

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

CHEPALUNGU CONSTITUENCY, HELD

AT MOI SIONGIROI HIGH SCHOOL

ON

WEDNESDAY, 10TH JULY 2002

CHEPALUNGU CONSTITUENCY HEARING HELD AT SIONGIROI HIGH SCHOOL ON 10TH JULY 2002

Present

Com. Abid Ali Aroni - In the chair

Com. Charles Maranga

Com. Mosonik Arap Korir

Secretarial Staff in Attendance

Ismael Aden - Program Officer

Owanza Ombati - Assistant Program Officer

Flora Wafula - Verbatim Reporter

David Cheruiyot - District Co-ordinator

The meeting was called to order at 10.45 a.m.

Prayer was said by **Rebecca Kirui**. The district coordinator called on the chairman of the 3c's members Mr. Korir to introduce the 3c members.

Commissioner Abida Aroni welcomed the visitors and introduced the Commissioners and secretariat staff. She also gave the formality of how the hearings would be conducted.

David Cheruiyot: I would like to take this opportunity to welcome you. Also members of the catholic, let us take this opportunity also to welcome you for this very very important exercise, that is public hearings. Let me extend my thanks to Rebecca Kirui, to welcome you with a word of prayer.

Let me give this opportunity to the Chairman of the constitutional committee to introduce his committee members.

Com. Mosonik: Commissioner Aroni, Commissioner Maranga, Commissioner Mosonik, members of the team and wananchi wote na committee, I would like to welcome you Commissioners, mostly the chairman to this constituency of Siongiroi of Chepalungu Constituency. I will not take time. Nataka tu kuuliza wana kamati mukuje mbele ya muanze kusema majina zenu. Mimi naitwa Mr. Korir. I am the committee chairman for Chepalungu Constituency Kwa majina naitwa Arap Rono one of the constituency committees. Thank you. The Commissioners and the entire members of Siongiroi division, you are welcome. Jina langu ni Michael Cheruiyot from Makiloye division. Welcome. I am Phoebe Piele from Kongonik location 3c member. Welcome. I am Caroline Ruto from Etembe 3c member, representing the youth. Thank you. I am Andrew Ruto 3c member and a teacher at Siongiroi High School. Thank you. I am representing people with disabilities. I hope some other two members of the committee are still coming. So, you are welcome and everyone is welcome ili muanze kutoa maoni yenu. Asanteni.

Com. Aroni: Asante sana bwana mwenye kiti wa 3C's na co-ordinator. Kwa niamba ya tume hii ya marekebisho ya katiiba, ningependa kuwa karibisha kwa siku ya leo na kueleze kwamba tumefurahi kwa vile mumejitokeza na mka acha kazi zenu, na tunatarajia kwamba wengine watafika, ili tuweze kujaza hii hall. Tupate maoni ya kutosha kutoka hii sehemu ya wakilishi Mbungeni.

Kabla hatu jaanza, najua Chairman ametu introduce lakini pengine mungetaka kusikia sauti za Commissioners na majina zao kamili. Kwa hivyo, wezetu, tumekuja nao kutoka katika ofisi ya Commission. Kabla hatu jaanza mukutano, kwa upande wangu wa kushoto niko na Commissioner Mosonik Arap Koriri. Tafadhali salimia wananchi (Hamjamboni). Na upande wangu wa kulia, niko na Dr. Charles Maranga (Commissioner) – Hamjambo wananchi wa Chepalungu. Asante. Na mimi naitwa Abida Ali Aroni, naibu wa mwenye kiti wa Tume ya Urekebishaji wa katiba. Na kwa siku ya leo tumeandamana na wenzetu kutoka kwa Secretariat. Tuna Program officer ambaye amesimamia hii shuguli ya leo na anaitwa Ismael Aden. Kwa hivyo mtu yeyote atakaye kuwa na swali lolote kuhusu kazi ya leo ama clarification yoyote kuhusu commission, anaweza kumuona Ismael. Ismael anasaidiwa na Owanza Ombati. Ombati pia anatusaidia kuandika maoni yenu.

Na pia tuna chukua sauti zenu kupitia kwa tape recorder. Na mtu ambaye anasimamia hiyo shuguli ni Flora Wafula. Kwa sababu hatutaki tukose jambo lolote. Tunaandika na kunaza sauti zenu. Na kwa hivyo mtu akizungumza tafadhali ajaribu sana kutumia microphone, ile tuziweze kuacha sauti ya mtu yoyote. Na kabla hatu jaanza mkutano, tungetaka kuwa patia marshati ambayo tungependa kutumia katika hii kazi ya leo. Kwa sababu hakuna mkutano mzuri unakosa marshati.

Kila mtu ambaye amefika tunamuomba kwanza kabisa afanye registration. Kwa sababu tutatumia majina yenu kwa vile mumejiandikisha. Kwa hivyo ikiwa kuna mtu yeyote hapa ameketi na haja fanya registration, tuna kuomba uende ujiandikisha na ikiwa unataka kuzungumza utamweleza registration officer pale nje. Ikiwa una memorandum ambayo umeandika, utaeleza pia. Na ikiwa wewe ni observer, tafadhali pia useme. Kwa sababu tunajua kuna watu wengine wamefika, ambayo pengine

wanazikiza na hawataki kuzungumza.

Sasa katika kuchukuwa maoni, tukijata jina tunaomba mtu aje pale. Kuna viti mbili. Moja ni ya mtu ambaye atakua anatoa maoni. Na kwa wale hawezi kusungumza Kiswahili au Kingereza, tutafanya translation. Tuta tafsiri. Lakini tunaomba wale wanaelewa Kiswahili na Kingereza tafadhali mtumie moja ya lugha hizo, kwa sababu wakati mwingine translation huwa ina kosa. Mtu akijaribu kueleza maneno yako, hawezi kueleza vile unavyo zungumza wewe. Na katika watatu tunafikiri Arap Koriri anaelewa lakini sisi wawili tunataka kuelewa ndio tumusaidie akitoa mapendekezo kwa Commission kuhusu watu wa hapa, tuwe tunamsaidia tukisema kweli hivyo ndio walisema. Lakini akiwa peke yake, na sisi tumenyamaza kwa weza kuwa na uzito kidogo.

Lakini ikiwa kabisa hauwezi, ni sawa tutazikiliza vile tutaambiwa na translator. Na pia kwa watu ambao wana written memorandum, ama ambao wameandika, tutawapatia dakika tatu peke yake. Kwa sababu tuna watu wengi, na hatutaki mtu atoke hapa kabla hajazungumza. Mtu ambaye ana oral submissions, ama atakuwa tu anazungumza bila maandishi, tutampatia dakika tano. Na unaweza pia kuamua kwamba hakuna haja ya kuzungumza na ukatoa memorandum yako. Na musiw na wasi wasi kwamba dakika tatu na tano hazitoshi.

Jana tulipokuwa Sirgoi hatu kusimamisha mtu yeyote. Tuliwaambia ukija hapa mbele, na utoe mapendekezo bila kutupatia hadithi, dakika tatu zinatoshia. Na wengi walitumia dakika mbili, dakika tatu, wengine tano. Kwa hivyo katika kazi hii tumeonelea ukimpa mtu zaidi, atakuwa sasa ana ongea story. Na sisi hatutaki story. Tunataka focused thing.

Jambo ingine ni kwamba ukimaliza kusungumza, utakwenda pale Hassan ameketi, na ku-register. Tuna register pale ambayo inaonesha kila mtu aliyezungumza na kuna maelezo fulani ambaye ni muhimu katika shuguli hii ambayo itatubidi ujanze katika register yetu. Na pia kutoa memorandum tuko na file ya sehemu hii ambaye itabeba memorandum zote ambazo zitakuwa zimetoka kwa upande huu.

Na pia jambo lingine ni kwamba tutafuata orodha kulingana na vile murijiandikisha. Hatutapenda kuruka. Kwa hivyo mtu akiingia saa tano, na kuna wale waliingia saa mbili, tutaanza na wale waliingia saa mbili. Ukiwa umefika umechelewa, tuna omba usituombe kuluka orodha yetu kwa sababu hatufanyi kazi namna hiyo. Isipokuwa tunaona kuna wanafunzi wamechelewa, kwa sababu tunataka warudi kwa shule, tutaweza kuluka hii orodha. Ikiwa kuna mtu mgonjwa, au kuna akina mama ambao wametuomba kwa sababu ni lazima warudi nyumbani, tutafanya hivyo. Na kama nilivyo waambia, munaweza kutumia lugha hizo tatu.

Na jambo ingine na ya mwisho ni kwamba ikiwa kuna jambo umesema na tukakosa kuelewa, tunaweza kuuliza kufafanua. Lakini, ikiwa umeona haukufikiria na uwezi kujibu, so lazima. Tumeelewana!.

Lakini tutawauliza maswali kadha wa kadha ili tujaribu kueleza masungumzo yenu. Ikiwa unaona swali ni ngumu, haukulifikiria, unaweza kutueleza na sio lazima ulijibu.

Jambo lingine ni kwamba wakati ambapo unazungumza usitaja majina ya watu. Kwa mfano ikiwa chief amekukazirisha, usimtaje. Unajua Chief ako hapa leo lakini kuna Chief ataondoka pengine. Usitaje ati bwana Chief jina yake hivi hivi amenifanyia hivi tafadhali. Ama MP ama Rais. Tuambie tu ofisi ya chief ninataka iwe hivi. Kwa sababu hatutaki kuwa na mkutano wa kukurishiana Na mtu akitoa maoni ambaye haua kukupendeza, unyamaze tu utapata nafasi yako ya kutwambia vile unataka. Kwa sababu democracy ni kwamba tutaweza kusikisa maoni ya kila mtu na kuangalia maoni ambayo yanatufaa kwa wananchi wa Kenya.

Na pia wakati ambapo unatoa maoni yako, unaanza kwa kutaja jina. Ingawa tuna jina hapa, lakini kwa sababu ya tape recorder, itakuwa ni vizuri ukianza kwa kutaja jina lako. Na kama kuna mtu ambaye hawezi kusikia, ama anataka usaidizi wa sign language tungeomba tuelezwe ili tuone kama tunaweza kupata usaidizi ili kila mtu aelewe kazi ile tunapoendesha kwa siku la leo. Nafikilia ndio hayo tu. Na tungependa sasa kuanza mkutano. Na mtu wa kwanza ni Richard Ngetich. Richard Ngetich, dakika tatu peke yake.

Richard Ngetich: My names are Richard Kiprono Ngetich from Chepalungu Constituency. This is the way I consider it to be. And these are the areas I will appeal.

First of all, I will start with the preamble, Constitutional Supremacy, Structure and system of government, legislature, executive, the judiciary and management and use of natural resources.

(i) Preamble. Kenyan citizens shall live harmoniously in peace and unity as well as enjoy the fruits of the happy citizens, if a good constitution is provided to the Kenyans.

(ii) Constitutional supremacy. For any part of the constitution to be amended, a 90% majority vote in Parliament should be reached. Also the public should be involved, through referendums, before the amended parts are put in use.

(iii) Structure and system of government. The prime minister. The prime minister to be appointed by the President from the ruling party. The President to be elected by the wananchi with at least 25% of votes in the eight Provinces. Vice President to be appointed by the winning party. Ministers to be appointed by the President but with approval of the Parliament.

(iv) The legislature. The work of the legislature is to approve financial budgets. To approve permanent secretaries, to appoint auditor general, to approve directors in parastatals. Also they should control each calendar. Also to amend the constitution through 90% majority votes. And also to elect the prime minister. Again to discipline the MP. Also to be a member of Parliament, should be a full time occupation. Also he should appoint the chief justice. Also to appoint attorney General. Also to give views in making the budget. The power of the President due to misconduct, should be approved through 90% majority

votes in parliament. Appoint Public Service Commission.

(v) The executive. Prime minister. To appoint ambassadeur, to appoint directors, advice the President, advice the Parliament, appoint five (5) chancellors to state universities. The President to appoint the Prime Minister, appoint the Permanent Secretaries, appoint Chief of General Staff, appoint Police Commissioner, appoint Ministers, appoint District Commissioners

(vi) The judiciary. To review laws. Judicial officers to be appointed by the Chief Justice. Judicial officers to be transferable. To work in a station for three months only. Controlled or to work together with the council of elders.

(vii) Management and use of natural resources. Parliament to authorise the raise and use of public finances. Public funds should be through taxation, exportation and sale of goods and services from exporters. Every region should be allocated funds based on the use of the people. Regions to present to Parliament their necessary activities before the Parliament for approval. Regional funds should be made public through the press. The raising of the salaries to be given to officers in the public service. Parliament should keep a constant check on the Public Service. Members of the Public Service Commission to be appointed by the Parliament. Holders of public service should be clean from all forms of crimes.

Public Services Officers should declare their wealth. Ministers and other dignitaries should declare their wealth.

Thank you.

Com. C. Maranga: I have one question. Mr. Rotich you said that judicial officers to serve only for three months in a given area. Are you taking into consideration that judicial officers can also be family members? Example, how do you effect transfer from their children every other three months.

Richard Ngetich: The reason why I have mentioned three months is to avoid corruption whereby somebody can talk with the officer.

Com. C. Maranga: Can you see my point that moving an officer every three months, even if he is a teacher of whoever want to move him or her within three months. Don't you think that is a very short period of time? That is what I am asking. Are you ready to amend that period?

Richard Ngetich: Okey. I am going (.....inaudible)

Com. Aroni: On two points, I want a clarification. Apart from the judicial officers being transferred, you want them to work with village elders or something like that. What connection does a judge for instance have with a village elder?

Richard Ngetich: Because we have laws like the customary laws, and we need to have a commission because there are some cases whereby, the court cannot just reach a verdict without the customary law.

Com. Aroni: Which law is this? Could you please explain? Currently, we have statutory law. Unless one is interested in customary law, you call expert evidence on that customary law. So are you asking us to amend our laws so that we can have customary law because in any case, if you go before a magistrate even today for instance, in this jurisdiction what we apply is actually statutory law. So what is this law that you are talking about?

Richard Ngetich: We have the traditional magistrates.

Com. Aroni: Yes but then they come and give evidence. Isn't it.

Richard Ngetich: But some are not informed.

Com. Aroni: Who is not involved? You know how the court system works. The accused (litigant) are supposed to bring evidence. Isn't it? If the accused (litigant) is supposed to bring evidence, you know we get your point, but we want to understand at what point do we bring the village elders? I am not saying it is a wrong thing, but at what point do we bring the village elders?

Richard Ngetich: If there is a dispute like sharing of property. We need to harmonise the customary law so that they will be no injustice.

Com. Aroni: So they should speak to the magistrate or what do they do?

Richard Ngetich: When the magistrate has got to have some background about (interjection).

Com. Aroni: Like a jury system, where there is peace and advise. Or assessors the way they do murder case?

Richard Ngetich: Yes.

Com. Aroni: Thank you very much. Now because we had several students sitting in this hall since morning, I think we give them an opportunity. Chepkilui

Vivian!

Chepkirui Vivian: My names are Chepkirui Vivian, from Olputia High School, form IV. Raising of children. The

Constitution should provide free education to children. Constitution should provide medical services to children. The constitution should provide for parental care to children, who are born out of wedlock. The constitution should protect child labour. This is to say children should not be employed as maids until a time when they are mature enough to choose for their own. That is all.

Com. C. Maranga: There is a question. I heard you said free education for children, but you did not tell us to what level. Is it at the primary level or secondary level?

Chepkirui Vivian: Primary level.

Com. C. Maranga: And to you, who are children? Somebody to the age of what? At what age are you a child?

Chepkirui Vivian: Until they finish primary school.

Com. C. Maranga: Okey! And on secondary, you want parental care for those born out of wedlock. How can you have parental care when you are born out of wedlock?

Chepkirui Vivian: You know there are children who are born out of wedlock. Maybe there are born and then they are thrown away. So it is now upon them to take care of those children. You find there are some children who are born in the society and they are really suffering. So it should be now upon them to come and collect those children and take care of them. Thank you.

Com. Aroni: Thank you Vivian, please register and give us your memorandum. Chemng'etich Carolyne!

Chemng'etich Carolyne: My names are Chemng'etich Carolyne from Olputia High School. I am in form IV. I am representing on environment and natural resources. The following environment issues should be included in the Constitution.

1. Protection of wild animals.
2. Creation of proper waste system to settle each sewage system in major towns. Waste products from industries should be properly disposed.
3. Protection of water catchment areas.
4. Protection of forests.
5. The natural resources should be owned by those communities where the resources are found. That is the end. Any questions.

Com. Aroni: Thank you very much. Please register. Evans Bet!

Evans Bet: I am Bet Evans Kiprotich from Olputia High school. I am in form IV. And this is my memorandum to be presented by the history and current affairs club of Olputia. I am representing them as their chair person for this club. So it is about the preamble.

The Constitution of Kenya should have a preamble stating why it is being enacted. We the people of Kenya do declare that:-

- (i) Religiously maintain our sovereignty.
- (ii) To uphold fundamental human rights.
- (iii) Human dignity, the rule of law and equality of men and women. We do adopt the above preambles. May God bless the country.

We move to another topic. Directive in civil or set policies. The following democratic principles should be included in the constitution.

1. Free and fair elections
2. Selection of powers
3. Independence of the judiciary

We go to Constitutional supremacy. The 65% rule should not be retained in the Constitution. Instead, the people should be involved in the amendment of the constitution, through national referendum. The Parliament should only propose on areas to be changed and people are left to decide as the Constitution is the people's driven. The national referendum to be used to amend the constitution should be conducted by an independent Electoral Commission, as it has the machinery to do so.

We move to citizenship. A person can be considered automatic citizen of Kenya if both parents are Kenyans, or Kenyans by birth. Citizenship can also be acquired through registration and naturalisation. Children born of parents who are not Kenyans should be regarded as automatic citizens of Kenya because denying a girl to bring her husband to Kenya is not fair.

National ID (identity card) should be carried by all Kenyans for their identity.

We go to the Executive. The Constitution should specify the qualifications of the Presidential candidate. The qualifications should include:

- (i) A Kenyan citizen by birth
- (ii) A graduate from a recognised public university
- (iii) The President of Kenya should be fixed to two periods, i.e each having five years, and not more.

The President should be a member of Parliament but once elected to be the President, a by-election should be done in his

Constituency. To me, he should resign to be the representative of his Constituency and become the MP. So the Provincial Administration to be done away with and elected leaders to be replaced from the federal system of government which has been adopted. Thank you.

Com. Aroni: Any questions. Thank you very much. I think there are no questions for you. Please register and give us your document. The next student is Hillary Ngeno.

Hillary Ngeno: I am Hillary Ngeno from Olputia High School. I am in form IV. I will start with political parties. Political parties should not only play the role of political mobilisation. Instead, it should help Kenyans fight against poverty, ignorance and diseases. This is achieved through helping in public funds like harambee and building hospitals.

The number of political parties should be reduced from the current 45 registered political parties to three. This is to create stiff competition for political power. Political parties should look for their finance within the country, as the government does not have money for very important services such as medicine and education.

Structure and system of government. Kenya should continue to retain the Presidential system form of government. However, the powers and duties of the President should be reduced. The government of Kenya should adopt high system of government where power is there between the President and the Prime Minister. These powers can be shared as follows.

The President should have the following roles. To be the head of the state, Commander in Chief of the Armed Forces, appoint Vice President before the general elections. To appoint cabinet and senior government officers.

Roles of the prime minister. He should be the head of the government, formulate and implement government policies, to assist the President in the appointment of Cabinet and members of the Parliament The role of the parliament. The Parliament should make new rules for the country. Approve the appointment of the Cabinet and senior civil servants. To appoint the prime minister. Also they should declare war.

The Kenya government should adopt a federal government where the power is there between the central and regional government. This is the only way we shall ensure that power is brought close to the people. Again, the resources fall in an area or a region should benefit the inhabitants of that area. In addition, local authorities and village governance should be strengthened.

We go the legislature of the Parliament. The Parliament should approve all presidential appointments in order to check on their qualifications and competence in work. Kenya should have two chambers of parliament. The house of senate should be based on elected members for the districts in Kenya. While those on the lower House or the House of the Representatives should be based in the Constituencies. The age for contesting Civic and Parliamentary elections should be changed. It must be

changed. This is the normal 18 years for a voter, 21 years to be elected as an MP and 35 years for President.

The upper limit of the President to be fixed at 75 years of age. Because an old person may become senile. This can become a burden of other leaders. The language required for parliamentary election is not enough and may lead to corruption.

Therefore, academic certificates should be used. The Members of the Parliament should not act on the basis of conscience or conviction, but should act according to the instructions from the Constituents and parties. The people should be the ones to decide on what to say or do as they are the ones to be represented. There should be an independent tribunal to look into salaries of all civil servants, MP's included. The concept of nominating MP's should be retained. However, the mode of nomination should be really stated. For example, there should be nominated MPs representing special interest groups. For example, women, the disabled, youths, professionals etc.

There should be code of conduct regulation the conduct of MP and they should be people of high moral conduct. Thank you. That is all I have.

Com. Aroni: There is a question for you!

Com. Mosonik: Hillary you suggested that political parties be reduced from 45 to 3. But you did not tell us which three parties. If given the task tomorrow to name the three, what is the criteria for identifying?

Hillary Ngeno: What I am really after here is that we want the ruling party to get stiff competition from other parties. Because when we have more parties, that means our Kenyans now the opposition parties need to be united. So some of the parties unit to form strong political parties now, let's say three.

Com. Aroni: How do you do it now? That is the question.

Hillary Ngeno: What we can do there, we can combine the parties. Let us say now we combine Ford Kenya, Ford people, Ford Asili to form Ford (people clapping and laughing).

Com. Aroni: Thank you very much for your ideas please. Register. David Ruto?

David Ruto: Thank you very much. My names are David Ruto. I am presenting this Constitution review on behalf of -- Preamble. There should be a preamble in our new constitution. There are some more which are special which should be included in writing the Constitution. These special ones include our black skin towards Kenyans to be included, peace love and unity is what should be included and struggle for independence. People of Kenya are very supreme in Constitution

making. And if there are some parts to be amended, the public must be involved through referendums. This is a people's represented constitution.

The CKRC should not be abolished completely after the formation of a new Constitution. Each Commissioner i.e picked from each Province should remain permanently to check in case there are some weaknesses in the Constitution.

The sence and national security. The Parliament should be the commander in chief of the armed forces. In recruitment of new armed forces, the recruit must come from the area from where the recruitment is being done.

Political parties. There should be three (3) political parties. There should be three (3) political parties in Kenya, so that the (----- inaudible) can be enough for them. Those parties should be funded during campaign and elections only.

Structures and systems of government. In Kenya, we should adopt a parliamentary and federalism system of government. We adopt this federalism because the basic services are very near to wananchi. Ambassadors should also be distributed equally all over the country, in the districts so that the people around there can also benefit. There should be a Commission in Kenya to adjust the salaries of all the public servants in Kenya. The Commission can be called Kenya salary review commission, and it should be entrenched in the constitution, to avoid being outlawed. The Commission should negotiate the reasonable salary of the prime minister, president, MP's upto the village committees. The village committees are doing a lot of work. So they should get a reasonable salary.

The Commission also should negotiate any salaries of very old people of over 75 years of age. Those people who are very old are no longer able to feed themselves. So the government should also set salaries for those people because they have been suffering all along. The government should also cost share for the hospital bills for the dead with the relatives of the deceased. This is because the government has been taxing the deceased. So when a person is alive, the government is taxing. As soon as he or she is dead, he should not be taxed. So hospital bills should be shared with the relatives of the deceased. Because it can be very expensive.

All the Kenya public servant should also have a specified period of time. 20 years only. This is because a job seeker can get job while he or she is 20 years old. And another at 30 years old. Somebody can get a job in 20 years and another one can get a job in 30 years. And both of them should retire at 55 years. So there is certain fairness in what working duration among those years.

So the constitution should specify 12 years. So in these 12 years, should be very intensive so that those public servants should also go to retirement so as the new generation who are learned should also be employed. By so doing, the criminal activities might be reduced.

The government should not import goods from outside which are actually existing in Kenya. So the government is crossing goods from outside let us say sugar or maize which we have in Kenya. So it should be put in the constitution that it should not import those goods while we have them in Kenya.

Elections should clearly be defined in the constitution. The salary of the nominated MP's and the councillors should be less than those elected by 50%. Nominated MP's and councillors should be done through say, special interest. For the disabled, for the youth, women etc. The councillors should be morally, ethically and educationally qualified with a minimum grade of C plain.

The Chief Justice should be appointed by Parliament. The President should be elected by the people. The mayors and council chairmen should be directly elected by the people. The electoral Commissioners should be indicated. The chairman and the director of elections should be elected by the parliament. The constitution should provide for free and compulsory education in primary levels only.

People with disabilities should be salaried. Any Kenyan should not possess more than 200 acres of land. The Parliament should appoint (----- inaudible). The Parliament should elect members of the public commissions and the President should be below the law. Thank you.

Com. C. Maranga: The first one. You are saying that civil servants should work only for 20 years. I wonder when somebody is 12 years, like if you started to work when you were 18 years, you will only be 38 years. And you want that person to be retired. What will he be doing for the rest of his life? You also realise that may be with time people gain experience and they become better workers. So why do you want to retire people at 38 or 40 years. That is one point? Why are you saying so?

