

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

ELDORET SOUTH CONSTITUENCY,

HELD AT KESSES SEC SCHOOL

ON

JULY 2ND, 2002

**RECORDS OF THE PROCEEDINGS OF THE CONSTITUTION OF KENYA REVIEW COMMISSION,
PUBLIC HEARINGS, ELDORET SOUTH CONSTITUENCY,
JULY 2ND, 2002 AT KESSES SEC SCHOOL**

Present

Com. Prof. Wanjiku Kabira - In the Chair
Com. Prof. Idha Salim
Com. Abdirizak Nunow

Secretariat In Attendance

Irene Marsit - Programme Officer,
Geoffrey Silas Imende - Assistant Programme Officer
Josephine Ndung'u - Verbatim recorder

The meeting started at 9.52 a.m. with Com. Pro. Wanjiku Kabira being in chair.

Rotich(Chairman): Commissioners, wananchi na wanafunzi ambao naona wamefika hapa, hamjambo.

Audience: Hatujambo.

Rotich(Chairman): Ningependa kuchukua nafasi hii kama mwenyekiti wa Katiba wa eneo ya Eldoret South, kukaribisha Commissioners kwa hii siku ya leo, kuchukua maoni ya wananchi wa division hii ya Kesses. Tunajua ya kwamba, division ya Kesses ni kubwa na kwa sababu ya matatizo ya matatu, watu nafikiri watu watafika kama kutoka saa hizi mpaka saa tano. Wananchi ambao wamefika hapa leo, wakati mnapeana maoni yenu, kwa sababu hii ni siku ya kupeana maoni, si kama siku zile zingine ambazo mlikuwa mnafunzwa mambo ya Katiba, leo ni siku ya kupeana maoni, na kabla ya kuendelea sana, ningetaka ku-introduce hawa Commissioners, ndio mjue nani ndio atachukua maoni yenu. Mwenyekiti ni Prof. Wanjiku Kabira, yeye ni Commissioner, tuko na Prof. Idha Salim, tuko na Commissioner Abdirizak Nunow, yeye vile vile ni Commissioner, hawa ndio watachukua maoni. Tuko na officers ambao wanasaidiana nao. Tuko na Irene Marsit, Geoffrey Imende, namna hiyo. Wakati mnapeana maoni, huwe free sema vile unafikiria Katiba inatakiwa kufanyiwa namna gani, kwa hayo machache narudisha hii kwa

Chairman. Committee member mmoja tu ndiye amefika, Bwana Bitok ako nje anafanya registration. Kuna committee members ambaye ni wa Eldoret South, ni mimi tu kama Chairman, na kuna Bwana Bitok ambaye anafanya registration, wale wengine nitawa-introduce wakifika, asanteni.

Com. Prof. Kabira: Hamjamboni. Okey, tutakuwa hapa mpaka tumalize wote wanaoingia leo kutupatia maoni. Nitawaambia ile taratibu tutafuata. Tutampa kila mtu dakika tano apeane maoni yake, unaweza kupeana maoni yako kwa njia ya memoranda, utatupatia memorandum, na ukiwa na memorandum waweza kuchukua yale maoni ambayo unaona ni important kabisa. Au uweze kuja hapa uzungumze na mdomo ikiwa hujaandika. Ukitaka tu kutupatia maoni kwa memorandum, na hutaki kuzungumza, hata hiyo ni sawa. Vile tutafanya tutafuata hii karatasi. First come first served. Yule amejiandikisha akiwa namba moja tutaanza naye, na tutafuata hii mpaka jioni. Mnajua wanawake wana kazi nyingi nyumbani, sindio, tukiona karibu saa saba, ama saa nane inafika na tuna wanawake hapa tutawapatia wakati. Na tukiona tuna wazee wale watakuwa na taabu wakienda nyumbani kukiwa usiku, tutawapatia wakati, pia tutaweza kupatia watu, people with disability wakati watakapoingia. Kwa hivyo mukiona hatufuati ile makaratasi imeandikwa, ni kwa sababu ya hiyo tu.

We give special preference to the people because of the needs that they have. Ukimaliza kupeana maoni, utajiandikisha, you will sign the register for the Commission, which shows that you participated in this process, it legitimizes your views and you record the records of the Commission, as one of those who contributed to this process. Sijui kama kuna kitu kingine unaweza kuongeza mwalimu. Ninawakumbusha, ukija hapa bila kutoa maoni yako utataja jina lako. Hata ikiwa nimetaja jina lako nikikuita, ni lazima utaje jina lako tena kwa sababu ya tunafanya recording. Mkiona mahali pale Josephine anakaa, ana verbatim recording, kwa hivyo kila kitu mnasema kinaenda kwa record. Na tuna Bwana Geoffrey here, anachukua report na shorthand. Na sisi pia tunachukua maoni yenu, tunaandika. Lakini kila kitu unasema inaenda kwa recording. Na tukifika Commission, we are going to transcribe, tutachukua hayo maoni yale yamechukuliwa na cassetts and we will be able to look at every single thing that you have said. Na kwa hivyo tunauliza mtu akizungumza ni vizuri tukimye tuwe na recording nzuri. Tumesikizana. Any questions. Yes tumia microphone.

Speaker: Asante sana Commissioners. Yangu ni swali tu kuuliza, mimi nilitangulia kujiandikisha lakini yule yuko na memorandum anakuja baadaye, naweza kupata nafasi azungumze kwanza halafu mimi nitazungumza baadaye?

Com. Prof. Kabira: Ni sawa tu. Lakini ni lazima ujiandikishe tena, si ndio?

Speaker: Jina already liko pale.

Com. Prof. Kabira: Your name is here?

Speaker: Yeah. Namba tano na yule yuko na memorandum namba tisa.

Com. Prof. Kabira: Kwa hivyo unataka yule ako namba tisa akuje namba tano, halafu utazungumza namba ten okey ni sawa.

Speaker: Okey.

Com. Prof. Kabira: Thank you very much. Kwa sababu tuna watoto pia wa shule na tunataka warudi shuleni, wakisikiza kidogo tutawapatia nafasi kwanza, ni sawa? Okey. So it is good the children will open the hearings for us. Who is representing you? Okey. Na utatuambia jina lako young man, what is your name? Okey Patrick utatuambia jina lako, utatuambia your class, what class you are in, you will tell us your age and the name of your school and then you can begin. Okey.

Patrick Aundi: The Commissioners, the Chairman and the parents, in front of you is Patrick Aundi from Mugo Primary school, class six, I am 12 years. Children's rights; in the Constitution of Kenya, the Kenyan children should get the basic needs e.g.

- 1) Free and compulsory education from standard one to eight.
- 2) Free medical attention to all.
- 3) Bright students from poor families should be assisted by the government when they join secondary schools.
- 4) Children with disabilities e.g. the blind, the crippled, the dumb and the deaf should be taken care of the provision of the necessary facilities.
- 5) Special schools should be established in every division and trained personnel.
- 6) For children to have proper learning, the subjects taught in the schools should be reduced.
- 7) Parents to educate both boys and girls equally.
- 8) Child labour should be abolished. Thank you.

Com. Prof. Kabira: Thank you very much Patrick. Ngojea kidogo, did you tell us how old you are? You said it, say it again on the microphone.

Patrick Aundi: 12 years, class six.

Com. Prof. Kabira: Thank you very much. We want you to know that you are going to be on the records of history for having participated in the Constitutional Review. Do you know anybody else who participated in the review before? You have heard about the independent Constitution? Have heard about somebody called Moi? He was one of the(inaudible) and Kenyatta, you have heard, so you are now among those people, and you are writing the next Constitution. Thank you very much. Now please clap for Patrick.

Audience: (clapping)

Com. Prof. Kabira: Thank you. Because we also want to hear the other people, we will go to John Kimalel Yama. Okey.

John Kimalel: My names are John Kimalel Yama. I am representing people with disabilities. That we the people with disabilities from Uasin Gishu, here in referred as PWD, are in full knowledge of our rights as citizens of Kenya, and therefore wish to highlight the following as obstacles towards attaining and enjoying our status as citizens. (That we have been sidelined and excluded in participation in various levels all that, of decision making such as presidential Commission, district development committee). That we have faced discrimination and mistreatment at family levels, often ignored or given second priority in relation to other able members of the family. That we faced discrimination at the hands of potential employers. That we have been denied opportunity to exercise and explore our talents and our potential. That we have been neglected in terms of employment to be fit for artisan positions and not in white collar jobs. That we have been discriminated against in terms of grading training centers and for people with disabilities. That we have been denied access to driving courses and licenses especially our hearing impaired colleagues. That we are being viewed by the society, as lacking the ability to exercise our sexuality. That our daughters and sisters with disability are denied proper pre and post maternal care. That we have been denied access to the following political positions, education, economic opportunity, that is access to finance or training facilities, health services, legal representation, public utilities, that is buildings, roads and sports centers.

Ownership of property; in the view of the above, and in exercising our rights, as citizens of Kenya, and in recognition of the importance of the review process and the(inaudible) to the change of the future, there has been a bluff country in solidarity with other Kenyans. We the people with disability, do hereby make the following recommendations to the Constitution of Kenya Review Commission.

- 1) The Constitution of Kenya should have a preamble based on the following; history of independence struggle, our official and objectives, recognition of 42 tribes and Kenyans of all races. Portrays supremacy of the people, national anthem and vote of arms.
- 2) Executive; the powers for the President should be reduced, the President should not be above the law, incase of any abuse of power, he should be impeached through Parliament.

- 3) Ministry should be appointed through meritocracy considering their provisions.
- 4) Legislature; Parliament should be empowered to ratify appointments for constitutional officers.
- 5) Judiciary; the judiciary should be free from interference by the government. They should be given security of tenure, there should be local level courts tribunals.
- 6) Education; education should be made free for people with disabilities from primary to university. Free education for children of people with disabilities, from nursery school to university. Sign language should be included in all education curriculum. The 8-4-4 system should be reviewed, to favour the people with disabilities. The examination time aspect should be considered. That is to review, to give people with disabilities humble examination time. There should be special arrangements for breast feeding mothers of least 3 months, maternity leave granted to include the spouse.
- 7) Fair representation in organization and school's council, encouragement of people with disabilities to encourage in various sporting, recreational and counseling activities. The government and sporting councils, should assist people with disabilities, acquire passports, other traveling documents, whenever they are to participate in sport and games abroad.
- 8) All PSV vehicles should be modified and fitted with necessary equipment to ease boarding by people with disability.
- 9) People with disability should be considered for monthly, social welfare, cash to meet their basic needs. equipment and material e.g. Braille, wheelchairs, such as crutches, calipers should be free of tax.
- 10) Architectural structures should be designed in consideration of the people with disabilities to ease their movement.
- 11) Reservation of second percentage for people with disabilities, employment opportunity, economic and finance. Funds should be availed for use by people with disability projected in annual budgets.
- 12) Requirement for loan securities should be relaxed to enable people with disabilities to acquire business loans.
- 13) Tax exemption for business owned by people with disabilities should be considered. Harassment by Local Authorities on people with disabilities business should cease.
- 14) Local authority should give priority to people with disability, when allocating business development plots.

15) Health; free medical services in all public institutions for people with disabilities. Sign language interpreters should be employed in hospitals to assist the deaf. Free medical services should be availed to families of the disabled. The government should post medical specialists to assist people with disabilities. All medical institutions should have special sanitation facilities for the people with disabilities. Thank you very much.

Com. Prof. Kabira: Thank you very much Mr. John Kimalel. I think we will bring the book to you for signing. Thank you. Daniel Rotich.

Daniel Rotich: Thank you Commissioners for welcoming me to this morning session. I would like to say some few things about our Constitution in Kenya, I don't have much. And my age is 44 years now. I would like to say some few things, infact I am not well organized, but I would like to say some few things.

- 1) I would like to say about the citizenship of Kenya. For one to be a citizen of Kenya, should be Kenyan by birth, and should be indigenous from this country. Reasons is that we have been receiving people from other countries, give them time to be citizens, we don't know how they came into this nation, so we should be careful there.
- 2) Children born by one parent in Kenya or single parent. According to my own view I could like to say it is not wise to say single parents, because a child cannot be born by one person. Therefore the two parents should be in records, to know unless maybe the father has died and the mother remains, that one we would like to say also it is by bad luck, the father should be addressed. We have realized a lot of things here have gotten to our country. Street children have been there, which is very bad and this has given us a very bad image. Infact within Africa as a whole, it is Kenya which is leading in this issue, which is very bad. Therefore we would like the government to see into it. We have a law whereby no girl can have a child without a husband, and should be strict. This has given us a lot of chances of immorality in our country which is very bad. Even in our own tradition especially within our Kalenjin people and other tribes who have their own cultures. There is no child born by one parent, it is wrong, even in our own Bible, it is very wrong, I believe also in the Koran it is not allowed.
- 3) For girls also we would like to say, according to what we saw in the question about that should we give them land, we know some parents say okey we got the children this is a child all the same they should have rights, it is not wise. It will make them to get reluctant, someone will be very much immoral, some will not even need to go out of their homes, because they see their parents have got land and they will be given free, which is wrong. Unless one has been married, has not got children for over 50 years and she feels like coming back home. She can be given because, already she has not got anything. But if she is below 50, she might get children, get her own home.
- 4) System of registration of parties in Kenya. I would to say registration of parties we should have three parties. I will put

them into my own view the way I think. If we can have along the coastal strip, towards northern part or Northeastern of our country, because those people live in a way that their lives, ways of living are almost similar. They may have the same views. I am saying this because, when we come to parties you will find tribalism has come in, which is very bad and we might not have one nation. People like in Rift Valley, have got a lot of things, so many activities, business, farms industries in some other areas like Northeastern they don't have. They should be given a party whereby they can run their own affairs. So that we don't interfere with them.

- 5) Education; education in our country is not much as expected, of which I would like to say some few things, I think others might say. Mother tongues should be taught in our schools. We have found our children most of them do not speak their mother tongue, we don't know why, even some of the teachers even though they are teachers, they seem not to raise the issue very well. Children to begin school, should be five years and above. We assume that schools have been reduced to have until baby classes, nursery schools, most parents don't have enough money they are being forced that they begin with nursery schools. They pay a lot of money, the children get tired even before they finish primary schools, when they join form one, their mind is exhausted, you find some of them are loitering. You find the child has been given a lot of burdens before age, which is very wrong. Also we would like to request the government to assist us to have free education up to form four, if possible. Also introduction of form five and form six, we are seeing our children are joining university, most of them are very young, premature, they don't know even how to dress themselves, even how to move with others, there are many things anyway to be found there. So if they can have form five and form six it will be wise.

Com. Prof. Kabira: Mr. Rotich you begin summarizing because your time is over.

Daniel Rotich: I am finishing. I would like also to say some few things like national resources. Forestry; we have seen the local man or the common man does not even have access to the forests, because they are always told okey, keep the forests well we are getting water from the forest, we don't refuse, it is true. Even the building materials, we get them from the forest, like timber for making bridges, constructing schools and other things. We would like to say some few things, whenever a forest is around and somebody would like to have some timber or a post, he should go through the local elders like village elders, foresters, chiefs and pay something at least but not free. These taxes some amounts to be taken to the government and some to be retained for maintaining the forestry security, maybe like 30% can be sent to the government 70% to be retained. So that when we need some more seedlings, we get from the foresters within the district and the location, we will work together. I think because of time. Thank you.

Com. Prof. Kabira: Thank you very much but before you go Mr. Rotich, you said that, just a point of clarification, no girl can have a child without a husband, but can a man have a child without a wife?

Daniel Rotich: I will explain that area because I am seeing there is something that when girls are getting children or getting pregnant, she goes and has the child alone and then that is her own child. How can she be called a parent when the husband is not identified? So we believe the mistake might have come from men, I am not saying she is not a victim but the two should be together.

Com. Prof. Salim: Bwana Rotich what happens if by accident call it whatever it is, bad luck a girl does have a child, human beings..... are you planning that we should punish such a girl?

Daniel Rotich: No we don't punish.

Com. Prof. Salim: So what do we do?

Daniel Rotich: If a girl is married and she must not have mandate to get a child, she can either remain in her home with the parents or whoever has married her, and has not managed to get a child,(inaudible) she may decide with the husband fully. There is no way she

Com. Prof. Salim: What I am saying is a girl bears a child, but she is not married, what happens Rotich?

Daniel Rotich: The child should be with the father but not to remain with the mother.

Com. Prof. Salim: But are you having an idea that such a girl should be punished in anyway?

Daniel Rotich: No there is no punishment. There is no case that she has broken actually I want to comment because we have been making leisure on such issues, which is wrong.

Com. Prof. Kabira: So the child should go to the father.

Daniel Rotich: Yes.

Com. Prof. Kabira: Now aren't you allowing the father to have a child without getting married?

Daniel Rotich: Some men nowadays are loitering like that, that is why we are saying whenever he or she knows that the child will go to the father, children will not be born outside marriage.

Com. Prof. Kabira: Okay thank you very much Mr. Rotich. Do we have Janet Cherubet. Janet you will tell us your name,

your age, your class and the name of your school.

Janet Cherubet: The Commissioners, Chairman and the parents, in front of you is Janet Cherubet from Mugo primary school, class six, 11 years, ready to present to you about girl child, welcome. In the Constitution of Kenya, the girl child;

- 1) Should not be overworked in the family, duties in the family should be distributed equally among boys and girls.
- 2) Early marriages in girls should be abolished. The right age should be 23 years and above. A parent who forces his or her daughter to get married should be taken to court.
- 3) Circumcision of girls should be abolished.
- 4) Drop out girls due to pregnancies should be allowed to go back to school after delivery.
- 5) Teachers who befriend school girls should be dismissed from work. Thank you.

Audience: (clapping)

Com. Prof. Kabira: Thank you very much Janet. Before you go, you said that the parents should not overwork the girls at home, who should receive the work the children do? Sorry, can you take the microphones, what do the girl do at home? What duties do they do. Like what do you do at home?

Janet Cherubet: Fetching firewood.

Com. Prof. Kabira: Anything else.

Janet Cherubet: Fetching water.

Com. Prof. Kabira: Anything else.

Janet Cherubet: Washing the house.

Com. Prof. Kabira: Washing the house, the dishes. So what do you want the boys to do? Do you want them to fetch water, and fetch firewood, and wash the dishes.

Janet Cherubet: Yes.

Com. Prof. Kabira: Thank you very much. Like the young man has presented before you participated in a very important exercise and you should be very proud of yourself and your school. Thank you very much Janet. Jiandikishe. Can we have Daniel Sitienei.

Daniel Sitienei: Basi nitaendelea, mimi jina ni Daniel Sitienei, miaka ni thelathini na tano, natoka Okiek groups. Basi ningetaka niseme kuhusu Okiek groups, wakati serikali ilipokuja kutenga misitu, ilitenga misitu kama Okiek huko ndani wakiishi, hadi sasa hawajapatiwa reserves yao. Hata district tunaomba tupatiwe. Katika uwakilishi wa bunge hatujapata, hata administration hatujapata. Kwa hivyo tunaomba Commission, sisi Wandorobo tuwe moja wa Wakenya, tuhesabiwe kama Wakenya wenzetu ambao walitunga sheria tukiwa kando kidogo. Juzi tukapata kuwa sisi tumewekwa mistari tuandike hata sisi Katiba. Tunaomba mambo haya tupate kuhesabiwa, tupate kupatiwa district au tupatiwe kwanza reserve district, kwa maana hadi sass tukiwa hapa, watu wa Okiek wanaishi msituni hawana shamba.

Halafu tupate wakilishi katika bunge. ingekuwa wale wana nominate Wabunge, ingekuwa hata Okiek wapate nomination kwa maana tumewachwa kando kidogo. Administration line sisi Okiek tulikaa msituni hatukusoma. Elimu hatuna, na tungependa Commission waone maoni tunaweza toa, tusaidiwe kwa maana misitu ilikuwa reserve, wakati watu wanganya kwa reserve zao, tulikuwa hata sisi reserve misituni ndani. Okiek walikuwa na eka elfu tatu ndani ya misituni ambayo inatoa asali, nyama na dawa.

Halafu tunataka tukae kama wenzetu ambao waliandika Katiba. Sina mengi asante

Com. Prof. Kabira: Asante sana bwana Sitienei. David Bor also from the Okiek, hayuko, ametoka kidogo, okay, Regina Boit.

Regina Boit: The Commissioners na Wanakenya wenzangu, kwa majina mimi ninaitwa Bi Regina Boit. Umri wangu ni miaka arobaini na saba na ninaongea kwa niaba ya kina mama wa Kesses location, kwamba kwa mambo ya Katiba, hasa nao wameshiriki na wanataka labda yote yakienda vizuri, wamekuwa na mapendekezo yafuatayo. Nitasoma kwa lugha ya Kingereza nafikiri, kutafsiri itakuwa baadaye.

- 1) They have spoken something about citizenship na wamependekeza kwamba, equal citizenship be given to all those born in Kenya as one.
- 2) Incase a Kenyan women marries a non-Kenyan and he is likely to remain in Kenya, they should be granted citizenship and vise versa.
- 3) That the right and obligation of Kenyan citizens include such as; freedom of movement, freedom of speech, security, amongst others.

- 4) Marriage laws; that all marriages that is the church, the District Commissioners and the customary ones are recognized, but the customary marriage should be documented in the Kenyan law, and have a government certificate proudly issued at the village levels by the village elders. Come we stay marriages should be abolished through the counseling of youths, by religious and other leaders.
- 5) Property law;
 - a. About land; that title deeds should bear the name or the name of the husband and the wife.
 - b. Incase of sharing the land, it should be shared equally among the husband, the wife and all children, meaning boys and girls whom they have had in their marriage.
- 6) Inheritance; that the property should be shared within the nuclear family, incase it comes to inheriting any property within the family, so that the nuclear family are the ones to share, non else.
- 7) Child support; that out of this children being born and just left either without a father as they usually say, that the father who fathered the child, should support the child up to the age of 25 years.
- 8) Domestic violence; that any kind of physical violence should be dealt with in court.
 - a. There is what we call psychological violence. Probably there might be no fighting or any physical injury, but there is some torture through maybe mistreating the concerned. That there should be a fine, for the culprits or the victims doing the torturing or bringing about the violence.
- 9) Sexual violence;
 - a. Part one of it is defilement, that is where the young ones are accused, that it should be dealt with in court and the offender be given a life sentence.
 - b. Adult to adult; that a minimum of 15 years imprisonment.
- 10) Affirmative action that is to do with leadership;
 - a. Women should participate in all leadership positions, with 35% reserved for the women in all gaps or in all areas of leadership.
 - b. Working class women, who want to go and contest certain positions or posts, should be given leave at their work places and allowed back to their work places again in case they don't qualify or incase they lose.
- 11) Health; health facilities should be provided...

Com. Prof. Kabira: Please give use your last two points, the most important.

Regina Boit: Infact this is the last, health facilities should be provided by the government up to locational level. True of it NSSF that their services should be provided up to the village level.

12) The last point is about education, about education that equal and free education be given to all boys and girls from standard one to eight. Two that equal and free education be given to all the under privileged. Three; university cut off points should be three points below for girls. Four; that school curriculum be revised regularly to suit the social and economic activities of the country. Five; there should be a diversity of colleges and universities all over the country. Six; that incase of job opportunities, it should benefit all than where quota system should be practiced where applicable and finally, if there ever will be a first lady in our nation Kenya, her main duties should be to be the eye of the women and the children. Thank you.

Com. Prof. Kabira: Okay if they are ever will be?

Regina Boit: Yeah if they will.

Com. Prof. Kabira: Why don't you suggest they should be?

Regina Boit: It depends on who will come to the office.

Com. Prof. Kabira: Okay thank you very much. Please sign your name Boit. Wilson Ruto, Dr. Philip Rono. While Dr. Rono is coming, did David Bor come? You are there, you will come after Rono.

Dr. Philip Rono: Thank you very much Madam Chair and the Commissioners. I represent the Seventh Day Adventist members in Kesses division and we have written a memorandum with 28 recommendations. Again I have said as you have mentioned my name is Dr. Rono, I preach at the Seventh Day Adventist church. I will straight away go to the recommendation Madam Chair because of time. The first Seventh Adventist church recommendation, is on the basis of the Constitution of Kenya, and we have the following recommendations;

- 1) Recognition of the supreme divine authority and the ruler of the great universe around. We believe that the recognition of God is the infinite, eternal, omnipotem, omnised and most holy, should be incorporated in the next Constitution of Kenya.
- 2) Recognition of the significance of establishing Kenya as a God fearing nation, constitutionally, that the most eye ruler, God is still in control of the affairs of nations and that he has a noble plan for every nation on the earth. Therefore, we

should recognize the righteousness exalts a nation or else sin is a reproach to all people.

- 3) Recognition of God as a supreme law giver. As we make our Constitution in this process today, we the Seventh Day Adventist in Kesses division recommend that the Kenyan Constitution should recognize God as the order of the physical laws, as plainly stated in the scripture. This includes those laws discovered by the great scientists.
- 4) On recognition of God's dialogue, the ten commandments is the basis of the earthly constitutional laws. We accept and recommend the recognition of God, as the order of the dialogue, the ten commandments and the supreme of laws and basic.

Com. Prof. Kabira: Each point is supposed to be half an hour.

I am just highlighting only.

Com. Prof. Kabira: Just don't read the paragraphs, you just highlight the points because we will read them.

Dr. Phillip Rono: Recommendation on recognition of quarters, supreme, moral and ethical law giver.

- 5) Environmental natural resource, reservation and restoration. We suggest that we should recognize the natural resources as God's gift that should be preserved and utilized in the fear of God.
- 6) Recognition and acceptance of the Ten Commandments as the basis of earthly constitutional guidelines.
- 7) Basic human rights and freedoms. Formulation of law to protect human rights in the next Constitution.
- 8) The right to private and family life. The next Constitution should protect all families and should give each one of us a right, in private and family life.
- 9) Freedom of thought, conscience and religion. Madam Chair this is one of the rights that are violated more often than not and therefore we recommend that everyone shall have the right to freedom of thought, that such freedom shall carry with them duties and responsibilities, and that the church should have the right to protect the rights of any of its members against the said freedoms from being violated.
- 10) Freedom of expression.
- 11) Right of assembly.

12) Freedom of association.

13) Right to receive justice and be defended before the court of law.

The third part of our recommendation Madam Chair is religious liberty and free exercise of the Seventh Day Adventist faith.

14) Basic principles of religious liberty and free exercise of the Seventh Day Adventist faith.

15) What the next Constitution should say on religious liberty and free exercise of religion. That we the Seventh Day Adventist in Kesses division, recommend that, concerning religious liberty and free exercise of religion, the next Constitution shall recommend that the national assembly shall make no law, respecting and establishment of religion or prohibiting free exercise of religion and therefore there should be no state religion.

16) Constitutional declaration of the seventh day week as a worship and rest day.

17) Five day work plan constitutional declaration. We recommend that there should be a five day working with plan, as initiated by His Excellency Honourable Toroitich Arap Moi, the current President of the Republic of Kenya.

18) The government and the state institutions to be equal opportunity employers.

19) Protection of the minority rights.

20) Sponsorship of schools and colleges.

Madam Chair allow me just to mention one thing concerning this, we have problems in Uasin Gishu district and other districts.

1) So we recommend that where the public sponsors a school or college in general, no one particular religious group should claim ownership, leadership, sponsorship or management of this institution.

2) Where one particular religious group sponsors a public school or college, that religious group should not be discriminated against other religious groups on matters of enrolment, leadership, access constitutional facilities and management.

3) In case an initially private by fully sponsored school or college turns public, that school or college, shall cease to enjoy private sponsor's right and shall become a public school and no one particular religious group shall claim its sponsorship.

Twenty two.....

Com. Prof. Kabira: Can you now give us thesupposedly actually they are going to read the document in details. Can you give us the last point please.

21) Please allow me to mention then the last ones. They are on the issues of taxation. They have to be given the rights, I mean exemptions, religious freedom by the constitutional courts, the right to religious freedom by the constitutional courts; we recommend that we should have a constitutional court in Kenya. Freedom of bodies should also be guaranteed, adoption of the international, declaration on the elimination of all forms of intolerance and to mention, based on religion or belief and finally Madam Chair, land and property rights. Thank you very much.

Com. Prof. Kabira: Thank you very much Dr. Rono. I think it is good for people to understand that when you have a memorandum we are actually going to read it. There is what we call this is a process that is going on at the office and the documents will be analyzed, so you don't have to read every detail so that we can give everybody a chance. Thank you very much. David Bor, you came back?

David Bor: Asante mimi ni David Bor. Miaka yangu ni ishirini na mbili. Mimi kwa kabila ni Ndorobo, Okiek. Sisi Wandorobo tumepata shida kubwa sana hatuna district, tumekaa forest kama wanyama. Sisi tungeomba tukae kama watu wengine. Pili, angalao hata sisi tupate district. Yangu sina mengi ni hayo machache tu.

Com. Prof. Salim: Ungependa nini haswa, ungependa nini maisha?

David Bor: Tupate mashamba, tupate district angalao tujulikane hata sisi, hatuna masomo, hatuna kila kitu, tumekaa forest kama wanyama. Yangu ndio hayo tu machache.

Audience: (clapping)

Com. Prof. Kabira: Yako ni hayo. Hebu niuliza just for clarification, Okiek and Dorubo are the same tribe, what is the difference.

David Bor: Okiek ndio Wandorobo, ndio tofauti, wale watu wanaitwa Wandorobo, ndio watu wale walikuwa wana mashamba, halafu wakaingia kwa uhuru, ndio wanaitwa Ndorobo, lakini Okiek ndio Okiek wale walibaki pale pale tangu zamani wazungu wakienda mpaka wa sasa, tumekaa kama wanyama huko, tumepotea kabisa. Sasa maneno sasa tumeona hata Mungu amefanya maajabu mpaka tupate maneno kama hii. Ni hayo machache.

Com. Prof. Kabira: Okay thank you very much, Mr. Bor. Do we have Susan Cheruto? Hayuko, Nicholas Kiprop, hayuko, Joseph Boit, Thomas Tanui, wewe Joseph, okay thank you.

Joseph Boit: My name is Joseph Boit. I come from this location, Kesses location. I am 52 years old. I am presenting a few items here on behalf of residents of Kesses location. I will just highlight the major points.

- 1) Constitutional supremacy; Parliament should amend any part of the Constitution by a majority of 65% votes.
- 2) Citizenship; anyone born in Kenya with both parents being Kenyans, will automatically become a Kenyan citizen. A person born in Kenya who his father is a Kenyan citizen, will become a Kenyan citizen. If on the other hand, the mother is a Kenyan citizen, but the father is a non citizen, the child will be a non citizen.
- 3) Defense and national security; the President will be commander in chief of the armed forces. The disciplined forces should be established under the Constitution.
- 4) Political parties; we should have a maximum of three political parties in Kenya.
- 5) Structures and systems of government; we should have a fundamental system of government. We also want a federal system of government.
- 6) Legislature; we require a bi-cameral legislature, comprising two chambers, the house of representatives and Senates.
- 7) We propose a supreme court at the central level of government and the high court at the regional levels. Subordinate courts will be based at the district level.
- 8) Local government; we want all officials of the local government to be elected by the people directly.
- 9) Basic rights; we want rights of education, health, employment, protection of farmers and the rights to ancestral land.
- 10) Management and use of environment and natural resources. We propose an environmental Commission to manage the use of national resources. We the local community being involved. That is the summary, I will give out the main document which I have here. Thank you.

Com. Prof. Kabira: Thank you very much. Before you go Mr. Boit, so why do you want to deny the women the right to convert citizenship to their children? What you said if a woman has a child with a foreigner, the child should not be a Kenyan

citizen.

Joseph Bor: It really comes out of the local community ancestral rights. If a father marries a wife, the children will automatically become leaders of that area, but if on the other hand the wife is not actually recognized and that is the regional ancestral traditional strength, and we want to follow that.

Com. Prof. Kabira: To continue not recognizing women.

Joseph Bor: Yes, we feel that should be the case yes.

Audience: (laughter)

Com. Prof. Salim: So you are saying the society is patrilineal and therefore the child belongs to the father.

Joseph Bor: Yes, we want people from the districts, people elected at the district level to be senators. The current seven.

Com. Prof. Kabira: Thank you very much. Thomas Tanui.

Thomas Tanui: Commissioners na wananchi wa Kenya wenzangu, ningependa kuwasilisha machache, kuhusu Katiba ya Kenya, kwanza kuhusu uongozi, ni kwamba tungependa sehemu ya President aweze kurudishwa cheo chake chini, asiwe juu ya sheria na pia katika sehemu za elimu ni kwamba, ningependa usawa kati ya wasichana na wavulana katika masomo iweze kutekelezwa kwa usawa. Katika sehemu ya maombi yaani dini, watoto wasisumbuliwe katika mashule maana, kuna watoto wanasumbuliwa wasipohuthuria masomo katika siku ya Jumamosi, wanaweza kufukuzwa kutoka shule. Pia inaonyesha kuwa hawana haki katika sheria ya Kenya, ndivyo wanafukuzwa na kuthulumiwa.

Pia kuhusu sehemu ya wafanyikazi. Katika kazi, inaonekana kuwa hatuna sheria ambayo inaweza kusimamia wafanyikazi wanao pumzika siku ya Jumamosi. Pia wanaweza kufukuzwa na hakuna sheria ambayo inaweza kuwatetea, ili wawe na huru. Hii inaonyesha kuwa uhuru haujapatikana haswa kwa upande wowote wa masomo na wafanyikazi, kwa hivyo kwa hayo tu nilikuwa na hayo machache. Jina ni Thomas Tanui.

Com. Prof. Kabira: Thank you very much Mr. Tanui. Asenath Kosgei, John Tarus.

John Tarus: Asante sana Commissioners. Kwa jina ninaitwa John Tarus. Mimi ni mzee wa miaka arobaini na nane na maoni yangu ni, mimi sikusoma na mimi ninataka watoto wasome. Tukilipa mahindi, bei inakuwa mbaya mahindi ingine inatoka nje inakuja kuharibu ile yetu. Tunakosa karo ya shule.

Interjection (Com. Prof. Kabira): Can you please switch off the mobile, you too.

John Tarus: Sasa mimi ninauliza hiyo, kwa sababu kweli tunataka watoto wasome. Bei inakuwa mbaya mahindi ingine inatoka nje inakuja kuharibu ile yetu, na sasa tunakosa market ya kuuzia mahindi, bei inakuwa mbaya sasa tuna tanga tanga hapa katikati.

Ya pili, ni maziwa, pili tuna mifugo chache, tukipata maziwa tena market inakosa na hilo ni tegemeo letu la karo ya shule mavazi na vyakula na kadhalika.

Tatu, kuhusu utamaduni, sisi wengine ni wakristo. Na wakati wa kupeleka watoto jandoni, mtamaduni unatunyanganya sisi watoto kuwapeleka utamaduni na sisi hatutaki huo utamaduni. Mimi sitaki huo utamaduni na utamaduni unakuja kuharibu mtoto wangu kumpeleka utamaduni, na mimi ninakataa kibinafsi. Asanteni mimi sina mengi.

Com. Prof. Kabira: Okay, asante sana Mr. Tarus. I am sorry John Njoroge I just picked your name by mistake so you can come.

