

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

EMGWEN CONSTITUENCY, HELD AT

NANDI COUNTY COUNCIL HALL

ON

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2ND JULY, 2002

CONSTITUENCY PUBLIC HEARINGS, EMGWEN CONSTITUENCY HELD AT NANDI COUNTY
COUNCIL HALL ON 2ND JULY, 2002

Present

Com. Abida Ali-Aroni
Com. Dr. Mosonik Arap Korir

Secretariat Staff in Attendance:

Hassan Mohammed	-	Programme Officer
Anne Cheron	-	Asst. Programme Officer
Suzan Mutile	-	Verbatim Recorder
Julius Barno	-	Co-ordinator

The meeting was called to order at 10.20 by a prayer from the area Pastor and Imam.

Julius Barno: Wakati umefika ambapo tutaenda kuanza mkutano wa leo na kabla hatujaanza nitamwalika Imam na Pastor yeyote aliye hapa ili tuweze kuomba. Pastor na Imam tafadhalini.

Reverend James K. Bassy: Hebu tulia tunataka tuombe. Na tusimame, Baba Mwenyezi twakushukuru kwa jinsi unatupenda, asante kwa ulinzi wako ambao unatulinda, asante Baba kwa jinsi umetufikisha siku ya leo tukiwa salama, Tazama hawa watu wako ambao wewe mwenyewe umewaongoza, tumefikisha hapa kwa ajiri ya siku ya leo. Tunakuomba baba, kuanzia sasa Baba mwema uwe pamoja nasi, ili watu hao ambao wamekuja wakitaka kutoa maoni yao ya Katiba mpya. Tunakuomba utuwezeshe Baba mwema, tuzungumze yale ambaye itaweza kutulinda ukituongoza wewe mwenyewe. Waongoze viongozi wetu pamoja na wanenaji na saa hizi tena utubariki sisi. Naomba hayo katika jina la Yesu Kristo Bwana wetu. Amen.

Imam Abubakar Sadala: Na tuombe mwenyezi Mungu kwa wakati ambao tuko nao huu. Mwenyezi Mungu nakuomba kwa unyenyekefu na utulifu na tunakushukuru kwa kutuwezesha kufika wakati huu na siku hii ya leo. Mungu tumefika hapa kuweza kuyazungumzia maswala ya nchi hii, maswala yetu tukiwa wananchi. Mungu tunakuomba utubarikie na utupe nuru na mwangaza kwa yote tutakayozungumza hapa. Mwenyezi Mungu tunakuomba yeyote atakayezungumza, na wote watakaokuwa wanasikiza, Mwenyezi Mungu uweke mwangaza katika haya mazungumzo yawe na manufaa kwa jamhuri ya Kenya. Mwenyezi Mungu tunakuomba utupe nuru tunapokaa hapa utupe rehema tunapokaa hapa, Mwenyezi Mungu tubarikie namna uliwabarikia mitume waliotangulia. Mwenyezi Mungu ikiwa tutakosea kwa mazungumzo, wewe ni Mungu wa kusamehe utusamehe, na ikiwa Mwenyezi Mungu tumepata mazungumzo ilio sawa, Mwenyezi Mungu utuongoze kwa njia ilionyoka, wala usiongoze kwa njia ya wale waliopotea. Tunakuomba utubarikie dua hii kama ulivyowabalikia mitume waliotangulia na kama

ulivyowabarikia wema waliotutangulia Mungu tunakuomba mazungumzo haya uweke nuru yako na mikono yako ili Kenya na wananchi kwa jumla wakae kwa amani bila matatizo. Tunaomba Mwenyezi Mungu ulete amani katika nchi hii, Mungu utuepushie vita, utuepushie fitina, na utuepushie mizigo mizigo ambaye iko baina yetu. Mungu tunakuomba kwa baraka za mtume wako Muhammed Amen

Julius Barno: Asante sana Reverend na Imam kwa maombi. Tutulie, tutulie zote kwa sababu programme inaenda kuanza. Kwa wakati huu basi ningependa kuwakaribisheni nyote kwa mkutano huu wa kupokelewa kwa maoni yenu. Leo ni siku yenu, hakutakua na kuongea kwingi. Maoni yatakuwa yenu. Kabla hatujaanza kusikia maoni yenu, wakati huu kama mnavyojua nyote kumekuwa watu ambao wamekuwa wakifundisha elimu ya kiraia na kuna wengine pia ambao wamekuwa kamati katika kamati ya constituency constitutional committee. Wakati huu basi nitamuaalika chairman wa Constituency constitutional committee ambaye ni mheshimiwa Ng'enyi ili aweze kunena machache na kuwataburisha watu wa kamati yake na kisha kuwaonyesheni kwa wale waliofundisha, kuwaonyesheni tu wale ambao walifundisha elimu ya Kiraia. Mheshimiwa Ng'enyi tafadhali.

Samuel Arap Ng'enyi: Asante sana Bwana co-ordinator, Madam Chair wa commission, Mheshimiwa Arap Leting, Vice Chairman na constitutional constituency committee, Members of the NGO ambao walifundisha raia na sisi wote ambao tumefika hapa, hamjamboni? Vile umesikia yangu ni fupi kwa wakati huu ingawa nikishamaliza waonyesheni wale ambao wako ningependa kusema maneno chache halafu yangu yataishia hapo.

First of all I would like Madam Chair to... before I make that introduction to welcome to Emgwen constituency on behalf of this us that is here, and those who are still coming and those who may not come. You are most welcome for this very important undertaking when we are thinking about reviewing of our constitution. I would like to let you know that the constituency committee together with civic education providers have done a very commendable job of visiting most villages, not all, but most villages in the constituency in order to enlighten our people about what is coming. And I think at that particular juncture I would like all the members of the constituency committee you will please stand those who are here. The Vice Chairman Mheshimiwa Sego, the mayor is a member, Madam Kosgy there, a member, Owiti, member, I think the others are still coming. Thank you very much... Ah, Rose, thank you very much and Mheshimiwa himself he is there on the list. Thank you very much for the work that you did. I would also like to recognize the civic education providers, if you will please stand up. I may not be able to point out all of you lakini msimame wale ambao mlikuwa mnaendesha kazi ya kufundisha. Thank you very much for the work that you did kuwafundisha wananchi kazi ya siku ya leo. Asnateni sana. Here I will not forget to thank the Provincial Administration, they did a lot of coordinating work for us and we were very grateful for the support that they gave to this process. I think having reached there I would like to make a few remarks which are mine and I will not be saying anything thereafter as part of my contribution to what is happening today because it is a very important exercise all over under the act we have been asked to participate and I would like to make the following observation.

Interjection. (inaudible)

Samuel Arap ng'enyi is my name. Samuel Kipiebei Arap Ng'enyi. You can add that, this is a former deputy speaker of the National Assembly. Because sometimes you may not insist.

What I wanted to say, I know these people we do not have sort of one document as a committee because there are several groups that are going to present on behalf of all those who listen and therefore ours are going to be individual kind of presentations on the basis of the teachings that has gone to these people but personally I would like to make the following observations.

On the constitution, when one looks at our constitution which is very important document and why the act is so elaborative in saying what it says, what it seems to have been missing and I would like it to be considered in the next constitution that you will be producing and this is in the area of preamble. Our constitution as it stands today, does not say to whom does it belong. It is a document that is there printed, written, but the way it begins under chapter one section one, Kenya is a sovereign republic and to me sounds a hanging kind of statement because it doesn't, nobody owns it, nobody can claim ownership of that document. And I am therefore suggesting that when you come finally to consider, you should include a preamble which says, and because the act has made you to go round the country getting the views of the people, let the people of Kenya own that constitution. Unless the people be sovereign in that document, that the people at the end of the day, Members of parliament, councillors and other elective positions are functionalities of the constitution but at the end of the day let the people of Kenya be sovereign. And I would add that at appropriate moment in the drafting of that constitution, there should be room for referendum to decide major issues of National importance. The current constitution has been amended several times and it is the course of the provision which was included for parliament. All the powers of amending the constitution were veted in parliament. I think the next one should not be that way, it should have the people of Kenya at some points must be consulted to say what should happen. Is that amendment desirable for their welfare? And if it is not, they should be given the chance to say no! That is one observation that I'm making.

The second one is on the issue of the structure of government and I'm in particular to the separation of powers and the establishment of checks and balances. I think our current constitution has been weak in this area in that the Executive has become over bearing in many ways and therefore it has firmiated, its powers have firmiated all other sectors and the other institutions, the judiciary, the legislature, has become some kind of lamed up in many areas and I think the new constitution should collect that position particularly in the appointment of important office holders. I think there should be a method of vetting those important positions through parliament because parliament is the elected body and it has the auditing functions of government. I think whatever senior appointments are to be made, parliament should be allowed to have a committee that listens and approves and endorses the appointments of our senior members of our society.

The mismanagement of ___ resources that has been seen in this country, I think it has been due to the fact that the appointment of important people in this country has been left in the hands of one person and this has been to our document.

The other observations that I would like to make is in the course of the electoral process. The way we elect our leaders, the legislative provisions that conduct the elections, there are two things that have brought seriously gone wrong in our electoral process and one of this is in the area of whoever wants to stand for any office, how much money should they spend? We used to have under the parliamentary presidential elections act, a provision where you had to present you accounts at the end of the elections. That thing has now been amended and removed and therefore what has happened is that in our electoral process, there is financial dominance, and people are elected on the basis of how much money they pour here and there and then they go and make witness for the next round after 5 years they come round to say more. I think there should be a check on that one and we should refer back to whatever shilling that somebody can spend up to so much and in what? It must be specified. We don't want corruption and other things. Infact we do corruption in everyday, everybody running around, corrupting people and we say yes that is the method in politics. I want ask one day I was told even in America that's what happens but when you say as the way the Americans do, or the British for that matter, you will find there are controls in whatever they are doing.

The other one is this issue of violence, Kenya has become a violence society and therefore the rule of the jungle tends to dominate whatever is happening. If I want a fish, the mechanism of fighting people so that I get elected and there is no records to law, even the people who are supposed to be controlling the legal process have been intimidated and therefore nobody takes action. The administrators that should be looking after the welfare of people to be able to listen to proceedings that has gone missing and so I think the electoral commission should have stronger powers of conducting and regulating the elections with correct provisions in the law for them to act almost on the spot. We are all aware of recent by-elections where violence was being meted to innocent wananchi and the electoral commission was admitting openly that they did not have sufficient powers to handle that particular matter because it belongs to another body.

And the other thing is the issue of natural resources. How we look after our natural resources and in this particular area I'm giving two examples only. The question of land, the question of land is a very sensitive issue and traditionally Kenyans use to live in recognizable geographical units. And I think when you come up with the constitution you should include a provision that enables communities in those specified areas to control the transactions on their land so that they can look after themselves because after independence in 1963 we came up with a policy Kenya is for everybody. That is fair to that extent but what you have found is that it has now become Kenya for some and some are left out, take for example, the allocation of lands, the former white highlands, the settlement schemes, you find people somebody has over 10 pieces of land in different parts of those settlement schemes and they chain you in landless people are being left to lot wherever they are; and I think it should be preserved of the communities in those areas to regulate the conduct transactions from their land and therefore there is the relevant regislative provisions should be made clear in the constitution how they are to operate. State resources, water, forests, and minerals I think this again should be made constitutional issues so that we do not allow individuals to control those areas to the dettlement of the general population.

Finally Madam Chair I want to touch on something on leadership conduct. Leaders are supposed to be entrusted with heavy

responsibilities and I think of late what we have seen in our country is that leaders have left a lot to be desired in the way they conduct themselves, in the way they run the state affairs, and even fighting in public and I am suggesting that an act of parliament which should emanate from a definite provision of the constitution should insist that there be a code of conduct for anybody who calls himself or herself a leader in the country. If you take the issue of corruption for example, if leaders had restrained themselves because they are the ones who have taught the general public to accept bribes, to give bribes, and you find everywhere, a division into employment, in colleges and other institutions you hear a lot of money has to be parted before a child can be admitted to an institution which is public. How terrible and yet on every item that we buy there is a tax being charged on all Kenyans regardless of their status. Then at the end of the day it comes something you have to go and purchase. And a highlight to this one is the question of human rights, I think you will need to spell out more clearly in the new constitution. Chapter 5 of the present constitution has been lacking in many ways because although they elaborate provisions which are given there, nobody will challenge but the way the implementation of those rights of citizens was left to the Chief Justice and because of the other legislative provisions, the chief justice was rendered inactive in producing those regulations. I think that should be looked into and a proper constitutional provision be included which enables those human rights to be implemented. I think Madam Chair I have taken longer than probably I should but I thought as a kind of state setting for these people to present their memorandum, I should comment on those areas that I feel personally and have been of concern to me for several years. And I think at that juncture let me now come to you and may be if you allow me I will do a little introduction of yourselves.

I think ladies and gentlemen, these are members of the commission, over there the gentleman on the left is Dr. Mosonik Korir, a member of the commission, I welcome you and over here chairing this session is Madam Abida Ali who is a lawyer and has been a prominent member of several activities in this country, welcome Abida Ali and needless to say your Mheshimiwa is here, I don't need to introduce him but as a colleague I want you to recognize his presence. And I think because the MP is here may be he can make a few remarks before we give to the commissioners to conduct the rest of the representations. Thank you very much.

Hon. Joseph Arap Leting: Thank you Arap Ng'enyi, Madam Chair, Chairlady, chairman of the constituency committee, na members, the two commissioners, mine will be very short because I will be talking after I want to give you the first chance in a state of speaking continuously from the other table. So Madam Chair, welcome to Emgwen constituency, you have already been welcome by the chairman of the committee which have done a very good job according to me. So wananchi this is your chance now, we have been waiting for this day and the day has come to present our views. Because I want to give more time to talking, I want to finish on there and just wish you good concentration and I would only ask you to be as brief as you can so that as many people as possible can talk. So with those few remarks Madam Chairperson I return the

Com. Abida Ali-Aroni: Thank you Mheshimiwa, hamjambo? Kwa niamba ya tume, kwa sababu huu ni mkutano wetu, ningependa kuwakaribisha katika hichi kikao na kuwaeleza kwamba tuna matumaini makubwa kwamba tutapata maoni ambayo yatakua na usaidizi mkubwa katika kazi yetu na katika hii shughuli ya kulekembisha Katiba ya nchi yetu, chairman amewajulisha

commissioners, ametujulisha sisi commissioners lakini ningetaka kuwaambia kwamba kuna commissioner ambaye atajiunga na sisi pengine baada ya resaa limoja, amebakia nyuma na jina lake ni Dr. Charles Maranga, lakini kabla sijasema zaidi ningempa mwenzangu Dr. Korir kuwasalimia.

Com. Dr. Mosonik Arap Korir: Hamjambo wananchi wenzetu? Salamu ni ya kutoka sisi wote, tunakuja hapa commissioners watatu, wengine wanafanya kazi sehemu zingine. Tunafurahi kwa makaribisho, mheshimiwa mwenyewe na waheshimiwa wale wengine ambao ni members wa 3Cs na tuko tayari kuyasikiza maoni yenu. Asanteni sana.

Com. Abida Ali-Aroni: Na kabla hatujaendelea tungependa kuwajulisha kwamba tumekuja na wenzetu kutoka katika secretariat ya commission na tungependa kuwajulisha ili msiwe mnawaza ni akina nani hao? Ambae anasimamia shughuli hii ya leo anaitwa Hassan Mohamed, Bwana Hassan Mohamed ni programme office na ikiwa una swali lolote au mambo yoyote tafadhali zungumza na Hassan kwa sababu ukija hapa juu itakuwa ni vingumu sana kwetu kukuhudumia. Na Hassan anasaidiwa na Anne Cheronon ambae pia anasaidia kuhakikisha kwamba anarecord maneno yote ambayo mnazungumza halafu tunaye muita Verbatim recorder Susan Mutile. Susan anahakikisha kwamba mazungumzo yenu yote yako katika tape recorder, kwa hivyo ukija hapa mbele kuzungumza ni lazima utumie microphone na uhakikishe kwamba unatumia kipasa sauti hii mpaka maneno yako yashikwe na tape recorder ambayo tunayo.

Na ningetaka kuwapa kwa wakati huu mashariti ambayo tutatumia katika hichi kikao na tunawaomba kwa sababu tunatengeza Katiba ya nchi, tukubaliane tufuate Katiba ya kikao hiki ikiwa ni exercise kwamba hivi karibuni tutakuwa na mambo mapya katika nchi. Kwa hivyo hatutaki tukosane, kufikia wakati huu tuna watu zaidi ya mia ambao wamejuandikisha na wanataka kuzungumza. Na ikiwa hatutafuata utaratibu, inamaanisha tutasikiza watu wachache kabla hatujafunga kikao hiki leo jioni. Marshati yetu ni kwamba unaweza kutumia lugha yeyote ambayo unaiielewa, tutahakikisha kwamba tuna translation, ikiwa kuna lugha ambayo haieleweki kwa wanatume lakini ikiwa unaweza kuzungumza Kingereza na Kiswahili, tutakuomba utumie lugha hizo mbili. Ikiwa unalazimika kutumia lugha ya mama basi kutakua hakuna shida yeyote, tutapat translation ili tuweze kuwasiliana.

Na kuna njia tatu za kutoa maoni, unaweza kuzungumza, unaweza kuwa na memorandum au na kala, na sio lazima uzungumze, ikiwa una memorandum unaweza kwenda kwa Hassan na ukampatia memorandum yako na ukasign register yetu ambayo iko pale kwa sababu hiyo memorandum tutaishoma. Njia ya tatu, ikiwa una memorandum kwa sababu tunajua ni ndefu na watu wengine watahitaji lisaa lizima kusoma memorandum, tunakuomba ufanye highlight, angalia point peke yake na kutupa hizo points. Tume itasoma memorandum wakati mwingine na sio kwa wakati huu kwa sababu ya wakati. Na tutawapa kila mtu dakika tatu kuzungumza. Mtasema dakika tatu hasitoshi, lakini sisi kulingana na experience yetu, tukikupa dakika tano, utatupatia mambao mengi ambayo hayana faida. Katika dakika tatu, upendekeze Katiba ambayo ungependa kuiona nchini bila hadithi ndefu na utaweza kuzungumza. Tumefanya hivyo Chelengan jana na tukapata mawazo mazuri sana na tumefanya hivo kote nchini.

Jambo lingine ni kwamba tafadhali ikiwa unataka kuzungumza usitaje majina ya watu, tuwe na heshima, hatutaki ukiwa una shida na chief wa sehemu fulani usitutajie jina. Zungumza kuhusu office, sio mtu ambae anaketi katika hio office. Jambo lingine, ikiwa mzungumzaji amesema jambo ambalo haulipendi, tafadhali kaa kimia utapata nafasi yako ya kuzungumza kwa sababu democrasia inasema tusikize maoni ya kila mtu.

Jambo lingine mhimu ni kwamba tutatumia register kulingana na first come first served. Tutakuwa haturuki register hii, kwa hivyo ukiwa utafika umechelewa, uwe na patience ama subila ya kukaa mpaka tukufikie jina lako. Tafadhali usituombe kwa sababu hatutafanya hivo, kuluka orodha ya majina. Lakini ikiwa kutakuwa na watoto wa shule kwa sababu tunatambua ni lazima warudi shuleni, itatubidi tufanye affirmative action ili tuwape nafasi ya kuzungumza na waondoke. Ikiwa kuna mtu ambaye ni mgojwa, tutakumbali kufanya hivyo. Na ikifika wakati fulani, si kwa sababu mimi ni mama hata mwenzangu hapa angefanya hivyo hivyo itatubidi tuwape nafasi akina mama kuzungumza ili warudi nyumbani kwa sababu hatutaki wakifika nyumbani jioni wazee wakute hakuna huduma nyumbani. Kwa hivyo sheria zetu na marshati yetu ni kwamba ikifika wakati fulani mkituona tunataja akina mama mjue tunafuata masharti ya vikao hivi ambavyo tunavyo katika constituency. Na baada ya kuzungumza, tuna register pale ambayo Bwana Mohamed atawataka nyote mpote pale na kusign kwa sababu katika hii register tuna observers na ille register itaonyesha kila mtu ambae atakuwa amezungumza na kuna maneno fulani ambayo yatakuwa ni muhimu katika data collection ambayo tunafanya kwa wakati huu. Nafikiria kwa kufikia hapo, nimekubushwa kwamba niwaeleze ikiwa tuna watu ambao ni walemavu, itatubidi pia tuwapatie nafasi kwa sababu kwa wakati mwingi inaonekana kwamba tumewawacha nyuma. Tutawapatia nafasi ya kuzungumza na ikiwa kuna mtu yeyote ambaye hasikii na hawezi kuzungumza tupewe habari hizo ili tuweze kutafuta mtu wa sign language kwa sababu tungetaka zote tuweze kuelewana na kujua ni mambo gani ambayo yanazungumziwa. Na tafadhali, ikifika dakika zako tatu, nitakupatia warning, nikikupa warning uondoke bila shida yeyote kwa sababu tumekubaliana tujenge Katiba ya mkutano huu ili zote tuweze kuzungumza.

Na kwa kufikia hapo nafikiri ningemtaja mtu wa kwanza, utakuja pale, kuna microphone, na uanze shughuli yako. Mtu wa kwanza ni Bwana Peter Kirwa Sang. Bwana Pete Kirwa Sang?

Peter Kirwa Sang: Asante tume, ningeomba kwa maana kwa sisi kwa utamaduni wetu tuko na salamu ambayo tunapeana *Chamge maungot ak muren ak okwk kotab tegiso chamge. Tuyoni nyon en Nandi ko anyiny ole anyiny ngelyetab nandi ngenwoe ngolyot ne kimwae ak kengalal kemwa iman iman ole iman chepchepe eunekiok kesire chepchepe kele chepchepe.*

Nitaeleza blessings baadaye. Thank you very much, chairman, ladies and gentlemen. It gives us pleasure

Interjection

Com. Abida Ali-Aroni: Bwana Sang? Start by introducing yourself for purposes of recording please.

Peter Kirwa Sang: Okay thank you. My full name is Peter Kirwa Sang. I'm presenting Nandi throughout council of elders.

I would like to make the introduction before we just give the memorandum. It gives us great pleasure to acknowledge our gratitude over this golden opportunity granted to us in order to present our constitutional views on behalf of our people. It will be wrong if we do not extend the same acknowledgement to your honourable commissioners in their noble task of shaping the destiny of our country and its people. We also wish to take and appreciate this historical revamp of reviewing the constitution which has never been witnessed in our country since the massacre and atrocities committed against our people and it _____ as a nation in cold blood over our beloved gendering mzees symbolic Waitalela Arap Samoan who was shot at the point blank range together with other trustee members of the elders council, immediate family advisers, including women and children on their backs on one blood, black middle road of October 1905. Today we are going to address the issues which have affected and put our Nandi people in wilderness, in poverty for over a hundred years.

In the course of trying to drive the point home, first we will stand like rocks under the shifting tides, prejudice and emotion will be the order of the day.

Chairlady, we all know that doctors and the keepers of life and death, so the people of Nandi have resolved to qualify you today as their community doctor and we believe that you will be only one who will diagnose and treat our chronic disease of _____ human rights and land tumor. It is obvious fact that that the environment can produce human beings with many virtues i.e good mannered hospitable, generous and friendly but despite all the above positive qualifications human natures fail to impartially especially when it comes to discussing his views that affect their fellow men and him.

Let us say that Africans have ever known to patience and always hope for their rights at the end of the tunnel. Ladies and gentlemen kindly be our life on this issue that has been eclipsed since the white man left this country 40 years ago. It will be improper to give the views of the Constitution Review Committee before giving proper understanding of our Nandi people, present and how the future will hold and fail us. At the mercy of impulse and prejudice lacking imbalance and continuity if we fail to do so. So I will just take you points on the memorandum which we have prepared, I will not give all.

I will go to Nandi land rights and property rights. Land has been reduced as a political weapon to divide and destroy individuals, communities' geographical areas. The first Parsian government used land as a tool to split and subdue our people. Since then it has become the principle weapon in politics and patronage.

Secondly I would like to touch on the environment. We wish to rule out the question of environment protection in our constitutional review commission on the following grounds: Until such a time when our Nandi people squatting on the slopes of trideret hills is addressed and resolved. They are in a very serious grave situation which will not raise in our minds as there will be eyeballs raised in the land ownership in Nandi and Rift Valley in general. They dwell here not on their own pleasure and we don't call it a human settlement as they sit on the landmine and hidden landslide, landslide tragedies. To protect the forests at the expense of Nandi is to condemn our people to death. Since all the arable land is not on their hands. We know that to conserve the forest means to have our people on the right places but this has not been the case. We know that we can get

abundance link but the truth we cannot live on rain when we don't have anywhere to cultivate. Also to say Nandi land is very fertile is a different thing should also our people living on the slopes of the hills since rocks cannot be converted into fertile and alable land by continuing to live abassedery there.

I will just touch something about the electoral system

Interjection

Com. Abida Ali-Aroni: I have understand you have taken six minutes, I will be asking you to wide up, since you are representing the council of elders I gave you double the time but I am constrained to ask you to wide up now.

Peter Kirwa Sang: Okay thank you. Sorry, to an European to present an item we just use a ribbon, in our cultural we just use our ribbon as well which is called Sindate. So these are not bewitching, infact it is eh (*laughter*) Thank you.

Com. Abida Ali-Aroni: Thank you very much, please register with Mr. Mohamed. The next person is Moses Saina, Moses Arap Saina please three minutes. I think the elders have spoken now we can set space utilizing three minutes and no more.

Moses Arap Saina: Commissioners, Honourable Member of Parliament, participants, ladies and gentlemen, my name is Moses Kisogne Arap Saina. I'm presenting this constitutional proposal as an individual and for attributes I'm an aspiring candidate for this constituency. Because of the time factor I want to be very brief indeed. First of all I want to give specific proposals on the new constitution and I want to touch on the area of the cabinet system.. What I'm saying is that the current constitution is not specific on the number of ministries that should be in government. If you look at section 17 of the constitution it is non specific and I'm proposing that to be able to manage resources of government we should have an optimum number of ministries and in my view, I'm proposing 15 ministries to be headed by a cabinet minister and one assistant minister. This will enable and improve sufficiency and accountability to the people of Kenya and it also aims at reducing the expenditure.

Second proposal is on the general election. If you look at section 65, sub section 3 of the current constitution, it does not give a specific date for a general election and I'm proposing that a specific general election date be entrenched in the constitution of Kenya so that we are aware, we know when exactly we are going for an election. And I'm proposing as in 1992, 1997, I'm proposing that the 29th day of December before the end of life of a sitting parliament be fully entrenched in the new constitution as a constitutional's elections date for holding of general elections in Kenya.

The third point I want to propose is on a Presidential running mate. As in other countries for example America, a Presidential candidate usually names him running mate as the Vice President and in Kenya I will propose that during the elections, we would like to have a running mate for a Vice President so that in the event that that particular party wins, the Vice President is assured of being also in the government.

The other thing on the Vice President is that, I would like to propose that the Vice President be given a security of tenure in the

constitution. Honourable commissioner you know it has been very frustrating for a Vice President in Kenya, to be a Vice President you don't know your fate. So to be able to have a strong constitutional model, I propose that let us have a security of tenure for the Vice President so he can remain for ____ and remain as a President in waiting.

The other point is eligibility requirements for candidates for parliaments. If you look at section 34, it only says you have to be a registered voter, you have to be a citizen of Kenya. I'm proposing that we include an academic requirement and I'm proposing that to be able to make politics a profession in this country so that it is not for Dick and Hurry, we have a minimum academic requirement of a diploma level in the constitution. This will enable, you know we have profession politicians.

The other thing is tenure of chief executives in the parastatals. Commissioners, chairman, we have seen mismanagements of resources in this country in the parastatal sector and I'm proposing that no chief executive should continue to hold office after attaining 55 years of age. The same should apply to officers working in the service. No political rejects should be appointed to head the public parastatals. To be able, you know there has been recycling of ... and then local government,

Interjection

Com. Abida Ali-Aroni: Please wide up.

Moses Arap Saina: Thank you. Local government I'm saying that the powers of a minister for local government, we should not be giving to nominate councillors because we have seen cases where he appoints and nominates a councillor today and tomorrow he fires him without knowing the reason. So let us scrapp that power in the constitution for the minister.

And the office of the ombudsman in this country. We would like to have that office so that we have a public office of grievances where the public can go and have grievances. Thank you very much.

Com. Abida Ali-Aroni: Thank you very much, we can read the rest. Asante. We have some students, I think I will give them a priority Erick Maisi from Baraka Primary.

Erick Maisi: Views from Baraka School chaired on this: Review of the Kenyan Constitution based on the child education. I Erick Maisi a standard seven pupil from Baraka School present my views on the above subject to the Kenyan *end of side A tape 1*

Future success in the education.

2. Free milk: I feel that the government should continue to provide free milk for primary children as before for good health is important for a good start in a child's education.
3. Irresponsible parents: The government should introduce a law which deals with handling cases of broken homes as well as affected children who are victims of sexual evils and if possible offer guidance on counseling services.
4. Poverty: The government should seriously address the causes of poverty and how to eradicate it because this has adversely affected our learning. Most children drop out of school due to lack of school fees.

5. Effects of culture: We Kenyan children come from different cultural backgrounds which have positive and negative effects on our education. Therefore we ask the government eradicate bad cultures e.g. female circumcision, early childhood marriage, etc.
6. Job opportunities: We as children are the future leaders of tomorrow hence we require the government to assure us of job opportunities after completing our studies rather than be faced with an employment crisis. Thank you.

Com. Abida Ali-Aroni: Thank you very much Erick, please come this side, register and give in your memorandum. The next Yasin Mohamed from the same school. And thank for keeping to the time.

Yasin Mohamed: News from Baraka school child on the review of the Kenya Constitution based on the child education. I Yasin Mohamed a standard six pupil from Baraka School present my views on the above subject to the Kenya Review Commission as follows:

1. The education should be made compulsory for all Kenyan children and should be free at the basic level.
2. Facilities: The Ministry of Education should provide all the necessary facilities that is text books, exercise books, teaching aid and many others to the public schools and if possible revive the former Kenya schools equipment scheme.
3. Teachers welfare: The government should solve the problems facing teachers particularly on the issue of salary increment to avoid any future strikes which are likely to disrupt learning in our schools.
4. Discipline: Discipline in our schools should involve the teachers, parents and the community and its measurements should be in the justice of all stakeholders.
5. Role of parents: The Ministry of Education on behalf of the government should educate and guide parents on the role of education. Its important particularly the neglected child by providing the required facilities.
6. Education system: We require that the Review of Kenya Constitution streamline or adjust the school syllabus to suit the current order society by striking or practical rather than the orotical skills to prepare children for the competitive job market. Thank you.

Com. Abida Ali-Aroni: Thank you. I think we should all emirate the young people. They are keeping to time and to the time. The other one is Yasmin Chebit.

Yasmin Chebit: This some Baraka School child on the Review of the Kenyan constitution based on the child education. I Yasmin Chebit a standard 7 pupil from Baraka School present my views on the above subject to the Kenya Review Commission as follows:

1. Children's rights: The government should seriously address the children's rights education being foremost. I also feel that juvenile courts should be set to look into matters like child abuse, harassments, defilement, etc.

2. Children's department: The government should straighten the department that deals with fundamental rights of the children and it ensure affective ___ especially the neglected children in society e.g. street children by providing and emanicing to them i.e. education, and medical care.
3. Orphans and disabled children: The orphans and disabled children in Kenya should not be discriminated against but instead be given support and security through education.
4. Quality education: The government should provide quality education to the public schools by improving the facilities available to enable them measure with direct schools.
5. Future education security: I feel that the government should ensure the children of places either from pre-schools levels to primary, primary to secondary, and secondary to university without the fear of being told that there are no chances.
6. Local administratin or role of parents: I would like to see the administrative arm of the government from grassroot levels i.e chiefs to the top leaders e.g MPs and other leaders enlighten ignorant parents on the importance of their participation in providing the required supplementary facilities. Thank you.

Com. Abida Ali-Aroni: Thank you very much. We now go back to our list and please lets emirate the young people. Thomas Maritim, three minutes please and speak to the point.

