

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS

CHEPALUNGU CONSTITUENCY,

AT SIGOR HIGH SCHOOL

TUESDAY, 9TH JULY 2002

CONSTITUENCY PUBLIC HEARINGS
CHAPALUNGU CONSTITUENCY AT SIGOR HIGH SCHOOL ON 9/07/02

Present:

Com. Abida Ali Oroni

Com. Charles Maranga

In attendance:

Ismael Aden - Programme Officer

Omwanza Ombati - Assistant Programme Officer

Flora Wafula - Verbatim Recorder

David Cheruiyot - District Co-ordinator

The meeting was called to order at 10.55 a.m.

David Cheruiyot: Commissioners before us, let me take this opportunity to highly welcome you and also welcome the public members officially. You are highly welcome. Let me request Mrs. Ruth Siele to open with a word of prayer and then we proceed with the programme.

Ruth Siele: Let us close our eyes for a word of prayer. Our dear heavenly Father we thank you this morning. Thank you Father for bringing all of us up to here. Thank you father for staying with us. Thank you Father for all that is going on in our constituency oh my Father. Thank you God for bringing these visitors up to here, the commissioners. Thank you for bringing everybody up to here Father. In everything that is going on you stay with us, listen with us and be with us Father. We glorify you and we leave ourselves in your thy hands. We pray all this believing and trusting in Jesus name, Amen.

David Cheruiyot: For those who do not know me, I am David Cheruiyot, the District Coordinator. Let me welcome the Constituency Constitutional Committee chairman to introduce the constituency constitutional committee members, just only introduction as I was told by the commissioners.

Paul Bii: Thank you very much commissioner Maranga, Commissioner Abida and the other guests who have accompanied you and the members of the public. First of all, commissioners you are welcome to Chepalungu constituency. Feel free, these are part of the members, we hope many will be turning up as time goes. For this time, I won't waste time I want to request the constituency committees to come in front here for introduction. Just near here.

I myself I am Mr. Paul Bii who is the chairman of the constituency committees, I hope they will be very happy also to speak through the microphone giving us their names.

Commissioner Abida Ali, Commissioner Maranga, the members of public I am Caroline Ruto, I am a CCC member and I represent the youth and we are very happy to have you here and enabled enabling us to participate in the constitution making process. Thank you.

I am Andrew Kimeta, a CCC member for Chepalungu and I am representing people with disabilities. Thank you.

I am Michael Cheruiyot, a CCC member from Chepalungu and I am representing the youth. You are welcome the commissioners. Thank you.

Thank you once again, I am Joseph Rono, CCC member representing religion. Thank you you are all welcome.

I am Mrs. Langat, CCC member representing women's rights. I am a teacher by profession.

I am Mrs. Ruth Siele, CCC member ChipalunguChepalungu, representing the church and women gender.

Mr. Paul Bii: One member is away commissioner, that councillor we were together here, who is representing local authorities. So up to there, I hope I shall hand over the programme back to a member of the committee to interpret from those who may have a language problem. So I want to use Caroline who can interpret properly. Thank you very much.

David Cheruiyot: Thank you very much chairman. I will now give back the programme to the commissioners. Welcome.

Com. Abida Ali: With the collection of views tungetaka tuanze na kuna masharti fulani ambayo ni lazima tuyafuate katika mkutano wa leo. Na kwanza kabla hatujaanza kabisa tungependa kuwajulisha watu ambao wako hapa kutoka katika tume ya marekebisho ya Katiba. Tuko na programme officer ambaye ni Ismael Aden who is with me. Ismael atakua anajishugulisha na kazi ya leo ukiwa na jambo lolote ambalo linakutatisha linakutatiza au swali lolote tafadhali utamuuliza Aden. Yeye ndiyo ako incharge ya hiki kikao cha leo na ataweza kusuluhisha shida yeyote ambayo pengine itakuwa inapatikana au kujibu, halafu

anasaidiwa na Omwanza Ombati, ambaye pia anatusaidia ku-record maneno yeyote ambayo mtakuwa mnazungumza leo, halafu tuna Flora Wafula, Flora ananasa mazungumzo yenu kupitia kwa tape recorder na inatulazimu kila mtu akizungumza lazima azungumze kwa kutumia microphone ili maneno yote yaende kwa tape recorder, tungetaka sana kupata maneno yenu bila kuwacha hata neno moja nje. Kwa hivyo ingawa wote wawili wana andika na sisi tuna andika hapa inatulazimu kufuatia ratiba ya Tume tume tunase sauti zote katika tape ili tusiwache jambo lolote nje. Na ma-commissioner ambao wako hapa ni Dr. Charles Maranga, nitamuomba awasalimie kidogo:

Com. Maranga: Hamjambo watu wa Chepalungu. Basi leo ni siku yenu mtoe maoni kwa ukamilifu kabisa. Asanteni.

Com. Abida Ali: Na mimi naitwa Abida Ali Aroni, naibu wa mwenyekiti wa Tume Tume ya Kurekebisha Katiba. Sasa kwa siku ya leo tunaomba kila mtu ambaye amefika aanze kujiandikisha pale nje. Kwa hivyo ukiwa huja andikahujajiandikisha, tafadhali tunaomba ujiandikisheandikisha ile ili tuwe na record kamilifu ya watu ambao wamefika kwa siku ya leo. Na hapa tunawauliza mtuambie kama mtatoa maoni kwa kupitia memorandum, au kama mtu anataka kuzungumza bila kutumia memorandum tunawaomba msembe na pia ukiwa ni observer ueleze pia wewe ni observer kwa sababu kuna watu wale wamekuja na pengine hawataki kuzungumza ama wamekuja kama kikundi na wengine hawatazungumza. Na tuna njia tatu za kutoa maoni, tuna hiyo njia ya kutumia memorandum, au maandishi, na mtu yeyote ambaye ana memorandum tunamuomba akifika hapa mbele tafadhali usisome memorandum nzima, tutakuomba ufanye highlights ama upitie sehemu ambayo ambazo ni muhimu kwa sababu tutakuomba baadaye utupatie hiyo memorandum na tuna register pale ambapo, Bwana Hassan and coordinator wameketi ili tutaenda kuzisoma baadaye. Kwa sababu tungetaka kila mtu ambaye ana maoni aweze kuzungumza na tukikupatia dakika nyingi inamaanisha tutawacha watu wengine bila wao kuzungumza. Watu ambao wako na memorandum tutawapatia dakika tatu kufanya highlights. Na wale ambao hawana memorandum na wangependa kuzungumza tutawapatia dakika tano kila mmoja. Na msione ajabu kufikiria dakika tano na tatu hazitoshi, kule kwote tumezunguka, tumeona kwamba tukipatia mtu zaidi ya dakika tano anakwenda out of point. Anawacha mambo muhimu anaanza hadithi na inatulazimu tuwache watu wengine kabla hawajamaliza kuongea.

Kwa hivyo ukiwa focused, na uzungumze mambo ya kurekebisha Katiba dakika tano zitakuwa zimetosha. Na pia ukiwa ikiwa unataka kutoa memorandum bila kuzungumza ni sawa sio lazima uzungumze ikiwa una memorandum unaweza kuenda kimia kutoka mpaka kwa Ishmael na kujiandikisha pale. Na baada ya kuzungumza tunaomba kila mtu ambaye amezungumza kuna register pale ingine ambayo itaonyesha watu waliozungumza, kwa sababu hii inaonyesha watu wote wale wamefika. Lakini tuna register ya kuonyesha wale wamezungumza, wale wametoa memorandum na kuna information au maneno ambayo ni muhimu kwetu katika kuchukua maoni yenu na ni lazima tuiandike na kuna register ambayo utakwenda pale na kuandika na kuweza kuweka signature yako. Na pia unaweza kutumia Kizungu, Kiswahili ama lugha ya mama na tuna translator, Miss Ruto, ambaye atatusaidia ili tuweze kuelewa ikiwa mnazungumza lugha ile ambayo hatuelewi.

Na jambo lingine, tunaomba ikiwa mtu atasema neno ambalo halikufurahishi tafadhali msipige kelele kwa sababu kila mtu ana

maoni yake pengine atakufurahisha pengine asikufurahishe. Kwa hivyo tuwache kila mtu aongee bila kusumbuliwa ikiwa mtu atasema kitu ambacho haikufurahishi. Jambo ingine tunaomba tutumie lugha ambayo siyo yakukasirisha. Tusitumie lugha ambayo pengine itakasirisha ama kutusi wenzetu na tujaribu pia kukosa kutaja majina ya watu. Kwa mfano, ikiwa chief wa sehemu fulani haupendi au haufurahiswi na kazi yake tafadhali usitaje jina kwa sababu hayuko hapa kujitetea na sisi hatutaki kuingilia siasa. Mtueleze tu ofisi ya chief, ofisi ya D.O. ofisi ya MP bila kutaja majina. Tume eulewana? Tafadhali kwa sababu hatutaki hiki kikao kiwe ni kikao cha kisiasa. Na pia tutatumia utaratibu kulingana na vile mumejiandikisha lakini ikiwa kutatokea mtu mlemavu ambaye tunaona hawezi kukaa hapa kwa saa nyingi itatubidi tumpatie nafasi ya kuongea, ikitokea wanafunzi pia itatubidi tuwapatie nafasi ili waweze kurudi kwa masomo yao.

Na ikifikia saa fulani, ikiwa kuna akina mama ambao wamejiandikisha na tunaona ni saa yao ya kwenda nyumbani kuangalia na kutayarisha mambo kule itatubidi tuwapatie nafasi, lakini tunawaomba sana muwe watulivu, tuweze kutumia hii majina kwa vile mumeajiandikisha bila kuruka na watu wengine kuomba wapatiwe nafasi kabla ya wenzao. Na wakati ambapo unaanza kuzungumza kwa sababu ya kunasa sauti, tunaomba uanze kwa kujitambulisha, jina lako. Na kwa hayo nawashukuru kwa kufika na tungependa mzungumze bila uoga wowote kwa sababu sheria ambayo inaturuhusu kuchukua maoni inatupa uhuru wa kutoa na kupendekeza mambo muhimu katika urekebishaji wa Katiba kwa hivyo msiwe na uoga wowote.

Na mtu wa kwanza ambaye ameandikwa hapa ingawa pengine tutamuomba, hayuko? Kwa hivyo tutaanza na Major Chepkwony. Tafadhali, lakini kwa vile umechelewa, labda mwenzako akunongoneze vile unatakiwa kufanya, au utaona mwenzako vile atafanya, wacha tuaanze na Henry K. Kiduiwa Kenduiwo. Henry K. Kiduiwa Kenduiwo tafadhali. Halafu Major Retired atafuata nyayo yako ataona masharti vile yako.

KenduiwoKiduiwa: Ma-commissioners ambao wako hapa na watu wote ambao wamehudhuria mkutano huu, jina langu ni Henry Arap KenduiwoKiduiwa. Mimi nilikuwa Education Officer mpaka nikakuwa retired officer. Mimi nitasoma memorandum kutoka kutoka Kaptusi Location. Mimi nimeanza memorandum yangu, I have started my memorandum by writing as follows: -

I have a preamble to it. And I have said and we have said, said we need a preamble to show why this constitution should be enacted. We all say that in our location. Having fought for our independence that is our reason for making it an act. We need to thank God for enabling us to redeem our country from the yoke of colonialism through blood shed. The shading of blood is our national vision which vision, which must be set out in the preamble of the constitution. During the struggle for Uhuru, every living Kenyan was concerned and therefore respect for fundamental human rights, e.g. a right to live, a right to our resources, which explicitly indicate our common concern.

We also like principles of state policy. We should be having a national philosophy of principles, values to guide us in governing our country.

We should have an independent judiciary.

Separation of powers should be put in place.

The principles should be enforced in law. Important values, our dignity and as human beings, should have protected human rights. The 65% of constitution, which is referred and reflected in Section 47 of the present constitution should not be paid. The powers to amend the constitution should be vested in what we call in our location Chebet constitution. Chebet I will replace it with another word, which is Wanjiku constitution. Hence in the case of amendment, the parliament should verify parts, which need amendment in the constitution. In all parts of the constitution there should be a commission to deal with referendum. The commission mentioned above, should conduct the referendums.

Then we talked about citizenship. Automatic citizenship should be regarded as by birth. Other citizenship of Kenya should be by a genuine registration of citizenship. There is no automatic spouse of Kenya unless, if for example, by the name Ng'eno married or is the husband of Joan Smith who is a citizen of a foreign country, then Joan Smith should be automatic citizen of Kenya. The lady who is married by a citizen of Kenya should be a citizen of Kenya automatically. Not otherwise.

Then another point we touched was holding legislature. That one I will give to someone else to come and represent and I go to the last one because they are very important indeed.

The last one is on electoral system. In case of defection from parties and closing the floor, the speaker of the national assembly should declare the seat vacant and the member will have to seek the re-election in the ticket on the party of his/her choice from the electorate.

The election violence should be simplified. Counting of votes should be done at the polling station and the results declared there and then.

The commission should be appointed by the president in accordance with qualifications and they should be vetted by parliament. The commissioners will serve for a term of ten years. And all this should be vested in the president. They draw their salaries from Treasury, we should retain the number of 22 commissioners as we have at present. And I think I will conclude because I do not want to touch on those other things but we have written. So I will conclude by saying that we need a national resources management, so we say the executive should retain the powers of raising the revenue to manage and distribute finances in a centralised system.

The parliament should retain the power to authorise the raising and appropriation of public funds.

Taxation methods should remain as before.

Equitable distribution of national resources should be vetted by parliament. The government should be required to apportion benefits from resources between the central government and the communities where these resources are found.

The controller and auditor general should be appointed by head of state, and should be and independent and free from any element of influence or corruption. Thank you.

Com. Abida Ali: I forgot to say something, that we may seek for clarification. Kama hatuelewi tutaomba mtufafanunulie zaidi and I believe we have some clarification for you.

Com. Maranga: I want to ask you a question about citizenship. You said that if Kipngeno marries Joan Smith, Joan Smith becomes an automatic citizen. How about Caroline Chebet marrying a Smith?

Chepkwony: This is what we said, we felt that a Smith being the head of the family man should not have automatic citizenship even though he marries Chebet, but Chebet will have to go to their country where the husband comes from. That is our feeling.

Com. Abida Ali: Let me also clarify further, you have talked about human dignity and you have also talked about human rights, I think treating men and women equally before the law falls squarely under human rights and human dignity. So why would you want Caroline not to have the right to give her spouse automatic citizenship because you are giving with one hand and talking with the other one..

