

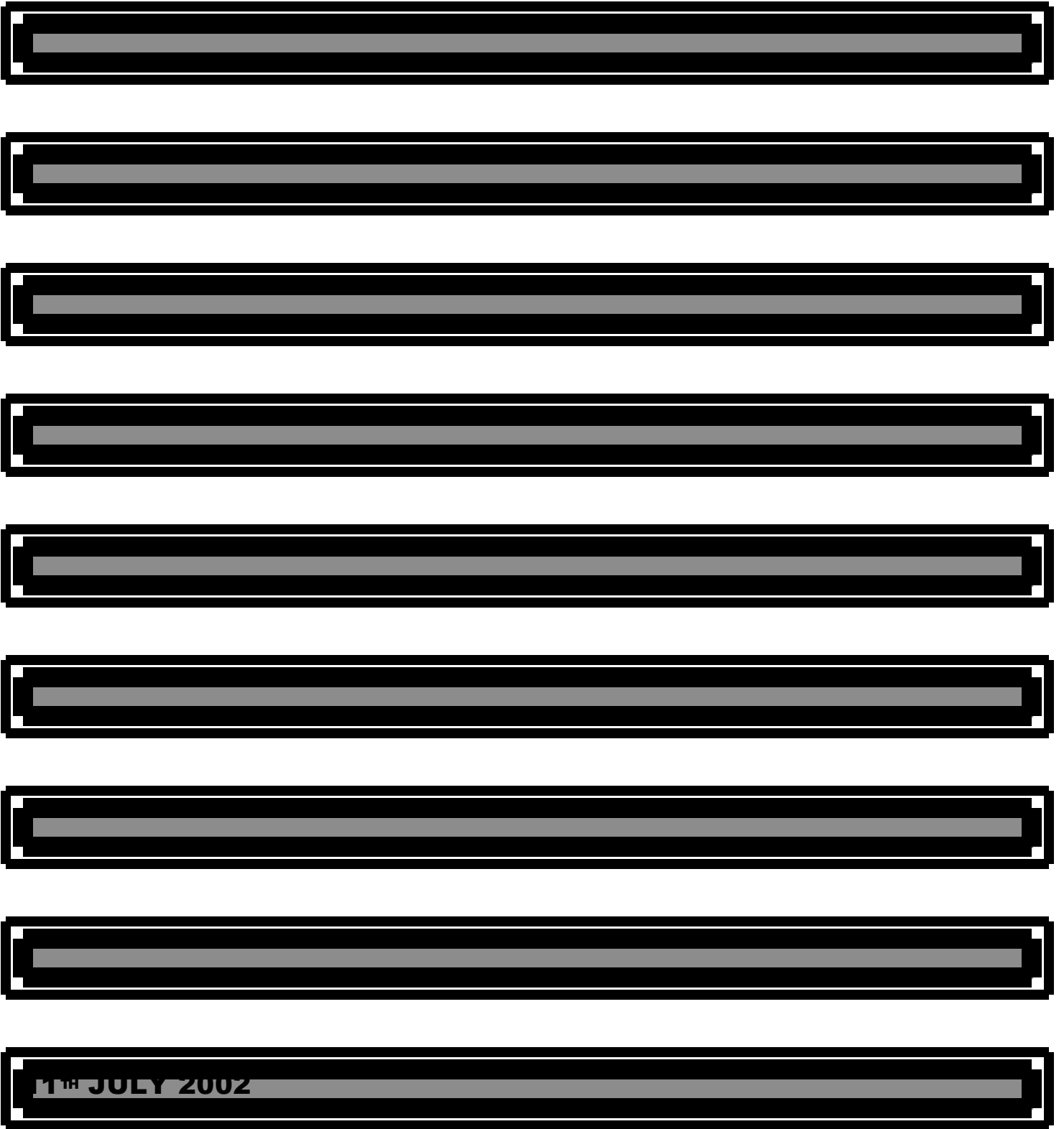
(CKRC)

VERBATIM REPORT OF

KAJIADO NORTH CONSTITUENCY,

**PUBLIC HEARINGS, HELD AT ISINYA MASAI RURAL TRAINING
CENTRE**

ON



**CONSTITUENCY PUBLIC HEARINGS, KAJIADO NORTH CONSTITUENCY, HELD AT ISINYA MASAI
RURAL TRAINING CENTRE ON 11TH JULY 2002**

Present:

Com. Githu Muigai
Mr. P.L.O. Lumumba - In the Chair.

Secretariat Staff in Attendance:

Lilian Udoto - Programme Officer
Caroline Omolo - Assistant Programme Officer
Richard Maranga - Verbatim Recorder

The meeting started at 9.00 am.

Olelesika: ... Tunatafuta maneno ya Katiba kwa hivyo, huyu mzee tuko naye hapa mbele ndiye Mr. P.L.O. Lumumba, Secretary wa CKRC na tunakaribisha wewe sana hapa Isinya, karibu sana. Hawa watu wamekuja saa hii tunatarajia watu wengi sana kuingia na nasema ya kwamba kuna Commissioners wengine bado watakuja lakini anasema hakuna haja kupoteza wakati, tutaanza na wengine watatukuta. Naomba kwanza tuanze na maombi halafu naomba Reverend Ndambuki kama bado yuko, okay inaonekana hayuko, wapi Pastor Ndapaiya unaweza kutuomba.

Pastor Ndapaiya: Basi (Vernacular) Baba wetu na Mungu wetu katika Jina la Yesu Kristo tunaja mbele zake asubuhi ya leo ni asante kwa watu hawa wote waliofika kwenye kikao hichi, Mungu tunajishilisha mbele zako, jina lako litukuzwe linuliwe katika chumba hili. Asante kwa sababu ya maoni tunaokuja kupeana hivi leo, Mungu uzidi ziakilishe nchi ya Wamaasai katika nchi yetu ya Kenya ewe Mungu wetu. Wewe Bwana unatazama ukiwa juu mbinguni ili upate kuinuliwa na kutukuzwa katika mahali hapa. Asante Bwana, tunapoenda kuanza, naomba uanze nasi Mungu na tunapoenda kwenye kikomo Mungu pokea sifa. Katika jina la Yesu Kristo bwana tumekuomba. Amen.

P.L.O. Lumumba: Asanteni sana kama tayari alivyosema mwenzangu jina langu ni P.L.O. Lumumba mimi ndiye Katibu wa Tume hii na kabla hatujaanza kirasmi nitawajulisha kwa wale ambao tumekuja nao. Nitawauliza wajijulisha halafu nitawaeleza ni masharti gani tunayatumia katika harakati hizi za kusanya maoni ya wananchi.

Lilian Udoto: Mimi naitwa Lilian Udoto – Programme Officer.

Richard Maranga: Mimi ni Richard Maranga – Verbatim Recorder.

Olelesika: Na mimi naitwa Olelesika na mimi ni wale tunaoita Constituency Constitution Committee Member wa Kajiado North.

P.L.O. Lumumba: Asanteni sana kwa kufika katika kikao hiki ni kikao cha kusanya maoni ya Wakenya kwa minajili ya kuandika upya Katiba tuliyonayo sasa. Kama mlivyo elezwa katika hapo siku za awali, jukumu la wananchi ni kutupa maoni na maoni hayo yanaweza kuchukuliwa kwa njia tofauti tofauti. Kwanza kabisa kuna wale ambao watatoa maoni bila kuandika na

kuna wale ambao wameandika kumbukumbu au memorandum na wataziwasilisha, kuna wenzetu hawa ambao wataviandika na jinsi mnavyooona, vitu hivi vyote vitanaswa kwanza katika ukanda na pia vitanaswa katika njia ya video. Kwa hivyo ukija kwa minajili ya kutoa maoni, jukumu lako ni kugusia yale ambayo unataka yafanywe katika Katiba na ueleze kwa muktasar bila kusimulia kwa njia ya kinaganaga. Kwa hivyo utaratibu tulionayo ni ya kuwa mtu ambaye amewasili mbele katika meza, tutampa dakika tano kwa minajili ya kutueleza ni kitu kipi anakitaka kiwe katika Katiba mpya. Kwa hivyo naomba tufuate utaratibu huo kwa kuwa kuna wengi ambao wamekuja na sisi tutayatilia maanani jinsi inavyo takikana kisheria. Kwa hivyo nitamuuliza kwanza Bwana Juson ole Parantai aje mbele na kuanza kikao hiki kwa kutupa maoni. Bwana Jason ole Parantai. Asante.

Jason ole Parantai: Asante sana the Secretary of the Commission. My name is Jason ole Parantai the Executive Director, Mines Programme. I will try to summarize my views.

Preamble of the Constitution of Kenya: The Constitution of the republic of Kenya should have a preamble, this preamble to recognize the sovereignty of the people of Kenya.

Land and property rights: All trust land to be reverted back to the community. Landless Kenyans must be resettled on their ancestral land. Women should be entitled to land ownership. Land which was taken away in the year 1904 and 1911 should be considered, the Maasai were denied their land and I hope it is the right time for the Constitution to start a Land Commission to look into the treaties signed in 1904 and 1911. I will summarize this by saying that, no idle land concept in Maasai land.

Governance: The Central Government shall be the system of governance.

National government: The executive to comprise of a President, Vice President and Cabinet who shall be non-parliamentarians.

Regional Assembly: An elected governor will be the head of a region, the governor will serve for a maximum period of 2 to 5 years term.

Legislature: There shall be a bicameral legislature, this will provide for two house of parliament, the Upper and the Lower Houses.

The Senate shall be the Upper House, the members of this house shall be elected directly by the members of the Jimbo and we need a Majimbo System of Government as pastoralists of this land. House of representatives shall be the Lower House of the parliament.

Education: Quarter system is ideal for us as pastoralists in this land, as for our policy for allocating vacancies in national

institutions, the quarter system will be retained. Boarding schools shall be places at strategic locations, shall be established in the areas occupied by the nomadic pastoralists.

Child Abuse: Early marriages shall be outlawed, the earliest age of marriage shall be 18 years and above for both boys and girls. The marriage shall take place when a child has completed his or her education but not under the undue influence or pressure.

Child Labour: Child labour is one of the major hindrances to children participating in school, the central government should outlaw child labour to enable all children to attend school.

The Jimbo stock region has the obligation of developing the region as a whole.

Registration of schools: Registration of schools shall be centralized from the Ministry headquarters to the local level. The District Education Board to consider the special requests from applicants after receiving recommendations from the division.

General recommendation, fair distribution of educational resources, ethnic languages should be taught and examined from pre unit to class four in the specific regions. There should be a free and compulsory education. There shall be relevant and timely educational efforts regarding the spread of HIV. The Constitution should ensure the development of support structures for people living with HIV Aids. Effects and prevention of HIV Aids shall be in focus. AIDS patients and those of other infectious diseases should never be discriminated against whatsoever

I will summarize by saying again that we need the land Commission comprising of the Maasai's to be formed in order to determine the compensation procedures and the Commission should take between 3 to 4 years.

Kenyans should not own land anywhere in the country especially in the pastoral areas because as I said earlier, land belongs to the community and this case therefore should be given back to the community.

Finally, section 75 of the Kenya Constitution on land should be abolished and any land acquired fraudulently should be repossessed and handed back to the community. Thank you very much the Secretary of the Commission.

P.L.O. Lumumba: Thank you very much. Asante sana Bwana Parantai kwa maoni yako, kwa hivyo nitakuomba ujiandikishe kikamilifu hapo. Asante sana, una ruhusa ya kutumia lugha ya Kiingereza, Kiswahili hata an lugha nyingine na tutatafsiri lakini tutapendekeza uvitumie lugha hivyo viwili, Kiswahili na Kiingereza. Nitamtambua Councillor Ole Muyaa ambaye ni Mwenyekiti na nitawauliza mpe fursa atoe maoni yake.

Cllr. Ole Muyaa: My name is Councillor Daniel ole Muyaa, the Chairman of Olekejuado County Council. First and foremost, I would like to take this opportunity as the Chairman of Olekejuado County Council to thank you more sincerely, the Chairman, Constitution of Kenya Review Commission for having this chance within your tight schedule to be with us today. Mr. Chairman, I am therefore pleased to present my personal views to your Commission. My views are as follows:

1. Maasai historical claim accept that the grave justice was committed to the Maasai by the colonial government in alienating their land to the white settlers.
2. To accept that the Maasai historical claim to their land and territories alienated for the Nairobi settlement during the 1904 and 1911 treaties.
3. Accept that the agreement constitutes a basis for the Maasai making a claim for restitution.
4. Since the Kenya government is the successor State, the colonial government has not respected any pledge made with the colonial government and this has created legitimate expectations for the Maasai to receive justice.
5. To create a Constitutional Commission to work out a mechanism for the restitution including the return of the remaining of the Maasai land still occupian by Nairobi, Nakuru and Laikipia districts.

Maasai cultural rights:

1. Protect the identity of the Maasai and encourage condition for the promotion of this identity as enabled them participate effectively in cultural, religion, social, economic and public life.
2. Safeguard our culture and cultural practices against commercial agents. Coping of our cultural material, dress and any activity is against the law.
3. Ensure a promotion of the Maasai culture and education in school. The teaching and development of the Maasai language and protection of religious beliefs and practices.

I will just summarize by jumping from one point to another because of time.

Land and property rights and cultural resources:

1. Land Control Boards are placed within the community and control board to constitute reputable men and women elected by the community and all land matters should be legalized.
2. Administration of Maasai land should be to the interest of the Maasai as a community and as Kenyans. Indigenous land use system of the Maasai within their customs and way of life should be formally recognized by law and as such be entrenched in the Constitution.

3. All the Maasai land should not be alienated and as such be protected and cases of public use the community itself to decide what land to be allocated and for what purpose.
4. Cultural resources e.g. forestry, rivers, minerals, wildlife e.t.c. is part of land we should enjoy the benefits. Any economic opportunity arising from such resources, the indigenous people should be given priority in all forms of benefits.
5. All forests and forestry reserves within the indigenous people land should be owned by the community who should protect and manage it in accordance with the culture and traditions.
6. All Maasai land should be owned communally, any land of the Maasai previously allocated to outsiders, foreigners should be returned back to the Maasai.
7. Registration should be challengeable in court especially if it was fraudulent.
8. Pastoralism, the principal Maasai means of livelihood and economic system be recognized as a legitimate livelihood system in the Constitution.
9. Trust land Act be abolished and all land previously under the Trust to be referred to the direct ownership of the Maasai under their customary law which should be considered as legal form of ownership like any other within full Constitutional protection.
10. All companies exploiting natural resources within Maasai land, Magadi Soda, East African Portland Cement, Ardhi Stores should be required to do as follows:
 - Employ 80% of workers from the local community.
 - Undertake activity of projects assisting the local community.
 - Give shares of their revenue to the County Council and community.

Executive arm of government: The executive shall comprise of the President, Vice President and Cabinet Ministers. All Cabinet Ministers shall be professionals in their respective fields. The President shall be the head of the State and government and shall be entitled to hold office for a maximum of 2 or 5 years term. He or she shall be elected on a common role basis by all Kenyans in a Presidential election. The Vice President shall be in turn the be deputy chief executive of the public. There shall be 24 ministries head by a Minister, the ministries shall be those scheduled by the Constitution. One ministry for the pastoralists and headed by the Patoralists Minister. The President shall appoint the Ministers, any Kenyan of sound mind and

healthy of 30 years and above shall be eligible to vie for these offices.

I will just because of time.

The House of Representatives, Lower House.

This shall be the Lower House of Parliament. Members shall be elected from each constituency and have common role and they shall men and women who must have equal rights to contest for the seats in the Lower House.

Qualifications, be professionals, e.g In English, Kiswahili and experience in leadership.

The term of office of the Member of Parliament be a maximum of 2 terms of 5 years. A Member of Parliament should be between 30 and 70 years of age.

MP salary and allowance be determined by an independent body.

The electorates should have power to recall their MP before expiry of his term for non performance.

Local Authorities:

Mayors and Chairmen of the Local Authorities be elected directly by the people for a maximum of 2 terms of 5 years each.

The office of Councillor should be for a maximum of 2 terms of 5 years each.

Local Authority be empowered and should be independent from Central Government.

The Local Authority should be free to raise and collect revenue from their areas and utilize the same to develop and provide services to the locals.

Chief Officers to be appointed and answerable to the Council.

There should be a power to recall a Councillor for non-performance.

Education:

Exercise affirmative action in the whole sector of education for the Maa community until the current equality injustice has been fully addressed as a matter of priority.

The local language of the region shall be used for educational institutions for pre-school and primary education.

Pastoralism should be taught in school as a legitimate economic activity and means of livelihood.

Primary and secondary school education should be free, compulsory for all.

Language (Inaudible) should be taught and maximized in the region.

Each region shall have regional and national school for both boys and girls maintained by the Central Government.

Every region shall have a university maintained by the national government. Each university shall set aside a quarter

specifically for the Maa people.

There shall be an education Commission which shall have inspectorate powers to ensure proper standards of education are maintained.

A region to have its own academic callender in order to harmonize the region cultural and religion life. Each region shall run their own territory institutions from the polytechnic to diploma level.

The central government shall support the region run a national polytechnic in the respective region.

Admission to universities shall be determined by the specific universities. It is my proposal that the universities run their own material examination, however the National Examination Board shall set the minimum requirements.

Education level shall be (Inaudible) by the government on all employees of the private and public sectors and corporate sectors to underwrite the educations course of the State.

There will be mobile schools for pastoralists and the custom of entry point to colleges and other institutions of higher learning to be allowed in respect to children from pastoralists areas.

The new Constitution should be taught in schools.

I will now take some time to thank you for giving me enough time or more time than I was supposed to be given.

P.L.O. Lumumba: (Inaudible)

Clr. Ole Muyaa: You are right, thank you very much but I have also been skipping. Basi nafikiri mimi nitaomba tu kwa sababu ya wazee wengine ambao hawaelewi, dakika moja kusema ile nimesahau ni ya kwamba sherial iliyopita ama ile tunatumia, sisi hatukuwa mahali popote na kama hatukuwa mahali popote tunaomba wakati huu, kwa yote, mtu anaweza kusema kwa lugha, Kiswahili au Kiingereza basi tuwepo na tunaomba mambo yetu ifike mbele. Pia ningengezea kusema watoto wale wanaolewa kabla hawajamaliza shule, watoto wa kike, tuwe na sheria ambayo nilikuwa nimesahau kuweka hapa ya kwamba hawataolewa kwa sababu tunawaaribia wakati wao.

Nitachukua nafasi hii fupi kusema asante sana, pengine nimechukua muda na pengine kama nilipokuwa nasoma nilikwama, mimi ni mzee unajua ukisoma zaidi mambo mengine yanaruka. Asante sana.

P.L.O. Lumumba: (Inaudible)

G. K. ole Ntapaiya: Thank you Mr. Chairman, well I think I am going to take a short time just to go through my proposals. I am a resident of Kitengela, my name is Mr. G. K. ole Ntapaiya. I am presenting a memorandum by the Kitengela Yapar Land Owners Association – Kila, a presentation of culture and identity.

Mr. Commissioner, we as a distinct ethnic group in Kenya is a clear victim of discrimination on basis of our cultural identity, instead of our identity making a positive contribution to Kenyan State it has become a curse. Our culture and the Maasai themselves have come to be despised and looked down upon by other groups, this distain and dimining of our culture which was initiated by the colonial government has been carried over into a dogma, constituting an assault on our identity. Kenya a post colonial State has characterized our culture as uncivilized and thus unacceptable in any aspect of the nation building thus use this to justify, to isolate them on this cultural uniqueness. This disintegration of our cultural constitutes violation of the human right of the Maasai as a people deserving of dignity and making as second-class citizens.

This discrimination of the Maasai is based on the simplicity of our way of dressing, the simple way of our living, may be because we live in Manyata's and our historical traditional economic activity of nomadic pastoralism. In addition to this, our cultural artifacts and the unique royalty of our culture has been appropriated and commercialized to the benefit of wealth brokers in conjunction with the dominant groups without our consent. This amounts to exploitation of our culture for commercial gain, we as a people until to-date are still leaving in a state of the colony, in term of colonized that is, denied enjoyment of true citizenship of Kenyan State, our land are constantly engaged through settlement of other dominant groups being overlooked, not recorgnised as if our land are empty or unoccupied and that we do not deserve. This implies that, the Maasai ownership of their land and territories is not recognized, proving correct that the present Lancaster Constitution does not recognize the right of the Maasai and does not (Inaudible) our proof.

Among the many parcels of land that belong to the Maasai's especially those whom I come from, Maasai's in Kitengela, we are denied ownership in the Kitengela sheep and goat ranch that was leased to the KMC and then to the Ministry of Agriculture but finally it was diverted into individual land ownership. We the Maasai's of Kitengela will never sit back to see our land go. This prejudicial doctrine is an assault on the Maasai identity and their right to assist us. We want to be recognized as a people endowed with the human rights to save the animation by virtue of our culture and our ethnic identity. We want this institutionalized.

(Interjection)

P.L.O. Lumumba: Let me just guide you in making your presentation. (Inaudible).

G. K. ole Ntapaiya: Well I will go through then I will come to the constitutional proposals. I would culture and identity has been eliminated due to this long historical maginalization, we want our rights to cultural identity to be enshrined in the Constitution as basis for customary, (Inaudible) self determination in our own ancestral territories.

Constitutional proposals:

1. We propose that our identity be protected and encourage condition for promotion of this identity so as to enable the Maasai

to participate effectively in our cultural, religious, social, economic and public life, e.g. legalizing passage of rise without intimidation in government.

2. It is my proposal that our culture and cultural practices be safeguarded against commercial agents who abuse and pollute our smart culture in prostitution and using our culture as job description. It should be safeguarded from copying of our cultural materials, use of our title and placed as a wealth broking institution and a collateral language to obtain education and other resources favours from the western world.

3. We want the Constitution to ensure the promotion of the Maasai culture and education in schools. The teaching and development of the Maasai language and protection of religious beliefs and practices for it is clear that language is a tool of development and dominion. Therefore, mother tongue should be used as a language of instruction from pre-unit up to class four in primary level. The region in conjunction with the National Curriculum Development Centres should provide material item for the curriculum that is specific to the region. The subject history should not be based on the foreigners history but much on the African for our children are coming to learn much about foreigners than being taught of their originality.

4. The Constitution should recognize the Maasai customary laws which are traditionally justice and does not allow any form of land trade thus all the Maasai land acquired illegally should be returned to the Maasais. I think because of my time I will stop there to allow for any question.

P.L.O. Lumumba: (Inaudible) Thank you very much for your passionate contribution to this process. Joshua ole Ntitika. Joshua karibu.

Joshua ole Ntitika: Thank you. My names are Joshua ole Ntitika and I am here to present some of my brothers, we were never together to say that we should present our cultural identity and heredity but he has presented. I will also present my view about our culture.

Mr. Secretary Sir, culture diversity is a reality and maintaining it is a right of the people, it is what binds a community as one. The outside world has done much to destroy our much respected culture, the Maasai are proud of their culture and even though they live near Nairobi and they have intermixable metropolitan, they have preserved their way of life to date. They are the only people in the whole of Eastern Africa who have a unique way of life hence they want to preserve it future generation by surviving and preserving it to this far means that it is one among the best in the region. Our culture is being taught in many universities in the United States and even in many countries hence we would like it to be enshrined in the new Constitution to be respected and not tampered with.

Bad publicity and presentation destroy the much respected people, it has come to our notice that there are some selfish

individuals and organizations who are using our culture to justify their own selfish ambitions, we do take it with serious consideration, the Ministry of Tourism and Wildlife for advertising “come and see the wildlife and the Maasai’s” as if the Maasai are part of wildlife. Other use this phrase “hatari–umbwa kali” referring to ‘umbwa’ as the Maasai manning the gate. This is direct provocation and is tantamount to self-defense.

Mr. Chairman Sir, we have our taboos where by breaking them require one to be either cleansed or referred to as an outcast. The much published Miss whatever has portrayed us as people without morals who girls parade in front of elders with protruding breasts and naked people who expose their legs for a show of photography. None should use our attire for any selfish ambition. If there is a copyright Act that protect the production of the artists, authors and manufacturers, why don’t that Act cover the attire and dressing of the Maasai, should anyone make our ornaments and attire for sale they should be jailed for it. This right should only and must only be the right of the Maasai.

Circumcision, clitoridectomy or otherwise the Female Genital Mutilation, as far as I know the effect of circumcision of girls, may it be known as a fact that the uncircumcised girls have high libido hence their desire to have sex is great, it enhances the spread of AIDS. To our women the low libido has reduced / checked the spread of AIDS, we have denied the information pertaining to the effect of women circumcision and so, the practice is high, putting it into practice and law means joining all the Maasai’s as a community. Our community needs much information before this law is passed and be put into practice, we want to have our own choice, the law should not be implemented in our Jimbo.

Natural name: A name is what tells who I am, you can take everything from me but my name, taking my name is burying me alive, this is purely genocide. Of late, some people have erected big bill boards besides the roads to rename my stages after themselves e.g. Wakati stage, Brigen stage,(Inaudible) in place of my original name which carry the Maasai identity. This is pure genocide and denomination if not destabilization, we reserve the right to have back the original names, the names our ancestors gave them, no matter how big the personality who come to live there, if they do not recognize the names I have given in place of their, they should not name after their mothers for I also have my mother.

Lastly, Mr. Lumumba Sir, may you be informed that the Maasai were not signatories of the current Constitution which was written in Lancaster hence we do not recognize this Constitution. Therefore, we demand our views to be implemented this time otherwise, may you be rest assured that if you are not going to implement it, we are going to declare ourselves a sovereign State and engulf ourselves from the rest of the community. Thank you.

P.L.O. Lumumba: Thank you very much for a very passionate presentation Joshua. God bless you. I now invite Samuel ole Moinget. Thank you very much. Karibu.

Samuel ole Moinget: Mr. Lumumba, the Commission Secretary, the Chairman Olkejuado County Council, my fellow

Kenyans. My names are Samuel ole Muinget, I am KNUT Executive Secretary, Olekejuado Branch. I will be very brief because of time and like the Chairman I do not enjoy any privileges so, my views are on education, land and culture.

Education: The government through the Constitution to ensure that education in the country is provided free of charge from pre-primary to secondary level. At the university level, the government to provide bursaries to students from poor families.

The minimum level of education for every Kenyan should be secondary level of education because the government will provide free education to enable all Kenyans to at least acquire the minimum level of secondary education. I propose that ignorance should be taxed. 80% of the tax collection from ignorance should pay bursaries to university students. By this I am saying at least anybody with zero level of education to standard eight to pay at least Kshs. 1,000/= per month, anybody from standard 8 to secondary School to pay Kshs. 500/= per month, anybody with a diploma to pay at least Kshs. 200/=, anybody who has attained university education to be tax free, anybody who has attained the age of 55 should not be taxed.

A quarter system of education should be established to safeguard indigenous children place in admission to nation, provincial secondary schools, tertiary institutions and universities. Private schools which are currently locking out public school place from access to national secondary schools should take 20%, that is, private schools to take 20% and the public schools to take at least 80%. Well, incase of a Majimbo government because it is no longer a secret every tribe in Kenya now is advocating for Majimbo because of the past injustices, then in education the curriculum should be national.

The languages of the local people should be enhanced by being taught in schools and tested.

Governance, there should be a Federal or Majimbo Constitution:

The Executive arm of the government, there should be two levels, that is, the national or the central government and the regional government.

The executive at the national level should compose of the President, Vice President and the Ministers.

The president should be elected directly by the people, his or her running mate to be automatically become the Vice President, both should not represent any constituency and they must be graduates of age 40 years and above, must be family men of women, staying with their husbands of wives.

The Ministers must be professionals in their respective field and holders of at least a bachelor's degree.

At the regional level, that is, the regional executive:

Each region to be headed by a Regional Governor elected by members of a given district in the region.

The Regional Governor to put in place a civil service headed by departmental heads who are indigenous people of the

region.

Retirement benefits of all retirees of the national and regional levels must be paid three months prior to retirement to avoid subjecting the retirees to further frustrations.

