

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS,
BOMET CONSTITUENCY, HELD AT LONGISA SECONDARY SCHOOL**

ON

15TH JULY 2002

**CONSTITUENCY PUBLIC HEARINGS, BOMET CONSTITUENCY HEARINGS HELD AT
LONGISA SECONDARY SCHOOL ON 15TH JULY, 2002.**

Present

Com. Dr. Charles Maranga Bagwasi.
Com. Dr. Mosonik Bernard Arap Korir.
Com. Abida Ali Aroni.

Secretariat in Attendance

Ismael Aden - Prograame Officer
Omwanza Ombati - Assistant Program Officer
Flora Wafula - Verbatim Recorder
David Cheruiyot - District Co-ordinator

The meeting was called to order at 10.10 am

David Cheruiyot: Commissioners who are with us today, in this very important day, also members of the public. The Secondary school Head teacher, the Deputy among other participants. Let me take this opportunity to highly welcome you all, in this very important exercise. I will like to call upon anyone among the participants, who is a Pastor or okey. ... Chaplain? Chaplain? Karibu.

Pastor Wilson: *Kenaib nafasi ni attach commissioners chemi kobotech, head master nebo sukulini,deuty ,program officers ak bik che toreti kei tugul ak wananchi tugul otokotin. Nen akur chi agenge eng yu kondoiwech eng saet asikenam. chaplin*

Chaplin: *Ongesaa ,kwanda nyo Jehobo eng kainet ab cheiso kiwe kongoi eng betut neo neuni nekaichomwech sikobit ketuiyen eng koi keker ngalekchebo ngotutic che nomekei ak achek en emoni.Kongoi kora amu kaimutu toek che kokikeni sikobit kengalal tugul akekoite kora tukuk chekitindoi eng mugulek chok konamkei ak ole yochei kechopto ngatutik, kimoche kesaa Jehova kwanda nyo kelesikobit itorettech eng betuni yeitoretchi emenyon kotugul kkandoinatet*

nebo emoni ak ngalek kora chenomeigei ak lewenisietkemoche kebwa taingung amu inye kamuktoidet neterektoi koinotsiek akindochi bik kuk kiaech eng emoni akokimoche kemeny emoni eng kalietak boiboiyet neo akenyuru koberuret nikirichobwech ang nesirei kiptaiyande nyo ko kenaiin eng mugulek wek chok situn kemuche kenyoru sobondo ap koikeny.Noto neo missing nikiri yoko weringung konyokokoito kei akobo achek sikoi inendet oret nekiit chine oldo ngung, ako kakiyanin akikoite kei eng mugulelwek chok, kimoche kesaa iyai nemie atko ngalalet age tugul netessei eng koikoberuret yekitore bisiet nebo betut ab raini kemwa kongoi amu tukuk chichan chekika kotestai eng kainet ab Jeiso ne yetinde nyoo AMEN.

David Cheruiyot: Before I hand over the programme to the Commissioners who are here with us today, let me recognize the presence of Head teacher for Longisai School, Welcome Sir.

Head teacher: Ladies and gentlemen, I wish to take this opportunity to welcome all of you to our school compound. I have the pleasure to really say that we are very thankful, we are very happy to see you here. You have a big job before all of you, and I wish you a very nice time. I want to say that please, feel free to use our facility. If there is any problem, please we are here, let us know so that we can be able to assist. Thank you very much, you are most welcome.

Com. Maranga: Thank you.

Com. Abida Ali-Aroni: Hamjambo?

Audience: Hatujambo.

Com. Abida Ali-Aroni: Kwa niaba ya Tume ya marekebisho ya Katiba, ningependa kuwa karibisha katika hichi kikao rasmi cha kuchukuwa maoni kwa upande huu wa Longisa, na tungependa kuajulisha watu ambao wamekuja kuchukua maoni yenu pamoja na wale tunashirikiana na wao. Kabla hatujawapatia, masharti ya mkutano wa leo. Na kabla sijafanya hivyo, ningependa kumshukuru Mwalimu Mkuu kwa kutupatia hii nafasi ya kuweza kukutana katika shule hii. Tunamshukuru pamoja na jamii ya shule hii ya Longisa High School. Ningependa kuajulisha kwa wanatume ambao watakua wanachukua maoni yenu kwa siku ya leo. Kwa upande wa kushoto, niko na Doctor Charles Maranga Bagwasi, Charles wasalimie kidogo tafadhali?

Com. Maranga :*chamgei tugul* Asante.

Com. Abida Ali-Aroni: na kwa upande wangu wa kulia niko na mwenyeji wenu ambaye ni Doctor Mosonik Bernard Arap

Korir.

Com. Mosonik Bernard Arap Korir:oamune bik chok , kakobwa toek eng ole loo onge mwa kiit nekimok toi eng Katiba nelel kongoi mising

Com. Abida Ali-Aroni: Asante Bwana Mosonik Bernard. Ningependa kuajulisha wengine ambao tumeandamana nao katika shughuli hii. Kwanza, tuna Ismael Adan, Ismael? Nafikiri anajishughulisha na kazi huko inje. Ismael ni Programme Officer, ikiwa muna maswali yeyote, mutaweza kumuliza kwa sababu, ukijaribu kuongea na sisi hapa juu, hatutakuona. Kwa hivyo ukiwa na swali lolote utauliza Ismael Aden, nitawajulisha niki mwona anaingia. Kazi yake ni kuhakikisha kwamba mkutano huu unaendelea bila shida yeyote, na kuhakikisha kwamba karatasi zote ambazo munazo mumeandika, zimewekwa sawasawa na kufikishwa katika ofisi ya Tume. Na katika kazi hiyo, anasaidiwa na Omwanza Ombati. Ombati atakuwa anaandika mambo yote na kumsaidia Ismael katika kazi hii, halafu tuna Flora Wafula ambaye kazi yake ni kuhakikisha amefata sauti zenu kupitia mtambo wa kunasa sauti. Kwa hivyo ingawa tutakua tunaandika, mkiona kwamba wakati mwingine hatuandiki, musiwe na wasiwasi kwamba maoni hayachukuliwi. Kuna chombo cha kunasa sauti zenu, kwa hivyo kila mtu atakayezungumza maneno yake yatasikizwa na yatasikika vizuri tukifika Nairobi, ingawa hata sisi tunajaribu kuandika. Kwa sababu kitu yeyote ambaye inatengenezwa na mwanadamu haina kasoro siyo? Kwa hivyo tape recorder ikikosa, kutakua na back-up. Kwa hivyo kuna watu karibu tano watakua wanaandika mazungumzo yenu. Na mimi ninaitwa Abida Ali-Aroni, Commissioner na naibu wa Mwenyekiti wa Tume ya Kurekebisha Katiba. Lakini Bwana Co-ordinator, umesahau kutueleza kama kuna watu wa 3Cs hapa. Na ninaona mmoja ambaye kawaida huwa tunamtumia kama translator. Wako?

David Cheruiyot: Yes.

Com. Abida Ali-Aroni: We would like to know them if they are there.

David Cheruiyot:(inaudible)

Com. Abida Ali-Aroni: Can you introduce the ones who are here, I know there is one.

David Cheruiyot: The only 3C member who is with us is Caroline. There was another madam, Ms Grace Koech alikuwa akitusaidia sasa alienda shughuli nyingine ya hii kazi. So madam.

Com. Abida Ali-Aroni: Caroline tunakushukuru kwa vile umekuwa na bidii na kuandamana na sisi kila sehemu ya hii district.

Tunashukuru sana na wengine wakifika, why don't you introduce her. We must acknowledge the good work they are doing.

David Cheruiyot: Mrs. Koech, you are welcome. Introduce yourself to the participants and the Commissioners.

Mrs. Koech: Thank you very much our Co-ordinator, the Commissioners from Nairobi. I am Mrs. Grace Koech a committee member in Bomet Constituency. Thank you.

Com. Abida Ali-Aroni: Asante. Nafikiria baada ya mazungumzo hayo, sasa tungeingia katika programme yetu. Tungependa kuwapatia masharti ambayo yatatuwezesha kuendesha mkutano wa leo. Tungependa kuwajulisha kwamba mtu anaweza kutumia lugha yeyote ambayo anaona ndiye angeweza kuzungumza kwa njia ambayo tutaweza kuwasiliana naye. Siyo njia ya kuwasiliana na wale lakini njia ya kuwasiliana nasi. Tunaomba, ikiwa unaelewa Kingereza au Kiswahili, kwa sababu ya kuweza kufupisha muda, uzungumze katika lugha ya Kiswahili ama Kingereza. Ikiwa una ugumu wa lugha siyo ugumu wa watu kusikia wenzako, lakini ugumu wa lugha, tutaweza kukusikiza kwa lugha yako ya nyumbani na tutakuwa na Caroline ambaye anafanya kazi nzuri sana ya kutafsiri. Na tutapatia watu ambao wana written memorandum dakika tatu peke yake.

Kwa hivyo utakuja na kuketi pale, na ku-highlight ama kufanya, kufupisha mazungumzo yako ambayo yako kwa karatasi, kwa sababu tutakuwa na muda wa kuweza kusoma hizo karatasi zenu. Na tunawaomba mkifika hapa mbele msizisome kwanza ukurasa wa kwanza mpaka wa mwisho. Kwa sababu hiyo itahitaji saa moja nzima na tukiangalia masaa yale tukonayo kwa siku ya leo ni chini ya masaa saba. Kwa hivyo tukiwapatia kusoma mwanzo mpaka mwisho, tutasikiza labda watu saba na tunataka kusikiza zaidi ya watu mia ambao ninaona kwa wakati huu mumejika zaidi ya watu hamsini. Kwa hivyo tukikutatia dakika tatu, unafanya highlight na baada ya dakika tatu, tutakuomba uwache kuongea kwa sababu tutachukua memorandum, tuende tukaisome Nairobi.

Watu ambao watazungumza bila memorandum na ninaona ni wachache kulingana na vile mumejiandikisha, tutawapatie dakika nne pekee yake kufanya mazungumzo yao. Tumeelewana? Na siyo kwa sababu hatutaki kuwasikiza ni kwa sababu ya muda. Tunataka watu wote ambao wamejiandikisha hapa waweze kuzungumza. Tutafuata utaratibu kulingana na vile mumejiandikisha hapa. First come first served. Kwa hivyo kama mtu amechelewa kufika, tafadhali usijaribu kutuomba kuruka laini. Kwa sababu sheria yetu haitukubalishi kufanya hivo. Mtu asifike hapa kutuambia ako na haraka kwa sababu kila mtu ana haraka

lakini tumejitolea kwa siku ya leo. Si ni ukweli? Lakini kwa mfano kama Bwana Headmaster ametayarisha students kuja kutoa maoni, wakifika kwa sababu hatutaki waketi hapa kwa muda mrefu, tutawaptia nafasi wakifika tu, tutaweza kusimamisha hii list na kuweza kutaja majina yao, ili wazungumze na ikiwa wana kazi zingine za shule, waweze kurudi.

Ikiwa tutapata mtu mgonjwa ama mlemavu ambaye tunaona anashida ya kuketi kwa muda mrefu, tutamsikiza pia na kuweza kuruka majina. Tatu, ikiwa tutapata akina mama natunaona pengine saa ya kuenda nyumbani imefika, tunaweza kuruka hii laini tukawapatia nafasi ya kuzungumza ili waweze kuenda nyumbani na kuendelea na shughuli zao za kawaida. Lakini, ikiwa ni mtu tu ama hayuko katika hiyo group, tafadhali usijaribu kutuomba kuruka majina kwa sababu mimi sitakubali kufanya hivyo. Ikiwa una written memorandum na una haraka, unaweza kuenda kwa Ismael, ndio yule ameketi pale, utakwenda kwa Ismael na kumpatia karatasi yako kimya, siyo lazima uzungumze kwa sababu itasomwa baadaye. Baada ya kutoa maoni, tutawaomba muende pale kuna register ingine yetu, wacha hii, kuna ingine ile inaonyesha kila mtu ambaye atazungumza na kuna maswali ambaye ni lazima muyajibu, mta kwenda pale na kuweka sahihi kuonesha kwamba mumezungumza.

Na ikiwa umekuja na hautaki kuzungumza siyo lazima uzungumze, utajiandikisha kama observer. Tumeelewana? Kwa hivyo ikiwa hauna maoni, siyo lazima uje pale na kurudia maoni yale yamesemwa. Na inawezekana tukakuuliza maswali ili tuweze kuelewa zaidi maneno yako. Ikiwa unajibu, unaweza kujibu, ikiwa pengine haukufikiria jambo hilo, unaweza kutueleza na ukipata nafasi kabla ya mwisha mwezei, ututumie jibu hiyo ikiwa unaona unataka kujibu. Katika mazungumzo tunaomba tutumie lugha ambayo ni nzuri, siyo ya kukasirisha na tusitaje majina ya watu kwa sababu pengine utataja jina la mtu ambayo hayuko hapa, kujititetea na pia kwa sababu hatufanyi debate ukitaja mtu jina lake kwa vibaya na atake kujitetea tunaweza kukosa nafasi ya kumpatia.

Kwa hivyo ikiwa pengine umekasirishwa na chief, tuambie tu ofisi ya chief, usituambie jina ya chief. Tumeelewana ama kama haufurahi mbunge, usitutajie mbunge, sisi hata nafikiri hatujui sana mbunge wa hapa ni nani. Kazi yetu ni kuandika, tuambie tu wajumbe, hatutaki kujua details. Tumeelewana? Na mtu akifika hapa azungumze neno ambalo halifurahii, tafadhali tusipige kelele kwa sababu tunasema democrasia kila mtu anatoa maoni yake. Ikiwa unapendezwa, hukupendezwa, sasa hiyo ni nafasi yake ya kuzungumza na wewe utapata nafasi yako ya kutueleza mambo ambayo yanakufurahisha. Ikiwa umefurahiya mambo

anayosema, hata kama unataka kupiga makofi, tufanye kwa njia ambayo haitatutiza katika recording ambayo tunafanya, na tunaomba watu ambao wanamazungumzo, ikiwa ni lazima muzungumze mutoke nje kwa sababu hatutaki itilafiane na recording ambayo tunafanya ili kuweza kupata maneno yenu kwa njia nzuri. Na ukifika pale, ingawa tuna majina hapa, itakubidi utaje jina lako kwanza, ili record itoke na jina la mtu ambaye anazungumza. Tumelewana? Okey asante sana. Nafikiri kwa wakati huu tutanza hii shughuli na mtu ambaye ni wa kwanza Bwana Richard Maritim. Richard Maritim? Written memorandum three minutes please.

Richard Maritim: I am Richard Maritim from Murwo Magirama Mission Foundation. I want to read my views in Democratic principles of the state policy. We need to get men in our constitution capturing the national development and guiding principles. Our democratic principles should be included in the constitution, liberty, social, equality of all citizens, respect for the rule of law. Being responsible for the welfare of the people. Separating functions within the Executive, the Legislature and the Judiciary.

Accountability within the state, institutions, political parties, private, civil society, organizations. They are encouraging and protecting the civil, political, economic and cultural lives of citizens in the decision making process. Providing equal chances to all citizens without discrimination of any kind. And holding free and fair elections at the times. The principles should be enforced in law. I think that is the end of my views. As I opened I also adopted the Federal system of government to be adopted in our country.

Com. Abida Ali-Aroni: Thank you please, register and leave your memorandum. Next is Benson Chelule.

Benson Chelule: I am Kalon Chelule and I present issues about the Preamble. The people of Kenya we solemnly refer to the constitution of Kenya and to secure to all its citizens. Justice, social and economic and political. Liberty of thoughts, expression, belief, faith and worship. Equality of state and opportunity promote among all the citizens. Fraternity: assuring the dignity of individual. The unity and integrity. The name and territories of the nation of the state. Federal republic Kenya should be a union of state. The region should remain independent in the character of other regions. The federal union deal with the

matters of the local independence with the central government responsible for issues at national and international levels. Thank you.

Com. Abida Ali-Aroni: Please register there, thank you very much. Sammy Chebusit?

Sammy Chebusit: My views is based on the Local Government. Mayors and Council Chairmen should be elected by Council chamber. The current two years term for mayors and Council chairmen is not adequate. Therefore they should serve for five years of one term. There should be minimum adequate for qualification for Councilors. That is, they should be a form four level with sufficient in English and Kiswahili. Our constitution should not allow nominated Councilors. The district boundaries is below satisfactory. The Narok County Council has extended to part of Bomet Council. The river that is Amalo should be the boundary. Above all I prefer the federal government. Thank you.

Com. Abida Ali-Aroni: Please register and hand in your memorandum. John Koyumi?

John Koyumi: I am John Koyumi and only touching on the Legislature or the Parliament. As far as the government is concerned, we the Kenyans, would like maybe somebody who is vying for the Parliamentary seat to be somebody who has attained the age of above 21 years. There should be un-limited terms for the Parliamentary and for President, a maximum of two terms as usual qualification. The Electorate should have the power to recall their constituency committees composed of village elders to address the activities as far as such projects have been achieved. There should be no nominated MP instead there should be people elected by women and disabled. We refer that federal government should be in. That is the end of my views.

Com. Abdia Ali-Aroni: Thank you, please register. Zephaniah Rono?

Zephaniah Rono: I am Zephaniah Rono. My views is based on basic rights. Our constitution provision for fundamental, political, social economic and cultural rights. Death penalty should not be abolished. The constitution should protect our basic rights. Free and compulsory education upto form four levels and university will be cost sharing. Free medical services to be

provided to children between one to eighteen years. And nineteen to sixteen years should accept cost sharing with issue of NHIF card at lowest cost. Elderly should also be given free medical services. Security should be given to the civil society by assigning administration to the immediate office like the chief's office. Policemen should be polite and identify themselves before arresting someone. Retirement age should be lowered upto fifty years to create job for the needy. To ensure enough food productions, the government should;

1. provide free and farm inputs as substitutes price.
2. agricultural office should retain and ensure that proper farming methods are as follows: - should be the application of the government to employ all graduates.
3. Retirees should be given pensionable jobs. Last but not least, federal government .

Com. Abida Ali-Aroni: Thank you. Everlynn Chebet Koime. I want to say the side of land and property right. The individual should have ultimate ownership of land. The state government or local authority should control the use of private land and when the land is not properly utilized by the owner. And individual should be allowed to own a maximum of a hundred acres. A parcel of land acquired through other means other than buying and inheritance and especially through grabbing must be repossessed by the government and distributed to the landless people with approval from village elders and chiefs. The transfer of land should be simplified by bringing the land board to the reach of the people. That is to the divisional level. Married women are entitled to their parent and inheritance and should have ultimate ownership of her share. The couple that is Mr. and Mrs. Should be entitled both in the title deed for the security matter. Kenyan citizens should be free to own land or buy land anywhere within their region. The pre-independence land treaties and agreement involving certain communities such as Maasai, Mazrui and coastal region should be repealed or abolished. Above all I prefer federal system of government.

Com. Abida Ali-Aroni: Before you leave, I have a question for you. You have stated that un-married girls to own property. Why do you prefer un-married girls or un-married women, and not women generally? What is your reason for categorizing.

Everlyn Chebet: You know some of them might

Com. Abida Ali-Aroni: tell me your reason not about others, your reason. If you have, if you don't have it is okey I'll assume

that you never thought of the married ones and the young ones not yet married.

Everlyn Chebet: the married ones I said, they should be with the couple .

Com. Abida Ali-Aroni: supposing the husband has no land or comes from a very poor family, why don't you want her to inherit from the parents.

Everlyn Chebet: the man?

Com. Abida Ali-Aroni: the woman, the girl if I may use your words. Thank you. If you haven't thought, think about it and let us know at some point. Thank you. Thomas Towett?

Thomas Towett: Yes Madam.

Com. Abida Ali-Aroni: Tunataka kusikia maoni yako sasa mzee ama hauna?

Thomas Towett: niko nayo.

Com. Abida Ali-Aroni: ee basi karibu, dakika tatu peke yake. Kuja pale ukae.

Thomas Towett: Maoni yangu yoyote?

Com. Abida Ali-Aroni: ya katiba.

Thomas Towett: Ya Katiba. Yangu ni verbally, sikuandika kitu chochote hapo. Kitu ya kwanza, mimi naitwa Thomas Towett, ninatoka Tergat, Longisa division. Maoni yangu ni habari ya Katiba mpya. Kwa maoni yangu ninapendelea sana sana ni Councilors. Unajua saa zingine district nyingine hawana pesa. Nataka pesa zao ilipwe na Central government ikiwezekana. Na ingine, mambo ya boundaries, najua kila district iko na boundary, au province iko sehemu yake ya kutawala. Kwa upande wa kwetu hapa. Ni mambo ya boundary ambaye ilitengenezwa na serikali. Mambo ya utawala wa zamani, ilikuwa mwisho mwisho, ni ya mahali inaitwa Mara River, kwa upande lakini kwa mambo ya watu kunua shamba, hiyo ni sawasawa. Wewe ni mtu wa Kenya naweza kuchukua shamba mahali popote anapenda lakini kuna msituni nyingine hapa inaitwa Trans Mara. Lakini iko upande wa Bomett pahali inaitwa Kibios. Hiko mtoni upande hii. Inaonekana ni yetu kabisa ni ya watu wa Kipsigis, hiyo forest. Iko jina nyingine ambaye wakati ya ukoloni walikua wanaitwa hiyo msitu, Sapek. Hawa wanaandika maasai.

Hiko upande wetu. Tunataka tena Councilors au wale ambao wanakuwa nominated Councilors. Lazima wananchi wa-nominate wao kwa sababu wengine hu-nominate marafiki wao. Siyo DC, au MP wanajua wanachagua watu wao ambao hawajuwi chochote. Ninapendelea majimbo. Mtu yeyote kila sehemu iko na serikali yao hata wale watu ambao wako inje si ni watu wa upande ya kila sehemu. Kuna watu wengine bado wako chini kwa mambo ya masomo. Tunapendelea majimbo. Mambo ya mkubwa wa serikali. Yule President anayechaguliwa lazima awe na uwezo kwa army, police, lazima yeye ndio kiongozi wa nchi ambaye tunapewa nafasi ya kufanya kazi yake sawasawa.

Com. Abida Ali-Aroni: Asante mzee tumeshukuru kwa maoni yako. Jiandikishe pale tafadhali kabla haujakaa, pale kuna wale vijana wawili enda pale. Tunataka signature yako, si-una signature. Ee andika hapo. Joel Chelule?

Joel Chelule: I am Joel Chelule and I am going to state my policy basing on political parties. Political parties should participate actively in initiating and carrying out development projects. The constitution should regulate the formation management and conduct of political parties. There should be a maximum of three political parties that is in Kenya. Political parties, when registered should be funded through government funds allocation initiating in development projects. The state and political parties should co-operate and work hand in hand. Political parties should be given freedom to solicit funds from donors to finance their development projects. The Elections for the year 2002 be conducted by the new constitution. And above all, I prefer a federal government to be adopted. Thank you.

Com. Abida Ali-Aroni: There are questions for you, Dr. Maranga.

Com. Dr. Maranga: Mr. Chelule?

Mr. Chelule: Yes.

Com. Dr. Maranga: so you wouldn't mind if for example a donor country like any country, let's America decided to fund a political party and maybe the Americans want to use them for that matter, will you accept that kind of mandate?

Mr. Chelule: can you come again?

Com. Dr. Maranga: I am asking, for example a political party went to maybe America or Britain, I wouldn't say we are going to fund this particular political party, will you be happy with that? Don't you think you are going to sell your rights as citizens if

you are being funded by foreign country for example?

Mr. Chelule: what I am just talking about is the government to fund this people so that... no, I am saying political parties should be given full freedom to solicit for funds from donors finance their development projects. Maybe their constituencies.

Com. Abida Ali-Aroni: Okey, thank you. Dr. Mosonik Bernard has a question, ngojea.

Com.Mosonik Bernard Arap Korir: two questions. One you said there should be only three parties. If you were asked which are the three parties, how would you identify them?

Mr. Chelule: actually we are going to see maybe for now after this election the first one, the second and the third. We make them to be the required three.

Com.Mosonik Bernard Arap Korir: then secondly you said the 2002 general elections to be held under a new constitution.

We in the commission have said it is not possible to have a new constitution this year, so what do you do if the constitution is not ready?

Mr. Chelule: is not ready?

Com. Abida Ali-Aroni: it won't be ready.

Com. Mosonik Bernard Arap Korir: it will not be ready this year.

Mr. Chelule: I think we are going to use those that are ready or we postponed the election.

Com. Abida Ali-Aroni: Okey, please register the next one is Fridah Chelagat.

Fridah Chelagat: I will read what I have touching cultural, ethnic and regional diversity and communal drive. The constitution should be protected and promote cultural values thus should be captured in the constitution. This include:

1. female circumcision should be abolished.
2. Village elders should provide certificate for traditional marriages.
3. wives and children to be first beneficiary for deceased widowers.

4. fathers are to be fully responsible for all children got within and outside wedlock.
5. sons from polygamous family should get their land and property from their mother's share. All interest of dispute groups should be taken care of by constitutional riddance.
6. each ethnic group should have authority in constitution to practice their culture.
7. culture in the constitution should promote equality and harmony.
8. there should be forty two national languages according to the tribes we have in Kenya plus English and Kiswahili.
9. traditional marriages, weapons, religious and other customary law should be protected by the constitutional law.
10. any leader that work closer to the community if found imposing his or herself in corruption particularly in issues relating to the development should be fired from that office immediately.
11. there should an organization that looks on corruption in the civil society. Above all I prefer federal government.

Com. Abida Ali-Aroni: Thank you. Next is Julius Towett.

Julius Towett: I am Towett Julius and I am presenting my views pertaining citizenship.

