigis. Ninaongea, juu ya Kipsigis siongei juu ya watu wengine. Kipsigis lazima tupatiwe shares, kitu kama 75% wapatiwe watu wa hapa. Halafu watu wageni wenye wanataka kununua hio shares, wapewe kitu kama 25%.

Haya ya tatu maneno yama-chiefs. Maneno ya ma-chiefs, lazima wachaguliwe kama councillor halafu kiti ya assistant chief, hio itolewe kabisa halafu iwekwe mini, village elder, mzee w kijiji na maneno ya assistant chief itolewe kabisa. Halafu ku-replace hio maneno ya assistant chief, itakuwa village elder. Haya, halafu tuseme tushachaguwa watu kama chief, akicheza, hio tena tutatoa tena kwa 'vote of no confidence'. Same to M.P. hata councillor.

Haya, ya nne. Mi naingilia wanawake sasa. Wanawake si kuwachiwa ati reserve seats, hata hawa wapigania kama wanaume. Kama wanataka equality, sawa equality iendelee hivyo, na ifanywe hivi, lazima wapigania kama wanaume, kama sisi. Hata mimi nimekubali equality sawa. Hata kama nikuenda vita, lazima waende frontline. Haya, (laughter) halafu maneno ya title deed, hiyo haiwezekani, kwa sababu mimi nimeoa, tuseme niko na title deed, ilikuwa yangu. Inawezekana aje, ati akuje kutoka kwao halafu tena tuandike title deed jina yangu na yake? Ya nini? (laughter) Kitu kama hiyo (ring) sikubali. Title deed bibi yangu akipaka title deed imeandikwa jina yangu akae hivyo; kwa sababu hata mimi nitagawia watoto wangu. Na msichana kusema ukweli kwa maoni yangu, mwenye hakuolewa, nikipatia siri ya shamba kidogo ni 2% na mwanaume ni 98%. Polygamy inategemea dini. Tuseme kwa Muslims, lakini mimi ni Christian Polygamy should, iendelee tu.. inategemea dini, kama dini inakubali uoe hata 10 ama 100 sawa, Borra tu ulinde hao vizuri. Ni hiyo ninayo, sina maoni ingine, Asante.

Com. Kabira: Okay Thankyou very much kwa maoni yako. Asante sana. Tafadhali jandikishe. Now Daniel Makibior.

Daniel Makibior: My names are Daniel Makibior. I have some issues here to say. First on the security side.

Interjection: (Not clear)

Daniel M: Yah

Interjection: (Not clear)

Daniel M: On the side of the Executive the qualification of the profession should be.

Interjection: (Not clear)

Daniel M.: Okay. Qualification for the Presidential candidate should be form four level. Tukisema President akuwe na degree, someone can have the quality to be the President but hakumaliza mambo ya degree. The constitution should provide for the removal of the President for misconduct while in office. Hii ni kumaanisha kuwa kama President amefanya kosa, labda hata kuna kosa ati pesa imepotea ni lazima atolewe kwa offisi kwa vile hakutenda haki. The President should not be a member of parliament. In this point I mean that, the President should leave that M.P position for somebody else, so as to have time to do

his or other duties as the President.

The provincial administration is needed and it should remain the same. On this side I want to touch mostly the part of the chief. The chief the community to have the right to vote somebody in as the chief. The office of the assistant chief should be removed completely and taken by village elders. Those are wazees wa kijiji wanaojua sanasana jinsi watu wa kijiji hicho wanakaa.

On the side of the local government the council should not work or operate on the central government but they should finance themselves and maintain their finances. They should send on third of their own income, that is from the council to the central government and just the central government to be just as a monitor. The people should have the right to recall their councillors back home if they miss to satisfy their people well.

On the other side of the basic rights I want to think that death penalty should not be abolished, but should be morally enforced since more crimes will be committed if the penalty is removed. On the side of education, the constitution should provide free and compulsory education so as to allow the poor and those people from minorities to have knowledge.

Kenyans should also have the right to access information in the possession of the state, and any other agencies, or organs in the state. This is to enhance good job performance and good use of finances in such places.

The interest of the disabled people should be taken care of. In this point I think the disabled people are always being neglected due to their physical appearance or the way their disability is. And to point on the other groups that should be taken care of are such as old people, the old people nowadays are being taken as just who are seen. Wamesahauliwa (not clear) walikuwa nao. So I think they should be taken care of by providing or starting a rehabilitation centre for them.

People with incurable diseases should be considered because after some time people may say that the person is going to die though he may live long. (Ring) So I think we should consider something small for the people who are having incurable diseases. Lastly, the constitution should be written and be produced in all regional languages. It should be distributed to each citizen of this country. I think that is the few I can mention. Others are in written. Thanks .

Com. Kabira: Thankyou very much Daniel. Your issues were very clear so we don,t have any questions. Okay Mr. Joel Cheruyoit.

Joel C : Kwa majina naitwa Joel Cheruyoit kutoka Kapsuser location. Kuna mambo kadha ambayo yamesha zungumzwa na ningependa kutaja moja au mbili kuhusu childrens right. Zamani kidogo, watoto wetu wasichana walikuwa wakiolewa karibu wote. Lakini wakati huu imekuwa shida. Wengi wao wanabaki nyumbani. Na ningependekeza property ya mzazi apewe watoto wote yaani equal, each child should be given equal shares, be it land, be it any other property, they should be given equal

shares. Particularly those daughters who have not been married, because as I said most of them are not getting places to go and live in. Nasema hivyo kwa sababu, wakati watoto wazaliwa hakuna mtu anayemwambia Mungu ama hakuna mtoto ambaye anaandikia Mungu kwamba, “ningependa kuwa msichana au mvulana.”

There is no application that is done by either a daughter or a son to be Born as such. So watoto wanazaliwa tu. Wanazaliwa, hawezi juwa kama atakuwa mvulana au msichana. Isipokuwa wazee wa zamani walipitisha ya kwamba wasichana hawatapewa vitu nyumbani kwa sababu waliamini kwamba wote wataolewa. Lakini kwa vile mambo yamebadilika, wasichana pia wapewe kitu.

Jambo lingine litahusu President, the executive. Wakati huu, kwa sababu hii sasa ni review, wakati huu President is above the law na napendekeza asiwe hivyo kwa sababu anaweza kufanya makosa, na akifanya makosa akiwa above the law, hawezi kuhukumiwa. Kwa hivyo ningependekeza awe kama kila mwananchi. Akifanya makosa aende kortini astakiwe kwa sheria ya nchi, na ahukumiwe kulingana na makosa yake.

Kwa mambo ya mashamba pia. Wakati huu, kuna matatizo mingi hapa nchini yanayohusu mashamba. Unaona watu wengi wanaenda kortini kwa mambo ya mashamba na sababu ni kwa sababu ya chiefs. Chiefs wengi wanaingilia mambo ya mashamba kuharibu ama kuchochea mpaka watu wanapigana. Wanaenda kortini na labda watu wangeachilia wazee wa kijiji badala ya kupeleka kortini, ingekuwa afadhali.

Lakini chiefs hata wengine wameenda hata kupita location yao, sublocation. A chief in a sublocation anaweza kuenda location ingine kutetea kesi ya mashamba pande ingine, na hiyo unaona si sheria nzuri, it is bad law. I am saying that because I am even one of them, I have been affected. I have a land in Kiptere and I had a dispute with somebody who wanted to gain that land by adverse position, and the chief from Waldae interfered. He went to another location to interfere and it had been ruled in the high court that the land belongs to me and that man be evicted. The chief of Waldae with his assistant chief went to Kiptele location to interfere, to look for false witnesses to go and testify again in a case which has been ruled out. So I am proposing that the chief should be given strict rules to follow. Most of them appear not to know what they are doing. Wanafanya kazi tu general. It should not be general. They should be given strictly some duties and again the village elders should be people not appointed by the chiefs. They should be people appointed by the people, the locals. That's all.

Com. Kabira: Thankyou very much. Any question? Thankyou very much for your clarity and your presentation and for the views. Now Silas Chepkwony. Hayuko? Okay, Charles Simotwo.

Charles S.: Kwa majina mimi ni Charles Simotwo. I'm going to present on the preamble. It should have a uniting role.

Interjection: (Not clear)

Charles S.: Okay, Kenyans should be inspired by the words of the national anthem, for example, the first stanza should be on the relationship between man and God. Second, citizenship, call to be responsible, and third one the dignity of our country. Justice should be emphasized as the key to national prosperity.

Republic of Kenya: Kenyans are the sovereign in the land. Fair treatment for all, supremacy of Kenyan constitution, disabled and street children should be defined in the constitution. The three arms of the government should work independently; in this one there should be no interference between the executive, judiciary and the legislature. Appointment to public offices should be by an independent body of professionals, and be vetted by parliament. Parliamentarians to have constitutional office at the constituency. Constituents to have no confidence in the M.P if he fails to visit them for three months, or at least three months. They should have no confidence with them. There should be an independent body to investigate to help checks and balances. Presidential appointees be approved by professional ethics. Nominees should serve special interests e.g. the disabled.

The trust lands. These should be entrusted to the local community. Forests should be preserved and left under the care of local people. Lands acquired illegally should be repossessed. Dwelling squatters to be considered. Government properties: government vehicles should be used only on official duties, no vehicles should be used over the weekend, because nowadays we find vehicles being used over the weekend; maybe they transport even children during the market days. That one should be limited.

Levels of government: we need a government of national unity, provincial administration be retained. Chiefs should be transferred like the civil servants, local government should be run in the districts not by the ministry of local government. (Ring). Lastly, languages: English and Kiswahili be official. Kiswahili be strengthened in Kenyan institutions of learning. Other ethnic languages be recognized.

Public property; public property e.g schools should be under local communities. Security: public security to be maintained. there has been laxity in the police in providing security. Most of the insecurity in the urban and rural areas is done in collaboration with security personnel.

Citizenship : Kenyans should be given different identities from foreign Kenyan citizens. There should be issuance of I.D at provincial level. Education should of old system of 7-4-2-3 and be free for all and be a must. Thankyou.

Com. Kabira: Okay, Thankyou very much for your views. Is there any question? Okay, we don't have a question for you the issues were very clear. Asante sana Mr. Simoto. Do we have Mr. K.A Lagat?

K.A. Lagat: Asante sana; kwa majina naitwa Kiptanui Arap Lagat. Kabla sijatoa maoni yangu ningetaka kutoa rambirambi zangu kwa kifo cha daktari Ombaka. Niliwahi kusoma naye katika university of Nairobi mahali nafikiri Professor Salim alikuwa akifundisha kule university. Sasa natoa salamu kwa familia ya daktari na tena kwa tume ya kurekebisha katiba. Maoni yangu

yatakuwa machache sana. Nitaongea kwa lugha ya Kiswahili ili watu wote waweze kuelewa. Ya kwanza ningetaka kusema ya kwamba ingestahili Jamhuri ya Kenya iwe na serikali ya majimbo, na tukiwa na serikali ya majimbo tunataka kuwe na President, makamu wake, tuwe vilevile na prime minister, na manaibu wa prime minister.

Interjection:

(Not clear)

K.A Lagat: Okay, nitataja kama wanne hivi, manaibu wa prime minister, na tena ningependelea kusema ya kwamba President na naibu wake wasiwe wajumbe wa tawi; yaani President and his deputy be of no constituency M.Ps, yaani wawe national M.Ps ili wawe wakitekeleza mambo yao kama waakilishi wa Kenya lakini wasiwe kama wa Belgut, ama sehemu zingine ndogondogo. Now, tunakuja kwa wajumbe na madiwani. No, wajumbe kwanza. Nataka elimu yao isiwe chini ya degree ya kwanza, first degree kwa wale wanataka kuwa mjumbe, au wajumbe wa parliament. Kwa wale wengine, civic leaders, councillors wawe na elimu ya kidato cha nne, yaani form four. Basi, tena nataja kwamba wajumbe na councillors tuwe na sheria ya kuwatoa hawa bungeni ama cancelled ikionekana ya kwamba hawawezi kazi zao. Warudishwe manyumbani halafu tufanye uchaguzi vile vile. Wenye kiti na mayors kwa councils, ambao wanasema wawe zaidi ya mika 35 kwa umri. Wawe wanachaguliwa na watu wa wards zote, kwa councils ikiwa wote ni county council ama ni municipal. Yaani wasiwe councillors wa sehemu ndogo. Wawe councillors wa municipal nzima, ama ni county council nzima. Wananchi wa huko ndio wachague hawa.

Na napendekeza tena kusema ya kwamba nomination ya MP's na madiwani, ifutiliwe mbali. Tusiwe na nomnated MP's ama madiwani. Napendekeza tena kusema ya kwamba kwa sababu nchi yetu Kenya tuna maKabira mbali mbali, tuna maKabira makubwa ingine ni machache. Nataka kupendekeza ya kwamba, maKabira ywote ya Kenya wawe na wilaya yao. Watu kama Dorobo wawe na wilaya, watu kama Taveta, nilisoma jana kwa magazeti wanataka kuwa na wilaya yao, wapewe. Wengine kama Sengwor, sijui kama nyinyi munaelewa ni watu gani? Wapatiwe vile vile wilaya yao, na watu wengine kama Njemsing wale wengine wote, yale maKabira ya Kenya ambao hawana, wapatiwe ili wawakilishe mahali popote.

K.A. Lagat: ... watakuweco. Watakuwa na wakilishi wao, lakini kwa wakati wa sasa hakuna. Sasa nakuja kwa upande ya mashamba na mali yote ambayo unaweza kurithi. Nasema ya kwamba, na hii nasema kwa Kiingereza all citizens have rights to own land or property in this country. Katiba iwe inatambua hiyo. Na tena nataka kusema ya kwamba, sheria ambazo zina govern hizo properties ama land, ziwe zimerudishwa kutoka central government, ije local authorities. Kwa sasa tukishapata, kila Kabira iwe na wilaya yake, basi hizo maneno ya mashamba na sheria zao zirejeshwe kule.