Chairman: Pengine nichukue nafasi hii kueleza ya kwamba, kama uelewi Kiswahili ama uwezi kuzungumza kwa lugha ya Kiswahili, wewe uko na ruhusa kuzungumza kwa lugha ile ambayo unaiielewa. Kuna yule mtu ambaye anaweza ku-translate. Thank you.

Com. Prof. Kabira: Ukitaka kuzungumza na lugha yoyote, the chairman atatafuta mtu wa ku-translate, asanteni.

John Njoroge: Thank you Commissioners. My names are John Njoroge from the Seventh Day Adventist Church aged 50. I want to recommend that our republic needs to include in the next Constitution, that we need to have a unitary government, so that our people may not be divided on any lines. We need our people to be united and to remain united and also on those lines, we want to recommend that the President should not be above the law, so that there should be a well balanced governance and therefore if anything is done by the President, he should be able to appear before the court of law for the sake of the whole nation.

We want also to recommend that, there be no basic penalty, rather we should have life sentence because every human being has a right to life and therefore we should not condemn people to death through the penalties in future, even in court of law. I want also to mention that, we should have a five day working plan in a week, this will help the families to come together during the weekend and as families come together, there will be unity, right from their homes and it will permeate to the national level. This will also help to curb promiscuity or immorality which has in one way affected the whole nation especially the working

class.

I want also to mention that, in the next Constitution, the students in all schools should be allowed to practice their faith. Sometimes you find that the parents appear in schools and sometimes when the students stand for their faith, they are overshadowed by the say of the parents. The children have conscience and they should be given that freedom to express and even live according to their faith, in all schools. I want to recommend that especially the freedom of worship, should be emphasized in all schools and especially those who worship on Saturdays, the Adventists should be given that freedom to worship without any intimidation. And as it was mentioned, the government schools, especially should not be run by sponsors who overrule all the others.

I want also to mention that, the natural environment should be protected because we need free air, these rivers and lakes should be protected, laws should be formulated and those who grab such land, should be penalized either fined or the land should be reclaimed by the government, or these people should be jailed. The government should make every effort to reclaim such grabbed lands.

Finally, corruption in our government should be discouraged and especially there should be appended penalties, severe penalties to discourage all those people who are corrupt in the country. Thank you very much.

Com. Prof. Kabira: Thank you very much Mr. Njoroge. Thomas Misoi.

Thomas Misoi: Jina langu ni Thomas A. Misoi niko na miaka arobaini na sita. Ningependa kutoa maoni ya kwamba, kama mimi ni mkulima hatujatambuliwa kwa mazao yetu kama mahindi ama maziwa. Tunauza mahindi kwa bei ambayo hatuwezi kusomesha watoto, hatujatambuliwa kwa, kama ni maziwa ya KCC. Factory ya KCC tunaona imeanguka na tunaitegemea kama wakulima. Tungependelea iteuliwe watu ambao kama ni wakurugenzi, ambao wako na ujuzi wa kusimamia kama ni mambo ya agriculture, iteuliwe mtua ambaye ana elimu ya kutosha kusimamia wakulima. Kama ni mambo ya KCC, kuteuliwe watu ambao wanaweza kusimamia mambo ya factory ambayo ni mahali tunategemea kama sisi wakulima. Nigependelea kutoa maoni ingine kama, serikali ya mitaa iteuliwe mtu ambaye ana elimu, kama amefika form four, mayor ateuliwe na wananchi moja kwa moja na chairman wa County Council, ateuliwe na wananchi moja kwa moja.

Ningependa kutoa maoni ingine kama, sisi raia tunateua Mbunge na kama Mbunge hajatufanyia sisi vile tunataka, sisi raia tuwe na uwezo wa kupiga kura ya kutokuwa na imani kwake, kama hajatutimizia sisi vile tunataka. Nimemaliza.

Com. Prof. Kabira: Okay asante sana Bwana Misoi. Do we have Joseph Tuwei.

Joseph Tuwei: Now the Commissioners present and fellow citizens, I am Mr. Joseph Tuwei from Okiek community. I would

like to present my views to the Constitutional Review committee. I come from Chepkurere forest. Among one of the views many of us want to speak, Okiek community, has been a community that has been discriminated upon, right from independence and up to now, we are still lacking most of the things, especially the basic needs. We don't have land, there is no education because the type of education that we have today is very expensive though they normally say it is free. Education in Kenya is not free, we know it is very expensive and when you go to where Okiek live, most of their children are at home. So we lack most of the basic needs and the demands that has been made by my fellow tribesmen are district, we don't have a district and being Councillor, we are not appointed to a Provincial Administration,.....

Interjection (Com. Prof. Kabira): Just a minute, if you don't mind did they bring the book for you to use to, you know the problems you are highlighting to make recommendations. Like you have said you don't have education, what do you want the Commission to do. You translate them into recommendations, rather than into problems.

Joseph Tuwei: We would like the community to have free education to university level, since now nearly all the communities in Kenya, have been enjoying what they normally call the national cake. So this community we just hear of the national cake but we don't know what it is. So we like the community to enjoy what the other communities have been enjoying. So we would also like to be coded as one of the Kenyan tribes. We would also want to be settled and have a place to live. We also would like to have to be settling in one place to make sure that our traditions are kept intact. We would also like to have benefits from the forests, which is a natural resource, children should be getting something from there to finance their education. We would also like to be given an airtime in the local broadcasting corporation like, KBC Kisumu where by Okiek are not heard over the radio, so we like to hear them over the radio like the other communities.

Also nationally we would like to have a federal government. We also would like to have a bi-cameral Parliament where we have the Parliament and the lower house that is the Senate. Parliament shall be elected members and the Senate will represent all the tribes from Kenya. So each tribe will have a representation in the Senate, so that we make sure that they jointly own the country. We don't want to be included as second class citizens, all of us live in Kenya we want to be Kenyan people. So I think the Constitution Review committee will make sure that what we have here, in our memo will go through. We have just written a few things about Constitution and we would like to have our views represented. That is all, thank you.

Com. Prof. Kabira: Thank you very much Joseph. Can we get Mr. Kipsugut Sambu.

Ngojea kidogo mzee kwa dakika moja tutafute mtu wa kutuambia vile unasema.

Kipsugut Sambu: *Amwae kongoi amun en taechu kobwan.*

Translator: Anashukuru sana anasema asante maafisa ambao mmefika.

Kipsugut Sambu: *Kabaibaitu missing amun atinye kenyisiek tisaini ak mut oko tom aker ng'alek che uchu.*

Translator: Anafuraha isiyu na kifani kwa sababu ana miaka tisaini na tano na ajawahi kuona mambo kama haya.

Kipsugut Sambu: *Kokanyo ataret bik amu kikoseretio.*

Translator: Anasema amekuja kuja kusaidia watu kwa sababu wamesumbuka.

Kipsugut Sambu: *Makomi yaet ab bek kikobtyo.*

Translator: Anasema mambo imeharika, mahindi imeharibiwa.

Kipsugut Sambu: *Chego kikowechok.*

Translator: Maziwa KCC iliangamia.

Kipsugut Sambu: *okot aine kokakonyo cheba pyrethrum board, ko kowechok kogeny.*

Translator: Hata juzi pyrethrum board ilikuwa imekuja kutusaidia, tena imeharibiwa.

Kipsugut Sambu: *Kokakimache anyon kerib bik komie.*

Translator: Tunataka watu wachungwe na vyama vyao vichungwe.

Kipsugut Sambu: *Akemwachi cheba bunge amun bik che yechen raini kokigoutin raia.*

Translator: Wabunge ndio wametugandamiza, wamesahau kazi yao.

Kipsugut Sambu: *Akole icheket ii, kebirchi kura.*

Translator: Na wanataka tu tuwapigie kura lakini kule hawajali maslahi yetu.

Kipsugut Sambu: *Kimache ketep komie ak kerib emet komie.*

Translator: Tunataka tukae vizuri na tulindwe vizuri.

Kipsugut Sambu: *konikamwae alenen ngot kinyalil bichu kobetos bik tugul*

Translator: Anasema watu wakiteswa hawa, dunia itaangamia.

Kipsugut Sambu: *Ko kamache anyon kobaibait emet ak koteb komie chitugul ko baibo.*

Translator: Anataka maslahi ya kila mtu ilindwe, amani ilindwe, na kila mtu awe na furaha mahali alipo.

Kipsugut Sambu: *Ko kit na mwae anyon nguni ale mie ko tebi nguni kokatuiyo ak emet komugul koteb komie akoik ngal chekororon.*

Translator: Watu kama hawa wakikusanyika waketi vizuri, na waongee mambo mazuri ya kusaidia taifa.

Kipsugut Sambu: *ko ngot kemwawok ng'al komie kouni komowuny karatasisekyok obarte komie.*

Translator: Tukipatia maneno yetu kwa Commission, msiende mfiche, muende msemi ukweli wa mambo yetu.

Kipsugut Sambu: *Ko ng'alek che chuket ng'ot a boiyot na yos ko orib emet komie.*

Translator: Anasema kwamba hayo ndio mambo yake, mchunge taifa vizuri, anasema asante sana.

Kipsugut Sambu: *Abaibai mising*

Translator: Anafuraha sana.

Kipsugut Sambu: *Kongoi ak obur komie.)*

Translator: Asante na mukae kwa amani.

Com. Prof. Salim: Muulize jina.

Translator: *Mwa kainet.*

Kipsugut Sambu: *Kipsugut arap Sambu, neba chuyat.*

Translator: Anaitwa Kipsugut Arap Sambu, kutoka Choiyat.

Kipsugut Sambu: *Ako a chairman neba boisiekomugul.*

Translator: Na yeye ndiye mwenyekiti wa wazee wote wakongwe kwa division.

Com. Prof. Kabira: Asante sana Mzee Sambu. Thank you very much. William, what is this? William Tionchi.

William Tioni: Thank you the Commissioners. My name is William Tionchi. May I take this opportunity to say a few things here about the Kenyan Constitution. The President should not be above the law. The goods manufactured in the country, should not be taxed more than the imported goods. What is manufactured or reproduced in the country, should be considered first in the country's market. Whoever is considered as a Kenyan citizen, is the one who was born in Kenya, the parents should be known. The maximum registration of political parties in the country, should be two, and should be financed by the government. The maximum land owned by an individual, should be one hundred hectares. The streets in the towns should be given the names of the prominent people of that province. The non governmental organization should be given chances to nominate one or two members to Parliament. Thank you.

Com. Prof. Kabira: Okey thank you very much, Mr. William. Peter Maina.

Peter Maina: Asante kwa Commissioners wa constitutional review. Mimi nina machache hapa ambayo nimetumwa na community ama wakaazi wa Kamuyu huko Olenguse. Majina ni Peter Maina Njoroge. Wanasema kwamba kuna wazee wa mitaa, hawa wazee wa mitaa wana kazi ngumu, na inafaa walipwe mishahara kuliko kufanya kazi bure. Tena wanasema kuna watoto chokora, hawa watoto yafaa watunzwe na serikali, wafuatiliwe, ikipatikana ni shida imewafanya kwa sababu wengine ni mayatima kwa mfano wa AIDs, sasa hawa machokora wana taabu kubwa. Na ni sehemu ya nchi ama ya raia, tena kuna ingine kuhusu madehebu ama dini. Hizi madehebu zimekuwa nyingi nadhani uhuru wa kuabudu uliletwa, ili hata makanisa ya shetani iingilie hapo. Sasa makanisa yakiwa mengi, yanagawanya watu kwa imani. Yaani msukumano unaenda mpaka kwa raia wanapigana. Tena walemavu, nao inaonekana mambo ya dunia na wengine, kwa mfano mwingine ana kipawa na ingefaa ahusishwe kwa kile kipawa alichonacho.

Tukitoka hapo tunaenda kwa tamaduni. Kwa mfano kuna tamaduni zingine zilitupiliwa mbali, wakati wazee wa mitaa na machief na korti zililetwa, unajua hapo kitambo mwaafrika likuwa anajiendeleza, wakati hawa walikuja, sasa makosa ingine muhimu kwa mfano kesi za mashamba zilienda kortini na kortini hawajui sana mambo ya familia ama ya ardhi ama urithi na tena wasichana hapo nao inafaa wahusishwe kwa urithi, kwa mfano kama hajaolewa hata naye arithi babaye.

Pia kuna mambo ya sheria za kanyanga, sijui trespass, kwa mfano kwa reli, kwa reli ukikanyaga hata mbali unashikwa, na wewe hujafundishwa vyema, umetoka mashambani, sasa siku hiyo hiyo unashikwa, unafungwa, badala ya ufundishwe, siku hiyo kwamba ni vibaya basi hapo hayo mambo ya kikoloni itunzwe kwa sababu raia ana macho ya kuona hapa ni mahali pa magari sitapita lakini huko ndani hata msituni wa reli, ukikutwa huko unashikwa.

Tena kuna amri huuv wa kuwekwa kitanzi, kwa mfano umeua, umefanya nini, hiyo isibadilishwe, unajua ukifuata international, wanaenda wakigeuza mambo eti watu wasinyongwe, hapana hapa Kenya iwekwe, kwa sababu kizazi cha leo, ni kikali sana yaani wataona kama ni mazoea, watawauwa tu. Hapo nitaomba msamaha kwa sababu hiki kitabu kina mambo kama ishirini na nane, sitasoma yote, tumetoka msituni hatujui mambo ya computer, kuna makaratasi mlikuwa mnaandikiwa, sasa mtaweka hiki kitabu ndicho kina maneno yetu yote.

Com. Prof. Kabira: Ni sawa tu. Ngoje Mr. Maina, ngojea kidogo kuna swali.

Com. Prof. Salim: Bwana Maina umesema, kwamba dini, kuna dini nyingi, lakini hizo zimesababisha mapigano saa nyingine, pendekezo lako tufanye nini?

Peter Maina: Pendekezo langu, ziwekwe msaka, zichugiwe zichugiwe, zichugiwe kwa kichungi unajua kabla ya uhuru, dini zilikuwa chache sana kama nne na sasa zimetoke kwamba ni mabiashara, ni magombano, mtu akienda ulaya alete yake hata kuna wengine wameenda wameleta kama tano, nane, ni biashara. Anathaminiwa huku analeta.

Com. Prof. Salim: Utachunga vipi? Utakubali dini gani uwache dini gani?

Peter Maina: Unajua kuna dini nyingi hata hazijasajiliwa. Unaenda unakuta hii ya kilemba, wengine wanajiita Waisrael, wengine nini, lakini hawajulikani kwa serikali, sasa kama viwete sijui nilisikia ni elifu moja na mia ngapi, viwete hamsini hivi watatosha, ni kuabudu Mungu tu na Bible, Bibilia ni chache sana. Asante.

Com. Prof. Kabira: Asante sana. Bwana Maina hicho kitabu utatupatia sindio, utatuwachia na tutasoma kila neno umeandika. Asante. Councillor John Meli.

Cllr. John Meli: Commissioner, majina yangu ni John Meli na yale ambayo ningechangia sana, mengi yamepitiwa, na kwa hivyo moja ambayo imebaki nitaisema, kwa sababu ya mambo ya saa na kazi nyingi ambazo mnazo. Kwanza kabisa nawashukuru kwa kazi nyingi ambayo mnafanya. Ijapokuwa ningesema tu kuongoza watu ni kazi ngumu sana. Wacha niseme hiyo kwa dakika moja. Kwa vile tumesikia mkilaumiwa sana, kila wakati ya kwamba kazi inaenda pole pole, lakini hii kazi ni mzito, kwa hivyo yangu ni kusema tu asante sana kwa uvumilivu wenu kwa kuchangia kazi ambayo iko.

Moja ile imebaki ni kuhusu kazi, wakati mtu anahitimu katika idara yoyote, pengine anaweka sahihi ya kwamba amekubali kufanya kazi mahali popote nchini. Na tukiendelea sana kuangalia upande wa Bibilia, kuna mahali pameandikwa ya kwamba nabii hana heshima kwao. Kwa hivyo ningesema kuhusu mambo ya elimu. Kuna mambo mengi ambayo yametokea, nchi yetu imeenda chini sana kwa sababu ya mambo ya elimu, ningependa kuchangia tu kusema ya kwamba, kwa vile mwalimu amemaliza course yake, anaweka sehi ya kwamba amekubali kufanya kazi mahali kokote nchini. Hapo awali wakaruka wakasema mtu afanye kazi karibu na nyumbani, ndipo nikasema imesemekana nabii hana heshima kwao. Wakati elimu inapotakikana iendeleo jinsi inavyohitajika, mwalimu ana shamba karibu na nyumbani kwake. Anakaa karibu na nyumbani, anafanya kazi karibu na hapo. Wakati mimi pia nikiwa mkulima, nikienda shamba yeye pia asubuhi anaenda shamba. Anafika shuleni saa tatu, saa nne, saa tano, ame-serve two masters, jambo ambalo haliwezekani. Kwa hivyo nitachangia tu kwa hiyo pointi moja nikisema ya kwamba, kuna wakati ambapo ulikuwa ni mzuri sana, unakuta walimu wanatoka upande wa Nyanza, wanatoka Mombasa, wanafanya kazi hapa freely, uliona elimu ilikuwa juu sana kwa wakati huo. Tulikuwa na matokeo mazuri sana kwa wakati huo. Na kwa hivyo nitachangia kwa kusema tusaidiane katika nchi yetu. Mtusaidie katika sheria hiyo, iendeleo mtu afanye kazi mahali kokote katika nchi hii. Ikiwa kutakuwa na mabadiliko ya majimbo na mambo mengine, wacha basi afanye kazi nje ya jimbo na nafikiri hapo, tutashukuru sana. Asanteni sana, Mungu awabariki wakati mwingine tukikutana, tutasema mengi. Na yale yote ambayo yamechangiwa Commissioners wetu, asante. Okay hii ni lawama kwa maana nchi hii ina lawama nyingi sana kwa watu lakini vumilieni kwa maana msaada wenu mutaupokea kutoka kwa Mungu, Mungu azidi kuwabariki sana. Asanteni.

Com. Prof. Kabira: Asante sana Bwana Meli, thank you. Mr. Mutai Stanley.

Mutai Stanley: Mabwana na Bi. Commissioner, nashukuru kwa nafasi hii nitachukua muda mfupi sana. Jina langu ni Stanley Mutai kutoka location ya Ngeria Namegul. Nikizungumza kwa niaba ya wafanyikazi wa serikali waliostaafu. Mabwana Commissioner na Bi. Commissioner nina machache tu ambayo nitataja, baadaye nitawapa karatasi ambayo nimeandika hapa, kwa niaba ya hawa. Jambo la kwanza ambalo ningependa kutaja ni kwamba mapendekezo yetu ni kwamba aina ya serikali ambayo tunapendekeza iwe katika nchi ya Kenya, iwe aina ya majimbo. Federal republic of Kenya, jina la nchi liwe federal republic of Kenya. Na federal states, au majimbo, yawe kwa majina kama Swahili state, yaani mkoa wote wa Pwani uwe mkoa wa Mashariki yaani Eastern state, mkoa wa Mt. Kenya yaani Central province, iwe na North Kenya state currently North Eastern province, wawe na Rift Valley province, yaani Rift Valley state iwe ni Rift Valley yote, pawe na mkoa wa magharibi wa Kenya, Western states, all Western province, na pawe na Nyanza state, ambayo inaweza kuwa all Nyanza province, total seven states.

General administration of the federal republic of Kenya, under a federal system of government. Serikali kuu, central government na sitataja mabwana Commissioner, na sitataja majukumu ya kila sehemu maana nimeandika hapa, nitataja tu kwa ufupi. Kiwango cha pili cha mamlaka iwe ni regional state, government chini ya regional governor. Na sitataja majukumu kwa sababu nimeandika hapa. Na pawe pia na district government, each district to have one Local Authority. To cities and towns and municipalities within the district to be managed by boards of management appointed by the district local councils, accountable to the Local Authorities. Devolution of power, mamlaka katika federal republic of Kenya, yawe mamlaka ya juu iwe Office of the President. The federal republic of Kenya shall be headed by a President who shall be elected by majority votes, or having at least 25% of the votes cast in at least five regions. The President shall not be a member of any party, and shall not be a Member of Parliament. He shall be a Kenyan citizen by descent, he shall be over 40 years old, he shall be a registered voter in a constituency and he should have served as a regional governor for at least 10 years.

Kwa hivyo nimeandika mambo yote hapo, na sitaweza kurudia, ile ingine ambayo niliweka kwa namba ya tatu, ni management of resources. Kwa mfano education, selection of students to colleges and institutions of learning should be based on quota system. Another resource is land. Our recommendation is that land should be owned by individuals and managed by Local Authorities. So I have written all the details there concerning inheritance, farming land, nimeandika hayo yote. Kitu kingine katika natural resources, kama ni maji, kama ni forest, kama ni minerals, kama ni wildlife, the communities living in those areas, should be made to benefit from those natural resources. Ili watu wasiingilie tu kufieka misitu kwa sababu wanaona hakuna kitu wanafaidika kutoka huko.

Public finances, yule inaitwa controller and auditor general, apewe security of tenure. Employments and public service, appointments should be regulated by a Commission of appointments which is appointed by Parliament. Trade and business and commerce should be regulated by Parliament and the interests of farmers, businessmen should be given first priority because this is an agricultural country. Tumeona kwamba watu wengi ambao wanafanya biashara, wananyanyasa wakulima hawawajali,

hawajali wanatoa mali yao wapi. Kwa hivyo saa zangu zimeisha na nitashukuru kwa nafasi hiyo, Mungu awabariki.

Com. Prof. Kabira: Thank you. But before you go, where did you take Nairobi, after the seven states?

Mutai Stanley: Nairobi should be put within the other seven provinces.

Audience: (laughter)

Mutai Stanley: I have it in the book, I have it here, it should be subdivided into the other provinces.

Com. Prof. Kabira: Thank you very much. Mrs. Alice Kerich.

Alice Kerich: The Commissioners, my name is Alice Kerich. I am 45 years old and from Kesses location. I am going to talk mainly about women:

- 1) A woman should not be overworked that is when she is at home. She should get some helper, that is in the family there should be helpers like farm workers and house helpers.
- 2) Women should be given a portion by the government to plant trees and to introduce tree nurseries for their home use.
- 3) The government should give soft loan to women to assist them in their various activities right from the village.
- 4) The government should be very particular in what to put in the media. That is in the television, women should not be used for pornographic shows in the TV, or for demonstration for their business. So the government should be very particular on this, and they should scrutinize before it is put on the screen. Children should be taken care of in what, the media also presents during their shows, so many things are going wrong.
- 5) Maternity leave for women should be 3 months, and the government should also give them extra allowances during this period.
- 6) Employment should be equal to both women and men. In most cases women have been side lined because we don't have a woman President.
- 7) Women prisoners; the government should give this women decent clothes in case of imprisonment, and if the woman delivers in prison, she should be given time to go home and nurse this child because the child is not a criminal.

- 8) The disabled women; the government should also take care of this disabled women because they get children who are not taken care of and if this men are caught, they should be dealt with seriously by the government. Thank you.

Com. Prof. Kabira: Thank you very much. Thank you Alice. Mr. Keling I can't read the first name.

Sosten Keling: Commissioners and fellow Kenyans, so my names are Sosten Keling. I am 37 years old, I am a resident here of Kesses division. I have few items today to present to this Commission. First of all concerning the children, the single parent children or the abandoned children in this country. We find that to reduce or to curb the problem concerning street children and the chokoras and thieves and thug in this country, the government should make it a law for any person or a man who is going to father any child, to educate that child and provide basic needs, to provide education, food, shelter and love until that child reaches 25 years old.

Concerning natural resources, we find that all natural resources, here in Kenya like forestry, lakes, water and even wildlife. These things should benefit the people surrounding that area. Concerning land; we find prior to the government here in Kenya, we had the Europeans or the white settlers who came to this country, and when they came they grabbed land and chased away the people or the community. So now this people grabbed their land and this white settlers turned those lands to plantations, whether it was for sugar plantation or tea and other cash crops. Now, the people are suffering without land or they are landless. So I would like the government to compensate for those people whose land was grabbed at that time and the government should compensate these people right now.

Another item concerning land, transfer or allotment of land. I am going to talk particularly concerning the land boards here in Kenya. We find here land boards in Kenya, there is a lot of corruption. To curb this corruption, I would like the land boards here in Kenya, to include church leaders in the boards of the committee. Such that everything will be going well.

Freedom of expression and speech; everybody, a Kenyan should be given rights to express his opinions and ideas. People should be given rights to challenge the President or rather the government officials without interference.

Concerning multipartism and opposition. Opposition leaders should not be hindered when they want to hold their meetings, to sell their ideas to the people, they should not be denied that freedom. That is all that I had today. Thank you.

Com. Prof. Kabira: Thank you very much Mr. Keling. Arap Simutwo.

Arap Simutwo: *Cheyechen,*

Translator: Wakubwa.

Arap Simutwo: *Amwae alen kongoi.*

Translator: Anasema anatoa shukrani.

Arap Simutwo: *Ng'alek cha tinye ko ng'alek angwan.*

Translator: Ana mambo mbali mbali.

Interjection (Com. Prof. Kabira): Amesema jina lake?

Translator: *Mwa kainet.*

Arap Simutwo: *Jina yangu ko mzee arap Simotwo.*

Translator: Anaitwa Arap Simutwo.

Arap Simutwo: *Abunu locationit ab Tulwet.*

Translator: Anatoka Tulwet location.

Arap Simutwo: *Ng'aliot na mwae anyun ko achek en emenyon.*

Translator: Jambo la kwanza analosema katika nchi yao.

Arap Simutwo: *Ko ki chitaakenge ko tindo chepyosok angwan.*

Translator: Mtu akiwa na wake wane.

Arap Simutwo: *ko ngunon ko kimakomi imbar ne kicham kapie, kituga.*

Translator: Wakati huo hakukua ma mashamba ya kugawanya baina ya wamama lakini ilikuwa ni mifugo.

Arap Simutwo: *Ko ngunon anyun kipieen lagok imbarret amun kikoyet kesit, kipie lagok kosir non lelenchito kipie chepyosik.*

Translator: Kulingana na kimila, zamani mzee alikuwa akigawanya mali kulingana na namba ya wamama, lakini sasa kwa sababu watoto wamekuwa wengi, shamba igawanywe kulingana na idadi ya watoto, sio kulingana na wamama.

Arap Simutwo: *Amun chepyoset ake komara kosich lagok mut,*

Translator: Kuna pengine mama mwingine mwenye watoto watano.

Arap Simutwo: *ko ake kotinye akenge*

Translator: Na mwingine mwenye mtoto mmoja.

Arap Simutwo: *kole amache kepie ekarisiek konom koib nin tiptem ak mut.*

Translator: Kama ni ekari hamsini, mama mwingine atasema tunataka igawanywe mara mbili, ishirini na tano ishirini na tano.

Arap Simutwo: *Kepien lagok amun lagok koba chito akenge.*

Translator: Hapo sasa utaona ya kwamba watoto watafanyika na watoto ni wa mtu mmoja, kwa hivyo idadi ya watoto iamue jinsi shamba itakavyo gawanywa.

Arap Simutwo: *Okot tibik che tom kitun.*

Translator: Hata wasichana ambao hawajaolewa.

Arap Simutwo: *kone kikitun ko bahati yake non.*

Translator: Yule ambaye ameolewa ni bahati yake.

Arap Simutwo: *Kit anyun age na mache amwa,*

Translator: Jambo lingine ambalo ninataka kusema.

Arap Simutwo: *korun kakekwai wajumbe che kaba bunge*

Translator: Wakati tumeteua wajumbe,

Arap Simutwo: *kone to len ko ng'alal en olin,*

Translator: na wakati anafika kule akitaka kuongea bungeni.

Arap Simutwo: *Komakasyin chi ng'alek.*

Translator: Hakuna mtu anayemtegea sikio.

Arap Simutwo: *Kangebarien kotesetai koma mwae kiy.*

Translator: Hapa sasa tunaanza kumkashifu kwamba aongei bungeni.

Arap Simutwo: *Kalyan makimeta chito ko ng'alal.*

Translator: mbona tusimpe uhuru na uwezo wa kuweza kuongea kule bungeni.

Arap Simutwo: *Amun kakiyaktai.*

Translator: ni kwa sababu sisi tumemtuma.

Arap Simutwo: *koamune si keger en olin chito kele mang'alale.*

Translator: mbona basi kule anafungiwa breki kwamba haongei.

Arap Simutwo: *Amun ingolen kemwachi chito en olin kolen chito metinye amri neng 'alali oko kaiyokto bik.*

Translator: Huko bungeni wanafinyiwa kukaziwa kwamba wasiongee ilihali amepewa uwezo na wananchi kuenda kuongea kwa niaba yao.

Arap Simutwo: *Amun kakiyaktai.*

Translator: Kwa sababu ametumwa, kwa hivyo bunge iwe na uhuru wa kila Mbunge, kujieleza.

Arap Simutwo: *Kimache ko ng'alal chit one kake chaguan kot kegas en olieb gaa.*

Translator: Tunataka kusikia Mbunge wetu au mjumbe wetu akiongea bungeni, mpaka tusikie.

Arap Simutwo: *amun chichoton ko kakiyaktai.*

Translator: Kwa sababu huyo mtu tumemtuma.

Arap Simutwo: *Ng'alek choton che kitindoi.*

Translator: Hiyo ndiyo mambo tuliyo nayo.

Arap Simutwo: *kokakimachwe anyon ko matkekerenech chit one kakiyaktoi.*

Translator: Iwapo mtu wetu ataenda kupiga kura asifungiwe breki.

Arap Simutwo: *Amun anyon ng'alek che makimache kesi.*

Translator: Kwa sababu kuna mambo tulio na vikwazo mbili.

Arap Simutwo: *Kit ake ne amache atesy,*

Translator: Jambo lingine ambalo ningetaka kuongeza,

Arap Simutwo: *kimache anyon ong'et, miten ng'alek ab tax.*

Translator: kuna mambo ambayo ni ya tax.

Arap Simutwo: *Kitile che ba chego.*

Translator: Kuna kodi ya maziwa.

Arap Simutwo: *Kitile che ba bandek,*

Translator: Kuna kodi ya mahindi.

Arap Simutwo: *Akityo kepie rabinik en olin oko che chok tuguk.*

Translator: hiyo pesa inapelekwa katika hazina kuu, zikagawanywe kule na maziwa ni yetu hapa.

Arap Simutwo: *Oko kabarech metetek.*

Translator: Na hapa tuna shida nyingi.

Arap Simutwo: *Amun noton anyun ne kemwae.*

Translator: Hiyo tunataka basi iteremushwe hadi hapa chini, ndio tupate kugawiwa mali yetu hapa.

Arap Simutwo: *Kimache anyon kesomok kelecho oba anyon olin ak ong'alal kounoton.*

Translator: tunasema kwamba tumewatuma kuwasilisha mambo yetu huko.

Arap Simutwo: *komi karisiek che mengechen,*

Translator: Tuna magari madogo madogo.

Arap Simutwo: *komie kebesendechi bik,*

Translator: Tunatakikana tupewe kwa loan.

Arap Simutwo: *akechapchi beit konyo beit ngweny.*

Translator: Na bei yake irudi chini.

Arap Simutwo: *Kosir ne kiibu ak beit ne mi ngweny ingo mi oli keyaen beit ne kali.*

Translator: Isiwe ni biashara wengine wanalete kutoka nje kufika hapa inakuwa ghali watu wanashindwa kununua.

Arap Simutwo: *Mie kebesendechi bik amun mawendi wui chito.*

Translator: Heri watu wapewe kwa loan, hao watu hawawezi kutoroka ndio kila mtu awe na uwezo wa kununua.

Arap Simutwo: *Amun tindo chitugul imbarenyin,*

Translator: Kwa sababu kila mtu ako na shamba lake,

Arap Simutwo: *koamune si keker bik.*

Translator: mbona watu basi wakatazwe.

Arap Simutwo: *Amune si makikoi bik karisiek kobesen.*

Translator: Mbona hao watu wasipewe hayo magari.

Arap Simutwo: *Kou Isuzu chon meng'echen.*

Translator: Kama Suzuki ile ndogo.

Arap Simutwo: *Akówek beit ngweny.*

Translator: Na bei irudi chini.

Arap Simutwo: Asante.

Translator: Kongoi.

Arap Simutwo: *Ten choton.*

Translator: Asanteni.

Com. Prof. Kabira: Asante sana Bwana Simotwo. Mr. Barnabas Sang, hayuko? Yuko.

Barnabas Sang: I take this opportunity to thank the Commissioners for having availed themselves around here, to at least take up issues apartaining constitutional review. I have around nine items, though some of which have been touched here and there, my name is Barnabas Sang, I am 42 years old and I come from Koizagat, Enjoia location. I want to touch on some tight issues here, one of them is, electoral system and process. The Constitution touched on issues of secret type of balloting, which should be adopted. Like the previous years where this system was popular, I recommend that this type of secret type of balloting should be adopted. Also women, more women should be given more seats in Parliament to allow participatory balance in the house and to pave way for more say regarding development.

My second issue or item is that local government. As it has been said, mayors to be elected directly by the people. Duration to be two years of salary service....

Interjection (Com. Prof. Kabira): Barnabas just a minute, can we have the people to switch off the mobile. They are interfering with the recording. We are not able to record properly if the mobiles are on. Go on.

Barnabas Sang: As I have said, mayors should be elected directly by people. The duration to be given to those office bearers is two years. Educational qualification, should at least be of form four level of education. Civil servants salaries; as you have been hearing, majority of the questions being heard or receiving mixed reactions from the wananchi is that a body instead of

people maybe trying to vote, it is good for a body or a Commission be formed to look into the review of all salaries of the civil service.

It is not wise for people maybe voting for the increment of salaries whenever they demand. The Executive; the President of the country or any President who comes in, should not be above the law. Presidential tenure, should be two terms of five years each. Current Constitution does not specify or does not give a ceiling for the age, because it states that a President should be 35 years old and does not state the ceiling of that particular President.

My recommendation is that a President should be 35 years and goes to 70. Educational qualification should of university level.

Legislature; to sum up because I am going to present this one, let me touch on the issue of family succession. You find that in most families, whenever they want to share the wealth, when maybe the father of the house has passed away, you find that their wealth is not shared equally due to interference of courts. So I recommend that courts should not interfere with family succession, neither the elders do that work. Thank you very much.

Com. Prof. Kabira: Thank you very much Mr. Sang for your views. Please sign your name with our secretariat. Mr. Philip K. Gitok.

Phillip Gitok: The chairman of the Commission, I would like to present views of the teachers in as far as education is concerned, one; Madam Chairman, we would like to have free education from primary to university. When I talk of free education from primary to university, it means the government should equip the schools, they should also build the schools and provide teachers. The education system that we would like to have also should be an education which will develop the self reliance of the pupils, in other words the people should be allowed to explore their talents. There should be no interference as far as co-curricular and curriculum activities.

Education system should be free from political interference. We have had a lot of problems because everybody try to play in the field where they are not supposed to do. In other words the education system, should be left to educationists, professionals so that they plan well. Now the type of secondary schools which we should require, should offer arts, we should have secondary schools offering arts, sciences, and technical schools. So we should have technical secondary schools and science secondary schools and art secondary schools. Then the education system should be 8 years primary, 4 years secondary, 2 years form five and six and then three years at university. Now this one will also limit the wastage of time after the children finishing form four. You remember they stay at home for about 2 years.