1. if you are born in Kenya by a Kenyan parent is regarded as a citizen of Kenya.
2. any woman married by a Kenyan should be regarded definitely as a citizen.
3. whoever makes registration should be gather ofcourse as a citizen.
4. our constitution does not allow dual citizenship and last,
5. Kenyan citizen should carry national identity card and birth certificates as evidence of citizenship. Above all we prefer federal system of government.

Com. Abida Ali-Aroni: I have a question. Do you have a question, okey ask her?

Com. Dr. Maranga: You said about the categories of system should but I didn't know whether the lady who is married to a foreign husband, the foreign husband can be a Kenyan citizen?

Julius Towett: I think that one because if somebody marries a foreign wife or husband that one should be regarded as a citizen.

Com. Abida Ali-Aroni: I have another question for you. Now you would like Kenyans to carry ID card or birth certificates

as a way of identification? Now the current birth certificate that we all have or those who have say that, that birth certificate is not a guarantee that you are a Kenyan, because anyone born in Kenya gets a birth certificate. So what do we do to non-Kenyans who give birth to their children, do we deny them birth certificate or what do we do, or we have two types?

Julius Towett: As I have said in the first case that whoever who is born in Kenya by Kenyan parents is regarded as a citizen of Kenya.

Com. Abida Ali-Aroni: do you that there are non-Kenyans who leave in Kenya and they give birth everyday as we talk, so what happens to them?

Julius Towett: I think that one, a mother who comes from a foreign country to Kenya and gives birth to a baby should have to present his identity card of his home country first, before giving birth to that baby such that the baby should not be regarded as a citizen.

Com. Abida Ali-Aroni: what about a birth certificate?

Julius Towett: a birth certificate also should not be given within the country if the mother of the baby is a foreigner.

Com. Abida Ali-Aroni: Thank you. Now the students who are out there if you wish to come in, you can come in, we are not barring students from listening or participating. You can come in and go out at your own leisure but do it very quietly when you go out. Thank you. Simon Mosonik Bernard?

Simon Mosonik Bernard: Thank you. I am Simon Mosonik Bernard. I am presenting my views based on the Executive.

- On top of the usual qualification, a President must be a professional in any field with academic qualification of at least secondary education and clean records.
- There should be Parliamentary committee to look into the activities of the President and investigate in anything which might make the President able to execute his duties well upon reporting mobility.
- It should be tabled in Parliament and voted for by 2/3rd majority.
- A President should not be a member of Parliament.
- Presidential candidate should first vie for Parliamentary seat and then upon qualifying to be a President, he should resign and by-election be held to elect a new MP.

- Ministers should have background knowledge of the ministry they are heading.
- President be removed from office if found guilty of criminal office or misuse of office and guilty of corruption.
- Above all, I am proposing a federal system of government.

Com. Abida Ali-Aroni: Thank you, we take notice that you are all emphasizing on a(tape finished without it)

David Keter: My names are David Keter. I am presenting the side pertaining the Judiciary. Local Tribunals be formed to drive something cases of village level which are built to magistrate court for justice. The constitutional and criminal law books should be availed and respective penalties be clearly stated and distributed at village levels. And above all, I prefer federal system of government.

Com. Abida Ali-Aroni: I have a small question for you. Who is to head the Local Tribunals? You are proposing that we have local tribunals, who should head those tribunals? Magistrates? Elders? Have you thought of that. Somebody has to preside over the tribunal.

David Keter: You are saying?

Com. Abida Ali-Aroni: I am saying if you have a tribunal at the local level, you will definitely have somebody in charge, so who presides? Or who sits in the local tribunals.

David Keter: the village elders.

Com. Abida Ali-Aroni: Thank you. Another question/

Com. Dr. Maranga: You are proposing a majimbo system of government. How many jimbo do you want us to have in Kenya?

David Keter: eight.

Com. Abida Ali-Aroni: David Towett?

David Towett: I am presenting my views on Electoral system and process. We the citizen should practice simple majority electoral system.

- There should be a minimum percentage or number of vote of residential candidate. He should attain 51 and above percentage.
- For civic and Parliamentary, we take majority.
- Candidates who fail to seek nominations in one party is prohibited to switch over and seek nomination from another party.
- He should only be after five years.
- We should retain 25% of representation in at least five provinces for Presidential elections.
- Civic, Parliamentary and Presidential elections should be held simultaneously. Candidates contesting or vying for civic, Parliamentary and Presidential should be funded equally during elections campaign exercise.
- Election date should be specified in the constitution, but it can be altered in case of any emergency.
- Local Authority, Parliamentary and Presidential should be declared out by their constituents with vote of no confidence in case of mis-conduct or unnecessary defection. Last but not least we, the citizens want a federal government.

Com. Abida Ali-Aroni: A moment.

Com. Dr. Maranga: I have a question. You have said that civic, Parliamentary and Presidential candidates be all funded. So are you saying that in the coming elections, if all the parties, we have about forty two, now they put up candidates all of them to be funded where are we going to get that kind of money and by who?

David Towett: no, only the registered three. The three registered three.

Com. Dr. Maranga: But we have not registered three parties. Okey can you tell how they three parties are going to be arrived at. One person suggested that after the next general election, we can have the first three parties. Now we have not done the elections, which are going to be the three parties?

David Towett: The first three parties.

Com. Dr. Maranga: well, how? We have not done the elections. We are going there and you want everybody to be funded

which are the three parties?

Com. Abida Ali-Aroni: or were you talking about the future?

David Towett: yes I am talking about the future.

Com. Abida Ali-Aroni: Okey thank you. Godfrey Cheruiyot?

Godfrey Cheruiyot: My names are Godfrey Cheruiyot. First and foremost the new Kenyan constitution should adopt a preamble. I propose a preamble like. We the citizens of Kenya deeply inspired by the enormous sacrifice of our freedom fighters made in the struggle for independence, recognizing that on such won freedom, lies the foundation of a chart government depriving its powers and policy programmes from consent and several consensus of the people aware of the tremendous pardon owned by all Kenyan each day to hold this country together. Believing in the self manifesto unity in diversity as the best option for a happy and prosperous society where the welfare of each one of us is a concern of all. The government to establish social taxes and secure us for our posterity deserving fruits of labour and convinced further that a justified course lies in the increase abatement of our people in their own destiny, do hereby solemnly find and embrace the people driven constitution of Kenya which serves to protect our hard hand independence.

On the issue of government, I propose a unitary form of government. We should maintain the three organs of government. The Executive, Legislature and the Judiciary. In the Executive:

One.

- The President should serve two five year term.
- The President should not be an MP.
- He should be a Commander in Chief of the Armed Forces.
- The President should have the power to appoint Ministers who should be vetted and accepted by Parliament through 2/3 of the majority vote.

Two.

- They should not be Members of Parliament.
- The constitution should set the number of ministries and specify their roles.

- Ministers should at least be form four or O’level leavers with professional qualifications.
- Once appointed, Ministers should serve full term as that of Parliament.
- The new constitution should also create Ministry of Constitutional Affairs.

Three.

- Civil Servants should have professional qualifications.
- Permanent Secretaries should have tenure of office.
- There new constitution should stress one man one job.
- Civil Servants should not venture into private businesses as this affects corruption.
- Once retired, civil servants should not be appointed to hold any other public office.
- I propose that the retirement age be reduced to forty five years, because I have a reason for that. At the moment life expectancy rate has come lower than the previous one. Now life expectancy is 45 years, so we should go hand in hand.
- In the Provincial Administration, I propose that the posts of chiefs, assistants chiefs and district commissioners be abolished.
- The new constitution should give allowances to village elders. Village elders should be above 45 years, so that the retired civil servants and also go and do that job.
- In the Legislature, I am almost finishing madam, the new constitution should set a time-table for Parliament. Parliament should not be dissolved by the President at will as is the case in the current constitution. Parliament should only pass laws after consultation with the people. Parliament should set the following:
 - (i) Appointment of Ministers,
 - (ii) Permanent Secretaries,
 - (iii) Chief Justice and High Court Judges, and
 - (iv) Parastatal Heads.
- Any amendment to the constitution should be subjected to a 2/3 majority vote.

- Parliament should also be given powers to grant clemency and pardon offenders as long as the 2/3 majority vote is fulfilled. In other words, clemency and pardon, that power should be taken over from the President to Parliament.
- Judiciary:

Com. Abida Ali-Aroni: Please wind up, your time is up.

Godfrey Cheruiyot: Okey.

- The new constitution should create the Ombudsman office which should act as a go-between among the three organs of government.
- The new constitution should also address the national referendum. Such that in case of any national matter, just the way we had the election crisis, then the people should be concerned and Thank you.

Com. Abida Ali-Aroni: There is a question for you please.

Godfrey Cheruiyot: Okey.

Com.Mosonik Bernard Arap Korir: You said that Ministers to be form fours at the same time you said they should have professional qualifications. What professional qualifications does a form four have?

Godfrey Cheruiyot: What I have suggested is that, Ministers should at least be form four leavers or O level leavers. On the other hand, they should be qualified professionally. Such that, if you want a Minister for example, Minister for Transport and Communications, we should have somebody who has the skill about what he is expected to do in that Ministry.

Com. Abida Ali-Aroni: Thank you very much. The next person is Rotich Wesley.

Rotich Wesley: Thank you very much. I am Rotich Wesley and I propose a very simplified preamble stating; we the people of the Republic of Kenya, do respect the sovereignty of our constitution in the process of governance of our country for the welfare of the human kind. We propose the following to be in our constitution.

- Promotion of justice,
- Promotion of human rights,
- Improved equal resource distribution and
- Promotion of the security.
- In the constitutional supremacy, we prefer to retain the current(inaudible).
- Some parts that need experts should be consulted. Referendum should be conducted by all political parties and even

the churches to show equal and democratic representation.

- Citizenship, anybody born of Kenyan parents either single or dual should be automatically be a Kenyan citizen. No Kenyan can acquire citizenship by application. Citizen rights as follows should be contained in our constitution.
 - (i) rights to property ownership,
 - (ii) right to personal liberty,
 - (iii) freedom of speech,
 - (iv) freedom of association,
 - (v) freedom of worship,
 - (vi) freedom of movement and
 - (vii) finally, rights to security.
- Kenyan constitution should properly be prohibit dual citizenship to reduce insecurity, lawlessness, illegal drug trafficking and international terrorism.
- National identity cards should be used for identification.
- A non-Kenyan who defies immigration requirement should be convicted and extradited.
- In the side of defence and security, we like the constitution which establishes and disciplined forces. Any indisciplined member of the same should face the law without mandate.
- The President should be the Commander in Chief of the Armed Forces to limit military coup and vices in the same. War declaration should be told by the President.
- Political parties.
- We prefer the constitution to make the political parties not only to impose mobilizing politics but also provide them with the same rules like;
 - give advise to the government, promote the harambee philosophy,
 - scrutinize checks and balances in the country's finances and finally
 - fight against corruption.

Our constitution should also regulate the formulation, management and order for political parties. It is, parties strong agenda to

nation should publically be constituted and even funded for security. Any political party which means, all requirements should be consistent to show real exercise of democracy. There should be a law to set their policies to the public without any barrier. All political parties are for Kenyans and work for the welfare of Kenyans hence financing the(inaudible) adequate. Political parties can obtain settlers funds from well-wishers either public or international friends. State and political parties are different and parties should never misuse the state for selfish end. And finally federal government is adequate. Thank you.

Com. Abida Ali-Aroni: Thank you, please register and leave your memorandum here. Tafadhali. Stephen Kones?

Stephen Kones: I am Stephen Kones. I am giving my views on the Legislature. In the new constitution in store, we would like the Parliament to appoint the heads of Parastatal to reduce political interference, especially in thesectors of our economy. That is Agricultural sectors, eg. KPP, and others.

Functions of Parliament should be extended so that its members outlay those of the executive. Standing orders in the Parliamentary procedure should never be un-limited in order to regulate discipline more in the members of Parliament. Parliamentary attendance should be compulsory full time in order for legislation to be completed on time without profor quorum, unless on an avoidable circumstances, otherwise an MP should face standing order. Certain qualification of voter, Parliamentary and Presidential aspirant should not face any alterations. Moral electoral qualification of Parliamentary candidate should be easel in terms of the qualification. Incompetent members of Parliament should be recalled by the constituents through the Speaker of the National Assembly. MP should act on the basis of concern and conviction and get instructions from the people they represent in Parliament and not their parties.

Parliamentary Service Commission should see in power to determine the salaries of the MPs and their own face of the Parliamentary roles. Concept of nominated MPs should be completely eradicated and forgotten who they are earning un-necessarily and do not have any specific roles. I propose federal government since the most democratic governmentwere, Thank you.

Com. Abida Ali-Aroni: Asante, please register. Joseph Mibey? Joseph Mibey?

Joseph Mibey: I am Joseph Mibey. Still on Legislature. In a democratic atmosphere like the one we as Kenyans want to create.

1. There should be equal treatment as persons. Because, democracy a law wants to participate. So women should have equal rights to vote and contest for Parliamentary seat as men.
2. The constitution should permit coalition government because it is a democratic way, therefore the present system for one, there will be accountability and transparency in the present system.
3. Young economics like Kenyans should continue retaining one chamber of Parliament not more than two in order to reduce government expenditure. Because creating more chambers means, we are creating more expenditure in Kenya.
4. Removal of a President through a vote of no confidence in a Parliament is not an adequate reason since the President is elect through the universal popularity of the people of Kenya. Therefore, judges should be brought against the President, while he or she holds office. Therefore, I propose a federal government is necessary since regional government power and authority will be distributed equally.

Com. Abida Ali-Aroni: A question for you, please.

Com. Dr. Mosonik Bernard Arap Korir: At the beginning you said that women to have equal rights to contest, I think for Parliament?

Joseph Mibei: Yes.

Com. Dr. Mosonik Bernard Arap Korir: what comments do you have on this concept of Affirmative Action.

Joseph Mibei : Affirmative?

Com. Dr. Mosonik Bernard Arap Korir: The new constitution should provide equal rights for all its people since all the people were made equal by God, therefore we should have that forcing rights.

Com. Abida Ali-Aroni: Thank you. Sang Bernard?

Sang Bernard: I am Sang Bernard, representing my views on Executive. We would like the constitution to specify Presidential candidate qualification of which someone should be a Kenyan citizen, should be a registered voter and should be mentally sane. Should be nominated by registered political party and should not be declared bankrupt by a court of law. Should be morally and ethnically upright. President tenure should be put preferably for five year for two consecutive terms. There should be limit on power of the President. He should be left with the emergency power which are also approved by the Parliament. The function of the President should be constitutionally defined in his own. He should be declare state of emergency, Commander in Chief of Armed Forces, appoint Ambassadors and high Commissioners. The Parliament should be empowered to check the President's expenditure and conduct. The President should not misuse public funds by forcing a planned project to gain fame or popularity. He should respect the physical budget. For President to qualify for candidature, he should cut a ticket from his constituency. Provincial Administration should be constitutionally respected in the following roles;

Provide death certificate,

Implement government policies,

Maintain law and order,

Those strategies of development through DDC.

Should provide certificate for civil and customary marriages.

Com. Abida Ali-Aroni: Any questions? Thank you. Jeremiah Rotich?

Jeremiah Rotich: Thank you, I am Jeremiah Rotich from Chepkitol Sub-location. My views concerns the Local Government. Mayors and Local Council Chairmen should be directly elected by the people. This is to create transparency and accountability. The current two year term of mayors and chairmen is enough. Educational qualifications for counselors should be constitutionally specified.

1. It should be a form four leaver who passed in the National examination.
2. The two languages and native languages should be required for local authorities as currency for easy communications.
Moral and ethical uprightness should be constitutionally be specified. This is to show good example to the people.
3. the constitution should give right to people to recall their counselors in case of inefficiency. Depending on the counselors income, the Local Government should determine the remuneration of Councilors. All nominated Councilors

should be eliminated. This is because to remove political monopoly and to reduce government expenditure. Any Councilor in a multi-party state should be governed by the constitution. In cases like, initiations of wrong agenda, corruption votes reaching any form involving in all these should be sacked and convicted.

4. The Central government should not interfere with local government for that reason, the clerk are responsible for dissolving Councils with approval of the Parliament. Above all, I prefer a federal government.

Com. Abida Ali-Aroni: Thank you, but please you must wait to see if there are questions but its okey for you, thank you.

Wesley Kibigo?

Wesley Kitiga: I am Wesley Kitiga. I produce electoral system and process. We prefer representatives electoral process and simple majority vote in winning elections. 2/3 majority vote is preferable constitutionally to declare somebody popular and win in elections. Whoever looks nominations from one party should never be allowed to seek nominations elsewhere. All elections in every level should done asstarting with civic and Parliamentary and finally Presidential. The electoral process be simplified by counting votes immediately in polling stations. Every candidate should constitutionally be used as much as money as he/she could obtain. The constitution should specify permanent date of election. Direct Presidential elections should be contained in the constitution. The commissioners should have office contract of five years and nominations made by Parliament to oversee elections. Electoral Commission should be funded by national budget. Last but not least federal government is essential.

Com. Abida Ali-Aroni: Any question? There is a question for you.

Com. Dr. Mosonik Bernard Arap Korir: it is just the spelling of your name Wesley Kitigho. Okey Thank you.

Com. Abida Ali-Aroni: Richard Towett? Richard Towett is he here? He has changed his mind. Joseph Cheruiyot?

Joseph Cheruiyot: I am Joseph Cheruiyot from(inaudible) and I will defend views from land and property rights. I hope it will facilitate the commission. The ultimate ownership of land is the Local Government, but the state should all run for state affairs, whereas the government to own land for its affairs. Therefore, Local Government should have

mandate in distribution of the land to interested groups. Constitutionally, the government should have no power to acquire private land compulsorily from an individual but should consult the owner amicably without any attempted eviction. We prefer the constitution to strictly address the following points as per transfer and inheritance of land rights. An individual land to have to failing. Marriage couples title deed to have Mr. and Mrs./ Children to stop unnecessary sale of land because of secret loan borrowing. Land control board to tighten the procedures for land transfer and maybe minimize transfer fee to local owners or citizens. Constitution to allow short term ownership of land by non-citizens and the government be fully aware of it. The government to provide interim title deeds to the immediate buyers or among families. The constitution to empower village elders and area chiefs to provide land board. Compulsory accessibility of land to everybody and un-married women get land share from her father. The constitution to guarantee every Kenyan to own land anywhere in the country and access to it. The pre-independent land treaties involving certain communities should be eradicated to reduce tribalism and create national cohesion. Land can be acquired either buy leasing or buying. Present land settlement scheme be demarcated to squatter the landless people. The last one, the suspected land grabbers to declare their land obtainance as a culprit convicted and land retrieved. Local Government be empowered to impose law that eliminate public plot from grabbing in town and cities. I do prefer a federal government. Thank you.

Com. Abida Ali-Aroni: Thank you and one question.

Com. Dr. Maranga: Joseph Cheruiyot?

Joseph Cheruiyot: Yes.

Com. Dr. Maranga: Now I want to ask you a question, you are saying about a majimbo system of government or federal system of government, how do you propose to fund that kind of government?

Joseph Cheruiyot: Pardon?

Com. Dr. Maranga: How do you want us to fund the various states which are going to be created in this country? Because the reason why I am asking so, there are a number of national resources which are in some specific regions of this country. For example, how do you get the Ports Authority? how do you get the University? how do you get Central Bank to come to this region like now maybe the areas where there is no Central Bank and many other national resources. And how do we deal with the Army for example. I really want us to be clear when you are suggesting that kind of system.

Joseph Cheruiyot: With that respect or the aspect you are talking about the Local Government should work hand in hand with the central government and the distribution of resources be equally distributed to the whole country.

Com. Dr. Maranga: What you are suggesting is not maybe majimbo, what you are saying is to decentralize power or divolution of power from the center to the territory.

Joseph Cheruiyot: succession being imposed in the country should actually help in funding the government.

Com. Dr. Maranga: Because a region like North Eastern for example, if we went majimbo you say, you have eight jimbo in this country, North Eastern cannot survive on its own, it can't, it doesn't have the basic infrastructure. Even here in Bomet, I went some areas here, there is no basic infrastructure, how do you survive as a jimbo?

Joseph Cheruyot: Maybe that question I'll answer later. Please register, thank you. Kibet Langat?

Com. Dr. Mosonik Bernard Arap Korir: I think if you have not thought of an answer to a question, you don't have to answer it. Okey, unafanya mapendekezo yako. Na kama haujui jibu la swala lolote, usijibu.

Kibet Langat: I am Kibet Langat from Gembo location, Longisa division, Bomet Constituency. I am basing my talk in cultural, ethical and regional diversity and communal rights. Ethical and cultural diversity should be respected this contributes to putting our economy because of cherish attraction e.g. the Bomas of Kenya. Cultural and ethical values derived from culture should be constitutionally appreciated, e.g. traditional marriages, circumcision, ethnic music production and traditional dancers. Every distingue social group should be respected as per their culture, this by respecting cultural ceremonial activities. Respecting land inheritance and customs. To ensure ethnic unity in diversity and security of persons and of property, the constitution should respect culture of every ethnic group through basic human rights. The constitution should promote all ethnic language of Kenya and do other foreign languages for instance Kiswahili as national languages and all must be broadcasted in the existing media. The constitution should recognize that visional custom but empowering provincial administration to issue certificates to traditional ceremony initiators and the initiate like traditional marriage ceremony. Lastly, I prefer federal system of government.

Com. Abida Ali-Aroni: Thank you, no questions. Kipkirui Cheruiyot Bernard?

Bernard Kipkirui: Thank you. My names are Cheruiyot Kipkirui Bernard. I am here to highlight my views as follows;

1. Management and use of national resources.
2. Participatory governance.

Our nation has experienced problems with raising revenue, management and distribution of finance and management of human resources. The Executive currently condones this power. The constitution should provide powers, Central Bank of Kenya to control and manage natural resources under approval from national assembly. The constitution to ensure equal distribution of resources, the government should decentralize development projects through departments by funding equally to all districts. Central government and local communities should share a valuable resources among them to help government assist them in management either in security or infrastructure. The constitution should provide the Controller and Auditor General to provide his financial reports annually to the Parliament for approval without interference from the government. Controller and Auditor General should be appointed by the President with approval from national assembly. The constitution should empower the Parliament to set public finances committee who can be overseers on how public finances are spent. Secondly; Environment and Natural Resources, the sustainable management of the environment and natural resources, water bodies, forests, ranch land, minerals, wildlife and so on, is a fundamental issue in contemporary development. Following the above mentioned, the constitution should therefore by all means protect the environment by

- (i) Pollution control
- (ii) Aforestation,
- (iii) Agro-forestation,
- (iv) Filing mine dams,
- (v) Protecting water catchment areas,
- (vi) Restricting poaching,
- (vii) Legislate and slumbering laws. Etc.

The constitution should empower Local Authorities in conjunction to the government to enforce laws governing the environment. However, the government should be empowered to own and manage natural resources for the common good of the people of Kenya. On the other hand the roles of the Local Government, to be in management and protection of environment are as follows:

1. Planting trees,
2. condone soil erosion by building captions in the areas partly affected,
3. report indiscipline act against the environment e.g, such poaching to the government authority.
4. ploughing along conjess.

The constitution should protect our natural resources as follows:

Water bodies,
 ranch land,
 minerals,
 wildlife and
 forest.

All the above listed should be protected by strictly restricting any unnecessary interference by human being unless on some valid and reasonable grounds. I shift to participatory governance. Because I was covering two topics. The constitution should strictly not interfere with country's politics but instead can assist in governance by;

1. Funding development projects,
2. Assist in initiations in initiations of development projects,
3. Give views towards promotion and establishment of such projects.

The constitution should recognize civil society organizations by;

Registering,
 Sponsorship from government,
 Provisions of management technicians,
 Provisions extensional services,
 In-disciplined members disciplined by the laws or rather penalty laws.

Com. Abida Ali-Aroni: Please wind up now?

Bernard Cheruiyot: The constitution should empower the state to regulate the conduct of civil society organization, media included but strictly analyzing the agenda and policies of the same, since some organizations are ill motivated agenda to the development projects of the nation e.g. Mungiki Sector. Finally,international relations. The constitution should provide operations of powers between Executive and Parliament. Executive should be empowered to deal with appointment of Ambassadors and High Commissioners to reduce country's betrayal by dis-loyal Ambassadors and High Commissioners. Parliament is left with the power to debate on importance of some trade agreements to country's economy. Since some great agreements maybe harmful to Kenyans and will be better debated by the Parliament. Laws and regulations made by regional organizations that Kenya belongs have automatic effects in domestic laws like zero-taxed commodities from outside member country may paralyze our economy. Thank you. Finally federal government is crucial for our democratic nation.

Com. Abida Ali-Aroni: Thank you very much. Mr. Robert Mutai?

Robert Mutai: Thank you very much. My name is Mutai.

Com. Abida Ali-Aroni: Give us your full names please.

Robert Mutai: Robert Mutai. I have a presentation.

Com. Abida Ali-Aroni: Mr. Mutai, we notice that you have a very big memorandum, we are asking you highlight, because we cannot give you all the time you need to read the memorandum.

Robert Mutai: I'll do that. Concerning the structure and systems of government. In my view this country should retain the current Presidential system where we have a President, a vice President, the current form of Parliament should be retained. But I suggest that more powers should be devolved to Parliament, so that Parliament is seen to be a partner to government in the process of governance. Parliament should be made to participate through the national executive Council to the Parliamentary political parties. In the appointments of the positions like judges, the supreme court, which I am going to propose shortly. Public Service Commissioners, Electoral Commissioners, Commission of enquiry, Public Investment Committees, Anti-corruption Authorities, etc. I am proposing that Parliament should be given a big hand in this. Parliament should also have power to vet certain Presidential appointments like the Auditor General, Attorney General, Parastatal Heads, Heads of Public Institutions like the NSSF, NHIF, and so on, so that such appointments are not used by one powerful President as political

duals without regards of the integrity of the appointees. The Legislature. I feel that Parliament should have powers to control its proceedings through the standing orders as it has always been. This will help Parliament to work and enhance more effectively.