Sasa nataka kuongea, kwa sababu hii mambo ya multi-national companies (ring) hapa Kericho, ni vile Bwana Titus Korir alisema kweli, there exists lease agreements and their duration is 999 years, kwa hayo na-company ya mchai. Na napendekeza ya kwamba hii 999 years irekebishwe ilisemwe kwamba ni 99 peke yake halafu tutabaki na miaka kama 10 ama 5, ziishe.

Ikishakwisha hivi, wananchi wenyewe wa Kericho, wamiliki mashamba yao. Na kwa wale ambao walitolewa, waling'olewa kwa mashamba hayo wakati Wazungu wanachukuwa, tunataka wapatiwe compensation, kama compensation ni kupitia share-holding, ni sawa sawa. (Claps) Na hawa tena, ma-companies waambiwe ya kwamba, hawana ruhusa yoyote kuuza, ama kufanya lease, ama kufanya transfer kwa haya mashamba. kwa mtu yeyote. Kwa sababu, hayo mashamba si shamba lao. (Claps) Na nataka sasa kusema tu moja tu pekee yake, ambayo nafikiri haijaguzwa kuhusu maneno ya settlement schemes. Nafikiri settlement schemes zimekuweco kila mahali katika Kenya hii, na ningependekeza kusema kwamba mahali popote ambayo imepatikana settlement schemes, wananchi wa huko kwanza wafikiriwe, kabla ya watu kutoka nje wapewe hayo mashamba. Hiyo ndio maneno ya settlement scheme ya serikali; na nataka sasa kupendekeza kuhusu mashamba ya, large scale farms ya serikali kama A.D.C.

Ningependekeza kusema ya kwamba haya mashamba yarudishwe tena kwa serikali ili serikali iendeleshe mambo yake kama ni agriculture, iendele. Halafu wananchi kama sisi ambao tumenyakuwa Kitale, tumenyaku Mombasa, tumenyakua kila mahali, unakuta napata iko ekari zaidi ya elfu na elfu, na sifanyi chochote. Hiyo iwachiwe kabisa, serikali ifanye kazi yake, mashamba ya serikali yawe ya serikali na wale wananchi ambao hawana mashamba, wapatiwe mashamba ndogo ndogo, kwa mahali ambapo mashamba yanaweza kupatikana na kwa wilaya zao.

Sasa ya mwisho kabisa, kuhusu, hii term ya kusema, two terms of five years each for the President. Tukishasema tunarekebisha katiba, nataka kutoa maoni ya kwamba hii itupiliwe mbali ili President ambaye yuko sasa kama anataka kusimama, asimame. Mtu yeyote akitaka kusimama, aimame lakini hii kusema "two term" ama namna gani itupiliwe mbali. Kwa sababu pengine tunaweza kuwa na President ambaye anafanya kazi yake lakini kwa sababu constitution inasema lazima iwe kumi peke yake tunaweza kupoteza mtu namna hiyo. Wacha tuwe tukimpenda sawa sawa tusipompenda basi tunamngo. Ni hayo tu (Claps)

Com. Wanjiku Kabira: Just wait for a minute.

Com. Prof. Salim: Bwana Lagat. I've got a minor point of clarification. Umesema kwamba kila Kabira liwe na district yake?

K.A. Lagat: Ndio.

Com. Prof. Salim: Wajua Kabira ni nyingine kubwa, nyingine ndogo? Zingine zina cover zaidi ya district moja. Je, tufanye nini katika hali ya Kabira ambazo ni kubwa, hizo zitastahili kuwa na districts zaidi ya moja?

K.A. Lagat: Vile mi nasema, kwa sababu hatujawahi kusema kujua namna gani. Tuseme kama watu wangu wa Dorobos. Nakuru district kuna Kabira wengi na hapo ndio Dorobos wako, wanaishi. Ni pendekezo langu kusema ya kwamba, Nakuru igawiwe kame iwe sehemu mbili, Dorobos wawe na district yao, na wale wengine, kwa sababu ni Kabira wengi. Lakini kwa sababu unajua wakiwa kwa district kubwa kama Nakuru, ama kama Trans-nzoia, kwa wale wengine Sengwer. Sasa kule wanapotea kabisa kwa umati wa watu wengine. Kwa sababu nataka hawa watumbulike, wajulikane wako, kama tuseme sasa

tuko na Suba, ni Kabira ndogo hawako wengi sana, lakini wako na district yao. Kuria vile vile wako na yao. Na ingefaa kama watu kama Dorobo, Elmorro vile vile kule Turkana, ili wajulikane, wawe na sehemu yao kidogo, hata kama itakuwa location. Borra tu inajulikana hawa wako, kwa sababu wakati serikali inagawa vitu, kama hawa hawajulikani sasa hivyo vitu hawapati. Na tukienda mambo ya uajiri, unataka kuajiriwa kazi, wale wanasahaulwa. Ni kutaka tu wao wajulikane wako.

Com. Wanjiku Kabira: Nataka kupata hiyo neno kidogo kwa sababu kama ukigawanya Nakuru District mara mbili, upande moja iwe ya Wadorobo. Nakusema ni Dorobo pekee yake wanakaa huko, au nikusema the culture of that community now will be guided by you know Dorobo. Or whether they will be the political representatives or what does it mean for a tribe to have a district?

K.A. Lagat: Yangu, pendekezo langu ni kusema hao watu wajulikane wako, na wako na wilaya yao, na wako na kimila zao, cultures zao. Hiyo culture iwe inajulikana kabisa. Tunaishi nchi ya kama tuseme Kipsigis sasa, tunajua hawa watu wanaishi namna hii, wako na kimila hivi na hivi. Lakini, tuseme ya kwamba watu wengine hawatakiwi wawe pamoja, hapana There is that freedom of association, movement and all those. But kwa sababu niliongea juu ya Dorobo, for example, land tenure yao, yaani sheria ambazo wanafuata kumiliki mashamba, ni tofauti sana na watu wengine. Hawa mashamba yao wanakaa clan shamba hii ni yetu yote, na kama Maasai, vile unajua wanakaa kama group ranches and all those, Wawe tu wanaishi vile wanajua kufuata sheria zao, lakini si kusema ya kwamba watu wengine wasiende huko. Yaani sehemu zao, za hawa watu zinajulikana. Unajua wale Dorobos wanaishi wapi. Sasa hizo sehemu zao, ndio zao, wapate districts zao huko, na waishi kama watu wengine. Halafu kama kuna mambo ya serikali kutekeleza nini, na mambo yote, hao vile vile wafikiriwe.

Com. Kabira: Kwa hivyo tukijua mambo ya Dorobos, tunajua mahali pale utaenda.

K.A. Lagat: That's right.

Com. Kabira: Okay. Thankyou very much.

K.A. Lagat: Asante sana.

Com. Kabira: Okay, Ms. Nelly Lagat.

Mrs. Nelly Lang'at: Kwa majina naitwa Mrs. Nelly Lang'at nitaongea kwa niaba ya Kapcherere Women's group. Na nimeandika kidogo kuhusu the women's right. The women should be given their own rights. For example, married women should share title deeds with their husbands. If the husband has so many properties, some title deeds should be written under the wife's name. So that if the family has got some unpaid loans, all properties cannot be sold. Then married women should not be beaten. If there are some problems between the husband and wife, they must solve their problem instead of beating

each other.

Then taking care of children. Both parents should take care of their children. Some husbands leave whole burden to their wives. Sharing family property. Man should not share land with only their sons but also with their wives and if there are some unmarried daughters, they should be given a share also.

Children's rights. Children should be brought up in a good, caring and healthy life. Children should be fed well, clothed and educated well by both parents. Both boys and girls should be educated equally. Neglected children, their parents are to be blamed. Both parents can be jailed because these street children, bring the country into problems. We have bank robbers, they are roaming in every town. I think there is a chief in every location in Kenya. So chief's must see that, who is who in his/her location; and must know that so and so has got what number of children; and all of them must be taken to school. If not those parents must be jailed because they are themselves who brought those children to this world. Unmarried girl, should be given a share of land by her father because boys and girls are all his children. That is all what I have. Thankyou.

Com. Kabira: Thankyou very much. I think your issues were very clear and asante Now, Mr. Daniel Borr.

Daniel Borr: Kwa majina yangu ni Daniel. Borr. Ninataka kupendekeza kuhusu ma-chief na ma-assistant wao. Nataka hawa wachaguliwe na raia, maana hawajui wanafanya nini, wananyanyasa watu. Ninataka kuongea kwa mambo ambaye ananihusu mimi mwenyewe. Ma-chief walikuja kwa shamba yetu, wakakata shamba yetu karibu eka moja na nusu. Na tulipo lalamika tukakataa hiyo maneno yao, tukaenda mpaka kwa tribunal. Sisi tulijaribu kukataza hao wasiingie kwa hiyo na sisi tulijaribu kukatasha hao wasiingie kwa hiyo shamba, wale walalamishi. Ilifika wakati moja ambayo D.O. aliandika barua, na akaniandakia mimi mwenyewe akasema, ukidhubutu kupita hiyo maneno ya tribunal we utawekwa ndani. Hiyo shamba ni ya hiyo watu. Na hiyo barua alinifanya mimii niende mpaka kwa D.C. Na Bwana D.C. aliamuru D.O. kwamba, shamba yote ambaye imeandikisha hapana husiana na wazee maana wazee map, wazee hawana number Akamuabia D.O.. 'Andika barua umuamuru District Surveyor aende aangalie hii shamba yote mbili inajulikana hii ni ya nani na kiasi gani? na hii ya nani, ni ya kiasi gani? na itaonekana boundary. Basi nililetee hiyo barua na kumpa D.C. copy ya hiyo barua. Nililipa Surveyor, wakaja kwa shamba pamoja na askari wa D.O. Kufika pale wale watu wakafanya mpango wakasema, "hatutaki hiyo mambo ya surveyor, tunataka ile mpaka wazee walituonyesha". "sasa tulikaa tu. Wakati wanataka kuingia kwa ile shamba, mimi mwenyewe nilikataza. Nikawambia, "mlikataa surveyor ya kuonyesha haki, mwisho wa shamba yenu ni wapi na yetu ni wapi" Sasa walifanya mpango wale, chiefs (ring) ndio ninasema Chief akafanya mpango na askari yake nikashikwa, nikapelekwa kortini. Nimeendelea kuja kortini mpaka mimi ninashinda hiyo kesi. Nikaja chief, hawa tena machief na manaibu wake, na wale watu wakasema "kesi bado kwisha." Nilienda mpaka kwa D.C.. D.C nikampa yeye nakili ya ile proceedings. Sasa D.C. akasema, "kwenda umuambie ma-chief yangu wasiingilie hiyo maneno tena, wakiwa na maneno waje kwa ofisi yangu". Nilirudi tu pale pale juzi tu, tarehe 10, mwezi huu, na D.C. ilikuwa natuma mimi tarehe 5. Mimi kurudi huko, anasema "hiyo shamba yenu iko maneno tu, maneno bado kwisha tu" maneno ilikua tarehe 22 Januari mwaka huu, mimi sikuwa na hatia, na inasemekana

hakuna shamba hapo, hakuna miti yao hapo. Ni hayo tu nilikuwa nataka kusema, nyinyi ndio mtaangalia, maana nataka kurekebisha katiba, si ya kunyanyasa watu, lakini ni ya kuchunga watu, ni hayo tu, asante.

Com. Wanjiru Kabira: Asante sana, umefanya vizuri kutuambia kesi hiyo ya shamba, kwa sababu inaonyesha ile taabu iko juu ya mashamba, na taabu ni mingi ya mashamba. Lakini vile tungetaka tujue, utambie, kutoka na experience hii yako, kwa sababu hiyo cases zinaenda kwa the Njonjo Commission. Si walikuwa hapa, Njonjo Commission.

Daniel Borr: Ni nani huyo?

Com. Kabira: Mnajua yule Njonjo yule alikuwa...

Daniel Borr: Yah. Eh ndio. Ehe.

Com. Kabira: Tume ya Njonjo inaangalia hiyo mambo yote ya cases za land, lakini tungetaka utuambie, kwa experience hii ninayo nimeona cases za ardhi, ziangaliwe kwa aina hii kwa constitution. Kama vile ulisema, sijui kama umesema pendekezo lako ni cases zote kutoka locational village level, locational and so on. Ziende kortini, au ni vizuri ziangaliwe na wazee wa vijiji na chief asiingilie kwa case za mashamba, au pendekezo ni gani?

Daniel Borr: Pendekezo ni hii, wazee wanaweza sema, haki lakini chief mwenyewe ndio ni naona iko na makosa; maana pengine sijui anahongwa, sijui anafanya nini. Maana hata hii, D.C. mwenyewe amesema hataki kuingia hiyo maneno ambayo imekwisha kortini. Na maneno ilikwisha kortini ikitaka kusonga inapelekwa high court, hapana rudishwa nyumbani huko. Sasa ye anasema “hiyo maneno bado kwisha” wale watu ambao tulikuwa tunafanya case na wao wanasema, “maneno bado kwisha, sasa ndio tunakosa, sijui tutafanya namna gani?”

Com. Kabira: The chief anapata hiyo nguvu kutoka wapi? Ni nguvu ya kusema ile korti imesema haifanyiki?

Daniel Borr: Ye anasema tu, maana hata mimi nilikuwa napata yeye na askari yake, na wale askari walikuwa wanaambiwa wanishike, hao vile vile wanasema “wewe uko na makosa tu. Hiyo shamba yenu iko na dispute”. Sasa karibu hata mimi namwambia, “si mlinishika bure? Na mimi sasa nimetoka kwa Kortini, “lakini mimi sikutaka kushindana na hawa. Sasa ndio tunataka tuende na ndugu yangu tena tumuambie, “Bwana D.C. tutafanya nini? Proceedings ye yiko nayo, ye amekaa na hii ma-chief yake, lakini ma-chief inasema, “kesi bado kwisha”. Wale watu vile vile wanasema, “kesi bado kwisha, shamba ni yetu, tunataka kupata tu ile mpaka wazee waliweka.”