Nomination of MPs and Councillors:

All nominations should not be based on political parties whatsoever but on the interest of vulnerable groups such as women, youth, disabled, trade unions, professional etc.

The education level for Councillors should be secondary school level of education.

Culture and identity:

Customary laws should be recognized and incorporated into the Constitution.

The people culture should be safeguarded against commercial agents, copying of others cultures, cultural materials, place and (Inaudible).

Land and natural resources:

Landless people should be resettled in their ancestral land, nobody should be settled in anybody ancestral land.

Land title deeds should be registered in their families name and not in an individual's name.

The current Land Control Boards should be abolished and replaced with Community Land Control Boards constituting of reputable elders elected by the community.

First registration of land should be challengeable in court especially if it was fraudulent.

All forest and forest reserves with indigenous people's should be owned by the community who should protect and manage it in accordance with their culture and tradition of that community.

80% of the community's resources should benefit the community while 20% to go to the central government and 20% to the local or regional government.

Compensation of life lost through wildlife should be based on traditional of customary made of compensation. We normally have, for example in case of a Maasai, anybody who is killed, 40 grade cattle is paid as compensation.

The land acquired illegally through any means from the Maasai should be constitutionally compensated by the government.

The government should safeguard the interest to the Maasai as far as land rights are concerned or else there will be a head on collision between the Maasai's and the exploiters, which will result to bloodshed. Thank you.

P.L.O. Lumumba: Make you registration, thank you very much. Moses ole Parantai.

Moses ole Parantai: Thank you very much Mr. Chairman, I am going to present my views in point form. My name is Moses Parantai and I am a Commissioner and the Poverty Eradication Commission of Kenya. I will start with point number one:

1. Pastoralists to be compensated by the government on livestock losses caused by the natural calamities like severe droughts and disease outbreaks.
2. The government to establish pastoralists banks to assist in the livestock industry and market land resources. Without the banks in the pastoral set up, they cannot be able to progress in the livestock industry and also in the promotion of land resources,
3. Organized slaughterhouses to be established in pastoral areas to cater for livestock off take and sales in order to avoid animals movement instead transport meat to destinations using refrigerated vehicles. When they do that, they will reduce the spread of diseases, they will also promote livestock prizes in those areas and they will also provide employment in those areas.
4. All game parks to be run or managed by the Local Authority and not the Central Government, all income to go directly to develop that particular district. I have in mind Amboseli National Park which should go direct to Olekejuado County Council and to become a property of the Kajiado District. We have the Nairobi National Park also doing the same taking the funds to the Nairobi City Council.
5. Wildlife in individual ranches automatically becomes the property of the land owner, wild animals could be more secure and protected. You find that in the pastoral set up at the moment, when an animal is transposing through individual holdings, they are still the property of the government. When the animals enter individual ranches or individual holds they should automatically become the property of the owner of the ranch.
6. Local Authority Chairmen to be elected district wide by the electorates and not Councillors. The minimum qualification for such a person to be form four with a pass grade.
7. District land tribunals to scrapped since these are outlawed, they are not fair in their judgement and are subject to manipulations. Instead be replaced by a Council of elders elected by the district people, that is, if it is in Kajiado District, which I have in mind, it should be elected by all the inhabitants of Kajiado especially the tribal elders.
8. A law to be put in place to give girls or daughter right to choose their spouses and parents to be prohibited completely from selecting for them their spouses irrespective of the girls educational background. This refers to the pastoralists, the pastoralists are still practicing that.
9. There should be heavy penalties to parents involved or engage in their daughters early marriages and I suggest 15 years in jail and above.
10. Pastoralists near mining companies to be paid a certain yearly premium by these companies, instead of paying the central government taxes. I am saying that all the taxes going to the central government from Magadi Soda company should not be directed to the Local Authority but all those pastoralists around like the Lodogilani, Kaptei and any other near the mining area should be given yearly premium by these companies.

11. Return all the Maasai land taken by the colonialists as contained in the 1904 and 1911 treaties of there should be a heavy compensation by the British government who were our colonizers by then.
12. There should be restriction to sell all or part of family land and the wives, children over 10 years or relatives to witness the sale process by signing because there has been where by just the elder of the family, the man or an elder son, just sells land without informing the wife or even the children.
13. Institutions of higher learning e.g. teachers training colleges, medical training colleges, universities to be distributed in all districts. We have seen that this institutions of higher learning are concentrated in certain or in particular district or in particular areas. This I am saying should be distributed.
14. All tribes to have a certain portion or percentage in civil service or in military employment. We have also witnessed that, a big proportion goes to a certain ethnic groups and they have benefited being in the civil service, others have benefited in large numbers being employed in the Military while others have a very minimum percentage.
15. Establish nomadic schools to cater for pastoralists or nomadic groups moving about in search of pastures for their livestock. The pastoralists can move their animals but as they do so, their children can remain behind in an organized system of education, in schools where they can be provided with all the facilities and if that cannot be in place, mobile school unit in a vehicle with a teacher and stationery can accompany these nomadic groups.
16. Kenya should have a Federal government, we want equal distribution of resources, without a Federal Government, without Majimbo we will never have equitable of distribution of these resources.
17. Members of Parliament to be elected for only 2 terms of 5 years each, not more than 2 terms because we have see, others up to 25, other 40 and 50 years. We want to reduce this to two terms of 5 years each.
18. Vice Presidency post to be elected by Kenyans like the President and should not have a constituency, should be in office for two terms of 5 years each.
19. Elections to be held under the new Constitution, the incoming President many no accept the trimming of his powers. Mr. Chairman, I am saying that if today a new Constitution is not place and a new President takes over, I sure you Mr. Chairman the next day we talk of trimming the powers of the President, that President will say no. He will refuse this totally because he is already in powers and whatever we want to do as Kenyans will continue for years, we will never be where we want.
20. Small scale traders businesses to be free of taxation, a District Licensing Board to be formed to determine the licensing aspect in a particular district. Mr. Chairman, we have very small traders like the “mama Mboga group” and other small traders, they are taxed as any other big trader or a wholesaler. We are saying, let us these people from tax but to do that let the District Licensing Board sit down and determine that.
21. All towns to have essential facilities e.g. a Police Station, health centre, bank, post and telecommunication office, a mortuary, a cemetery, schools like primary and secondary schools and even a Chiefs office. In some towns Mr. Chairman, we find that towns just mashroom but when you look closely at these towns, they have no facilities, there is no place for a Police Station, there is no health centre, there is no mortuary, no cemetery, no bank. I am saying Mr, Chairman that in future these things should be in place for a town to be called a town.

22. My final point Mr. Chairman is the British government should be made to compensate families of the First World War Veterans that, between 1914 and 1918. Recently or a few months ago, we have seen that the British government came up and they wanted to compensate the war veterans of the Second World War, Mr. Chairman. We are saying that during the First World War, a big portion of our Maasai people participated, most of them lost their lives, most of them were maimed, most of them did not make impact after. So, Mr. Chairman we want the Kenya government to press the British government or we want to say that the British government to be pressed to compensate these families.

With those few points, I beg to end my presentation.

P.L.O. Lumumba: Those very many points. Thank you very much, I think we want to be brief and there is a Councillor here but the leadership we look forward to is that, leaders should come last. That is service so, I will delay you for a moment, leadership is service and you come last. Josiah ole Soina, can we have Josiah.

Speaker: Mimi nimeonywa na Chairman ya kwamba watu wanakuja hapa na hiyo haitakiwi kama unataka kuzungumza, weka mkoni juu mimi nitakuja na kama mtu ana-report ameandika na hataku kupeana, kuja kwa taratibu sana umwone huyu dada, so that hatutakuwa na commotion kwa sababu ukija hapa, we are blocking him, hawezi kusikia vile watu wanasema hapa.

P.L.O. Lumumba: Na hawataki kusubiri wana shuguli ukiwa ni mtu kama huyo utajiandikisha na kuwacha memorandum. Asante Josiah tafadhali.

Josiah ole Soina: The Commission Secretary, ladies and gentlemen. My name is Josiah ole Soina, the Programme Officer for educational assessment and Resource Services for the disabled.

The rights to the vulnerable groups: We do recommend that people with disability should be entitled at their request to be assisted by persons of their choice in voting in presidential, parliamentary and civic election. Polling stations should be made accessible to the persons with disabilities during elections, such persons should be provided with the necessary devices and assistance services to facilitate the exercise of this right.

The Chief Justice should provide free legal services to the persons with disability in all matters that affect their legal rights and benefits. The Secretary Sir, we recommend that in cases where they attend court, the persons with disabilities should be entitled to free sign language interpretation, Braille services and physical guide assistance to enable them understand and abide by the court proceedings and orders. Accused person with disabilities should be entitled to bail and in the event of the denial of such bail, they should be held in custody where facilities are modified in accordance with regulations made by the Minister.

We do recommend that the Constitution of Kenya should have a preamble and the preamble we do recommend that it should

recognize the sovereignty of the Kenyan people.

Land and property right: We do recommend that women should be allowed to inherit land whether they barren or not, the Kenya government should accept liability, we the Maasai people, we do suggest that the Kenya government should accept liability that they owe the Maasai people because of the treaty signed between the Maasai and the European in 1904 and 1911.

We do recommend that all land owned by the settlers currently should be surrendered immediately to the Maasai. We are also recommending as the Maa people that there is no idle land Maasai pastoralists areas, the Maasai require huge chunks of land because of their way of life. All trust land should be given to the community and not the County Council, the County Councils have turned to be corrupt. Section 75 of the Kenyan Constitution on land, we do recommend that it should be abolished or re-defined to avoid protecting corrupt individuals. We say, companies operating in pastoralists are should have social responsibility, they should employ the local people.

The Electoral System: We are saying the constituencies should be determined by the geographical and infrastructure but not the population. The election date should be in the current Constitution to avoid being used as a campaign tool by some individual, it should be stated in the Kenyan Constitution. The counting of votes should be done and announced at the polling stations.

Structure and system of government: We do recommend that we go to the Central Government and we suggest that the boundaries should be drawn according to the language units. Ours should be South Rift and should comprise the Samburu, Laikipia, Nakuru, Trans Mara, Narok and part of Baringo where the Jamus are found.

For the President, we are saying that the President should be between 35 and 70 years old and should be married. The President should be chosen on regional basis each Jimbo to produce a President.

We do recommend that Mayors and Council Chairmen be elected directly by the people and they should name their running mates. There should be no nominated Councillors and MPs, they just go there to represent the interest of the people who nominated them, so it should be abolished. We are suggesting that all Councillors be Form four leavers with at least some passes.

We are also suggesting that the Constitution amendment should be done by cameral to avoid unnecessary amendments and it should have the approval of the Regional Assembly.

Under the affirmative action we are suggesting that there should be an affirmative action plan, there should be a Ministry of Patorialism just like we have the Ministry of Agriculture and Education. 20% of the national budget should be issued to

pastoralists development for a period of 10 years.

Lastly, we are also saying the Maasai community we need multiple citizenship, there are Maasais in Malawi, there are Maasais in Zambia and there are Maasais in Kenya, so we should have a multiple citizenship. Just like there are boards like Coffee Board of Kenya, Tea Board of Kenya, Pyrethrum Board of Kenya, there should also be an establishment of the Pastoralists Board. Thank you.

P.L.O. Lumumba: Thank you very much Josiah, my friend Commissioner Githu Muigai has just arrived and he has a clarification to seek so just sit down.

Com. Githu Muigai: Just a small question related to the Federal structure, how do you suggest we should finance the Jimbo and how do we finance the Jimbo vis a vis the Central Government and how do we relate the Jimbo to the Local Government? That is one question.

The other question relates to demarcation of the Jimbos, are you suggesting that Jimbos should be reconstructed on the existing provincial boundaries of new provincial boundaries. If they are new, do you think they should be drawn by this Commission or a separate Commission should be set up for that purposes?

Josiah ole Soina: Okay, thank you. When it comes to the demarcation of the Jimbos, we are saying that we go according to provinces but for the Rift Valley, it is quite big and we do suggest that we have a Jimbo called South Jimbo, this Jimbo Mr. Commissioner Sir, as I said earlier that people should be put according to their language units and we are saying for the Southern Jimbo, we will have the Maasai of Kajiado District, Narok and Transmara, we will have the Samburu from Samburu District, the Laikipia from Laikipia District and we are also recommending that we have the Marigat part of the Baringo which consist of the Jamus and then we become one Jimbo.

When it comes to the people to decide on the demarcation, we strongly suggest and feel that the current Constitution Review Commission has people who are able to do that. When it comes to finances, we do recommend as we have said earlier that in each district there are some natural resources like us we have the Magadi Soda Company, we have the lakes, we have the wildlife, it all those resources can be channeled to the Local Authorities then the Local Authorities can finance their own Jimbos.

Thank you.

P.L.O. Lumumba: Just record your presence Josiah. Sasa namuita Solomon ole Kisemei halafu watoto wa shule tutawapa fursa ili warudi shuleni. Solomon.

Solomon ole Kisemei: Asante sana Mwenyekiti, sijui kama ulijua mimi ni mtoto wa shule ndipo ukasema hivyo.

P.L.O. Lumumba: Kuna watoto kama wewe ni mmoja wao lazima watangulie.

Solomon ole Kisemei: Basi mimi naitwa Solomon Kisemei, mwanafunzi katika chuo kikuu cha Catholic University na nimefurahi kuja hapa mbele nitoe maoni yangu kwa kamati hii ya kubadilisha Katiba na kwa watu hawa ambao maisha yao ya nyuma haijulikani unless sasa mambo ibadilike Kenya. Watu hawa wako na taabu. Nitazungumzia mambo ya elimu, mila an ardhi ama natural resources.

Kwa upande wa elimu ningependa kusema kwamba, Wamaasai wamebaki nyuma sana kwa miaka mingi, wameachwa na makabila mengine na hayo yametokana na haya. Ni kwa sababu kuna watu wengi wanamiminyika katika wilaya za Wamaasai na hivyo kuchukua nafasi zote nzuri nzuri zile ambazo zinaweza kupatikana.

Ya pili ni kwamba hakuna shule nzuri ama hakuna vifaa katika shule na hiyo inasababisha watoto wetu kutofanya vyema katika masomo.

Ya tatu ni kwamba, katika wilaya za Wamaasai hasa Kajiado ambayo ndimo ninaishi hakuna chuo kikuu hata kimoja, hakuna hata shule ya kufundisha waalimu ama ya kufundisha madaktari ama chuo chingine chochote na ndio sababu tunakimbia katika wilaya zingine tanakuta wenyewe wameshajaa kule.

Ya nne ni kwamba hakuna haki ama hakuna usawa katika kuchukuliwa katika vyo vikuu ingawaja serikali pengine wametoa kitu kinaitwa quarter system ili kujaribu kufikiria kila sehemu ama kuchukua kila sehemu lakini yetu imekuwa ikiibiwa. Imekuwa ikiibiwa kwa njia hii kwamba, watu wamekuwa wakija wilaya hii na kutumia majina yetu na hivyo kupata hizo nafasi. Unakuta kwamba katika kuchukuliwa mara mingi wanachukua, jina Otieno ikonekana inajulikana wasi wasi huyu ametoka Nyanza lakini mwingine anatoka Kajiado na yeye ni Otieno lakini anabadilisha jina ndio aweze kuchukulia. Kwa hivyo wamekuja wakanyakua nafasi zetu. Hivyo napendekeza hivi, uongizi ama leadership position, uongozi wote katika wilaya iwachiwe wenyewe, ikiwa na wa elimu, ikiwa ni Ministries zingine zote, ziwachiwe wenyewe maana ndio wanaweza kubaba watu wao.

Lugha ya hapa kwetu iweze kufundishwa kwa watoto kuanzia shule ya Nursery hadi darasa la nne ili tuweze kukuza hii lugha isije ikapotea. Mila yetu pia ifundishwe katika mashule na hii napendekeza kwamba iwekwe katika syllabus ili iweze kufundishwa kabisa na wale ambao wanaweze kufundisha kama vile kushona kuna hivi vitu watu wanashona wengine wanaweka shingo, hawa waweze kupewe certificate ili waweze kueda kujitafutia kazi kwingine maana wanajua kufanya hiyo kazi.

P.L.O. Lumumba: Sasa pendekeza kwa vipengele kwa kuwa una kumbukumbu utaiwasilisha. Tuna watu mia moja na mbili kwa hivyo tuchunge wakati.

Solomon ole Kisemei: Napendekeza kwamba wakati wa kufanya mitihani ya kitaifa kando na majina yako pia mtu atambulishwe ni kabila gani ili majina yetu yasitumika. Ile tunaita impersonation iwe ambaye sio.

Kwa upande wa mila, nasema kwamba Wamaasai wamekuwa ambao wamehifadhi mila yao na si mila tu lakini wamehifadhi chochote ambacho inapatikana katika nchi yao kama wanyama, mchanga na hata misitu. Lakini kuna hatari kwamba hayo yote yatakuja kuangamia kwa sababu ya kuruhusu makabila mengine ambao hawajuhi kuifadhi, kwa hivyo naomba hivi, mila ya Kimaasai isiwe ya biashara lakini iwe ya wenyeji. Inginge nasema hivi, wale watu wanaokuja katika nchi yetu na kuharibu misitu yetu, mchanga wetu, machangarawe, sehemu ya kushikilia maji, tafadhali hawa watu wajue kwamba hii ni nchi ya wenyewe na wenyewe wamehifadhi maana wanajua maana.

Ya tatu nasema hivi, wanyama wa pori ambao wako katika wilaya zetu ya Wamaasai iwe sisi ndio tuko na jukumu ya kuwalinda maana tangu jadi tumekuwa pamoja nao na sasa kuna hatari ya wanyama hawa kuangamia kwa sababu makabila mengine ambao wanakula hawa wanyama wameanza kuingia na sisi hatukuli sisi tunatunza.

Napendekeza kwamba kuwe na cultural centres katika kila wilaya hata katika divisional level, kuwe na cultural centres na kuwe na siku ambayo inaitwa cultural day ya kusherekea utamaduni wetu ili tuweze kukuza vizuru. Napendekeza kwamba cultural centres hizo ziwe ndio zinaruhusu pekee ya kuuza ama kupendekeza yale ambayo tungependa kufanya katika mila yetu. Ikiwa ni kutoa vitu vya kuuzia n'gambo iwe ni hiyo cultural centre ndio wanajukumu la kufanya hivyo lakini isiwe ni kila mtu ambaye ana nia yake ya kufanya biashara ya kibinafsi.

Napendekeza kwamba pia tutambue ule utababu wa kitamaduni, madawa ya kienyeji yaweze kutambulika kabisa na wale ambao wanaujuzi huo wa kutibu yaweze kusaidiwa na serikali ili tuweze kurudia madawa yetu maana kuna madawa mengi ya kuponya tumbo kama ingine inaitwa 'ormoganne' ingine tunaita 'orkiloriti' ni madawa ambayo ingewekwa kwa lab, ni madawa mzuri sana ambayo inaweza kusaidia. Kwa hivyo ningependa serikali iweze kusaidia wale ambao wako na hiyo ujuzi na tuweze kuimarisha.

Kwa upande wa mali ya asili ama natural resources, napendekeza hivi, ardhi yote ya Wamaasai ambayo imeshawai kunyakuliwa irudi kwa sababu Wazungu walipokuja walisema kwamba Wamaasai wanapenda vita, walisema kwamba hao ni war like people. Lakini ningepende kukosoa hiyo kwa sababu hakuna taifa lingine watu wamewai kuingia nchi yao na wakakaa kwa amani kama Wamaasai. Lakini upole wetu umechukuliwa kama ni ujinga wetu lakini sasa tumerefuka. Kwa hivyo kwa vile mimi niko hapa Kajiado, napendekeza kwamba railway line iwe ndio inagawa Wamaasai na Eastern Province maanake tumeibiwa, sio kwa wakati wa ukoloni tu lakini hata wakati huu, unakuta kwamba imevuka hapa kitengela hata karibu ndani ya Kitengela Town, mipaka imepita, mipaka ikarudisha Wamaasai huko reserve na kuwarudisha Arthi River. Na lengo haikuwa kurudisha hiyo nchi lakini kuchukua Portland, kuchukua hiyo sehemu ya EPZ, kuchukua industries mingi, upande wa Sultan

Hamud huko chini utakuta kwamba pia mipaka imevuka tena railway na kuchukua nchi ambayo wenyewe walikuwa wameitenga kusudi walishe ngombe wakati wa kiangazi. Lakini walipowacha hili iwe mzuri, wakasema kwamba wamesahau na serikali ikachukua kisha baadaya wanyanganyi wakanyakua, kwa hivyo ningependa irudishiwa maana hakutawai kuja amani mpaka hiyo nchi irudishwe.

P.L.O. Lumumba: Subiru tu Bwana Kisemei tafadhali. Asante sana Kiswahili chako kimenoga mno. Sasa nitawauliza watoto wa shule ili tuwaruhusu waende shuleni, nimeelezwa wana maoni fulani tuwape fursa. Mnamaoni? Mna chochote cha kusema tafadhali ni joooni? Tutawapa dakika tano mtueleze ni kitu kipi mnakitaka kitanaswa kwenye ukanda halafu tutaishugulikia, tafadhali akae kiongoze wenu na wengine wawe nyuma, tafadhali, karibu kiti. Mtajitambua kwa majina.

Mwalimu: This is Nadenderit Girls Primary School.

P.L.O. Lumumba: Tamka kwa upole kwa kuwa unatamka kwa lugha ya Kimaasai ili tuinase sawa sawa.

Mwalimu: These are pupils from Nadenderit School.

P.L.O. Lumumba: Yes endelea.

Mwalimu: And they will present their views in a poem form.

P.L.O. Lumumba: Unaweza kutoa kipasa sauti uwatolee halafu washike kwa mkono. Utatueleza jina lako kabla hujaanza tafadhali.

Grace Payatwatega: My name is Grace Payatwatega from Nadenderit Primary School ready to rehearse a poem entitled on:

Girl Child Education in Pastoralists Societal Contest.

Education, the light of the world.

Education is ethnicity in life.

Education to me is by chance.

Boys are sent to school, here I am left behind (Inaudible)

Is that not a disparity, a victim of forced female genital mutilation?

Forced early marriage, sexual abuse.

I have no right to inherit.

Freedom, freedom.

Who is going to give me this freedom,

That treat me like members of the opposite sex

Will the Constitution do?

The world is on the run,

Stop! Gender biasness,

Who will really help?

Will the Constitution do?

Besides Gods continued support,

We need equality in education, employment,

health, ownership of property, child upbringing

and implementation of law.

Thank you.

P.L.O. Lumumba: Thank you very much the Constitution will indeed help. Thank you very much God, bless you. I think I have punished the Councillor enough, I will now allow him to present his views for 5 minutes.

Clr. Julius ole Ntaiya: Thank you Commissioners.

P.L.O. Lumumba: Just kindly give your name for the record it is useful.

Clr. Julius ole Ntaiya: My name is Councillor Julius ole Ntaiya, the area Councillor. I will start by congratulating the Constitution of Kenya Review Commission for their good job it is very tireless and noble work for the three days that we have been with them. The Commissioners should not fall victims of any political imaginations by unnecessary wrangles among themselves by diverting their attention elsewhere thus delaying the completion of the new Constitution. This will bring in ridicule the integrity and the intellectualism of our learned friends thus eroding the confidence and trust that Kenyans have in the ability and patriotism. They should know that it is God whom they are serving and not man in their formulation of a comprehensive Constitution. Mr. Chairm, I am talking about the completion of the new Constitution and the postponement of Parliament, I am saying one cannot dump his old car just because he is about to buy a new car and he postpone taking his child to school or any other occasion. I want to say that the new Constitution should wait until the elections are held.

Mr. Chairman, election should not be postponed as nobody should use the Constitution of Kenya Review Commission as a scapegoat of extending the life of Parliament. We should have elections first and the new Constitution to come later but let us have minimum reforms in place. Areas or review:

Natural Resources: The people of Kajiado should be sufficiently involved in activities involving extraction I mean that they should be given a chance in extraction, excavation, harvesting and mining of natural resources in the district. A(Inaudible) fee of 10% per ton should be introduced for the mining area. The mining Act should be reviewed to allow the landowners a substantial say in the process. Mr. Chairman, any failure to back filled those pits should attract a severe penalty in our law.

Wildlife menace, the Act should be amended to allow for higher compensation in case of human life loss by wildlife to a tune of Kshs. 2 Million. Mr. Chairman, crops destruction should also be compensated. Livestock killed should be Kshs. 50,000/= per cow and Kshs. 3,000/= per goat killed by wild animals. We should put human life before wildlife.

Land: The notorious land agreement of the early 19th Century between the white governors and the Maasai Laibon Lenana should be disapproved as it was under force and intimidation, fraudulent and wrong because they were dealing with an illiterate and incompetent negotiator.

Any such land under white ownership now or if it has been take over by the government of Kenya should be referred back to the Maasai Community. Such land like the ADC farms in the Rift Valley Province should be allocated to the Maasai as the government also passes this illegally without the consent of the original owners. Or else, Mr. Chairman, the community should be paid for compensation, purchase of such land to be done by the government of Kenya and the British government who confiscated this areas without due consideration of the Maasai future.

The laws of this land, nothing is written on our livelihood but in many cases undermine our social organization and destroys our culture (Inaudible)

New in fashion, the Maasai as an ethnic group as survived as a distinct ethnicity in the 20th century in arid remove land has not value for other, due to exploitation by the advantaged groups in terms of education and economy lose of more land should be curtailed and sanctions by a clan system. The Land Board should be replaced by the elders from the clan. The clan should have more say in individual land ownership. The Dc should not chair the Land Board, it should be chaired by an elder elected by the clans of the district. Land title deed obtained through fraudulent deals, forgery or grabbing should earn life imprisonment of a minimum of 10 years in jail and certificate cancelled forthwith.

Any land under the County Council Mr. Chairman or government which is not utilized full for the benefit of the surrounding community should be refereed back to the former rightful owners for better use and to avoid more grabbing e.g. the Isinya Sheep and Goat Ranch and settlers farm in Ngong.

Culture: I want to pin point out here Mr. Chairman that, being the most conservating ethnic group in Kenya in terms of culture and traditions, the Maasai have been subjected to much tourism exploitation in legal, exportation of their artifacts and culture. At the same time due to intermarriage with other tribes and rampant encroachment of their land by other groups there is danger of the extinction of the Maasai language and the beautiful culture in the near future if not saved on time.

I propose Mr. Chairman, that the Maasai language should be taught in all schools in Maasai land as a compulsory subject. Any copyright, stereotype of the Maasai culture, artifacts, songs, dressing etc. should be illegal elsewhere in Kenya or all over the world except after approval by a council of elders in the whole district.

Livelihood: As a life reality to the community the Maasai have suffered a lot in terms of economic, quality marketing of their livestock for many years, while the government of Kenyans take keen action in coffee, tea, milk and tourism. It should also take a serious responsibility in the Constitution to boost and support the livestock industry for the livelihood of the pastoralists. I suggest here Mr. Chairman that the government should form for tea and coffee for the livestock industry and the budget should also reflect an income from the government to support this very important sector.

Mr. Chairman, I also suggest that cattle rustling or theft should be met by law with a serious fine or a jail term of not less than 20 years because this where the Maasai have been fighting because of this cattle rustling and theft. To avoid it, it should attract a very big fine in law.

Mr. Chairman I also suggest that the DC's should be replaces by a stong Local Government Authority in the Majimbo System of Government. I also suggest that any civic heads seeking Parliamentary seat to resign before declaring such intention because of misusing the Council resources to the at the expense of the district (Inaudible)

The murder culprits Mr. Chairman in the Maasai society should pay according to the Maasai customary law on top of the current tertiary law in the Kenya Constitution.

Mr. Chairman, I beg to say that if as a community we are not satisfied with what any government is doing, we be Mr. Chairman and not the Maasai and any other small tribe but a big tribe, we beg to be involved in the Constitution in more extreme cases where the level of oppression of any ethnic group is very severe, political session should be identified by the groups themselves as being the only viable alternative. The law should be provided such clauses as in Ethiopia. Thank you Mr. Chairman.