However, there should be very strict moral and ethical qualifications for Parliamentary candidates, so that candidates who are known for financial mismanagement, away that can be proved, immorality or any corrupt deals should be there for candidature to Parliament. This will enable this country to have leaders of high integrity. I also feel that the Electorate should have a means of recalling their MPs when they have certain satisfaction, however, that may prove very difficult but I propose that this Speaker of the National Assembly should help in this end. For example, when an MP gets involved in physical fight inside the house, I feel that, that is very outrageous indeed and such MPs seats should be declared vacant by the Speaker. I also feel that, you know sometimes we watch proceedings in Parliament as the electorate we feel very embarrassed when our MPs sleep in Parliament and they seem not to be part of the proceedings in House and therefore their seats should be declared vacant by the Speaker of the National Assembly. Our MPs earn a lot of money and you wouldn't like to see them misbehaving in Parliament.

Just like you misbehave in any job that you are doing and you are sacked. The salaries and benefits of MPs should be determined by the Public Service Commission. You cannot have the MPs decided their own benefits, it becomes very unfair. They will be very un-fair to the others since it is for purposes of fairness. We are however, I feel that we should retain the current procedure which allows the Parliament to amend constitution by 65% except for those part of the constitution which are touching on the welfare and the performance of the MPs themselves. So there should be an exception there. Judiciary, I propose that we have a supreme court. The supreme court whose its judicial officers are nominated by the Parliamentary political parties. Of course after that they will be appointed by the President to serve for a fixed term in office. They should work independently, and they should be answerable to Parliament. This supreme court should deal with corruption mainly, I think that is the problem that we have in this country. So that we don't have a court which deals with corrupt officers and those officers are appointed, it cannot work. We need an independent supreme court. Those officers who are convicted of corruption should first be made to repay whatever resources they have stolen from the public and before being sentenced. After they finish their sentence, they should never be appointed to public office. The Electoral Process: I feel that the election date should be specified in the constitution. For example, Parliament shall expire five years from the date when the MPs was sworn in and within ninety days after that expiry, elections shall be held. The reason for this is that we want to avoid a situation where one person perhaps the President uses the election date as a weapon against rival parties, by creating uncertainties and

speculations. Then lastly, I have something on resources and particularly, the economy. We know that this country's economy is based on agriculture. We deal with any situation about the sequence in this country where they have to pay for example school fees, they rely mainly on agriculture. Kenyan farmers and the economy has suffered in the past, due to negative effects of liberalization. As a result of corruption has got in to take advantage liberalization. This has apparently happened with full knowledge on participation on even government officials. Where we find politically connected individuals have helped to fleece agri-base industries, serving Kenyan farmers so as to establish their own industries, or get reasons to import commodities which could otherwise have been produced locally. I therefore propose here that the government should classify certain agricultural based industries or certain agricultural products, for protection even at times of liberalization. To protect this against un-fair competitions from import in order to protect the farmers and the economy. For example, people should not be allowed to freely start Milling Processing Industries whose purpose is to kill the KPC which we know and therefore punish farmers. Initially we used to have good marketing strategies for maize and beans which used to assist farmers very well. But nowadays we don't know what happened, I think there has been a lot of interference. Beef production, the Pastoralists have suffered because of the collapse of KMC. This are the institutions which would have been protected by the government by all means, even on whatever level of liberalization that we are in at the moment. The sugar industry is collapsing because nobody seems to be concerned about the plight of sugarcane farmers. Cotton and textile industries is gone. The government should have come in to protect this. Wool, if you go to the Wool Processing and receiving depots in former KFA in Nakuru, you can easily cry by when you see what is happening there. So I think a farmer should be protected by the government. Thank you very much.

Com. Abida Ali-Aroni: There are a few questions for you.

Com. Dr. Maranga: Thank you, Madam Chair, two questions. First one I want to say mwalimu have you ever watched TV and seen the fights which go on in some Parliaments like Italy and South Korea. So I don't know maybe we are towards developments, maybe that is why they are fighting.

Robert Mutai: No, no.

Com. Dr. Maranga: No, I am just making a comment, it is an observation. The question I am asking you is about the members of the supreme court, you said that Parliamentary political parties to nominate members of the supreme court and yet

you want that supreme court to be independent. How is it going to be independent when somebody has actually, a judge has been nominated by a political party or political players in the field, I don't foresee how that person can be independent at times but then I want you to maybe expound why you felt Parliamentary political parties, because you didn't even say members, you didn't even say Parliament, you said Parliamentary political parties.

Robert Mutai: What I meant when I said Parliamentary political parties, I had in mind those political which are represented in Parliament. and in my view, if you have all these parties which are represented in Parliament together, appointing judges or officers to the supreme court.

Com. Abida Ali-Aroni: did you mean Parliament and not political parties, because the MPs in Parliament have come from different political parties. So do you mean to say that the Parliament appoints? Infact I had a similar question and I was wondering to myself, the members of the electoral commission were nominated by political parties, today everybody is crying for an independent Electoral Commission. The mere fact of being appointed by a political party didn't not make them independent as people wish to see them. How do you now advocate for a supreme court where members are appointed by political parties? Does that really, is that a check against their being partisans.

Robert Mutai: In my view, I thought participation of all all political parties would help. I am not saying they should be sole appointees. They should participate including also the executive, they should also have their own appointees. I thought intergrating

Com. Abida Ali-Aroni: Even Parliament would be a better way of saying it because everybody is in Parliament, the executive, different political parties are represented there.

Robert Mutai: Whichever way, the idea is we should avoid a situation where one person is involved.

Com. Abida Ali-Aroni: Thank you. I think we get your point, all you are saying they should not be appointed by the Executive, but we look for a way where there will be many players.

Robert Mutai: Exactly.

Com. Abida Ali-Aroni: Thank you very much. Mr. Munene Benson? Mr. Munene Benson, is he here?

Munene Benson: Thank you very much, I am wish that there could be

Com. Abida Ali-Aroni: you name please, we are recording we would like to hear the names from you.

Munene Benson: Thank you. My name is Munene Benson. I wish to request a provision for affirmation in place of swearing when testifying in a court of law for Christians. This is because, our country enjoys that freedom of .

Com. Abida Ali-Aroni: Please just repeat your sentence.

Munene Benson: I am saying, there should be a provision for affirmation in place of swearing when testifying in court.

Com. Abida Ali-Aroni: there is both in court Mr. Munene. Currently there is both in court, you can swear or affirm. I don't know whether really...

Munene Benson: I am saying this one because maybe if affirmation is there, it has been kind of not

Com. Abida Ali-Aroni: It is there and people do it. I am a lawyer by profession so me I have to tell you there is. So tell us something else if you don't mind. There is.

Munene Benson: That is it. It is good and it is only that maybe people in Kenya need to know it apart from the lawyers.

Com. Abida Ali-Aroni: No people do maybe it hasn't come to your attention. But a lot of people affirm in court.

Munene Benson: Thank you. What I wanted to say is that we enjoy that if it is there. The other thing I would like to say is concerning what is happening probably in the Ministry of Education concerning discipline in schools. I would wish that our Ministry comes in to suggest better ways of instilling discipline in schools so that our students and our pupils do not really look at it as if they have been allowed to decide what they would want to do with their lives in schools. This goes along with the bunning of canning in schools whereby teachers are left to really decide on what to do to the pupils and the students to an extent where pupils are likely to be send away from school. Because of one mistake or another that they have done. If the Ministry could probably allow caning but in it request maybe that the schools have only one office that adMinisters caning when necessary. Because nobody would want to cane a student but only when it is necessary and it should be very restricted and very controlled in such a manner that those students would be probably canned to a certain limit which will not infringe or hurt them, so that they will not say that, okey now that there is no canning we can do anything, then they look at the administration as a toothless administration. I have a very strong support from the bible as it is in the book of proverbs chapter 23 verse 14 which says that it is important that you know if you spare the rod or if you do not apply the rod, you would make that child or kid not to really know their mistakes, therefore some bit of it will help the child to know that they have committed a mistake. Thank you.

Com. Abida Ali-Aroni: Ya, we have some clarification. Dr. Maranga?

Com. Dr. Maranga: Thank you. You are talking discipline in schools and you are talking about a Ministry. I thought that the Ministry of Education is comprised of students, teachers and parents and also the government comes in, where do we start making our policies from. I thought you teachers are the ones who know better what is supposed to be done? And then I also want to disagree with you that caning is the only way you can discipline students. I think in our homes not everybody has been caned before. But I think there are people who are discipline just by talking to them. I think maybe the methods teachers are using may not right. I also want to ask you a question, don't you think we will be going against the International conventions like for example, the outlawing of corporal punishment in many countries in the world and we are the only ones who want to use the cane again. Do you know that it is a human rights violation if you cane somebody or if you apply corporal punishment? That's what some people are saying death penalty should be abolished, you get my point. How do we get it? I think you as teachers should be given apart from the cane what else can you do?

Munene Benson: Thank you very much. I think that we are not saying that canning should be seen as the only way of you know guiding and disciplining the students. It is just an added effort of trying to make them see their mistake. It has worked even in our own homes. So I think, the idea here is not to just look at it as the only way, apart from others, that can be applied, this can also be allowed in a light way just to make them.

Com. Abida Ali-Aroni: How light is light? Students have been killed and maimed, I think that is when this country decided to follow the international convention. How light is light? That is the issue. I mean if we are saying we have electrical so that we can switch low level two, I can understand, but a human being who serves emotions, you maybe so upset that your emotions not allow you to decide what is low.

Benson Munene: what I am saying, thank you for that suggestion, it should be limited and controlled, it is only one office that should do so that it is answerable in case of anything and teachers also would be controlled by certain ethics when doing it.

Com. Abida Ali-Aroni: Thank you. We shall relate your feelings to the relevant authority, thank you very much. Please register and leave us your memorandum. Joseph Cheres?

Joseph Cheres: I am Joseph Cheres. My views based on constitutional commission, institutions and offices. There are

above commission should given the following additions.

Human rights commission.

Anti-corruption commission,

Land Commission,

Gender Commission and

Youth affairs commission

Number two. Ombudsman: According to my dictionary, it is defined as government official who deals with complains made by ordinary people against public organizations. I put it this way, Ombudsman officers should be established by constitution, whose laws are to ensure, the constitution should never be interfered with by any government body without proper channels. Whoever mis-interprets is brought to books for questions. Succession and transfer of power. The constitution should empower the Speaker of the National Assembly to assume Executive powers during Presidential elections. The constitution should provide a soonest election results are allowed. The winning candidate must assume Presidential roles after having been sworn in by the Chief Justice. By ninety days the incoming President must have handed over the office and a new President take over the governance. The former President should have good provision like; Security, welfare and imunity. Last but not least I prefer federal government. Thank you.

Com. Abida Ali-Aroni: any question. There is a question.

Com. Dr. Maranga: you have said that the new President to take over within ninety days, don't you think that, that is a very long period somebody can change mind and decide many other things? No, I am just asking? Because even democracy is like USA, how long do they take, it is less than three months really, do you want to revise your period, when a new President should be able to take over?

Joseph Cheres: I think it is after

Com. Dr. Maranga: no it is okey. Thank you.

Com. Abida Ali-Aroni: Kangus Samuel?

Kangus Samuel: Thank you very much. I am Sammy Kangus, I come from Kimuchu. To start is the preamble. What I did

propose about the preamble of the past is that it was not actually nice. So the word sovereign.

Com. Abida Ali-Aroni: Samuel, there was no preamble, so give us a good preamble for the next constitution.

Kangus Samuel: so if it was not there, I suggest that the people of Kenya should stress liberty, justice, law, integrity and equality for all. I would like also to give my views on directive principles of state policy. In our country Kenya we citizens should have respect for our culture as stated by the customary laws. They include traditional ceremonies, right of rituals like cleansing, retaining traditional weapons and have protection of the law stated. This are the part of day to day activities. I would also like to give views on defence and national security. That the President should be the Commander in Chief of Armed Forces and other powers distributed to the Parliament such that Parliament should set a defence Council. President should also not declare anything before the Parliament unless in emergency cases such wars, national disaster and what have you. I think that is all about my views.

Com. Abida Ali-Aroni: Thank you very much please register. Kuna watu ambao wanapitia mlango ule wa nyuma, na tunafikiria pengine hamfanyi registration. Kama kuna mtu hajajiandikisha tafadhali kuna meza ile iko pale nje ili tuweze kujua ni kina nani wamefika na kama muna maoni tafadhali. Mr. George Sitienei, a teacher, hajafika? His name has preceeded him. Okey, Paul Kosgey? Ama ako? Ama unataka kupumzika kwanza? Ooh.

George Kitur Sitienei: Asante sana mimi kwa jina naitwa George Kitur Sitienei kutoka hapa Longisa. Ninamapendekezo kama haya;

- Serikali: ninapendekeza kwamba tuwe na serikali kuu yaani central government na mamlaka yake yawe mambo ya nje yaani foreign affairs, ulinzi na uhusiano wa kimataifa. Kiongozi wa serikali hiyo ama viongozi atakuwa ni waziri mkuu. Tungependekeza kuwa na rais ambaye ni ya ki sherehe au ceremonial President. Na awe si mjumbe wa bunge lakini awe ameteuliwe. Kiongozi wa serikali atakuwa ni waziri mkuu na atakuwa kiongozi wa serikali kutoka kwa chama kilicho na viti vingi bungeni.
- Muundo wa serikali hiyo iwe chama kilicho na viti asili mia sitini na tano bungeni, kiunde serikali peke yake. Kama hakuna chama ambacho kimeweza kupata viti hivyo ya asili mia sitini na tano, kuwe na serikali ya msetu ambayo itaunda na vyama vilivyopatana, ikiongozwa na chama kilicho na viti vingi katika bunge.
- Utawala wa mikoa kuwe na bunge wa senate, yaani kuwa na utawala wa mkoa ambao utakuwa senate.

- Utawala wa wilaya kuwe na baraza la madiwani akiongozwa na mwenyekiti au mayor ambaye atachaguliwe na raia wote bila kujali vyama.
- Mambo ya kibiashara napendekeza ya kwamba, serikali kuu ihamazishe biashara ya kimataifa, yaani foreign trade, iwe mamlaka ya serikali kuu kutafuta soko ya bidhaa za nchi hii kule ngambo.
- Bidhaa ya humu nchini ilindwe kutokana na mashindano kutoka bidhaa zinazotoka nje kwa kuweka kodi ili viwanda vyetu viweze kupata masoko humu nchini. Najua ya kwamba kuna soko huru duniani, lakini nimeona kwamba watu wengine ama nchi zingine bado wanazilinda bidhaa kutoka nchi zao. Hawa kubali bidhaa kutoka nchi zingine ziingie tu ovyo ovyo bila mipangilio ya kutosha.
- Uraia: uraia wa Kenya upewe mtu aliye zaliwa na baba na mama aliye raia wa Kenya kama haki yake ya kikatiba. Vitu kama Passport ama stakabathi ya kutoka nje iwe ni haki ya raia wa Kenya kupata. Watu wa asli ya mataifa mengine waweza kufikiriwa kupewa uraia wa Kenya kulingana na maoni ya baraza maalum ya serikali ambayo itahusika na mambo ya kupeana uraia.
- Pendekezo lingine ni kwamba mtu sharti awe na uraia moja tu wa Kenya. Hasa wale ambao wanatafuta uongozi wa nchi kama mbunge, diwani, na kadhalika. Wale ambao wanafanya kazi ya serikali pia wawe na uraia moja.
- Mali, raia awe na haki ya kumiliki ardhi au rasilmali popote jamhuri na mali hiyo ilindwe na katiba. Na serikali yaweza kutua ardhi kwa shughuli za umma popote, bora tu mwenyewe aridhiwe yakutosha, yaani apewe ridhaa ya kutosha.
- Hali ya kibinaadam, yaani human rights. Pendekezo ya kwamba serikali idumishe haki ya kibinaadamu katika nchi. Na katiba ilinde raia kulingana na haki zake kama vile kuabudu, ajira, afya, kujiunga na chama chochote cha kisiasa, usalama na mali yake, kutembea, kulala, kula na kadhalika popote humu nchini.
- Pia katika sharti ilinde walemavu, kama vipofu, viziwi, viwete, wenye akili punguani na kadhalika. Kuna raia wetu ambao ni wendawazimu ambao, ninapendekeza ya kwamba uwe jukumu ya serikali kuwalinda, kuwatibu na kuzuia ili wasiumie au kuumizwa au kudhuru mali. Asante sana hayo nidyo mapendekezo yangu. Thank you very much.

Com. Abida Ali-Aroni:mazungumzo yako ulioyozungumza kwa Kiswahili sanifu lakini kuna maswali kidogo.

Com. Dr. Maranga: Asante mwalimu Sitienei. Swala langu la kwanza kabisa ni kuhusu asili mia sitini na tano ambao umependekeza kuwa chama chochote ambao kinatakiwa kuunda serikali kiwe kimehitimu asili mia sitini na tano. Na jee baada

ya uchaguzi tusipate chama chochote ambao kina asili mia sitini na tano, tutafanyaje?

George Sitienei: Hapo nimependekeza ya kwamba kama hakuna chama ambao kimeshinda viti asili mia sitini na tano, hilo chama ambao imepata viti vingi bungeni ipewe jukumu ya kuunda serikali ya msetu, serikali ambao wataunda pamoja na vyama vingine ambavyo wamepatana.

Com. Dr. Maranga: Basi swali langu la pili, ni kuwa umesema ya kuwa mKenya yeyote aweza kuwa na haki ya kupata mali popote nchini Kenya, anunue shamba lake, afanye biashara popote. Je ana haki ya kisiasa kusimama kiti chochote?

George Sitienei: Ndiyo, ako naye.

Com. Abida Ali-Aroni: Asante. Paul Kosgey tafadhali jiandikishe pale na kuacha hiyo karatasi yako.

Paul Kosgey: I am Paul Kosgey from Komuchol. I present my views on structures and system of government. We should have federal system of ruling in Kenya where Executive, Legislature is divided to federal government and district part or state. This enables regions to develop equally and resources be used within that locality for production. It reduces corruption for the reason that, what is produced in that locality is used within that locality. Taxes and Revenues collected will be used in that area where necessary. Powers should be shared as follows; President being the head of state, Commander in Chief of Armed Forces. Prime is appointed from the majority party in Parliament and its function is the head of government. That is the end of my views.

Com. Abida Ali-Aroni: Asante sana, tafadhali ujiandikishe. Wilson Mutai?

Wilson Mutai: Thank you very much. My names are Wilson Mutai. I would like to air my views on basic rights. All communities in Kenya should have basic rights such as; social, economic and cultural rights. Criminals should be arrested not be given death penalties. They should be given duration for We should have right to harvest good roads, free education, free medical care, cultural rights, to keep culture continue for identification, ceremonies and rituals. Human rights should be practiced to avoid injustice and corruption. There should be employment for form four leavers and those who are not employed to earn a salary from the government so that they can start their own business. There should be freedom of worship God but not idols. Above all, I prefer federal government. Thank you.

Com. Abida Ali-Aroni: A moment. Now you would like the government to employ all form four leavers, you know as employer, you must employ people who are qualified to do something, now supposing all the form four leavers who are seeking jobs are not qualified to do anything in the government, how do we insist that the government should employ them?

Are you talking about people who are qualified or just anyone who has finished form four?

Wilson Mutai: Anyone because, he has gone through education and he has the right to...

Com. Abida Ali-Aroni: So what will he go to the government to do? In your imagination what would a form four leaver got to do in a government office, lets say Ministry of Finance, ataenda kufanya nini huko?

Wilson Mutai: hata awe askari ya kulinda mlango.

Com. Abida Ali-Aroni: Ee what will he go to do?

Wilson Mutai: in an office?

Com. Abida Ali-Aroni: yaa

Wilson Mutai: even to sweep an office.

Com. Abida Ali-Aroni: But how many people can sweep? How many people sweep in the Ministries. Anyway thank you for your views, thank you very much. Hillary Mutai

Hillary Mutai: Thank you very much. My names are Hillary Mutai. I should like base my views on Land and Property rights.

The owner of the land is the government, since the government are the people. The individuals should be given title deeds as a right to possess the land. Trust land be owned by the government and immediate resident be a beneficiary. The access of the land be either through inheritance, leasing or buying. Those owners who have more than a hundred acres should be taxed by the government. I should like also to base my views on management and use natural resources. Management and use of natural resources be conducted by the immediate beneficiaries from all regions. Experts be appointed from all regions to look for taxes and finance within the region. Resources from central government should be distributed down to the village where budget proposal are gained from the grassroot level of administration such as location or wards. Above all, I prefer federal

system of government. Thank you.

Com. Abdia Ali-Aroni: Ngoja, nataka kukuuliza, why should a person be punished for owning more than a hundred acres of land?

Hillary Mutai: Thank you very much. It is because if a person has occupied let us say more than a hundred acres, it has now occupied a space which should have been given to other people, such as poor people.

Com. Abida Ali-Aroni: So we punish him for having bought a lot of land.

Hillary Mutai: Thank you. Asante. Stanley Kosgey.

Stanley Kosgey: I am Stanley Kosgey, from Kimucho Location. I representing my views on Environment and Natural Resources. The Environment of Kenya be protected by the constitution, eg. Exploitation. Transferring of wildlife from one region to another, cutting of trees without replacing. Water catchment areas should not be destroyed. Resources discovered in the area be.....(end of side A). other countries to give out their decision before members of Parliament. They see side effect on the economy, cultural or political. Tourism should be allowed in that they earn the country foreign exchange and government should go deep in registration to avoid eradication of culture in the country. Thank you.

Com. Abida Ali-Aroni: Ngoja.

Com. Dr. Maranga: I have a question. You are saying that any mineral found anywhere or resource for that matter should the property of that arear.

Stanley Kosgey: Ya

Com. Dr. Maranga: What will happen if everybody decided to keep their water? Because it is a resource.

Stanley Kosgey: I am saying this, it should be the property of that particular district.

Com. Dr. Maranga: So if the water is originating from Bomet, Trans Mara should not get?

Stanley Kosgey: That is a very hard question.

Com. Abida Ali-Aroni: Please register, tafadhali Bwana Kosgey jiidikishe hapa. Asante. We have the students maybe we can have their names, thank you. Mosonik Bernard Bernard? I thought he spoke, is it another one? Okey.

Mosonik Bernard: I am Mosonik Bernard Bernard. My proposal is on system of government. I propose federal system of government because this is one way powers can be shared between the central government and the regions. Other reasons that support my argument is that, such devolution of powers will safeguard ethnic and cultural interests and identities. Point number two, it may defuse power and promote good governance and enhance separation of power as well as checks and balances. Devolution also can locate power near to the people and consequently lead to more dispersive and effective government. It also advances the accountability of public authorities since power is easier to control at local rather than national level. Such devolution can also end ethnic conflicts and strengthen national unity since Kenya though normally ethnic is cohesive enough for this systems as we experience currently. We have experienced individuals are already marked, co-existence of ethnic groups is seen, and also it caters for better management and provision of human rights. This can be realized in smaller area of operation. This system of government more democratic than unitary government, as it disperses power and thus help in checks and balances and as allowing more experimentation in policy. This ensures greater accountability of government to the people as well as facilitating higher participation of people in public affairs. Realising also that there is the population explosion which has now caused, led to severe problems like, physicalimplementation of laws and policy and to also resolving disputes in larger areas of operation. I also think that this system will manage and minimize corruption. Corruption is an elephant, we must all fight from self, family, local and national level. There will also be growth in economic, since there will be more co-operation among regions, since they will collaborate in business and trade. It will also make regions eligible to borrow loans and aids from other regions or wellwishers, or international donors for development of their areas. All regions also, will assist disparity regions through taxation that will be taken to the central government.

I would like to mention on national goals. We want to take the principles of democracy and national unity, human rights, should be pumped as national goals. This should encourage tolerance, respect, understanding, appreciation, of various ethnic in diversity.

Point number two, national resources and planning, environmental conservation and preservation, security of the state should be let to the central government. Thank you very much.

Com. Dr. Maranga: Mosonik Bernard? You said that you want to base your majimbo on ethnic and cultural rights, that means ethnic communities, is that the correct way? I mean, you said you want to develop majimbo system based on ethnic community, true?

Mosonik Bernard: Yes.

Com. Dr. Maranga: Now, do you that we do not even have forty two, so it means we are going to have forty two states, infact we do not even have forty two, in some areas of Kenya we have gone, they have said we have now seventy six tribes, so you want to have seventy six states?

Mosonik Bernard: currently now, I said there is already marked boundaries.

Com. Dr. Maranga: No, no, that is all right. Like now for example, if I want to give you an example, if you took the Kipsigis community to be in Trans-Mara state for example, they will be a minority, isn't? Because that land belongs to the Maasai community isn't, are you getting my point? We have been in Rift Valley Province itself, there are tribes who belong even to the kalenjin community and they are minority, like the Sengwer, the Sengwer and the minority. So, and they want to be recognized as a tribe. So do want us to have all those ethnic communities having their own state or their own jimbo?

Mosonik Bernard: No, what I mean here is that there is clear marked boundaries now, and the provincincial regions has already been marked. All those eight provinces is already marked and there are some ethnic groups inside, so I said they have co-existed for a long time, they should continue to co-exist, but they should form their government where they have got interest and they should be tolerant, respect, understand, appreciate their ethnicity.

Com. Abida Ali-Aroni: Just from the same, all the scene other than saying that you want a federal government, all the things that you have said, are dealing with devolution of power, correct?

Mosonik Bernard: That is right.

Com. Abida Ali-Aroni: The same can also be achieved in a unitary system. So why do you want us, or why do you feel that we cannot divolve power in a unitary system other than going to a federal system of government? Because you have been talking about federal, we can still do it even today, if we decided that we want to devolve power to lower unit, under a unitary

system of government.