David Ruto: I think somebody can be looking for a job. As soon as he gets, he should work for 20 years. If you get a job while you are 40 years, you will work for 20 years. So you will only retire after you have completed those 20 years. On the other question is that you know there are very many learned people. So the available land should be given to the learned people.

Com. Mosonik: The one about the preamble. You said that we must mention certain things and the one you said was black skin. Is that to say we are excluding Kenyans without black skin? Did you say the black skin in the preamble. Look at your notes.

David Ruto: Yes. When we are writing this constitution there seem to be some confusion. There are some words to be excluded. So the word black should be included to indicate the colour of our skin as a Kenyan.

Com. Mosonik: Okey. What I am asking is, are there Kenyans who do not have a black skin?

David Ruto: Yes (people laughing) may be there are very view 1%. Thank you.

Com. Aroni: Please register there! Next person is Wilson Mutahi. Wilson mutahi.

Wilson Mutahi: My full names are Wilson Koriri Mutahi from Legun location. I am representing the memorandum to the constitution of Kenya Review Commission on the rights of people with disabilities.

Number one is awareness. Whether these people are aware. The members of the public are aware that there are some people who need service. The cause of the marginalised groups especially for the disabled people must be granted in the new constitution. And that the government should ensure that such groups of people are aware about their rights.

Medical care. The disabled people in this country are mostly poor due to the fact that in most cases such people are not given adequate medical care, due to cultural beliefs. The thing is that the new constitution guarantees equal medical care for all and that special attention be paid by the government to the disabled persons. That their medical needs are satisfied by the State.

Rehabilitation. The new constitution must avail rehabilitation of the disabled person. And that burden should be carried by the government.

Accessibility. Disabled persons have not always been accessed by the government agents, due to certain cultural beliefs. The new constitution should therefore make it mandatory that all disabled persons are registered by the state.

Support services. The state in the new constitution must allocate equal resources to all the citizens. They should ensure the disabled person's burdens are taken care of.

Education. Education being a basic right must be made available by the state in all these parts. The new Constitution should make it mandatory that all the vulnerable groups have right to free education.

Employment. The new Constitution should make provision that the state do provide incentives to such institutions whether Public or Private apart from private, whenever they employ disabled persons in their company.

The incoming and social security. The disabled people have always languished in poverty due to the fact that they have not been able to engage in incoming generating projects. The new constitution should provide for the state, to set aside some resources in the national budget for the disabled. There should also be a scheme to look at other disabled persons at their retirement age.

Damage of life and personal integrity. The new constitution should provide severe punishment to those who breach on

personal life of the civil person in the society. And they should also be left to choose what they think is right for them and I think given time. The Constitution should also provide for the duration of an officer in the district level, who will have powers to declare the rights of his people/person whenever they are engaged.

The creation of sports. The state should provide the disabled person with adequate sports facilities free so that they can also show their freedom Culture. The new constitution should discuss certain beliefs that hinders freedom of the disabled person. And the state to guarantee freedom whenever their rights are disadvantaged.

Religion. The disabled person, like any other person, should at any given time be given freedom to worship. Thank you.

Com. Aroni: Thank you very much. We have no questions for you. Please register and give us your memorandum. Next is Raphael Koboituk!

Raphael Koboituk: Asante sana bwana mwenyezi mungu kwa sis kuwa na ma-commissioners , siki ya leo hapa Siongiroi. Yangu ni kusugumza kwa kilugha. Vile munavyo ona nimetobolewa masikio ni lugha.

Raphael Koboituk: Jina langu ni Raphael Koboituk, Kalenjin musician.

Raphael koboituk: *Ne tai konyolu keribchi tienik imaninywa en katiba akobo chorik che choton ko walagai che choren tienwogikwak yani en kingerresa ko piracy noton konyanyasani tienik en talendainywan..*

Translator: First and foremost, the musicians should be protected by the Constitution from piracy as it kills the musicians talent.

Raphael Koboituk: *Ne ba oeng' Nyolu kigochi kora kasarta Fulani produsayat ne kaiyajin ak tienindet koal tiendanyin Koalda tiendob composer kou kenysisiek somok koal kora anan kowek yi tienindet tiendanyin komiten ak master ak copy tugul chon makomache.*

Translator : Secondly, the Constitution should specify a tenure that the produce enjoys selling copies at the expense of the composer. At the lapse of an agreed period, for example, three years the composer should repossess the master copy.

Raphael Koboituk: *Nebo somok konyolu kowetka produsayat tiendap tienindet kowekyi lagokab tienindet anan ko bikwak yon kagosirto tiendet manyalu kwalda produsayat age tugul tugetab tienindet ne kagosirt ago makurenke ki .*

Translator: (people laughing) Thirdly, a producer must repossess a song to the next of kin of the composer when the composer dies. At no time should any producer sell a song of a dead person.

Raphael koboituk : *Nebo angwan konyolu kora kolibonjin prodcasting station agetugul tienindet rabisiek Fulani yon kobut tiendanyin kou en ematinwek alak ko inge but tiendob tienindet kelibanjin.*

Translator: Fourth. For any cassettee that any broadcasting station plays on any of its programmes, it should pay a certain amount of money to the composer.

Raphael Koboituk: *Karatuch en yon.*

Translator : And that is all.

Com. Aroni: Raphael asante sana. Tunajua hapo umetunga nyimbo mingi ya hii kazi yetu. Na tumeshukuru sana. Next, we have Gabriel Koech.

Gabriel Koech: My name is Gabriel Kiprono Arap Koech. But most of you know me as Cheptugei.

I find that the Constitution should provide on ethnic and traditional purposes. That is to say for example, there are certain traditions in the tribes of Kenya which have given them character and discipline. And it is my feeling that they should be incorporated in the Constitution. For example the Kalenjins have the national anthem for the Kalenjins. I will not tell you that national anthem now because it is usually sang at 5.00 a.m. in the morning and at 6.00 p.m. in the evening (people laughing). I find the commissioner who knows the language is getting it. So I find that in Japan and Korea, they have upheld their traditions. And they are the best in producing vehicles, computers and whatever irrespective of holding their traditions. So the Constitution should uphold the traditions of every tribe or group of tribes in Kenya.

I find that in Kenya, we work for five days. I would prefer we work for four days so that on Friday, we respect the Muslims and on Saturday we respect the SDA and church of God and on Sunday, we respect the other christian churches. Because I know if I am working for four days, nitafanya kufa na kupona for four days. And the three days will be mine. Friday, Saturday and Sunday (people laughing). It is done in Norway and Sweden.

Maternity leave. I find that if I am a civil servant I should go for leave with my wife so that I can see the young mother and we can produce the milk for the young child and the young child is taken care of very well (people laughing and clapping). I find that Kipchanga being a musician (I am sorry to mention the name), he talks in those parts when the other one is in maternity, the husband is taking care of the one lying over there. I do not know the parts but Kipchanga knows the two parts.

Now another thing which is a question is through reading this thing of the constitution, I cannot define especially the difference between the state and the government. What is state and what is government? I cannot define very well. So the

wananchi should be given a definition between the state and the government. But if I was in London I perhaps would be able to state the difference between the state and the government.

Conservation of environment. I find that our people should be strictly taught to conserve environment. And secretly they should be taught to conserve environment. And even in the tradition, I had said there are some trees which are not to be touched. They are secret in the society. And there are some birds which are secret in the society. So I find that environment for example, leave alone the forest we shall have no rivers. If there are forests with no rivers, we are dead. I find a lot of water on your tables.

7. Finally, free education to the secondary level. I find that the money to be used in the lower level is very little. That you can grow some pea, you can give some chicken and pay for the education of the children. But when it comes to university and colleges, it is very expensive yet there may be a child who is very clever and coming from poor families. So free education should be provided by the Constitution to the secondary levels of education. With these few remarks, ladies and gentlemen especially the Commissioners, thank you very much. Unless you have a question for me.

Com. Aroni: Thank you very much. I do not think we have any question for you. Kiplagat Mutei.

Kiplagat Mitei : *Ng'alekyuk ko ng'alek ab boisiek, kiplangat arap Mitei..*

Translator : His names are Kiplangat Arap Mutei.

Kiplagat Mitei : *Ng'aliot na tinye en yu ko ng'alek ab boisiek ab kalenjin*

Kiplagat Mitei : *Ng'alek Ab Kalenjin che koneten keny, ko kemache kinde Katiba.*

Translator : The Kalenjin elders also have proposals to be forwarded to the review.

Kiplagat Mitei : *Ng'Alek ab ng'ung'unyat ardhi konyalu koteben barakut ab boisiek.*

Translator : Land issues should be(inaudible)

Kiplagat Mitei : *Karikyok che kikitinye kong'eten, en keny konyalu kinde Katiba kemi ak karikyok.*

Translator : All mention of weapons should be recorded in the constitution. That is we shall have to stay with our weapons as it is our tradition.

Kiplagat Mitei : *kounaton en atebet ab Kalenjin.*

Translator : As it is the tradition of the Kalenjin.

Kiplagat Mitei : *Katikanutik, tumndanyon ne ba korik ab nyuth konyalu koteben barekurt ab boisiek*

Translator : On ancient ceremonies and rights to be the role and responsibilities of the elders.

Kiplagat Mitei : *Katikanutik ak yetanaik konyalu koteben barakut ab boisiek.*

Translator : Customary advice and taboos to be the role and responsibility of the elders.

Kiplagat Mitei : *Ng'alek ab kirwagutik konyalu koteben barakut ab boisiek kora kokakinde Ka tiba.*

Translator : Boundary issues to be constitutionalised and to be the role and responsibility of the elders.

Kiplagat Mitei : *Ne rube ko kap korosusiek ab Kalenjin ye kikiberurusien kong'eten kenya ko kii berusien boisiek konya lu ke sir en Katiba.*

Translator : The Kalenjins sacred place where the elders carry out prayers, sacrifices and blessings to be recorded and protected by the Constitution.

Kiplagat Mitei : *Kobarkioton.*

Translator : and that is all.

Com. Aroni: Question. When you say that we should respect the Kalenjin elders, who are these? And why you see I am asking this question is because when we were in Nandi, the Nandis were saying there are no challenges – Translator to Kalenjin.

Translator: *Kale boisiek achon che ing'alalen amun kinko mi Nandi ko kile Nandiek ma ba Kalenjin.*

Kiplagat Mitei : *kongeten atindoi kenyisiek thamanini ak oeng' ko kiagas ko ki akenge ak Nandi yani Kalenjin tugul.*

Translator : He is saying he is representing people of his age mates and his age mates consider themselves as Kalenjins including the Nandis.

Translator : Alisema yeye sasa ni miaka themanini na mbili na tangu azaliwe amekuwa akielewa mambo ya Nandi na ni mkalenjin kama wengine (kitu kama hicho). People laughing.

Com. Aroni : Then we have a student, Stella Kirui. Are you there? And please tell us your school and class.

Stella Kirui: My names are Stella Kirui from Siongiroi Girls. I am in form IV. I am here to represent the school and also on the side of girls.

The executive. The qualification of the President should be a graduate. He or she should be a graduate from a recognised institution of higher learning. And the courses he must attain should be Administration, Economist and Social Arts. Another qualification is the age. The candidate should be aged between 30 – 35 years.

The tribe. He should be of any tribe but from any of the eight Provinces.

The personality. You should consider the morals and the discipline. He should be patriotic, visionary and shall have a clean record of performance.

The second question. The president's post to be fixed. Yes, it will be fixed in that the President serves two terms each containing four years. The definition of the president's functions. The President should be the Head of State, appoint the Government Officials, opens the parliament, preside over national occasions and should be the one to choose the prime minister before going into power.

The point to note down with the President is that if the President is a gentleman, the Prime Minister should be a lady. The functions in which the president's office is now in, which should be removed are; He should not be above the law. The Parliament should be above the law, not the President. He should not head the Government. The Government should be headed by the prime minister. He should not be the Commander in Chief of the Armed Forces. The commander in chief should be chosen from the general (----- inaudible). And he should not be the chancellor of the universities.

One of the Chancellors of the public universities should be the overall Vice Chancellor. He should not represent the Government in international functions in that if it is the function of any of the organisations a Minister concerned in that branch should represent the country. He should not appoint the chief justice, the Attorney General, or the speaker. These people should be appointed by the Parliament.

Another question is should the constitution provide the removal of the President from his power while in office? Yes. If the President is corrupt, immoral or destroys the country's sovereignty he should resign. The procedure of his resignation should be. A vote of no confidence should be passed by the member of Parliament. E.g. the two third majority. And also, he should be charged in a court of law. And if found guilty, he should resign immediately.

Should the President be a member of parliament? Yes. The President should be a Member of Parliament. The relationship between the President and the Parliament. The Parliament should be able to have more power than the President.

And also the question concerning the Provincial Administration. We should have a Provincial Administration, and its roles should be to maintain law and order in the areas. They should represent the government and also report the problems in the area. They should be involved in the participation and development of projects in that area, and preside over the national ceremonies. Bearing in mind that their powers should be controlled by the Parliament, also the Provincial Administration should be appointed by the Government through the Public Service Commission.

My other point is about the rights of the vulnerable groups. The first question is, are the interest of women represented in the Constitution? No. To elaborate is that the women are suppressed by men and husbands. So they should be given freedom

from cultural bondage.

The next question is. Are the interest of people with disabilities fully taken care of? No. You see that in Parliament they are not fully represented. And so the solution is these people should be given loans easily, depending on their disabilities. And also their children should be given free education since we see that many of these people are not able to work. So their children should be given free education. Also braille should be recognised as a national language. For example, the constitution should be written in braille.

Another point. They should be allowed to contest for the presidency freely unlike the other candidates who are made to pay some amount of money. And they should be given free medical service. And the three concerns of people with disabilities is an area the constitution should address. This concerns the provision of their wheel chairs, and also education.

The constitution should guarantee and protect the rights of children by forming vigilant groups in the village and also forming a children's cabinet. But at the point of forming the children's cabinet, we have seen that there are already formed but the problem is that the children's cabinet only concentrates on the capital cities. It does not come to the rural areas.

The other vulnerable group. The old people. The old people should have homes, for people above 80 years. And they should be given free medication.

Other vulnerable groups concern the orphans. The orphans should not only be taken to be invested by private people, but also it should be the task of the government. Then, the other people although they are seen by the society as unworthy people but in other countries as America, they are people who are respected. The prostitutes. They should be given free medication, for example monthly check-ups. And also they should be paid Commission and given licences (people laughing). And to end with, the constitution should not favour anybody. Any questions.

Com. Mosonik: I just wanted to to ask you. You said the President is not to attend international functions. And supposing there was a meeting like the one in Durban now which is going on, of presidents only. What happens to Kenya?

Stella Kirui: The presidents only. If circumstances can force the President not to attend. But with the meetings like the one for COMESA or any other organisations, the ministers concerned about that should attend the meetings. Not the President.

Com. Aroni: You have given us qualifications for a President and which are very many. You also have not given him any functions. You have given a lot of functions to the prime minister, but you do not tell us what qualifications he should have. Have you thought about that?

Stella Kirui: The qualifications of the Prime Minister is that he should also be a graduate and the age should be like the one

of the President, that is he should be 35 years and the President to choose the Prime Minister before he goes to power. That means the Prime Minister should also be a member of Parliament before being chosen to be a Prime Minister.

Com. Aroni: Thank you very much. Evelyne Mitei.

Evelyne Mitei: My name is Evelyne Mitei a student representative from Siongiroi girls. I am in form IV. I am going to give views on the election system and process.

The election process to be practised in Kenya is the balloting system because it promotes peace and it is done in secret. This will eliminate the animosity between the voters or among the voters. Also the American system of politicians addressing citizens in a joint rally so that the citizens should be able to distinguish whom to choose. This is done in America and that is why there is peace in that country. And after this, those who are vying to get seats should organise their own rallies, after having a joint rally. This reduces the campaign expenses because the tendency of citizens to lie to politicians in order to be given money is eliminated. This also promotes peace because all politicians come together and any direct attack should be made punishable by law. The expenses on election expenses should be limited to promote economic growth because money is saved.

The system of election should be eased for those who are illiterate to avoid being conned in voting for people they do not propose. For example an old man goes to where the balloting is being done, then those who are concerned there lie to him to place the thumb on a different person from whom they proposed.

Also a day should be fixed for elections. This is for efficiency so that all the citizens should be aware of the dates.

Also the demarcation of constituencies and they should remain the way they are, because further demarcation means more expenses and candidates who fail to be nominated in one party should be allowed to switch over to another party which suits them so as to be allocated a seat. The opposition should not make the government propose unitary decisions just like the American government. This promotes peace inside and outside the Parliament so as to avoid cases where members of Parliament fight in the Parliament.

The rate on 25% representation, in at least five provinces should be maintained and also the civic, parliamentary and presidential elections taken more seriously to reduce the expenses which change the economy of the country.

Seats should also be reserved for the handicapped and the children. The representation should be done fully, so that the ministry should find those who are completely unable to help themselves. That is they are given loans according to their disabilities.

Children should be represented from all parts of the country. Because currently the bill represents children only from urban

centres. Yet we have children from the interior parts of the country.

Presidential elections should be conducted by the Electoral College. And the electoral process should be done as it has always been done. Because, it has always been effective. The Parliament before it ends should elect the election Commission and certain qualifications be made by them. That is the Parliament should decide what qualifications before they choose the electoral Commission who are going to conduct the elections. The electoral Commission should enjoy the security of tenure only during the election period and should retire after attaining 45 years old.

The electoral Commission should be funded according to regions they are also to serve. For example, if two electoral Commissioners are sent to Turkana, that part is a marginal area. They should be given more money than somebody who is sent to a place which is adequate. For example if they are agriculturalists productive. The electoral commission. Marginal areas should be funded adequately because of lack of resources.

Each constituency should have at least two Electoral Commissioners to avoid pressure on the economy of the country. Because they also need to be funded. So if commissioners are sent to a certain place during the election period, they should be two, to avoid the strain on the economy of the country. That is all I have. Any questions.

Com. Aroni : Yes. You are suggesting that we should ease or simplify the Electoral system. I would like to have your suggestions on how we can simplify. Then the next question. You would like children to be represented in Parliament. Currently assuming that a child is anybody below 18 years. Currently you cannot vie for a seat unless you are above 18 years. So how do we get children represented there? Then you have talked about an Electoral College. Who should we have in that college for purposes of presidential elections? You would like the Electoral Commission to retire after age 45. What age should we have for Electoral Commissioners ?

Evelyne Mitei: Also the issue of children. It is not that they vie for seats for Parliament, but you go to each constituency and then they choose their representative. Not campaigning for a seat in Parliament.

Com. Aroni: What will the representatives do? How would they take their grievances?

Evelyne Mitei : They will take their grievances to the district education officer. Then on the issue of the Electoral Commissioners retiring at 45, they also join the Commission at the age of 25 or may be after attaining the age of 18 years.

Com. Aroni: How do we ease Electoral system? The voting system you would like simplified? What is your suggestion?

Evelyne Mitei : The suggestion I would make for that is that those who are illiterate to be taught before they go to choose whom to vie for the seat.

Com. Aroni : Thank you very much. The next person is Sally Were a student. Is she there? Is Sally Were there? Mr. David Sigei. David Sigei.

David Sigei : I have one thing to say. My name is David Sigei from Siongiroi. The land. A person (one person) should have a maximum of 50 acres. Higher than that, that person should pay tax on the land because, a sincere person having more than 200 acres producing few things within his farm. I saw a person having 5 acres feeding the whole Kenya. So I saw that the limit of the land should not be more than 50 acres. That is all.

Com. Aroni : There is a question for you please.

Com. Mosonik : What happens to the rest of the land if the limit is 50 acres? What happens to the rest of the land.

David Sigei : The rest of the land should be possessed by the State because that person is not doing any thing to develop that land.

Com. Aroni : Please register. David Kosgei. And I wish to make an announcement. Once I call your name, I will not go back because we have very many people. John Ruto. Are you there. Since John Ruto is not there, I will call the next person. John Kimeto, Ruth Siele.

Ruth Siele : My names are Ruth Siele. I am representing the women from Kongasis. Our new constitution should have a preamble. In the old constitution, there is nowhere with the word she. The women were neglected and this time I think the old women who went to Lanchester House because she was locked outside. I thank God because this time we the ladies and the women gender were not locked outside.

So we the women of Kongasis and Chepalungu at large should be represented and recognised in the new constitution. A chapter dealing with women issues be provided for. The new Constitution should be gender neutral. The new constitution should aim at removing all forms of discrimination against women.

On citizenship, the new constitution should allow women to pass on citizenship to their foreign husbands and children, as it does to the men. On education, the new constitution should provide equal education opportunities for the girl child as to the boy child. Early marriages should be prohibited. Culprits and teachings of the same be penalised according to the law.

Forceful marriages on the girl child should be outlawed. The girl child to be left to decide on her own when she wants and if she is above 18 years of age, she has to decide on herself.

Cumpulsory free education to the primary level, be provided by the government. Early pregnancy should be out lawed by the constitution and if any, the girl child should be allowed to continue with her education. Any employed man concerned on the same should be sacked and the unemployed be sentenced severely. Age also should be considered.

Then we talk on transition of property. The law should be ammended to provide that all family land, even the one registered in the name of the husband should be registered in the names of both spouses. Women should be entitled to all kinds of property inheritance. On the side of widows, they should be well protected by the constitution based on inheriting their husband's property.

On culture, cultural institutions like poligamy, wife inheritance, the FGM and the inheritance of the girl child should also be out lawed by the constitution. This is to replace polygamy with child adoption, and to replace FGM with alternative right of passage.

Poverty eradication. The new constitution should address poverty from a gender perspective. These economic hard ships generally affect men and women differently.

Gender equality commission. The new constitution should provide for a gender equality Commission to address issues pertaining to gender. A spokesman or public protector. The new constitution should provide for establishment of the office of the spokesman to receive complaints from the public on non implementation of equality laws.

Then we touch on maternity and maternity leave. The new constitution should provide for maternity and maternity leave respectively.

Employment. The new constitution should provide for equal employment opportunities to the girl child and to the boy child. The terms and conditions of service be reviewed to enhance women participation. In case of retrenchment, women should be considered and should not be retrenched because they have more problems than men.

On violence, the new constitution should protect women against all forms of violence. For example the domestic violence, rape, rape within marriage and election violence.

On basis needs and basic rights, the new constitution should guarantee basic needs for women. This is for example health care, health facilities, child and maternity facilities, food and security, shelter, education for the girl child, security and water (which is a major problem for women).

Women with disabilities. The new Constitution should provide for the election of one disabled person to Parliament.

Local authorities. The braille and sign language be recognised in the constitution.

Traditional marriages. The new constitution should provide for a certificate for the traditional marriages. This should be approved by both parents of the couple. This certificate should be signed in the chief's office, witnessed by the traditional priest or the elder. The Constitution should outlaw a couple staying together for a period of time without proper marriages.

On free education, the government should also provide compulsory free education for the primary level, and especially for the girl child. The government should also introduce un-trained teaching staff as before, with all the necessary equipment, e.g. chalks, books, text books, pencils ----- and other necessary equipment as before. Thank you.

Com Aroni: One question. You would like the constitution to outlaw polygamy. I find that a contradiction to your suggestion that we should register all traditional marriages. Because I think traditions allow polygamy. So you cannot have traditional marriages recognised by the law and at the same time you are saying we should outlaw part of that tradition.

Ruth Siele : Okey. In these marriages, I mean the first wife should be registered.

Com. Aroni : What about the others? Because then that tradition that allows the woman and the man to marry traditionally, allows the man to take other wives. So what do we do about that? Do we outlaw traditional marriages completely?

Ruth Siele: No. In case it is very necessary, for example in our Kipsigis tradition in the old age, the first woman was consulted before the second or the third wife was to be brought. And it was very necessary the first wife was to agree, so I think this should stay the way it was.

Com. Aroni : We should have polygamy but the first wife consulted.

Ruth Siele: Yes, where it is necessary (people laughing)

Com. Aroni : And when do you think it is necessary in your view?

Ruth Siele : In case of bareness.

Com. Aroni : Thank you. Agnes Mosonik! Is Agnes here? Kama Agnes yuko hapa akuje. Hakuna. Haja ya kuandika halafu unaogopa Agnes.

Agnes Mosonik : *Kainut ikyuk kekurenon Agnes Mosonik.*

Translator : My names are Agnes Mosonik.

Agnes Mosonik : *ko kit ne kamache amwa kityo ko chepyosok chon matinye boisiekwak kinyanyasani ak kereben tugukwach che kibagaki boisiekwak.*

Translator : What I want to say is that widows are oppressed and they were left behind by the husbands are taken away from them.

Agnes Mosonik : *koyinye kamuget kikochi tugukyik kou ole kiibagata en koyoton.*

Translator : The constitution should protect the properties of widows.

Agnes Mosonik : *Mamache kiseret ak kereben.*

Translator : Widows should not be oppressed.

Agnes Mosonik : *kit ake kora chon kilelen kindie bik konyalu keyesio.*

Translator : wife inheritance should be outlawed.

Agnes Mosonik : *Kora kit age kou ng'alek ab imbarenik imuch koit bamurwek ak koreben kora.*

Translator : When the husband dies, the woman should be protected by the constitution, such that she has a right over the land that she will be left behind for.