Instead of this children loitering around they should be doing something else that one will enable them to prepare to enter the university. Government should expand the middle level colleges. Broaden the base and narrow the peak. You see at the

moment, they are stressing on the university education and leaving the middle level colleges, whereby the majority of the children should be allowed to go. Manpower training; teachers should specialize in various fields, they should have specialization, teachers should be well paid, their terms of service should be reviewed from time to time, as regards the following areas; House allowance, medical, commuting allowance and salary. Teachers should undergo in-service from time to time. The nursery school teachers should be employed under the ministry of education. We have seen cases where local government employ, parents employ so there is no systematic or there is no regular system of education offered.

Promotion on merit should be encouraged. Schools to be well staffed. We recommend that one teacher, per 30 pupils. The minimum qualification for a nursery school teacher should be form four, the head teachers should be trained in management, university should offer advanced education in degree programme options, that is in nursery, primary and secondary. A school based teacher development degree programme for primary school teacher should be introduced. Every school should have a counselor, who is trained to guide and counsel pupils and parents also as well.

Religion should be strengthened in the schools for moral development of the pupils. Now sponsors role should be clearly defined to avoid conflicts. National examinations should be compulsory. Every province should have at least those schools of national status and also the district level should also have schools of almost the same category. Thank you Madam Chairperson.

Com. Prof. Kabira: Okay thank you very much Mr. Bitok. Now Kelen Chebet.

Kelen Chebet: My names are Kelen Chebet from Moi University Primary school.

Interjection (Com. Prof. Kabira): Kelen before you go on, you have given us your name give us your age and your class and the name of your school.

Kelen Chebet: I am 12 years old and I am in class seven. The name of my school is Moi University primary school. I am here to share my views on child rights.

- 1) Subjects should be increased, for example the home sciences and business education, so as to increase the talents in children.
- 2) Discipline should be increased so that teachers can punish the children who don't do what they are told.
- 3) Boys and girls should be given equal opportunities and all of them should go to school. All the materials should be provided by the government.

- 4) Children should not be given a lot of work at home so that they can concentrate more on their studies.
- 5) Pupils should be encouraged to participate in co-curricula activities. Also be given enough time to relax and play.
- 6) Educational trips should be encouraged so that pupils can socialize with other pupils.
- 7) Girls should be encouraged to do technical subjects such as maths and science.
- 8) Free medical attention should be given to all children.
- 9) Early marriages in girls should be stopped also circumcision. Thank you.

Com. Prof. Kabira: Chebet, you don't want your children to work in the house.

Kelen Chebet: No, they should not be given a lot of work.

Com. Prof. Kabira: Who should do it?

Kelen Chebet: Cooks should be employed and also maids.

Audience: (laughter)

Com. Prof. Kabira: Okay thank you very much. I am glad you didn't say your mother should do it. Thank you very much for your contribution and we are happy you are able to participate in a very important exercise. Lets go this way and sign your name. And now Daniel Kaviso.

Daniel Kaviso: My names are Daniel Kaviso from Moi University primary school. I am 11 years old and I am in class six. I am here to review on the child rights and child education. The increasing of subjects, like art and craft and music, should be added so that children with their talents, some of them can be carpenters and others can be very good musicians.

Agriculture is also very important, because some of our pupils maybe know the basic need and everything in the farm, so that they can be able to help and they can work well. The cane should remain to increase discipline. Nowadays children take drugs such as bhang and they also smoke because the cane has been removed or should I say there is no more punishments. Teachers should support the children in certain subjects that the child likes. For example a child might be interested in mathematics, but the teacher would like the child to do certain subjects because of his tribe, like Kiswahili. Fees should be

removed and there should be free education, so that pupils who come from different families should be able to take their children for education. Teachers should be paid according to their work. This is very nice, because teachers usually do a lot of work to the pupils and they should be paid annually. Children should be give less work by the parents, so that they may concentrate on school work. This is very important, because children nowadays are usually given a lot of work at their homes and they are usually beaten in school, because they could not do their school work. All children should go to school, to help build up the country.

Nowadays there are different jobs which need children to go to education and maybe they may work in offices because of the jobs. School should provide lunch which is healthy to pupils, because maybe parents may not be able to provide their children when they go to boarding schools. There should be a lot of boarding schools in the area, so that children may be able to inter-mingle with other pupils from other parts of the country. Thank you.

Com. Prof. Kabira: Thank you before you go Daniel, you said all children should go to school. You are aware that some parents can't pay, for their children to go to school.

Daniel Kaviso: That is why there should be free education and the government should pay for that.

Com. Prof. Kabira: Sorry just a minute again.

Com. Prof. Salim: Daniel, tell us your age and class again.

Daniel Kaviso: I am 11 years old and I am in class six.

Com. Prof. Kabira: Thank you we congratulate you for participating in this important exercise, and please sign your name for the record thank you. Now we will go to John Kebenei. Pass our greetings to the teachers of Moi University primary school, is that the school? Okay thank you. And we want to thank the headmaster for organizing them to participate. Thank you.

John Kebenei: Thank you the Commissioners, my name is John Kebenei. Age is 34, from Laikul location, Kesses division, Eldoret South. Nitaongea juu ya land, mashamba ama land and properties. Individuals should own land and they have to have power to own the land, the land should be owned by local authority. In this way, grabbing of land will be turned away, also there should be a ceiling on land, that is something to do with title deed. Also I can say a person should be allowed to own as much as he wants even over a thousand acres, so that in this way, if you restrict, say that it should be two acres, people will not work harder. So there should be competition for our country to progress. Also government lands like forests or those lands issued to people, those people who are living around should get the first priority to get land like those who are living around the forest. The people to present or to give the land to those people, are the Local Authority or the elders, because they know this

person is poor, and the other one is rich. In this way, we shall have everybody owning land and also this grabbing of land should be abolished. There should be no permanent residence in somebody's land, as we know that from the beginning, God had given people land and maybe and their boundaries so, anybody coming to somebody's land, should be allowed to do business only there and no permanent residence. I think I'll reach there, thank you.

Com. Prof. Kabira: Thank you very much, Mr. Kebenei. We wish you the best of luck in the new school. Do we have Sally Musoi.

Sally Musoi: Okay the Commissioners, ladies and gentlemen, I am Sally Musoi from Towet location. Nitazungumzia machache kuhusu wamama, ingawa mengi yamesemwa. I will just go briefly, because of time.

Citizenship; a lady married outside should be given citizenship. This is due to the fact that the relationship between the grandparents and grandchildren.

Interjection (Com. Prof. Kabira): Sally, why don't you sit here and then you can also use the table for your paper and it is more comfortable.

Sally Musoi: Two marriage laws; the marriage laws like church, D.C. and then customary law, these should have a certificate this mostly applies to the customary law, where there are no supportive documents.

The chief or the Attorney General should be given a supporting document.

Property laws; any property owned by both husband and wife should be registered under both names.

Succession or inheritance; both a girl or a boy should be given equal rights.

Child support; the child should be fully supported from the age of one to 25 years. This is because, for those born outside wedlock and maybe the father wants the kid, the father also should wait up to 15 years. Kama mama anachunga mtoto, this is to reduce child suffering. Wazee wengi wakiwachiwa watoto, they don't take care of the child, kwa hivyo kama wamama, mtoto akizaliwa nje na baba anataka mtoto wake, mtoto afikishe 15 years.

Domestic violence; if any of the family members, that is father, mother or a child, wants to commit a crime or suicide, the punishment should be up to seven years imprisonment.

Sexual abuse; a child under 13 years if rapped, the person should be given a stern punishment of death sentence. Or if any

action, patia wananchi to deal with such a fellow, if somebody has any infection, this person should be taken to court and also be jailed.

Leadership;

Interjection (Com. Prof. Kabira): But you have already killed him. You said he should be killed after defiling you cannot take him to court after killing.

Sally Musoi: Yeah we are not taking him to court after killing.

Audience: (laughter)

Sally Musoi: Leadership; leadership for women under men should be given equal treatment in any field. We have got learned women, who are counterpart to men. So we want 30% of the Parliament members to be women. So as to present well their views of fellow women in Parliament and there should be no tribalism, be transparent in their elections and also women village elders to be appointed. Every location, should be given health centers facilitated by the government and low fee paid for the service rendered.

The government should regularly assess the private hospitals, to ensure that they do not over charge wananchi and also laws be enacted to guide these hospitals, so that when they fail to follow these rules, they should be punished. Students on attachments, should not be allowed to attend to patients, especially expectant mothers on their own, because this has led to a lot of complications, mostly dealt with in the past.

Education; it should be free in primary level up to university and low fee to be charged. Orphaned children should be given free education.

Interjection (Com. Prof. Kabira): Okay thank you. Now you give us one point, you most important point because the time is up.

Sally Musoi: Orphaned children and children from poor families should be given free education. The government should provide free material. The examination council should be cancelled. Thank you very much.

Com. Prof. Kabira: Thank you very much and you don't need to worry because you will give us your written memorandum we will read every word. Thank you very much. Do we have Councillor Christine Yatur.

Christine Yatur: Asante sana Commissioners. Kwa majina ni Christine Yatur niko na miaka hamsini. Natoka Juyat location, Kesses division. Nitaongea kwa niaba ya kina mama wa Juyat location. Wakina mama, wapewe nafasi ya uongozi. Kama Council na ubunge hata administration. Wabunge, maternity leave wapewe siku tisaini na ikiwezekana hata mzee wake apewe hata mwezi moja ili aweze kulisha mama akijifungua.

Audience: (laughter)

Christine Yatur: Msichana apate urithi kutoka kwa wazazi wake, akiolewa au asipolewa, ni mtoto wa huyo mzazi, apate urithi. Wasiojiweza, watambuliwe, watibiwe bila malipo. Wakati tulipopata uhuru, tulikuwa tumeambiwa lazima tumalize umasikini, ujinga na magonjwa. Ningeongeza ya kuwa pengine tumeondoa ujinga na magonjwa bado yanaendelea, na ikiwa hospitali siku hizi, hatuna hospitali ya district, ile inaweza kusaidia wale hawana pesa, serikali itaondoa magonjwa kwa njia gani? Kama mtu akigonjeka, wale hawana pesa hawataweza kutibiwa. Ningeomba wapewe hospitali ya district, wasiojiweza wapewe makao. Watoto wao pia wapewe masomo bila malipo. Na watoto wao wakishasoma, wakumbukwe kwa nafasi ya kwanza kazini.

Talaka; mama akiwachwa na mzee, lazima mama akatiwe shamba na huyo mzee. Na watoto wabaki na baba yao, watoto wote au wengi. Wakina mama wapate nafasi ya kuteuliwa bungeni hata council, na ikiwezekana wateue mkulima ili atetee wakulima. Pia wateue mtu anayeweza kuchunga mazingara, kama tungelikuwa na Mbunge, yule anatetea mazingara, misitu yetu haingeharibiwa. Vikundi vingine wale wanaeza kusaidia na hata makabila haya madogo madogo kama wale walikuwa wamesema wanaitwa Ndorobo na Okiek wale wachache katika Kenya ili, wawe bungeni watetee wenzao.

Audience: (clapping)

Tano na ni ya mwisho ningependelea yule atasimama Councillor ubunge, awe mzaliwa wa hapo. Yule babu yake na baba yake wamezaliwa pale. Nafikiri Kenya kila mtu ako na motherland yake yaani, pahali ametoka. Kwa hivyo wale wanakuja, asije akachaguliwa pale kwa maana hajui maneno ya huko. Kama mimi sasa siwezi kuenda Western, siwezi kuimba Isikuti, sijui inanzia wapi na itakwishia wapi, mimi ninajua tu Laleiyo ya hapa Rift Valley. Asanteni.

Com. Prof. Kabira: Asante sana Councillor. Thank you very much for your views. Ezekiel Bor.

Chairman (Rotich): Wakati tunangojea Ezekiel, ningetaka kufahamisha wale ambao wamekuja wakati huu, ya kwamba kama huelewi kuzungumza kwa lugha ya Kiswahili, uko na uhuru kabisa wa kuzungumza kwa ile lugha ambayo unajua. Vile vile wakati ukiitwa kuja hapa mbele, ukiongea na hii kitu ongea kwa hii kitu directly ndio recording iwe mzuri.

Ezekiel Bor: Jina langu ninaitwa Ezekiel Bor. Sijui niongee lugha ya mama halafu isikike, kwa sababu hii Kiswahili pengine

nitashindwa.

Ezekiel Bor: *kongoi missing bichu eb commissionche ba ng'alek ab ng'atuitk.*

Translator: Asante sana Tume ya Marekebisho ya Katiba.

Ezekiel Bor: *Abwati ale ne tai ingunon ke nyorun bik cheu chuton.*

Translator: Hii ndio nafasi yetu ya kwanza kupata watu kama nyinyi.

Ezekiel Bor: *Amun ng'atutik che ba emet,*

Translator: Kwa sababu sheria za nchi.

Ezekiel Bor: *koribe bik.*

Translator: Zinalinda wananchi.

Ezekiel Bor: *ko kararan iman koik bik che mwae tuguk che mache.*

Translator: Kwa hivyo inastahili kweli kuwa ni wananchi wanatoa maoni yao.

Ezekiel Bor: *Amun ingunon keemwae kele koyet bananda emet.*

Translator: Kwa sababu kwa sasa inasemekana umasikini umeenea sana nchini.

Ezekiel Bor: *Ako ingo yetu bananda kocham kekwaee kandoik.*

Translator: Na umasikini huu ukiendelea hatuna viongozi.

Ezekiel Bor: *Kikwae kila kenysisiek mut.*

Translator: Tunachagua kila baada ya miaka tano.

Ezekiel Bor: *akityo kemwa kele kagile kakoyet bananda.*

Translator: Na nyumaye pia inasemekana umasikini umeendelea.

Ezekiel Bor: *Komakingen anyun kele igoit konyo bananda komakinge kele bunu ano.*

Translator: Hatujui umaskini huu umepitia wapi, ilihali viongozi wako.

Ezekiel Bor: *Ako bik kokwaisie.*

Translator: Na watu wanaendelea tu kuchaguana.

Ezekiel Bor: *kitinye Serikali.*

Translator: Kuna serikali.

Ezekiel Bor: *kotaku kele ka kotemenen serikali.*

Translator: Hii inathahirisha, kwamba serikali iliyoko basi imeshindwa kutekeleza wajibu wake.

Ezekiel Bor: *amun maimuchi konyo bananda komi bik che kikinde korib emet.*

Translator: Kwa sababu umasikini hauwezi kufika iwapo kuna watu wamepewa kuulinda.

Ezekiel Bor: *Netai kemache echek serikali nerikyin bik.*

Translator: Kwa hivyo tunataka serikali itakayo karibia watu.

Ezekiel Bor: *ekergei ak neba majimbo.*

Translator: Hiyo ni serikali ya kimajimbo.

Ezekiel Bor: *Amun Serikaline mi ak bik.)*

Translator: Kwa sababu ni serikali iliyo na watu mashinani.

Ezekiel Bor: *Ako serikali ne muche koib ng'alek ab bik.)*

Translator: Na serikali ambayo inaweza kujali maslahi ya watu.

Ezekiel Bor: *Ako ma Serikali ne mi ole loo.*

Translator: Na sio serikali ambayo iko mbali na watu.

Ezekiel Bor: *Amun ingelen keger kibatisiei,*

Translator: Ukitaka kweli kuona ukweli tunalima.

Ezekiel Bor: *Ak kiyagi tuga*

Translator: Tuna mifugo.

Ezekiel Bor: *Ako tuchaton tugul ko ingobwa koma mi ole bendi.*

Translator: Lakini hatuna mapato.

Ezekiel Bor: *Amun mamichi ne chang'e chepkosirwet.*

Translator: Kwa sababu hakuna mtu ametafuta soko

Ezekiel Bor: *Ak ketinye bounatet.*

Translator: Na tuko kweli na serikali.

Ezekiel Bor: *Koamune si makinyoru ole kialdechini tuguk.*

Translator: Mbona basi tusipate soko ya kuuza mifugo na mimea yetu.

Ezekiel Bor: *Ako kigekwai bik.*

Translator: Na tumechagua hawa viongozi.

Ezekiel Bor: *Kamache amwa kit kitten neb a bik che kikikwai.*

Translator: Ningependa kusema kidogo kuhusu hao watu tulio wachagua.

Ezekiel Bor: *Kikase kele bichu kotesyinge rabinik.*

Translator: Nasikia kwamba hao watu wanauwezo wa kujiongezea mshahara.

Ezekiel Bor: *Kakabichu koma kigachin rabinik, agase mwalimuinik kotinye chama age nekikuren TSC.*

Translator: Kumbe hao watu hawalipwi mshahara, kumbe wanajilipa, nasikia walimu wakiwa na chama kinaitwa TSC, yaani hawa watu wanajilipa namna gani?

Ezekiel Bor: *Ko bichu aga kimakosire raia.*

Translator: Yaani hawa watu hawakuajiriwa na raia walijijiri wenyewe?

Ezekiel Bor: *Tos mi parliament buch kokiibegei.*

Translator: Yaani wako bunge bure walijipeleka kule bila kuchaguliwa na raia?

Ezekiel Bor: *Koamune si kometa bik che kikwae ak kotesyingei rabinik*

Translator: Mbona basi wakaacha watu waliowachagua na kwenda kujiongezea pesa?

Ezekiel Bor: *akityo ko ng'alados kolelen*

Translator: Na pia wanaongea wakisema,

Ezekiel Bor: *kolelen kiribe bik.*

Translator: wanasema eti tunachunga watu.

Ezekiel Bor: *ribe bik anan rabe tuguk ab bik.*

Translator: Ni kuchunga watu au ni kupambana na ufisadi na kunyanganya mali ya raia.

Ezekiel Bor: *Ko ngunon anyun kemache bik che kikachin asikobit ko ropchi bichu rabinik.*

Translator: Basi tunataka watu watakao chaguliwa, kuanzia sasa wawe ni watu ambao wako na ile roho ya kuweza kusaidia watu.

Ezekiel Bor: *Amun kimache bik che kerge ak chukikisir chu robchin rabinik mwalimuinik.*

Translator: Tunataka hao wabunge walipwe na tume maalum kama ya walimu.

Ezekiel Bor: *Amun kang 'e sirin ko kaga iberopchike rabinik.*

Translator: Kuna wakati gani tunaajiriwa na unaenda kujilipia pesa?

Ezekiel Bor: *Ka mamchi nerobun ii.*

Translator: Kumbe hakuna mtu wa kukulipa, kwa hivyo anasema kwamba kuwe na tume ya kulipa mshahara wa bunge.

Ezekiel Bor: *Ko kwa hivyo anyun ko maoni ne nyun ane noton ne kager ale yame keng 'et kisib.*

Translator: Hayo ndio maoni yake.

Ezekiel Bor: *Ko atarti ko ,*

Translator: Nikimaliza.

Ezekiel Bor: *Ko miten kora tinwek kou foresty,*

Translator: Kuna mali asili kama misitu

Ezekiel Bor: *ko foresty komache kikachi Serikali neba mitaa.*

Translator: Misitu inastahili kupewa uwezo serikali za wilaya kutawala.

Ezekiel Bor: *Amun ti moton komi yoton ak bichoto.*

Translator: Kwa sababu msitu wenyewe uko hapo na watu wao.

Ezekiel Bor: *Ko inge ng 'em ko bichoton che tebengei,*

Translator: Ndio ikiharibika wawe ni wao wenyewe wameharibu na wajulize.

Ezekiel Bor: *Amun ingunon igere bik che nyogo tilisie amenge okot ile bunu ano.*

Translator: Kwa sasa unaona mtu anatoka mbali anakuja kukata msitu na hujui hata mahali anatoka.

Ezekiel Bor: *Kemache tuguk tugul che mi yemi korib bik ab koba yoton.*

Translator: Nataka rasilmali zozote zilizoko karibu na watu, zipate kulindwa na wenyeji watu walio hapo.

Ezekiel Bor: *Okot koratinwek.*

Translator: Hata mashamba.

Ezekiel Bor: *Komache korib bik che mi yoton.*

Translator: Watu wenyewe wajichungie mali yao.

Ezekiel Bor: *Masiingo tage tebie kele kakiyok chi ne kale amache ayai kouni.*

Translator: Isiwe ni kwamba kuna orders from above, kuwe na mtu ametumwa kutoka juu eti kitu fulani kifanyike.

Ezekiel Bor: *Ako maingen chito ne mengisie.*

Translator: Na mtu mwenye anaishi hapo hata ajui.

Ezekiel Bor: *Kounaton ng'alek che chuget.*

Translator: Yeye hayo ndio mambo yake.

Com. Prof. Kabira: Asante sana Mzee Bor. Ningetaka kusema kwa sababu sisi tuliingia mapema, kulikuwa na watu wachache tu wakati ule tulijitambua, kwa hivyo, I will introduce the Commissioners because we are very many now. So I will let them introduce themselves, Professor.

Com. Prof. Salim: Hamjambo. Jina langu ni Ahmed Idha Salim. Mimi ni Commissioner.

Com. Prof. Kabira: Huyo ni Professor Salim, nitamuuliza Com. Nunow.

Com. Nunow: Kwa majina ninaitwa Abdirizak Nunow. Pia mimi ni Commissioner na mfanyikazi wa Moi University.

Com. Prof. Kabira: Na mimi ninaitwa Wanjiku Kabira. Asanteni. Tutamuuliza Paul Chepkoni. Before he speaks, there is Irene Marsit who is a Programme officer ako huko na Geoffrey anaandika report na Josephine anafanya verbatim recording. Okay.

Paul Chepkoni: Commissioners, na wananchi wa Kenya. Maoni yangu ninataka serikali ya majimbo. Na kwa vile sisi wakati huu, hatupiganii uhuru, sisi tuko na uhuru, kile kitu kilioko sasa, ni kupanga ama kuongea juu ya Katiba ama sheria ambazo

zinatuchunga. Maana yake, kama sisi sasa, wakati tulipopata uhuru, kuna vitu kama mashamba yaliyokuwa na wazungu na hayo wazungu kwa mfano kama Wanandi, walikuwa wamesukumwa na hao wazungu na kuwaongelesha lugha mbili. Mfano walikuwa wanachukua Wanandi wanawapeleka mpaka huko, wanawaambia huko ni reserve yenu. Wanawaongelesha lugha ya Kiingereza. Reserve ni mahali popote ambapo unaishi vile unavyojua, akamwambia kwa lugha ya Kiswahili, ‘na hii ni shamba langu’ sasa ilikuwa nchi ya Wanandi, sasa Wanandi wakitoka huko chini ama mahali wanaita reserve Nandi, wakija pande hii mali kuna Wanandi wanasema tunaenda shamba la mzungu. Wakiwa pande hii wanateremka chini mahali kuna Wanandi wengine wanasema, tunaenda Nandi reserve. Na hali nchi ni ya Nandi.

Kwa hivyo kuna majina ambayo kama ni marekebisho ya Katiba, yaondolewa yale majina ambayo hayakuwepo hapo mbeleni, na watu warudishe majina yao ya kawaida. Kama sehemu kama Uasin Gishu, wanachukua, unasikia Warenga country council, hiyo ni Kinandi, district Uasin Gishu, hiyo ni jina la watu ambayo walikuwa wanatoka, kuingia na kutoka, mfano kama Wanandi wameingia huko Kilgoris, haitaitwa Nandi, ni nchi ya Masaai land. Basi mambo kama hayo yanafaa kurekebishwa, halafu sheria ya nchi, vile nilisema tunataka serikali ya majimbo, kama kuna watu wametoka nje ya hiyo district ama province, sheria itengenezwe kulingana na wale watu residents ambao wanaishi huko. Sababu kwa Kinandi mfano, kama ng’ombe inaibiwa, na pengine kama huko Nyanza inaibiwa, hii kitu tunaita omena, kesi hiyo haiwezi kupelekwa iwe pamoja, itakuwa tofauti.

Kwa hivyo tunataka kama mtu anakuja, sababu mwenyezi Mungu mwenyewe amefanya hivyo, alipoumba watu, tuseme alikuwa anaumba Adam na Awa kwa mfano, mnipe tu nichukue hii nafasi kidogo, aliumba Adam na Awa na akatengeneza nchi, na mipaka na hatukatai eti watu hawawezi kuingia nchi hiyo lakini, dola, utawala si mzuri aende akatawala wale watu. Inatakikana mwenye hapo asimame atawale na hata mwenye kuingia, aimbe ule wimbo vile mimi ninasikia watu wanasema ukienda Rome, kaa vile Rome watu wanaishi, si hao ni binadamu.

Wakalenjin wanasema, “*Ndiite kiame bit iam bit*” kwa hivyo ndio tunasema sasa, nichukue tu ruhusa kidogo tu Bwana Commissioner, sheria sasa tuseme kama sasa kuna sheria ambayo kama ni ya administration, tukiwa barabarani sasa, ama kama polisi anakushika na vyombo tulisema kama ni silaha ya kuchunga nchi, wanakuchukua kama yule mtu tunaenza kusema ni mtoro, hawajali vile wanavyo msukuma mtu. Hakuna mpango wa kusema hii iko namna hii, unaona unasukumwa tu, kuna mambo ya harassment. Tunataka hiyo sheria ionekane ya kwamba inachukulia watu wote kuwa na uhuru. Hivyo ndivyo nitasema, wacha nifikie hapo kulingana na masaa na watu asante.

Com. Prof. Kabira: Asante sana Mr. Chepkoni. Nicholas Boit.

Nicholas Boit: *Kongoi missing cheyechen che ba commission.*

Translator: Asante sana wakubwa wa Commission.

Nicholas Boit: *Ng’alion nyun amwae kotiny ngei ak ng’alion ne kamwa chitage kole Majimbo.*

Translator: Jambo analosema yeye anataka serikali ya kimajimbo.

Nicholas Boit: *kainet ko Nicholas Boit.*

Translator: Jina ni Nicholas Boit.

Nicholas Boit: *Kotingei ak ng'aliondanoton kamwa ale amache Majimbo*

Translator: Anataka majimbo kwa sababu.

Nicholas Boit: *Melen kamache Majimbo kong'eten yuton omiten raini,*

Translator: Anasema hataki majimbo kuanzia sasa, tulivyo hapa sasa.

Nicholas Boit: *Kimiten Majimbo kong'eten taunet ab ngweny.*

Translator: Majimbo yenyewe yalikuweco tangu.

Nicholas Boit: *Kingoyae Jehova emani ko kipie bik ak kutuswekwak.*

Translator: Wakati Mungu aliumba dunia aligawanya watu kulingana na dini na madili.

Nicholas Boit: *Amun okot ingunon kemi koi komakingalali kutit akenge.*

Translator: Hata sasa tuliko hapa hatuongeti lugha moja.

Nicholas Boit: *King'alali kutuswek che terter.*

Translator: Tunaongea lugha tofauti tofauti.

Nicholas Boit: *Ko kimenye anyun chitugul kebebertanyin.*

Translator: Kila mtu alikuwa akiishi kwao.

Nicholas Boit: *Kebe kotor kenyo kegurengei kalenjin en yu konyo kopiech kora Mungu.*

Translator: Hata wakati sisi Wakalenjin tulikuja hapa, Mungu akazidi kutugawanya.

Nicholas Boit: *Makichengwech boisiek ab kok anan ko commissioners che u okwek che pieoti koratinwek.*

Translator: Hatukutafutiwa Macommissioners au wazee wa mitaa watugawanyie mashamba vile sasa iko.

Nicholas Boit: *Bik che kikindo ole mi koik ko kiindo Jehova.*

Translator: Watu ambao waliwekwa penye mawe iko, waliwekwa na Mungu.

Nicholas Boit: *Bik che kikinde olin ba nyanjet ko kiido Jehova.*

Translator: Wale watu waliwekwa kwenye maziwa ni Mungu aliwaweka.

Nicholas Boit: *Bik che kikinde emet ne kararan ako kigole bek ak bandek ko kiindo Jehova.*

Translator: Watu waliowekwa kwa nchi nzuri iliyo na rutuba ni Mungu aliwaweka.

Nicholas Boit: *Kone ne nyo kemaiyen ingunon kele inge cheng' kemengjinen tugul.*

Translator: Ni nini bado tunatafuta sasa na tuseme tuishi pamoja.

Nicholas Boit: *Kimache kemengjinen imi kamastangung' ak keyachine mung'aret*

Translator: Tunataka tuishi pamoja ukiwa kwako na tufanye biashara pamoja.

Nicholas Boit: *Ina aldai bandek inyo ialenan bandek.*

Translator: Nikiuza mahindi uje ununue mahindi kwangu.

Nicholas Boit: *Inialdai injirenik anyaaalenin injirenik.*

Translator: Wakati unauza samaki wacha nije ninunue samaki kwako.

Nicholas Boit: *Akityo kotebi chitugulkorenyin kobus.*

Translator: Na kila mtu akae kwake starehe.

Nicholas Boit: *Keker kele kimeng'chindosi meng'et ne kararan.*

Translator: Ikiwa hivyo ninaona tutaishi vizuri bila matata yoyote.

Nicholas Boit: *kicham ke mengyindosi ak bik che kikuren Waluhya en yun bore,*

Translator: Sisi tulikuwa tukiishi na Waluhya hapa chini.

Nicholas Boit: *Kebendi kealdechini eik, koaldewech rorwek.*

Translator: Tulikuwa tunaenda kuwauzia ndume na wanatuuzia ndama.

Nicholas Boit: *Kobwane chepliminik koibu terenik, kealdechini bandek*

Translator: Wamama wao walikuwa wakija kuleta mitungi na sisi tunawauzia mahindi.

Nicholas Boit: *Ako kimakokasyindos ak bichu amun kimakeng'alali Kiswahili, amaking'alali lim.*

Translator: Hata wakati huo hakukuwa na lugha moja.

Nicholas Boit: *Ako kiadechin ke t4uguk ak kogasyindos.*

Translator: Lakini kulikuwa na ile hali ya kuwasiliana.

Nicholas Boit: *Koname nin bandekyik ak korekta, anam terenik ak akonor.*

Translator: Hawakuwa na lugha moja lakini kulikuwa na mawasiliano, huyu anachukua mitungi na huyu anachukua mahindi anaenda zake.

Nicholas Boit: *kikitebi kounoton kenysisiek che chang' agoi raini.*

Translator: Tuliishi hivyo siku nyingi bila wasiwasi.

Nicholas Boit: *Koin kimache mung'aret ne unoton.*

Translator: Tunataka biashara aina hiyo.

Nicholas Boit: *Amun ngot kiyen kele kimache kemengchinaten,ko nial pilotit na menyen non komuchi chitage nyo kepie amun korani kemengyindos konyo kepie piloti ne amenye.*

Translator: Anasema kwa sababu tukisema tuishi pamoja inaonyesha ya kwamba walio na mali yao, itabidi basi waende wachaguliwe.

Nicholas Boit: *Kemache anyun kokaoiti commissioners ogaswech ng'alekyok.*

Translator: Basi tunataka Commissioners mukishafika muchukue maneno yetu.

Nicholas Boit: *Amakimache boryot en emani.*

Translator: Hatutaki matata katika nchi hii.

Nicholas Boit: *kimache keyachinen mung'aret ne kararan.*

Translator: Tunataka tuishi kwa utangamano.

Nicholas Boit: *Ne rube neb a oeng'*

Translator: Linalofuata la pili,

Nicholas Boit: *Ko imbarenik kou forestisiek che kitinye che mi koret ab chi koba bichoton chon.*

Translator: Ni mashamba kama mali asili misitu, ipate kulindwa na wenyewe.

Nicholas Boit: *Amu koratinwek choton nan kele kikoitoi kegur bik kobun emet ake.*

Translator: Kwa sababu wakati misitu inagawanywa kuwa mashamba, wenyeji hawapati, ni watu kutoka nchi zingine wanakuja kupewa.

Nicholas Boit: *Anan kele kagikoito ekarisiek mut nyokit chito ne tinye ekariek eibut akenge komach ekarisiek mut akine.*

Translator: Na ikiwa ni kwamba watu wanatakikana kupeana heka ni tano tano, mtu wa heka ni elfu moja mahali pengine anakuja anachukua hata pia naye.

Nicholas Boit: *Ko kamie koik bik ab yoton che ikoito si konai kole anum ak anum ne nyaljin iman.*

Translator: Kwa hivyo inafaa kwamba, wenyeji wapeane, kwa sababu wanajua ni nani ako na shida na anastahili kweli kupewa.

Nicholas Boit: *Si kongete boryoni kongeten tuguk che kakirebengei.*

Translator: Matata haya yetu unasikia kelele nyingi, hutokana na unyanyasaji.

Nicholas Boit: *Akobaru kole tuguk choton kongete che kigoyegitun kosieb che meng'ech.*

Translator: Na inaonyesha kwamba aliye mamlakani au aliye na uwezo ananyanyasa huyu aliye chini.

Nicholas Boit: *Ng'aliot nagesunen,*

Translator: Jambo la mwisho.

Nicholas Boit: *Ko ng'alek ab imbarenik che kialdo kora ko makemache kealunen imbarenik kotini Ogilyot.*

Translator: Ni kwa kesi ya mashamba, kesi yoyote ya shamba kuuzwa au kununuliwa isifanywe na korti.

Nicholas Boit: *Kimache ko nom boisiek ab kok che ingen imbaranoton ak kongen boisiet ab imbaranoton.*

Translator: Maswala hayo yote ya mashamba yaletwe kwa wazee wa mitaa kwa sababu hao ndio wanaelewa kesi hizo vizuri.

Nicholas Boit: *ogilyot koyaate kesit en Eldoret komangen ole mi imbaranoton.*

Translator: Wakili wanapofanya kesi hiyo na kuandika kule Eldoret, hata hajui mahali shamba hilo liko.

Nicholas Boit: *Lelen kaalde plot number chekile amangen okot ole mi imbaranoton*

Translator: Anasema nimeuza shamba lakini hajui mahali lilipo.

Nicholas Boit: *Kemache konam boisiek ab kok boisionoton*

Translator: Kwa hivyo hiyo kazi ifanywe na wazee wa mitaa.

Nicholas Boit: *ko ye katemenen koweta kowa tai.*

Translator: Basi wakishindwa wapeleke mbele.

Nicholas Boit: *Ko kesit kounoton neba imbarenik ingoyai boisiek ab kok.*

Translator: Kila kitu kinachohusika na shamba kifanywe na wazee wa mitaa.

Nicholas Boit: *kisome koistage ogilyot simatakorebenech rabinik, amun rebisiet ab rabinik noton.*

Translator: Wakili wamekuwa wakitunyanganya pesa na tunaomba kwamba wasihusishwe kamwe kwa mashamba.

Com. Prof. Kabira: It is okay we have heard much there.

Nicholas Boit: *Kongoi missing.*

Translator: Asante sana.

Com. Prof. Kabira: Thank you very much Mr. Boit for your views. Sialu C. M. hayuko, ikiwa hayuko Henry Baraiwa.

Henry Baraiwa: Majina yangu ni Henry Baraiwa na niko na miaka hamsini na nne na ninatoka Cheptiret location. Nitaongea mambo mawili, moja ni land issues, mambo kuhusu ardhi. Sitaki kurudia ya kwamba, mahali tunaishi ni Mungu mwenyewe alituweka, na ningeomba Katiba ya Kenya iseme ya kwamba kila watu waishi kwao. Wakati Wazungu walikuja, wakatukuta tukiishi mbali mbali, na walipoondoka, ile Katiba ambayo tulipata nayo uhuru, ilikuwa Katiba ya majimbo. Kwa hivyo vile tumeandika sasa, Katiba yetu hapa sio Lancaster house, tungependa tuwe na serikali ya majimbo.