Com. Kabira: Kwa hivyo hata corruption iko?

Daniel Borr: Nafikiri namna hiyo.

Com. Kabira: Na pendekezo lako juu ya corruption ni nini?

Daniel Borr: Ndio mimi nilikuwa nasema, nataka apigiwe kura kama mjumbe, kama councillor halafu yeye akifanya corruption namna hii; wananchi wanaweza kujua watafanya nini, halafu tunawacha yeye kuendelea kunyanyasa nchi na watu.

Com. Wanjiku Kabira: Asante sana, na tunaomba hiyo kesi imalizike, na shamba irudi kwako.

Daniel Borr: Asante sana.

Com. Kabira: Asante. Okay, Bwana Kenneth Yegoh.

Kenneth Y: Kwa majina naitwa Kenneth Kirui Yegon. I represent Kabianga location. In our discussion, we agreed that the constitution be translated into various indigenous languages. We also agreed that, we adapt a preamble, like the American or the South African (whispers). We can Borrow something like “we the people of Kenya,” as it brings out a sense of identity, or a sense of ownership of that particular constitution.

We also agreed, the President should not be above the law. The section in the constitution that allows parliament to amend the constitution by 65%, be revised. If its not a referendum we make it to 75%, of the majority rule. All the Presidents we agreed he should not be below 35 years of age, and not more than 60 years. He should be of sound mind. His powers be reduced and redefined. He should be a degree holder, first degree. He should retire after 2 terms of 5 years each. He should be entitled to some retirement benefits, which should be determined by an independent body, and approved by parliament.

We agreed that the President should be impeached incase he fails the constitution, he should be impeached. On voting we said, secret ballot, is the best. Counting of votes should be done at the polling station. The administrators, should be out of the polling stations and security ensured. On the nomination of members of parliament, nominated members must be from a special group e.g. the disabled persons, the NGOs, the Churches. (END OF SIDE A TAPE 3)

Kenneth Y.: Should be determined by the size of waters, geographical infrastructure, institutionS etc. Those with few need be developed by the nation. On administration, should be appointed by parliament and answerable to parliament. Must not be below a diploma holder. D.Os and D.Cs, P.Cs must be graduates, particularly conversant with law and political sciences. Should not be allowed to be chairmen of respective areas of the rural development committees. Senior and retired public servants of clean record, should chair such meetings, appointed by parliament only. Chiefs should not act as arresting, prosecuting, or judges in their place of work. Whenever one is arrested, he should be brought in front of a judge or court of law within 24 hrs of arrest. Retiring age should be strictly 55 years on councilors: be not “less than 30 years, have diplomas or

have a clean record. Mayors and Chairmen be elected directly by the people.

On the executive, any member of the executive who has been implicated in any type of scandal, be taken to court of law and thus loses his seat. An executive should only hold one office, one man, one job. Should not own big, I mean, the salaries or remuneration should be at par with those of the university lecturers, doctors, lawyers and determined by an independent body.

The Presidential election should be done first before the parliamentary elections; and the President should name a running mate.

On the judiciary. The A.G. Chief Justice, and judges should be appointed and vetted by the parliament. The role of the Judicial Service Commission should be redefined. The Attorney General (ring), the Attorney General should not sit in the cabinet, instead, we create an office of, constitutional affairs minister, who will sit in the cabinet. I think I'll just run faster.

On education. Free and compulsory primary education with, introduction of A-levels and scrapping out of the 8-4-4 system of education. Subsidizes education for those who go abroad if not in full scholarship. Quota system be retained, in secondary and tertiary colleges only.

On religion. A regulatory, a religious regulatory body be instituted to deal with registration and organization of churches; to contain mushrooming churches which can take advantage of fleecing the innocent worshippers.

On agriculture, we introduce guaranteed maximum return to farmers. Liberalization should be guided, so that farmers are not exploited unnecessary importation.

On prisoners. Prisoners be trained in various skills while in prison. Compulsory academic education, commencing on the level of various disciplines, among the prisoners. Those will be used to teach their fellow inmates for at least 2 hours a day, and pay them some honorarium. I think that's all.

Com. Kabira: Yes Thankyou very much for your views which were clear. Okay, Mr. Paul Chepkwony. Paul Chepkwony is not there. Mr. Benjamin Ng'etich.

Benjamin Ng'etich: Asante sana, ni mara yangu ya pili kuja hapa; nasema maneno moja short-cut tu, ya kukua kiswahili yangu najua ni ya zamani ya mashambani. Kwa hiyo sasa nasema ya kwamba vile mshazungumza mambo ya katiba, ambaye yaani ni uhuru wetu ambayo tunataka, majimbo, hiyo ni taryari nimeshazungumza hiyo. Leo nazugumza kweli, ijapokuwa watu wamekwisha gusa. Wakati Wazungu walikuwa wanaingia nchi hii, wazee wetu kwa nchi hii...

Interjection: Tafadhali anza kwa jina.

Benjamin Ng’etich: Jina langu naitwa Benjamin Ng’etich kutoka sigowe yaani Belgut. Sigowe division. Kitu mimi ninasema ya kwamba, wakati Wazungu walikuwa wanaingia nchi hii, alipata wazee wetu, nchi hii yetu ilikuwa msituni. Halafu wazee wakazungumza nao, wakasema wacha kwa sababu kule ilikuwa nyasi ambayo ilikuwa hakuna msituni, ilikuwa forest hakuna pande hii. Sasa wazee wanasema anapendekeza ya kwamba, wacha Wazungu aingie huko ndio sasa hao lipatana kweli. Anafanya lease 999 kwa hii msituni, anasema kaeni hivyo. Mpaka sasa, sasa swali yangu inajibu kwamba, sasa Wazungu wameenda afaa hii mchanganyiko tuwe watoto wetu. Hasa hata kwanza upande ya Belgut. Isiwe si mtu ambaye anatokea pande ya masaai. Nipe watoto wetu wafanye nayo shuleni, asome naye, sasa Mzungu ameenda, sasa Mzungu ya kwanza ni nani, si ni sisi? (Claps). Hiyo ni swali moja. Natosheka kabisa. Wazungu ifukuzwe ng’ambo, na sisi tuko hapa na hii mashamba kweli hata juzi tumegawa hii mashamba Burefi na sisi tuko pande hii, chai yote ya Kericho yote, hapa mamlaka, wako (not clear) Belgut tuwe nao, halafu watu wote, wanaweza pata faida si, kweli?

Audience: Kweli (hapa)

Benjamin Ng’etich: Neno lingine mimi naona mna ng’ang’ania mambo ya urithi ya nyumbani. Kama mtu yuko na bibi mbili, unajua wazee wetu walikuwa na bibi mbili au tatu. Lakini kama mambo ya nyumba yule mkubwa, hapana weza kuja nipa watoto wa huyu bibi kidogo. Kila mtu na mamlaka yake. Kama anataka kuenda mpaka hapana iko kitu, hawezi nyang’anya ule. Kwa hivyo, Kipsigis ilikuwa najua akili, hapana kweli? (claps). Kama sasa ile bibi hapana pata mvulana, anaweza kutafuta mtu mwengine akalipa arithi, kwa ile ng’ombe yake ambaye anapata kwa sababu alikuwa anategemea kila mtu na akili, hata kama bwana, nasimamia naangalia tu, hii ng’ombe ya pande hii hapana kwenda pande ile (not clear) namna hiyo? (Claps). Kwa hiyo tunataka sasa sheria ya Kipsigis ikuwe namna hiyo, mamlaka yao, bwana alikuwa anachunga tu ng’ombe yako isiguzwe si pelekwe huyu. Hiyo sasa ilikuwa msimano mazuri. Hiyo sasa ni sawa.

Mimi sio mingi. Juji nimekwisha zungumza mambo ya (not clear) hakwisha zungumza mambo ya forest. Nilisema forest sasa huko achungwe. Sitaki forest watu waingie waharibu. Sababu kama forest naharibika sasa tutapata shida. Mvua hawezi kunyesha pande yetu. Juji tumesema ya kwamba, forest ilikuwa muhimu kwa sisi watu wa Kipsigis. Mtu akizungumza namna hii, hiyo forest yetu ilikuwa (not clear) kama sasa mtu akipiga mtu anasema, Ngo, we nasikia kumbe yule hata mtu napiga mayowe namna gani anasikia mstituni naitika. Kwa hivyo sasa kama tumemaliza msituni, italeta taabu, na ile nyama ambayo iko ndani yake kama naharibu, sasa iko faida gani? Kwa hivyo sasa yangu siwezi kuzungumza nyingi. Nashukuru mambo ya katiba, tunasikia wengine wanaza maneno mazuri mazuri lakini tunataka mchanga yetu. Uhuru, tupate huru kwa mchanga yetu, watoto abahatike kwa pesa ambayo inatoka kwa chai. Hii anaitwa faida ambayo naweza kuzaa huko. Asante sana, mimi sitaki maneno mingi, very good.

Com. Kabira: Mzee usiende tafadhali. Leo misitu inaangaliwa na nani?

Benjamin Ng’etich: Eh?

Com. Kabira: Misitu, inaangaliwa na nani?

Benjamin Ngetich: Na wananchi (not clear) kwisha pata mtu ambaye mamlaka wananchi wakishatoa yule mtu, wanaweza kusema ya kuongoza, hiyo ndio wananchi wanaweza kufanya, tuseme sasa President yetu kuwa yuko juu hapana wezapata mamlaka peke yake. Akuje kati kati hata wengine wakubali. Ataelewa ile watu tutachagua nyumbani, mpaka wenyewe wanasema huyu nafaa; sababu mwengine tunataka mtu ambaye yuko na character au *misto ne kararan. Keker kele chichi ne nyolu kondochi boisiek*. Naona kwanza, wazee wanaweza angalia kweli hii mtu mahali anasimamia sisi tunaweka yeye asimamie hiyo misitu. Kama sisi kwisha weka yule mtu mahali anasimamia; sisi tunaweka yeye asimamie hiyo misitu. Kama sisi yote ambaye natoa tunampa mamlaka nani, inaweza kuchungwa. Pengine mwengine atakuja wajaze hiyo maneno.

Com. Kabira: Okay.

Benjamin Ng'etich: Mi nakataa tu kusema forest sitaki kugusa ndani, lakini yule watu ambayo ilikuwa inaitwa Ogiek, iko na huko, lakini hapana haribu shamba. Ilikuwa nakula asali, anakula kitu ambayo ya msituni kabisa, nailikuwa hapana weza kulimwa ndani. Lakini yafaa pahali pale iko msituni, watu wanaweza kugawiwa kidogo kando, lakini msituni ndani, awachwe.

Com. Kabira: Okay, asante sana mzee, na ile lease ya 999, ile ulisema....

Benjamin Ng'etich: Ehe.

Com. Kabira: Unataka tuseme nini juu ya hiyo?

Benjamin Ng'etich: Tunaweza sema sasa ile Wazungu wameenda kwa hiyo, lease, sasa itakuwa yetu sasa. Wenyewe amaeangalia wenyewe, na hii shamba yote ile kwa sababu Wazungu wanakwenda, sisi Wazungu ya pili sasa, Waafrika. Sasa wenye sasa majimbo, majimbo hapo naangalia kitu yao. Hapana namna hiyo. (Applause). Thankyou very much.

Com. Kabira: Asante sana. Okay, Thankyou very much also. Tunamuita Rebecca Chirchir.

Rebecca chirchir: Jina langu ni Rebecca Chirchir, kutoka Chepkosiler sublocation Seretut location. Lakini mi sijui kiswahili sana.

Com. Kabira: Unataka kuzungumza kwa lugha ya mama?

Rebecca Chirchir: Eeh, mimi nataka kuzungunza lugha ya mama.

Com. Kabira: Okay, kuna mtu anakuja kukusaidia.

Rebecca Chirchir: Ehe. Ngunon any ang'olole ko a chepyoset, ko koyokwon chepyosok. Kikere ko nyigis kabisa en logochu choget kikosigis en gaa.

Translator: She's speaking on behalf of women's group from Chepkosiler and she wants to talk about daughters who have children at home.

Rebecca ChirChir: IniBorre kende lakwet sugul konyo kiptoiyotab koin konyokowechowech.

Translator: When the child is still in school, a boy from the other family sneaks in and impregnates the child.

Rebecca Chirchir: Ko ngunon amache lakwanin, kiptoiyondonin ak chebi, ngot kosich lakwet koker korib sigikwak akichek.

Translation: In a situation where the child of the other home impregnates a girl of this other family, it is the responsibility of the boys parents to take care of the child.

Rebecca Chirchir: Amun makomi somanet.

Translator: Because she dropped from school.

Rebecca Chirchir: Ak komong' agine kiptoiyot en somanet.

Translator: And the boy drops from school too.

Rebecca Chirchir: Amun kigere kele kokowuit. Ko nebo aeng' ko makinget any agot logochu ole tokyinge, kisodesani amagetinye che kisodesanen, asomesani lakwani anan asomesani kamet.

Translator: She's worried that in a situation where her daughter drops out of school, or gets a child while still in school. She wonders, will she be educating her own daughter or her grandchild?

Rebecca Chirchir: Kogeny nebo aeng ang'ololen agobo Majimbo. Kimoche kugukab majimbo ninyonet nebo Kericho, Koboisien Kericho.

Translator: She want the Kericho jimbo to retain it's own resources, and utilize its own resources.

Rebecca Chirchir: *Ko Municipal amache ager ale Municipal ak County council ko mangan ale Municipal ko komosta aion ko County council ko aion. Kimoche koik kityo lainit agenge. Le kagotarech bik.*

Translator: She wants the municipal and county council to be amalgamated. She does't know which one is which.