Thomas Maritim: The chairperson, I'm going to

Interjection

Com. Abida Ali-Aroni: You can sit if you wish.

Thomas Maritim: No, I have to stand up. The chairperson, the commissioners who are with us here, my name is Thomas Maritim and I'm going to read a memorandum in short by the Talai Clan to the Kenya Constitution Review Commission. Honourable chairperson, the constitution, the honourable commissioners and all that are here in berief the residence of constitution occasion, would like to humbly present the following proposals for your consideration.

Passed laws: The Talai have been subjected to a lot of problems since the 1870s. They were not allowed to leave their area without the so called rival movement pass. This was to be signed by the provincial commissioner that is the PC and even the DC. You can refer to the laws of Kenya the rival removal of ___ chapter 59 subsection 4 – 5 and so on.

Security: The Talai should have the freedom to own property and to settle anywhere without discrimination of the negligence. The following have been killed, tortured and penalized. You can refer to this memorandum page 2. The following have been killed and threatened: Kipchorir Maiyo, Amisan, Kipkrongar Diego, Kipronarar Neng'o, all the presiding named person, we have finalized at Nandi Hills area, event he headman is aware of them. Mark Arap Rae, _____ in Uasin Gishu, Arap Roiyo, Marta _____ Kipkerior, in trans zoia all these people were killed innocently because they come from Talai community. Those likely to escape then, and are now landless, ____ have been forced to leave their farms and this includes John Limo, evicted from his farm at Serian settlement scheme on 10th of September 1993 and I have a copy here. Steven Arap

Lei from Segero – 1997 was sent away back to Kasisinywa.

Interjection

Com. Abida Ali-Aroni: Mr. Maritim, please give us proposals that you will like to see in the new constitution and you have a minute to wide up.

Thomas Maritim: I have just compiled them here.

Com. Abida Ali-Aroni: You don't want to tell us anything now?

Thomas Maritim: Infact I conquer with the former Deputy Speaker and the elder here. The points they had are almost similar points that we have written.

Interjection

Com. Abida Ali-Aroni: Okay, one minute.

Thomas Maritim: Okay, thank you very much. We therefore respect the government through this commission to bring the culprits to justice and Talai Community to offer security like other Kenyans. I'm just winding up. The Telai would request the following compensations: land compensation following their relocation from their original homes in Aidai to caps___ detension area. I'm saying this because whoever goes out is always taken back to the same area. The Telai people have accommodated the whole population (refer to memorandum page 1 and 2) following the rival removal on Chapter 59 section 1-5 number of leaders were removed to detention in the 1950s and this is the time we considered with land consolidation. The affected families lost their ___ to be allocated land, have said they are entitled to be settled.

Com. Abida Ali-Aroni: Thank you very much, we will read your memorandum for the rest. Thank you. And I want to call the next person Mr. Henry Kimei, three minutes please.

Henry Kimei: The honourable of commissioners, before I just present my proposal, it is a proposal, this proposal is the proposal of the Kapreriach Echo and madam I would to request for 5 minutes because this is a proposal from the Kapreriach from abroad. So our computer was interrupted by power supplies, so I'm requesting for 5 minutes so that I can exhaust. So in the first presentation, before, my names are Henrey Kiplagat Kimei; I was one of the candidates, I lost to the honourable MP there, so these are proposals. So its good that we say, we have come

Interjection

Com. Abida Ali-Aroni: Mr. Kimei, you have asked for 5 minutes, please speak to what is relevant to the review process. I will not give you the only 5 minutes, whether you are through or not. Okay? Thank you.

Henry Kimei: We have come today to repeal a country called Kenya. So this house there was a great problem that there was

no foundation in that the local natives authority was not recognized and in this case in our proposals, the first important thing is for Kenya to exist, we need such a space. And for the space to exist they don't exist on the space, so we must recognize their habitats and that is land and for this case we also need a custom rehabilitation for any site we need authority, so the Kenya Constitution have not recognized the indigenous authorities. So on top of that one we need the other tribes that is the Nandi, Luya, Keiyo and then on top of those tribes we need the natives council to manage their own place. And in this case it includes the judicial system, the security, we must have the police for reinforcement in the county council. And the world, and the pillars of this Kenya we need the parliament and that is Kenya house of representatives and then in this case we must have Kenya Courts of Justice. Another one is we must have a President, and then the other case we must have Kenya Army to protect the boundaries and that should be protecting the tribes. And the other case is Kenya house of natives. We must have a house of tribes comprising of 43 tribes. You find at the current parliament is dominated by one tribe. That's why that time the Okiets were told the _____ was not theirs yet they are the habitats. So we must have house of representative to represent all the 43 tribes and in that case we need 43 members and 86 nominated and we must have their representation. And as in this case the parliament should not decide anything concerning a tribe before the confrontation, so we don't need a system whereby a tribe has dominated another tribe, so in this case we must have in our constitution, we must have a preamble and in this case it must introduce our constitution that it is covering all the 43 tribes. It is a document which recognize the autonomy of the other tribes. And then in this case, for the existence of a tribe, we must recognize the land and in this case the _____ before the coming of the British colonialists. And in this case it must be recognized by the tribe not recognized by the police on boundaries and in this case I'm referring to the land territory. In this case it must come from, on my way it must be in the _____ and in the East it must be in the land called Tiboroa and in the Western, on the south it must be at the shores of the lake Victoria and in the East we must be ... the whole of Uasin Gishu, the only boundaries it is _____ by the natural _____. So in this case all land boundaries, all these land belongs to the Nandis and in this case land _____ under title belong to all family members. There is no need for demarcation, then we are fighting for the existence and the survival of the Nandis. So there is no further demarcation. And the land parcel can only be sold to natives when there is need and after consultation with the family members. Land can be leased to any person from a family, region or tribe for not more than 5 years and the leaders must be informed in writing to the _____ area and then it then to the county council that is county council of Nandi and the DC must honour the list, the list can be terminated should Seregees mismanage or misuses the land. That for this case there is no part of the Nandi land which has been sold, it has been leased only and in all this case all leases formally under British colonialist, that is _____ and all formery used by the government should be surrendered to respective natives county council and for this case I'm referring to Nandi County Council. So for all these we need all the expansive tea estates in Kisii must be returned to Nandi, Kimuan DC the former intake land, the Nyayo Tea zone, the parastatal is almost corrupt, so it must be transferred to Nandis and all the forest land, that is trustland, formery habitat of _____ should be surrendered back to the _____. All land formery used by the ABCs should be taken to Pokots land, that's Pokot land. And all their generated Masaai land must be returned, that is the natural habitat and it is depending on the over system. So and the customer, the customers and _____ relate this, no tribe shall be restricted or denied to cerebrating their cultural rights ceremony provided they are perfoming within their territory. Religious rights shall be performed In the spirit as by their _____. Christianity and Islam religion are accepted

only in Nandi. We don't need the story for devil worship and free mansons. Anything centrally to Nandi religion should not be allowed. And the customer and counseling should be documented. All customs, cultural rights should be documented and kept at some safe custody for reference that the natives county council. No person other than the natives Nandi should have access to the document and for this case cultural centres be established at each county in Nandi for this case to promote and development of the tribal. And then in this case I'm talking within all the religions between other Kenya tribes in this cultural and _____. No tribe shall interfere with the customs of other tribes, the government actually should pull should never interfere with the same reference and ceremonies. The tribal council of elders and the Kenyans of natives to be the supreme so they will be confronted on matters pertaining in future d_____ threat and loss.

Kenyans are free to move to obtain food or do business at tenure boundaries of Kenya at reasonable scrutiny provided the cultural rights, _____ and tribe of the natives, restraints or are not interfered through any talk or act, it should be subjected into

Interjection

Com. Abida Ali-Aroni: Thank you Mr. Kimei, please leave us with your memorandum we read even the handwriting. Don't worry about the computer thank you. Joseph Chelulei, Joseph Chelulei Three minutes Joseph.

Joseph Chelulei: Okay, hii ni maoni ya walemavu katika district ya Nandi. Memorandum ni kama ifuatayo: Nimeweka kwa ufupi, kwanza Health: Health service to be given to disabled persons and their children from dispensaries to national hospitals. In case of private hospitals, health abled and disabled should be set aside by the government.

Interjection:

Com. Abida Ali-Aroni: Mr. Chelulei, would you be comfortable seating? Please sit that's why there is a seat there. Thank you.

Joseph Chelulei: Special hospitals should be built for the disabled undergoing operation within the district.

Education: Education to be provided from nursery to university level

Disabled person to be provided with uniform for an education.

Special schools be build within the district such as deaf school, mentally hadicapp, physically handicap, blind, rehabilitation centres to be built in every district.

Job opportunities: Disabled persons who are qualified to be employed by the government according to their career.

Government should set aside funds for disabled who have completed their application courses and are setting for employment.

Addition, they should not be retrenched so long as they are still able.

Equal opportunities: No person should be denied access, to opportunities for suitable employment by reasons of he or she being disabled. More than ever, there should be no discrimination in promotions of trainings. Disabled be exempted from income tax and any ladies on certain income materials such as articles and any equipment which are used by the disabled, be exempted from import duties. Disabled persons seeking for loans and other financial assistance be given to them without any

..... with duty stamps.

National council for the disabled to be established.

Land allocation: land inheritance, when inheriting land, disabled be given both girls and boys equally.

Trust land: Should there be any allocation of land by the county council, disabled persons should be considered first.

In creation and social amenities should also be provided for the disabled by the county council, municipal council.

Disabled person requesting the county council to allocate them land for plot and their extension areas set up to establish for their business.

Sub chief structure: Road buildings and cars. Building, public houses, government houses, be acceptable to disabled person such as this one, a disabled person cannot climb this way, and should be in a design such that it can be able to be accessible.

And also for disabled to go through and this means upstairs, they should be fitted with rubber. Special toilets be built for disabled in public places.

Interjections.

Com. Abida Ali-Aroni: Thank you.

Joseph Chelulei: Let me conclude Madam here by saying that roads, public roads be expanded in such that the disabled person can be able to move easily and not in the ____ and public utilities such as vehicles, buildings in such a way that a disabled person can be able to use it. They should be fitted with rubbers. Telephone booths be made in quite a way that enable disabled to use it not too high for them to reach.

Now, politics, disabled are asking for nomination as councillors to the _____ at least be given 10%. Disabled are requesting for 10% representations in appointments into ministerial posts.

Senior posts in government will as well be distributed to include disabled. Polling stations to be near to the disabled in re_____ areas. Disabled contesting for parliamentary or civic seat be promoted and funded by the party at which they are standing at.

Last but not the least, during voting, disabled may be assisted by the polling officers to vote. Last the head office for the national council for the disabled and other disability institutions be added to be headed by a disabled person.

Com. Abida Ali-Aroni: Thank you very much. Ben Rotich, Ben Rotich, three minutes please.

Ben Rotich: I'm going to present proposals on behalf of friends for Nandi. I'm Ben Rotich and these are the proposals from these people.

First our constitution should have a preamble; starting with the people because the people are the most important thing in this country. It says like this: We the people of the Republic of Kenya have finally come up come to a concensus which it falls upon the dignity of our humanity and will of all the people, of the 42 tribes of this country form a more perfect union establish justice and ensure democratic tranquidity provide for the common defend, promote the general welfare, and secured placings of liberty to ourselves and our property. And also it should state the vision of this country.

It will have direct principles of the state policy like for example, all Kenyans should be accessible to leadership at all levels.

Every government representative should have a national outlook not being appointed on any other form either on tribalistic lines or whatever.

Natural sover_____: People of Kenya of all ages should be ready to defend their country and national territory, territorial and also uphold patriotism.

Kenyans should try to work hard and be self-reliant. Not going out to look for aids every now and then.

Fundamental and human rights: We should have gender balance, representation of marginalized groups like the disabled, we need to offer them free and medical care.

Protection of children and also the aged, if possible the only ones who were neglected to be given some salary by the state.

Street children should be taken up by the government.

Development: all development to be done equally to all regions of this country. And then protection of natural resources: this natural resources like my colleague has mentioned has mentioned about land. Land is a very important resources and therefore should be protected at all costs.

Social and economic objectives: We should have free and compulsory education for all Kenyan children equally. The family should be protected so that the innocent children are not exposed to any dangers.

Provision of free medical services to all Kenyans equally. Clean and self water for every citizen. Provision for electricity to every household is very important. Electricity should be treated as a basic need because we are heading to our computer state. So everybody should have electricity.

Cultural objectives: Should promote cultural values and protect them. Those values and practices which enhance the dignity of wellbeing of all Kenyans.

Promote and enrich all Kenyan languages so that we have none which is getting extinguished.

Encourage and develop all the national languages.

Preservation of public property: All Kenyans should be compelled to preserve and protect any public property at their levels.

Accountability: All people in public offices should be answerable to the people of this country.

Interjection.

Com. Abida Ali-Aroni: Thank you, we will read the rest. Thank you very much. Solomon Manira, three minutes.

Solomon Manira: Chairlady, my names are Solomon Kipkoskei Manira, a lawyer by profession. I have 24 points that I'm going to present as a memorandum. I'm going to highlight a few of them, one of them is about the preamble, I have written a proposal here.

Another one is land board should be entrenched in the constitution to regulate land use and transfer. So relation of land use to safeguard food security and agricultural industry, substancity and insurance during loans and during dry seasons. Empowerment

of authorities to oversee development of the infrastructure, local authorities to have authorities to collect tax and to use it. The environmental assessment should be done by the local because it affects them directly. I have also the control and management of harvesting of our national heritage and forests should be vested on the local authorities who will officiate for creation of jobs for the unemployed. We have employment opportunity should be allocated to the locals, I have an example of Moi University, it should give us a 75% of employment for our locals. Cultural heritage and values as have stated by my friend. Access and distribution of information by government agencies should be provided. District constituencies and divisional occasional boundaries should be done with consultation and accent of the locals, not to be done by the ____ or politicians or the rich only.

Children and women and the minority should be given their rights. The government should ensure that the citizens and their heirs and decedants are compensated to the loss of their ancestral land and the loss of life and property during and after colonization.

The formation of judiciary, judges should be appointed using a body not to be appointed by one office only. We should have a supreme court, we should have local police to be instituted to present crime which is locally instituted.

We should have independent electoral body and then the changes when I'm almost coming to an end, MPs roles should be well spent out and an MP who fails to perform should be possible to remove if a citizen can prove so in a constitutional court.

Salaries of public servants, MPs. Councillors, should be controlled by a constitutional body to ensure fair and reasonable wages.

There should be an office of ombudsman as to access a self relievance. There should be a President with limited powers and a Prime Minister should head a government and one more party may form the government of the majority.

In conclusion I wish the constitutional also should be entrenched in the constitution to give it power and time so that it can finish its work. Thank you so much chairlady.

Com. Abida Ali-Aroni: Thank you. Samuel Cheriot:

Samuel Cheriot: Mwenyekiti, jina Inagu naitwa Samue Cheriot. Mimi ni mojawapoya kundi ya kufundisha Katiba inaitwa Nandi District Civic Education Team kama organizer na sikuandika memorandam kwa sababu sikupata Katiba yenyewe kwa lugha ya Kingereza, lakini nitaandika baadaye. Kwa hivyo nitasema tu jambo moja kuhusu panel inatumia sasa Katiba kwa ufupi, kw lugha ya Kiswahili.

Ulinzi wa mali ya binafsi: Na kwa sababu inalinda watu na kutunga sheria zingine, ningependa kupinga kuondoa mahali fulani kwa sheria. Halafu iondoe ile sheria ingine mimi naita sheria baya. Kapo inasema hivi kwa Kiswahili, yaani mtu anaweza kupoteza mali yake kwa njia fulani fulani kama hivi: Kwa sababu ya sheria zozote zinazohusiana na mpaka wa matendo. Nataka hio iondolewe ili mtu aweze kupoteza mali yake kwa kama deni, mimi si mtu wa sheria lakini nasikia ukiwa na deni ya mtu, ikimaliza miaka mitatu utapoteza hiyo deni. Kama mtu anaingilia kwa shamba yako kwa mpaka, baada ya miaka kumi na miwili, hiyo mpaka lazima ikae. Nafikiri hii sheria inaitwa limitation for actions act. Ningependa hio kwa Katiba iondolewe

halafu hio sheria isifanye kazi. Unajua ya kwamba banki, au serikali kwa income tax ukiwa deni yao wanafuata wewe hata kama unakufa wanafuata watoto lakini deni ya mtu binafsi wanasema ati miaka mitatu peke yake. Kwa hivyo nasema deni ikae kwa muda, kwa maisha, hakuna muda, kulingana na destri zetu za kiafrica.

Basi tena kwa mali, nikipanda miti yangu kwa shamba langu au kahawa au mahidi ni lazima nitumie kama vile ninapenda. Sio serikali kusema ati sing'oi kahawa kwa sababu ni mali ya nchi. Kama hakuna mahali ya kuuza kahawa au chai, nikipenda kung'oa ni lazima ning'oe.

Na sasa forest, wamemaliza miti, sasa wanatuma chief kusema kila mtu lima huwezi kukata miti kwa shamba lako na ulipanda mwenyewe. Hio si haki. Nikipanda miti kumi nitake kutoa moja kwa kumi, sina haja kwenda kwa chief kuomba ruhusa, si mimi nahitajiwa kuchunga miti yangu? Mahidi yangu _____ kuuza kuona bei ni mzuri, ni lazima niuze. Mwanachada watu wa Uasin Gishi walikatazwa na sasa mahidi iko kwa store kwa sababu hakuna mahali pa kuuza na huo oficerda hawezi kusema hakuna soko la mahidi. Kwa hivyo ninao yangu yote naweza kung'oa, kuuza, kufanya nini, nipendavyo. Asante mwenyekiti. Nikipata Katiba kwa kingereza nitaandika na kulete baadaye.

Com. Abida Ali-Aroni: Asante sana, utuletee kabla ya tarehe 15 mwezi huu kwa sababu tutakua tumeenda kumaliza hii shughuli. Asante. Fredrick Boit, Fredrick Boiti.

Fredrick Boiti: Mwenyekiti wa kikao hiki na waheshimiwa wengine, yangu yatakua maoni kidogo sana. Labda nne, point kama nne. Na kutokana na kuajiriwa kwa kazi hasa na serikali, tunapata ya kwamba wilaya yetu ya Nandi sana huwa karibu ya nyuma. Ninasema hivi kwa sababu serikali inahitajika ifanye recruitment hasa wakati wakufanya recruitment hizi kama ya watoto wanapojiunga na jeshi, police, na lingine. Kuwa baada ya akumaliza, unapata results au majibu ya kwamba wale walichukuliwa labda wametoka sehemu moja. Hii inahushinisha sana. Ningependelea iweko na tume katika kila idala ya kuangalia ya kwamba kila tarafa imewakilishwa vilivyo.

Ya pili ni kuhusu wafanyi kazi wengine kama wale ambao wanaitwa ambassadeurs, wale wanaenda katika nchi za bali, mabalozi, tungenda au ningenda kuona katika wilaya hii ya Nandi, kuwoko na kwakati wote Mnadi anawakilisha nchi yetu katika nchi za ng'ambo ingawa labda nafasi ni kidogo au ni chache, wawe wakizunguzwa au wawe wakibadilishwa lakini wakati wote tuone kwamba Mnandi amewakilisha Kenya pia.

Ya tatu ningependa kuona wakuu wote wa wilaya kama maDC, kuwoko wakati wote Mnadi anasitika kila pahali wakati wote wanapochaguliwa maDC wawe kuwoko na Mnadi katika kila sehemu. Hio sio kusema ati Wanadi watawakilisha madistricts zingine, lakini kuwoko wakati wote Mnadi tunasikia Mnadi ni DC sehemu fulani.

Na nikimaliza kwa sababu nilisema yangu ni machache, nikuhusu madiwani, labda ni sehemu ya kisiasa kidogo, maanake

tunasemekana nimesikia au kusikia kila mmoja anaposimama ili kwamba madiwani kila kitu iwe imekuwa recommended au iangaliwe na local authority. Ningependa kuona wale ambao watakaochaguliwa wawe katika umri wa miaka arubaine na kwenda juu. Wawe watu ambao wanaaminiwa, si wale ambao wanakwenda kubora na kunyakua mashamba na vitu vingine kwa sababu tunaona mambo mingi itakwenda kwa councils. Wawe pia na masomo mzuri ambayo inataburika katika nchi mzima, kutoka form 4 na kwenda juu na hasa wale ambao wanaujuzi sana katika kiselekari. Hizo ndizo maoni ambazo nimeziweka. Asante.

Com. Abida Ali-Aroni: Asante sana mzee. Tafadhali jilandikishe. Kiptum Samoi,

Kiptum Samoi: Asante sana kwa tume hii imekuja. Asante sana kwa sababu wazazi wetu wale wa kwanza walienda Lancaster huko wingereza ku *end of tape 2*

Sana katika kiserikali. Hizo ndizo maoni ambazo nimeziweka. Asanteni.

Com. Abida Ali-Aroni: Asante sana mzee. Tafadali jilandikishe. Kiptum Samoi.

Kiptum Samoi: Asante sana kwa tume hii imekuja Nandi. Asante sana kwa sababu wale wa kwanza walienda Lanchaster huko wingereza kuleta hii Katiba. Kwa kwamba alienda kuleta Katiba hizo lakini ilifika hapa Kenya hiyo Katiba yao haikufanya kazi. Tunaomba kwa sababu hii Katiba tunataka majimbo kwa sababu kila jimbo ikuwe na watu wao. Jimbo ya Rift Valley lazima itawalwe na watu wa Rift Valley.

Ya pili, President yule tutachagua lazima ikuwe bunge kwanza anaomba kutoka Rift Valley halafu ataomba jimbo zingine.

Ya tatu tuko na wabunge wetu wale wanatoka jimbo ya Rift Valley lakini tumeshangaa kupata jimbo kutoka watu wengine kutoka jimbo zingine kwa sababu tunaona kwamba kama Western tunapata ni kabila moja Kalejin hakuna huko. Tukienda Nyanza tunapata kabila zingine kama Kalejin sisi hatuko huko. Tukienda kama huko Kikuyuni huwezi pata mtu kama Mkalejin.

Ninaomba kabisa tunataka mikoa mbili iishe. Mkoa wa Mombasa na Rift Valley ziko kwisha kwa kabila zingine. Tunaomba mtusaidie kwa sababu hii Katiba hii imekuja, mtusaidie. Mimi nasema kwa sababu ya mashamba. Mashamba hizi tulipata kutoka kwa wazazi wetu lakini tunapata sehemu kubwa inatawalwa na watu wengine kwa sababu tunapata watu kama Abiet, hawa bado pata sehemu yao. Tunapata kama Chelangany bado kupata sehemu yao. Tukienda kama Lodwa tunapata watu wengine wanaitwa lolomolo. Omolo huyu anakaa baharini na hakuna mtu hata kama watu wa Katiba, sijui atapata namna gani kwa sababu ilikuwa imetolewa moja kuja Kitale, lakini sasa ilikuwa imejua Kiswahili lakini ilipotewa. Nitamwambia nyinyi pale alikuwako, Rock ya Kitale.

Mimi naomba tena kitu ingine kama wakalejin wale tunaona saa hii wako civilized hapa _____ milima ile haitoshi ni ya niani lakini tunaona watu wetu wanaishi. Hio ni aibu sana kwa wabunge wetu wa Kalenjin, Wanadi kuishi bali baya.

Interjection

Com. Abida Ali-Aroni: Asante sana Bwana Samoi, Jiandikishe pale. Hosea Saina.

Hosea Saina: Thank you very much for such an opportunity. I would like to go straight to the issues pertaining to the constitutional amendment.

First I would like to state, my name is Hosea Saina. I would like to make a request that the constitution of this country once completed should be honoured at all times, it should be a respected document that serves as a guideline and not a subject, not under the subject or mercy of an individual or small group of people and should not be tempted with or political stage. It should be followed the ___ at all times until another time when Kenyans decide to do otherwise.

Secondly I would like to request that provisions be made to expect that an incoming President when the incompetent leaves office should be a quoted with full package of administration that only separation of judicial, the judiciary, parliament and executive, that the incoming president be given opportunity to appoint his assistant from Vice President to the last assistant minister so that he should be accountable and fully responsible for each separation.

Salaries should be vested on close domestic products. It's a moral crime for us to be doing poverty eradication while we allow a few individuals to earn and to hold 700,000 shillings or million yet other families don't have even a single cent.

The last issue I would like to talk about is provincial administration and corruption. Democratisation of any civil society should start from below: It is the high time which has been given a chance to appoint and promote some of our chiefs. To DCs and to be able to seek in local district administration it is a _____ to see what members of one community sitting in Mombasa both as Provincial Commissioner and DC for 20 years, God knows whether they are actually doing the administration work. I will never be convinced even a day that we as Kalenjins, we have a Kalenjin provincial commissioner in Mombasa day and day out for 20 years. It's wrong. It is badly wrong.

The last issue I would like to mention is the ability of Kenya citizen in every constituency after electing their own representative in parliament, what will happen to them if the elected member cannot deliver for a period of 5 years, the member sits in parliament and other communities within the electorate and then we go blackout for 5 years, that's a long period.

Provisions should be made that after a certain time should the constituents prove that the sitting MP cannot deliver, ten thousand signatures is enough to put him down. Thank you so much.

Com. Abida Ali-Aroni: Thank you. Please register yourself Mr. Saina. Kibet Biwott is the next person, Kibet Biwott is he here? He is not here. As we wait for him, Gilbert Kipkoech Sum.

Gilbert Kipkoech: Kwanza Madamali naomba dakika mbili ya kusema

Interjection:

Com. Abida Ali-Aroni: Sema jina lako kwanza

Gilbert Kipkoech: Oh Sorry, mimi naitwa Gilbert Kipkoech Arap Sum. Naomba dakika mbili kusema maneno fulani ile pengine mnaita general observation.

Interjection

Com. Abida Ali-Aroni: Mimi nitakupatia dakika tatu, ukitaka mbili ya general observation utabakia na moja ya constitution review. Tafadhali. The choice is yours.

Gilbert Kipkoech: Anyway its short, thank you very much madam. In short naona kama mzee wa Nandi ama wazee hawa wamewekwa hapo kuandika maneno ya constitution lazima mpewe nafasi ya kuandika vizuri, time ya kutosha kuandika vizuri, hakuna maneno ya kufanya haraka. Mimi nafurahi ndugu yetu Daktari yuko hapa na yeye Mkalenjin. Kama Wakalenjin wamezoe kufanya, apana fanya haraka. Wanafanya pole pole mpaka iishe vizuri sana. So kwa hivyo, mimi naomba wananchi wote wa Kenya wapatie hawa nafasi hata mimi karibu niwapatie mwaka mmoja lakini nataka kuwapatia muda wamalize kazi yao after ile.

Pili, mimi nataka constitution hii, nyinyi wawili I'm addressing you sirs and madam. Mchole constitution ambayo hakuna upenyo wa ukabila, ambayo hakuna upenyo wakupagua huyu ni huyu. Ile kitu mzuri ambayo mimi ningeita constitution ni ambaye inaitwa umoja na udugu constitution ya Kenya. Iwe bila kupenya, bila kupagua, bila kuona ingine, huyu ni mama hafanyi kitu, no, huyu nani, hafanyi kitu, no, huyu nani hafanyi kitu, no! icholwe constitution ambayo itadumu kwa miaka mia moja zingine.

Basi maneno yangu ambaye, sasa hiyo ni general observation, nafurahi nimeandika lakini I was just observing.

Maneno ambaye naelekea sasa ni utawala na constitution hii itakaa namna gani. Mimi mwenyewe mimi nataka kuwe na serikali mbili tu kwa Kenya. Serikali kuu, central government, na moja inaitwa local authorities. Mimi sitaki middle government hapo. No. Kwa hivyo mimi nataka office ya president ambae ni office na maneno kali ile inatawala kama anasema Oh, maneno inakwisha. I don't want those Presidents, huyu President, kusema huyu ni President, huyu waziri mkuu, huyu anaitwa nini, No, nataka very strong President kuchunga nchi hii. Of course parliament ikae kama ilivyo but President must really, huyu Muafrika nyele ngumu maneno yake ni mbaya. Na kama ni watu wawili, mwingine ni huyu, mwingine ni huyu, itakuwa watapigana. I'm sorry to say you can get back your mind to Uganda. What happened? Wakati wa Obote na Kabaka? Kwend kule Lusutu ilikuwa namna gani? Yule mwingine na mwingine? Sitaki kutaja hiyo, mimi nataka iwe na nguvu ya kutosha kuchunga Kenya. Central government hiyo maneno yake hiyo sitaki kuguza. Lakini _____ nataka uwezo ya kutosha Mabwana commissioners. Mimi nataka local authority itawale vitu nne, wacha ipewe mamlaka ya kutosha halafu vitu vinne ambaye naombea local authority kwa proposal yangu ni:

Mambo ya education kutoka nursery school mpaka secondary school iwe under local authority.

Mambo ya public health kutoka health center mpaka ile hospitali kubwa ya area iwe under local authority.

Mambo ya barabara yote kutoka barabara ile ya mchanga wa _____ sijui inaitwa nini, mpaka seal wall – ile ya juu zaidi mbili, iwe na serikali kuu lakini kutoka ile ya mlima na mkondo mpaka ile inaitwa seal road iwe chini ya local authority kwa Kenya.

Maneno ya Maforest, hizi dogodog ya forest, mambo ya natural environment kwa forest ya kila nchi iwe chini ya local authority ambaye itachungwa na chama ile tutachagua akae kiti hiyo na achunge sawa sawa. Na chama atachaguliwa atachaguliwa na wananchi na awe mtu ana education ya kutosha kusimamia kama king ya county hiyo. Mimi namaliza hiyo.

Mambo ya mashamba. Naona maDOs wanalogwa na mashamba kwa divisional na divisional rent control boards. Naona MaDOs kijana mtoto kama hii, mtoto sana anakwenda kufundisha mimi maneno. No! mimi nataka mambo ya rent control board zote kwa republic kutoka division isimamiwe na elective mzee wa area hiyo, kutoka division hiyo, na awe elected, apana ile ya kununua, awe elected na mtu wa maana. Watu wa huko kama mnaandika namna hiyo watu wa pale watajua ni mtu wa namna gani atasimamia maneno ya mashamba. Anajua shamba hii namna hii na ni namna hii namna hii, sitaki hawa vijana MaDOs lakini hakuna MaDOs anyway kwangu. Wameenda nyumbani lakini watafanya kazi na country council, watafanya kazi na serikali mahali ingine. Basi, hiyo maneno ya malocal authority iwe namna hiyo.

Maneno ya kuoja kikanisa ambaye nimeingilia, mimi nimeona hii kuoana kwa DC hapa haipendezi mzee kama mimi. Mimi nataka marriage iwe mara mbili tu, kuolewa ile ya kimiji *cham kolen bik kitunen mayiek acha kitunen chego*, ya kienyenji iolewe na mzee ambaye anafanya wanajua, aolewe namna hiyo kwa *chego*, (bwana daktari unajua hiyo maneno, utaandika ile unapenda).

Halafu ya pili, marriage ya kanisa. Kanisa zile tuko nayo sio kabisa. Wacha iwe kanisa, kama kanisa mia moja, I don't mind whether there are. Kanisa iwe ikiolewa kama sio ya kienyeji. Hii ingine ya barabarani, No! nimekataa. Naomba nyinyi muandika namna hiyo. Mwambie mzee Sumu amesema.

Interjection

Com. Abida Ali-Aroni: Mzee sasa malizia tafadhali.

Gilbert Kipkoeh: Asante sana, mimi naenda kumaliza. Maboundaries iko boundary ya ... watu wanasema boundaries lakini boundary ya Nandi ilicholwa na senior chief wa kwanza baada ya wazungu, anaitwa Zepende, Senior chief wa kwanza. Ile aliweka hatutaki mtu kuguza. Pande ya Kipelezi ikae namna hiyo, don't ask me inapitia wapi? Hawa wazee wanajua wa Nandi. Ikae namna hiyo.