Pili, kufuatana na mambo ya mashamba, ikiwa mashamba yatakuwa yamerudi kwa wenyewe. Hii ofisi ya Commissioner of land, iwe abolished na tuwe na officer katika district ambaye anaitwa lands officer ama jina lolote ambalo litaonekana ni sawa. Naja kwa mambo ya public utilities, kwa sasa kwa sheria za Kenya, public utility inasemekana it is reversed, haina title, ndipo unaona inanyakuliwa kila wakati. Katiba iseme public utility, iwe na security gani ikiwa sio title deed, iwe na security ambayo watu wa area hiyo, wataulizwa kabla chochote hakijafanyiwa.

Land control boards; kwa sasa tuko na land control boards divisional, na zinafanyiwa kule town. Ningesema ya kwamba mambo ya mashamba, kama ni land boards, zianze kule vijijini. Wazee kule vijijini mtu aombe kibali, badala ya kuenda kwa assistant chief, kuwe na board ya kuzungumza mpaka watosheke huyu kweli anatosha kuuza shamba. Hiyo board itoe recommendation, halafu ile divisional, sasa wawe the second land control board. Kwa sababu tumeona mambo mengi, mtu anaenda land board anaambiwa alete barua ya chief, watu wamekuwa werevu wanatengeneza rubber stamp. Wanafika town

wapi bibi, wanachukua mwanamke yeyote anakuwa bibi yao. Utakuta mtu akitaka kurudi nyuma, wataambiwa kama imepita land board, it is overtaken by events, kwa hivyo ianzie nyumbani.

Land disputes; tunaona ya kwamba, kesi nyingi zimechukua miaka mingi kwa sababu zinaanza kwa mzee wa mitaa zinaenda kwa assistant chief, zinaenda kwa chief, zinaenda kwa D.O. zinaenda kwa D.C., zikifika kwa D.C. zinakaa kidogo D.C. anaenda transfer, zikienda kwa D.C. huyu mpya, anakurudisha mpaka kwa mzee wa mitaa. So utaona zitachukua miaka. Kwa hivyo ningesema, Provincial Administration, wafanye kazi zingine, lakini land disputes ziondolewe kwa Provincial Administration. Vile vile polisi.....

Com. Prof. Kabira: Nani afanye hiyo kazi yao.

Henry Baraiwa: Nataka wazee, elders wawe ni elders ambao wamechaguliwa kama korti ama elders wowote. Na polisi vile vile waondolewe kwa mambo ya land disputes kwa sababu, utakuta kuna makaratasi ambayo yameandikwa kama yale alipeleka bibi, ikipelekwa polisi, lazima waone somebody must have committed a crime against a certain law. Kule wanaeza kuona kuna crime lakini, wame-commit against a certain law, polisi wanasema mikono yao imefungwa.

Naja kwa mambo ya succession. Mambo ya succession ningesema ya kwamba the clan wa-deal na mambo ya succession, ikiwashinda iende kwa location. Kuliko mtu amefariki, shamba iko watoto wako, shamba mahali pengine inauzwa kufanyia kesi kule high court, kwa hivyo irudishwe.

Mwisho Commissioners, nataka niseme kuhusu public transport. Tunaona hii ni kitu ambacho kimeshinda serikali ya Kenya. Watu wanajaa mpaka nje, unakuta wanaenda wananong'ozana na asikari, gari inapigwa inaendelea. Can the Constitution say something about public transport. Ukiwa Uganda, halafu uruke tu kwa Malaba border, ukiruka about 100m utaona kitu tofauti sawa sawa umeingia dunia ingine. Kwa hivyo ninamalizia hapo, asante.

Com. Prof. Kabira: Asante sana Mr. Henry. Grace Chelimo.

Grace Chelimo: *Agatok taechu koitu,*

Translator: Anawasalimu wageni.

Grace Chelimo: *Agatok , kamwa kongoi en itunet nekoitu olinyon.*

Translator: Anasema anashukuru kwa kuwasili kwenu.

Grace Chelimo: *Kang'aliot ne kakimache keng'alalen ko ng'aliot ab boisiet neb a imbar.*

Translator: Anasema kwamba jambo ambalo ako nalo ni mambo ya mashamba.

Grace Chelimo: *Kigole bek iman.*

Translator: Wanapanda mahindi kweli,

Grace Chelimo: *Kitinyelakini mami ye keibe.*

Translator: wanamifugo na kila kitu, lakini wamekosa soko.

Grace Chelimo: *Makitinye ye kialdechini.*

Translator: hawana soko.

Grace Chelimo: *ki tinye chego, lakini makigere chepkondok ole kiba.*

Translator: Tuko na maziwa tunapeana, lakini hatupati mapato.

Grace Chelimo: *magoi koiro.*

Translator: Anasema ni vigumu kupata mapato.

Grace Chelimo: *Kiimigei ile kwa lakwet sukul amami kiy ne kaib lakwet.*

Translator: Tunasumbuka kwa sababu mtoto akisemekana aende shule, malipo hakuna.

Grace Chelimo: *Yachen bandek.*

Translator: Hatuna pesa kwa sababu bei ya mahindi ni mbaya.

Grace Chelimo: *ibir bek mami yekaba.*

Translator: Sisi vile tuko na mahindi yamejaa nyumbani hakuna mahali pa kuuza.

Grace Chelimo: *Mami ye bendi*

Translator: Hakuna watu.

Grace Chelimo: *ibure arawek oeng'arawek somok kele kakoyakitun.*

Translator: Inakaa siku mbili mbili miezi mitatu inasemekama mahindi yenyewe yameharibika.

Grace Chelimo: *Kokagoyakitun kora tuguk choto, kobet chito ne keibunen.*

Translator: Mifugo pia inatakikana kuoshwa, pesa za kununua dawa zinakosekana.

Grace Chelimo: *Kobek tuga,*

Translator: Ng'ombe sasa zinaanza tena kufa.

Grace Chelimo: *kotatun kobet ne keib kowa sukul.*

Translator: Unakosa pia kupeleka shule.

Grace Chelimo: *Initinye lakwet ne mi primary, itinye ne mi secondary,*

Translator: Ilihali wakati uko na mwingine primary, mwingine yuko secondary, inakuwa ni shida sana.

Grace Chelimo: *Kotago mi ng'aliot yon.*

Translator: Kwa hivyo anasema kwamba inatakikana kwamba, hiyo mimea itafutiwe soko, na elimu ipate kuwa rahisi kidogo, iwe bure, kama ingewezekana ni kwamba,

Grace Chelimo: *ak oribwech District.*

Translator: Anasema kwamba elimu iwe bure na mashirika ya wakulima kama district ipate kulindwa.

Grace Chelimo: *Ak ng'alek che iimech kogeny che ba kurkotik.*

Translator: Ni maneno ya nyumbani.

Grace Chelimo: *Ne ma tinye lagok ole somanen.*

Translator: Watoto hawana kweli kusema watasoma,

Grace Chelimo: *Kegere Serikali kele to ro kit ne oyaе oteretech.*

Translator: anasema serikali isaidie hapo,

Grace Chelimo: *Otaretech kou primary otaretech yoton kotkoit sisit yon.*

Translator: elimu ya shule ya msingi iwe bure kuanzia darasa la kwanza hadi la nane.

Grace Chelimo: *Ko ng'alek che kakitinye ko chon.*

Translator: Mambo aliyokuwa nayo ni hayo.

Grace Chelimo: *Kongoi.*

Translator: Asante. *Kakemwa kainet?*

Grace Chelimo: *Kakamwa kainet kikurenon Grace chelimo.*

Com. Prof. Kabira: Asante sana Grace Chelimo. Tutamuita Emily Chemboi.

Emily Chemboi: *Kabla sija anza mimi naitwa Emily chemboi.*

Translator: Kwa majina anasema anaitwa Emily Chemboi.

Emily Chemboi: *Kokotom ang'alalko kamache ang'alal kosibkei ak somanet ab bik che yechen che kimwa serikalit oko maimuch kotestai boisionoton.*

Translator: Anasema elimu ya watu wazima, ngumbaro, serikali ilisema iko na haijulikani hadi sasa ilielekea wapi.

Emily Chemboi: *mi bik che yechen che kimache somanet oko manyor somanet okot en ole bendi komanyoru oret ne kararan.*

Translator: Hapa kuna watu wazima ambao wanahitaji elimu hiyo, lakini mali pa kupata wamekosa.

Emily Chemboi: *Kokakimache serikali koger boisionoton.*

Translator: Kwa hivyo serikali irejeshe elimu ya watu wazima.

Emily Chemboi: *kogeny neba oeng,*

Translator: La pili,

Emily Chemboi: *ko kikomwa Serikalini kong'eten kenyit ab elibu oeng ahoba ng'alek ab bek amun makitinye bek koma irekwech bek kou ye kikimache.*

Translator: serikali imewakilisha msaada wa watu kupewa maji kuanzia mwaka wa elfu mbili, lakini hadi wa sasa hatujapata maji masafi.

Emily Chemboi: *kokakimache ingunon kokarobwan tai yu oib ng'alechoton sio ib ng'alechoton si ko ng'alalen serikalit ab Kenya.*

Translator: Kwa hivyo anatoa maoni yake, mchango wake kwamba serikali ipatie watu maji masafi.

Emily Chemboi: *Amun kimache toretet ne yamech en Kenya.*

Translator: Sababu tunataka maji hayo na msaada mkubwa kutoka kwa serikali.

Emily Chemboi: *Koron ne tai ko chepyosok che umiandos en launet ab bek.*

Translator: Sana sana ni wamama wanaumia kwa kuteka maji.

Emily Chemboi: *Kele kebai tukyok komakitinye ole keitechini chego oko makitinye bek che kinaki.*

Translator: Anasema kwamba wakati tunafuga mifugo, tunakosa mahali pa kuuza maziwa na pia maji ya mifugo kunywa hatuna.

Emily Chemboi: *Haya oib ng'alechoton koba bunge akobo ng'alalen.*

Translator: Hiyo muwasilishe kwa Tume yenu, na mutuandikie.

Emily Chemboi: *Kataren yoton.*

Translator: Yeye amemaliza yake.

Com. Prof. Kabira: Okey, lakini Emily kuja ujiandikishe, Dr. Bise, Bisem, we were doing some affirmative action we call sovinion alitrary. Because you know we want them to go and look after the children. Thank you.

Dr. Bisem: Thank you very much Commissioners, nashukuru, we met in Nairobi but now we have to meet in the grassroots.(inaudible) naitwa Dr. Bisem, I stay in Nairobi but I come from around. Ningependa niseme tu mambo machache, kwa sababu kuna memorandum ya makanisa, ya sehemu hii ambayo bado haijaletwa, pengine tutawaletea tarehe tisa mkiwa Moi University. Ya kwanza, ni kuhusu structure ya serikali, ningependa niseme hivi, ya kwamba maoni ya wale ambao tumeongea kwa wingi katika makanisa, ni kwamba kuweco Rais wa taifa ambaye anahusika na mambo ya commander in chief, mambo ya ku-dissolve Parliament, lakini kuweco pia prime minister. Na kwa sababu tunataka popular President, tusiwe na situation kama ile ya Zambia, ambaye President anachaguliwa tu na 28%, pengine to maintain hii high percentage in five regions na at least ikaribie hapo 48% ili ionekana ya kwamba ni mtu ambaye anapendwa.

Jambo la pili, ni kuleta uwezo wa devole power ikuje katika region tuite region tuite mikoa na mambo kama hayo. Hasa kitu ambacho tunataka sana ni mambo ya elimu kwa mfano, iweze kutekelezwa na hii mikoa, mambo ya health kwa mfano, mambo ya barabara. Hata juzi tulijaribu kuleta pesa katika madistricts, lakini tunaona pia wale ambao tumewachagua kama wanasiasa, they now elect themselves kuwa chairmen na nini. Nilikuwa ninafikiria itasaidia sana kuwa na division of power, kama professionals wangepewa wahusike na mambo kama haya, mambo kama ya sitima, ili isitegemee kwa sababu wewe unapendwa na fulani, if go round districts you will be very surprised, utaona sitima inapita shule inapita centre lakini inaenda kwa mtu binafsi, na sisi zote tunalipa tax ya kuweza ku-finance hiyo kazi yote.

Jambo la tatu, ni mambo ambayo yanataja watu wengi sana katika sehemu hii, and this revolves around people. Pengine serikali hivi karibuni wamejaribu kuwa na act ya kuchunga mambo ya chai, mambo ya kahawa, mambo ya pengine sukari but they are waiting until farmers almost riot and then they do this. Now in this district, kuna shida ya cereals board. Juzi wakulima walikuwa wanafanya hata wanarudisha mahindi nyumbani, something that event the colonial government did not do. So tunasema hivi, ya kwamba cereals board, board yenyewe iwe na representation ya farmers, at least 50% or 40% katika hiyo cereals board. Maybe professional 30% halafu maybe millers 30% na iwe kubwa sana kwa sababu inafanya biashara. Ifanye

biashara ilete maslahi kwa wananchi. The same to KCC, the problem of KCC is simply mismanagement, kwa sababu KCC imekuwa na network nzuri na mambo kama haya. But matters of agriculture kama tunasema ya kwamba ni backbone ya economy yetu, policy yake ionekane ya kwamba inasaidia nchi.

Jambo la nne, ni kwamba serikali iwachane na mambo ya biashara. Serikali itawale, biashara kama kuna kampuni ambayo serikali ilikuwa na shares, hizi shares zipewe wananchi, priority ya kuzipata iwe ni wananchi at least 50%, kama kuna mtu kutoka nje partner wa nje, he should never exceed 49%. Ili ionekane ya kwamba kweli mali ya wananchi inasaidia wananchi.

Jambo lingine, ndio tunakubali tunapewa good excuse ya kwamba kuna soko huru, sasa hii soko huru hata Bush, ana-protect industry zako si juzi alipewa 30% tax kwa watu asili. Kwa nini sisi tusiwe na same system. So let us have a system ambayo pia inaprotect industry zetu. If you to sugar makers in this country nowadays, ¾ ya products zinatoka South Africa, inatoka kila mahali, lakini yako mwenyewe inakwisha. Wewe unanyanyaswa unasikia watu wanasema umasikini umezidi and basically the reason is that we have not been giving priorities to our people.

The last two points, hii mambo ya vyama, kama tunataka tuwe na fairness ku-register party isitegemee registrar, tuseme hivi, kama mtu amekuwa na members karibu million moja, after six months, since the registrar is not able to registrar that person, that party should be registered automatically. Isitegemee serikali, because that is part of the freedom of association.

Halafu corruption, tuwe na Ombudsman, ihakikishe ya kwamba kuwe na polisi wa kuchunga watu, kama minister mzima ametajwa ya kwamba ni corrupt, why should that person still be in government. Halafu ya mwisho, sisi tuna deni kubwa sana, foreign debt. And I think there should a constitutional provision that protect us also, so that pesa zetu tunazotoa kama tax, isizidi 50% kulipa madeni. Uganda walipewa juzi, do you call it 'rusuku' they were forgiven debts, on condition ya kwamba inaenda shule, inaenda hospitali. Nowadays, a lot of Kenyans wanapeleka watoto Uganda, kwa sababu wewe hulipi building fund, hulipi fees, why should the same facilities not be done for us in this country. Nafikiri hayo mengine yamesemwa na wananchi, nawatakia heri Commissioners, enjoy this place, I come from this area. Thank you very much.

Com. Prof. Kabira: Thank you very much Dr. Bisem. Do we have Kipkoech Sam?

Kipkoech Sam: *Amwae Kongoi en commissioners che kokonech Serikali.*

Translator: Anasema asante kwa Commissioners.

Kipkoech Sam: *Kigurenon Kipkoech arap Sang.*

Translator: Kwa majina anaitwa Kipkoech Arap Sam.

Kipkoech Sam: *Atinye keny siek konom ak tisap*

Translator: Ana miaka hamsini na saba.

Kipkoech Sam: *Ane ang'alali akoba okiek tugul.*

Translator: Yeye ni Ogiek na anaongea kwa niaba ya Ogiek wote.

Kipkoech Sam: *Kainanabo okiek non kilelen Ndorobo, komake mache kainanaton.*

Translator: Jina hili Ndorobo hatulitaki mara ingine.

Kipkoech Sam: *Makemache kainanoton ba okiek non kilen Ndorobo.*

Translator: Jina hilo Ndorobo tunataka lifutiliwe mbali tuitwe Ogiek.

Kipkoech Sam: *Amun ingitumian Ndorobo, kokikobaisien chitugul.*

Translator: Kwa sababu jina hilo Ndorobo limetumiwa na karibu kila mtu.

Kipkoech Sam: *Kemache kityo ketambuanech kainet ab okiek.*

Translator: Tunataka sasa jina letu Ogiek lipate kutambuliwa na Katiba.

Kipkoech Sam: *Ane ko a Okiot ne awakilishani okiek che mi uasingishu, chemi Nandi, ko a chairman neba okiek tugul*

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Translator: Yeye ni mwenyekiti wa Ogiek wote walio wilayani Uasin Gishu na wilaya ya Nandi.

Kipkoech Sam: *Kichaguanon Okiek.*

Translator: Yeye alichaguliwa na Ogiek wenzake.

Kipkoech Sam: *Kingo kwayan alenji Serikali makitinye meng'atet.*

Translator: Na alipoteuliwa au kuchaguliwa, akaiambia serikali, wao hawana makao.

Kipkoech Sam: *Ne ingunon kemiten timdo kora kouyekikimiten.*

Translator: Na hadi wa sasa wako msituni vile walivyokuwa.

Kipkoech Sam: *Kikilenjech o teben taban makiputwech kiy neb a maana.*

Translator: Tuliambiwa tukae tu kando ya msitu hatukupewa makazi maalum.

Kipkoech Sam: *Neb a kot ineken kityo.*

Translator: Ya nyumba tu.

Kipkoech Sam: *Kit ne kimwae en Katibi ini kokonech Mungu kobwatech Okiek ii,*

Translator: Nasema kwamba kwa Katiba hii ambayo Mungu ametusaidia, ipate kutambua Wandorobo.

Kipkoech Sam: *Kemwae kele otaretech Serikali, oputwech makao kou bik tugul.*

Translator: Basi wanataka kupewa nao makao kama watu wote.

Kipkoech Sam: *Si kenyorun utawala kou bik tugul amun ingo makitinye district kemeng 'ati timin keite kebetien.*

Translator: Wanataka kupewa wilaya yao, na wapewe uwezo wa kujitawala na wawe na watawala wao wa mkoa.

Kipkoech Sam: *A kot nda kijoindeni chito ne kakijoinden kekaswech kokii Okiek.*

Translator: Hata sasa ikifika tunatakikana tukiteua mtu wetu kuwa kiongozi wetu, tupate kutegewa sikio na serikali.

Kipkoech Sam: *Amun makiite kebir kura. Ngot kebir kura konyanyasanech bik alak.*

Translator: Kwa sababu sisi tumefinywa na kunyonywa na makabila mengine makubwa. Tukitaka kupiga kura, hatufiki mahali sisi ni wachache sana.

Kipkoech Sam: *Kikakipie boundarisiek kelei kelei keib ekarisiek elibu oeng' kila chi,*

Translator: Zamani tulikuwa tumegawanya hiyo misitu ndani tulikuwa na mipaka kila mtu achukue eka elifu mbili kila mtu.

Kipkoech Sam: *Kobwa bik alak konyo ko til timdo.*

Translator: Basi sisi wakati tulitolewa msituni kuja kando ya msitu, walanguzi wakaingia ndani ya msitu na kukata msitu huo.

Kipkoech Sam: *Koyetil timoton komami kiy ne kenyoru oko kin e nyon timdo.*

Translator: Hadi wa sasa wakati hao watu wanakata msitu, hatupewi chochote na msitu ulikuwa ni wetu.

Kipkoech Sam: *Ne nda kikikaswech kimache kokasech Serikali amun si kenyorun mapato kitikin en timoton.*

Translator: Kwa hivyo tungependa kwamba, iwapo kuna chochote kitatokana na hiyo misitu, tupate kupewa kitu kidogo.

Kipkoech Sam: *Ingo ba lagokyok sukul kotakitoretwech agoba mapato nebunu timoton.*

Translator: Basi kama watoto wetu wataenda shule, wapate kulipiwa hizo pesa za elimu kutokana na hizo rasilmali.

Kipkoech Sam: *Amun mami somanet ne ketinye.*

Translator: Kwa sababu sisi hadi wa sasa hatuna elimu yoyote.

Kipkoech Sam: *Kimache otaretech kabisa,*

Translator: Anasema anasisitiza kwamba mtusaidie kabisa.

Kipkoech Sam: *Amwae kongoi en okwek.*

Translator: Anasema asante kwenu.

Audience: (clapping)

Com. Prof. Kabira: Bwana Sam, ujiandikishe tafadhali. Okey Sialo C. N.

Sialo C. N: Okey thank you very much Commissioners. My names are Sialo Cajaten Nakero. I have the following recommendations.

- 1) Citizenship; those born in Kenya should be guarded as affirmative literates. Female and spouses who marry Kenyans should be entitled to automatic citizenship if they show the intention of settling in Kenya.
- 2) The basic rights; education, on education 85% should be scrapped off, we have been having it where people have become villagers more than the nationalists and if the Constitution could be very particular, we would have the Kenyans who are more nationalists.
- 3) Presidential powers; we should have a President with Executive powers but should be checked by the Parliament and the Judiciary. Two; we should have a deputy President instead of having a Prime Minister or Vice President. The deputy President should be able to act in the absence of the President, or in the case of sickness. Three; security of the Kenyans, every Kenyan should move in every part of this country, without fearing of the consequence that will come and so fourth. Four; appointments of the civil servants. This should be appointed by the President but they should be checked or they should be vetted in Parliament. So that we don't have the mediocrity we have been seeing here and there.
- 4) Education again should be run by professionals, as it was said here sometimes. Not every Dick and Harry of politicians coming in to solve the education system.
- 5) Retirement age, Kenya has wasted a lot of manpower, between 45 and 65 years this are the productive years of a person, but when the person reaches 45 is thrown out, yet industrial countries people go up to 70 years when they are very very productive.
- 6) Lastly, the Judiciary; this should remain totally independent, without any interference and courts should be set up to

village levels to hear the disputes of the local people. Another one, in the village somebody put it here rightly, we should have villagers, the time has come when Kenya should have graduates with B.A. who have done sociology, anthropology, to come and man villages and so fourth. And that will be better, because most of the professionals are now retiring and going to the villages, yet they are handled by standard sevens. It brings a conflict, the Constitution should be very particular on this. That the quality of the people who serve us, should be people with integrity, should be people who at least know where they are going. The country is changing and we should be able to change with the type of people that are coming to lead us.

- 7) Election for the MPs; the minimum qualification should be a degree level. We don't want people who cannot be able to interpret the budget when it is being read. The budget was read but right now most of the MPs cannot be able to interpret what the country needs. Therefore the Constitution should be very particular on who should be a representative, and what qualification does he have? What integrity does he have?
- 8) Councillor; the minimum should be at least A-level which was there. The person who has qualified well. Rather than somebody who is just being picked from the street, comes to be a Councillor. He cannot be able to interpret the problems of the people and the problems of the country. Kenya is a changing society and let us change with a new society. Thank you very much.

Audience: (clapping)

Com. Prof. Kabira: Thank you very much for your views.

Com. Nunow: Mr. Sialo, I think I would like to ask you two clarification questions. You mentioned somewhere on the retirement age, but you didn't give us the concrete proposal, how much further beyond 55 you would like it increased, that is one, you will answer them together. The second question is on, you mentioned educated people to run villages. What did you mean? Chiefs of subchiefs.

Sialo C. N: Okay what I mean is this, at the level of chiefs. This people should at least be graduates, my reasons or arguments are, most of our professionals, professors, directors, engineers are now running back to villages, and they would like to contribute, but the sub chief we have is a standard seven, hence psychologically that person has fear, how will I approach this person? Let us have a B.A. holder of sociology, anthropology, who can be able to interpret the problems of the people, the social problems, cultures of the people, so that when the policies come this person is able to tell people what is need in the Constitution and what is in the economy of what is in the policy. But today people cannot be able to interpret them. Retirement age, in most cases, between 18 and 30, this is an age of running up and down, very emotional, but as somebody reaches 45 he has stabilized, he is very productive, he has had good experience. Then this time you cannot steal government money, but you

see when you do your research properly, you will find this money that has been corrupted, swindled is either between 30 years there, 35 he want to impress people.

Com. Prof. Salim: What is the retirement age?

Sialo C. N: Today its 55 but I want it to be extended to 70 or 65, so that that productivity and experience can be well used by the country, rather than throwing it to the private sector.

Com. Prof. Kabira: Thank you very much. Please sign our book. Eva Chebet. Now Eva, you will give us your name, your age, your class and the name of your school.

Eva Chebet: My names are Eva Chebet from Ngere Academy I have 12 years, I am going to talk about some basic children rights.

All children under 18 years should have or exercise their rights. First, the right to be protected from being hurt and used or neglected. The right to express themselves, the right to be looked after by their parents if they love them. If a parent looks after his or her daughter, the daughter will feel as if his/her parents loves her most.

My next point, the rights not to be discriminated in any way. The right to have special care and education if they have ability and also the right to have good education. The rights to be protected from sexual harassment. The right to play and have time to play. The right not to take part in work that may be unhealthy for them or stop them from getting education. The right to be an individual. The right to have information from TVs, radios and education which can help their studies. The right to have good education and finally, the right of life.

How can the constitution guide rights and protect the rights of children. The constitution should guide them and protect the rights of children in the following ways;

- 1) The Constitution should first recognize that the rights of children are as important as any right.
- 2) The rights of children should be included in the present Constitution under special provision.
 - a. Included in the constitution, the children rights should be executed timely and effectively. In any amendments, if it is to be made on the constitution touching the children's rights, then should be done after getting their views of concern.
 - b. The rights of children should be made known to them either verbally, electorally or in written, so that the children will know their rights.
 - c. The rights of the children should be protected and that anyone who breaks the rights, are dealt with accordingly.
 - d. The government should respect the children rights and also make them real. Thank you.

Com. Prof. Kabira: Thank you Eva. Before you go Eva, sit for a minute. You said that the children should have a right to special care if the parents can afford, what about the children whose parents cannot afford, what will they do?

Eva Chebet: If the children's parents cannot afford, then to have special care, the government can look after them and they may get special care and be educated.

Audience: (clapping)

Com. Prof. Kabira: Don't go, I haven't finished. You want to have rights of information, so you want to watch TV or listen to radio anytime and you watch anything. Is that correct?

Eva Chebet: Yes.

Com. Prof. Kabira: Even if they are bad movies?

Eva Chebet: You know, there are some which they are educative and some which are not educative. Now for example, news in GHC some pupils can ask questions about the President, Vice President and they cannot get that question, but if they have information from TVs, they can understand who is the Vice President, who is the President and who is the Prime Minister of Kenya.

Com. Prof. Kabira: Thank you very much. You are a great girl and you are lucky that you have participated in this, so please Eva come and sign your name here. Thank you very much.

Audience: (clapping)

Com. Prof. Kabira: That was excellent Eva. Mr. John Koros. Koros John.

Koros John: Okay honorable Commissioners, fellow citizens. My names are John Koros. I come from here and I am 45 years old. Now I will talk on a few areas of the Constitution.

- 1) Constitutional supremacy; these are my personal views, Parliament should retain the powers to amend the Constitution that by higher percentage of the majority votes that is 75%, however, the part of the Constitution that touches on the Legislature, should be subjected to a referendum, for example the current suggestion that Parliament should be extended should be subjected to a referendum.

- 2) Political parties; a Constitution should regulate the formation and conduct of political parties, they should be limited to a maximum of five and they should then be financed by the state depending on parliamentary stem.
- 3) System of government; we should adopt a parliamentary system of the government, with a prime minister appointed from the majority party in Parliament with no deputy. The President should remain a ceremonial head and should not be above the law. We should retain the unitary system of government, with one central government, we cannot afford majimbo.
- 4) We should strengthen the Local Authorities by limiting their number, and giving them more powers on taxation and expenditure. We should do away with the Provincial Administration.
- 5) Legislature; all constitutional appointments should be vetted by Parliament and Parliament should have a body to control its powers and procedures like remuneration and attendance. Parliamentary duties should be a full time job, and therefore parliamentarians should be expected to be a Parliament in all situations and should be active. People should have a right to recall an MP who neglects his duties, like we have many of them.
- 6) The salaries of MPs should be regulated by an independent body, the Judiciary, we should have a supreme court of law and the judicial officers should be vetted by Parliament, before appointment.
- 7) Local government, all mayors and council chairmen should be elected by the people for five years. The President or minister should not have any powers over them.
- 8) Electoral process; number of constituency should remain the same as of now. Seats should be reserved for specific groups like teachers, businessmen, women, etcetra, these are about 30. These are specially elected people.
- 9) The presidential and parliamentary or civic elections, should be conducted favourably
- 10) Land rights; every Kenyan has a right to own land anywhere, and land should be limited to a maximum of 50 acres.
- 11) Presidential powers over state land should be vetted by Parliament.
- 12) Agriculture being the ministry of the economy it serves the greatest attention from the state in budgetary allocation. Use of natural resources, Parliament should continue with the role of appropriation of public finances and greater portion should go to benefit the local residence incase of natural resources.

13) Basic rights; the Constitution should provide for free and compulsory basic education up to standard seven. We should refer to the old system of 7-4-2-3 system of education. The funding should be raised from education levy in all sectors of our economy, besides the current way of funding. The education act should be amended to do away with BOGs and instead strengthen PTAs, fees at the tertiary should be subsidized and controlled by the state. Teachers should continue to be employed by one employer. Thank you.

Com. Prof. Kabira: Thank you very much Mr. Koros. Now Beatrice Cheronono.

Beatrice Cheronono: Thank you Commissioners and my fellow citizens. I actually don't have anything to add, I had presented my memorandum somewhere, but there is something I forgot about the children in the streets. My names are Beatrice Cheronono, I come from Eldoret South. I would recommend that the children in the streets, be taken care of by the government. Those also who are in the slum areas, they are so many children who don't have parents, that there should be a security fund that takes care of all those children thank you.

Com. Prof. Kabira: Thank you Beatrice. Ann, is there a lady called Ann? We can't read the second name. She is at Moi University farm, she is not there? Okey. Kerich Lazarus.

Lazarus Kerich: Commissioners, ladies and gentlemen. My proposed memorandum will be as follows.

Com. Prof. Kabira: Your names first please.

Lazarus Kerich: My name is Lazarus Kerich. I come from Ketel and I am 60 years old. My proposed memorandum would be as follows. I want a federal government. Three tier system devolving power, central government, regional government and district legislative assemblies.

Parliamentary type of a government, headed by a prime minister answerable to Parliament.

The Constitution should guarantee life, death penalty should be abolished and instead be imprisonment for life.

The constitution should provide compulsory and free education up to form four for every Kenyan.

Employment of trained people, e.g. civil servants, teachers who come from localities, should be given priority.

There should be equal distribution of trained personnel, particularly in the schools, in subjects such as signs and languages.

Intakes into training colleges should be based strictly on merit. There should be an allocation based on quota system.

District Education Officers should be employed on merit and should be university graduates. All other heads of the department in the district level, must be people who are knowledgeable with the right qualification.

Schools' sponsorship, schools built by the local communities with teachers provided by the government, should remain independent of church sponsorship, particularly in relation to the primary schools. Schools built by the sponsors with teaching staff provided, or well supervised by the sponsor, should remain managed by the sponsors.

Primary schools which do not perform well in national examination, and headed by certain personalities year after year, should be replaced. Why? There are some cases where the schools cannot make anything, maybe more than five years or ten years and nobody is doing anything. Schools offering candidates of KCPE, must be merited according to how many candidates joined form one in provincial schools and national schools, in a given district.

A person proposed for a position of Councillor should have provisional certificates, so that they can help uplift the standard of the community he is representing or e.g. a teacher, or someone with form four standard of education, with a minimum qualification, however people with good leadership qualities, should also be considered.

Chiefs and assistant chiefs, should be elected by the people. The local authority should support and strengthen provision of health services up to the local levels. The local authority should address provision of clean water up to local levels. The title deeds of the farms should be bought directly from the white people when they left this country, should be given free titles. The old system of living should be discarded.

Com. Prof. Kabira: Okay, that was the last one?

Lazarus Kerich: Yeah.

Com. Prof. Kabira: Thank you very much Mr. Kerich. Willian Busienei. Thank you Kerich sign our book.

Rev. Elija Malel: Okay thank you. I am Revered Malel on behalf of William Busienei. This is the church, African Inland from ADCC.

Com. Prof. Kabira: So you are representing him?

Rev. Elija Malel: He has left for a burial somewhere.

Com. Prof. Kabira: Okay and your name was?

Rev. Elija Malel: Rev. Malei, Elija Malel. I start with sponsored schools, according to the acts 1968 Constitution, or any denominations was allowed to run the schools, colleges, hospitals, universities and teachings on buildings,(inaudible) and the values, where possible the government can support. The management of the schools sponsored of any church, should be run as far as Constitution of 1968. BOG should be a member of any church, the head teacher, chairman, principal and Vice Chancellor or church Chancellors. Non other denomination should be allowed to carry out activities that compound.

The church properties; the title deeds should be issued free of charge by the government. The government should support the(inaudible) of plots, farms and whatever the institution should strengthen the resources of the church.

Marriage certificate; it should be issued through the cost sharing, the married couples should be examined for HIV and AIDs before their wedding.

Exemption of tax; we request the government to exempt the church tax as follows, building materials, cars any other donation and medicines.

Freedom of worship; it should be honoured by the government, but more objective on denomination in various existing upon the denominations. The culture that promotes the Christian values. Our cultural values as based on the Biblical doctrines, the boys continue to be circumcised as Abraham was circumcised. All attending marriage couples should be virgins. The maximum marriage age for a girl should be 25, minimum marriage of boys should be 30 years.

Security in order to spread the word of God. We need the security to express the word of God in every part of Kenya or Africa. All denominations should respect or to honour each other in the places of worship.

Diplomatic document e.g. visas, passport issued by the government through cost sharing.

Employment; employment of the school chaplain, the chaplain of any school is an employee as any other teachers in sponsored schools and institution run by the government.

Mode and dressing; wearing of suggestive clothes of women especially long trousers, mini skirts, transparent clothes, skin tight, tumbo cuts, such dressing should not be encouraged and against Biblical traditional value. Sir, CRE should be taught as compulsory for example in subjects both in the primary, secondary schools, based laws of the land also made to touch as well as creating of unawareness of the position. Sir, to end my proposal, pastoral programme instruction, in the sponsored school

should be taught as follows. Doctrine sponsored and the people learning in the school must be respected. According to the interest of his/her denomination coming from either of the chaplain or the local church pastor or elder. Thank you.

Com. Prof. Kabira: Okay thank you very much Reverend and please we will read all the other details of the memorandum. You could sign your name please. Thank you. Joseph Busienei again.