KenduiwoKiduiwa: Our feeling was that if this Smith wishes to become a Kenya citizen, then by other means of registration, yes.

Com. Abida Ali: Okay, thank you. But one more question. I think you have talked about a national philosophy for this country.

KenduiwoChepkwony: I would recommend a national philosophy to be the philosophy that takes care of every citizen of Kenya and welfare of every citizen of Kenya.

Com. Abida: Asante sana. Please register yourself there and I would like to have your memorandum as we. Thank you I think Major Chepkwony. And please start by giving us your full names.

Major Chepkwony: Commissioners, my names are Major Retired Joseph Kiptanui Chepkwony. First and foremost, may I take this opportunity to welcome you in this area of Chegoloni Chepalungu Constituency. We are very grateful to be with you today.

Mine I wrote it yesterday, I was in Nairobi but I was forced to come here home and I will go back there again. So may be I did not put in order the way may be the commissioners wanted. I will mention some few points or some areas or I will highlight some areas and then may be because the commissioners are well trained in this field, they will go and scrutinize and do it the way it is wanted.

Commissioners I have a problem here on constitution review. I have seen two areas, which are very important. These areas are poverty and corruption. I want the law to address poverty and corruption. I want it in this manner.

I want the government and the citizen be compelled by the law, I repeat, I want the government and the citizen to be compelled by the law to do things that are of their expectations. We have realised that many times we have empty promises, we have failure of project implementation, we have non-availability of funds which have been very common.

We want to be self-reliant on food and the government can no longer cope with the present generations.

Most of our leaders love politics than development.

I want to propose that the ministries, or the ministers and permanent secretaries be compelled to do things for the citizens. Be compelled by the law, especially especially on the citizen on the side of water. Be compelled by the law, especially on the side of water.

We should come up with a law that says that in every petrol station or a pump or any aviation, 2/= should be set aside or deducted towards water in this country and should come through the law. If that money is set aside or deducted and be given an independent body, I think in the next five or ten years we will have water at least in every homestead. I feel that is the only way forward to stop poverty and misuse of resources. I said a law should be enacted to compel the government to do things.

Vice versa, a law should be enacted to compel citizens to pay certain taxes for their children's education. Every child born in Kenya has the right to be educated up to form four level. We should have a law that scraps all the school fees, primary fees and secondary fees in this country. We should use another system through the law. I know if we have that law we will be comfortable both the citizens and the government. I have shown how we can do that one.

Taxes collection in Kenya: should be done. We all know that these taxes are not collected at the right time and at the right

place. Some taxes are not collected in time. I want to propose an area like immigration Immigration departmentDepartment, Airport, Times Towers and Long Room in Mombasa, the commissioners should visit those areas before writing the law, to see the hue and cry of our the citizens.

We should have a law which gives us efficiency for collection of taxeslaw, which gives us efficiency for collection of taxes, and putting it in its proper use, have been the talkhas been the talk of the day in this country.

The Constitution Review team should be extended in order to come up with a Constitution that better the lives of the citizens.

I feel parliament should not be extended but the Constitutional Review team should be extended in order to give us a good comprehensive document. We are now talking about the lives of our people, we want our people to have a better lives.fe. So we want the Constitution Review should not be made to hurry because people want to get into power. They should be given enough time.

I will talk about the insurance companies. The insurance companies have come up with their own act. Infact they have their own language, which favours them, which cannot be understood or interpreted by the common man. So I feel the commissioners have to see those areas to save wananchi.

On needs: I want to propose that any money that is meant for roads countrywide be budgeted right inside the parliament where every member in parliament will witness.

Types of roads: in fact an area like ours has not benefited on good roads. I want it to be done in parliament.

The most deangerous area on corruption today in Kenya are areas like judiciary I am sorry to say. Judiciary has become very expensive to the common man. Even to appeal cases. The rich use a lot of money to win the case against the poor. In fact today in cases which are related to traffic offence, the common man opts to bribe the policeman instead of going to court. So I feel the commissioners will save us on this point. It is better to give a policeman 50/= or 20/= or 100/= on the road rather than going to the court. Because the courts are very expensive.

Another area which has a lot of corruption is tendering system in the government offices. It needs to be streamlined by the law.

Politics in this country is another area, which have taken a lot of money. We do not know where this money is coming from. Where do they get money for these many harambees, while others are not having a lot of money. You find others are contributing 100,000/=, 200,000/= while myself or somebody else can go to a harambee and contribute only 20/= or 50/=.

We want equality. I have realised there are extremes, whereby some groups have money, other groups have no money. Where are we, are we not on the same earth? So politics has taken a lot of our money in this country. You will find politicians paying delegates rather than concentrating on development. I wish I was a lawyer, I could have done something. I am going to present this thing actually so that you put it in another language.

The land issue: The government should value the lives of the people instead of animals. In fact the government is using animals to acquire foreign currency and they cannot take a place like Maasai land which has not been used to keep the people. Such people should be given to the people. You know that people are using a lot of money to bribe the officers in the Ardhi house because people have no land. You find people who wanted to acquire plots using a lot of money to bribe the officers.

Secondly, we need these officers who are calling themselves provincial land officers in Ardhi house to be decentralised in district levels. They should come to the districts. Why does an officer belonging to Bomet or belonging to the Rift Valley stationed in Ardhi house. They should be brought nearer to the people.

Title deeds: Majority of citizens do not have title deeds something which has not been addressed. People are living in such a big land like this but do not have title deeds. So we request that a law should be enacted to help them acquire title deeds. You find that a municipality plot, let me use the word municipality plot, chasing a title deed for municipality plot takes over two years. So those are the cases where the citizens have problems.

All children born in a family are supposed to own a piece of land regardless of gender.

Elections: During national election electoral commission should have their own police to monitor the activities on the ground and should be under the control of the chairman, under control and command of the chairman.

The last one, employment: A law should be introduced in this country for those who are serving to serve for only 25 years to create room for the younger generation. I mean if everybody will serve the government for 25 years, it will create room for the other generations.

And last, the local government should be empowered. Councillors have to be paid through consolidated funds. And a national youth service should be attached to the local councils. I mean, national youth service should be attached to local councils so that their services are hired. Thank you very much.

Com. Abida Ali: We have a few clarifications.

Com. Maranga: Major I have some questions. The first one is on the question of land which you mentioned is being

occupied by wild animals. You as a learned person do you know that animals are value and if we kicked out all the animals where do we take them? That is one question.

The second question you have said that the electoral commission should have its own police, what will happen after elections? What do you do with that police, that police force and you know it will be a big one because we are going to have elections in the entire country. You as a retired major I want to tell me, people who are armed and are not having any work to do until another five years. Do you want the tax-payers to pay for another five years? That is another question?

The last question, when you say that people should work for 25 years, what is your minimum age when somebody is starting to work, when do you start saying somebody has started working? What age? Thank you.

Major Chepkwony: About the animals, I feel that a quarter of the land should be given to the animals, $\frac{3}{4}$ should be given to the people. If there are excess of animals they should be taken to other countries.

Two, on the side of police, I feel that police bwana chairman, should be seconded on that material date. They should be seconded to the electoral chairman for that material and then later they can be brought back to the force.

The other question is employment: I am now seeing a problem in this country whereby employment is very scarce. I have seen so many youths are loitering, they are qualified, they have C+ and they have nothing to do. So I feel that at the age of 18 and 20 years, if somebody starts working at the age of twenty and works for the government for 25 years, he will attain the age of 45 years. We want to create room, let everybody taste this national cake. Thank you.

Com. Abida Ali: I also want you to contribute if you can, to an area that may be you have not touched because you have retired since. We are yet to meet members of the armed forces, but now that you worked there for several years may be 25 and more, are there any changes you would like to see in the way the armed forces operate that you would like noted?

Chepkwony: Let me say what I would like in the armed forces is that I want the troops to be brought back to the barracks. There was a system, which was told the other day whereby the troops are not staying in the barracks. Actually they are to stay out of the barracks like the police. I am seeing that thing is dangerous. I feel the troops should stay in the barracks and whenever there is any emergency or whatever, they will be going as a team rather than looking for somebody who is in Kariokor or Mathare Valley. You know the troops now are scattered everywhere and it is not good in the military. It is not like police. So it is better to have the troops in the barracks. Thank you.

Com. Abida Ali: Thank you very. Please let us have your memorandum. Charles Siele. But now after the two retired

gentlemen I am going to be very strict with time. If you have a written memorandum, strictly three minutes, Mr. Siele.

Charles Siele: My name is Charles Siele. I am going to talk about the structure and system of government.

In the side of structure and system of government I will touch on some points. The constitution should retain the presidential system of government. The president should be executive. The president should appoint the vice-president, prime minister and the appointment should be subject to the approval of parliament. The duties of prime minister should be the head of the government, Formulate government policies, assist the president in the process of appointment of ministers and their assistants and the appointment of senior government officials.

We should adopt the federal system of government in which the executive and legislative authority is split between central government and district, regional or other units.

The vice president should continuously contact where head of state is. The prime minister does not come in here. All the services should be brought as near as possible to the mwananchi by all means.

The legislature: All the presidential appointments should be vetted by parliament. In the case of ministers and their assistants, their appointments should be on qualifications and direct personal professional inclination.

Parliament should be the sole law-making body.

Being a member of parliament should remain.....(end of side A)

Age should be 35 and not more than 70 years. The president should contest for only two consecutive terms of 5 years each. MP should also contest for two consecutive terms for 5 years each. This is also because MPs will not attain to the standards of power.....(inaudible)

The language test required for parliamentary election are is not sufficient. The aspirants to the parliamentary seats should present academic qualifications. The minimum academic qualification for any parliamentary aspirants should be KCSE grade B and nothing less and he or she should attain grade B in English and Kiswahili.

Also where possible to add a professional documents for other courses should be presented. There should be a separate commission to determine the salary of members of parliament and other public servants. Moral and ethical qualifications for

parliamentary candidates should be of benefit.

Com. Abida Ali: Mr. Siele could you please summarise. Your three minutes are up. Give us your last point.

Siele: There should be no coalition government permitted by the constitution. The dominant political party should form the government, as this system is viable in the current multi-party system in which legislature and one party state is in the executive.

.....(inaudible).

The last one, we should have more than one chamber of parliament. The composition of one chamber should be that in which one member is from each constituency and the other chamber where the member is from each the state.

Com. Abida Ali: Thank you very much go and hand over your memorandum. The other one is Martha Marusoi.

Martha Marusoi: I am Martha Marusoi from Kapusosio location.

The women of Chepalungu should be representative represented and recognised in the tool of constitution.

A chapter dealing with women's issues should be provided.

The new constitution should be gender neutral.

The new constitution should aim at removing all forms of discrimination against women.

Education: The new constitution should provide equal education opportunities for both girl and boy child.

Early marriage should be prohibited and culprits of the same be penalised according to the law.

Forced marriage of the girl child to be outlawed.

The girl child be left to decide on her own when and should be above 18 years of age.

Compulsory free education for primary level to be provided.

Early pregnancy should be outlawed by the constitution and if any the girl child should be allowed to continue with her education.

Any employed man concerned with the same should be sacked or be suspended. Age also of the concerned should be considered.

Acquisition of property: The law should be amended to provide that all family land even when registered in the name of husband, should be deemed registered in the names of both husband and wife. Women should be entitled to all kinds of property inheritance. Widows should be well protected by the constitution based on inheriting their husbands' property.

Such traditional institutions like wife inheritance, female genital mutilation and discrimination of the girl child in inheritance should also be outlawed by the constitution.

To replace polygamy with child adoption.

To replace female genital mutilation with alternative right of passage.

Poverty eradication: The new constitution should address poverty from a gender representative representation since economic activities generally affect men and women differently.

The new constitution should provide for gender equality. The commission to address issues that pertain to gender.

The new constitution should provide for the establishment of the office of the ombudsman to receive complaints from the public of wrong representation in law equality.

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

Basic needs and basic rights: The new constitution should guarantee basic needs for both men and women.

Health facilities: Child and maternity facilities.

Food security.

Education for the child.

Women with disabilities: The constitution should provide for the election of one disabled person to parliament and local

authority.

Braille and sign language should be recognised in the constitution.

Traditional marriage: The new constitution should provide for certificates for traditional marriages. These should be provided by both parents of a couple. These certificates should be signed in the chief's office and witnessed by the traditional village elders.

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

Market: The new constitution should protect the home industries or basic industries. There should be no free market as these affect the domestic industries and thus the common woman.

Free Education: The government of Kenya should provide for compulsory free primary education. The government should also introduce untrained teaching staff as before, with all the necessary equipment e.g. chalk, text books, exercise books, pencils, and balls and all other necessary equipment as before. Thank you.

Com. Abida Ali: There is no clarification. Please register and leave your memorandum. Raphael Langat. Before we proceed we would like to recognise the presence of the D.O. of the area, Mr. Richard Ajwang. Mr. Ajwang I do not know whether you want to greet the people because that is the only thing we can allow you to do today. Would you like to greet them may be, tafadhali.

D.O. – Richard Ajwang: Hamjamboni. Ni sukurani sana nikiona nyinyi mmekuja. Ni sukurani kwa Mungu kwa kulete nyinyi mpaka hapa leo. Kwa commissioners you are coming here we highly expected and vile mmeingia ni sukurani pia kwenu. Otherwise vile umesema sisi hatutaongea, I will just welcome you. Feel at home we are with you until we finish this programme today. Thank you.

Com. Abida Ali: Thank you very much Bwana D.O. Mr. Raphael three minutes please.

Raphael Langat: The commissioners, I am Raphael Langat at Parkstone, retired teacher from Kapusosio location. The talk that I am going to talk about is cultural, ethnic and national diversity and communion rights. The Kenyans ethnic and cultural diversity does not contribute to a national culture. That is almost ending culture are very much diversified to contribute to national culture. The diversified culture should be promoted and be promoted in the constitution as regards to ethnic. Therefore the cultural and ethnic value, collective and experience, should be captured in the constitution. No district social group whose interest should be captured for in the constitution should not. We should have one national language, that is

Kiswahili. Yes, the constitution should recognise and promote indigenous language. That is what I have.

Com. Abida Ali: No clarification. Asante please register with us. The next person is Joseph Ngetich. And if we all emulated mwalimu I think we would finish this programme very early. Tafadhari tufuate huyo mtindo.

Joseph LangatNg’etich: *Ane kegurenon Joseph Arap Ngetich. Koyop locatiionit ab kesosio.*

Interpreter (Caroline): He is Joseph Ngetich from Kapsosio location. He will give his views on land ownership.