Agnes Mosonik : *Ingoyam koten chon.*

Translator : And that is all she had.

Com. Aroni : Agnes asante sana for taking the courage to speak . Next is Anna Murusoi.

Anna Murusoi : *Ane kekurenon Anna chelangat neba arap Marusoi.Abunu olbutio.*

Translator : I am Ann Chelangat, wife of Murusoi from Olputia.

Anna Murusoi : *Ko en ng'atutik chuton, amwae agoba kamastab tibik.*

Translator : My contribution to the constitutional review process is on the girl.

Anna Murusoi : *Komastab tibik kemache koribwech ng'atutik kong'eten classit akenge akoi kotkotar lakwet taman ak oeng.*

Translator : The constitution should protect the girl child from standard one until form IV.

Anna Murusoi : *ng'andan kingen kora kele ingo mi kenyisiek taman ak sisit kokakoitita kora koik chito ne wo, konyalu kiyum lagochoton ak keng'alaji asiko testai ak somanet ak kogilge kora si ingoite kot ko chito kora ne kagonyor ng'amnatet.*

Translator : When they reach the age of 18, they should be brought together and advised on how they should continue with their education. And even if they go on to get married, they will have no knowledge.

Anna Murusoi : *Ko noniton ine ne kigile en tibik amun kigere tibik ko kogokonech rerebta en betusiek che koen.*

Translator : She's saying that girls have been an embarrassment to them for so long, under some circumstances.

Anna Murusoi : *Kemache kerib tibik kou noniton amun ye kagoitita kora katunet, kimuche kitun chito en kanisa kosiche certificate.*

Translator : Others are married in church and they get certificates.

Anna Murusoi : *ko ingitun kora chito en kap DC kosiche certificate.*

Translator : Those who get married at the D.C's office get certificates.

Anna Murusoi : *Ko ingitun chito en kipгаа en ng'alek ab segutiet ko tinye koraa baornatet kegur si gik asi ko kachi bichoton baornatet.*

Translator : And when they are married traditionally, they also have witness because their parents are there and they witness the ceremony.

Anna Murusoi : *Ko ng'aliot age kora ko ng'alek ab pilotit en kap chi komuche ko kinom boiyot cerficate, komuche koalda koret komami amune kemache kora kinde ng'atutiet asikobit komami chamchinet koalda boiyot koret komami ak boiyot kipakenge .*

Translator : What is happening now is that, title deeds are under the husband's name and the man can dispose of the land without consulting the wife. So before the husband sells any piece of the family land, the wife should be consulted.

Anna Murusoi : *Amun yonitgon k one kiko burburen bik edn olin ba gaa. Imuche koalda koret ak kobarun ketit asikobit komemuch itwegu chepyoset.*

Translator : Back at home, the husband sells the piece of land and threatens to beat the wife, so that you do not have any say.

Anna Murusoi : *Lakini kimache korib ng'atutiet yoniton asikobit keigu akenge ak boiyot amun ng'andan kikicherunen karasi boiyot kikiyanen kokiyaech ak kitupchech kei gun akenge akoi kot kobesyech meet.*

Translator : She is saying that the Constitution should provide for a clause whereby before the husband sells the piece of land, the wife should be consulted and even though there are urging that they were removed from the rib, the women were created to meet together.

Anna Murusoi *kobekyi yoniton si koberurech Jehova kipakenge.*

Translator : And that is all she has to say.

Com. Mosonik : *Uyon kemwa ile ingetunge en kanisa komi certificate en DC komi certificate kemache ile nyalu komi akine certificate en kipgaa?*

Anna Murusoi : *En kipgaa kokikitunengei segutiet , lakini en katunet ne kitai kokitakoyame baornatet amun kikituni lakwet komi kwanda ko akomi kamet akomiten ng'et ab kamisiek. Ko en kasari, komuti amakotuni, makingen laini ingo katun ingo matun amun ma mwau.*

Translator : Commissioner Mosonik asked her whether traditional marriages should be given certificates. What she said was that nowadays people get married at the D.C's office or they do their weddings and they get the certificates. But they don't even look like they are married. And then she said that in traditional marriages all witnesses are there, and a marriage is conducted. So they should also be given certificates.

Com. Aroni : Asante. Rebecca Kirui.

Rebecca Kirui : Thank you very much. My names are Rebecca Kirui. I am representing women from Kaboni sub location. I see that almost all women views are almost the same because those that have been said here are the same. I am going to tackle women and girls as vulnerable groups.

There is a circumcision which is going on in some communities and it is disturbing the girls so much. So sometimes a girl may go away to their relatives and be circumcised and she feels so big and she cannot continue with education. So at this time we want the constitution to do something about that.

We want to see that a woman circumcising somebody say without permission from the parents should take a severe punishment by imprisonment for seven years (people laughing). And another thing is that women and girls are misled. This is going on in our community and sometimes since you cannot go to do something or represent something to the government, sometimes you start with the Chief and they tell you to give something. So you wonder who you want to see. Give us an easier way. May be it is going straight to court instead of going to the chiefs and say something and yet you are suffering. So this should be done by the government to give something simple. And on top of that, that person should be imprisoned for life and (-----inaudible).

The second point is education. All children should be educated equally. Not discrimination on female and male.

Early marriages. Girls should not be married until they finish school, and are mature enough to be mothers. Anybody impregnating a child should marry her or face severe punishment and take care of the child until he is over 18 years. There should be no beating of women by husbands on mistakes made by them. Instead, they should sit and solve their problems by discussing over it. Also the following procedures to be taken.

- (i) Youth discussing groups with a few elders since they cannot solve
- (ii) the matter.
- (iii) Their parents to hear and try to solve the problem.
- (iv) Village elders to solve this problem it proves so hard for the parties to solve.

Inheritance. Inheritance of women in some societies should come to an end. If a husband dies the woman should take care of the wealth and not relatives or parents of the husband or even their clan. The government should intervene in case the widow is robbed of her husband's wealth, if procedures are true for a widow who is legally married to her husband, customary, or marriage act.

Land and property. The two struggled hard and since they bought land together and then the man marries a second wife, she is not entitled to share this land with the first wife. But the husband should buy land for the second wife elsewhere.

If possible the Title Deed should show the names of the spouses. And someone has said, a man may be selling land, bringing people whom I do not know, but since we have the Title Deed, I will have to go to court and claim the land back.

When I come to the girls again, a girl who is not married should get a share of the land from her father's land. As we see in our Kalenjins, only they keep land to the sons and not the girls. The new constitution to do something about that. If the father dies and the brothers take back this land, they should face prosecution in a court of law.

Com. Aroni: Please let us allow her to speak. Tafadhali tumpatie nafasi. Na wamama kila mtu atapata nafasi ya kuongea.

Rebecca Kirui: If this girl late gets married, still that farm or land remains hers because some people when the girl is married,

they have got to snatch the property and telling her that she is married and no longer belongs to the family. That the father has given her the property.

A girl should not be forced to be married by a man who is not her choice. We have seen in our place that some girls are beaten and forced to be married to the people who they do not choose to be their husband's and they are suffering. If a girl is married to a husband and later divorces, the man should take care of all the children owned by that woman until they are big enough to take care of themselves. Thank you. Unless there is any question.

Com. Aroni : Just one question. In a lot of places we are told that we should out law widow inheritance. I am just thinking supposing we say we out law it if there is no consent by the woman because we are assuming that all women do not like being inherited. I do not know whether that is the position but do you see that we will be denying a women who does not mind a situation like that from her right.

Rebecca Kirui : I can say if she does not want, she should not be forced. But if she chooses to do that she's free.

Com. Aroni : Thank you very much. Stephen Ngeno. Do we have Stephen Ngeno? Please register and hand in your memorandum. Thank you.

Stephen Ngeno : My names are Stephen Ngeno. I am representing the vulnerable group i.e people with disabilities. I am a teacher handling pupils with disabilities.

Persons with disabilities should be integrated in the society and enjoy all the rights and privileges like the normal persons, In all aspects in life whether social, political, culturally, economically etc. We need the following issues to be incorporated in the new constitution.

Education. The constitution of Kenya should provide free and compulsory education to all levels of people with disabilities. The government also should provide learning equipment and materials to institutions of children with special needs. The government also should build a multi complex institution in every district in Kenya for children with disabilities and those of severe conditions so that they can cater for the disabilities. When I saw multi complex, I mean an institution that will cater for the mentally handicapped, facially handicapped, physically handicapped and other disabilities.

The constitution should also provide attractive salaries to teachers handling children with special needs in terms of salaries, allowances etc.

Health. The new constitution should provide for free medical care to persons with disabilities and their families for the married individuals. And the same should be given first priority during treatment. In the new constitution also, it should be provided that

every district hospital should have a special list of all body organs so that these people with disabilities can be catered for. For example we should have a physiotherapy to attend the physically handicapped. Oculomology to attend the ones with facial impairment and other disabilities. Also we should have at least a doctor with a disability in every district hospital so that he or she can advocate for the treatment of these people with disabilities, because he or she is the shoe wearer and knows what the others experience.

When we come to the medical bills, the government should provide free medical care or in case the government cannot guarantee that, NHIF should pay a 100% of the medical bills incurred by persons with disabilities and their families for those who are married.

Job opportunities. The new constitution should ensure that 10% of job opportunities available, whether in private or public sector should be preserved for people with disabilities who qualify for the same. And application form for employment should reflect the same. That is it should have a place where you can indicate if you are disabled or not. Also we should have a job placement officer, in every district to assist persons with disabilities in seeking and securing employment. And the public service Commission also should have an officer in charge of employment of people with special needs.

Rehabilitation and abilitation services. The new constitution should see to it that a rehabilitation centre is built in every district that caters for persons with various disabilities. And the same should provide free services to their clients. On the other hand, the centre should offer variety of courses catering for different qualifications.

First priority, should be given to persons with disabilities when employing instructors, trainers, in these rehabilitation centres. Also the graduates from the rehabilitation centres should be employed. If they are not employed, they can be financed so that they can run their own private business in form of workshops in various districts. So that they cannot be found in corners in the streets begging. A post of the director for the rehabilitation persons in Kenya should be created and first priority should be given to somebody who is disabled.

Assisting devices. These include wheel chairs, special shoes, clutches, brailles, glasses, and other devices that are used by the disabled. They should be provided free of charge by the government. And if they are imported, taxes should be waived so that they can afford to buy these assisting devices.

The use of current technology. Information technology is applied in all offices dealing with persons with disabilities for provision of vetting services and proper networking with other parties in provision involved in assisting them.

Financial support. The new constitution should empower the disabled economically, by creating avenues that can allow them to assess loans very easily without a lot of guarantors. They should also get access to land. The disabled should be given land

or settled by the government.

Sports and recreational facilities should be available also for them from the grass root level. Accessibility to information and communication in the physical environment. The constitution should establish at least one school for the disabled so that it can be a pilot to tighten communication in every district in Kenya.

The architect also are to be trained in such a manner that they can design buildings that can allow the disabled persons easy access to every place in the environment.

Also we should have special seats in the matatus for the physically handicapped and in big cities like Nairobi, Kisumu and Mombasa we should have a bus pass to all people with disabilities so that they can get access to transport very easily because there is a lot of congestion.

On mass media, radio, TV, churches and the rest. The government should ensure that there is an interpreter for the people who are deaf i.e the sign language so that they can get to know what is going on in those areas.

The government should also pass a law that when they are travelling, those people who use wheel chairs are not supposed to pay fare for their wheel chairs. Wheel chairs are not part of their bodies, but just a means of communication. So fares should be waived or not allowed for those who use wheel chairs.

Com. Aroni : Mr. Ngeno I want to ask you to give us your last point. Summarise.

Stephen Ngeno : My last point is their general welfare. These people should entail that on instructions from the government, we should have federal government for the Prime Minister and the President. And the two offices should share the powers equally.

Com. Aroni : Thank you very much. We will read the rest. We will take time to read your memorandum. What you have not read. Thank you. Cornelius Kirui! Cornelius please do not say too many things. We intend to read your memorandum. Try to summarise in three minutes.

Cornelius Kirui : Okey. Thank you very much. My names are Cornelius Kirui. I am the Chairman, Catholic Church St. James Parish. I will just summarise my presentations. First of all the christians felt that with the freedom of worship, all denominations must be registered and be licenced to practice, so as to check on other forms of worship detrimental to the society or community at large. Under case here is the devil worship.

The others we touched on the council. The county and the principal council. We felt that the council should be accountable to the local community where revenue it collects. Councillors should be educated at least up to form IV level. The chairman of the council or the Mayor of the Municipal Council should be elected by the councillors and should not lean towards any politician. They should also serve for a period of five years. A nomination in the council should represent special interest. Youths, women and the disabled.

Land and property. Acquired land should be repossessed. Acquisition of Title Deeds should be made simple and cheaper. Public utilities like schools and churches should be custodians of their own titles as opposed to the County Councils.

And then another area which is very sensitive is the agricultural. Local producers and manufacturers should be protected by the government against imported goods or farm produce. Importation of milk should be stopped to promote local dairy industries or maize importation should be stopped to promote our own national cereals and produce board.

And then the other part is the judiciary. The village elders should be recognised and remunerated by the government. We have seen over the years that these village elders facilitated so many cases and they have been able to make people live in peace and harmony.

The other one is the projects. The local communities should participate in the deliberation and proposals of the projects in their area. That is roads, schools and hospitals. And a tendering system of the public projects should be transparent.

And the other part that we touched on is the public property. Government vehicles should be used only on public jobs as opposed to private use by the public servants. All tickets of vehicles should be closed on Friday at 5.00 p.m. All vehicles should be parked at their station of work. Civil servants should be assigned only one vehicle of engine capacity 1800 cc to economise fuel. And then condemned houses should be renovated and rehabilitated by the government. We have seen these condemned houses being repossessed by people through corruption means. All public interest pieces of land, dams, should be repossessed and entrusted to the local community.

And the last part here is the public health. Management of health centres should be entrusted to the local community. Drugs should be supplied direct to the facility or the area from the national headquarters. That is the central government. All the health centres should have an ambulance. And members of the local community should be in charge of the property within the facility. And also, the accounting officers for the money that is in the facility is generated.

And lastly, there was something on education. Nursery schools should be integrated with primary schools and the nursery teachers should be paid by the teachers service commission. Thank you.

Com. Aroni : Thank you very much. Please register and hand in your memorandum. David Marsoi!

David Marsoi : Thank you very much. My name is David Marsoi from Leiten. Mine is very brief and first is about the citizenship. An automatic citizen of Kenya should be one whose parents are also citizens. And those seeking for citizenship should seek other (----- inaudible) service as usual. And the Chiefs and Assistant Chiefs are there to look into whether they are true Kenyans or they are foreigners. Another thing here is busaa at the social centre whereby people can socialise and this habit should be abolished. This will reduce the prostitution and these other diseases like AIDS and other killings or quarrels and such.

The provincial administration should remain almost the same whereby Chiefs should remain under the Executive as before. Chiefs and Assistant Chiefs should be given the authority act because of the more clients which have come up with better times. This act will enable the Chief or the Assistant Chief to issue a decree more efficiently than when it is not there when it was removed before. In the land Act, every member of the family regardless of sex should inherit the family land. Except for women who are married to other families. In this case the female and the male children are equal and to the land property of the family.

And on education all children should be educated in every field of education. This is in electrical, medical or such. They should have the same education, regardless of sex.

In regard to equality. Women should be equal with men. Only under some basic facts. There are some cases which are not possible. For instance, in a family, the head of a family should be the male, unless there is no let us say a woman, she is married or and women always should be the seconded to the family heads. Thus most of the properties should be held by the father of a family. Most of the family property should be held by the father who acts like watchman. Women cannot be watchmen. It is not possible unless (-----inaudible.) And the village elders after doing most of the cases. Land disputes and other small cases. They should be given recognition on the work they are doing.

Com. Aroni: Please give us your last point.

David Marsoi: Thank you very much.

Com. Aroni: Mr. Marsoi please register. Wesley

Rotich. Thank you very much. I am Wesley Kimp'eno Rotich from Korasis location. This is the memorandum from Korasis location.

Preambles. We need a preamble in our Constitution which shows respect for fundamental rights to remove all forms of discrimination. In our preambles, we should state that the Constitution is supreme. And the Constitution is by the people, for the people and from the people.

The Constitution. The constitution should be amended through a referendum. Not 65% of MP's. It should be people driven. Constitutional day should be set aside to reflect on abuses of the Constitution. There should be a Constitutional office to handle the referendum and other Constitutional matters.

Citizenship. There should be no dual citizenship as it is the case.

Defence and National Security. Disciplined Forces should be established in the Constitution. Parliament should be consulted before declaring war. Reasons for the war should be given and also the magnitude and the scale of war. External Armed Forces should be allowed to carry out their military operations in the country by the President after consulting the Parliament.

Political parties. Political parties should be registered without any limitations. And should be allowed to unite and dissolve naturally at their own will. They should seek their finances from donors which should be purely money, and not other dangerous materials like weapons.

System of government. We should adopt a federal system of government in which there is a central government and regional government. We should empower local authorities. High grade system of the government with the President and Prime Minister sharing powers, in which the President is in charge of the Presidential appointment, have the power to dissolve the Parliament. And the Prime Minister should be the head of the government. All government appointees like Permanent Secretaries, the head of parastatals, judges of High Court, Chairman of Electoral Commission should be appointed by Parliament. The President should declare his running mate, who will be his Vice-President to show (-----inaudible).

The ministries like education, health, agriculture, finance, defence should be handled by professionals in that particular field, from among the members of the parliament. All the leaders should have a clean truck of record.

Legislature. And this should remain part time in their jobs. The requirements for contesting parliamentary seats, presidential seats and civic seats should remain the same. 21 years for an MP, 35 years for president, except that 75 years should be retirement age for the President. Academic qualifications should be presented in form of certificates, in case of the members of Parliament requesting for registration.

There should be no language test. MP's should be given five years full term without interruption. MP's should follow their constituents need when acting. There should be a national scale to dictate the salaries of the MP's, and all kinds of civil servants.

Parliament should not have the authority over their salaries. In a case where the MP's just increase their salaries abruptly, an

office or department dealing with salaries be established to determine the salary. MP's allowance and salary should be reduced to match with the economy. Three of the twelve dominated members of Parliament should be from the church. The catholic, the protestant and the Muslim. Others should be chosen to represent the disabled, women, youth, trade unions, farmers, business minority and other groups. They should not come from any political party.

Com. Aroni: Please summarise.

Wesley Rotich: Women should be elected through competitive bodies. There should be no provision for setting aside special needs for women. All citizens should be subjected to the local processes when a free President should be impeached or Parliament in case of abuse of power. Parliament should regulate the scale, by having its calendar running for the whole five year term. Public should be made aware of this. Election dates (interjection)

Com. Aroni: Thank you very much. We shall read the rest so that you can give an opportunity to other people. Thank you. John Mutai!

John Mutai: Jina yangu ni John Kipkorir Mutai kutoka Olputia Konasis location. Yangu ni kuhusu Wabunge ambaye wameteule.

Ya kwanza wapatiwe Catholic moja, Protestant moja, Wa-islam moja. Watu ambao hawajiwezi, wapatiwe moja. Na vijana wapatiwe moja. Mama moja apatiwe kiti hicho. Lakini hawa wote ni wasomi. Sio watu hivi hivi. Ni wa somi. Nimesema hivyo kwa sababu, nimeona wakati mwingine magazeti imeandikwa na maskofu na wengine kama wa-islam hasa kuhusia Mbunge yetu. Hiyo ni mzuri, lakini nataka watupe wakiwa ndani ya Mbunge.

Ya pili ni mambo ya mahakama. Mahakama ilianza na gazi ya juu sana ambayo ni ya wenye pesa. Na kuna watu ambao hawana uwezo wa pesa. Ni vizuri kila Assistant Chief achague wazee wawili. Assistant Chief wakae na Chief wapatiwe case ya nyumbani. Ikiwa ni ya shamba, shamba tuko naye kwa location. Lazima twende tuangalie shamba. Mambo ya case case ndogo ndogo kama hii ya uji ya wazee, imalizwe nyumbani kuliko ivulutane pale. Halafu hawa wazee ambayo wamechaguliwa wawe na pesa. Wakisha kaa na chief, wawe na pesa. Lakini ikisemekana pesa hakuna, hata kwa ma-charge kubwa kubwa pesa ikose mpaka juu ya mahakama yote. Sio chini. (people clapping). Nimesema hivyo kwa sababu ushauri case mingi inakatwa katika kotini kuu. Na inasemekana, mwenye alishida case, ni yule alikuwa na pesa. Lakini maskini hawezi lipa kitu ya mahakama kuu. Iaziwe nyumbani. Halafu mlalamishi akiwa na analalamika, chai mwenyewe itakuja simama mbele ya wazee wale wamechaguliwa kutoka sub-location. Hiyo naneno ianziwe nyumbani. Kila moja asikie hata yule mtoto ajui sheria asikie.

Tatu. Mambo ya mashamba. Hii mambo ya mashamba ambaye iliweka na serikali ya utafiti. Zingine ni kaburi, zingine ni mahari tunatoa maji. Wakati huu, watu wengine waliingia na mambo yao wakachukua hizo mashamba ya matifiti yote sijui ngombe, mbuzi, ngaru, nini wakachukua kuwa yao. Hata pia wakaingia kaburini, mtu akilala samani isiwe huru. Wamesumbua kwa

lazima mtu aende ajenge nyumba mahali hapo. Na hapo ni makosa. Hii mashamba yote (-----inaudible) saa nne, saa saba, inatangazwa kwa radio shamba yote ya serikali iko mkononi mwa serikali.

Com. Aroni. Jiandikishe pale tafadhali. Next is Stanley Rotich.

Stanely Rotich: My names are Stanley Rotich from Konasis location and I am representing the youth.

I am starting from preamble. We need the preamble. We the people of Kenya acknowledge our struggle for uhuru and bearing in mind that the ethnic and cultural diversity, play to promote the following:-

Sovereignty and (.....inaudible) intergrity. Respect for women dignity and fundamental human rights.

Gender equality. Avoid all forms of discrimination, injustice and rule of law.

Social justice, good governance and transparency should therefore be put in the Constitution. May God bless Kenya.

Constitutional supremacy. We do not want the 65% majority rule. This is a liberal based constitution. This should be preferred by the Asians in Kenya. The Constitution should also avoid and refuse the amendments made by some few individuals.

Thirdly is citizenship. Dual citizenship should not be allowed by the Constitution. That acquiring of citizenship should be a guarantee for lease board in Kenya. And then it comes to legal documents as a means of identification. The completion of such forms should be simple and that they should be attainable at the district level. Secondly use of any other professional services are required abroad should be allowed to do so by any channel like visas. But acquisition of such documents should be specified. Accountability and transparency should be enhanced in acquiring of such documents. Foreigners should be allowed citizenship on a condition that they have about 25 million shillings in their accounts.

Political parties. Political parties are cited for imbolisation, but also not only for mobilisation but also for economic development, as they improve the living standards of the people. Political parties should play an important role in educating their members. And therefore, their numbers however should not be limited. But we should not ignore the fact that there are practically (-----inaudible) through a natural course. So to avoid this, the constitution should have a minimum of not less than 4 parties.

For instance, we have KANU matching with NDP, to form what they call New KANU. DP, SDP, FORD KENYA, formed the National Alliance for Change. Those people swallowed the (----- inaudible) forming the FORD people. The relationship between these parties is that the parties should not be allowed to form the government. They should play the role of (-----inaudible) as to the ruling party. The ruling party should not use the state machinery for their own benefit like in India.

System of government. The Constitution should allow a federal form of government. This is very vital because it brings the

services near to wananchi. The actual powers of this form of government should be from the central, regional and the local authorities. Power should be (interjection)

Com. Aroni: Please wide up now!

Stanley Rotich: Okey. Let me finish on the system of government. The constitution should adopt a parliamentary system of government, where we have a President and a Prime Minister. The two should share powers as follows:-

The President should be the Commander in Chief of the Armed Forces, should appoint the Vice President, and then ministers, and should appoint also the vice chancellors of all public universities. The Prime Minister should have the following: The head of civil service, should appoint Kenya government officials, should also nominate the permanent secretaries and ambassadeurs.

Com. Aroni: Thank you very much. We shall read the rest of your memorandum. Please register. John Maritin.

John Maritin: Yangu ni kuhusu wale ambao wamestaafu, yani retirement.

Jina langu ni John Maritin kutoka Konosisi location. Ingekuwa mtua akisha staafu, akifika nyumbani, miezi mitatu inatosha kila kitu kumuchukia huyo mtu. Kwa mfano, kwa sasa mtu anaweza maliza hata mwaka, hata miaka miwili mbila kupata hiyo kitu.

Okey. Pensioner. Ikiwa mtu ameenda kwa bank, na anakuta cheque yake haiko, wiki mbili inatosha hiyo cheque kumfikia huyo mtu. Kwa mfano. Mtu akienda bank labda ilikuwa ni computer error. Hiyo cheque inaenda hata miezi mitano. Kwa nini na iko speed post. Na akipiga simu saa hiyo, hatua inaweza chukuliwa. Hiyo ndio yangu.

Com. Aroni: Asante sana mzee. Jiandikishe tafadhari. John Korir. John Korir!

John Korir: My name is John Koriri from Konosisi location. I will start with local authorities. Councillors should have a minimum academic qualification of at least form IV level.