Rebecca Chirchir: *Amun ingunon kemoche ko county council koibu kansolaiyat age tugul matatiso kwo koit gaa.*

Translator: She want's every councillor to be bringing the problems the feedback of their problems to them.

Rebecca Chirchir: Amun ingunon komiten imbarenik chemiten county council ki kikwalda kansolaek ago kiBorre bo chepyosok ago magomiten eutab chepyosok.

Translator: There are plots within the council, and the concillors have grabbed them in the name of, it belongs to the women in their respective councils.

Rebecca Chirchir: Miten agot ne keguren set kwony ne kikakyal en 1981.

Translator: They had a women's group called Set. They bought some land in 1981.

Rebecca Chirchir: Its in Kericho ago ki ketech kobek.

Translator: It's in Kericho, its fully developed

Rebecca Chirchir: Ko mogingen ole kibun.

Translator: And she doesn't know where that particular project went. It disappeared.

Rebecca Chirchir: Kimoche agot kelewen chepyosok kotesak.

Translator: She wants more women to be represented, to be elected to represent them.

Rebecca Chirchir: Amun ingunon kekere kele kiumisoni ge chepyosok.

Translator: Women are suffering

Rebecca Chirchir: Chang tugukyok chemiten kibagengeishek ago makingen.

Translator: Their assets are misplaced

Rebecca Chirchir: Amun ingunon en development ishek chechang' ko chepyosok. Kiloe millet ne nyigis lakini ngeBorre agot kiyogoiten eut ko mogisiche (Kipsigis)

Translator: Women bears the most burden but they don't get . They get the least help.

Rebecca Chirchir: Kilenen mitten chebo Maendeleo ya Wanawake ago tomo keger.

Translator: They have money voted for women groups, but they have never benefited from the same funds.

Rebecca Chirchir: Kiyoitoi ano tuguk che mokikere.

Translator:

Rebecca Chirchir: Nebo somok kemoche agot kirwogik, boisiekab kokwet, komoche ingong'ete kirwogindet ko kakoamuan ng'alek kookwet.

Translator: She wants the chief to be coming in with their views, long after they have deliberated and not the chief to dictate to them on what to do.

Rebecca Chirchir: Yoito ano kasit chito ne mami kosyinet.

Translator: In the absence of co-operation with the local leaders, there is no development.

Rebecca Chirchir: Nebo ang'wan.

Translator: Ya nne.

Rebecca Chirchir: *Ko ngunon ketinye in, kokile motinye uhuru chepyosok.*

Translator: Talking about women equality and freedom

Rebecca Chirchir: *Kigunchonoksei kototun keit ano.*

Translator: She's asking, for how long shall women be oppressed?

Rebecca Chirchir: *Kolyan makityachech.*

Translator: They need to be liberated (Ring).

Rebecca Chirchir: *Ako ngemi gaa keBorre ityagat chepyoset.*

Translator: At home, they are told "You are free".

Rebecca Chirchir: *Boisionik tugul ko chepyoset ne indochin.*

Translator: The woman who does...

Rebecca Chirchir: *Ko korun ye lelagitun ko mogimokyin chepyoset.*

Translator: And the returns she's not included, in the returns of what she does, her labour.

Rebecca Chirchir: *Agot title deed inono kemoche kenai. Imuche kwo kwalda ak kole mongen lagochon.*

Translator: She wants the issue of title deed to be addressed, that it be registered in the name of the wives and the husband.

Rebecca Chirchir: Kimoche any ke-registan ge tugul. Ko abo koyoton ko amune asi keyetenan?

Translator: She wants to be included in every property or investment in her family.

Rebecca Chirchir: Towendi konyonet kokenyi?

Translator: She'll not go back to her parents

Rebecca Chirchir: Kongoi missing.

Translator: Asante sana

Com. Kabira: Maybe one question, Rebecca Chirchir.

Translator: Kitebenin kit agenge.

Com. Kabira: The question of whether kama ni mtoto wako utampeleka shuleni, au ni mtoto wa mtoto wako.

Rebecca Chirchir: Mimi nina mtoto wa mtoto, mimi iko na mtoto...

Com. Kabira: Aah, ninauliza. Mngetaka tufanye nini? Kwa sababu ulikuwa umesema, yule mama wa huyo kijana, hiyo ni kazi yake kumpeleka huyu mtoto.

Rebecca Chirchir: Msichana wangu (not clear).

Com. Kabira: No ile mtoto wa mtoto wako, mtoto wa msichana wako shuleni, kwa hivyo ningeliza ungetaka tufanye nini, vile mtoto akizaliwa we utaendelea kusomesha mtoto wako, na wale wengine wataendelea kusomesha your grandchild?

Translator: Kole imache ye kokosich lakwet cheptang'ung, imoche itestai isomesan inye neng'ung konget kijanaiyandani kosikyin lakwet lakweng'ung kobokosomesan konywani?

Rebecca Chirchir: Eeh.

Translator: She wants it like that.

Com. Kabira: So the law should force the other family to educate the baby?

Translator: The baby.

Com. Kabira: Until when?

Translator: Mpaka ou?

Rebecca Chirchir: Kototun is koet. Andoi ano?

Translator: Until the child is big, she has nowhere to put that child.

Com. Kabira: Okay.

Rebecca Chirchir: Ngot kitun ibak komanyo komuti.

Translator: Akiolewa huyu msichana wake akiolewa, basi akuje apeleke huyu mtoto.

Com. Kabira: Okay. Another question.

Translator: Swali age.

Com. Kabira: Anataka akina mama wawe represented lakini hakusema wawe represented wapi.

Translator: Kokile imoche chepyosok kewakilishan en ano.

Rebecca Chirchir: Ngot kosom County Council kochut, kochut kirwoknotet, kochut.

Translator: She's saying, if they want to vie for elective posts like council, they should be allowed, and the chiefs. They should not be discriminated. They can as well become chiefs.

Translator: Can as well become chiefs.

Com. Wanjiku Kabira: Is it? Okay so it's everywhere?

Translator: Its everywhere.

Com. Wanjiku Kabira: Okay, now then she asked a question.

Translator: She's talking over village elders. In the normal case, she's saying it's the man who is the village elder. That a woman can as well be an elder.

Com. Wanjiku Kabira: Okay, one last question. She asked how long will women continue being oppressed? Does she have an answer?

Translator: Kokile keteb ile kiyonyosoni chepyosok agoi ou, moche komong' chepyosok agobendat. Ko tos ilenen tos kiyai

ne any. To kilyan en yoton, imache kolyan.

Rebecca Chirchir: Ndomi kiy ne kimuche ketoretenech ke gonech asikobit kemong'un agechek.

Translator: She is saying if there is a means or a way they can be assisted to get liberated, they will really appreciate it. That's something, if there is a way the government can do, but if there is a way the constitution can assist them they really appreciate it.

Com. Wanjiku Kabira: Okay asante sana Bi Chirchir. Now another, Barnaba Sambu, okay karibu mzee.

Barnabas: Jila langu naitwa Barnaba Sambu. Mimi hapana jua kiswahili. Nikizungumza Kiswahili ninaweza kuharibu maneno ambayo nataka kusema.

Translator: Anasema majina yake yote ni Barnaba Arap. Sambu.

Barnaba: Ko ng'olyot netai ne omwoe en ng'otutik chueb kilitit ana ketet katiba, ko ng'alekab tetutikab majimbo.

Translator: Asema kwamba neno lake la kwanza ambalo lazima lizingatiwe katika haya mambo ya Katiba, ni kwamba ni jambo hili la majimbo.

Barnaba: Ko jimboit age tugul kondochin anan ko tete ng'alekyik kou ole king'atita bikab region inoton ak kikigochi kamuget age tugul koyai bichoton bo jimboit noton, ko ng'lekab katiba, olobwoti ko majimbo.

Translator:

Translator: Anasema jambo la kwanza la maana sana ni kwamba katika jimbo, kila watu ambao wanaishi katika jimbo, lile watakakuwa (not clear) ya kujitengenezea mambo yao, kujiamulia ni mambo gani ambayo wanataka watimize, hapo hapa isingiliwe na watu wengine.

Barnaba: Ko ng'olyot age netinye yoton ko ng'alekab kiwotoshek ak bik chemeng'ishe en imbarenikwak kabilet is ne nin. Ko kimache keribchi kiwotoshekwak kou ole kiu, ole kinyorto chumbek.

Translator: Asema lazima mpaka vile, tuheshimu mipaka ya ardhi kokote watu wanapoishi, iwapo ni majirani wetu, lazima wazingatie kwamba mpaka ni hapa majirani hawa.

Barnaba: Ko kotinyge ak bichon kilenen kikulugui bik alage ko kechopchi iman district chechwaget ak kigochi kamuget asi

kong'ololen, korib emenywan ak koribchi lagokwak kou ye u en ng'otutikwak.

Translator: Anasema kwamba katika makabila ambayo ni wakubwa, ambayo yaonekana ya kwamba maKabira yale madogo, karibu yamezwe, ichunguzwe, jambo fulani ifanywe, kusudi lisimezwe na Kabira kubwa.

Barnaba: Kotinye ak ng'alekab imbarenik che miten Kericho, che miten ireyutoni, ko imbarenik che kikayonchin boisiek ak chumbek keminchi chaik ko yetar kenysishekwak kowekse imbarenichoto kobendi bik chebo. Mooldo agot share, mooldo bichoton kiy age tugul en imbaranaton. Nyogong'olole ak bik chebo asigobit koker bik chebo kit ne moche kwolchi, ngomoche kwolchi factory, ngo mache kwolchi ne. Ko bikab emonoton mo bik alak che bwone ana kwo kwalda en oldage.

Translator: Kuhusu haya mashamba ya majani chai ambayo yako hapa, makubaliano yalifanywa na wazee wa zamani. Wengine vile tulivyosikia ni kwamba hawakuhusishwa na mikataba kama hayo. Sasa anasema kwamba mambo yameisha, maika imeisha, ama karibu yaishe, ni heri mashamba hayo yarudishiwe wale watu ambao wanakaa katika wilaya hizo. Na vile vile, haya mashamba ambayo yako hapa, ingekuwa jambo la busara wawasaidie wale watu ambao wanakaa katika wilaya hio. Kuwajengea kama mashule, mambo mengine kama hospitali na nini. Ili kwamba hao watu ambao kabla miaka yao haijaisha basi wasaidie hawa. Na muda wao ukiisha wakaweza wakaenda kuondoka pole pole, halafu wananchi ambao wako wilaya hio wale ambao walinyang'anywa mashamba hayo, wapatiwe.

Barnaba: Ng'olyot ne tinyege ak yoton kora asome ale en ng'atutik chu ko kinde bik, boisiek, kikochi kimnatet korib tugukwak ak kiribchi lagokwak tutukwak asi ngot komite kiy age tugul ne kowechowechok en county council, ne kowechok en serkali, ne kowechok en kebeberta age tugul, koger boishek che meng'ikab emonoton koke kole ma iman inoni, kotinye kamuget komwa ako tinye kamuget koweche nyolyondonoto kole mau non, koyai kou ye kimoche, ye ki u.

Translator: Kwa wazee ambao wako katika vijijini, lazima watunze mienendo ya kila kitu ambacho serikali inafanya, ama county council zinafanywa. Iwapo kuna jambo fulani ambalo halitekelezwi katika nia nzuri, lazima hawa wazee vile vile watete waseme kitu gani kinatendeka. Tunataka mambo hayo yaendeleo hivi kusudi wato wetu ambao wanazaliwa, wawe wakiridhi mambo ambayo yanaweza ikatosheleza, isiwe mambo yakufanywa kiholela holela.

Barnaba: Ng'olyotage ne tinyege ak ng'alechonbo boisiek kora, ko kingen ng'alek chechang kotinye ak ng'alekab lagok che kikosisigis en gaa, lagok chon kikotebi kotgo motogitun, kotkosich lagok, ko miten ng'atutik che ingen boisiechoton che kiyoe, ko kimoche kikochi kamuget boisiechoto kotet tugukwak missing ngele ngo kobo kipsigis kotet Kipsigis tugukwak amun ingen kit ne ito lakwetab chepto, moberber. Ingen kit ne yoe en kwondo amun kakemwa ng'akekab muget ko muget kongen kipsigisiek kole moyokto chi mugetutab chito age. Ngot ko cheptanyun ko kilenen yon koBorris cheboto kotomo kitun, ko mokibosto muget kototun kotun bik asi kibakobasta muget bichoton kakomut lakwanaton. Komoche kotobot boishek ak kogin ng'olyondonoton en kasari ak kasari kinyen.

Translator: Wazee lazima wapatiwe nafasi kubwa kuchunguza na kutekeleza mambo yao kama vile ilivyokuwa ikitendeka wakati, enzi kabla ya wakoloni hawajaingia. Iwapo kwa mfano amesema, iwapo msichana katika enzi hiyo, angeweza kwa bahati mbaya amuue mtu, kulikuwako na mambo ambayo lazima mpaka yafwatiliwe. Sasa wazee wa akijiji wakina mama ambao ni wazee, lazima wapatiwe nafasi ili wawasaidie wa Kipsigis wajue mila zao zilikuwa za aina gani. Mtoto akizalia nyumbani, vile tulivyosikia kwamba kwa bahati mbaya msichana apata mimba na akae nyumbani, kuna mambo yetu katika Ki-Kalenjin ambayo lazima sharti zifuatwe. Sasa hawa wazee lazima wapatiwe uwezo wa kutekeleza mambo yao.

Barnaba: Ko ng'olyot age netinye ng'alekab bounotet kou President, kou bik che kileweni, ko nyolu kelewen bik che konu bik kobokotononchi, Monyolu kogoge chito agolewen gee inegen ak nominated ko monyolu amun ma lewen chi.

Translator: Anasema kwamba kwa wale ambao wanataka uongozi kwa mfano president, ama MP's, lazima watu wamchague. Asiwe mtu ambaye anajichagulia mwenyewe anataka aende pale, lazima mpaka achaguliwe na watu.