Joseph Ng’etichLangat: *ko kit ne angalelen ko agobo imbarenic che menye bik en emet.*

Interpreter (Caroline): He says that the land should belong to the individual and not the state.

Joseph Ng’etichLangat: *Asi amwa kounon ko mbarani menye bik en emet konyoljin ko en kasarto age kemwae kelelen kemwae kele bo serkali ago en iman konyolu kobo chito nebo amun menye yoton.*

Joseph Ng’etichLangat: *Noton amune si amwa ngolyondononiton. Bo iman kobo chiito nebo yotet amun inendet kotinye Tittle deed inendet kora ko ne nayat en yotet kele nenyin mbaret.*

Interpreter (Caroline): He says the reason is that the person lives on the land and he has the title deed.

Joseph Ng’etich: *kerge kobo kwonyik che tian kongen bik chebo kokwet che menye yotet kole mi eunek ab boyondonoton anan chicoton nebo mbaranaton*

Interpreter (Caroline): He says polygamy should not be a reason as to why the state should have ultimate ownership of land.

Joseph Ng’etichLangat: *Ko ngiolyot ne atinye ne agree konayat ine amun angen imuche komwa chito an an komwa serkali kole nyolu koboisien mbarani en oret ne kor kigere kobo serkali ko maiman.*

Interpreter (Caroline): He says the government should not have power to repossess a land from an individual.

Joseph Ng’etichLangat: *Ko noton any kit ne kamwae missing ko non kamwa ale manyoljin koyamda chito netinye Tittle deed ak chito age mbaret en olemenye chichoto. Agoi kogesunyinn okt ndobogoto emoni kobogogyin osotiondenyi nemenye twan amun inendet neindijin agoribe lagokyik.*

Interpreter (Caroline): He says that it should only be the husband who has the ultimate right to a piece of land and he should not share it with his wife.

Joseph Ng’etichLangat: *Ko noton kit nekotinye amwa nonitet anai ale bo mbaret chito nebo mbaranaton.*

Interpreter (Caroline): He is saying that at no time should the wife’s name be included in the title deed.

Joseph LangatNg’etich: *Yoton ole kabegunen ngalekyuk.*

Interpreter (Caroline): His submissions are over.

Com. Abida Ali: Ask him, he does not want women to be put in the title deed. Supposing the man and the woman are all in employment and they contribute towards the purchase of land. Doesn’t he think then the woman would have to be in the title deed. You have to translate in the mike.

Interpreter in Kalenjin to Mr. Langat.Ng’etich: *Kole ani kot kokioale ak chepyosengung mbaret .*

Joseph Ng’etich: *mbaret ne kiale koter, mbaret ne kiale ko kageguren non kompuni amun kakiale.*

Interpreter (Caroline): He is not talking about the land that he will purchase with his wife, but the one that he inherits from his parents.

Com. Abida Ali: Asante mzee. And Caroline do not go very far because I am sure we will get more translators. That was Joseph Ngetich. John Ngetich.

John Ngetich: mimi naitwa John Ngetich kutoka Kapusosio. Mimi naongea kuhusu maneno ya mshahara. Hii natakikana aunde commission ya mshahara. Maana iko kama wakati huu unaona wabunge wanajiongezea mshahara zaidi. Wanapeana mshahara ya million moja. Na hakika wako wengine hawapati hata siringi mia tano. Heri hii commission ya mshahara iongeze mshahara kutoka chini mpaka huko juu. Si kwa wabunge pekee yao.

Na tena kuhusu hii maneno ya council. Natakikana hawa watu wa council watu wakichagua councillors wakae huko kwa miaka tano. Si zaidi ya hiyo. Na wabunge tena miaka kumi. Ikiwechekane arundishwe mara mbili tu peke yake. Si hivo kama mtu akisha rundishwa mara mbili hawezi kurundishwa tena. Kwa hiyo sina mengi.

Com. Abida Ali: Kama uko na memorandum uiwache pale pia. Andrew Terer. Unataka kuongea? Three minutes.

Andrew Terer: Andrew Terer Kutoka kutoka Kapsosio. Nitaongea juu ya mahakama.

Wafungwa wanaweza kaa katika kortini kwa siku mingi sana bila kufanyiwa case. Na ninaona ya kwamba afadhari judge ama mkuu wa mahakama aende katika location halafu awafanyie wafungua case kuliko kukaa tu kwa kizuizini kwa siku nyingi.

Ingingo ya mwisho kabisa ni zile gendervillage elder. Mzee wa mtaa ako na taabu sana. Anafanya kazi kusaidia assistant chief na hapati zo zotechochote. Afadhari serikali iwapatie hata kitu kidogo ya sabuni. Ndiyo hiyo.

Com. Abida Ali: Asante jilandikishe tafadhari. Henry Taonui:

Henry TonuiTanui: Commissioners: Henry Tonui from Sugomerika Sogomeka in Chepalungu constituency. I have got a memorandum from Sugomerika Sogomeka location, divided in eight parts but I am going to read a few.

In our new constitution making we require a preamble. We need a preamble to state clearly our course and natural features heritage. We shall also require a preamble from religious context. Also we need statements in our constitution capturing national philosophy, guiding principles and democratic principles should be included.

In the current system of government again, the current 25% majority vote of parliament to amend the constitution should be stopped and replaced by a public referendum, e.g. by setting up a constitutional district based committee elected from every location.

I will also talk on the government system. We should first of all retain the presidential system of government and a Prime Minister be appointed by an elected executive. We should adopt also a federal system of government where each, regions should utilise a 75% of their income and remaining 25% to the central government. This income therefore should be shared from province to district, divisions, locations and even up to sub-locations.

I will also talk on the executive: As ealier stated eExecutive should be elected. Is to be made public and or elected. They should cater for our natural resources.

For revision also, all presidential candidates rules should be adhered to and tenure be fixed only to two terms of five years each. President should be an MP. Powers to be laid down by the constitution.

We should also retain the provincial administration and their roles clearly laid down. Village elders, ladies and men be included and recognised and be put in the government payroll.

Also in the presidential election we should retain the representative system of 25% representation in at least five provinces for a presidential candidate.

Demarcation of wards and constituencies be reduced in size. Commissioners should on district levels be done to that effect. I

will end there, thank you very much .

Com. Abida Ali: Thank you please register. Richard Biegon.

Richard Biegon: I am Pastor Richard Biegon from Sogomerika location. I am presenting on the side of environment and natural resources.

Environment and natural resources laws, protection etc. should be entrenched in the constitution. The local community should benefit from the resources within their reach. Natural resources should be well taken care of for common citizen to survive. For example, sewage should not be drained into the rivers for. w Water is life to any living thing. The owners for of factories and hospitals should use any other alternative and not drain their sewage into the river. If it is true that in biological nature, water is life, so water should be taken care off for any common mwananchi to survive.

Forest also is one of the important factorfactors contributing to our lives. The normal citizens who do not have any post in the government are being forced out of the forest. like Tinet and any other by all means.

Right now it is not surprising that people with big titles have acquired land in the same areas and not only that, but also they use government facilities, e.g. caterpillars to clear the forest.

Another thing is that I and the people of Sogomeka location we expect good governance, tribalism should not be there even in employment for there are many people without job opportunities. So people should be employed on merit regardless of clan or tribal origin. And should be one man one job for more opportunities. According to people of Sogomeka location, we also see that it should be advisable for the government to see that any retired servant should not contest or seek any other job because he is already retired to create more job opportunities.

Human rights and gender, and corruption and land commission be in the constitution. Up to that point I conclude my points. Thank you.

Com. Abida Ali: Thank you very much and please register. Michael Cheruiyot.

Michael Cheruiyot: I am Michael Cheruiyot from Sogomeka location. I want to talk on citizenship and political parties. Automatic citizens of Kenya are children born by a Kenyan father. A Kenya citizen should have a Kenyan national identity card, birth certificate etc. and should be free and should be safeguarded by the constitution, e.g. social duties, economic and political duties. Duo citizenship should not be there.

Political parties should not be financed on public funds and parties should not be limited. Thank you.

Com. Abida Ali: You said automatic citizenship by a Kenyan father, any child born of a Kenyan father. How about any child born of a Kenyan mother?

Cheruiyot: Should belong where his or her father belongs.

Com. Maranga: What about if that mother was divorced assuming that she got the child, may be she is a single parent but not married but actually she has a child who is not necessarily coming from a Kenyan father. What do you do with that child, assuming it is your sister?

Cheruiyot: If she is unmarried and she is at the father's or sister's, that child born should be regarded as a Kenyan citizen.

Com. Abida Ali: Please register. Patrick Maritim.

Maritim: My name is Patrick Maritim from Sogomeka location. My topic is basic rights.

Civic rights and political rights should be upheld and provision be made for social, economic and cultural rights. Also we should be provided with security, care, water, shelter, food and employment as basic rights for all and be distributed to all.

Compulsory free education for all up to form 4. Thank you.

Com. Abida Ali: Please register. Elijah Cheruiyot.

Elijah Cheruiyot: Thank you commissioners my names are Elijah Cheruiyot from Sogomeka sub-location in Chapalungu constituency. I would like to talk about legislature.

The MPs should not be full time. People should have rights to recall their MPs and a committee should be set up for that purpose.

Tape 2

MPs should be at least 30 years and above. The presidential candidate should be at least 40 years. MPs salary should be determined by a commission like by any other public servant. We from Sogomeka, or I, we should retain the concept of nominated MPs to represent vulnerable groups e.g. women or those people who are not able to speak for themselves, a. And

not those who contest and fail. Thank you.

Com. Abida Ali: Please register. Stanley Cherogoni.

Stanley Cherogoni: My name is Stanley Cherogoni from Sogomeka location in Chepalungu constituency. I want to talk on the council.

The mayor and council chairman should be elected by the people. The councillor should have at least form 4 qualification. Two years term for mayor. Chairman should stay. Councillors should be paid under the central government on the basic of federal system. Language test is automatic and moral ethical qualification.

Councillors sSalaries should be determined by an elected commission.(inaudible).

The other one is cultural and ethical diversity be protected in the constitutional and be given certificate through chief.,

Nnational language should be recognised. Thank you.

Com. Abida Ali: Asante. Jones Ngetich.

Jones Ngetich: Thank you commissioners. My names are Jones Ngetich from Sogomeka location. I am going to talk about land ownership.

Land onwership fees by the individual. Transfer and inheritance be simplified. Be done by village elders only to reduce unnecessary expenses. Land selling ceiling be at least 100 acres.(inaudible)If more, it must be something in order to employ or

A anybody who wants to own land, men and women should have access to land and unmarried daughters should inherit their father's land, with some conditions for security.

Kenyans should own land anywhere in the country and should be accepted by the local community there and land ownership is not or and cannot be guaranteed in the constitution. Thank you.

Com. Abida Ali: Thank you please register. Redempta Cherotich. I am Redempta Cherotich speaking on behalf of the youth.

The constitution of Kenya should have a preamble which clearly reflects our diversity, our respect of for human dignity and our believe in the rule of law.

Since the constitution reflects the will of the people, it is only to be amended by the same people through a referendum conducted by the electoral commission of Kenya.

A child born to one Kenyan parent should be entitled to automatic citizenship.

The constitution should regulate the formation, management and conduct of political parties and the parties should not be more than three and should be financed from public funds.

Political parties should run their activities without using state facilities.

We should adopt a federal system of government in which executive and legislative authority is split between the central government and other units, because every region has its unique problems, hence they should be given autonomy to serve them. By devolving power to the region unit, it enables the people to participate more in decision making.

All appointments to constitutional offices should be vetted by parliament, as they are the people's representative offices such as those of the Attorney General.

Parliament should not have unlimited powers to control its own procedures through standing orders but such should be stipulated clearly in the constitution.

Being a member of parliament should be a full time job because of the work it has been added to.

Language test for parliamentary election is not sufficient but a system of submitting of academic qualifications should be adopted. There should be moral ethical qualifications for parliamentary candidates. asAnd parliament should be the pride of the nation and reflect a people to ready to protect their country.

MPs should act on instructions from their constituencies and parties and not from their conscience or conviction. The salaries and benefits should be clearly stipulated in the commission and in case of change a commission to look into all salaries should be there.

The concept of nominated MPs should be retained, but those nominated should reflect the interest of special groups and such

should not be used to advance personal interests.

In issues dealing with women votes should not be done by simple majority. We should retain the present system of government where the winner takes all. We should continue with the current system of government where there is multi-party in the legislature and one party in parliament. Thank you.

Com. Abida Ali: A Any question?

Com. Maranga: Cherotich you say that you devolve powers to the regions. Are you comfortable or happy with the way the regions are? Like now we have Rift Valley, we have Nyanza, we have Western we have Coast, we have Nairobi are you happy with those regions the way they are divided?

Cherotich: I am happy with the the way the regions with the way they are divided and I believe that they should use their resources according to what the natural resources in those areas.

Com. Abida Ali: Thank you. Reuben Kirui:

Reuben Kirui: My names are Reuben Kirui: I represent the youth in Sigor sub-location in Chepalungu constituency. Mine is on the president, the parliament, and education and the welfare of the youth.

The president should be under the law.

The parliament should have the power to define fire the president under a vote of no confidence.

Political parties should be at least most three and should not be funded with public funds.

In the new constitution, the constitution should find a way of dividing the parliament into two sections. One section representing the common man and the other section to represent those vulnerable groups and the minority tribes. So that parliament should be able to represent the interest of each and every citizen in this country.

On education: That concerns the youth. Education should be free from primary to secondary and in the university, the government should find a way of reducing those courses that are not marketable because our parents are struggling to pay for courses which do not have market. So the government should find a way of increasing marketable courses and finding a way of, even though there are no jobs in Kenya they should find a way of getting opportunities for Kenyan students who have graduated to get jobs outside the country.

The government should find a way of representing the youth countrywide so that our interests will be taken care of in the new constitution. Thank you very much.

Com. Abida Ali: Thank you very much. Please register. Theophilus Rop.

Theophilus Rop: My name is Theophilus Rop, and I am also representing the youth from Sigor, Chepalungu constituency. Mine is based on the federal government.

I think the constitution should actually decide to change the unitary government to become the federal government. This is because we as Kenyans must have space state because the state contains some advantages. First we look at economy. First each and every state will have to provide, I mean in terms of agriculture, business and social issues. Take for example, Rift Valley is very good in agricultural production, mining can be got from North Eastern Provinceregions, talk of even the Coast there are also parts which mining can take place. So we see that if the federal government will be adopted the economy of the country will rise or become better. We do want a situation whereby the government will become will always want to get funds from the IMF, the World Bank or whatever.