Second point. Civic and Parliamentary elections even Presidential elections should be done at the same time. Established councils should not be dissolved by the Minister, or the President, or Prime Minister, but instead by the act of parliament. Education. There should be free and compulsory education upto standard eight, until teachers should be introduced and in service course to be introduced over the holidays. Natural resources should be protected by the government. Security. There should be guaranteed security for all the citizens.

Land. Unused land should be distributed to the local people. People with large pieces of land should be leased to the local people to facilitate food production. Individuals should not owe more than 50 acres of land. Land should be inherited by all the

children regardless of sex. Process of transferring land should be simplified and made cheaper. As long as there is evidence, on ownership to those claiming.

Management and use of natural resources. The new constitution shall spell the management and use of natural resources both to the point of executive to avoid fraudulent. Hence Parliament shall vest those powers as it is adequate enough to remove benefit of doubt. The disbursement of benefits accrued from natural resources should be done fairly enough, without favouring the community surrounding a little bit. The office of the controller and audit general be constitutionally elected, to produce adequate and clear audit statements, and they shall be appointed by members of Parliament, and approved by the Parliament.

Cultural, ethnic, regional diversity and communal rights. The new constitution shall protect the distinct elements that portray the existence of certain culture. Such as audio, dialect, idlect and these promote indigenous culture and community as a distinct social group per and characteristics. National intergration should be spelled by the new constitution through inter-marriages, promotion of common national languages, and intermingling in national institutions, such as schools. Indigenous languages should be quoted by the constitution as no language is intra viable to another as no culture is ever pure in itself. Teething the viability of Ministry of Social, Culture and record of linguistics.

Statutory governance. Effective participation of all people should be encouraged by the constitution. The NGO's and other organised groups, should play a role in implementing the government policies, at a grassroot level. They should also be watch dogs on government affairs. The civic society organisation should freely regulate itself in according with the law and they should perform through local authorities.

Finally, environment and natural resources. The new constitution should spell clearly, on how it will protect its environment and natural resources, based on the government under the Parliamentor overseas and communities surrounding those natural resources be the parameters. Thank you.

Com. Aroni: Please register and hand in your question. Barta Arap Murgor.

Barta Arap Murgor: *Kainet ko Barta arap Milgo.*

Translator : My names are Barta Arap Murgor.

Barta Arap Murgor: *Ayabu location ne ba chebunyo.*

Translator: I am from Chebunya location.

Barta Arap Murgor: *Ng'aliot namache ang'alalen ko neba lagok che kikis ich en korik.*

Translator: I want to talk about children born out of wedlock.

Barta Arap Murgor: *Lagochoton komugase komi tibik che matagotun chi konyalu kesir en Katiba kele siche imbaret en konywan ole kikisiren.*

Translator: Girls who are not married and are at home should inherit land from their parents.

Barta Arap Murgor: *Ng'aliot ingo ko ng'aliot ab Majimbo. Ng'aliot na mwae en Majimbo, manyalu ketinye Majimbo.*

Translator: On federalism, my opinion is we should not have a federal system of government.

Barta Arap Murgor: *Ng'aliot ake ko ta kisir en Katiba agoba Harambee ne taretengei bik en emet.*

Translator: The Constitution should also be written in the constitution about harambee.

Barta Arap Murgor: *En lewenisiosyek konyalu kesir si ke nyoru kura nokibare ba maoni.*

Translator: Before elections, we should have kura ya maoni.

Barta Arap Murgor: *Ko en bounindet ne bou emet konyalu kepie boisionik. Nyalu kobagachi Parliamentboisiosiek alak ne muche kokere Parliamentchito oko kanyalu kokeregei Parliamenteken.*

Translator: The President powers should be shared between Parliament and the Presidency like the forming of parliament. It should be Parliament which dissolve itself.

Barta Arap Murgor: *Abakaken yoniton , kongoi.*

Translator: And that is all he has to say.

Com. Aroni: Asante sana mzee! John Langat from Itembe. Is he here? Peter Keter.

Peter Keter: *Kainet ko Peter arap Keter kongeten Itembe.*

Translator: My names are Peter Keter from Itembe .

Structure and systems of government. We should retain the Presidential type of government. We should not adopt a Parliamentary system of government, in which a Prime Minister is appointed from the majority party in Parliament and the President remains more or less ceremonial. Powers of the President should be:- commander in Chief, should elect his Vice President, to Elect Cabinet Ministers, appoint the Chief Justice. We should adopt a high grade system. President powers.

- * Appoint chief Military Officers,
- * Appoint Vice Chancellors after being accepted by the Parliament.

Prime ministers powers.

- * To run government affairs.
- * To head Parliament

We should adopt a federal system of government in which the executive and Legislative authority is split between the Central Government and split in regional or other units. This is to take power closer to the people.

Com. Aroni: Asante. Jiandikishe. Joseah Kilong (absent). Wilson Towet (absent), Kenneth Ruto.

Kenneth Ruto: Thank you very much. My names are Kenneth Ruto and I am a job seeker.

First I comment on the legislature. The minimum qualification for an MP should be at least a graduate. The moral qualification should also be considered. He should not have no criminal record, or may be have been indicated in any corrupt registration, before he is vying for the seat. I propose that the contestors for the Parliament should register themselves may be six months before the election date. The Parliament set up a Commission which would hold public hearings to investigate their past, whether they have been implicated in anything.

Second. The non performing MP should be recalled by their constituents. At least here, the constitution should state clearly the functions of an MP. If the MP fails to perform some of the functions which are clearly stated, he can be recalled by the Constituents.

Thirdly. The MP should not be appointed by the Ministers. This is because once they are appointed as Ministers, they will be so much absorbed with their ministerial functions. Their constituents will be left unattended to.

Fourth. Employment. The government should at least give everybody a chance to be employed. This can be done through, may be civil servants should be allowed to work may be between 15 to 20 years then there are retired. After retirement they should be given at least some substantial retirement package so that they can start their own businesses. Keep up themselves when they retire so that us job seekers will be given a chance to work also. So that after 50 years may be we are given, we also retire and others come in to take over. The government also on employment, the government should have enough money for financing the small micro enterprises sector, which is the current largest employer in so that us we can get a chance of being employed.

Lastly, on the vulnerable groups. Women rights have been complained about that there are not given any consensors. I cannot see the reason why they are saying so because everyone who went to school went to the same class, we did the same subjects.

In college we did the same things. I do not see why there are saying they have been discriminated against. May be only women like in electric positions they have not taken their chances to provide for the same. Thank you.

Com. Aroni: Thank you very much. Please register. Rosemary Chuma. Stephen Gichuhia.

Roselyne Chuma: My names are Roselyne Chuma from Siongiroi school. I am representing my class Form III A. And my first point concerning controlled supremacy . I suggested that even though the Parliament should ammend the constitution as usual, the public should be involved in this so that they can also air their views.

On the basic rights. The constitution should protect health care, security, education, gender group and employment. These are the basic rights to all Kenyans. In connection to that, on health care should be widely distributed in all the country even the interior. Even professional doctors should be put in health centres in the interior parts. There are only concentrated in towns or districts.

In education, the new constitution should offer free education to all the old students, from nursery school to university level, depending on the status of the family or when the parents cannot be able to educate the child. This is because, some people are (-----inaudible) because of the poverty that they did not exploit the chances and they may have become the leaders of tomorrow. So there be a possibility of educating students from nursery school to university freely.

And on employment. On job employment, I think the new constitution should begin on that. The employed are employed according to studies and through giving services. Employment should be offered to people accordingly. According to the grades people get the jobs they deserve. Not through the back doors. And also a person gotten being bribed or (interjection – those who are talking you can do it outside so that we can continue) bribing he should be sacked immediately. We were dividing the (----- inaudible) even do not have any information concerning the same. Whereby while other people who are graduates in the same courses have degrees or certificates in the (----- inaudible) with no jobs.

Management and use of natural resources. I think the new constitution should consider well distribution of natural resources.

This is such as schools without electricity. For instance electricity. In other parts, like a junior school does not have electricity while other schools especially in urban areas have enough resources like electricity even in the pavements while some other schools does not have even electricity in the bathroom or there are using lamps in their studies. And above that I would also suggest that when the KCSE paper comes, it will be the same all over not that the government will consider that children learning in those schools which do not have enough resources are going to be given another paper, yet it is the same same KCSE paper.

Declaration of university students or university grade policy. There are going to say that such and such price (according to

university) to such and such courses. In these schools which do not have resources, there are being compared with those schools which have all facilities on educational resources. Again we get the same grades and those who (----- inaudible).

I think the new constitution should consider the school which does not have enough resources, or the learning resources, different places or university grades so that they may also get advantage. Also in the basic rights, women do not have enough rights. We mentioned that women should own property if she is not married. In case she is not married I think she should own property because if (-----inaudible) there is this woman, there is -----inaudible. We should have a right to own property. And also in the Parliament, I think a lady should also vie for the seat. If the President is a he, the Vice President should be a she. Thank you very much.

Com. Aroni: Thank you. There are no questions.

Lilian Chepkemoi: Thank you very much. My names are Lilian Chepkemoi Kosgey from Siogiroi Girls. I am representing form 3 A.

I points go to environment and natural resources. And my points are the environment protection issues should include the following in the constitution.

(i) Wildlife including plants, forests. The cutting of trees should be avoided. In the case of animals, pouching should be avoided. In water bodies regulation. There should be proper use of usage of water resources. In the mineral, there should be exploited by the government alone. That is to avoid over exploiting. Also as for the government, it will benefit everybody, i.e all the citizens. In the case of grazing land, the over grazing and cultivation should be avoided completely.

The Ministry should have the powers to enforce the laws governing the protection of the environment to the Ministry of environment and natural resources. All the citizens should own natural resources. This is because all the resources are for the beneficial of each and every citizen in the country. The role of the local communities in management and protection of the environment should be responsible for maintaing of the environment, i.e by keeping it clean and making it to be suitable for human accomodation.

Also we should participate in environment protection by not wasting them. There should be proper usage of the natural resources. The natural resources which should be protected by the Constitution are wildlife atmosphere in case of gases being emitted from the factory, they should not be disposed to the atmosphere because there will be poluting the atmosphere. Water bodies, minerals, forests and rain drains. The citizens should be responsible for management and protection of natural resources, as there are the owners of it.

Natural resources should be managed and protected as follows. The people should be educated on the importance of protecting the natural resources.

The next point is providing substitute or (-----inaudible) so as to curb the destruction of forests.

Proper disposal of sewage. Even in our case, (that is my constituency Chepalungu), the disposal of the sewage by the hospital staff. They should not relieve their disposals to the river. That is Chepukulo (people clapping) and the water for that river is being distributed to many parts. Not only that also the other industries should not do the same. Proper disposal should be found.

Another point is the gases produced by the industries should be purified. For example they should be regenerated to other useful things, other than being disposed and pollution to the air.

The next one is irrigation should be established in ranged land, even bore holes especially here in Chepalungu. The new constitution should look upon that and the other sides such as Turkana areas.

Resettlement of people from congested areas for proper usage of land in scarcely populated regions. This is to avoid the spreading of diseases, and other things. Thank you.

Com. Aroni: Thank you very much. The next student is Joan Chepkenoi.

Joan Chepkenoi: Thank you. My names are Joan Chepkenoi from Siongiroi girls. I am in form III. My views are on cultural, ethnic and regional diversity and commercial life.

About Kenyan cultural, ethnic and regional diversity, does not contribute to national culture because Kenyan culture values things on national instability, such as clashes, national conflict, and racial differences.

The Ministry of Culture and Social Services should ensure that all the cultural diversity are catered for to bring about unity in community by giving each community rights to practise their culture. Hence bringing the sealing of racial differences. Culture and ethnic diversity should not be protected and promoted in the constitution. Because it might cause cultural conflicts and clannism against racial differences.

I consider myself part of a distinct social group because as a female, I feel that our rights are not fully catered for. This is because, we as female live under the power of men. Also the issue of clitorisation for girls and women should be abolished. Also women should have more seats in Parliament. If we can have a male as a President, why not have a female? The constitution should ensure that our interest as a distinct group are fully catered, by arresting those who force girls to be circumcised. Also by giving women their rights. Hence not be under their husband's rule. About married, there should be fair customary laws hence should be respected and awarded with certificates. About property, all children should have a right to inherit their parent's property. Whether there are male or female. About the national language, we should have two of them,

that is English and Kiswahili. The Constitution should not recognise and promote indigenous languages because it will bring about tribalism, nationalism hence bringing conflict and warfare between citizens. Thank you.

Com. Aroni: One question. The last point that the constitution should not recognise the indigenous languages because they will promote tribalism and so on and so forth. How does that happen because I believe we all have some mother tongues? And we are asking whether the constitution should recognise that we have various ethnic groups that have different languages. How does that create tribalism?

Joan Chepkenoi: Because let us say now if we promote the use of a certain language may be they would be favouring one community.

Com. Aroni: Thank you, Next is Divina Nyariki, a student. Is she here. Emily Chepkoech.

Emily Chepkoech: My name is Emily Chepkoech from Muchogiro girls. I am in form one. I would like to talk about the rights of honourable courts. In our current constitution they do not provide special provision for the rights of some people. Women issues are not fully addressed in the present constitution. I would like to say that in our new constitution, there should be gender equity. If a President is he, then the Vice-President should be she.

My second point. The interest of people with disabilities are not fully taken care of. Some institutions made for the disabled people are nowadays used as normal schools. We see that some people are taking children, yet they are of good shape and those disabled people are suffering, yet those of good shape are taking their chances. In the side of leadership for the disabled people, they should also be elected to be members of Parliament so as to express their feelings fully.

Again I would like to talk about the rights of the children. The rights of the children are not fully taken care of in the current constitution. The children have a right to be educated but you can see back at our villages there are some children who have never even seen how the class looks like. This is because you see that we have free education in primary schools but you see that may be if they are taken free in their primary school (----- inaudible) may be there is no Ministry of Education for secondary schools.

You see that they are sure of them. Instead of taking their chances, some leaders are taking their children back to those schools instead of living those chances for the children for the disabled people. Again I would like to say that some articles should be produced for the parents/guidians so that they could read and understand how they could guide and counsel their children. And for the illiterate people they should elect those people who could go and talk in the villages to talk to guidians or parents or even the children themselves on how to behave for the betterment of their country. Thank you.

Com. Aroni: Thank you. There is no question. Has Divina Nyariki appeared? Is she there? No. Fancy Mutai.

Fancy Mutai: I am Fancy Mutai from Itende location. I am representing women from Itende location. The women of Itende location feel that the constitution should outlaw all cultural practices which directly or indirectly discriminate against women. Like polygamy, wife inheritance and female genital mutilation. They said that the constitution should provide guarantee of equal rights for men and women to all resources including land. They said that the new constitution should guarantee basic education and training for women as well as for men. They said that the language of the constitution should be changed to neutral. Women find that the language of the constitution is quite difficult that they cannot understand. That is my last point. Thank you.

Com. Aroni: Thank you very much. Please register. Joseph Koskei.

Joseph Koskei: Kwa majina naitwa Joseph Koskei kutoka Itela village, Magot sub location, niamba ya (-----inaudible) Maswari kuhusu haki ya ardhi. Majibu ya jaa siku hiyo. Jamii, yani mwenye ardhi na mama pamoja na watoto wawekwe sawa, wakisaidiana na committee ya area. Serikali ichunge mwenye ardhi na mali yake. Serikali ichunge wenye ardhi na mali yao hata kwa area ya Maji Mzuri.

Ya pili. Serikali haina uwezo wa kuchukua ardhi ya wenyewe. Kwa sababu, wakichukua jamii watakaa wapi, isipokuwa wakielewana kuwapatia ardhi ingine.

Mashingira asli na mali. Raia wawe macho wakisaidiana na serikali na saidie serikali kutoa sheria kali pamoja na wakubwa wa poli.

Kwa wale wajiwezi. Kwa wale wa jiwezi kama kipovu ama kiwete serikali na raia iwasaidia kwa harambee ili iweze kusaidia hawa. Asante sana.

Com. Aroni: Asante. Jiandikishe tafadhali. Paul Bii.

Paul Bii: My name has been said as Paul Bii. The proposal I am giving is my own proposal also. Not as a committee or any other persons's proposal apart from myself. I have accepted that the new constitution of Kenya there should be a preamble and since Kenya is a christian country, such a preamble should capture the name of God. It should also be introduced to show the historical experience of Kenyan people, the cultural and social organisation and the traditional ideas of Kenyans.

Since time is very short, I will go to the important areas of the proposal, and this is structure and system of government. In my proposal on this issue, which I have drafted from a well researched observation, Kenya of today favours Parliamentary system of Government.

Where the Prime Minister is appointed from the majority party, and the President being elected. And the two leaders of the nation to receive power from the people. This power which is received from the people will make them to wake up to solve public problems according to the wishes of the people. Therefore in a simple way, I have indicated the functions of the Prime Minister's office.

- (i) The Prime Minister will be the head of the government
- (ii) The prime minister will appoint the cabinet to form the ideological will of the party.
- (iii) That the Prime Minister will have a right to dismiss the cabinet.
- (iv) He or she will also pass decisions as long as he has the support of the cabinet.
- (v) Must be a leader of the dominant party.
- (vi) He also appoints (-----inaudible) to prime minister.
- (vii) He should have below 60 years of age.
- (viii) He should also manage public resources very well.

Those are the brief areas that I want to make up to.

Now let us look at the office of the President.

- (i) The office of the President will nominate the Prime Minister.
- (ii) The person in that office will be the Head of State.
- (iii) He will also be the commander in Chief of the Armed Forces
- (iv) He will also appoint the Vice President
- (v) He will also be below 65 years.

Let us look at Parliament:

Parliamentary system is presented to be Upper and Lower houses.

- (i) The Upper House to seat with the Prime Minister. And this Upper House, draws members from regions. This is where the Cabinet Ministers will come from.
- (ii) The Lower House will pass bills to the Upper House for approval with a 65% majority vote.
- (iii) One House will be able to over rule the other one because we are after balancing power.
- (iv) Salary review Commission has to be established to review salaries of MP's and other civil servants.
- (v) Nominated MP's to be done considering special groups.
- (vi) The President should not vet registration from parliament. Also one to strengthen parliament.
- (vii) Parliament has got to be accountable to the people. For example when it comes to appropriation of public finances.
- (viii) Parliament should also have the responsibility of appointing the Attorney General so that we can strengthen and create independence in judiciary in this country.
- (ix) Parliament should also appoint Auditor General and such a person should be respected. He should work

independently.

Let us look at judiciary privilege.

- (i) As I said earlier, judicial officers should also be appointed by the Parliament.
- (ii) They should also establish and recognise the idea of council of elders so that they can handle minor cases.
- (iii) To encourage access to court by every Kenyan, we should not be paying for any booking of a case. Because many people have been suffering because they cannot afford to pay when they want to act on a case with somebody who is wealthy.

On defence and national security, I only want to say that the military should be established by the constitution of Kenya. The current disciplinary measures to continue, i.e the Court Martial. These people should also go back to the barracks whether there are given house allowance or not. They should go back to the barracks. We are proud of peace in this country. We have never fought with any neighbouring country and our troops have been in peace for a long time. So we should also diversify the use of these troops so that we can encourage some projects, by building bridges to help the country. Since we have been paying salaries for them for a long time and they have not been fighting.

When it comes to national security. These are the police, the prisons officers. I only want to say that they should be paid equal salaries. Because you find nowadays whenever a budget is read, you will find allocation being made to the national intelligence service. And you find those people are highly paid while basically if they are just officers. So to encourage those others again, and to kill this idea of corruption they should be remunerated in the same status.

I will only say on the side of the local government since I have talked about the federal system. We would only like to have chairmen and mayors being elected directly by the people and I would like us to change the idea of district to a county. I want them to be empowered so that they are answerable to the electorate. They should be literate enough. If possible they should be of university education. They should be elected only on two terms. To encourage the provincial administration, but I only want to remove one section of the administration that is at the provincial level. We would only like to remain with the DC and the chief. We shall do away with the DO and the PC. And let's only have the PS being answerable on the top. I have gone one thing on political parties.

Com. Aroni: I will give you a minute.

Paul Bisi: Thank you. Political parties, naturally as you see now days the merging of KANU, NDP and have you. It means that fewer parties are stronger. So I recommend that we should have four and a maximum of five political parties in this country. Those who also cross the floor. A member of Parliament who crosses the floor or defect in that sense, should be subjected to a by- election in his own constituency. Only Presidential candidates on those political parties should be funded

when election is around. Such funding should be accounted later on by the government. So that an individual will not transform it to be personal wealth. Thank you very much.

Com Aroni : Thank you very much. Richard Sigei. Please summarise. From now on I will be very strict with time. We have very long list. Three minutes please.

Richard Sigei : Okey my names are Richard Kiplagat Sigei. I am from Bingwa location and I am going to give a memorandum from Siongiroi division. Actually most of it has been said, may be I am only going to summarise on some fundamental issues.

On constitutional supremacy. The current constitution should not allow Parliament to amend any part of the constitution. It should be people driven kind of. Also agree to have a constitutional office at division level so that the office will co-ordinate with the people.

On the structure and system of government. The type of government we need in our independent Kenya is the divisional government or regional government, reason being balance and distribution of economic resources. We should have a President, who shall be elected by the people. A Prime Minister who will be elected by the Parliament so that in case he messes up with things, he will qualify to be disqualified through vote of no confidence by the same parliament. Also with the Provincial Administration, the Chief and Assistant Chiefs should be directly elected by the people and the village elders also should be salaried.

The top down approach of issues should be universe, that is budgets should be prepared at the district level to be adopted by the minister up there. With the local authorities, mayor and the Chairman should be elected by the people and they should not have any one to represent. Instead they represent everybody in case of Mayor, he will be representing everybody in the Municipality in the council. So we should not have any one so that he cannot (----- inaudible) for his own word.

The academic qualifications for the mayor and the chairman should be a graduate. Terms of office should be five years and not two years. This is to allow on planning and implementation. Ordinary councillors should also be educated to at least form IV level. This is to enable them to at least interpret the local act. Nominated councillors should be retained on special interest on gender, vulnerable groups, women etc.

And then on basic rights. I will only say something on the issue of marriage. We believe that every woman needs man and vice versa. And since our current racial in our country from men to women is almost one to two, I think polygamy should be legalised. It should be contained in the constitution because it is a right for every woman to get married. And men should be allowed to have more than one wife.

May I conclude by saying that may be to the Chairman of the Commission, that we Kenyans are not running anywhere. We are in Kenya. We are not on hurry. We need to have time for this constitution and we do not need half cooked constitution. We need a fermented one. So please have more time and come up with something which shall sustain us for the next 30 years. Thank you.

Com. Aroni : Thank you. Rael Ruto.

Rael Ruto : *Ane kegunon Raeli Ruto.*

Translator : Her names are Rael Ruto from Kimaiyo.

Rael Ruto : *Ko ng'aliot na mwae ko nombo tibik asi kepiechi imbaret komie amun kikere ko taabuu en tibik che makotinye sigik kegere kirwagutik kirwache kila ago manyalu kounon.*

Translator : Her views are particularly on girls. On unmarried ladies. And she particularly want those ladies inherit land from their parents.

Rael Ruto : *Ng'aliot Age, ko tibik kegere ko ki kemwa kele makobendi tumdo ago en iman kegere ingimut koba korik keba keyatito oko machamdaat en Ng'atutik. Konyalu ke chut yoton.*

Translator : It has been said that girls should not undergo FGM. Again the practice is once they are married, they undergo the right. So it should be outlawed in the constitution.

Rael Ruto : *Kimache kesirewech kanetik chombo PTA ko chut serikali.*

Translator : The PTA teachers should be paid by the government.

Rael Ruto : *Ak ketesyi igo kanetik akichek amun kigere kou bik alak koingo komoso ketesyi rabisiek, ago ingo komaso kanetik komakitesyin rabisiek. Ko ng'alekyuk chonoton.*

Translator : The salaries of teachers should be added because when they go on strike their salaries are not added and when others go on strike, their salaries are added.

Com. Aroni : Asante. Jiandikishe pale. Phyllis Ngetich! Phyllis Ngetich! Florence Langat.

Florence Langat : Thank you Commissioners . My names are Florence Langat. I am representing the rights of vulnerable group, that is women.

Our new constitution should have a preamble. Straight away I am going to the points. Women have felt that the Constitutional

review should consider this when making constitutional amendments in Kenya.

Married women should possess a marriage certificate in any form of marriage ceremony.

Women should also be included in sharing the family property. For example registering them with their husbands and children in ownership of land and other properties in the family.

Polygamy. This should be stopped completely because it has contributed much to violence and misunderstanding. This has led to divorce, separation, poverty and health conditions in women. For example ulcers and blood pressure in women.

Peace. Man cannot be allowed to marry another wife as I have said before automatically unless he has accessed on the following issues.

- (i) Resources. In a special case I will say that later.
- (ii) Age
- (iii) Reasons why he would like to marry
- (iv) First wife consultation.

If the first wife has agreed upon for the husband to get a second wife, she has to access all these areas and if he qualifies, he may be allowed to do so but the properties of the first wife should not be shared with the newly wedded wife. The man and that woman should find other methods of their own of acquiring wealth for the second family. We can call it second family.