Mosonik Bernard: All this time, such a system of unitary government has been existing, for thirty nine years, and it has not given us, it does not carry the goods nearer to the people, and therefore, I believe since it does not carry the goods nearer to the people, I believe therefore that since it does not carry the goods, probably because of how it was revised.

Com. Abida Ali-Aroni: Supposing we revise and say that the unitary system will now devolve power to smaller units, will that solve your problem?

Mosonik Bernard: It won't solve my problem, because I am sure if we devolve power in the unitary government, it will not solve the problem of those people who are consisting together in one area.

Com. Abida Ali-Aroni: Okay.

Com. Dr. Maranga: You said that majimbo will minimize corruption? Can you show me how it is going to minimize corruption? I know Nigeria is a federal system but it is a very corrupt country. How will majimbo minimize corruption in this country?

Mosonik Bernard: I am saying because now in a large area, we are trying, this being a very big unit, to deal with corruption, that will not be possible, but if we can bring a smaller unit to deal with corruption, it will at least minimize it not really eradicating it.

Com. Abida Ali-Aroni: Thank you for your views. Now, I want to make an announcement. We said, wengi wenu mumekuja mumechelewa ndio maana inasemekana kwa Kiingereza, you have missed the boat. Haturuki jina ya mtu, hata mmoja, tuko na list, I am now on number four. Nitazungumza na the next person I will call, mtu wa thelathini na mbili kujiandikisha. Kwa hivyo wale wanalalamika sijawaita, you have to be patient and in the future please come early, and you will be called early.

For now, I have to follow this list, I am very sorry, except where, as the Chair I will decide to have affirmative action and we

said we will do that for students, for people with disability, if we feel that they cannot stay here longer, or for women because at the end of the day, hatutaki muwapige makofi, hawajapika chakula. Sawa. Okay thank you. Now I will call student Tecla June, Kong'otich Girls. Kwa hivyo the person complaining I have reached you, you have to be patient if you are in a hurry, leave your memorandum behind please, halafu uendeleee na shughuli ingine. Please tell us your school properly and you class.

Tecla June: I come from Kong'otich Girls' High School. I am in Form two. I am ready to air some views from my colleagues there at school.

Com. Abida Ali-Aroni: Okay, give us your name for recording purposes?

Tecla June: I am Tecla June.

Com. Abida Ali-Aroni: Okay, go on.

Tecla June: One of the views is that; education should be free in Primary, Secondary schools and Universty.parents should pay taxes indirectly. We can see that most parents are not willing to educate girls', this is because they see that it is a burden to pay a lot of fees. But if they are taxes indirectly, they will be willing and most of them have that heard of having their children being educated.

We should have gender balance in girls and boys. We realize that in Kenya, we have Starehe Boys and we don't have Starehe Girls. That one shows that the government does not concern mostly with girls. A European introduced Starehe Boys, we need our country to introduce a school like Starehe, so that we can have a school like Starehe Girls being built by the government.

National schools should be introduced in each district and quarters should be abolished. We realize that in term of quarters, a school, let's say Bomet district, or in Rift Valley Province, that is supposed to call 85% of the students from the same area, this will not encourage interations with other students from other district, so if the quarters are abolished, we maybe in a position to interact with even students from Mombasa and Nairobi.

Street boys and girls should be taken careof by the government. We have realized that these street girls and boys are really

contributed to robbery with violence and prostitution in big towns. Because they don't have anything to do, they earn their living by robbing, pickpocketing and all those. If the government can take care of these street children, we will not have robbers and pickpocketing in the streets.

Code of Justice should be established in every learning institutions, to instill discipline and curb arrest. We can see that our teachers are educated and have graduated in teaching but they are not in laws. That leads to many problem when coming to punishment in schools, whenever a student has done a mistake, a teacher will not, let say guide the student according to justice, he will just do it according to the way he can, but if they were trained in law, they would be in a position to control and also guiding and counseling department should be strictly in every schools in Kenya.

Both girls and boys should inherit Land or property. This is a problem especially in kalenjii. We realize that parents are giving, let's say land and most of their properties to boys. They deny girls their right, they say that girls are useless in the society. They want to make sure that they share whatever they have to the boys. That one shows that there is no balanced gender in our country. So girls should be given some of the inheritance.

The supply of electricity in urban and rural schools. We have realized that most of the students in rural schools are suffering a great deal, especially those schools in rural are not getting electricity, they are using generators and pressure lamps. Most of those generators, especially are destroying the ear-drums and polluting the environment. So, we therefore need electricity.

The Head teachers should be issued with government vehicles. Why? is this education must be taken seriously because we have realized that in every industry, the leaders are having a GK vehicles and all those. But what about education, we don't have GK vehicles for the Principal and Head teachers. They should also be issued because they are busy and every now and then, they are moving from one place to another. They should have the GK vehicles.

Children being born out of wedlock should be taken care of by their fathers. Mostly, girls we are suffering a great deal. Whenever a girl, let's say has got a child out of marriage, she will suffer alone, while the father will just go, let's say if it were

your fellow student, he will continue with his education while you stay and later die in the village with the child. They should also take care of these children and educate them. This will instill discipline in the society. Most people will be careful because they know that whenever they do a great mistake they will be capable of it. So, children born out of wedlock should be taken care of by their parents or their fathers.

Technical subjects should not be abolished. I mean that the curriculum should be expanded. We have realized that in Kenya, we are, especially in education, we are just concerned on what will guide us to pass examination. But it cannot see other things that will help in the field work. We should draw things like woodwork, learning other languages like French and all those, agriculture, so that we may apply them practically not only theory. What of, if everybody now goes to the office and uses a pen and a paper, who will be building, wood work and all those. So this curriculum should be expanded.

Girls' circumcision should be abolished completely. Even though we have told about, especially Kalenjin, you have always been told to stop this Female Mutilation, but every now and then, we realize that most parents are forcing their girls to get circumcised and be married while you don't consider that they should also learn and go a head. Whom do you expect to be the future professions if they are forcing girls to get circumcised and be married. Female Genital Mutilation must be seriously abolished.

Set books should at least be reduced in number. We realize that we have a lot of set book and thus giving us a problem, because we confuse when we do another subject, we may confuse characters in another book to another. They should at least some subjects that we maybe able to read and master them. Those are the views from Kong'otich Girls.

Com. Abida Ali-Aroni: We have some questions for you. Any questions? Okay, I have some two questions for you. I would like to hear your view about canning in schools, what do you feel as a student? That is one question.

Tecla June: About?

Com. Abida Ali-Aroni: Canning, viboko kwa shule. Two, you would like both girls and boys to inherit. I have no problem with that personally, but then a lot of people, especially from this area, feel that only un-married girls should inherit, the others should not because they would get married. I also want to hear your views on that as well.

Tecla June: Concerning the un-married girls if you say that only married girls should inherit the property, what will come next, most girls will not feel like getting married, so that they maybe given the piece of land, so we should fully distribute to every girl because they are all your daughters and you should give them equally. Concerning the canning, the corporal punishment in schools, you have seen that mostly, I was just talking of the code of justice, should be introduced, most of our teachers are not able to judge because they did not study laws as they study how to teach. If a teacher, let's say if you have a strike, you will be seriously canned, without following some rules. But if we could have guiding and counseling and also code of justice, we would be counseled. Because if we can just be canned without guiding what will happen, you will still do the same mistake. So guiding and counseling and also code of justice should be

Com. Abida Ali-Aroni: Do you think the government should re-introduce training? Do you think it's some good method of discipline?

Tecla June: I don't think it is a good method of discipline. Because we all need guiding and counseling.

Com. Abida Ali-Aroni: There is one more question from Commissioner Maranga.

Com. Dr. Maranga: You have talked about FGM. That is Female Genital Mutilation, as in your own feeling, you feel that if the Kalenjin community does not want to stop it, what methods can we use to ensure that it is not going to continue?

Tecla June: The method that I feel can work is that, whenever a parent wants a daughter to be mutilated or circumcised, he/she should be taken to court and should be judged accordingly.

Com. Abida Ali-Aroni: Thank you very much Tecla, did you say that you are representing your school or others are coming?

Tecla June: I am representing my school in general.

Com. Abida Ali-Aroni: Okay, thank you very much for those wonderful views, please come and register here and leave us with your memorandum. The next person that we will call is David Kosgey.

David Kosgey: Thank you very much for this opportunity. Whatever I am going to read as been collected from persons with disabilities in Bomet District and so, these are not my own views. I will start with education. The government of Kenya should

do the following as per the new constitution as you know in the current constitution we do not have anywhere talking about the disables.

1. Provide free and compulsory education at all levels of learning for persons/children with disabilities. i.e to discrease wastage of those children/persons.
2. The government should provide relevant learning equipments and materials to institutions handling children with special needs or disabled children.
3. The government should build a multi-complex instutiton in every district in Kenya, i.e where there are children with severe or more than disability could be catered for effectively.
4. The government of Kenya should provide attractive incentives to teachers handling children with special needs. This could be in terms of things like salaries and allowances. This will boost the morale of such teachers.
5. The government of Kenya should organize regular refresher courses for teachers and other professionals handling children with special needs. This is to make sure that these children are catered for effectively.
6. The government of Kenya should lower the entry points or marks for secondary schools. This is because, you find that children with disabilities or persons with disabilities learn the hard way and therefore we cannot be equal to the regular children or persons. So the entry points or marks should be lowered. Those who are qualified to join colleges, universities and other institutions, their entry grade should be lowered by two. That is if the qualifying grade is B, then those of children with disabilities should be something like C+. This one ofcourse is for the same reason that they learn in the hard way.
7. The government of Kenya should ensure that 10% of vacancies available in National schools, colleges and other tasheries institutions like university are preserved for children with special needs.
8. The government of Kenya should abolish the subject clastering in the curriculum of children with special needs and allow them to choose or select freely as per their talents. i.e to ensure that every talent or any talent that an individual child with disability is utilized and can learn his/her living through that particular talent.
9. The government of Kenya should create a department in the Ministry of Education that concerns with persons with disabilities, whereby the funds are allocated for effective attention.
10. The government should also make sure that it's infrasture in institutions handling children with special needs should be

well structured to suit those particular children.

On Health:

The government of Kenya should;

1. Provide free medical care to persons with disabilities and their families for the married individuals and the same should be given first priority during attention or treatment or when there is cueing, then they should be given first priority.
2. Ensure that every district hospital should have a specialist doctor in all body organs, e.g. Physiotherapist, Othermologist, etc. Each doctor should have an interpreter to cater for deaf persons.
3. Ensure that every district hospital should have a doctor with disability if possible so that he/she can advocate for persons with disability. Because he/she is a shoe-wearer who should also organize for follow-up services.
4. Where the government cannot provide free medical care, NHIF should pay a hundred percent of the medical bills incurred by persons with disability, and their families for those who are married.
5. The government should meet consultancy fee including brain, scanning, and any other highly specialized treatment.
6. Ensure that the toilets are modified to suit them. i.e particularly for the physically handicapped. Those who move with wheelchairs.
7. Physiotherapy services should be made available in district hospitals and other health institutions handling children with special needs, and should be free of charge to persons with disabilities.

Job Opportunities:

The government of Kenya should:

1. Avail 10% of job opportunities to the persons with disability. In public sector and also encourage the private sector to avail the same percentage. For those who qualify for the same and applications forms for employment should reflect the same. i.e. the columns for those persons with disabilities so that the employer should be aware maybe the form he is handling comes from persons with disabilities.
2. Ensure that there are job replacements officer, i.e. the government in every district to a fit persons with disability in seeking and securing employment.
3. The Public Service Commission, (PSC), should have an officer in charge of the people with the special needs.

4. Assist persons with disabilities to start funds to run small scale enterprises to generate income for the self employed persons with disability and prospective employers should be given an incentive by the government e.g. by waving taxes and proper marketing of their products.i.e. the government should wave maybe taxes for those employers who are going to employ these persons with disability.
5. Salaries of persons with disability should be two grades or two strails higher than those of their counterpart in the same ranks.
6. They should not be retrenched and their retirement age should raised to 60 years or five years on top of their counterparts. I will stop there, but there is a document written here which has got more details and more things for the Commissioners to go and read. We hope all what we have written is going to be taken care off and be adopted and maybe add any other more that is relevant or is going to boost the lifes of these persons with disability. Because, quite a time we have been suffering a lot, and you see these people begging always, not because they are not able to do anything or to earn a living through their own talent but because they have been denied. Please help us to help our country, to build our nation. We have not been participating actively, but help us to participate.

Com. Abida Ali-Aroni: But before you leave, we have some questions for you.

Com. Dr. Maranga: Yes, we have questions. I have about three questions. The first one is that, you want persons with disabilities to have their marks lowered and at the same time you are also talking of abolishing subject clustering, I want to ask you, don't you think it will be wrong if you lower the marks, because I think one major issue with persons with disabilities have been raising is that, they are able to perform any task, so why should we treat them as second class, or why should we give then any preferential treatment, when actually they want to participate equally with other persons. I think if you keep that one, and you were talking of abolition of subject clustering, I know very well that when you go for specialized courses, whether it is middle level training college or the university, I think they need some specific qualifications or minimum subject combinations. So if you really want people with disabilities to participate fully, then there must be able to take up other subjects which are relevant to those degree courses or diploma courses that they want to undertake. I feel it might be unfair just to say that they can decide what to choose, then actually you know very well, if there is a course and you do not have a basic ingredient of a certain area, then you have a problem in even comprehending that particular course. I think you might not be right to, I don't

know on what basis you recommended this particular one?

David Kosgey: Thank you for those arguments but the first one, lowering the grades or the entry marks. This is because, however much we say that we want to perform like the others, and of course we want, but because of our disabilities, in one way or another, we shall never be equal and therefore having worked hard to get let's say a C+, actually I would say, that C+ is equivalent to B or B+. Because of the hard way, that these person has gone through.

For example, a blind person like me, I sometimes have to depend on people reading for me materials and you know, you reading that material to yourself, of course will understand it better when you read for yourself. But when you listen to somebody else, it will take time. Having just listened to somebody and being able to get that C+, I think is just as equivalent to something higher than that. That is why we are requesting for maybe lowering that grade. This ofcourse the same applies to marks for secondary entry level for.

For clustering, since there is also that hardship, persons with disabilities may tend to concentrate much in what they are interest in. Say somebody is interested history, and gets and A in history, but may fail to pass in a subject, so if this person is given that subject to pursue and maybe anyother that he is able to perform also, then I think it will be helping this person, because to earn is living and maybe to go and teach that particular subject that he has scored an A. Because I know you will perform job in that particular area.

Com. Abida Ali-Aroni: Now Mr. Kosgey, I want to follow up on the same question.

David Kosgey: Yes.

Com. Abida Ali-Aroni: I agree with you that we need to do some sort of affirmative action but when it comes to real life, I see a problem that we see happening to other people who come back to Kenya with degrees from certain countries and people look at them and they are like "Oh you are from country A, I would rather not touch", you know, and I have a problem, I agree with that people with disability do not have facilities on land under very difficult circumstances, I am wondering whether the problem here is raising the marks, I mean lowering the grade or giving them facilities so that you don't have to listen to

somebody but you read for yourself. Because at the end of the day, employers as much as you like us to recommend setting aside of 10%, employers may look at a person with disability and refuse to employ them, because it would be like this person is not upto the job. That is my first worry.

Secondly, I am also worried that you would like them to be paid two grades higher. I think as much as we want to do affirmative action, we don't want to overdo these things. Because then their colleagues will find it very difficult to work with motive to justification of discriminating on the basis of disability here. Why don't we say that they are given equal opportunity when it comes to job applications, so that an employer does not have ten spaces set aside waiting for a person with disability? Such that if a person with disability who has done adequate training comes along then he is given equal opportunity like an ablebodied person. That he is paid without any discrimination, the same as an ablebodied person.

David Kosgey: Yes, Thank you very much. The question of setting aside maybe 10% of job opportunities for this particular persons is because, from the past we have seen that employers prefers those other people, let me call them the regular, to have been discriminating and when we talk of 10% is to ensure that these people are not left just because of their disabilities. Because there will be nothing to ensure that these people are absorbed if the chances are ten, and the applicants are a hundred and they all qualify, then the employer will just take those without disabilities. This is just to ensure that these people are not left and yet they are qualify for such jobs.

For the question of the qualifying marks, I still want to say that because of disabilities somehow these people are also affected in one way or another, maybe psychologically or so. Those who have really struggled despite there other oppressions, emotional and what have you, they have tried the much and maybe to make sure that the government doesn't just treat this people exactly equal to these other ones. This is just a consideration, however I have also said with the question of supplying equipment and facilities, then supply those ones but then also know that even with those ones, there will be some hardships. For instance,

Com. Abida Ali-Aroni: Thank you very much for the views and unless you really feel that you should continue. But I think we have understood you, thank you very much, please register and give us a copy of your memorandum. I would like to adjourn

this meeting for about five minutes, you don't have to go out, I would like the Commission to consult on an issue that we have just received from Nairobi. Thank you. Tukitaja majina, hatutaruidia. Watu ambao wanataka kuuliza maswali ya Secretariat, tumesema muone Ismail Aden, not the Commissioners. See the Programme Officer when he is free. Watu ambao wako nje tunaomba mrudi ndani. Tafadhali wale wako nje, muingie tuweze kuendelea na mkutano na shida ilioko ni kwamba tukiruka majina hatutaweza kurudia. Tafadhali muingie tuweze kundelea na mkutano. Kama kuna watu nje tunaomba tafadhalini mrudi ndani tuweze kundelea na mkutano. We shall assume that the ones who are not here and not interested in the proceeding.

Kama kuna watu nje, tuta-assume kwamba hamtaki kuitwa majina na tuta-mark absent, watu ambao wako nje na kuendelea na wale wako ndani. Nafikiria tutaendelea na wale wako ndani na wakibahatika pengine tutawapatia nafasi wale ambao pengine wamenda lunch, kwa sababu tunaona tukihairisha kuenda lunch, tutapoteza wakati mwingi, na watu wengine watakosa kuzungumza, lakini tunaomba msamaha kwa vile ilitubidi kuhairisha mkutano kwa dakika tano, kufuatia matangazo ambayo tumepata kutoka kwa Headquarters ya Tume kwamba naibu mkuu wa Mwenyekiti wa Tume ya Kurekebisha Katiba Dr. Ooki Ombaka amefariki. Tunaomba pengine tusimame, for a minute of silence tafadhali. Asanteni. Hapa kulikuwa na wanafunzi sijui kama bado wako kwa sababu tuliomba list ya wanafunzi lakini hatukupata haya majina. Yegon Moses? Yegon Moses? The other students who are here, do you wish to speak? Eh? Yaa, they may also have things to say to us. Do you wish to speak? We assume you don't want to speak so we go to the other list. Baliach Joseph? Baliach Joseph.

Baliach Joseph: Okay thank you. My names are Baliach Kipkemoi Joseph. I come from Kapsigiryo Sub-location. My views will go directly to three parts. This is political parties, structures and systems of government and the Legislature.

Political parties:

1. Kenya should be a three party state. Reason is to minimize the country's expenditure on financing these parties.
2. Discourage tribalism and promote unity among Kenyans.

Structure & system of government:

1. Kenya should be a federal kind of government. Reason for the government to be more accessible to its people, to cater for the rapid development growth.

2. To encourage intensive development with the jimpos.
3. To discourage clashes
4. On the side of education, selection of learners to the next level of education should be based on quarter system and so to resources.

Legislature:

1. A Member of Parliament should be legally elected by their respective constituents.
2. Being a Member of Parliament should be a full time occupation.
3. Member of Parliament should be morally and ethically upright as well as qualified Form four leaver.
4. An independent post hand the President supervision should be formed to prepare the salaries of Members of Parliament and the Civil Servants basing their considerations on academic qualifications and prevailing the economic of the country.
5. Their consideration should be fair, transparent and accountable.
6. There should not be special measures put in place to increase the women participation in Parliament.
7. We should retain the present system of government where the party with a majority vote should form the government and can form a coalition government where necessary.

That is all on my vies.

Com. Abida Ali-Aroni: Thank you. Please register and leave us with your memorandum. Towett Joseph?

Towett Joseph: I a going to express my views on the Executive. My name is Joseph Towett. A President candidate of Kenya should have the following qualifications;

1. A Kenyan Citizen.
2. Over 35 years.
3. Elected as a Member of Parliament.

Two terms of five years and should be preferential Functions of the President should be defined as follows;

A Commander in Chief of the Armed Forces.

Should be the patron of all the Universities but not a Chancellor.

The Judiciary: The present structure of the Judiciary is adequate, however the following area should have from alterations.

Village elders should continue to exceed and their services should be recognized by giving them salaries.

Chief and Assistant Chiefs should be transferable within their respective districts so as to work away from their relatives. They should be qualified Form four leavers. Chiefs' Acts which was removed by the IPPG should be retained.

Local Government: Mayors, Council Chairment and Councillors should be elected by the wananchi. They should be qualified Form four leavers. They should be over 21 years. Their salaries should be prepared by a body under the Presidential services. Nomination of Councillors should be abolished.

The Electoral system and process should be a secret ballot. The current geographical constituency systems should be subjected to changes.

Com. Abida Ali-Aroni: Are you through?

Baliach Joseph: Thank you very much. Cheruiyot Paul?

Cheruiyot Paul: Thank you very much. My name is Cheruiyot Paul Moses from Kapsigirya Sub-location. I present my views on three parts. Basic rights, land and property rights, cultural, ethnic and regional diversity and communal rights. First, Basic rights. All other basic right e.g. freedom of movement, living, speech, etc., should be retained except the right to worship which should be conditional and the government to strictly control it.

- Education in nursery and primary school should be compulsory and free.

- Land and property right. An individual should have ultimate ownership of land.
- The government should have the power to compulsorily acquire private land for any purposes but with compensation.
- The state government or local authority should not have power to control the use of land by the owners or occupiers.
- Transfer and inheritance of land right should be processed through the village elders, Assistant Chiefs and Chiefs only.
- The son and daughter should have the right to inherit their parents land through free hold title. However, daughters should qualify for the free hold title by the age of 40 years.
- Only men should have access to land.
- Kenyans should own land anywhere in the country.

Cultural, ethnic and regional diversity and communal rights. Culture and ethnic should be protected and promoted by the government. We should have two national languages e.g. English and Kiswahili. Constitution should recognize and promote indigenous language. Our Constitution should be in written in all forty two indigenous languages. Thank you.

Com. Abida Ali-Aroni: Thank you. John K. Mabwoi?

John K. Mabwoi: Thank you the Commissioners. My views have been collected from Kimuchul sub-location residents.

Com. Abida Ali-Aroni: Why were you collecting their views? We didn't ask you to collect.

John K. Mabwoi: No, because most of them, they are in a very far area.

Com. Abida Ali-Aroni: So they kind of delegated you to speak on their behalf.

John K. Mabwoi: Infact we are about four, so I am only

Com. Abida Ali-Aroni: So they sent you to tell us.

John K. Mabwoi: At least.

Com. Abida Ali-Aroni: Thank you. I was wondering why you collected views.

John K. Mabwoi: Thank you. So with the old Constitution or the current constitution we did not have a preamble. But we propose or they proposed that we should have the following:

We the people of Kenya having verily come up from a sovereign state, stress for peace, justice, liberty, fraternity, integrity and equality for all.this nation of Kenya be paramount among the same or those intending to as multi-nation, be multi-party state and respect for ethnic country, culture and soveity (inaudible).

Principals of states policies: There is culture, among other things, there is customary laws, ceremony, clensing, that is creitaria of traditional weapon. Should have full protection from the law for the above are the properties and part of their lives and some means of identification.

Constitutional supremacy: Parliament should have some powers, i.e. to amend some parts of the Constitution not the whole part. So that the Constitution be left to the public, especially in sensitive areas. For example;

1. Terms of a President in the office, for example the two year terms not to be amended by Members of Parliament. Because others might be tempted.
2. Ways of electing a President. That is, by the Electorate or to chip in with the Electoral collage, where the President will be elected by a few individuals.

Citizenship: Citizenship be granted through the following:

1. Birth, if only the parents were already Kenyan citizens
2. Marriage, either male or female gets married or being married to Kenyan citizen, if willing to beand be entitled to the following basic needs.

Foods,

Shelter,

Clothing

At least a very good environment to enjoy these basic needs.

Com. Abida Ali-Aroni: Read the rest of the memorandum.

John K. Mabwoi: Thank you. So the Constitution should not allow dual citizenship, because these might encourage sectal fights at the same time posting of criminals or terrorists.

Defence and National security: As part of devolution of power the President should not be the Commander of the Armed Forces but instead the same Council should be enacted. That comprises of Generals, Minister for Defence, Permanent Secretary or Accountants. Political parties be limited to three and their policies or functions should be role models in the building of the economy, save the government policies and facilitate projected funds of the government.

Com. Abida Ali-Aroni: Thank you, please hand in your memorandum. No, thank you, your time is up. I have to be strict, we have more than a hundred people who would like to speak. Thank you very much. Please sign and hand in your memorandum, we will take time to study it. Yegon Moses, a student? Yegon Moses.

Yegon Moses: Thank you all the people who are here. My names are Yegon Moses. I am in Longisa High School. Form one East. I would like to air my view in the Constitution Review Commission of Kenya. My first point goes to the Education to the illiterate should be given all over the country. This is because the government, let's say a government officer who is heading a district, and does not understand the language of that district, there should be education for the illiterate so that when he/she speaks in English or Kiswahili, people of that district will understand. This will make the information to be passed well.

Secondly, the retirement age limit should be reduced for the Civil Servants. This is because, there are many jobless youths in the country, and if the civil servants are retired early in the age of 50 years, the youth will get opportunities to get jobs and earn a living. Because we see here in Kenya, we have many civil servants who are over 55 years and yet they are not retiring and we have qualified youths who are qualified for those jobs. Therefore, those civil servants who are of 55 years of age should be retired so as to pave way for those qualified youths.