Joseph Busienei: Asante sana Madam Commissioner. Maoni yangu ni hii, katika wilaya ya Uasin Gishu, kulikuwa na hospitali kuu.....

Interjection(Com. Prof. Kabira): Sorry Busienei can you give us your name.

Joseph Busienei: Joseph Busienei yeah. Kulikuwa na district hospital ambayo ilikuwa inajumuisha wakaazi wa Eldoret yote. Na juzi juzi ikawa promoted to referral hospital, ambayo sasa imekuwa ya kuwapa gharama hospitali. Walichukua nyayo ward ambayo ilikuwa rasilimali ya wananchi. Ingefaa referral iwe promoted na district irudi vile ilivyo, kwa sababu referral walichukua kila kitu, hakuna kitu walijenga, facilities nini walichukua.

Pili, street children, 'chokora' hapa Kenya wakati tulipata uhuru, hatukukuwa na watoto wanaitwa 'chokora' kwa hivyo ihalalishwe Kikatiba, chokora wasitokee tena, hata binadamu mwingine asiitwe chokora, kwa sababu hawa ni viumbe vya Mungu.

Tatu, watumishi wa uma, baada ya kustahafu kazini, isiwe tena serikali iwateue kuchukua mahali pengine, kama parastatal bodies, kama mtu amestaafu jeshini ama wapi, arudi tu nyumbani astarehe either tu awe politician, lakini wasirudi kwa sababu ya corruption, baada ya kustaafu hapa wanaenda kumaliza huko na huko alikuwa amemaliza. Akistaafu, arudi nyumbani astarehe.

Nne, chiefs, zamani chiefs alikuwa na kazi nzuri. Kwa sababu vijijini, kuanzia mwaka wa sitini wakati Kenya ilipokaribia uhuru, tulinyakuliwa na chiefs, ilitupate masomo kidogo. Lakini siku hizi juzi, multiparty ikasema chiefs hawana mamlaka. Na ukienda nyumbani kule, hata watu hawana shamba la kulima, kwa sababu wanaranda randa, eti chief ana mamlaka. Kwa hivyo irudi kwa assistant chiefs. Watu wamekuwa na walemavu juu ya ponde. Kwa hivyo hayo ndio maoni yangu.

Com. Prof. Kabira: Okay, thank you very much. Please sign your name Mr. Busienei. Thank you. Ruth Kimani.

Ruth Kimani: Thank you Commissioners. This is rural Women District Burnt Forest Network North Rift Area, Linguai sublocation groups Toror Chepsiria women group, Eldoret South, Mrs. Ruth Kimani.

Leadership; women should be included in leadership right from grassroot level to the top, e.g. administration, village elders to the highest.

Electoral posts from Councillors, MPs and other levels. Both women and men to be given such positions should be of high integrity, reputable personality, again literate personnel.

Education; free education from nursery to secondary school, for both girls and boys. Free education in the university sponsored by the state, after college or university they should be employed. The government should have a steady system of education to avoid changes of syllabi now and then.

The government should control the video aids and scripts and magazines which portray bad immoral behaviour in our youth.

Emphasis should be put in prevention of drugs and alcohol abuse.

Domestic violence; instigators of domestic violence should be taken to courts of law. Illegal alcoholic brews should be banned because this has cost men to abandon their homes and families. It causes fighting. Spread STD, HIV/AIDS very bad role models to the children. Causes poverty.

Fuel and electricity, energy; women especially in the rural areas, the electricity should be given priority by government. The government should provide seeds, to grow fuel wood to the farmers in the rural areas. The government should lower the cost of paraffin. The government forest where women get firewood, the prices should be subsidized.

Marriage; both marriage of man and woman should be above 18 years. Polygamy should be discouraged. A married man or a woman who disturbs his wife or husband and children should be accused or prosecuted. A married man who has been hijacked by another woman, the woman should be prosecuted.

Communication; all rural roads should be maintained properly for easy transport of farm produce, passengers, weddings, sick people especially expectant mothers.

Health; free medical treatment. More health workers in the rural areas. There should be dispensaries in every village and a vehicle to serve people. Mother and child care should be emphasized. Family planning should be enforced especially in the rural areas. Cigarettes should be stopped as this increase diseases e.g. T.B.

Powers of the Executive in the government. The powers should be minimized, it should be given to the electorates and Parliament.

Freedom of worship; there should be freedom of worship, before the registration of any sect, it should be scrutinized when in line with cultural norms for the society. There should be a limit of registration of all these sects. There should be a group of wise people or leaders of church leaders to study and see its motive before registration. E.g. to stop devil worship.

Rape; the concerned should be jailed for over 25 years, defilement; the concerned should be jailed for over 35 years.

Pregnancy; the concerned man, should take the responsibility of the child in all his requirements.

Government; the system we need is federal government.

Donors; donors should assist women views and destitute children from grassroots especially the rural areas.

Water; the government should make sure it supplies water to communities in the rural areas.

Agriculture; the agricultural sector, seeds and fertilizers should be lowered and the farm inputs should be controlled by the farmers themselves and have say about market prices. There should be control of importation of maize, wheat which flood the market. Thank you.

Com. Prof. Kabira: Thank you very much Mrs.Kimani. Now Charles Kirui.

Charles Kirui: Commissioners, my names are Charles Kirui, I come from Tarakwa location, I am 45 years. Personally I would not like actually to bore this audience, with a lot of repetition but I will go to some specific areas that I have chosen from my areas of concern. First I will go to citizenship. And this is one is that on that part the Constitution should not allow dual citizenship. That one will provide a lot of leakage because of some frauds and so many various aspects in that area.

Political parties, I would say political parties should not only play the role of political mobilization, but they should also involve themselves in tangible developments, teach and implement their investors. The Constitution should regulate and for the formation and management on the conduct of political parties. The number of political parties, should be limited to three only. Political parties should get funding through government, or registered members so long as they are actually having presentation in Parliament.

Structures and system of government; in this area we only have one, we should adopt federal government in which Executive and Legislatures, legislative authority is split between the central government and distinct regionals. This kind of set up will give more power to the people in their respective areas or regions, giving them the power to run their respective areas according to

their rules and laid down procedures.

Legislature; ages should be, that is to qualify to vote, voting should start from 18 years, now contesting for parliamentary should be 35 years and the one to run for presidential should be 45 years. People should have the right to recall their MP by having a vote of no confidence with 55% of all those voting in the constituency.

MPs should act on the basis of conscience and correction of instructions from their constituency. A dependent special Commission of eminent persons should determine the salaries of MPs.

There should be clear timetable to be followed during the life of Parliament. The Constitution should limit the powers of the President, e.g. appointment of senior people, stop being Chancellor of public universities, stop being above the law, but the law should be above him.

Parliament should have powers to over-ride a presidential veto, especially when legislation has actually looked at enough percentage of the MP in Parliament. The President should not have the powers to dissolve Parliament.

Finally, Electoral system, we should have an independent Electoral system, one which is very democratic. The concept of senior majority rule as basis of winning, should not be followed, but should be 25% in every five designed areas should be allowed.

Com. Prof. Kabira: Okay, thank you very much Mr. Kirui and whatever you have left we are going to read. Thank you very much. David Kirwa.

David Kirwa: Tume ya marekebisho ya Katiba, niko na machache.

Interjection(Com. Prof. Kabira): Tafadhali tumia microphone na ujitambue.

David Kirwa: Kwa majina mimi ni David Kirwa, ninatoka Tarakwa location, Kesses division. Niko na machache, kuhusu marekebisho ya Katiba. Mimi ningependelea Katiba ambayo tutaiunda, ningependa serikali ambayo itakuwa ni ya majimbo. Ili niseme namna hiyo, itamwezesha Mbunge aweze kuwa na sauti ya kutetea watu ambao aliwachagua. Na pia kwa upande wa majimbo, ninaonelea kwamba inasaidia kwa upande wa utawala, maana utawala utakuwa umeletwa kwa wananchi wenyewe. Maana wananchi ndio watakuwa na sauti kwa vile Mbunge ambaye walimchagua, atakuwa anawawakilisha vizuri na kutekeleza democracia na serikali huru. Na pia kukawa mamlaka ambayo yatailinda serikali na usalama wa wananchi.

Pili, wakati huu ambapo tunaelekea kutafuta Katiba mpya ningeaona ya kuwa, Katiba ambayo itaundwa ihakikishe amani, umoja

wa kitaifa kama vile kulinda na hata kutetea haki ya wachache, watu wasithuriwe wakiwa wachache. Na kuhakikisha ya kwamba, kila Mkenya ana haki ya kuishi na kukaa mahali popote katika Kenya.

Ya tatu, kuwe na uhuru wa kuabudu. Lakini kuwe na kichungi maana kuna dini nyingi ambazo hata kuabudu shetani kumehalalishwa. Kwa hivyo, ningependelea social services, isiwe tu ya kuandikisha vyama vyote, bali kuwe na kipengo kingine ambacho kinaweza kuandikisha mambo ya kikanisa.

Mwisho, ningesema kwa ajili ya wasichana na ni kuhusu hawa watoto ambao wanaitwa 'chokora' hatungekuwa na watoto hao kama watoto wangezaliwa kihalali. Ningependelea hivi, sheria iwekewe ambayo itasimamia mtoto ambaye amekaliwa alindwe na mtu ambaye alimzaa. Mwisho kabisa, vyama vya kisiasa viziwi vingi, ningependelea viwe vyama viwili, vile tulianza mwaka wa tisini na tano, mali iliwachwa mwaka wa sitini na tano, maana kulikuwa na vyama viwili tu, na iliendelea serikali kwa haki. Vyama vya sasa ambavyo ni vingi, vimesababisha mchafuko na hata vimekuwa vyama vya kikabila. So, sitakuwa na mengi Macommissioner. Asanteni.

Com. Prof. Kabira: Okay, asante sana Bwana Kirwa. Mzee Kimagoi Arap Maiyo.

Arap Maiyo: *Ane kegurenon kimagoi arap Maiyo Abraham.*

Translator: Anasema kwamba jina anaitwa Kimagoi Arap Maiyo Abraham

Arap Maiyo: *K amwa ale kongoi.*

Translator: Anasema asante.

Arap Maiyo: *Amun kobwan*

Translator: Kwa sababu mmefika.

Arap Maiyo: *kuonana.*

Translator: Mpate kuonana naye.

Arap Maiyo: Tangu Kenyatta alifariki, mpaka sasa kuna Moi yuko, mbona hamkai pamoja? Mimi ni chuma na yeye ni chuma. Mimi niko na miaka tisaini na tisa. Mimi ninasema asante sababu maana yake, mwaka wa '63 tulipata uhuru, KADI na KANU walishikana mpaka wakashinda KADU. Wakati huo Kenyatta, alikalia kiti kwa serikali ya Kenya. Mpaka sasa Kenyatta alifariki taabu zote yeye aliwacha hapa Kenya, na serikali ya nani, serikali ya Kenyatta ama serikali ya vyama vingi? Mimi na Wanandi kutoka Kapsabet, Kipsigis hills, kutoka Nandi hills. Na mimi ninasema Ndorobo walifika hapa wakati wa Wareng 1964 sio Uasin Gishu, Wareng '64. '64 kutoka wajane, namali '60 kutoka ukoloni. Na taabu yote sisi tuko nayo hapa na serikali yetu. Watu hawa sasa wamekuwa wakubwa na wengine wamekwenda na kuna taabu za mashamba. Kuna watu

hawana pesa, wakati watu ng'ombe zao zimechukuliwa sasa wanabaki bure. Wakati watu walichukua ng'ombe, watu walitawanyika wengine wakaenda Tanzania, wengine wakaenda Uganda, wengine wakaenda Tanganyika, sisi tukabaki msituni. Sasa Tanganyika hawanunui, Uganda hawanunui, upande wa Kampala hawanunui, sasa mimi ninasema kwa sababu(inaudible) taabu imepita. Muone taabu ile iko hapa. Sababu sisi(inaudible) yetu, sisi tuko na serikali yetu. Hii ni serikali ya KANU,(inaudible) kufanya Katiba. Sisi tunaunda Katiba mpya. Sababu Katiba mpya, nchi ya Wanandi, wakati kuna tindire, wazungu waliwahamisha Wanandi(inaudible). Wakati ule tuko sasa wakati umekuja hapa tunaita Wareng lakini nyumba yako inaitwa Uasin Gishu. Sasa leo sisi tunaitana mbele ya Nandi Wareng '64 kutoka Londiani. Sasa watoto wetu hapa hakuna mashamba baba zao wameshakwenda, masomo wamekosa, hawana ng'ombe taabu zote hizi hakuna masomo sehemu hizi. Wale wako na mali wanaendelea mbele, wale masikini wanaenda chini.

Sasa wakati sisi tunakamata MPs, Councillors angalia watoto hao muwapeleke kwa serikali. Sasa kama pesa hakuna, na pesa zinakuja sijui mimi zinaenda upande gani, sijui zinakwenda kwa MP, sijui zinakwenda kwa Councillor mpaka watoto wamekosa. Sasa mimi nimefurahi sana sababu nyinyi mmeingia hapa, nyinyi hamnipigii mimi kura, siku zangu zimeisha, hamnipigii kura za Councillor, siku zangu zimekwisha. Sasa mimi ninafuraha sana kwa nyinyi nyote kukutana hapa leo, ukweli. Asante sana.

Com. Prof. Kabira: Asante. Na hayo mambo ya mashamba na ya mashule nafikiri tutaangalia.

Arap Maiyo: Angalia sababu Kikuyuni kuna forest, Ujaluoni kuna forest, Turkana kuna forest, kila watu arobaini na mbili, sasa hao wanazaa na saa hizo wapi shamba.

Audience: (clapping)

Com. Prof. Kabira: Okey asante sana. Mzee David Rotich.

David Rotich: *Amwachini commissioners kongoi amun boisiet ne tinye newo missing.*

Translator: Asanteni Commissioners kwa kazi kubwa ambayo mko nayo.

David Rotich: *Amun Katiba ne kitinye ko kikiyeiwech en London kok kinyokoyan bik ab emoni.*

Translator: Kwa sababu Katiba tulionayo ilitengenezwa London, Lancaster na tukakubali.

David Rotich: *Amun kibaiwech chumbek en kenysisiek che kinyoko teben emani.*

Translator: Tultitawaliwa na wakoloni kwa miaka waliokaa hapa.

David Rotich: *ko kikanam tuguk ab kobchi agetugul ak kobai.*

Translator: Walikuwa wamechukua na kutawala kila kitu mpaka nyumba ya mtu ndani.

David Rotich: *ko kingomache koba*

Translator: Watoto walikuwa karibu kuenda.

David Rotich: *kokiwekta tuguk kopchi tugul.*

Translator: Walirudisha mali ya kila mmoja.

David Rotich: *oko kingomwa kole karawekwok tuguk kwok ,*

Translator: Na alipoaga na kusema kwaheri nimerudisha vitu vyenu.

David Rotich: *Komami kapchi ne king'unguny komwa kole mayamech, machechok choton.*

Translator: hakuna aliye lalamika kwamba tulifinywa au vitu hivyo sio vyetu.

David Rotich: *Konyo kalyet ne kikitebi agoi raini.*

Translator: Amani ikaja ambayo tumekaa nayo mpaka sasa.

David Rotich: *Abwati saa hii ale ng'ot ko Katiba niton nii kone kiwalen niniton anan ne tononi koname niniton ii,*

Translator: Iwapo Katiba hii ya kubadilisha ile au kuunga mkono ile,

David Rotich: *Konyalu mat kobit kiy ne konu baryet.*

Translator: basi tunatakikana kuangalia kwa utaratibu tusibaadilisha ilete matata.

David Rotich: *Amun kikayamech bounatet ana sirutik che kiba tai.*

Translator: Kwa sababu tulirithika na maandishi ya Katiba ya mbele.

David Rotich: *Ko ina ng'alali*

Translator: Akiongea.

David Rotich: *A mwae ale Serikalit ab Majimbo ko ne tareti bik si makibaryo.*

Translator: Anasema kwamba kitakachozuia vita visitokee ni serikali ya kimajimbo.

David Rotich: *ko kit ingunon ne kimache ak kemache keng'alalen ak kemache osirwech komakimache boisiet neb o wakulima ne kimi ak Serikali.*

Translator: Anasema kwamba hataki ushirikiano wowote vile kwa serikali na mkulima hiyo ni kama kwa parastatal bodies.

David Rotich: *kimache mung'aret tugul neba wakulima ingo bek anan ko ba chego,*

Translator: Chochote kinachohusika na ukulima kama ni ya mimea au mifugo,

David Rotich: *Kikochi bounatet bik raia kobaunenge chuniton.*

Translator: Mkulima awe na uwezo wa kutawala na kuongoza hapo.

David Rotich: *Si ingo lel chi ne kalel ii kemwachi Serikali.*

Translator: Ndio makosa ikipatikana pale, hapo sasa ndio serikali itahusika.

David Rotich: *Amun ingo nyo chit one ba serikali ketebi tugul ii,*

Translator: Kwa sababu serikali ikija ndani ya mashirika haya.

David Rotich: *Ko ingo lel chito komami nekemwachini.*

Translator: Hapo mtu akifanya makosa, hakuna mahali pa kumpeleka.

David Rotich: *ko kigere kele nyaljinech kenyorun ole kialdechini tuguk.*

Translator: Tunastahili au tunapaswa kuwa na mahali pa kuuza mifugo na mimea yetu.

David Rotich: *kinge nyoru uhuru en kenyit ab yoton kagisich Katiba.*

Translator: Tulipopata huru, mwaka huo tulipotengeneza Katiba.

David Rotich: *ko kikitinye services tugul che kiba serikali kokita local authorities.*

Translator: Tulikuwa na huduma zote za serikali katika serikali za wilaya.

David Rotich: *ko akot ng'ung'unyek kemwae kele koteben local authorities.*

Translator: Hadi sasa, yeye anasema anataka kesi zote za shamba, na mambo yote yanayofanyika kuhusu shamba, yawe kwa serikali ya wilaya.

David Rotich: *Ko yekiba ke kwai bik ke some serikalit ne nyonei. Makemache minister akenge koteben ministry akenge agoi agoi...District ini kotom kenyoru minister en kenyisiek tugul.*

Translator: Wadhifa wa mawaziri unapopeanwa, isiwe ni kwamba mawaziri wawe wakitoka eneo fulani kila mara kila mara, lakini wateuliwe kutoka kwa kila wilaya. Kwa mfano Uasin Gishu, tangu tupate uhuru hatujawahi kupata waziri wowote.

David Rotich: *Kisome Serikali ne nyone asi koker ministaek.*

Translator: Nataka serikali ijayo ipate kuangalia hiyo.

David Rotich: *Komamache awa ole lo*

Translator: Hataki kwenda mbali.

David Rotich: *asome kityo amwa ale en Commission niton ni*

Translator: Anasema kwa Commission.

David Rotich: *Mo buruch tuguk kotatun kong'eten baryet sirutichu.*

Translator: Msichanganye mambo, hatimaye shida itoke kwa sababu hii.

David Rotich: *kiyani keyai mung'aret.*

Translator: Anasema tutashirikiana na wengine kwa biashara,

David Rotich: *Amakiyani keamden ng'ung'unyek ak bik alak.*

Translator: Lakini maneno ya kusema mwingine aje amiliki shamba, mahali hapa haiwezekani.

David Rotich: *Asante.*

Translator: Asante.

Com. Prof. Kabira: Okey asante sana Mzee Rotich. Mzee James Tinei.

James Sitienei: *Ane ko Jame Sitienei ne bunu kamastab Tarakwa..*

Translator: Kwa jina ni James Tinei kutoka Tarakwa.

James Sitienei: *Division nenyon kokamasiton ba Kesses.*

Translator: Natoka katika division hii ya Kesses.

James Sitienei: *Ko kimwae kongoi en tuiyoni ba raini ba Katiba.*

Translator: Anashukuru Tume kwa kuandaa mkutano huu wa Katiba.

James Sitienei: *Asi kobitkemwa kit ne kitakyinigei.*

Translator: Ndio tupate kuwasilisha mambo yetu.

James Sitienei: *Amun kokigase ng'alek koyab kamaswek che terchin*

Translator: Kila siku zinapopita tumekuwa tukisikia mambo kutoka mbali.

James Sitienei: *Kele kibute Katiba ne kimeta tuguk che makimache.*

Translator: Tumekuwa tukisikia kuwa Katiba inabadilishwa, tunataka ingine.

James Sitienei: *Ko ingunon kemwae kit ne kimache kisobchingei.*

Translator: Basi sasa ninataka kusema mambo niliyostahili kusema.

James Sitienei: *Amun kakilum ng'atutik alak che lelach.*

Translator: Kwa sababu hii ni Katiba ingine mpya,

James Sitienei: *Agot nda kiketyingei neba tai ko ka kilum ko lelit kora.*

Translator: Hata ingawaje kuna mabadiliko kwa ile ya zamani, hii tu ni kutengeneza Katiba ingine.

James Sitienei: *Komache kibwat anyun komie.*

Translator: Tunastahili sasa kufikiria vizuri.

James Sitienei: *Ye kokibaisie oin kora kegere tuguk che manyalu.*

Translator: Katiba hiyo mzee, tumekuwa tukiona mambo yasiofaa.

James Sitienei: *Amune si ko metewech ng'atutik Ukoloni.*

Translator: Anasema kwamba hii mbona mzungu au mkoloni akatuachia Katiba hii.

James Sitienei: *Ako ingunon ko kakile kameit amun kakile otiach.*

Translator: Sasa imekuwa vizuri kwa sababu sisi wenyewe tumeambiwa tuitengeneze.

James Sitienei : *Ak olum ne ng'wo nomache.*

Translator: Na tuweke yetu tunayoitaka.

James Sitienei: *netai amwae agoba Katibaitab bounatet ab Majimbo*

Translator: Anasema kwamba yeye anataka serikali ya kimajimbo.

James Sitienei: *Amun ki en tai kokikimache iman.*

Translator: Hapo mbeleni wakati Kenya ilipata uhuru tulikuwa tukitaka hiyo.

James Sitienei: *Kobarge chamaisiek oeng'*

Translator: Vyama viwili vikagombana,

James Sitienei:: *ki Kanu ak Kadu.*

Translator: Ilikuwa ni chama cha KANU na KADU.

James Sitienei:: *Agoi kosindanis Kanu.*

Translator: Hadi KANU ikashinda KADU.

James Sitienei:: *Ko kiboisien kora ng'atutik cheba Majimbo.*

Translator: Hadi hapo, sheria zilizokuwa zikitumika ni za kimajimbo.

James Sitienei:: *Ingunon ko aine keger lelutik che kibitz.*

Translator: Hapo juzi tukaona makosa yaliyopatikana.

James Sitienei:: *Kenai kele amun makisib Majimbo yukinyei.*

Translator: Ni kwa sababu hatukufuata serikali ile ya kimajimbo.

James Sitienei:: *Noton ko kinget boriet en kwenet ab imbaret akenge.*

Translator: Vita vilitokea kwa sababu ya jambo la kukutanisha watu.

James Sitienei:: *Ki echek bik ab Nandi komakibele kot.*

Translator: Tangu zamani Wanandi hawakuwa wakichoma nyumba.

James Sitienei:: *Ako kikibel korik.*

Translator: Lakini umefika wakati wakachoma manyumba.

James Sitienei:: *Amun kitau bik alak.*

Translator: Kwa sababu ni watu wengine walioanzisha.

James Sitienei:: *Keger kele makararan.*

Translator: Tukaona hicho kitu ni mbaya.

James Sitienei:: *Konoton ne kechamen Majimbo asi ko meny bik meng'atet ne nywan koteteke ak chuno ma yae*

chalwok.

Translator: Anasema kwamba anataka majimbo ndio ipate kugawanya watu kila mtu aishi mahali pake na mali yake ichungwe.

James Sitienei: *Amun inge buruch ng'atutik koyakitu.*

Translator: Watu wakichanganywa, haiwi vizuri.

James Sitienei: *Amun mwae ni nenyin ko mwae ni nenyin.*

Translator: Kwa sababu huyu ana mila zake, huyu ana mila zake na mila zinatofautiana.

James Sitienei: *Ko noton ne kachamen ng'alek ab Majimbo*

Translator: Hiyo ndio inafanya aunge mkono serikali ya kimajimbo.

James Sitienei: *Nerubei,*

Translator: Yanayofuata,

James Sitienei: *Ko ng'alek ab imbarenik.*

Translator: ni maneno ya mashamba.

James Sitienei: *Imbarenik kingo ba chumbek,*

Translator: Tangu tumiliki mashamba haya mkoloni alipoenda.

James Sitienei: *Ko makimache keib ng'atutiet ne makimache.*

Translator: Hatutaki tuletewe sheria ambayo haitufai.

James Sitienei: *kou ye kagas kele kimache konyo kenam imbaret ketilji bik alak*

Translator: Vile tumesikia kwamba kunatakikana kuwa na watu wanakuja kuchukua shamba na kupeana wengine.

James Sitienei: *Kebeberta kitikin.*

Translator: Ndio mtu abaki na shamba kidogo.

James Sitienei: *Komamagenyon noton.*

Translator: Yeye anasema hakubali hiyo.

James Sitienei: *Amun ingemi Majimbo keyai kit ne kingen kele imuchi kondoiwech.*

Translator: Kwa sababu katika majimbo, tutafanya kitu ambacho tunajua kwamba kitatuongoza.

James Sitienei: *Makiname kinge mi emani keny kongeten agoi,*

Translator: Tangu zamani pale,

James Sitienei: *ko kimi bik che makarek.*

Translator: kulikuweko na watu tajiri,

James Sitienei: *ak komi bik che ma makorek*

Translator: na kulikuweko na watu masikini.

James Sitienei: *Makiger betut akenge kenam chi ne ma magoriot*

Translator: Hakuna wakati hata mmoja mali ya yule tajiri,

James Sitienei: *ak kele opiechin bik che kibananok.*

Translator: ilitwaliwa na kupewa watu masikini.

James Sitienei: *Abwati ale mamukase kounon.*

Translator: Hiyo haiwezekani kwa hivyo anasema kwamba shamba, mtu asiwe na kiasi.

James Sitienei: *kokigachi Jehova chi tugukyik kou ole kamukta.*

Translator: Mtu amiliki mali yake kulingana na uwezo wake.

James Sitienei: *inge mache kesom, kesom.*

Translator: Kama ni kuombwa, mtu huyu aombwe.

James Sitienei: *Makereben.*

Translator: Sio kunyang'anywa.

James Sitienei: *Ko ng'aliot noton neba imbarenik..*

Translator: Hilo ndilo jambo nilikuwa nalo kuhusa mashamba.

James Sitienei: *Ba chichoton ak bikchik.*

Translator: Huo shamba ni lake na watu wake hadi wakati ataona kwamba anatakikana kupeana.

James Sitienei: *Ng'alek ab Kanisa,*

Translator: Kwa maneno ya dini,

James Sitienei: *Ko chang' kanisosiek.*

Translator: tuna mathehebu mbali mbali,

James Sitienei: *Ako kimache konyor ake tugul katiaknatet*

Translator: na kila thehebu linatakikana kuwa na uhuru.

James Sitienei: *Mi alak komuche koyai tugun kou ne kabololi icheket.*

Translator: Kuna wengine wanaleta vikwazo kwa sehemu zingine na kutaka kuwatawala kuleta ukoloni.

James Sitienei: *ole baunen kouni,*

Translator: Na vile anavyotawala kuleta ukoloni huo ni kama ifuatavyo.

James Sitienei: *ingele kiteche sukul ii,*

Translator: Wakati shule inasemekana inajengwa,

James Sitienei: *Keteche tugul.*

Translator: tunajenga wote,

James Sitienei: *Ak yon kilele kabwa lagok sukul,*

Translator: na watoto wakati wanaenda shule,

James Sitienei: *Kobit kiy ne keguren sponsor.*

Translator: wanasema sponsor anapatikana hapo,

James Sitienei: *Sponsor ko dictator.*

Translator: sponsor ni dictator.

James Sitienei: *Ngamu sib koname lakwet kole inye iba koin kosibi ng'atutik che chuk*

Translator: Anaenda akifika kwa shule analeta sheria za kiimla,

James Sitienei: *Matakobwat kole kagile uhuru wa kuabudu.*

Translator: hajui kwamba kuna uhuru wa kuabudu Mungu katika taifa hili.

James Sitienei: *Kole amache asib chechuk.*

Translator: Anasema kwamba anataka tumfuate yeye.

James Sitienei: *Kemache kioton kiisto.*

Translator: Anasema hicho Kizungu kitolewe.

James Sitienei: *Kobaten chitob sponsor,*

Translator: Isipokuwa tu mtu wa sponsor,

James Sitienei: *Kotech koyaton kebeberta nusu.*

Translator: ajenge nyumba nusu.

James Sitienei: *Kotaku kele tinye kimnatet kobwa yoton.*

Translator: Akiwa na majenzi au jengo hapo, awe na nguvu sasa hapo.

James Sitienei: *Lakini kit ne kiteche tugul akityo kole nenyun,*

Translator: Lakini mambo tunayafanya yote kijamii halafu aende aseme ni yangu,

James Sitienei: *Komakimache ng'aliondonoton.*

Translator: hiyo haitawezekana.

James Sitienei: *kongoi.*

Translator: Asante.

James Sitienei: *Akesunen kitikin,*

Translator: Na kuna la mwisho.

James Sitienei: *Mung'aret,*

Translator: Biashara,

James Sitienei: *Ak kabatindet ii,*

Translator: mkulima,

James Sitienei: *mungaret ak Kabatindet,*

Translator: biashara na mkulima,

James Sitienei: *Ko mie ke kanyit kei.*

Translator: zinatakikana kuheshimiana.

James Sitienei: *Kekanyit kabatindet.*

Translator: Mkulima aheshimiwe.

James Sitienei: *mause chemung'ainik.*

Translator: Isiwe ni kwamba wafanyi biashara wanakuja kuwagandamiza.

James Sitienei: *Inyoru ingunon kaimutik.*

Translator: Tunapata shida nyingi sasa,

James Sitienei: *Amun kikeumian.*

Translator: tumeumia,

James Sitienei: *Ak yekilen ke alden ii, komache che mung'aret koiben puch.*

Translator: na wakati tunataka kuuza mavuno yetu, huyu mfanyi biashara anataka kuja kuchukua bure,

James Sitienei: *matako cham kegasyinen.*

Translator: hakubali masikilizano.

James Sitienei: *Kounoton komie ke kanyit kabatindet.*

Translator: Kwa hivyo mkulima anastahili heshima zake.

James Sitienei: *Ako serikali*

Translator: Na serikali,

James Sitienei: *konyalu koger kabatindet komie.*

Translator: Serikali inatakikana kujali maslahi ya huyo mkulima.

James Sitienei: *koyoton ye kagesunen ng'alekyuk.*

Translator: Hiyo ndio ya mwisho.

James Sitienei: Kongoi.

Com. Prof. Kabira: Thank you very much for your views. We will listen to Alexander Nursi, hayuko? Okey Sylyvester Keni, hayuko? Okey Mary Chepkoni, wewe ni Sylyvester, okey Mary Chepkoni ako? Utafuata.

Sylyvester Keni: Asante sana nafikiri yangu nitaguzia maoni machache, kwa majina ninaitwa Sylvester Keni. Kwa hivyo kabla sijaendelea ningetaka kuwa na mtafsiri, ninaonelea niongee kwa kilugha.

Com. Prof. Kabira: Do we have the translator?

Sylyvester Keni: *chechuket angalale tuguk che ng'erini ii.*

Translator: Yeye kwa maoni yake ana mambo machache.

Sylyvester Keni: *Atinye agoba tuguk che ng'erinen.*

Translator: Ataongea kuhusu mambo machache.

Sylyvester Keni: *Ne tai amwae akoba kamastab ng'atutiet.*

Translator: La kwanza, ataongea kuhusu sheria.

Sylyvester Keni: *katachame kot missing ye kagobata kayumet ab ng'atu tik chu tugulii,*

Translator: Anasema baada ya mimi kuchukua maoni haya,

Sylyvester Keni: *Ko en kerenyun asome koik ng'atuti et ng'atut iet,*

Translator: ikifika kutengenezwa kuwa,

Sylyvester Keni: *Ne kikanyiti*

Translator: anasema Katiba hii baada ya kutengenezwa, ipewe heshima na iwe ni sheria kuu kwa taifa.

Sylyvester Keni: *Amune siamwa ale koik ng'atutiet, ng'atutiet ne kikanyiti ak kiwei ko amune ko ni,*

Translator: Sababu ni hii,

Sylyvester Keni: *Kikobit bunyot neba imanda.*

Translator: kumetokea uongo wa ukweli,

Sylyvester Keni: *Kikobit bunyot ab imanda.*

Translator: kuna uongo wa ukweli,

Sylyvester Keni: ama adui wa haki.

Translator: basi adui wa haki ambaye amatokea.

Sylyvester Keni: *Kounoto ko,*

Translator: Anasema sababu ya kusema hivyo,

Sylyvester Keni: *Makoteleli imanda ,*

Translator: haki haitekelezwi,

Sylyvester Keni: *Amun kikobit bunyot ab imanda.*

Translator: kwa sababu adui wa haki amepatikana,

Sylyvester Keni: *en noton ko kikong 'et bunyonoton*

Translator: huyu adui amechimbia,

Sylyvester Keni: *Kikobalchi kererit imanda amun cheng 'e kobet imanda.*

Translator: amechimbia kaburi, haki akitaka kuizika ipotee kabisa.

Sylyvester Keni: *Not on bunyot ab imanda ko asoya.*

Translator: Huyu adui wa haki ni hongo.

Sylyvester Keni: *Asoya kokiiton ne kakomach kobaigei,*

Translator: Hongo ndilo shida katika taifa hili.

Sylyvester Keni: *Ye kakelewen ng 'atutiet koik ng 'atutiet neba iman ii,*

Translator: Anasema kwamba sheria ipate kulindwa.

Sylyvester Keni: *Ne mwae kolelen wei ko wei, komwa kole acha ko acha si koik ng 'atutiet ne kikanyiti ak kiywei.*

Translator: Isimame ilindwe na iheshimiwe ndio ipate kuangamiza na kumaliza ufnisadi.

Sylyvester Keni: *Kounoton.*

Translator: Hiyo imeisha.

Sylyvester Keni: *Neb a oeng '.*

Translator: Ya pili,

Sylvester Keni: *Amwae agoba tililindo.)*

Translator: Anaongea kuhusu usafi.

Sylvester Keni: *Tililindo kokiiton ne makogere bik komie.*

Translator: Usafi umepuuzwa katika taifa hili.

Sylvester Keni: *Mising kamasta b ng'anaset ne wo kou Nairobi ana Eldoret.*

Translator: Hasaa zaidi ni katika miji mikuu kama Nairobi ama Eldoret.

Sylvester Keni: *Konyalu koik ng'anasok che ibartoi tililindo.*

Translator: au miji iliyopewa madaraka juzi juzi.

Sylvester Keni: *Inyoru ng'anaset komiten*

Translator: Inatakikana kuwa miji iliyo na usafi wa hali ya juu.

Sylvester Keni: *timdo ne wo kou kara*

Translator: Unapata mji ukiwa na uchafu mwingi,

Sylvester Keni: *kou karatasisiek ng'isiat.*

Translator: kama makaratasi mengi yaliyotapakaa.