Karibu mwisho kabisa ni political parties. Political parties kama zinakuwa nyingi, kwangu inakuwa ukabila, kila kabila, kabila

hii, kabila hii, mimi nataka iandikwe kwa Katiba ya Kikenya, political parties iwe gapi? Tatu. Kama zinakuwa tatu, hakuna ukabila. Kama unataka kuanza yako, baada utaingia hii. Katiba ni lazima ichunge hiyo, political parties. Unaona siku ingine walisimama Presidents kumi na tano, nasikia nchi ingine kule West Africa juzi, watu ishirini na tano walikuwa wanataka kiti ya President. Hiyo ilikuwa ukabila. Lakini bila hii mimi nataka iandikwe Katiba ya Kenya inataka under register 3 parties only.

Interjection

Com. Abida Ali-Aroni: Asante sana mzee lakini kabla hujaenda nafikiri tuna clarification.

Com. Dr. Mosonik: Ya kwanza ulipendekeza kwamba chairman wa local authority achaguliwe na awe na vile ulisema masomo ya kutosha. Lakini hukusema masomo ya kutosha ni gani?

Gilbert Kipkoech: I think up to form four is alright.

Com. Dr. Mosonik: Form four?

Gilbert Kipkoech: Yes up to form four its alright. I'm not going so high sana. (*laughter*) Up to form four its alright. Just a minute, yes sir,

Com. Dr. Mosonik: Na ya pili ni vyama hizi vitatu, kati ya, sasa kuna kama hamsini, kama ungeulizwa, vyama vipi vitatu ungesema aje?

Gilbert Kipkoech: Hapo nitataka watu wale wataalamu wakisiasa waone, sio zingine za ukabila, hata nyingine ni mtu binafsi. Hata mwingine namna hiyo, lakini nataka ile inaguza nchi yote, iko parties inaguza nchi yote, hiyo mnajua, hata wao Wanandi wanajua.

Interjection

Com. Abida Ali-Aroni: Asante sana

Interjection

Gilbert Kipkoech: Mwisho nasema kitu outside Nandi, (Madam, asante umekumbalia) just a minute. Iko kitu inaitwa Lake Victoria Treaty Organization ambaye ilicholwa na wazungu zamani 1929. Ati maji ya Lake Victoria yote kwanza hiyo Lake Victoria hiyo mito inatoka mito karibu mia moja na nane, mito mia moja inaenda kule. Na ninasikia hiyo maji ilicholwa 1929, nimesoma kitu, inaenda kutumiwa na watu wa Misiri, na hapa sisi watu wa Kenya, Uganda, Tanzania, hatuguzi, that is all. Nataka constitution icholwe: (1) vile maji inahusu pande ya Kenya, iwe maji ya Kenya. (2) Ile maji inaguza nchi zote sasa, Kenya, Tanzania, Uganda, Burudi kidogo, iwe maji ya East African Community. Hii tumeunga juzi, isimamie, bila maneno ingine kutoka nje, mimi mwenyewe kama mzee wa Nandi nasema No! Kwa hayo machache nashukuru umenipatia nafasi hiyo. Mimi ningetaka

Intertjection

Com. Abida Ali-Aroni: Asante sana mzee, nafikiri umezungumza sana. Tupatie hiyo karatasi. Jiandikishe pale na utuachie hiyo karatasi. Kipsarot Tumuno, Kipsarot Tumuno, hayuko? Na Kibet Biwott alirundi? Nikiruka jina ya mtu sitarudia kwa sababu tuna watu wengi sana. Mrs. Dorcas Luseno.

Mrs. Dorcas Luseno: Thank you very much Madam chair, commissioners, wabunge, I will talk very briefly and I will not touch on things which have already been discussed.

Interjection

Com. Abida Ali-Aroni: Your name please for recording purposes.

Mrs. Dorcas Luseno: Mrs. Dorcas Luseno, but in Nandi people me know me as Dorcas Boiti. Kwa hivyo mimi ni mtu wa Nandi kabisa, nilizaliwa Nandi. The children have spoken strongly madam chair and I would like to underline that and mention the fact that our constitution which Mheshimiwa Ng'enyi has referred to and has left it to you people to look into, should emphasize education for all. Education for young people, be they girls or boys. Unfortunately there is still discrimination as you saw there were two boys and one girl who came to present. I think there should be two two to be fair.

I'm happy in Nandi, education is becoming a recognized and acceptable activity even for the girls. There is that health change of attitude. Madam chair as I stand here, young as I am, I am the first girl from Nandi to go to high school in 1953, 1953 is very recent, that's when I went to Alliance Girls High School. From 1953 up to now we still have very few girls. The number of girls that go to high school is very small indeed. Now, I think parents have a big responsibility; as the children said, the parents have a very big responsibility to guide their children especially girls. Akina mama and unfortunately there are not many mamas here today unfortunately, I don't know why they are not here. They should be talking to their girls and urging them to be educated. They will be more valuable in the society of Kenya. Let me emphasize one other thing. Education should go on yes, and also this civic education, the problems we have had as civic educators Madam chair is that a lot of women didn't know what constitution says, and because they cannot read or write. So we had to do a lot of explanation. So this civic education on the constitution is a matter that should continue.

Now let me touch briefly on what has already been said, and that's land issue. A lot of responsibility is being given to county council madam chair. In Nandi and I think you will agree with me we have a lot of good land. We are not utilizing it fully, hakuna haja ya watoto kutolewa shule sababu parents cannot pay, there is a lot of land in Nandi laying idle. Do you agree or not? Why is it we don't develop that land? I decide to say that some registration should be included in which local authority sees to the land usage in Nandi anyway.

The other point touching on land and general development, I think madam chair if we had a law in Kenya that protects businesses like KCC, if we had a law that protects undertakings like those of KCC, Maize and Produce Board, KCC would not have been killed the way it was killed. It is very unfortunate because KCC was supporting the Nandi people hasa akina

mama, even the little milk that was being taken away from a home is some income to the mama and that is no longer there. I propose that there must be some registration, government helping out so that organizations like KCC do not get killed the way this one was killed.

One more thing madam chair if I have the time, is the Nandis must outlaw, must sit with certain laws or certain practices such as circumcision which have no value whatsoever now. We are now in 2002, we must do away with practices which are of no use to us. The other question mark is, you have domestic violence now, a lot in our homes, some of it comes from doweries because a young man has paid dowery for the wife anasema “nimenunua huyu” ni property yake. Time has come when that kind of mentality I think must be done away with. Hakuna human being ambaye anakuwa slave ya mwingine au awe property ya mwingine. I don't think that is really a thought we should be entertaining in this day and age.

Thank you for the just the last minute. One other thing, the Nandi people have a problem which I'm hoping county council can sort out and that is establishment of certain commercial activities in centres like Kapsabet. I think local authority through the leaders should be having cooperations like posho mill here instead of our harvesting maize and being taken to another place like we take to Eldoret, people are employed there to Other people apart Nandi youngsters are being employed to carry out the work there. Why is it that our own district headquarters is not undertaking that kind of activity? I would like to urge the local authority to look into this. I see you are getting on the microphone. Thank you very much for this.

Com. Abida Ali-Aroni: Thank you very much mama Dorcas, its like you are always first. You are the first lady to have spoken to us, I will be happy if you can bring more ladies by the time we leave so that we hear more voices from ladies from this area. Next is.. and please register. Next is Diphina Tioni. And before you start I would like to welcome and introduce Dr. Charles Maranga Bangwasi who is also a Commissioner. I think he will talk to you later because we don't want to interrupt with the proceedings. Thank you.

Mrs. Dinphina Tioni: My names are Mrs. Dinphina Tioni, the coordinator National Council of Women of Kenya Nandi branch. Also National Treasurer and a member of Country Micro Credit Welfare Association of Kenya, and here in this meeting I'm representing Emgwen constituency women forum. Commissioner madam chair, ladies and gentlemen, its my honour to take this opportunity to present to you this dossier containing the views and recommendations by Emgwen constituency women forum to the CKRC for your perusal and necessary consideration at this trity. The dossier is 15 page document containing the views of women participants during the civic education programmes conducted in the constituency whereby the women fought freedly expressed their recommendations without fear. While expressing our pleas

Interjection

Com. Abida Ali-Aroni: Let me interrupt you a little. You have three minutes. Go directly to the point so that you can utilize your three minutes well. Thank you.

Mrs. Diphina Tioni: Our women strongly came up with so many recommendations, let me highlight one very important which was addressed to our rights to equal protection and confronting violence against us women on a number of fears e.g. rape, prostitution, exploitation, in one place, domestic violence, human rights violation, freedom from discriminations, freedom of expression and association, directive principles of equitable representation of both gender, equality before the law of all citizens regardless of gender or status, Access to ownership of land regardless of gender. Madam chairman this is the dossier I'm presenting to you which has got so many recommendations and use from Emgwen Women.

Com. Abida Ali-Aroni: Thank you very much. Please register and hand it over to our co-ordinator for safe keeping. Thank you. Everlyn Menju, Everlyn Menju is she here? There are very few ladies so I would hate to skip everlyn, where is she? Please send a message that we are reserving that opportunity for her to come and present. The next, I will an opportunity to children from Nandi Primary School, I will start with Kevin Kidiga. Where are the children from Nandi Primary School? You can sit, start by introducing yourself.

Kevin Kidiga: My names are Kevin Kidiga from Nandi Primary School. I'm going to tell something about this constitution review. I'm in standard eight. Us like children we should have our rights and this rights are to benefit us like children. Childrens' rights are abused in the provision for human labour, the rich employment, yaani children given in the ban plantation; this is very illegal because they are introduced to drugs, which is unhealthy. Some of the employers abuse the girls sexually leading the birth of bastards or illegitimate children. In most cases children are used in gabbage collection in the municipal and city council. This is the collection of dirty things like street children who collect dirty food and eat. This therefore justify the reason that they are not selected somewhere but are needed to provide cheap human labour. Children should be freed from this abuse.

In female circumcision and premature marriages children should be protected against the barbaric activities. The girls should not be forced into participating in this traditional and outdated practices. Any child irrespective of gender should be given right to inherit he or her parents land.

Children should be given a right to choose their hobbies, friends and learning institutions they like. As children you as parents you give birth to us, we have the right to tell the parent that we do want this and we don't want this. So it is our right to choose whenever we want to do. Thank you.

Com. Abida Ali-Aroni: Thank you very much please register there. Kevin register there and leave your memorandum. Next is Vivian Kogo.

Vivian Kogo: I'm Vivian from Nandi Primary School, I'm in class eight, I'm going to tell you about children's rights.
Preamble: We as the children of an independent Kenya choose that our rights as the young generation should be protected.

The children's rights that need proper attention are as follows:-

Education: We feel that we should be offered free education up to form four. Our country is not as poor as such and can provide this free education.

Shelter: Shelter is a very ___ for any child in Kenya. Parents should by all means provide good shelter to us. It is really pathetic to find street children living in poor conditions; these street children have a right to stay in conducive environment. The state should provide protection for these children. We have realized that the NGOs and other private organizations and individuals have assisted in providing shelter and education in some children. These are Mama Ngina and Kipchoge Keino, but our government has given a deaf year to it. These street children will interfere with human rights of the citizens if not treated as human beings now. Thank you.

Com. Abida Ali-Aroni: Thank you very much. Please register and leave your paper. Register there. Linda Amahoni,

Linda Ambio: My name is Linda Ambio from Nandi Primary School in class 8. I'm also going to talk about children's rights. There are some Kenyans who will engage in murder, robbery with violence and theft. We feel that this can be avoided by setting aside the forest for them which are indiscriminately distrike. Land grabbers should be dealt with accordingly so that an occupied land is preserved for these children. It is really ashaming to preserve land for wildlife yet there are other wild animals in the streets in form of street children. The street children find themselves in such state because they were denied education. It is embarrassing to know that school started for the poor like Starehe Boys Centre have been flooded and corrupted by the rich. It is also noted with a lot of concern that it is for boys alone. Where is the one for girls? Does it really mean that Kenya is not sensitive to gender?

Food: for anybody's survival, food is very important. We are asking our parents to take care of us because we believe that our grandparents did the same to them.

Clothing: Since Adam and Evil became disobedient to God, the sense of wearing clothes was developed. As children we request that the same treatment to be given to us by our parents.

A right to live: All Kenyan children should be given a right to live. This is done so by providing good health, shelter and food. We are asking our parents to provide the same. The government also should participate in developing health facilities. Hospitals should be kept ideal and drugs provided.

In summary, we hope that when the commissioners sit and listen to our views they will include our rights in the constitution. These rights should be made practical and we sincerely believe that Kenya we are living in, will be a better Kenya tomorrow. Thank you very much.

Com. Abida Ali-Aroni: Thank you Linda, please register. Next, has Evelyn Menjo come? Not yet. Ben Kibitok Sang, Ben Kibitok Sang? And I think at this juncture mheshimiwa is ready to give his presentation, honourable Leting.

Hon. Joseph Arap Leting: Madam chairlady, the participants, I will be very brief because some of the points that I had have already been covered so I will simply go through in brief what I have. First of all I have chosen few areas.

One is the question of land. Oh sorry, my name is Honourable Joseph Arap Leting, a Member of Parliament for Emgwen constituency. So in land I'm only going to comment on the lease hold in this land. As I support the speakers who have mentioned that the question of land should be vested with the county council, now we are the victims of some of this robbery of land. It is unfortunate that the large scale farms in Nandi, I don't want to mention the names, have been leased between the large scale farmers in Nandi and the central government has continued to squat on our land in Nandi Hills under the pretence that it was ... when we were supposed to be handed over in 1963, they had argued that for economic reasons, the LP estate should run as they are. You see it was land that was grabbed by colonial administration which and therefore the present government have continued with the lease of our land. So what I'm recommending like the others is that some of these large scale farms which are called so economic, the lease should be cancelled and the lease will be between the Nandi County Council, and the settlers. We are not going to chase out anybody, but the lease now should be between the Nandi County Council and the farmers. Otherwise we will continue losing revenue from our ancestral land.

The other point I want to say is the transfer of land. I think the district which have suffered in malgraphics of transfer of land is Nandi district. Land is being sold so figurately, no land because nobody is called and this is another point that I support the transfer of land should be handled by the county council agents. You see, in Nandi for example, you find all the people that is because the DC is chairman, DO is somebody else who is not from Nandi. All the other officials except the few representation, infact the reason why I'm going to propose that the Provincial Administration should be scrapped. In democracy, because it is a threat to democratic rights. You cannot practice democracy when you have parallel government; for example, the land control board, the DC may not have interest how the land is gone because he is not from here but if it was a local elected chairman under the eye of county council, then the land transfer would be controlled. The reason why I'm saying the provincial administration is a threat to democracy is that we have two parallel administrations in the district. One through the provincial administration, one through the political set up appointed councillors and MPs, but you find that government, for reasons nobody knows they prefer to work with the District Commissioners. Recently there was some distribution of land; the DC or the PC is the person to handle. Can you imagine somebody coming to handle who is not from this area, we give away or hold it here? Why? Because government is scared of working through the MP. They would rather use the person that they have appointed. So if the provincial administration is to remain, the role of the DC should have to be rectified but not to chair land control board, not to chair even DDC because these are people who do not care about our lives or tomorrow. They will be transferred. So I will push until it is done the same. The land control board is rested with county council, land transfer in the name of land control board will be controlled by county council.

The next point is environment and natural resources. *End of side A tape 2*

If there is anything to be vested with central government may be it can be worked out neutral between the county council and the central government for example, if you want to follow what Gilbert Sum mzee, about mzee Bustoria, that one can be handled by government but if we have a forest here, wildlife, we have lakes, rivers, it should be under the county council. If our forest was under county council, we could not have had invasions, otherwise we have lost a lot of land, forests, and so forth because of provincial administration. You remove provincial administration and you find that everything will improve. Not that they were unable to do it but there is no more motivation to do it better because government has pretended to be processing forests and yet there are no people to go round to monitor what is going on in the forests, but as soon as the county council is given, the county council can actually appoint officers, even can appoint askaris by working out the system. Of course when I say that provincial administration should be scrapped, this is a must and then it should serve other purposes other than interfering with the local natural resources.

Lastly is structure of government: I see the chairman is on me, The other one is structure of government. I propose that like the others have done, we have ceremonial President, because here I want to strengthen the arm of the Prime Minister. The President should not be a Member of Parliament and among his ceremonial duties should be commander in chief of the armed forces and yet he will appoint the Prime Minister. Position of the Prime Minister is dissolved, I'm saying that we create in our next government, position of Prime Minister. The reason why a Prime Minister will be very handy is that they can answer questions in parliament.

The other one is revolution of powers from ... it is touching on majimbo but I haven't worked out majimbo details. But government has to give away some powers to local authority. For example things like roads, health services, education, water, these are things that affect mwananchi everyday and you need to deal with closer office. Look at the roads, the road between here and Baraton, going to Baraton to Klaiboi was done through Nairobi. You see this impassable road called Kapsabet, we started working out the repair from the year 2000 and the year 2002 is ending and nothing has been started. So we need a system that release the money from the district immediately for help, every ministry should release the money immediately on regular terms. Let the job be _____ at Kapsabet here. They can come and help us but not... look at the road I was talking about, and now going to Kapsabet. The ministry has been handling it since the year 2000 and there is no hope of ever starting, they opened tenders on Thursday last week and I understand it was set three months to decide, another one month for contractor to mobilize. Now, why all these? Because we have got too much centralization of services?

Lastly, Head of public service and secretary to cabinet should be put in the constitution. You know there is none in the current constitution called Head of Civil Service or Secretary to the Cabinet, it is not there. May be unless it has happened now. So we need that post to be entrenched in the constitution and the duties of such a post should be worked out. So with those few remarks to allow most of you speak, thank you for listening to me.

Com. Abida Ali-Aroni: Thank you mheshimiwa, I'm told there are not clarifications. I think The next person is Ben Kibitok Sang. Is he back? No. Councillor Barngetuny, Kipkoech Arap Msee, yuko? Okay Councillor Barngetuny, dakika tatu tafadhali, usipitishie.

Councillor Kiptogon Arap Barng'etuny: Mwenyekiti wa commission hii na members wake, sisi wasikilizaji ambao tumekuja kusikiza,

Interjection

Com. Abida Ali-Aroni: Sema majina yako kamili kwa sababu tunarecord mazungumzo.

Councillor Kiptogon Arap Barng'etuny: Majina yangu kamili ni Mathew Kiptogon Arap Barng'etuny. Nilikuwa nikianza kusema ya kwamba ninaamini commission hii itakuwa ni commission ambayo itatoa jahabu kwa maana tumekuwa na macommission nyingi katika nchi hii ambaye imeundwa, baadaye hatuisikii jawabu yake. Kwa hivyo I have no written proposals bali tu nitatoa kwa kichwa kwa maana yale ambayo nikifikiria yameweza kutajwa na wengine.

Yangu ya kwanza itakuwa reservation of seats to disabled and women. Mwenyekiti nataka iwekwe katika constitution ya Kenya ya kwamba 16 seats iwe reserved for disabled na hizo 16 seats mbili itatoka katika jimbo. Reserved seats for women will each come from each district. Kwa hivyo hesabu ya mawilaya zetu ambayo tunayo, itahesabiwa, na ni sharti itengwe kwa ajiri ya hawa.

Ya tatu tutaongea kuhusu elimu. Nchi hii tunataka kuwa na aina mbili ya elimu. Private run education and public education. Ninasema hivi kwa kuwa tumekuwa na _____ runners of education ambao wanajiita sponsors. Hawa sponsors wameatiri elimu kwa interference kwa sababu nafasi, walimu waweze kutengeneza jinsi inavyotakiwa. Kwa hivyo kwangu nasema ya kwamba sponsors iwe nje. Asante sana nimemaliza.

Com. Abida Ali-Aroni: Asante Sana mzee, Philemon Langat, yuko? Where? Okay

Philomen Langat (disabled): Thank you very much for this opportunity, chairperson and the other commissioners. My names are Philomen Kiboi Langat from territory within Kapsabet municipality. My presentation is abit hassled here and there but I will try to be very brief and give a schedule on what I had to say that may I will begin by ... as a disabled person I think I should start by defending myself. I think to say the least is that a disabled person has had very low deal in Kenya, there are so many disadvantages and apart from the normal natural calamities and the difficulties that we have, its not in this republic from the government. At some stages you find that a disabled person when he walks around he seas a set of a pathetic, you know something that deserves sysmpathy, I think that is a very wrong notion. So what I want to say here and briefly is that there are issues that have been streached here and there about disabled people.

One is on the job opportunities, there are occasions whereby these disabled people have been discriminated simply because

they say disability is inability which I think is a very wrong notion and it should be entrenched in the constitution that if somebody who is disabled is professionally able, he should be accorded that opportunity and if possible should be given the first priority.

So much has been talked about retrenchment and retirement, yes, now, a disabled person when he is retrenched, you retrench this person to go and do what at home? To say that is that me I have been a victim, when I'm here I was working with KCC which somebody has mentioned and when the thing went under, I was kicked out, yet I'm professionally and actually practically qualified to do the work. The other company is still surviving yet I'm roitering at home. I think simply because I was disabled and that is very wrong. This person should be given an opportunity to perform, he should be given an opportunity to show his ability despite the fact that may be he is sick, has some imparement.

The other issue about the disability is that, I wanted to go in record that it should be the government responsibility to provide and identify disabled person who is not able to walk to provide some mobility, items such things such wheelchairs, may be clutches, I mean something that will enable this person to uphold to accord this particular person to have some bearable kind of life.

The other issue is that, people have talked of disabled people being given opportunities but nobody has talked of the children of a disabled person. Now this disabled person, first he is unable himself, now he will not be able to provide for his children. At least somewhere where that person is not able to provide, somebody somewhere should come in and that is the government.

Still on the disabled, somebody has talked about tax ___ being exempted. There are occasions whereby may be a disabled person can afford to buy a vehicle, its my prayer that this person may be exempted from putting a road licence on his vehicle which is a government act, but may be he should insure the vehicle for his own safety. That should be a requirement and should actually insure the vehicle because for his own safety and for the safety of his own vehicle.

Now generally there are other issues that outside the disabled and these are things starting on the running of the government. There are things like the chief act. My suggestion here is the chiefs act should be amended to give a chief, somebody to qualify or qualifications of a chief, may be give him a minimum of 45 years, academic qualification a minimum of form 4 and possible another requirement should somebody who has retired from some service somewhere else. It is very funny that you find a boy of about 25, 27, 30 years being a chief and then a mzee like I have seen now, may be had a quarrel with his wife, the wife going to report to this young boy, now, how does such a person solve the problem? It is very ironical.

The other issue that the government should look seriously into or rather future government is the issue of cost sharing. There are cases whereby cost sharing doesn't work at all. Take of a hospital, somebody was going on his way and had a road accident. Now this person cannot afford to pay because he didn't plan for the accident. How does that person expected to pay his bill? The government should provide free medical facilities to everybody, I'm not talking of a disabled in this case I'm talking of free

medical facilities. Now, people have talked about schools, now when you talk about cost sharing in schools I think there are so many things that the government has done which are contradictory to each other. It is very ironical that the government is saying, they put the other day a law that said all children should go to school yet they are not employing teachers. Who is going to teach this child who is going to school? If there was a deaf or who is going to do the job? It is funny. I mean things should go prorata; if you want the children to go to school, the government should employ the teachers. Not people who are going to colleges rotering at home and somebody is telling you here, “usipopeleka mtoto shule nakuja kukufunga” I mean, it sounds funny. And this cost sharing has brought Kenya down so seriously that now the rate of illiteracy is going high so seriously instead of it going down. Things are going backwards from what Mheshimiwa Ng’eny said actually when Kenya was getting independence they were talking of literacy

interjection

Com. Abida Ali-Aroni: I just want to tell you, that you give us your proposal and leave out the other things that you are ... example so that we can hear everything that you have to say.

Philomen Langat (disabled): I just say that my proposals are, on the disabled I had said that the government should provide some enabling infrastructures like the wheelchairs and other things to enable off a disabled person to have life bearable. And the other thing I had said was about the chiefs act and the qualifications, that was the minimum age and the academic and such things like somebody who has retired. And I was talking about also the government providing some free medical. And then the last one I had was that there is something we call mzee wa mtaa which doesn't exist in the law, it is my prayer that that thing be enacted in the law because it is something we have appreciated. The Mzee wa mtaa should be enacted in the law, actually should exist in law and he should be paid salary.

Thank you very much for this opportunity.

Com. Abida Ali-Aroni: Before you leave we have some clarification. Please have a sit we have some clarification or some questions.

Com. Dr. Charles Maranga: Thank you Mr. Langat for your presentation, I have one question to ask, I did not get you very clear, what did you recommend about employment of the disabled persons? Did you recommend that they should never retire?

I didn't get it right.

Phelomen Langat: I talked on retrenchment, incase of retrenchment, that person should almost be last person to be retrenched if anything because when you retire such a person, somebody like me now, when KCC went under I was kicked out, I'm now roitering at home, I cant provide for my family. Okay now, the other thing I said was about retirement is, if that person is still able to provide, even if it is at 55 but you are still able to provide, he should still be accorded some opportunity to provide.

Com. Abida Ali-Aroni: I also have two clarifications. You would like some exemption from taxes, for people with disabilities, I have problem with that, but then you tell us that if a person with disability buys a vehicle, he should not pay the road licence, if this person is rich enough to be able to purchase a vehicle and we know that there are rich persons with disability in this country, why would you consider waiver of tax for such a person?

The second question is on your proposal about the chief that they should be 45 minimum and people who have served elsewhere and retired, presumably they are 55, 60 and the example you have given is what I have a problem with, we have magistrates who are 25, and they listen to very very serious issues that involve wazees, don't you feel that there is a contradiction here we allow the youth to start become magistrates and handle very serious issues, become DOs, or we don't want to give them an opportunity to be chiefs to listen to minor problems because, minor and major I know we should deal both.

Philomen Langat: One thing is that when a disabled person is buying a vehicle, one of the most priority is not because he is buying it because he has money or because he wants to enjoy the vehicle, it is for his own mobility. That is one reason, that's the main theme because actually a disabled person has problems in moving and therefore when he buys a vehicle he is buying it for ease of mobility and therefore it is not really an asset and therefore it was my prayer that if he is exempted from some of these things like taxes of road licence.

The other issue about the chief is that there is a difference between what a magistrate does, what a DO does, and what a chief does. Why I'm saying this is, a chief in most cases is handling those civil cases that are so trivial, hiyo ya kuku, ya mayai, wazazi walipigana, those small small issues. So how do you like, may be if he is the chief and now, you know the wife is going to report to her, I mean how do you expect her to handle the issue?

Com. Abida Ali-Aroni: Thank you for your views. Please register and hand in your memorandum. The next person is Benjamin Kipkosgei Rop, Benjamin Kipkosgei Rop.

Benjamin Kipkosgei Rop: Mwenyekiti Madam, macommissioners ambao wako mbele, kwa majina yangu naitwa Benjamin Kipkosgei Rop, mwenyekiti ya walemavu wilaya hii yetu ya Nandi. Kwa mengi yale ambayo yametajwa na wale walemavu wanzangu, ninaonelea kuna vitu viwili ama moja hivi ambavyo hawakuguzia. Hilo ni kuhusu maneno ya kortini. Kwa hakika korti ni zuri na hakuna mtu ambaye anatamani mwenziwe atendewe mbaya ama atende mabaya. Kwa vile kuna uzitu kidogo kwa upande ya walemavu, katika kortini, kuna kesi ambazo may be una-appeal, and that appealing inahitaji pesa, kwa hivyo kwangu ningelionelea ya kwamba wale walemavu wanaweza kuappeal kwa mtu fulani ambaye pengine amemturu kwa kitu fulani, kamaa kunyang'anywa vitu vyovyote, na kwa vile anajua ya kwamba huyu mtu hana uwezo ya kifedha kuappeal hiyo kesi, kwa hivyo huwa wanamnyanyasha. Kwa hivyo ningepomba ya kwangu tu ni kusema ya kwamba Chief Justice, kutoka kwa office ya Attorney General ipatie hawa watu appealing the case freely. Hilo litakuwa jambo la maana.

Lingine litakuwa ni kuhusu maneno la walemavu kuakilishwa katika kila sehemu. Wengi wametaja hapa kuhusu maneno ya councillors 10% lakini na hata parliament hiyo wametaja 10%, pia tumeisahau ya kwamba katika lichiki ama location na sublocations, ningeliquote kitu cha maana hasa zaidi walemavu waakilishwe katika locational committee pamoja na DDC.

Mwisho ni katika mipango ya DDC. Hii madama commissioner na wale macommissioners wenye mko hapa, pale katika DDC pengine kuna mchatala ama kuna mambo kuhusu maneno ya maendeleo na hii watu huwa wanawachwa zaidi nje halafu mwishowe kuna kitu ambacho wamechukuliwa kuwa kama hawana uwezo wote na that one is very bad. And I should ask you madam and the rest of your commissioners to just identify such things.

Lingine nimepatia uwaja kidogo ni mipango kama natural resources. Hapa tunasikia ya kwamba kuna wale watu wanaitwa landless. Na kwa mahajabu hata saa hizi hawa watu ambao wanaitwa landless ni wale watu wanzo mashamba lakini ikiwa kama kuna sehemu fulani kama mfano kuhusu maneno ya misitu, kuna watu ambao hupatiwa mashamba, wale landless, na hii landless hata nikijiuliza hata saa hii, landless kabisa katika jamhuri yetu ya Kenya ni huyu mlemavu ambaye hawezi hata kununua mkuu moja kwa mkuu moja mraba. Kwa hivyo langu la kwanza ni kusema landless people ambao wanatakikana wakue vita ni walemavu pamoja na pia na wale wasichana ambao wana watoto nyumbani. Kwa hivyo hiyo ni kitu cha maana na ningomba hata katika serikali yetu hii wamekuwa na mazuiio mambaya. Hata hivi majuzi kuna forest yetu moja hapa ambao walikuwa wakipatiwa watu landless lakini mwisho ilikuwa ni kitu ambacho inapitia hiyo administration and that one inaunga ambaye ni mbunge wetu ambaye hiyo kitu iondolewe. Na hiyo kuanzia Provincial administration they should be scrapped out. Kwa mengi, serikali yafuate kuhusu maneno ya landless people, wale watu wa kwanza ni disabled person.

Interjection

Com. Abida Ali-Aroni: Asante sana. Iko na ingine? Basi dakika moja tu.

Benjamin Kipkosgei Rop: Madam unajua ukiwa mlemavu na hii ni kitu ambacho ilianza kutokea kwetu hivi majuzi, na ninaona katika muda huyu wa constitution ambayo ilikuwa ya sitini na tatu mpaka na leo walemavu hawakuhusishwa na hata ningomba tu kama ungeweza kutupatia muda tuyatambue na kuyachambua matatizo ambazo tunazo. Kwa hivyo, kwangu tu ni kuwaombea baraka na yale tumetaja waleo wenzangu walemavu ambao wameitaja, yawe katika hii constitution mpya. Na kuhusu viongozi sisi hatuwezi kutaja neno, maneno ya viongozi kwa maana sisi kwanza tunasema ya kwamba tumefufuka kutoka utumwani. Hii ni kama walemavu walikuwa hawajapata uhuru na ndio maana hii ninasema tumetoka utumwani, tunaona mwanzo sasa.

Interjection

Com. Abida Ali-Aroni: Asante sana, asante sana Bwana Rop, ukiwa na zaidi tuandikie memorandum na tutaweza kusoma asante. Next is John Kipiyego, John Kipiego

John Kipiego: Madam mwenyekiti na wanacommissioners, yangu nitajaribu kuenda speed speed.

Com. Abida Ali-Aroni: Whats your name?

John Kipiego: My name is John Kipiego. Na mimi ni retired civil servant. Kitu ningependa mtu ametaja hapa maneno ya parties. Ningependa iwe mbili na iwe na provision ya independent candidate. Nikiona hii party hainitaki mimi naweza kuweza kusimama nipigania kiti.

Ya pili ni President asiwe MP wa area. Nikisimama Emgwen nikitaka kuwa President kama nimechaguliwa niwe President Kipiego, mwingine achaguliwe ya kuakilishia Emgwen. Now kame elections zimechagulia na imekuwa free and fare, the question of President call, hiyo inatakiwa iwe treasonable offence na huyu mtu apanishiwe.