Secondly we see the issues of parliament, each and every state will have its own parliament of which, it will have to quantity depend onof their own. Because in fact we cannot imagine ourselves having a minister of agriculture from North Eastern, of which the minister does not know anything about agriculture. We cannot have also a minister of finance from the Nyanza province of which that person has not been dealing with business. That person should be dealing with issues concerning fish and may be cotton.

I was talking about the federal government. I remember in the present we have the unitary government of which the president is above the law and has all those powers. Remember the Federal government we shall have a prime minister and a president. So each and every state will have its own president and its own parliament. This parliament will be able discuss matters concerning their own state. Not matters concerning the country.

The overall president will only be discussing or dealing with international matters.

We see in the federal government we will be able to manager our resources fully, for example, Nyanza province will be able to deal with their own fish and keep their resources. Use their resources to develop their state. We in Rift Valley, use our resources to develop Rift Valley because we cannot imagine a K.T.D.A. office, I mean the main office of K.T.D.A. is taken to Nairobi where no one knows about tea. They just know about the product itself when it is done. They do not know about the raw material.

So we want the main offices of each and every state be limited in their own state. Let the offices be brought back. I mean if it is agriculture be used in Rift Valley, if it is mining be taken to where mining is. If it is dealing with fish, be taken to where fishing is being dealt with. If it is business let it go to Central Province because I know the Kikuyus are very good in business. If it is matters concerning culture I think it will come back to Rift Valley because we have the national parks and all those with culture with Maasai's.

There is also one thing about the education. Education will also become better because we will be able to build enough universities and we will have equipped secondary schools and very nice primary schools. So if this government will be adopted, it will actually be able to manage our resources fully in each and every state.

Com. Abida Ali: Thank you very much. Stanley Langat.

Stanley Langat: I am Stanley Langat Cheruiyot representing youth.

In the constitution we need a preamble. We the people of Kenya, our knowledge and our struggle for Uhuru bearing in mind ethnic and cultural diversity,. We seek to promote our sovereignty and territorial integrity, respect for human dignity and fundamental human rights, gender equity, fight all forms of discrimination, democracy and the rule of law, social justice, good governance, transparent and accountability. We do therefore adopt this ensuing constitution. May God bless Kenya.

Dual citizenship should not be allowed. But acquiring citizenship should be guaranteed for youth born in Kenya.

Identity cards and other documents should be acquired in the simplest manner.

Political parties are written not only for political purpose, but also for economic development and that is improving the living standard of Kenyans. Political parties play an important role especially in promoting democracy, therefore their number should not however, be limited but we should not ignore the fact that there are practically reducing through natural course. And to avoid extinction constitutionally, their number should not be less than four. For instance Kanu, NDP, New Kanu, DP, SDP, Ford Kenya, NAC, Ford People and Shirikisho.

System of government: The constitution should allow federal system of government. This is key as it brings services near to wananchi which are defined clearly such as federal infrastructure and social amenities.

The hierarchy of power of this type of government should be from central to regional down to local authorities. We should have two chambers. That is the house of representative and the senate. The senate should be composed of one member from the

district and the house of representative is composed of elected MP.

The Legislature: The concept of nominated MPs should be retained or have a special interest represented and should be clearly designed, such as religious groups. Religious groups should comprise of Catholic, should have one nominated MP, Protestant and Muslim. We should have one for disabled, women representative, youth, provisional professional e.g. public universities, business communities under the Chamber of Commerce, farmers and minority groups, and for any of the above, each group should elect their own representative.

Electoral system and process: The present demarcation of constituencies is not covered and there should be clear boundaries indicating and if possible natural boundaries be used where civic wards and constituencies were curved out in favour of some certain candidates.

Civic, parliament and presidential elections be held simultaneously so as to save the scarce resources. However the votes should be counted in the respective polling stations and the results be installed in the computer.

Management and use of natural resources. The raising of revenue, management and distribution of finance, management of human resources be the responsibility of the parliament and should be retain the power to authorise the raising and appropriation of public funds.

The controller and auditor general should be appointed by the parliament to ensure transparency and accountability in his or her roles.

The public account committee and public investment committee should be strengthened by the parliament.

All orders of the public institution should be governed by the court of ethics.

Public officers should declare their assets while assuming and leaving the office so as to ensure transparency and accountability.

Com. Abida Ali: Please summarise now.

Stanley Langat: Natural resources: The constitution should protect all kinds of environmental pollution. All water catchment areas should be clearly demarcated and protected. Water is life.

Before mining any mineral, the government should assess its negative effects on the environment.

Employment: The constitution should spell clearly the provision of compulsory... (*interruption by commissioner*).

Com. Abida Ali: Please you must summarise now because we are going to read your memorandum anyway. A minute.

Stanley Langat: Employment should be compulsory for elite to go back to the problem of technical know how, which has been reported as a major factor to economic transcend.

The constitution should adopt the principle of one man one job.....(*interruption by the commissioner*).

Com. Abida Ali: thank you please hand in your memorandum now. We are going to read. Andrew Kimeto.

Andrew Kimettoa: I am Andrew Kimeta Kimeto and I am going to present my memorandum on behalf of people with disabilities in Chepalungu and in particular in Sigor division.

First of all the new constitution should provide for at least a chapter dealing with people with disabilities.

Secondly the constitution should also provide for ways of sensitizing he community on the plight of the disabled persons.

The other oneIn other words,; tThe constitution should clearly show the media how to send information to sensitize the people on the problems facing the people with disabilities.

Now on the side of education: We propose that there should be free and compulsory education for all children with disabilities at all levels right from nursery schools to the university. This is because there is a lot of negative cultural attitude towards these children. So the new constitution should protect them by giving them free education. In addition, bursaries which are sent to secondary schools and the University Loans Boardbursaries, which are sent to secondary schools and the University Loans Board, should give full fees for to people with disability. as mMany of them cannot be able to raise money for that matter. In addition, in every district there is need to have integration of children with disabilities into normal educational institutions. Be it vocational training, primary school and other institutions. They should all be integrated. However, they should also be given the necessary educational facilities so as to enable them to learn with the others.

In addition, tThe children students with disabilities, the grades should be lowered at least by two grades lower. For example to enter university, if the minimum grade is B, the minimum for people with disabilities should be C+ and above. So to those joining national secondary schools and other institutions, tertiary institutions should be lowered.

On the side of medical services, I think many people with have acquired disabilities because of poor medical facilities.

Therefore we propose that there is need to keep enough doctors to all district hospitals to cater for people with disabilities. In addition, we also propose that N.H.I.F. card should pay full medical fees. Although we are advocating for full medical services, but where it is not provided the N.H.I.F. card should pay for everything. In addition we also propose that the disabled person should participate in the demographic process for example, we propose that they should stand for may be for parliamentary, civic and other elections. Special seats should be preserved for them and on the side of political parties, you find many political parties, sometimes refuse to sponsor people with disabilities, therefore we propose that there is need to have independent candidates who are not sponsored by any party and where there is somebody who is interested in joining politics, I think they should be properly sponsored and if there is any money to be paid to the electoral commission, I think that money should not be there when it comes to the disabled person. In addition the ballot paper should also be produced in Braille to enable people with disabilities to read and understand what they are supposed to do.

In addition, still on legislature and local authorities, we also propose that a disabled person be nominated or be elected to the legislature and local authorities to represent these people so that they can protect their interests and they can also air their views.

Now on the side of employment, I think certain percentage of employment should be reserved for people with disabilities.

We also propose that there should be a placement officer who will ensure that those people with disabilities who apply for any job they are also given first priority when it comes to select people for such jobs. This will be the work of that placement officer.

In addition there should be a ministry for dealing with people with disabilities so that the funds can be channelled to all institutions and other groups that are dealing with people with disabilities or those people with special interest. So those are our proposals and I think I have written them down and I will give them for your consideration. Thank you.

Insert 2a **Com. Abida Ali:** Thank you Bwana Kimeto it is okay they will come down there to register. The next person is Francis Kahiga.

Francis Kahiga: Okay thank you very much commissioners. I am Kahiga Francis. I am a teacher in Sigor High School.

I think one, the new constitution should allow parliament to amend any part of the constitution by 75% majority votes. These for fair representation acceptance.

Secondly, political parties should be reduced to at most three and these political parties should be financed by the government from some funds that have been set aside. These to make these parties stronger and also meaningful.

Thirdly, we think that we should have a parliamentary system of government where we have the prime minister, having executive powers and this prime minister will be elected by the majority party in parliament. We also propose that parliament should have two chambers, that is we have a lower chamber to comprise members of parliament and the upper chamber comprising three elected members from each of the eight provinces, this to make a membership of 24 and then the prime minister to be a member of this upper chambers. The upper chamber, we propose should be there to control all the decisions that are made by the lower chamber.

Again we felt that the idea of having nominated MPs should not be there. This is because at times you find this section is abused, meaning that may be at times when somebody wants to present some personal interests, you find that this particular section of the constitution is abused. Thank you very much.

Com. Abida Ali: Some clarifications.

Com. Maranga: I just want to ask you a question on the three representatives from the eight provinces, are you comfortable with the eight provinces the way they are divided? And on what basis are we going to elect the three representatives for example?

Kahiga: Here may be we thought we could get some three independent representatives. These may be from some special groups or organisation in those eight provinces.

Com. Abida Ali: Now I have two clarifications, one you have registered as an individual but you are talking about we. So we need to get the record straight. Are you representing a group or those are individual views?

Kahiga: This is an organised group that is teachers from Sigor High School.

Com. Abida Ali: Then the next question you are not for nominations in parliament we have heard today that people with disability would like to have some seats reserved for them, we have heard the women talk, we have heard the youth, now the way things are in Kenya right now it is not so easy for a marginalised person e.g. a youth, a women or a person with disability to compete to be able to get to parliament? How do we counter that problem in Kenya if we cannot have seats reserved for them in parliament?

Kahiga: I think I talked about two chambers where we can have a lower chamber and the upper chamber. And may be among these three elected we can reserve some seats for them in the upper chamber.

Com. Abida Ali: Benjamin Soi.

Benjamin Soi: Thank you very much commissioners. My name is Benjamin Soi from Kaboso location, I am representing a community, certain members of the community of Kaboso.

We are actually asking the commissioners to consider introducing the constitution as part of the curriculum in secondary schools, because we know at the moment there is lack of understanding amongst the communities of the constitution.

We also feel that the constitution should create a room for a president and a prime minister.

We also feel that the current constitution has vested a lot of or too much powers to the presidency and we feel that these powers should be shared among the president, the prime minister and the parliament, so that we avoid a situation where the powers are abused. We also feel that the federal system of government should be introduced so that there is a better utilisation of resources in various parts of the regions.

We are also very perturbed about the way the MPs are behaving by increasing their salaries within five minutes and we are recommending that there should be an independent commission to look into all the salaries or call it remuneration, for all the government civil servants, MPs included, so that we do not have misuse of powers by parliament. We also feel that land issues should be under the local communities where the community should be final. We have the elders who know better than the government about the land. So what we are saying is, there should be a system of selling the land where we recommend willing buyer willing seller or willing seller willing buyer. Because we know there is a lot of abuse about the land.

The trust land on the other hand is government land, and should be guarded by good legislation to avoid government officers or anyone else grabbing the land, as is the case at the present time.

The head of a district we recommend should be an elected person. This question of having provincial administration, district administration, divisional administration is a colonial relic. This should be done away with and elected representatives should be given first priority.

There is a problem at the moment with the high court or the courts in the country.

There is rampant corruption where cases are delayed unnecessarily and therefore the culprits or the people concerned, those who have problems with the courts, it takes a long time before such cases are decided upon. So we recommend that there should be a community court where all the cases should start...

SIDE 2B

Com. Maranga: Mr. Soi my interest will be if you can give us a way forward where communities are having a dispute. The land is not within the community but there is a dispute between one community and another. Because these are cases where communities in this country are claiming that this land, that land belong to us. I do not know whether you have heard of that, we have gone to places where we have been told that such and such land belongs to this community. This and that land belongs to that community. Who will address that dispute? Give us the way forward.

Soi: I had in mind an individual land. So I had not thought about the communal land.

Com. Abida Ali: If you have an answer you can always write to us before the 15 of this month. Thank you. Henry Chamundani.

Henry Chamundani: Thank you commissioners. I am Henry Kipruto Chamundani from Sigor. Personal views.

An MP: A requirement of an MP. An MP who is not longer delivering service to the expectation of the community should be voted out by the same electorate even if the parliament has not been dissolved. This is because when an MP is elected, he is sure to remain as an MP for five years earning huge salary every month without services rendered to electorate who voted him in.

Land issues: law should be enacted to give the local authority full powers to deal with land cases or disputes without provincial administration or courts. Most of them are biased and could easily misuse their powers.

There should be independent commissioners to look into MPs salaries instead of deciding for themselves what they should earn.

At the moment they are earning huge salaries. When most of the youth who have completed school have no jobs, instead of diverting that money to create jobs for the youth who have completed school. Thank you commissioners.

Com. Abida Ali: Thank you please register. David Langat.

David Langat: I am talking about the church. Me as an individual, I am not a representative since I am not a preacher nor a pastor or any of that according to any diversity in humanity will be.

I am not an angel, I am not God. Since I am talking, I am talking about church. I have not been sent here, if there is a pastor or administration may come up and represent me from now for five minutes. If there is raise up you hand. My church is in Acts 20:28. If any question please hold on.

I will not so much about my church but I have seen that there is an abuse upon this church. There is a figuration, which is being done in private, in individual or in any other organisation. If there is culture, western, or here in Kenya in East Africa or African OAU which has been now signed from today I can say if there is inhumanity which is being taught in Africa or the rest of the world...(interrupted by commissioner)

Com. Abida Ali: Mr. Langat, thank you for your views. Please register with us. Edward Musonik.

Edward Musonik: My name is Edward Musonik from Kapsosio location. I am going about succession and transfer of power.

The president is incharge of executive power until new executive is sworn in.

The election results of the president should be declared immediately soon after counting of all the votes.

The incoming president should be sworn in by the chief justice. All the instruments of power to be transferred as soon as the coming president is sworn in. The executive should make a provision for a former president security and welfare. Thank you very much.

Com. Abida Ali: Thank you please register. George Kimeto Lasoi.

Kimeto Lasoi: Asante sana mimi naitwa George Kimeto Arap Lasoi, kutoka Kaposon. Ninataka kuongea juu ya uongozi wa nchi.