Sylvester Keni: *Che kikonyi olan tugul noton ingoit too koma kere nganasanoto koba kamanut.*

Translator: mgeni akifika haoni mji huo kama ni wa maana.

Sylvester Keni: *Kamastab oratinwek.*

Translator: Barabara,

Sylvester Keni: *Komenyoru kotili.*

Translator: za miji hazipatikani zikiwa safi.

Sylvester Keni: *Inyoru oratinwek che mi ng'atatek*

Translator: unapata miji ikiwa na matope na ni ndani ya miji.

Sylyvester Keni: *Oko nganaset orit ne katanyalu kotililit. Amune si makiyai oratinwek choton*

Translator: Mbona barabara zisitengenezwe ndani ya miji?

Sylyvester Keni: *Inyoru ko rik*

Translator: Unapata nyumba,

Sylyvester Keni: *Che maba kamanut ii,*

Translator: yaliyojengwa

Sylyvester Keni: *Chebaru simdo an ache baru tewernatet en nganaset new o.*

Translator: ovyo ovyo ya kuleta aibu,

Sylyvester Keni: *Ko amune si makisto korikchoton ak ketech korik.*

Translator: na kujengwa bila njia nzuri, mbona manyumba kama hiyo zisitolewe.

Sylyvester Keni: *Oret'*

Translator: Njia,

Sylyvester Keni: *Kou oret ne wo*

Translator: kama barabara kuu,

Sylyvester Keni: *Nemanda emet ake agoi emet ake.*

Translator: kama inayounganisha miji ya kimataifa,

Sylyvester Keni: *Kalyan oranoton si makiker kele oret neba taek tugul,*

Translator: mbona hiyo barabara isianganiwe kama barabara ya watu wote,

Sylyvester Keni: *Asi ingoi taek kogere kit ne kiu.*

Translator: ionekane kama ni njia ya kuleta wageni.

Sylyvester Keni: *Inatin kitikin akoba kamastab somanet en icheket che mamuchekei.*

Translator: Anasema anataka kusema kidogo kwa elimu ya watu masikini.

Sylyvester Keni: *Miten bik che maimuche kei.*

Translator: Kuna watu masikini,

Sylvester Keni: *kou che matinye sigik ii,*

Translator: kama wale wasiokuwa na wazazi,

Sylvester Keni: *Kou bik che banandos ii,*

Translator: kama wale watu wanashida,

Sylvester Keni: *Katasome seriakali kotelelji somanet en lagok ab bichoton agoi tun kotar sekondari.*

Translator: serikali iangalie elimu ya walemavu, watoto wasio kuwa na wazazi na pia watu masikini kuanzia darasa la kwanza hadi kidato cha nne.

Sylvester Keni: *Amun bichoton koba emanoton ago nyalu koik bounatet ne tinye rirgei asikobit kokiringda kamastab bananda.*

Translator: Kwa sababu hawa watu ni wa Kenya na wanatakikana kupata matunda hayo.

Sylvester Keni: *Tuguk che uchoton kokonu bananda.*

Translator: vitu kama hivi vinaleta umasikini.

Sylvester Keni: *Kit age ne kamache atiny ko kamastab ng'atutiet ab kinyonga.*

Translator: Hukumu ya kinyonga,

Sylvester Keni: *Ng'atutiet ab kinyonga ne kikinde,*

Translator: hukumu ya kinyonga ambayo imewekwa,

Sylvester Keni: *Kokatasome ale kiisto.*

Translator: itolewe.

Sylvester Keni: *amune siale kiisto,*

Translator: Sababu ya mimi kusema itolewe,

Sylvester Keni: *Ko miten lelutik en bik tugul,*

Translator: kuna makosa kwa kila mtu.

Sylvester Keni: *Kounoton na lakwengung ne kakiruste kounoton ii,*

Translator: Kwa hivyo hata kama ni mtoto wako ambaye amehukumiwa kifo, unastahili kuomba msamaha.

Sylvester Keni: *Kounoton kogeny ko maimugase kiyoton amun miten ainde ne mi kwenut ab bik ko nda ki chame Jehova to mami Shetani ko amun mi shetani kokibit nyoet ab kat ko manyalu kirwaganoton ba Kinyonga.*

Translator: Anasema hukumu ya kifo itolewe na ichukuliwe na hukumu ya maisha.

Sylvester Keni: Asante sana

Translator: Asante.

Com. Prof. Kabira: Asante sana Mzee, leo tunaona kuna watu wengi, hawajazungumza, lakini tumefikia karibu watu hamsini na tatu. Tuna watu wengine kama thelathini, kwa hivyo tutauliza tuwapatie dakika tatu. Kila mtu apate wakati. Mary Chepkoni. We are going to ask you to make just a recommendation and then we shall read the problems, since we will get the memorandum. Mary Chepkoni

Speaker: Excuse me, kile kitu ambacho kiko, kwa sababu ya saa inasemekana ya kwamba ulaya hapa peana points ndio kila mtu apate nafasi tafadhali.

Mary Chepkoni: My names are Mary Chepkoni, from Lingwai location, Burnt Forest Network, Eldoret South. Dear Commissioners, here is my oral, written, brief report. Government; leadership, all leaders should be Christians. Women should be included in leadership, all from grassroots to the highest levels.

Education; all children should be educated equally, boys and girls. Girl child, should be given all opportunities to learn. The government should stop early forced marriages. The government should get rid of bad cultures and put in force good culture practices.

Rape case; the government should prosecute rapists, to a maximum of forty years in jail. Depleted case should be jailed for life.

Social security; the government should set aside, funds to take care of all unemployed women or youth. Orphans; the government should take care of orphans left by the parents through HIV. Also street children; funds, the government should set aside funds to assist all women groups in the rural areas.

Com. Prof. Salim: Thank you very much Mary Chepkoni for your views I now call, Thomas Cherituni, karibu.

Thomas Cherituni: Asante sana Commissioner. Kabla sijaongea ningependa kuuliza, Bwana Commissioner, sijui kama hii Commission itaenda kufaulu, kwa maana Kenya imefanya Commission nyingi, mimi ninasimama kama ile ya Koech, haikufaulu,

sijui sisi tuko hapa kufanya nini, itaenda kufaulu au la? Kwa maana Katiba ni maisha, kwa hivyo tunakuja hapa kuokoa maisha yetu, kwa hivyo tunaomba Mungu, hii iende kufaulu. Kwa hivyo Kenya ni dola huru, kuna mipaka, tunaheshimu hii mipaka, tunataka kufanya kazi na majirani yetu, kuheshimu mipaka ya Kenya.

Pili, ningependa kusema ya kwamba, serikali iwe ya majimbo, kwani ikiwa watu wa Somalia hawawezi kuingia nchi ya Kenya, bila ruhusa, kwa hivyo hata sisi majimbo, kila jimbo liwe na watu wake. Kila jimbo litawaliwe na governor. Kila jimbo liwe na auditor wake wa kuonyesha pesa ambazo zinaingia na pesa ambazo zinatoka. Kwa hivyo tafadhali Bwana Commissioner, iende namna hiyo. Yaani Kenya iongozwe na Rais. Na huyo Rais asimame upande wa nchi, na ofisi ya Prime Minister ifunguliwe, Prime Minister aongoze upande wa serikali. Rais achaguliwe na wabunge. Prime Minister achaguliwe na wabunge, Speaker wa bunge achaguliwe na Wabunge.

Upande wa umasikini, umasikini umeingia kwa hii nchi, na hapa Uasin Gishu kuna District Commissioner mmoja, na katika Uasin Gishu hiyo district, kuna wajumbe watatu. Hao wajumbe wameenda kumaliza Uasin Gishu, kwa hivyo hii mambo ya wajumbe kuwa watatu, wapunguzwe awe mmoja. Kwa maana kwa nini District Commissioner ni mmoja tangu, lakini wabunge wameongezwa, kwa nini? Kuna maendeleo gani? Hakuna maendeleo. Tena Bwana Commissioner.....

Interjection (Com. Prof. Salim): Tafadhali umalize malize maana umepigiwa kengele. Asante.

Thomas Cherituni: Kila kabila iwe na district yake. Kila kabila katika Kenya liwe na district yake, na kila kabila wakae kwa district yao au jimbo lao, hasa wale Mandorobo wapate district yao. Hata wale Elmolo, wapate district yao. Asante Bwana Commissioner.

Com. Prof. Salim: Asante sana Bwana Thomas kwa maoni yako, tafadhali utajiandikisha pale kwa kuwa umetoa maoni yako. Sasa ninamuita Bwana Joshua Mutei. Tafadhali una memorandum, kwa hivyo highlights only maximum three minutes.

Joshua Mutei: Kwanza kabisa, ninashukuru kwa nafasi hii, na ninashukuru Tume ya Marekebisho ya Katiba. Langu tu ni kuwasilisha memorandum kutoka Simotua farm, Tarakwa location.

Com. Prof. Salim: Sena jina.

Joshua Mutei: Jina langu, ni Joshua Mutei. Yale machache ambayo nitakayoyasema, ni kuhusu the constitutional supremacy, ambayo inahitaji Parliament iweze kupitisha mswaada isiwe chini ya asilimia themanini.

La pili, ningependa kuingia katika sehemu ya wabunge. Wabunge katika sehemu hii, ningependa kusema kwamba, serikali iondoe pesa ambazo zinatumiwa katika campaign, shauri wakati wa campaign, wabunge wanatumia pesa kuwapa watu, hiyo ni

kuonyesha wananunua watu ili wapate kura. Na wakati watakapoenda huko, wataenda kwa sababu wamenunu kazi, na watakosa kuja kufanyia wananchi kazi ambao walikuwa wamewatuma pale.

La tatu, ni kuhusu wakati wa uchaguzi. Ningependa nchi hii yetu iwe na Katiba ya kwamba, siku kamili ya uchaguzi iweze kuwekwa. Halafu kuhusu land control boards, kamati ya land control board iweze kuchaguliwa na watu, sio kwamba watoke kwa D.C. na kuhusu basic needs, hosipitali iwe free, pia elimu iwe free na compulsory. Mambo ya hosipitali, siku hizi inaonekana kwamba, pesa zinatangulia kuliko maisha, badala ya maisha kwanza. Kwa hivyo, kumiliki zote ziweze kuondolewa na hosipitali zibaki zikiwa zinahudumiwa na serikali.

Com. Prof. Salim: Asante sana Bwana Mutei kwa maoni yako, tafadhali utajiandikisha pale, na sasa ninamuita Bwana Serituni, Werring University student, karibu.

Bwana Serituni: I have the following to say, the current Constitutional crisis in Kenya, my name is Kipkosgei Serituni. The current Constitutional crisis which has necessitated this Commission, is as a result of lack of constitutional culture and constitutionalism. We therefore recommend that the people of Kenya, should have a constitutional culture in order to have respect for the Constitution. For example, the current move by Parliament to extend itself for its term, is such a habit which has necessitated this constitutional crisis. So I therefore recommend that, if we are going to have a new Constitution the Provincial Administration which is a tool of operation by central government, should be scrapped and replaced by an elected local authority, which is answerable to the people.

Elections should be held periodically, and at definite periods of time, and MPs should be subject to a vote of no confidence, if the constituent deem that they are not performing to their expectations.

Education should be free and compulsory and any mechanisms which may hinder this free education, should be scrapped, for example the quota system, I personally was a victim of the quarter system where I went through university from primary in one location.

Appointments to public service and constitutional offices should be vetted by Parliament and should be based on merits. Parliament should not be responsible for its own remuneration, but should be subject to an independent parliamentary service Commission. Parliamentarians should have a minimum level of university education, and should prove that they are capable of handling issues relating to legislation.

We should have a constitutional court which shall be composed of independent judges, preferably the Commissioners after this review process, which should be set up to handle litigation matters concerning constitutional issues. Concerning the bill of rights, it should be one which is enforceable, and the issue of Locus standi should not arise when one wants to go to court. That is to

say, 'mtu asiulizwe kwa nini anakuja kortini.' Like at the moment we have a bill of rights which is not enforceable, because you must have a Locus standai before you go to court.

Lastly, government borrowing should be limited by Parliament and the police force should be retained to be in line with the new Constitution. And also all offences should be bailable, we should not have an offence which is not bailable. Thank you very much.

Com. Prof. Salim: Thank you Bwana Serituni those are very clear recommendations, done within the time limit scribed to you. Hopefully everybody else will do the same. Kwa hiyo tunamwita Bwana Joseph Derech to do the same, yuko? Hayuko? Pastor Stephen Chomu, yuko? Karibu, alright state it here on the microphone that you are here representing whatever he had to represent, give your name.

Thomas Omwando: I am Mr. Thomas Omwando. I am here to represent Pastor Stephen Chomu of the Seventh Day Adventist church. I have a few recommendations to make and they are as follows;

That human life should be protected in all ways and in all spheres and in so doing there should be free medical services to each and every Kenyan and there should be scheme of contributing to that medical service, like everybody should contribute about ten shillings to the fund that will take care of that. That abortion should be abolished and be punishable by law. That we should not have death penalty but instead, those who are convicted over crimes, that normally lead to death penalty should be sentenced for long periods of life. There should be equal opportunity of employment to all, regardless of creed, race, sex and social status.

That education should be free and mandatory to all Kenyan citizens. That our schools, those schools that are private, should remain private, and those schools that are public, should remain public and the idea of sponsorship of schools should be removed.

There should be a right to private life and family and in so doing, each individual should have a right to be with his/her family, during a weekend. Therefore, I recommend that we have a five day week work plan in our country. There should be rights to receive spiritual services in all areas like prisons. There should be a right and freedom of worship for all individuals, and our Kenyan Constitution should recognize the almighty God as a supreme authority and holder of the universe. I recommend that we should have laws to define, to protect and to conserve the environment and our natural resources. I also recommend that we should have a right to pass a vote of no confidence, for elected leaders who do not deliver. The law should be supreme above anybody else, regardless of his position or affiliation.

The minority should be protected by law like the Ndorobos and any other group should be protected by law and not be

discriminated upon.

Interjection (Com. Prof. Salim): Last point please choose any one major point you want to get across.

Thomas Omwando: That the media should be discriminative especially on what is shown on the TV screen, so that we maintain the integrity and the respect between parents and children. Thank you Mr. Commissioner.

Com. Prof. Salim: Thank you very much for those views, please register yourself. I now call Nicholas K. Biwott. To come forward, very familiar name.

Nicholas Biwott: Okay, kwa hivyo mimi pia ningependa kugusia, makundi

Interjection (Com. Prof. Salim): Tafadhali anza na jina lako.

Nicholas Biwott: Kabla sijaendelea sana, jina langu ni Nicholas Kibet Biwot. Na kabla sijaendelea sana, ningeanzia kwamba, hapa nchini Kenya tuko na jamii ndogo ama watu wasio kuwa na makundi mengi kama Ogiek na Limbus, mimi ninatetea kwamba hapa nchini Kenya kuna jamii langu ambalo jamii langu lilitoka kwa hilo la Ogiek. Ninatetea kwamba jamii hili tumekuwa msituni tangu enzi za mababu zetu, hadi hivi sasa tulikuwa msituni. Ningependa serikali ya Kenya iwezekujua ya kwamba, hapa nchini kuna watu kama jamii ya Ogiek. Ningependa serikali ijue ya kwamba sisi ni jamii ya Kenya, ambao tuko katika kundi la jamii arubaini na mbili za Kenya. Tungefaa kuendelea kama jamii zingine za Kikalenjin. Tungefaa kuendelea kama jamii zingine za Kenya humu nchini tuwe ndani ya 42 languages of Kenya, ili hata nasi ya pili tupate district yetu. Tuweze kuwa na district inayojulikana kama Ogiek district, upande wa Nakuru kwanzia Mau Narok hadi Morusioni, Olenguruoni, ili tuweze kuwa kama jamii zingine tunaposikia ya kwamba Wanandi wako na Nandi district, Keiyo district na sisi tuko Ogiek, tumewekwa msituni tangu enzi za zamani. Tungependa serikali ilioko mamlakani ama wakati huu nikiwa mbele ya Tume ya Marekebisho ya Katiba ya Kenya, ya kwamba Katiba peke ndiye itakayoweza kuvuta jamii zetu ilituweze kudumu kama watu wengine, ilituweze kusomesha watoto wetu, ili siku moja ya kwamba, tuweze kukuwa na watu wetu, ambao wako katika Parliament, tuweze kuwa na MP wetu, ama waziri wetu, katika Parliament, tuweze kuendelea mbele, tuweze kusomesha watoto wetu.

Ningependa pia ya kwamba, serikali iliyoko iweze kutupa elimu ya bure, kwa sababu tangu tulipopata uhuru manamo 1963, serikali ya KANU ilituahidi ya kwamba, tutakuwa na elimu ya bure na hadi kufikia wakati huu, hatujaona elimu ya bure hadi kufikia hivi sasa. Ninatetea wale watoto wetu wa jamii ya Ogiek walioko msituni kule, tuwezekusomesha watoto wetu tukiwa na elimu ya bure, ili hata nasi tuweze kuendelea, tuweze kuona na Mbunge wetu, tuweze kuona diwani wetu, tuweze kuona hata kila ministry ya serikali. Tuweze kuwa na mtu wetu ambaye amesoma. Ambaye atatutetea kwa mambo tofauti tofauti katika serikali. Kwa hivyo mimi sitaendelea sana nitawachia hapo na Mungu wetu awabariki.

Com. Prof. Salim: Asante sana kwa maoni yako tafadhali ujiandikishe. Nimuite sasa Daniel Ruto. Anza na jina lako tafadhali.

Daniel Ruto: Mimi kwa majina ni Daniel Ruto. Bwana Commissioners, nafikiri nitaenda tu kwa areas. Kwanza kabisa nitasema kuwa aina ya serikali ambayo tunahitaji ni serikali ya majimbo.

Pili, ningelipenda regions zikawanywe ziwe saba, Nairobi igawanywe iwe katika hizo region saba. Halafu nikija kwa political parties, ningependelea tuwe na political parties nne. Kwa sababu wakati huu, tuna political parties nyingi ambazo hata wana sponsor presidential candidates na hata hawawezi kuingia bunge. Kwa hivyo ningelipenda political parties ambazo zinaweza ku-register watu million moja ndio iwe party.

Halafu nikikuja kwa local authority. Mambo ya local authority ningelipendelea mayor ama chairman wa county council achaguliwe na watu direct. Halafu management of resource; iwe managed na local council, ikiwa ni forest, ikiwa ni maji, ikiwa ni nini, iwe kwa county council.

Mambo ingine ni kuhusu Parliament. Hii system ya wajumbe kuenda Parliament kujipitishia mshahara nafikiri hiyo haitakuwa sawasawa. Ingekuwa bora kama kuko na hii parliamentary service commission, ipate kuchunguza na kuchukua maoni ya raia, ndio ipate kuonekana kama ni haki wajumbe wapewe mshahara ama la.

Kitu ingine ni kwamba, wajumbe ambao hawahudhuri Parliament, tuwe na ruhusa kama raia kupeana vote of no confidence, ili huyo mjumbe area yake iwe declared vacant. Kuliko mtu apate mshahara na afanyie watu kazi na bungeni hayuko. Kwa hivyo area ya bunge ikae namna hiyo. Basi nafikiri nitawachia hapo kwa sababu ya muda. Asante.

Com. Prof. Salim: Asante sana Bwana Ruto. Tunafurahi kwamba mpaka hivi sasa kila mmoja wetu anamfikiria mwenzake, na anajaribu kumaliza katika ule wakati ambao amepewa. Kwa njia hii tutapata kumpa kila mmoja wenu, nafasi ya kutoa maoni yake. Sasa nimuite Hosea Tagut, is it? Karibu.

Hosea Tagut: Asante Bwana Commissioner. Mimi ni Pastor Hosea Tagut. Nina miaka thelathini na tisa, na kwa sababu ya saa, haya ndio maoni ambayo ninayo kwa ajili ya hii Katiba. The Constitution of Kenya Review Commission, region committee and secretaries and those who I am representing in the church ministry, I would like to give out my views that the church and the whole community of age should be separated from the social services, and cultural ministry. The reason for this is that the religion ministry is big and wide, it is an industry that faces many problems and obstacles, which neither the government alone cannot solve nor any other body.

The idea of freedom of worship which is good, is now also being faced by many tough sides and now let us bring everything to

the light of itself. Supported by the present Constitution, no longer at work because this encourages heretic issues, and cult religion, just like the devil worship, which goes contrary to the law of the church, therefore my point is that, let the Constitution of Kenya, a law has to separate religion with social services and have a ministry, that I suggest now that to be religion and leadership ministry and more so, to have its own minister. This will really assist problems that are facing and affecting our churches at the moment. We as Minister and we as churches have been facing problems like lack support from the government, either financially and yet we have our own responsibilities like assisting orphans and street children, and many others who need immediate attention. Kwa hayo na kwa saa zimenishika ya kwamba nahitaji kanisa na imani zingine kama Islam and Hindus and whatever those all of them that are register to be well recognized and represented in Parliament, and to have their own minister appointed directly so that we may go to that office with respect and talk Asante.

Com. Prof. Salim: Thank you Bwana Hosea. We got the point na sasa tunamuita Philip Sawe, yuko? Aitikie tafadhali. Karibu.

Philip Sawe: My names are Philip Cheruyoit Sawe. I represent Kaplum youth and I present the memorandum as follows; recalling our historical characterized by economical instability, we want farmers being the most dependent for production of food and generation of foreign exchange.....

Interjection (Com. Prof. Salim): Mr. Philip Sawe, do you think you can finish reading the whole memorandum in three minutes?

Philip Sawe: I doubt it. I am just going to read some few points.

Com. Prof. Salim: Okay just highlight the main points.

Philip Sawe: Recalling our historic is characterized by economic instability. We want farmers being the most dependent for production of food and generation of foreign exchange, to decide who is going to run their societies and other sectors, where they are concerned, particularly pyrethrum board of Kenya, and dairy industries in specific, revival of KCC and Kenya Meat Commission. Farmers should also be guaranteed the importation of farm inputs and implements, free of tax and destination must be checked critically to avoid misuse. Farmers also should elect representatives from every division who are going to be in Parliament wherever matter exciting, farmers arises, in connection when they will explain the real situation, the wish of farmers. The government will also be guaranteed to mandate the importation of both industrial processed agricultural goods wherever shortage arises, or is detected, only until farmers are asked to given an okay through referendum. Thank you.

Com. Prof. Salim: Thank you very much Bwana Sawe. We can assure you that we will read the full memorandum in due course even if you didn't go far in reading it. Now I cal Fredrick Kai Taboi. Karibu Mzee Fredrick.

Fredrick Taboi: Kwa majina mimi ni Fredrick Taboi. Miaka ni sabini na mbili. Commissioner, kitu tunapenda ni serikali ya majimbo. Ya pili, tungependa upande wa shule tupewe free education. Pia irudishwe form five, form six ifundishe watoto, kutoka form 1, form 2 form five form six, up to university. Ingingine ni kuhusu mambo ya nchi vile watu wanakaa, kama watu ambao wanakaa hapa Rift Valley, wale watu wameshaka hapa, wakati wa majimbo, wale watu wasibaguliwe, hatutaki mambo ya ukabila, tunataka watu wote wakae na sio watu wengine kutoka pande ingine wanakuja hapa. Hau wakae vizuri, na kufanya kazi ya biashara vizuri. Pia ningependa watu wapate maji safi. Hasa katika Kesses sisi tuko na dam ambayo sisi tulifunga na watu hawapati maji hayo, wanapewa upande wa university, wananchi hapa hawapati maji, kwa hivyo lazima tupate maji. Pia ningependa nyinyi Macommissioner, tunasikia maneno mengine ya kusema iahirishwe, ipewe mtu mwingine, tunataka haya maneno mkiandika mpeleke mpitishwe, hii serikali inakuja tunataka Katiba mpya. Serikali mpya inakuja tunataka Katiba mpya. Asante.

Com. Prof. Salim: Asante sana Mzee Fredrick Taboi. Sasa William Mutai.

William Mutai: Kwa majina ni Willy K. Mutai. Yangu ambayo nimeandika hapa, ya kwanza ni kodi. Kodi hufanya kazi gani? Mbona watu ambao wako na vitu ambavyo wanauza kama majani chai na vitu vingine, hawawezi kufanyiwa kazi ambayo inahusika na hivyo vitu ambavyo vinakatwa bila kujua? Kama upande wa Nandi unaona barabara ni mbaya na wanakuza vitu kama majani chai kwa wingi.

Ya pili, hii tunaita remaining land ama vidimbwi za maji, dams kama hivi, ingetakiwa ilindwe group ranch ambao ni wakaazi wa sehemu hiyo na ilindwe vizuri, sababu hiyo ni mali yao.

Ya tatu, watoto werevu zaidi kutoka kwa wazazi ambao hawajiwezi, lakini hao wanakosa elimu. Naomba serikali wachunguze zaidi kwa sababu hao wangukuwa wasimamizi wa nchi hii wa siku zijazo.

Nne, wafanyikazi wananyanyaswa zaidi na waajiri wao kwa ajili ya mshahara. Pia, wafanyikazi ama waajiri hawa wote wangepatiwa uhuru wa kupumzika safari moja kwa wiki, na wapate kuenda kuabudu Mungu wao.

Hawa watoto wanaitwa 'chokora' wangepungua kama serikali ingetoa amri ya kuonya watu wasizae ovyo ovyo. Mwisho, kitu kinaitwa hongo, kitu kinaitwa hongo ndicho kimeangusha uchumi wa nchi hii, ingine ningepomba mito yote ipandwe miti kwa lazima. Hiyo ni ya mwisho asante sana.

Com. Prof. Salim: Bwana Mutai, jambo moja hujaliweka wazi kidogo, ukisema habari ya elimu ya wale vijana ambao wana akili, hao wataka serikali ifanye nini?

William Mutai: Serikali iwasaidie kwa upande wa karo, kwa sababu unakuta hawa watoto wengi ni werevu na hawapati fees.

Com. Prof. Salim: Yaani iwe elimu ya bure?

William Mutai: Wapatiwe masomo ya bure, na ichunguzwe sana kwa sababu wanafika hata nusu katika nchi.

Com. Prof. Salim: Asante sana. Joseph Biwott. Tafadhali jiandikishe pale. Joseph Biwott you are there? Bwana Bitok tafadhali.

Joseph Biwott: *Amwae kongoi en commission.*

Translator: Anasema anashukuru Tume ya Marekebisho ya Katiba.

Joseph Biwott: *amun kagonyo ko kaswech ng'alek.*

Translator: Kwa sababu mmekuja kusikia maneno yetu.

Joseph Biwott: *Kong'eten karank kwak amwachini kongoi missing.*

Translator: Pia na makarani wenu, tunawashukuru.

Joseph Biwott: *Ng'aliot na tinye,*

Translator: Jambo alilonaldo,

Joseph Biwott: *asibi kityo ne kakotaja chi,*

Translator: Anasema jambo alilonaldo limetajwa lakini atarudia.

Joseph Biwott: *Ko ng'aliot ne mi amwae alelen en Katiba ini kakiyai,*

Translator: Katika Katiba hii tunayoitengeneza,

Joseph Biwott: *komache kobais chitugul en emenywan.*

Translator: kila mtu anatakikana kuishi ardhi yake na kila mtu awe kwao.

Joseph Biwott: *Konamen equator.*

Translator: Kuanzia equator,

Joseph Biwott: *Agoi chemoiben,*

Translator: hadi Moiben,

Joseph Biwott: *Kobaung 'atutik bik ab Kalenjin.*

Translator: hilo ndilo eneo la Wakalenjin.

Joseph Biwott: *Cheba district neba Eldoret.*

Translator: Hawa ni watu wanaopatikana katika Eldoret.

Joseph Biwott: *kounaton kabilosiek alak tugul en emenywan.*

Translator: Na pia makabila yale mengine yana kwao.

Joseph Biwott: *Neb a oeng'*

Translator: La pili,

Joseph Biwott: *Awendi ng'alek ab kirwagutik che ba gaa.*

Translator: ni makesi ya kinyumbani.

Joseph Biwott: *Amache ko ngal bik che ki ng'alali kin ko tom koit chumbek.*

Translator: Anataka kesi za kinyumbani zifanywe na watu vile zilikuwa zikiendelea kabla ya ukoloni.

Joseph Biwott: *Bik che kamoiyo imbarenik,*

Translator: Makesi ya mashamba,

Joseph Biwott: *agoi bik che kamoiyo tuga,*

Translator: Migorogoro ya mifugo,

Joseph Biwott: *Kokimi boisiek che king'alali.*

Translator: kuwe na mahakama ya wazee ambao watafanya hizo kesi.

Joseph Biwott: *Che ba gaa.en kabilityet ake tugul*

Translator: Wazee wa kinyumbani katika kila jamii.

Joseph Biwott: *Amache kong'alale ,*

Translator: Hao watu ndio wataifanya hiyo kazi.

Joseph Biwott: *singo k aibe kotakyin ogiliniik ii*

Translator: Kama itawashinda wapeleke kwa mawakili.

Joseph Biwott: *Kubichuton che igoito.*

Translator: Hawa ndio watapeana.

Joseph Biwott: *Mamache ng'alek che kitakyin ogilini si tot koumisan bik.*

Translator: Hataki kesi inayofanywa na mawakili ambao wamelangua watu.

Joseph Biwott: *Asir yoton.*

Translator: Amepita hapo.

Joseph Biwott: *Awe ng'alek ab kirwagik.*

Translator: Hiyo ni ya kina chief, utawala wa mikoa.

Joseph Biwott: *Amache kokwai bik*

Translator: Anataka kila chief wachaguliwe na raia.

Joseph Biwott: *si ingoit kenyisiek mut,*

Translator: Na ikifika miaka mitano,

Joseph Biwott: *Ko ingo kikokosan ii*

Translator: ikiwa amefanya kosa,

Joseph Biwott: *kowirto bik.*

Translator: watu wantupe.

Joseph Biwott: *Amun kikoteben kenyisiek sosom.*

Translator: Kwa sababu amekaa miaka thelathini ndani,

Joseph Biwott: *Ak kolenjin bik kimesiron.*

Translator: siku hizi imefika wakati machief wakiambiwa wafanye hivi na hivi, anaambia raia kwamba sio ninyi mlinichagua au kuniajiri.

Joseph Biwott: *Amache ko kwai bik kou mjumbe.*

Translator: Kwa hivyo wanataka kuchaguliwa kama wajumbe,

Joseph Biwott: *Ak councilainik*

Translator: na madiwani,

Joseph Biwott: *Amac he kokwai bik kounotet.*

Translator: ninataka wachaguliwe hivyo.

Joseph Biwott: *Ara matine che tian.*

Translator: Hana mengi ni hayo.

Joseph Biwott: *Kongoi missing.*

Translator: Asante.

Com. Prof. Salim: Asante sana Bwana Biwott. Jiandikishe pale. Sasa ninangoja D.K Rotich, please, is he there? I am sorry I was looking at something else. Bwana Chairman is it your turn, is that yours? Utangoja kidogo. Huyu ni Bwana Chairman wetu yule labda ni mwingine, Bwana Kiptum Kuchure is that correct? Karibu.

Kiptum Kuchure: Bwana Commissioner na wananchi wenzangu, niko na haya ya kupendekeza. Kwa majina ni Kiptum Kuchure. Niko na miaka ishirini na tisa, natoka location ya Chepchiret. I have the following views to air to the Commission.

Ya kwanza ni kuhusu utangulizi wa Katiba. Ninatoa pendekezo kwamba, Katiba yetu iwe na utangulizi, na katika utangulizi huo, ionyeshe maadili maalum, ama muhimu ambayo tunataka kuzingatia kama Wakenya. Kwamba kwa mfano, katika nchi ya America, wako na court of arms, na chini yake imeandikwa statement ambayo inasema, 'In God we trust'.

Interjection (Com. Prof. Salim): Bwana Kuchere ikiwa una pendekezo mengine, ukizidi kueleza pendekezo hili la kwanza, hutakuwa na time. So maybe you want to move a bit faster.

Kiptum Kuchule: So I suggest that our preamble to have a statement written 'We are strong in God'. Two is that, our Constitution should respect all cultures and tribes. Kila kabila liheshimiwe na Katiba yetu vile wanenaji wa hapo awali wamesema. Naunga mkono serikali ya majimbo. I also support elected Local Authorities managing the resources. I also suggest that we have one national and an official language which is English and all indigenous languages to be promoted at the regional level. The human rights Commission should also be there, to deal with all fundamental rights and particularly the freedom of worship. I also suggest that we should have only two political parties. Lastly, Mr. Commissioner, I support free education and I also say that the constitutional document, be made available to the people, should be simplified, precise and a language presentable to the people. Yaani mimi nikitaka kusoma Katiba, niweze kuipata haraka. Thank you very much.

Com. Prof. Salim: Thank you very much Bwana Kuchule. Joseph Torus yuko? Hayuko, namuita Joan Makhoha, hayuko, Josea Biwott, is it Josea Biwott, Box 2009, he is not there. Julius Silimo, karibu.

Julius Silimo: My names are Julius Silimo. I am approximately 50 years old and I am a farmer at Tutuet. I have only few three, four points to make. Recommendation is Parliament should be part time not full time. Qualification of an MP should be optional, according to the area where he comes from. If he is coming from well educated area, they should elect a well educated man or woman. If he is coming from a disadvantaged area, they should elect their person. They should not have a double standard qualification, whereby you will get somebody very educated somewhere and somebody very..... so it should not be a problem.

Moral standards of an MP, he should be somebody who is not corrupt and somebody who is not immoral. An MP should be recalled when he fails to deliver in Parliament. We should not have this problem of saying MPs are not enough in Parliament all the time, the Speaker calling them and they are taking tea and wasting public's money. An MP should be recalled immediately if he fails to deliver after two years. MPs should have an independent body to decide the salaries of MPs, because there is only opposition when they are adjusting other affairs, but when it comes to passing of salaries, they pass within three minutes, when it comes to passing allowances, they just pass in three minutes, so they should not pass that money for themselves. An independent Commission should have....

Retirement age for civil servants, should be 60 years not 55 years. As I am going, I will just talk on this for a while. About street children, we should not have street children in Kenya because we have parents for them. Street children in Kenya should not be there because there was a willing partner when that child was born. Either through an illegal business or maybe other.

Com. Prof. Salim: Thank you very much. You have raised the first Bwana Silimo you could have finished your last point more comfortably. Now as you said the last point you could have finished it.

Julius Silimo: Let me just finish it Bwana Commissioner. Because I am time conscious I don't want to be chased by the bell. About street children, nowadays we have very many street children, but make a mistake of canning one, you will get the father and the mother at the same day. Why are they neglecting this children and they have parents? The other thing if we have orphans anyway that is a different case, because those are neglected children and they are thrown in the streets. For the street child as a parent, and the parent should be held responsible, we should not have problems from the street children, the orphans.

Com. Prof. Salim: Thank you very much. Samuel Kailel, yuko? Hayuko. Philip Maiyo, Tuwei Sam, Stephen Getich, gone for lunch maybe, William Kilei Lelmengich, karibu three minutes please.