Office ya President lazima iwe dissolved wakati parliament ikifunjwa, MaMPs wakienda nyumbani, hata huyo President pia aende nyumbani na mtu awe chief of general staff ya majesh yetu au Chief Justice aachishwe au akuwe nje mpka President yule atakapokuja.

Civil servants, kama MaPS na Machairmen ya parastatals ziwe zikijajiriwa na body kama Public Service Commission, iwe commissioner ya prisons, ya police, asiwe tu mimi president naamka leo nasema huyu ndugu yangu aende huko awe mkubwa, na mtu mwingine awe prisons, wawe watu ambao wanaajiriwa na public service commission au iwe kama body ya public service commission awe wanaweza kumpea transfer kubadirisha aende mahali fulani vile ambao wanaona inafaa. Mambo ya chairmen ya parastatals au mahali ingine, mtu asiwe chairman Nakuru, Kisumu, awe ni chairman ya body moja peke yake. Na watu ambao wameretire, kama mtu amekuwa retired asisumbuliwe, aende apumzike nyumbani na apewe pesa ya kutosa. Asije anaambiwa awekwe chairman hii, chairman hii, apewe pesa na watu kama ambao wameretire, mtu kama zamani alikuwa ni mkubwa fulani anakula mshahara ilikuwa iko chini elfu kumi, anakuwa wakati huu anapewa half of the salary elfu tano; mweji kuja, mwaka kwend mwaka rudi. Iwe hii pesa inaongezwa kufuatana na uchumi ya nchi hii vile inaendelea.

Public holidays za Kenya ziwe designed. Apana mimi nikiwa President leo, inakuwa Kipiego day, watu wanaendelea namna hii, sasa, towards the end of the .. mwishowe tutakuwa tunapumzika hatufanyi kasi kwa Kenya hii.

Maneno ya kubadirisha constitution baada ya hii, mtu anasema badirisha constitution niendeleo niwe namna hii, hiyo iwe ni kosa kubwa sana. Hii inatakiwa ikibadirishwa constitution iwe inabadirishwa kwa njia hii hii lakini si ati kubadirishiwa kwa kusudu mtu au watu ambao wanajitakia makuu.

Mambo ya increment ya kuongeza mishahara. Isiwe inaenda kwa percentage, iwe inaenda kwa uchumi ya nchi vile inaendelea, isiwe inasemekana ongeza 10% kwa huyu bwana.

Beggars and children wale ambao wanatembea kwa streets, wasiwe wakionekana kwa mabarabara zetu za Kenya au miji mikubwa mikubwa. Ziwe homes zimejengwa au mashule ambao zinajengwa kuelimisha hao watoto ambao wanatembea kwa streets. There should be no street boys and beggars along the streets.

Mambo ya mashopping centres, ile ambao inakuja, unaona bumps huwezi kuendesha gari shauli ya mtu anajenga duka anaona yeye plot inafika karibu kwa barabara ati mimi najenga duka yake hapa, iwe na system ya kama ni shopping centres ziwe na bali na barabara.

Mambo ya wanajeshi wetu, tunajua amani sasa Uganda na Tanzania imekuwa mahali tumesikizana. Kama hawana kazi mingi, wawe involved na mambo ya ujenzi wa taifa kama nikujenga mabarabara au kuchimba maji wako na facilities ya kutosha.

Mambo ya chakula: chakula under no circumstances zitakuwa imported na mtu binafsi, iwe sukari,

Interjection

Com. Abida Ali-Aroni: please wide up.

John Kipiego: isiwe na ruhusa ya kuimport mahidi.

Ya mwisho ni mambo ya elimu. Ikiwa watoto wa university wanapewa msaada na serikali, wale wa private, kama ulisponsor wako private aende ng'ambo, aende kwa corner fulani, aende asome, apewe msaada na serikali pia. Asante.

Com. Abida Ali-Aroni: Thank you very much. Next Musoga Benson, Musoga Benson.

Musoga Benson: First of all I would to comment on the

Com. Abida Ali-Aroni: Your name please.

Musoga Benson: My names are Benson Musoga. First of all I would like to recognize the generosity of our chairmadam to even allow our honourable MP to speak for several multiples of three minutes. So I think you are going to extend the same sizes to me as I speak in front.

Interjection:

Com. Abida Ali-Aroni: Young man, I'm in charge I use my disgression, you have given me

Interjection

Musoga Benson: Thank you, thank you, So in front of me I have very humble proposals concerning our constitution, first is interpretation of Kenyan laws and truth in courts and by chiefs concerning judiciary. This is whereby many people moreas of common wananchi are not even well versed with our current constitution. They don't know what is going on, for this case I may even not feel ashamed to say that up to now I don't understand whether they are reviewing the constitution or they are making a new constitution. So therefore I urge for the constitution to provide room for the chiefs on the local ground to educate those people who are not informed like all was just at home, our Kenyan laws and constitution so that in any case they are wrong or they are being undermined they should know what to do about them.

Secondly inclusion of other organizations in governance: This is whereby treasure groups, interest groups, families and lobby groups should be given a bigger hearing concerning the formation of laws in Kenya. In most cases places like prisons, many schools, and even hospitals have been left out when it comes to making of laws or when it comes to commenting on what should be done to improve our laws in Kenya. Up to now, I'm even worried that I've not seen any prisoner being given a chance to air his views concerning this process, so I hope you are going extend the same to even prisons and other institutions, even to the people who are in hospitals.

Thirdly, powers of the President: Concerning this issue, the powers of the President should be to some level reduced. I mean the President in the past has been given so many hats or rather kofias which some are not even well defined on where to put on.

He puts on some on the soldiers, even on the noses, not knowing what he should do to improve or to do something about our Kenyan welfare.

On this matter, things like, many honours which are given to the President like the chancellor, commander in chief of armed forces, of which some he does not deserve should be limited so that he should be given clear parameters under which to work. Then also concerning these powers, or these enormous powers from the President, in any case he is found wrong or misconducting things during his process of working, he should be brought under the law. I understand or I guess somehow, the President is above the law. I'm not sure but I guess. So he should be under the law like any other citizen since he is like any other citizen in Kenya without compromise. Then in case he is found guilty or he is found overusing power, the parliament should have the power to vote or to stage a vote of no confidence in him so that he may be executed from power. With few remarks, I thank you for having given this thing and I hope what I have said will be given an eye together with Mr. Samuel's proposals. I really liked them, they were good. Thank you.

Com. Abida Ali-Aroni: Mr. Musoga please, just hold.

Com. Dr. Monosik Arap Korir: I just wanted to ask you, everytime you are talking about the President, you say he, he, Are you assuming that there will never be a woman President in Kenya?

(Laughter)

Musoga Menson: I think, thank you for that. If there is a correction for that - he or she. Thank you.

Com. Abida Ali-Aroni: I'm two issues from the chair here, I gave you five minutes and I'm sure I didn't talk to you, just to assure you that I use my discretion here to decide although the maximum that we are giving everybody is three minutes and also your MP represents we have probably 200 to 300 people here. The population of this constituency is much more. Honourable Leting represents this constituency and we take cognitions that he may be speaking for those who were not here.

Thirdly we must respect our leaders. He is your leader because the people of this constituency chose to. Thank you very

much. Register and I assure you that your views will be taken and the commission will listen to prisoners as we recognize that they are Kenyans. Thank you. Isa Songok,

Isa Songok: My name is Isa Songok, I represent Kapsabet Jamia Mosque or Muslim Community in Emgwen constituency. So the commissioners, members of the 3Cs, Honourable MP, civic education providers, I greet you in Islamic greeting Asaalam Aleikum.

Now muslims in Kapsabet have recommended and written some recommendations here of 16 pages but because of time limit I will just highlight some few issues on matters affecting muslims only.

First of all may I start with the citizenship? Muslims have been marginalized and are treated as a second class citizen with relation to issuance of National IDs. So in connection to that Muslims propose that the next constitution should define the citizen of Kenya by birth, by registration, and finally by _____ properly. It should be clear there. *End of tape 2*

Because I'm going abit faster, let me touch on education and education system in this country has an ____ Islamic outlook. So muslims in Kapsabet we feel that a system should be established whereby the system of education should cover allthe cultural and the religious aspects of all people in Kenya. That is one thing we should do.

Another thing also, we have also proposed that boarding schools should be minimized. This has brought problems to an extent that, (ofcourse Kenyans we can still remember St. Kizito, we can still remember Kyanguli, also some moral ____ have been identified in boarding schools. So I think boarding schools should be minimized and some boarding schools which are of special cases, like juvenile cases, disabled and others.

Muslims also we have identified some problems in the constitution especially to do with property ownership. That one, it is known very well that most muslims or the majority in Kenya are living in villages. Where did they get those villages, they are located to them by the colonialists and up to now they don't have the right of ownership. So, such like villages have been given names like Swahili villages, Nubians villages, Comolos villages, Somali villages. So, we proposed that such land to be registered and be given communal title deeds. Later such lands which have been grabbed in the process, have been grabbed by individuals or groups, reprocessed and given back to the communities. So those are our proposals.

Another thing is discrimination. We have also identified a certain act in the laws of Kenya, this is that is called work commission act CAP 109. It describes the Muslims, ladies and gentlemen you can hear this, it describes a muslim as an Arab of the 12 tribes, a muslim as an arab of the 12 tribes for example I'm a muslim myself but I'm not an arab. So such a law should be repealed.

Another thing is bowing of muslims, I mean muslims should not forced to bow when entering a court, it is instrumental to be a _____ especially Kadhi's court. They should not be forced. Also a muslim mayor should not be forced to plant mayors tree

or light mayors tree. It is also _____ to the _____. So such a thing actually should be seen and they should not be forced.

Also we proposed an interest free banking, muslims in Kapsabet we proposed interest free banking, Muslims or its people to receive interest or loans on money borrowed from banks or money saved in banks. Muslims prohibit that, so the central banking act should review this and establish a certain act which will cater for muslims in tackling their pay.

Human rights and children's rights also should be seen, although we say that, that human rights and children's act in connection to 1948, should be adhered to but care should be taken that we should not go beyond the Islamic bringing of children and African way of upbringing children. Say it should not go beyond that. So up to there, I have finished these proposals and the few in shala I will give to the commissioners to keep so thank you madam.

Com. Abida Ali-Aroni: We have some clarification. If you have considered you don't need to answer. Have you considered the questions that relate to the Kadhi's court? Kadhi's court, have you considered in your memorandum?

Isa Songok: It is there.

Com. Abida Ali-Aroni: The next thing I would you to clarify, you want the work commission act repealed, what would you like done to the work property as far as the Muslim community is concerned if we repeal that act?

Isa Songok: The work ladies and gentlemen means any income generating property and premises from muslims community. So we would like that area, a certain body to be elected or to be established so that it can manage the works and members of this body should be people who are very knowledgeable in Islamic affairs. So that is it.

Com. Abida Ali-Aroni: Thank you please register. Ali Said Rajab.

Ali Said Rajab: Salaam Aleikum all of you? My name is Ali Said Rajab and I'm involved in community affairs for the Muslims in (I have been involved in Eldoret mosque for four years and before that I have been working in very many industries, I have been a banker, I've been an accountant, I've been a manager) so I want to speak from my own personal experience about life in Kenya and what should be done constitutionally. In today's taifa leo, if I could be given that taifa leo which I have forgotten

Interjections

Com. Abida Ali-Aroni: Mr. Rajab, three minutes please, So I hope one minute is gone now you have two minutes.

Ali Said Rajab: I want to start with that point that in today's headline people have been thrown out of houses in Nairobi and Nakuru and all these places. If you look at today's paper, we are in Kenya, 40 years after independence, wamama, watoto, wantupwa nje ya manyumba mercilessly, so when you are rewriting the constitution and reviewing the constitution, and they have a court order, where is the respect for the rule of law?

Interjection

Com. Abida Ali-Aroni: Mr. Rajab, what do you want us to put in the constitution? We will be comfortable that way, what do you want? After seeing the picture, what do you want us to put in the new constitution?

Ali Said Rajab: Yes this is what I wanted now to come to the point that we have seen that most of the problems we have in Kenya as many people have pointed out, start with the structures of the government. Its separation of powers and a lot of people have pointed out that it is the executive. We have a problem, all the problem is emanated from the powers given to the executive. So if that is the major problem, why don't we tackle it constitutionally by rearranging things? By rearranging the powers and in that respect I propose that we have a parliamentary system of government where you have a Prime Minister and we have a ceremonial President?

And then we have checks and balances and the constitution and the government of this county should be people friendly or people centred? And in this respect I wish to propose that we have a unitary government in a unite Kenya with government of national unity. And then I want to point out that we became Kenya through a unhistorical accident, the European came together and they divided Africa amongst themselves. We happen to fall into that section called Kenya. Let us live together and let us set up a constitution that will make us live together as one people and when we are living together we should make sure, and also we should know that God's creatures, we should be God fearing people and in the constitution we should put provisions for .. so that to enable Kenyans to be able to be God fearing and we should provide people of Kenya with basic needs and basic needs, the list is long, start with education, health, water, roads, security, employment, shelter, and what have you. If we put provisions in the constitution, after this constitution process has been completed, I'm sure the people of Kenya will be a happy people. We should ensure professionalism and meritocracy. If you have qualified for a job, you should not be left out, if you are due for promotion, you should be .. you know we are taking our children to school, we are making people to work very hard and then we ignore them and we give people who deserve. So in all aspects of the public life of Kenya we should strive to instill constitutionally, professionalism and meritocracy.

Acceptable culture: There is a lot of bad things going in this country, when I walk around in Nairobi and other places, I see very bad pornographic magazines in the streets, I think we should make sure that this thing does not continue. And it is getting worse by the day. Initially they used to talk about bad things, but now they are even showing naked bodies in the magazines. I'm talking about very very sensitive and bedroom secrets. So, where is the government of Kenya to look into this? Let us look at this constitutionally. And finally let us develop our people and equip them with information technology in the knowledge, technological knowledge like information technology, they can get jobs all over the world.

Now let us also look at the potential of sports. Sports, the other day people were watching world cup, at least have brought a lot of money in Nandi district. Let us put affirmative action to promote sports in this country. Let us even this land which we have forests, and wildlife, let us set aside some land constitutionally to make sure we develop sports from the youth of our

country. And finally

Interjections

Ali Said Rajab: Finally this constitution knowledge, I think we should make sure that we provide continuous constitution knowledge and constitution process rather than this commission just coming to an end and that is it. The constitutional making should be a continuous process and educating of the public and let us introduce this to the school system so that everybody is aware about this constitution, about his right, about how it is supposed to govern. Thank you.

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

Com. Dr. Charles Maranga: Mr. Ali Said, how do you control pornography when you have brought computers to the bedroom. You have talked about IT, infact the biggest problem we have in this country now, is that the kids can access chanel which are even worse than those magazines in the streets. Do you want us to stop IT coming to Kenya? What is your suggestion? What's your way forward?

Ali Said Rajab: I have heard that in the internet there is a lot of pornography and I had a chance to be shown by a friend who is conversant with information technology and I was shocked at what I saw, I was shocked and I say God help us. So like I said, if this is a problem for Kenyans, let Kenyans think about it and come up with a solution. *(Laughter)*

Com. Abida Ali-Aroni: Before you leave, as a Member of the Muslim community we hear a lot about cries on the Kadhi and the Kadhi's court. Can we have your contribution towards that subject?

Ali Said Rajab: Yes, the issue in the judiciary, the issue of the Kadhi is ... you know when the Kenyans got independence, Muslims were told, mambo ya doa, mambo ya kuachana bibi na bwana, mambo ya inheritance, we have been given Kadhi's act, we were given three things as muslims in this country. What we are saying, Islam is not about three things, Islam laws is not only about marriage, divorce and inheritance, islam is a complete way of life, there is a lot of laws even it prohibits drinking, if somebody drinks alcohol action should be taken, a lot of things, and a lot of other imorarity, homosexuality and what have you. Islam is very categorical, it's a complete way of life, so we are saying constitutionally we a proposing that the Kadhi's court should have original and apparent jurisdiction. That the Kadhi's court should be strengthened and the Kadhi's court should not be under High Court, some decisions of the Kadhi's court have been overturned by the High Court. So we are saying it should have its original powers and then if somebody is not satisfied with decisions of a Kadhi or a Chief Kadhi, there should be a court of appeal of the Kadhi. Just as your proposals of customery, there are issues which are customary also. So this is how some of us we have discussed this issue and come up.

Com. Abida Ali-Aroni: A moment.

Com. Dr. Charles Maranga: Are you suggesting that we have a parallel legal system in this country?

Ali Said Rajab: To try, its not an easy answer to just say we have parallel because even at the moment, when we have Kadhi' s court handling marriage, divorce and inheritance, Is it not parallel? We are only saying Islamic is not limited to three issues, increase under the same judiciary.

Com. Abida Ali-Aroni: Thank you for your contribution. Abubakar Sadala.

Abubakar Sadala: Bismillahi Rahma, Rahim. Na wamkuwa nyote nikisema Assalamu Aleykum Warahmatulahi Wabarakatu. Mimi ni Abubakar Sadala Imam Kapsabet Jamia Mosque na nimekuja hapa kutoa maoni yangu binafsi machache tu. Jambo wengi wamezungumza labda nitakuwa nikizungumza kwa namna ingine au narudia.

Kwanza kabisa nitaanza kuhusu elimu: Maandishi ya Kenya inasema inapambana na umasikini, kutojua kusoma, na kadhalika. Kwa hivyo ningependelea Katiba mpya ambaye tunaiunda kwa sasa, kwa hali na mali, iweze kuweka elimu kuwa ni bure kutokea nursery hadi university na kama itahitaji cost sharing kutoka kwa wananchi, basi isaidie elimu hiyo kuwa bure kutoka nursery mpaka form four. Kisa kama kuna cost sharing wazazi waweze kuchangia kuanzia university. Na hiyo itakuwa imesaidia mwananchi wa kawaida ambaye hawezi kulipia karo. Kwa sababu hata sasa kuna wale ambao hawawezi kununua vitabu vya shule. Hiyo nimemaliza habari ya elimu.

Ningeomba pia Katiba hii ambayo tunaiunda kwa sasa, wakati ambapo tunawachagua wajumbe wetu, wajumbe ambao tunawapeleka kwenye parliament ambao wengi wamesema wawe na elimu na mimi naunga mkono kuwa, wawe na elimu ya university na wawe na ujuzi kwa sababu ni watu ambao wanakwenda kuakilisha wananchi, wanakwenda kukalia kwenye viti vikubwa, kwa hivyo ningeomba wawe na elimu ya university. Na hao macouncillors wawe na elimu ya form four mwisho. Na ikiwa mjumbe atakwenda kule kwenye parliament na afanye uzebe, apotelee kule alale huko, ningeomba iwekwe kwenye Katiba ambayo tunaitengeneza, kuwe na taratibu ambazo tunaweza ama wananchi wanaweza wakamrudisha mjumbe nyumbani, na achaguliwe mwingine. Hiyo nimemalizia hapo, upande wa wajumbe wetu.

Uhuru wa kuambudu: Tunashukuru sana serikali ya Kenya imetoa uhuru wa kuambudu na watu wameenda mpaka wengine wanaambudu hata shetani. Sasa tungeomba sisi tukiwa kama waislam tunaona kuwa baathi ya ibada zetu zinanyimwa. Hasa upande wa wanawake wa Kiislam, upande wa mabinti wa Kiislam katika mashule unapata kuwa wanapojaribu kufaa hijap, kwa sababu tunaamini kuwa Muislam anapofanya chochote ambacho kimeamulishwa na Koran ni ibada. Lakini wanapofaa hiyo ijabu kwenda shuleni mwalimu mkuu anamwambia haiwezekani. Kwa hivyo unapata kuwa Muislam analia ibada yake imenyimwa. Kwa hivyo ningeomba hii Katiba mpya tunaiunda kwa sasa, ijabu kwa wanawake wa Kiislam iwe katika Katiba, wavae, wakiwa makazini kwao, na popote watakapokuwa kwa sababu ni ibada yao ambaye imeamlishwa na Koran. Kwa sababu ikiwa taifs hili, kwa sababu taifa hili tunapoamini kuwa linaamini Mungu, liko na maadiri ya dini na kadhalika. Kwa hivyo hiyo ningependa iwekwe kwenye Katiba, watoto wa Kiislam wavae ijabu katika mashule, wale wamenyimwa hiyo nafasi.

Na pia wanawake wa Kiislam wafae ijabu zao wanapokuwa hata makazini mwao. Na hii utapata katika sura ya 33 aya ya 59 na Koran ni amri, si jambo ambalo limeundwa na wanadamu. Sura 33, aya 59. Hiyo ni amrishi la mwenyezi Mungu Subhana Lahii Wataala kwa hivyo ningeomba iwekwe dani ya Katiba ya nchi hii.

Kuhusu vitambulisho na uraia wa nchi hii. Vitambulisho hapa imetajwa unapata kuwa kuna watu wameishi sana hapa Kapsabet, mtu amekaa hapa miaka therathini, lakini anapotaka kuchukua kitambulisho ana, shamba hapa, amezalia hapa, labda na asili ya kabila fulani anaambiwa rudi nyumbani ukachukulie kitambulisho huko. Na amezaa mtoto hapa, huyu mtoto ana miaka therathini. Kwa hivyo ningeomba Katiba ambayo tunaiunda kwa sasa, iweke limit ya miaka, ikiwa mtu ameishi mahali miaka kama ni kumi, watoto wake waweze kutabuliwa kama ni raia harisi wa hiyo district, na wapewe vitambulisho kama watoto wa area hiyo. Kwa hivyo ningeomba hiyo pia iwekwe kwenye Katiba ambaye tunaiunda kwa sasa. Kwa hivyo nafikiri tutakuwa na mengi madama mwenyekiti, yangu ni hayo tu, nasema asante sana.

Com. Abida Ali-Aroni: Asante. Reverend James Gathi. You don't want to speak? Thank you. Samuel Chelegon, observer. Its okay you don't have to speak I have noted you are an observer which is allowed. Richard Rono,

Richard Rono: The chairlady of the commission, commission members, ladies and gentlemen, on behalf of Kaptel, constitution to give committee we have the following to present to you. First of all, law in this constitution we have recognized Kenya is a sovereign state. That's the first thing that we have to know. We are sovereign in our existence here and as far as the constitution is concerned, (my name is Richard Rono) we realize actually we are a sovereign state and being a sovereign state it means we have got people who actually existing in this country. Now our constitution does not actually reflect whom this constitution covers or whom this constitution constitutes us to be its members. Now we have actually tabulated here the number of tribes that we are having in Kenya and we have all slightly above 50 and we discovered that presently we have got about 22 tribes that are recognized which are in Kenya but there are others who need also to be recognized. These ones have been treated as minor, they have been treated as marginalized communities but we would like them to be treated as independent edities that is they can stand on their own and be recognized as strong tribes like the rest of the tribes.

Now when we do away with that one we come to what we call directly principles of state policy. Now there are certain democratic rights that would like to say entrenched in the constitution, some of these tribes are freedom of expression without fear, freedom of movement, bill of rights and human rights among others. Now we also came to the con____ supremacy, I have looked at these in brief and we said that actually we need to have a ____ supremacy in this case and we said that parliament should retain the procedure of amending the constitution by raising a 65% majority vote to 85% majority vote. Such that as when something is done, it is done effectively and strongly when almost everybody have conceded especially among our representatives of parliament.

We also said that there are certain things that parliament should not perform on its own and powers and say they have done it.

How do we limit up the power parliament? We said that to limit the power of parliament is through referendums that is when there are certain things that parliament cannot do, they should bring us wananchi so that we deliver it and also would present our views to the other side.

We also said that there are certain areas which are beyond parliament amendment alone. Some of these areas are mwananchi should be consulted are fundamental human rights, citizenship, state principles, political parties, and arms of the government. And also electoral process and natural resources and change of the constitution. These are areas whereby we should also have a say before they are amendable on the other side.

Now we also said that as far as the referendums are concerned, we are saying nothing should be moved to mwananchi, who are the people who are supposed to conduct the referendums? (1) Council of elders, the youth, women, and Attorney General, are the people who are supposed to conduct the referendums. Now we also came to realize that when we came to the area of citizenship, now we discovered that there are certain rights that the mwananchi of Kenya, the citizen of Kenya should have somebody who has been in the government of this country should have. One of them is that is now the rights and obligations of a Kenyan citizen are: all or at will, to generate wealth, vote or participate in the formation of government, freedom of movement, association expression, access to education, health care, and infrastructure and others. Object or reject or accept what he didn't know to be in this line or with these principles. We also discovered that we should also be in a position to make opinions and observations that is participate in decision-making process. We also felt that we should be provided with security, we also felt that we should participate in elections, we also felt that we should marry and bring up a health family under the security, we should also feel Kenya socially, economically, politically and culturally.

Now that is in brief. And then then going to political parties we also came to realize that political parties are also important bodies in this country and should not be treated lightly. They should be taken strongly like the ruling party. Now what areas are they supposed to chip in a democratic country like one of Kenya here? We said that they should participate in economic policy making, they should also participate in providing health services, they should be given room to formulate education policies, they should be given room to participate also in structural facilities and infracturing of the budget. _____ of the government, they should have laws in also called for this towards the laws of this country.

Com. Abida Ali-Aroni: Please wide up. You have to wide up no.

Richard Rono: We said now, either political party has to be registered in this country. Then should have the following or its two million, give that to qualify. And we said that okay, we are part of a case whereby we are saying we need to have at least 3 political parties. To us we gave room that we should have at least 5 such that a Kenya society matures through the amendment of the constitution we should reduce to either 2 or 3 in the long run. So I think we need to give room to this room to still at least exercise this. And as they mature they come to that.

Intejction:

Com. Abida Ali-Aroni: Thank you.

Richard Rono: Please madam, why don't you let me just say something on.

Interjection

Com. Abida Ali-Aroni: No, no, thank you very much, infact you are very lucky now I'm going to be very strict but there are clarifications for you.

Richard Rono: Okay thank you.

Com. Dr. Mosonik Arap Korir: you mentioned that there are 50 tribes, and only 42 are recognized, do you have a list of the said

Interjection

Richard Rono: Yes I have the list please.

Com. Dr. Mosonik Arap Korir: Can you say them very quickly so that

Richard Rono: We have tribes like Engwere, the Dorobos, Ejems, and the Sengweles, and many others. ***Laughter***

Com. Dr. Richard Maranga: I have a question for you. How do you expect a political party which is not in power to provide health services for example?

Richard Rono: Thats what you are saying is, the room should be created now in the new constitution, its not there, but we wouldn't like to have this kind of oppression whereby when they want those things they are told no. _____ we would like in this constitution to look for a way out whereby they can also participate because they are Kenya citizens anyway. And if anything we should have something like a coalition form of government whereby at least they are also _____ to chip in and present a lot of views and be respected in whatever they do.

Com. Abida Ali-Aroni: Thank you very much, thank you for those views. John Kiplangat Koech. John Kiplangat Koech, is he here? NO. Stanley Meli, mzee wewe ni nani? Koech? Okay dakika tatu.

John Kiplangat Koech: Commissioners, na... jina langu ni John Kiplangat Arap Koech. Mimi nasema ya kwamba, naomba commission hii ya kwamba hii constitution ni lazima twendelee na tuongeze muda sababu sisi watu wengi katika sisi, hatuendei constitution, na tutajua. Kwa hivi sasa, hii itachukua muda kubwa sana ili tuelewe. Mimi mwenyewe binafsi nasema ya kwamba lugha ambao tunatumia special kama kwa siasa, democracy, tunaongea democracy lakini democracy hatujui maana

yake ni nini. Halafu tena tunakuja ongea lugha ya Kiswahili na hatuelewi Kiswahili, Kingereza, hatuelewi sawa sawa. Kwa hivyo tukifanya maneno ya constitution tunafanya maneno ambao saa ingine tunasikia hata ingine kwa watu. Kwa hivi sasa, sisi wanacommissioner ambao macommissioner ambao mmeshakuja hapa, tunaomba sana baada ya hii uchaguzi tukifanya, tukifanya uchaguzi, tunataka pia constitution hii iendelee sana sana kwa upande wa sisi upande wa Nandi, tunataka maneno yetu ambao mira yetu ikae kama hivyo hivyo vile ilikuwako. Sababu sisi sana sana maneno yetu inahusiana na sheria, inakamatana na masheria na pia inakamatana na masababu. Sasa

Interjection

Com. Abida Ali-Aroni: Mzee uko na dakika moja.

John Kiplangat Koech: Asante sana. Mimi naonyesha hii, hii ni kingereza, na hii yule mtu anazungumza kingereza, haisikizani na ile lugha hii. Huyu ni Mswahili, ndio naika kamusi, sasa tukiongea maneno ya majimbo, tukisema majimbo, huyu haelewi majimbo ni nini. Huyu ndio najua huyu ni majimbo. Majimbo maana yake, district ni majimbo, province ni majimbo, kwa hivyo huyu anaelewa province, na ndio district, sasa huyu ni mwalimu yetu ambaye anaelewa hiyo lugha hiyo yote. Kwa hivi mimi nikisema commissioner na ndugu zangu ambao wako hapa, Kenya tukiwa sasa namna hii, tuko kwa majimbo na tuko federal government. Tukiomba kura, President mwenyewe ana debe gapi? Mbili, debe ya kwanza kuomba kura kuingia parliament, baada ya kuingia huko parliament anaomba kura tena ya federal government ambayo hiyo ni jimbo ambayo inatajikana yeye apate at least jimbo gapi? Jimbo tano, apate ishirini na tano. Kwa hivyo Kenya tuko majimbo, na kwa hivyo tunataka regional assembly na zenith ili serikali sasa iwe na nguvu. Sababu tunafanya hiyo kazi na hatuelewi tunafanya hiyo. Na tunasikianga watu wengine wanasema hatutaki majimbo, hatutaki majimbo, na tayari majimbo imefanywa akiona kwa macho yake lakini haelewi sababu ya? Inazungumza kizungu. Kwa hivyo mimi mwenyewe na wazee ambao wako hapa, tunapendelea kuona tumefanya kazi majimbo. Tuwe katika serikali ya majimbo. Sisi hatuna serikali katika provinces. Sababu nimesikia watu wote saa yote wanasema councillors, councillors, local government, lakini bado kutaja pale province. Pale province hakuna bendera ya serikali ambao inatawala Kenya sababu Kenya inatawaliwa na raia wenyewe lakini kwa bendera pale hayuko raia ambao inatetea wananchi katika province. Iko DC peke yake. Sasa huyu PC anatumiwa na wakubwa kutoka Nairobi huko, wanasema we fanya namna hii, anakuja anaamliwa DC imesemekana kutoka juu, fanya hiyo. Shamba iende hiyo, kama apana namna hiyo, wewe tafuta DC. Sasa na mtu nasema anatoka huku, sasa katika province hatuna mtu wa kutetea wananchi. Kwa hivyo tunataka regional assembly. Kwa hivyo madam ninaona uko na haraka sana lakini hata jambo ikiwa namna hiyo, nataka wewe pia usuhudie, tuone, nimeweka makaratasi hapa, usiwe na wasi wasi,

Interjection

Com. Abida Ali-Aroni: Asante sana mzee, ushatuongereza siku ingine tunajua una mambo mazuri, tupatie hio karatasi halafu tutasoma. Thank you very much. Sasa ni saa nane bado dakika kumi na tuko, sisemi tunaenda luch. Sisi huwa hatuli kama watu wamejaa hivi. Tutakaa tu. Tuko na watu zaidi ya mia tatu ambao wanataka kuongea. Natukihesabu kuanzia sasa mpaka saa kumi na mbili, nafikiri hatuna masaa mengi, about three hours. Sasa nataka tukubaliane vile tutaendesha hii kazi ili kusiwe na mtu yeyote ambaye atambaki bila kuzungumza. Kwanza inaonekana nyinyi hamkukeep time, watu ambao wamezungumza asubuhi wamepitisha masaa na tukiwa hapa juu saa zingine tunaona haibu hasa ya wazee wakifika hapa tunawaheshimu sana,

sasa tunaona haibu ya kuwakataza au kuwasimamisha. Tunaomba tena tukikubaliana time mjaribu sana kuweka hiyo time. Na ninataka tukubaliane kwamba tureduce from 3 to 2 kwa sababu tusipofanya hivyo hatutaweza kusikiza watu ambao wamembaki. So far we have listened to 31 and we have 300 people. Kwa hivyo mnakubaliana tufanye dakika mbili na mtu asitupatie stories. Msitupatie hadithi, tuwapatiane, mtupatie proposals for a new constitution. Sawa? Tafadhali, tumekubaliana? Sawa. Next Stanley Meri, Yuko Stanley Meri? Hayuko. Ismael Choge, sorry you are an observer. Peter Sang, amezungumza, Omar Luyori Ali, Na kwa vile watu wengine wamekaa mbali, ajitayarisha kwa wakati huu Stephene Meri. Stephen Meri yuko? Hayuko pia kwa hivyo atakayejitayarisha ni Darius Kiana.