P.L.O. Lumumba: Thank you very much. Councillor, you will register here and there is a question, just one question.

Com. Githu Muigai: Councillor you have suggested that you would like the Provincial administration to be abolished, by which you mean PC, DC, DO should be abolished. How about the Chief, would you like the Chief's office to be abolished? If your answer is no, would you like to change the way the Chief is elected or nominated?

Cllr. Julius ole Ntaiya: Yes Mr. Commissioner I suggest that the top provincial administration should be scrapped, that the grass root leaders of that department should be left in order to sensitive and mobilize the community in their development activities.

While I know it will be very difficult for us civic leaders to do any meaningful development without the assistance of these grass root partners but the DCs and the Dos are only serving the political party that is in power.

Com. Githu Muigai: So do you want the chief to go with them or we retain the Chief?

Cllr. Julius ole Ntaiya: I suggest that they should be elected by the community.

Com. Githu Muigai: You want to retain the Chief?

Cllr. Julius ole Ntaiya: Yes.

Com. Githu Muigai: But he should be elected by the community?

Cllr. Julius ole Ntaiya: The community.

P.L.O. Lumumba: Thank you very much, we now have Josiah ole Sayona, Michael is related to Josiah. Your name please Michael?

Michael Sawaina: Thank you very much Mr. Commissioner. My name is Michael Sawaina and I am also senior Sawaina. I would like to make my proposal just inform of points. My presentation to the Constitution of Kenya Review Commission on 11th July 2002 at Isinya Training Centre.

Government: I very much personally support Majimbo government so that the minority communities control their resources and plan according to their needs.

The President should be directly elected by all the people of the country and he should not have a constituency.

There should be no extension of Parliament.

Land Issue: Sub division of group ranches should be quickly done and joint title deed should be issued to the family members to avoid rampant sale of land in Maasai land.

Chairmen of Land Control Board, and this one I really very much instead, they should be elected members by their communities and should serve for only a term of 5 years. DC or DO's who are currently chairing land control Board are very corrupt and contributes to a lot of sale of land.

Land dispute should be discussed and settled by the committees, if they are not able, there should be special land court to settle this dispute because the ordinary court now in Kenya is the judiciary. You case the land issue to court, it can last 10 years and you may die before that case is solved.

Trust land should be given to the community but not County Council because of big mess in the Local Authorities. Maasai pastoralists are ever losing their source of livelihood and political right as their land is beingby maglers. The Constitution has not guaranteed life and happiness to the Maasai pastoralists.

Local Authority: Chairmen of all County Councils, Town Council, Municipalities should be directly elected by the people and serve two terms of 5 years only. The community should be empowered, Mr. Chairman I want you to have this very clearly that the community should be empowered to complain to Commissioner of Land, any public utility land or plot which is allocated to individuals, the Commissioner should revoke the said land or plots.

P.L.O. Lumumba: I can see tea being served, will you feel offended if people take tea as we go on?

Audience: No.

P.L.O. Lumumba: Thank you very much.

Michael Sawaina: All Councillors should serve for one term of 5 years. There should also be no nomination of Councillors because anybody who is nominated to the Council or Parliament are just going to serve the interest of those who have nominated them but not the interest of the public.

Education: The government should build public boarding schools in the nomadic pastoralists areas to ensure that pastoralists access education. The government should also make education compulsory to all Kenya children from primary level to secondary level.

The Chairman of District Education Board Committee should be an elected member and should be a local member of that particular community.

Wildlife and environment management: Due to wildlife / human conflicts the government should pay to individual ranches who are hosting the wild animals directly. Companies operating in Maasai land communities should employ 75% of the local community. They should set up schools, hospitals, roads e.t.c. The pastoralists should be involved in environmental control of resources and revenue.

Provincial Administration: Mr. Commissioner, I would like you to look into this issue very much, Chiefs and Assistant Chiefs should be elected by the communities and serve only for one term of 5 years each. They should be men and women of high integrity because the system that we have now, the current Chiefs and Assistant Chiefs are appointed through the influence of politicians so they are serving their interest, they are not serving the wananchi accordingly. Thank you Mr. Chairman.

P.L.O. Lumumba: Thank you very much. Mzee Michael, just a minute he has one question to ask please?

Com. Githu Muigai: I have two very quick questions and when I ask you a question it is because I think the things you have said are very important I am not trying to trap you.

One, you said you do not want County Councils to hold trust land, now historically as you know, the reason land was given to County Councils, it was because the County Councils were the closest to the ethnic communities. Now, if you do not trust them today and you say we should have this land held for the community, what structure do you propose that would hold the land for say, the people of Kajiado? While you think through that one, can I ask you the next one? The other one you have said is School Boards, that is an interesting idea, you say that school boards should be run should be run by elected people.

Michael Sawaina: That is the Chairman of the committee.

Com. Githu Muigai: The Chairman of the School Board should be an elected person. I understood you to mean not specific schools but a school district.

Michael Sawaina: Actually that is what I mean because Mr. Commissioner, District Education Board is a collective board of the district so it is not a board of a particular school.

Com. Githu Muigai: That is right, very good, so it is the School District Board that you want to be elected.

Michael Sawaina: Correct.

Com. Githu Muigai: I have understood that so answer my first question.

Michael Sawaina: The first question Mr. Commissioner you know why I said that trust land should be given to the community, the community should have formed their own committees to take care of their land because even the Councils we have currently, they are more corrupt and the land is being given out without the knowledge or the consent of the community.

P.L.O. Lumumba: Thank you very much Michael, you now record. Thank you very much for those good views. William ole Keturai, William you will identify yourself by name for the records.

William ole Keturai: Okay my names are William ole Keturai. These are my views though some of them have actually been said but all the same they are my views and I have to speak about them.

P.L.O. Lumumba: In brief if they have mentioned.

William ole Keturai: Very brief actually and I want to talk about education, land and culture and I want to say this, these are my views that:-

Education should be free and compulsory from primary to secondary level, the other thing on education is that school or good schools, provincial schools in Maasai District should give best chances to the Maasai children because of land they have been taking children from outside and our people have been neglected. The other point on education is that we need colleges in Maasai land for example, teachers colleges, universities and the like, we have been missing them and that is why the community is dragging behind and other communities have left us behind so we need colleges and universities on our land.

When I come to the land issue, there has been a problem as early as the colonial error and the agreement that Lenana signed in 1904, 1911, the one of 1911 stated that all the land south of the railway belong to the Maasai but this has not been so. The land has been taken, take for example the Karen and all parts going to Nakuru has been taken by other people and this land should come back to the community.

The other thing on land is that the Nairobi and part of the white highlands belong to the Maasai and this land should have been returned all other communities, all the land that was been taken by the colonialists they have given back to them and this land we are saying is ours, even the Bible says that God has put boundaries and those boundaries should remain. When I talk about boundaries I am saying the Constitution should check the boundaries, as I had said earlier I have planned to talk about the Athi

River, Machakos has penetrated into Kajiado and this is very wrong because the part that has been said to be Sheep and Goat Ranch is called Embakasi and this is the land the Kaputei Maasai have been calling themselves after, it has been called Embakasi Olera and this belongs to the Kaputei it does not belong to the Maasai. I am saying that these boundaries should be checked Machakos should stop or should reach the Railway line, that means Athi River, part of Athi River should come to Kajiado, the East African Portland Cement Factory should be in Kajiado, the KMC, the whole of that land belongs to the Maasai and it should be returned to the community or the Council or Machakos or the government to compensate heavily to the community.

Still on land, I also want to air this though it has not been part of our culture that girls should be given a chance or a right to inherit land from their parents. They have been neglected and it is very wrong because a child is a gift from God, is a blessing from God and they should be given a right to inherit land from their parents.

Concerning natural resources, God has blessed the Maasai with very beautiful natural resources, talkingi about wildlife, minerals but these have not been benefiting the community it has actually been benefiting other people. Take for example the wildlife, it has been benefiting Nairobi and other people but you find that the Maasai have been so much involved in conserving wildlife and I should this that the Nairobi National Park should come to the Maasai community and Amboselli, they should give shares to the community, the community is supposed to benefit from those national parks. All other industries like Magadi Soda, the Athi River Portland cement Factory should give shares to the community.

I will also continue talking about the land, I want to say this that we must not be taken as among the big five animals in the country by tourists, this should end. We are not animals, a Maasai in the bush is as just as equal as a Muzungu in Britain there is no difference.

When I come to governance I have very little say but my views are these, all local leaders beginning from the Sub Chief, all of them should have education at least of "O" level because the problems we have been facing is because we have been having facing is because we have been having leaders who are illiterate and who have been giving out land because they do not know the importance of land and their visions. I also want to that all departmental heads in community land they must be Maasais, people who have the community at heart not people from outside.

When I come to the culture, I want to say very little but to say this, that the mother tongue, the Maasai language should be taught because it is actually in danger, it should be taught in primary school from the pre-unit to class eight to help people know their local language or their mother tongue very effectively. The other things I want to say about culture is that, all the communities commercializing on our culture must be stopped if the Constitution can actually protect the people it must protect us from these people who are commercializing our culture for example, last week I saw a lorry in the middle of Nairobi written in front Maasai is was very bitter about it, If I knew the owner I would have prosecuted him, this should stop.

The other thing that the Constitution must protect us is the name usage, actually many people have benefited as has been said earlier, they have been benefiting from using our names, you find a Kamau coming to Kajiado and say I am called Saitoti and then he takes the benefits and this must stop, how? Interviews should be introduced in a way that somebody's language and family should be interviewed, those people who interview should to an extent of checking the origin of that person, who are his parents? Who are they? What are their names? Where do they come from? The language should also be interviewed and this will help us and stop these people who have been using our names to benefit on our behalf. Thank you and God bless you.

P.L.O. Lumumba: Just one question. You may not have an immediate answer but it is something that I have seen in the compensation of the Jews for example because you cannot compensate individuals. How do you for example, if you were to compensate the Maasai, my friend Keriako ole Tobiko says that his ancestors used to occupy where Kenyatta Conference now is, so I do not expect him to go and say now he wants it, so I want you and you need not to give men an answer now. What would be the compensation structure? How would it be done because it could possibly go the the community? I want you to think about it do not give ma an answer now and perhaps later you can think about it and give a very well thought out compensation scheme. Thank you.

Com. Githu Muigai: That was going to be my question, I was going to ask you the same question. The problems with historical claims is that they are no longer very accurate in that land has changed hands, people have moved, communities have interacted but that does not mean that they cease to exist and my concern was. It is possible to structure a compensation scheme that does not destabilize current land ownership and holding yet provides adequate compensation for communities at large. My be that is what my colleague has told you, you want to think about it.

William ole Keturai: Do you want me to say something?

P.L.O. Lumumba: You may have an immediate reaction but a much more detail would follow.

William ole Keturai: Well, the immediate reaction I have on that is that even if the land has been changing hands but there are records, that this has come to this person from this and this should be checked because it is very important and this can backdate until the time that land was changed and was taken from the Maasai community.

Com. Githu Muiga: So to whom should it be returned?

William ole Keturai: It should be returned to the Maasai community or they should be compendated.

P.L.O. Lumumba: Thank you but think about it a lot more keenly. Thank you very much William may I now invite Jeremiah

ole Sen, Jeremiah please? Today I have learnt one thing that Embakasi Oleri is the accasia tree.

Jeremiah ole Sen: Thank you very much the Chairman Mr. Lumumba, the Secretary to the Constitution of Kenya Review Commission. My names are Jeremiah ole Sen, I am currently working as a Ranch Manager here in Emartisi but I am also a farmer and let me give my view:

First is the preamble, we need a preamble in our Constitution which invoke the voice of the people of Kenya such as “we the people of Kenya consisting of 42 ethnic groups hereby agree and adopt the Constitution,” should say who owns that Constitution. The thing is the supremacy of the people, I thing currently the supremacy is not clear in the present Constitution therefore, the new Constitution should make the people supreme and that all other organs of the government should be servants including the President. Therefore no one should be above the law.

The new Constitution should provide the impeachment of the President when he or she violates the law and also the people should be involved when the amendments are being made because we have learnt that the amendments have been so much destructive to the people.

About political parties, I think the Constitution should regulate the formation of these political parties and in my view, I think a maximum of only 3 political parties be allowed in the Constitution and that the government be formed by all parties, that is a coalition government.

On governance, personally I would not mind if it is a Unitary or Federal System of Government provided that the 3 arms of the government are independent of each other. In the present Constitution we know that the executive has absolute power and the other arms of the government are rendered useless, may be that is a harsh work, they are ineffective not actually useless because they are not doing their work. So the there arms of the government should have equal powers such that one is not stronger than the other.

On Local Government, I want to say very little but I wanted that the minimum educational qualification should be “O” level or its equivalent and people should have a right to recall back their Councillors if they are not doing the right things. The Constitution should also provide compulsory and free education from primary to secondary level.

I also said that the Constitution should also contain human rights recognized by international law because they are universal and it should also have special protection for vulnerable groups in the society such as children, women, disabled and the minorities.

Land and property, this is a very sensitive issue and my community were known because of their large herds but not this is not the case because the land has gone, now we have no land and it has also changed user. The rangelands have been cultivated

and most of the times the crop fails because this is not a cultivation area but it is supposed to be a range land. So those people who acquire land should also practice range, they should keep livestock as the Maasais. The trust land Act should be abolished and that the community in which that trust land fall should form a trust.

Another thing is that, first registration land Act should be done away with and land acquired fraudulently should be challenged in the court of law. The pre independence land treaties and agreements should be revoked and the loss should be reclaimed back to the community concerned or a procedure should be looked into to get claim back the land or compensation.

Land Control Board Act, this failed its purpose set for it, it was a good Act but it is no longer working the way it was supposed to work so this one also should be revoked and should be replaced by the community members who are elected at the village level from where that individual who wants may be to exchange or transfer his land will come and discuss the issue.

Ownership, I say that title deeds should contain the names of all family members, the husband, wife and the children. Land should not be sold permanently, so I propose the current Constitution should allow only for hire.

Wildlife, It is been said by those who have been here before but I just want to make one point that when the wildlife destroys your property or it kills a person, he should be compensated. We can use even the traditional method of compensation like for loss of human life, you pay 49 cows, so if an animal kills a person then 49 cows or money equivalent to those 49 cows should be paid back to the family of that individual. The proceeds from wildlife should also benefit the community around, may be a certain percentage should be set to be left to the community.

Natural resources, we should protect these natural resources, forests, water bodies, wildlife and minerals and there should be equitable distribution from these natural resources because now we find that some areas are getting the lions share while other get non. Road leading to these mines are very poor and those who are mining should repair those roads and maintain them, they should also cover the trenches made when they are mining.

There is a threat of chemicals especially from flower farms, this should be looked into. This is growing at a high rate and eventually can result into green house effect, so I think those people who are concerned with this should look into this and the law should provide for that so that it will be limited.

Culture, we have a rich culture in this country and I only suggest one thing here that election of leaders should be done according to the culture. If I remember back how the Maasai use to elect their leaders, there used to be meeting held by what we call "Olosho" to discuss leaders, they discussed them where by the behavior of an individual and parental lines are criticized and debated on until one is found who is suitable and then he is elected. This kind of leader was respected unlike now where leaders are elected because of interest of some individuals.

Markets, the markets in this country are very poor and as my colleague who was here before mentioned about KMC, he did not mention KCC but these have collapsed and currently we have a lot of products like milk, meat and we do not have anywhere to sell our products and that is why we are not contributing much because we do not get proceeds from these products especially milk now. A lot of milk is being just suckled by calves, so this should be looked into, the government in the new Constitution should organize both national and international markets. Thank you very much.

P.L.O. Lumumba: Just one question. You talked about leadership based on culture, at what level?

Jeremiah ole Sen: I think we should elect leaders from grass roots so the people who are concerned should have held several meetings which are minuted and then one person who is qualified will come in, that is what we used to do before.

P.L.O. Lumumba: Thank you very much. I will now invite Jackson ole Salanka.

Jackson ole Salanka: Thank you very much Mr. Commissioner, before I give my views, I want to congratulate you Mr. P.L.O. Lumumba for coming on time and request the other Commissioners to be serious and come on time also.

(Interjection) Inaudible.

Jackson ole Salanka: I am saying, I am congratulating Mr. Lumumba for coming on time and the late Commissioner to come on time during the next sitting. Now my comments and my views to this Commission:

Land: Genesis 1, 10 goes.

(Interjection) Inaudible.

Jackson ole Solonka: My name is Jackson Solonka.

Land and man, in Genesis 1, 10 God created land in in Genesis 1,26, God created man so God created land for man and and God created man for land and at any one time land is always sufficient for all of us, the problem is selfishness. Man is so selfish and that is why we have got the land problems. God in Genesis 12,17, I am quoting from the Bible also demarcated a portion of land called Israel and gave it to the Jews and so I propose that the Constitution of Kenya should recognize what God did so that God can be in what we are trying to do. So that land called Israel in our Constitution should be supported to be the land for the Jews.

Com. Githu Muigai: Is this in the Constitution of Kenya or in the Constitution of Israel?

Jackson ole Solonka: In the Constitution of Kenya.

Com. Githu Muigai: Of Kenya, we should provide for Jewish land in Kenya?

Jackson ole Solonka: No, our Constitution should expressly support and recognize that Israel is for the Jews because we must recognize what God did so that God can be in what we are trying to do.

Jackson ole Solonka: Jackson the Constitution of Kenya will govern the Republic of Kenya as by law defined as bordering Uganda, Ethiopia, Sudan. Even if we wrote 100 time that the Jews should have a home land, we cannot enforce our Constitution in Israel.

Jackson ole Solonka: No, but we have the choice to recognize that that land is theirs, given to them by God.

P.L.O. Lumumba: As a part of our international relations.

Jackson ole Solonka: Education, in Genesis 2, 19-20, God all brought all the creatures that he had created and brought them to Adam to name but before God gave Adam the job to name the creatures, he first of all has fellowship with Adam. Fellowship means, bring what you have and I give you what I have. God gave Adam adequate knowledge so that he could do the good job of naming the animals and we must congratulate Adam for what he did and thank God for giving Adam free knowledge because up to this day, lions are still called lions, cows, cow because of the marvelous job Adam did and so the government should emulate God by giving his population free education so that we can demand of them effecting nation building. Al on education the Constitution must out law certain traditions the hinder education for example, moranism in Maasai land. Moranism is on thing in our tradition that actually hinders education and in the new Constitution some of these traditions must be outlawed so that we encourage education.

Our laws to ourselves and God's Laws to us, as we make laws to govern ourselves, we must not forget Gods laws to us and our laws should not be a leeway to breaking Gods law and I will quickly read out the ten commandments and brief comments.

P.L.O. Lumumba: Just read out but no brief comments.

Jackson ole Solonka: Very brief comments.

Never worship any God but me, never make idols or images of birds, animals to worship. Our nation has revealed by the

Presidential Commission, reveals that there is a high level of devil worship, idol worship or even witchcraft.

You must never use my name to make vows you do not intend to keep. Our leaders make vows in the name of God but immediately they break the same vows. They make vows to serve Kenyans fairly without fear or favour.

Keep the Sabbath day holy, I congratulate the government or the current Constitution for setting aside Sunday for a day of worship and rest but I also recommend that we go a step further, we close bars and discos on that day.

Honour you father and mother so that you can have a long and prosperous life in the land he is giving you. Our government is outlawing canning, canning is biblical to instill our children with obedience, so I recommend in the new Constitution, we allow Godly canning in schools and at homes.

You must not murder, I propose that even if somebody murdered, that Constitution should also murder that person but we give him life imprisonment. Abortion or mercy killing of any kind should not be allowed in our new Constitution.

You must not commit adultery, if people must die of AIDS for committing adultery let no government stand on the way with condoms. Condoms cannot prevent AIDS, the righteousness of the blood of Jesus can. Our new Constitution should not allow the government to use taxpayers money to buy condoms that will encourage people to break the law of God.

You must not steal, people who steal public funds and public land should not be allowed to hold offices, they should be treated the way we treat bankrupt people. Any public land fraudulently acquired should be reverted back to the Kenyan people. Proverbs 29,2, when the righteous rise the people rejoice, when the wicked rule, the people grown.

Law of God number nine, you must not tell lies, saying something today and say you were misquoted in the order of the day in our country. Leaders who are not truthful should in the new Constitution be removed from office, we want people who tell the truth and stand by it.

You must not burn with desire for another mans wife, marriage should be an institution which is protected and respected in our new Constitution and anybody who breaks up a marriage should be treated as a murderer, put him in for life. I also recommend that in our new Constitution, we make it mandatory that every public office should display God's 10 commandments.

Disasters, we have seen disasters in our country like drought, 1998 bomb blast, tribal clashes, fires in schools and business sites and so many disasters and in these disasters we have lost lives and property. The Bible says in the book of Malachi, 3,11, I will rebuke the devourer for your sake if you bring your tithe to the house of God. I recommend that our new Constitution

make it mandatory for any government to set aside on budget day, 10% of its total tax collection to be used for charity and missionary work.

Stability, Proverbs 29, 4, by justice a king gives a country stability but one who is greedy for bribes tears it down. There will be no stability in Kenya until resources are fairly distributed.

The courts of justice in Kenya have become for the rich, like for example and I say with due respect I always like Mr. Lumumba but if I wanted him to be my Lawyer, the legal fee will prohibit me. The rich can buy justice in Kenya and can buy a crime for the poor and I recommend that the new Constitution should deliberately cut the legal fees to a reasonable level and also the government should put aside some money which will be used by the poor to acquire legal representation.

Affirmative Action, we must allow girls heritage, land heritage and even widows must automatically inherit their husbands property. Our new Constitution must clearly put it out that women are not property, they are human beings because in some cases we hear they are inherited if the husband dies.

Mode of governance, I propose Federalism for of government. Thank you.

P.L.O. Lumumba: Just one question Mr. Solonka.

Com. Githu Muigai: Mr. Solonka you are that Kenya is not a Christian country under the old Constitution, Kenya is not a Christian country infact Kenya is a secular State where Christians, Muslims, Hindus, Traditional Africanists whether they be Maasai, Luo or Kikuyu or whatever can find their own level. You understand that? Are you suggesting now that the new Constitution should make Kenya a Christian country?

Jackson ole Solonka: I am suggesting that we be one nation under God.

Com. Githu Muigai: Which God.

Jackson ole Solonka: The God of Abraham, Isaac and Jacob.

Com. Githu Muigai: What shall you do with the God of the Muslims and the God of the Hindus and the God of the Maasais and the Kikuyus. I am happy to go along with you we be a nation under God, if we leave every person to define God. Are you happy with that?

Jackson ole Solonka: Listen, in America Constitution they are one nation under God infact they identify themselves more as a

Christain nation but even the Muslims are allowed to operate.

Com. Githu Muigai: Last week the Circuit Court of the United States declared that that part of the Constitution of America is unconstitutional.

Jackson ole Solonka: And that is why they ...(Inaudible)

Com. Githu Muigai: So, you tell me, do you want everybody to be able to define his God, if you say yes then I understand what you are saying, if you say no, then I understand that you want us to be a Christian country and I personally have no problem with that, I am a Christian myself. I just want to be sure I understand you.

Jackson ole Solonka: Ask the question again?

Com. Githu Muigai: Do you want Kenya to continue being a secular State where all religions and therefore all gods are respected by law or do you want us to be a Christian State in which the God of Abraham becomes the God of the Constitution?

Jackson ole Solonka: That is it.

Com. Githu Muigai: That is what you are saying.

P.L.O. Lumumba: Solonka, ask him to watch the 10 commandments, the Faro said he is god, he is god. Thank you very much for that exchange, very interesting contribution. Amezungumzia mambo ya Mungu, mambo ya ardhi, mambo ya utamaduni na vitu tofauti tofauti na ameomba serikali ya Majimbo, hivyo ndivyo alivyo vizungumzia. Asante sana Jackson, sasa naumuuliza Bwana Kango ole Lepen. Utajitambulisha kwa majina kwa minajili ya kurekodi.

Kango ole Lepen: My name is Noah Kango ole Lepen, I am here to present a memorandum presented by Lung'uswa pastoralists community to the Constitution of Kenya Review Commission. Mr. Commissioner I am not going to take apart that the draft I have is just talking about the land issue and therefore the community organization persuaded that the Constitution must grant the pastoralists community a Majimbo System form of Government.

P.L.O. Lumumba: Tafadhali tutatulia ili tumpe Bwana Lepen fursa ya kutoa maoni katika hali ya utulivu, tafadhali, endelea Bwana.

Kango ole Lepen: Yes Mr. Commissioner may I repeat again to say that community organization persuaded that the

Constitution must grant the pastoralist community a Majimbo System Form of Government, this Majimboism has so been said, I must say that the majority of Kenyas have fear about it but due to the fact that Majimbo bring the real action on participation closer to the people and the government they make and also centralization of power in all representations from the 42 tribes of Kenya.

Mr. Commissioner, the community persuaded again the Constitution that all trust land or in other words crown land in Maasai land has been returned back to the indigenous people. The Constitution must grant the pastoralist community a direct ownership of land not similar to that intended not to be qualified. Gentlemen, in so many occasions we have learnt that our land people own titles but the title is sincerely just a rubber stamp because you can find 100 wildbeasts around you boma and you do not have a say while you have the title. So that is the kind of title I say the community must be granted a direct ownership of land not similar to of intended not to qualify, you have the title but may it is now yours.

The wildlife department is misusing the land and expoloiting it while the ownership of the land has no other thing. Mr. Commission may I talk about Land Control Board, the tribunal, the Provincial tribunal, the community states to the Constitution that the above mentioned committee from the district level to the provincial level must be removed and replaced by a Maasai customary law which can not allow any form of land transaction. On this issue of the Land Control Board and the tribunal, those committees have miused the land or the public utilities.

Dear Commissioner Mr. Lumumba as a lawyer, I understand that the decision of the tribunal is just a matter of determination of boundary, unoccupied land and trespass, in this district of Kajiado, somebody in the tribunal committee has the right to give out your shamba and you have no say about it. So it is my prayers about this that those committees like the provincial tribunal has been a threat to this committee, we need to do away with and the council of elders should be responsible and answerable. In the pastoralists land area, any pastoral land under a foreign circumstances must be returned back to the present indigenous people, e.g. of land in Laikipia, Shee and Goat Ranch in Athi River or Embakasi, failure for the Constituion to take this into consideration, the Maa speaking will file a suit againt the aforesaid subject under the international law.

Mr. Commissioner, there is another critical and crucial subject of the pastrolists land that during the colonial era and signing of the treaty, the colonialists conquered the whole of the (Inaudible) and the community at that time were not enlightened because of lack of understanding.

P.L.O. Lumumba: I think I have gottren your point on the land and restitution and the tribunals, replacing the tribunals with council of elders.

Kango ole Lepen: Very good. Therefore, we are arguing on this subject that the whole land that was conquered by the Europeran or the white settles should be returned back, not compensated as what was said by other people. How do can you

compensate you life, you know that land is a prime asset in a country or to an individuals. Can somebody compensate you to kill you? Gentlemen, I have a so many memorandums written talking on compensation, we did not under the structure of this pastoralists community, we are not going to be compensated for the land, the land should be returned back to the community for our public utilities.

Land and history sources, the Constitution do here by agree with the pastoralists community to be answerable in any economic aspect such like the game reserves, the minerals mined in Maasai land, Soda Ash in Magadi soda etc. Sincerely the district or the province has a lot of minerals, personally I have never seen any of the companies giving a bursery to any child from the pastoralists community and if there are, they are rare. Therefore, from today onwards, we ask you Mr. Lumumba to put into consideration that the community should have about half of all income from all the resources within the country and that is why we have been left behind due to the fact that pastoralists depend on animals along with no other income. That is all I can say.