Barnaba: *Kotinyge ak ng'alekab President inendet, konyolu President kosom kura kosom bikab emetab Kenya amun mi is ng'olyot ne kelenen makiyoni chi ngot ko momi chi ne toretit. Ko monyolu kong'et kele kakong'et President anum ne makas emet ama lewen bik. Moche koek nusu ana koek three quarter bik che meng'isie en Kenya che kolewen inendet kole ngonyokotonon. Kelewen, molewenige inegen.*

Translator: Kwa mambo ya President, ikiwa Rais anataka kuchaguliwa, lazima mpaka achaguliwe na watu, hawezi akajichagulia mwenyewe. Anasema ni jambo la maana kuona kwamba 3/4 of the population in Kenya wamchague Rais. Sio watu wachache.

Barnaba: *Motinye ng'al. Ng'alek alak kotogeng'ololi amaun mi ng'alek che tinye Kipsigisiek ko nyolu kong'alal kipsigisiek ak kosub tetutikwak. Mokiibu is kobwa tetutikab ng'alekab katiba nebo Kenya. Kitete chechok en gaa agelenen kisiptoi kole, kisibi kouni. Kongoi.*

Translator: Anasema kwamba kuna maneno mengi kwa kuwa kila mara, sisi kama wa-Kalenjin, kama wa-Kipsigis, kila mara tunayapanga mambo yetu. Lakini mambo hayo vile vile, lazima serikali, Katiba ijue mambo kama hayo. Inafwatia ili kutusaidia sisi sote tutakuwa tukiendelea kuyatekeleza mambo yetu. anasema asanti sana.

Com. Wanjiku Kabira: Okay Mr Sambu, niko na swali moja. Umesema ile lease, ile miaka ya 999, si ni mia tisa tisini na tisa tungoje mpaka imalizike, halafu the local people wachukue hiyo shamba?

Translator: Kole kenysisiechu kakemwa chu bo imbarenichu, komakikisir inye kele kenysishek bogol sogol ak tomonwogik sogol ak sogol, ko kele kikany kobek asi koib bichun anan kilyoin.

Barnaba: Kikonye kobek. Kit age tugul ne kokiyonchin kekonye kot koit yoton, ye kigakimwa, agot en alak, mononiton inegen, agot tuguk alak che miten en emet. Kikakimwa kele kot koit betushemk che u ni konyolu koteben yoton, amun en kipsigis ko kimokochochondo chei komeng'is en koret ne mo kingen. Ngo moche komeng'is chito kouchin chito asi komut chichoto kole imeng'ishei en yu ak komwa agine kole ameng'isie kot koit betut ne u ni. Kiyoni kit ne kakimwa.

Translator: Anasema kwamba, kwa yale ambayo yameandikwa, lazima kwamba tusbiri miaka hiyo yote imalizike. Ikisha malizika basi tufanye uchunguzi, maana katika hata mila zetu za ki-Kalenjin; mtu akija kuishi na wawe lazima kwanza ufanye uchunguzi. Huyu anayekuja kuishi na mimi ako namna gani? Anasema kwa makosa yao ambayo tuliyaifanya tukaweka kidole, tungonjee mpaka imalizike, halafu tuchukue tena.

Com. Wanjiku Kabira: We are saying we wish all the nation were as committed to agreement as the Kipsigis community. To wait for 1000 years, ukiongeza moja itakuwa 1000 years, si ndio?

Translator: Imong'u kole imuche komuita bik tugul is kenysishechugan bokiol sogol. Chang' osinye kenysishechu nea. Katakab kikochi kele kekany, u kotokilen acha mogikonye, kimoche keisto.

Bernaba: Ilenjin inye kityo kikonye amu kayano ko besen. Mokimoche kebut.

Translator: He says that we have to respect it, because already there (not clear) and there is is no way out. We have got to respect until those years are finished them , they will then i.e. well the, consider what they have to do.

Com. Wanjiku Kabira: Okay, Thankyou very much. asante sana Mzee Sambu, asante sana tuna Rueben Kimeto?

Reuben Kimeto: Kwa majina yangu naitwa Rueben Kimeto. Kwanza ninaishi Kapkelek Chepkosilen Sub-Location, Seretut Location, Belgut Location. So kwa vile wenzangu wamesema kuhusu lugha. Kweli lugha ni kitu muhimu, hata mimi ninaweza kuomba msaada kwa sababu kuna zingine ambaye siwezi kujua, nitaeleza kwa Kiswahili au Kingereza.

So, en keny ko kimiten en atebetab Kipsigisiek ko kingetech kot kou inoni, komiten mabwai ak komi kap metet.(Kipsigis).

Translator: Anasema kwamba katika mila za ki-Kalenjin hasa wa-Kipsigis, nyumba ilipojengwa hivi kulikuwa na, pahala ambapo sebuleni; pale mahali ambapo wazee walikuwa wakienda kumwabudu Mungu. Na kuna pahala pengine ambapo ilikuwa pakiwekwa takataka yani, kap metet.

Reuben Kimeto: Ko en yoniton, kap meteti, ko kigindo asi ye kagitun lakwetab koyoton ko ngobir sandanin lakwanaton konyokosorunenge kap metet.

Translator: Anasema sehemu zile ambazo zinaitwa kap metet. Pahali ambapo ulikuwa upande ule tulikuwa tukiweka takataka, mtoto wa hapa nyumba hiyo akipigwa na mumwewe pale nyumbani murawao, alikuwa anakimbia anaenda kujificha pale, kwa kap metet.

Reuben Kimeto: Na bwana hangeweza kupita hapo.

Translator: Na mumewe angeweza kuruhusiwa aenda mpaka mahala hapo. Anaweza akakaa pahali pengine, lakini asithubutu ende upande ule.

Reuben Kimeto: So ko kounoton ko kisorunenge kwonyik kap metet.

Translator: Kwa hivyo, akina mama wengi walipokuwa wakitaka kupigwa ama kudhulumiwa, walikuwa wakikimbia pale kujificha.

Reuben Kimeto: Komoche amwa kouni kole miten bik che kiBorre kibonanok. En kibononok komiten konyil aeng. Miten kibonok che moimuchege yaani motindo rabinik anan kimnatet age tugul ne ndobelige ak ne somanat anan mogoriot, ko ma I muhege. Ak komi kibononok, lagok che motinye sigik, che motinye kwanda, agot kou en kasari kegere lagok che kokobagach sigik, alak ko kobagach kotindo tuguk ak imbaret ko alak ko kibagach sigik komotindo kiy kabisa.

Translator: Anasema kwamba katika society yetu kuna maskini. Na kwa upande wa umaskini, kuna umaskini mara mbili. Umaskini huu ambao nimesema kwamba kuna umaskini mara mbili. Umaskini wa kwanza ni umaskini ule ambao mtu anakuwa fukara kabisa hana chochote, hana kitu chochote mfukoni, hana chakula, hana nini na nini. Na kuna wale ambao wanakuwa maskini hasa watoto yatima, ingawaje wazazi wao walikuwa na mashamba. Kwa bahati mbaya huenda ikawa wazazi wao wanafariki kama vile tunavyoona saa hizi. Sasa hao watoto ambao wanaowachwa nyuma, wanaitwa viel, maskini.

Reuben Kimeto: Komoche amwa kouni ale sorunenge nee bichuton amun chun imuche ge kou mogorek ak kipsomaninik kongen kit ne sorunenge, ko en ichechu motindo kiy ko motindo kiy ne sorunenge. Ingele en geny en serkalit ne kibo wapeperu, ko kingositaganen ana kosiren kibananiat mogoriot elaiyat,ko kikiibe hatua kali mogoryondonoton. Ani any en inguni ko kiwango ne mi ngwony en chuto yon moche kositagan kibananiat mogoriot anan ko kipsomaniat ko shilling ata?

Translator: Anasema kwamba kwa ajili ya umaskini ambao huo tunaosema; saa zingine wale ambao wana uwezo wamesoma, wana mali, wanaweza kumnyanyasa huyu. Lakini katika siku za ukoloni kusema kwamba, maskini akiwa na kitu kidogo kama

hela chache, akienda kortini amstaki yule ambaye ni tajiri, sasa tatua kali ilikuwa ikichukuliwa kwa yule mtu ambaye alikuwa anataka kumyanyasa huyu maskini. Sasa Katiba itaweza ikatusaidia kwa njia gani?

Reuben Kimeto: Kwa kiwango ya chini, kwa pesa.

Translator: Kwa kama mtu akitaka kwenda kumstaki mwingine ni kiwango gani ya chini ambayo inaweza ikawasaidia wale ambao hawajiwezi?

Reuben Kimeto: Kou ole kakomwaita bik alak agobo kirwogik, agree kirwogik ko kokoek rubber stamp cheboishen cheng' omen ak mogorek amun kibwone kityo oldap kirwogindet kelenji sir barweti, kobokeib kit ne kiBorre abstract form en kap polis kele kikobet kibandetab boiyondonon anan kikolalda kot asi kesir kit age kobogeib death certificate, kereben bik imbarenikwak komongen chebo.

Translator: Anasema kwamba anasikitika siku hizi kwa kuwacha viongozi kama chief, vile tulivyosema wanashiriki sana kwa mambo ya ufisadi. Ukaweza kuwapatia kitu kidogo, wale wengine halafu wanaenda mpaka hata aulizwe aandike certificate au barua kusema kwamba kipande, ID card ilipatikana. Kusudi ikishatolewa hiyo wanaenda direct wanachukua death certificate, halafu wanachukua hiyo death certificate wanaenda kuonyesha wanasema hakuna mwenye shamba hili amekufa, kusudi ile shamba iuzwe.

Reuben Kimeto: Kit ne komoche en yon kora ko kinde sheria ne kali agobo ng'alekab imbarenik asi korib imbarenik amabetyo imbarenikab bik che chang' ak kong'et koba lagok chechang' barabara koek kibononok asi kotesak choric.

Translator: Anasema kwamba ingekuwa jambo la maana kuweka sheria kali, kusudi iwasaidie wale watu ambao wanaweza wakanyanyiswa na watu wakubwa, ambao wana mali ili watoto hawa ambao wako katika mamlaka ya wale wazazi waendeleo. Isionekana kwamba watoto hawa wanakuja kunyanyaswa kwa ajili ya wale matajiri, halafu hao maskini wananyanyasa.

Com. Wanjiku Kabira: Bwana Kimeto ungetupatia pendekezo lako. Unataka tufanye nini na hawa watu?

Interpreter: Kole imoche keyai nee?

Reuben: Mimi nataka iwekwe sheria kali, halafu hii maneno ya shamba ichunguzwe na wenyewe kwanza kabla hii chief. Lakini hii mambo ikienda mpaka kortini, sio ni kwa nini maneno ya shamba inapitishwa bila wenyewe kujua.

Com. Kabira: Na sasa, hasa hiyo ni kusema unataka kujua ni kiwango gani yaweza kuwekwa ukitaka kustaki mtu kortini. Lakini tungetaka utupatie pendekezo lako. Iwe free au iwe kiwango ya aina gani?

Reuben: Mimi naona kwa sababu one cent ilikuwa kitu kidogo kwa pesa zamani. So akiandika ule msomi ama matajiri kwa sumuni iangaliwe. Sababu sumuni ni kitu kidogo sana kwa pesa ya siku hizi.

Com. Kabira: Ooh walipe sumuni?

Reuben: Sababu ni maskini hana kitu. Basi kitu kingine siwezi kueleza kwa kirefu hapo ni jina. Hata ingawa wanasema a good name is better than riches, saa zingine ninaweza sema kitu kuhusu huyu, na kitu ambayo ninajua kabisa, na huyu ni mkubwa kabisa anakaa huko Nairobi. So, anaweza peleka mimi kortini, kwandika mimi na kuhukumu mimi hata natumia njina langu, naharibu jina langu. So, vitu ya haki mingi inawezapigika hapo sababu watu wanaogopa saa zingine nikisema hivi halafu huyu anakwenda na pesa akiadhibu mimi. Shamba langu nitanyang'anywa, so anaogopa. Basi tunataka kuonoa hio.

Kitu kingine hii mambo ya kuzoea iweke sheria kali, kwa sababu hata Yesu alisema yule ambaye anajua sheria na anavunja sheria, atahukumiwa zaidi. Na yule ambaye hajui sheria, na anavunja atahukumiwa kidogo. So tunajua wavunjaji wa sheria siku hizi ni wakubwa. Tunataka kuangalia hii, kwa sababu kila kitu inanzia hapa chini. Hata miti ukipanda inanzia ukubwa yake chini inakomea mpaka juu, na ukitaka panda huwezi kuanzia huko juu, utanzia chini mpaka huko juu. So ninamanisha kwamba siku hizi watu wengine wanajua maofisi kubwa kubwa huko Nairobi, halafu wakiweka rubber stamp kwa huko, hata DC saa zingine anaogopa. Wananyanyaswa hawa maskini, halafu cha nne ninomba..

Com. Kabira: Ooh cha mwisho?

Reuben: Si cha mwisho, zinabaki tatu peke yake, uniruhusu mimi nimalize hiyo. Cha nne, tuangalie hii sheria tunatunga sasa, ama yale ambaye iko itumiwe kwa njia nzuri. Halafu cha tano, tuheshimiane, sababu nilienda mahali pengine wakati ingine nikaona pastor alipoamka na kusema tuombe, hata D.C. aliamka, aliheshimu pastor, na pastor anaheshimu D.C. So lazima tuheshimiane, sababu watu wanadharau wengine kulingana na mamlaka ya ofisi ya kila mtu. Tuseme pia kama chief ni chief, councillor ni councillor, so iwache kitu inaitwa 'break', hii isiruhusu councillor fulani asiendeleo na kazi kutumikia watu, miaka yake iishe, itupiliwe mbali na watu na hali councillor huyo angekuwa na nguvu ya kutumikia watu.