The Laws of Kenya should not use the bibles to make force. This is because it is the misuse of the bible.

When we see somebody exploring using a bible, saying that I will not repeat the mistakes and then in the next few we have him again making the same mistake and he has made the vow that I will not repeat the mistake using a bible. This is misuse of the bible, yet the commandment states well that you should not misuse the name of Lord your God, for the Lord will not hold anyone guilty in misuse of his name. Thank you.

Com. Mosonik Bernard Arap Korir: You said that civil servants to retire early but you did not tell at age?

Yegon Moses: The age of 40 - 50 years. Youths, studying very well in university to get jobs. Because when I am in university, I will be about 20 years or 25 years and then acquire a job for about 20 years and that will earn me a living.

Com. Dr. Maranga: One more question now that you say people are misusing the bible. They swear using the bible and they don't say the truth. What do you suggest we use?

Yegon Moses: We suggest them to use let's say a law book, which

Com. Abida Ali-Aroni: Or maybe traditional oath, eh,

Yegon Moses: Yes.

Com. Abida Ali-Aroni: Thank you. Philomen Bett? Philomen Bett? I thought it was a lady, but you are lucky I read Philomena, you are okay, you can continue.

Philomen Bett: Thank you very much. I am Philomen Bett. My views are based on the Local Government and the Electoral system and process. I think that the Mayors and the Council Chairmen should get their mayorship and chairmanship to be through the electorate. In such a way that they are elected by the people. Because when they are elected in the Council by the Councilors, some corruptions may come in. People should have a right to recall their Councilors in case he/she disappears from the electorate and a penalty be endorsed if found guilty of the offence. Councillors should have their salaries from the central government or regional state and be automatic and not as it is now. Because you find, when Councilors address people, they normally say, we don't get salaries for months. They therefore need to be given automatically.

Ministers be barred from dissolving Councils but only be intervened in case of a problem arising.

Electoral systems and process: We should adopt a coalition system where immediate parties share power with winner in terms of the Minister with the large share going to the ruling or winning party. Women to have majority votes and should fight with men equally, if democracy is to be achieved. The winner of a war or Presidential be the one with majority votes because this might end up getting a wrong leader for many could be tired or poor. Members of Parliament defecting, should automatically lead to a by-election but if a party crosses the floor should be seen of a good faith towards a united nation. 25% representation in at least five regions be retained to allow for fairness despite minority tribes or majority.

Com. Abida Ali-Aroni: Please wind up.

Pholomen Bett: Thank you.

Com. Abida Ali-Aroni: Jonathan Sosian, a student?

Jonathan Sosio: Thank you very much. My names are Jonathan Sosio. A student from Form two East from Longisa High School. These are our views. Point number one is the old people should be retired in their jobs, so that the youth to get employment. This is because nowadays in our country, you find a person who is more than 60 years is still in the office and yet we have so many people who are qualified to be that position and are at homes. The courts should make a law against that.

Women should also be given freedom to lead. Sometimes, women know how to lead, especially at this point of corruption. I don't think women are corrupt but men mostly are corrupt. We suggest that women should also be given a chance to lead. Corruption should be eradicated. Corruption is becoming very rampant in our country, therefore, as young people, we see that we have nowhere to go after education, since if corruption is to continue, I think we will hang around after school.

The President should be under the law.

There should only be two parties in Kenya and not more than two. This is because you find this parties leading to clashes sometimes and many people loosing their lives. So, let it be reduced to two.

The family property should be shared equally among brothers and sisters. You will find that in some families, they neglect girls and yet there are also people who are supposed to be given their responsibilities in the families. Sometime if a lady is not married, the father or brothers refuse to give her properties yet she is a member of the family.

Technical subjects in schools should be carried on. Because there are less jobs in Kenya, the technical subjects will enable us after school to be self-employed.

The MPs salaries should be reduced to a certain amount. Currently we heard through the newspapers that an MP who is a form four leaver is earning more than five hundred thousand a month and yet he/she is still demanding for more. Therefore earning too much drains our country. This money should be reduced to a hundred thousand a month.

The Chief should be a form four leaver or even a graduate and his salary should be increased. Because, sometimes you find a chief who doesn't even know how to communicate to the people, yet he was appointed through corrupt method.

Employee should not favour anybody when employing. Nowadays in our country, you will find that employees ask whether you are connected to a person in a big capacity. Or ask you for a bribe. This kind of corrupt system should be ended.

The un-married girls in the family should be handled like the other people in the society.

The watchmen should be increased. For example in the schools. They should be increased in number and taken for training colleges and be provided for with special weapons. Because you find a securicor working with a stick, then how do you expect a watchman with a stick to defend himself with a stick yet a robber carries a gun with him. These people should therefore be provided for with special weapons.

Com. Abida Ali-Aroni: Lastly?

Jonathan Sosio: We suggest that people who own more than a hundred acres of land should be divided into two equal parts.

The other half should be given to the landless people. This is because, in our country we have a lot of land, especially the game parks which are not benefiting since there is corruption and few people are the only beneficiaries. If the government cannot be able to stop corruption, then the game parks should be divided to the landless people so that another project may continue.

Com. Abida Ali-Aroni: Thank you, please register there. Mrs. A. Cheruiyot? Mrs. Cheruiyot, a teacher? Can one of the students look for her please. Kirui Joseph? Kirui Joseph.

Kirui Joseph: Thank you very much. I am Kirui Joseph. I am airing my views basing on the rights of vulnerable groups. Land and Property rights. Interest of women is not bad except that they can be given more education on their rights. E.g. education and fair punishment for married women, discrimination in employment, and also note that laws are bible driven or Qur'an driven. Where women are createdand giving too much privileges is against God's wish.

People born with disabilities or through serious diseases or accidents be seen as property of the state. They maybe given free education to the highest possible, they can manage free medical services, if any. Men be considered as endangered species. As with the current statistics, women are more by half a million, males born are prone to diseases as compared to women.

Lands and Property rights. The ultimate owner of the land should be the government and since people form the government, then the individuals should be given title deeds. Not for 99 years or 909 years. But for ever. Trust land be owned by the government and immediate resident who inturn becomes the immediate beneficiary, before the other interested groups. Two drivers cannot drive at ago. So men be the head of the family, and ownership be vested on him.

If a woman is not married, she may acquire land and maybe given a title deed if it is to get a share from parents and boys are there. She may be given a small share to avoid mis-behaviour in expense of getting the land. Access to the land, is either through inheritance, leasing or buying.

Cultural ethnics, regional diversity and communal rights. Kenyan ethnic and cultural diversity contributes a lot to our national

culture. It should be constitutionally protected. Cultural dancers, ceremonies, acts, helps to identify peoples' backgrounds and heritage. The above practices are best identified through customary residuals which is not written but orally from generations.

Com. Abida Ali-Aroni: Please wind up.

Kirui Joseph: Okay, thank you.

Com. Abida Ali-Aroni: Now, young man, Kirui Joseph, you are saying that the rights of women are well protected and that all they need is a bit of civic education. But I didn't understand what you said about the bible and Qur'an and women? If you could just repeat what you said or explain.

Kirui Joseph: I said, when making laws, we should base on what is written in the bible or for muslims the Qur'an. Those are the denominations.

Com. Abida Ali-Aroni: Thank you, but I also think that you need civic education. Thank you very much, just register there. Mrs. Cheruiyot?

Alice Cheruiyot: I am Mrs. Alice Cheruiyot. One of my views is women I feel should be preserved for seats in the Parliament, so that they can get to Parliament through nominations. Because if we go for election, we are considered un-capable, and therefore I feel that women should just go direct to Parliament and then maybe sometimes when people would have realized that women can perform, then they can now go to contest with the rest of humanity.

About the orphans that we have in our homes, I feel the government should really take care of them. Because some of them when they loose their parents, they are mistreated by other people or even relatives and be educated by the government. Maybe if the government has to take care off them, they should be taken to homes, even if the government pays money to the custodians of the orphans, might misuse the money. They should therefore be isolated and well-taken care off by the government.

We should have free education, right from primary to secondary. The government to finance education maybe through education trust funds from all the tax payers. Because you find that in this system whereby the parent is supposed to pay fees for their children, the parent can discriminate and decide on who to pay for fees, and others will be left at home or others parents' will decide maybe to take them to polytechnics and if they had gone through the education system, they would have been better people. University should be paid through the government loan for those who need.

All the people with disabled children should register. We find that there are so many of our disabled people at home, who have not been treated well because maybe the government does not recognize them. I feel therefore, if all the disabled are registered, the government will of course do something, bearing in mind that they would be many and will decide on what to do to them.

The girl-child should inherit the property from their parents. In so doing the habit of mistreatment of women by men will be reduced. We find that because we own nothing, the moment women get married, men can really mistreat them because they know they have no-where to go to. Even in cases whereby parents have died, you run to your brothers, you are send a way because you don't own anything in that family. We feel that if we can be given equal share with men, I think we will have more protection.

Women should also be equal owners of their husbands property. Because, if they have not contributed to the money of the purchase of the land, they have done it indirectly. Maybe by taking care of other properties that is there, like taking care off the cows, shambas and all that and have enabled their husbands to save at least some money to purchase the said land. We feel the name in the title should bear both for the husband and wife. I think that is all I had.

Com. Abida Ali-Aroni: There is a question for you.

Com. Dr. Maranga: I have got two questions. One you are saying you want reservations of seats for women in Parliament but you did not indicate how many you want? You want to reserve the entire Parliament for women. We want to know how many you want? The second question is, you have said about girls to inherit property from their parents and this will reduce

mistreatments. Do you think it is because of that lack of inheritance, that's why girls are mistreated, or is it just an attitude in society? Since you are a teacher, I thin I wanted you to expound on that point. Thank you.

Alice Cheruiyot: Thank you. I think first question is possible if we can given a chance to rule for one term. But I was having a feeling that maybe we can have a seat from every province. On the idea of the property ownership, I feel mostly as women are mistreated because they have nothing. Of course even we know, even the older women who are .., like our inlaws, sometimes they can tell you, you came here with one cloth, because maybe that was what you wearing when you went there.

Com. Abida Ali-Aroni: I have another question for you. You would like women to co-own their husbands property, would you also want to see vice versa? That the men also co-own their wives properties as well. Because now that women are working, they also have properties. Don't you think that it is un-fair to have a woman joined as a co-owner of all her husbands property yet she acquired and that property remains hers.

Alice Cheruiyot: I think it should be the same, it should be vice versa, because of course we are, I imagine we are members of one family, so we should own things together.

Com. Abida Ali-Aroni: Thank you. Charles Siele? Charles Siele?

Charles Siele: Thank you I am Charles Siele. I come from Kimuchul Lelkatet. I am going to ..

Com. Abida Ali-Aroni: I give you two minutes, so stick to the point.

Charles Siele: I am going to present my views pertaining management and views of naural resources and participatory governance. Raising of revenue, management and distribution of finance and management of resources be given to experst who will be appointed from all regions. Overall chairman should be somebody of un-doubtful backgrounds and be conversant with the management. Resources from the central government should be distributedto the village where budget proposals are got from the lowest level of administration, e.g. wards or locations.

To strengthened discipline any servant found in un-fair deals like mis-appropriation of funds, or misuse of office be sacked and not transferred to another office or department.

Environment and Natural Resources. The environment should be protected by the constitution from any form of un-necessary exploitation. E.g. transferring of wildlife from one place to another, cutting trees for burning charcoal without replacing, water catchment areas be un-disturbed, be it in trustland or somebodies land. Natural resources discovered in an area be a property of the area resident and the government. First priority be given to the residents and secondly the government, who will become useful developing other areas.

Natural resources be managed and protected by the government and the immediate resident. Non-government organizations and other organized groups be involved in the governance. This may be done by channel of funds through the organizations for development in the rural areas.

For maximu participation of women, youth, elder minority groups and disabled, the government should assist the various mentioned groups to start development projects and be funded.

Com. Abida Ali-Aroni: Thank you very much, we will read the rest. Hand in your memorandum and sign. Kipkorir Festus.

Kipkorir Festus: My names are Kipkorir Festus from Longisa Secondary school. I am in form one West. My first point is that free education for the handicapped. The handicapped may have a talent but they don't have money for education, and they have been neglected by their families. The government should set aside some money for their education.

Secondly, freedom for worship should be to a limit. Those churches that abuse human right i.e. the right to live should be eliminated in this country. E.g. satanic worship. That is all I have.

Com. Abida Ali-Aroni: Thank you. Please register. Joseph Barbaret? Joseph Barbaret, is he there? David Tanui?

David Tanui: I am David Tanui . My views are as follows. Land ownership, the Basic rights, and the presidency.

Land ownership.

1. The ultimate ownership of the land should be owned by the individual.
2. Constitution should state clearly how the transfer and inheritance of land is made and the parties concerned be consulted to give their consent.
3. There should be a saling of land ownership upto a hundred acres.
4. The land ownership procedures be made on the district levels and survey be reduced, survey fee be reduced to make affordable to all.
5. Land district survey should be renewed after a period of twenty years.
6. The pre-independent land treaties and agreements involving certain communities should be abolished.
7. Natural resources like Mau forest be transferred to Bomet district which most of it is in the district.

Basic rights:

1. Education should be free upto standard eight. Secondary education should be on cost-sharing. While university be on government loan.
2. Funds should be set aside by the government for research. Research in all angles of life of the people.

Com. Abida Ali-Aroni: Please summarize?

David Tanui: President: The President should not be above the law. All people should be equal before the law. If the President causes mis-conduct, he/she should be impeached. Adjournment and dissolution of Parliament should be made on regular time-table. The President should be the Commander in Chief of the Armed Forces and the head of state. All public institutions appointees should made by the appointed commission which has to see that

- i. Public service commission be created and define its work.
- ii. Judicial commission to define its work also.
- iii. Anti-corruption to define its work.
- iv. Finance service commission be created and define its work also.

Com. Abida Ali-Aroni: Thank you. We shall read the rest, lets give this opportunity to somebody else Asante. Jacob Langat, a student?

Jacob Langat: Thank you for this opportunity.

Com. Abida Ali-Aroni: Speak to the mouth.

Jacob Langat: I am going to give my views as follows:

Com. Abida Ali-Aroni: Please give us your name, your school and class?

Jacob Langat: I am Langat Jacob from Longisa Secondary school, ...

Com. Abida Ali-Aroni: Which class?

Jacob Langat: Form two south. My first point is this. Land ownership should be restricted to 200 hectares and below. This is because, currently in our country many people are landless, not because there is scarcity of land, but because most of the leaders e.g. Ministes, DC, and retired government officers are holding very big farms. They hold the farms to give to animals but I suggest that lands be distributed to the landless people and contribute little amount of money. No governing ownership should restrict people from owning more than 200 hectares of land but only if in case he is going a large scale farming or a farm where jobless people can get employment.

Secondly, the Kipsigis tradition that dowry payment and getting married through the right procedure should be protected by the laws. This is because people are now getting married by not going through the right procedures. Later on, when the father in law demands the dowry, they chase the woman. Thank you.

Com. Abida Ali-Aroni: Joseph Langat? Joseph Langat.

Joseph Langat: I am Joseph Langat from Kembu. I am going to present views on Women right, basic rights. I will start with women rights. Women who have been marginalized should also have a chapter in the constitution which will highlight some of the rights. The issues, which women have been facing, also, such as sexual harassment, have not been treated well. The victims or the violators of such acts should also be given severe treatment. For example, a child born out of such acts, the fathers should have to bear the responsibility of bringing up the child. Concerning the women rights, it should not contravene the gender equality because the women rights can be over-emphasised than male rights. For example, the woman owning property, it will bring chaos in case of married couples, because man also should have to go to the woman's home, so as to acquire land for the woman, that will bring chaos with the in-laws. That should be considered a nomally which may arise.

Concerning the basic rights, we have compatible cultural laws which can be used for example, customary marriage to be recognized and certified so that people who under-go marriage through such traditional methods will not be over-looked in case of the civic marriage, where someone who has a certificate from the government mistreats a woman who was married under traditional law.

About abortion, it should not be legalized, as this will increase rampant cases of abortion. The government or the constitution should protect, or give protection on such issues as food security, where the government through taxation which has been acquired from the people, should impose or wave taxation from farm imputes so that the country will have enough food or food security is enhanced. Another method could be through subsidizing of farm imputs so that the food security is highly alleviated in the country.

The Executive: This could be the qualifications for the Presidential candidate.

Should have a higher level of education,

Should also have a past experience in leadership,

Should be above thirty five years old.

Tenure of office: Should be two terms of five year. Some of the functions in which the President in chair should be relieved

from is;

- Should not be the Chancellor of the Public universities. Such duties should be given to the appointed chancellors of such institutions.
- The President due to mis-conduct can be removed from office through impeachment.
- Vote of no confidence should not be used as these maybe subject to mis-use.
- Opinion polls can also be used from the public regarding the tenure of the presidency in case of mis-conduct.

Com. Abida Ali-Aroni: Thank you very much. Please register. Benard Kitur, a student?

Bernard Kitur: Thank you for this opportunity. My names are Bernard Kitur from Longisa High School. Form one south.

My first view;

1. Girls' education should be put forward, enough to be equal to that of boys.
2. The coming government should look for carefully on tribal clashes. This tribal clashes reduce development of the country.
3. The disabled, e.g. the street boys should be given free education by the government. This is because, the street boys are orphans and they do not have parents. Thus the reason why they should be given free education since they don't have the money and cannot be able to get employment.
4. The government should give primary education freely.
5. Taxation in Kenya should be reduced. Kenya is the most highly taxing country in African.
6. Mixed secondary should be abolished in Kenya.
7. Donations from other countries, e.g. foods, must be put across so that citizens should know how they have been used.
8. Women harassment should be strictly lowered, this is because it leads to separation of partners and as a result the children suffer.
9. Robbers and murders should be killed. This is because some murderers will reduce the population of our country and the robbers may reduce our developments in our country.
10. The salary for Ministers should be reduced so that others should be employed. This is because, it is not that they have

more opportunities so that they can be given huge salaries. Even some of them may go on not reaching the retiring age and there are some young men and women who have better education than the Ministers.

11. All the parts in our country should be equal in development, especially road network, industries, e.g. Thika. Thika has the most number of industries. Why don't the government put some industries in other areas. Some of the produce in Kenya should be of high prices e.g. pyrethrum, milk and wheat, so as to encourage farmers to plant more, so that the country can develop economically.

12. The MPs and Councillors should be literate so as to easen them in getting information.

Com. Abida Ali-Aroni: I think you are through. Are you through?

Bernard Kitur: No.

13. The government should be specialized in every district e.g.engineer.

14. School facilities should be provided by the government, e.g. textbooks and stationeries. Thank you.

Com. Abida Ali-Aroni: Any questions? Thank you very much. Please register and leave us with your paper. Kipkoech Soni Caleb?

Kipkoech Sang Caleb: Thank you very much. I am Caleb Sang. I want to make the following proposals to the Executive.

Com. Abida Ali-Aroni: Speak to the mich, we are recording your voice.

Kipkoech S. Caleb: I want to make the following proposals for the Executive.

- Presidential candidate should be declared a winner after gannering 51% of the total votes.
- That a President be impeached by Parliament for economic crimes and mis-management of the country.
- Let's create the office of the Deputy President who shall be the principal assistant of the President and he should have a security of tenure.
- That the number of government Ministers and ministries be regulated by the constitution and Ministers to have a security of tenure.

- On the legislature, interests groups should be given 30% representation in the Parliament, such interest groups are like women, youths and the disabled persons.
- We should have national constituencies, like the Ugandan case.
- Members of Parliament should have sufficient qualifications like a college diploma or a basic degree and experience in public administration.
- On the Adjudicature, a supreme court be created to decide cases of corruption and serious offences like genocide and this court shall be constituted by senior members of the Law Society of Kenya, with ten years experience in practice.
- On the Local Government, there should a minimum academic standards for Councillors be O' level with credit.
- Mayors and Chairmen of Local authorities be persons who are experienced in Public Administration and have basic degrees. They should be directly elected by the people.
- Freedom and Human rights; the current freedom is inadequate; they only exist in paper and not in practice. So, let it be stated clearly that such freedom of expressions, speech, be protected.

Com. Abida Ali-Aroni: Please wind up?

Kipkoech S. Caleb: Citizenship should be granted to persons born of Kenyan parents.

- An office of the Ombudsman.
- All appointees to the senior government offices and constitutional offices be vetted by Parliament.
- Trustland be owned on for and on behalf of local persons.
- Water catchment areas be protected for the local.

Com. Abida Ali-Aroni: Thank you very much, we shall read the rest of your memorandum, please sign and leave it behind. Eric

Kirui a student? Eric Kirui, Geoffrey Cheruiyot a student? Geoffrey Samuel Sitienei?

Geoffrey S. Sitienei: Thank you very much. My name is Sitienei Samuel. I come from Longisa High School, Form Three East. The first point is about the powers of the President.

- You find that the President overworks himself, because he works in departments that do not concern him. I am suggesting that the President should work only in the departments that concern him. For instance he may decided to discharge the criminals who are in prison before the time stated by the Judiciary, his powers should therefore be reduced.
- After completion of school, e.g. children who finish form four, they should have Identity cards, because you might find a student who is under eighteen and finished his O'level, he/she cannot be employed.
- Freedom of worship. It should be exercised or practiced everywhere in the country. You will find that in almost all schools in Kenya, students worship only on Sundays, yet some of them are supposed to worship on Saturday, the students should therefore be left to pray according to their denominations regardless of sponsors to the school.
- MPs salaries should be reduced. The reduced salaries from the MPs can be used to educate the disabled. Because MPs earn a lot of money, yet the disabled in the country are not productive.
- Students in High School should only do subjects that may lead them to specific occupation.
- Those criminals who are in prison should be taken to somewhere to work for the government such that the government would be gaining rather than them being in prison and consuming the government's resources. Thank you.

Com. Abida Ali-Aroni: Mr. E. Rotich, a teacher? E. Rotich. Mr. S. Cheruiyot, a teacher?

Chemiryot S: Thank you. I am Chemiryot.

Com. Abida Ali-Aroni: I am Chemiryot. I want to represent the following points to the Commission.

1. I had to start with the Commission which has been formed since independence. Any Comission which is formed after independence should be the property of the Parliament.
2. All the Commissions which has been formed should be handled by the Constitutional Review Commission. E.g. you can adoptComission. Some of the proposals, we proposed in theCommission but it had been Any Commission which has been formed to look into something should be there for public scrutiny.
3. Parliament should not be given powers to amend constitution without getting hearing from the public.
4. Speaker should be one who can handle from the start to the end. He should also be powers to dissolve the Parliament

and not the President. In the current constitution, the President dissolves the Parliament, which he could use as weapon for his own interest too. Therefore the speaker should be the one to dissolve Parliament.

5. As far as recruitment of police and Administration police, they should be recruited through the community in compliment. E.g. the community should identify a person or have a good disciplinary record and hand it over to the government so that they could come back and work for the same community. Not every wanjiru go to the college and be deployed to everywhere in the country.
6. Ambassadors should come from every district.
7. District Commissioner and Provincial Administration should work in the particular district that he/she comes from.

Thank you very much.

Com. Abida Ali-Aroni: Please register, Mr. Co-ordinator we don't have anybody there for registration. Thank you. Nermad Kalya, a student, Nermad Kalya? Cosmas Maasai? Or Musau?

Cosmas Musau: Thank you very much. My names are Cosmas Musau from Longisa High School. This are my views concerning the Review of the current Kenyan constitution.

- Government officials should not be given extra allowances. Why do I say so. This is because you find that government officials e.g. the MPs are given a lot of allowances and increaments in their salaries and maybe crisis in the case of teachers salaries being added, you find that the government is claiming that they don't have money to implement on the salaries of the teachers yet the government officials are being given a lot of allowances, e.g. entertainment allowances. This allowances should come from their own salaries.
- Police should avoid corruption within the area of their Jurisdiction. The police, the Ocs, the chiefs are the ones who are spearheading corruption. They state that their motto is "Utimishi kwa wote" but this is contrary to what they are doing. The Chiefs are the ones sending the police to get bribes where local brews are brewed. This are the things that lead to immorality in our society. If the police are there to fight against corruption, first of all, they should abolish corruption within their area, so as to implement this to the rest of the citizens.

- Torturing of suspects should be abolished until proofed guilty in order to deserve the punishment. You find that in case a suspect is arrested, he/she is tortured a lot even before the case is determined. This may lead to permanent injuries and sometimes the suspect might be found innocent after full hearing. If a person is tortured and later on found innocent, the Attorney General on behalf of the police should compensate the person and the culprit be punished.
- We should have gender equality. This affects the issue of title deeds. In case of issuing the title deeds, we should have the title deed bearing the name of both the couples, because you find that in case of inheritance, you find that most of it goes to the male and female are neglected in the society.
- The President's powers should be reduced. The President holds a lot of power, and our country poor. Thank you very much.

Com. Abida Ali-Aroni: Edwin Rotich? Edwin Rotich, a teacher. Chechili Arap Chelugui? Reuben Turgut? Ni wewe? Are you Reuben? Basi kazana.

Reuben Turgut: Yangi ni kusema.

Com. Abida Ali-Aroni: Songea karibu na hiyo na utupatie jina lako.

Reuben Turgut: Jina naitwa Reuben Turgut kutoka Chemanel. Yangu ni kusema nataka serikali ichunge wananchi. Na vile inachunga wananchi, ni kuchunga hata mali yake. Sababu, sisi wakulima tunalima mahindi, pyrethrum, na tunashindwa pahali pa kuuza mahindi na tunasikia serikali inatuma mahindi kutoka ng'ambo, tunataka wanunue mahindi yetu, siyo kutuma kutoka pahali pengine. Vile tunalima pyrethrum, tunatoa kwa shamba kwenda kuuza, hatutaki tena kusikia kesho hakuna pesa, ate imekatwa, tunataka kujua nani hukata hii pesa ya wakulima.