Omar Luyori Ali: Mimi ni Omar Luyori Ali, Mluhya Maragori, nilizaliwa mwaka arubaine na sita, naishi Nandi. Yangu mimi ni mfano wa yule wale wafalisayo walitafuta. Mimi ni yule ambaye nimesikika katika cell nilidhulumiwa kwa haki yangu. Kwa hivyo katika tume hii naomba mchunguze dani ya magereza. Wafungwa wananyang'anywa mali yao. Kwa mfano yangu, sikia katika korti ya Kapsabet hapa criminal case, mine is number 599, utafika kortini utapata inwear yangu nilitoka nayo dani ya nyumba sikurudi nayo inwear kwa nyumba yangu. Ilienda wapi na mimi ni mfungwa na vitu yangu ilitakikana iwekwe kwa usalama.

Ufisadi katika serikali ilitokana na uridhi shamba. Cases file No. 139 Eldoret High Court mwaka wa 1979. Upande wa mitume: Mimi ni Muislam, tarehe sita mwezi wa nane, mwaka wa elfu moja na themanine nilikuwa katika town, nilienda kortini nikafungwa, na nikafika kortini Mwenyezi Mungu akanitelemshia pepo. Bona mnathania mtu ni mwizi na mnawekelea mtu neno na kusema ni mwenda wazimu. Kwa nini nilichapwa viboka ambavyo sikuhukumiwa kortini.

Interjection

Com. Abida Ali-Aroni: Asante sana, pole. Asante sana kwa maoni yako Bwana Omar

Omar luyori Ali: Asante, nashukuru na yachunguzwe, mali yangu nirundishiwe, mimi nilikuwa mfanyi kazi wa water development na nirundishwe kwa cell.

Com. Abida Ali-Aroni: Asante, asante, tutapendekeza hayo maoni, asante sana. Stephen Meri hayuko kwa hivyo Darius Kyana. Are you Darius Kyana? Stephen Meri? If you are not Stephen Meri, you are not Darius Kyana, you have to wait for your turn. Stephen Arap Kirwa, mzee neenda tu pale ukae ndio tuweze kupata sauti yako tafadhali. Kuna kiti usijari, kuna kiti pale. Halafu Reuben Chebtich ajitayarisha. Reuben Chebtich yuko? Reuben Yuko? Kama hayuko Amos Chepsiro. Is Amos there? Benjamin Chepkochoi, Jitayarisha

Stephen Arap Kirwa: Jina langu ni Stehen Arap Kirwa. Mkitaka mahali nimetoka ni Mosop. Neno langu ni hili: Mpango huu tunashukuru serikali kufanya hivyo kwa kuwa tumepata hasara zaidi. Kama wazungu walipoingia wangepanga, labda wangetunyang'anya nchi lakini walisahau kama wangetengeneza hii hata wangetunga sheria ya kunyang'anya.

Kitu kimoja tu msiowaoga kama wazungu walipokuja wakashindwa ____ hiyo na niliona bwana mmoja alikuwa hapa

alizungumza juu ya chiefs act. Anasema wazungu walipoingia walikuja kutengeneza hiyo sheria moja tu kwa Kenya nzima ili kudhibitisha mambo yao au matako ya serikali ibidi kwa raia na raia watabue kitendo ya serikali yao. Ilikuwa hivyo. Halafu wakasema, kila kabila kati ya arubaine na mbili, ikawa tofauti hatukusikizana. Msichoke halafu mje kidogo tu mkasema tena mnachoka, tutengeneze moja ya kungoja, tutumie kwa kazi. Kama hii wangeogopa kuendelea, wananchi hawangepigana, wangesikizana kitabo. Kama ingekua sheria moja, doa moja, kulipa madeni, kupata sheria moja, watu wote wangesikizana kama kijamii, kiurafiki, ingefanya kazi. Lakini sheria ya rumia kwanza ni ingine hapa ni nyingine.

Kitu tunahitaji mfanye kazi kwa muda mrefu halafu mkamilishe Katiba ya Kenya ili tuwe raia wa Kenya wanaosikizana hata na ugomvi wala jambo lingine litakayoweza kutokea. Tulipata hasara kwa mgawanyiko, ilikuwa hasara. Wazungu walikuja tu kuunda hiyo moja ya kupatia chief uwezo kuwashilisha mambo ya serikali kwa raia wa Kenya – colony ya wingereza lakini Waluo walienda kufanya yao yasema tendeni vitendo vyenu kama kawaida; Wakalejin muende hivyo, kila kabila mpaka wakawa makabila arubaine na mbili.

Interjection

Com. Abida Ali-Aroni: Mzee tupatie point yako ya mwisho sasa.

Stephen Arap Kirwa: Kwa hivyo muunde moja ya kuwapatanisha ili tusije tena tuwe na hasara ingine ya kugombana. Wakati huu watu wengine wanakuja kusema tunataka kutahiri hapa, halafu wanaonyesha vitendo vingine, watu wa hapa wanasema hapana, kutahiri kwetu sio hiyo. Nyinyi hamkuja kutuongoza, tuna yetu, kama mnatupenda *end of side A tape 3* Muunde msichoke, endesha miaka halafu mkamilishe kila kitu.

Com. Abida Ali-Aroni: Asatne sana mzee tumeshukuru kwa maoni yako, sasa jiandikishe pale.

Stephen Arap Kirwa: Neno lingine, watu wengine wanasema tuna sehemu ilibaki kwa forest itakuwa mashamba lakini mngeliza kwa nini mlibakisha iwe forest. Iliwekwa na babu zetu kuwa ni sehemu ya matawa. Kila mti inamea, na watalamu wa matawa wanaenda kule, wanaanza kutafuta mizishi bali bali na kuwachanganya na kutibu watu walipona.

Jambo lingine ni matunda, wakati mwingine, miti ingine ni matunda watu walitumia wakati kuna jaa. Hata msumari ya kujenga manyumba siku hizi tunatumia misumari, lakini tuna magamba ya kujenga manyumba. Hakuna mtu alikua akikata, Babu zetu waliweka mikononi mwa county council kuchunga hii sio kutumia kuletea mtu haja ikiwa ni kilimi kwake kama tulijua atakayekuja atakuja kulima.

Interjection

Com. Abida Ali-Aroni: Bwana Kirwa asante sana kwa maoni yako, kuna mtu anangojea sasa kuzungumza. Asante sana. Saa yako imekwisha sasa ya kuongea. Unajua kila mtu ana dakika mbili na wewe umeonge dakika tano.

Stephen Arap Kirwa: Sisikii vizuri. Umri wangu ni kubwa zaidi. Masikia imebadirika.

Kakoyaman aga kamabwane bichu chebo boisek anga kamache chebo murenik icheget.

Com. Abida Ali-Aroni: Who are you please?

Nicholus Mberia: My name is Nicholas Mberia.

Com. Abida Ali-Aroni: Bwana mberia we are following a certain procedure, you would have to see our gentleman there, our programme officer before I call your name because I have a list that I must follow. So see him,

Nicholus Mberia: unclear

Com. Abida Ali-Aroni: You are waiting the act? Since he has already exhausted his time, I would request you to hand it over to the programme officer. His time is over please. We have over 300 people, you should have accompanied him I'm sorry. I cant, pole sana.

The next person is Bwana Benjamin Chepkochoi, is he here?

Benjami Chepkochoi: I'm Benjamin Chepkochoi. I'm going to send our proposal. The time of government we should have is that we should maintain the Presidential system whereby we should also still have two houses, that is the house of the representative and the house of the Zenith; and the President which I think we should maintain, I don't want this business of Prime Minister, should be veted or be given that vote of no confidence when he is scandlers or there is something which he stole. I think the post of Prime Minister should be abolished then replaced by the governor and we should adopt the federal system. The constitution should be given a referendum whenever there is need and should have a majority of 90%.

As for the mayors, the mayors post should be increased from two years to five years and it should be only two terms. Nominations with any form should be abolished and then I would like to say that whenever a person is contesting for any post, there should be a panel or they should undergo under a kind of an interview whereby his conducts or and written materials should be checked so that we don't have to be electing people who only have got big lease but they are not delivering the leadership things. The political parties should be designed. They should be at least five or something like that. The salary of the MPs and the councillors should be determined by them but the beneficiary should not be two sitting in the current house but the beneficiaries will be two sittings in the next term. The used, who constitute up to 52% of the country should have elected representatives, say MPs from every province or whatever so that they should have their own voice in the governance of the country.

Interjection

Com. Abida Ali-Aroni: Thank you, thank you very much. Next Alexander Boeni, is he here? Joan Tabut, Joan Tabut, Dickson Tui, Are you Joan, Kimau Kimei, Charles Langat, Next to prepare is Salia Suleiman.

Charles Langat: Okay I hope I will go straight to the point. That the constitution should be written in simple language and be translated into various languages of the ethnic communities in Kenya if possible. Chapter 2 section 24 gives the President the powers to constitute and abolish offices for the republic of Kenya and making appointments to any such offices and terminating any such appointments. This should be changed and given this powers to the National Assembly that is parliament.

Chapter 2 section 25 says that any person who holds office in the service of the republic of Kenya should hold that office during the pleasure of the President. This should be changed and give these powers to the public service commission because this person will not serve the interests of the public but will serve the interests of the President _____.

The new constitution should trim the political parties to a maximum of three parties which will be funded by the state. The new constitution should guarantee the rights of independent candidates in all elections, Presidential, Parliamentary and Civic.

The new constitution should establish and ensure a politically neutral and provision professional police force to guarantee the internal security of this country.

The new constitution should be established and secure the independent neutrality and autonomy of the public service commission, judicial service commission, police service commission and armed forces commission in order to incar_____ meritocracy in our national indoors. Reward good performance and _____ incompetence.

Interjection

Com. Abida Ali-Aroni: Give us your last point now.

Charles Langat: The Attorney General should be a public prosecutor and the new constitution should be established and ministry of justice to advice the government on legal matters and seats in the cabinet. Although the transplants and the Nyayo Tea Zones should be under the county councils.

Com. Abida Ali-Aroni: Thank you very much. The other person to prepare Nicholas Tui, is Nicholas here? Nicholas Tue, Kama hayuko Julius Koskei. Subiri, Julius Koskei yuko? Kama hayuko, Christopher Samoe. Jitayarishe.

Salia Suleiman: Jina langu ni Salia Suleiman. Ningependekeza katika Katiba mpya kwanza, Rais ama kiongozi wa nchi, kuanzia Rais mpaka wale wabunge asiwe mtu ambae amekuwa na mali nje ya nchi hii au ameinvest kama hizi za uraya ama sehemu zingine. Awe mali yake yote iko nchini Kenya.

Pili, madaraka ya Urais igawanywe kati ya Rais na mfano mkuu wa majeshi, na mengine. Asihusike na mambo ya majeshi, jeshi liwe na mkuu wake tofauti kabisa.

Ingingine ni kuhusu mahakama. Tunaye mahakama moja muhimu kwa serikali ambaye tunaita Kadhi. Kuhusu hii mahakama ya Kadhi ningependekeza katika Katiba mpya ya kwamba Kadhi awe mtu ambaye amefikia chuo kikuu yaani university, na awe anaweza kuhudumia akundi yote ya Kiislami, kwa maana katika Islam kuna makundi mingi sana. Asiwe anapenyokeza kundi moja pekee yake.

Jambo lingine ni kuhusu elimu. Ningependekeza katika Katiba mpya ya kwamba elimu iwe bure kwa watoto kuanzia nursery hadi chuo kikuu.

Kuhusu matibabu, afya. Ningependekeza katika Katiba mpya ya kwamba matibabu yawe ya bure kwa kila mtu bila kujari ni mtu wa aina gani.

Ninapendekeza katika Katiba mpya ya kwamba, vijana wale ambao wametoka shuleni hawana kazi yeyote, serikali itengeneze utaratibu ya kuweza kuwapa marupurupu kabla hawajapata kazi.

Wazee wale wameshakua wazee sana, hawana pakutegemea popote, sio mzee yeyote ambaye amesharetire na hurudi nyumbani, serikali iwatengenezee marupurupu ili waweze kuishi nayo kwani wazee wengi wanapata tabu baada ya kuretire hana chochote anakua hana maisha. Hayo ndio mapendekezo yangu. Asante.

Com. Abida Ali-Aroni: Asante. Christopher Samae. Philip Rotich yuko? Uwe tayari.

Christopher Samoe: Mimi Christopher Samoe. *Angalale Nandi angot imache imwa kutinyon imwa asi kechengun chine wolu.*

Translator: Yangu inahusu sheria za wanadi tangu hapo zamani.

Com. Abida Ali-Aroni: Subiri. You will translate?

Christopher Samoe: *Nenyunet ko ngalekab ngatutikab Nandi che kibo keny.*

Translator: Kuhusu kanuni za Wanadi, huwa mtu akifanya kosa kama la kuua, kwa utamaduni wa Kinadi, huwa wanapeana laana, hawachukuliwi kortini ili wawekwe korokoroni. Tunataka ibaki hivyo hivyo.

Christopher Samoe: *Ngolelit chito ko kagirum chito kokigibose Nandi okt raini ngolet ibkerote chito chela amagigochin kenyisiek amagigochin kenyisiek che kobaren chito. Kimache kotelel kele makerote chito teityo kebar kou kiu.*

Translator: kuhusu kanuni za wanandi kua mutu akifanya kosa kama la kua kwa utamaduni wa kinandi kuua wanapeana laana.

Interjection

Com. Dr. Mosonik Arap Korir: Excuse me, interpreter, urekebishe kidogo. Ningependa irekebishwe, mzee amesema kuwa tungependa mtu akiwa atawekwa korokoroni kwa sababu ya kuua awekwe pale lakini pia limbaki na lile utamaduni wetu wa kuwa na laana hilo hilo. Ikiwa anabaki hivyo.

Com. Abida Ali: Excuse me, we don't want to get distorted information. Mzee subiri tutapata interpreter. There is a reverend I'm told who is very good in interpreting. So get him. Mzee keti tu. Weka tu hivi kwa mdomo. Hivi, hivi. Please lets have some order in the room. We are recording and we will not be able to get what he is saying. Tafadhali, tafadhali Bwana translator, excuse me sir, please interpreter, tunyamaze ndio tusikie huyu mzee. Thank you.

Philip Rotich: Mimi nasema, raia, wapiga kura, ni waajiri wa wambuge. Kwa hivyo ni shauli yao waamue kiwango cha mishahara ya wabunge. Sio hao wajiongezee mishahara kubwa kubwa. Waamue mishahara zote nchini yawe chini ya shilling elfu sitini kwa mwenzi. Wawe ni maprofessor au nani, ili pesa ambazo ziko ____ ziwekwe katika District Development Bank kwa maendeleo ya nchi.

Mpigania ubunge ambaye anataka bunge aweke sahihi atapata mishahara wake na kupigia kura ya kutokuwa na imani akiwa analigea na watu wasiopugua elfu moja.

Nambari ya pili ni manyumba ya serikali ambayo yalipitishwa kuwa yatauzwa. Ikiwa yatauzwa ni nani kama isipokuwa ni wenyeji wa airforce. _____ ili tufanye mpango wa _____ chini ya wagawaji watakaouliza kisha kwa pesa kutoka mifukoni mwao, mikopo ya pesa za madai, misaada na kadhalika. Walalamishi waache zao, wasio na garama ya kufanya deal watembelewe na tume ya malalamiko. Huku Waturkana wakishauliana juu ya case zile zilivyo. Tunaona,

Interjection

Com. Abida Ali: Mzee ongea tu.

Philip Rotich: Na tena waajiriwa wasipitishwe miaka 15 mpaka 20 kazini ili pesa za NSSF, arrears na penalty ziwafaidi na pension ifutwe.

Wafisadi na wezi wafutwe na wafuatiliwe, wadaiwe.

Uhuru wa kuambudu uwe na uchunguzi kutoka serikali ili wawe Wakristo na Waislam ambao wataruhusiwa.

Askari wa Kenya army watoe huduma (silence)

Com. Abida Ali-Aroni: Asante sana mzee, jilandikishe.

Philip Rotich: Masharti wanaandikaga _____ council of elders wasikizwe dani ya Katiba.

Com. Abida Ali-Aroni: Asante sana. Please assist in registering. Chairman atatusaidia

Christopher Samoe :*Ngalekyuk che kamwa kokole in en atebetab nandi kongeten kenya kokorumumis chito kebase kebasyin bichun korumis chito.*

Translator: Katika mira ya zamani, ilikuwa ya kwamba mtu akimua mwingine kulikuwa na mchango ambayo ilikuwa inachangiwa kutoka wale ambao waliua.

Christopher Samoe : *Ago ki tuga.*

Translator: Na mchango yenyewe ilikuwa ng'ombe.

Christopher Samoe : *Ko ngolyot age ko kodi mi kodi ne kigotoi county council nebo Nandi.*

Translator: Anasema kuna kodi ambayo imewekwa na County Council ya Nandi,

Christopher Samoe : *Ago kodi noton kogitou en en kwenunon kodi ne kiliboni koret nemo migi county council komache tugul assi konam konyor kodi kobun rurutikab imbar.*

Translator: Na kodi hiyo ingine inahusika na ardhi, na wanacharge ardhi ambayo haijatoa mapato yeyote.

Christopher Samoe : *Kou noton koin kodi noton nile ieshe kilasimisanin iwe ko iliban rabinik che kamakomi kameitindoi komi che kokebiman kityok. Amache keisto koroyotonkobet agityo keboisie kelibonji kodi county council kou kit ne kiu.*

Translator: Na kodi hiyo inafunga watu wengi wakitaka kufanya kazi kwa shamba lao, hasa kama wanauza, wanalazimishwa kwenda county council na yeye anapendekeza ya kwamba kodi hiyo katika county council liondolewe mara moja halafu watu wenyewe walipe kodi ile asiri kwa county council.

Christopher Samoe : *Ngolyot age nerbe koin nyalildos nandiek mache kitiach kegon en Kenya tugul kanyoiset nebo buch.*

Translator: Na watu wa Kenya wanaumia sana hasa hapa Nandi na yeye anapendekeza ya kwamba katika Kenya nzima watu wapewe matibabu ya bure.

Christopher Samoe : *Kongoi.*

Translator: Asante sana.

Com. Abida Ali-Aroni: Asante sana mzee, tumeshukuru, Mohamed Makani, is he there Mohamed Makani? Kama hayuko

Patrick Rono, Stanley Meri, Richard Rono Mrs. Mutai, Mrs. Mutai, Marcel Maiyo, Marcel Maiyo, mwenzake atakayefuata ni Cleophas, Cleophas yuko? Uwe tayari. Is she coming? Paul Mtabia, Paul Kipkrui Lelimo, Acpitas Musabi, Okay tafadhali. Na wewe ni nani? Bona hukuchukua ___ ujue mimi nikikuita nitakuja naruka jina lako tu. Okay please. Na mwenzako ajitayarishe.

Cleophas Kemngabich: Ningependa kutoa proposals zangu. Majina ni Cleophas Kemngabich. Proposal yangu ya kwanza ni hii: Ningependekeza terms za mjume au za councillor ziwe reduced from 5 to 3 years kwa sababu wakikaa huko sana, watagawa mashamba sana na sisi vizazi wetu hawatapata mashamba saa ingine.

Kitu ingine ningependa kupendekeza ni hii: Ikiwa councillor au mjumbe ataenda kwa bunge two consecutive times ataenda tu mara ya mwisho na ajue yakuwa anaenda mara mbili tu. Hakuna cha kuenda from 1960 mpaka wakati huu. Kwa hivyo iwe mara mbili halafu wengine wapate nafasi ya kwenda kuona huko.

Ningependekeza ya kuwa education standard za

Interjection

Com. Abida Ali-Aroni: Mzee tafadhali pale, msiinterrupt mzungumzo yake, wacheni aseme yake na wewe utapata nafasi ya kusema yako tafadhali.

Cleophas Kemngabich: Ningependa kusema kwa education standard ya mjumbe iwe university level, ya councillors iwe form 4 level with a pass in English and Kiswahili. Napendekeza ya kuwa wale ambao wanajulikana kama landlets, wakaguliwe kutoka sublocation, location, mpaka kwa division ili mashamba ikipeanwa ijulikane ya kuwa ni wale landlets kabisa ambao wamepeana. Mashamba isiwe inagaiwa huko Nairobi. Ningependekeza ya kuwa recruitment ya watu kama kwa army, police, au wapi sisi raia tuonyeshwe huyu ametoka katika hii division, huyu ametoka kwa hii division, wasiwe tu watu ambao wanatoka division moja halafu zile divisions zingine sinakosa. Kwa hivyo every division iwe na share yake.

Ningependekeza ya kuwa hata hii iwe ikipendekezwa, ikiwa mjumbe ataenda huko and you will not render services, two thirds of the registered voters wapitishie a vote of no confidence na arudi nyumbani. Ningependekeza ya kuwa, wale Provincial Administrators right from the DC up to the DO watolewe kwa land board na tuwe na wazee special ambao wanaweza kukaguliwa wawe wakikagua hii mashamba iko namna gani. Na hiyo itatusaidia. Hiyo ndio nilikuwa nayo asanteni.

Com. Abida Ali-Aroni: Asante sana. Tafadhali jandikishe, jandikishe pale. Francis Tilatei, Francis Tilatei ako? Hayuko wewe ni nani? Nani?

Acpitas Musambi: Mwenyekit, na wale waliofika mbele ya tume ya leo, mimi ningependekeza yafuatayo:

Ningependekeza ya kwamba, hawa councillors ambao wanaitwa nominated councillors watolewe kwa sababu wengine wanakua nominated wale ambao hawasilikiani na electorate. Wale ambao hawasilikiani na watu wa area zao. Na hata

councilors wengine ambao wako nominated, hawawezi kuandika vizuri. Kwa hivyo hiyo ilikuwa ni mentality ya kicolony ambayo mtu alikuwa anachagua marafiki yake baada ya kukosa kuingia bungeni. Hawa ni watu ambao wanakula mshahara bure ambao ungetumika kwa street children.

Pili, upande wa masomo. Ningependekeza ya kwamba kurudia kusema kila budget imesemwa si kosa. Ningependekeza ya kwamba councillors lazima wawe na masomo ya chini iwe ni pass katika form 4 kwa sababu town clerk ambaye amesoma vizuri anaweza tumia mamlaka vibaya kunyanyasha councillors ambao hawajasoma kwa kuandika statement ambazo yeye mwenyewe anaruka, kwa lugha ingine, akiandika hili, kwa sababu coucillors hawajasoma vizuri hawawezi kuelewa. Kwa hivyo anapeana hesabu ambayo iko juu ya councillors.

Ningependekeza pia, MPs lazima wawe watu ambao wamesoma kiwango cha kufika form 4 kwa sababu wakienda kama kule parliament kuna lawyers ambao ni wabunge. Wakiongea hiyo lugha ya lawyers hapo mbele, na mmetuma MP ambaye hakusoma vizuri, basi mjue ya kwamba mtambaki nyuma kwa sababu MP kutoka Western, MP kutoka Central, anaongea kama lawyer na nyinyi mmetuma MP ambaye hajasoma. Hawezi kuelewa lugha ya wale wengine, hawezi kuinterprete sheria, kwa hivyo mtaendelea kumbaki nyuma. Ningependekeza mchague MP ambaye amesoma.

Kitu kingine kuhusu MPs ambao wanapotea katika area zao. MPs nimekaa hapa miaka mingi, karibu miaka therathini, nimeona MPs wanakuja wanachaguliwa halafu wanapotea. Ningependekeza ya kwamba ikiwa MP atachaguliwa na apotee kusaidia watu wake ambao analeta promises za uongo, anapata miti ya sitima, analeta anaweka hapa, baada ya kura anakuja anabeba hizi miti ya sitima na kupeleka. MP kama huyo ningependekeza mumpatie muda kidogo, kuchunguza hali yake. Baada ya miaka miwili mumtoe.

Com. Abida Ali-Aroni: Bwana Msambi tafadhali unaongea na sisi na kutupatia mapendekezo ya Katiba, sio kuhubiri, tupatie pendekezo. Unataka kuona nini kwa Katiba tafadhali?

Acpitas Musambi: Ya mwisho kabisa ningependekeza ya kwamba katika Katiba mpya kiboko kirundishwe shuleni nikiwa kama mwalimu kwa sababu hii imerudisha discipline nyuma sana katika mashule. Kwa hivyo katika Katiba mpya napendekeza kiboko kirundishwe. Asanteni.

Com. Abida Ali-Aroni: Asante sana. Japheth Rono? Jiandikishe tafadhali. Japheth Rono? Christopher Busoro, Grace Kirolei, Grace Kirolei, Paul Bigan, Grace uko? Na bona nakuita na unakaa? Sasa sijui utafanya je, kuna mwingine anakuja, labda utembe haraka kidogo. Tafadhali wacha Grace aongee na wewe uketi hapa karibu. Asante. Grace Kirolei. Anza kwa jina lako.

Grace Kirolei: Jina langu ni Grace kirolei Miche. Katika introduction ambae tulitaja, ni kuhusu akina mama wa location

division ya Kapsabet ambayo tuko sasa. Tulijadiriana kwa kirefu, tukaandika mengi ambayo itasomwa baadaye lakini nitashikilia chache kuhusu family law.

Family law means through preview and conreform and appreciation especially to the constity and often contradicting customary law. Now a man who for one reason or another opts to marry a second wife, he must produce land for that wife because the first one has children and may be it is a small land so that may be in future if there is any quarrel, children will not quarrel and the wife left over will not quarrel over the share. Widows and oftens should be - _____ two good civil care by the state through respective judges and religious organizations and the council of elders. Now a child born by daughter by bad luck, she is not married, that child is for the family, father and mother. Whatever the father has or mother, that one belongs to that daughter to the born child or if it happens that girl is to be married and that the second husbad refuses to take the child, remember that, that child belongs to the family, father and mother. Now, a polygamist man is to be bound to treat al his wives and children equally otherwise his property should be democratic and income shares out of the agency of the family goes, if he doest take care of all law children.

Women should be recognized, as sensible, equal partners, while men in every aspect of life are not actirent as the case of obtained in Nandi. *Nandiek kogicham koguren chepyosok lagok.* Hawa wanandi wanaita wabibi wao watoto. Sasa ni watoto au watoto wale hujizaa? Kama mimi nilitoka kwetu, nikaolewa, sasa mimi najua ni mke wako, usiniite mtoto. Tungependelea hapo tuangaliwe vizuri kwa maana sisi ni watu wa ima. Tafadhali Wanadi wetu, muangalie hapo. Unaweza ita mimi mama watoto, tosha.

Interjection:

Com. Abida Ali-Aroni: Tupatie Grace nafasi azungumze tafadhali. Tumpatie nafasi halafu mtapata nafasi yenu ya kutwambia mambo ingine.

Grace Kirolei: Traditional marriage: Traditional marriage should be recognized and an officially certificate issued to the conti___ partners. If it is a Kalenjin customary, that certificate should be issued because we have seen our children, they go to Nairobi for further studies, or working in Nairobi, and then afterwards they come as husband and wife. As a mother or father, ulihudhulia hiyo kikao chao kusema huyu ni bwana yangu? Unaletew tu mzigo, nimeoa. Hajalipa dowery, sasa utajikunajikuna kichwa. So turuhusu iwe customery au katika kanisa wapewe cheti wakiwa masomoni wakiwa wakifanya kazi, baba na mama ujue hawa watoto wangu wameoleka huko. Sivyo?

In case of a divorce, family property should be equally shared between the two people. Ikiwa mama na baba hawataishi, wamefurugana, hakuna cha kufumilia siku hizi. Wagawe mali, ili mama mahali ataishi, aishi kwa furaha. Baba mahali anaishi, aishi kwa furaha. Hii imekua shida, tunaona wengi wanakatwa na kuwekwa ngunia halafu inakuwa hasara kubwa. So hatutaki hivyo.

Land cases and property rights: The property of any spouse including land should bear both names, husband and wife, in the

title deed to ensure women are not left over the country. We don't know who will go first, whether mama, or baba lakini tunaonelea title deed ambae mzee anayo waandikishane na mama vile wanaolewa. Wakifanya doa kuna cheti wanapewa. Hiyo ni haki. Hata shamba, waandikishane majina mawili ili watoto incase mmoja akienda, hatujui ni nani anaenda, watoto wasifurugane au kufuruga yule mzazi amembaki.

Widows should be recognized. Wajane wote kama ni baba, au mama ambae wamekuwa wajane, waangaliliwe na watoto wao na elders, we can say village elders or community elders ili mali isiende kwa maana ndugu atasema hii ilikuwa mali ya ndugu yangu, anadhalau wale watoto, so tufanye hivyo

Boys and girls should be equal in the share. Whether a girl is married or not. If you have 10 girls, 10 boys, share your land, share your property to those people. now,

Noises. Interjection:

Com. Abida Ali-Aroni: Asante Grace, tafadhali sasa sammerize, please sammerize your presentation. Na usijari makerere, wazee hawapendi lakini watatwambia ile wanataka.

Grace Kirolei: Najua wazee hawapendi lakini mjue ya kwamba hii generation si sisi tunapigania, ni ya watoto wetu. Sisi tumemaliza yetu kama ni tabu, kama ni kuishi salama, tumemaliza yetu, tunaangalia yule mtoto ambae alisema anataka elimu sawa.

Interjection

Com. Abida Ali-Aroni: Asante sana Grace. Thank you. Next person, Paul Birigan, hayuko? Yule alikuwa anafuata Grace alikuwa ni nani? Jina yako ni nani tafadhali? Tafadhali hata kama hampendelei mazungumzo mnyamaze msikize halafu kila mtu atapata nafasi ya kutueleza mambo yake.

Christopher Busoro: Majina yangu ni Christopher Busoro na kwanza kabisa ningependa kushukuru Katiba hii mpya ambae tunaiandika wakati huu. Mimi kabisa ningependa kwanza kwa sababu unaweza kuwa umekosana na mtu kama assistant chief au chief na anakudhulumu nyumba yako, na jamii pamoja na watu wengine, ni heri aende transfer vile mwalimu wa shule ya kawaida anavyoenda transfer. Chief na assistant chief waweze kwenda transfer mahali pengine.

Halafu neno lingine ningependa kuwa kwa sababu mwalimu wa nursery ako na kazi ngumu sana, mwalimu huyu aweze kupewa mshahara wa kutosha kwa sababu anafanya kazi ngumu sana.

Neno lingine ningependa tuwe na durubu bungeni kwa sababu kule bungeni tukiwa kwa mfano tukiwa na wabung mia moja, hao wabunge mia moja, tukiwa na wabunge wawili, wakikataa hoja isipitishwe, iwe isipitishwe.

Neno lingine ningependa mbunge tukimchagua akienda kule bungeni ikiwa ataenda kulala kule, Katiba iandikwe tuweze kumrudisha nyumbani. Tutume yule mwingine.

Neno lingine ningependa tena liandikishwe kwa Katiba hii, mimi naona nchi hii tumechukua mambo ya wazungu, mafasi hayapendezi, Nyinyi mkiwa kama wenye kuandikisha Katiba muangalie mafasi ambayo inaweza kuwezekana wananchi wafae. Watu karibu wanatembea nusu uchi. Yangu ni hayo tu.