Ya sita ni mambo ya advocate. Sioni haja huyo advocate aende kortini, na advocate huyu ni lawyer, na judge ni lawyer, na wale wanastakiana ni wawili, na lazima mtu mmoja ni haki na mwingine sio haki. Sasa hawa lawyers watatu wanateta juu ya nini? Na wazee wakiwa kumi na wakisoma juu ya sheria, wakikaa chini haki itapatikana. So ninataka ikiwezekana, kama ninastakiana na huyu, niende na huyu asimame hapo nisimame hapo, aseme yake, niseme yangu, jaji akate kauli. Basi ya saba ni mambo ya Kenya gazette.

Com. Kabira: Hiyo ndio ya mwisho, kwa sababu wakati yako imepita mara tatu.

Rueben: Nizungumze moja ya mwisho, nisaidie nimalize sitaeleza mengi.

Com. Kabira: Okay.

Rueben: Yaah, kuhusu hii Kenya gazette, lazima kabla ya kuwekwa kwa Kenya gazette, ipelekwe kwanza kwa mahali inapohusikana. Halafu na kuweka wakati itakapo malizika. Isiposikia malalamiko yoyote, iwekwe sasa katika Kenya gazette, sababu hii Kenya gazette imefichika si kila mtu anayeweza kuisoma. So, watu wengi wanapitisha maneno mengi bila mtu kujua, wakati unastukia wanasema, iliwekwa kwa Kenya gazette for 90 days.

Ya mwisho kabisa ni kuhusu municipal. Ninasema hivyo mna siku moja mzee mmoja ambaye hakuwa amesoma aliuliza nani alileta hii municipal hapa? Halafu watu wengine wanasema municipal ni mzuri namna hii na hii. Mimi nauliza, faida ya municipal ni nini? Kila mtu anasema hakuna. So alisema, mrudishe hii municipal kabla ijashika mzizi yake ndani, la sivyo watoto wenu watakwishia barabarani. Hayo ni maoni yangu.

Com. Kabira: Asante sana Bwana Kimeto kwa hayo maoni, tafadhali jilandikishe. Shadrack Kipsiele, hayuko? Okay, Robert Cheruiyot?

Robert Cheruiyot: The first thing my names are Robert Cheruiyot. The first thing I want is to make a correction of the old man, who said that the tea estate lease is supposed to be 999, but Europeans added it, it was supposed to be 99 but these Europeans made false statements to be 999, and this agreement was made by few people but their group of people is majority. So tea estates and multi-national companies belong to the Kipsigis. So give to Kipsigis what belongs to Kipsigis. So what Jesus said, give to Caesar what belongs to Caesar. So that's the first correction.

So another thing, is transfer of power of the President. It should be given to high court and high court should be made to be central high court, and another one for federal high court. So when somebody does a mistake in the central court he should be charged in central court. So when somebody does a mistake in federal government he should be charged in a federal court e.g. if they disturb natural resources of a federal government. So when the President is dead, or the President has a problem. The high court of central government should direct the Electoral Commission to hold election within 90 days for the country. So the system which we are preferring is the federal government, because federal government we have seen from other countries, like Germany, USA, Canada, India and in Pakistan also.

So another thing is that we should elect their head of the federal government by forming their own government, assemblies and other things, so that they will run the whole affairs of federal government, because if there is no government in the federal state there will be a problem, and they will elect their own Attorney General and other things. And also in federal state, the party

which wins should form the federal government and another thing is share of land.

We have a lot of problems in this share of land, because we have husbands with very many wives. Another thing is that we have adopted children, like maybe one of the wives never bears children, so they will adopt another child. So they will adopt another woman, and then indirect adopt another child. So and that child has a right to have a share there, and also we have un-married ladies. So these un-married ladies should also have properties, but we shall observe these properly to minimize the problem of prostitution, because if now these ladies are given land and at home. So another man will pretend to be her husband. So they will come and stay in their home, so this husband will be a Kikuyu or another tribe or a another nationality, and this nationality has their own culture. They start producing children in every family and this produces a problem. So the share of the lady at home should be given in two. Share of the lady at home should be given in two. Also the child at home should prefer the first son to have her name and her brother to share a name any of these, she can chose. So another thing is the problem of liberalization, because this problem of liberalization should be removed because Kenya has become a dumping place for any plastic, heroine, even nuclear weapons can be dumped. So maneno ya liberalization should be removed.

So another thing is international affairs. We have these problem of international affairs. One man decision, which the President makes their own decision, that I will give America now peace to make war with Sadam or any other country. So this problem of international should be discussed first in the parliament, and affairs of war between Kenya and other countries should be decided by the President. Also another problem is loan, because Kenya has a lot of loan from IMF about 600 billion. So these loans should be discussed in parliament before they get loans from other countries, because now we have a problem of loans in getting our wealth out, because we have to pay in tea form, coffee products and other things. So this is a problem within now and the future of our children. So international loans should be discussed in parliament and internal loans should be the power of the President.

The other thing is about the high court. Citizens of other countries first. Citizen of other countries should not be allowed, they will come here for business and they turn up, because if we get everybody there, everybody will come from outside even during the (not clear) and giving them citizen will become a problem. Another thing.

Interjection: (not clear).

Robert: Give me two minutes. So another thing.

Com. Kabira: Ooh you are winding up?

Robert: I am winding up. So another thing is the education system. The education system is that we should give priority to other tribes, because there are other tribes which never get their children to university. So the first students from each tribe should be given the first in every department, should be given, now n Kericho we don't have doctors, so we should be given the first

priority of even five doctors, lawyers and other things. In every department. So you consider that.

So the other thing is employment, we have people in worst areas. Should be reserved eve 5% n employment.

The last one is the election of MP's: MP's should be full time and also should be given powers to give freedom for building industries because here in Belgut we have problems of factories. We have only the (not clear) and MP's should be given powers to give license to any company, so long as it doesn't affect the environment. So another thing is that we have a problem in the (not clear) whereby employees are not given actually what they work for. Take for example they are given overtime for 2 months, then they are given off. That overtime payment they will never receive. So that overtime payment and other things those people will never get because of corruption. the last thing is about NGO's.

Com. Kabira: That is the fourth last.

Robert: Okay.

Com. Kabira: You have said the last. Is that the last one?

Robert: So let me face only the NGO's. We have problems with NGO's. So when NGO's are registering in Nairobi. They will give other people first priorities in Nairobi. So when they come here to solve problems they won't be able, because they won't be able to understand the problem of the common people. So when the NGO's are employing and they have a problem in Kericho, they should employ people of Kericho, so that when they are explaining something to the local people they will understand what they are doing and using. So let me end like this.

Com. Kabira: Thankyou very much, give us your note.

Robert: Or you have any problem

Com. Kabira: No you were very clear, Thankyou very much.

Robert: Okay.

Com. Kabira: Okay Mr. Jones arap Kiptungeni. I want you to ask him if he is asking for translation. Unataka mtu wa

Interjection: *Mogose ane kipswoili.*

Com. Kabira: Where is the gentleman, ooh you want to do it for him, please.

James Kitung'eny: *Kinomwoe ko ki boisiek che kibogeny kokikikurege kicham keyoe ni kikikuren kiminut ne kikigurege asi kenaige. En Keny ko kikigurege asi kenaige kele ng'o ng'o.*

Translator: He is saying long time ago in our culture, the Kipsigis...

Com Kabira: What about his name?

Translator: Kainet

James Kitung'eny: James arap Kitung'eny

Translator: Long time ago before anything was done, the elders could call each other and sit down and see who is who among themselves.

James Kitung'eny: *Kinomwoe kora ko kigai kong'et betut age ko kikimoche shares en kompuni ko kiatinye shilling bogol aeng', kelenchon kimoche cheteno kole amatokolenchon bo kole. Ko kasari kemoche kinde chito ne kingen kele ng'o, kindo chito buch ne mokingen kele ng'o.*

Translator: He is talking about shares. Sometimes back, I think there were share which were sold for us to pay 200/- shillings but he could not make it because he was not known. So someone should be bought who is known by the people.

James Kitung'eny: *Kinomwoe kora ko kiwotoshek chemi resop, ko momi raini. Ki keny kingolitit boisiek ko kibendi lain innee komie kiwotoshek. Ko raini ko kikokunurit, uwon kikibol kele. Kemoche kenai noton kele kilyonen.*

Translator: He is talking about the boundaries in the village and the lands, and there should be ways seeing that the boundaries are kept up properly.

James Kitung'eny: *Ko kit nomwoe kemoche kecheng' chito ne ng'om ne imuche konai ak koguiyo kole kiy kikuitos kole ak konai mokimoche ne kiyoe koyait. Kimoche kenai kele iman ana ma iman. Kwany rapishek che kikoweck bik anan nee.*

Translator: Because over time when it's been discussed on you find it's not been done well, because sometimes of this bribing; corruption.

James Kitung'eny: *Ago ingemwochi chito kora matiny kole kalel kolenen kora, kokikosumbuan bik chechang' ng' alechoton, meBorre chito aenge, emet tugul. Kigosumbuan kiwotosiekab resop.*

Translator: *Imoche nee, mwa nemoche.*

James Kitung'eny: *Kit nomoche ko kinde ng'otutik*

Translator: So what he is saying, he says he wants to see a law is put on that or in the constitution on the way how to see that the boundaries are settled properly.

James Kitung'eny: *Kinomwoe kora ko kongoi en okwek che kobwan, akobwone kora. Anwae kongoi missing amun ng'alechoton ko kigoimech kabisa kila pahali. Ngebe oli kiimech, kebe oli kiimech, kebe oli kiimech. Amwowok kongoi amun kaobwan. Chechuk choton.*

Translator: He says Thankyou because you have come and in fact you come another time.

Com. Kabira: Asante sana Mzee Kitunge'ny, Thankyou. Wewe mzee tafadhali kuja ujiandikishe. Okay asante sana. Isaiah Rono, hayuko? Okay, Musa Chepkwony, na Henry Kurgat yuko? Okay, so utafuata, its okay, let the lady also translate.

Musa Chepkwony: Omwoe kongoi en to toekyok. Kit ne kimoche emet en ole kiboch olebo boisiek. Kikerebenech emet.

Com. Kabira: Mwambie aanze na jina lake.

Musa Chepkwony: Musa Arap Chepkwony. Amenye Kipsolu. Abaibai ko koitu, kikerebenech tuguk ng'ishat, kimoche kecheng' chendoe chemiach. Kikochang'a chorik.

Translator: Yeye anasema anafurahia nyinyi kufika hapa, na kwa kweli kuna wezi wengi wamechukua shamba. Sasa ni vizuri mumekuja sasa tutataona ni nini itaendelea.

Musa Chepkwony: Ki olebo kondoik che kitaa ko che kiyoe emet ak kiplelachek ko ngolen kokoba bik chelelach ko nenyon emet.

Translator: Since the white people left, we now want the land back to us, it's ours.

Musa Chepkwony: Kokochang'a choric, ngolen ko makoyae kiy, imbarenik ko ko kokokemoiyo ago kikoba cheta ago kondoik chemi raini ko chorik. Ikojin ge rap0inik korebenin kiy age tugul kobet komutenech kwonyik (laughter).

Translator: These days the leaders are grabbers, and they have gone as far as taking their wives. So the old man wants the land to go back like it was before, because all leaders chosen or elected are thieves.

Musa Chepkwony: Ko nebo aeng amwae kongoi en toek che kait, ko ng'alek tugul ko chebwone, chumbek mpaka Nairobi. Miten che kokireben title deeds ago kondoik chuto bo nje, koroni nyo. Ko ngunon kemoche osomwech bik, chorindet iger kotemenen chito ne kachor imbaret konyokonam olebo inendet kokokoito title deed. Miten ng'alek ingunon chechang' Nairobi. Ago ni kioker ole mokibire chi, agot kinde kebir chito korok.

Translator: He is complaining about leaders who have grabbed, and even title deeds have been taken and its good because you have come from Nairobi where these grabbed things are taken to. So he is very bitter about the grabbing of land and the title deeds are gone.

Musa Chepkwony: Ko nyolyot nebo aeng' ko ngeba kap DC kwo komuin ko amune si ager kony ale si koik DC ko kimotweki? Kikindo buchi? Ko amune asi komu chito ngoBorre kong'alal kole mm?

Translator: And these things when they happen, and you go to the DC, he intimidates people. So why is he-intimidating people? and yet he was out there to look after the rights of the people?

Musa Chepkwony: Amwae Kongoi. Chang' ng'alek che atindoi, kochome obwone agot en betusiek tugul agot ketuiyen en Kericho en kotini, kimoche olebo DC koik DC. Mokimwe chito en kit ne kanyit. Ako any ndo kireben ne nenyin koyoe nee?. Kirwokyin nee any mami chi ne irwokyin.

Translator: He is thanking you for coming, and he was wishing you could meet the law courts in Kericho to help him because the DC is really intimidating him.

Musa Chepkwony: En kenyishek alak abere kondo kwonyik, kakokaikoitu tibik amun mwae chebo imanit. Ko chichi ko kakotarech. Chome kenomwech. Agobomwaite en Nairobi sonyoru ng'alek en Nairobi.

Translator: He is saying that even the girls are now better because they listen. So if when you reach Nairobi, tell them they are doing well. the girls.

Musa Chepkwony: Amwae kongoi en cheten chon ak agonok kongoi obe pole pole.

Translator: Thankyou very much and go well.

Musa Chepkwony: Amenye sugul en Kipsolu.

Translator: He lives near Kipsolu High School.

Com. Kabira: Thankyou very much. asante sana Bwana Chepkwony, asante sana, now Henry Kurgat.

Henry Kurgat: Netai amwoe kongoi en okwek che kobwan. Ochomege tugul Mising?

Translator: Ya kwamba anatoa shukrani mingi kwa kuwa mumekuja hapa na anawasalimia.

Henry Kurgat: Kainenyun kekurenon Henry Kurgat.