Ninaona hii uongozi kwa sasa iko uongozi katika mkono wa rais. Hii uwezo ni kubwa, ningependelea kupendekeza ya kwamba kwa sasa Katiba mpya iwekwe prime minister na igawanye uwezo wa president kwa sehemu fulani.

Local government, hii serikali ya wilaya, mayor na chairman wa county council iwe kiwango ya elimu ya chuo kikuu, na ichaguliwe moja kwa moja na wananchi. Hiyo ndio maoni.

Com. Abida Ali: Asante sana. Wilson Busenei, Robinson Rotich.

Robinson Rotich: My names are Robinson Rotich. This is a memorandum from Lelatich location. We, the people of Lelatich location in Kenya nitapreamble in our constitution. And the preamble should indicate the bitter struggle for independence, should respect the fundamental dignity and human rights, should respect the rule of law, should respect gender equity and fight for all forms of discrimination. It should promote good governance and should promote social justice and

prosperity.

Constitutional supremacy: we the people of Kenya accept that this is a people driven constitution and changes should be done through referendums.

On citizenship: all those children of Kenya spouses be accorded automatic citizenship. The constitution should not allow duo-citizenship and an individual should decide which country he or she would wish to belong to.

We should also have identity cards for documentation purposes.

On defence and national security, the disciplined forces, the military and para-military police and prisons should be established by the constitution. Armed forces should use their service law, that is court martials for disciplining their people.

The president should be the commander in chief of the armed forces and if there is any emergency, the executive should do a consultation with the parliament but should not have exclusive power to declare war.

On political parties: political parties should assist in economic development and the constitution should regulate the formation and management and conduct of political parties.

Political parties should be limited to at least three and at most five.

The party which has not attained the leadership should be the watchdog and that the check and balance of the one in power.

Political parties also should finance themselves in their campaigns. And these finances should be strictly money.

On state and system of government we should adopt a federal government system where all the resources should be retained within the community that 2/3 and the 1/3 be generated to the central government.

The local government should be strengthened and their chairman and mayors be elected directly by the public and their powers should emanate from the public.

Chairmen and mayor's qualification should be of an experienced diploma and a degree holder.

On legislature: the MP should be a full time occupation on the three days of the week.

MPs when on session should be shown live on the media.

MPs should also seek for parliamentary seat at the age of 21 and presidential at the age of 30.

Language text on the contestants should be based on the academic qualifications of the candidate.

On executive the term should be two terms of five years each, and the function should be commander in chief of the armed forces and he should appoint the vice president and appoint ministers and assistant ministers.

Ministers should be professional and disciplined. They should be vetted by the parliament.

Appointments of civil servants to be done by parliament e.g. chief justice and judges.

Provincial administration should be retained and their duties re-defined under proper training.

The structure of provincial administration is inadequate and village elders should be entrenched in the constitution.

On judiciary, council of elders should be recognised in the constitution. Magistrates court should be brought to the village where the council of elders are meeting.

On culture, the cultural rights of every community in this country should be protected.

The election day or dates for general election should be clearly stated and specified in the constitution. That is all.

Com. Abida Ali: Thank you, Please register. Reuben Mutai.

Reuben Mutai: I am Reuben Mutai from Sogomeka Location and I am going to read from a memorandum written by civic education providers from Sogomeka location. That is on forces and judiciary.

The disciplined forces be established by the constitution and the forces be disciplined where he or she is e.g. form law courts in the military court-martial.

The judiciary structure should be upheld and should be extended even up to the village elders and be fully recognised. That is

all.

Com. Abida Ali: Just a question, you would like cases to be taken to the village elders and if so what type of cases do you want to go there?

Mutai: All those cases that can be finished by the village elders and even the bigger cases the magistrates should be called to be the chief officers and the village elders will assist.

Com. Abida Ali: Lelei Lamboso.

Lelei: My name is Lele Lamboso I come from Lelaitich location. I have a personal memorandum on participatory governance.

On participatory governance the NGOs and other organised groups should have a role in making sure that the rule of law is not diverted and. t The governing bodyies respect the dignity of human rights and. And individual liberty should be enshrined in our national constitution. These bodies should be giving report on human right record to the UN Charter to which Kenya is a signatory to the convention. The government of the day must respect civil society and recognise, consult and work together with the government of the day to ensure good governance and prosperity for the people of Kenya and this must be entrenched in our constitution. If the state regulates the conduct of the civil society and the media then it will render it toothless way dog. But also the civil society and the media must learn to be honest in handling their responsibilities and exercise impartiality in order to decide their cases properly. These bodies must adhere to professionalism ethics and must be free from any regulatory body.

The constitution must institutionalise the role of civil society organisation by forming a bar at any inhuman activity meted on citizens by the authority in power or economic mismanagement of the country's resources.

Mechanism to be put in place to ensure maximum participation in governance by, let us say women. Women are also able to perform well as their male counterparts given a chance. If the gender equity is to be balanced, available opportunities should not discriminate against them because of the notion that they are of weaker sex. Marriage and qualification must be considered.

Persons with disabilities does not render them unable to contribute economically to the country. In fact most of those who have been given this chance prove this notion wrong. Where chances are available these people should not be discriminated against due to their disability.

The youth as well as we know are very able- bodied people in thinking and making decisions. They should be tolerated in order to raise the standards of economy and render efficiency in service.

The minority groups should not be forgotten and left to imagine that they are marginalised and left to extinct.

All communities regardless of the numerical be given a chance to contribute in our nation building and not feel like the neglected group by the system.

The elderly people are the ones who are to ensure that a smooth transition was handed down to the new generation and has enormously contributed in the past to what we richly inherited. Since they are now not productive, the same government, local authority and community must provide for them in their old age. They are also resourceful in ideas due to their past experience and should be integrated into giving advice on matters pertaining to development. I think I will read that portion.

Com. Abida Ali: Thank you. We will read your memorandum. Richard Sangng.

Richard Sang: Asante sana. Jina lyangu ni Richard Sang. Naongea juu ya macouncillors.

Madiwani vile mimi naona walipwe na serikali kwa sababu sana sana wanahangaika na mshahara na wanamaliza miezi tatu, nane.

Ya pili ni wafungwa. Wafungwa watendewe vyiema. Wanapofungwa wajengewe matoilet, wapewe manguo safi safi na sana sana saa ile wanakula wapewe vijiko.

Asikari wya utawala. Sana sana masikari wya utawala huwa wanaingia vijiji kusumbua wananchi. Nataka wapewe kibali kutoka kwa chief ama naibu wa chief au D.O.

Mashule ya nursery, ikiwa madiwani wanalipwa na serikali, county council ichukue mashule ya nursery walipe walimu wa nursery. Na hiyo ndio nilikuwa nayo. Asante.

Com. Abida Ali: Asante lakini wafungwa sasa wamepata nguo mpya. Sasa tutawapatia students nafasi. We will call Hilary Sigei. Now Hilary for you and your colleagues please tell us your name, your school and your class.

Hilary Sigei: My names are Hilary Sigei, Form 3 West, Sigor High School. My proposals are on legislature.

We know that the legislature isn the supreme law making body of the government. This is why, therefore, we do not see the reason why the Office of the President carries most of the laws on its hands. On inclination to this, therefore, the legislature should have its functions expanded. Thus to reduced acts of corruption and to have the competent people getting job

opportunities without going through “I know him or I know her”. That is favouritism. In contrary to that legislature should therefore appoint judges, ambassadors, commanders in armed forces of the government, Provincial Commissioners and District Commissioners. However, the legislature should have limited powers, like the case in which the members of parliament raised their salaries, which should not be the case. To look into this therefore the constitution review commission should elect a board to deal with such matters. All this should be done to avoid corruption over funds and other relief plus the public property. That is compiled by the form three, Hilary Sigei.

Com. Abida Ali: Please register there and leave us with the memorandum.

Debra Chemweno: My names are Debra Chemweno forrom three 3 Central and my presentation is based on political parties.

There should be a maximum limit to the registration of political parties in Kenya. As we know that “kidole kimoja hakifunji chawa” you find that as these parties increase, the people also become less united. Such that it creates a kind of political hostility among many communities. Many parties in Kenya today have been termed as tribal parties were just formed for the benefit of somebody else. Due to that reason therefore, they should be reduced may be up to a maximum of three basing on their position during the previous election. These for sure will make the existing leading party to serve Kenyans in all the good ways if possible knowing that there is stiff competition among the only remaining three parties. If their leadership was not good or pleasing for that matter, they will be thrown out of power for ever and ever. The truth still remains “umoja ni nguvu utengano ni udhaifu”.

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

Com. Maranga: You have said very well about political parties. You remember there was a political party which won very many seats in a given election, then the following election they lost, so do you think that is a good criteria to base on how to eliminate political parties?

Chemweno: That was my view.

Com. Maranga: That was your view. So you do not have an answer to that. You have not thought about it? Thank you.

Com. Abida Ali: Thank you very much. Bernard Koech.

Bernard Koech: My names are Bernard Koech, form three East from Sigor High School. My constitution review proposals are on the executive.

The sState candidate qualification need to be based on the following:

Minimum age of 35 and above.

Be a Kenyan citizen by birth.

May be a graduate of recognised university.

Must have a minimum of 2,500 people proposing to stand for the seats at least in five provinces.

The tenure should not be fixed because this would depend on the following:

- The health of the state man
- The strength and ability to serve
- The service and relationship to the nation

Periodical term for general election to be kept constant as it has been before that is 5 years.

Statesman's power should still be retained, since it is the reinforced recognition of the government. But if the powers are to be limited, it will grant a crucial chance for politicians and parliamentary members to subject their own views, which may differ and hence may lead to political crisis divergent of the nation and finally the security personnel may take this to practise their talent to overthrow the government, as it has happened in other nations of Africa.

Another proposal is under the local government.

The minimum qualification for the councillors may be addressed as follows:

Minimum education level be form 4 and above.

Must have been a social worker

Know how to speak and write in both languages, English and Kiswahili

Nomination of councillors to be based on the following qualifications:

- Must have worked in his ward before
- Must have been a social worker
- Must not have had any failure during his work.

Com. Maranga: You said the president must be 35 years and above? So even if the president is a 100 years you have no problem with that? What is your upper limit?

Bernard Koech: There should be a limit because this will depend on the reasons, the health of the statesman, the strength, the service and the relationship with the nation.

Abida Ali: Peter Kirui.

Peter Kirui: My names are Peter Kirui, form 2 East, Sigor High School. My proposal is on cultural, ethnic and regional diversity and communication life.

This is about promoting indigenous language. As we all know it will be so hard in conducting business because we are not of the same language. If it is promoted it will be so hard for us students because in school we do not learn it and there are no books written in these indigenous languages, and even if there are for those people who do not understand exotic languages.

Com. Abida Ali: Now the question you are answering from the issues and questions, asks, whether we should promote indigenous languages, we are now here communicating in English, does that not mean that when you go back home you do not speak Kipsigis or Nandi or Kikuyu. Do you want us to bar people speaking in their mother tongue?

Com. Maranga: When you were born may be you were not speaking English, were you? You started speaking English right from birth?

Peter Kirui: When I entered primary school.

Com. Maranga: There was another language you were using? You do not like that language any more?

Peter Kirui: No, but in this generation we are coming up with Dot. Com.

Com. Abida Ali: So what you are telling us is that the constitution should ban teaching and speaking of indigenous languages?

Peter Kirui: Yes.

Com. Abida Ali: Thank you for your views. Kiplagat Moibei.

Kiplagat Moibei: I am Kiplagat Moibei niko Sigor High School Form 4 West. My proposal is on basic rights and it goes this way.

Every child should have an access to free primary education up to Standard 8. Parents are not able to provide their children with formal education at the primary level. If this education is given up to this level, at least a child will have got a knowledge and this will help eradicate ignorance and hence will be able to help themselves through self-employment, in case their parents are not able to finance help them forwith secondary education.

For everyone to get the basic rights to education, that is the second point, to mobilise the concerned people on the child's education potential. Nursery school teachers should be employed by the government and not the parents. This is because it is a sensitive level where a child begins to increase it's brain capacity and therefore qualified and certified teachers should teach them.

At secondary level, fees should be reduced because of certain limitations, e.g. financial crisis and extreme poverty. This is to enable the parents with low income to educate their children at this level of secondary school. Thank you commissioners.

Abida Ali: Thank you for your views. Linus Rotuk.

Linus Rotuk: My names are Rotuk Linus from Sigor High School. I am in form 4 Central. My constitution proposal goes this way. It deals with the rights of vulnerable groups.

Interests of people with disabilities are not fully taken care of. For instance, there are many people who are disabled in our country and they live miserable lives. In that connection I urge the Constitution Review Commission to take note of that.

Disabled people should have an institution where free education is provided up to secondary level at least and by that duration they will have acquired necessary skills.

In conclusion, the hospitals in various parts of Kenya should be their responsibility to submit the names of the disabled so that the government takes the necessary steps. Thanks.

Com. Abida Ali: A question for you.

Com. Maranga: Yes, I agree there are persons with disabilities, how do you deal with people who are not disabled in the first instance but they become disabled through accidents and what have you. What do you do with that?

Rotuk: I think such cases should be reported and the necessary steps that I have said here may be taken.

Abida Ali: Thank you very much. We are through with the students but if there are more who are willing to talk you can register. Phillip Kiptor.

Kiptor: Kwa jina naitwa Phillip Kiptor kutoka kata ya Leleitich tarafa ya Sigor. Pendekezo langu kuhusu marekebisho ya katiba mpya ile inakuja, ningetaka kila wizara ihudumu kulingana na vile ilipewa. Mfano wizara ya mipango ya uchumi na maendeleo lakini uchumi hamna, maendeleo hamna, mipango hamna, hii wizara inafanya nini? Pia wizara ya kilimo, upande wa kilimo imefilisika, hakuna mifugo, hakuna mahindi, hakuna hata. Kila kitu ambayo mwanadamu au mwananchi anakuza ili kujiendeleza kimaisha zsimeisha. Kwa hivyo ningetaka kwa katiba mpya, kila wizara, kwa mfano ya kilimo ajichugulishe kabisa na wizara yake aone kilimo inaendelea vyema kama kuna pahali inakwaza atetee hapo.

Pia kama yule anapanga akiona hapa hapakupangika apange. Mfano, na pia iangiliwe mwananchi ambaye hako jina, mfano kutoka Kitale Kenya Seed, mahindi ya kilo mbili ni mia mbili sitini na undongo ambaoye uinakuzwa hii mmea ni Kenya. Hiyo ingefaa mtu wa agriculture aone sasa wananchi wananyanyaszwa kama ainafanya kazi kwa wizara yake vile inatakikana.