William Lelmengich: Kwa jina ni William Lelmengich. Councillor Burnt Forest na jamii ya Ogiek. Ogiek tangu zamani jamii katika jamhuri ya Kenya, ni jamii arobaini na mbili na jamii ya mwisho ni hawa Waogiek na sijui Mungu aliweka kambi kufinya sheria ya Kenya ilifinywa hata wakati huu haionekani katika bunge, haionekani kwa makao, tunaungana na wale wengine ambao wamesema ya kwamba hapo mbeleni, kila jamii ilindwe na haki yake na mpango wao. Kuhusu ukoo vile chairman wa Wandorobo vile amesema hapo awali, shamba yao ilikuwa inalimwa musituni, chakula yao ni kukula swara, na wakati huu sasa serikali imekuja inawafukuza kutoka msituni. Hawana pahali pa kuenda. Ninaomba Tume ya Marekebisho ya Katiba iwaweke kwa priority kama jamii wale wengine, tupewe usukani kama hatupigii Mbunge kura, tu-nominate. Tupewe service za hospitali tuangaliwe kama jamii wengine. Mwisho ni kusema ya kwamba maneno ya bursary katika jamii ya Kenya, tunasikia kuwa kuna bursary ya kusaidia wanafunzi kutoka jamii masikini. Ninaomba ya kwamba bursary ikuje direct kwa council, ikaribie wananchi na itangazwe rasmi, kiasi fulani kinaenda kwa kila council, halafu raia wapate kuona kiasi ikaribie wanafunzi ambao wanahitaji bursary.

Mwisho ni kuangalia maneno ya mazingira. Watu wa hapa wachunge mazingira yao na yasitatuane na mtu kutoka mahali pengine, kila mtu achunge mazingira yake kwa sehemu yake. Mwisho ni kusema ya kuwa, maneno ya walemavu yaangaliwe. Katika jamhuri yetu ya Kenya, tuna walemavu tukienda kwa street unawakuta, wananyamaza hata hawaombi na masilahi yao hayaangaliwi, hakuna pesa kutoka treasury, hakuna pesa zao kutoka bank fulani. Hayo ndio maoni yangu. Asante sana.

Com. Prof. Salim: Asante sana kwa maoni yako. Bwana Silas Kimalel. Karibu three minutes please as the others have stuck to the time, faithfully do the same.

Silas Kimalel: Commissioners, ladies and gentlemen, ninamapendekezo machache kwa Tume hii, mimi ni Silas Kimalel, Linguai sublocation, Tharakwa location Uasin Gishu. Kwanza nitazungumzia juu ya ukuu wa Katiba, ambapo ninasema ya kwamba, Katiba iwe juu ya kila mtu, President asiwe juu ya sheria, bali pia awe chini ya sheria. Nikija haki ya ardhi na mali, ni kwamba kila mtu apate kumiliki ardhi, na ardhi hiyo ipate kulindwa. Hii ni kwamba kila mtu awe na free hold title.

Pia mali ya mtu binafsi ipate kulindwa, katika kila mahali. Na land board ifanywe katika locational level, isiwe katika district level peke yake. Maana wale wa district hawajui mambo ya watu ambao wanaishi kule chini. Pia kuhusu mali pia ni kwamba, kila Mkenya apate kumiliki mali yake na Katiba ipate kumlinda na mali hizo. Nikija sehemu ya bunge ni kwamba, wabunge ambao wanaenda na kutofanya chochote, wasimalize hata term yao ya miaka mitano. Bali wananchi waruhusiwe ama wapate sheria katika Katiba kwamba wapate nafasi ya kupiga kura ya kutokuwa na imani na Mbunge huyo ambaye ameshindwa na kazi yake.

Nikija katika mamlaka ya nchi ni kwamba, President apate kusimamia nchi, na wakati ambapo havezi ama amekuwa mgonjwa ni kwamba speaker wa national assembly, apate kuchukua mamlaka.

Mahakama; katika mahakama zetu ni kwamba tuwe na high courts na pia tuwe na mahakama ya Katiba, constitutional court na pia lile ambalo ama mahakama za nyumbani, zipate kuimarishwa, ili kwamba zipate kulinda kila mtu na pia wazee wa mitaa wapate kulipwa mishahara. Serikali za mitaa, ni kwamba mayor na mwenyekiti wa mabaraza wapate kuchaguliwa directly na wananchi. Wakichaguliwa na raia itakuwa ni rahisi kwao. Na mwisho ni haki za kimsingi za kila mtu. Ni kwamba walemavu, bubu na kila mtu apate haki katika hali yake na katika yale ambayo anafanya. Mwisho wa yote ni kwamba, haki za jamii tofauti, watu wapate haki yao mahali walipo. Hii ni kwamba katika muundo wa serikali ninapendekeza kwamba, serikali ya majimbo ipate kuundwa katika Katiba hii mpya. Asanteni sana Macommissioners.

Com. Prof. Salim: Asante sana Bwana Kimalel na wewe pia. Bwana John Sitenei, anakuja, tutamngoja. David Keiyo Pastor is he here? Hayuko. You are ready Bwana Chairman okay karibu. Bwana Rotich ambaye ni chairman wa ile committee inayohusika na Katiba, yeye na wanachama wa kamati hiyo wamefanya kazi kubwa sana ya kuhamasisha wananchi, na kuhakikisha kwamba wamekuja kwa wingi sana kutoa maoni yao. Sasa yeye pia kwa kuwa ni mwananchi naye ana maoni yake na sasa atayatoa. Karibu.

Rotich(Chairman): Asante Com. Prof. Salim. Kabla ya mimi kutoa maoni yangu ya binafsi, ningependa wale wanakamati wa Eldoret South wasimama mahali walipo, ndio niwa-introduce kwa wananchi. Wale ambao wamefanya kazi kwa upande wa South kufundisha civic education na wamefanya kazi nzuri, hapa tuko na Bwana Stephe Simatwa, hapa ni Hellen Barno, kufuatiwa na Beatrice Cheronu, na Bwana Bitok ambaye vile vile amefanya kazi kama mkalimani, asanteni sana keti. Yangu niko na memorandum yangu na nitasema tu yale ya muhimu. Ningesema ya kwamba Katiba yetu iwe na utangulizi.

Ya pili, ni kuhusu Executive, Rais wa nchi achaguliwe na wananchi na apate 51% ya kura zote ambazo zimepigwa. Vile vile Rais awe chini ya sheria. Rais wa nchi asiwe Mbunge. Also ofisi ya Prime Minister should be created. Kwa upande wa bunge ningependekeza ya kwamba, wale ambao wanagombea wawe wabunge, wawe na cheti cha chuo kikuu (university), wawe university graduates. Councillors, isipokuwa Councillors ambao wanatoka marginalized areas kama Ogiek, ama Jomps, wale Councillors wengine, wawe wa form four. Also tuwe na upper house na lower house. Vile vile independent candidates, wakubaliwe kusimama wakati wa kupiga kura. Also serikali ya mseto, ikubaliwe na Katiba. Mambo ya nomination of Members of Parliament, nomination of Councillors, hiyo ifutiliwe mbali na hivyo viti viende kwa wakina mama, viende kwa walemavu na wale watu ambao wanatoka kwa marginalized areas.

Upande wa Judiciary, tuwe na supreme court. The structure of government ninapendekeza tuwe na serikali kuu, tuwe na serikali ya regional, tuwe na serikali ya district na hiyo district ipatiwe mamlaka zaidi. Also Local Authorities, kwa sababu ni serikali ambayo ni ya wananchi kwa grassroots, ipatiwe mamlaka zaidi. Kwa mambo ya election, mahali kura zitapigiwa, zitangazwe hapo. Kama zinahesabiwa hapa Kesses, zitangazwe hapa Kesses. Vilevile vile tunakaa tunajua huu ni mwaka wa kupiga kura, lakini kuna mtu yeyote hapa ambaye anajua ni tarehe gani? Ninapendekeza ya kwamba, Katiba ionyeshe vizuri tarehe, mwezi na siku ya kupiga kura kila baada ya miaka mitano.

Kwa upande wa education, masomo, napendekeza ya kwamba free primary education kutoka standard one mpaka standard 8. Kwa mambo ya universities, tunajua ya kwamba President wetu ni Chancellor wa public universities zote, mini ninapendekeza ya kwamba, President asihusishwe na mambo kama hayo na council ya kila university, wachague Chancellor wao. Tukiwa na university kama Moi university ya hapa, seventy percent ya kazi zile za mikono, za drivers, watu wa community wapatiwe hizo nafasi. Vile vile wale watoto ambao wanachukuliwa kwenda kwa teachers training college, medical training college, public universities, ningependekeza ya kwamba, wakati wamechaguliwa hata wale wanaenda polisi, wale wanaenda army, iwekwe kwa gazeti kulingana na kila district. Ndio tujue ya kwamba sisi Uasin Gishu, watoto wetu ni wangapi wamechukuliwa.

Kwa upande wa walemavu, tukienda town ama kila mahali, kuna nyumba za gorofa na hao walemavu hawawezi kufika kule juu, ningependekeza ya kwamba, kila nyumba ya gorofa kama ni ya binafsi ama ya public, waweke accessibility ambayo walemavu wanaweza kufika kule juu. Walemavu tena na watoto wao wasaidiwe sana na serikali.

Kwa upande wa natural resources, ningesema ya kwamba, communities ama local community waangalie mambo yao. Kwa sababu niko na document ya kuwapa, hayo ni machache ambayo ningetaka kusema. Asanteni sana.

Com. Prof. Salim: Asante sana Bwana Rotich kwa maoni yako. Tafadhali utatupa hiyo memorandum uliyotuahidi. Sasa ninafikiri Bwana Sitenei amekuja, ni wewe Bwana Sitenei? Utatupa maoni yako in three minutes. Thank you.

Cllr. Sitienei: Kwanza jina ni Councillor Sitienei. Kwa niaba ya baraza la mji la Burnt Forest town council, nilitumwa na memorandum yao na nitasema machache ili nipeane. La kwanza, katika Constitution ya sasa, tungetaka powers za minister and local authority zifupishwe na ipeane autonomy kwa council. La pili, natural resources zote zenye ziko kwa jurisdiction ya council yoyote, to fall under hiyo council. Kama forests, the community around wawe ndio wenye kuhusika na wenye wanaitunza. La tatu na la mwisho kwa maana nitapeana hii memorandum, katika Judiciary,

Com. Prof. Salim: Labda utarudia pointi hiyo ya mwisho, maana labda uenda ikawa recording inaharibika. Just repeat that again please the last point.

Cllr. Sitienei: Laini ya Judiciary, ningetaka Attorney General awe appointed na Parliament, likewise to the Chief Justice. Halafu la mwisho, prosecutor awe delinked kuwa katika section ya polisi na awekwe katika section, AG, Attorney General. Kama kuna uwezo ili kuondoa ile statement natashi isiwe ikawa duplicated, uwe na wakili mmoja katika police station. Ministry ya defense i-train wakili katika kila police station ili ikifika wakati wa statement, kama kuna mshukiwa anafanya jambo, yule akishika wakili, wakili awe katika kila police station ili statement isi-contradict ile ingine. Kwa hayo machache, Commissioners nasema asante.

Com. Prof. Salim: Asante Councillor. Tafadhali utajiandikisha na utoe memorandum hapo. Sasa ninamuita Bwana Kimutai Lisegei. Sema jina lako Mzee. Karibu.

Kimutai Lisegei: Jina langu ni Kimutai Lisegei kutoka Koigwaris location. Maneno yangu ni kuhusu land board. Katika land board, hali ya mashamba, ingefaa ikuje kwa division, kwa sababu division inajua mambo yote ya location zote ambayo inazunguka kwa division. Lakini ikiwa kule district, district inachukua sehemu kubwa na hii ni shamba ndogo inauzwa ama kupitishiwa mtoto fulani, shamba kidogo kama nusu eka inasumbua sana kuchukua jamii zote mpaka kwa district na nyumbani kuna serikali, pahali kuna D.O., kuna chief, kuna sub chief pale. Neno lingine, kule division tuwe na court. Kwa sababu hata kabla ya kupata uhuru, 1963, kulikuwa na division court. Mpaka sasa imetusumbua kuenda mpaka district, kutoka sehemu zile za mwisho za district, mpaka district yenyewe, kwa gharama ya juu, hali watu wa nchi ni masikini, kama hii Commission review inaweza kuangalia hiyo tuwe na court katika division. Maneno ingine, watu wawe na maji. Sababu maji inanyesha sehemu zetu na inaenda mpaka sehemu ya river Nile na inatuwacha tunakosa maji tena na maji ilikuwa ikitoka kwetu. Kwa hivyo ninaomba hiyo sheria iwe katika division, tujengewe dam na kunyunyizia maji katika sehemu zetu, umasikini ama njaa tutaweza kuondoa.

Maneno yangu ya mwisho, Commissioner, ni kusema hali ya watoto, huyu mtoto ambaye anazaliwa nyumbani, ama kijana anazaa na baadaya ataridhi mali ya babake, mzee huyu awe na record katika land ama kwa yule judge ambaye atakuja kwa division. Ya kwamba, orodha ya watoto ni hii na hiyo ni kwa kisiri ya yule baba. Awe na record ya watoto wake wote kwa judge huyo, iwekwe kwa survey of Kenya, pahali ambapo title inatoka. Iwe inawekwa kama siri mpaka baadaye hao watoto ndio waanze kurithi. Kwa sababu watoto wengi wanakuja, ama yule mzee anakosana na mama baadaye unasikia mzee bahati mbaya amepata accident, watoto chungu mzima wanaingia na kusema, mimi nilikuwa mtoto wa huyu na huyu. Asante.

Com. Prof. Salim: Sasa ninamwita Bwana Joseph Tarus ambaye hakuwako hapo awali tukiita jina lake, atoe maoni yake.

Joseph Tarus: Asante sana Commissioners wa Tume ya Kurekebisha Katiba, kwa kufika katika division yetu. Yangu tu kwa sababu ya masaa, ningependa kusoma memorandum kidogo ambayo ninayo kwa sababu mengi yamekwisha guswa na wananchi wale waliweza kusema. Ya kwanza ni kwamba, ninapendekeza tuwe na muundo wa serikali ya ubunge, ambapo waziri mkuu anachaguliwa na chama chenye uwezo zaidi bungeni. Rais abaki kama ishara ya taifa.

La pili, tuendelee kufuata muundo wa sasa ambapo, chama chenye nguvu zaidi kinaunda serikali. Tatu, ninataka serikali ya majimbo, ambapo kila mkoa watakuwa na mwakilishi wake. Nne, tunataka serikali itoe huduma ya afya kwa Wakenya bure bila malipo yoyote. Kwa sababu ama kusema kweli hapo, siku hizi ukienda hospitali, unaeleza pesa kwanza zitangulie, hali mtu ako mgonjwa karibu na kufa. Sasa hiyo ndio tunaona ya kwamba, tunaomba hapo kabisa, Katiba hapo iundwe ya kulinda mwananchi, ili asinyanyaswe wakati wa kuenda kutibiwa. Ingingine ya tano, serikali itoe elimu ya bure kwa watoto kutoka nursery hadi darasa la nane. Kusema kweli hapo katika nchi yetu sasa, kuna watoto wengi ambao wako nyumbani wanataabika, ambapo hata saa hii tumepata watoto ambao tunawaita 'machokora', na hao machokora walitokana na kufukuzwa shuleni.

Watoto wanatoka nyumbani wanatoroka kwenda kuajiriwa kwa vibarua katika ma centre ama mwingine anaajiriwa achunge kuku, mwingine anaajiriwa achunge ngurue na baadaye anatupiliwa sana. Saa hizo tunapata watoto machokora. Kwa hivyo tunaomba serikali itoe elimu ya bure kwa watoto hawa, na shule kutoka nursery hadi darasa la nane.

Ya sita, tunataka serikali igawanye faida zinazotokana na mali asili na jamii ambapo, rasilmali hizo zinapatikana. Saba, tunataka Katiba ilinde mali asili kama misitu, mbuga, wanyama wa pori na madini kupitia kwa wakaazi wa pale rasilmali hizo zinapopatikana, na hapo ni pamoja na serikali. Yaani hiyo misitu na nini, wananchi wa sehemu yenyewe wahusishwe na serikali iwe pamoja walinde hivyo vitu. Ya nane.....

Interjection (Com. Prof. Salim): Ya mwisho.

Joseph Tarus: Yes hii hata ni ya mwisho hapa. Tungelipenda machief wateuliwe na raia ndipo wafanyiwe mitihani yao. Kwa sababu wengine wao hawafanyi kazi vizuri kwa wananchi. Upande wa machief hao.....

Com. Prof. Salim: Nafikiri hayo ni details. If you are handing that over that to us, we will read details. Thank you very much.

Joseph Tarus: Kwa hivyo asanteni sana, mkirudi kule, peleka maoni yetu mpaka tusikie baadaye, division ya Kesses watu walitoa maoni vizuri na yalisikizwa kweli kweli na tujue ya kwamba nchi yetu itakaa vizuri bila wasiwasi wowote.

Com. Prof. Salim: Asante. Thank you Bwana Tarus. Mimi nimekubali maombi yako asante. Bwana Kiplimo Kipkoech. Anza na jina, sema kwenye microphone.

Kiplimo Kipkoech: Jina ni Kiplimo Kipkoech. Mahali mimi ninakaa,

Kiplimo Kipkoech: *Kainenyun ko Kiplimo kipkoech, amiten koigwarusen Sub location.*

Translator: Majina ni Kiplimo Kopkoech anaishi Koigwarusen sublocation.

Kiplimo Kipkoech: *Tarakwa Location.*

Translator: Tarakwa location.

Kiplimo Kipkoech: *Division neba Kesses*

Translator: Tarafa ya Kessess.

Kiplimo Kipkoech: *Kale achame amwa akoba Serikali.*

Translator: Yeye angependa kusema jambo kidogo kuhusu serikali.

Kiplimo Kipkoech: *Serikalit nameche ko serikalit ab Majimbo.*

Translator: Yeye anataka serikali ya kimajimbo.

Kiplimo Kipkoech: *Seriaklit noton ko chitugul koteben konyin.*

Translator: Halafu kila mtu aishi kwake.

Kiplimo Kipkoech: *Amun ngot ko teben kot akenge boisiek,*

Translator: Kwa sababu wazee wawili wakikaa nyumba moja,

Kiplimo Kipkoech: *Komangen kotebi.*

Translator: hawawezi kuishi vizuri.

Kiplimo Kipkoech: *Mangen korib tugukyik.*

Translator: Hawawezi kuchunga mali iliyo hapo.

Kiplimo Kipkoech: *Icheru age tuguk che ba ake akoib ii,*

Translator: Kila mtu anatoa mali ya mwingine na analeta,

Kiplimo Kipkoech: *A k kobaen lagok che chiket.*

Translator: na kulisha watoto wake.

Kiplimo Kipkoech: *Ko noton akenge ne kamwa.*

Translator: Hiyo ndio sababu yeye anasema anataka serikali ya kimajimbo.

Kiplimo Kipkoech: *En boisiosiek tugul keyae tugul kipakenge,*

Translator: Kazi zingine zote tufanye wote pamoja.

Kiplimo Kipkoech: *Ako miten chitugul konyin.*

Translator: Na kila mtu awe kwake.

Kiplimo Kipkoech: *Ne oeng'*

Translator: unalofuata hilo,

Kiplimo Kipkoech: *Ko kotini.*

Translator: ni mahakama.

Kiplimo Kipkoech: *Akere nan kenam chito*

Translator: Kwa wakati mwingi mtu akishikwa,

Kiplimo Kipkoech: *Ak kimut kotini,*

Translator: mtu akipelekwa kortini,

Kiplimo Kipkoech: *Keba keker ii,*

Translator: anaezafungwa kwa rumandi,

Kiplimo Kipkoech: *Kiiti akeweta ko wa rumand.*

Translator: anapelekwa mahakamani halafu tena anarudishwa tena aende rumandi.

Kiplimo Kipkoech: *Agoi kenyit akenge.*

Translator: Mpaka mwaka mmoja unaisha.

Kiplimo Kipkoech: *Ye bek kenyit ii,*

Translator: Baada ya mwaka moja,

Kiplimo Kipkoech: *Kele matinye lelut.*

Translator: huyu mtu anasemekana hana makosa.

Kiplimo Kipkoech: *Konyone chito kotinye isirek nekikwang'e,*

Translator: Mtu anakuja akiwa ameshikwa na chawa kufa na kupona.

Kiplimo Kipkoech: *Kikome konyin makomi kiy.*

Translator: Nyumba yake imekwisha, imeharibika.

Kiplimo Kipkoech: *Asome yoton ke chul ii,*

Translator: Hapo inatakikana kulainishwa,

Kiplimo Kipkoech: *Si kiro kit ne kiito.*

Translator: halafu jambo lionekane la kufanywa hii shida iishe.

Kiplimo Kipkoech: *Amun chichoton kamami kiy ne kanyor.)*

Translator: Huyo mtu hakuna kitu amepata, hakuna faida amepata.

Kiplimo Kipkoech: *Ki nyaliyo lagokyik ii.*

Translator: Ni hasara tu watoto wameteseka,

Kiplimo Kipkoech: *Kikonyalil inendet ii,*

Translator: pia naye ameteseka,

Kiplimo Kipkoech: *Manyoru kiy ne kikochin, ama mi makosa Ne kiyai.Mache kichungusan.*

Translator: hana malipo yoyote ambayo anapewa na hana makosa amefanya, hiyo ichunguzwe kwa umbali.

Kiplimo Kipkoech: *Koyam noton.*

Translator: Hiyo imeisha.

Kiplimo Kipkoech: *Kabek sait.*

Translator: *Ne isibi noton ii,)*

Kiplimo Kipkoech: Iko moja tu ya mwisho.

Kiplimo Kipkoech: *Noton ko kitinye boisiek ab kok,*

Translator: Tuko na wazee wa mitaa,

Kiplimo Kipkoech: *Kikikachi kasit ne nyigis,*

Translator: tumewapa kazi kubwa na ni nzito.

Kiplimo Kipkoech: *yae kasit new o kosir kirwagik.*

Translator: Hawa ndio wanafanya kazi katika idhara hiyo ya utawala wa mkoa kuliko machief.

Kiplimo Kipkoech: *Oko manyoru mushahara.*

Translator: Lakini hawalipwi.

Kiplimo Kipkoech: *Amache kiro kele siche ne bichoton.*

Translator: Hawa watu walipwe mshahara.

Kiplimo Kipkoech: *Oko toretch kot missing.*

Translator: Kwa sababu hawa ndio walio na jukumu kubwa zaidi.

Kiplimo Kipkoech: *kone kametaiwok noton.*

Translator: Hapo ndio amewachia.

Kiplimo Kipkoech: *kongoi missing.*

Translator: Asante sana.

Com. Prof. Salim: Bwana Charles Tanui, tafadhali fika mbele hapa uanze na jina.

Rotich(Chairman): Wakati Charles Tanui anakuja, ningependa ku-recognise Bwana Gilber Bor ambaye ni District Coordinator amefika hapa na ameandamana na Bwana Rubus Kiarie ambaye vile vile ni mwana kamati wa Eldoret South.

Com. Prof. Salim: Karibuni Bwana District Coordinator na mwanakamati. Endelea Bwana Charles Tanui. Three minutes please maximum.

Charles Tanui: My names are Charles Tanui. I am a civil servant based at the Kesses divisional headquarters. The views I am going to present here are personal, and in the Kenya Constitution I would like to see the following being there in our Constitution. First, election and management of public affairs. There is need to have separation of powers, therefore there should be a ceremonial President who is the head of State and should be elected popularly by Kenyans, there should also be created an office of the Prime Minister. The Prime Minister should be the head of government and leader of majority in Parliament. There should be provision for a coalition government. Representation; the President should be an ex-official Member of Parliament, that means, if he vies for presidency and wins elections he should resign the parliamentary seats. Due to culture, clannism and(inaudible), tribalism, racism and religion, an aspirant may not be elected due to such prejudices, and therefore there should be provision for independent candidates and in this case we could have a person who is highly qualified, maybe the President of Kenya may not be elected as the grassroots and therefore the need to have the President not being an MP.

Minorities in Kenya should also be represented in Parliament like Elmolo, Ogiek, Njemps, Malakote, Watana River na Wanyoyaya. Ikija kwa Local Authorities, mayors na county council chairmen should be elected, and all those seeking elective posts, should have minimum educational qualification.

Education; there is need for every Kenyan to have education. We know that the government is unable to provide free education, that is a fact, event the fact that even now the government is finding it difficult to finance the current budget, and

therefore I propose that be established and educational fund where every productive, economically productive Kenyan, contributes 10% of his or her basic income. Maybe after maximum of an equivalent of US 1000 dollars at any one time to finance education. They should make sure that every Kenyan gets education. Education should be made compulsory. Basic education should not be standard eight but moved up to form four, in a duration still church sponsorship should be removed and all schools be sponsored by DEB. Every district should have a national school. Every province should have a national polytechnic, every district to have a technical college and a division to have a technical institute.

On social front, any person marrying should be an adult and be 18 years and above. In addition they should be trained on family life education. Land reform.....

Interjection (Com. Prof. Salim): Try it to be your last point.

Charles Tanui: Land reform, the land should be redemarcated to ensure that every piece of land such as a classified road also, will have an access to a classified road and a source of water. This will make it easy to provide infrastructure like roads, electricity, telephone and water. Environment....

Interjection (Com. Prof. Salim): No I think that was your last point, I am sorry. Are you submitting your memorandum?

Charles Tanui: I don't have it tayari.

Com. Prof. Salim: I give you another point the one you just mentioned.

Charles Tanui: Environmental conservation. Every land owner who is having 10 acres and above should have ten percent of land being planted with trees, and those having less than ten, should have their land planted with trees on their perimeter. Public institutions and corporations; only professions should be appointed to run those institutions, to avoid those not qualified and politically connected being appointed. Justice; in addition to provincial courts.

Interjection (Com. Prof. Salim): Now I think you are trying to take a bit of advantage. Thank you very much for your views Bwana Tanui. I call Bwana Patrick Rotich, he is not the other Rotich, his name is on more than one place, okay, he has already spoken. We go to another one Bwana Bitok it is your turn. Followed by Celina Sitenei, is she here? You come after him.

Samuel Bitok: Bwana Commissioners, mimi kwa majina ni Samuel Kibiwot Bitok. Ninawasilisha mambo haya kwa niaba ya Ogiek community forum, kutoka Lenguse location. Mambo tuliyonayo ni kama yafuatayo. Kwanza, katika Sera za serikali tunataka serikali ya kimajimbo. Tume ya Marekebisho ya Katiba, tunataka ibaki baada ya hii kazi ibaki. Tume ya uchaguzi ipewe uwezo na Macommissioner wa Tume ya uchaguzi wasichaguliwe na Rais. Pia tarehe ya uchaguzi ielezwe na Katiba.

Bunge; nataka kuwe na bunge mbili, senate na house of representatives. Senate, kuwe na Senators, tupate wawili kutoka kila wilaya. Pia katika house of representatives sisi tukiwa Ogiek kabila ndogo, tungependa tupewe kiti chetu automatic, isiwe ni kwamba ni lazima tugombe viti, tupambane na watu walio wengi. Tunataka kuhifadhiwa kiti chetu sisi wenyewe.

Judiciary; judge mkuu asiteuliwe na Rais lakini ateuliwe na bunge. Pia mkuu wa sheria ateuliwe na bunge, na tunataka mahakama yafuatayo yawe. La kwanza, ni mahakama ya kikatiba. Hiyo ni constitutional court. La pili, kuwe na supreme court. La tatu, kuwe na mahakama ya kijamii. Pesa; dollar za Kenya, zote zisiwe na picha yoyote ya Rais au kuwa na picha ya mtu wowote. Tuwe na chombo kama ni mnyama au mlima ipate kuonekana kwa pesa, kwa sababu hii ni hasara kwa ku-print pesa nyingi. Leo Rais huyu ako, huyo Rais akienda mwingine aje tunasahahu hizo pesa zingine tunaanza zingine. National holidays ziwe strict. Hizo ni zile tulipambana nazo tukipata uhuru, lakini zilizotokana na kila Rais awe akija akiweka zake, hiyo hatukubali.

Pili lingine ni national security. Commissioner wa police ateuliwe na security council. Kuwe na security council wa kuteua Commissioner wa police na pia wakuu wa jeshi wasiteuliwe na Rais. Training yao iongezwe kutoka miezi sita hadi miaka tatu. Umri wa kuwa-recruit uwe kwanzia miaka kumi na nane hadi thelathini na tano. Maneno ya elimu iwe bure kwanzia darasa la kwanza, hadi university. Shule zote private zivunjiliwe mbali.

Afya; katika afya iwe bure. Na ikiwa bure, all private hospitals and clinics ziwe bure. Maneno ya kusema tunaweka deposit, sijui kama mwili uko na deposit. Hiyo ikataliwe kabisa. Lingine ni kwamba, Constitution Commission hii yenu, ipate kutambuliwa hasa hata baada ya kazi. Nasema asante.

Com. Prof. Salim: Asante sana Bwana Bitok. We want to commend Bwana Bitok for more than one reason, for one, he has been helping us as a member of the committee interpreting for us and I was telling him the other day that Kaliet that he can make a professional interpreter the way he has been helping us. Secondly, he is the model of presenter of views. You could see that he had his recommendations at the tip of fingers one after the other. Thank you very much Bwana Bitok.

Audience: (clapping)

Com. Prof. Kabira: Now Selina Silei.

Selina Silei: Bwana Commissioner na kamati na hata wananchi ambao bado tuko hapa. Yangu mimi sitasema ama sitarudia yale ambayo yalikuwa yamesemwa na watu wengine, lakini yangu ni kushukuru Commissioner kwa vile umekuja kutusikia na upeleke maneno yetu. Nilikuwa ninaongea juu ya wasichana wapewe urithi na wazazi wao, na wamama waliiolewa na hawana kazi yoyote, ninaomba Bwana Commissioner, iwe katika sheria yetu, hawa wamama ambao waliiolewa, wengine wamekuwa sengenge, wengine wamekuwa ambao wanashika watoto na kufanya kazi yote ya nyumbani. Lakini ukiangalia wanakanyanga

miguu tupu, hawana nguo, wanalalia gunia na mzee wake ako Nairobi akikula raha na kukula mshahara, akija nyumbani maybe analeta tu kitu kidogo na ile shopping ya karatasi na mwishowe, unaona nyumba inazorota. So nilikuwa ninaomba hawa wamama wapewe kitu at least 10% ya mshahara wa bwana yake.

Nikienda kumaliza tunaomba wamama waandikishwe majina yao kwa title deed. Sababu wazee wamechukua mali yote ya familia, unaona mzee amejiandikisha kwa gari, kwa shamba, kwa nyumba building ile iko town, na kila kitu, unakuta mama hana chochote. Na wakati huyu mzee bahati mbaya afariki, utaona tunaenda kortini, unaenda inashitakiwa, *Kilelen kakiba kistakan meet anan kibendi kotini*. So hiyo ninaona wanachukua steps mingi ili apate mali ya bwana yake. So ningeomba serikali yetu ya kwamba, title deed ziandikwe mama na baba ili shida yoyote ikitokea, wamama wasikue na shida. Nikimaliza ni kwamba, hizi ma title deed, tunaona waandikiwe na siku za uzeeni watoto wao watarithi mali hizo kwa urahisi.

Nikimaliza, nilikuwa ninataka kusema walemavu, lakini imesemwa sitarudia. Ninataka niseme tu kidogo juu ya umasikini, umasikini umeingia Kenya yetu kwa sababu ya watu wachache. Watu wachache walikula mali ya watu wengine. Sasa tunaona ma-factories zetu zimeisha na kila kitu kinaisha na ni watu wachache walikula. Sasa nilikuwa ninaomba serikali yetu, mtu kama amekula mali ya serikali, ashikwe na mahali alipeleka hizo mali zake zirudishwe kwa wananchi, so hayo tu ndio yalikuwa maoni yangu kwa sababu umasikini umeingia hapa kwa ajili ya watu wachache. Nikimaliza, wakati shida ikitokea, nilikuwa ninaona wamama tunakuwa na shida, wakati mzee anaondoka, mama unabaki ukichunga mali, lakini mama akiondoka baada ya wiki mbili siku tatu, mzee anaoa na hakuna mtu anasema chochote. Na akioa unaona wale watoto wanakuwa na shida. So ningeomba serikali yetu, iweke sheria ya kulinda wazazi wote ili wamama wasiende kuchukua muda mrefu shida ikitokea. Kwa hivyo mpaka hapo Commissioner ninasema asante.

Com. Prof. Kabira: Sorry, asante sana Selina. Now James Titiengi, ameongea, ni yule Mzee? Okay Wilson Keboi.

Wilson Keboi: Thank you Mrs. Commissioner. I shall highlight some few issues and then I shall present a memorandum. I shall mention this as follows; Kenya should be a federal democratic republic, with a clear devolution of power. The Constitution shall be the supreme law of land. Every Kenyan should not be subjected to oppression, suppression, manipulation, economic enslavement, tyranny and any other kind of abuse. The Constitution should protect freedom, justice, truth, peace and love for every Kenyan. All Kenyans should be equal before the law. There should be a clear separation of powers in our government, with their respective functions. Parliament should be the supreme organ of the land. All Kenyans should hold rallies without interference, licensing of all types of rallies should be abolished. The provision that Parliament requires majority vote to amend the Constitution, should be joined to 75% and shall be subject to a national referendum.

The post of the Prime Minister shall be established in our Constitution. The Prime Minister will be the head of government. The presidential votes should be ceremonial. The President and the Prime Minister shall not be above the law. There shall be a village council, locational council, county and national leaders, dealing with human rights and development of the people. The

Provincial Administration should be abolished and be replaced by counties and regional government settled by chairmen and regional governors. The election of the President and the Prime Minister shall be subject to 25% at least in five regional government, but must get a total of more than 50% in all votes. All elections shall be direct. Voting through the queue system, showing of hands and acclamation, should be expelled in our society.

Education; free and quality education at primary level. The school fees in both secondary and university and other learning institutions should be reduced. The old system of education 7-4-2-3 should be established in our society.

Agriculture; agriculture should remain the main stay of Kenyans economy, farmer's organizations should be established in the Constitution, so as to make good farming policies. The farmer's organizations should not be interfered by the government. Importation of locally produced goods shall be prohibited and those concerned shall be prosecuted. The government should settle all landless people in Kenya. Land ownership should go to an individual through the land trustee system. Trust land should owned by the community. Land transactions shall be sanctioned by the community.

Com. Prof. Kabira: Okay thank you very much and we shall read the rest. Thank you very much Mr. Keboi. James Chemweno.

James Chemweno: Asante. Mimi ni James Chemweno kutoka Relmolak farm, Kesses sublocation, Kesses location. Niko upande wa mashamba kwa sababu zimeshasemwa zaidi, na sitarudia yale watu wamesema. Kwa hivyo mashamba, ikiwa kipindi cha sasa kitaendelea bila kurekebisha, ni kusema ya kwamba watu walioserikalini, watanyakua mashamba na wale wengine wadogo wadogo hawatakuwa na chochote. Kwa mfano mimi niko Relmolak hapa, na mashamba ukiona wale watu wako serikalini walipata Bendura, Toroimoi, Kitale, walipata mahali popote. Kulikuwako wakati wa Saitoti Commission ambayo ilikuwa imetumwa na mzee uje kurekebisha mashamba. Tulinwambia Bwana Saitoti kule Eldoret, mashamba yasipeanwe kwa District Commissioners na kwenda juu. Yaletewe mpaka kule sublocation wananchi wapate kupeana mashamba. Sababu wale walioko vijijini kule watu wanajua, huyu yuko na shamba na yule hana shamba. Na ingepaanwa hivyo, lakini ikiendelea kupeanwa kule kwa ofisi ya D.C., ni kusema ya kwamba masikini uta-remain masikini for good na hakuna mtu atakusaidia.