Com. Abida Ali-Aroni: Tafadhali kama hujaende kuna swali nataka kukuuliza. Unasema hii maneno ya dressing, called mafasi, unasema tunafuata sana mafaasi ya kizungu, mafasi ya kiafrica ni gani kwa sababu tukiangalia kitabo tulikuwa tunafaa majani na tulikuwa nusu uchi, kwa hivyo ni mafasi gani ambayo ni ya Kiafrica kama ungeweza kutueleza?

Christopher Busoro: Nikizungumza juu ya mafasi hapa, nikizungumza kwa ulefu hapo, kulingana na mzungu, mzungu kidogo anatembea nusu uchi, lakini sisi Waafrica tumesahau mira yetu, ingawaje pale zamani walikuwa wakitembea na ngozi lakini tuko na nguo na hizi nguo hatufai vizuri. Lazima sasa kwa hiyo Katiba muweke mafasi ya anawake,

Interjection

Com. Abida Ali-Aroni: Mafasi ya Kiafrica ni gani tafadhali? Ndio tunauliza tuelewe ndio tuandike ikiwezekana kwenye Katiba Bwana Busoro? Mafasi ya Kiafrica kwa sabavu hivi tumejifaa sisi tumefaa kizungu. Sasa mafasi ya Kiafrica ni gani kwa sababu hatuelewi?

Christopher Busoro: Mafasi ambao tunaweza kufaa sio kama ni mwanamke, asifae nguo ambayo inafika hapa hivi, avae nguo ifike kule chini. Mwnaume naye, asivae toptula ambae inamfana sana, afae taptula kama ni long ikuwe longi mrefu.

Com. Abida Ali-Aroni: Heshima. Sio? Sio nguo za Kiafrica. Asante. Paul Bilgan, hayuko, Bwana Mberia and I will give you only two minutes. Kwa ile heshima tuko nayo kwako lakini hujaandikisha. Two minutes only. Tuhighlight, two minutes sababu wewe ni mtu unaheshimika.

Nicholas Mberia: May be I'm ready for this opportunity. As I was telling you the Nandi elders men and they wrote their memorandum, so I was supposed to read through, I don't know whether I wil be able to read,

Interjection

Com. Abida Ali-Aroni: We gave them tatu, but he did not turn out. So now we were giving three minutes, I will give you two minutes, because you don't want to leave elders out. Two minutes, highlight and we will read the rest.

Nicholas Mberia: Right, one thing anyway which I meant here is that the elders were very very sorry, my name is Nicholas Mberia, or Nicholas Kipchumba Mberia, I am the secretary of the wazee. Now the elders were very grateful for this arrangement because they thought it is proper when the constitution is being prepared the people who matter who are the

reference point should be asked to give their views.

Now the preamble we said that we should, (I'm going to go through it very quickly and leave the main points because I will hand over) that the region of the countries by name should be shown, that the ethnic types of the republic of Kenya (all of them) should be named, the tribes of course we have are 42. The important values that you should be in presence should include sustainability of transulative peace love and unity with peaceful development, due respect and omission should be given to the culture, ethnic and regional diversity and community rights of every community. These rights should be enforceable in law.

Now for constitutional supremacy, people have mentioned about it I don't want to repeat it.

Citizenship, the current law on citizenship should be retained. Foreign spouses of Kenyans citizens should not attain automatic citizenship in Kenya. They should be considered after 10 years clean residence in the country. The rights and obligations of a citizen should include the rights of life, individual ownership of property, education, health, shelter, leadership and employment, all of which should have legal protection. The national identity and the national identity card must be obtained by every citizen legally and potential of a passport should be a right for every Kenyan.

Defence: The President should have the powers to declare war on emergency situations but must be immediately inform parliament but in a normal situation where there is adequate time, the President should consult parliament. The constitution must provide use of extra-ordinary powers in emergency situations such as war.

Political parties: There should be strict laws to govern such establishments. It is strongly recommended that Kenya should not

End of tape 3

And I'm very happy that this people have talked about it, should not have more than 5 political parties. Infact, even two would be much better, would be preferred. The lesser they are the more peaceful Kenya will be. Political parties should cooperate in development of the country and in good governance by mobilizing their members to development activities. Any elected Member of Parliament or local authority who defects from his political party should be removed legally by the sponsoring party.

The legal provisions should be provided for this in the constitution.

The structure of the government as the head has strongly recommended of parliamentary system of government in which the president will be ceremonial leader with limited executive powers and a Prime Minister with executive powers. Local authorities based on each district should be sentenced for proper management of local resources and development.

Legislature: The elders feel strongly that parliament should be vet appointments to the top management cader including the Provincial Commissioners and above. Because of a lot of concentration with members of the public it was recommended that Members of Parliament should continue on part time basis. It is recommended that voting age should be reduced to 16 years in

view of the current general mature behaviour and character of the youth. However, the age of the presidential candidate should be 40 years and above. To vie for parliament and local authority a candidate should be 18. There should not be moral and ethnical qualification for a parliamentary candidate. The constituency know better about the character and the age of the members and can best handle that aspect in case an MP ceases to be effective, the voters should have a legal right to recall them through the decision by 20% of the voters addressed to the speaker of the national assembly.

As regards the remuneration of the MPs, they should be established and independent tribunal to determine their salaries. They should not give themselves salaries.

Com. Abida Ali-Aroni: Thank you very much, that's an indication that you have given us all the important points, we can read the rest.

Nicholas Mberia: Kidogo tu

Com. Abida Ali-Aroni: One minute to summarize. Please.

Nicholas Mberia: Well, it is recommended that the executive, the elders strongly recommended a president who is mature and who can handle all issues soberly. Hence that age of 40 years, he must be a married person who is morally upright. Morally upright! We have got people who are not that way.

For judicial, No I don't think I touch that one, because I 'm just finishing.

The electoral system: The elders felt that the current electoral system is satisfactory and it is totally participative. The basis of winning an election by simple majority should not have a special consideration for women. However, there should be given special attention in nomination on special interests. You know women are just like any other Kenyans now. They are educated, want to participate in all development like everybody else. So the elders felt that they should not be given any special attention.

Then land is quite sensitive, the individual should have the ultimate ownership of land under the trusteeship of the local authority. The local authority must be legally empowered to exercise this trusteeship. The government should not have powers to compulsorily acquire private land, the owner and the government must negotiate with involvement of the trustee who is local authority. The question of land which was leased by the large scale farmers is like what Mheshimiwa Leting said, it should be vested back to the local authority on behalf of the Nandis and those shambas should be given back to them. I think I will wide up. I'm thanking you very much Chairlady by stressing this fact that cultural and ethnical diversities should be protected and promoted in the constitution to sustain order and moral among the community. If people maintain their culture everywhere like we are in Nandi here, we feel that people will be organized and they can be able to do things orderly. I think

Interjection

Com. Abida Ali-Aroni: Thank you very much, we shall read the rest. Don't be unduly worried we will take time and read the memorandum.

Nicholas Mberia: Alright, thank you very much and thank you very much indeed.

Com. Abida Ali-Aroni: Thank you. Please register and hand in the memorandum. The ___ now, I know you have been sitting here patiently since morning and I'm told you have something to tell us.

Mayor Joseph Martim: Okay madam, chairman, councils, ___ and I'm going to be very brief. My name is Joseph Koskei Martim. And you can add mayor of Kapsabet. Chair, lady chairman, on behalf of the council fo Kapsabet Municipal Council, I take this opportunity to thank your commission for having set this day to visit our local authority to collect our view for the new constitution. I hope that this commission will come up with the new constitution that drives this nation to create the highest heights of political social and economical development.

Madam, while loving how well the current constitution has served us for the last 39 years, it is however our feelings that certain areas should be retred.

Local government: It is a stong feeling of this ___ that is the new constitution the local authorities be given autonomy and insgreton, be entrenched in the constitution and not establish unde an act of parliament. This will also jet the ____ pass of the minister has had over local authorities. The ministers should gan in policy matters only. He local authority should also be responsible for the following services. Primary, secondary and technical education. Construction and maintanance of roads within the area of jurisdiction.

Health care: The central government should give local authorities a minimum of 50% income, that is revenue collection from his area as a tax to meet the provincial of services. For provision of residents, culture and local authorities should be given powers to safeguard its customary law.

In recognition local authorities, the new constitution should note council to manage its natural resources that is forest, water, minerals, ___ and sauna and others.

All trustland should be vested to the local authorities with those areas of jurisdiction situated. He should be for the benefit of residence of the local authority this one should be included issuing of leave and also the same.

On freehold land the transfer to give the local authority the council should carry out the transaction and all federal government land control boards.

It is also our proposals the election of the mayor or chairman be directly done by the residence of the local authority and not council members. To the same respect, for a new would be councillors should be elected, he or her or she should have a minimum of form 4 qualifications of education.

General: On the side of parliament, and particularly sermoning and progration of parliament the capture should be fixed salaries and allowances of members should be decided by the commission appointed from the executive. On another matter, the constitution should be provided for the election of independent candidate and finally the appropriate body should be created in the constitution to manage the deal with economy surbotage.

In conclusion it is our humble prayer that our views will go strongly in ____ creation of judicial for the country. We thank you, the best in completion of this reverace and very important task Thank you.

Com. Abida Ali-Aroni: Thank you very much Bwana mayor, please register and hand in your memorandum. General Cheriot, General Cheriot I hope you have registered. Have you? Thank you. I havent reached there but since you are a general we allowed you to talk because we are still on No. 75. Thank you. And we are giving you two minutes only General

General Cheruyot : I am a citizen madam, thank you. Thank you very much madam chair, the other commissioners, Honourable Leting, mayor and other leaders. I will be very brief as ..First of all I will touch on the constitution. Once this constitution is written, we have had problems before, we had a nice constitution but it was changed left center right so in future the constitution can only be changed after being passed by parliament by at least two thirds which is about 66% and then a national referendum of not less than 80% so that it is not changed.

The second thing Madam chair is a government structure. We have a national government with not more than 21 cabinet ministers. There is no country in the world that have got more than 21 cabinet ministers.

And then ofcourse, central government and local authority that has got its own powers as spelt out by my colleagues who have said before central government with its own powers, local authorities with its own powers, and as much as possible local authorities to manage its natural resources in their respective areas. And sanding, we should not go to the basket of a central government, they should be adequate funding for local authorities.

The third thing is clear separation of powers between the executive, the legislature and judiciary, that's why we had had problems because you touch on each others powers. They should be clear separation of powers by the three arms of government.

The fourth proposal is all constitutional appointments and major government appointments be done by the President but be

voted by parliament. (am I too fast?) that includes service commanders.

Now the sensitive issue of land like I agree with all those that I have said, land in Nandi is sensitive, it has been snatched, right from colonial era up to now. It should be returned back to the Nandi in a gradual systematic manner. Take for example now its leasehold has expired in land like in Nandi Hills Estates, it should come back to the Nandi.

The next one being of course I was in the armed forces, the armed forces should be put in the constitution. I know right now, it is only enacted by parliament but it should be spelt out that we should have an armed force which will consist of the army, the airforce, the navy, and the coast guard and of course we should have a defence council, the way we are having now being chaired by the minister for defence, ideal minister not anybody else. Minister for defence, armed forces chief and service commander and of course declaration of war and so on as per the current laws. Thank you very much madam chair.

Com. Abida Ali-Aroni: General we have some clarifications.

Com. Dr. Charles Maranga: Major General Augustine Cheriot

Interjection

General Cheriot: Reverend General.

Com. Dr. Charles Maranga: Reverend General Cheriot, sorry for that. I wanted you to tell us more, what the armed forces can do for this country given that they really take a big share of the national cake. In fact I think it might be the second to the education. So is there easy enrollment of the armed forces during this time?

General Cheriot Augustine: Can you ask me in a simple manner? Do you have an insurance cover in any way? Car, have you insured your car?

Com. Dr. Charles Maranga: Yes.

General Cheriot Augustine: So it's an insurance cover for this nation in short because if (*laughter and clapping*) you see I had my colleagues may be if you allow me may be I can take a minute. It is necessary to have an armed force. You have what's happening all over the world including a very strong mighty nation called America. You have done the armed force, you pay a lot, it's not cheap, armaments are very expensive, training is very expensive, but it is necessary to have an armed force otherwise somebody would walk, just walk in and

Interjection

Com. Dr. Charles Maranga: I think General, that's not my idea. The point I was saying yes, they are necessary, the armed forces are necessary, but I'm saying during this time can we use them because you see the point we are asking, the

armed forces is comprised of professionals, Doctors, Engineers, many, many trades. So what we are asking, can we utilize them as a country during this time?

General Cheriot: Yet to a limited extent yes.

Com. Charles Maranga: Okay.

General Cheriot: I'm saying to a limited extent because, you see they should also be carrying out their trainings and so on. I mean if you want to be profession in any venture you have got to be procedures. So the young forces equally don't think that they are only sitting in the barracks, they are not, but then they should be involved in national development. I agree with you.

Com. Dr. Mosonik Arap Korir: Just hold on please, mine, recommendations regarding the commander in chief and who should be the commander in chief of the armed forces? May be I can tell you, a lot of people are saying the President should not be the commander in chief.

General Cheriot: I think its simple. All over the world the President is the commander in chief of the armed forces. Likewise even in Kenya he should be the commander in chief but the appointment for service chiefs or armed forces chiefs to me should veted by parliament.

Com. Abida Ali-Aroni: One more clarification. We haven't had an opportunity to talk to members of the armed forces, we are hoping that we will talk to them, but as a person who has been there 14 years and you are now out, are there any recommendations that you would wish to make to improve or develop our armed forces?

General Cheriot: I think I can do if you want to sign a memorandum, I will, you said the last day is 15th?

Com. Abida Ali-Aroni: 15th of July.

General Cheriot: 15th of July, that one will do. I will come and hand it over personally to you. Thank you very much.

Com. Abida Ali-Aroni: Thank you. Ben Kitu, Dikson Kipkorir, Nadhan Oyiengo SDA Church. Halafu Simon Mutai. Is Simon Mutai there? Simon Mutai? Zainab isha, sorry observer, Paul Amai, paul Amai, Kasmil Samoi, Yuko? Goja tupate mtu mwingine ajitayarishe. Kipyego Some, Kipyego Siome? Yuko? Sawa. Please start tupatie jina yako na uanze.

Nathan Oyiengo (SDA): Asante Mwenyekiti wa tume na wajumbe watume, pamoja na wote ambao tumekuja kuhudhulia. Jina langu ni Nathan Oyiengo, mimi ni pastor wa kanisa la SDA – Seventh Day Adventist Church. Nathani tumekuja hapa

kama wajumbe kutoka kwa kanisa hilo, na ningependa tu kutoa jambo moja halafu nitamualika yule katibu am baye tumekuja naye ambao twawashilisha memorandum yetu.

Interjection

Com. Abida Ali-Aroni: Dakika tatu, kwa hivyo chukua dakika nusu ubakie mwenzako.

Nathan Oyiengo: Haya asante. Nathan katika Katiba yetu nataka tu kutilia mkazo juu ya uraia na uraia nimeona ya kwamba unavitabulisho viwili. Yaani kitabulisho cha kila mwananchi na pia kuna kitabulisho cha mtu akitaka kusafiri ambayo ni passport. Mimi ningenelea kwamba kwa sababu wananchi hawa wanatakiwa kutabulikana katika nchi, na hata katika nchi zingine. Kwa hivyo ingekuwa ya kwamba iwe tu ya kwamba kitabulisho ya aina moja, mtu akifikia wakati wa kupata kitabulisho, aweze kupewa kitabulisho ambayo kitamtabulisha kama mwananchi na pia aweze kutabulika nje kuliko kuwa na vitabulisho viwili cha kutabulisha tu hapa, na ukitaka kwenda nje tena unaanza kutafuta kitabulisho kingine. Nathani hilo ndio nilikuwa nalo. Kwa hivyo namualika pastor Leley aweze kutoa hiyo.

Pastor Johan Kipkosgei Leley: The Chairlady of the Kenya Constitution Review Commission, here are

interjection

Com. Abida Ali-Aroni: Your full name.

Pastor Johan Kipkosgei Leley: Paster Johan Kipkosgei Leley. Here are recommendations of the Seventh Day Adventist Church in Emgwen division.

There should be a recognition of God, the Supreme Divine Authority and Ruler of the Great Universe. Without being with a state judge.

The government should away with the death sentence and replace with life sentence to provide a chance for reformation and defendance.

There should be equal employment opportunities in the government sectors or private sectors regardless of the religion of individual. Therefore the employees should enjoy the right to worship on th e day he or she chooses to do so without being forced to work.

The students and the pupils from universities, colleges or schools, regardless in primay should be given freedom to worship on Saturday without being forced to work, to do exam or sports on that day and should from Friday evening to Saturday evening. That means from sunset to sunset. He or she should not be expelled from the school for that reason. And therefore the pupils and the children should be _____ from sponsors who force them to do so. The church should be given the mandate to protect the rights of a member instead of the parents when their school interferes.

The minority right should be protected by the government. There should be no election or any event which needs the decision of the people be put on Saturday since it robs their decision making.

That everyone shall have the right of freedom of thought consins and religions and that such freedom shall include the right to change ones religion or believe and freedom either alone or in community with others and public _____ to manifest religion or believe in worship, teaching practice and observance.

There should be punishments in schools either in caining or manual work. Then there should be court of law to covern the constitution so that those who go against the constitution should be judged by that independent judiciary.

Also the Kenyans should have the right to have the passport,

Interjection

Com. Abida Ali-Aroni: Please wide up.

Pastor Johan Kipkosgi: Yes I'm widening up. We thought having the conditions or requirements to do so.

And lastly, in case of any emergency or accident there should be free hospitals to serve this in all hospitals either private or government hospitals. Thank you may God bless you.

Com. Abida Ali-Aroni: Thank you, please register. Who are you please? Okay.

Kipyego Some: My I take this opportunity to thank the chair.

I will begin from preamble. I am Kipyego Some. Preamble should be people's centred and people driven. It should face the supremacy on the people and it should recognize all activities which will be carried by people when they are dissatisfied with the governance.

Office of ombudsman should be established to take up public complains and outcries to investigate and to recommend a proper action to be taken.

An independent and impartial port of history should be established. I am a historian, I believe history moulds a nation in a way. And when writing history, truth should be a careful, I just or suggest that let this be a constitutional office with its senior officers having security of tenure.

I would like all Provincial public administration abolished right from PC to the subchief. I am for the parliamentary system of government with a ceremonial President and a Prime Minister who will be the Head of Government and Prime Minister should form a coalition government.

As an affirmative action activist I would like the new constitution to provide that there shall be, president should be a woman. Let us begin from a woman as a President. Every member of the security forces police, military, and intelligence will be required to perform the functions, exercise their powers in the national interest and will be prohibited from promoting partisan political goals.

I am for a caretaker government, duly election, a government which should be headed by Chief Justice or Speaker or that ceremonial President.

Interjection

Com. Abida Ali-Aroni: Thank you can you give us your last point?

Kipyego Some: My last point is on environment. Third generation rights, may the new constitution recognize international instruments which are made to safeguard the environment, that's ensuring health, sound, fauna and flora, clean water, fresh air for every citizen to enjoy.

interjection

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

Kipyego Some: The last, the current parliament should not be extended and the commissioners should finish their work before this election.

Com. Abida Ali-Aroni: Thank you could you register? Pastor Bet Jackson, Pastor Bet Jackson? The next person will be Pastor Boniface Githumbi. Is he here? Pastor Githumbi? Kipkorir Langat? Yuko? Paul Tenai? Paul Tenai? Hayuko. John Kiprono Suge? Please go on.

Pastor Jackson Bett: Asante sana mwenyekiti wa commission hii, yangu ni na point chache sana. Mimi ni Pastor Jackson Bett kutoka kanisa la Seventh Day Adventist Kabsabet. Ningesema ya kwamba, nataka serikali ambao itatupatia ruksha ya kuambudu siku ya Jumamosi amayo Biblia imeamuru kwa sababu tumekuwa na shida sana katika serikali. Sisi tukiwa wa Seventh Day, tunaenda kanisani siku ya Jumamosi lakini unakuta ya kwamba inafinywa kikazi. Ukiajiriwa unaulizwa ufanye kazi siku ya sabatu na kama hutaki uende. Sina mahali pakwenda; hivyo yangu ningepomba tu ya kwamba katika Katiba ijayo, nijurikana ya kwamba mimi napumzika siku ya Sabatu kulingana na sheria No. 4 katika maandiko matakatifu. Babu Mungu anasema ya kwamba ukubuke siku ya Sabatu ufanye kazi siku sita. Hivyo basi ningesema ya kwamba serikali ijayo, ikiwa ya kwamba tunatambua kuweko kwa Mungu ambae anatumza hivyo yeye amesema pumzika siku ya Sabatu. Asante sana.

Com. Abida Ali-Aroni: Asante Pastor. Jiandikishe tafadhali. Siriono Maguti, siriono maguti, John Njoroge, John Njoroge? Councillor Abdi Kitel Councillor Abdi Kitel, Councillor Raymond Remai, Councillor S. K. Too, Lukia Chepchechir, John Titi, Isaack Nandi, E. Korir, E. Kori yuko? John Keino? John Keino? Richard Rimo, Richard Rimo? Solomon Maguti, Ben Kuto, Ben Kuto? Aspel Cheriot, Aspel Cheriot yuko? Richard Kirwa, C.K. Arap Rimo, endelea.

John Rop Titi: My name is John Rop Titi. The Honourable Chairlady commissioner, Honourable commissioners, Ladies and Gentlemen. I'm presenting my views or my proposals and amendments to the Constitution Review Commission of Kenya as follows:

That we should have a government comprised of members of more than one political party.

We should in a sense have a government made up of members of two or three parties that make up the two thirds of the members of the national assembly.

We should leave the system of the winner, take all the mandate.

Second, in case we don't get a government made up of two thirds majority members of the national assembly then we should have a provision in the constitution which allows form of government of national unity comprised of members from several political parties. This type of government is only replacing, accommodative and more representatives.

Third, the president of the republic should be elected as in the present case by all Kenyans but the president should not to represent any constituency but the present constitution should be the whole country.

A criteria for election of the president should be by simple majority of all votes cast.

Fourth, the president should have a running mate who would become his Vice President of the country. Like the President, the Vice President should not represent any constituency but should represent what I call the national constituency.

We should also have an office of the Minister who should be appointed from the party with the majority Members of Parliament and should be an elected Member of Parliament.

There should be three Deputy Prime Ministers appointed by the President from the winning party in charge of six ministries each. One Deputy Prime Minister should be handed office of the President, the second one to be handed office of the Vice President, and the third one to be handed office of the Prime Minister. The three deputies should be elected members of the national assembly. In the event that nobody will master two thirds in members of the national assembly the post of the Prime Minister and the three deputies should be shared by parties which have formed the government of national unity. The ministries should be reduced to 18 only.

The President's term should only be two terms for an individual. The term of parliament should be five years from the date of the election.

More Kenyans should participate in the management of local authorities and the mayors, Deputy mayors, county council, town councils and urban councils chairmen should be directly elected by the residents of the local authority. Like other executive arm, and parliament, should be 5 years. The Chairmen, mayors, and the deputy should not represent any ward. The speakers

and his deputy should be directly elected by two thirds majority Members of Parliament. Both should not be elected Members of the National Assembly. The expiry for the seat of the President and her running mate should be reserved seats in parliament as nominated members should they master the two thirds of the winning president or party.

There should be a provision in the constitution to allow independent candidates to participate in the elections and to allow them to join any party of their choice after winning their seats.

Interjections.

Com. Abida Ali-Aroni: Thank you very much, I think you can give us your memorandum we will read the rest. Thank you and register. Thomas Samoi, Paul Cheriot, Ayas Rotich, Ayas Rotich, William Chirchir, Dorcas Rono, Dorcas Rono,

Dorcas Rono: My names are Dorcas Chepkeboi Rono and I would like to present some few points here.

The new constitution should be gender sensitive and protect widows other their spouses die the current constitution does not come out strongly in defence of women, in cases of conflict and property ownership which favour the opposite sex despite the two parties struggling together in acquisition of property.

The new constitution should define clearly on citizenship of married partners from different nationalities. There should be no disparity on gender.

Women should be given free hand in decision making and in leadership unlike currently where they are given a raw deal.

The constitution should be made compulsory in school syllabas to enable Kenyans to be well versed with their fundamental rights. It should be printed in all languages and in Braille for the blind.

The new constitution should tell the duration of presidential term, which should be two terms of 5 years and should also prevent former office holders from contesting for the same office.

Electorate should be empowered to impeach future president for abuse of office.

Citizens who have acquired land and permanent assets outside their maternal land should adopt culture and customs of well ____ community to minimize tribalism and conflict.

Government revenue should be distributed equally to all political parties for fair level, playground in election.

The new constitution should empower parliament to appoint an acting President when the incumbent is sick or away from country or in case of excessive duties. The President also should be given 90 days annual leave.

Adult education should be compulsory and national examination council should provide national exams for adult to cut down illiteracy levels. Thank you.

Com. Abida Ali-Aroni: Before you leave, in your memorandum have addressed children's rights?

Dorcas Rono: Yah.

Com. Abida Ali-Aroni: Thank you. Now Robert, what's your name? But you didn't respond. Okay go on.

Pius Rotich: My views will actually be based on ... I will start with the court. My name is Pius Rotich. You find that in court we have the police prosecutor representing the cases. I think it would be better we have a government prosecutor but not a police prosecutor to keep fairness. Also in terms of a lawyer, there are people who are not able to hire a lawyer. The government should provide a lawyer for that person who is not able to defend himself especially a case whereby it involves an individual with a lawyer. So there should be a lawyer with a lawyer.

Another one is about the local government. The local government should be given mighty authority and responsibility but higher qualification on the mayor who should be somewhere like a degree, and a masters for the town clerk and experience because he dealing with different people on different capacities of the district or the local authority. And the councillors should be a minimum of O' level.

Customs and rights: When it comes to the customs and rights, each individual should perform his customs at his area. Lets say for Nandis, they should do their customs within the Nandi region. For the Luhyas do them at the Luhya region. Even if you live in Nandi, you would go home for those rights and do it in your place because you cannot find a Nandi doing his rights in Mombasa or so on. So it would be performed your own rights in your own district.

In terms of land, we should adhere to Nandi declaration by Seronen whereby the land belongs to the Nandi and allocation should be based locally by the local authority and should be made public for everybody know who has been allocated land and published in the paper so there is no corruption about that.

In terms constitution review commission to be extended, I would say yes, but they should never be extension of parliament. Instead, the MP should come home and assist youngs to extend this constitution.

Com. Abida Ali-Aroni: Thank you. Please register and hand in your memorandum. Register on that table. Nora Bett, Nora Bett, Joseph K. Too, Benson Shamala, that's a reporter. Peter Rono, Peter Rono, Isaack Biwott, Who are you? You would like to hand over your views although here its written reporter. So you are both a reporter and you have views? Thank you.

Benson shamala: So I have the following: On the electoral commission of Kenya constitution. Benson shamala. I will be precise on the election of ECK composition that is the Electoral commission of Kenya to be elected by *end of side A tape 4* After nomination by the head of state, that is either the Prime Minister or the President, to go through parliament for approval to

avoid stive heading portforlios.

Unsuccessful commissions: The retiring Presidents, the amount injected in the commission by the government to be detected from the President's retiring package. Halafu house bills that's from parliament; house bills to go back to the electorate after being passed by the parliament and not to the principal assets.

Com. Abida Ali-Aroni: Thank you. Isaak Biwott, John Tonu, John Tonu? David Tanui, David Tanui? Enok Langat. Enok Langat. Mzee utasubiri kidogo tupate mtu wakufanya tafsiri, Ama utaongea Kiswahili? Basi subiri tuike chairman, atatafusiri, lakini kaa tu pale ndio, Asante. Peter Kipkemboi, Peter Kipkemboi, Tom kuna jina hapa haisomeki, Tom ni reporter, kuna report anaitwa Tom Box 426? Ayau There? Hayuko. David Mimbei, Ndio wewe? You are Tom Mimbei? Thank you.

Divid Mimbei: Madam Chair, My names are David K. Mimbei. My colleagues have rightfully explained our predicament and I don't want to repeat the same. However, I have one observation to make pertaining the Presidency. The President should not be above the law. He should be within certain limits of the law to allow for impeachment in cases where there are excesses. That is the only point I wanted to kind of bring to the attention of the commissioners. Thank you so much.

Com. Abida Ali-Aroni: Thank you, please register. Stephen Tarus, Stephen Tarus,

Stephen Taus: Thank you Madam chairlady. Much of the issues have been mentioned and I would like to go to a few which has not been highlighted.

The preamble of the constitution that we require: That constitution should lay emphasis of the liberty, justice, and equality of all Kenyans. The Preamble should set our commitment that the interest is the service of this nation. And the directive principles of state policy, I want to mention the following in summary. One is two separation of power. Executive, the Judiciary, and the legislature. It should also show the democratic principles of Kenya based on our cultural zenith. We should recognize that Kenya has cultural diversity and it should be shown in the principles of state policy.

Secondly, the state policy should also help, social responsibility of government. This country consists of the rich and the poor and there should be a provision of the welfare of Kenyan who have been abilities. The state principles should also recognize the need for national cohesion. It should characterize issues that will form the basis of the unity of all Kenyans. As I said before, it is important to recognize the cultural diversity of Kenya. We should recognize our rich history and we should recognize the history that formed Kenya. We know the people that struggled to resist against colonial reinvention, that is part of history of Kenya. We know those who lose their lives when they were fighting for freedom of this country and we have seen the statues that have been put to signify the freedom fighting in this country. We don't see those who fought against colonial invention. We have in mind people like Koitale Arap Somoi who was the formation and the foundation of the independence of Kenya. One of

the issues that should also be recognized in the state policy principles of state policy is the issue of elimination of any form of discrimination. All liberties should be protected.

On the structure and systems of government, I propose a federal system of government as a way of devolution of powers as we have it now. The central government is stock heavy and a great burden to the citizens of this country. We should have devolution of power through a federal state system.

A federal government should be responsible for higher education events and foreign affairs. I propose that the supremacy of legislature be maintained and be strengthened through recognition of all the t_____ of democracy. I propose that the federal level we have account assembly not the provincial side but at the district level we have the county assembly and they shall be in charge of the following: Education up to secondary level, polytechnics, natural resources, agriculture, mining, health, regional, security, police, judiciary system, sensitive the cultures of the people in that county and remission of certain percentage to the federal government. I said I'm going to mention the issues that had not been mentioned.

On governance, we require at the county level a provision of elected leaders who seat as council ministers at the county level.

On land, to avoid anarchy and _____ revolutions, the rights of communities should be taken. We know communities that have been elaniated from their land. We know the Nandis for example do not lay any hands on the land that was alienated from them by colonialists. That land should be back to the Nandi. That land should be returned back to the community. If this is not done, I see anarchy is going to come. I see the people writing and inventing those farms. This should be taken as a serious matter.

Land resource require economic value. The government that we have had have destroyed all the institutions that mobilize the value of resource. Today, we are saing the Nandis are sitting on idle land. It is not true. The government that we have had, have destroyed institutions that would have assisted the people to mobilize their resources and put those lands into valuable economic activities. I propose that one day somebody will sue the people who destroyed the institutions because they have entrenched poverty instead of guaranting creation of wealth.

Misappropriation of resource: We see the forests being depleted, we see the tea farms being taken by the rich, we see the Nyayo tea zones being taken by the government. This should be resources of the county.

Com. Abida Ali-Aroni: Please wide up.

Stephen Taus: Madam chairlady to wide up, political parties, registration of parties should not be restricted. We are people who have been denied registration of the political party. Kenya is a free country and it is for all of us. Thank you Madam chairlady.

Com. Abida Ali-Aroni: Thank you, please register and hand over your memorandum. Jackson Miheso, Jackson Miheso, Edwin Kilel yuko? James Sang, James Sang. Usubiri, akimaliza.