Inginge kuhusu elimu. Watu wakati huyu wanaelekea kusoma wale watasoma na wale wanabaki watabaki na tungehitaji hata sasa kuna sheria imewekwa. Kila mtoto awe na haki yake, aelijmishwe, asibaki. Kwa mageuzi ya katiba ya saa hii, iyangalie elimu kwanzia shule ya upili na chuo kikuu, iwe ya bure.

Mwisho hizi mambo zote zsiwezekane ningependelea serikali ijao ama mahali tunayoenda iwe utawala wa majimbo. Halafu kila mkoa iwe na governor. Halafu vile inasemekana serikali ikaribie wananchi ikaribie..... (end of tape)

TAPE 3A

Kiptor: Tuseme mikoa saba.

Com. Maranga: Na Nairobi.

Kiptor: Nairobi ni kama international Nairobi ni makao ya watu wote wa ulimwengu. Siyo mkoa.

Com. Maranga: Wacha nikuulize swali lingine. Je ungetaka hizi serikali za majimbo zifanye kazi gani?

Kiptor: Serikali ya majimbo si ni ile nilisema governor iweko kwa kila jimbo, halafu watu wale wanahitaji kuliza swali au kuendeleza hiyo jimbo inakaribiana.

Com. Maranga: Okay asante nashukuru.

Com. Abida Ali: Jonah Tanui.

Jonah Tanui: Asante sana commissioners. Kwa jina mimi naitwa councillor Jonah Tanui. Yangu ni kuzungumza kuhusu corruption.

Tunasikia maneno ya corruption, tunasikia kwa radio, kwa gazette kuna mtu fulani anashikwa. Anachukua pesa za serikali mamillion na keshowe ukisoma kwa gazette ni huyu, huyu mtu tu anaenda kortini anapeana cash. Ile pesa ambayo alichukua anaenda ifungwe kwa korti halafu anatoka tena kuendelea kuiba zingine. Kwa maoni yangu na pendekeza ya kwamba mtu akipatikana namna hiyo akae kwa cell mpaka siku atashinda case ama atashindwa, afungwe akishindwa, alipe hizo pesa na gharama.

Proposal ingine yangu ni kuhusu maneno ya haki ya mtoto. Tunasema mtoto ni lazima apate haki ya kusoma lakini mapendekezo yangu ni mtoto apate haki ya hospitali. Apewe free treatment. Kwa sababu mtoto hana pesa ya kulipa na tunasema tunataka haki ya mtoto na tunaangalia tu maneno ya masomo asome asiposoma hatakufa, lakini asipopata dawa atakufa. So mtoto apewe haki yake mpaka awe na identity card, aende kwa kibarua afanye kazi yake. Mapendekezo yangu ni hayo. Asante sana.

Com. Maranga: Wewe unasema watu ambao wako corrupt, sasa wewe kwa sababu ni councillor ningetaka kuuliza wewe, kwa council zenu mko corrupt ama hamko corrupt.

Kiptor: Asante sana. Saa zingine unasikia corruption inakuwa kwa civil, tuseme kwa clerk ama councillors lakini yule mtu yeyote anakuwa corrupt hata kama mimi nikiwa councillor nikiwa corrupt niwekwe kortini kama ni maplot ambayo nimechukua nizirudishe kwa wananchi.

Com. Abdi Ali: Councillor tafadhali ujiandikishe pale. Samuel Rono. Francis Chamdani, Stephen Langat.

Stephen Langat: Kwa jina naitwa Councillor Stephen Langat na mapendekezo ni kuhusu election kwa councils, kwa mamayar na chairman wa county council.

Ingefaa election ya councillors kwa county council kwa chamber ifanywe uchaguzi kutoka kwa grassroot kwa wananchi kwa sababu tukiwa councillors tukifika chamber tunagawanya huko. Kwa sababu kuna macouncillors wanaweza kujitokesha kama macouncillors wawili ama tatu anataka kugombea kiti cha chairman ama mayor. Kwa yule upande mwingine ik-win kupata mayor ama chairman wakati tutakapoketi kwa council itakuwa ngumu tukiwa kazini. Sasa tunataka kukaa kwa full council ama kwa chairman wa stand committees tukitoa proposals itabidi tupige kura na tukipiga kura kwa yule ambaye alichaguliwa kuwa mayor ama chairman tutaanza kungengengana huko nje, kwa hivyo kwa mapendekezo yangu ingefaa chairman ama mayor wachaguliwe na wananchi. Na iwe independent siyo kwa ward. Iwe independent. Wakati tutakapomaliza election kwa councillor wale ambao wanataka hiyo kiti waanze sasa kufanya campaign kwa district kwa jumla. Kwa sababu chairman wa county council atakuwa chairman wa district mzima kwa wilaya.

Na pendekezo ingine ingefaa wakati tutafanya uchaguzi wa huyo chairman ifanywe bila mapendeleo hasa maMPs wasikaribie huko halafu mwananchi anaambiwa achague mtu fulani. Hiyo itakuja sasa kazi ya council itakuja kuwa ngumu kwa sababu imekuja kwa tikiti ya MP.

Vile vile nikimaliza, salary ya councillors, kwa sababu sisi tukiwa councillors kupata allowances zetu inakuwa ngumu kidogo. Collection kutoka market ndiyo tunangojea tukiwa councillors kuja kulipa sisi ikiwa ni mshahara. Ikikosekana hiyo pesa ya market, hatuwezi pata mshahara. Kwa hivyo tunaomba kwa mapendekezo yangu councillors wapate mshahara kutoka local government ama treasury. Hiyo tu.

Com. Maranga: Councillor mimi nauliza wewe unasema ile pesa mnatoa cess kutoka kwa market haitoshi. Kwa kweli hiyo pesa haitakiwi kulipa nyinyi inatakiwa kutumiwa na wananchi, si ni hivyo, lakini mnakula hizo pesa na hazitoshi. Sasa kitu ningekuuliza ungependekeza mlipwe kutoka wapi, lakini naye hujatambia ni kiasi gani ya pesa mnataka kulipwa kama councillors kwa sababu mlikuwa mnasema mshahara yenu ni kidogo mshahara ile inatosha councillor ni ngapi?

Kiptor: Mshahara ile ambayo inapatiwa councillors kwa council zetu inategemea pesa ambayo inakusanywa kutoka nje. Kwa sababu tukiketi na kupitisha councillors waongezewe mshahara maneno kutoka local government inatumwa na kusema pesa

yenu inaongeshwa kulingana na pesa ambayo inakusanywa kutoka huko market.

Com. Abida Ali: Sasa unataka je?

Kiptor: Nikiwa sasa mimi nataka ikiwezekana councillor wakule mshahara kulingana na MP. Kama ikiwezekana councillor wawe na elfu hamsini, kwa sababu mimi ni mtu wa wananchi.

Com. Maranga: Umesema mlipwe elfu hamsini, lakini nakuuliza kama saa hii watu wamesema wanataka independent commission ya kuangalia mishahara ya wabunge. Je, ungetaka commission kama hiyo iangalie mishahara ya councillors Kenya mzima.

Kiptor: Ingefaa kuangalia mishahara ya councillors Kenya mzima na councillors wakule mishahara kutoka treasury.

Com. Abida Ali: Sasa kabla sijakuuliza swali nataka umalize swali ya Dr. Maranga. Hii pesa 50,000/= itatoka wapi kwa sababu unasema hakuna pesa kwa pale mnatoa kwenye soko?

Kiptor: Mimi nasema ikiwezekana mishahara ikule kutoka kwa treasury kwa sababu collection yetu ingawa kuna macouncil zingine ambazo hawezi kupata collection kutoka kwa market hasa county council yetu ya Bomet hatuna market ambayo tunaweza pata pesa kila siku, masoko ni machache. Kwa hivyo tunaweza kata miezi mbili, tatu, nne tano bila kupata hiyo allowances na tunavumilia.

Com. Abida Ali: Ni vizuri si mnamumikia wananchi. Sasa nataka kukuuliza maswali mawili. Moja unasema kwamba mkichagua mayor ama chairman inaleta shida katika kazi. Ikiwa huwa mnachagua kwa kuinua mikono itafaa au mlolongo, sijui vile mnachaguana je mkifanya secret ballot itafaa? Nakuuliza hii kwa sababu ingawa tumepata mapendekezo kwamba chairman na mayor wachaguliwe na wananchi kuna mafikirio kwamba chairman wa county council akichaguliwa na wananchi awe ni mwakilishi wa district mzima italeta shida. Atakuwa mkubwa zaidi ya MP na pengine kisiasa itatatiza. Je mkichaguana kupitia secret ballot itasaidia hiyo shida ambayo unazungumzia?

Swali la pili nataka uniambie maoni yako kuhusu elimu ya councillor ni nini? Awe na elimu ya kiwango gani?

Kiptor: Awe elimu ya form four na chairman akichaguliwa na wananchi haitakuwa na mapendeleo. Hawa ndiyo tunataka hiyo kwa sababu kila mtu ambaye alichaguliwa haitakuwa na mapendeleo. Asante sana.

Com. Abida Ali: Thank you councillor. Moses. K. Langat.

Moses Langat: Mimi ni Moses Kimtai Langat, from Sigor division. I am presenting on the type of nomination policy of the president or MP in our present government.

I personally support automatic nomination because we take for instance the present government giving us full support from treasury up to the grassroot mwananchi. So commissioners I ask you to endorse the nomination part of our new constitution. So the present government should be strengthened to the next government.

Com. Maranga: I do not understand what you mean by automatic nomination. Can you explain it further?

Langat: I mean automatic nomination because of keeping the powers. Automatic nomination is the.....

Com. Abida Ali: Kiswahili basi kama Kizungu inatatiza.

Langat: Naongea tu. Automatic nomination is the power of the present MP.

Com. Abida Ali: To nominate?

Langat: To nominate.

Com. Abida Ali: Asante sana. Christopher Keter.

Christopher Keter: Kwa majina naitwa Christopher Keter natoka upande wa Sigor. Naenda direct kwa upande wa uchaguzi ama viongozi ambao tunawachagua sisi ama wananchi wanachagua kama councillors, MPs mpaka president.

Napendekeza ya kwamba wananchi pia wapatiwe clause kwa hii constitution ambayo wataweza kuondoa yule mtu ambaye wamemchagua kama hataweza kuwafanyia kazi ile aliwapromise wakati wa campaign. Hii italeta maendeleo kwa haraka kwa sababu kila wakati tuansikia mbunge fulani amechaguliwa kuwakilisha wananchi mahali fulani lakini anapotea karibu miaka nne bila kuonekana, mwaka wa tano ndio anaonekana kuja kuomba tena kukaa. Sasa wananchi wapewe haki ya kuweza kumuondoa yule mbunge kwa kupitia vot of no confidence, na hii napendekeza kuongezea kazi electoral commission. Kuwe na kamati maalum ya kuchagua yale madai ya wananchi ama madai ya wananchi ya kuwa yule MP hawafanyi kazi mzuri ama councillor.

Ya pili, hii pia itasaidia kwa upande wa maneno ya corruption. Tunajua ya kuwa Kenya yetu wale watu ambao wanahusika sana na maneno ya ufnadi ni wabunge ama ni watu ambao tunawachagua sisi. Tukisikia maneno ilikuwa maneno ya goldenberg, unakuta wale viongozi walihusika zaidi ni viongozi ambao tunachagua sisi wenyewe. Na unakuta wale viongozi still,

bado wako katika ile serikali. Sasa tungependekeza ya kwamba mtu akipatikana ama atajwe kwa maneno ya corruption, asimamishwe kazi na ile uchaguzi ifanywe bila kupendelea ama kuogopa mtu anashikilia cheo gani katika ile serikali. Nafikiri nitamalizia hapo.

Com. Maranga: Iko maswali mawili.

Kwanza kabisa, umesema muwe mkiita wabunge ama councillors wale ambaye mmewachagua kwa sababu hawajafanya maendeleo. Je ni councillor ama mbunge ndio wanatakiwa kufanya maendeleo ama ni serikali? Nataka unielezee, unaelewa waakilishi maanake ni nini? Councillor anawekewa afanye kazi yake, kwa sababu councillor hana pesa, MP hana pesa. Ni maendeleo gani unataka afanye kupitia kwa hiyo njia. Hiyo ni swali moja.

La pili, watu ambao wanahusika na corruption kama wabunge wale kwa mfano goldenberg wasimamishwe kazi, lakini utawasimamisha je kazi na hawa ni wabunge ambao nyinyi mmewachagua. Nyinyi ndiyo mliwachagua kwa sababu mlijua wako corrupt waliwapa pesa tena mkawachagua sasa ni nani corrupt. Ni yule mbunge ama ni wenye kuwachagua?

Keter: Asante. Nafikiri nitaanzia hapo kwa goldenberg kwa sababu nilishika hiyo swali vizuri. Vile nimeongea ama vile pendekezo langu lilikuwa hivi; mtu yeyote akitajwa katika ile kashifa fulani, nafikiri umenielewa hapo.

Development; development tunajua kawaida yule mtu ambaye ako mbele kwa upande tuseme kama tuna propose tunataka kujenga shule fulani, hatuwezi kujenga shule bila kujulisha wale viongozi ambao tunawachagua sisi wenyewe. Lakini unakuta hawa viongozi wenyewe hawaondekani sasa ndio nilikuwa nikisema watu kama hawa tuwe tukiweza kuwaondoa kwa sababu tunaweza kuwaita kwa harambee kitu kama hiyo lakini hawaonekani. Wanakuwa ni wakora sasa.

Com. Abida Ali: Lakini Bwana Keter kwa serikali ambayo ni nzuri wananchi watakuwa hawana kazi ya kujenga shule hiyo ni kazi ya serikali ama ya county council ikiwa imepewa nafasi ya kuwa na fedha za kutosha na ndiyo tuna kuuliza kwa sababu katika terms of reference ya kazi ya MP ama councillor hajaambiwa item one you must help build schools, sasa ukipanga kwa mfano laini kwa nyumba ya MP akatae kuwaona hiyo sio term of reference ya kazi ya MP. Sasa tutakuwa tunawa-recall kwa makosa gani?