In business wealth, the women should be free to work and exploit their talents. For example have a say in anything and within the family. And out of the family as well.

Another point is this. Caning and cruel punishment for women should be banned completely.

Another point is work and liabilities should be shared equally so that each should get a role to play but not women to be over loaded.

Another point is this. Property misuse. Misuse of property or family property by men has become a great burden to women. For example men engaging in taking of bhang, alcohol and immoral behaviour. Men's role should be clearly defined in the family.

Another point. Dictatorship in men. This should be eradicated completely. Men should also be made to realise their position in family. As they are part of the same, they should be kind and good councillors rather than dictators.

Another point. Forced labour. Women are forced on matters which they are not capable of. For example forced labour, paying school fees alone for the children if she is working may be in government side or parastatals. Sometimes she is forced to pay school fees alone. And may be for this reason, the husband is an alcoholic.

Forced child bearing. For example she may be forced to bear a number of children and she is not capable. Maybe she has undergone so many problems (she's having blood pressure) and she is forced. If she refuses, she is threatened by the husband, of marrying another wife.

Another point again on women is the widows. The inheritance should be shared fully with the government and be given rights of acquiring the husband's inheritance and wealth. Other members should not come in anyhow in planning for the family unless asked. Instead they should guide the widow and her children but not violating the property of the family.

Another point is girl child, who is not married have a right to inherit her parent's land and property, as well as the boy child. Last but not least, female circumcision should be eradicated completely and should be outlawed.

Thank you.

Com. Mosonik: Would you please repeat the qualifications of polygamy? You read them but I did not get all of them. Polygamy you said there is age and some other qualifications.

Florence Langat : About the age. Yes, said polygamy should be stopped completely because it has completely contributed to violence and misunderstanding in the family. On qualifications, I said the following should be looked upon. Resources, maybe the man takes another second wife and when we look at the resources, they are not enough for the first family. I can call it the nuclear family. The first family. The land is very small maybe one acre or so and the number of children when compared cannot match with the land and property. Another thing is about the age. Maybe he gets married when he is 70 years old. I think that is too old. He is too old to care for the children.

Com. Mosonik: You had a list. Can you just look at your paper?

Florence Langat: Another reason why he wants to get married and he has got another wife. Another thing is that he has to seek consultation from the first wife.

Com. Aroni : Thank you (people clapping) Next person is Patrick Mutai.

Patrick Mutai : My name is Patrick Mutai. I have a few issues to present here. First of all the Presidential appointments should be vetted by Parliament. The number of Ministries be determined by parliament. The Chief Justice, Commissioner of Police, the Judges, the Attorney General to enjoy a period of ten years in office.

The electoral Commission to determine the election dates. The President should not be above the law. And the constitution should provide for the implementation of a sitting president. The discipline forces should be established by the constitution. The

Mayors should be elected directly by the people and lastly we should maintain a unitary form of government.

Com. Aroni : Next is Joseph Mathie. Joseph Mathie! Chepkwony Moses. Chepkwony Moses.

Moses Chepkwony : My names are Moses Chepkwony from Siogiroi. I will be very brief. Preamble in our constitution is needed to capture the sovereignty of the republic of Kenya and the unity in diversity for the people of Kenya. Secondly, on constitutional supremacy, the Parliament amending the constitution at 75% majority votes. Number three. On citizenship. Let us have automatic citizen of Kenya being born of Kenyan parents on any gender. And then let the constitution allow dual citizenship. On political parties, let us have three and be funded from a Consolidated Fund, only for the running of the Secretariat and for participation in an election. On legislature, let us have appointments being effected by Parliament. And those of Permanent Secretaries and Heads of Parastals. On Judiciary, let us have a supreme court in this country. On the Executive, let the President be a member of Parliament Thank you.

Con Aroni : Thank you very much. The next person is Joseph Korir. Joseph Korir! Phillip Langat. Ama munaogopa Minister. Karibu mheshimiwa. Sigoma Rotich. Sigoma Rotich.

Willam Ruto: Commissioners walio hapa siku ya leo, Dr. Mosonik Korir, Abida Ali and the support staff plus the co-ordinator pamoja na nyinyi wote, hamjamboni. Leo ni siku ya Katiba. Nataka tu nieleze nyinyi mumekaribishwa mutusikize. There are the major stake holders out here and I am sure they are giving their views. Hata mimi pia nimekuja hapa kusikiza kidogo vile munasema. Halafu nimweleze vile nimekuwa nikisikia mukisema kila mahali. Kwa sababu mimi nimekuwa nikitembea. Hata mimi nimekuwa nikicollect na collect views yao. Most of it are contained in what I have written and I will read it to you and leave my presentation. I was not able to be here yesterday in Singor Lakini Singor na hapa yote ni yangu. Kwa hivyo kila mahari ni my village. I will give you my views. Thank you very much madam. (spoke in mother tongue) I am sure you will allow them all the languages madam. You will allow them. Hiyo ni shauri yao. Bora muskize.

Com. Aroni : Thank you mheshimiwa. Hosiah Kirui. Is he scared about mheshimiwa.

Hoseah Kirui : I am Hosiah Kirui from Chemunya location. So we are here in this hall to talk about our constitution. The first one is the constitution review process of Kenya. Firstly, I will talk about constitutional supremacy and I will talk about the Parliament. The Parliament should retain the procedure of 65% votes in order to amend any part of the constitution. Parliament's power should be of good order so that the common man (i.e mwananchi) should be given rights that affect our nation at large.

Secondly, I will talk about citizenship. Wananchi should have a right of life by all means. That is what I have been (-----inaudible). So Kenyans should have at least enough education and then even if they have political differences. People are proved citizens through identity cards and even birth certificates. So we be given the right time and be accepted as Kenyans

when we prove through these documents, that is the I.D. and birth certificate.

When I talk about defence and national security people have the right to be defended by our security forces. So people are defended in many ways, for example through police officers and even elders. I also talked about village elders. They should be assisted by the government so that they also have something because they do a great job. For example, a favour that the village elders do mostly they are proved to be true.

I will talk about political parties. In Kenya many political parties are registered. For some it becomes tribalistic. So I consider that political parties should be minimised to at least four, for good order. Also political parties should be financed through the party accounts since Kenya has many things to do. For example we have things (----- inaudible). So these political parties can be financed through their party accounts with an exception of only major or both (-----inaudible) for example during the general elections. That is when the government may come in and help on that side

I will also talk about the Executive. The Presidential system of Kenya should be in office two terms such that he will need to have time to qualify for two terms. The President should be highly educated and without any record of offence. He or she should be of 35 years to a maximum of 70 years. Over 70 years he may be old and (----- inaudible) At least he should be a maximum of 70 years.

I will talk about the judiciary. When you talk about this, the judicial courts should be mobile. Judges should have mobile offices. For example when we go to urban areas most people are (----- inaudible). So we should also have mobile judicial officers whereby some cases are revealed. For example in offices and (----- inaudible) So also according to this time, village elders are also thought as people in the society. They are great people. So they should also be given salaries which are decided in Parliament because they are important.

Com. Aroni : Thank you very much. May be we should read the rest. You have a question. A moment.

Com. Mosonik : It is a simple question. You said the political parties should be four. Then you said the President should be highly educated. How high is highly educated?.

Hoseah Kirui : When I said four parties, too many of them becomes unrealistic. So I considered them to be about four for good resources. So the President also should be highly educated. He should be a graduate.

Com. Aroni : Thank you. Mheshimiwa would you like to give your views now. I will allow him although alikuwa na kazi mingi ndio akachelewa.

Isaac Ruto : Wacha ni simame. Thank you very much much for giving me this time. Nataka tu niombe ya kwamba mambo yangu nitasema kwa kingereza. Kwa sababu naelewa kama vile hii mambo ya katiba. Sio kila siku ni kingereza tukiwa nyumbani. Pia ninaomba lakini siku ya leo itakuwa muhimu nipewe nafasi mrefu kidogo kama mulikuwa munapewa kwa sababu hata ile views ya wale wanakaa nyumbani mimi niko nayo.

Commissioners , I will start by giving a little introduction and I want to state that the current constitution has lasted for 38 years since independence. During this period there has been a number of social, economic, political problems and constitutional issues which could not only threaten the continued stability of our nation. But also indeed the pace of our development. Thus forming a national consensus for a review of the constitution to deter national cohesion. In order to promote national unity, stability, peace, harmony and equitable development, the constitutional review must address the following issues frankly, fairly and permanently.

Devolution of power.

Control and distribution of national resource

I want to start by defining the word devolution. This involves the transfer of political authority to make decisions in the sphere of public policy from central government to people based governance.

Consequently, democracy and development are enhanced through (i) participation of the people in planning, social and economic development (ii) Ensuring that programmes defined to foster, social and economic betterment of the nation are more realistic and sustainable (iii) Increasing the popular capacity to ensure responsibility and accountability.

(iv) Improving effective public delivery by allowing for a careful consideration of social needs and experimentation with new administrative techniques.

(v) Providing opportunities for training people in the art of self government.

(vi) Promoting geographical equity and strengthening marginal unity.

(vii) Control and distribution of natural resources.

At the moment, the central government is the mobiliser of the natural resources. It is also the planner, designer and implementor of all development programmes country wide. And the majority of the population simply observes, they hardly participate.? without authorities to mobilise resources is futile.

Local government would have responsibilities without funds to undertake them. At the moment, local authorities or local communities wait for government to bring development to them. If nothing much happens, they feel discriminated against. Local government must therefore be allowed to mobilise resources and be allowed an equitable proportion of the national kit.

Land, minerals, forests, water resources etc must be seeded to local authorities I expect land, forests (like the one we have just behind here). This one should strictly be the property of the local community and nobody else should be allowed to give it out.

Be that person be in Nairobi, Nakuru or anywhere else. Counties must be appointed as agents for employment by the various employing bodies like the Teachers Service Commission, the Public Service Commission, the Military, Police etc and where expertise can be sort locally, we do not require expatriates “to come and work around”.

When I say we would like employment agencies to cease that responsibility to local authorities, it is because we have seen situations where for example the military were employed in Bomet, just about a few kilometres from here. But we cannot entirely swear that it was fair. I have had complaints about bribery here and there. We believe if there was participation by some local authorities, there would have been more fairness. So critical issues, so critical areas have emerged in this consensus that require the constitutional review process to address as a matter of priority. These include:

- (i) The over concentration of political powers at the national level, especially in the executive of the presidency.
- (ii) The central control and inequitable distribution of the country’s natural resources which I have mentioned.
- (iii) There is also negative ethnicity which translates into need for the control of state power and access to the state organs and resources. So increasing demand for the empowerment of citizens through their grass root organisation and local authorities. These few challenges are closely inter-related. For instance it is the over concentration of political power at the national level that has perpetrated the central control and inequitable distribution of the country’s natural resources since independence. Similarly, it is the systematic concentration of political power in the Presidency since independence that fuels negative ethnic competition in the country for the presidency. The obtaining political circumstances in Kenya today show that there is an increasing demand and agitation for demolition of power from the centre to the lower community based organs of governance and the empowerment of the active participation and decision making process by citizens. Besides there are instance calls from both within and outside for more transparency and accountability from those charged with the responsibility of managing public affairs. These issues are enforced by the global wares of democratisation that favour devolution of power and great autonomy to communities. It is therefore imperative that constitutional mechanisms be devised to tackle some of these realities.

It is noteworthy that already as we move towards the next general elections, the competition for the control of state power and national resources from the centre has no doubt began in essence. And if this competition is not property tampered and directed by designing appropriate constitutional frame work, it could tear the country right down the middle. In order to help to forestall this and that Ghai Constitution process, I propose a number of core principles, forms and structures of governance, that will help put the process forward and ensure the stability of our country. These principles, forms and structures are hereunder outlined. And I now want to start at the top. Tunasikia ukitaka faulu anzia juu. Kwa hivyo nataka nianzie juu.

Ya kwanza is the form of government. I want to state that from the views I hear and from my own point of view, I would like to propose both a mixture of a Presidential and a Parliamentary government.

I propose an executive branch of government comprising of the President, the Vice President, the prime minister, two deputy

Prime Ministers and the cabinet. That is what I propose as the executive heads of the government.

The President. The Executive authority in the republic shall be vested in the Presidency.

Election of the president. I propose that the President should be elected directly by Kenyans, through adult (.....inaudible) and he should attain at least 25% of votes cast in five provinces, as it is. I want to propose that he must have a running mate who shall automatically become his vice president. I do not expect a situation to continue where he will just appoint at his own pleasure, who becomes his vice president. Tunataka tujue ni nani huyo. Na sisi hata sisi tumpigie kura.

Jambo la tatu. The two shall not offer themselves as M.P's. If you are campaigning to be the president, forget about being an M.P. in your own constituency. Wachia mtu mwingine hiyo. Na pia ukishindwa wewe kaa nyumbani tu. Hapana subua sisi tukiwa Nairobi kusema ulinyakuliwa kura yako. So the day to day management of the government, the President may delegate executive powers to the Prime Minister. I want to indicate what I presume could be the powers and duties of the president. I expect that the President would

See to it that the constitution is respected.

Expect that he will ensure proper functioning of the public authorities and continuity of the state.

I expect that he will be the guarantor of national independence, territorial integrity of observation of treaties.

I expect him to appoint Ambassadors, High Commissioners and receive credentials to those accredited to him. He would address state official opening of Parliament, functions and national day celebrations.

Have a right to pardon. That is retain the prerogative of mass. Yaani (spoke in mother tongue). He should be the Commander in Chief and responsible for the appointment of the Prime Minister.

Together with the Prime Minister, he or she shall appoint other members of the Cabinet. He would also appoint the head of the Public Service and Permanent Secretaries. He and the Prime Minister, subject to the approval of the Parliament shall appoint other senior members of the government holding Constitutional Offices. Here I am proposing that those senior appointments should be approved by Parliament so that we know the person being appointed is of sound mind and has not been known to steal before. I thought that the President be responsible for convening and chairing Cabinet meetings. He or she or his or her Vice shall be qualified to serve for two consecutive terms of five years each. They will be qualified but wananchi watachagua.

Impeachment. I want to propose that the President shall be liable for impeachment for gross violation of the constitution. If found guilty, he should be removed by two third majority of the national assembly whose resolution shall be forwarded to the Supreme court for trial purposes. During the trial period, the vice President shall assume the President's functions. On conviction, he shall be sentenced through an act of Parliament. That is, he will not just be sentenced by a magistrate but there will have to be an Act of Parliament. He shall only assume presidential responsibilities if he is found innocent. Once impeached, he shall not hold any public office.

Vice President. Duties and functions shall be

- (i) He will be a running mate for the president
- (ii) He shall be the Deputy to the President
- (iii) He shall represent the President in all functions delegated to him or her. He or she shall act in position of the President during his absence. He or she will complete the remaining term of the President in case the office prematurely falls vacant.

The Prime Minister. The prime minister shall be appointed by the President from the political party or a coalition with the majority in Parliament, and subject to confirmation by a simple majority of the national assembly. I am proposing that the Prime Minister shall not just be appointed, but he will be the head of a political party accepted in Parliament and with a working majority.

Powers and duties:

- (i) He shall be in charge of day to day management of government.
- (ii) He will also be the leader of government business in the national assembly.
- (iii) He shall be answerable to the Parliament regularly, on issues concerning government. But in exercise of this authority, he is also answerable to the president.

Removal of the prime minister. By a vote of no confidence through a simple parliamentary majority or by the president, if he is not discharging duties as required.

Deputy Prime Minister. Two deputy prime ministers shall be appointed by the President in consultation with the Prime Minister.

Functions and duties: They shall perform such duties, exercise such power as may be delegated to them by the President, Prime Minister of Parliament.

The cabinet. The cabinet shall consist of the President, Prime Minister and any number of ministers. Each minister shall be responsible for the running of his ministry. He shall be appointed from among M.P.'s. There shall be Deputy Ministers, not Assistant Ministers appointed by the President in consultation with the Prime Minister, from among the M.P.'s Cabinet ministers, Deputy Ministers shall be removed from office by the President in consultation with the Prime Minister if his Parliament gives a vote of no confidence.

The cabinet shall be collectively responsible for formulation and implementation of government policies, as well as play advisory role on the President.

Administration of justice. There shall be a Minister of Justice and Constitutional Affairs who shall be a member of the Cabinet appointed by the President and shall be responsible for the policy matters that relate to the administration of justice and legal affairs. I do not expect to see the Attorney General and again sitting as a Minister. Because the Attorney General's

responsibility should be on prosecution and should not be sitting in Cabinet.

Attorney General: There shall be an attorney general whose functions shall be:

- (a) He will be the director of all prosecutions.
- (b) He will be the principle advisor to the government.
- (c) He shall draft and peruse agreements, contracts, treaties, conventions and other documents which bide the Parliamentto other parties.
- (d) He shall represent the government in courts, or any other legal proceedings to which the government is a party. He shall serve for a term of five years renewable for one term only.

Deputy Director of Public Prosecution. There shall be a Deputy Prosecutor, under the A.G. whose duties shall include:-

- (a) Directing the police to investigate any matter of a criminal nature and to report back to him or her.
- (b) Instituting criminal proceedings against any person or authority in any court, with competent jurisdiction other than a Court Marshal.
- (c) Taking over the continuing or termination proceedings started by private individuals or banned authorities.

The legislature. Parliament. The legal legislature should be the strongest pillar and has always been the strongest pillar on a Presidential system of government. And especially will play a very important role in the principle of separation of powers or checks and balances.

The principles and separation of powers ensures the juridical steers of the key institution of the government namely the Executive, the Legislature and the Judiciary are clearly defined and researched so that institutions do not interfere with the functions of one another.

All legislative matters are vested in Parliament which consists of the President and the National Assembly. Thus in order to strengthen the legislature, I propose the following:-

Parliament should have its own calender of business. That is Parliament should not be prorogued without any clear reasons. It must have a very clear calender where the citizens know when Parliament sits on this day and that day.

The Parliamentary Service Commission should ensure that Parliamentacquires all the resources, human finance and material necessary to enable to perform its tasks efficiently and effectively.

There shall be a second chamber, the Senate which shall comprise of one representative from each district. And which should Act as an oversight body. The precise functions, duties and powers of the senate should be defined by an act of Parliament. There are times when Parliament can decide to be a bit reckless. And we would rather have the Senate. Members of Senate should be retirees. So one to be elected a Senator, he should have attained the age of 55 years.

The Judiciary . In order to improve the efficiency and the effectiveness of administration of justice in the country, I propose the number of the following additional Courts.

The Supreme Court. There should be a supreme court. It shall be the highest available court with original jurisdiction. It shall constitute of the Chief Justice and such additional judges as the President Acting. Acting on the recommendations of the Judicial Service Commission may determine. The Supreme Court shall be presided over by the Chief Justice and shall hear and adjudicate upon appeals brought before it, including appeals which involve the interpretation, implementation and upholding of the Constitution. And the fundamental rights and freedom, guaranteed thereunder. The supreme court shall also deal with referred to it from the judicial by the Attorney General and with such matters as may authorise by an Act of Parliament. Three judges shall constitute a quorum of the supreme court when it hears appeals or things with matters referred to it by the Attorney General. Or as may be provided by an Act of Parliament. The jurisdiction of the supreme court with regard to appeal shall be determined by an Act of Parliament. The judges except acting judges shall hold office until the age of 70 years. Parliament may also enact laws to make provisions of retirement age at other ages than that I am suggesting. At the request of the Chief Justice, the President may appoint Acting Judges to fill casual vacancies in the Supreme Courts. I further propose that an act of Parliament be enacted to streamline the operations of the judiciary in the country. At the moment there is in my view a lot of confusion with regard to the administration of justice.

In addition, there shall be appointed a court of elders who shall act as arbitrators in the administration of justice at lower levels than the magistrates, and with jurisdiction over petty cases of assault, property dispute, family cases, land inheritance etc. Maana yake kwa wakati huu hapa kasi ya watu wawili kukosana, wanapelekwa kotini. Na huko pesa inayodaiwa na wakili its too much. Tena there is a lot of harassment in between.

Tunataka kotini ya wazee iundwe a iwe recognised (people clapping). Na hawa wajulikane ni wazee gani. Na wa wawe na force of law. Their decision should have the force of law and it should be clear. Watu wasianze kukimbilia kotini Bomet, wakuje kwanza kotini ya wazee.

Police service. There shall be a Commissioner general of police who shall be the head of the police force. He shall be appointed by the President. He shall be assisted by a Commission of people appointed by the President including its Chairman. Currently the Police Commissioner operates on its own. We do not know whom it reports to. May be it reports to a few other fellows. But I want to propose that there should be a Commissioner of people appointed who shall oversee the running of the police force. The Commissioner General will have security of tenure but shall serve to a fixed term of five years, renewable only once.

Citizenship. Any person born in Kenya, or outside Kenya, whose parent or parents is a Kenyan have a right to Kenyan citizenship. Kenyans shall have a right to dual citizenship if they so wish. I should be free to be a citizen of Tanzania and Kenya if I wish.

Funds. All national autonomous bodies and commissions, shall charge their votes to the Consolidated Funds directly.

The position of ombudsman . I want to propose that there should be a position of a ombudsman who shall be independent and subject to the Constitution and the law. The ombudsman shall either be a judge or a person qualified to be a judge and shall have security of tenure. The ombudsman shall hold office for a renewable term of five years and shall be assisted by such staff as may be prescribed by an Act of Parliament. The President shall appoint the ombudsman The procedure for removing the ombudsman from office shall be the same as that of removing a judge from office.

Functions of the ombudsman. The functions of the ombudsman shall include the following:-

- (a) The duty to investigate complains of allegations of violations of fundamental rights and freedoms, allegations of abuse of power, allegations of corruption in public and its private places.
- (b) The duty to investigate complains about the functioning of private institutions.
- (c) The duty to investigate complaints concerning violations of fundamental rights and freedoms in private enterprises.
- (d) Any other duty prescribed by an Act of Parliament
- (e) The duty to report to the National Assembly annually through the Minister for Justice of the activities of the ombudsman.

His or her recommendations and actions should be reported. Actions taken should be reported to Parliament every year.

Now I want to go down to structure of the government. Devolution. I want to propose the devolution of government to local authorities. Tumefikia maneno mingi. We know there are various proposals that have come up kwa maneno ya devolution. Wengine wanasema majimbo. Wengine wanasema county councils. My opinion and my opinion is subject to discussion by them again.

I propose devolution of government to local level. Nataka ikuje kabisa mpaka ikalibie mimi hapa. Nataka irudi mpaka Bomet. Mpaka every district. I want to propose that there should be two types of local authorities in Kenya namely rural county council and urban county council. I also want to propose districts become those local authorities. The entire district and that we do not require a municipality and a county council in a place as rural as ours.

1. Rural counties. Under rural counties I propose the following positions. One, I do not know what you will call it but I will call it the Chief Councillor. And I expect this chief councillor to be the chief executive of this district. Elected by universal suprange. I also expect that under him there shall be chief officers. There will also be the council and there will also be the chairman of that council. There shall be council committees and county clerks. The county clerk should be equivalent of the current district commissioner. Because I expect the district commissioner to report to the chief councillor, who is elected by everybody in the whole district. Tunataka that person *ne kakilewen kenai kele indochin distrect mzima tugul oko ribe tugukyok inendet machito ne kakiyagu en oldage.*
2. Urban counties. Under urban counties I want to propose the following positions. The mayor as the chief executive elected by universal suprange. That is the chairman will be elected. Kila mtu atapigia yeye kura. Pia mayor kila mtu atapigia yeye

kura. Hapana councillors tu wanakutana kwa hotel furani na kusema huyu amekuwa mayor. Ama wakutane na kusema huyu amekuwa chairman.

Hon. Isaac Ruto : Tunataka kila mtu aende apiga kura (people clapping).

The mayor as Chief Executive elected by the universal suffrage, there shall also be Chief Officers, that will also be the council, and there shall be the chairman of the council. When I say chairman of the council, I mean wale councillors sa ile wanakutana pamoja na yule mkubwa lazima kuwe na mtu mwingine wa kukaa kwa kiti, because you cannot preside over your own questions.

Both the Chief Councillor and the Mayor shall be elected directly by the residence of the respective counties. In both counties, the Chief Officers shall assist the Chief Councillors and the Mayor in their executive functions and they shall be answerable to them. When I say chief officers, I mean Engineer wa maji, Engineer wa bara-bara, MOH na wale wengine wote, must report to that person we shall elect, because they are professionals but that person must be sure because they are using our money properly.

Expanded local authorities, I propose two types of expanded local authorities, that is the urban and rural counties to replace the current categories of local authorities. In rural counties, we shall correspond with the current rural district boundaries. Urban counties, we shall be cosmopolitan. Urban local authorities based on rationalised population sizes. For the purposes of the county meeting, the full council shall elect its chairman.

There shall be council committees for various departments chaired by elected council members. The councils committee shall be advisory. The meetings of councils in both cases shall be co-ordinated by the offices of the county clerk, and the town clerk respectively. And I herein propose that the current powers of the provincial administration should be merged with that of the office of the county clerk. The powers of the counties.

A local government shall be based on a council which shall be the highest political authority within its area and we shall have legislative and executive authority. The county shall be autonomous. Their power shall include, but shall not be confined in planning and implementation of local programmes.