Jackson Miheso: Asanteni. Madam chairlady, commissioners, na wote ambao mumefika kwa ajiri ya hii tume. Mimi nina mapendekezo moja au mawili havi kwa hii tume. Kwanza nashukuru kwa nafasi ambaye mumenipatia na pendekezo langu moja ambalo nilifikiria inaweza kuwa la maana ingawa mengi yametajwa lakini naonelea upande wa employment, yaani kazi, katika wakati huu wa sasa, unaweza kupata mtu ana kazi tano au sita na hali huku tunalia ya kwamba hakuna kazi. Ningelipenda kupendekeza kwa tume ya kwamba, katika Katiba yetu mpya, kuwe na nafasi ambae itaeleza ya kwamba mtu mmoja awe akifanya kazi moja ili tusiwe na mtu mmoja kushikilia kazi nyingi na hali wengine wamekosa kazi.

Pia ningelipenda kupendekeza kwa tume ya kwamba, baathi ya mira zetu zimekuwa na maana sana kwa maisha ya sisi binadamu na hata zaidi upande wa kinidhamu maana hata tukitengeneza Katiba ilio nzuri namna gani, lakini sisi Wakenya wenyewe tusipokuwa na nidhamu, pengine hatutaweza kutii hiyo Katiba. Kwa hivyo baadhi ya mira zetu, zisitishie sana juu ya nidhamu na mira kama hizo ningelipendekeza kuwa ziwekwe katika Katiba yetu ili Wanakenya tuwe na nidhamu na tuweze kuhifadhi Katiba yetu. Asante sana.

Com. Abida Ali-Aroni: Asante. Jiandikishe pale tafadhali. Kabla James Sang hajaongea tulikuwa na mzee ambaye alingojea interpretation. Tafadhali mzee na utukubushe jina.

Enok Lagat: *Enok Lagat Ngolyot ne amwae kogamwa ngunon komi neo nebo katiba kigile miten commissioner chebo katiba*

Translator: Neno nitakasema ni tasema juu na mbele ya commission ya Katiba.

Enok Lagat: *Kogabaibaitun amun kobwan .*

Translator: Na nimefurahi kwa sababu mmekuja.

Enok Lagat: *Ak okwek tugul che omiten yu.*

Translator: Na nyinyi wote ambao mko hapa

Enok Lagat: *koboto mjumbe.*

Translator: Pamoja na mjumbe,

Enok Lagat: *Kitinye kaimet neo.*

Translator: Tuko na shida kubwa

Enok Lagat: *Nigiimgen komi chumbek.*

Translator: ambao tumezumbuka tangu wakati wa wazungu.

Enok Lagat: *Akbo kiwotetab western ak ehek.*

Translator: Kuhusika na jambo la mpaka baina yetu na wale ambao ni jirani zetu katika upande wa Western.

Enok Lagat: *Kounoton komami kasarta nemokibartosi.*

Translator: Na kulingana na hayo, hakuna wakati ambao hatugombani.

Enok Lagat: *Kot ko kigagisiran ane boyon koik ne aribe mpaka agoigochi nandiek amayai matatet en yu.*

Translator: Hata yeye kama mzee ameajiriwa awe akisaidia kusuruhisha shida hizo za mpaka.

Enok Lagat: *Koneamache katiba rani asikonyo amani amun Kenya kobo amani.*

Translator: Ndio sababu nataka hii Katiba ije na iwe inatengeneza nchi yenye amani.

Enok Lagat: *Ak kechop kiwotet kobun ole kibune.*

Translator: Na mpaka itekelezwe na kuwekwa pale iliokuwa tangu mwanzo.

Enok Lagat: *Amun kiguren kamvil yoton.*

Translator: Ninaitwa Kamvili.

Enok Lagat: *Ak Timuge.*

Translator: Timuge

Enok Lagat: *Ak chitoab mazee.*

Translator: Na mtu wa mazee.

Enok Lagat: *Agoi anyun Wango.*

Translator: Mpaka Wango

Enok Lagat: *Kongen bichoton agichek kibune yoton mi karit.*

Translator: Na hao watu pia jirani zetu wanajua hapo ndio mahali gari lilikuwa linapita.

Enok Lagat: *Kokamache anyun kandoikab katiba asikobek matatanoton amun agerekong murenik alenjini kondami kesit keyae en kalyet.*

Translator: Na kwa hivyo na wajurisha watu wenye kutengeneza Katiba jambo hili la mpaka lifanywe ili watu wakae kwa amani kwa sababu tunaendelea kuwapoesha.

Enok Lagat: *Kongoi ten choton.*

Translator: Asante ni hayo tu.

Com. Abida Ali-Aroni: Asante. Mzee jiandikishe pale. Jina tafadhali.

James Kiplimo Arap Sang: Mimi jina ni James Kiplimo Arap Sang. James Kiplimo Arap Sang huyu nafikiri nina proposal na proposal yangu ni moja tu hata ingawa imezungumuzwa, kuhusu mashamba.

Interjection

Com. Abida Ali-Aroni: Weka karibu na mdomo, mic.

James Kiplimo Arap Sang: Kuhusu mashamba. Mashamba kuna Rent Control Board. Ningependekeza Rent Control Board iondolewe. Iondoke kabisa halafu wazee ambao watachaguliwa na wananchi wenyewe, ndio watakuwa chama na wanakamati yake. Chairlady na vile vile jambo hilo itoke kwa sublocation. Sublocation yenyewe wananchi watachagua wanakamati yao ambao watatii na trustee unajua kun uuzaji ya mashamba mashamba hii imeuzwa kiolole mpaka sasa wanachama, wanakamati, chairman wa sublocation wachaguliwe na wananchi ikae wale kutaka kuuza shamba na kununua watazungumza, kwa nini wewe unauza shamba na kwa nini wewe unataka kwenda wapi? Halafu hiyo ikuje mpaka location. Wananchi wenyewe wasimamie kazi hiyo. MaDCs, Commissioners, na maDOs waondoke kwa kazi.

Com. Abida Ali-Aroni: Okay Asante. Iko maneno ingine?

James K. Sang: Ni hiyo tu.

Com. Abida Ali-Aroni: Asante sana. Mathew Kemei? Mathew Kemei? Wewe ni Mathew? Haya Kazana. Halafu Maiyo K. Henry ajitayarishe kama yuko. Maiyo Henry, Endelea.

Mathew Kemei: My Chairlady, and your colleague commissioners my names are Mathew Kemei. I have few proposals. Kwanza child bearing: the government should make or amend a law which states the number of children each family should have to maintain good education and a right to meet all the basic needs. In my point of view, at least 3 children are enough or one.

Nandis should make a law covering their district so that any tribe that might like to live in our district, they should feel what we Nandis feel or say. They should follow our commands.

Land boundaries: Our MPs and councillors should be concerned on that. They should know that any idle land belongs to Nandis and not to be sold to any tribe because our children and future Nandi generation will make use of it. This is to eradicate boundary issues.

Land issues: Nandis should chose a person who is concerned on the land board so that he or she will know who is who. It is not a matter of selling the land anyhowly.

Com. Abida Ali-Aroni: Thank you any other point? One more and then you close.

Mathew Kemei: One more. Forestly: our forest as a natural resource, it should be preserved for future use. I beg the ruling government to consider Nandis to ask came back so as to earn them foreign exchange.

Salary increment: Presently the government increases salary for MPs and they did not consider the common Kenya. Instead they should increase the ___ of maize and wheat and revive the corrupt factories like textile and others. Thank you.

Com. Abida Ali-Aroni: Thank you very much. Please register. Chris Simon K, the other one I cannot read.

Chris Simon Kipkorir: Thank you very much Chairlady and other commissioners. My names are Chris Simon Kipkorir Sigenei. A lot have been said and I only want to say two points.

One is about the portrait on our Kenyan money. It should never bear or should not have the image of any other President. It should only be the court of arms and the flag and the other signs. So our money should not have any portrait of any President in future because it is very expensive to print money every other time. It should have the court of arms, and the flag on the other side.

Next is about separation of powers. We have talked about the separation of the powers but we have never said how power should be separated. I want to limit the Presidential powers this way. Appointments like that of Vice Chancellors of the public universities should be done by the zenith of the university only. It should not go to the parliament neither should be presidential. The zenith of the public universities should be concerned with their own affairs and elect their own vice chancellor.

Another appointment, commission of enquiry should never be appointed by the President. It should go through the parliament because such commission of enquiry can either be dismissed or be ignored by the President. So what we are after is to see that all the commission of enquiry is to pass through the parliament.

Another appointment is about the judiciary. The Chief Justice should present papers to the parliament and other people in the Profession, in the judiciary system, should be appointed by the commission service of judiciary and not the President. The

Judiciary, that the Chief Justice should be appointed by the parliament and other professional bodies within the judiciary system should be appointed by the Chief Justice and the panel, his own panel. He will work out his own panel.

Another appointment is about the Head of the Civil Service. He should be appointed by the parliament and not the President.

Another appointment is the chairman of the electoral commission. He should be appointed by parliament and not the President.

And about salaries, I want to say something about salaries for example I will give one example. If we have somebody in job group K in Kenya Pipeline, Job Group K in Ministry of Health, Job group K in the district profession, they should have the same basic salary and for the idea of harmonization of salaries so that income distribution will be fair.

Last is about customs and traditions. Customs and traditions, we have good traditions, where those traditions gather repartment to justice. That they will ____ the constitution. So all customs that seems to gongana na constitution should be outlawed and ignored but those that are good should be entrenched in the constitution. Not every other custom is very good. Other customs people will use the advantage of customary or reduce on what, to do what? To go above the constitution.

I want to repeat the President when he violates the constitution. When he goes against the administrative protocols laid by a given department. That's when the President can be impeached.

Com. Abida Ali-Aroni: Thank you very much but there is one question for you.

Com. Dr. Charles Maranga: Simon, you suggested that the Vice Chancellors be elected by the Zeneth. But I think it's the Vice Chancellor who appoints the members of Zeneth, don't you think they will choose it, whoever who has appointe them? I find it very difficulty because the vice chancellors had ppoint the zeneth because the one who appoints the various chairs of department and directors. Don't you find it is a big problem to have a VC being nominated again by the same zeneth which actually has appointed him?

Chris Simon Kipkorir: Okay thank you very much. That has been a problem actually. They should actually correct a situation whereby the Vice Chancellor is not a political appointee from the President.

Com. Dr. Charles Maranga: Okay thank you.

Com. Abida Ali-Aroni: Thank you, please register. Benard Magut, Benard Magut. Please be brief and to the point, two minutes.

Benard Magut: Mimi ni Benard Kipkoech Magut, chairman wa Kenya National Chamber of Commerce and Industry, Nandi district. Our vision is for united and peaceful Kenya. Hizo ndio maoni ya wafanyi biashara wa Nandi. I will go straight to the point.

Security: It is a primary duty of government in any council to provide security to its citizens.

The frequent of violence and insecurity still persists in live parts of Kenya _____ just for the constitutional reform but the assistant of this country. This may not be all society require, but without this a country will have nothing. Na sisi wafanyi biashara hatutafanya kazi vizuri. The economy of this country needs to be run and balanced by a well educated, experienced leader. In other words, we require economist to be in charge of our country's economy. We require the government to implement diamesion measures which in the end are disciplined management of the economy and involvement of public in planning implementation and monitoring of economist policies.

Poor institutional design. Institutionally the constitution of Kenya was designed to fade. We have a parliament and the President with checks. The Kenyan President is a Member of Parliament but never attends parliament except on _____ and ceremonial occasions. The Kenyan President cannot be impeached and though he may be removed through non-confidence vote, such a vote is really associate for parliament. We have lamented the deep competition in the constitution of Kenya's system of government. The choice before us is as follows:

The President should be a Kenyan by birth, 35 years of age, and should rule not more than 75 years of age. Be a graduate from recognized university, be married, be mentally upright, be able or a millionaire, not to be bribed, he should not be a Member of Parliament. The President should have powers to vet of legislation and special parliamentally majority by say 65%, should be required to overcome that setoff. If parliament overcomes that set off, the President should be required to sign into law proposed legislation. The President should address parliament upon declaration of war, upon declaration of state of emergency, he call a forum to do so by the house on appeal of _____ of President. The President should have maximum of two terms of five years each. All appointments by President should be rectified by relevant parliamentary committee.

Interjection

Com. Abida Ali-Aroni: Thank you very much we shall read the rest. Please sign and hand in the memorandum.

Benard Magut: Cant I say something about the community?

Com. Abida Ali-Aroni: Okay, one minute.

Benard Magut: Centralize state and control of resources. The local government should have more powers to control resources since it is directly answerable to the _____. The overall goal of any democratic system should be decentralized but given participation and give the people effective control of the machinery of the government. The local government act should

be amended to centralize decision making local authorities through the principal of subsidiary. Powerful local authorities could be a key vocal point for separation of powers offers of the local authority should be employees of the authorities.

Funds collected by local authorities should in the first place be managed and allocated by the same in conjunction with the Ministry of Trade and Industry that is Chamber of Commerce and Industry. Others checks and others stake holders. Also we need that business communities should have one job one man. That is to say if you are a distributor you become a distributor. If you are a wholesaler, you become a wholesaler and retailer henceforth. That means in order to share the resources one person should do one job. Thank you very much.

Com. Abida Ali-Aroni: Thank you. Please hand in your memorandum and register. Mathew Mutuu, Mathew Mutuu.

Mathew Mutua: Thank you the chairperson and all the commissioners. I think I have about 7 points. My name is Mathew Rono Mutua, I come from Chepteret.

Interjection

Com. Abida Ali-Aroni: Take two minutes and stick to the points.

Mathew Mutua: Yah, I will do that, thank you. The first point is about the swamp areas. We know that it was gazetted to be under Nandi trustland and I propose that the swamp areas be given to the individuals so that they manage their swamp areas.

Secondly, I know school with government teachers under whatever sponsor should protect and respect the freedom of worship of their students. Students from different denominations should be given their rights to worship.

Third, water catchment areas should be protected by the constitution. Stealing of water catchment areas should be prohibited and in fact should be entrenched in the constitution.

Firms under lease agreement, we have talked about that, some people have talked about that, should revert back to the original inhabitants of the land because those lands were taken from a bank, or a company and they have a right, the children have a right to inherit that land whether it is for sale, it should be very minimal such that everybody especially from the community gets that land.

Some cultural practices should be strengthened by the constitution, e.g. property from a deceased person should revert automatically to the spouse. There should be a law governing non-interference from other family members. This is for the profession of the surviving members of the deceased.

I want to take a different view from views which have been aired here about the President being above or within the law. I say

that the President should be above the law when in office but should be prosecuted for crimes done when in office after his tenure.

Citizens who are in overseas country and prisoners should have a right to vote when we are voting.

There should be a salary review commission to vet salaries for all the departments. Whether its for teachers, whether its for the government employees, as long as the money comes from the government there should be a commission in entrenched in the constitution to look into salaries so that nobody is going to blame the government or you don't have to strike to get a salary increment.

The last point is that the Constitution Review Commission, the term should be extended until they finish their work but the life of parliament should end at the time which should be December at the end of this year or early next year. That's all thank you.

Com. Abida Ali-Aroni: Stephen Ngoso Sei, NGO Council.

Stephen Kiprimo: Madam chairlady, thank you for this opportunity, I have two presentations. One from myself and the other one is a council presentation from the members but I will go through it. Stephen Kiprimo Arap Mososei. I will look at Nandi district as a very rich part of this country but poverty has been developed because of centralized management of resources in this country. This is because many of powers struggle by those in the farms, problem has been mainly because of this District Development Programme whereby the civil servants are the ones planning for the people. The tops are on approach. Although we have this district focus, the problem is that we have the .. _____if he was to transfer actually the personnel to come to the district level and assist public to plan but we have just transferred the same personel from up to the level down.

Interjections

Com. Abida Ali-Aroni: Make your proposal because I will only give you three minutes, I will add you one extra. What is your proposal?

Stephen Kiprimo: As far as the district needs to be upgraded so that they can plant with the people. The management of DDC should actually be done by the community and we remove the DC who is actually a _____ in the district. The conflict between the local government and central government need to be reduced so that the local government is able to manage at the disrict level and the central government that's the top quality management. The issues on land has been mentioned. Mainly one which I will talk about is land under which the Nandi district has had the land under the D. Actually belongs to the Nandis and needs to be looked into because it is under lease, most of these lands, later has been taken over by individuals because of manutration. I want to look at the law of institutions that is universities and colleges in community development. There is need to review the law of these institutions to match with the community's need within the area of operation. I look at universities and colleges as ivory towers which have no relationship to the community and there is need to

look at it such that they have an extension service that they can provide to the community as support as in the U.S. where the universities are able to provide technical exercise to the communities around. Mainly I will look at one issue that has been mentioned in the council, National Council of NGOs is looked as recommended and we need an ombudsman, that there shall be an ombudsman who shall have the powers and functions set out in the constitution and ombudsman shall be independent and subject only to this constitution and the law and the ombudsman shall later be a judge of Kenya or a person possessing the legal qualifications which will be entitled to him or her to practice in all the courts of Kenya; and so finally may be look at a few priorities that in each district that looked at and this is mainly on infrastructural development in the district in form of network so that we can have an all weather roads to support the marketing of our agricultural produce. There should be also provision of electricity and telephone in rural areas. There should be enhancement of marketing facility to encourage the agricultural production and also provision of health facilities to be closer to the local communities. I think Madam chair and that's in brief I have just mentioned the words that have been

Interjection

Com. Abida Ali-Aroni: Thank you very much. Father George ... the other name is very difficulty of the Catholic Church. Is here? Ako? Hayuko. Richard Kimeri, Richard Kimeri, Charles Rotich, Charles Rotich. Are you Charles Rotich?

Charles Rotich: Thank you very much chairlady and the commissioners before us. My names are Charles Rotich representing Kenya National Union of Teachers, Vice Chairman. I wish to make the following submissions to the Constitution of Kenya Review Commission.

That we would like to advocate for free primary education, at primary school level for all children and that the state to guarantee free education for the handicapped children at all levels of education. We would also like to see a consistency in education framework in Kenya being led by the directorate of education so that we have clear policies which can be relied upon.

We would also like to have school curriculum being reviewed only after being in place for over 20 years; again to vote for that consistency in education development.

We would also like to propose that sponsorship in public schools by judges be removed and these all public schools be transferred under the management of the county councils and municipal councils so that the private sector can run their own schools that they can manage.

We would also like that the government be the sole, rather providing for facilities which are required in schools including hiring of teachers. However, we would also like to propose that nursery school teachers be trained and hired by the municipal and county councils. In this respect we would also like to propose that the sharing of resources between the central and the local government be done to the extent that the local government receives 60% of the resources so as to be able to conduct this activities and the other 40% to the central government. And because of this added requirements in education sector, we also

propose that councillors should have a minimum qualification of form 4 while the mayors and the chairmen of the county councils have degree certificates and elected directly by the people in those areas.

We would also like to propose that the sole employer of teachers in Kenya TSC be constitutionalised just like the public service commission, this being one of the major employers and taking a larger share of the central government finance. These are the submissions which I would like to make before this commission today. Thank you.

Com. Abida Ali-Aroni: Thank you very much. Please hand in your submissions. Alfred Chemai, Alfred Chemai, Daniel Yatol, Daniel Yatol

Daniel Yatol: I'm Daniel Yatol - friends of Nandi environment. We have a problem in this area and much has been said so I will just be very brief. *End of tape 4*

They resconplict the chief sect, chapter 9 of our constitution and the contact of community based natural resource management. One there is the active factor, the constitution states clearly that all the trustlands are under the county councils. Now when it comes to the county councils you find the wetlands which come under them are mismanaged, like being left out and this one cause is a problem which impact negatively on the hydrologic budget and Rola and Faulu. The swamps having been destroyed means the natural purifiers are going to perish. The constitution mandates the county councils to hold these truslands on behalf of the community living on that land. The same constitution gives powers in respect of trustland to put public authorities to be occupied to be occupied e.g. like here in Nandi we have an area that has been given to the public and they have constructed a sewage plant, at the ___ and then this plant having been established is now releasing row sewage into the streams. That's impacting negatively on the people living down the stream and as a result we have this problem of diseases, which have increased. Now when we talk of the diseases and we want money we shall find that this are the some of the things that we have created ourselves. So I would suggest that in the constitution, when we are having this, let us first, that some of these projects when they are being constructed, we have areas that control this so that we reduce down on these diseases like typhoid, Cholera, which have now become on the increase. We are not looking at the causes, we are only complaining of the diseases but we have seen that some of these problems we are the main causers.

There should be a system which allows for multipurpose multiple use of _____, eg. wildlife, livestock, tree growths, fuel, wood, and medicinal plants.

Interjection

Com. Abida Ali-Aroni: Thank you very much, we shall read the rest. Let me give the opportunity to somebody else.

Daniel Yatol: _____(inaudible) the four we would like the Nandi community to be included in a constitution that _____ its environmental rights. We as members of _____ request that the Nandi environment should be protected by the community itself; this will present the interference of those taking advantage of destroying the environment for their selfish end. The village elders and the assistant chiefs should be given authority to protect their immediate environment without any financial malpulation in

form of corruption. We have only urged each individual to protect our environment at personal level and the ombudsman office is also necessary here. Thank you.

Com. Abida Ali-Aroni: David Kemboi, David Kemboi.

David Kemboi: Yangu ni ya kwamba, ninaonelea Katiba ya Kenya iandikwe assistant chief, apigiwe kura na wananchi kwanza ndio aendelee. _____ kwa mambo ingine.

Ya pili, Wanandi wasikumbari wamame waandikwe kwa title deed vile wengine walikuwa wanasema ati title deed iandikwe bwana na bibi. Hiyo Wanandi wasikumbari mambo kama hiyo.

Ya tatu ni watoto ambao wanazaa nyumbani bila kuolewa. Ndio tunaonelea Katiba iandikwe Katiba ya sheria ya Kenya sasa ya kuchunga watoto ambao wanazalia nyumbani mbila kuolewa. Sheria itengenezwe.

Ya nne, Uchaguzi ukimbakia mwaka moja, Rais aondoke kwa parliament kwanza ndio bunge imbaki bure kwanza ndio uchaguzi uendelee kama Rais ako nyumbani. Nafikiri yangu machache ni hayo.

Com. Abida Ali-Aroni: Asante sana, Kimibei Ngerei, Barnabus Kosgei, Barnabus Kosgei. Maji Busenei, Maji Busenei. Tafadhali tufanye heshima mzee huko nyuma, utaongea lugha gani?

Mark Busenei: *Kiguren martin Busienei.*

Translator: Mzee anasema anaitwa MarkBusenei

Mark Busenei: *Ane amwae ngolyot netinye ak Nandi kotinyeke ak ngalechu bo Nandi.*

Translator: Anataka kusema mambo yanaohusika na Nandi na Katiba.

Mark Busenei: *Nandi kogimagondogen kainet ne len kolenjin ne ngolole nandi.*

Translator: Nandi hawakujiwekea neno au jina linalojiita Kalenjin

Mark Busenei: *Nandi kolenjinok.*

Translator: Ni Nandi

Mark Busenei: *Ak kityo komi mpaka netinyegen ak nandi ak ngalekwak chebo Nandi.*

Translator: Na kuna mpaka ambayo inagawa Nandi na mambo yake.

Mark Busenei: *Ak bik alak chebo kakamega.*

Translator: Na watu wengine hata kutoka district kama Kakamega

Mark Busenei: *Anan ko komosinbo Ujaluo.*

Translator: ama upande wa Ujaluo

Mark Busenei: *Kongolyot ne amwae kogimiten ribsset ne kiimuchegen ak Kimyige Nyongi Maina okot Chumo.*

Translator: Na kutoka zamani kulikuwa na ulinzi ambao ulitoshelesha kulingana na lugha ya vernacular

Mark Busenei: *Ago kimi mpaka ne kiging en district ne kirebege.*

Translator: Na kulikuwa na mpaka ambao ulijulikana sana katika jirani district hapa.

Mark Busenei: *Ngolyot nerube komi timdo borosti neb kakamega ak nebo Nandi.*

Translator: Na ya pili ni ya kwamba kuna msitu kwa upande wa Kakamega na tena katika upande wa Nandi katika hiyo mpaka.

Mark Busenei: *Agokimakomi matata kotichut borosti nebo Nandi chitab Kakamega anan chitab Nandi kochut borosti nebo kakamega .*

Translator: Na ilikuwa hakuna mtu kutoka Kakamega aingie msitu upande wa Nandi au mtu kutoka Nandi aingie upande wa msitu Kakamega.

Mark Busenei: *Ago ngunon koebunu ngalek komangen ale Nandi achon kongen komostonywan kole kiwoto kogiite ano.*

Translator: Na ningependa kuuliza kama watu wa Nandi ambao wako kwa sasa wanaweza kufahamu mipaka yao ilikuwa inafika wapi.

Mark Busenei: *Agangen ale bitumen matatet ko lagok che kisiche kogere kole district ne kirubegen kakamega kochutu borosti nebo Nandi ago makichute ehek borosti nebo kakamega kimache kinde katiba yoton kotelel.*

Translator: Mimi najua ya kwamba siku zijazo kutakuwa na matata kwa sababu wale watoto ambao tunawazaa wataona ya kwamba watu kutoka district jirani ya Kakamega wameingia katika msitu wa Nandi lakini watu kutoka Nandi hawajaingia msitu upande wa Kakamega.

Mark Busenei: *Kounoton amache kinde katiba koteb Nandiek koik Nandiek chugiche koteb chebo kakameg koboit kakamegakou yekinye Vernacular*

Translator: Kwa hivyo Katiba hii ambaye inaundwa inahitaji kuwekwa mpaka sawaswa, watu wa Kakamega wakae kwao na watu wa Nandi waishi katika sehemu yao.

Mark Busenei: *Ago kot komi rubet kakamega komuche kobwa konyo kwal bek en ireyu.*

Translator: Na kama kuna jaa Kakamega wanaweza kuja wakanunua chakula kwa upande huu.

Mark Busenei: *Ago kot komi rubet Nandi koba kakamega koal amitwogik.*

Translator: Na kama kuna jaa upande wa Nandi waende pia Kakamega na watapata chakula kama wameshavuna.

Mark Busenei: *Ago kimache kegonyit mpaka en chi tugul.*

Translator: Na upande wa mpaka inahitaji kuheshimu hio mpaka kwa kila mtu.

Mark Busenei: *Ak konai Nandiek kole Nandiek.*

Translator: Na Wanandi wajue ni Wanandi

Mark Busenei: *Kongoi. Vernacular*

Translator: Asante

Com. Dr. Charles Maranga: Basi nataka kumuita Abraham Kibenei, Abraham ako? Hayuko. Keneth Meto, Keneth Meto, Hayuko. Benard Alai, Nani Benard Alai? Basi chukua mic. Unaanza kwa majina, please peana mapendekezo kwa haraka kabisa.

Benard Alai: Kwa majina mimi naitwa Benard Alai. Jambo ambalo nilikuwa nataka kuakirisha hapa ni mambo ambao, sijui kama watu walionge juu ya jambo hilo

Interjection:

Com. Dr. Charles Maranga: Bwana Alai wewe pendekeza yako. Hata kama wameongea na pengine ndio ulikuwa la muhimu kwako, pendekeza.

Benard Alai: Hapa Kenya tuko na military ambayo inao husu airforce, navy, na wanajeshi wa kawaida. Hapa Kenya ndio tunakuta ya kwamba wanajeshi wamenona, ni kama hawafanyi kazi kwa sababu nakubuka katika nchi zingine vile tumekosa barabara saa hizi na madaraja, wanajeshi wetu wana wakati mwingi wa kupumzika na badala ya kutengeneza barabara, daraja, ambayo ingesaidia wananchi, ningependelea wafanye kazi hiyo kwa sababu hata tayari public works kwa sababu ya corruption imekula kila kitu ndio maana tunakosa barabara wakati huu na daraja muhimu. Kwa hivyo ningependekeza ya kwamba kama Katiba itatengenezwa, wakati wa amani kama sasa, tunaweza kusema ya kwamba katika nchi ya Kenya hatujafanya vita, wanajeshi wetu wafanye kazi ya barabara pamoja na national youth service.

Jambo ya pili ambalo ningependa kuakirisha ambayo nataka changia sana ni kwamba wananchi wa kawaida wa Kenya wafundishwe sheria kuanzia primary school kwa sababu hata tukiona saa hii mtukufu Rais alisema ya kwamba forests isiguzwe

lakini unakuta ya kwamba maaskari wote wamekuja barabarani, mimi siwezi peleka makaa yangu nitume nyumbani. Nikipatikana na gunia moja napelekwa police station. Na kwa sababu sijui sheria, nitawekwa dani hata baiskeli yangu ninyang 'nywe. Kwa hivyo tungependa ya kwamba wananchi wa Kenya iwe compulsory from primary to secondary to university wafunzwe sheria ili hata tukienda kortini tusinyanyaswe. Hata tena tusiwe chakula rahisi kwa advocates. Kwa sababu mara nyingi nikipata accident utakuta ya kwamba mwenye atafaidika ni advocate. Nikikamatwa kwa njia isio ya harali, mwenye atasaidika ni advocate kwa sababu mimi sijui sheria nitafungwa.

Interjection

Com. Dr. Charles Maranga: Asante Bwana Alai.

Benard Alai: Jambo la mwisho

Com. Dr. Charles Maranga: Please, maliza

Benard Alai: Jambo la mwisho ambalo ningependa kuweka tena mbele yenu ni kwamba katika sheria ya Kenya tuliponyakua uhuru wananchi waliambiwa ya kwamba mtafundishwa, mtaenda shuleni bila kulipa karo lakini serikali imetunyanyasha kwa sababu

Interjection

Com. Dr. Charles Maranga: Unapendekeza nini?

Benard Alai: Napendekeza ya kwamba tusome bure from primary to university ili tunapomaliza shule, tufanye kazi ya public kwa sababu kama sii guarantee ya kwamba tupewe employment. Wale ambao wamemaliza shule wanatakikana wafanye kazi ya public kulipisha ile masomo ambaye alifanya free.

Com. Dr. Charles Maranga: Asante Bwana Lai, weka sahihi. Asante kwa maoni yako. Joseph Moses Towett, Joseph Moses Towett wakati ni wako. Tafadhalini wakati mnafika hapa, tupatie mapendekezo, mapendekezo ndio itasaidia tume. Taabu, hakuna fees, hakuna matibabu, inatakiwa naye vile vile ipewe pendekezo. Hiyo ndio itatusaidia. Anza kwa majina yako kamili, iko sawa. Endelea.

Joseph Moses Towett: Asante sana macommissioner. Mimi kwa jina naitwa Joseph Moses Arap Towett. Kitu ningependekeza ni maneno ya hospitali, hospitali ndio pahali iko shida. Wakati huu tunaambiwa kwamba lazima tulipe kidogo, serikali ilipe kidogo, lakini ukirudi uangalie sana kuna watu hata hawana hiyo kidogo.

Interjection

Com. Dr. Charles Maranga: Unapendekeza nini?

Joseph Moses Towett: Ninapendekeza kama serikali ingewezekana waweke kiwango ya juu yaani dawa ipatikane. Na kama ni maneno ya hii dawa inaenda namna hii, ni heri mtu afuatwe, akipatikana ni mfanyi kazi wa pale, apelekwe kortini.

Neno la pili lile ningetaka kuzungumzia, ni maneno ya matumizi hii wafanyi kazi wa serikali, utakuta mtu anafanya kazi hapa kwa mfano Kapsabet, haya yeye amefanya kazi hapa Kapsabet, pengine amechota pesa ya serikali, anapigwa transfer aende Nakuru, au Nairobi, au Mombasa, jee, kutoa viazi ile imeoza kwa hii gunia uweke kwa gunia ile viazi mzuri iko, uweke dani, ile viazi itakosa kuoza? Itaoza. Kwa hivyo napendekeza kama mtu ameharibu kazi aende nyumbani.

Haya jambo la mwisho ni kuhusiana na maneno ya shamba. Hii maneno ya title deed, hii maneno ya title deed ukichunguza sana, kweli pengine fulani yuko na acre fulani, title deed, yani jina imeandikwa kweli, lakini ile title deed uende kutoa pale, kulipia ile garama, hautaweza, unaweza hata hiyo title deed pahali imelala, bado inalala tu kwa mfuko ya serikali. Kwa hivyo ningependekeza hii ya maneno ya pesa hii ya kulipia title deed iondolewe kabisa. Asante.

Com. Dr. Charles Maranga: Asante Mzee Joseph. Asante uweke sahihi, yule anayefuata ni Joseph Rotich, tuwe na Christopher Kogo, the next please major points only and give us recommendations. And the memorandum you will give it to us. Highlight the main points.