P.L.O. Lumumba: Asante sana. Amezungumzia mambo ya ardhi, amezungumzia mambo ya Majimbo, amezungumzia juu ya mali ya asili na yeye anapinga ya kuwa shamba iregeshwe kwa hivyo hayo ndio aleyenene Bwana Lepen, asante sana kwa hayo. Sasa namuuliza Bwana William ole Matanda, William ole Matanda kwa mukhtasari naogopa makatasi umeyabebe ni mengi mno na dakika ni tano tu.

William ole Matanda: Basi kwa majina naitwa William ole Matanda na Mwenyeti ya Tume ya Kurekebisaha Katiba na ma-Commissioners walioko hapa, nitaenda kusoma pendekezo langu, kutokana na mambo ya ardhi na rasilimali, serikali, mila na utambuzi.

Kama tunavyojua, tumeshuhudia ardhi yetu ya Wamaasai ikinyakuliwa na wanyakuzu ama kwa majina yanaitwa Trust Land na tukashuhudia bila kuwa na usaidizi ya serikali hawa watu wakinyakuwa hiyo ardhi bila kuadhibiwa. Kwa hivyo pendekezo langu, wanyakuzi wadhibiwa na sheria ambayo tunaitunga kwa serikali ijayo.

Pendekezo la pili kuhusiana na ardhi, ningelitaka ardhi zote za Trust land na zile zimenyakuliwa irudishiwe moja kwa moja kwa wananchi ya Wamaasai ili wajue kile wanaweza kufanyia ardhi yao.

Ningezungumzia mambo ya national parks zilioko karibu na Wamaasai, tumekuwa marafiki wema ya wanyama kwa muda mrefu kama mnavyojua, tumekuwa tukipatia serikali ya Kenya mazingara ya kuweka wanyama lakini hatukuwa na faida yoyote kama community iliyoko around the national parks. Nina pendekezo ya kwamba, asilimia arubaine na tano ya pesa inayosanywa kwa national park ipatiwe direct kwa Wamaasai wale wako karibu na National Park.

Rasilimali, kama mnavyojua wilaya yetu hasa ya Kajiado na Wamaasai kwa jumla tumebarikiwa na rasilimali mengi kama tunavyojua na watu wengi kutoka nje wamekuwa wakifanya exploitation kwa Wamaasai kwa muda mrefu. Na ninasema, ardhi

zote zilizoko Kajiado, nchi ya Wamaasai ambayo inapatikana minerals ndani ipigwa marafuku kuuzwa kwa watu wa nje unless watakuwa leased to people who can pump beneficiary funds to the community. Tuna viwanda ambazo zimetuzunguka, ambazo zimekuja kwa ajili ya rasilimali tulio nazo, nimejaribu kuenda kama East African Portland Cement, viwanda ndogo ndogo ambapo Wahindi wana-crash ma posolana na gypsum. Nilijaribu kuona the employees of those companies all of them are non Maasais and I propose now, that 80% of the employees to be employed in such companies again to be the Maasais, the indigenous people of that area.

Mambo ya serikali, ningelipendekeza serikali ya Majimbo, sababu gani? Tukiwa na serikali ya Majimbo, kila wananchi ambao wana haki ya ardhi yao anaweza kujitawala bila kuingiliwa na watu kutoka nje. Tukiwa na Majimbo nafikiri kila wilaya ama uchaguzi yoyote inayokuja tutajaribu kujilinda kwa watu wengu kwa sababu tuna so many immigrants in our areas that they are overcoming the population of that area na ninajua baadaye kama hatuwezi kuangalia wenye pale hawatapata uongozi kwa ajili uongozi unapatikana kutoka kwa majority, election ya majority. Na tunataka kulinda watu wetu kwa kusema, hata kama watu walihamia kwetu tungepasa tupatiwe first priority iwe ni wananchi wa pale wanachagua Mbunge na Diwani mpaka viongozi wadogo bila kuingiliwa na wale waliingina kwetu.

Kwa hivyo sina mengi, Bwana Mwenyekiti nakushukuru.

P.L.O. Lumumba: Kuna swali William.

Com. Githu Muigai: Ningependa kukuuliza swali juu ya Jimbo, ungependekwa Majimbo tukiunda tuzidi kuendelea na provinces tulizo nazo tusifanye Jimbo au ungependekeza tuketi chini tena halafu tuchore ramani mpya ya Kenya tutengeneze Majimbo mapya? Hiyo ni swali la kwanza.

Ya pili, ni juu ya peza ambazo zitatakikana za kuwasilisha lile Jimbo, ungependa ule ushuru ambayo unachukuliwa uwe unagawanywa kwa njia gani? Kwa sababu kuna serikali kuu, kuna Jimbo na kuna serikali ya Country Council, ungependekeza nini hapo?

Com. Githu Muigai: Basi nafikiri labda kabla hujajibu kuna vitu fulani ambavyo labda hautaweza kuvijibu barabara hivi sasa, ikiwa utaweza kufanya hivyo basi unaweza kujibu kwa muktasari halafu uende nyumbani uviandike sawa sawa halafu uwasilishe kumbukumbu katika ufisi zetu Nairobi. Kwa hivyo usitatanishwe na swali na kubabaishwa hivi kwamba usijibu kwa njia yanayofaa.

William ole Matanda: Basi nafikiri ningejibu kidogo swali la kwanza kuhusu Jimbo. Mimi ningependekeza ya kwamba, tungechora ramani mpya ambayo inaweza kutugawa kama Jimbo ya provincial administration ili watu wanaozungumza lugha moja wawe na eneo lao la Majimbo kwa ajili kama tunavyojua Jimbo letu hapa province yetu tuko na Wakalenjin, Wamaasai

lakini tunavyoangalia, the Maasai speaking tribes is the largest tribe along the Rift Valley na tunaweza kuwa the South Rift, kwa hivyo ningependekeza ramani mpya tuitengeneze ili watu wapate kujielewa vizuri.

Mambo ya pesa, nafikiri nilipoongea mambo ya revenue, tutakubaliana wakati tutatoa Jimbo tutakukwa na serikali zetu ambayo tutawakilishwa na wenye lile Jimbo, nasema kama ni national park iko kwa jimbo letu, basi moja kwa moja, revenue zitaenda pale na tutaweza kujigawia pesa kulingana na mradi zile tunataka. Kwa hivyo nafikiri ni hayo.

P.L.O. Lumbumba: Asante sana William ole Matanda,. Sasa namwomba Bwana Nicholas Matiko, uko? Ameondoka Bwana Matiko sasa nitamwalika Councillor Karbolo, Councillor yuko? Karibu tafadhali. Kama kawaida utajjulisha kwa minaajili ya rekodi zetu.

Clr. Samuel ole Karbolo: Kwa majina naitwa Councillor Samuel ole Karbolo, Councillor kutoka Isinya Ward. I am going to present my views, well some of them have been said but since I am here I will also present mine. I say point by point I will start wit:

Governance: I propose Majimbo System of Governance. In governance, I also propose in civic election for Local Authorites, electorates should be the indigenous only, that we should not allow other people from other areas to come and elect our leaders whereus we have electorates in our area. I also propose that the candidate should be an indigenous that should be in the Constitution that if you are not a local, you are not supposed to vie for a local seat.

Central Government, we should a President who is supposed to be elected by everybody and our President should not have a constituency, he should be a President of all constituencies, he should be accompanied by a Vice President who also should be elected just like the President in the same party. We should have a Vice President as a running mate President and he should also be elected by the people. We should also have a Cabinet of professionals and the Mayor and the Chairmen of Local Authority should be elected by the people.

Land, we should to have Land Control Board and I would like to say, that the Chairman of a Land Control Board who used to be a DC should be abolished completely because the DC does not know anything about that land because he himself is a foreigner and he knows nothing about that. The members of the Land Control Board should be elected members by the community and they should serve for a period of 5 years.

Trust land, this should be abolished, land should belong to the community and not the Local Authority or the Central Government and the community should form a land Commission which should be answerable to that land.

I also want to talk about the Maasai land which was taken in 1904, 1911 which was signed by Lenana that is, Embakasi Olera,

Sheep and Goat Ranch, all that land was taken and that land belongs to the Maasai. That land should be surrendered back to the indigenous people or to the Maasai. Our boundary should be along the railway line and not across the railway line. We also have areas like the Portland Cement it should be within our district and not Machakos district, KMC should also be within our district because I even wonder how the Kenya Meat Commission should be situated at a place where maize is grown instead of a place where cattle are reared.

Natural resources, in Maasai land we have a number of natural resources and our natural resources also should be conserved. We have gypsum, limestone, soda ash and we are not benefiting from these natural resources, we also want to benefit from our natural resources. For example, employment in such farms, we hardly get employment there whereas these natural resources are from our place.

On employment, 90% of the employees should be from the areas where the raw materials come from. Companies like Portland cement, Magadi Soda we should have 90% of employment.

We also want to benefit from these raw materials, they get the raw materials from the interior parts and they do not even construct our roads, the roads are full of potholes et.c. and hence they should be making these roads for they have destroyed our environment. If you go to a place like Negiriri, there is no road, the road has been destroyed by Indians and we are saying we have not got independence because how can the Indians destroy our roads and yet our country is independent, we have a Constitution which is not looking into that.

Education, I want to say private schools should be completely abolished in Kenya, we should have public schools instead of private school. I am saying this because, nowadays education in Kenya is for the rich, the poor are not getting education. However clever and able you are if you are poor you cannot make it. So, these private schools should be abolished. If you go to Nairobi you find that in a primary school, you can find 30 teachers but if you come to Kajiado and go to a school you will find only 5 teachers against 8 classes that is why I am saying that education will never be equal unless fair distribution is done. I also want to say that nomadic schools should be established and mother tongues should be a subject in primary education.

Liquor licence: We used to have a Liquor Licence Board, nowadays illicit brews have been introduced, like we have the Kuguru brews. Because this man is rich or I can say because he is a big man in Kenya, he has been given that chance to produce brews which are killing our people.

P.L.O. Lumumba: Nyiki ni kinywaji chakula.

Cllr. Samuel ole Karbolo: We have different produces which are being produced and now they have been legalized and they are not supposed to be legal just because the company which produces it belongs to a rich person then it exists. I would like to

say that these illegal brews should be prohibited. I would like to say this because when the Constitution was reviewed last at the Lancaster House Conference a few or non of the Maasai was literate.

Com. Githu Muigai: There was a Maasai delegation at the Lancaster I can sure you, very strong.

Cllr. Samuel ole Karbolo: But those who were there were not literate.

P.L.O. Lumumba: No, they were a very good delegation.

Cllr. Samuel ole Karbolo: Now we have literate Maasai and our Constitution...

Com. Githu Muigai: You want to say they did not push the case very strongly and now you want it pushed strongly and then we move on.

Cllr. Samuel ole Karbolo: Exactly, they did not push it strongly because they never went to school, they were illiterate and now we have literate Maasai. The Maasais are enlightened so their Constitution should be taken with great honour.

We also have wildlife as a natural resource, wildlife is a problem in Maasai land.

P.L.O. Lumumba: You have one minute to summarize now.

Cllr. Samuel ole Karbolo: Yes. Kenyans are getting income from wildlife, it is an income generating activity in Kenya whereas in Maasai land it is a problem, it is a disaster if I can call it. Right now we are not taking good care of our animals because these animals are finishing the grass and water, we do not have anything. We cannot keep our animals well, if these animals kill a person, I understand that Kshs. 30,000/= is paid as compensation to person who is killed. We cannot compare Kshs. 30,000/= to a human beings life, even the Maasai who never went to school through their customs, they have been paying 49 cows for a person is killed by a fellow human being or any other thing, why are they paying Kshs. 30,000/= ? They should pay 49 X Kshs. 20,000/= per cow which will be almost a Million shiling. They should be paying One Million Kenya shillings, that one should be in the Constitution.

P.L.O. Lumumba: Thank you very much. Councillor just a moment please there is a question for clarification.

Com. Githu Muigai: Councillor, there is something that I would like you to clarify about Local Authorities. You say that the people who elect a Councillor must be indigenious people and the Councillor must be an indigenious person. That I have understood, what I do not understand is, what are we to do in those areas say, Nairobi or Nakuru or Nanyuki or Mombasa

where people have mixed up so much that it is no longer possible to say, this is Ukambani, or this is Kikuyuni or this is Maasaini. What kind of criteria would you recommend?

Cllr. Samuel ole Karbolo: Well I think if this system of Majimbo governance come in, this one will be very clear because everybody will vying at his own place. In areas like Nairobi where by all tribes are there, they an no, because they are indigenous that is why they are there.

Com. Githu Muigai: Now I have understood you, so you mean indigenous will refer to people who have a long history of living there, so if I live in Nairobi like I do, I am indigenous to Nairobi.

Cllr. Samuel ole Karbolo: May be you were born in Nairobi.

Com. Githu Muigai: Yes I was.

Cllr. Samuel ole Karbolo: Then you are indigenous in Nairobi.

P.L.O. Lumumba: Okay, thank you very much you will now record. May I now call Francis ole Sakimba. Five minutes Francis.

Francis ole Sakimba: Secretary to the Commission, members of the Commission, ladies and gentlemen. My names are Francis Sakimba from Kajiado. I have a memorandum to the Constitutional Review Commission, Kajiado District, Kajiado North Constituency and Isinya.

I think that the Constitution should have a preamble that clearly states that, we the 42 tribes of Kenya herewith agree in principle that, that is how the preamble should read and I would like to say that the Constitution of Kenya supremacy should be upheld in the new Constitution where by we are not going to have a two hour amendment of the Constitution but changes or amendments to the new Constitution should only be done by the Regional Assembly through a public referendum. Mr. Chairman, there are a few issues which I have raised in the memorandum which I want the Consitution review to address.

Structure and systems of government: An elected President with executive powers like appointment of Ministers and Assistant Ministers, perform all State ceremonial duties, Commander in Chief of the Armeed Forces. A Prime Minister who is elected by Parliament and shares the presidential powers, he or she should form the government e.g appointment of Judges, Permanent Secretaries and other Civic Servants, in charge of Security i.e. Police, Prisons and admin and other civil service appointments.

For the presidential candidate, factors to be put into account are on academic, should be a university graduate with a degree in

any speciality, should be of the age of at least 35 years but not more than 70 years. He or she should have a family, married, the maximum term for a President should be only two terms of 5 years each. The President should not be an elected member of parliament to give him the freedom to criss cross the country on duty. His or her constituency should be the whole of Kenya.

The President should be chosen on rotational or regional basis, Jimbo. The new Constitution should provide for that so that each Jimbo should know it is their turn to give a President so that through their Regional Assembly they form an electoral process to nominate their candidate.

The new Constitution should empower Parliament to impeach a sitting President, there should not be a Vice President since in his place there is a Prime Minister. Ministers should not be Members of Parliament but professional appointed by the President put into consideration regional representation but the appointments should be vetted by Parliament.

Mr. Chariman, just to elaborate on this we have seen Members of Parliament who are Ministers not serving their ministerial duties because they are protecting the appointment. I feel this time we should give the professionals a chance to run the government and let the Members of Parliament who are elected to concentrate on putting forward the interest of the people who elected them but the Ministers should be professionals from the public.

The current Provincial Administration should be abolished, the PC, DC and the DC's except the Chiefs who should be formed and elected by the people at their respective locations. Mr. Chairman, if you look at the Maasai system, we used to have colonial Chiefs and these people were elected by a process of the local people, whereby, certain issues that concern you are put into consideration. Your moral standing, your ability to lead people and even many other factors. Mr. Chairman I feel the new Chiefs in the new Constitution should be based on that because they are the people attached to the grassroots people. Thank you.

System of government: I propose a Majimbo / Federal System of Government since this system ensures the protection of the minority rights. It was the first system of the Kenya government and it has proved worthy. Government systems all over the world that form the Federal Government have used factors like common language and culture to decide the State boundaries. The same should apply here where we follow the current administrative boundaries only that the Rift Valley is a big Province, I propose it be split and the following current districts form a Jimbo of their own. It should be Kajiado, Narok, Transmara, Samburu, Nakuru and Laikipia, these are (Inaudible) but for the Jimbos, they should be based on the current provincial boundaries e.g. Central Jimbo, Western Jimbo, North Rift Jimbo, South Rift Jimbo, Coastal Jimbo, Nyanza Jimbo, Eastern Jimbo, North Eastern Jimbo and the Nairobi Jimbo which will host the Central Government. But for those settled in other Jimbos who are not from that particular region should be given all rights, to vote, contest and do business including owning property.

These Jimbos should have Regional Assemblies which have been empowered through the devolution of power from the Central

Government, these assemblies further create an autonomous Local Authority that is strengthened through the same power devolution. It remains the duty of the Central Government to guarantee and provide security to the people and their property.

Mr. Chairman, on land and property right, this is an issue that we should not wish to go on, the treats and land grabbing which started in this region back in 1904, it came to Kenya much later and if we try to make this issue go on, Mr. Chairman, we might have a Zimbabwe like situation. I am requesting your Commission to seriously look at the land issues in this district.

All land within Kajiado district be owned by the Local community so as to control land selling for purposes of inheritance and to decide who the land buyer should be in case of any sale transactions.

Pre-independence land treatis and agreements: There was the 1904 and 1911 treaties between ole Lenana and the British administration where an oath was administered for the British to make a commitment to give back the land after they leave the country. Signing the treaty by the Britons was in recognition by the British of the rightful owners of the land who were the Maasais. Therefore, first and foremost, the new Constitution should provide for the Kenya government to admit liability for the breaking of the treaty, since the Kenya government inherited all the depts from the British government it therefore lies squarely with the Kenya government to resolve to resolve the issue.

Our representatives at the Lancaster Conference did not append their signatures on the Constitution draft which is a clear indication that, there was dissatisfaction on their part which was protested by their refusal to sign the draft hence I propose the following: First and foremost the land that is currently being occupied by the white settlers mostly in Laikipia should be handed over to the Maasai as per the 1904, 1911 agreement treaty.

Mr. Chairman just to explain more on that issue, Laikipia right now there are some white settlers who are still there, I would not want to talk about the other parts occupied by Kenyans but the part of Laikipia that is now still under the white settlement should be handed back to the rightfull owners as per the deliberation of that particular document, the Lancaster Conference deliberations. Likewise, the new Constitution should provide so that the land that is also taken over by non Maasai to be given back to the rightful owners, the Maasais as per the terms of the treat of 1904.

The government of Kenyas was not acting right to hand over or dispose or land that does not belong to it. In cases where the government find it very difficult to give back the land to the Maasai then as in South African, the new Constitution should provide for a formation of a Commission with a limited time not exceeding 3 years to look into means and ways of compensation for the land. The Commission should constitute mostly representatives from the Maasai, the Kenya government and the colonials.

Safeguarding... (Inaudible): All Land Control Boards should be abolished in the Maasai districts. Mr. Chairman I do not

know whether this is in other parts of Kenya but in Kajiado district is where I have heard something called a Special Land Board and I do not even think it exists in the Constitution of this country. Mr. Chairman you would be surprised to hear that some parts of this district was sold, an acre of land for an exchange of a bag of maize. Mr. Chairman as much as the willing seller, willing buyer is working, there was manipulation in that particular case. All Land Control Boards should be abolished in all Maasai districts because we say that land should go to the local community, so the Land Control Board should not come in in deciding how the land is going to be disposed of or going to be used.

There should be totally nothing like selling of land in Maasai land, land as a security for securing bank loans should be abolished.

The Commission that was to be formed in the new Constitution should look at the land already sold for transactions that were not done according to the law to be revoked.

The Commission in collaboration with the community should facilitate the formation of land corporation with government assisted funding to repossess the sold land and the buyers refunded back their money. What I have said Mr. Chairman is that the land which was taken illegally and the people who were turned poor who have nowhere to live right now, to avoid a very violent revolution that is eminent, Mr. Chairman, it is very much in order in the Constitution for the government to assist a land buying board for the people to repossess back their land and proper compensation done.

Trust land: All trust land in the new Constitution I propose that the land should be given under the control and management of the local community. Section 75 of the Constitution that protect taxation of land and property should read but in cases where fraud is proved the title deed should be revoked. Mr. Chairman there is that section 75 that protects whether you have stolen the land, whether you have grabbed the land, whether you got the land genuinely, it protects you. I think it is high time we recommend that it be amended. These include, Nairobi National Park, Ololua forest and the area occupied by the East African Portland Cement.

Land selling: All Maasai land as big or as small as it is should be left intact for the rightful owners the Maasais. There is some public opinion Mr. Chairman that there is some idle land in this region and people are shifting here because they think the Maasais have a lot of idle land. Mr. Chairman we do not even have enough that is why we want back the land that was taken away in 1904.

There is totally no idle land within Maasai land because our land is under pastoralist use demarcated with title deeds. Mr. Chairman, I am over 30 years old and right now and I do not even own a parcel of land from this district, land was demarcated here some years back and there are people who are 40 years old who do not have even a piece of land right now. I do not know what this called idle land is, it is not there. There should be no freedom of land and property ownership within Maasai land this is just a strategy of trying to encroach on our land.

Compulsory land acquisition: If the government take your land for specific purposes the new Constitution to proved that the owner be compensated at the market rates and the owner should not vacate the parcel unless full payment is made. Mr. Chairman at the moment when you land is taken by the government for use and it is gazetted from that time you are supposed to vacate the land and they can take their suit time before you are paid. I want the vacation of the parcel to be done after the full payment has been made. The new Constitution should also put that under no circumstance should the government change the land use of allocate to a second owner, it should be given back to the original owner.

Land cases: I propose that if the community Commission cannot solve the land cases, then a special land court should hear and rule on the case.

Land inheritance: Married women should have the right to inherit their husbands land and property, incase of a polygamous family equal sharing should be adviced. Unamarrried girls and single parents should get a share of their fathers land and property but incase of getting married in life, I propose that the concerned party to surrender the property back to the family.

Natural resource: Mr. Chairman, natural resources in an issue here and you would be surprisid Kajiado district has a lot of natural resources here but I think we also have the worst infrastructure and the lowest educational levels. You would be surprisid right now, in some districts people are talking about computerization and computer for their children, right now we still have children in this district learning under trees and with alls those natural resources we have in this country, they have not made a single contribution to the education and the welfare of this community. The natural resources I would like to touch on are wildlife, water catchements, minerals like soda ash, raw materials for making cement, limestone, gypsium and posolana.

On the water catchment Mr. Chariman there is a water project from Oloitoktok to Kajiado, somewhere along the way, that water was diverted to Machakoso, that was relocation of resources and Kajiado as a whole that was to benefit from that should have benefited fully before we give part of the water to Machokos, as we stand right now, there is not even enough water in Kajiado. These resources are contributing very little if anything to the development of the community for this, I propose the following:

Employ 100% work force from the local community unless in cases where qualification is not met by anybody. Mr. Chairman that is what we call corporate social responsibility of the organizations that are located in this particular region. It is just in good faith that they employ the local people.

80% of the revenue paid to the Central Government should be paid to the Local Authority for development purposes e.g. roads, burseries, schools and colleges.

Revenue from forests and parks should benefit the local communities and not go to the Central Government. Mr. Chairman, we have companies in this region that are actually one of the government highers foreign earners and that is why I am saying part of that money including the taxes should come to the Local Authorities so that the people can

benefit from those proceeds.

Human wildlife conflict: For wildlife, I propose that any wildlife on ones parcel of land should belong fully to the land owner so that he can conserve the wildlife that is, management and control of the wildlife should be left totally to the owners of the land that the animals occupy. But the management and control of the wildlife both on private land and on the parks should be done by a community bases Service Commission. Mr. Chairman, let all those animals that are on our land to belong to us so that whey they kill us, we know what to do because they are killing us and our animals, so that tomorrow if I want to have tourists, I will go and bring the tourists to come and see the animals and I earn everything from that.

Pastoralism: Mr. Chairman there is no word like pastoralists in the Constittution we are all regarded as farmers and I think it is high time the new Constitution should address on the issue of pastoralists as an entity and as an economic potential entity in this country. In the new Constitution pastoralism should be recognized as an economic potential activity that need to be developed, in that note I propose the following:-

A martial plan or an affirmative action to uplift the living standards of the pastralists should be put in place with 20% of the annual budget being allocated to pastrolists development for a period of not less than 10 years.

With a Ministry for Pastoralism formed to look into their issues and headed by a Minister who is from the pastoralists community.

Special infrustructure for the pastoralists should be developed i.e. mobile schools, mobile clinics and provision of water e.t.c.

Factories that make livestock products e.g. milk and meat should be put in place in pastoralists areas.

A Livestork Marketing Board like the Coffee Board etc. shoule be formed.

Kenya Mweat Commission should be enlarged, managed and owned by the pastoralists with small (Inaudible) in pastoralists regions.

The pastoralists in time of drought should be given free mobility rights with no borders but obtain temporary permits when crossing the Kenyan border. Mr. Chairman the last drought really saw even us taking our animals to State house and beyond. I would like that one to be looked into in the Constitution that we have what is called mobility rights so that during drought, we can move to where there is pasture and there will be no limit for that.

Lower the cut of points to national schools and colleges for pastralists communities. Children because of their environmental way of learning that is caused by their nomadic way of life, another development, under developed, underdeveloped educational facilities because of the threat caused by the private schools exploitation to the public school in the district, I propose in the new Constitution that students from private primary schools should only be admitted in private secondary schools and to pricate colleges and universities. Mr. Chairman when you take you child to a private primary school, you are able to take to a high cost private secondary school and likewise you are able to

take your child to a private university. There is an explosion of private schools in the district, Kajiado district has the highest number of private countrywide. The children from the public schools are not making it to public schools because the best school, if you could give me permission to mention is St. Patricks Hill, is in this district and the national positions are taken by those children. What happens to the children who learn under the trees back in the reserve, they never make it there. I am putting this to the Constitution that, private primary, private secondary and private university.

P.L.O. Lumumba: I think you want to finish, I have already given you almost four times, that is 20 minutes.

Francis ole Sakimba: I am sorry I am winding up.

So that those from the public schools also go to public national and provincial schools and to public colleges and institutions of higher learning. I also propose that the Constitution should provide for students from Maa district be taught their Maa language in schools.

Parliament: In a Federal State we should have a Lower House and a Senate with the Senate constituting a balanced representation from all communities. The new Constitution should abolish the appointment of Nominated Members of Parliament and in place special groups like the disabled, the youth and the women be represented. The new Constitution should also provide that the inactive Members of Parliament to be voted out by members through a vote of no confidence.

Local Government: Council Chairmen and Mayor be elected directly by the public and they should be form four leavers and above. The Local Government Ministers powers to be reduced so that he or she should not appoint the Chief Officers but the Councillors themselves appoint. The electorates should pass a vote of no confidence on Councillors who are found to be inactive. Women should be given a third representation in Local Authorities. There should be no Nominated Councillors in the Local Authorities and like in Parliament special interest groups be represented. Councillors salaries should come from the government consolidated funds.

Political parties: The new Constitution should only allow for the formation of 3 political parties, the ruling party, an opposition party and an independent party. Political parties should fund themselves without using State resources. A defecting member of Parliament of a Councillor should not be allowed to contest in the by election, there should not be by election in case of a political party merger, the sitting MP should be allowed to continue serving their terms but changing your political party after failing to get a party nomination of even after getting changing should be allowed.

Electoral rules: Gunnering of 25% of votes cast in 5 provinces for Presidential candidates should remain because it reflects on vast representation on regional basis for the candidate. Factors to be considered in Constituency boundary review are: Geographical area, infrastructure, communication systems, tribal harmony and population. Election date should be given in the new

Constitution for all concerned to know and plan ahead. Election voter registration should be a continuous process. Vote counting should be done and the results announced at the polling stations, mobile voting should be allowed in pastoral areas because of their nomadic way of life.

Basic rights: Free and compulsory primary education for all should be provided for in the new Constitution, provision of basic services like water should be the responsibility of the Central Government.

Culture: The new Constitution should respect peoples culture but backward and dogmatic cultural practices should be abolished. The new Constitution should protect cultural rights, dress, practice, song and stop people commercializing on other peoples culture.

P.L.O. Lumumba: I think you must now summarize I have given almost half an hour, you cannot afford it with so many people.

Francis ole Sakimba: I have finished sir, thank you very much.