The new mobilisation, as provided for in the constitution or by Act of Parliament. Control and management of local natural resources such as land, forest, water resources, fisheries and wildlife. And I have given an example of this forest. This forest should not belong to an elite entity called the Kenya Government. It should belong to the local county council and all the decisions should be made with the consultations of ya wale watu wanaishi hapa. So enactment of laws affecting the area.

Five. They shall share the revenue accruing from the resources in their area which are controlled by the national government. Percentage to be determined by the Act of Parliament, that is Minister of Finance akisoma budget yake in June, atasema kwa makabidiyo ya pesa I expect kwa mwaka kuwe na billioni mia mbili kama last June. Two hundred billion. Now, he must indicate what percentage is going to the various districts (people clapping). Na hiyo zikija hapo hiyo district, it is the local elected leaders through hata kama ni sub-DDC na DDC ndiyo wanaplan mambo ya hiyo pesa na kuhakikisha hiyo pesa ina fanya kazi mpaka the last cent, and this is the part which I am saying they shall share the revenue accruing from resources in their areas which are controlled by the national government . Percentage to be determined by an act of Parliament, that is hiyo pesa yote there will be a percentage. I am not talking about the percentage now. Besides the above pro-policies, the counties shall undertake specific functions provided the President Parliament may intervene in the affairs of any council, if necessary, proper functioning of that council. Wakianza kuiba, lazima sheria iwekwo.

One there should attend to all matters affecting local communities, the management and development of the county, communication and infrastructure, development of water supply and waste disposal, the provision of essential services, public services, the development of small and micro enterprises, the development of small urban centres, promotion of indigenous cultures and languages, development and deployment of local resources, promotion of local tourism and trade, public finance, auditor general.

There should be an Auditor General. He should head an autonomous department which consist of a board of members appointed by the president. A deputy auditor general as well as other staff that may be deemed necessary for proper functioning of the department. The auditor general should at least be forty five (45) years of age and serve for a term of ten (10) years renewable only once but during that period he should have security for tenure.

Electoral process. I expect that there shall be an independent and autonomous body called the electoral Commission. The Electoral Commission should only consist of seven (7) Commissioners , the Chairman shall be appointed by the President and should be a person qualified to be a judge. The Chairman and all other Commissioners should serve for a period of only five (5) years renewable only once. The Commission shall hire its staff and I expect I want to propose that this commissioner will be retiring on a rotating basis. That is we should not appoint seven (7) new Commissioners at the same time. Three should, or four should go at any one time.

Area of direct national administration, that is serikali ile ya Nairobi tunataka waongee maneno ya foreign service, foreign affairs, national financial institutions such as banks, Central Bank, C.T.C., Posts and Telecommunications, water ways and shipping, national defense, police, national data combination, international commerce and trade, social insurance institutions, kama Kenya Re and such like NHIF, airways and air travels and transport, railway, immigration rules and regulations, citizenship, income tax and VAT overall taxation policy of course and physical policy and monetary policies of course are all in that, mineral and oil exploration and any other defined by an Act of Parliament.

I want to mention the areas of concurrent responsibility between the national government and local authorities. I mean the concurrent area that can be handled by both areas by both authorities. Building and extension of institutions of higher learning, schools and other training institutions kama MTC. Those ones should be developed concurrently, jointly with joint responsibilities with the various councils, building and extension of health care facilities kama ma-hospital, tunatarajia serikali kubwa isaidie serikali ndogo kujenga ma-hospital.

Improvement of regional economic structures kama mabara-bara kubwa kubwa na maneno kama hayo. Improvement of agriculture, research, coastal and environmental conservation. Overall planning for the nation to ensure equitable development. I want to propose that local authorities may also raise taxes in relation to the following. Vitu kama (.....inaudible? ambulance services, provincial libraries, Archives, liquor licencing. Hii ni maneno ya county councils. Provincial museums, monuments, land taxes, local tourism, local cultural arrangements, local recreation facilities, local sports, local roads and traffic, local veterinary services excluding any other that the council may decide. Any other that may be determined by an Act of Parliament. Thank you very much.

Com. Aroni : Thank you mshemiwa for your elaborate presentation. We may have some clarifications to make with you. Now Mosonik I am sure you have a few. Okey, as Mosonik is going through his notes, I have a few clarifications that I wish to get from you. You have repeatedly told us a number of offices should be five (5) times renewable, one the office of the President. The office of the Vice President, but you have not mentioned anything like that to do with the office of the Prime Minister. So I would like to have a clarification if you have thought about it. Now during our visit we have also received views from various people that we need to reduce the number of ministries. I would like to have your view on that and I would like you to tell us a little more about the merging of provincial administration with the counties. Are you proposing that we should do away with the provincial administration so that we can have the local authorities of counties taking over the duties of the provincial administration? Then the issue I am not very clear exactly with is what role you would like the elders to take in the administration of justice because magistrates as of now have jurisdiction to deal with petty cases as you mentioned. Basically that.

Hon. Isaac Ruto : Okey, I have noted that here that provincial administration comes five years (5), council of elders, what was the other issue. Ministries?

Com. Aroni : Now all the other offices are even the senior officers. You would like them to work for five years renewal once. What about the MP's? Do you subject them to that as well.

Hon. Isaac Ruto : Ministries, council of elders, terms of five years. Provincial administration, MP's . Have I got you right? Fine I want to start from the questions of the term of five years. I am proposing that the President shall have two terms for

five years each, a maximum of term like it is now but I do not want to subject the Prime Minister to that. Why I am saying that is because the prime Minister may even hold the office for one year, two years. The office of the prime minister I expect to be highly volatile because it will be dependent on his ability to control a following within Parliament and to be Parliamentary electing.

Secondly, it will be the political parties. It will be the leader of that political party in Parliament for a coalition of political parties. Therefore if mzee fulani is the leader of a political party in Parliament, it may become difficult to tell that political party to remove. If he is in Parliament and is a leader of that party and it is the only party which is able to come up with, we want to leave them to have that power of the Prime Minister. So I am only suggesting that in terms of other office holders, whose tenure is very clear, I expect that the prime minister will not necessarily take five years because in between, a lot of things will happen.

Coalitions always disagree, and when they disagree, there will be a new Prime Minister. I fore see two Prime Ministers in one Parliamentary term as a normal thing just like in other countries. I think we are witnessing that all over the world prime minister change. Now in terms of MP's, I don't think it is necessary to indicate tenure because this one is up to the electorate because probably what you didn't indicate here I want to add is that the electorate should have the power of recall. They should have the power of recall (people clapping). That is if they find that within three years their member of Parliament is absolute trash, they should have the power to recall him home aambiwe tunataka by election ebu kuja nyumbani nafikiri that is the only thing I can add but as to the question of limiting them to five years, I think the electorate already have that prerogative, and if we continue to dictate to them what to do, it may not be fair. We would like them to make that decision every five years, that we want you to continue or we want you to stay and if you are completely wayward, we should define how constituents can have the power to recall their MP's. Is it a prestiside? What is it? I will now debate that.

Now in terms of the provincial administration, in fact it is not just the provincial administration, it is government which I am dealing with. The public works engineer should not be taking orders from the P.S in Nairobi. He should just be there reporting to him professionally but in terms of what he is told to do. I expect him to report to that person whom we have elected in the whole district and I don't expect a D.C. to come and tell that person whom we have elected no these are orders from above. We expect orders from above to end (people clapping). Tunataka hii mambo, tunataka hi nguvu irudi kwa raia as much as possible. Tunataka nguvu tuseme orders from below. Tunataka sasa kubadilisha hii maneno ya kutoka huko juu tunataka ikwishe. Kwa hivyo hapana D.C. peke yake. D.C. his office itabadilishwa kuwa District clerk. If we are going to retain that D.C. iwe district clerk ama tuseme C.C. county clerk. Na engineer ya barabara pia a report hapo, MOH pia ata report hapo kwa mambo ya administration ya maneno ya madawa na vile anafanya kazi yake. Lakini whether he is a good doctor or not, that is up to the director of medical services to take him to the required university, but we expect all those people to be employees of the local authority. They will be employed on behalf of those professional in Nairobi by the local county. I am sure I don't know whether I am clear. You will employ them because labda hata iko madaktari hapa tutaita Director of

Medical Services kuja kuinterview this fellow, kama yeye ni daktari kama alienda the correct university yeye akuje atueleze sababu sisi hatujui. He should be here to interview him awe interviewed hapa and he should make sure he runs our hospitals properly That is what we mean.

Now five years I have told you council of elders. I am literally proposing the jurisdiction of the magistrate on petty offences should be fitted to what we used to call African courts. Sijui ilikuwa inaitwa jina hapo mbeleni. Ilikuwa African court lakini tunataka elders court they do not have to be trained.

You can train and take them to seminars. Lakini hao wanajua huyo mtoto amekosana na yule mtoto na kama wamekosana tunawaambia kaeni hapa ukirudia tena, kwanza mpatie huyu mbuzi, na ukirudia tena tutasema jambo ingine ambaye tukisema hatapata vijana tena and he will not repeat. The problem we are having kwa current administration of justice ni ya kwamba huyu mtoto atakosana na yule moto. Yule kijana atachukuliwa kwa administration police hapo. Kwanza atapigwa mguu saa ile anafika Nairobi tunapeleka yeye hospitali. Kwanza kabla ajaenda kotini sababu amepigwa amekuwa man handled on the way. We want that hiyo maneno ikwishe.

Another illustration on that madam is that ikiwa yule mzee na yule mzee wanangangana juu ya shamba, ni wazee peke yao wanajua maneno ya shamba. Magistrate will never understand maneno ya shamba yetu. Na mimi nina hakika juu ya hiyo. Hawezi akelewa kabisa. Jambo la pili juu ya hiyo another illustration is inheritance. Saa ile huyu mzee tuseme mzee fulani ameenda mbinguni na watoto wake wanataka kugawanya shamba, magistrate will never understand vile tunafanya hiyo kazi. Tunataka elders, clan elders, village elders kuamuwa shamba itagawanywa namna gani. Mambo kwisa. So hivyo divyo madam mimi nasema kuna mameno ya council of elders to fit those petty offences should first be handled by the preliminary court. It should be the lowest court and should be mandatory before they go to the magistrate. Sijui nini ingine sijajibu!

Com. Mosonik : Mheshimiwa you said that the Senate to play a supervisory role. The senate now could you tell us more about the Senate besides its proposition and please direct us to the issue of the alternation of the constitution for the protection of the constitution, and secondly, now that you mentioned the coalition government and the possibility, what role do you think this new constitution will play? Should political parties be limited? How many then can be, and what exactly should they do?

Hon. Isaack Ruto : Ya kwanza nataka nianzie Senate. Nafikiri unakumbuka nilisema kwamba senators, every district will elect one person kuwa senate and I expect a Senate to countercheck what Parliament is doing. Why I am saying that, I expect senate to be given weight and power.

To this district you can have ten (10) MP's Transmara may have one. I am saying that there is time when minorities must be listened to. Tunaweza kuwa wengi lakini minorities have to be listened to and they must have a way of at least putting their

voice across. We can forget about the El-molo. We can forget about Mt. Elgon. We can forget about certain minor communities and only the big ones dominate parliament. I have been an M.P. and I know how Parliament sometimes get carried away. Saa zingine wanaweza amua mambo bila hata kufikiria sawa sawa. Tunataka wazee ambao watasema hapo mumekimbia. Kwa hivyo hiyo tumekata kama senate and if senate refuses we can even go to a referendum for a specific issue.

Senate ikikataa jambo, tunaweza enda referendum sababu anything can happen and Parliament there can be dictatorship of the majority. It is not only the minority that dictates. Even the majority can dictate na kunyanyasa walio wachache. Kwa hivyo, that is why I am talking about the senate. I also expect the Senate to concur on any constitutional change by a figure of seventy percent (70%). Senate wakubali jambo lolote ambayo inahusu Katiba. Parliament wapewe ile 55% yao na senate wapewe 70% and every senator must have retired. A senator should be looking for school fees for his children. Tunataka senator awe mzee ama kama anataka kuchunga mtoto na mjukuu yake hiyo tu. That is what I want on the senate. Alternation of the constitution must be 65%. That the Senate should have that power of 70%.

On political parties. I don't want to have the Parliament register. About the number of political parties, why I say this is because we would be taking away the functional rights of an individual to freedom of association and you should be free to associate. Even a very small political party which you are forming for purposes of being a pressure group I would like that to be allowed, but for contention of political powers, only parties will survive in the arena. So all those small ones will naturally be swallowed like they are being swallowed now. They will naturally be swallowed, but you should have the freedom to form your party if you want, but the big parties have the right to swallow you. So I don't have to regulate the political parties numbers but the electoral simply will choose the correct ones. I don't think whether I addressed those particular issues. The the last one, daktari, it is also in public domain you will allow me. It is in the public domain and you are also a party to it and I am a party to it. We are quarreling at the moment. We are telling you finish up, you are telling us call for elections. Tunataka hii mambo yote ikwishe as fast as possible. Mkimaliza by September kama vile mlitweleza hivi majuzi, mukimaliza September, hatuna taabu tuende uchaguzi November. Lakini why we are saying we want katiba mpya is because we will be electing a new President and a new government. Kwa vile mimi najua mimi nikiwa naingia kwa hi nyumba, na ukinipa kifunguo hapo mimi nitafunga kila mahali. Sio kwanza kusema I am doing stock taking.

Ukiniuliza nini iko hapo ndani, nitakwambia I want to know what is inside na huta chukua hata hii chupa tena. Kama nime ingia kwa hi nyumba, but if I am leaving, I will tell you unataka kitu gani? Basi wachia mwenye anakuja, wachia hii meza na hii kiti. The fellow coming may resist constitutional change, Constitutional review na wananchi wanataka hi kitu, tunataka hi katiiba ibadilishwe. Tunataka kuona nguvu yetu inarudi kwa karibu na raia. Mwenye anakuja anaweza kuja ***Komanyoko tere, kakenaen ne ngot ko ane akere korik ak ale mami kiy na konok koron lakini ngot amandoi alenjok okot mi ake ne mi tabot yu otiten ngot omache. Toib ireyon.***

I know the best situation for constitution review is when there is an outgoing president. After that the person coming will swear to defend that constitution and will tell you there will be no change then we know what happens with that in Kenya and even us Africans should go and pledge loyalty nakumwambia yeye sisi ni wazuri sana hata wote wote wanaongea juu ya katiiba ni wachochezi. Kwa hivyo hatutaki hiyo maneno ya katiiba hiyo ili enda na wote watu walikuwa hapa juzi. Kwa hivyo ile katiiba iko ni sawa sawa endeleo hivyo. We know that is what is going to happen. We must finish the constitution review before we go for elections. If we don't want a comprehensive one okay, give a working document that is addressed to divisional power, that is addressed to the right of the public and then if you are going to give us a minimum katiiba at least give something that includes to what we have told you today, then you can continue reviewing whatever else we have not discussed. Lakini ile tumesema leo patia sisi kabla ya twende uchaguzi.

Com. Mosonik : Mheshimiwa tulikuwa tume omba mwezi wa April mwaka huu kwamba tupewe muda ya kutosha ya kutengeneza hiyo katiiba. Kuunda upya ama kutengeneza na tuliomba kwa ajili sisi wenyewe tuna fuata sheria ya kurekebisha katiiba ambayo ilitengenezwa na bunge. Walitupatia masharti na lazima ifanywe kwanza ile inatuata. Tukaangalia na tukasema tunahitaji mpaka mwezi wa tano mwaka ujao.

Tangu wakati ule, tunawangojea nyinyi Wabunge mutujibu kama mutatupatia nafasi ile au la na tuna hakika kwamba kabla mwenzi wa tano mwaka ujao, hakuna katiiba mpya itakuwa imetengenezwa. Pengine vile unasema turekebisha hapa kidogo na pale. Lakini kurekebisha vikamilifu nakufuata sheria tukiwa tuna fanya hivo, na kufuata ile sheria ndiyo tuone vile raia wenyewe wanhitaji haiwezekani kabla mwisho wa mwenzi wa tano mwaka ujao. Wakati mwingine kuna maneno mengi, maoni binafsi, ile watu wanatoa.

Wengine ni Macommissioner, wengine wanasisia ama raiya wa kawaida. Lakini ombi letu ni kwamba tupewe muda mpaka mwenzi wa tano. Vile unajua mheshimiwa sheria bado iko mikononi yenye Bungeni na tunangojea jibu na tutarajia kwamba hiyo jibu itakuwa ni jibu ya kuhakikisha kwa raia. Wamepewa nafasi ya kuunda katiiba mara ya kwanza kwa historia yetu. Vile mnajua katiiba ya kwanza ilitengenezwa na London Lancaster house na viongozi wa siasa. Baada ya hii miaka arubaini imepita imekuwa ikirekebisha bungeni. Hi ni mara ya kwanza kwa wananchi na tunaomba na tunatarajia hamta nyima raia wa Kenya nafasi ya kufanya hivyo. Asante.

Hon. Isaac Ruto : Basi asante sana daktari. Vile daktari amesema hiyo ni kweli sisi tulipokea maoni kutoka Commissioners ya kusema tafadhali tupatie sisi mpaka mwezi tano, mwenzi wa nne. Mimi ni mmoja wa wale wanakaa kwa kamati ya bunge ambaye inahusika na maneno ya Kati. Sisi tulipokea barua yenu. Tukasoma tukaelewa hiyo sababu. Na sisi tukasema basi tunakubalia nyinyi mufanye mpaka siku hiyo na pia hatuta enda uchaguzi mpaka siku hiyo mutaleta ndiyo twende uchaguzi. Wengine wakarudi wakasema Wabunge wa KANU. Sisi hatukua wa KANU. We are twenty seven (27) MP's Kwa hiyo kamati na hata hapo tunakaa na Kibaki, tunakaa hapo na akina Anyango Nyongo, kina Paul Muite tunakaa na hao wote huko hata Wamalwa tunakaa pamoja.

Mimi nawakilisha chama cha KANU na wengine. Tukasikizana tukasema basi ikiwa mumeuliza hiyo ni sawa sawa. That is very simple and a very proper request. Tukakubali lakini wengine wetu wengine wao wakarudi wakatuambia raia wanakataa. Tukawambia raia wamekataa na nyinyi mumeuliza.

We can go and explain and tell them let us give them three months (3). Vile wamesema watupatie kitu muzuri ile itatuchunga sisi wote. Lakini watu wengine wakasema ati watu wa KANU tunaogopa kuenda uchaguzi. Tunaogopa kwenda uchaguzi gani? Hakuna wengine tunapigana nao. Hata ona hakuna mwingine ametoka Parliament hapa. Ni mimi peke yangu tu. Tutaenda hi uchaguzi na tutarudi tena uko lakini hawa wanataka katiiba mpaya, hao watu wanataka ile kitu itawatunza. Sa ile sisi tuna enda Nairobi na kuongea maneno ya Nairobi, hawa watu wanataka ile kitu itawapatia dawa, itawapatia chakula, itawatengenezea bara-bara, itawaletea maji. Hawataki tena kuenda kupiga magoti kwa wafanyi kazi wa serikali.

Wanataka wajue sauti yao inasikizwa. Hivyo ndiyo wanauliza ama namna gani? That is what they are asking. They want to be empowered and that is what our new constitution. Tunataka iyo ipatie hawa nguvu kuamua mambo yao. Nafikiri jambo hilo mkimaliza sawa sawa ikiwa hamumaliza tuta ongeza hiyo. Lakini ikiwa mutamaliza kwa sababu mambo imekuwa mingi mpaka watu wengine sisi tukiwa kwa KANU tuko tayari kwenda uchaguzi wakati wowote. Hata mwezi wa tano mwaka ujao, ata next month tuko tayari kwenda uchaguzi. We are ready.

We have launched our new vision at Kamukunji and we are willing to go. Sorry if you think I have turned it political. No I am making statements that are proper and reasonable, but we support your work and we want to give you enough time because this is a responsible government, who will listen to your view. We want to listen to the Commissioners. Commissioners wakitwambia tupatie hii, tutawapatia sababu sisi ndiyo tuko nayo. Sisi ndiyo tuko na uwezo. Wengine hawana responsibility because they are not in government. Lakini their responsibility you must listen and you are listening to the Commissioners but if others think we are fearing to go for elections, we shall go for elections and we shall sweep them out of their seats.

Com. Mosonik : Asante sana mheshimiwa na ninapenda kukuhakikisha kwamba sisi hatujabadilisha maneno yetu. Vile unasema kwa gazeti those are individual views. Tume haijabadilishwa na tunatarajia kwamba tutamaliza kazi yetu. Sijui kama we ni bwa Ezekiel. Okey endelea lakini kwa mheshimiwa ame wazungumzia sana. Sasa tutafanya dakika mbili mbili. Mheshimiwa amemaliza maneno yote mzuri.

Ezekiel : Jina langu ni Ezekiel. Nitakologo kwa lugha ya Kipsigis.

Ezekiel :*Ng'aliot na mwae alemen kongoi. Ng'alek cha tindo ko ng'alek somok kityo machang ' chechuk. Ng'aliot ab kirwagik kikakile kibose kirwagik.*

Translator : He has three views to give. He is going to talk about the chief.

Ezekiel :*Amun ki matakeputan kereben cheo kichuchuch kimnatenywan kereben kit ne kikuren chief Act.*

Translator : We had earlier on been assured that the chiefs will be sacked but they were not sacked and Chiefs act was

reviewed.

Ezekiel : *En inguni koko chang'a wahalifu konyalu kwekyi k irwegik kimnatenywan si kosich akine chief act akoyai kimnatenywan kotwa.*

Translator : because crime has increased and the chiefs act should be that the chief should be empowered and the chiefs act enacted.

Ezekiel : *Kora kechengyi boisiak c he ng'amen kongeten foundation koyaret kirwagik.*

Translator : Village elders are the foundation of our society. Free market is being used as an instrument of corruption.

Ezekiel : *Number two ko ng'aliot ne kibare 'free market'.ko free market ko magendo kikwam emet kotar.*

Translator : Free market is being used as an instrument of corruption.

Ezekiel : *Amun free market kokibut cereal kot ko ingunon ko nda nyone rubet ko mami ole kesigen bandek.*

Translator : It is free market that had led to the downfall of cereal board.

Ezekiel : *Konyalu kisto free market ago telel cereal kou kawaida.*

Translator : Free market and free trade should be done away with and then the government shall? through cereals.

Ezekiel : *number somok ko chitob Serikali ne ingomen kosiche lagok taabu ne kikwang'e.*

Translator : When a civil servant dies, his descendants suffer a lot.

Ezekiel : *Ng'ete rabinik che to kikonu che ba chit one kikome(kibaityot), kotare kenysisiek somok ak komibanada ak komi rabinik serikali iwiche ne?*

Translator : The benefits and the dues of the widow and the children and the dependents are supposed to get, take very long. They take a very long process to reach the people. They can take as long as three years.

Ezekiel : *Asome Serikali kosich rirge asikoriryo lagok chito ineken , matakoriryo tugukwak che kiyete.*

Translator : The government or rather the constitution should give sensitive to the needs of those who are left behind by the deceased.

Ezekiel : *Maatinye ng'Alyon en yon, ingo taretech Kiptayat ak kosulda. Kongoi.*

Translator : He doesn't have much more to say. Subiri!

Com. Mosonik : Nafikiria mzee ulikua unataka kusema kitu kuhusu village elders. Ulisema ni foundation, lakini hukupendekeza unataka nini ifanywe kuhusu hao wazee?

Ezekiel : *Amache boisiek che ng'amen che tinye yetanutik ab Kipsigis, che makanye teng'ek asi kolumda foundation ne kararan en kirwagutik.*

Translator : The village elders who are the foundation of our society should form a core area when decisions are made especially judicial decisions. Justice.

Com. Mosonik : Ninakiuliza kuhusu hao kutambuliwa na serikali, kupewa mishahara ni wale wazee wa kijiji ama ni wengine?

Ezekiel : *Boisiek ab kijiji yani village elders. Ko boiyot ne foundation nerwache tugul okot che marwache Bomet District kou cheba matagis korwache boiyot ab kokwet amun foundation.*

Through translator: The village elders should be recognised by the constitution and empowered and they should be paid salaries.

Com. Mosonik : Asante sana. Next we have Paul Maritim.

Paul Maritim : My name is Paul Maritim from Siongiroi location. I only have two issues to put across. Something to do with investment. That the new reforms should emphasis on investing that is financing local investors, economic resources as required. The government should set economic reforms of the nation. They should be publicised or put analysis of the economic trade of our nation as it is down in developed nations. This will help motivate local investors to venture on their investments having known the areas that we know.

The second point is concerning the farmers. The new reforms should see to it that the farmers are taken care of through the agriculture of this nation. Ministry of Agriculture should extend the service to remote areas. They should build offices in local area to ensure enough services to farmers, instead of passing their views from urban centres where they might not know where the service reach. I think that is enough. Thank you.

Com. Aroni : Thank you very much. Joseph Langat. Please take two minutes and we shall read the memorandum later.

Joseph Langat : Honourable Commissioners , mshimiwa and wananchi, hamjamboni! May I go direct to the point. Point number one. The biggest problem that we have in this country (interruption)

Com. Aroni : Give us your name for recording purposes.