Keter: Ile kitu ambayo nilikuwa nasema mimi sana sana hasa maendeleo hatuwezi kusema ati inaweza kujengeka bila wale viongozi ambao tunawachagua sisi wenyewe. Tunawachagua viongozi ili watusaidie kusukuma gurudumu ya maendeleo Kenya yetu. Hatuwachagui tu waende bunge kuongea. Lazima pia wakuje waangalie wananchi wanakaa namna gani. Ili waweze kusaidia pahali fulani ama ku-represent ili problems ambazo wako nazo kule parliament.

Com. Abida Ali: Asante. Simon Mutai.

Simon Mutai: Asante sana commissioners. Kwa jina naitwa Simon Mutai. Mimi ni officer wa agriculture katika tarafa ya Sigor. Na maoni yangu ni kuhusu uhusiano ya wanyama wa pori na kilimo. Katika division yetu ya Sigor tunapakana na Maasai Mara game reserve. Na kila mwaka ndovu kutoka Maasai Mara wanaingia sehemu yetu ya Sigor na kuharibu mimea, kila mwaka. Juzi tulifanya estimate tukapata acre kama mia mbili iliharibiwa na ndovu. Na watu wetu wamejaribu kufukuza hizo ndovu lakini wameshindwa wanakuja usiku. Tukafanya fani ya hiyo mahindi ikawa kama million mbili. Sasa million mbili ndiyo tunapoteza kila mwaka katika division yetu. Tukifanya estimate hakuna sheria kamili kwa sababu tungetaka watu wetu kila mwaka wanalipwa kulingana na hiyo uharibifu. Lakini mpaka sasa hakuna sheria inayotetea wakulima. Wakulima wamekuwa wakienda hasara kila mwaka.

Sasa ningependelea iandikishwe kamili kwa sababuhizo hawa wanyama, watalii wanakuja upande wa Narok na wanapata pesa, serikali inapata pesa vile vile council ya Narok. Lakini hakuna kitu inaingia Bomet, isipokuwa hii hasara pekee yake. Na nafikiri sio hapa pekee yake, kila mahali nasikia wakulima wanalia na hakuna mtu anaangalia masilahi yao.

Kama wanataka hao wanyama wao wasilipe, wazuie, wanaweka electric fence wakae ngambo ile, lakini kama wanataka tu kufuga namna hiyo iandikwe ilipwe straight away tukiandika tukifanya value, mkulima na mahindi yake tukifanya value anaenda analipwa sasa tunataka direction ya kwenda inalipwa wapi ndiyo hiyo kazi iwe rahisi.

Vile vile tulikuwa na shida hiyo, hiyo tu ya mahindi, ya mimea. Hii sasa na wanyama ya mtu fulani na mkulima mwenzake kwake. Hiyo tena imekuwa shida na hakuna sheria nayo hutetea yule mkulima ili mahindi imekuliwa na ngombe ya jirani yake ama mkulima mwenzake. Kazi tunafanya tu peke yake, tunaenda tunafanya assessment, tunaambiwa sasa hii mahindi yako ile inaharibiwa yote ni kama 12,000/= au 10,000/= kulingana na vile imeharibiwa. Sasa kutoka hapa sasa ndiyo inakuwa shida. Tumekuwa tukirushana na Provincial administration, saa zingine anaambiwa enda angalia chief nimekuandikia value ya hiyo damage. Kufika kwa chief, chief ananiambia enda ukaangalie mtu wa agriculture tena. Kwa sababu mkulima akienda kortini tena anatakikana atoe pesa na mkulima hana pesa anatakikana atoe pesa ya kufungua file huko kortini kama 3,000/=. Sasa unapata tu mtu anazunguka tu kutoka from chief, D.O. ama mtu wa agriculture lakini hana usaidizi ingine. Na yule mwenye amekula mahindi kwa sababu hajashtakiwa hakuna kitu anafanya. Sasa ningependelea elders wa kijiji na vile vile provincial administration kama chief ama assistant chief pamoja na mtu wa agriculture waongezewe powers kulazimisha huyu mtu amekula mahindi ya mtu alipe hapo hapo ama sivyo tupewe nguvu ya kuandikia barua ile inaenda kortini bila malipo kutoka mkulima yule mahindi yake imekuliwa halafu aende tu kama criminal case. Ndiyo tusaidie watu wetu. Wamekuwa wakilia lia tu na hakuna mahali wanaenda. Iwekwe kabisa.

Kitu ingine nataka kuongea ni juu ya miti moja inaitwa Eucalyptus – blue gum. Blue gum tena iko na cases mingi. Ikipandwa along the same boundaries inakula kila kitu chini. Haiwezi ruhusu mimea ingine Hata nyasi haiwezi mea. Na hiyo tena mtu akipanda katikati ya boundary ya shamba yake na ile ya jirani, inaharibu shamba ya jirani mpaka katikati. Sasa tumekuwa tukienda tena kuassess lakini hakuna sheria, ukisoma agriculture act hakuna kitu kinasaidia sisi. Tunaambiwa tu, kila siku

tunaongea kienyeji tu. Huyu mtu anawacha miti yake. Sasa iandikwe Eucalyptus isipandwe along the farm boundaries. Mtu kama anataka kupanda hiyo atafute sehemu ya shamba yake apande. Wakulima wanalia sana na sisi hatuna nguvu. Ni kwenda kuangalia tu.

Vile vile, kuna watu wanafyeka karibu na mto. Wanaharibu misitu, wanakata miti mpaka nchi inaanza kuwa jangwa. Hata tukiongea na huyu mtu hataki kupanda miti ingine hataki kufanya nini na anaendelea kufyeka na hatuna nguvu ya kumwambia tunaweza kumpeleka mahali. Sasa hiyo ndiyo imekuwa shida tena kwa upande huu.

Shida ingine ni ya fake seeds. Fake seeds inakuwa kawaida katika sehemu hii, unapata kila mtu ikifika December anauza mbegu sana sana ya mahindi. Na hata hawa watu wakipatikana, tunawajua wale wanalete mahindi kutoka mahali wanalete, hata wanashikwa hapa lakini kulingana na Katiba ile ya zamani ama hii bado tunatumia hakuna mahali inasema juu ya huyu mtu anapatikana na fake seeds. Kila siku tunawashika, tunawapeleka kortini Bomet tunapata mtu ametoka, maximum charges kwa mtu amepatikana na fake seeds ni 3,000/= sasa, na kurudi na hiyo fake seeds yake kwa lorry na apeleke wapi? si apatie wakulima tu straight away saa hiyo. Kwa sababu ametoka kortini. Sasa hawa wangepatiwa penalty ile kubwa sana mtu akipatikana na fake seeds kwa sababu wakulima wetu wameumia katika sehemu hii. Wananunua tu mahindi kujaribu kupanda na hawapati kitu na hata tukipata kitu hakuna kusaidika. Kwa hivyo tunaomba sana mjaribu kuweka hiyo.

Com. Abida Ali: Asante sana tuwapatie wengine nafasi. Koskey Sigira.

Koskey Sigira: Asante sana commissioners, mimi naitwa Koskey Sigira natoka sub-location ya mtaa huyu. Mimi nataka kuongea juu ya land board.

Land board iondoe ile pesa ambayo, nikinunua shamba inaniitishia nipate title deed shilingi 20,000/=. Na wengine nikinunua tena shamba nusu mtu anakatia mimi acre moja, sasa land board ikija inataka 25,000/= ndiyo anipatie mimi nini – title deed.

Ya pili ninaongea hivi, watu wa agriculture wamesahau kazi yao. Kwa ajili ya nini, mito yote imeharibika kwa ajili miti inakatwa, ingine imewekwa fence mpaka mtoni, hakuna ile mipaka ilikuwa inasemekana ngambo hii na ngambo hii, iko yote namna hii. Kwa hivyo mimi naona imekuwa mbaya. Sasa naomba nyinyi commissioner wa Katiba muangalie hiyo maneno. Asante.

Com. Abida Ali: Mzee, subiri. Hii pesa unasema mnalipa kwa land control board, ni ya kitu gani?

Koskey: Ukinunua shamba kwa mtu sasa badala ya kupatia mimi title deed kwa sababu wamefunja ile ya mtu anataka elfu 20,000/= kutoka kwangu.

Com. Abida Ali: Unalipa land control board ama unalipa lands office stamp duty?

Koskey: Lands office.

Com. Abida Ali: Kwa hivyo hiyo sio shida ya land control board, hiyo ni shida ya serikali. Unataka kupendekeza nini kuhusu hiyo stamp duty? Unatoshwa hiyo pesa na serikali kwa sababu unauza shamba lako. Sasa ungetaka je?

Koskey: Mimi nanunua shamba, nauziwa na mtu halafu tena nitoe elfu ishirini tena kununua hiyo title deed? Ninapendekeza hiyo mambo irekebishwe kidogo maanake sisi hatuna pesa. Mimi kama nimekazana mpaka nimepata ya kununua shamba si ingerekebishwa iwe pesa kidogo.

Com. Abida Ali: Asante mzee. Joseph Kurgat.

Joseph Kurgat: Thank you commissioners, I am Joseph Kurgat from Kaposa. I am representing the committee there. I will give some proposals on legislature.

The parliament should elect the directors, high commissioners and not the president.

The other thing is members of parliament should be full-time and not part time to reduce the absenteeism of parliamentarians.

MPs should act on instructions from their constituents. This will promote cohesion between MPs and constituents.

Another thing is, you know very well that the 5 year term of our MPs is very long for them because we need to have them for 2½ years so that we can have what we call “Kura ya maoni” because when we elect them for 5 years, they only appear on the 5th year. So, so we want them to appear into half of it so that we can check whether they are doing what we have told them to do, or what they promised to do for us in order for them to be elected. During the ½ of the 5 year term to do what we call mini-election or what – “kurla ya maoni”.

The other thing is that there should be a commission to determine the salaries of MPs and not pay themselves to vote to have them. Even for the civil service there should be a commission to deal with their salaries.

We should retain also this concept of nominated MPs. By this I mean, especially for these vulnerable groups like the disabled, women and the rest. So we should retain those, not for those who are able but for the disabled.

The constitution also should permit coalition government to enhance good governance and accountability.

On the side of electoral system and process, we should retain the simple majority rule as a basis of winning an election. This system is simple and economical.

We should also retain the rule on 25% representation in at least 5 provinces for presidential election. This will reduce the fighting duplicity between the parties and will promote national political parties.

Also the election date should be specified in the constitution to reduce uncertainties. The election date should be clear.

The election of commissioners, commissioners let us say, for those who are heading the election, should be elected through the parliament. This will discourage any party using them to power.

Let me touch on land and property rights. The government should not have power to compulsorily acquire private land for any purpose. This will reduce corruption among the top men.

Another thing is the procedures of transfer of land be simplified by getting an approval from village elders not through officers up there. It should be from the village elders. By that I mean, even transfer of land, title deeds and whatever.

Kenyans should own land anywhere in the country.

The landless people should be given land.

Let me touch something on constitution commission institution and offices. We need such offices for us to air our views.

Also we need the office of the ombudsman. This office should be independent and, should exercise its duties freely and accordingly.

We also need the minister of justice.

Let me touch something on succession and transfer of power. The speaker of the National Assembly should be in charge of the executive power during the presidential election.

The chairman should declare the results of the president.

The president should assume office immediately he or she is declared the winner. The instrument of power should be transferred on an incoming president immediately he is sworn in.

When the out-going president is going home, there should be this provision, security, welfare, wealth but not immunity from legal process. Thank you.

Com. Abida Ali: Eric Korir.

Eric Korir: My name is Eric Korir, councillor Kapsosio location. I want to give my proposal concerning how elections are being conducted.

Because we have been advocating for transparency and democracy in this country, we have been experiencing many cases when one is not satisfied with the results. I propose that counting of votes should be done on every polling station.

I also propose that the method of voting should be secret.

In my own opinion, I am also advocating for transparent boxes because we want to avoid rigging, we want to be transparent at the same time we are advocating the accountability in anything we are doing concerning the elections.

Again in any case whoever loses, in case the loser is not satisfied with the results, he has the right to seek legal action.

May I also talk on the electoral commissioners, I propose that the number 22, we are contented with the number 22.

I also propose that the commissioners should be appointed by the president and be vetted by parliament. We talk of how they are doing and how they can be removed. The commissioners can be fired by the head, whoever appointed them and also they should be assessed vetted by parliament. They can draw their salary through the budget, through the treasury. That is all.

Com. Abida Ali: Thank you. Ambrose Langat.

Ambrose Langat: My name is Langat Ambrose from Sigor High School form 4 East.

I want to deal with the structure and system of government and I disagree with the idea that federal government be adopted in our country.

Opting for federal system of government in Kenya is like making a child to walk before it can crawl. To be realistic the social amenities, economic viability and development disparities found in Kenya just disqualify us from going federal.

A country like Britain which has successful parliament and from where the idea emanated as its resources and then distributed all over the country and the same case applies to the physical infrastructure and other social amenities.

This is the complete opposite of the situation in Kenya where many parts of the situation country in Kenya where many parts of the country have to depend on the productive areas of Central, Rift Valley and Western Province. To give each province the power to collect revenue and in essence to control it, is to regulate the disadvantaged parts of the country to eternal economic and development woes. It is not the mistake of the people who live in these areas to be where they are. If everyone was to buy land and settle in the productive parts of the country like Central province and parts of the Rift Valley, these areas could be grossly over populated, but since we can all benefit from what the country gets from there through the central government, we decide to live where we are today. I cannot imagine a parliament sitting in North Eastern parts of the country trying to distribute revenue to its various projects. Where will they be expected to get it from, when their only source of livelihood have died because of drought.

Likewise I cannot imagine a parliament sitting in Nyeri distributing all the country's income from coffee and tea to the people of the area. It would be the height of the folly for the people of this country. Thank you.

Com. Abida Ali: Thank you. Leonard Langati.

Langat: My names are LeonardLangat, Sigor High School, form 4 East. My proposal is that of defence and security.

All armed forces should be under the constitution for the smooth running of the government and also to avoid harrassment of wananchi. The mechanism to be used to discipline the armed forces is that anybody involved in corruption should be sacked and faces the law and jailed for 5 years.

The military affairs should be under the parliament and the commander of the armed forces. An officer to service in the military until his he is at least 50 years but not exceeding 55 years to allow other Kenyans to provide their service to their motherland country.

Any soldier who has retired from military after 50 years must not be re-appointed in any government office or company. Thank you.

Com. Abida Ali: Thank you very much. C. Cheruiyot, Alex Kimeli.

Alex Kimeli: MyNames names are Alex Kimeli from Sigor High School, member of teaching staff. My proposal on the amendment is on the judiciary.