P.L.O. Lumumba: Thank you very much for your contribution, I would encourage please remember there are many others we have your memorandum so do not read the memorandum. Just summarize in 5 minutes, thank you very much never the less. May I have Jason ole Mooke, is Jason in? If you could kindly just make me happy by being brief and to the point.

Jason ole Mooke: My names are Jason ole Mooke and I would like to present my views to the Commission.

Mr. Chairman I would like to start first by the Constitution is to recognized the fact that Kenya is made up of adverse members of communities known as tribes. Each tribe ahs his own background, culture, way of life which needs to be recornised, respected, protect by the Constitution.

Historical injustices against the Maasai goes back in 1904 and 1911 when the British signed that treaty but there is one very important that we all need to recorgnise that, the treaty between the Maa, Lenana and the British government took place because the British did recornise the Maasai as a community who were not only organized but has a system of controlling their land and I think when the treaty was signed, the British government was supposed to surrender back the land to the Maasai when they left which never happened.

Then, at the Lancaster House, our people were well represented but one very interesting thing is that they did not sign the current Constitution, it is because they wanted their views to be included in the Constitution but people like Kenyatta, applied the Kuame Nguruma System of seek ye first the kingdom of independence and other things will follow. So, what they did, they

said let us first get independence and then we will discuss about things like land and the rest which never happened. What they did is that when they came back, when the white man left they allocated the land back to their people. You all know that everybody who is now occupying Laikipia, Nakuru and the rest and all people from Central Province, that is because when Kenyatta was in power he empowered his people, he gave them money to buy land infact what happened is that the British government compensated, gave money to the Kenya government to compensate the white to return the land back to the original owners but instead the Wazungus were compensated and Kikuyus given money to buy land and the Kikuyus were allocated the land.

Culture: Protect the identity of the Maasai and encourage condition for the promotion of it dignity to enable them participate effectively.

P.L.O. Lumumba: Tafadhali, let us allow Mr. Jason to present his views.

Jason ole Sooke: In cultural, regional, social, economic and public life, that means we want our culture to be protected, we do not want people to commercialize our culture and you all know that if there is any tribe in Kenya which has a respected and organized culture it is the Maasai. I do not think there is any other tribe in Kenya which has a recognized and respected culture like the Maasai so we want that culture to be recognised, respected and protected. We do not want people to go round and say, the culture is primitive because it not primitive it people and if somebody sings to you, that today, tomorrow and the day after tomorrow you are primitive then you will believe that you are primive but we want that culture to be protected and to be accepted and not to allow people to commercialize.

Customary law: Recognise Maasai customary law that does not allow any form of land trade that is, all Maasai land bought or acquired illegally shall be returned to the Maasai. Recognise that particular sites or areas of land both within our land and in areas already taken away from our community are of great religious and cultural significance to the Maasai community. The Constitution should provide laws that makes these areas accessible and the Maasai allowed to perform our cultural and religious practice as previously done by our ancestors without any interference whatsoever.

Land: Land Control Boards are placed with Community Land Control Board consisting of reputable men and women elected by the community. All land matters should be localized at the sectional level, what I have in mind Mr. Chairman is that the current Land Control Boards have really done a lot of damage to us and for a long time we have entrusted the individuals, the District Commissioner as the Chairman of the Land Control Board, we have also entrusted individuals like myself being the owner of land, my wife, my children and they have all failed. So what we want to say here is that, we want to have a policy because for a long time we have put our trust on individuals and they have failed, we now want a policy that does not allow land to be sold and the only way is that we want to have all land to belong to the section level and only to lease land to individuals but not to allow anybody to sell land to outsiders.

Indigenous land use system of the Maasai within their customs and ways of life should be formally recognised by law and as such be entrenched in the new Constitution. All the Maasai land should not be alienated and as such be protected and in case of public use, the community it is the community itself to decide what land to allocate and for what purpose. We do not want a system where by if for example, a Councillor can say, give fulani 10 acres for this or that purpose, No. We want a system where by if we want land for public utility it is for the local people to decide and allocate that piece of land.

Governance: I am of the opinion that we have a Majimbo kind of Constitution that will have a President, Prime Minister and a Federal government and a Local Authority and all the powers be brought down to the Local Authority so that the Local Authority can control local activities within that Local Authority.

Education: The education curriculum does not reflect pastoral lifestyle it emphasizes agricultural farming instead. Private schools are allowed to continue locking Maasai postoralists children from tertiary national schools, what I have in mind is that if you take your child to a private school from pre-primary that child should continue to private secondary school then private university. You do not go to a private primary school and then to a public secondary school, you start from a private primary to private university.

Judiciary: I have talked about an independent judiciary and I have proposed a few things. So, Mr Chairman, that you very much I thing I will hand over my memorandum.

P.L.O. Lumumba: Thank you very much Jason. I will now humbly request you that we allow the girls from Isinya to make their presentations and they go back to school, after the girls we will have Raymond Mutava, so Mr. Mutava kindly allow the girls to come and after that you will constitute. Moi Girls School Isinya, you will kindly identify yourself by name and just highlight the keys issues, when I was schools they taught presi, this is the time for presi. Welcome.

Caren Mutile: My names are Caroline Mutile and I am here to represent our views on the Constitution review.

The Education System: The education system of 8-4-4 is loaded with many subjects which sometimes seems to have no relevance to the economic aspirations of the country at onset of 8-4-4, the system was to transform people from the white collar job mentality to the self reliance. However, this remains in the realms of dreams and needs urgent consideration. Our students after graduating from the school system are still not able to cope with the demands in the job market. This is principally because our system is more theoretical and teachers based rather than being both theoretical and practical, if this superceeds, we will not realize the industrialization of 2020 dream. The recommendation is that, the number of subjects should not be reduced but rather the students should be allowed to specialize in their career related subjects, this will reduce the burden on both the students and the parents. The curriculum should also be set in a way that it is relevant to the economic needs of the country.

To make the education system practical extra curriculum activities like the science congress and games should not only be appreciated but also be assisted to develop further and ways forged to assimilate them in the development progress. This is because the ideas brought out in the science congress are geared towards poverty eradication by use of cheap, locally available materials.

The examination system is not very effective in that it comes at the end of a certain level of education which may find a student disorganized and unprepared or in unfortunate circumstances. Therefore, it should be good if the students were assessed in the continuous basis of accumulated grades which will give the right picture or the caliber of the student.

Freedom of expression: The obvious reasons why most strikes in our schools occur are due to lack of communication, therefore baraza's should be held on regular basis where the students and the administration as a whole meet to discuss issues affecting them and come to up with necessary changes.

Right to life: Every child has a right to life regardless of the prevailing circumstances, this means that the girls who become pregnant in schools should be encouraged either directly or indirectly to abort in order to continue with their education. They should be given a chance to bring up the children and continue with their education.

Right to education: The government has the moral responsibility to offer basic education to all without discrimination based on religious or tribal backgrounds. They should therefore ensure that fair distribution of resources throughout the country and where necessary support other education providers like the NGOs and Churches. It is also necessary to balance the resources in our schools in terms of both facilities and human resources. We find that schools in the urban areas are well equipped, have enough teaching and supportive staff while those in rural areas have nothing, students from these two setups are supposed to compete against each other without due regard of the prevailing condition. This naturally disadvantages those children in the rural schools therefore it is prudent to ensure that well trained and qualified teachers are posted and sustained in these schools and the government finding the most suitable way of keeping the students if the students are to be considered equal.

All students who perform well are clustered in good schools while others for one reason or another who cannot perform well are marginalized, this disparity makes the poor student to remain poor. The government should try to balance the distribution of schools to all schools where the one who may have failed is taken to a good school where he or she can improve.

P.L.O. Lumumba: As a teacher that instead of reading just highlight a little and then you say, we recommend. It will take you 5 minutes to do that, you try it.

Caren Mutile: Okay.

Girls education: In our country the population of girls is higher than the boys therefore, we recommend that the girls schools should be increased so that it can be able to cater for the girls education in our country.

P.L.O. Lumumba: You have succeeded, go on.

Caren Mutile: Child labour: There is a continuous problem of plague in our country because of children not able to attend schools because we live below the poverty line so the children whose parents live in such standards are not able to take their children to certain schools because they do not have the money. We recommend that the government should provide free education for both secondary and primary so that the children can have education to be able to facilitate their work.

Students with special needs like the handicapped needs held from us, we should be able to be with them and be able to know the problems that they have so that we can also help each other, we know what the disabled need and we also know what we need.

Brain drain: Is our education worth because most of us, we read, we learn, we pass our exams but when we finish our education and we do not get employment, we roam in the streets looking for jobs. Most students go outside the country to look for jobs where they are exploited but we find that we go to school so that we can help in nation building but we cannot help the nation by going outside the country and you find that these people who go outside the country are discriminated, we need to help our country because our country is a third world country and if we do not help ourselves then who is going to help us.

P.L.O. Lumumba: Just a moment that is Carren. Thank you very much Carren on behalf of Moi Isinya Girls, you may now register your name and we will take them into account. Thank you very much. Can we just clap for the girl? (*Clapping*) Thank you very much. Bwana Raymond Mutava, welcome Raymond.

Raymond Mutava: Thank you. My names are Raymond Mutaga, I am a government officer working here are the Maasai Rural Training Centre. I would like to highlight on a few things that I feel are my recommendations to the Constitution that is supposed to take us for the next may be 100 or 200 years and one of the things that I would like to recommend is on the appointment of Ministers and also head of government departments.

I feel that this should be an issued that should not be done by one person and instead of it being done by the Executive, there should be a Commission that is involved in the appointment of Ministers and it does not necessarily mean that a Minister should come from Parliament, we have a lot of professionals because Ministers are incharge of Ministries that are dealing with some technical aspects in governance, then this is a job that should be even be advertised for anybody who feels that he or she is capable to apply for that and then from there then the element of recruitment should be done by a Commission that has been established. This will stop the idea of people being manipulated.

I also recommend that we have a Majimbo System of Government but care should be taken when it comes to the establishment of boundaries. The whole system is supposed to build up a Kenya, so the established of the boundaries should take into consideration people and also their culture, that should be one of the criteria to be considered. The other thing is also the geographical location of that particular area. Another consideration that should be done is also the resources that are available in that particular area so that all areas have uniform kind of resources then may be could fall under the same Jimbo so that when it comes to development aspects and things like those ones, it becomes very easy to have something that is very uniform. That is something that needs to be done.

On the issue of land, I think because I think because a lot of things have been discussed on land, I feel that there should be something in our Constitution that states that actually when it comes to acquiring of land, there should also be the element of indicating how you are going to use that particular land because at present we have a lot of land that has been acquired but it is lying idle or the way it is being used may be after 10 years, that are is going to be worthless. So the element of indicating how that land is going to be used is something that has to be there so that we may have an assurance that we have a continuous production of the land. What I know is that in Kenya, there is no land that we can say is unproductive, all the land that we have in Kenya is productive, so what need to be done is to put in place the best suited land use option for that particular area taking into consideration the sustainability of the production of that particular area and this is something that will also need to be done through a lot of consultation with the local people in that particular area because there are those things that they have done over time and they are things that are sustainable and beneficial.

Another thing that I would also like to recommend is that there should be the element of trying to strengthen the Local Authorities. The Local Authorities are involved in a lot of collection of revenue and money that at the end of the day is used even at present by the government but they are not involved in the collection of the money but then it comes to the use of the money, they are not actually involved the way they are supposed to be involved. I feel that they should be strengthened so that even when it comes to implementation of projects, implementation of development issues, then they also play a big role because we know that within the Local Authorities we have a representation of the people and basically here you find that now they are in a better place to implement the need of the people than now the kind of system that we have like the District Focus for Rural Development. Many of the people who are within the provincial administration in many areas are new comers, they do not know what the needs of those people are so they cannot really implement anything that is people centred. Basically here the element of the Local Authorities should take a front seat when it comes to development so that now we know that whatever we are doing we are implementing what the people need. And we also know that the money that is being generated from the people is used to develop the people for that particular area together with may be having the various in a kind of government that is there, may be a Federal government.

The Local Authorities should be in a position may be to have a bigger share of the amount of revenue that has been collected so

that now it can go back and develop those people who are in that particular area.

Another thing that is here is looking at our economy, I think the Constitution should have laws that will safeguard our economy, most of the times we have talked about liberalization, we have talked about going global and things like those ones but still there are those things that are very useful to us as a country, there are those things that are beneficial to us, there are those things that are going to develop our economy and I think there should be laws that will safeguard those things. Like if you look at the Local Industries that are there, most of them have been closing down because they have not been protected under the law, everything has been liberalized, you can do anything and we see a lot of things crumbling, the sugar company is going down, the dairy company is going down and so many things. We have the resources, so we should have a Constitution that safeguards all those things so that we can ensure that we have a lot of jobs being created, we many people who are producing also benefiting because we may have somebody who is producing sugar but the person who is benefiting is somebody else from another country, who is planting sugar can. So, those are things that I feel should also be considered.

Another thing that needs to be there is that when it comes to getting candidates who can vie for seats even in Parliament, we know that Parliament has a big role to play in the development of our country and we will need people who are educated in Parliament because those are people who are going to sit down and decide the fate of a whole nation. So I think here there should be the element of having people in Parliament who at least have an education may be upto college level and you find that now somebody has some professional training in a few other things not just somebody coming up with primary or even secondary education and you go to Parliament, you do not know anything about making policies, you do not even know anything about the economy and things like those one. So for those people who are going to qualify as candidates of going to Parliament, then the element of academic qualification has to be considered, it is not just the element of people being able to pass in any exam in Kiswahi or English.

P.L.O. Lumumba: What is your recommendation about the academic level?

Raymond Mutaga: I would recommend that at least it should be somebody who has a college education, that should be the minimum and above so that we know that they are people who can articulate our views once they go to Parliament. Those are the things which I felt may be could be incorporated in the Constitution and I would present later my written document to the panel. Thank you.

P.L.O. Lumumba: Huyo ni Bwana Raymond Mutava amezungumzia uteuzi wa Wamawaziri akasema wawe ni watu ambao ni wataalamu, akapendekeza serikali ya Majimbo, akazungumzia utamaduni, naye akazungumzia ardhi, akazungumzia serikali za wilaya na utoaji wa ushuru na kisha akazungumzia hali ya uchumi na kiwango cha elimu kuhusu wale ambao wanagombe vitu vya Ubungu na viti vya sehemu ndogo vya uwakilishi Bunge. Kwa hivyo asante sana Bwana Raymond Mutava. Joseph Entereka, yuko au njaa imemweza akatoweka. Basi Joseph hajuko, Nyamwaro Simon, yuko? Nyamwaro yuko Simon,

karibu, Nyamwaru atatoa maoni yake bila kumbukumbu au ana kumbukumbu dakika ni tano kwa muktasari tu. Karibu, jitambulisha kwanza. Kuna mwenzetu ambaye anauliza jee kama hakuelewa jambo anaweza kuuliza. Katika utaratibu wetu hatukubali lakini ikiwa ni jambo linalokuwasha na la muhimu tutakubali. Bwana Nyamwaro.

Simon Nyawaro: My names are Simon Nyamwaro not Cyprian.

P.L.O. Lumumba: Amend the records he is Simon Nyamwaro.

Simon Nyamwaro: I will talk briefly on four issues: One about civil servants, two about graduates, those who finish university, three I will recommend on education, and four on governance. Those are the four items I have.

Civil servants: In our country today, those civil servants who retire face a lot of problems especially when following up their retirement benefits. This has caused a lot of concern to some of the families because a civil servant will retire today and it will take about 6 or 5 years to get these benefits and we have cited cases where a civil servant dies without even getting those benefits, so I feel a law should be put in place to compel the government to pay civil servants their benefits 3 months prior to their time of retirement even more than that, so that they can set a base when they retire.

Graduates, those students or those people who finish university, there is no logic for a parent to take a child or a pupil or a son to a university all they from primary to university and somebody qualifies with upper class honours and he comes back to stay at home. I feel the government should put in place a law that anybody who qualifies with good credentials to get employment immediately he finishes school by may be reducing these people who have go very many jobs, you find one person in Kenya having about 6 jobs, why can't we have a policy of one man one job?

Education: I think we have been singing about free education and I do not know when it will be implemented, free education from primary is very important, just primary not secondary. From standard one to standard eight, it must be compulsory and free, totally free, because we have been saying it is free and yet parents have been paying a lot of money.

Governance, I feel the President should be elected by the people as we do and even the Vice President should be elected by the people. All the people of Kenya should elect the Vice President and a President if he breaks the law he should be impeached without failure, we are not going to have people who are above the law.

Administration, I feel, it is time that our administration for example, the Provincial Administration, we should have a change at least, we must have a change. When we come to Chiefs, these people should be elected, I think so. With those I conclude.

P.L.O. Lumumba: Thank you very much. Bwana Nyamwaro amezungumzia utawala, amezungumzia vijana ambao wanahitimu kutoka vioni na hawapati kazi, amezungumzia mambo ya elimu iwe ya bure katika shule za msingi na tunamshukuru mno na amesema pia Machifu wawe ni watu wa kuchaguliwa na wananchi wenyewe. Asante sana. Sasa sitamruka mtu yoyote namwalika Bi. Esther Solonka aje atupe maoni alikuwa tayari yualalama kuwa anashugulu mahali kwingine, Esther tayari tunakukaribisha baada ya Esther tutakuwa na Francis ole Kasha ajitayarisha. Karibu Esther utajitambulisha kwanza.

Esther Solonka: Thank you very much, my names are Esther Solonka and I am not going to take along time, I think will be very brief and I have my memorandum here and I will take about education.

There is only one issue that I want to put in place as an educationist concerned because the rest are written here and it is the issue of the system of education. The changing of one system of education to the other should be guided by the Constitution, it should not be an issue of only a few people sitting down and deciding today it is 8-4-4, tomorrow is another one and the other day is another one and it should be how long is this system of education should remain in in place. If it is 8-4-4 can we be given that the 8-4-4 is going to remain for 5 or 10 years and then it is changed to another system. That is one of my suggestions.

The addition and the removal of subject in the curriculum or in the syllabus should be done by specialists or professionals for that matter, it should not be the Minister or anybody else to just decide today students are not going to to GHC, today they are not going to do Histroy and somebody has been trained and money has been used to train that person of that teacher. So it should be the professionals to decide because a subject is designed according to the economic and the social status of the people. It should be done by specialists on which subject to be removed from the syllabus, which subject should be retained and which one should be even added. In Kenya we only know of removal of subjects none is being added, I wonder.

I have so much but another issue which I wanted to address is about women, this one I will have to talk about. The women in our community and I am going to expect no clapping here or actually but murmurs. Women have been taken as a property of the man, a man is rich because he has 3 wives and many cows so, she is included in the property of the man in this case and it is usually very annoying. So the woman should be recognised as a human being not inclusive of the cows and the sheep. It does not matter how many wives you have but they should be fair treatment. The other issue here is that, the woman should be treated with dignity, the woman should own property in this case. We know women in Maasai land they only have a few things that the man has not all that is why we can have to have 10 because the man has more, so he can also have more women. The thing is, the woman should be allowed to own her own property separate to the man. If you have 10 cows you should now that out of those 10 cows, how many belong to the woman. If it is a hundred acres of land, can it be put in place, how many acres belong to so and so, how many acres belong to so, so that it does not become an issue again after the death of the man.

In the same line, the woman, the lady or the girls should be given equal distribution (this one I know you are not going to clap at all) equal distribution of the parents property whether she is married or not and whether she get married tomorrow that property

should remain with the girl. Mr. Chairman it is not wrong for your son to get married to a girl who has land, I do not see the problem why your son should have a problem in getting married to a woman who has land and cows, it is okay. So they should have the right to have equal share of the parents property.

Another issue here is that the girls should be allowed to make a decision of who should be their spouses. In our community it still continues that the girls do not have a right to say who their spouse should be and when to get married, you should be allowed to say that I am now ready for marriage but not a case where a 16 old girl get married to a 60 years old man infact, in this case I am asking the Chairman that this thing should be illegal and the man should go to court and be put in jail. There should be a definite of marriage and this should be defined for example, a girl of this age should marry a man of this age not a matter of just getting a girl out of school because you are ready you want cows and you marry her off. It should be illegal to force a girl to marry a spouse who is not of her choice and if she drops out of school and out of school I mean in any level of schooling including university. She has a right to finish her schooling.

So as I conclude I would say that the women should be looked as human beings not as a property of the man. Thank you.

P.L.O. Lumumba: Asante sana. Esther amezungumzia mambo ya elimu kubadilishwa sera za elimu kuholela mwaka huu 8-4-4, mwaka ya kesho nyingine na masomo pia inabadilishwa kiholela, mwaka huu unasoma hiki, mwaka ule unasoma kila, kwa hivyo anapendekaza tuwe na sera ya elimu ambayo inatambula na ambayo haibadilishwi kila mara. Na pia amezungumzia hali ya akina mama, akina mama waheshimiwe, wasichukuliwe kama ni vyombo tu na pia amezungumzia kwa kusisitiza hali ya wasichana wawe na uhuru wa kuchagua mabwana na kumiliki ardhi na kumiliki mali na ikiwa watu wazee wa miaka 60 ametupa mfano ataozwa kwa msichana wa miaka kumi kumi na sita iwe ni haramu. Asante.

Francis ole Kaasha, karibu tafadhali. Utafuatwa moja kwa moja na Simon Pelo.

Francis ole Kaasha: Thank you very much. I am going to be very brief.

Land and natural resources: On the issue of land, I propose that all members of the Land Board should be indigenous people who will be representative from all the locations within the district, they are the same people who are going to elect their own chairman, the DC should not be the Chairman.

Natural resources: The natural resources within the Maasai land shall be owned and run by the community and let them enjoy any fringe benefits i.e. they should be given the first priority incase any opportunity arises. Any land grabbing or allocated to outsiders or foreigners should be returned back to the locals.

Legislature: There should be two house of Parliament namely the Lower and the Upper House, the Lower House will consist of

members elected from each constituency on a common role, a third of this house shall be the women. The Upper House shall consist of the members elected from the 42 tribes of Kenya, they will be directly elected by the members of the Regional Councils.

Local Authority: Only locals will be entitled to vote or vie for the posts provided they are holders for “O” level certificate or its equivalent. The Councils should not reposses back the plots even if it is not developed, here you are given a plot and after a period of time it is repossessed by the Council once given out let it be forever. There will be a supervisor of the formation of community councils which will be incharge of directly implementing community projects.

On education: The DEB members should be locals elected by people whom they will represent from different parts of the district. The DC will not be the Chairperson to the DEB, the elected members will elect their own chairperson on rotation. The Ministry of Education should not subject all Kenyans to the same examination system and use the results to determine which Kenyans qualify to proceed to the next academic ladder i.e. you cannot compare a child in Turkana with a child in Nairobi Primary School.

I concur with the sentiment made by one of my friends here that private schools should be made private, private primary – private secondary – private university and that I am normally very brief and those are my proposals.

P.L.O. Lumumba: You are wonderfully brief, thank you very much Francis, if all of us would be like Francis. We have Jackson Lompo, is Jackson present this afternoon? Simon Lompo, karibu. He is giving oral submission he annuounced it very early, kindly identify yourself please.

Simon Pelo: I am Simon Pelo, I am a resident of the area and I want to be very brief and very precise, I only have one issue to present and I would like to ask the Commission that in the new Constitution because much has been said, I do not think it will be very easy to implement but I would like to point out that in the new Constituion there should be a clause of something to mention that “the maasais and other pastoralist communities should be treated a special people in this new Constitution” and reference should be made to the Constitution of Australia and the Constitution of India where by there is a schedule cast and OABC, that I the other backward classes and even in the Constituion of Australia where by the Aborigines are treated as specials and why we need this special treatment is because we are a special people. We are special people because we cannot complete with other members of the Kenyan community in terms of jobs, in terms of politics and all that that in the national cake. So in the new Constitution we should be given special privileges, politically, economically and in all that pertains the national cake.

Political I would like to day that we are in danger and the new Constitution should give a chance for a Maasai man wherever he is, when it is civic election we should be given special seats, half of the total number seats that are in the Local Government and

even in parliamentary we should be given special seats and if possible even the presidential we can be given a special President to represent us. I want to say that whatever my colleagues were trying to say that the foreigners who are infiltrating our land should not vote, I do not think that is justifiable in our contemporary world because they have their democratic rights but what we are scared are the evils of the ballot.

We want a system which will ensure that those people who stay there will not be esteemed politically and what I mean is that when there in an election, in the local, there should be a local person vying for that seat of which the local community will elect and whoever is there if there is any, will also be elected but should be shortlisted by the community and the community should have their own representative whether it is local or parliamentary. (and because I am not a speaker, I am stammering you should bare with me)

P.L.O. Lumumba: You are not.

Simon Pelo: Education, when it comes to education why I am saying that we are special people is that we are very backward educationally, you cannot expect us to vie for the same thing like the posts of the DC and any other because some of us are not even informed to give the public opinion. When it comes to national issues we should be given a special hearing. For example, in the Constitution Review Commission I do not think it is the right time to conduct the civic education, we never has any. It should be a process in Maasai and should continue forever until the time whereby everybody will be education at least to from four.

In my las submission there, I would like to propose that whoever will be vying for any seat and in any government that will be, the young men should always be given a special chance and treat with special responsibilities in the society. Thank you very much.

P.L.O. Lumumba: Simon, please could you kindly register. If you could reduce this into writing and send it over to our office.

Simon Pelo: Yes I will.

P.L.O. Lumumba: Yes, please but meanwhile just have your name recorded. Do we have Jackson, Jackson Lombo.

Jackson Lombo: Thank you very Commissioners, most of the points that I would like to address.

P.L.O. Lumumba: Kindly just say your name for the record, Jackson Lombo and then we go ahead.

Jackson Lombo: My names are Lombo Jackson. The points that I would like to address have already been addressed but nonetheless there are some that have not been addressed.

1. The institution of the Supreme Court, in this country the last court that is established by the Constitution is the Court of Appeal and the influence that comes therefore is that once a person has reached the Court of Appeal that person cannot appeal further and therefore the institution of the Supreme Court comes into existence.

2. The Constitutional Court, in this country it is very absurd to learn that the Court of Appeal which is the highest court in this country does not have jurisdiction to deal with matters of the Constitution bearing in mind that the Constitution is a very fundamental document, if therefore it is not possible for a constitutional court to be formed, I propose that the Court of Appeal should be given jurisdiction to deal with matters of the Constitution.

3. Appointment of Judicial Officers, currently it rests with the executive that is, the President of this country, it is my proposal that in the new Constitution judicial officers should be appointed by an independent body and in this regard I propose the Law Society of Kenya. Why I say is this is that if these people are appointed by one person, then it is very possible for these people to be manipulated by the person who has appointed them regardless of the fact that they have tenure of office.

Lastly, I do recommend that the local people be provided with a mechanism whereby they are able to recall their MPs within a period of 2 years if they fail to deliver what they had already promised before they went to Parliament. Under the current Constitution there is not such provision and I do recommend that if at the expiry of the 2 years, the local people can make their complaints directly to the AG and the AG can institute a Commission of Inquiry to the alleged conduct of the particular Member of Parliament and enable the local people to give out their views either to take out the person or replace that person. Thank you.

P.L.O. Lumumba: Thank you very much huyo ni Jackson Lombo, please record your name, I wish you could put this in writing please. Amezungumzia mahakama kuu, mahakama ya Katiba na uteuzi ya mahakimu na anasema ya kuwa katika Katiba mpya wananchi wawe na uwezo wa kumtoa Bungeni, Mbunge ambaye hafanyi kazi, yualala tu Bungeni tujuavyo. Jonathan Turere.

Jonathan Turere: My names are Jonathan Turere and I work with Olekejuado County Council. I just want briefly to talk about land tenure, since it is the main problem that we the Maasai community are experiencing and in land tenure, I just want briefly may be to defined the types of land tenure we have.

We have the customary land tenure and modern land tenure, the customary land tenure can be defined as the way the community.

P.L.O. Lumumba: Jackson I just wondering what value that has because we know the tenure systems and what one would expect is what would you want us to do in order to improve it.