Translator: Majina yangu ni Henry arap Kurgat.

Henry Kurgat: Ameng'unen komosi eb Mogoma.

Translator: Anakaa sehemu za Mogona upande huo.

Henry Kurgat: Ko kit ne amwae netai ko kikochang'a iman chorik che chore tuguk chechang', che chore imbarenik, che chore nee, ko kit ne amwoe ko kit ne mie amun mache konyo serkalit age ko kemoche majimbo.

Translator: Anasema kwamba kwa wakati huu kumekuweko na uhalifu mwingi, hasa walimu kuchuka yeti vya mashamba ya watu, na kwa Katiba sasa tunataka vile vile itusaidie ili hao wasiendelee hivyo.

Henry Kurgat: Konomoche ingunon ko majimbo imani, ko mie amun koten age tugul korenyin ak ng'alekwak. Ko kora en imbarenichu kirebenech chumbek kemoche kowek keweche kora amun ki korotoikyok.

Translator: Anasema kwamba kwa upande ya majimbo, tunataka majimbo kwa kuwa kuna watu ambao wanakaa hapo, wanajiamulia hawa wenyewe, na kuuza mashamba ambayo yamechukuliwa mbeleni ni wakoloni. Lazima mashamba hayo yarudishiwe wale watu ambao wanakaa katika wilaya hiyo.

Henry Kurgat: Amun kiokose agot en boisiek kele ki kenya ko kikanam chumbek imbarenik chuton, ko ki chumbek che ki italianek, ko kiboishen agobo makongek, kochobe magongek chon bo guniyok. Ko kikole chumbechoton ye kaketar betusiek che kikakimwa kebendi. Ko kiba iman.

Translator: Anasema kwamba, kwa mfano kulikuweko na settlers aina mbili. Wengine walikuweko haja yao ilikuwa kupanda makonge, ili ya kutengeneza nayo magunia, na waliahidi kwamba baada ya muda wataondoka. Na yeye anasema kwamba ha Waitaliano kweli waliondoka.

Henry Kurgat: Ko kingoba talianechoton kobwa chumbechu ak komin chaik. Kolenchi boishek tun ye kitar betushekyok kebendi. Komongen ale ngwany ki betusiek ata?.

Translator: Anasema kwamba baada ya hapo Waitaliano walipoondoka, sasa hao wengine ambao walikuja walihusika hasa na upandaji wa miajani chai. Miti ya majani chai, na kwa upande wake anasema hatujui walikuja kwa muda wa miaka mingapi, na mpaka sasa hawajaondoka.

Henry Kurgat: Ko ye kakoba iman kobakakwech agot kyal share amun imbarenikyok. Monyone chito age kwole nebo emet age amun ki imbarenik kyok.

Translator: Anasema kwamba kama wataondoka basi shares kama zitakuwa zikiuzwa lazima watu wa hapa wafikiriwe, kwa kuwa mashamba hayo hasa ni yao.

Henry Kurgat: Amun ingunon betusheju kokikomengegitu kora imbarenik iman ko keger kele ibak kitarenech bichu imbarenik. Inguni ko magetinye imbarenik. Ko kaigai indobendi kyal imbarenichoto, motkikoi bik alak che yobu emotinwek alak.

Translator: Anasema kwamba kama wao wakiondoka, kuwa tumeona kuna upungufu mwingi wa mashamba, wakiondoka basi watu ambao watafikiriwa wa kwanza ni hao watu ambao wanaishi hapo, watu wa nje wafikiriwe baadaye baada ya hawa wengine kupatiwa haki yao.

Henry Kurgat: Ko iman kora kikochang'a kora choric agot olinbo town, ko alak che kakinde anan ko kansolaeki, alak sait age kotinye ekarisiek lo, che kikoib inegen. Kikotilatil town kotar kabisa, momi agot en lagok che togobwone en betusiek alak komoche bilotit ko makomi, kikochor kotar. Ko kaigai ingunon keweche kobwa county council, ma kobwa municipal, kaigai kwech kobwa county council. Kikochor kotar kotko magomi ingunon. Ogot bik alak che tagomoche imbarenik ko magosiche

amun kikotar kwalda. Moche keweche.

Translator: Anasema wizi umekuwa mwingi zaidi, akiguzia juu ya mambo ya councilors, anasema ya kwamba wamenyakuwa mashamba, wengine wana hata acre sita. Na wakishanyakuwa tutakuwa tukienda wapi? Anasema ni heri mashamba hayo, ploti hizo ambazo ziko katika mjini, zirudishiwe county council, kwa kuwa tusipofanya hivyo inaonekana kwamba umaskini utakuwa mwingi, uhalifu utakuwa mwingi, na umaskini vile vile utaenea.

Henry Kurgat: Alen merotinye chechang', kachechuk choton ak obwone kila kora. Otototin en oli nyonet, uwon omi gaa ngonon. Momio kiy ne imuche kotwayak, kibure komie. Ko majimbo ko kamwae ale si kechop majimbo amun mi alak kora bik che waalifu che yachen koyobu oldage, ko ye kokinde majimbo kongen age tugul mpak inyin. Ko alen kongoi missing merotinye chechang.

Translator: Anasema asanteni sana kwa nyinyi kufika hapa, na mnakaribishwa wakati wowote na anasema jambo ambalo anataka kuhimiza zaidi ni haya mambo ya majimbo. Kwa kuwa majimbo sasa itaweza ikawafanya watu ambao wanakaa pale wachunguzwe. Ionewe kwamba wanaendelea ajie, na kama iko mtu analeta mambo mabaya, basi lazima atashikwa astakiwe. anasema asante sana.

Com. Kabira: Okay, asante sana Mzee Kurgat kwa hayo maoni, (Tell him) tumesikia yale umesema.

Translator: Kale kongoi mising.

Com. Kabira: Okay asante, now Mr. Philip Mutai.

Philip Mutai: Ya kwanza nataka kusema ni asante kwa kuhudhuria pande hii ya Kericho. Point namba moja ni hii. tunataka.

Translator: Jina.

Philip Mutai: Jina naitwa Philip Mutai. Tunataka mamlaka ipatiwe wazee wa over 55 years, ili wakuwe watu ambaye watashughulika kwa mambo ya jamii, na hiyo iwekwe ikuwe sheria, ili jamii ipate kwenda laini.

Point number two, about majimboism, inatakikana majimbo iwekwe ili kila moja aweze kuheshimu mwingine na amani ipate kuendelea Kenya. Kwa sababu bila majimbo, watu wataendelea kuchukiana, kwa sababu ya mambo mengi ambayo yanaendelea. Kuhusu mashamba. Unaona mashamba, British colony waligawia kila province hectare sawa na mwingine. Lakini upande wa tuseme Kipsigis, ni watu walinyanyaswa sana, na Wazungu kwa kuiba shamba ya chai na kudanganya hawa ya kwamba tutarudishiwa.

Ya pili kwa hapo hatuna shamba kwa wakati huu. Utapata watu wengi wanarandaranda na serikali inawambia hakuna mashamba, na kuna watu ambaye wametoka province ingine, na wamekuja na kunyakua mashamba kwa province kama Rift Valley na wamepatiwa cheti na wenyewe wanafukuzwafukuzwa. Tunataka kila mtu arudishe mashamba hiyo kwa wenyewe.

La tatu ni kuhusu mugawanyiko ya mashamba wa mama wetu wanataka wapate title deeds kwa shamba ya huko. Na hata mimi iko na shamba yangu na title deed. Hiyo hawezekani kwa sababu nikimpatia title deed, anaweza akaleta mafurugo, kwa ndani, kwa kusema mimi niko na title deed kwa huo unaweza kwenda kwako na mimi niende kwangu na watoto, na hili shamba ni yangu, na nimelipa yeye, na nimempatia kila kitu. Sasa hapo haifai.

Kuhusu watoto, watoto inafaa iwekwe sheria nikiwa baba, watoto wote ikiwa ni msichana ama kiume ni sawa ndani ya nyumba. Kwa sababu ukitupa wengine kwa kusema hata huyu hajaolewa, wacha tufukuze nyumbani, akienda apate taabu huko nje, hio kitu itakuja sumbua sisi. Sasa nataka iwekwe sheria ya kwamba yoyote atakayefukuza mtoto wake kutoka nyumbani, hata kama hajaolewa apalekwe kortini na ambaye korti huyu mtoto alizaliwa na ninataka aende mahali fulani. Lakini siyo kugawanyia shamba apate title deed, hapana. Ni akae tu kwa hiyo mji, awe mwenye hiyo mji tu, na agawiwe kila kitu anataka.

Point number four ni kuhusu mambo ya shule. Watoto ni sharti wawekwe viboko, kwa sababu gani? Kwa sababu tumeona, tangu hiyo iwachwe mashule mengi yanachomwa. Watoto wengi wameuliwa kwa kuchomwa, na ikipatikana ni mtoto fulani anaambiwa haya nenda nyumbani, na amefanya mambo makubwa. Kwa hivyo iwekwe sheria ya kwamba, mtoto akikosa kwa shule, sharti aadhibiwe papo, hapo, na mzazi akija apelekwe kortini alipe hiyo hasara yote. Ninasema asante kwa hayo yote ingawa bado moja. Kwa nini Dr. Towett na Martin Shikuku hawakuhusishwa kwa Commission hii na ni watu ambaye walikuwa wanapigania sheria kwa Lancaster house sheria za kwanza? Hiyo ilitusitua sisi kuona hakuna Dr. Towett na Martin Shikuku, na wengine (makofi) why?

Com. Kabira: Sijui kama naweza kujibu hiyo swali, lakini ile ningetaka kusema tunafanya kazi na hawa. Kama tumekuwa na mkutano na wale walioandika Katiba ya kwanza. Towett alikuwako, Shikuku, yule mwingine wa Mombasa.

Interjection: Not clear.

Com. Kabira: Mheshimiwa Nyagah, Kiano.

Interjection: Paul Ngei.

Com. Kabira: Paul Ngei sijui kama alikuwa. Lakini nafikiri hakuwako katika hiyo mkutano, na hata leo tunafanya kazi na hawa. Wanasema hawa ni wazee wanataka kutupatia advice, na tunazungumza na hawa.

Philip Mutai: Na hatujasikia hawa wakiongea hata siku moja.

Com. Kabira: Hata walikuwako kwa gazeti on Sunday. Kwa sababu walikuwako wakizungumza na Chairman wa Commision, na hata Saturday wakati ule nilikuwa Nairobi nilimuona Shikuku kwa T.V. akizungumza juu ya Katiba, marekebisho ya Katiba. Kwa hivyo they are involved in the process.

Philip Mutai: Okay, lastly ni about President: Presidnet awe mtu ya 56 years and over, not 40 years.

Interjection: Not clear.

Philip Mutai: Ili apate kuendesha Kenya kwa njia ya amani na uwizi uangamizwe kwa Kenya. Asanti sana.

Com. Kabira: Asante sana Bwana Mutai, na asante pia kwa swali, asante sana. Okay, Mr. Samuel Kitur.

Samuel Kitur: Asante sana, yangu tu nitatoa maoni kuhusu local government, unajua tuko na shida sana kwa mambo ya..

Interjection: Not clear

Samuel Kitur: Kwa sababu tukichagua councillors wanaenda na hawatufanyii kazi vizuri. Sasa mimi naenda kwa upande wa uchaguzi.

Com. Kabira: Sorry ulitupatia jina?

Samuel Kitur: Samuel Kitur.

Com. Kabira: Okay.

Samuel Kitur: Sasa kulingana na uchaguzi wa tuseme mayor au chairman wa county council. Achaguliwe na watu direct. Tena kwa upande wa councillors. Tukiona councillor hatufanyii kazi vizuri, iwekwe sheria kwamba aondolewe, vote of no confidence. Kwa maana anaweza sema mtafanya nini kwa mana mlinichagua? na hafanyi kazi. Sasa (not clear) kama hafanyi kazi aondolewe na wenye walimchagua.

Sasa mimi natoa maoni kulingana na ile mashamba. Vile unataka kuchuna chai na hizi mashamba ni za mababu zetu, sasa ingewekwa sheria kwamba hata wakati wa mambo ya cess kutoka huko, tupate wakilishi wa watu tuseme Directors wa haya

majani chai. What is the reason? wawakilishe huko ili tupate hata haki yetu kutoka huko. Sasa yangu nitamalizia hapo. Asante sana.

Com. Kabira: Okay, asante sana Bwana Kitur, na tutamwita Daniel Kosgei.

Daniel Kosgei: My name is Daniel Kosgei, I come from Kapsusal Primary School and local area. First I must congratulate you the commissioners for coming here to have a word from the local people, and I think this is the first time in history.

Interjection: (not clear)

Daniel Kosgei: You make history by coming near us. The government is very far, we don't know even the government. If you come always, I think you will get the feeling of the citizens of this country. First I don't know whether the citizens are aware of the old constitution, the constitution which is about to be changed. Are they aware of that constitution? We are electing members of the legislative council, but they don't tell anybody what is happening in parliament. We hear that they are talking this and that, but they don't know what is happening there.

So the next thing is justice; rights and political economy of the country. Money is being brought from abroad, and the local citizens are not getting the benefit of that money, and yet they are the ones who are being taxed. They are the taxpayers. When we chose to take the colonial people out of this country, we said that the hut tax that was collected from house to house was a bad system, but this one is the worst and yet is it called our government.

So I think our next constitution, our legislators come nearer the citizens so that they can have a feeling of them. The next thing I am about to forget, we have been hearing our politician telling us that, local leaders are not to talk about politics. We are now talking about politics in church. Isn't this a church? I think the next time our local leaders should be incorporated in the government, because they see when the congregation breaks their face are read by the local leaders who are the church leaders. So we have many to say but because of time, you will be coming to us. There is a road which is passing from Nairobi to Kisii, but you go inside but you can get somebody in a blanket, he might tell you what he knows. I might be fair. Okay Thankyou.