Joseph Langat : I am Joseph Langata Makmas location also Siongiroi division. The biggest problem that we have in this country is the national income which does not benefit all Kenyans. There is no fair distribution of resources and services among Kenyan community. All communities in this country should benefit equally from the national income and resources. The new constitution should balance the interest of ethnic of religious groups by creating a common political community in which the primary role is to the community and secondary to ethnicians, religions and linguistics.

The nearer it is the location of power is to the people, where social justice, gender equity are addressed and human rights exist. There we shall not fail to enjoy the following rights. Food, education, roads, employment, shelter and health care. The rights can play an important role in alleviating poverty and human suffering. Subsequently, proportion of the people to have access to employment, clean water, medical services, adequate food and descent shelter.

The new constitution must ensure fair, equitable distribution of resources and services. So we want to establish a federal system of government. Revolutionary power to the regional state, local authorities? Provincial do not hinder the domain of reality.

The powers of the constitutional protection, the redrawing of boundary and federal system is the Parliamentary system in which the Prime Minister is appointed from the majority of the party in Parliament. The President should be elected on universal supreme with his running mate. He should form the government with by appointing Ministers, Permanent Secretaries, Commissioners, Ambassadeurs and Service Commanders and remain the Chief of the Armed Forces.

Constitutional supremacy. A constitution can only be changed by the participation of institutions in addition to the legislature. Such as regional authorities or the people themselves, through referendum. M.P.s to intensify the section they want to be amended. Referendum should be conducted by the national conference.

Five. Contenders who are above seventy years old (70), should be barred to vie for Parliamentary, Presidential and Local Authorities. The working group employed, retire at the age of fifty five (55) and politicians should retire at the age of seventy years (70).

Education. Primary education should be compulsory, free to all the children. The state should meet all the cost of primary education and supply the necessary materials to all schools. The parent who does not take a child to school should be prosecuted.

Farmers and farming. Farmers should be protected from exploitation and the government should market their produce. The co-operatives should pay the farmers promptly and with a standard price. Farmers have been making heavy losses. Poverty eradication can be enhanced by protecting the farmer.

Natural resources. The natural resources and water catchment areas should be preserved. The areas set aside as forests should

be preserved and trees to be planted in full. That should any one mess with the trees, must also be prosecuted.

Com. Aroni : Please summarise now!

Joseph Langat : Local authorities. There should be a Chairman, and a Financial Controller whose responsibilities are to run the Ministry in the local authority. Who in turn should be elected by the wananchi and qualification should be a university graduate.

Administration. Chiefs, assistant Chiefs and Village Elders all should be elected by the people they serve in the area so that powers are not misused.

Last but not the least, I come to land. The problem of land is acute and in this country many are landless. The constitution should limit the size of land one owes. A body should be formed to ensure that land is used well. The land which is not used well should be attached. Land cases should be dealt with by a court of elders.

I come to customary laws. Customary and traditional laws, and cultural values. Those values contribute to a national culture. The constitution should preserve, observe and protect these cultural values whether written or unwritten. The unwritten cultural values should be delegated to the council of elders and be assisted to put them in books after a very long time of study. I consider myself a star of a distinguished group and my interest should be catered for in the new constitution. Therefore these interests are traditional (there are so many because you are saying I summarise, let me read two points here).

Let me go to Tea Estates. The new constitution should create or put economy in the hands of indigenous people of this country. The economy of this country is still in the hands of the exotic people even after forty years of independence. The responsibility of the whites or exotic people is to market the product but not to own markets and be responsible. Just to mention a few things owned by the whites in Kipsigis and the things owned by the whites countrywide should be owned by the Africans of this country. The whites or citizens by paper, should be allowed to import goods from their country to the sea ports or air ports and sell this to the indigenous people of this country. (interjection). The law

Com. Aroni : Thank you very much. Langat excuse me. We shall read the rest. We have over fifty people who would like to speak and we need to give them a chance. Bwana Langat we are going to read your paper and we will come back with a report to assure you that we read it. Thank you.

Langat : Just one here. Just one. May I say this here? Due to the fact that there is high unemployment and free market competition prevailing in our country, we suggest that the constitution should provide a clause which shall not allow those in public service to participate in the world of business and taking advantage of services tenders and contracts. One job, one

person. Thank you.

Com. Aroni : Thank you Mr. Joseph Kiprono. Please register and hand in your memorandum. Mr. Joseph K. Murgor please take the minutes.

Joseph Kiprono: Only three minutes. Thank you very much Commissioners . My name is Joseph Kiprono murgor.

I am coming up with basic rights. This concerns the interest in the university. Now you find that in our public universities, some people dominate university because of the claim that their children are passing higher than the other people. What I am coming up with is that we should be having a number, which we should be sharing. Our district should be having, if a university is having ten thousand, we should share equally, so that we come and do our own selection the way we have passed. And not to be dictated that you can only have for university others from districts will never make for university even upto to till the end of the world.

The Commissioners , another thing is that you find that when our children are taken to university. Some people dominate the best courses. For instance let us say doctors, human doctors. We have never trained any doctor since we attained independence. Simply because some people say that we are not passing very well. This is immaterial whether we are passing very well, we need a doctor coming from our district or from our area.

Commissioners , the other thing is concerning legislature. Commissioners you find that the Parliament should not be preparing their salaries. The salary the Commission should be set to prepare the salary for all the people, because it is not possible for Parliament to propose the salaries and they pass it on their own. That is completely wrong. They should go and propose, they put to the Commissioners , send some people to go and see what has been preside for the MD. or the people in the Parliament to take such and such a salary. Otherwise we might explode the others. Thank you very much the Commissioners (people clapping).

Com. Aroni : Joel Soi.

Joel Soi. Thank you very much. My names are Joel Arap Soi from Ngamage Location.

Citizenship. Automatic citizenship of Kenya are those whose parents were born in Kenya. Another way citizenship is acquired is by registration and identification is given. The process of Kenyan citizenship regardless of the parent's gender, be entitled to automatic citizenship.

Political parties. Political parties should not only play a role on political mobilisation but also on economic development of the

country. The constitution should regulate the formation, management and conduct of political parties. The number of political parties should be limited, not to be more than ten (10) at least five(5) so that their manifesto are well cleared and understood.

Com. Aroni : Please give him an opportunity. Tafadhali tumpatie nafasi aonge bila kupiga kelele.

Joel Soi : and financed by public funds.

Structure and system of government. We should adopt federal system of government in which the executive and legislative authority is split between the central government and distinctive regional or other units. Thank you very much.

Com. Aroni : Thank you. Please register and give us your memorandum. Next is Kechingo chelingo.

Swaleh Cheringo : Thank you. My name is Swaleh Cheringo. Now I am going straight to the point. Ammendment of the constitution. Parliament should ammend the constitution if the voters are three quarters of seventy five percent majority votes. Two. The constitution should be reviewed if necessary, after fifty years than instead of reviewing every now and then. It is wasting money of the country. Three. Some constitution should be beyond the amending power of the parliament. Like extensions of the parliament. Because they can choose in that one, except they can make during the time of war. Another thing which should not be amended is making Kenya a one party like the former one. Citizenship. On the side of citizenship, a Kenyan citizen should have a right to live anywhere in Kenya and owe any property in that place as a Kenyan.

Political rights. On the side of political parties, we should have at least two and a maximum of four. Some we can say are having some parties to interfere with the rights of some people, but this is like religion. Allowing more parties can lead to tribal parties. They can even be forty two like Kenya is having forty two tribes. Now all parties should be funded by the state.

Regulations. MP should be a part time occupation, and should be working for four days allowing them Fridays, if they are Muslims to go and mosque. Saturday if they are christians or Sunday, because of are regions and need to worship their God.

Seven. Age for voting should be 18 years and on. M.P's should be 21 years and a maximum of 75 years should be the retiring time. Presidents should be 35 and a maximum of 70 years. That is the time when a person is having a capacity of proper thinking.

Nominated MP's should be retained and shared as follows. A person who shall be nominated be a disabled and two from every province because we are having eight provinces. Then we shall be having sixteen and four from political parties. And

two who are representing women.

Nine. Parliament should have powers to remove executive, through vote of no confidence of three quarters or seventy five percent of the vote of the members of parliament. The President should not have power to dissolve the Parliament but this one should be the entirely the right of the parliamentarians. President should have two terms of five years and must be educated to a capacity of university degree. Again he should be a married person, because he will understand more about the children.

On the side of judiciary, we must have a supreme court, constitutional courts and qualification must be a minimum of masters degree if it is a judge and the chief justice must have a degree of philosophy. Age must be thirty five years to sixty five, if he is a judge. And forty to seventy if he is a Chief Justice.

Provincial administration. We should have all provincial officers except D.O.'s and chiefs should be moving on transfer every five years in order to work for the people. Not to work for the village. Qualifications for a commissioner should be a higher education and must be forty five to sixty years. Those are the Electoral Commissioners. Electrol Commissioners if possible, should be 27 and representing every province.

Basic rights for humans. All Kenyan citizens must have full basic rights. The state should have a responsibility of ensuring all Kenyan citizens have basic rights, like medical. All Kenyans should have a medical and if a person is over 65 years, he or she will be given free medical and in addition to that will be earning a pension. Whether he was employed or not, provided he is over 75 years.

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

Swaleh Cheringo : Okey. There is something here I would like to say.

Marriage. On the side of marriage, because we are having different religions, we shall be following how those religions are. Not to regulate to say one wife one man. We shall be having the trend on the side of tradition, muslim four, christian christians one, or a bachelor that is still okey. And all married persons should undergo a medical check up in the right a will because it will help in time of any death or if you are called to heaven. Thank you.

Com. Aroni : Thank you very much. Joseph Boo!

Joseph Boo: I have the following to propose for the constitutional review. This is the system of government.

My proposal is that on the system of the government, it is the backbone of any successful nation. I propose that our constitution should have a well defined structure of government whereby there is automony in the three heads of government.

There should be no arm of the government being vested with more powers than the other.

Secondly that our constitution should have a separation of power and checks and balances, which should be incorporated in the constitution of our country so that it makes it difficult for the majority to get control of the government.

Third. Our government should have constitutional supremacy. This is, all Kenyans should work within the set laws and abide by it, irrespective of the political status. All Kenyans should be punishable by law in case of impeachment of the laws. Also, I propose that we adopt a federal system of government where services will be brought to regional levels. This be based on economical regions, and also different regions have got different demands.

Secondly, is that in the system of government whereby we have the federal, we should also have the central government providing a service like security and of course services in areas that cannot be favourable with some resources. Second is that with this separation with wealth structural preparation and checks and balances, I propose that we have or we maintain the Presidential system of government. Instead of maintaining the office of the President and Prime Minister's office, which might be a bit expensive and unnecessary. I also propose that we have county council chairmen who are elected by the people. They should be the chairperson for all economic and development affairs. In the district level, and we should have the District Commissioners as an appointee of the central government, to be in charge of the security.

Com. Aroni : Thank you. We shall read the rest. Let us give an opportunity to other speakers. The next please. You must excuse us. We have over 50 people who would like to talk. Thank you. Daniel Chelekam!

Daniel Chelekam: Ma-Commissioners wa seminar hii ya leo katika katiiba ya Kenya mpya, ningependa kusema ya kwamba nataka kuwajulisha wa Kenya wezangu ya kwamba ningependa kuwajulisha ya kwamba lazima tuheshimiane na kupendana kama mungu anayotupenda. Kwa sababu hiyo ndio kusema ya kwamba hatuwezi kuacha kitu inaitwa majimbo.

Com. Aroni : Sema jina lako.

Maritini Chelekan Daniel: Jina langu ni Maritin Daniel. Nimetoka Siongiroi location na hiyo ndio maneno nataka kuwajurisha wa-Kenya wezangu. Ningependa kuwajulisha ya kwamba lazima tuheshimiyane na kupendana, kama mungu anatupenda. Tuwache kitu inachoitwa majimbo. Majimbo inafanya Kenya inagawanya sisi wenyewe.

Ya pili ni katika familia. Familia ya wasichana pia wapatiwe heshima kama wafulana. Hata wale wamebaki nyumbani. Wafanyiwe kama wavulana pia. Hasa afya bora, kusoma na kwa sababu ukisomesha msichana, ni kama kusomesha dunia mzima. Pia kupatio ploti. Familia pia baba na mama, wawe pamoja wawili kweli. Lakini kuheshimiana pia kwa sababu watu wawili hawawezi kuongoza. Lazima moja aheshimiwe awe prefect. Awe kiongozi wa nyumba. Kwa sababu dama wawili

hawezi kuongoza ng'ombe kwa ploti. Lazima wafurugane.

Na pia mabeberu wa ma kanisa bali bali katika nchi yetu ya Kenya, lazima waheshimiane na pia hao waheshimu Kenya yetu, na kiongozi wote kwa jumla.

Com. Aroni : Una malizia?

Daniel Maritin : Na pia wazee wa kijiji wa heshimiwe na pia wapate mshahara kutoka kwa serikali. Hawa ndio nguo ya kijiji, Kenya yote kwa jumla.

Com. Aroni : Asante sana. Robinson Langat. Tafadhali jiandikishe. Kiprotich Mibei! Stanley Langat.

Stanely Arap Langat : Kwa jina naitwa Stanley Arap Langat. Mchango wangu kuchangisha hii sheria mpya ni kujadilia sana manana juu ya mashamba. Case ya mashamba. Kasi ya mashamba iwe ikitatuliwa na wazee wa vijijini. Kwa sababu siku hizi huko kotini iko na shida nyinyi nyingi.

Ya pili kuchagua kwa hi sheria mpya ni kuhusu Wajumbe wa bunge. Hawa wajumbe wanao chaguliwa na Rais kumi na wawili. Ni heri wachaguliwe na bunge yenyewe. Kama ifuatavyo. Wachaguliwe wazee wanne kutoka vijijini. Kwa sababu panapo kuwa na wazee hapakosi neno. Na tena wachaguliwe vijana wawili wanao hakikisha vijana, na wamama tena wawili wanao wakilishe wamama. Na pia wachaguliwe wale viongozi wa mathehebu wa akilishe mathehebu yao.

Ya tatu, Bunge kuwahirishwa, na heri ihairishwa Bunge na wa Bunge wenyewe, na Speaker wa Bunge. Kuliko kuahirishwa na Rais mwenyewe.

Ya nne, ni heri kutiwa maanani sana hi kesi ya kunajisiwa wanawake na tena kunajisiwa watoto. Heri waweke maanani hi kesi sana. Ili hi kesi iwe ya garama ya juu sana hata ikipitishwa kesi hi mtu afungwe maisha. Halafu watu wengine wasije wakafanya hi makosa. Watu wengi wasije wakaendele kufanya makosa.

Ya tano. Rais mwenyewe ni heri awe na kazi moja.

Ya sita. Hi cost sharing ya hospitali ni heri waweke maanani kwa sheria hi mpya, ili wapewe uhuru wasije wakalipisha watu pesa, kwa sababu wakalipisha watu pesa, kuna wajane, kuna watu hawajiwezi na wanateseka huko nyumba mpaka wengine wanaweza kupotesa maisha yao.

Com. Aroni : Asante mzee. Tusaidie hiyo karatasi yako tutazidi kusoma. Tupatie watu wengine nafasi. Thank you very much. Next ni Andrew Maritim! Conelius Rotich! Kipkiri Kilach! Kitenyo!. Jina yako ingine haisomeki. Samuel Mutai! (Samuel is

out) Phillip Biyegon! Vitalis Kirui.

Vitalis Kirui : Thank you Commissioners and my name are Vitalis Kirui.

I represent a religious organisation, that is Catholic Justice and Peace Commission Siongiro parish.

First of all about the constitution, I would like to mention about the preamble. They should actually guide the (.....inaudible). They should guide the unity of the Kenya, the stability, the God-given human rights. It should talk about good governance and democracy. The rule of law and order, ethnic diversity and nationalising. To mention some few things on those that will be pre-empted by the procedure, I will just go through them. The law should be amended and as to the powers of the president. The going concern is the powers of the President should actually be vested on the judiciary arm of the government.

Employment sector to have one man, one job. Cabinet should be a professional who comply to their positions, and public land should not be owned or given to individuals, but should cater for public use. The constitution should be an open document not a secret and even can be squeezed in the school syllabus.

Taxation should apply to everybody and be fair and just. People should have the power to hire and fire their MP's in case they don't represent their constituency. A member or a contestor who has not representing the constituency well, should not be nominated. The appointment of ministers should be approved by the parliament. Appointments of the head of parastatals be done by sectors related to such bodies. The appointment of judges, be done by L.S.K. and be approved by the Parliament.

The government should be able to safeguard and distribute equally the resources of this country. The law should punish those who mismanage the public funds and resources, properties regardless of their status.

Anti corruption authority be fully empowered empowered to prosecute those who mismanage the public funds. There should be accountability in the revenue authority. All the defaulters, should be identified and prosecuted. There should be a law on agricultural policies which will safeguard the rights of farmers. The education system be reviewed so that there is equal opportunities for all. The public service Commission be independent body, and employment be done on merit. The Parliamentshould see to it that the project undertaken by the government should be completed.

Com. Aroni : Thank you. We are going to read the rest. Please hand in your memorandum and we also had another representative from your organisation this morning. Philemon Chepkulon, John Timon, Alexander Cherwechok, Alexander Mutai, Alexander Mutai. umelala Alexander?

Translator : He is saying he has a sore throat.

Com. Aroni : Kama uko na sore throat peana huko kwa sababu huyu mama kazi yake ni translation only. Patia district co-ordinator halafu ataweka katika hayo yote tutasoma Nairobi. Next! Zakayo Mutai! Kipkoskei Chuma.

Kipkoskei Chumo : *Kainenyun ko Kipkoskei arap Chumo. Koron aweche kongoi en bichu eb Commission kakobwa nyokong'alaweche.*

Translator : My names are Kipkoskei Chumo. He want to thank you Commissioners for coming here to listen to our views.

Kipkoskei Chumo : *Amun tguiyoni koba kamanut.Tomo kegere tuiyet ne wuni.*

Translator : This meeting is important. He has never seen such a meeting.

Kipkoskei Chumo : *Agenda nenyun ne tai amwae kosibke ak lagok ab sukul.*

Translator : His first agenda is on school going children.

Kipkoskei Chumo : *Lagok che tare en secondary,kotinye taabu.*

Translator: School leavers. Secondary school leavers have a lot of problems.

Kipkoskei Chumo : *Kesome bunge kosomesan kou kenya amun matinye sigik rabisi ek ab university.*

Translator : He asks that you to be included in the constitution that there be free univesity education.

Kipkoskei Chumo : *kosoman buch kotkoter university amakoyache amun matinye sigik rabisiek.*

Translator : Parents don't have money to pay so the government should sponsor the education through to university level.

Kipkoskei Chumo : *ko ng'aliot ake asome ko ra kosibken ak ambassedours che mi Nairobi.*

Translator : He is talking about the ambassadors who stay in Nairobi.

Kipkoskei Chumo : *Kemache kepyechinot keheberwek alak kou Kisumu, Kericho etc. makimache koburen Nairobi ineken.*

Translator : Their offices should be evenly distributed across the country.

Kipkoskei Chumo : *Asi konyoru keheberwechoton toretet koyab bitonin kou yon siche bik ab Nairobi.*

Translator : so that the help or the aids at the embassies can reflect the needs of the people across the country.

Kipkoskei Chumo : *Ko ng'aliot age amache kelewen akichek Kirwagik kou yukileweni bik ab Parliament.*

Translator : Chiefs should also be elected, as members of Parliament.

Kipkoskei Chumo : *Kelewen kotar kenyisiek mut akine kelewen age kounoniton.*

Translator : The chiefs should be elected for five years and after that an election should be held for another chief.

Kipkoskei Chumo : *Ak amache Akine konget MP ko mekomie kochut idarait ake. Mamie kochut MP idaraisiek kou cheba polis anan kap Education. Kimache bik ab kap education kobaige esn boisienywan. Makimache koingiliani MP.*

Translator : The ministries especially at district levels should work independently from the M.P's. The M.P's should not interfere with the working of different ministries.

Kipkoskei Chumo : *Amun sikowechok emet ko kikenam ministry ake tugul kou che ba kap polis, kou che ba kap DC , kap Agriculture ak cheba kap education komutu choton tugul chito akenge, kemache kostaenge, kotelel chito age tugul en wizara inyin.*

Translator : What is going on right now is that most members of Parliament interfere with the work of police, ministry of agriculture and they use such facilities for their own selfish interest.

Kipkoskei Chumo : *Kou asikarik ab forestry akichek komamache koingilian DO anan ko kirwagik kochut forestry.*

Translator : Administration police should not interfere with the working of the forest officers.

Kipkoskei Chumo : *kemache asikarik ab forestry koyai boisienywan kosir kochut asikarik alak che ter.*

Translator : The people in charge of the forest should do their work, and should not be interfered with by others officers like administration police.

Kipkoskei Chumo : *Komamache aib kasarta ne koi, mangel ng'alek che kang'alal bik en kingereza, amuche aketyi ng'alechoton ko amache amwa kityo kongoi, koberurech Kiptayat akotestai emani nyon en kalyet ak chamyet.*

Translator : He is saying that is all what he had to say and he really didn't understand what people said in English.

Kipkoskei Chumo : *Ago angen ale en abagora ko kit ne mie en emaninyon siatin ng'alechon ba ambassedour ko mie komi Majimbo amun tinye chitugul Majimbo en konyin kongeten kipkoi.*

Translator : He is saying that majimbo is just a natural phenomenon and that there should be majimbo.

Kipkoskei Chumo : *Amun wendi chitugul konyin ingunon ko nda ititoi katwa chi ko mwechin serikali kolelen kagerebenan kit ne kile.*

Translator : Like now everybody going to his own house, so that is majimbo in its own way.

Com. Aroni : Asante. Utasoma ile report tutarudisha uelewe vile wezako wamezungumuza. Asante sana.

Translator : He also says thank you very much.

Com. Aroni: Okey. Michael cheruiyot.

Michael Cheruiyot : I am Michael Cheruiyot from Makimei

Preamble. We need preamble for the people of Kenya and with the preamble, we need the word of God by ending Amen. By the way, we the people of Kenya are aware that the government are created to serve human kind with pursuance of peace, prosperity, security, (.....inaudible) and environment intergrity in the continuity of human life. We noted the goals have been violated in the past by radical, irresponsible and authoritative governance. We are concerned that moratic values, transparency and accountability, issues of human rights and social justice must be constitutionalised in our system of government so as to ensure tomorrow is enjoyed by our people in their daily lifes. We need one nation united, and invisible but composed of diversified cultures, and people whose rights are unviolated and whose heritage as African people are enriched in the spirit of panafricanism.

Sovereignty. The little power authority and the right of people of Kenya, and the people shall be governed through their will and consent. The government should only act according to the new constitution and not a surbodinate law. The people have the right to civil disorbedience for the purpose of pressuring a government in which violates this constitution or other law, in order to express their wish.

National unity. Certain organs from the people shall promote national unity, peace and stability. A citizen has a right to lead two business or work in any part of the country. All people of kenya are entitled to their cultural entity, practices, to an extent that this do not inhibit national unity and stability and do not contradict this constitution in the law of the land.

Human rights are not disregarded by the law. State organ shall regard the promotion of basic human rights as their primary responsibility. Enforcement of human rights is a basic duty of the appropriate institution for such imposition must be established.

Family protection. The family is a natural and basic unit of the society and should be protected by society and the state. Family rights shall acruce to family members as individual rights of such members. First and foremost not merely as a group.

Social objectives. All Kenyans have equal rights, opportunity to attain education, that is from primary to secondary, any services, clean and safe water, decent shelter, food, security, pension and retirement benefits. The state to promote basic education and appropriate measures, to avail every citizen equal opportunity towards highest standard possible.

Culture. Each distinct group has the right to its culture. Cultural, religious and customary values shall be consisted in human rights, democracy and the Kenyan law.

Environmental protection,

Com. Aroni : Make your last point!

Michael Cheruiyot : The use of Kenya natural resources shall be managed in such a way as to meet the development and environment needs of present and future generations of Kenya. The well support central government shall create and develop, banks resources and irrigation areas, so as to ensure conservation of natural resources including animals, plants and fish to promote national views and natural resources, and safeguard their capacity for renewal, regeneration and stability of the ecology.

Civil and political rights. Has a right to associate freely for ideological, religious, political, economic labour, social, culture, sports and other purposes. Freedom of choice and expression.

Com. Aroni : Thank you very much Mr. Cheriyot. We are going to read the rest since you have the memorandum.

Cheruiyot : Last but not least, the federal system machinery be recommended for management of resources. Thank you.

Com. Aroni : Thank you. Please register and hand in your memorundum. Mibei Nelson, Langat Paul, Joseph Barchok!

..... we have all heard about the centres. We would like to have actually the council of elders. The court of elders be also enacted in the constitution. These people will consist of either two or three members from every district. The chief and assistant chiefs are also members but they will not have any paramount power to overrule what the council of elders has said. These people will be seating once every week and actually when there are problems that they have not been able to solve, they will have a right to call a judge to come and listen to the problem that they have. Some of the main duties that they should have are the following:-

(a) They will be dealing with cases concerning land, marriages and divorces. And also they will be the people who are concerned with the things that we have been hearing about the petition of marriages. They will be the once who will be giving these people who have recently married the application forms to apply for the certificate of marriages. To be obtained from the D.C.'s office like any other people as you have heard. Apart from that they will be dealing with family quarrels and also quarrels concerning the neighbours, protection of the scarcity areas, and pollution, and also the proper drainage in the local community.