Jonathan Terere: Okay, in the community before independence the Maasai were practicing customary land tenure but after independence, we came to have the modern land tenure, it is the one that made the Maasai a refugee, before that we did not have that, we use to practice on nomadism and not moving to the streets of Nairobi during the drought.

Com. Githu Muigai: So what is your proposal?

Jonathan Terere: My proposal on this is the combination of the customary land tenure and the modern land tenure, I say this because, under the registered land act and registration of titles the Maasai was deprived his right of possession of land where by these things are transacted on a table and the ones who are transacting are not the locals who do not understand the customary way of life of how these individuals own land. My recommendation is that, it is important here that since the government had failed to check the problem of land sub division and licence, it should abolish Land Control Boards and in its place establish a council of elders at the village level to oversee ownership and to arbitrate on land disputes, equally, the government should bring the work of the land tribunal to the village level so that it can arbitrate and solve these land disputes. We were told this week in one district there were 66,000 land cases pending, I believe I do not have the figures for Kajiado district but I tend to believe that they are enormous, there are so many land issues that are pending at the Lands Registry that cannot be solved by the office and in my case I tend to believe that if a Council of Elders elected at the village level, they can solve the problem.

As regards to land because in the land tenure we have State land where the government set land aside, the government should relinquish ownership of all land to respective communities. Instead, the government should manate such resources through an all stakeholders participatory approach whereby ownership of such reserves be vested in the local community instead of the State.

Honourable Commissioners, may I beg to request you on behalf of Isinya Division residence and particularly Kitengela that all land that are actually withing Kitengela and within Isinya that are owned by the government be given to them. I have in mind, Nairobi National Park which I believe is part of Kitengela, is part Isinya Division, why I say it is in Kitengela or Isinya division it is because right on the Northern side we have a live wire fence not even one, two of them, sorrounding the Northern part bordering Nairobi, on the Southern side of Nairobi National Park, we have an open ground which has not fenced. I want to put this point that since the Nairobi residents do not require such a facility, I want to request the Commission to put our point strongly.

P.L.O. Lumumba: You are actually saying that there should be restitution of land or compensation.

Jonathan Terere: Not compensation, restitution. Absolute surrender of all this land to the local community. This is because, Nairobi National Park is a very important resource to the Maasai when it comes to monetary gains or resources, it is a very good resource to be utilized by the Maasais to educate their children and get other benefits from it. The animals that migrate from Amboselli to Nairobi National Park have been using the Kitengela corridor, they refer to it as a corridor so since it is a corridor, I believe you Honourable Members when you were coming to this house, you used a corridor to enter this house, so to put my point forward you should request the government on our behalf to give us that corridor so that we can also use it. Since I do not have much to say, I just wanted to put that point on land tenure straight.

P.L.O. Lumumba: Huyo ni Bwana Terere amezungumzia swala ambalo kila mtu ameligusia swala nyeti ya ardhi. Daniel Isa. Utajitambulisha Daniel.

Daniel Isa: Asante sana, kwa majina naitwa Daniel Isa na niko hapa mbele yenu kusema pendekezo langu kuhusu marekebisho hii ya Katiba. Ijapokuwa mengi yamezungumzwa kuhusina mali ya asili ningependa tu kusema kidogo kuhusiana na hiyo na mambo ya wanyama kwamba sisi tunaishi na wanyama na wanyama ni kama rafiki yetu. Tumekaa nao kwa muda mrefu na unajua hata ukina na ngombe nyumbani unakuwa na faida na tena kukuleta hasara saa zingine, hivyo basi nasema wanyama hao, hutuletea hasara mingi na hatuoni faida yake kwa sababu tunatumia fedha nyingi, kununua madawa ya kutibu wanyama wetu na kuosha, wanaleta kupe na ilhali hatupati chochote kutokana na hawa wanyama na katika Kenya yetu wanyama ama utalii ni njia moja ambayo Kenya inapata fedha nyingi. Kwa hivyo tunasema ya kwamba tupewe asilimia fulani ama asilimia arubaini ya ile fedha inatokana na wale wanyama ili hata pia nasi tujisaidie nayo.

Elimu katika wilaya yetu ama katika nchi yetu ya Wamaasai sisi tumekuwa na shida kubwa ya elimu kwa sababu unakuta tunamashule ya msingi na ile tunasema nursery school lakini ikifika mambo ya chuo kikuu ama vyoo vingine hivi vya mafunzo huwa hatujapewa. Kwa hivyo tunasema ya kwamba jambo hilo liangaliwe ili hata nasi tupewe mambo kama hayo ya kuwa na hivyo vyoo vikuu na vyoo vya walimu na vyoo vyote vya mafunzo ikiwa ya udaktari ama mengine tu tupewe.

Pia ile tunaita mazingara masafi, tuna mazingara tunaweza kusema mazingara yetu ni masafi lakini huchafuliwa na watu wengine. Kuna watu ambao wanalete vitu vya madawa ya sumu, wanalete katika ardhi yetu, wanamwaga wanyama wetu wanakula na unakuta ya kwamba tunapoteza wanyama kwa sababy ya hiyo na hua hatuoni hiyo ikizingatiwa. Hata ukipeleka mbele unakuta ya kwamba inachukuliwa tu kwa urahisi.

P.L.O. Lumumba: Unapendekeza nini, umetambua tatizo?

Daniel Isa: Napendekeza kwamba iwapo kuna hawa watu waalifu ambao wanalete hivi vitu kuharibu ardhi yetu ama

mazingara yetu washtakiwe na wapewe ukumu kali ili wengine wasirudie kufanya hivyo.

Mambo ya marketing kwa sababu unakuta tunabidhaa zetu na hazipati soko nzuri kwa hivyo ningependekeza tuwe na soko nzuri ya bidhaa zetu kama maziwa, nyama, tuwe na makumpuni makubwa ya hapa kwetu ambayo yanaweza kuwa inauza hizo bidhaa ili hata nasi tuweze kufaidika nazo.

Kuhusu mambo ya ushuru, unakuta ya kwamba ushuru unatozwa kwa wafanyi biashara na unakuta kuna mfanyi biashara mdogo ambaye bado anajikokota kujiangalia mambo ya uchumi yake kama itakuwa mzuri kama akina mama ambao wanauza mboga, mafundi wa viavu, wale wanapiga viatu rangi na unakuta bado wanataswa ushuru. Kwa hivyo ningependekeza kuwa watu wenye biashara ndogo ndogo kama hizo wasitoshwe tena ushuru, waachiwe hiyo ushuru hata nao pia wajaribu kujisaidia nayo. Kwa hivyo hayo ndio maoni yangu.

P.L.O. Lumumba: Asante sana, huyu alikuwa ni Danieal Isa, amezungumzia mali asili, amezungumzia wanyama wa mistuni, amezungumzia mazingara, amezungumzia ushuru wa wanabiashara ndogo ndogo na elimu. Asante sana sasa nitamuita Moses Tipatit.

Moses Tipatit: Mimi ndio Moses Tipatit na nilikuwa watchman pale kwa mlango. Mimi nitaongea kwa lugha ya Kiswahili na kabla sijaongea nitashukuru ama nitachukua fursa hii nishukuru Wanasheria ambao wanatengeneza sheria ya Kenya hapa Isinya MRTC.

Ya kwanza, ningependelea ama kwa kawaida trading centres ama towns zote ambapo biashara inafanyika inakuwa mahali hapo kwa ajili ya biashara, mimi ningeomba serikali, mtu yoyote ambaye ametoka nje na amenunua shamba Maasaini asirusiwe kujenga manyumba ya kukomboa kwa shamba lake. Sababa nasema hivi ni kwamba hiyo imeongea ukoro na uwizi kuenea ndani ya Maasaini.

Jambo la pili, I will be brief, ni mambo ya vitambulisho, wakati kulikuwa na military ama Armed Force recruitment ama uteuzi yoyote watoto wengi wa Wamaasai walikosa nafasi ya kazi kwa sababu ya kutokuwa na vitambulisha. Nasema hivyo nikimanisha hivi, kuna kitu inaitwa form, ukiandikishwa kama umefika umri ya kuwa na kitambulisho, kwanza unapatiwa form na inachukuwa muda ndio upate kitambulisho kamili. Mimi ningependelea, hiyo form itupuliwe na sheria itakuwa kwamba ukitimiza umri wa miaka kumi na nane ili upate kitambulisho, hiyo siku upatiwe kitambulisho kamili.

La tatu ni kitu inaitwa land dispute, land dispute hapa Maasaini imeleta shida sana, familia mengi wamepoteza mali yao, pesa, ngombe hata zingine wameelekea mpaka hata vita na hao mafamilia wamekuwa huku tangu jadi, hawajawahi kugombana lakini kwa ajili ya land dispute ikalete ukorofi. Mimi ningependelea hivi, land dispute iwe abolished kwa sababu mara kwa mara unasikia gari imekwama barabarani ambaye ilikuwa na officer ya serikali ya kuja kutatua hiyo land dispute na juu ya hiyo hatuna

uhakikisho ya kamili kama gari iliharibika ama dereva na officer wake wame-divert wakaend kunywa pombe na kula nyama na wakasahau ya kwamba kulikuwa na land dispute ambayo ilikuwa inawangojea mahala fulani. Mimi ningependelea hivi, land dispute itolewe, tuwe na kamati ya wazee wazaliwa wa area hiyo ndio watakuwa land assessors au madaktari wa kutibu hiyo mambo ya shamba.

La nne, ni upeanaji wa vitambulisho kwa mtu yoyote kutoka nje, mimi naomba sheria iwekwe mtu yoyote kutoka nje asirusiwe kuchukua kitambulisho kutoka Maasaini. Sababu nasema hivi ni kwamba unapochukua kitambulisho na wewe umetoka nje, yule mtoto mzaliwa wa hapo Massaini tayari amepata nafasi yake na wewe ndio umechukua, kwa hivyo naonelea, mtu yoyote kutoka nje ambaye amezaliwa hapa asichukue kitambulisho Maasaini.

La tano, ni mambo ya ushanga ya akina mama, wanawake Wamaasai wanakuwa na kitu inaitwa beed work, kazi ya shanga. Nikikumbuka kidogo, hiyo imepeleka akina mama wakati ingine mpaka ngambo lakini hawajatengenezewa njia mzuri ya kuwa na laini mzuri ya kuuza hizo vitu vyao mpaka nje. Kile iko, watu wanakuja kutoka Nairobi, wanakuja hapa wananunua na pesa ya chini wakifika Nairobi wanaenda wanatengeneza bei ambaye yeye ndiye anakula kitu nono kuliko yule mtu ambaye alitengeneza na mkono yake. Kwa hivyo mimi ningeomba serikali wagengeneze sheria kwa sababu tumesema lazima tuangalie hata mwanamke katika sheria hii. Sheri itengenezwe ya kulinda mwanamke Wamaasai awe na mahali pa kuuza hizo shanga yake. Chairman kwa hayo mafupi, nasema asante sana na Mungu awabariki.

P.L.O. Lumumba: Asante sana Moses sasa nitamuita Chifu mstafu ole Papu, Ex Chief ole Papu, amebanwa na njaa akaondoka sio? Jacob Siero, kama una tabu ya karatasi tutakupa naona watu wanakuja na vijikaratasi vidogo vidogo, tunakaratasi tutawapa kama mtu ana taabu ya karatasi naomba vizambazwe ili vitumike kwa minajili ya kuandika.

Jacob Siero: Thank you the Secretary of the Commission of the Constitution Review of Kenya. I think my idea is that I do not think you yourself you will enjoy it and the lawyers who are here at large. To be specific I am talking about the Judiciary and legal representation.

Cases have been pending in court thus expiring and justice have never been administered whatsoever we have been using on lawyers and what Mr. Sononka said that the rich have been buying justice in this country and now I of the view that we should have a way such that the poor can face the rich in the democratic republic of Kenya. Therefore, I am of the opinion that we should recorgnise the traditional method of solving cases so as to avoid these conflicts and pending cases in courts. Let us also do away with legal representation in courts completely.

P.L.O. Lumumba: You want to eliminate work for us.

Jacob Siero: The next thing I would like to talk about is identity, I want to say that in an official document like Identity Card,

Pasports, Certificates let us have the titles like “arap, wa, ole, ene” for our pride and identity.

Distribution of resources, the important thing in this country is security in reference to this, the Armed Forces, Navy and Air Force, training sites, colleges and head offices should be well distributed in this country especially in Kajiado District. Thank you.

P.L.O. Lumumba: Okay, asante sana Jacob. Steven ole Nkoreo na baada ya hapo akina mama watatoa maoni yao na watazungumza kwa lugha ya Klilamali. Ikiwa mtu anaomba kuzungumza kwa lugha ya Kimaasai tutakuwa na mtu wa kalimani kwa hivyo msiwe na hofu.

Steven ole Nkoreo: Kwa majina naitwa Steven ole Nkorie, natoka sehemu.

P.L.O. Lumumba: Steven ole Nkoreo, tulikosea kuendeleza.

Steven ole Nkoreo: Kwa majina naitwa Steven ole Nkoreo natoka sehemu ya Kitengela na nitaongea kwa ufupi kwani mengi yameshasemwa kama mambo kuhusu land policy, wildlife conflict, culture ingawaje nataka kutilia maanani ama kutia mkazo hali ya utamaduni na nitazungumzia kidogo kuhusu mambo ya ardhi.

Nikianza na mambo ya utamaduni, ningependa sana kamata ama Commission ya Katiba tutilie mkazao utamaduni wa Mwanakenya, Maasai akiwa mmoja wapo, ninasema hivyo kwani nimishangazwa sana na vyombo vya habari ama wanabiashara kufanya utamaduni kwa ajili ya jina la Kimaasai, ni hivi tu majizu kama mjuavyo kama mavyosoma magazetti mnaona hali ya utamaduni ikitumiwa kama biashara na hiyo ni kuharibu jina la Kimaasai hasa nikija katika hali ya beauty contest. Naona hali ile ya utu ama tuseme kuzungumzia habari ya tribe na kufanyia biashara siyo jambo mzuri sana hata si jambo ambayo sisi kama Wamaasai tungelikubali, tunalipuuza mambo kama hayo kwani unaweza kuona mtu anafanya biashara ya ushanga na kutangaza urembo, anaenda Ulaya, tunasikia anaitwa Ms. Kitengela, tomorrow unasikia yeye ni Ms. Nairobi hivyo hivyo Ms. Africa ama Ms. World, anatumia ile jina ya Kimaasai na kujirembesha na kujitafutia pesa na tunataka sheria ambayo inalinda utamaduni ya Mkenya, akiwa Maasai, Kikuyu lazima tulindwe na sheria fulani.

Ninasikia chungu sana kwani hata unaposoma vyombo vya habari nchi za America unakuta msichana amejirembesha Kimaasai na pale unamwona ameenda uchi, sasa huyo mtu anaitwa malaya na amevaa Kimaasai, tayari jina imeharibika. Kwa hivyo mimi nataka hiyo kitu itiliwe mkazo kabisa.

Nikiongezea jambo lingine nikitoka kwa hali ya utamaduni, nazungumza mambo ambaya inahusu kuwa juu ya sheria. Katiba yetu ya Kenya inasema kiongozi wa taifa ndio ako juu ya sheria lakini sio sheria iko juu yake, nikisema hivyo, mimi nikitoka Maasaini nikisoma hali ya geographia tulikuwa tumekuwa na mipaka ambayo ni railway ilikuwa inatugawanya lakini imekuja

ikafikia pahali ambayo tunasikia tu nusu ya Kitengela imeenda Machakos district. Tunashangaa sana, tunasikia kama Nairobi National Park imekuwa ya Nairobi, hali ya kigeographia ya mababu zetu, Bwana Commissioner utanisameha sana nikisema kulikuwa na geographia ya wazazi wa kale, kwa sababu ilikuwapo. Jadi kulikuwa na geographia na mipaka ya wazazi na wazazi waliotuwacha, mababu zetu. Nikisema hivi tunasehemu kama pahali imezungumziwa hapa, “Embakasi Olera”. Embakasi Olera ilikuwa inajulikana kama nchi ya Wamaasai, lakini sasa katika geographia ni kwa sababu tumekuwa na kiongozi ambaye ako juu ya sheria, anaweza kuwa na mamlaka ya kusema pahali fulani ikatwe iende pahali fulani, while creating district where you combine Eastern Province and Rift Valley. Sehemu kama hiyo ni Embakasi Olera, ambayo geographically ilikuwa Kajiado district lakini sasa ninapokaa hapa katika mambo ya utawala iko katika Machakos District. Nikisema hivyo ninashangaa sana, pale kuna shule lakini shule ile inahifadhiwa na watu wa Kajiado District, lakini shule iko Machakos, building iko Machakos lakini wale watoto wanaosoma huko mambo yao yote ni Kajiado. Sasa nikashindwa tuko katika serikali gani? Mimi ningependa kusema hivi, kama ni ardhi yetu vile wengi wetu walisema hapa hatuwezi nyamaza mpaka turudishiwe ardhi yetu. Hiyo ni kitu tunaweka mkazo kabisa kwa maana tunasoma katika historia wale waliotuwakilisha katika Lancaster House hawakuweka lile kidole. Tunasoma historia wale watu waliokuwa huko, akina Tipis and so many others lakini tunashangaa ni nini imeendelea tukapata kitu kama hiki.

Bwana Commissioners ningezungumzia mambo tu kuhusiana na shule iliyoko katika Machakos district lakini wanafunzi ni wa Kajiado, tunashindwa. Kanisa liko pale lakini mambo yake ni ya Kajiado, cattle deep iko pale lakini verterinery yule anajulikana anatoka Kajiado lakini shamba iko wapi? Machakos District. Kwa hivyo tutilie mkazo kabisa ni sharti turudishiwa ardhi yetu na katika hili shamba ya Sheep and Goat Ranch, katika registration ya shamba hili ni GL, Government Land, si ile tunasema ni ya County Council ama ile ilikuwa inaitwa Trust Land, No. It is a government land ambayo ilikuwa inasema kama project inaisha kulingana na agreement, wenye kurudishiwa shamba ni akina nani? Ni wenyewe, tukiwa Wamaasai.

Kwa hivyo ninajaribu kufupisha na mwisho kabisa ningepomba tu, Tume hii ya kurekebisha Katiba liwe liwapo lisiwe kama Tume zungina ambazo tumeziona hapo mbeleni. Tume mingi sana zimeanzishwa lakini tumeona zimewekwa tu katiak makataba na ikaishia hapo, hakuna ile reporti tumeletewa kama wananchi wa Kenya, tukaletewa tukaambiwa sasa ile mambo kaka ya Njonjo Land Commission iko hivi, kama yale yaliyopita iko hivi, hatuna moja ambayo tumeshasuluhisha. Ninaomba tu Tume ya Kurekebisha Katiba iwe itilie mkazo ili Tume hii isiwe ile ingine ambayo imewekwa masandukuni, sijui kama panya ilikula ama makaratasi ilienda wapi. Nafikisha hapo na nashukuru sana. Asanteni.

P.L.O. Lumumba: Asante, hii Tume ni tofauti mtapata reporti ya constituency hivi karibuni kwa hivyo usiwe na shaka. Huyu alikuwa ni Steven ole Nkorae, akina mama mko tayari kuzungumza kwa lugha ya kimama ya Kimaasai na kukalimaniwa na mwenzangu huyu Bwana Molel. Kuna mama yoyote ambaye anaomba kutoa maoni yake? Basi njoo ujiandikishe. Akina mama tupe majina halafu tuwaite mtoe maoni. Mama njoo ukae huku mbale ili tunakuita moja kwa moja mama. Tafadhali.

Charity Maseri: Bwana Chairman Mwandishi, wazee na akina mama, mimi ni Charity Maseri kutoka Kitengela Ward.

Ningependa kuzungumzia mambo ya uchaguzi, ardhi na masomo.

Upande wa uchaguzi, mini naonelea hasa wakati huu wa Katiba mpya tupewe sisi wananchi tujichagulie wale viongozi ambao tunawataka wenyewe kwa sababu ukiona mambo ya uchaguzi, utaweza kuona kama Wabunge kwa mfano, wanaenda tu kwa Bunge kulala halafu siku ya uchaguzi ikifika ndio wanarudi kutuomba kura. Na unaona kama wananchi hawataki huyo Mbunge, unaona pale mbele upande wa serikali ndio wanamwaga pesa, yule mtu mwingine ambaya wananchi wanamtaka anapigwa huko mbele serikali inampiga na pesa zao. Kwa hivyo wakati huu, tupewe tujichaguliwe viongozi wetu wawe wa upande wote, awe ni mama au mwanamme. Upande wa Councillors pia iwe hivyo hivyo tu juu ni hivyo tu wanatumia hizo pesa na kama tunataka kuchagua Councillors yoyote wanatumia hizo pesa kumpiga ule tunayemtaka na tunamchagua yule ambayo serikali ndio inamtaka.

Upande wa President pia nasii tupewe tujichagulie wenyewe juu unaona upande wa President kuna pahali ambayo kwa mfano inafika hata yeye anatumia nguvu, kama tukichukua mfano wakatu ule wa Kasarani, unaona wananchi hawataki Mbunge fulani mnaambiwa mnyamaze hapo, kesho yake, mnaona tena huyu Mbunge ambaye hakuwa akitakiwa anawekwa hapo halafu unasikia tu Kenya wanasema democracy, hiyo democracy sisi wananchi hatuoni kama tunapewa. Democracy ile tunapewe ni ile tu President wa Kenya ndiye anataka. Kwa upande wangu nasema tupewe sisi wananchi tujichagulie wale watu ambao tunawapenda juu ni sisi ndio tunajua yule Mbunge mzuri na yule mbaya.

Upande wa ardhi, kuna Wamaasai wenzangu walisema kwamba 1904,1911 kuna ardhi yetu ambayo ilinyakuliwa kweli Lenana ali-sign lakini ni kama ali-sign kama hajui ya kwamba hiyo ardhi itakuja kuenda baadaya. Hata kama tunasema serikali ya kwanza ilinyakuwa ardhi yetu hata serikali ambayo iko sasa pia inanyakuwa hiyo ardhi ya Wamaasai. Kwa mfano ukiona hiyo Sheep and Goard Ranch, wakati mwingine pande zile za Rongai, kuna ardhi za Wamaasai ambayo inachukuliwa na tunalia lakini nguvu zinatoka huko juu. Sasa unaona ardhi yetu inaenda tukiona na macho, kwa hivyo democracy hapa Kenya bado hatuna democracy ni democracy tu ya mdomo lakini kwa vitendo hakuna. Ninaomba Tume ifikishe kwa Bunge na ninamba siku hiyo ikiwezekana kila mtu awe mkubwa mpaka kwa mdogo awe kwa Bunge asikia maoni pia ya Kajiado iko. Mkiona hata hii mambo ya Katiba, unaona tumekuja tu baadaye saa ile Katiba iko karibu kuisha, tunaambiwa uchaguzi ni mwaka huu na bado hata kunasehemu zingine hazijafika na mimi bado nalaumu serikali ambayo imesema tunafanya kazi lakini tunalaliwa kwa mambo zingine.

Mambo ya masomo, naomba pia kabila ya Wamaasai tuwafundishe wasichana juu unaweza hata kufika hapali pengine hata mwanamme wa kabila yoyote hawezi kuongea lakini mwanamke ataweza kuongea. Kweli ati wanawake wanasemekana ni watu wadhifu ambao hawana nguvu lakini kuna pahali ambayo unaona hata sisi pia tuko na nguvu. Kwa hivyo naomba hata wasichana pia wapewe masomo ambayo hata kama umaskini iko nchi yetu ya Umaasaini si umaskini iko, ni serikali ndi inanyakuwa mali yetu. Kama hizi companies kubwa kama Portland Cement, utaweza kukuta kwamba kuna Wamaasai ambao wamesoma hawawezi kuajiriwa hapo, halafu unasikia serikali ikisema tumewapatia watu wenu na hao watu ambao tunapewa ni

wale watu wa kujipenda. Ni hayo tu mimi niko nayo.

P.L.O. Lumumba: Asante sana Charity sasa nitamwalika mwenzake ambaye pia atajitambulisha. Karibu.

Pauline Kupere: Kwa manina naitwa Pauline Kupere, ningependa kutoa maoni yangu kuhusu resources ambazo ziko katika district.

Maoni yangu juu ya resources ambazo ziko kuwa district, ningependekeza kuwa zitumike ama makampuni ambazo zinatumia mali ya asili ambayo iko katika Wilaya yetu watumie katika kuendeleza wilaya yetu. Kwa mfano kuna kampuni ya Portland ambayo inatoa resources yake katika Kajiado ili waweze kutengeneza simiti. Ningependekeza kuwa wakitoa hiyo resource kuenda kutengeneza nayo simiti ningependekeza kuwa wasaidie district kwa maendelea kama kutengeneza barabara kujenga mashule na mengine mengi. Pia makampuni kama hizo zipeane nafasi za kazi kwa wananchi kutoka kwa wilaya. Kampuni ya Magadi Soda iweze kutoa nafasi za kazi kwa wananchi wa Kajiado.

Elimi, mapendekeza langu juu ya elimu, ningependa elimu iwe ya bure kutoka shule za msingi hadi shule za secondary.

Pia kulingana na utamaduni ya jamii ya Wamaasai ningependa tu kuguzia jambo ambalo naona kidogo tu sijalipendelea. Ningependekeza kuwa wanawake wasiwe vyombo ama wasiwe wakionekana kama vyombo dhaifu katika jamiii. Wanawake wanaweza kufanya jamii iendelee na wanaweza kufanya kazi kama vile wanaume. Kwa hivyo ningependekeza kuwa wanawake waweze kuwa na haki ya mali yao na pia wawe na haki ya kurithi mali. Katika laini hiyo pia ningependa mtoto msichana aweze kurithi mali kutoka kwa wazazi wake, ikiwa ataolewa ama atababaki kwao nyumbani. Ningependelea pia tusiwe na ndoa za mapema kwa wasichana. Kuna cases nyingi kuwa watoto wa shule wasichana wa umri wa miaka chache ambao wanatoka shuleni na kuolewa, wengine na wazee kwa sababu wazazi wao wangependa kupata mali. Hiyo tukatae kabisa katika sheria ambazo tunazipendekeza wakati huu.

Pia utamaduni wa Kimaasai isifanyiwe kama biashara bali iwe, iwachwe iwe ya wenyewe, hiyo culture yao iwe private kwao, si watu wengine wa kabila fulani na fulani wanaenda nje wanaenda kufanya biashara nayo wanapata mali, hapana, hiyo nimekataa.

Katika Bunge ama wale ambao wanataka kupigania viti ningependa wawe na elimu pengine kufikia shule za secondary, kusiwe na kiongoze ambaye hana elimu kwa sababu hataweza kufikia kiwango ya kuweza kuwasilisha maoni ya watu ambao anawakilisha. Kwa hivyo wale wote ambao wanapenda kugomba vitu vyovyote wawe na elimu ya kiwango cha secondary.

Pia ningependa kusema wanawake wawe na a third of the Parliamentary seats, pia wapewe nafasi nao waweze kuingia katika Bunge. Asante.

P.L.O. Lumumba: Asante sana Pauline kwa maoni hayo. Je kuna mama yoyote ambaye angependelea kutoa maoni? School girl apart from the group, well if she has something to say.

Damaris Karanja: Thank you.

P.L.O. Lumumba: First your name please.

Damaris Karanja: I am Damaris Karanja.

P.L.O. Lumumba: Damaris Karanja. Go on please?

Damaris Karanja: I would like to talk about the discipline cases, as you know in schools there are so many disciplinary cases which takes place. I am recommending that the punishments that go after the indiscipline case should be equal to the mistake or the problem cause. We find that most students spend or waste a lot of time on suspension over petty things so, the punishment that should a mistake should be equal to the mistake that was done.