First the constitution, I should ensure all people have access to the courts. At present if one should want to file a case in court, he is required to pay a certain fee which fee, which at times may not be within reach of many Kenyans. This means denying justice to the poor members of the society. The rich or those who are able members of the society then take advantage. I propose the fee to be scrapped and anybody who may wish to file a case can do so easily without any fee.

On judiciary still, I have on constitutional right to legal aid. The government normally gives a lawyer for a person who has a case such as murder etc. I propose that the lawyers to defend an individual and those who are provided by the government should be a number say, 3, 4 and 5 and then an individual can choose freely one of them to defend him. As these lawyers should be paid by the government, that means they are government employees, they should also provide free services to those who cannot pay for a private lawyer. Those are my proposals.

Com. Abida Ali: Just a small question. As much as the court fees high for a lot of people, don't you think that if the fees are scrapped completely, then we will have congestion in court where people will file cases that really do not need to go to court, we will be encouraging Kenyans to be litigants?

Alex Kimeli: Yes, there are cases of that kind but, I would look at a case of a peasant who has nothing completely and somebody would want to take advantage and take his property so we would be in actual sense be denying him his right, so despite the disadvantage of congested courts, we look at it from this advantage that we are giving justice to at least many Kenyans.

Com. Abida Ali: Thank you very much. Please register. Julius Cheruiyot.

Julius Cheruiyot: Majina yangu Jina langu ni Julius Cheruiyot. Ningelitaka tu kutaja mambo machache.

Kwanza ni kuhusu watoto. Unajua kwetu kabisa tunaweza kuchukua wasichana kama si watu wakati wakugawa mali, hatuwezi kutambua wasichana. Kwa hivyo mimi ningelifikiria kwamba nikasema msichana asipoolewa agawiywe shamba kama kijina. Iwekwe sheria hiyo.

Jambo lingine ambalo ningelitaka kusema pia ni waile wazee ambaoye wanaitwa panel ambaye wanafanya case kwa D.O. ama kwa D.C. iwekwe kabisa sheria pia hata wao wapate msahara kwa sababu kazi ambazo wanafanya ni kazi kubwa sana.

Jambo lingine ningelitaka kusema ni kuhusu chiefs na assistant chiefs wapigwe transfer. Asikae mahali moja maisha yake yote. Kwa sababu ni mtumishi wa serikali.

Jambo lininge ambalo ningetaka kugusia pia liwekwe sheria, mtu awe na acre mia mbili tu asipitishie kwa sababu akizidisha wengine wanakosa wale ambalo hawana shamba. Unakuta mtu ana acre elfu tatu, elfu nne na anaendelea kununua na wengine hawana shamba. Kwa hivyo iwekwe sheria. Maximum awaere na acre mia mbili. Yangu hi hiyo tu.

Com. Abida Ali: Ngoja swali.

Com. Maranga: Bwana cheruiyot Cheruiyot, unatoka kijiji gani?

Cheruiyot: Natoka kijiji ya Sigor.

Com. Maranga: Sasa mimi na uliza hivi, ungependekeza wazee wangapi walipwe kwa sababu iko wazee wengi sana ambayo tunaita village elders, na ikiwa zaidi ya ishrini?

Cheruiyot: Wale ambalo nilimanisha ni wale ambayo wanafanya kazi kwa D.O's office, kwa D.C.'s office, wale ambaye walichaguliwa.

Com. Abida Ali: Asante. Julius Cheruiyot.

Julius Cheruiyot: My names are Julius Cheruiyot from Sigor High School, form 4 East. I want to talk about legislature.

The president should not have the powers to dissolve the parliament, because if he is the one to dissolve, he will leave some cases and answers, which other members of parliament raise. So he should leave the powers of the speaker to dissolve the parliament.

The president should not pass accentssets on a debated bill in parliament. This is because, for a bill to become a law, it must be supported by 65% members of the parliament. A commission should be appointed by the constitutional review who will look into the debated bill and pass sign it, not the president. Thank you.

Com. Abida Ali: A clarification on your statement, about 65%, did you say any law, you are proposing that any law should have 65%?

Cheruiyot: I am saying that the president should not pass accent on a debated bill.

Com. Abida Ali: Independent bill?

Cheruiyot: Debated bill.

Com. Abida Ali: What about 65%?

Cheruiyot: For any bill to become law should be supported by 65% of the parliamentarians.

Com. Abida Ali: Is that what you are proposing because that is not the correct position. The correct position is there are some laws, which require simple majority, the constitutional ones require 65%. So you are talking about 65% of constitutional amendments.

Cheruiyot: Yes, all the constitutional amendments.

Com. Abida Ali: Thank you. Phillip Bii.

Phillip Bii: Jina yangu ni Phillip Bii. Swali langu ni moja tu kuhusu maji.

Serikali imesemekana ya kwamba hapa hii sehemu yetu kwa sababu ni jangwa, tutapata maji ya bure na baadaye maji walitupatia, lakini baadaye maji ikafungwa kwa kila mkulima kwa sababu ya kukosa pesa. Hata sasa wakulima wengi hawana maji na maji imetolewa. HeJe, hapa sasa wakulima wengi hawana pesa ya kulipa.

Com. Abida Ali: Unataka je sasa?

Phillip Bii: Mimi ni mkulima moja wao ambaye sina pesa ya kulipa.

Com. Abida Ali: Twambie vile unataka.

Phillip Bii: Vile mimi nataka tupatiwe maji kulingana na vile serikali ilisema maji itatolewa bure.

Com. Abida Ali: Asante sana. Caroline Ruto you can now give us your views.

Caroline Ruto: My names are Caroline Ruto CCC member Chepalungu. My proposal is on the system of government.

We should have a federal system of government because and I am satisfied with the way the regions are divided.

The provincial administration should be done away with and the role of the provincial administration undertaken should be taken

over by the local government.

And the chairman of council or the mayor should be elected directly by the people.

The government should provide free education for all from primary to secondary school level. And should also concentrate on building libraries.

When it comes to university education, the government should also ensure that those people who qualify for university are given access to university education so that we can have campuses like for those people who do Bachelor of Arts, they can be doing it outside like in Bomet, we can do it in the Social hall, because it is easier to transport one lecturer from the university than 65 60 students going to a university for a lecture.

Nominated MPs and nominated councillors should be retained but the criteria should be clearly defined in the constitution.

On issues to do with poverty, job opportunities should be made accessible to all such that when we have recruitment of police or the army, there should be a committee at all levels, district levels, whereby if they want to recruit 20 police officers in the district the committee gives a recommendation of nearly 50 names so that the experts can come and choose the 20.

There should be a ceiling as to land ownership and the ceiling should be 100 acres.

As to do with cost-sharing the government should also make an effort to help the farmer so that in issues dealing with seeds and fertilizers, the government should cost-share with the farmer.

I also find children a vulnerable group because there should be no legitimate child and illegitimate child in issues dealing with succession. All children should be treated equally in the new constitution.

All children whether legitimate or illegitimate should be supported by their parents so that a child of a single parent should have support from the father whether the father married the mother or not.

Mentally handicapped women who have children; the law should be very strict on those people who father children with mentally handicapped women.

On culture and our nationality; honours such as “Elder of the Burning Spear” “Order of the Golden Warrior” those are honours that should be accorded to by parliament. It should not just be an individual giving such honours to his or her friend.

Trust land, the community should be consulted when you want to name land that belongs to the community after anybody big, may be you want to name it after yourself or anybody or your child, the community should be consulted on naming such land.

Thank you very much.

Com. Maranga: Thank you Caroline. I have one question about university education. You are saying it is easier to transport a lecturer than transporting 65 students. I quite agree, but do you consider the facilities, which are within a given district like Bomet for example? Where do you get the library, where do they get the reference materials, if for example the lecturer says go and read so many books, don't you think they will end up going to Moi University? What are you supposed to do?

Caroline Ruto: I was considering courses such as Arts, Law and what I earlier said is, the government should not only concentrate on free primary education to secondary, it should also concentrate on building facilities such as libraries. A subject like law I can go to the local courts and get books and whatever I want from local courts. But now we should leave the facilities like the university to students who do courses like medicine because they need the facilities that are there and it is expensive to transport them to every district. But those who can do it like Arts, may be Law and other subjects, we should give way because it is more expensive for me to go to the university at the end of the road buying food, doing what and whatever at the end of the road, it is expensive.

The other thing is issues dealing with women. We can have 7 women MPs in parliament and they want to pass a bill affecting women. It should not be done on simple majority. I think there should be a way whereby women should be given more votes so that we have 21 men MPs and 7 women MPs. Every woman MP should carry 3 votes so that the 7 MPs will be equivalent to 21 votes.

Com. Abida Ali: Thank you very much Caroline for your views. If you have not registered please do so we need to have details on both our registers. . Do you have a memorandum?

Sijui kama kuna mtu hapa hajazukumza naangependa kuzungumza kwa sababu tumemaliza register ya wale ambayo walimejiandikisha. Iko mtu yeyote ambayo ana maoni na hajazungumza. Wangapi? Two, mje mtoe maoni tafadhali na mtwambie majina yenu kamili.

Simon Chirchir: Asante sana. Kwa majina naitwa Simon Chirchir kutoka upande wa Chepkos.

Maoni Oni yangu ni moja tu. Mimi ni mfanya biashara ya ng'ombe na mimi nikinunua ng'ombe nakuondoka hapa na hiyo ng'ombe ikufe, siwezi rundi kwa mwenyewe kudai pesa. Mimi ndiyo naenda hasara.

Sasa kuna kitu moja mimi naona kwa upande was hospitali, mtu anaenda hospitali anakaa karibu miezi nne anadai karibu million

moja na huyu mtu anakufa. Hawa watu wa hospitali wanafuata yeye, wanakuja kudai. Mimi nataka hiyo iwekwe sheria kama mtu anakufa wasikuje kudai pesa tena. Hiyo pesa ikufe na huyo mtu. Hiyo iwekwe sheria namna hiyo.

Com. Abida Ali: Asante sana. Jiadikishe tafadhali. Saul Kenduiwa.

Saul Kenduiwa: *Kongoi mising en toechu kagobwa ireyu kemwoe kongoi en toek che kagoit komwawech ngalekab emet ko kit ne kabaibaitunen ko kagitach ichek amun kanykomwawech ngalek che komagingen ko ak nebo aengo ane kegurenon Saul Arap Kenduiwo abo Sigor yuton.*

Interpreter: His name is Saul Kenduiwa from Sigor.

Saul Kenduiwa: *Ko kit ne amache ne ta amache ateb ale kangogaobwan toek ireyu kobongolole omwawech ngalek ab emet kokiboboitu.*

Interpreter: He is asking you whether you are happy with what you have heard.

Saul Kenduiwa: *Ak nebo aeno kit agenge ne kamwa ale kamakigas en ngalekab chumbek che komwa ko kit ne kagimwa bik ab Chepalungu ko kagile kit agenge komagigas.*

Interpreter: He is saying that you were speaking in English so he did not hear what you were saying.

Saul Kenduiwa: *Ko kit nebo osier en Nairobi ngunon ko kit ne magigas.*

Interpreter: He is saying what you are going to write in Nairobi he did not understand.

Saul Kenduiwa: *Ngolyot ne kabwote ale tagimwa agre kiboisie komitiisiek en gaa en kiruogik ago matinye mushara ago kichubote ak keriroteen korik yon kiumi rabinik ago kinyalilech ak kechubotech ago makitinye mushara ko ngunon kit ne kamache osir ole ene sikomasich rabisiek bik che keonate en ka.bass kounoniton ngalek che kotinye matinye ngal checchang karamwa kongoi .*

Interpreter: He has only one view to give. He is talking about the committees who are at home, chiefs and they do not earn anything. These committee members, members of the community do not take them well. He is one of them and they do not earn anything. The village elders should earn a salary. That is all and he is thankful.

Com. Maranga: Tell him we are not the ones who decided which language to use. Ni watu wake wa re-decide kuongea Kimombo.

Interpreter: *Kole toek mabatki kagilei kongalal kingeresia*

Saul Kenduiwa: *Ko maya ngunon amun karomwa kamakigas ine yegai kongoi.*

Interpreter: He said thank you very much.

Abida Ali: Nahashon Koech.

Nahashon Koech: My names are Nahashon Koech from Sigor High School form 3 East. My proposal is on political parties.

Political parties in the country play an important role as far as the economic development is concerned. By going parallel to the government, they accelerate a ruling party to maintain and improve the economic development of the country. They also help the ruling party to govern the country effectively. They fight for the rights and towards what else should be done by the members of parliament and government itself to the citizens. However, basing it on the saying “increase in demand leads to increase in the price and decrease in demand leads to decrease in price.” Political parties therefore should be minimised to 5 to make a stiff competition of parties. Taking note of this is that the political parties should not be based on the number of provinces because this might lead to machination and complacency.

Com. Abida Ali: Thank you very much. Please register. Inaonekana tumemaliza shughuli yetu ya leo na tungependa kuwashukuru sana hasa management ya shule kwa kutupatia nafasi ya kuweza kukutana hapa kuendesha hii shughuli ambayo ni ya kitaifa na nyinyi yote kwa kujitokesha., K kwa wale wametoa maoni tunawahakikisia haya maoni yatakwenda katika headquarters ya commission mlivyoyotoa na tutawarundishia reporti ambayo itawahakikishia kwamba maoni yenu yamefika, ili mweze kufanya debate itawaweshesha itawawezesha delegates wenu kufika katika kikao cha kitaifa kujadiliana zaidi kuhusu constitution au katiba mpya ya nchi yetu. Kwa hivyo tunawashukuru hata wale wamefika na hawakuzungumza kwa sababu wmetuzaidia kukaa hapa kwa siku mzimanzima. Nawashukuru sana na bado katika hii constituency yenu tutakua tunakutana tena kesho kwa hivyo wale hawakuweza kufika mtawaeleza mkifika nyumbani wafike pale tutakua kesho ili tuweze kupata maoni ya kutosha kutoka kwa constituency yenu tutakuwa katika Moi Siongiloi Girls High School kesho. Kwa hivyo tunatarlajia tutapata maoni mengine yatakayotusaidia. Na akina mama mwaambie wamama kesho watoke kwa wingi kwa sababu maeneno mingi mengi ya akina mama inasemekana na nyinyi naona kama mtabaki nyuma kwa sehemu hii. Asante sana natutamuliza coordinator kumalizia mkutano. Get us somebody to give us prayers and then we call it a day.

David Cheruiyot: Commissioners, members of the public, students, teachers and everybody, let me just kindly thank all of