Com. Kabira: Thankyou very much. Na swali lako uliuliza kama watu wanajua the old constitution, lakini pengine vile tungesema, ni kweli kuna wengi hawajui hio old constitution. Lakini vile tunafanya, ikiwa ile una-recommend iko kwa the old constitution itakaa hapo. Lakini ili ingine mpya unaleta tutaangalia tuone kama tutaweka in the new constitution. Lakini tumepeleka the constitutions kwa documentation centres, na Caroline huyu District Co-ordinator wa Belgut Constituency, Kericho District aweza kumwambia mahali pale mtu aweza kusoma hio Katiba. Okay.

Daniel Kosgei: Again I was about to forget is in the local government. The councillors, we have are too many.

Com. Kabira: Okay.

Daniel Kosgei: They are too many and yet we have very few people. Yaani those students who have finished school. One councillor can employ ten qualified boys to do a certain job. Instead of employing one councillor, let's employ the strong people.

Com. Kabira: Okay.

Daniel Kosgei: Because of grabbing.

Com. Kabira: Okay hiyo tumeichukuwa.

Daniel: Instead of retrenchment.

Com. Kabira: Okay.

Daniel Kosgei: they take money home.

Com. Kabira: Who?

Daniel Kosgei: Councillors.

Com. Kabira: Ooh they take money home?

Daniel Kosgei: They take.

Com. Kabira: Tutawaambia waache pesa kwa local authorities, kwa councils, wasipeleke nyumbani (laughter) Now. Isaiah Soi.

Isaiah Soi: Asante sana wananchi wote waliokuja hapa kuhudhuria na kuangalia hii maneno ya Katiba. Mimi nasema sasa nchi yetu sitaki maneno ya kusema ati Katiba sijui ati kufanya nini, chungu wananchi Kenya yetu iko watu mingi sana. Watu wengi sana. hapana taka kusema Katiba. Kusema katiba inaharibu watu wengine, waona namna hiyo? Sisi nataka Kenya yetu, Rais Daniel Moi kuchunga nchi mpaka mwisho. Ndio sisi tunataka tunaheshimiana ndio kitu Borra. Kitu Borra ni kitu mzuri kabisa. Hapana sema mwizi. Hii mwizi ni kitu inapita, mwizi hapana anangalia anapita hasa kesho unangalia hakuna. Angalia watu wako kwa miji. Miji ni kitu mzuri. Mimi nasema kwa katiba yetu chungu watu wetu. Kenya iko watu mingi, badala ya kuwa watu

wetu, sisi iko watu wote (not clear) damu moja, lakini Mungu alibadilisha kwa mdomo kwa maana alisema kuweka lugha moja tasema namna gani? Hakuna ng'ombe naolewa (laughter). Hakuna bibi naolewa kama naweka lugha moja. Sasa alibadilisha halafu watu wanaoana halafu wanazaa. Si namna hiyo? Sasa sisi nataka kwa Katiba yetu, tuache mambo ya wizi, fitina, Rais Daniel arap Moi afanye kazi, mpaka aseme anawacha kazi yake. Kwa sisi zamani isi naenda kwa wajukuu, kwa watu kumi kama naoa bibi, mimi napeleka miti namna hii, mini naenda kwa hapo, basi nasema bibi yangu ndio hii basi. Kwa mpaka Moi napa nyinyi. Nyinyi nataka kabisa hakuna mtu atapiga nyinyi, hakuna mtu nafanya nini, wacha hii mwizi. Mwizi ni kitu inapita. Asante sana kwa yote, mimi nasema ka vizuri, Katiba endeshe polepole. Asante sana.

Com. Kabira: Asante sana Bwana Soi kwa hio maoni, hata nilioga ukiingia nikasema huyo ni mwingine anataka kupeana maoni, kwa hivyo tumefurahi.

Isaiah Soi: Asante.

Com. Kabira: Na Bwana Soi alikuwa wa mwisho wale wamejiandikisha kuzungumza. Hatuna mtu mwingine? Huyo alikuwa wa mwisho na inaonekana kama tumefika mwisho kwa sababu hakuna mwingine angetaka kuzungumza. Na vile tutafanya you want to close, the lady at the back? You spoke? Then I'll give you the last chance till everybody else has spoken, it's okay, ume-register? Lakini ulikuwa ume-register as observer.

Joyce Mutai: Kwa majina mimi naitwa Bi Joyce Mutai, na nina jambo moja ambalo ningependa nipitisha ama mpitisha. Nitaongea mambo ya family planning ya kwamba, ipitishwe kwamba kila family wasizae watoto kupita watatu. Kwa vile tunaona nchi yetu inaendelea kuzorota sana, kwa hali ya umaskini. Ningependa kila family wazae watoto watatu, na kwamba wazee wawekwe ili kuchunguza mambo mengine lakini si mambo ya family planning, maana wakati wao umekwisha. Na tena ningependa, kuhusu watoto wenye tumezaa ikiwa ni watatu au wawili.

Ya tatu, mtu awekwe katika sheria, kwamba ana haki ya kuzaa watoto wawili, lakini akizaa watatu atoe kodi ya huyo mtoto, na kama kwamba hao watoto walindwe na serikali, na hao watoto wafanyiwe registration. Waangaliwe, wachungwe na wazazi wao, ama kama kuna njia ingine ya kupanga family planning, watoto wakiwa wasichana ama wavulana, wasizae watoto kabla ya miaka ambaye wazee wajawaeleza kwamba, ama vile watapitisha kwa family planning, kwamba, mtoto atakapooza mtoto awe kama miaka thelathini hivi. Ambiwewa ya kwamba kama kwamba wasizae ovyo ovyo. Nataka mtuwekee sheria maana tuko na shida.

Com. Kabira: Okay, ilikuwa ya mwisho?

Joyce Mutai: Niko na ingine. tena mambo ya pombe iondolewe. Nikisema pombe ninasema pombe ya aina yoyote. Sisemi pombe aina fulani ni mzuri, ama pombe fulani si mzuri, lakini pombe yote iondolewe Kenya yetu. Ofisi ya malalamiko ya akina

mama. Sasa naenda upande wa akina mama. Ofisi ya malalamiko ya akina mama inafaa iweko kwa sababu akina mama wako na shida mingi. Wanafaa kutunzwa, kwa njia tofauti. Sasa ningependekeza ya kwamba, wawe na ofisi yao, na wapewe jukumu ya kupeleka hio malalamiko yao, kuhusu mambo ya uongozi. Mambo ya kuvunja sheria kwa waume wao, wao pia wawe na nguvu ya kulindwa. Ni hayo tu, asante sana.

Com. Kabira: Okay asante Bi Mutai kwa hayo maoni. Wewe ulikuwa wa mwisho na tumefurahi. So tumesikiliza kila mtu aliyejiandikisha kwa kila mtu alikuwa amesema anataka kuzungumza. Kwa hivyo tunataka kutoa asante. Kwa hivyo tunataka kutoa asante nataka kumwambia, hii maoni tumechukua tutatengeneza report ya Belgut Constituency. Halafu hio report italetwa hapa, na mtaiangalia muone kama vile mlivyosema ndivyo tumeiandika, na tutatengeneza pia national report of the draft constitution. Ni kama recommendations for the draft constitution. Na hiyo, tunasema tutatengeneza na hio tutaleta na mtaiangalia, muone vile mlisema and how it compares with the national report, and the national draft constitution. Halafu mtaizungumzia pengine kwa 30 days, ikiwa hii law tunaitumia leo if it's not changed by parliament, sorry if it's changed by parliament. If it's not then you will debate the report for 30 days, and then will get back and take your comments and then will make the final constitution.

So we want to Thankyou very much, and we want to promise you those two reports, so that you can look at them. Mwangalie halafu muone kama vile mlisema ndio tumeandika, na national report muone vile constituencies zingine walisema. Kwa hivyo tumefurahi sana na ninafikiri tutaaliza mtu wa kuomba. Lakini kabla ya kuomba na kufunga hii kituo, tutamuliza district co-ordinator kama ana yoyote anataka kusema.

Caroline Lang'at: Okay, yangu tu kuwashukuru nyinyi nyote ambaye mumekuja mkapatiana maoni yenu. Okay nilikuwa nimesema nimeshukuru kwa wale wote ambaye walileta maoni yenu. Kwa majina naitwa Caroline Lang'at, mimi ndiye District Co-ordinator. Ningependa kusema kwa vile nimekuja nimechelewa. Tulikuwa na another public hearing huko Kericho Teachers College. Nimeacha ikiendelea nikaona ni heri nikuje nione kile ambacho mumetoa, halafu tutafunga pamoja. Vile commissioners wamesema, maoni yenu yatatiliwa maanani, na yataunganishwa na yale mengine ambaye wengine wametoa upande mwingine. Upande wa Belgut tulikuwa Kiterer, na tena upande huu ni wa pili. Sina mengi ningependa tu.

Com. Kabira: (not clear) the district co-ordinator office is..

Caroline Lang'at: Okay, kwa wale ambaye hawajui ofisi zetu ya Constitution Review ambapo ipo, tuko katika Kenya National Library Services, opposite Mid-West. Huko ndio ofisi iko, na pia documentation centre. Material zote ambazo mnahitaji kuhusu Katiba mtakuja kuchukua huko, na nitawaletea zingine mahali mtakuwa manyumbani mwenu. Asteni. Nitampatia Mr. Kiricha ambaye ni committee member wa Belgut aseme neno, kabla hatujafunga.

Charles Kiricha: Yangu sina mengi. Kile tu ningetaka niseme ni kwamba nawashukuru watu wote ambaye mumekuja hapa,

namushukuru mwalimu wangu hapa. Alikuwa mwalimu wangu, vile vile tukafanya kazi kidogo kwa muda katika sauti ya Kenya, asante sana, hapa ni nyumbani wakaribishwa.

Com. Prof. Salim: Na furahi sana kukuona wewe.

Charles Kiricha: Asante sana, pili ni jambo hili la constitution, katiba yenyewe. Katiba kwa hakika wengi wetu hatuelewi, hasa katika mashambani. Wakati uliponipatia nafasi ya kuwa kati yake, ilinipatia tatizo kidogo kwa kuwa nilikuwa nikifikiria kwamba nitaanzia wapi, na nitaendelea mpaka wapi? So, tunawauliza mfanye Katiba, hata kama ile Katiba ya zamani, mfanye iwe karibu na sisi, angalau tupate nafasi tujue kabla tujatoa maoni mengine. Yangu tu ni kurudisha shukrani kwa kuwa mlileta mambo hayo katika sehemu yetu ya mashambani. Hapo vile vile tumenufaika sana. Tumejifunza mengi na vile tunavyoongea na watu kule katika mikutano yetu, tulipata mawazo ya watu kuwa ni mawazo mema, na ambayo inaweza ikatujenga. Kwa hivyo nasema asante sana. Nawarudishia hawa wote asante sana. Wale wote ambaye hawakuwahi kuja upande huu, tulikuwa tumesha wahi kumaliza mazungumzo yetu. Wengi wakasema tuyachukue yale ambayo yameandikwa.

Pili siwezi kasahau vile mlivyo tuahidi kwamba, yale yote ambayo tumesema yamenaswa katika kanda, hayo tumeandika. Tutakuja kumuuliza tuone kama yetu imekuwa in-corporated. Kwa kuwa itakuwa kitu disappointing baada ya kutumia muda mrefu, miezi mingi tumeiacha kazi zetu, halafu baadaye mambo yetu ambayo tumeyasema hapa kama haitaonekana kwa katiba, kidogo tu itakuwa imetulia wasiwasi. Kwa hivyo wazee na wakina mama tutakapoyasikia hayo, mnajua ofisi, mnaenda kusoma, na muone, na mkajiulize mlisema namna gani. Kwa haya machache nasema asante sana kwenu nyote, na wale wote ambaye wameleta presentation, asante sana.

Com. Kabira: Nadhani tutaomba halafu tutafunga mkutano, nitampatia Moderator atuombee.

Moderator: Hamjambo wote?

Audience: hatujambo.

Moderator: Asanti sana kwa kututembelea upande huu. Hii mambo ya Katiba imekuwa tatizo sana kwa mashambani hapa. Sababu tunawambia, kwenda eleza Katiba. Kama hujui ile ya kwanza, ni vigumu sana kujua namna ya kusema. Lakini tunajaribu tu, na mtusikilize vizuri na tungeomba hii iharakishwe, lakini isiharakishwe zaidi. I don't know what I have said. Let us pray together (laughter). Tuombe pamoja.

Baba katika jina la Yesu tunataka kushukuru wewe, alasiri ya leo, kwa ulinzi wako na neema yako; na yale yote ambayo imetufikia. Alasiri ya leo ningependa kuomba utusiadie kwa hapa Kenya, ili tupate kuendelea kwa ile tumezingirwa na mambo mengi mazuri, ambaye umetulinda hakuna wale watu amabye wamekuwa wakimbizi, kwa nchi zingine. Tumekaa nchi yetu, na

tumetatia taabu zetu hapa nyumbani. Kwa hivyo Baba naomba ili Katiba ambaye inaendelea kutengenezwa sasa, iwe Katiba ile itakuwa guideline kwa sisi hapa Kenya kwa sisi sote. Asante kwa serikali yetu tukufu ikongozwa na Rais Moi na wale wote ambaye wako pamoja. Hawa commissioners wamepelewa jukumu kubwa, na ninawaomba kila mmoja wao ili wapate usaidizi kutoka binguni, wapate kuelewa vile tumesema na wapate pia, kusoma katikati za malini ya vitu ambaye tumesema. Asante baba na tuongoze katika jina la Yesu Kristo Mkombozi wetu. tunaomba.

Audience: Amen.

Moderator: Asanteni sana.

Nathaniel Korir: Majina yangu ni Reverend Nathaniel Korir, assistant moderator wa AGC.

The meeting ended at 6.00 P.M.

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