Secondly, a girl child and in that connection I would like to talk about prostitution which I wish would be made illegal in that anyone who would be found prostituting will be taken to court because prostitution for one undermines the dignity of a person. It is even through prostitution that diseases are spread and so many things happen so, even if it is because of poverty that prostitution is taking place, the government has many institutions for the disabled where these people instead of prostituting they should be taken and instead they become self reliant.

Thirdly, I would like to talk about the British System of Education, as you know most of the students in the British System of Education are those children of high officer in the government. When we complain about the subject being too many for us they do not understand because their children go to private schools, I mean the British System Schools, so they do not know what we are undergoing under the normal Kenya System of education. I am therefore suggesting that those who wish to do the British System of Education should take their children to Britain and leave the Kenya System of Education the way it was before.

Civic education, it is quite surprising that in our school, the civic education was done for the first time in our school and this was done because of the Constitution review process going on. In short if this Constitution was not yet in place we can be assured we would not have received any civic education. I am appealing that this civic education should be put in the syllabus as part of education because if we are expected to be the next leaders in future, how are we supposed to know so many things that take place in Parliament or in the government. So the civic education, the political issues should also be part of the syllabus. I just

wanted to ask a question, why is it that we have to import specialists from Europe and other countries may be to come and help with the building of roads and other technical things yet we have people who are specialized in these areas. What is the use of this education then? Is it that our education is for training criminals or residents of the streets? It is also painful to see that our money which should be used on our own country economic development goes and develop other country and still the World Bank gives us money and when the money is paid back this involves a lot of tax commissioned on top of that so something should be done. We also find that a lot of money in Kenya is misused, there is this Corruption Commission which was formed, if I am not wrong there were about three whites in the Commission who were paid Kshs. 100,000/= per day, they are foreigners who come to review a document on corruption that was made by a Kenyan many years ago. In this way we find that the Kenyan money is being misused in so many ways and we therefore appeal to the government and other opposition leaders to know how the Kenyan money is spent and to tell the people about it.

Lastly the Electoral Commission, that the people controlling the Commission should be elected by the citizens since if the President and the people he recommends continue to control it there is no way we are going to choose the leaders we want because there is a tendency of cheating on both or even stealing. If there is any Commission to be formed let the people be the ones to elect them, let me just say like the President will step down soon and he steps down we are the ones who are expected to lead, if the person who the President elected was not our choice we will not live in peace, so we want that anything especially the student, we are not involved in any things. We are still the next leaders after this old turks leave powers so we are also supposed to be updated with this happenings today in our country. Thank you.

P.L.O. Lumumba: Thank you very much, Turks can also be young, we even imports cook I often wonder with you. Thank you very much Damarais. Douglas, Daglas get on.

Douglas Keton: Thank you very much the Commissioner, my names are Douglas Keton

P.L.O. Lumumba: Just kindly raise your voice a little.

Douglas Keton: Thank you very much the Commissioner, my names are Douglas Keton from Catholic University of Eastern Africa and I am very glad to present my views:

1. Governance, I propose the Federal System of Governance with the President and his running mate the Vice President being elected by the people of Kenya and this person should not a Member of Parliament of any constituency. In the last Constitution the President has the power to form the Commission and appoint senior civil servants in the new Constitution he should just suggest about the Commission to be formed but he should not have the absolute powers to form it hence this discussed in Parliament and approved that there is need for such a Commission to be formed and even the member of that Commission should be appointed by Parliament. With this in mind, there should be an issue of regions that a certain region should a certain

number of people for this particular Commission.

2. Education, it should be free and compulsory, the quarter system should also be applied in all levels of education from the secondary schools to the universities because you cannot imagine that somebody from Nairobi will compete at the same level with somebody from Masro, there is no way. These people come from different backgrounds and lifestyles so they cannot compete, therefore the quarter system should be applied, they should also have in mind that in this region wants development like other regions. If we implement this new Constitution the quarter system should apply for a certain period of time bearing in mind that other regions which do not have these facilities should be developed to have them.

3. The appointment of senior civil servants, I feel that it should not be absolute that it is the President to appoint them, even if he suggests his people, the names should be passed to Parliament and the people so that the people can approve these people that they can do this particular jobs.

4. I do not agree that the provincial administration or that the PC and the DC's should be abolished but their powers should be reduced as in they should not have control over land, it should be the community to have control over land but then they should concentrate on security matters.

5. Electoral Commission, I feel that those who are appointed in the Electoral Commission should be people whom the Kenyans have proved that they can do that particular job, it should not be the President along to appoint the Chairman of the Electoral Commission and the Commissioners, it should be the people themselves and this Commission should have powers to prosecute any person who does something which is against the law, perhaps violence in elections, this should not go good. A law should be put in place whereby whosoever commits any crime during the election should be prosecuted in a court of law.

6. Culture, I feel that culture should be protected and there should no way others can misuse the culture of other people in any way, it should be protected.

7. Land, customary law should be put in place in matters relating to land that the customary ways of solving problems and disputes concerning land should be put in place.

8. Information, only those who can access them and read them are able to get information but the rest of Kenyans majority who are not learned cannot get information. I feel that it has come a time that information for each and every Kenya should be made accessible to every Kenyan. Thank you very much.

P.L.O. Lumumba: Thank you very much Douglas may we have Steven, your second name was not properly spelt. Mtapaiya.

Steven Mdapayu: Thank you Commissioners, I have 2 points, one is about the judiciary and the other one is about land.

P.L.O. Lumumba: Raise your voice for the benefit of those at the back please?

Steven Mdapayu: First, about the Judiciary, I feel that the judiciary in the current Constitution is not independent it is so much influenced by may the President and the Executive arm of the government of which I think if somebody is appointed by the President to do a certain duty in the judiciary he may do something to please the boss. I think there should be a special body which is in charge of the appointment of Judges, Chief Justice etc.

But something to point out about the Electoral Commission and other Commissions, I think the Electoral Commission is very sensitive as far as this language of democracy is concerned where by every other person would like to have a leader of his choice, I think the citizens of the Kenyans should be satisfied on the election which is being done, sometimes may be a language may come after the elections where by there is rigging e.t.c. We cannot say that there was no rigging because whoever is elected to stand in that position who is to ensure that the elections are fair and transparent is appointed by someone else. I think there is another Special Commission, which is in charge of elections.

Land, this is an issue that has been talked much about from morning upto now but I also feel there is a lot of problems as far as the Maasais are concerned, there is a lot of problems concerning land. First and foremost, I think there was a treaty which was signed by the British government concerning the Maasai land, there were two treaties in 1904 and 1911 where by may Olenana gave land of the Maasai to the British government. As one of the Maasais, I do doubt how Olenana conceptualized that this land is to be given out or to be returned and therefore we do doubt that this land was may be grabbed by the British government. Here comes a time when it was impossible for us may be to go for that land because the Constitution did not allow us.

P.L.O. Lumumba: We want your recommendation, I think by now we have received a lot of views on the 1904, 1911 treaties.

Steven Mdapayu: My recommendation is that a Commission should be put in place to look into this issue, the constituents of this Commission should be the Maasai people, the Kenya government and the British government to see to it that this land may be should be returned to the Maasai or should be compensated to the Maasai people.

Another thing is about land ownership, I think there is a section in the current Constitution which is governing the land ownership. So long as I possess a title deed of a piece of land, it does not matter whether I grabbed the land, bought the land or inherited the land, I am so much protected that nobody can claim the land because I already possess a title deed. I think such a

section should be reviewed because it is encouraging land grabbing and right now we are talking about so many pieces of land being grabbed and we have no otherwise because that section is protecting them, they possess land and nobody should bother about that land.

Another thing is about the Land Control Boards, I do propose that foreigners should not have any say on the Land Controlled Board, the land to be controlled and the Maasai land should be basically owned by the Maasais themselves. It is an advantage because the Maasais are divided into sections the Kei, Bonyike, Kaputei and the Lodolilikilani, the Lodolilikilani section should be given the right to control their land, the Kaputei should be given a right to control their land and nobody else should come as a DC or as whoever to say that this person should be given this portion of land in this particular part as it may cause chaos to those people, some people may say that they are not ready to accept the others. Thank you.

P.L.O. Lumumba: Thank you very much. Steven amezungumzia kuhusu ardhi, amezungumzia kuhusu Tume ya uchaguzi, amezungumzia kuhusu uhuru wa mahakama na amezungumzia kuhusu kamati zinazohusika na umilikaji wa ardhi. Asante Steven. John Mutentei.

John Mukongei: Thank you Bwana Chairman and the Commission at large. My names are John Mukongei, I am a teacher by profession. I have a few submissions to make and I will try to concentrate a little bit on my area of operation that is, teaching or rather education.

First of all is that the greatest problem we have in this land of Maasai is attributed to education, right away in this hall where we are the house is empty because people do not understand the language and so they are getting nothing.

P.L.O. Lumumba: I do not think so, we have been here since 8.00 a.m. and at one time everybody was standing out there so you have come in late. We have 245 people.

John Mukongei: Fine, I am saying that people are going away not because of time but because they do not understand. Fine, let us forget about that. I am saying that one of my proposals in education is that we should make education accessible especially to the Maasai and especially to those ones who are in the interior. We can only make this one practical by the government allocating some funds for putting up schools in the interior, if not so, the government should make some allocation through the resources around the people.

Secondly, they may also allocated land, it has powers to say that this land in particular here should actually be set aside for education and we should make schools to be as many as possible so that we can access as many people in the land as possible.

Thirdly, still on education many have said that we have resources around us which are either use badly or even not used at all,

we have Nairobi National Park for example, is given a lot of revenue to the land of Kenya but funny enough the people around there are not benefiting, we are suffering, tax is being collected, gate passes and I think we have the entitlement to use this to improve our education system and one we do that we will be in a position even to better our living. So I propose that any local resource within a given region should be used as one priority to improve education.

Child education, I totally concur with Esthers points, so please go to Esthers points, I will not repeat that again.

We still have a problem in discipline in school and the government is saying that there is not punishment and the Bible say that a child should not be left undisciplined. There are many ways of doing it I do not restrict it by the cane but I think if it has to be done, it should be done, discipline should be there in schools because we have cases, once somebody knows that there is not discipline, that child will become a very bad person in future and I believe that everybody, everyone of us here was discipline by the parents and that is why we are what we are now. I propose that Counsellors of people who are professionals in guidance and counseling should be trained and posted as quickly as possible. But it may not be very realistic (Inaudible) to have trained on how to handle those cases.

Another issue is about Provincial Administration, on administration we have problems of administrators. We should actually have a systematic appointment of administrators from the Chief up to the higher level and they should be elected by the people within their areas whom they are going to lead. They are the people who know that, this person can be able to lead and so they should be given the mandate to elect them from a bigger group and they propose them to the level so that they can be tested and then given the post. Unlike in the present cases where we have seen many people being appointed on political interest this has resulted in problems. Recently I may cite a case where a Chief refused to attend to somebody because he is not from the party whom the person who appointed him come from and this not building Kenya, it is demolishing Kenya. So I propose that election or appointment of administrators should be from the basic levels and they should be elected or appointed by the people whom he is going to represent.

On resources, corruption is actually coming in because people are not entitled to benefit from the resources they have. We have very many resources in Kenya and many have been said, in Kajiado in particular we have water which is passing just by the gates of my house but I cannot use it, but somebody uses it to grow flowers because he is capable. I think such resources whenever there is some resource around you or anywhere in Kenya, it should be made accessible to you, you should be allowed to use it and taxation to be reduced so that you can also be able to use it. This will help us to improve our living standards because if we have water for example, everybody will be able to plant and we will be involved in the crop production in Kenya and so the poverty level will also improve.

Electricity, there is a lot of distribution of electricity here now but it is only being distributed to the the people (Inaudible)

P.L.O. Lumumba: That is natural do not break them into little things let us use an umbrella. (Inaudible)

John Mukongei: Okay, so let us these be made accessible, we are not using the water because even the taxation and how to get it is a problem so it should be made accessible. The government has the machinery on how to do it and to ensure that everybody gets water.

Another issue about land which many people have talked about it and I would seriously ask you as a Commissioner to speak on our behalf on this issue, it has become a big problem and I think if you do not do it as the others have not done it, I think a case can also be upon you. We are told in the Bible that there was a time Moses had a problem, he was told by God to do something and then he said the he cannot do it, he has not been eloquent, he has not been able to speak and so God was furious with him and told him, where is your brother Aron. So we are also saying, please for us about these issues because the Gods anger burnt Moses because he actually had a helper whom he did not use so we are also telling you or rather the Commission that, there is a God above all who sees what is happening and so speak for our on this issue not only land but everything because you are the one we are trusting with this. The land issue has become a big problem in Kajiado as many have said and when you look at it I tend to propose that there be a special Commission to come and sit in Kajiado to do a lot of investigations about irregularities in the land allocation in Kajiado. That is my proposal about it because there is a lot to say on land corruption if there is an headquarter in Kenya of land corruption I think it is Kajiado. So I propose a Commission to come and sit and check on fraudulent allocation or even so people who have been debribered of land I have practical cases and I would wish to be called once the Commission is in place so that I can cite case, we have people who are landless, they have not sold their land, they have not given out their land but they have been debribered of their land

P.L.O. Lumumba: We have gottern the points, I think jambo ya ardhi imisisitwa sana na tunaichukulia na kuipa mkazo inaiyopasa.

John Mukongei: I think that is all I can say, let there be a Commission to sit and talk about that and then any land which is a government land but not in use and the government has no projections of using it immediately, I think it should surrender it to the people around there to benefit from it instead of allocating it to the big fishes or rather just to leave it idle. We have crown lands here in Kitengela which have been taken just like that and the people around there would have built a school for their benefit but instead it is allocated to the big fish just to continue in corruption. Please let the land which is not in use be given to the people around that area, not only in Kajiado but in the whole republic.

Finally I will talk about two things still on land:

1. We have this allocation which was done during the colonial time but may I ask a question, supposing our President Moi now says or rather rights a machinery of giving our Kenya and you hear tomorrow that Kenya is gone, it was sold or rather it was

given to a certain group of people. What would we do as Kenyans? Would we keep quiet?

P.L.O. Lumumba: No we would not.

John Mukongei: We cannot because we know it is our rightful inheritance, we have inherited that land rightfully, so I tend to think that any land that was allocated or given out during the Lenana agreement or whatever, I tend to think that is like making a contract with a minor because Olenana did not know the implications of that agreement.

Com. Githu Muigai: What do you propose?

John Mukongei: I propose that such allocation should be revoked and given back to the Maasais.

P.L.O. Lumumba: In fact I can confirm to you that after we came out of North Rift Valley yesterday we have now started to undertake special interest in the treaties of 1904 and 1911 as a focal issue because of the views we had in North Rift so the question of land is receiving extra attention, we have held two seminars on it and it is the one issue that is receiving attention.

John Mukongei: I am very grateful about that and I think everyone else is doing so.

P.L.O. Lumumba: Everybody, we can almost feel the question of land if there is one area
(Inaudible)

John Mukongei: It is actually the borne of contention because once my land is taken, I am automatically exposed to danger and so please attend to that.

Finally, on religion we have a problem on religion and when I talk about religion I am talking about Christianity in particular as compared to the tradition religion, I may not actually get any clap here but let me inform the Commission that we have a problem in Kajiado. Christianity which is supposed to mould the minds of men is being suppressed, we have a problem even the DC and any other person is against it but nobody goes against the culture. So if we were to restrict the culture also restrict religion. I felt it is point to mention here because as a Christain, a teacher and a Pastor also, I feel we also have the right to preach, we have the right to say what we should give the people to change their minds. I do not know how the Commission is going to address that but we have a problem, I am informing the Commission that Christianity is suppressed in Kajiado in particular so I think we should inform the concerned machineries of administration that this is God issue it is not just a personal issue. So please note that because if the Church does not speak who is going to speak? One thing I know is that the Church is the conscience of the nation and so is the conscience of the people to tell them what God wants.

P.L.O. Lumumba: Your recommendation is that we take on board the question of freedom of worship and its practical implementations.

John Mukongei: Freedom of worship and its practical implementation without any restriction. Otherwise, with that I must be grateful and I pray that God may help you to forward our sentiments. Thank you very much.

P.L.O. Lumumba: Thank you very much. Kuna vitu ambavyo vimezungumziwa sana na nigeuliza wale ambao wamesalia kama huna karatasi tutakupa karatasi ni vuzuri zaidi vitu hivyo hata ukizungumza umeviweka kwenye karatasi itatusaidia katika kujidadidi kule ofisini. Jonathan Kileu, ulisema una swala moja kuhusu uchaguzi au ni?

Jonathan Kileu: My names are Jonathan Kileu and I will be very vey brief.

P.L.O. Lumumba: I knew you would be you said so on your paper.

Jonathan Kileu: I have a few things to say on the Constitution we are making, currently I am a student.

Our Constitution should have a preamble, this is the very very first thing that we should have which will raise the sovereignty of the people.

Then our Constitution that is going to take us for another period should be gender balanced, I tend to believe that the current Constitution is not gender balanced for I may quote in Parliament we have a certain quote which says “ for the just government of men” which means the women have been sidelined so that new Constitution if there is going to be something like that, it should be for the just government of both men and women.

On the educations side, we should have free and compulsory education at the primary level. That has already been mentioned so I am not going to emphasize on that.

When it comes to the 3 arms of the government, they should be gender balanced to ensure that there is the Legislature and the Judiciary are not going to be manipulated by the Executive. The current Constituion gives a lot of powers to the Executive.

The Electoral Commission should have its people appointed by special professionals not the appointees of the President. For us to imagine of having a fair election under the sun, we should be having a free Electoral Commission for instance we have the Chief of the Electoral Commission being appointed by the President then that person is bound to serve the Presidents interest and not the interest of the other parties. Therefore I am suggesting that he should be appointed by Special Commission.

The current Constitution has a lot of powers bestowed to the President and the head of State and the head of government at the same time, the new Constitution should at least treat some powers of the President because it is very natural if a human being is given a lot of powers he is bound to abuse the same powers.

On the extension of the life of the current Parliament, this should not be there at any cost.

On the issue of the natural resources which has also been mentioned, there should be a fair distribution and access to these natural resources, we have mines, industries, we have other natural resources like wildlife and the communities who are having these things at their disposal are not benefiting from the same. So the current Constitution should give the first priority to the people or the owners of that particular place.

I am also suggesting that the new Constitution should take into consideration the health of its people, we have this thing which has been brought about as a result of the structural adjustment programme like cost sharing, may there are people who are very poor such that they have nothing to share and these people have become disadvantaged when it comes to accessibility to the health services. The current Constitution should give the first priority to the people which is health, a health people definitely is a health nation.

Then on the abuse of public offices, the current Constitution should enact laws to take very serious measures on those people who abuse public offices should not be left scot-free. We have seen several cases in the current Constitution a person can deliberately abuse a public office and he remains in the same position.

I am saying that our new Constitution should also stress on the gender and education of a girl child. Thank you.

P.L.O. Lumumba: Huyu ni Bwana Kileu amezungumzia vitu tofauti tofauti, Tume ya Uchaguzi amesema usawa wa kijinsia baina ya wanawake na wanaume na amezungumzia mambo ya afaya. Asante sana. Bwana John Kipain, umesema unataka kuzungumzia swala moja tu kuhusu uchaguzi. Clarification, one only, this election, you are a prisoner of your own promise.

John Kapain: Thank you very much the Commissioner to the Constitution of Kenya and the other honourable members of the Constitution. I am to clarify on view which was passed across by one of members in the house and I do not feel comfortable if I do not clarify that point. That is,

Election in our district, in our district we have got so many foreigners who have bought land in our area. One member had put it across this was that they should not be given a chance to vote and that is denying a citizen of this country his or her rights and a chance to vote. On this issue, every member of this district who has leased or bought land should be given a chance to vote, the only thing that I think should be put into consideration is that the people who want to be elected in the higher authority in

the district should be indigenous people from this district. The foreigners should be given a chance to vote for anybody they feel that they want to vote in because they are citizens of this country and the Constitution of this country say that we should have free and fair elections in the country, I think your Commission...

P.L.O. Lumumba: I have gotten your point universal suffrage.

John Kapain: Thank you Chairman and the other members of the Constitution.

P.L.O. Lumumba: Thank you very much John Kipain for you point. Davi ole Muyaa wants to say something about mining.

David ole Muyaa: My name is David ole Muyaa. Chairman of the Constitution, the congregation, ladies and gentlemen. I am going to talk briefly about natural resources mainly in Kajiado district and I am talking about this issue because I am knowledgeable about it, I am in the business and I have undergone through the difficulties and the problems that affect the locals, I will touch on a few of them.

Prospecting right is a burning area that has to be amended or review in the department of mines and geology. That prospectus obtain these licences right from the head offices in Nairobi and extend the powers of licences to the Kajiado County Council to obtain consent without the consent of the service owner, that is the land owner. They acquire licences that empowers them to do what they call pegging, they carry out pegging exercise that indicate so much radius, acreage should be occupied by the licence, the strength of the licence. So that prospector can peg 1,000 radius some extend to 5,000 or 5 kilometres radius. The exercise started many years ago in the mid 60's by then the community was living under group ranches scale, at that time there was only one Miner, Sungura's. They started by hosting a very big party because they needed a title deed.

P.L.O. Lumumba: I have got your point, you are talking about mining of the natural resources and the problems, how do you want us to solve it.

David ole Muyaa: I am coming to that. So this person who was given permission to mine all along wherever the materials were available after that many more land prospectors came in and the exploitation therefore was open to locals. It is about 10 kilometres from here, if you will go there yourself and see the menace, you will not believe that the people around there live a life. Mountains of heaped cotton soil are left without any consideration or anything to be done about it after excavation was carried out, they are only interested in the mineral. Anyway, I propose that we must get a solution and there is not solution since land ownership in Kenya is absolute, cannot control somebody else land but this own is not only affecting the owner of the service, it is affecting the entire community. Reason, those big dams after the excavation of minerals become dangerous, the water contained there cannot be even consumed by an animal not even a human being.

I propose that a law to be enacted and the local people to appoint a board headed by the DC as the Chairman, this board should be answerable to the Commission of Mines and the Commission of Minies is answerable to this board in terms of licencing, in terms of scrutinizing the person to be allowed to do mining and the board will make up conditions, terms that must be fulfilled by whoever who wants to, in that case I am not leaving behind the service owner or the land owner, that land owner will not be allowed to enter into an agreement to allow the person to mine on certain consideration which upto now, we do not see the benefit after all that exercise over those years as I said before.

Now, I propose that this board will look into conditions that will safeguard the interest of the locals and how the right is protected, the destruction on the ground be protected. I am talking about the condition that this board will not give consent for this prospector to go to mines and geology to obtain a licence or to enter into an agreement with the land owner without first getting consent. The board must also visit areas particularly tourists to see.

P.L.O. Lumumba: Let me just ask you. Under the new environmental management bill is that not already taken of so that in fact if you look at what is happening with Tiomin and the Sondu Miriu, it is because of the environmental management bill and right now the Mining Act is actually undergoing review. I am telling you because I am involved in it so I can confirm to you that the things you are saying are being taken into account.

David ole Muyaa: But it is being taken into account on the exclusion of the locals who are the sufferer. They must be involved right from the domestic level in every aspect of the whole exercise to enable them to foresee difficulties that may come in. Exploitation also in terms of marketing must be looked into by the same board. The board you are talking about, does not cover the locals, it is covering the matter nationwide but I am talking about the matter right from the grass root level where the sufferers remain to suffer after all that wealth has been taken by the exploiters leaving the locals to starve for years. We are creating disaster for our future generation because I believe the coming generation will be learned people and they will query, where did all these property, these natural resources available.

P.L.O. Lumumba: You would know that you are talking to a person who is giving you information that I know what you are talking about on the environment and that I am actually involved in the process of the ongoing mining Act.

David ole Muyaa: We should also be involved so mention.

P.L.O. Lumumba: If I could give you my number after this then we can engage on a very serious issue on mining perhaps that would be more useful.

David ole Muyaa: I am saying, I propose a law must be enacted that will protect every aspect of that exercise to be made a law because an individual is taken to Nairobi to sign documents which he cannot understand.

Com. Githu Muigai:

(Inaudible) we have understood it I think we you should live it.

David ole Muyaa: The other one is about Kajiado, Machakos boundary, is appropriate from the ancestral that it is the railway line going down to the boundary bordering Athi River and Kajiado, everybody has mention that and that should be reviewed.

Wildlife in our community, sometimes we were given access to keep ostrich and ostrich alone which we latter removed from business because there was no makert, market was restricted. This time I propose, animals are grazing on our land, drought cleared all the animals some people still own land but do not have animals. If it can be enacted, wildlife in collaboration with people who are having land to keep also gazelle, zebras, wildbeast and any other any other animal instead of grazing our land, no compensation etc. I have of the opinion (Inaudible) you can collect and keep them.

P.L.O. Lumumba: So you want to domesticate this things. I will visit you for zebra viewing?

David ole Muyaa: Exactly.

P.L.O. Lumumba: I think you are going over passed your time realty, I have given you a lot of latitute so I think now you now wanto narrow down.

David ole Muya: With those few remarks, thank you the congregatation and the chairman and I still demand to know much about the environmental ..

P.L.O. Lumumba: After this I will give you all my contacts and take me seriously. Your remarks were not brief thought, they have been.... Okay, may we have S. N. Turere who has one point to talk about?

S. N. Turere: Ninaitwa Steven ole Turere, Maasa original niseme hivyo. Asante sana Mwenyekiti wa wakati huu sasa, nitazungumza tu kwa lugha ya Kiswahili ambayo inaeleweka.

P.L.O. Lumumba: Endelea, zote tunaalewa.

S. N. Terere: Kwanza kabisa nitaguzia mambo ya loans kwa sababu nasikia wananchi wameongea juu ya ardhi sana na sijui kama tutakuwa kama Wapalestine na wale wengine lakini Mungu atakataa na katika wakati huu tulio nayo kwa sababu bado hatujabadilisha Katiba, tuna mambo mengi sana tulishuhudia katika maisha ya kukopa pesa hasa zaidi sana niseme upande wa AFC. Na mambo hiyo iliwafuruga sana Wamaasai bila hata kidogo kujua maana ya kulipa loan ama maana ya interest au

capital loan au loan inatokea mara tatu, labda tusema. Lakini wakati tunajaza form, tunaambiwa unachukua loan, unapataiwa utaratibu wa kulipa tusema kwa mfano unaweza kuambiwa utalipa 30% kwa mwezi ama kwa mwaka na watu wengi sana katika district yetu wa Kajiado tumewahi kukopa loan sana lakini ilituungamiza vibaya na jambo kama hilo tunataka ku-claim kusema ya kwamba, ikiw yeyote atakopesha pesa kwa bank au kwa AFC, wawe wameonyeshwa kila kitu vile anaweza kulipa ama vile anaweza kuchukuliwa mali yake ikiwa ameshindwa. Nasema hivyo kwa sababu, tulikuwa tukipewa utaratibu mbaya, kwa kweli kabisa ya kwamba unaambiwa kuna interest loan na baada...

P.L.O. Lumumba: Mzee utaniruhusu kidogo. Kile ningependelea uzungumzie ni swala la Kikatiba. Kuna kitu ambacho kunahusu Katiba, mambo ya loan inahusiana na uchumi labda uchumi inakuelewa vizuri utaelezwa jinsi lakini sasa naomba swala ya Kikatiba.