Christopher Kogo: Kwa commissioners, my names are Christopher Kogo of Kapsabet. Now I submit my proposals which is written but I want to highlight a few things. One is institutions and system of government.

The Presidency has served us well in the past, ralying Kenyans together and I feel it should still be there but with some modifications. He should be elected by 50% of the registered voters of Kenya and then he carries on the responsibilities that go with that office and a council of 42 ethnic elders as suggested bi-cameral legislative system where the President should be with the 42 elders who represent the 42 sub-tribes that we have in Kenya and he should be the Head of State.

A Prime Minister should be the head of government and should divote things by parliament from the party with the majority in parliament or from coalition parties that form the majority.

The central government should devolve power to the 42 districts existing at independence in as far as the functions of all the ministries are concerned except those of Defence and

Foreign Affairs. The seat of power the one of mayor or chairman shall be at the present day District Commissioners, headquarters, and the Provincial Administration be done away with completely.

TheLegislature: parliament should have nothing to do with amendments of the constitution without referring for or until a referendum is conducted on the same. Parliament should oversee and have greater powers in monitoring expenditure and public finances. The minimum literacy level for both parliamentary and civic posts should be O' level and above and should have gone through a recognized institutions of learning.

Parliamentary service commission should oversee the parts that go with those positions.

There are a number of other points that you go through when you go through my memorandum.

The executive: the executive powers should be shared from the presidency and should be within the ministry. The ministers should have exercise and respective powers. The President can hold office only twice during the 5 year parliamentary term.

A President can be impeached while in office as much as a vote of no confidence should be passed on the government.

The President and Prime Minister should not be MPs.

There should be running mate for the President and that of the Vice President.

The Judiciary: The judiciary should include subordinate court, high court, Court of Appeal, Supreme Court and a Constitutional Court. An ombudsman as somebody has said should be created. A judicial service commission appointed by the President and vetted by parliament with appointed judges.

A state financial legal aid theme should be introduced in our courts.

Electoral system and process: We should retain the simple majority rule as the basis of winning any election. There should be no debarment to participate in election. The determination of constituency and what should be based on population _____ from the National Bureau of Statistics.

The Presidential election should be held independent of parliamentary election. Ballot should be counted at the polling station where voting takes place and should be completed before 6.00 p.m. There should be a limit on election expenditure by its candidates then there are other issues that you will go through in my memorandum.

Com. Dr. Charles Maranga: Your last point.

Christopher Kogo: The last point I'm looking at the political parties. Apart from political mobilization, political parties should assist their members mobilize resource. The constitution office should regulate formation management and contact of political parties but the registrar should not have, should not exercise the _____ powers as is the case today even to the extent of ignoring a High Court ruling.

The state resources should also be used to finance part of the cost of running such a number of political parties.

Com. Dr. Charles Maranga: Thank you very much Mr. Rotich.

Christopher Kogo: Kogo.

Com. Dr. Charles Maranga: Sorry Mr. Kogo,

Christopher Kogo: I will look at citizenship, you will go through my memorandum.

Com. Dr. Charles Maranga: And I think I'm very happy with your memorandum, it seems like its self-explanatory. Please hand over the memorandum and sign our official register. Thank you very much. Anayefuata ni Job Too, Job Too, not there, then we have Kipchumba Songok. Nani huyo. Job Too come, you are next. You start with your names. Thank you in case you have recommendations. Give me your recommendations even if you are a Job Too it is working

Job Too: I want to propose 203 and I want to begin with the office of the executive. I want to begin with the office of the President. I want to propose that the President should be under the law not above the law.

Second, is that Parliament should be the one to vet all the key appointments. State co-operations, and any other.

Judiciary should be independent from the executive. Should be separation of powers between the judiciary to the executive and the parliamentary.

Finally I want to propose that there is no extension of parliament. Parliament should be held according to the current constitution and even the next constitution or the future constitution should also be clear on the dates of election. We should not allow the President to state the date of election. Thank you.

Com. Dr. Charles Maranga: Thank you Bwana Tom. Sign our official register. Kipchumba Songok, Kipchumba Songok. Will be followed by S. K. Koech. Ako? S. K. Koech? S.K.? Ngoja kidogo, Wewe unafanya Mzee, kuna masharti, kama unataka kuzungumza unaweka Yee unaelewa? Asante. S. K. Koech? Mzee, hiki ni kikao cha Tume mchezo haitakikani. Sawa sawa? Hiki ni kikao, ni kama korti. Okay asante, S. K. Koech. Hayuko. W. K. Kemboi, W. G. Kemboi, hayuko. Do we have N. Chepkoy, Chepkoy? Okay you will be next after him. Thank you.

Kipchumba Songok: I want to make some mapendekezo kadhaa hapa.

On legislature,

Interjection

Com. Dr. Charles Maranga: Your names first.

Kipchumba Songok: My names are Kipchumba Songok. On legislature, napendekeza ya kwamba the roles of MPs and councillors be defined. Define the roles of MPs and councillors on constituency levels and what level.

That the electorate have hours to recall their MPs by application of their constituents in their constituency through the office of the speaker of the national assembly.

On the other hand also, the salaries and other enrolments of MPs be regulated by a body other than the parliament, and that the constitution permit a coalition government

On the judiciary, the cultural practices and cultural traditions roles be respected and applied in Kenya's law courts. This should

cover aspects like land, marriage and taxation.

On local authority the central government to determine the salaries of councillors to ensure uniformity countrywide. I'm on the

Interjection

Com. Dr. Charles Maranga: Your last point sir. Your last most important point.

Kipchumba Songok: Not last, on management and issues of natural resources, the government be required to apportion benefits from resources between central and local authorities, communities where such resources are found; 60% of the penalty should go back to the community and the rest 40% to the state. To be apportion across the bords to other areas.

On environment there should be shared responsibility in the management and protection of environment between the state and the local community through council representation of two third membership.

On the other hand, I would also wish to put across that village elders be salaried. Wazee wa mitaa wapewe mishahara.

Com. Dr. Charles Maranga: Thank you very much.

Kipchumba Sangok: Finally on the cultural ethics and regional diversity and community rights, Kenya ethnic and cultural diversity should be part of our national culture. The constitution to provide for the creation of court of elders to deal with site culturals and community rights in matters of land, marriage, inheritance and taxation.

That the constitution promotes preservation of indigenous languages in education system. Community land be respected by both individual and the state.

And lastly on provincial administration we have the police officers and prison officers be issued with the uniform every after one year and be educated on the constitution

Interjection

Com. Dr. Charles Maranga: Thank you very much, thank you very much.

Kipchumba Songok: And their housing also be improved.

Com. Dr. Charles Maranga: Thank you very much. Now you can sign. Please sign and give us your memorandum. That is important. The next, there is a Catholic Father, I think you are the one, we had called you earlier, you were not in. Its your chance now. Proceed with your names. Hebu hiyo mic vizuri because we are recording you.

Father George Kiptoo Arap Cheboryot: My names are Father George Kiptoo Arap Cheboryot. I'm a dioceses and a priest of the Catholic dioceses of Eldoret and I lecture at the Chinginyo Theological. For the commissioners and the audience

Interjection

Com. Dr. Charles Maranga: Father you have two minutes. Give us the main points.

Father George Kiptoo: Yes the main points is that the fundamental thing that we should keep in mind as human beings is that we are all creatures and as the creator God who created all of us . Man and woman are created in the image and likeness of God. The creator put them in this world to represent him in this world and to govern creation the way God himself would have governed. Because man and woman in the image and likeness of God and because they are of the same nature, they should maintain mutual respect and should not emphasize too much the notion of equality but rather complementality. Complementality means that man alone is incomplete without he woman and that woman alone is incomplete with the man. The two complete one another. Infact and infact become one creation in marriage.

Another point is that since the creator put that human being in this world with three basic reasons and responsibilities to govern creation, to procreate, and to care for the environment. It is extremely bad that the majority among us are so poor such that God's image in them cannot be recognized because of the sin of greed among our leaders that has led to corruption that has hitten in to our nation and has penetrated into the public of society. When the Israelites were coming from Egypt and had no food to eat in the desert, God gave them whales to eat and every Friday, there was supposed to collect enough for two days, Friday and Sabbath. Whose who were greedy and collected more, the extra started to give a bad smell in the house. That bad smell is the corruption that we have today in our country. The word corruption is the opposite of glory, so that anybody or any nation that practices corruption cannot be failed to be glorified. After all only God is the Glorified one and those who will be found worthy to enter into his kingdom.

Now I come to procreation: The word Pro comes from lacking and it means for or in people. So to bring children into this world is really God's work. All who have been born, those to be born and those will be born were in the mind of God from all eternity. Parents are procreators that is to say God has given them the power and the responsibility of bringing children into this world and bringing them up to be responsible citizen of their country and of heaven. That is by feeding them, clothing them, sheltering them, educating them and bringing them up in either Islamic way or the Christian way. And war upon the government that it _____ its citizens of the natural resources for taking care of their family.

About the environment now we have a duty to care for our wildlive or forest, and the natural resources of our country.

Now I come to the application. No country can afford to have the leader who makes falsehoods to appear to be the prone and makes the truth to appear to be falsehold. No nation can afford to have a leader who divides his people on tribal lines. No nation can afford to have a leader who appoints people to positions and then dictates to them from above what they are supposed to do. A good leader delegates and really empowers his appointees. A leader is a spokesman and he should listen to the people who have given him that position of leadership. A good leader does not destroy political and economic institutions so as to make his people pour.

Com. Dr. Charles Maranga: final point pastor. I mean Father, I'm sorry.

Father Goerge Kiptoo: So I would like to say that when you make the new constitution nobody, not even the President should be above the law because we are all human beings. Thank you.

Com. Dr. Charles Maranga: Thank you very much Father and please give us that memorandum, that booklet you have and sign our official register. Hawa mimi naita hapa nataka muwe kwa ufupi kabisa, dakika moja moja mtoe maoni ya muhimu. N. Cheepkoiy. Karibu ndugu yangu.

N. Chepkoiy: My name is Nicholas Dhepkoiy, I'm teacher and the interim chairman of KUPE. Actually these my views on education and the few others have touched on exactly what I would have equally touched, I just want to emphasize a few of these items and the items before me are these ones.

In terms of education, we believe education is something that has to be offered free and that should start from nursery and I say nursery because nursery section is the foundation of education and have been ignored. So nursery teachers should be properly paid by the government and be given beter training for three years and be employed under TSC.

Secondly the government should actually reward quality. When I talk of quality I mean that the people should be encouraged to read more and earn better. Therefore the act of reading and earning should go hand in hand with research nad research should be a full time work.

Thirdly there is the adult education which has also been left behind but you remember that we always talk either English, Kiswahili or vernacular because of that element of adult education that we might not have acquired. Education is everybody's right just like _____. So if you didn't get education in the elementary level, you should still get it through adult education. So adult education should also be under the Ministry of Education and adult teachers should be retired, practicing teachers who can now teach others using their field of teaching. When we talk of university, we believe universities are institutions of high learning and it is very bad when the _____ the professors, and the like are under pay. Most of them actually drive vehicles below KZ and I wouldn't need to tell the commission a lot of that, they know how poor the most educated people are. So it is a scene that the more you read the poorer you become and the government has just been watching this. Something that should actually stop.

Com. Dr. Charles Maranga: Thank you Mr. Chepkoiy. Do you have a memorandum? Hand it ove to us. Thanks for presenting before the commission. Now the next person is Nicholas Serem. You have a minute to summerize your main points.

I can see you have a detailed memorandum but give us some highlights.

Nicholas Serem: I'm Nicholas Serem, I just want to may be highlight some few areas probably the implementation. One we need a preamble in our constitution stating on the national vision. We have federal, supreme, ___ democratic republic, national philosophy of justice, liberty, equality, unity and flaternity. Then in the also preamble we need to also to mention our honour to

our freedom fights from whichever part of the country and we also need directive principles, I don't need to go through them because they are many. Some few fundamental rights that I would like to mention they are not contained in our constitution. The constitution should guarantee and protect the right to protest and therefore in this case people should have the right to union presentation. We also need our constitution to guarantee minimum wage or salary either in public or private sector.

I propose that our legislature should be divided into two, we have the upper house and the lower house. The upper house is the central government which is headed by the President, the President has nominal powers in this case and the Prime Minister for that matter has real powers and he is also a leader of the council of ministers. Na in this case the President is supposed to be advised by the Prime Minister. In the lower house or the house of representatives we have the chief minister as also in the case of Prime Minister has the real powers and the governor as nominal powers so in this case I propose the provincial level to be estate.

Now the electoral system: Our electoral system should also be constituted whereas the chief electoral commissioner should not removed anyhow, the removal of the electoral commission should be of that of the Chief Justice of the High Court.

The last, one other part please you will bear with me, is that there should also be reservation of 40% seats to women and other vulnerable groups in the country and we should also provide free transport to handicapped persons in the country. Then land

End of side A tape 5

So that we can have some kind of institutions coming up in that case.

Interjection

Com. Dr. Charles Maranga: Thank you very much.

Nicholus Serem: Then the last point that is not shown please let me just mention is about the village administration. The village administration, I propose that we should have organized village administration where we have the village committee, composed of I suggest 7 members. We have 3 men of over 55 years, two women of the same age, over 55 years then we have the 2 youths of over 30 years. So this means this people will also be carrying out issues related to justice of low magnitude, development and other issues.

Interjection

Com. Dr. Charles Maranga: Thank you very much. Hand over your memorandum. Thank you for coming before the commission. Noah Atibe, Noah? Okay, karibu mzee. Halafu atafuatiwa na Andrew Kemboi, Andrew Kemboi ako? Okay utafuata yeye. Dakika moja mzee tupe maoni ya muhimu. Tufanye Translation.

Noah Ambe: *Kongoi missing en okwek kandoik che karobwan.*

Translator: Asanteni nyote mliokuja viongozi,

Noah Ambe: Kimwae kongoi ache kemache kisib che kigoisib boisiekyok.

Translator: Tunashukuru sana sisi tunataka kufuata yale ambaye ilifuatwa na wazee wetu.

Noah Ambe: Kirib Nandi Ngatutik angwanu.

Translator: Wanandi walilindwa na sheria nne.

Noah Ambe: *Ngesich chito koribe bikwak.*

Translator: Mtu anapozaliwa, analindwa na watu wake.

Noah Ambe: *Nebo aeng koribe ibindanywan.*

Translator: Pili analindwa na rika yake.

Noah Ambe: *Nebo somok koribe bororiet.*

Translator: La tatu analindwa na jamii yake, jamii kubwa.

Noah Ambe: *Nebo aeng .*

Translator: Jambo la pili,

Noah Ambe: *Kimakomi chepyoso nee mayiek kotogosikisheak murenik.*

Translator: Hakukuwa na mama ambaye anakunywa pombe akiwa mbado anazaa.

Noah Ambe: *kiiname koyee maiyek yon kagotar kosikisie.*

Translator: Walianza kunywa pombe tu wanapomaliza kuzaa.

Noah Ambe: *Kit nebo let.*

Translator: Jambo la mwisho,

Noah Ambe: *boisiek agichek kokie maiyek yon kagotunis anan kokagoit keyisiek artam.*

Translator: Na wazee pia walianza kunywa pombe wanapokuwa wameoa, wakiwa na umri wa miaka arubaine.

Noah Ambe: *Ko chon kityok che kamache.*

Translator: Hayo tu ndio yalikuwa yangu.

Noah Ambe: *Kongoi.*

Translator: Asante

Com. Dr. Charles Maranga: Andrew Kemboi. Dakika moja mzee wangu. Mapendekezo ya muhimu. Wee ongea. Anza kwa majina.

Andrew Kemboi: Kwa majina ni Andrew Kemboi mkaaji wa hapa Kapsabet.

Com. Dr. Charles Maranga: Tafadhalini mpeni nafasi atoe maoni.

Andrew Kemboi: Basi ile maoni yangu, maoni yangu ni kubwa kidogo lakini itanishinda kwa vile mimi nilikua naona maoni yangu, hii Rift Valley yetu ni kubwa zaidi ambae inatakiwa igawanywe mara moja ndio iwezekane, igawanywe halafu sasa a representation yenyewe ifanye kazi yake. Hii ni kubwa kutoka Lokichogio, halafu twende mpaka Namanga, mpaka twende mpaka Taita Taveta, hio mimi noona ni province ambayo ni kubwa kuliko zingine. Na isitoshe, hapa kwetu Nandi district yetu ambaye sasa tunataka ingine kama division

Interjection

Com. Dr. Charles Maranga: Akina mama nawaomba mkae chini,

Andrew Kemboi: Commissioners wanaweza kukubalia sisi katika district yetu tuwe na district yetu kama tatu ambayo tuko na population nyingi kuliko kiasi ambayo tunataka district kama Kabitiet, na twende upande ya Gatumo

Interjection:

Com. Dr. Charles Maranga: Ya mwisho

Andrew Kemboi: Hapo tunaweza kufurahia zaidi.

Com. Dr. Charles Maranga: Asante mzee wangu. Asante. Namuita sasa Paul Tung, Isaack Rono, hayuko, Stephen Oboga, Hayuko. Paul Kosgei, Pau Kosgei, hayuko. Nipate mwingine anaitwa Tenai Cleophus, Teni? I thought you gave views. Did you appear before us? Not yet? There was another Tenai who looks like you again. Anyway just a minute. Do we have Timo Joseph, hayuko, Abraham Arap Sang, Abraham Arap Sang, H. K. Kasenwa. Okay you will be ready. Okay just be ready. Now you are Tenai Cleophus. Wewe kabla huyo mama hajaongea, nitakupa dakika moja lakini inaonekana umekula ile chakula ingine. Ama namna gani? One minute I will give you.

Tenai Cleophus: I am the interim chairman for the chemoto sublocation and Chemoto sublocation suggested that in matters of culture, the Kenyan constitution this time should recognize the culture. Why? In the emergency of colonial government, the cultures were destroyed and the good culture especially which have guided the young people has been lost kind of. Hence ukimwi is killing up the young people which you have funderalized to our tradition, and culture of the Nandi Community before 1905 when the colonial government set foot on Kenyan soil especially in Nandi district and so at this time, they are requesting

the constitution to recognize African culture and especially the one the elders were proposing from this region Nandi. They, according to basic rights the family has been neglected in this country and this one has been realized in youth. So the elders suggested the constitution review to consider that a law should be made which would allow anyone who impregnates a girl even before marriage. That child who is to be born belongs to that man; they stretched that because it is a problem in the village here which is opposite. In this area, normally the girl is left to bear the burden of that child but this time they want a law which would make that man to take care of that child. At present may be when you are a teacher you will be followed and sometimes... but there is no fruits, that

Interjection

Com. Dr. Charles Maranga: your last point.

Tenai Cleophus: My last point, on the side of private sector, employment, the private sector needs a commission to look into the matters of employment because the managers from NGOs, religious organizations and so on, they keep on sacking people not in a proper manner and that is why they are saying if it is possible a commission is set to look into top matters so that the company or any private sector whoever is doing the case should not be denominating at the church, the prosecutor, as well as the complainant.

Com. Dr. Charles Maranga: Thank you Mzee Tenai. Thank you very much and I can see you have a memorandum, don't take it back home. Please can you hand it over to us?

Tenai Cleophus: It will be typed.

Com. Dr. Charles Maranga: No, you don't need to type. We go and type it ourselves. So what you do, hand over that memorandum, and put your name because the last time we are receiving memorandums, the last day will be 16th of July 2002. We don't want to miss it out. Give it to our Programme Officer.

Tenai Cleophus: If you allow one minute only, I will only say about education, free education from nursery to form four.

Com. Dr. Charles Maranga: Thank you, thank you very much. Okay, sasa Eunice Serem.

Eunice Serem: Thank you Chairlady, all the commissioners. Mine is few words over education. Now when there is no punishment ... pardon?

Com. Dr. Charles Maranga: Its okay, for our record purposes we request people to state their correct names, full names. So that's okay. Thank you proceed.

Eunice Serem: Thank you, I want to talk a little about education. On the side of education when caring children was put off, it's good to have teachers who give guiding and counselling to all the schools in Kenya. So it's a request to the government to employ the teachers who have done guiding and counselling so as to have good children of good characters.

Another thing, I am a disabled lady who have worked only almost thirty years but I say this when these people are in service, I request the government to give them and even those colleagues who are working them to give them encouragement and even to give them guiding moral which will make them to give them encouragement and even to give them guiding moral which will make them work with them in good atmosphere.

Also there are some people who are not able to move very fast like me, I got a problem when I was a child. My legs got involved with fire but when these people are employed anywhere, please the offices who are working for them please give them assistance to reach to the place of work or even give them the houses near to their places of work. Thank you.

Com. Dr. Charles Maranga: Thank you very much kwa niamba ya tume ya kulekebisha Katiba. Leo tumefika mwisho wa kikao hiki na kesho tuko Kilbone lakini kabla hatujafunga hebu nimpe madama chair aweze akazungumza la mwisho. Asante.

Com. Abida Ali-Aroni: Dr. Maranga I had promoted you but it's okay. Tungependa kuwashukuru sana kwa vile mlijitokeza kwa wingi na tungependa pia kuwaambia mumeupatia maoni ambayo ni mazuri sana. Unasema je huko nyuma? Where were you when people were registering? You registered? How many of you registered and have not spoken? Yule mama? Actually that lady has been here for along time but your name was not there because I looked for it whether it will appear. So we will give you, how many are you? How many are you who registered or who want to speak? Can we ... lakini msiongeze kwa sababu ... one two three four, labda Kinandi ni vibaya kuhesabu watu lakini, one one three, four, five, six, one minute each. Six minutes and we must close now tafadhali. Dr. Maranga since you know how to keep time. One minute each.

David Kiptoo: Okay Thank you chairlady and the commissioners.

Com. Dr. Charles Maranga: Majina yako kwanza.

David Kiptoo: Mine I just want to say, on the side of President,

Com. Abida Ali: Your name.

David Kiptoo: My name is David Kiptoo Sitieeni. On the side of the President the government must or the citizens must be aware of the sickness of the President. They must be noticed. Citizens if the President is sick, the government must announce that the President is sick.

Secondly, in the side of education, education must be free without say buying the books, or exam _____. Education must be free from nursery to form four.

In the side of culture I will say, we will say, if somebody gets married from another tribe, he must stay for 10 years so that he can be a citizen because we are talking of the Nandis not only the Luhyas. Th Luhyas must adopt our culture when they are here but not to force to adopt their culture. We don't want to see anybody

Interjection

Com. Dr. Charles Maranga: Your last point.

David Kiptoo: My last point is on the side of judiciary there must a divisional god for that day, charges can be near the people.

Com. Dr. Charles Maranga: Okay.

David Kiptoo: In the side of the circumcision of the Nandis please may I add that. Christians have destroyed the customary. They have just explained naturally, so there must be a tendancy for the Christians if they exploit them.

Interjection

Com. Dr. Charles Maranga: Thank you very much. Next, utakaa hapa mzee wangu. Kaa hapa. Unatoa oni moja. Majina kwanza.

David Ole Sawe: I'm David Ole Sawe. Recommendation yangu au mapendekezo yangu ni hivi:- On the side of President. The president should not be above the law and should be impeached kama anapatikana na neno ambayo imekosesha taifa kama vile inafanyikana America.

Com. Dr. Charles Maranga: Next point.

David Ole Sawe: The next one, I could have started with principles like the ones we have of chairman from South Africa and the one in America

Com. Dr. Charles Maranga: Okay, preamble. Okay.

David Ole Sawe: So the.. another recommendation yangu ni ya Prime Minister. The government should be made by the Prime Minister under the majority _____parliament. And the Prime Minister _____ and everything that goes wrong

Com. Dr. Charles Maranga: Thank you very much.

David Ole Sawe: The last one and the third, Parliament should be supreme on the side of making the law and the law should really be respected in ...

Interjection

Com. Dr. Charles Maranga: Thank you very much

David Ole Sawe: The last one is judiciary

Com. Dr. Charles Maranga: No, No, okay make us _____

David Ole Sawe: The judiciary should be separate body from the executive and the Parliament.

Com. Dr. Charles Maranga: Thank you. Sign hapo official register. Next, one minute. Kuja hapa, mzee kuja weka sahihi huko. Umefika mbele ya tume. Na yule mama wakae hapa karibu. Mkae hapa niwaone. Haya anza kwa majina yako. Husomi memorandum, make the most important points.

Speaker: I don't have them offhead.

Com. Dr. Charles Maranga: Okay tuambie point yako.

Rechard Maingi: My name is Richard Maingi, Lady chairlady and the commissioners, I have very little opinion to present to your commission on my personal behalf.

Interjection

Com. Dr. Charles Maranga: Mzee toa mapendekezo.

Richard Maingi: Wait a minute. I have the heading of my memorandum is Constitution Review Commission of Kenya Political Constitution Poverty and Economy. Those are the headings. The country is among the 10 poorest in the world.

Interjection

Com. Dr. Charles Maranga: Dakika moja ikiisha nitakusimamisha na mimi naona uko na memorandum. Tuambie point gani unataka kuambia hawa watu, ile mapendekezo yako ya muhimu. Ni gani ya muhimu yako?

Richard Maingi: Mapendekezo zangu ni kwamba democratic election should be given to the local authority, the chairman should be elected on a common law.

Com. Dr. Charles Maranga: Ya mwisho.

Richard Maingi: Public Service: Some parts of the public services which are now in the side hands of the central government should be handed over to the so called local authority to be able to manage the local affairs instead of being kept in the central government. Among the services which I recommend that they are handed over to the local authority is agriculture industry,

natural resources, forests, mineral resources, and then on constitution, constitution should allow voters to vote out their inefficient representative.

The last one is the constitution to permit the citizens to impeach the Head of the State in case of inefficiency.

Interjection

Com. Dr. Charles Maranga: Thank you very much. Hand over your memorandum. Next, yule kijana kwanza. The name?

Ajenga Nickson: I'm Ajenga Nickson. The commissioners and my fellow Kenyans I would like to put these points across because actually I feel bitter and almost crying when I hear that we have people who have passed the KCSE examination may be they have got Cs or B- and then we hear that we have others who are buying the certificates to go to the university. You know that's some kind of, it makes me, not even words

Interjection

Com. Dr. Charles Maranga: What do you recommend?

Ajenga Nickson: I recommend that those people who went there, may be from independent, we should get them and get them taken to court and they should actually pay us, pay the government some money for having done wrong to the government because actually we have very many people lying idle outside here. We hear people are lacking jobs while we have somebody who has acquired a job without may be following the right procedure.

Interjection

Com. Dr. Charles Maranga: Thank you. The next point?

Ajenga Nickson: Secondly I would like to say that actually because we see the population of Kenya is going high, what I would like the constitution to have is to may be have some kind of age limit, may be somebody should start giving birth when he is 25 because the population has actually has got in some kind of

And also I would like to say that if somebody starts to give birth when he is at the age of 25, that person should be working so that this person will take care of his family and children.

Com. Dr. Charles Maranga: Thank you, thank you very much, go and sign our memorandum. Are you also? Okay, come one minute, mama ndio nataka amalize. Mama ndio naangalia. Mpa huyo mzee kwanza. Wazee wamalize. Mama ndiye atafunga.

Martin Mbera: My name is Martin Mbera.

Com. Dr. Charles Maranga: Partrick?

Martin Mbera: Martin Mbera.

Com. Dr. Charles Maranga: Martin?

Martin Mbera: Mbera.

Com. Dr. Charles Maranga: Okay proceed.

Martin Mbera: My learned commissioners I have only three points to make.

Com. Dr. Charles Maranga: Make them please.

Martin Mbera: The first one is I recommend that all the acts to do with land should be scrapped off and only the surveying act. The land act should allow that the land in Kenya should be a communal land and not Private as it is now. And each district, the government should make it a policy that all the people should live along the railway line or the roads. Infact this shall solve a lot of problems saving Kenya currency.

Com. Dr. Charles Maranga: Thank you. That was last point?

Martin Mbera: The other one is that the accounting office in the district should be the chairman county council and not departmental heads. With that it would actually a bad corruption.

Com. Dr. Charles Maranga: Thank you very much.

Martin mbera: Administrative may be act and the police act should allow that any policeman who is plain should go back and work in his home area. So that actually we minimize corruption.

Com. Dr. Charles Maranga: Thank you very much. Thank you go and sign up. Mama ingia. Jina.

Mrs. Rose Mutai: My names are Mrs. Rose Mutai. I'm representing the Maendeleo ya Wanawake Kapsabet. I just going to straight away read on the agenda of constitution.

The new constituion should provide for an independent gender commission to monitor and refill progress in the implementation of gender equity, law and policies and to pursue existing national development policy programme and recommend amendment to them consistant with the gender sensitively and democratic. The gender commission should have appropriate in the location with linkage to parliament so as to ensure that its recommendations are legislated and monitored. The constitution should

establish the office of ambudsman of the public protector to receive complains from citizens on the non-servants or non-implementation of constitution provision. The last is the new constitution should provide for an independent anticorruption authority at the national level.

Com. Dr. Charles Maranga: Thank you very much and you were very precise. Now its my pleasure to take back the mic to the chairperson. Thank you .

Com. Abida Ali-Aroni: Thank you Dr. Maranga. Kabla hatujafunga mkutano tungependa kuwashukuru sana kwa kuweza kufika na kushirikiana na sisi kuhakikisha kwamba hiki kikao cha leo kimekuwa kikamilivu na tumekimaliza kwa njia nzuri. Na tunatambua kwamba kuna wengine wenu ambao mmekaa hapa kutoka asubuhi kusikiza na kutoa maoni yenu. Tunawashukuru sana na tungependa kuwahakikishia kwamba haya maoni yote yatafikishwa katika office kuu ya Tume na yatawekwa katika report ambayo tutairudisha hapa tena katika province yenu ili muweze kusoma na muweze kujadiliana zaidi kuhusu maoni yenu na yale yatatolewa na Wakenya wenzetu ili mjitayarishe kuhudhulia ama kuwatuma delegates wenu katika kikao cha kitaifa ambapo tutaweza kuandika Katiba rasmi ya nchi yetu.

Tunawashukuru sana na kabla hatujafunga tutamuomba Bwana co-ordinator kufunga mkutano wa leo. Asanteni.

Co-ordinator – Mr. Julius Barno: Nakushukuru Madam commissioner kwa neno yako, nawashukuruni sana wananchi, yangu ni kusema tu kesho tuko pamoja Mogon. Tafadhalini tuambie watu waweze kufika mapema na wale wetu ambao tuko na magari tuwasaidie kwa sababu Mogon kuna shida ya transport. Kwa hivyo tuwasaidie watu waweze kufika huko ili zote tuweze kuanza pamoja na tuendeleo mchana kucha.

Zaidi ya hayo nawashukuru, nawashukuru, nawashukuru. Asanteni sana kwenu kufika hapa. Tuonane kesho. Sasa nitamualika Imam, na Imam njoo utufungie.

Imam: Na tuombe. Tunamshukuru Mwenyezi Mungu kwa unyenyekefu na utukufu wake kwa kutuwezesha kumaliza mazungumzo ya leo kwa amani. Leo Mora wetu tunakuomba yote ambayo imezungumzwa hapa uweke Baraka dani yake na ufanisi. Mwenyezi Mungu utuonyeshe haki tuweze kuifuata na utuonyeshe badhi na tuweze kuiepuka. Mwenyezi Mungu kama tumekukosea wewe ni mwenye kusamehe na kama tumepata kwenye mazungumzo yetu Mwenyezi Mungu utuongoze kwa njia ilionyoka wala usituongoze kwa njia ya wale ambao wamepotea. Mwenyezi Mungu tunaomba yote haya ambayo tunayafanya hapa iwe ni manufaa kwa taifa hili ili siku zijazo tukae kwa amani na usalama. Na hii tume Mwenyezi Mungu tunakuomba uwapatie nguvu na moyo wa kujitolea na ufanisi katika kazi zao wanazifanya kufanikisha maoni haya ya Katiba. Wee Mora tunakuomba uweze kuibariki hii dua kwa baraka za mtume wako Muhamed. **Amen.**

Asanteni sana