Mkulima huamka asubuhi na kwenda kwa shamba, anavuta kitu, siku ya kupata mshahara, hakuna, imeliwa sasa tunataka serikali ichunge mkulima. Ni hayo tu.

Com. Abida Ali-Aroni: Asante sana Mzee. Jiandikishe hapa. Sasa inaonekana tuko na zaidi ya watu hamsini ambao wanataka kuongea na karibu saa tisa. Tunataka tukubaliane kwa vile tunataka kila mtu aongee, mchukue kama dakika moja na

nusu, kuongea vile huyu mzee ameongea, ili tusitoke hapa tukiwacha watu wengine wakikasirika. Next person is Peter Ng'elech? Peter Ngelech hayuko. Cheptoo Too?

Cheptoo Too: Thank you very much for this chance that you have given me, just to extend my views to you.

Com. Abida Ali-Aroni: Your school and class?

Cheptoo Too: I am in Kongotich Girls High School and in Form Three East. I should like to represent my views as follows:

- Teachers should earn the highest salary, this is because you find that the moment you give small amount of money, they will not concentrate much on their work. They will concentrate on doing business because they are demoralized.
- Bursary awards should be doubled in girls' schools in order to uplift the standard of education for them. It will also lead to motivation.
- Finally, girls' should inherit their parents property so that in case the parent is not willing to pay fees, she will sell her property and meet her own fees.
- Kenyans should visit National and Game reserves free of charge. After all it is their country. Thank you.

Com. Abida Ali-Aroni: Thank you very much.

Com. Dr. Maranga: Yule ambaye ninamwita sasa ni Nelson Rono. Si mumesikia Chairman amesema one and a half minutes.

Kwa hivyo upeane main points.

Nelson Rono: Thank you very much Mr. Commissioner. I am Nelson Rono from NAC. I will start my points from Federation system of government, the wise call it FM. Anyone talking or crusading of majimbo system of government is the greatest enemy for the young generation. The reason, every Kenyan should be free to enjoy all the natural resources. It has been a failure for our national leaders to know that the natural resources should be shared evenly all over the country. Giving a good example the Rift Valley, we have the South Rift and the North Rift, all the resources in the Rift Valley has been concentrated to the North. We here in Bomet, what do we have so as to crusade for majimbo.

The office of the President: The Constitution of Kenya should specify the qualification for a President and this is as follows:

A President should be a citizen of Kenya,

He should be at least over 21 years of age,

Must be speaking English and Kiswahili fluently,

We have John F. Kennedy of America, we have Joseph Kabila of Congo, they are less than thirty years old and they have been performing very well. Elections should be;

1. A President should at least have 50 to 51% of total votes rather than having 25% in five provinces.
2. If a President is found in bad conduct, he should be asked to resign or be forced through a vote of no confidence.
3. He be prosecuted and face the law.
4. He should not be above the law.

Parliament: For better edition in our Parliament, upper house and lower house should be formed. The upper house will consist of Cabinet Ministers who are not supposed to be elected members. We have very many people I can give a good example,

Dr. Mosonik Bernard, he can be very good in running a Ministry but he is not a good politician. Also, this will help ...

Com. Dr. Maranga: Nelson, we said you do not mention names and I think you need to withdraw that remark, I don't think that Dr. Mosonik Bernard is vying for a political office. He is a Commissioner and he remains so.

Nelson Rono: Apologies for that Mr. Commissioner.

Com. Dr. Maranga: Thank you for the apologies.

Nelson Rono: Finally, Mr. Commissioner, political parties should be funded through the public fund. Currently in Kenya, we have more than forty two political parties and every party or member contributes much to the national development of our country. The handicapped, the disabled should be considered mostly in all fields within the country. Old aged people above seventy years should be declared as handicapped and they should earn pension as they have been contributing to the development of the country. Thank you very much.

Com. Dr. Maranga: Thank you very much, but let me, you go and register. Wacha niwambie wananchi yakuwa, mkija kutoa maoni hapa, hakuna njia yeyote tunaweza kuita mtu yeyote ambaye mnataja hapa aweze kujitetea mbele yetu. Hii siyo korti leo, sisi tunataka maoni yenu. Tafadhalini mkija hapa msije mkataja majina ya watu kwa sababu hiyo ni kinyume ya matakwa ya Tume ya Kurekebisha Katiba. Tunataka heshima na watu watoe maoni kwa heshima, kwa hivyo msitaje majina na yule ndugu yangu ambaye alitaja jina la Dr. Mosonik Bernard, hiyo ilikuwa makosa kubwa. Kwa hivyo vile ume-apologise, iwe namna hiyo. Na mnajua Dr. Mosonik Bernard anatoka upande wa nyumbani, na kwa saa hii msiomwoni hivyo, huyu sasa ni Commissioner wa Kenya. Asanteni. Yule anayefuata ni Samuel Barbaret.

Samuel Barbaret: Kwa majina naitwa Samuel Barbaret. Ningependa kutoa mambo ya constitution kuanzia ofisi ya Rais. Office of the President. Ningependekaza ya kwamba, hii powers ya President ipunguzwe kabisa kwa sababu ya kwamba, ofisi ya President, ministries yote, ni yeye ndiye anatoa amri. Inaonekana kwamba, hata Ministers hawana kazi ya kufanya. Kwa hivyo the next in-coming President, the powers must be reduced.

Tukienda mambo ya mashamba, ningependekeza ya kwamba sheria itungwe, ya kwamba zile mashamba ambazo zilinyakuliwa na watu, iwe ni trust land, mashamba ya KARI, zile mashamba kubwa kubwa ya serikali, zirudishwe yote na watu landless wapewe. Kwa sababu wale ambao walinyakuwa hakuenda through the Land Control Boards. Kuwe na sheria.

Mambo ya forest, natural resources. Kume kuwa na mtindo ya kwamba hii forest, serikali hasa ya sasa, wanapendekeza forest iwe hiked halafu ipewe the landless. Lakini ukienda kuchunguza ya kwamba, sio landless wanapewa, wanajikatia wenyewe. Kwa hivyo hata hizo forest ambazo zimechukuliwa na watu irudishiwe wale ma landless.

Com. Dr. Maranga: Point ya mwisho mzee? Point yako ya mwisho?

Samuel Barbaret: Point yangu ya mwisho ni kuhusu mambo ya majimbo. Tukirudia kuongea mambo ya majimbo na tulikuwa tumetupa in 1963, tunaona tunarudi nyuma, kwa hivyo ninaonelea ya kwamba hata hii serikali iliyoko sasa, kama sheria ingefuatwa kamili hakuna mambo mabaya yangekuwa kwa hii interim government kuliko hii mambo ya majimbo. Thank you.

Com. Dr. Maranga: Asante. Grace Koech? Grace Koech? Grace, hayuko? Gabriel Chepkilat? Gabriel Chepkilat? Okay karibu.

Mrs. Grace Koech: My names are Mrs. Grace Koech. Issues based on gender. Women chapter to be in the new constitution.

1. Education, early child hood development centers and nursery school teachers should be paid salary like any other teacher by the government and should be under the ministry of education.
2. Education for girls' be compulsory from nursery to secondary level.
3. Employment; equal opportunities should be women in all sectors.
4. Most communities in Kenya have lumped up women and children together and labeled as people whose views should not be heard. In the new constitution, women should be involved in decision making at all levels, homes, community, and national.
5. Dressing: In the bible, the book of Deutronomy chapter 22 verse 5, it talks about the dressing of the two sexes. That women should not wear men's clothes and vice versa. There should be a law in the new constitution that should stop the wearing of mini-skirt, long trousers and transparent clothes.
6. Cultural socialization. Right from childhood, wome and children are told to depend on men. This has affected men some of whom have committed suicide if he cannot provide for his family or if his wife is in a better employment than him. This dependency syndrom in women at family and society level is usually transferred to their daughters. Women should be allowed to be self-reliant.
7. The qualification set for holding leadership position does not favour women whom majority are illiterate and feel inferior. Since most of them have gone through adult education, they should be recognized in leadership position and adult education should continue for all and made compulsory by the government in the whole country.
8. Commercial Sex. Due to the economic constraints, girls' have been forced to drop out of school to entail in commercial sex in order to earn an income. This is evidence in in the market centers and has contributed to the spread of HIV Aids and death. A law be made to stop this rampant idea.

Com. Abida Ali-Aroni: Thank you. Gabriel?

Gabriel Chepkilat: You will excuse me, I have a sour throat. I may....

Com. Abida Ali-Aroni: You know you don't have to speak, you can register, but where are the people who are registering? Ismail and the Co-ordinator, we have a vacuum. Mr. Chepkilat you don't have to speak if you have difficulty, you can hand in your memorandum. Thank you very much. Just hand it over there and register, asante sana na pole. Paul Koech? Paul Koech? Hayuko. Josiah Kirui? Robert Mutai? Okay, Helly Rotich? Joseph Towett? Harrison Kosgey?

Harrison Kosgey: Thank you. I am Harrison Kosgey from Gembu location. My view concerns the Presidential limit term. I propose to have a constitution review which does not limit the Presidential term. People should be allowed to survey their leaders and respect their dignity and tolerance. Kenyan citizens should show their mobility so long as they like it. It is against democracy and globalization to allow only two terms of the special term. We needand allow to act spontaneously. Hiyo pengo wa grammer saba iondolewe kamwe.

1. Secondly, concerning intergrations, thirty five years Presidential of candidates contest should be reduced to twenty five years.
2. We should elect only ambitious and talented candidates no matter their ages.
3. Federal system should be exercised rather than majimboism.
4. As you all know that 90% of Kenyans depend on agricultural economics, I propose the government to apply a revolution or raise sums of theon the society to depend on the development on agriculture and irrigation waters to the marinal areas.
5. I prefer the government to offer free and compulsory marriage certificates in the Chiefs' officer in order to eradicate any chaos of marriage in the society.
6. The President should be above the law and the Commander in Chief of the Armed Forces, unless there is any question, especially the first one.

Com. Abida Ali-Aroni: Thank you. I decide whether you be asked questions or not. I have decided otherwise. Thank you very much. Lodman Rono? Lodman? Where is the Lord? Lodman Rono, hayuko? Thomas Tuiya, hayuko? Nehemiah Sitonik? Wesley Kangole? Daniel Kirui? Wewe umetembea taratibu sana wacha ungojee kidogo sasa. Kuna mtu mwingine pale.

Daniel Kirui: Thank you very much Commissioner. Before I give my views, I would like express my message of condolence to you and the members of the entire Commission following the death of your fellow Commissioner Dr. Ombaka.

Com. Abida Ali-Aroni: Asante.

Daniel Kirui: Commissioners, my first point is that;

1. The freedom of worship should be retained in condition that the only to be worshiped should be God.
2. This is to avoid the negative effect caused by devil worshipping in Kenya.
3. The Parliament proceedings should be directly broadcasted over the radio to avoid the MPs being idle without contributing in the house.
4. The government should pay every family in Kenya a monthly allowance of five hundred shillings since they are the worst victims of taxation in Kenya.
5. A penalty should be given to a dishonest partner between a husband and wife ignored to reduce the spread of HIV/AIDS among the married people in Kenya.
6. Finally, the government should provide free education to primary and secondary schools.
7. The government should employ teachers who are paid by the parents as PTM.
8. Pay salaries to all the surbodinate workers including cooks and watchmen. This is to reduce the burden of school fees among parents or guardians. Thank you very much Commissioners.

Com. Abida Ali-Aroni: Asante. Tafadhali useme majina yako. Kaa hapo tafadhali.

Wesley Kangole: I would like to present my views on the following,

Com. Abida Ali-Aroni: Your name?

Wesley Kangole: Wesley Kangole

Com. Abida Ali-Aroni: Wesley Kangole?

Wesley Kangole: Yes.

Com. Abida Ali-Aroni: Okay, go on.

Wesley Kangole: First I would like to talk about corruption involving public funds and other property. I am of the view that

Com. Abida Ali-Aroni: Ongea na mike kwa sababu tunanasa sauti yako.

Wesley Kangole: I am of the view that looting of property of public funds or any other property should be taken as a capital offence. It should merge with a death sentence. Because it is a big crime.

Secondly, I would like to talk about marriage. Come-we-stay kind of marriage should be in the constitution. Polygamy should only be practiced under some special circumstances. I would like to say something about worshipping or preaching in general. Preaching in public places, such as market places should be abolished. I now learn another private property. There should be limits of one hundred and fifty acres of land for an individual to own. Any transactions or any other property made without the consent of the majority members of the concerned family regardless of age should be null and void.

The original of land and other property owned by people who have been in the government that is the present, the new constitution should give a provision for that. Should be strict to determine whether there has been a case through the local means. If it was taken through corruption is taken back by the government.

The Judiciary: The laws made by the Legislature should be reviewed by the judges. On law courts I have something more to say.....

Com: Abida Ali-Aroni: Thank you very much we shall read your book. Wacha tusaidie wengine.

Wesley Kongon: just winding up. Kitu kimoja tu.

Com. Abid Ali-Aroni: Tafadhali tutakuuliza tu swali, ingine tutasoma.

Com. Dr. Maranga: Wacha tukuulize swali Bwana Wesley? Hii polygamy unasema under special circumstances, can you give me an example of a special circumstance?

Wesley Kangole: One of the special circumstances is when one wife is unable to provide

Com. Dr. Maranga: How about when a man is also in capable?

Com. Abida Ali-Aroni: Na tuko na Co-ordinator, I think we need to get this man out, please. Mzee nitakuitia askari kama hauta nyamaza. No, no, no, it doesn't matter, please can you do something, eh.

Com. Dr. Maranga: I am asking a question, if it is not a man who is not able, what will happen? The woman is able, then why should a man marry if he is unable?

Wesley Kangole: If he is unable?

Com. Dr. Maranga: Yaa

Wesley Kangole: That is another special circumstance, the woman can try to get married.

Com. Dr. Maranga: Okay.

Com. Abida Ali-Aroni: George Sitienei? George Sitienei? Please register. Okay, Paul Rotich?

Paul Rotich: Thank you Commissioners. My names are Paul Rotich. I have a brief and written constitution to give proposal.

First of all, I wish to support the majimbo system. What I mean by that, is that you will make the management of resources and administration be easier. The majimbo system may not necessarily follow the current provision. At the same time, this majimbos should not refuse anybody or deny anyone a chance to work in any other jimbo, or to own property in any jimbo. Jimbo should only be for management purposes.

Secondly, I wish to propose a President who is non-partisan. He should not belong to any party. He should be a ceremonial head of state and should be a prime Minister to head the government. The prime Minister should be the one in Parliament. The President must not necessarily be an MP but if he was, he should forfeit his Parliamentary seat.

The duty of assigning death warrants for prisoners. We know that there are so many prisoners who are on the death row. But the President or whoever who is supposed to give them the death penalty has not done so. I propose the duty of giving the go-ahead of the hanging act should be vested on the Minister. Either the Minister for Justice or any other Minister who is responsible for Home Affairs. It can also be vested on the Chief Justice. We should not let the death row prisoners to last forever in the prisons.

Public offices. The first one which should be established should be the Ombudsman, where peoples' complain, reviews can be aired. The Ombudsman will be a representative of the people.

The public outburst. I will call them degrees. Many times you have heard DCs, PCs, generating their own laws. Producing their own banning or un-banning orders. I think these things are difficult to enforce especially when it touches on public policies.

The new constitution should actually ban any DC, PC, or President from pronouncing any degree in public. It should come through the right channels.

Com. Abida Ali-Aroni: Thank you very much. We shall read the rest.

Paul Rotich: Let me add one. In all appointments, political or otherwise, they should consider qualifications. Lastly, sir, the constitution should protect people who are retrenched or who are fired or creditors or shareholders. I wish to give examples,

people who have been working in Kenya National Assurances, or shareholders of policy holders...

Com. Abida Ali-Aroni: We said that we don't want names here, tafadhali. We have understood when you talked about retrenched and sacked people we understand. Thank you very much. Asante.

Paul Rotich: Thank you so much.

Com. Abida Ali-Aroni: Asante sana. Paul Langat?

Paul Langat: Thank you Commissioners. My name is Paul Langat. I have reservations in the following: The Executive, as far as the executive is concerned, the qualifications for presidency should remain the way it has been, however, I think the age limit should be reduced from 35 to 30. Education should be at least secondary level.

The powers of the presidency should remain as it is. This is a very big office which should be able to have enough powers to manage the country. The two terms, I think this one should be abolished. I don't think it serves any purpose because if a President's term is for five years, the next term he know is going to be knocked out because of this constitution, he may misuse the office. I believe the electorate should have the power to remove the President. Then the 90 days which are there if the office of the President becomes vacant, I think I would recommend that the speaker should hold the office for the next 90 days so that it leaves equal playing ground for those who would want to vie for the seat.

The Provincial Administration has been doing a very work in this country and I believe it should remain. The Chiefs and the Assistant Chiefs should not be transferred.

The President should be a member of the Parliament so that we have a basis of charging them.

On the Local government, I would suggest that the chairmen and the mayors should be elected by the Councillors. However, I

would want to say here there term should be two and a half years, they have been serving for two years, then two years and then there is one year the Chairmen and Mayors have been in office illegally. So it should be two and a half years.

For the nomination of Councillors and MPs, I want to say the Councillor should be nominated but the MP should not be nominated. The reason is that the nominations of Councillors, that position has actually been reserved for special interest groups and I think it should be there. For example, when the Councillors are talking about Health or Water, I think this chances should be reserved for technical persons.

Remuneration of Councillor, MP and the President should be done by the Public Service Commission.

Political parties: They should be between three and five and should be funded by the Consolidated fund.

Land and Property rights: Land should be belong to the individual, however, if there are resources except water, it should belong to the community, mostly the district or the province, however the owner of the land should be given 10% of what comes from there. The acquisition of land should be simplified so that it should be handled by the panel of elders. Ownership of land should be free anywhere in Kenya, however, the maximum land should be a hundred acres.

Finally, boys and girls or sons and daughters should have equal rights to own properties of their parents, but where daughters have been married, they should forfeit the property. I do not support federal system but we should maintain the current unitary system.

On education: Primary and secondary education should be made free and compulsory. I am going to underline compulsory.

Loans should be provided in the universities. Canning should continue, especially in primary. There is no language that a student in primary understands apart from canning.

On Health...

Com. Abida Ali-Aroni: Thank you very much, I think you have taken a long share. We shall read the rest.

Paul Langat: The last point.

Com. Abida Ali-Aroni: No, thank you very much. We are going to read the rest.

Paul Langat: Thank you very much.

Com. Abida Ali-Aroni: Thank you. Samuel Rono? Samuel Rono?

Samuel Rono: Kwa jina naitwa Samuel Rono. Mapendekezo yangu itakuwa kama yafuatayo;

Ningependekeza lugha zote ijumuishwe wakati wa maoni ili raia wa kawaida walifahamu kwa njia rahisi.

Katiba ambaye inaendelea sasa, ufasidi iko juu zaidi, ningependeza kusema, kwa serikali ambaye itaanduwaa, isishikilie katika wizara mengi kama, Cereal, kama ma hospitali. Maana ufasidi katika nchi yetu ya Kenya, iko juu zaidi. Ikiwezekana, maoni ambayo ninatoa, ninaonelea wizara ya afya ama mambo ya ma hospitali tupea Mission hospitals, kwa sababu sisi waafrika hatuaminiani. Mambo kama yale tunayaona ma hospitali ambaye yanashikiliwa na serikali na pia mambo ya Cereal nimesema na KCC. Hatutaki mkono wa serikali iguze rasilimali ya mwananchi. Serikali iwe inawakilisha mambo ya Police, Councillors na mambo mengine. Lakini mambo ingine ya rasilimali ya wananchi, serikali ikae kando kabisa kwa sababu uizi ina jaa ndani.

Madawa, nini inatungamiza kwa sababu ya uizi. Mambo ingine ni ya mwisho. Tutakapo anza uchaguzi, tutahitaji uchaguzi wa wakati mmoja. Katika Kenya nzima, siyo tu tuseme ya Province fulani, itafanya kwa siku nyingine na province nyingine kwa siku nyingine. Ili mambo ya rigging isipatikane. Kwa sababu hakuna mwingine ataenda kwa mwenzake.

Watumishi wa serikali ambao wamefanya ufasidi, waadhibiwe vikali, kifungo zaidi ya miaka kumi. Kama DC, nimeona DC siku moja ameiba na hachukuliwi hatua. Na serikali ijayo, siyo hii, kwa sababu hii haichukuwi hatua. Serikali ijayo, mtu kama Mkuu wa Wilaya ambaye angekuwa mfano mwema kwa wananchi, aadhibiwe vibaya sana. Niliona mmoja wa hapa Bomet hapa aliiba mahindi. Kwa hivyo sina mengi, yangu ni hayo tu.

Com. Abida Ali-Aroni: Asante sana. Jiandikishe hapa tafadhali. Samuel Keter? Samuel Keter? Mzee tafadhali, sasa

nyamaza. Samuel Keter? Michael Sigei? Andrew Bosek? David Cherogoi?

David Chelogoi: Thank you very much the Commissioner. I am David Chelogoi and this are my views, although they are rampantly on the defferent arms of the Government. I will start with employment of civil servants, i.e. the Public Service Commission.

You find that this employment should be decentralized even to the village levels whereby, if for example we are recruiting policemen, each sub-location will be given the number of people to represent them in their three, four or take for example that way. Retirement to be brought down to 40 years of age. People who are over 40 are in-experienced yet the government has improved on the training of the young people, some of them are university graduates.

Health facilities: Here you find that because of ignorance, this are private hospitals and the respect should have price-list for medicinces. Somebody might be selling panadol for a hundred shillings and because you don't know the price, they take advantage. The government should sponsor NHIF for all over 18 years who are un-employed free of charge.

I suggest that there should be a coalition government and the party that will form the government should have a majority vote of 65%. In case of an election where non of the party gets 65%, the two parties, the leading and runners-up should go for another election, which will give us 65%.

Ministerial seats should also be according to the percentage, if the candidate are 2% for KANU, then 2% of the Ministries falls to KANU, then the rest divided to the others.

Citizenship. In registration of people, this has been a very cumbersome exercise. This should be decentralized to district levels, whereby you go in the morning and in the evening you come with your ID card not to be told, they are sent to Nairobi. We are in a computer era.

Com. Abida Ali-Aroni: Thank you very much. Please register. Francis Langat? Sowe Chelule? Jonathan Goren?

Jonathan Gorgorin: Asante sana Commissioners kwa kupata nafasi hii, mimi ninaitwa Jonathan Gorgorin. Yangu ni machache. Sisi tunaishi hapa na tunasimamia watu katika reserve na sisi ni wazee wa vijiji. Wazee wa vijiji wanakazi kubwa sana. Mara wanaenda kesi ngumu ngumu na tunaomba wazee wakumbukwe, wapewe mshahara hata angalau shilling mia nane. Ni hayo tu wenzangu.

Com. Abida Ali-Aroni: Ngoja mzee, ngoja. Ngoja pale, kaa pale. Kuna maswali hapa.

Com. Dr. Maranga: Mzee, wacha nikuulize swali moja, ni kesi ngani hii ngumu ngumu munafanya? Hebu tuambie moja ya hiyo kesi.

Samuel Gorgorin: Kazi yetu.

Com. Dr. Maranga: Eh hiyo kesi moja ngumu ngumu.

Samuel Gorgorin: Ee ni ngumu kwa kusimamia watu kwa vijiji, kila siku tunapata, yaani watu wanakuja nyuma yangu, wanakuja kuniita niende kuamua kitu ambayo inasumbua wao. Lakini sio siku moja, na siku hiyo sijafanya kazi yangu. Mara ninaenda kufanya kesi, kuanzia saa nne hadi saa kumi na mbili. Na mara, hakuna chochote ninaweza kupata na hiyo ndio shida ninaleta.

Com. Abida Ali-Aroni: Okay, swali ingine, swali ingine mzee. Unatoka kijiji gani?

Samuel Gorgorin: eh?

Com. Abida Ali-Aroni: Kijiji yako inaitwaje?

Samuel Gorgorin: Oh, kijiji yangu ni Kiptulwomuguleyat.

Com. Abida Ali-Aroni: Na iko wazee wangapi kwa hiyo kijiji?

Samuel Gorgorin: Wazee, wale wanawakilisha?

Com. Abida Ali-Aroni: eh.

Samuel Gorgorin: Mimi ninakaa sehemu yangu, lakini wote wa Kiptulwo ni watu tano. Lakini si wazee sana, ni wazee bado wako na watoto wakusomesha, kufanya nini. Na mahali petu sio pakuwa na mimea nzuri ya kuvuna.

Com. Abida Ali-Aroni: Haya, sasa umetuambia mnasikiza kesi, kazi ingine gani mnafanya.

Samuel Gorgorin: Kazi kidogo kidogo ya biashara.

Com. Abida Ali-Aroni: Hapana, kazi gani mnafanyia kijiji, iyo unataka kulipwa na serikali.

Samuel Gorgorin: Nikufanyia usalama. Wengine wanapigana, wengine wanangangania kitu fulani kama hata mpaka....

Com. Abida Ali-Aroni: Jiandikishe pale tafadhali. Father Christopher Rotich? Father Christopher Rotich? Alexander Rono?

Alexander Rono: Honourable Commissioners, I am Alexander Rono. I wish to submit the following suggestions to be incorporated in the current constitutional review.