- (b) I will suggest that an repentance salary review commission, should be formed. This Commission will be dealing with all salaries concerning civil servants, parastals, the army, the Parliament and the councillors.
- (c) We would also like the constitution to incorporate a provision concerning the non employees. Yani those people who are eligible for employment but there is no job for them. These people should also be given basic salaries. Because, if we will be having so many unemployed people, and they do not have any source of income then there will a lot of problems, especially in stealing and all other forms of evils.

Com. Aroni : Thank you very much. Please register and give us your paper. Francis Chororei!

Francis Chororei: Asante sana. Jina langu ni Francis Chororei kutoka Bima, sub location ya Kipastuiye. Yangu ningependekeza mashamba yote iwe mukononi wa state, katika Kenya. Katika sehemu hii yetu. Na iwe? iletwe karibu na wananchi katika? ile wananchi wasipate taabu kwenda bali. Iwe sheria. Na misitu kama vile forest kama hii iwe mukononi ya wananchi. Isiwe vile mtu akija kama wageni wageni, ma officials wa serikali wanapeana ovyo ovyo (people laughing and clapping). Na iwe sheria yetu ya kabila ya sehemu hii. Na mapuloti na maduka, iwe ya watu wa sehemu hiyo. Wawe wakijadiliana kuhusu hiyo ya kikao chao. Yani kama vile kusungumzia vile wanaweza kufanya kazi yao wenyewe katika sehemu yao akisha kupanga kama wanataka kujenga kama hospitali, masoko na nini. Isije kuwa kama ya watu wote iwe mukononi mwao.

Na vile vile sheria yetu, tulikuwa na siraha tangu zamani. Mikuki, vizu ya kiume, na ngao. Hiyo tunaweza kuisha nazo katika manyumba yetu. Tuwe na siraha yetu katika kila nyumba. Kila mtu akitembea lakini siraha kuwa na mishali yao? katika dani ya nyumba.

Na tunapendekeza kila mtu akae nchi yake. Kila mtu akae nchi yake. Hiyo ni njia moja ya mtu. Shamba pia iwe mukononi wa wananchi. Na iwe mukononi ya wazee. Hata kama watapea watoto wao.

La lingine tuweka kama sheria yetu ni vile vile wototo wetu wale wanambaki manyumbani, tunataka sheria walete mali ya wazazi wao bila kupakua. (interjection)

Com. Aroni : Asante sana

Na serikali pia (imebaki moja bwana commissioner) Naomba moja uniandikie hapo. Ma cost sharing katika hospitali ya serikali ile ya out patient wa kiandikisha kumeza dawa na kurudi, iwe ya mbure. Iwe ya mbure kabisa sababu watu wengi hawana pesa. Pesa ni kidogo. Asante sana.

Com. Aroni : Asante mzee. Tutaandika hiyo. John Bii.

John Kipkemai Bii: My names are John Kipkemboi Bii from Kiliba, Konasis location.

Political parties. There should be only two political parties in Kenya, so one becomes the ruling party and the other one becomes automatically the official opposition. This will greatly stop growing of smaller minor parties to be swallowed by the big ones. There will be clear results in election since they are only two. These two parties should be treated equally by the government without bias. Example finance it, and there should be closer relationship.

Systems of government. I propose unitary government which was there to be retained. We have been one since independence and moving freely, and therefore if we change to central system, this may be misunderstood by many to mean chasing away non residents of a region and seizing their property. Just as it was in 1992 in Molo area. This will bring back to life tribalism which was already killed in our country.

Legislature. Appointments made should be vetted by a group in Parliament with a two third majority. This will improve the appointments of ministers, Chief Justice, Assistant Ministers, Commissioners, Attorney General, Vice President and other Government Officers. One fair appointment have proved the (.....inaudible? until their term expires, unless a vote of no confidence by parliament. And therefore no firing by the president.

All MP's should conduct themselves well in the house. They should participate actively in all the dairy proceedings in Parliament by making contributions or listening attentively instead of them making technical appearances and chatting with their friends in the chamber while the debate is on. Lack of quorum should never arise, or it should be said there are allowances earlier. Why increase salaries and there is lack of quorum? Sitting and sessions should be increased to start from Monday afternoons to Friday mornings. There should be life coverage of the proceedings. Moral and ethical qualifications for parliamentary candidates should be introduced. In this way, corrupt or bad leaders will be avoided earlier. In reference to Uganda where they have to show a truck record of the candidates. Successful candidates should be allowed to finish their term of office, i.e five years. Whether bad or good. And therefore recalling them is what I object. This will take the electorate to be wise in their posting next time.

Recalling and having a vote of no confidence in any MP may retade development in the area due to campaigns year in year out by unsuccessful candidates. That causes waist of time and money during the conduct of elections. By election should only arise due to death or resignation from being an MP. Resigning here means he cannot seek re-election in the by-election.

Defecting from one party to another should happen unless it is resignation, and should not seek re-election. A defecting MP should therefore give a three months notice to his or her party. Two should not seek election in the by election. He or she will wait till Parliament is dissolved. This will stop waist of time and funds due to campaign, election and vying of these defectors. There should be a time table or calender for the Parliament.

Executive. The executive should not interfere with the other two arms of the government. That is the judiciary and the legislature. There should be clear cut functions of each of these three arms. For one to qualify to contest for the President he or she should be mature. Forty years or above. Youngsters will cause chaos in the country. Reference to the division of the kingdom of Israel in the bible. It was given to the young turks after advise. The presidential's tenure of office is two terms of five years each. And therefore this one should be retained. Presidential election should be conducted directly by the electorate. Presidential candidate should be declared President if he or she gets an increased majority. That is more than 50% of the votes. And also gets at least 25% of the votes in the five provinces. And he should also qualify to be an MP. If no one qualifies, to the highest number of votes should participate in the runoff, i.e the second round. Apparently elected President then seizes to be an MP and his or her constituency declared back.

Marriages and family property. Traditional marriages should be recognised and permanent registered and issued with a certificate. Validly married person should be entitled to the family property.

Cohabiting or come we stay, should not last for more than one month.

Com. Aroni : Please give us your last point.

John Kipkemoi : Lastly, village elders should be empowered to deal with minor cases.

Traffic policemen in the roads are doing nothing. There are only accepting bribes from the drivers and touts.

And then last but not least, caning of the children or corporal punishment in schools should be reviewed. If need be the government should even provide a standard stick to be used in every school. An African child is different from a European child. Different cultures and therefore we should not just copy them. God bless Kenya. Long live Kenya. Thank you.

Com. Aroni: Thank you very much. Mheshimiwa would like to say something before he leaves. Mheshimiwa.

Mheshimiwa Isaack Ruto : Thank you very much. I will only point on two issues. One I had forgotten. Somebody had suggested that we reduce ministries. I deliberately left that decision to be made by the President and the Prime Minister, because there is need for a variety of ministries. Depending on changing circumstances. Like properly we may have forgotten certain emerging disciplines that at some stage may require an entire ministry to handle. So I deliberately left that one out.

The question of federal system and majimbo. That may be an attractive idea but I was more concerned with bringing the government as closer to the people as it is practical. Because there may be great difference between Nakuru and Nairobi. The person in Kajiado travelling all the way to Nakuru or somebody from Turkana all the way to Nakuru may get the same problems we are facing going to Nairobi. Because we need a strong government. So I was proposing a central government and

only local authorities. Devolution of power to that lower level. Now somebody had mentioned about constraint to indicate about the question of terms of service probably for Parliamentary staff.

There is a Parliamentary Service Commission just like there is a Public Service Commission and there is a Teachers Service Commission. There is a parliamentary service Commission which handles questions of salaries for both staff of Parliament and members of Parliament. Members of Parliament do not approve their own salaries. When they are being revealed like what they are doing now together with staff, there is a Commission headed by justice Cocker which handles those issues. So views are taken there. So the question of MP's making their own decisions does not arise. Hiyo ni maneno tu ya magazeti. Maneno ya Nation Newspapers. It is not the truth.

The truth of the matter is that the Parliamentary Service Commission appoints a Parliamentary Salary Review Commission headed by a Judge, and make recommendations back to the parliamentary service commission. I just wanted to correct that. Just in case somebody starts believing what the newspaper is saying is the correct situation. Hiyo ni propaganda tu. It was the same propaganda that was being used against the commission. Ya kusema that KANU wants Parliament to extend itself.

It is the Commission who wants time to finish this. Munaona kwanza there are constraint. Wanakwabia sema tu maneno yako in two minutes. We should have a whole week. Week mzima. Kuna wengine hawajakuja. Kuna wengine bado wako bali. Hata munatakiwa kwenda to collect views and collect views at Chelubutia. It is very far from here. Na Chemunya. But now look you only come to Siongiroi and you go back to Nairobi. If you could have more time, I am sure you will listen to these people better. But anyway since this is the only time we have, please present your views. Thank you very much. Nyinyi muendele. There is another meeting which I have to attend at the district headquarters. Kwa hivyo muniwache. Na maswali sio yangu. Kwa hivyo siwezi jibu maswali. I was only correcting what I had been asked. Thank you very much.

Com. Aroni: Thank you. David Kipkirui Siele. Mzee unataka kusema nini? Tumetaja jina yako. Jina yako ni nani? Umeadikisha hapa. Basi subiri kwanza. Subiri kwanza tafadhari. Utasema tu. Subiri tuite David Kipkirui Siele?

David Kipkirui Siele: Thank you very much. My name is David Kipkirui Siele village Ngaririeki, location of Siembunya of Bomet district in Kenya.

The constitutional review process in Kenya. My proposals are. The preamble is accepted.

I will start with the judicial. The village elders, that is the council of elders should be more powerful and be paid salaries. Because those are the people who do not accept bribery.

The judicial officers be appointed by parliament. We need a constitutional court where the Chief Justice is possessing a degree.

The judicial officers should hold a

case at? level, i.e they should be mobile where the council of elders are present so that corruption in our country is eradicated.

Basic rights. Cultural marriages be awarded certificates by the chiefs at the presence of the ? through the DC's office.

Employment, security, health care, water, education, shelter and food to the districts and close to the individuals. Thank you very much.

Com. Aroni : Thank you. Please hand over your paper. Kilislo Kipragat Soi.

Kilisio Arap Soi: *Ane ko a Kilisio arap Soi.*

Translator : My names are Kilisio Arap Soi.

Kilisio Arap Soi: *Amenye mutarakwa Location.*

Translator : I come from Uதாகვა location.

Kilisio Arap Soi: *Amiireyu ingap king'alale amwae kongoi en bichon king'alajin.*

Translator : I am here because people are presenting views and it is that we are here to listen to the people's views.

Kilisio Arap Soi: *Asiyamwa ng'alek cha mwae kogas akichek.*

Translator : He also has some views to present and?

Kilisio Arap Soi: *Amwae ale en kipsigis olikinye kokitindo ng'atutikwak olikitomkoit chumbek.*

Translator : He will start by saying that we the Kipsigis had our customary law before the coloniolists came.

Kilisio Arap Soi: *Kongunon kingoit chumbek konam koburburen ng'atutikyok che kiba olikinye ak kosir bik alak koik kimenyenyetainik kobir bik iko.*

Translator: When the coloniolists came they distorted our customary law, which was also our will, our basic law.

Kilisio Arap Soi: *Kokingobir en betusiechoton kobetyo ng'atut ik che chok. Kongunon ko tamwae tuten.*

Translator: When they came our customary law was distorted. Now he has some views to present.

Kilisio Arap Soi: *Okot mumek ko kibet iman?*

Translator : Even our customs, our rights, do they really go with coloniolism?

Kiliso Arap Soi: *Amwaitaen mumiat amun en kotini komwae chito ra lembech.*

Translator : He is talking about it because nowadays in court people lie, and in our traditional courts people are taught it is not good to lie.

Kiliso Arap Soi: *Amun okot chito ne kabar chito kokomboani advocate konyo komwa lembech.*

Translator : Even a murderer in our present system of justice will get a lawyer to come and lie.

Kiliso Arap Soi: *Ko kasam ng'alek che chang' en kotini kewekta ko ba gaa.*

Translator : So with that he is asking that the African courts be empowered.

Kiliso Arap Soi: *Miten Magistrate kotindo brokaek che chang', advocates ichugan kora.*

Translator : Our magistrates nowadays

Com. Aroni : What does he want? We know all those things. What does he want.

Kiliso Arap Soi: *Kit na mache amache kalyet kewekta kirwagutik kobwa gaa si ko nam kosib kayet si matake uny imanit.*

Translator : He want the village elders to be empowered and all cases start with the village elders.

Kiliso Arap Soi: *Asome kora boisiech che kemache komwa ng'atutik ko boisiech che yosen.*

Translator : And village elders should be people who are accustomed to our customary law.

Kiliso Arap Soi: *Kokanamwa kokasibike ak imbarenichugan.Imbaret ko kakase komwae chito age ami imbarenyun komache imbarenyun kosibke ak kwondonyun ko vice ne nyun kwondo en imbar.*

Translator : In matters to do with land, he should be the head of the land to own the land, and then the wife is the vice.

Kiliso Arap Soi: *Kokikonyo koyetan imbaret kwondo.*

Translator : The situation now is that he cannot dispose off his land without consent from the wife. So he want to be empowered to dispose off his land at his own will.

Kiliso Arap Soi: *Ak kolenji lagok kiplembewet boyondonon.*

Translator : And he is inviting the children so that when they go to the land's board he overules.

Kiliso Arap Soi: *Asome ingunon kalyet .*

Translator : And for that reason he is asking that the village elders be empowered for trial cases.

Com. Aroni : Asante mzee. Asante sana. Kuja ujiandikishe pale. Asante.

Kilisio Arap Soi : *A some kityo kelewen boiyot ab kokwet ak kelewen assistant chief .*

Translation: He is saying that the village elders be elected with the Chief as others had said who else should be elected. Asante sana.

Com. Aroni: Thank you. Joseph Koech! Benard Rono! Benard Rono! Joseph Muge!

Joseph Muge: *Kiguron Joseph arap Muge.*

Translator : My names are Joseph Arap Muge.

Joseph Muge: *Ko kamache amwa akane kogerkeit ak yu kamwa bik. Amache kotonon kotab ng'atutik chuton che ba Katiba asi kobit yon kamiten ng'alion ne kakimache kotakeba ke chob, komi koyoton manyalu ye kitar Katiba ile kisto.*

Translator : He is saying that the constitution of Kenya Review Commission should be entrenched in the Constitution so that if there is any constitutional issue it can be referred to the commission.

Joseph Muge: *Amun ange ale inguni ye kitarat konam kole bik kakabut koyoton ko nda kibendi kot kibwat boisieik kele kotatakemwae kiy ne kile oko kogetar ng'alek keba kemwachini ngo?*

Translator : He is saying that the Commission should not be disbanded because they might think of other views to give to the commission.

Joseph Muge: *Mache kewek ng'alek kobwa gaa kou ye kimwae boisiekyok kole kakiwekte ng'alek kobwa g aa.*

Translator : He is talking about the village elders being empowered, and they should form a core institution in policy making in that particular society (interruption - This is Kipsigis).

Joseph Muge: *Amun kokeger kele kokonam bik ng'alek en oli eb gaa koi be koba kotini koimate bik kibananok b ik che makarek kotor kai kowekse ng'alek en olin kele owektechin boisieik. Kokigesil makomi ng'ararik.*

Translator : The present system i.e the system of justice is now very expensive and in some cases they go up to the magistrate. After going to the magistrate, the magistrate refers the people back to the village elders which is very expensive for those people.

Joseph Muge: *Ng'aliot age ko sire tab lagok. Ko inge sire ra lagok kelemen osir che mitten somanet barak ani koret*

ne tom koba somanet barak kosir ng'o choton?

Translator : He is saying that the society which is not really educated, and job opportunities are for those who are education, he sees that that society is being sidelined.

Joseph Muge:*Kikosxoman ine koit ye ba wuyanko nda kibakesirchin oloton akichek choton*

Translator : So he is saying that in societies whereby the level of education is not really high, they should also be given opportunities to work.

Joseph Muge:*Ne ba let , ko en inguni ko nyalu keger kele tepta ano boisiek akichek ile nan kele ainon kipakenge ne ba chepyosok, ainon neba murenik bendi anon che ba boisiek oko ingo bare komwa komakasyin chi.*

Translator : He is saying that nowadays women are empowered to start women groups. So it should also be in the constitution that men should be encouraged to start their own men groups.

Com. Aroni : Thank you. Asante sana mzee. Wacha tupatie mtu mwingine nafasi. Stanley Langat! Ephrahim Arap Mutei! Philip Langat!

Phillip Langat:*Kainenyun ko Philip Langat ayabu Birwa.*

Translator : My names are Phillip Langat from Birwa.

Phillip Langat:*Ngaliot namache amwa ko ng'aliondoni kimwae kele kimache kiisto bananda.*

Translator : He wants to touch on poverty eradication.

Phillip Langat:*Inaker en yutet ko bik che kakonam business ana imuche kokakotech kou kiosk che mitten yon,*

Translator : Small scale traders such as those who own kiosks,

Phillip Langat:*ke kase edn kasartage kele kage ng'oan, kakinde kibaro kakimache kiges bananda anan kakites kogeny.*

Translator : it is very unfair that at times their kiosks are demolished and it works against the policy of poverty eradication.

Phillip Langat:*Oko chichon ko kalangugei' kakoalda ingwek oko kakiwirta koloit.*

Translator : Yet the person was working hard to eradicate poverty.

Phillip Langat:*Amache kebagach chichon kotestai en yon komi ak kotebi kiparo koyai kit age.*

Translator : The constitution should empower the small scale traders and by all means encourage them.

Phillip Langat:*Ng'aliot age ne ba oeng' agoba wajumbe che kileweni kou parliament.*

Translator : I want to talk about the members of Parliament.

Phillip Langat: *Keleweni che mache kotar kenysisiek mut lakini en kwenet yu kemache kit ne kikuren Kura ya maoni. Asikobit keger ingo mi koyae kasit anan kakonam ko chariren.*

Translator : They have a five year term and in between there should be an opinion poll so that we can be able to gauge his development track.

Phillip Langat: *Ng'aliot na kesunen ko ng'aliot tab Majimbo. Ko mayani Majimbo amun imuche komi koratinwek alak che mi ngweny kebetyin ngweny pichotet.*

Translator : I disagree with the idea of majimbo because there are some regions that are not economically well endowed, so it will be a disadvantage to them.

Phillip Langat: *Kou Bomet makitindoi Factory age tugul.*

Translator : I especially feel for my people in Bomet who do not even have a factory. So if majimbo is enacted they will really suffer.

Phillip Langat: *Agere tot ko kaigait kamaswek alak.*

Translator : May be the other regions will be happy but I do not even want to talk about it.

Com. Aroni : Asante sana. Next ni William Chelula. Willam Chelula! Peter Nyige!

Peter Nyige: Thank you very much. My names are Peter Nyige. My proposals are that the President should not stand in any constituency. He should be a Member of Parliament himself. He should be elected at the age of 45 to 70 years.

Ministers also should be nominated by the Parliament because when they are elected and become ministers they would work for their Constituencies alone. And the Ministers should not be more than 15 because they are taking a lot of money. And among the 15 at least three should be women and one representing the disabled. Also the vice Presidents should be elected by the masses. That is in general election. A federal system of government also should be established. And big provinces like the Rift valley should be sub divided into three. That is north Rift, Central and South. We have a problem also in this one like the Tea Estate. From my own research, the Kipsigis who are in Bomet now or who are in the South are leaving in tea estates especially Chainga and other places. Europeans came, they removed them to Munira. And later on they discovered that Munira area people could plant tea also. They were brought to South. And from now they sensed another thing that they are not benefiting. So I am saying I don't know how to put the three Kipsigis districts should share the sales from the estates and other places within. Or they can share the tea estates. A Tea Estate like Chaigaiga for Bomet, Tagambi for Kericho and the others. Europeans are having the Tea Estates and they are in aboard.

Schools. I think the government has overlooked the early childhood education (E.C.E.) And the government should even apologise for that. The early childhood education should be provided fully that teachers be paid, equipment be supplied and even the houses should the bill should be met by the government. These are small things which should be developed.

The quota system also in public universities and some children are mentioned. We have selections sometimes in courses like medicine. People are bringing notes on English. What does English mean? And somebody has passed in physics, chemistry and then they say they must have A in English. So the whole Bomet have no teachers teaching English. How could you expect a student to attain A in English whereas no body is teaching? So we need a quota system in everything. If it is medicine, we shall sub divide according to the districts. When you go to engineering join a good? and then those ones if I were in that district and it is reading B, you can do medicine. You can go to masters even and the other?

When I come to farmers. Farmers should be compensated in case like the K.C.C. The K.C.C. the government knew it was going under. And if we have losses, the government should compensate the farmers. Marketing farmers strategy should be met by the government. In other countries, the farmer just plants things to the land and everything is made by the government. So I mean here our country economically stand because of agriculture and everything is paid by the government. So if you are in need of alliviating poverty, the government must see to it that they market our product.

Loans. Also should be given to farmers and small businessmen with the interest of more than 10% per year so that they can make it.

Com. Aroni : Please summarise.

Peter Nyige : Parliamentarians should not exceed five years. As somebody has mentioned, the constititonal review committee should continue but if the government is seeing that there are some specific things to be changed, you give them time to continue. Nobody should be employed unless? The contract of employment was five years and nobody should exceed that one. Chiefs powers also should be returned to the chiefs. That is the Chiefs Act. There are some things that the chief should have implemented. I am also saying in environment we have hills like Sigor. We have mountains. The government should remove those people who are living in the hills and compensate other ares so that those are made to be forests.

Com. Aroni : Asante sana bwana Nyige. Thank you very much. We are going to read the paper.

Peter Nyige : National clothes. I am seeing this one giving us a lot of problems. We find our ladies having tight clothes. I think we should have a national cloth for Kenyans and those foreigners who are coming should see that in Kenya so that when they are in Kenya, they wear the same. What we are wearing.

Com. Aroni : Thank you. Asante sana. Jeremiah Sitoni. Tafadhaliandikishe na utuachie hiyo karatasi tusome. Joel Arap Murusoi, David Kosgei, Joseph Kipkurui Sigei.

Joseph Kipkuri Sigei : My names are Joseph Kipkurui Sigei Marakoo. May I present my 2002 constitution review. So I would like to change the name of repulic of Kenya into Kenya Confederation. That is its official name.

Two. Form of state. Form of state must be federal republic of Kenya.

Three

Com. Mosonik : Tafadhali urudie. Ulisema namna gani?

Joseph Kipkurui : It is like this. I would like to change the official name of the state. That is at present we call it a republic of Kenya so I would like to change into Kenya Confedertion. That is official name.

Two. Form of the state. Federal republic of Kenya. I would like to go to legal systems. Based on the Constitution of 1885 to 1963 Kenya was a federal constitution.

Common laws or customary laws. There must be two types of electins. One. National election for president. Two. Federal republic. Three National election for government, i.e 8 provinces.

Head of state. The head of state is the central president. An entirely ceremonial office presenting it annually amongst the members of the central council. National government. Federal council that is executive authority of 8 members elected individually for a five year term by the people but not necessarily from the two parts of Parliamentin join sessions. In a federal system, that is I would like to start with? About that. In a federal system of government, several political communities enter into an agreement for working out solutions affecting general policies and making joint decisions on?

With this arrangment there at least two sets of power for level of government, general and regional. Consequently, the power and responsibility of the government are divided between two centres of power. The power and responsibilities of each level of government are uo to be clearly speeld out by the new connstitution. Parliamentinstitute the following conditions of control.

1. The federation should be established into eight states.
2. Bill of rights should be added to the constitution.
3. The national constitution state by the working of the federal government in the new Kenya constitution.
4. Federal government is supposed to be given functions.

Com. Aroni : Please wide up.

Joseph Kipkurui : Federal government is supposed to be given its functions, e.g. revenue and expenditure, taxiation. I said by solving problems of the national resources, e.g. land, forest, water, well (.....inaudible) as an extract

duration. Federal rights of the minority e.g. inaudible? Etc. The public rights for the majority examples farmers might notinaudible? Majority have to be called Kenya confederation.

Com. Aroni : Asante. Jiandikishe na uwache hiyo karatasi tafadhari. Wapi yule mzee. There is this old man. Call him.

Kipruto Arap Tuwei : *Kikurenon Kipruto arap tuwei. Kongoi missing.*

Translator : My names are Kipruto Arap Tuwei. Thank you very much.

Kipruto Arap Tuwei : *Kit na mwae kityo komiten bik che kikoba olinba shamba koaldechik bik alak en tittle deed oko tittle deed neba lembeita.*

Translator : There are some people who have gone to the land's office and they get fake title deeds.

Kipruto Arap Tuwei : *Imuche koalda lakwet imbaret korun kait kwanda kole ma ba imbaret lakwanon ako kakachi tittledeed ne ma noton.'*

Translator : You should really take that seriously because there are a lot of fake title deeds. A child can sell the father's land and that the title deed is passed on to somebody else.

Kipruto Arap Tuwei : *Missing ko shamba settlement anan ko ADC.*

Translator : There are especially at the settlement areas of ADC.