Upande wa viongozi, leaders. Leaders, tangu zamani wakati chief anataka kuchaguliwa ama assistant chiefs hata Councillors, walikuwa wana-refer kazi zao nyumbani vile wamefanya. Kama mtu amefanya maendeleo, anapewa kazi sababu huyu ataigika.

Wananchi wataiga mfano wake na wataona amefanya nini. Lakini maajabu siku hizi, hata unaona chief ama assistant chief ama Councillor anapewa cheo, akija kuzungumzia watu mambo, anaambiwa kwanza ufanye hivyo kwako nyumbani na hakuna kitu kinafanyika na kwa hivyo maendeleo hayatakuweco na hakuna kitu kitafanyika. Kwa mfano mimi nimezunguka kwa muda mrefu sana na nimeona mtu kama mzee, Arap Sisi wa Morogo, William Morgor Kisimbi, hawa watu ambao wamejulikana kabisa ya kwamba wamesaidia watu. Inaonekana hata hao wakubwa wakubwa wakichaguliwa, watarudi kule juu tu, hapo na

kunyakua vitu. Kwa nini hata sisi tunakuwa wajinga saa zingine. Wananchi wenyewe tunaanza kuchagua wale watu ambao wamejiweza. Kwa nini tusichague yule mtu ambaye hana viatu ili hata yeye aone watu wake. Kwa hivyo kwa njia ingine nimeona ni maajabu hivyo.

Kwa upande wa kazi, kwa nini serikali wasione ya kwamba, kwa mfano mimi nilikuwa mwalimu miaka thelathini na tatu, na sasa tena(inaudible) wangu ni mwalimu tunaendelea? Kwa nini mtu mmoja asitolewe halafu mtu mmoja afanye kazi, halafu yule mwingine anafanya hivyo. Wazee wa mitaa wapewe pesa. Mila kwa mfano miller vile tunaangaika kwa vitu vyetu, mahindi tumekosa viongozi ambao hata wangeunda millers kule halafu hata sisi wenyewe tungekuwa tunachukua mahindi yetu kwa miller yetu ambayo tumetengeneza. Sababu hakuna mtu ambaye anatuongoza sisi, KCC hakuna watu ambao walikuwa formed, halafu watueleze sisi tuchukue hii tupeleke maziwa yetu, inakuwa watu wa nje. Hii ni kusema generally uchumi umezorota kwa sababu tumekosa viongozi wa kutuongoza sisi. Na kwa hayo mumelewa hayo maneno. Asante.

Com. Prof. Kabira: Thank you very much Mr. Chemweno. Councillor Ben Tum, hayuko, Titus Cheruiyot, hayuko, Kiptoo Koech, okay Rhoda Sawe.

Rhoda Sawe: Asante sana Commissioners. Kwa majina mimi ninaitwa Rhoda Sawe kutoka Saroiyot location, Kipchamo location, Kesses division. Sasa nitasema machache kuhusu Katiba. Watoto wasichana, wasitahirishwe. Watoto walemavu wasaidiwe na wasomeshwe na serikali. Watoto wote wavulana na wasichana wote wasomeshwe wawe sawa. Ya nne, serikali iwape kazi watoto wote waliohitimu. Watoto wote Kenya wapate elimu katika shule ya msingi na secondary. Watoto wote lazima wasomeshwe na wazazi wanapopuuzwa hii watafungwa. Msichana akipewa mimba na mvulana, wakiwa wanafunzi wote lazima waachishwe shule na waoane, lakini wazazi wao wakikubaliana wataendelea na masomo yao. Ndoa ya 'come we stay' ifutiliwe mbali. Cheti rasmi ya ndoa ya kitamaduni ipewe chief. Tisa, watoto wasichana na wavulana, warithi shamba la wazazi wao maana wote ni sawa. Vijana hawatakikani kuwadanganya wazazi wa msichana, wajihadhari sana pamoja na wazazi wao. Wakienda kuomba msichana, inatakikana watu wachache, wazazi wawili au sita, wakiwa wengi bali sio mlolongo kama siku hizi. Watoto wanahimizwa kuwachunga wazazi wao vizuri, kwa upande wa kina mvulana na upande wa kina msichana. Maana siku hizi wao wakishikana kama mke na mume, wanasahau wazazi wao kabisa. Asante sana Commissioner.

Com. Prof. Kabira: Okay asante sana Bi. Rhoda Sawe. Thank you very much. Julius Limo, hayuko. Stephen Chirchir.

Stephen Chirchir: Commissioners here I have a memorandum from elders of Naikul location, Kesses division, Eldoret South. I will highlight on some few points and then I give out the memorandum. Religious practices observance. Freedom of religion is guaranteed to all persons regardless of age sex or change of religion, regarding the minor, the person should act according to obedience of the guardian or parents. Freedom of worship and festivals should be respected. Religious communities shall be free to establish and maintain places.....

Interjection (Com. Prof. Kabira): Sorry Mr. Chirchir, you know because you have a long memorandum, you will not be able to read. I think you can just highlight the points like say you are recommending freedom of worship but not the details.

Stephen Chirchir: I will pass some views on basic rights. About quality, everybody shall be equal before the law. Personal liberty and freedom of a person shall be respected regardless of age of a person, tribe or ethnic group. Freedom of expression also shall be respected in our Constitution. Press media to receive and embark information, artistic academic freedom. This rights of expression shall not include propaganda for war, incitement, treatment based on race discrimination. Not giving false information.

Property; somebody has got the right to own and not to be repossessed by any other party. Compensation of properties should be seen on the market value of the property. Rights of children or young persons, which is from 0-17 years. Every child has a right to family and parental child care. Every child has the right to basic nutrition, shelter, basic health and care. Every child has a right to be protected from expectation and labour practice. I think I will give out the memorandum, thank you.

Com. Prof. Kabira: Thank you very much Mr. Chirchir for your views. Evelyne Lelei.

Evelyne Lelei: *Alen akatok tugul ale chamgei. Awkyini kongoi taek tugul..*

Translator: Anawashukuru wageni mlio hapa.

Com. Prof. Kabira: Evelyne tafadhali sema jina lako.

Evelyne Lelei: Jina langu ni Everlyn Lelei.

Translator: Kwa majina anaitwa Everlyne Lelei.

Evelyne Lelei: *Koyab cheboiwa.Aekyini kongoi taek*

Translator: Anawashukuru wageni sana.

Evelyne Lelei: *amun kabwa nyogokaswech ng'alek.*

Translator: Kwa sababu mmekuja kutegea sikio maneno yetu.

Evelyne Lelei: *Amun cha ingelen keng'alal olangai kobetwech nekemwachini siko ibwech koba tai.*

Translator: Tumekuwa na shida nyingi sana lakini tumekosa mtu wa kuwasilia au kupelekea shida zetu awasilishe mbele.

Evelyne Lelei: *Ingunon.*

Translator: Kwa sasa,

Evelyne Lelei: *Ko kakile tinye uhuru chitugul, tinye uhuru chepyoset ii ak kotinye uhuru boiyot.*

Translator: imesemekama kwamba kunatakikana kuwa na usawa wa kijinsia.

Evelyne Lelei: *Lakini makikachin uhuru chepyoset.*

Translator: Lakini hataki uhuru uwe zaidi kwa mama.

Evelyne Lelei: *ye kakotungei en kanisa bik ak koba kot akenge,*

Translator: Wakati walioana kanisani na kuapa kamba watakuwa kitu kimoja,

Evelyne Lelei: *iyani koik kit akenge akobai boisiokyok.*

Translator: watakuwa kiumbe kimoja, sasa watarudi kuanza tena kutawala na kuleta migorogoro kwa nyumba yao.

Evelyne Lelei: *Amun inende kakikachi uhuru makokase ngalek ab boiyot.*

Translator: Mama akishapewa uhuru wa kutawala kila kitu hatatii amri ya mumewe.

Evelyne Lelei: *Ko kaigai kotebi kou en tai kele chepyoso ko chepyoso.*

Translator: Heri mama abaki vile kabila ilikuwa ikisema kuwa mke ni mke.

Evelyne Lelei: *Kogeny ko si iku chepyoset chito ko okanyit kei ak boiyot ngung'*

Translator: Kilichoko na ni cha maana sana ni heshima kwa nyumba.

Evelyne Lelei: *Akot inde mache isom kasit iigu councilor isome boiyondengung'*

Translator: Hata mama akitaka kuania kiti cha diwani, ni kuomba ruhusa tu bwana yake na kama wanasikilizana hatakatazwa.

Evelyne Lelei: *Ogasyini si iwendi gaa.*

Translator: Kilichoko tu ni kuelewana ndani ya nyumba na kusikilizana.

Evelyne Lelei: *Ak kista maiwek kora.*

Translator: Pia pombe ipate kuvunjiliwa mbali na sheria.

Evelyne Lelei: *Amun noton ne bute ng'atutiet en gaa si kotaiyech.*

Translator: Hiyo ndio inalete taharuki ndani ya nyumba nyingi.

Evelyne Lelei: *Amun bik alak kikoalda koratinwek ak koba maiwek.*

Translator: Watu wengi wameuza mashamba kwa sababu ya pombe.

Evelyne Lelei: *Komeny ak lagokwak.*

Translator: Hadi wakaishi pasipo mahali au kuishi barabarani kwa sababu ya pombe.

Evelyne Lelei: *Komie koywesio Seriakali kiyoton ak dawa ya kulevya.*

Translator: Kwa hivyo serikali iangalie hiyo na pia madawa ya kulevya.

Evelyne Lelei: *A mun choton che katar lagokyok.*

Translator: Hiyo ivunjiliwe mbali kwa serikali yetu.

Evelyne Lelei: *koingotaretech Serikali koyyai kasinoton tugul koista maiwek,*

Translator: Tuvunjilie mbali pombe na madawa ya kulevya, ndio tupate kuwa na amani.

Evelyne Lelei: *Asikobit konyo kalyet.Ak chepyosok tugul chon mache uhuru otebi ak okanyit kou ye kituiyok kanisa kole mobestosi.*

Translator: Wamama wanaotaka uhuru, waishi na waheshimu waume zao.

Evelyne Lelei: *Amun kikilenjok ibesyok meet.*

Translator: Waliapa walipooana kwamba hawatatenganishwa ila watenganishwe na kifo.

Evelyne Lelei: *ingikochi uhuru chepyoset komuche koit saa sita neba kemoi kondalejin boiyot keyabu ano kolenjin imakene .*

Translator: Uhuru ukipeanwa zaidi mama anawezafika saa sita ya usiku na akitwangwa anasema sheria itanilinda na anaanza migorogoro. Anasema asante.

Com. Prof. Kabira: Thank you very much Evelyne for your views. Eva Chebet, hayuko, okey, Elija Arap Maina, ameenda, okey. Captain retired S.K. Biwott.

Cap. S.K. Biwott: Asante sana Bwana Commissioner. Yangu ni machache. Yale ambayo nitaongea ni maoni yangu binafsi nikiwa an individual. Bwana Commissioner kuna mashamba ambayo yanakuwa owned na foreigners. Unakuta somebody in Nandi hills, huko Kisii, Kericho, Kiambu, hata mahali pengine huko Muranga, tumetembea nchi zingine Bwana Commissioner, na kwa hizo nchi mtu ambaye anatakikana kuwa na shamba ni mwenye hiyo nchi. Maombi yangu ni kwamba hayo mashamba yawe taken care of by the community. Bwana Commissioner kuna ingine pia, hii kitu inaitwa large scale farm na small scale farm. Kitu mimi ninashangaa ni kwamba hii large scale farm ni kiasi gani? Ni village, ni location, sublocation, ama district, ama

hata province kama mtu ako na pesa. Ningependekeza kwamba, Commission hii iweke ceiling ya shamba, mtu anatakikana kuwa na shamba kiasi gani.

Interjection(Com. Prof. Kabira): What is your recommendation Captain?

Cap. S.K. Biwott: My recommendation is that to have a ceiling which is 1000 acres rather than other people having 3, 5, others even have 20 acres in Uasin Gishu. My proposal is that they should have a minimum of 1000 acres, let us put it in our organized Constitution.

Com. Prof. Kabira: Is this a minimum of a maximum?

Cap. S.K. Biwott: Maximum of one thousand. Kitu ingine Madam Commissioner ni kwamba, saa hizi tunaona MPs wetu wanataka kujiongeza pesa, hiyo ni kitu moja mbaya sana, na wamekuwa wakijiongeza. Mimi ninapendekeza ya kwamba, ingetengenezwa referendum Kenyans waulizwe kama tunaweza kuwaongezea pesa ama hapana.

Kitu ingine mheshimiwa Commissioner ni ya kwamba, watu wameongea juu ya primary education; my proposal is that we should have free and compulsory primary education. Another one mheshimiwa Commissioner ni kwamba, we should have a primary health care. I remember a few years ago, we used to go to the hospitals and get free primary health care. Another one is political parties; we should have political parties, at least three if you are not compatible to the other one, then you may go to the other one and go the third one. Rather than now having 47 political parties, those are too many. Another one mheshimiwa Commissioner ni kwamba...

Interjection(Com. Prof. Kabira): How many parties do you recommend?

Cap. S.K. Biwott: I am recommending three parties. This street children menace. Mulioko Commissioners, you agree with me in Nairobi, you cannot walk freely, they think you have a mobile phone or any other gadget. I am recommending the government should take immediate action on the street children. Otherwise there is something that will finish us. Thank you.

Com. Prof. Kabira: Okay thank you very much Captain. You don't want to give us your rough notes? Okay please thank you. Rose Chebet, she is not there, if she is not there, Esther Korir.

Esther Korir: Asante sana kwa nafasi hii ambayo mmeweza kunipatia. Mimi kwa majina ni Esther Korir, ninatoka sehemu za Linguai location, Eldoret South, Burnt Forest area. Mradi huu unahusu watoto na wamama. Katiba muungano wa sheria ya nchi ya kuongoza watu kwa miaka mingi. Ya kwanza inasema ya kwamba, mtoto apewe haki kwa masomo yake maana hii itakuwa ya manufaa kwa maisha yake ya baadaye. Mtoto wa kike asipoolewa na mtu yeyote apewe nafasi sawa na mtoto

mvulana kama ni ugawaji wa mali au shamba. Wamama wapewe nafasi ya kuongoza katika serikali yetu ya Kenya katika kila sehemu yote kwanzia juu hadi chini. Ya tano, watoto kutoka jamii masikini ni lazima wachukuliwe na serikali kwa kulipiwa karo ya shule. Wamama wa rural areas wapewe msaada na serikali hasa wale ambao hawana kazi ili washughulikiwe kwa mambo yao, kama vile kuleta sitima maji, na upande wa ukulima.

Serikali itoe matibabu ya bure katika hospitals, dispensaries, health centers. Serikali wachukue jukumu la kuchunga watoto wasio na wazazi kama mambo ya elimu na matumizi yao. Serikali ichukue jukumu la kukamilisha upikaji wa pombe, bhangi na madawa ya kulevyia maana hii inaharibu watoto wetu katika mashule, na pia wazee wanaopotea kwa kukunywa pombe hadi wanasahau jamii zao, wachukuliwe na serikali.

Com. Prof. Kabira: Thank you very much. We will move to John Bomet.

John Bomet: Kwa majina yangu ni John Bomet. Ninaishi hapa Kesses location. Maneno yangu ni hii. Mimi ninapendelea kusema wale watu wa Parliament ambao wamejiandikishia mishahara kubwa, tungependa kutengeneza kamati ambayo inaweza ku-approve pesa zao kusema inatosha kiasi fulani, sio wao wenyewe wanajiandikisha. Hakuna mtu anajiandika na kujipatia mishahara. Kitu cha pili, lazima wajumbe wetu, tuliwachagua sisi wenyewe wajue ya kwamba sisi ndio wakubwa wao, sababu sisi tuliwachagua. Kama wanasahau kutufanyia kazi, sisi lazima tujue, serikali itupatie mamlaka ya kumtoa na kuandika mwingine, halafu ajue yeyeiundwe ifanye kazi yao, vile ilisemekana mwisho wa mwaka huu kutakuwa na selection ya new Parliament, lazima ikifika, aondolewe kabisa bila maneno ingine.

Ikishafika siku yake, atoke asiongezewe siku, kwa sababu aliongezwa mishahara juzi sasa anataka kuendelea kuongoza eti mpaka mwaka mwingine aendeleo kula pesa na sisi tunazorota sisi hatuna chochote. Kitu ingine ni budget yetu ya wazee ile tulikuwa tukifanya ya mahindi na nini imeporomoka yote na sijui nani aliporomosha, nafikiri ni wakubwa wanatuporomosha. Kwa hivyo tunaomba serikali mpya, Commissioner, mtoe mambo yale yanatakikana haraka iwezekanavyo, iwekwe na kuvunja hii Parliament, tuandike watu wengine asanteni.

Com. Prof. Kabira: Thank you very much Mzee Bomet. Tafadhali jiandikishe Mzee Bomet, jiandikishe hapo. Asante. Jeremia Arap Cheboi, okay John Kerich.

John Kerich: Majina ni John Kerich kutoka Chepkiret area, Sirio SDA church. Nina mapendekezo ambayo ningetaka Tume hii wapate ili waweke katika Katiba mpya. Moja ni constitutional court should be created at all levels of Judiciary and deal with breakage of our Constitution. Ya pili, ni kuhusu rights za religion; clear line of demarcation between government and sponsored schools and private schools should be clear. Hii ninajaribu kueleza kidogo ya kwamba, kuhusu mashule ambayo kanisa wanasimamia na serikali, ipate kujulikana shule hii ni ya serikali na hii ni private. Kama ni ya private, serikali ichukue waalimu wao na mwenye shule hiyo aisimamie gharama zote. The issue of freedom of worship should be respected fully an individual

should be covered by law. Tumesikia wakuu wa serikali ambao kwa minajili ya religion yake, anaweza futwa kazi kwa sababu hakutumiza wajibu wa serikali ambao ulikuwa ni kando ya imani yake. Children in government sponsored schools should enjoy this issue of worship and watoto wasifukuzwe shule, kwa sababu hii inasababisha kuzorota kwa elimu.

Mashule yote ambayo kanisa imechukua ambayo yalikuwa ya serikali, irudishwe kwa serikali na serikali isimamie. Kingine ni kwamba, state church or any leader who is elected under a certain religion should not monopolise wananchi to accept and follow his religion, concerning his faith na kuwekwa katika broadcasting. Idea of abortion in any case should not be accepted as it is contrary to God's law. The Kenyan government should accept and follow God's law in all types and Kenyan law should be based on God's laws. Kutunzwa kwa mazingara, lazima yatunzwe. Nobody should be above the law as it is contrary to God's law. Wakenya ambao wako nchi zingine lazima watunzwe na sheria za Kenya. Hukumu ya kinyonga itupiliwe mbali as it is against God's law. Kinyonga katika mahakama ifutiliwe mbali kwa sababu it is against law. Na mtu afadhali afungwe maisha na any form of rehabilitation ifanyiwe jamaa huyu. Trust land should not be leased, thus no rents. All books concerning laws should be distributed in all learning institutions of Kenya. Citizens of Kenya should be acquainted with their laws, concerning this Constitution. Our Constitution should be in both languages, Kiswahili and English. Thank you.

Com. Prof. Kabira: Thank you very much Mr. Kerich. Gabriel Ragul. Ragul or Agul, okay David Kogo are you Rogo? Kogo okay.

David Kogo: Okay asante. Kwa majina ni David Kogo, mwanabiashara miaka thelathini na miwili, kutoka katika Cheptirar location, Kesses division. Yangu ni machache nataka kuanza ni kwamba, serikali yetu inakata VAT ya 18% kwa kila kitu ambacho tunanunua na kuuza. At the same time tunakata licence ya Local Government ambayo ina fee yake, so ni wakati wetu wakuweza kuteta kwa vile tunafinywa mara mbili, kama mwana biashara. Unalipa 18% VAT na at the same time unakata licence ambayo ina fee. Kwa hivyo I propose, sheria ambayo inaniruhusu kama mwana biashara, nikate licence free. La pili, kazi ya police officer, ni kuchunga law and order katika nchi. Siku nyingi tunapata wanapotembea wanaingia kijijini, wanapotafuta watu wa kulewa busaa, chang'aa, lakini wanapokosa, they end up arresting innocent wananchi, kama wana biashara wa viosk na kukelea mambo ambayo ni ya kinyume wakitaka kupewa hongo. Kwa hivyo, I therefore propose, sheria ambayo inalinda kama mwananchi against false accusations na interference katika kazi yangu; inayoniruhusu niweze kumshtaki afisa polisi askari na hata naye ashikwe.

La tatu ni kwamba, askari wa polisi kuwekwe sheria kwamba wanapoingia kijijini, wawe accompanied by the chiefs. Ili chochote ambacho wanafanya wasiweze kuenda kinyume cha wananchi. La mwisho ninaweka emphasis in that, kuweko na sheria ya kuweka constitutional law courts ambapo italinda sheria zetu za Katiba, ambazo tunatoa hivi sasa. Na katika nchi yetu, baada ya kuweka Katiba pamoja, viweze kuchapishwa na vitumwe kwa wananchi, so many copies na ziwe zinatunwa freely kwa wananchi na zinaandikwa kwa lugha, soft and understandable English and Kiswahili languages, ili mwananchi aweze kujua yale yanayoendelea. Mpaka hapo, Mungu awabariki.

Com. Prof. Kabira: Thank you very much Mr. Kogo. Do we have Ernest Cheboi? Cheptum I can't read your first one.

Alfao Cheptur: Asante sana kwa Commissioners na members ambao wako mbele yetu kwa siku ya leo.

Com. Prof. Kabira: At least jitambue tena.

Alfayo Cheptum: Jina langu ni Alfayo Cheptum. Ningezungumza juu ya kuhusu mkulima, sisi wakulima, tukiwa tumeendelea kulima katika mashamba zetu ndogo ndogo, na tukipata nafaka, yaani mavuno wakati ambapo tunachukua kutoka kwa cereal board, kama vile tunachukua mavuno hatupati haki yetu kama vile tunavyopaswa. Naam tungeuliza kwa Commission hii ili ichunguze iwe kama tukishachukua Katiba mpya, iwe inaweka mkulima kuwa mtu wa kwanza na kumheshimu kwa sababu tukiwa hapa, kila mtu huko anataka kupata chakula. Asubuhi ya leo tulipata breakfast, saa hizi saa za lunch tunapata chakula, nyumbani tukirudi tunataka kula chakula cha supper, kila moja wetu, hata ndege aliondoka asubuhi kwenda kunywa maji na kwenda kutafuta chakula chake. Na sisi binadamu je, kwa nini tunaweza kuchagua wakuu ambao wanasimamia katika maghala yetu ya huko cereal board, baadaye hatupewi haki zetu. Tutaweza kuelimisha watoto kwa njia gani?

Tukiwa nyumbani kule tuna jamii mbali mbali. Tunaweza kuwa na watu kumi katika jamii moja na inaweza kosa chakula. Na tumevuna chakula chetu na tutapeleka katika ghala zile za cereal board, baadaye tunakosa pesa za kula. Nikienda namba ya pili, tukiwa upande wa barabara, tukienda kukata licence ya TLB, insurance, tunaona maneno haya mawili, police wako barabarani, kutoka asubuhi mpaka jioni, anajitafutia chake, na mimi nimetoka cereal board hakuna kitu mimi nimelipwa. Na nikiwa njiani nikipita huko nikiwa na gari ninauzwa TLB. Na hiyo nimeiweka gari yangu na insurance na TLB maanake ni nini? polisi akiwa barabarani anakuuliza wewe uko na nini, unipatie kitu kidogo, pengine tyre imeharibika, jam pengine nini, na nikimpa kitu kidogo, nani ananipa mimi? Na yeye mwenyewe anaajiriwa na serikali. Kwa maoni yangu, au kwa maoni ya Katiba mpya, ingefaa polisi watupiliwe mbali kutoka juu, kutoka wale wanaitwa Commissioners, sijui nini, mpaka chini, na serikali mpya iwekwe kama ingewezekana ingepatikana kama jeshi, military army iwe badala ya hawa.

Na nikienda nyuma kidogo ningesema kuhusu upande wa elimu. Elimu tungeonelea tupewe elimu ya bure kutoka form four to form six. Kwa sababu ilionekana kama watu hawawezi kulipa karo ya shule, watoto wengi watabakia nyumbani, na wakibakia nyumbani wataitwa chokora, na hao ndio chokora tulikuwa tumesema, chokora walikosa kulindwa ndio wanatumia nguvu kuiba, shauri hilo ingeangaliwa.

Upande wa misitu, upande wa maji ya mto ama maji yetu ambayo tumekuwa nayo kwetu hapa Kenya. Mtu mwingine anasema maji yanaenda mpaka huko Leprutos, mengine mpaka mto wa Nile, na sisi tumekosa nguvu au serikali haikuweza kututegea sisi maji ili tupate maji kuenda makwetu, maana maji ni uhai na ni maisha. Na nikienda sehemu ile ingine, haya maji yanaenda mpaka Nile. Watu wengine huko wanatengeneza chakula mbali mbali. Wanaweza kupata kutengeneza ngano huko na

wanavuna kutoka kwa maji yetu. zaidi ya hayo, sina mengine mengi.

Com. Prof. Kabira: Asante sana Bwana Cheptum. Tumemaliza yale majina tumepatiwa, ningetaka kuuuliza kama kuna mtu yuko hapa na ajazungumza na anataka kuzungumza, pengine alikuja tuliitana na hakuwa, okey. Kuja hapa mbele tafadhali, kwa hivyo ni watu wawili, kuna mwingine? Okay na kuna mama mwingine hapa. You had registered? And you came(inaudible) okay ni sawa tu, kuna mwingine anataka kuzungumza? Kwa hivyo wewe ni namba one, na mama ni namba two, namba three, kuna mwingine? Hakuna, wengine wamezungumza au hawataki kuzungumza? Okay kwa hivyo ni watu watatu. Tupatie jina kwa microphone.

Thomas Sang: My name is Thomas Sang, kutoka Joia location, Koisaget sublocation, Kesses division. Now mine will touch much on land and property. The local community should be the ultimate owners of the land and developer and securer. Low land should be taken by the government from the community, unless in case of emergency, like war, epidemics of diseases, then the community should be consulted and compensated. No free land. Thirdly, there should be no limits of land ownership by an individual, this one will depend on his ability. But that land should have been acquired in the right way. Fourth, non Kenyans should not own land in Kenya, but can live in it for a period of time, same to non community members. The land transfer process, I propose the following; that the family should be the first people to be consulted, the village elder, the assistant chief of chief and then the land board. No land should be settled in court, but should be settled by the wazees. The community to manage their own natural resources, like the forests, the water bodies, if there are minerals they will also manage and should not be interfered with.

Now, our MPs, our MPs are our servants but not our bosses, therefore, should anything they should consult us first, in reference to what they have done recently, that they increased their salaries, they should have first of all informed us, the constituents, so that we give them the green light, so that they can continue with their suggestions. So therefore I propose that for the MPs for any information, they should consult the constituents first. Thank you.

Com. Prof. Kabira: Okay thank you very much Mr. Sang. Emma Gat.

Beatrice Cheron: Bwana Commissioner na Bi Commissioner asante nimeomwa na Hellen Barno niweze kuleta haya maoni mbele ya Commission ambayo yanahusu.....

Com. Prof. Kabira: Lakini utuambie jina.

Beatrice Cheron: Mimi mwenyewe ninaitwa Beatrice Cheron, yeye akiitwa Hellen Barno. Ya kwanza anaongea juu ya mali, anasema title deed ziwe na majina mawili, ya mama na ya mzee. Hii itarahisisha urithi ama wakati mzee anapoondoka, inakuwa rahisi kwa mama kuweza kurithi mali, ama mama akiondoka mzee anawezabaki na mali. Succession ama urithi kwa

watoto, wapewe mali bila ya kubaguliwa, awe ni msichana au mvulana. Upande wa sexual abuse, rapists wapewe life sentence.

Violence against women should be outlawed, especially if a woman is battered, the man should be taken to court. Customary marriages should be given a certificate. Come we stay marriages, should be recognized after six months as a marriage by the law. In case of divorce, the wife should be given the benefits by the husband, or they share the property that they have equally. The children should be supported by the man after the divorce, and the children remain with the mother.

Child support and maintenance; if a child is born outside marriage, the man will educate the child up to university level in case he doesn't marry the lady. Affirmative action; women to be given key positions in all sectors and 35% should be reserved for women especially in Parliament, na pia kutoka kwa mama wa mtaa hadi kwa President. If the President is a man, the Vice President should be a woman.

Maternity leave should be given up to 90 days, the time given right now is short, and if possible paternity leave for the men.

Education should be free from nursery to the university. Health services should also be free and the facilities should be up to the locational level, so that it is accessible for the women. Disabled people should be supported by the government fully. Water and electricity should be given priority in the rural areas, because it is the women who really suffer when they are going to the rivers looking for water and firewood. So for the few points that I have said, thank you very much.

Com. Prof. Kabira: Thank you very much, Cheron. On behalf of, what was the other name? Hellen Barno, thank you very much. There was the third one who registered.

Cheyo K. Sumei: Commissioners na wananchi, safariheri. Yangu ni kidogo ingawa.

Interjection (Com. Prof. Kabira): Tafadhali tuambie jina lako.

Cheyo K. Sumei: Jina langu ni Cheyo Kilanyei Sumei from Kesses division, I had already registered. Pendekezo langu kwa serikali ni ya kwamba, I would like a federal system of government with a ceremonial President and a Prime Minister. Pili, ningetaka au ningependelea that all government officials, because there is a lot of corruption. All government officials, must be impeachable, yaani wawe wakishtakiwa, hata akiwa AG, Attorney General, hata akiwa nani, bora amekosa, all government officials.

Three, there must be a complete IOP, there must be a complete of the whole of the education act, made before which is already absolute. We are processing graduates in our public universities, teachers training colleges and no jobs. It looks there

is somebody somewhere, in directorate of manpower I don't call it man power planning, manpower misplanning, so that directorate of manpower management must be done away with and another body put in effect that will handle educational affairs in this country. Right now we have a lot of graduates lying around after graduation, from various training colleges, universities and so fourth.

Fourth, I would recommend to this Commission that the other system, 7-4-2-3 be re-introduced. And with education also, young men avail free primary and secondary education. I would like to recommend a little bit on agriculture. Agriculture is a main key of this country's economy. Farmers are suffering a lot, using whatever.....(inaudible), I would like the government to subsidize all farmers inputs. Government be able to take care of the farmer. Government be able to subsidize and protect the agricultural industry. Thank you very much Commissioners.

Com. Prof. Kabira: Thank you very much Mr. Sumei. He was the last person to present the views, you were here? Okay come and be the last person, you didn't put your hand though.

Speaker:(inaudible)

Charles Tanui: I had presented six.

Com. Prof. Kabira: Out of ten, so you want to finish the four, but you gave us the memorandum? You didn't, we will give you one minute, utaje tu, lakini don't give us an explanation. Tell us your name.

Charles Tanui: Thank you. Commissioners and wananchi I am Charles Tanui again. I am working at the D.Os office and I had ten points, the remaining four are as follows;

Justice; in addition to Judicial court, there should be an Ombudsman's office.

Provincial Administration and government services. Civil servants should be qualified to handle their work, for example chief and their assistants should be trained up to diploma level, in community development or sociology. All civil servants should have reached form four and be trained in particular trade.

Health; NHIF should cover all citizens of Kenya. The reform should be made such that, every economically productive Kenyan, contributes at least hundred shillings or one percent of the income he or she earns, whichever is more, because health is expensive.

The Constitution; the Constitution should be supreme and no one should be above the law. The President and the Prime

Minister as I had proposed, all of them should be impeached when they misuse powers. When it comes to constitutional change, the MPs should debate the change or introduction of a Constitution and when they vote in the house, if they have fifty to 75% of the votes being yes, then the referendum should be taken to wananchi, if it is above 75% then it should be passed into law. Thank you.

Com. Prof. Kabira: Okay thank you very much. Please come and sign your name again. We want to take this opportunity to thank all of you, for the way you turned out today and for the presentation of the views and I think I am going to as the District Coordinator whom I cannot see, or the Chairman of the committee, Mr. Bor, we will hand over to him or to the Chairman of the committee. In case there is anything you want to say, and also for the closing prayers. But before I give it to him, I wanted to say that, wakati tunapoandika maoni, constituency reports, tutakuwa na constituency reports na zitarudi hapa muangalie muone kama vile mlisema ndivyo tuliandika, kwa hivyo hizo zitakuja bila national report. So we shall have a constituency report which will be brought to you and then afterwards we will also have a national report. So you will be able to see whether we have covered the issues that you raised, whether we have reflected correctly the issues that you have given us. Thank you very much once again.

Audience: (clapping)

Rotich(Chairman): Commissioners yangu ni kuchukua nafasi hii, kwa niaba ya wanakamati wa Eldoret South, kuwashukuru kwa hii siku ya leo. Ile kazi ambayo mmefanya siku ya leo, ni kazi kubwa na vile vile ningetaka kuchukua nafasi kushukuru wananchi, wale walikuja hapa kutoka asubuhi, wale ambao wangali wako hapa na sisi, kwa kufika na kuzungumza kuchangia kwa mambo ya kutengeneza Katiba. Hii ni kitu muhimu, na vile Commissioners wamesema sasa wamechukua maoni yenu, wataenda kuchanganya na mengine, kutoka kama Coast, North Eastern na kila mahali Kenya, halafu itarudi hapa kwenu muangalie yale mambo ambayo mlischangia iko ndani ama la. Commissioners hii imekuwa siku nzuri tunafurahi na ninafikiri tunakutana tena siku za usoni na Mungu awabariki. Asante. Mtu atufungie kwa sala.

Speaker (Prayer): Tunaweza kuomba. Nafikiri kwanza kabisa ni kumshukuru Mwenyezi Mungu. Baba tunakurudishia asante kwa siku ya leo, kwa mambo yote ambayo tumejadiliana hapa tukiwa Kesses, tukiwa constituency ya Eldoret South, wazee kwa wamama kwa vijana, pamoja na Commissioners ambao wametulia Baba, nakuomba, nakurudishia asante kwa nafasi hii. Pia Baba nakurudishia asante, kwa wale wengine ambao wameenda constituency zingine. Baba hii ni nafasi kubwa sana ya Wanakenya, na tunakurudishia asante. Ni asante pia Baba kwa ajili ya hawa Commissioners, na tunawaomba wakati wanaporudi ambako wanaenda Nairobi, wapeleke kwa usalama salmini. Pia tunaomba viongozi wa nchi hii, waweze kuungana na Commissioners, ili waweze kuandikika Katiba mpya, na pia Baba tunaomba kwamba kwa ajili ya watoto ambao wako shuleni Baba, tunawaomba na wale wote ambao hawakuweza kufika katika hii forum. Baba tunakurudishia asante katika jina la Yesu Kristo Mwokozi.

Audience: Amen.

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