- First, President. In the constitution we should provide for Presidential running mate so that issues of succession becomes absolutely clear. The powers of the President should be considerably reduced and devolved to be revamp local authorities.
- Each individual in the cabinet and civil service must be responsible and accountable to acts of commission and commission while in office or service. This will ensure accountability and transparency in public affairs. The act should be challenged while the individual is still in office or service or even after.
- Provincial administration. The relevance of this institution in independent Kenya should be reconsidered. The offices of assistant chief, chief, DO, DC and PC were instruments of colonial oppressions and surpression and as such they should be done away with, because they have continued to surpress and oppress the people they are supposed to serve. In their place, I suggest that we have a system of magistracy, a system where we have magistrates posted to the divisions to handle judicial issues in such areas.
- Disciplined forces. The police and prison services should actually be disciplined. They should serve all people without

fear or favour. They should not be manipulated by politically or financially powerful individuals while carrying out their duties.

- They should however be provided with reasonably good working conditions such as adequate housing.
- Social services. The government should provide more social amenities like schools and hospitals. Such amenities should be maintained.
- The Education system should provide knowledge, competence and attitudes which appropriately addresses the needs and the expectations of Kenya.

Com. Abida Ali-Aroni: Please summarize?

Alexander Rono: The economy. The backbone of Kenya's economy is agriculture. The government should subsidize farm inputs. Natural resources should be enjoyed by all citizens of this country equitably. Districts should be created not on basis of ethnic lines but we should have multi-ethnic districts. This will encourage national cohesion and integration. Lastly central government and local authorities, their roles should be re-defined with a view of inter-changing some of this roles, and very last electoral areas.

We would state the optimum size of Parliamentary constituencies and civic wards in terms of population. We must realize that people are not expanses of land and best of representation. Thank you very much.

Com. Abida Ali-Aroni: Thank you very much. I don't think we have any questions for you. Joel Kileges? There are two of you? Oh, Joel, sijafikia Samuel.

Joel Kileges: Kwa jina naitwa Joel Kileges. Kile nitasema ni kuhusu mambo ya mahakama. Mahakama should be kept away from mambo ya kuwa appointed na rais. Kwa sababu, ikiwa hivyo kazi yao haitaendelea. Tena mahakama imekuwa kama ya ukabila. Kuna hii ya Kadhi na kuna mahakama ya kawaida. Mahakama ingekuwa ni moja tu. Nafikiri ni hayo tu, sina mengi.

Com. Mosonik Bernard Arap Korir: Bwana Kileges, wewe ni mwimbaji mashuri ambaye anajulikana,

unamapendekezo yeyote kusema kuhusu msiki?

Joel Kileges: Unajua kuna kunyanyaswa, wanamziki wakati wowote wanaitwa wakora. Na unasikia kuna wakati wa kusema burudikeni, na kuburudika ni wakati wa mziki, hauwezi kuburudika bure. Lazima hata wao pia waangaliwe. Angaliwe mahitaji yao, unajua mwenye alianza wimbo zamani alikuwa ni mtu bachelor. Lakini siku hizi tunaao, tuko na watoto na kila kitu.

Com. Abida Ali-Aroni: Asante Mzee. Esther Korir? Esther Korir? Simon Kosgey?

Simon Kosgey: Thank you very much. I am here to present views from Bomet constituency university students welfare association.

Com. Abida Ali-Aroni: Give us your name.

Simon Kosgey: Simon Kosgey. Because of time, I am only going to touch on the executive and the other things.

Com. Abida Ali-Aroni: You know you have one and a half minutes, and I am counting them.

Simon Kosgey: Sawa. All appointments by the President and any government official should first be scrutinized by Parliament. This is to ensure that no selfish political gain are being pursued when making such appointments.

That to avoid ironical rule and dictatorship, the President should be under the rule of law. That all visits by the President to other countries be first approved by a committee appointed by political parties, religious groups and trade unions, and only relevant individuals are allowed to accompany him/her. If others want to do so, they be made to use their own money. This will help to reduce wastage and unnecessary spending of tax-payers money.

Creation and abolition of offices by the President should be approved first by 2/3rds of Parliament. This is to ensure that the existence and dissolution of such offices is not in pursuit of personal or political gain.

Presidential candidates should be forced by the constitution to name their Vice President before or during their campaign. There should be a maximum number of 18 Ministers and an equivalent number of Ministers and an Assistant Ministers. This is to reduce government and expenditure on salaries and allowances.

Accountability and transparency when be brought out and one can be held directly responsible without ambiguity. All ministries should be independent of the Office of the President and so as to facilitate individual responsibility in their respective ministries. The office of the President should be run by the President by the President his Vice, and the Under Secretary of State.

A Presidential candidate as well as Ministers and permanent secretaries, should be university graduates and morally upright. That is, free from corruption implications, misuse of previous office and clean criminal record. Appointment of Ministers, Assistant Ministers, Permanent Secretaries, Parastatal and Institutional Heads should be professionally meteoritic and not nepotic. This is to ensure that only the best qualified gets the jobs. Proven for a former record should also be a major factor. The Controller and Auditor General should be directly answerable to the Parliamentary Finance Committee and not the government.

There should only be three political parties. This is to empower the opposition and to abolish the divide and rule policy. Every citizen who has attained the age of 18 should be free to join any of the registered political party and should be free to popularize his party as long as he/she does not contravene the rights of others. Political terrorism will thus stop. Political parties should be funded from public funds for sustenance. That is like payment of rent and employees. In the Legislature:

Com. Abida Ali-Aroni: Please summarize now, I will give you half a minute to summarize.

Simon Kosgey: Thank you. All Members of Parliament including the President should pay taxes like other citizens. Constituency development committees be formed and funded in the budget. Parliamentarians including the President should not fail to attend Parliament at any given time without a good reason. This is to eliminate the luck of quorum syndromes in our Parliament. Ministers or their Assistants should always be available in Parliament to answer questions. Parliament

should control its own programme and not election dates, we shall be controlled by the Electoral Commissions.

Salaries and Emoluments of MPs, should be determined by an independent commission not Parliamentarians. Nomination of MPs should stop and seats be reserved for women and the vulnerable groups. Thank you.

Com. Abida Ali-Aroni: Thank you. David Kosgey? David Kosgey? You presented, thank you. Pastor Wilson Towett? Pastor Wilson Towett? Nathan Kirui? Nathan Kirui?

Nathan Kirui: I am Nathan Kirui and I am going to present my views in a point form. I will start with the doctrine of separation of powers between or among the Legislature, Judiciary and the Executive.

1. This should be clearly stated in the constitution.
2. We also proposing that we move towards limited government so that the government will play, facilitate the advisory role and this will be enacted through federalism.
3. The issue of impeachment. We want the presidency to be impeachable.
4. The security of tenure for civil servants.
5. Local Authorities. We want the local authorities to be empowered so that they can be able to manage their resources of land.
6. Another issue is on employment. We do not want a situation in Kenya whereby being jobless is the employment itself and seeking of a job is the salary you get paid. In that case therefore, the government should secure employment opportunities.
7. Another issue is on land and property ownership. Inheritance, the sisters and brothers of a family should be entitled to the properties of their parents equally but only the married will forfeit the ownership of the said property once they are married.
8. On the issue of devolution of powers. I feel this will be done through federal government and I will also propose Parliamentary government that will come by communalism. This is having two houses and lastly,

9. The issue of Legislation of Kenyan laws. We find that the laws themselves are oftenly used than the constitution itself, so we want the constitution to put in place the mechanism of legislation. So that the Acts that are passed by Parliament are comprehensive. I think that is all I have. Thank you very much.

Com. Abida Ali-Aroni: Thank you very much. Willy Ngerech?

Willy Ngerech: I am Ngerech Willy. I have some two proposals concerning the Provincial Administration.

Com. Abida Ali-Aroni: Hatukusikii mzee, ongea katika mich, tumia mich, or we stop for a while.

Willy Ngerech: Talking about the Provincial Administration. Here in the past, the Provincial Administration used to be elected by the Kenyan Citizen. Chiefs and the Assistant Chiefs were well disciplined. And there were no corruptions, e.g. Kangaroo courts, where the victims are fined illegally.

Com. Abida Ali-Aroni: Wacha tu, ngoja mvua iishe.

Willy Ngerech: Well, I will start from the beginning, that about the Provincial Administration, that in the past, Provincial Administration used to be elected by the Kenyan citizens and the Assistant Chiefs and Chiefs were well disciplined. There were no corruptions e.g. Kangaroo courts, where the victims are being fined illegally. Therefore this system should be brought back to eliminate corruption. There should also be an independent where such complains should be heard rather taking it to same Provincial Administration.

Free education for primary and secondary schools should also be introduced to assist the children whose parents are unable to raise funds to educate them. For example, the poverty which has affected almost everybody in the Republic of Kenya. If the government is not going to take serious action about it, then many children will remain illeterate because parents cannot be able to raise school fees. This should be financed through education funds, and also from agricultural produces and other resources. That is all I have.

Com. Abida Ali-Aroni: Mzee go to the point, I will give you a one extra minute now. Go straight to the point, are you through?

Willy Ngerech: Yaa I am through.

Com. Abida Ali-Aroni: Oh asante sana. Nilifikiri unageuza karatasi, asante. Thank you, there are no questions. Asante sana.

Philip Langat? Simon Tangus? Joab Ng'etich? Richard Chebusit?

Richard Chebusit: Thank you very much Mr. Commissioner, mine are so many but I am going to them this things. I am going to read only a few. One is concerning land. Land should be owned by individuals. Title deeds should bear man's name but not a woman. Sons to inherit parents properties and not daughters. A daughter to inherit when she is forty years old without a child. People to own land within their province and not outside. Individual should not own more than a hundred acres of land. For those who have more than that should be given to vulnerable groups in the region.

Leadership belongs to man and not woman. Women to lead women and not to lead a man. Women in each province should elect their representative who is to represent them in Parliament. We should therefore have eight women in the Parliament.

The President of Kenya must be a man and not a woman. He should be a Kenyan citizen of 35 years and above. He should not be a Member of Parliament. He should be directly elected as a President. He should be a Commander in Chief of the Armed Forces.

Parliament should appoint all the Commissions, Ambassadors and Judges.

Com. Abida Ali-Aroni: Thank you very much. We shall read the rest. Thank you. Kipkoech Yebon? Onesmus Tobon?

Onesmus Tobon: My names are Onesmus Tobon. I am going to present the following; Concerning health. To supplant the nurses role in the community development, the constitution should recognize the role of women who engage midwifery. They should be trained to help. There should be a reduction in the costs of drugs, especially the common and deadly diseases namely AIDS, Malaria, Typhoid, etc. Further, the constitution should demand that treatment of these diseases should be done upon reporting before considering the costs as this will save lives which would otherwise would have been lost.

Religion plays a vital role in seminating information to public. They actively get involved in the creating awareness of various social issues affecting the public. As diseases control, control of social in the society as crime and prostitution. However, they cannot actively participate, the constitution should guarantee various religious groups in the country to actively participate in disseminating important issues. This can be achieved by identifying various religious groups and recognizing them in the government and allow them to positively address relevant issue pertaining to them.

Helping the religious groups in paying up certain percentages, lets say 5% of religious Ministers salaries to suppliment their religious bodies.

The government should provide compulsory education especially primary. Children found abandoning school without genuine reason i.e. because of health problem should be charged to avoid crimes and teenagers founds in false loitering should receive proper discipline written in the law.

Com. Abida Ali-Aroni: Thank you very much, please hand in your memorandum. Wilter Cheronono?

Wilter Cheronono: My names are Wilter Cheronono and going to present issues concerning three areas. First of all citizenship is one of the fundamental factors of a state and it should be acquired through the following ways.

1. All those born in Kenya should be Kenyan citizens irrespective of the citizenship of their parents.
2. One should acquire citizenship on the basis of the citizenship of the parents irrespective of the land of birth.
3. Any marriage is assumed that the family will be together and therefore the citizenship of one partner will qualify to make another partner to acquire citizenship.
4. One becomes a citizenship of Kenya on a condition that at least one of the parents is a citizen.

Kenya should adopt a federal system of government which explicitly recognizes the territorial sharing of state authority. It is a government at severalof jurisdiction. Through its written constitution, a federation clearly outlines the division of powers

between the central government and the distinct regional or other units. Each units will have its own range of activities under its exclusive jurisdiction. The central government will predominantly concern with what is usually referred to as a matter of common national imports such as Defence foreign policies. Where the low units will prodominatly concern with matters of particular original interest.

Federal system is capable of uniting different units which otherwise might have opted to stand on their own. This system because of it accommodating nature, is usually capable of including many cultural and political units.

Com. Abida Ali-Aroni: Do you have any other point Wilter? We would like to listen to you, we haven't listened to many women today, but go to the next point. If you have, other than federalism, we have heard that.

Wilter Cheron: Kenya shoud acquire Parliamentary system of government whereby the Prime Minister will be the head of Government, and the President will be the head of state. Thank you.

Com. Abida Ali-Aroni: Thank you. Kipkirui Kilenges? Please register and leave your memorandum there.

Kipkirui Kilenges: Thank you very much Commissioners. My name is Kipkirui Arap Kilenges. What I have here is equitable to distribution of wealth on resources. As Kenyans review their constitution, we should consider the equitable revision of our major resource. That is finance. In consideration to that there is no point in our representatives in Parliament demanding more money for themselves while the citizens in the country are suffering because of poverty. The constitution should not allow the following;

1. To allocate itself money. That is all I have.

Com. Abida Ali-Aroni: Asante. Philip Kemoi? Simon Kosgey? Zakayo Sang? David Waithage?

David Waithage: Thank you very much Commissioners. I have three points to ...

Com. Abida Ali-Aroni: Your name please?

David Waitage: My names are David Waitage. The Provincial Administration right from the Assistant Chief, Chief, DO, DC and PC should be scrapped, should be done away with. Poverty that is rampant in the country, either through omission or commission have been actually attributed to this people. In their place, I propose that we should have a social worker in charge of a location and this social worker should be a graduate. The government should provide tailor, a certain degree course that will be relevant to that kind of administration in the locational level.

Once studied is done, the entire social should also be transferable. They should not work in one location alone, and should be under the Ministry of Economic planning. Because they are responsible for all the economic development that is to take place in their various locations.

Judiciary, most of the time people are arrested and they stay for one week, three days, I propose that anybody who should be in the cell for more than 48 hours, should be an offence. Anybody who stays beyond 48 hours should be compensated by the government because of loss of earnings. If proofed guilty and jailed for six months, any sentence that is six months and less should be given a non-custodial. Because, if you are jailed for six months for a petty offence and then you are sent to jail and mix with criminals, instead of the prison changing your character, you harden because you meet criminals. I propose that the constitution should clearly state that any petty offence that carries a sentence of six months or less, one should be given a non-custodial sentence, then a prison warder should always monitor the work that the person does at his own home. Because, we expect the said offender to be rehabilitated at the end of the day.

All land in Kenya should be accessible to all sexes. The constitution should recognize the holding of land by either of the sexes.

In case of married persons, the title should be held jointly.

Non-citizens should not be allowed to hold any property in Kenya, because we find that there are so many corporate bodies that come and buy land, property and continue to impoverish us, so if any foreign body wants to own land or factory, he should hold by proxy through the citizens.

Com. Abida Ali-Aroni: Thank you very much.

David Waithage: Finally, one point. That is on land. A person should be allowed to hold twenty acres and less. Anything above that should be taxed, in order for this people with big lands to simply give their lands voluntarily.

Com. Abida Ali-Aroni: Thank you very much. John Sosing'ot? Majimbo Sitonik?

Majimbo Sitonik: Kwa hivyo yangu ni machache kuhusu. Jina ni Arap Sitonik Majimbo. Naitwa Majimbo, na kwangu ni hapa Longisa. Ya kwanza nitazungumzia kuhusu hawa watoto wako nyumbani. Wale wanazaa nyumbani. Kuna watoto wamezaliwa na hawana baba, wana mama, na wanaendelea kuzidi kuwa wengi. Kwa hivyo nataka yule mtu ambaye anazalisha watoto kule kando, awaoe hawa. Ikiwa hakuna miguu, ikiwa kichwa yake mbaya, aolewe maana alipenda yeye wakati alikuwa anazalisha watoto.

Yangu ya pili, ni kuhusu majimbo. Ninapendekeza majimbo maana Mungu mwenyewe alikuwa amefanya majimbo wakati alipea kila mtu lugha yake. Hivyo tu.

Ya tatu ni kuhusu hawa ma chiefs, nimesikia wamesemwa sana. Nataka ma chiefs, yaani wale wanafanya elections iwe ni wananchi. Maana kuna ma chiefs wengine wanapewa tu kazi, akirudi anafanya kama askari anashika watu tu kila mara.

Com. Abida Ali-Aroni: Asante sana mzee. Asante sana. Tecla Chebusit?

Tecla Chebusit: Thank you very much the Commissioners. I am Mrs. Chebusit Tecla. My views are as follows: I will start with Local Government. Mayors and Council Chairmen should be directly elected by the people. Qualifications for mayors and Councilors should be form four leavers.

Assistant Chiefs and Chiefs should be directly elected by the people. On the Electoral system, majority rule should be retained.

.....fails to be elected in one party should not be allowed to switch their mother party for re-elections.

Political parties should take part in national development and national unity and retain nation building apart from political mobilization. No financing of political parties should be done, because it will encourage formation of more parties and thus misuse of public funds.

Structure and system of government. Kenyans should adopt the federal system of government, majimbo to avoid over-loading the central government with a lot to do and for easy management.

Legislature: Being an MP should remainand all Parliamentarians should try to be in Parliament during the seatings. Failure to do so should lead to deduction of salaries as a penalty. MPs should not increase salaries for themselves but instead committees should be set up under the Ministry of Labour to look into salary increments. Nominated MPs should be there but equal opportunities for both men and women. Winning parties should form the government. Multi-partism should also be retained but one party to form the government.

Executive: The President, MPs, and Councillors' tenure of office should be two terms each of five years to give room for younger ones who are development conscious. Provincial Administration should be there for easy management. That is the end of my views. Thank you very much.

Com. Abida Ali-Aroni: Thank you very much, please register. Elizabeth Kilel? Elizabeth Kilel? Please start, we are counting your one and a half minute.

Elizabeth Kilel:(inaudible)

Com. Abida Ali-Aroni: Tumia michrophone. Iko hapo chini. Lakini mama wacha nikuambie, you know don't have, we would like to hear your voice, but kama uko na shida na macho, tupatie tu karatasi tusome wenyewe.

Elizabeth Kilel: Oh, Longisa for women memorandum. The women of Longisa should be extended and recognized in the

constitution. I felt the dealing with women issues to provide for. The new constitution should be tender with all. The new constitution should aim to remove all forms of discrimination against women.

Citizenship: The new constitution should allow women to pass the citizenship for their foreign husbands and children as it is done to men.

Education: The new constitution should provide equal education opportunities for the girl child as a boy. Early marriages should provide certain victims of the same according to the law. Forceful marriage of a girl child should be avoided. The girl child should be left to decide on her own when she is above eighteen years of age. Free and compulsory education on the primary level should be provided.

Early pregnancy should contained in the condition in that the girl child should be allowed to continue with the education after delivery. Any un-employed man concerned on the same should be sentenced. Age of the girl should also be considered.

Succession of property. The Law should be amended to provide that all family land, even in the name of the husband should be changed to read in the name of both the couples. Women should be entitled to all kind of property inheritance. Widows should be well protected by the constitution and thus inherit the widowers' properties. Cultural institute like polygamy.

Property of irrigation. The new constitution should address povertysince the economic hardships is extended to both men and women differently. The new constitution should provide for established of the office to receive complain from the public on non-implementation of equality. The new constitution should provide for equal employment opportunities to the girl child as a boy. The terms and conditions of service review of the ...women participation in case the Women should be considered and do not be because they have more problems than men.

Legislation and Local Authorities. The new constitution should provide increased participation of women in the Parliamentary and local authorities by providing for independent candidate not supported by political parties.

Basic needs on the new constitution should cater for women, eg. Health care, health facilities, help children, food and education of the child. The new constitution should provide for election for one disabled person to the Parliament and Local authority. The various types of languages to be recognized in the new constitution. The new constitution should provide a certificate for traditional marriages and approved by both the parents of the two partners. This certificates should be signed by the Chief and witness by the traditional elders.

The constitution should outlaw a couple staying together for a period of time without proper marriage.

Com. Abida Ali-Aroni: Thank you. Please register and leave your memorandum. Christine Sitonik? Christine? Amon Sitienei? Amon Sitienei?

Amon Sitienei: Thank you very much. My names are Amon Sitienei. Representing the form three south Longisa High School.

The first view that I would want to give is that the police should not be used as weapons by the ruling party to fight the opposition but should do their work equally and honestly.

Secondly, the President should use a Bus with his Ministers and fellow MPs rather than using many limousine so as to save fuel and money that could have been used to assist those who suffer from hunger and the unlucky. One man one job, there should be no accumulation of jobs.

Thirdly, there should not be female teachers in boys' school and vice versa because, they cause psychological problems. There should not be suspension and expulsion in schools because it leads to increase of drop-outs.

Un-married women should be allocated land by their parents to eradicate poverty. All the Ministers and Members of Parliament should account for their riches so as to fight corruption. Unfaithfullness between the two spouses should be equally charged by a court of law, rather than men beating their women for un-faithfullness.

The President should not have power to dissolve the Parliament. Because, he may use it for his own benefit. Those are my

views. Thank you very much.

Com. Abida Ali-Aroni: Thank you, please register. Oh, Mheshimiwa we wish to recognize your presence. I actually didn't see you walking in, karibu sana, you will tell us when you want to speak. Thank you. Godwin Cheruiyot?

Godwin Cheruiyot: Thank you very much, my name is Godwin Cheruiyot. I have very few points. First of all, the President should be under the law so that if a President makes a mistake, he should be liable to impeachment.

Secondly, the government should ensure that there is security guaranteed especially during elections to avoid scaring away foreign investors who bring forex to our country, which might lead to capital flight.

The government should do away with the many laws making Parastatals either by privatizing or holding share percentage of not more than 41% so that it instead get taxes and revenues and also so that they could concentrate in governance.

Mismatch in the government ministries. In choosing government cabinet Ministers, the government or whoever is responsible should ensure that the cabinet Ministers chosen are qualified in their respective ministries. Thank you very much.

Com. Abida Ali-Aroni: Thank you. Please sign and hand in your memorandum. Kiplangat A. Sang? Kiplangat Sang? Kiplangat sorry Kiplangat Sang? Samuel K. Chesengeni? Sabimuk Kipkirui? Ndio huyo.

Sabimuk Kipkirui: Mimi ninasema mzuri sana ya kuhudhuria mkutano wa kubadilisha Katiba katika nchi hii. Katiba ya nchi hii ilianzishwa kutokea mwafrika. Kutoka 1952 waliachia nchi hii kutoka malkia Elizabeth. Zungumzeni ya kwamba Katiba ya Kenya isibadilishwe ovyo ovyo.(inaudible).

Com. Abida Ali-Aroni: Asante sana, jandikishe pale. Mzee pita hivi u-sign pale. Alice Cheruiyot? Alice Cheruiyot? Livingstone Bii? Henry Kosgey not mheshimiwa another one. You don't want to speak, you can choose to highlight it or just to

hand it over there without talking. Okay, please just sign. Asante. Mutai Beatrice?

Mutai Beatrice: Thank you very much the Commission and the attendance. I am a representative from women political caucus. We the following to present and to my first point.

Com. Abida Ali-Aroni: Beatrice, we don't expect you to read the whole document. We have heard it from other representatives of the caucus, just highlight a few points.

Mutai Beatrice: Ya I am summarizing it.

- To enhance principle of democracy in which every citizen is equally valued and allowed to participate in governance by the state regardless ethnicity, gender, disability, economical status, race, religion and political orientation and or affiliation.
- Enhance the human rights and political advancement of women of Kenya.
- Promote a gender sensitive and non-violence society in which every woman, man, boy or girl should lead a sustainable and dignified human life according to the values and principles collectively prescribed and subscribed within the constitution.
- Acknowledges, embraces, values and builds our diversity.
- Fully recognized our common history or struggle and common future of prosperity by endorsing principle of democracy, human rights, gender equality and equity as a strength pillar and frame of bashing of our common destiny.

I would like to highlight on the following points, Structure and system of government or rather emphasize. The KWPC notes that the existing systems of government has marginalized women. The caucus therefore calls for a complete over-haul of the system to include women and other vulnerable groups in the governance. The caucus calls for a system that will ensure distribution and divolution of power through facilitation of peoples' participation in government and public affairs. Nourishing diversity, equitably distribution of resources. Enhancing accessibility and accountability of public authorities, ensures effective delivery of basic service to all. Ensures propotional representation. Ensures participation by marginalized groups. Ensure happiness and accessibility that empowers people to make decision in matters that affect there lives in makes them masters of their own destiny. That promotes unity in diversity.

The Legislature. It call for affirmative action and that 35% of the seats be reserved for women in Parliament and in all public bodies. Legislation should be sent to public events before becoming law. There should be established a supreme court with at least nine Judges and seat together and their job is the highest court of the land. Being an MP should be a full time occupation. The Judiciary. The KWPC calls for a permanent constitutional court and access to it should be a matter of right. Access should also be simple.

Legal aid should be provided as a right to persons unable to afford services of lawyers, especially in serious and mandatory in case relating to abuse of right. Laws made by the Legislatures should be subject to judicial review. Appointment of judges should be subject to Parliamentary approval, gender equity being taken into account.

The government should work towards the establishment of a regional doe of human rights. The electoral system should be changed to increasement in participation in Parliament by making it mandatory for parties to fill 35 of candidates for elections. Ensuring that parties have 35% leadership key position of parties. Reserving 35% seat for women in Parliament. Other groups that should have representation in Parliament should include children, young people and persons with disability.

Com. Abida Ali-Aroni: Thank you very much. We shall read the rest, Asante. Samuel Chesimet? Samuel Chesimet?

Samuel Chesimet: Thank you very much the Commissioners. I have a few things to bring forward for the Constitutional Review and I am going to summarize as follows;

First I would like to touch on the vulnerable groups where we have women, children, handicapped, aged and the orphans. I would like to emphasize on education and employment. The vulnerable groups should be given some preferential treatment as far as employment is concerned and education. They should be free education to the highest level they can attain.

Secondly, on employment, they should be given special consideration with the condition that they qualify. When they qualify, they be given first priority to be employed, and other problems will have been solved.

Women and children should also be given special care. We have cases of battering of women. There should be a redress or a way out for them to comply. The children who are raped or abused should also have a redress.

Land ownership. There should be no landless person in this country and we should not have a person with a large piece of land. Maybe the highest piece of land one can own should not go beyond a hundred acres. Anything above that should be held on lease-holds and be taxed. The tax should go into developing the entire nation. In the case of a non-used land, if one owns land within that a hundred acres, such a person should be compelled in any to keep others even if it means on lease-hold basis but not just lease the land The same thing applies to other natural resources which are found in the country, I have in mind water, forests, game and wildlife, minerals. As far as water is concerned, I feel that something is a miss in the area of protecting our waters against pollution. We find that the River waters are polluted generally, I would like to propose that there should be a way out that the government may own the land adjacent to that particular important resource apart from the resource itself. But the resource should be available for public consumption and no one should be in a position to pollute it. If any one goes contrary to whatever is put against that, then ofcourse he should be punished.

Com. Abida Ali-Aroni: Thank you very much. Please hand in your memorandum and we will read whatever is left, Asante.

Nicholas Siror?

Nicholas Siror: Thank you very much Commissioner. Mine is concerning land ownership and property, although much has been said, I think this one especially

Com. Abida Ali-Aroni: Please give us your name for recording purposes.

Nicholas Siror: My name is Nicholas Koitalel Siror. I wanted to talk on land ownership and I think much of this has been said but especially this one of quarter system. We find some people evacuated by white settlers. Take for example, the Kalaik land, now leaving in Kericho slums. What is happening is we have failed as citizens. They are our leaders of Kipsigis and when this colonel came, they wanted to invade their land, so they resisted. They were therefore taken to Kuwasi land and after the

colonial government decided to leave the country, they gave the residents of Kericho, the Kipsigis andwere never given their land. So surely, you find most of their children are bright, we have so many of them, who don't have any property. Take for example their cattle they went together to Kuwasi. After coming from there, when the cattle were dead, because of tsetsefly and so many other things, therefore, no body should be a squatter by the way. Because land was given by God. This is a property given by God and nobody should therefore be a squatter.

Secondly, I would like to talk about health. I am a pharmitch and I have seen that we could give our people chances of researching on herbs, you find so many medicines are coming from China, India. We have so many drugs that are herbal in nature just for example here in Kenya, we have more than 46 species compared to other nations, so therefore if we could give our youth, those who are private especially those who are taking sciences, to take part in researching. Take for example, there are so many cases of diseases which are untreatable by the western nations, therefore we could set up some plants, forestries like the one we live in here, they are supposed to be harboring herbs. If the government or constitution will take this issue up, then our economy will improve and there will not be any importation of drugs.

I would like to talk about colleges and institutions. Since independence we have been having some colleges in some places. There are places that do not have any colleges situated. I therefore suggest that every region should be having a certain college and considering recruitment also, there should be a quarter system. You find that there are some provinces that has so many people in a particular college compared to the other provinces. Talk of areas like North Eastern areas like here, surely we should have those colleges too.

We should also have facilities, we should have representatives from each religions. I would also like to talk about cases of chiefs. So many people have talked about them. I think chiefs are doing a good work and we should support them surely.

Thank you very much.

Com. Abida Ali-Aroni: Thank you, please register. Joseph Rono? Joseph Rono? Councillor Joseph Chirchir?

Joseph Chirchir: Thank you Commissioners. My names are Joseph Chirchir. I have got some points to put across. Mine are on the natural resources. I would prefer that the natural resources should be divided to at least every corner of the country.

In this case, I would prefer that the national collection of money should be divided to constituency level. When funds are given to constituency levels there should be a committee that seats and see ways and means of making use of that money. What I exactly mean is that, the consequence should be given power to at least see how they are going to use their share. We don't want a situation where money is divided in the national level and people talk in the radios and newspapers that money has been distributed to areas but the locals do not feel that amount. So the national cake should be divided to various areas.

Provincial Administration in this country has been doing very poorly and in this case, I want to say that the Provincial Administration right from the DO should be scrapped upwards and the Chiefs and the Assistant chief should be elected by the people. Because we have been finding chiefs and Dos have been working to satisfy their bosses and not the people. I would therefore prefer that the Assistant Chiefs and Chiefs should be directly elected by the people so that they be answerable to the people and not the bosses. The DOs, DCs, and the PCs should completely be scrapped.

There should be no one above the law. There should be a committee that should be set to see if there is something. One person should not be above the law. Because, if a person is given that power, he can decide on anything and people can be subject to some danger.

Last but not least, majimboism should not be brought. Majimbo according to me, I don't believe is a good system because, people have interacted and most of the resources from various areas have been transferred to other areas for development. Therefore, majimbo should not exist. Okay, mpaka hapo, I am saying thank you for that.

Com. Abida Ali-Aroni: There is question.

Com. Dr. Maranga: I have a point of clarification please? Councillor, I want to ask you. You have said correctly or rightly that you want equitable distribution of the national case. But you see this case has been eaten before independence and after independence. The case is going down, how do we increase the case?

Joseph Chirchir: I don't get the question.

Com. Dr. Maranga: I am saying you said that you want equitable distribution of resources but as you know this resources have been maybe over utilized since independence or even before, now I am asking do you think the cake is going to remain the same and if the cake is not remaining the same, is there a way of increasing the cake without distributing it first.

Joseph Chirchir: Of course, according to your question, we know as Kenyans that we have our natural resources and the people of this country have been paying taxes and the taxes have been taken to the treasury, as you hear every year that the Minister of Finance has been giving out a budget that so much money has been allocated to a certain Ministry but most of this money are being announced over the radio and in newspapers, but surely for some reasons, this money, some people have been doing away with it. In that case that money should be directly sent to the constituency level and a committee be elected in the constituency where the elected leaders of that area should sit and see to ways and means of distributing money to other corners of that constituency, so that we should not be having this problem. For example me as a politician, I maybe subjected where some people might say I have eaten some money which money was announced in the radio that it has been sent yet I might have not come across that money. But people might complain that a politician has taken that money.

Com. Abida Ali-Aroni: Now before you leave another question. Since morning we have heard a lot of people talk to us about majimbo and the reason they advocate for majimbo is because they would like to see services, closer to the people, they would also like to see devolution of power, now that you are not advocating for majimbo, we would like to have your views on how we can devolve power and bring services to the people.

Secondly, I expected you to tell us much more about the Local Authority and if you would like anything changed in the Local Authority Act, if you have thought about it, we would like to share your views on that.

Joseph Chirchir: I think, if the national cake is distributed as I have said in the first to the constituency level...

Com. Abida Ali-Aroni: Now I am not worried about national case. I am worried about bringing power closer to the people, through devolution and also bringing services closer to the people. How do you think that can be done in a unitary system of

government? If you think it is possible.

Joseph Chirchir: Okay, the services will be brought to the people in the event that, if money is within that area, people will feel the services. Because the local people, their representatives at the local level will be answerable to the amount that has been sent direct to their place. And again with the powers, because we have constituencies, I think everybody will be represented up there because people will have to elect their leaders at that level again.

Com. Abida Ali-Aroni: Asante, asante sana.

Joseph Chirchir: You were talking about the Local Authorities, in the local authorities, the problem we have been having is that the Chairman and the Mayor, in most cases when we go for election, the big people up there do come with money and they buy the Councillors, you get that some Councillors voting for the one who has bought them food. I am for the opinion that the Mayor and Chairman should directly be elected by the people, so that they eliminate that problem. Okay, thank you.

Com. Abida Ali-Aroni: Asante. Mheshimiwa I think it is your turn now.

Kipkalya Kones: Thank you Commissioners, the Chair I would the onset to thank you very much for coming down to our constituency and now the second day and I have deliberately not come on the first day and first part of the morning.

Com. Abida Ali-Aroni: We need your name because we are taping your voice, so if you could kindly introduce yourself.

Kipkalya Kones: My names are Kipkalya arap Kones. Member of Parliament, Bomet. I was thanking you very much for find this wonderful time to be with us since yesterday, I have not deliberately been here yesterday or rather Friday and today this morning because I wanted to give time to the people, the locals of this constituency to air their views. Chair I am only worried abit that the Civic education exercise did not actually satisfy the constituency here in the sense that they were eager, they wanted to hear more about the constitution. But they did not have an access to that. Infact most people have been giving views which are not constitutional is because they did not understand the constitution in the first place. It was very difficult for them to start deliberating on a constitution that they do not understand where we are coming from and where we are going.

Chair, having said that, I would like to say that we have given our position as a coalition, but I would like to highlight certain issues that touch on the locals.

There are certain things that I feel very strongly about, and that should be entrenched in the Constitution. One of the things that I feel should be entrenched in the constitution is the right of access of information by the locals. Most people do not access information, they are ignorant. The government chooses to make people ignorant because they do not disseminate information in right time, and in the right place and in the right manner. I have in mind, Chair, a situation where I have a national radio, which is KBC, and KBC continues all the time to disseminate wrongful information to the natives of this country. I think it should be against the law for anybody broadcasting any false or misleading information and it should be constitutional that every citizen of this country have an access through right information. That should be a constitutional amendment. Because it is from there that we can get to educate our people. But I think our people are not educated by design.

Voters registration. I would like to propose that there is a continuous registration of registration of electors' cards. There should be no time when there is no registration of electors' card. It should be continuous from January to January. There also should not be a need to have an ID card to be able to obtain a registration card. Anybody who has qualified to eighteen years as far as the law of this country should access a registration card without having to have an ID card. There could be many ways of identifying persons when they are eighteen years. One of them is by their own mothers, they will say the day they were born, registration certificates to be obtained, living school certificates could be used, the churches or clergy could identify the people, the community village elders should be able to identify the people. And every citizen above eighteen years should have a registration card for voting. As you are talking now Chair, we have a lot of youths who have qualified to eighteen years and are supposed to be voters but they do not have voters card. This is I think is violation of human rights.

Chair, on the thing is, the Presidential election. I would like to propose that a president that takes over the rule of the land as a president should first of all garner above 51% of the casted votes. But on addition to that, they should also be commanding at least 25% of the five provinces out the eight provinces of this country. So that the President is not just going to win just because they have like 35% and because other parties have split the votes. In other words I proposing that there should be a run-on, in

an event that nobody is having a clear 51%, we should go for a run-on. That should minimize all these problems of people talking about single presidential candidate.

We should also in the constitution entrench a transition executive Council. What I mean by this is that, it is not proper to have a government in place, who is like in our case, a Kanu government supervising an election which is meant to be a competitive, because it is like having a referee being a player and a goalkeeper at the same time. What we are saying is that we should have a Council who will be elected and nominated and satisfied by Parliament and this should be a small Council. So that, when the day comes of the dissolution of Parliament and you call elections, everybody goes home and looks for votes. But in a situation where the incumbent is also supervising the election, it is not going to work out well. So that should be part of the constitution.

Creation of a constitutional court, it should also be in the constitution, that there should be a court that be set aside and also ratified by Parliament who will be able to listen to the grievancies of issues that pertain to election. We do not expect in the normal courts, which are appointed by the incumbent as the President, to listen favourably to cases that concern petitions. So we should have a separate court, which should be sanctioned by Parliament. Chair, it should also be constitutional which it is upto now, that there should be 22 members of the commission who are going to run the election. I think these is a huge number of persons, we don't need twenty two people to look into elections, this is just too expensive for nothing.

I think there should be a maximum of ten members of Electoral Commissioners. And they should not be coming from certain parties, currently we have Commissioners from DP, from KANU, from SDP, all that kind of thing. But we think, this is a big anomalies. We should as a country, leave above parties so that we have Commissioners who are not partisan to parties. We should have Commissioners who are non-partisan whatsoever and they just going to see that there is fair and free elections in a country.

Chair, I would also like to propose that there should be nominations to Parliament to people with disabilities and marginalized groups. In that I mean Chair that, we should go biased and nominate about one hundred and five Members of Parliament who will add on to the current Members of Parliament but they should come from marginalized groups. Marginalized in the sense

that they either cannot make it up to compete to the larger communities where they come from, I have in mind a situation like the Njems in Baringo Central. If Baringo Central is going to left like that for another five or ten years, there is no way a Njem community will ever be elected to Parliament. I think to safeguard on this, we should have special nomination for this communities who are marginalized. We should not have about 40% of those seats to go to women. Because we find that women out there in field competing for the same seats with men, for some reason they don't match up very well. So we should consider them and give them about 40% of those. We also have the disabled people, we have people who are blind and very brilliant, but when they go out to look for votes, out there, first of all they cannot manage the trail and people would not vote them in because they think they are disabled anyway. But they have a constituency they should represent, so we think that the blind people, the disabled people who cannot work properly should be having some sections of nominations to Parliament. And we are thinking they should be about 15% of those.

We should also be thinking of deliberately going to nominate youths into Parliament. Because the youth will not have the ability and resources to campaign with older people like ourselves, so they should be given an opportunity to go to Parliament to represent cases of the youth and also go through a training, so that in future they could be elected and they shall lead the country because they have gone through a process of training.

I am also saying that at least about 30% of that should go to the preference in the sense that those who have been campaigning hard and those who have taken a lead in doing wherever to make a party win, they should also be considered. That is only on the Parliamentary.

On devolution of power, I recommend that instead of the majimbo system, we actually go below majimbo and actually focus on the County Councils, so that instead of saying, regional we are talking of Councils. In Councils, I mean we should be focusing on the old counsels so that like Kipsigis, we go back to the original Kipsigis County Council. Try and make those Councils autonomous, and they have direct access to the resources from the Treasury. The Chairman of the Council should be directly elected by the people and not elected by the Councillrs.

These Councillors should actually focus on developments that are within their Councils, and they should seat and distribute resources to various projects in the county council. The reason why I am saying this, Chair, is we go to the regional style of devolution of power that is the majimbo system, you will still find that, even in a region the tribes will not agree, so the best thing is, let us go down to the original forty two tribes, let us have forty two district and have these jimbo or rather this Councils and strengthen them out there. But the issue of majimboism even the name should not appear anywhere in the books of this country. Because it brings in a lot of contradictions, suspicion and it has a lot of badwill so it should not appear anywhere.

The Provincial Administration should be done away with. There should be nothing called the Provincial Administration. There should be nobody called a Chief. We can have people who are acting as Chiefs but they should not have that name. We are saying that, the County Councils for purposes of effective management of their operations, they should appoint certain officers, whom they will look for a good name for, and have them in certain sections, so that we do not have locations, we do not have sub-locations, we do not have Chiefs, we do not have Assistant Chiefs, we do not have DOs, We don't have DCs. Because this people have really messes this country so badly. They should be thrown away completely. Administration should be totally responsible and answerable to the public. Not the Administration but the elected representatives who will be looking after the administrative work of the County Council.

We should be looking at a Constitution that is action oriented, that is meant to generate resources and not a Constitution that is meant to create positions. By that I mean, I am not very keen on creation of positions to satisfy certain people. I am more of a constitution that will guarantee the services to the people, so that constituencies will be the basis of development. And that money should be set aside from Treasury that will go direct to the Constituency and the Member of Parliament and the Councillors from that area and elders and certain development personalities in that area will seat down and work out a budget for a constituency. That money should go straight to the constituency. We should not be looking for big positions like Prime Minister, like Vice President, three Vice Presidents, this is un-necessary. This is only meant to give people an opportunity to have another twenty cars behind them, it is not necessary. So, Chair, because I had given my memorandum to the national office, I will like to stop there but you have any question, I will be very happy to answer.

Com. Abida Ali-Aroni: I believe we have a few clarifications? Dr. Maranga.

Com. Dr. Maranga: Thank you. Mheshimiwa, I have a few questions, one of them, you did not tell us in this transitional executive council unless it is in your memorandum, you did not tell us how many persons you are recommending for that Council? And then what kind of qualifications of those kind of people to be in the take of transitional executive council? The second questions is also similar, to the constitutional court, which you said should be created to deal with matters of elections and also I did know how many members you want to recommend? It is like your attitude is to have very few members, so I want to know how many? And what should be their qualifications?

Kipkalya Kones: One is that on the creation of the transition executive council, we are thinking that they should be seven members. We are also thinking that three of those should be women. And we are thinking that these people must also include the Speaker of the National Assembly. But these people must be, and we also think that the incumbent President or rather the outgoing President should be a member. So that he doesn't feel very cold, you know. He should be a member but not the only one. And then other members will be drawn from the religious groups, reputable organizations but with some good education.

For the transitional court, we are thinking that they should be nine members but ofcourse they should all be in the category of judges.

Com. Dr. Maranga: There is one thing you raised that the Provincial Administration is going to be scrapped and you are going to have the County Council taking over, and you said you want the locations, sub-locations to be abolished, now you know very well that in our national identity card, those kind of things appear, what do you recommend an ID to be like for example?

Kipkalya Kones: I think one thing that I didn't say is that I think every Kenyan citizen should have a right to access a Passport. And in a Passport it doesn't say which sub-location you come from. So, we should actually do away with this ID card, it is not necessary. There are better ways of identifying people not an ID card.

Com. Mosonik Bernard Arap Korir: Mheshimiwa, you talking about the nominated MPs who are one hundred five, you

suggested that they come from among others marginalized groups and you mentioned the Njems, could you tell us which others would be included in this category and secondly, what is the proportion out of the one of five you said the disabled are 15%, 40% women, how many would the marginalized be and which are these groups?

Kipkalya Kones: What you are talking about, when we say 40% should be women, 30% will be part of the representation, 15% youth, 15% persons with disabilities, we are also saying, women could also be coming from those marginalized groups, so that you are not categorizing the Njems for that matter as another interest. So we have the Njems, we have the El-Molos, we have the Talais, the Ogieks, we have the Laibons who have gone and lived around Lake Naivasha. They have been thrown out from Kwazi or rather thrown from Kipsigis to Kwazi and back to Lake Naivasha. And they number very few and for a long long time they will never be able to represent themselves in Parliament unless they are nominated. So we have this small groups that should be taken care off in that arrangements.

I did also mention that within the County Council, we are saying that all the land, within a Council, like Kipsigis County Council, all that land including the development of that same position of land, should belong to the Kipsigis people and should never be dished out by anybody else except the Kipsigis themselves. They should seat down and decide who should get that piece of land. They should be no land belonging to Commissioner of Land. No.

Com. Abida Ali-Aroni: Mheshimiwa, before you leave that seat, I want to have your views, we have been asking on political parties, right now we are told over 48 political parties and we would like know whether we should leave it open so that we could have as many political parties as possible, if you say yes don't answer the next question but if you say no, what sort of limitation would you like to see? And my second question is about qualification of leaders. I would like to have your views as to what sort of Councillors we should have, MPs and lastly the head of state?

Kipkalya Kones: I think the registration of political parties should be left open because that is a democratic right of anybody. It is upto people to see whether they want to belong to a party with themselves and their wives and probably their small few relatives or want to join the big party. So I think it should be left open.

Two, I recommend for now that for an effective council, we should have people of education upto atleast standard eight but for Chairmen and Mayors, they should hold certificates of secondary education because these are people who are expected to articulate on big issues. In future, we don't expect Councillors just be going round the village raising funds and going round with fundraising, we expect them to seat down and do some serious work. We may not expect them to go round and just popularizing parties. We expect them to go and work for the people. So, they should be educated people.

For Members of Parliament, I think we should leave it from Form four upto ofcourse the highest they can get, and therefore, the qualifications of a President should limited to any person who qualifies to be a Member of Parliament. Because if you limit that, then people will not have a reason to compete for Presidency because they know they have some limitations of education. So once they have qualified, because currently, it is saying that any Member of Parliament is legible to be a President, and I think we should leave it like that, so that there is a lot of competition from within. But they should be people of integrity.

Com. Mosonik Bernard Arap Korir: Maybe Mheshimiwa, in connection with the same, what is your position on the Executive versus ceremonial President, that idea and the Prime Minister, you said you don't need to create posts, but the idea of a Parliamentary versus a Presidential system.

Kipkalya Kones: I think, I recommend that we have an Executive President's position, so that we have a Presidential Parliament. In the sense that we have a president who is executive but having his deputy or the vice president being the leader of government business. They can also have a non-executive Prime Minister or a Prime Minister who do not have equal powers as a President who can also seat and answer on his behalf as leader of government business. But I don't think it is right for us at this time in point to have a non-executive president and create a post of a Prime Minister executive. I think that way we will make things abit difficult for this country. Let us have an executive President and all other positions come under that Executive President so that we don't confuse Kenyans.

Com. Abida Ali-Aroni: Thank you very much Mheshimiwa for those views and we thank you very much for having graced

this hearing this afternoon. Thank you.

Kipkalya Kones: Thank you.

Com. Abida Ali-Aroni: We are hoping that you will leave us with a copy of your memorandum and kindly sign our register.

Next we have David K. Chelule? Au Mheshimiwa amemaliza maneno yote pengine. Samson Taita Manyei?

Samson Taita Manyei: Thank you Commissioners. My name is Samson Taita Manyei, Longisa High School. I am presenting for only two points which are related.

Public holidays' expenditures by the government. I am recommending that there should be a huge reduction in the expenditure by the government on public holidays such as Madaraka day, Kenyatta day and Jamhuri day.

The expenditures on Jet fighters, Helicopters, Planes, tanks among other should be scrapped. That is the expenditure on fuel and other related expenditures on these things which are used during the national celebrations. This is because, it is consuming a lot of tax payers' money at the time when the common mwananchi is languishing in poverty. Instead, the President should just inspect the guard of honour and address the nation. The money saved from the funds on these un-necessary expenditures should be used to alleviate poverty and improve infrastructure in the economy.

Secondly, there should no introduction or creation or other public holidays by one person. The task of Parliament to do this task. Any other holiday introduced should not be a replica of any other, for example, Moi day which is a replica of Ramadham for Muslims. So, such holidays which are introduced and are a replica of some other celebrations like Moi day should be scrapped and any such further creation of holidays should be left to Parliament. Thank you, those are my only presentation.

Thank you very much. Please register. We have Richard Tangus? Richard Tangus? Are you there? Geoffrey Cheruiyot a student? Geoffrey Cheruiyot from Longisa High School. Please proceed.

Geoffrey Cheruiyot: Thank you very much. The first point that I would like to raise is this one. In the section of the basic

rights.

Com. Mosonik Bernard Arap Korir: Say your name and your class?

Geoffrey Cheruiyot: Sorry, my name is Cheruiyot Geoffrey from Form Four South. My first point goes to the basic rights.

Com. Abida Ali-Aroni: Please let's give him an opportunity, in fact I am surprised your school-mate is talking and you are making a lot of noise. Let's give him a chance to speak please. Go on.

Geoffrey Cheruiyot: In the education set-up, I would like to raise the issue of the entry to the University. We realize that the current system being used does not cater for the covering need for the individual student from a different school. Here I mean, we have national schools versus the local schools. And therefore, the same criteria is being based when students are being recruited to join the university. Take for example a school like a national school and a local school and their points differ. I think a new criteria should be formed to cater for needs of these students with low points versus students with high points.

Secondly, I would like to talk about the executive, I think the powers of the President currently is too much, extended with a lot of powers and should be cabbed. I would like to have a situation whereby a President can be impeached in the case of misuse and misconduct in the office by the Parliament. This can be done in case of corruption, misuse of public funds, deterioration of economy due to poor policies being offered to the public. In the cases of clashes which come out due to the political and civil address that should be answerable to the President and I suggest that the President should not be a Member of Parliament, but should be a neutral person who should not come from any political party, so that he may not have interest in his own party but have interest in all the parties that we have.

Com. Abida Ali-Aroni: Are you through? Just summarize.

Geoffrey Cheruiyot: I think that was the much I had.

Com. Abida Ali-Aroni: Thank you, we will read your paper. The last person is Kirui Erick from Longisa High School.

Kirui Erick: Thank you very much, my names are Kirui Cheruiyot Eric. Longisa High School Form Four South. I would like

to air my views starting with Education of children, we find that in our country Kenya, we have some parents who are not educating their children, they are leaving their children not even to go to pre-primary or primary school and you find that when this children grow up.....

Allow freedom of worship of denominations or societies. You find that some schools which are based on various churches allow only worship from sponsors church. I am suggesting that the freedom of worship should not be based on the sponsor churches in secondary schools.

Thirdly, I will talk about divorce, where a man or woman divorces, we find that some people take advantage of divorcing their wives simply because of the economical hardship. I am suggesting that, if divorce should be there, we should have compensation, that is the woman or the man should be paid off. This divorces has led to various problems. We have some men who divorce their wives and let their children suffer. The children are left with their mother and she might not be able to educate them and thus subject them to suffer. These illiterate children from the divorced families are led to do various crimes and rise of population in our country. Because they can engage in prostitutions in order to earn a living. Otherwise thank you very much.

Com. Abida Ali-Aroni: Thank you very much, please register. And at his juncture we want to bring this meeting to a close and before I hand over to the District Co-ordinator, we wish to thank all of you who turned up the whole day and enabled this session to be a succession and more particularly, we wish to thank the Principal, the students, teachers and all the staff of this school for making it possible for us to have a successful meeting today, thank you very much. Bwana Co-ordinator.

David Cheruiyot: Commissioners, Principal, students, members of the public, I would like to take this opportunity to thank you all for having made this exercise a success. I would lkike to thank you all for that. Let me just call upon the school Chaplain to close with a word of prayer and if he is not in, let me call anybody who is able to lead us in a word of prayer. Even a student, or the deputy is here, okay thank you.