S. N. Terere: Asante sana Mweshimiwa, swala la Katiba ni kwamba wakati huu sasa tunafurahia tukiwa na Katiba mpya ambayo tumesema ni ya kugawanya sehemu kama tuseme sisi Kajiado, Wamaasai tuwe tukijichunga katika mambo, hiyo ndio kusema Majimbo na tumefurahishwa kwa sababu tunajua tukigawa njia kama hiyo tutaweza kujua kila kitu ama kujilinda wenyewe na basi ningesema ya kwamba jambo kama hilo nafasi yetu tupatiwe wakati huu sasa ya Majimbo ambayo tumeunga mkoni ili mambo kama hiyo mtu ajue akikopa hiyo loan ninataja kwa sababu kana nimetaja kwa uchumi sorry ilikuwa imetupeleka vibaya na tukashindwa namna kwa sababu unaweza kusema ya kwamba tuko na ma-advocate, tuko na idara ya kusimamia hiyo mambo lakini tunaambiwa sheria inasema kama umepoteza elfu mia tano utalipa million sita kwa mfano. Na ukijaribu kuangalia kungangana ni nini, unaambiwa basi kwa sababu tite ndio inasimamia shamba lako itaenda yote. Wengi sana wamefanya namna hiyo, wamepoteza mashamba, kwa hivyo tunataka sheria yetu iwe ya loan irekebishwe haisuru, yule ataharibu pesa atajua ameharibu pesa lakini apewe nafasi hiyo shamba igawanywe ikikosa bei wanaweza kuchukua sehemu badala ya kuchukua shamba yote completely hata kama ni Kshs. 20,000/= au 40,000/= wananyakuwa kwa njia ambayo si ya kihalali. Hata hawezi kujua familia hiyo ina kiwango gani. Kama shamba langu ni kidogo au kubwa inafaa ifanyiwe sub-division basi haidhuru nipoteze 20 acres nibaki na 40 acres badala ya kuchukua yote.

P.L.O. Lumumba: Nilikuwa na uhaligai katika benki wengi AFC kule.

S. N. Terere: AFC imekuwa ni chanzo kubwa ya kumaliza Wamaasai. Kwa hivyo sheria yetu irekebishwe na wengi labda sasa wana elimu wanaweza kukopa loan lakini wawe na system mzuri waonyeshwe namna ya kuchukua loan. Ikiwa amehara kwa sababu dunia ni hivyo isiwe inyakuliwa yote.

Ningeguzia pia kwa upande wetu sisi Wamaasai, tumetaja mambo mengi sana ya kwamba tumeonewa na uenda ikawa pia sisi tumejidharau kidogo lakini afadhali sana tuwe waangalifu katika mambo ya kisasa kwa sababu uwerevu umepita mipaka. Kwa hivyo ningesema asante sana kusema hivyo na kuna mambo fulani fulani ningeguzia tu waheshimiwa katika sehemu kama hapa kwetu Maasaini, unaweza kuona kwa kweli mtu amejirembesha ama gari imerembeshwe au nyumba imerembeshwa nyingi sana

ninaona inandikwa Maasai. Mimi sijui kama lori imeandikwa herufi kubwa sana Maasai, sijui ikianguka itasemekana Maasai imeanguka ama itasemekana lori. Kwa hivyo hii ni kuchukua sisi kama wildbeasts ama lions.

Kwa hivyo mtu atunge jambo linaloweza kufuraisha lakini si ya kuhudhi. Kwa hivyo sorry, asante sana kwa hayo, nimeshukuru nafasi hiyo.

P.L.O. Lumumba: Asante mzee tumekuelewa barabara kunakerwa na mambo ya kopo na pia jambo la Majimbo tumelitia maanani na hali ya utamaduni na kuwapa adhi ya Wamaasai. Asante sana utajiandikisha hapa. Bwana Joshua Mekitia anaomba kuzungumzia corruption, education na jambo la shamba tayari limesisitizwa ingaa kama dhahabu sasa. Jitambulisha kwa jina tafadhali.

Joshua ole Mekiti: Kwa jina mimi taitwa Joshua ole Mekiti kwa na kwangu nyumbani ni hapa karibu.

P.L.O. Lumumba: Usisonge karibu sana, kaa tu huko, endelea.

Joshua ole Mekiti: Kwa majina naitwa Joshua ole Mekiti na hapa ndio kwangu nyumbani.

Mahali kama hospitali, hospitali ni afya yangu na ni afya yako lakini kwa vile hatuna wasomi kabisa, madaktari kwa mahali kama hospitali na unajua hospitali ndio uhai wa mtu, ukiwa mgonjwa unaenda hapo kama hatuna wale wasomi kama madaktari wa hapo sasa inakuwa wale watu ambao hawajuhu Kiswahili awaelewi lugha wanaumia huko sana. Kwa sababu ukiingia huko kama ni pahali pa x-ray unaambiwa kwana na daktari ni shilingi elfu moja na ukijaribu kenda kuchunguza baadaye unakuta ni mia moja hamsini, sasa hawa madaktari kutoka mbali districts zingine inakuwa ndio hizo mahospitali ya distict ya Wamaasai ndio wako wengi kwa kazi huko ndio sawa kama ipo lakini iwe na sheria ya kuangalia hapo sawa sawa. Kuwa wale watu wanaokuja huko na hawaelewi Kiswahili wasiwe wanaumia huko kwa sababu hata wakati ingine ukienda hospitali ya private utalipa pesa mingi, utasema ile ya serikali ndio afadhali, ukijaribu kuenda huko badala ya serikali kutoza zile pesa nyingi ni yule mtu mwenyewe,...

P.L.O. Lumumba: Basi nimekuelewa unazungumzia mambo ya corruption katika sehemu za matibabu sasa pendekeza lako ni nini, tunatoa tatizo hilo kwa njia gani?

Joshua ole Mekiti: Pendekezo langu, ningetaka kusema mahali kama hapo kama ingekuwa kuna madaktari ambao ni Wamaasai wanaelewa hiyo lugha ya hao, kwa wingi sana huwa wawekwa kwa hizo sections ambazo zinahusiana na wale watu ambao hawaelewi Kiswahili.

Kwa hii mambo ya masomo, nashindwa kwa nini serikali imefukuza masomo ya kumbaru, hii masomo ya kumbaru inasaidia

sana wale watu hawaelewi kiswahili. Kama masomo ya kumbaru kama bado ingekuwa inaendelea ingekuwa watu wakati huu hata wengine angalau watajua Kiswahili na iwe kabila ile ya bure. Kwa sababu kutosa watu pesa kwa kitu kama masomo ya kukusaidia kesho na kutosa pesa mingi itakuwa ni kama umefukuza huyo mtu. Afadhali hiyo masomo iwe ni ile ambayo watu wanapatiwa bure, watu waendeleo kusoma vizuri, waelewe Kiswahili ili mtu hata kama akienda hospitali hawezi kukosa kutibiwa kwa sababu ameshindwa na lugha. Kama hii hospitali ya Kajiado unakuta mtu anakuja kama mama na mtoto na wote hawasikii Kiswahili sasa mtu mwingine anatafutwa ndiye atatafsiri lugha na hata hapo unatoswa pesa na ni ya serikali mahali ambapo pesa kidogo ndio inatakiwa kwa serikali lakini yule mtu...

P.L.O. Lumumba: Basi nimekuelewa unazungumzia elimu, kile unachopendekeza tuwa na elimu ya ngumbaru na tuwe na elimu ya bure.

Joshua ole Meki: Hiyo elimu ndio nilikuwa nataka sana kama itapatikana.

Langu la tatu ni kuhusu mambo ya mashamba, kusema ukweli shamba ni haki ya mtu, unapewa tite, inakuwa shamba lako ukitaka kuuza sawa uuze lakini inatakikana yule mtu anayeuzua shamba awe anaangaliliwa hiyo pesa yake kwa makini. Tuwe na sheria ya kutumia hizo pesa vizuri, kwa sababu unaweza kuta mtu anakaa tu ana pengine anashamba kubwa na halimi hiyo shamba, hana ngombe ya kukula hiyo shamba na ako na tite ya hiyo shamba. Kuna wengine ambao hawana shamba kabisa na ni vizuri pia wakikapa shamba lakini mtu akiuza shamba hizo peza ambazo utapata utalipa kwa Land Registry iwe na sheria ya serikali ya kukuambi ni hivi na hivi ndio utatumia hizo pesa ndio uweze kufaidika lakini sio ile unapatuwa tu pesa uende ukakunywe yote umalize uwache watoto bila makao na wewe mwenyewe pia huna makao na huna pesa.

P.L.O. Lumumba: Hebu ningekuuliza, kuna wengine wamependekaza ya kuwa shamba iandikwe kwa jina ya familia, hiyo itakuwa njia moja wapo ya kutatua tatizo hilo ikiwa sasa unataka kuuza kuna wengine ambao watakukataza hilo itakuwa ni jambo mzuri.

Joshua ole Meki: Ile kitu nataka kupendekeza ni shamba inapewe jina la mwenye moma kabisa. Kwa maana mzee ndio kichwa ya boma, shamba ni tite ya mzee lakini kwa kuuza lazima iwe mmekubaliana mtaua hilo shamba pamoja na bibi yake. Halafu baada ya kuuza hizo pesa ambazo utapata baada ya kuusa shamba usiwe unapatiwa tu pesa uende nazo, sheria ya serikali iwe kwanza utaulizwa utauza shamba juu ya nini na nini? Utasema shida hii na hii na hii, utaambiwa kwa Land Registrar kwamba serikali inakubali uuze hilo shamba na ufanyie biashara hii na hii, ili ukijenda hii ndio kesho watoto wakule hiyo kitu kwa sababu ukijenga plot...

P.L.O. Lumumba: Basi tumekuelewa nenda kwa jambo lingine.

Joshua ole Meki: Langu la mwisho nataka kusema hivi, hapa district yetu tuko na watu wa kabila mengine ambao wanakuja

wananunua mashamba, wanaishi hapa kwetu hawa watu ndio wanalete pia maendeleo, tusipokuwa na hawa watu hatuwezu kuwa na maendeleo kwa sababu nitaona yule mtu anafanya maendeleo na hata mimi nitafanya kama yeye. Ili kitu tunataka kabisa awe anaweza kuja na iwe na sheria ya kamili ambayo huyu mtu kama ni wa kabila ingine akae kama wale watu aliokuta huko. Kwa sababu mtu akinunua shamba lake lazima ajenge vile anataka na akakuwa mwenyeji wa hiyo area. Kwa hivyo akae na sheria ya wale wengine kamili kama wanashikilizana na hao wengine. Si mtu kuja kuishi hapo na uanze kudharau wale watu ulikuta hapo, haistahili, ukuje ukae na sheria ya kwamba hawa watu wengine ni kama wewe.

Pia hii mambo ya wanyama hata nilisikia yamezungumziwa, kusema ukweli KWS wanafanya vibaya sana kwa sababu hata kama sisi tunaishi na wanyama zile mbuzi zangu hata simba ikikula hata nikijaribu kuenda kwa KWS nistaki na hiyo simba haitakiwi niuwe, hata mnyama ile inakula nyasi haitakiwi niguze. Shamba langu niki-fence kweli ni sawa lakini hata niki-fence hilo shamba inakuja hufunguliwa na simba baaday.

P.L.O. Lumumba: Pendekeza.

Joshua ole Mekit: Sasa inatakiwa kama hiyo KWS iwe na sheria ya haki ambayo hata hiyo mnyama ikikula mbuzi ya mtu ama shamba walipe, kama sio hivyo waje wafukuze tu iende game na isije upande wa Maasai. Kwa hivyo mimi nafikisha hapo na maoni yangu.

P.L.O. Lumumba: Asante sana huyo alikuwa ni Joshua Mekiti. Henry Kiria, please touch on those things that we have not heard, and I think we have sufficient issues.

Henry Kiria: Okay, thank you the Chairman of the session who is also the secretary to the Constitution Review Commission. I would like to go direct to my submission and I would like just to make recommendations, some of the things have already been discussed here by speakers who have actually been here. I recommend the following:

1. That there should be a Federal System of Government in our country and this Federal System of Government, Kenya should be divided into smaller States where by there should be a Central Government and an Electoral College which comprises of representatives from the smaller States. There should be a Vice President who should be nominated also by the Electoral College, I do also recommend that there should be Ministers of government of Kenya.

P.L.O. Lumumba: Minister for?

Henry Kiria: Ministers of the republic of Kenya.

I recommend that there should be a minimum of 12 Ministers and 16 Ministers. Allocation of portfolios to Ministers, I do

recommend that marginalized groups should be considered, I have two marginalized groups here, one, the pastoralist community, two, the disabled, three, women.

Election of elected members, this should be done from the grass root level to the national level where by there should be a central government.

Provincial Administration, I do recommend that DO's and PC positions should be scrapped in the new Constitution and Chiefs to be left where by they should be subjected to an election. What I mean is that they should be elected by the people of that particular area.

Quorum in the National Assembly, we have been reading in the gazette that these people whom we elect to represent us at the National Assembly do occasionally absent themselves, I do recommend to you that such people who absent themselves should be made to forfeit half of their salary.

Summoring, prorogation and dissolution of Parliament, I do recommend that the President should not be the sole decision maker.

Appointment of Permanent Secretaries, Ambassador, I do recommend that there should be a Commission to take care of this, what I mean is that the President should not be given powers to appoint such people.

Lastly because I said I will be brief is on education, I recommend that there should be free education from primary to secondary level and also at the university level the government should give loans to those students who qualify to be there. I do also recommend that such people should also be made to repay back the loan immediately upon completion of the university and of course getting jobs.

Job recruitment, I do recommend that professionals should be left to do that, a case in point is about the recent recruitment of teachers whereby the government gave the responsibility to the District Education Boards, surely it defeats simple logic for one who has been trained and actually appearing before a board where by there are no professionals.

P.L.O. Lumumba: But they are saying they are employing 5,000 teachers in the next few weeks.

Henry Kiria: That is a problem that we are going to face, if that is going to the manner this time round it is the teachers and may be the next group will be lawyers, you can imagine if people are being interviewed by people who are not actually professionals. Thank you very much.

P.L.O. Lumumba: Thank you very much. If we could have Sylvester Letema, you said you had a point, Syslvester, you said you had one point to make please make it do not go repeating what has been said I think we have heard a lot since morning.

Sylvester Letema: My names are Sylvester Letema and I have this suggestion and recommendation.

P.L.O. Lumumba: Mama Teresia Kiboi nimekuona utakuja baada ya Sylvester.

Sylvester Latema: I have some recommendations and suggestions to the Review Commission of Kenya and much has been said regarding the community and I have this recommendation and suggestion in respect to the Judiciary, Parliament and Electoral process respectively.

1. Judiciary: A Supreme Court should be created to deal with Constitutional matters and not the High Court. There should be an office to defend the abuse of human rights.
2. Parliament, I have these suggestions that among others, a House Ethics Committee community should be created to deal with the conduct of the Members of Parliament as well as the Ministers.

P.L.O. Lumumba: House what?

Sylvester Latema: A House Ethics Committee.

P.L.O. Lumumba: House Ethics Committee, infact, there is one, they have a House Ethics Committee even now.

Sylvester Latema: May be it has not been (Inaudible)

P.L.O. Lumumba: Go on.

Sylvester Latema: The Parliament should be vested with powers to control the house callender and not the Executive. The Constitution amendment should be done through a national referendum and not by Parliaemnt.

Electoral process, a provision should be made to the Constition to vest the Electoral Commission of Kenya with powers to deal with election offences. The Electoral Commission of Kenya should have the mandate or rather should give mandate to the electorates to call back their MPs if they have (Inaudible) and a by election should be done.

50% requirement for the Presidential candidature should be inserted to the Constitution of Kenya so that if none of the

candidates fail to garner the required mandate then a run off should be done between the two candidates.

Lastly, Nominated MPs and civic leaders should not be there.

P.L.O. Lumumba: Thank you very much Sylvester, very brief presentation have yourself registered there. Amezungumzia kuhusu mahakama na kuhusu uchaguzi na sasa nitamuita mama Teresia Kiboi. Mama utajitambulisha, karibu kiti.

Teresia Kiboi: Mimi naitwa Teresia Kiboi. Bwana Chairman wa kikao ya siku ya leo na wale ambao umeandamana nao, kwanza tunawashukuru kwa sababu kusema ukweli leo tumeona kazi ile imefanyika siku ya leo na ikiwa ingekuwa namna hiyo tungefika kiwango fulani lakini hata sasa nafikiria yale yametajwa nafikiri hata yakitimizwa hayo tutashukuru. Nina maneno machache yale ambayo yanahusiana na hii kazi utaniambia na ile ambayo itakuwa imeenda kanda pia mtaniambia.

Ya kwanza ni kuhusu hawa watoto ambao wanaorandaranda miji kubwa kubwa na kila pahali kwa maana nafikiri tunaongea kuhusu mambo ya Kenya yetu. Watoto kam hawa wenye kurandaranda ninaona hiyo inakuwa ni picha mbaya na ikiwachiliwa namna hiyo baada ya miaka mengine kusema ukweli nchi yetu haitakuwa nchi tena yenye ladha ama itakuwa namna gani. Nafikiri mtu anaogea na kusema suluhisho, mimi lile suluisho ningeona kwa sababu kazi kama hii nafikiri tumefanya wakati tulikuwa kazini, na suluisho ilikuwa hii. Watoto kama hawa ambao wanatoka nyumbani, mtoto mmoja anatoka leo, wawili wanakuja, kesho kutwa utakuta watoto kumi wameshajaa kwa sababu hawajazuliwa wale hakuna yoyote wamechukuliwa. Ya kwanza ingekuwa watoto hawa ambao wanarandaranda kila mahali hata hapa Kajiado naona kama wameanza kuja, watoto hawa ni kuchunguza pahali wametoka ikiwa ni wale watoto ambao hawajiwezi hawana wazazi, hawa kuna homes zile walikuwa wakipelekwa za kusaidia wale watoto maskini na hawana wazazi. Kuna watoto watukutu wanatoka nyumbani kwa sababu ameona mwenzake alienda jana na hakuna hatua alichukuliwa, huyo mtoto unajua ni mtoto mtukutu huyu apelekwa approved school. Kuna wale nao wazazi wao wanashindwa kuangalia watoto hao, wanawachilia watoto waende kwa sababu mtoto alienda jana akalete shilingi kiasi fulani anamwambie hata wewe kwanda. Hawa wazazi nao wachukuliwe hatua ndiposa hii kitu tuweze kuzuia nchi hii kwa sababu itakuja kuwa na shida zaidi, miaka zingine zijazo.

Ya pili, kuna mambo ya masomo ambayo sijui kama italingana na hayo mambo yenu?

P.L.O. Lumumba: Wewe sema tu tujue.

Teresia Kiboi: Kwa maana wasichana wa Kimaasai mnasikia wanasoma kutoka standard one mpaka eight na form four, kuna watoto ambao wanahitumu na wanataka kuenda nchi za nje na nitaongea kuhusu hiyo ili mjue vile mtafanya. Hawa watoto wanaambiwa watume barua shuleni kule mtoto anatakikana ende na unaambiwa utoe pesa kiasi fulani ya kuandikisha katika nchi za nje, unapitia Ministry of Education, unapita kila pahali ambapo kuna makaratasi lakini unapokwenda Embassy unaambiwa hakuna visa, kwa hivyo tuna watoto wengi sana ambao wangependa kuenda nje wakasome lakini hiyo ni kitu ambayo inazuia

watoto wa nchi hii tena kuenda kusoma zaidi na ndiposa ndio mnaona hatuna watoto ambao wameenda nje kusoma na si kuwa Wamaasai wanashindwa kusomesha watoto wao, unajua Wamaasai kweli hawajajua mambo mengi yatupita, sasa hiyo ni kitu moja inatutaliza na hiyo tunawapa ili mjue vile mnaweza kufanya.

P.L.O. Lumumba: Wacha tu hapo, si jambo la Kikatiba ni husiano wa kimataifa lakini tumeelewa.

Teresia Kiboi: Mmeelewa hayo.

Ya tatu, kuna hii mali mmesikia watu wengi wametaja hapa, mali ya asili ambayo inatoka katika nchi hii ya Wamaasai na kweli yamezungumziwa sana. Tunauliza hivi, hii mali ya asili, tuna wanyama, tuna mawe, tuna soda ash huko Magadi, kila pahali ambapo mali ya asili inatoka katika nchi hii ni nyingi sana. Nafikiri kama mngepitia na njia hii ya kindani ndani wacha hii njia mnapitia kutoka Nairobi mpaka hapa, mngeshangaa kwa sababu kusema mali hii asili tunaona hakuna msaada wowote tunapata Wamaasai. Wakati wa mvua hatuna barabara, mito hakuna daraja, kuna pahali unazunguka na kuna mito mbili na watoto hawawezi kuvuka hapa waende shule ngambo ile, mtu akiwa mgonjwa hawezi kuvuka aende ngambo ile, mtu anaweza kufa upande huu kwa sababu amekosa pahali pa kupita. Hii mali ya asili tunauliza mbani haitengenezi mabarabara, itujengee mashule, ituwekee madaraja kama hayo, maji ya kunywa hatuna, tunakunywa maji na mbwa ile ya mto. Tunachimba ndio mtu anatoa maji ya kunywa na ya kufanya kila kitu.

P.L.O. Lumumba: Unaona tumekuja na yetu.

Teresiah Kiboi: Ndio mmekuja na yenu hapa kwa maana hamwezu kunya maji yetu ya hapa na hiyo mali ya asili yote iko hapa, tuna mali mingi sana na hiyo ni kitu tunahimiza. Kama watu hawawezi kutoa mali ya asili ili isaidie nchi hii basi wawachane na hiyo mali yatu basi ikae hivyo, hata afadhali ikae bila kuuzwa. Kuna mtu moja alizungumza kuhusu hiyo dam, kweli ukienda kwa hizo dam zinachimbwa, kuna watu wengi wameingia hizo ma-dama na kufa ndani. Kwa sababu inchimbwa inakuwa kama hii nyumba, wakati mvua inanyesha maji inasimama hapo. Watoto wakienda kuogelea wengine wanazama ni reporti tu hampatagi lakini kuna shinda. Kwa hivyo hata hawa nao kama hawawezi kusaidia kama inavyotakikana basi wawachane na hiyo mali ya asili yetu, kwa maana sasa naona lazima watu watumie kufua.

Tena mambo ya masomo ya watoto, lazima wasomeshe watoto na watujengee mashule na kila kitu, tunajikokota hapa na harambee kila siku haramba, tukijenga nyumba hata hatuwezi kununua simiti ya kujenga kama hii, shule ya watoto zingine unakuta ya mbao na zingine za matope na tuna mali ya asili yamejaa hapa.

La nne, kuna hii mambo ya koti, hii koti yetu ya Kenya. Hiyo kwanza ni kitu imekera watu katika ulimwengu mzima. High Court na sijui hiyo High Court inakuwa namna gani kwa sababu kama koti hii ya mambo ya urithi inakuwa mbaya zaidi, wakati huu nikiongea leo, kuna mzee moja alifariki na alikuwa na wanawake nne na wale watu werevu walikuwa wamehadaa hiyo mali

ikawa kwama yao. Kupelekwa kotini hii kesi inafanywe, kesi imefanywa, mzee alihaga akina mama watatu wameenda, kumbeka mmoja na hata hawezi kujitoa kwa nyumba sasa ni miaka ishirini na nne kesi ikiwa ndani ya koti. Hiyo tunauliza, kusema ukweli hiyo ni democracy ama tutaishi tukiwa hivyo? Ni lazima mambo mengine ifanyiwe na wale ambao wanasimamia pahali kama hapo, leo unakuta umepewa Judge huyo, kesho hapana anahamishwa unapewa mwingine, kesho kutwa unapewa mwingine. Hii kesi inaenda hivi, miaka ishirini na nne ikiwa ndani ya koti, unasikia akina mama wameaga na ndiowalikuwa warithi mmoja amebaki na hawezi kusimama pahali yuko, kwa sababu ya hiyo shida.

Uchaguzi kama wengine wamesema mtu akitaka kiti hata mimi nikitaka lazima nijingize kwa wananchi, ikiwa wananitaka wanichague wasiponitaka waniwache. Hiyo lazima hiyo.

Kuna mambo ingine ya uuzaji wa mashamba katika nchi hii kwa maana hapa Kajiado district mambo ya mashamba imekuwa si mzuri sana. Ie kitu tungeomba ipitishwe sheria, mambo ya Land Board kuenda tu Kajiado hiyo itoke grass root kutoka kwa sub location kwa maana hawa ndio wanajua, huyu mtu anauza shamba kwa shida gani ama ni ili tu ya kuuza shamba aenda anywe pomba, atoroke nyumbani awache yule bibi yake wa zamani anaenda kuchukuwa mwingine town. Hiyo tunataka hiyo mambo ya Land Board ianzie grassroot kwa Assistant Chief na wale wazee ambao wanajua huyu mtu, wakisema hutauza shamba kwa sababu kuna wengine wameuza na wakati huu hawana pahali pa kuenda. Hawa watu ndio watakuwa wakipiga watu kesho, kwa hivyo uuzaji wa mashamba lazima iwekewe manani sana upitishwe hiyo iwe mambo itoke chini kwa wale watu wa kijiji yako watakujuu na wakiona una shida fulani hawatakuonea kama unauza kwa shida fulani, watapitisha na watasema upewe ndio DC apate reporti kutoka chini lakini si mtu atoke hapa kwa maana kuna wazee wengine waliuza mashamba hapo zamani anaambiwa, kuja na bibi yako na watoto, anajua town hapa anarokoto bibi, anamleka kwa DC anamwambia huyu ni bibi yangu. Kusema ukweli na anapitishiwa hiyo, huyo mzee kutoka hapo hutamwaona maisha, utasikia ako Kitengela ama kwingine. Siku ile pesa inaisha na yule bibi alipeleka ndio atakuja nyumbani bila hata kitu na nyumbani aliwacha watu hivi na hakuna kitu alirudisha, hiyo mambo ya uuzaji wa mashamba lazima iagaliwe.

P.L.O. Lumumba: Okay, sasa malizia.

Teresiah Kiboi: Nina mbili tu sasa. Kunaingine inatukera na inakera watu na hata nimesikia watu wengine wakiguza hapa, ukitaka biashara yako iendelee ni mpaka uchore Mmaasai ama uchonge Mmaasai uweke mbele ya duka yako hata watalii wakija waje wafanye nini? Hiyo tunasema hatutaki mambo kama hiyo, wengine wanaenda wanachonga mama ambaye hana nguo mati iko njee, ukienda Nairobi unakasirika ukiwa Maasai hata unasema mimi Nairobi hii sitakuja. Mtu anachongwa tu, anakaa hivyo ndio biashara iendelee, hiyo mambo ifungwe kabisa, mapicha ile wanakuja kupiga watoto wetu hapa pia ifungwe kabisa kwa sababu kama unataka biashara yako jichore wewe mwenyewe ufanye vile wewe mwenyewe unataka ndio biashara yako iendelee. Tumekataa biashara ya Maasai kama hizo.

Ya mwisho na nafikiri wazee hawatapiga makofi hii ni kuhusu mambo ya urithi, kusema ukweli katika mila ya Kimaasai na

wakati mwingine tuwache mambo ya kimila. Mambo ya urithi wa Kimaasai kama mama hana kijana na bwana yake amekufa huwezi ukarithi kwa maana msichana si mtu, lakini nimefurahi leo wametajwa na nafikiri hiyo sheria mtaenda kuiangalia. Awe msichana au kijana, lazima wote wamezaliwa katika hiyo boma na lazima apate haki yake. Nimeshukuru sana na ni hayo tu lakini tuna mengi tunawakibisha tena na tena.

P.L.O. Lumumba: Okay mama Teresia. Sasa tuna watu wawili ambao wametupa majina na kile ambacho nitaomba tuwe na Moses Lei na Mzee ole Moyei ambaye ni elder atatumalizia. Sasa Moses yuko? Tuanze na Moses halatu Mzee wewe ndio utafunga.

Ikiwa kuna mtu mwingine awasilishe jina halatu apate fursa.

Moses ole Moyei: Thank you Chairman of the Commission and the congregation. Mine is just to present some points here because we are Maasais and we are pastoralists. I have not heard something to do with slaughterhouses and I think the government should built one of two slaughter houses at each Maasai Trading Centres because we find that the slaughter houses we have, we are have been charged exorbitantly because they are privately owned and the standards of cleanliness are very poor.

The other thing is that we have these cars passing....

P.L.O. Lumumba: You have your note you can use it.

Moses ole Moyei: Like tomorrow we will have the Safari Rally passing nearby, those cars sometimes cause a lot of damage to our animals even if they knock somebody down they continue with their race and we do not get any benefit as a community. Anything that passed by the community the community should get some benefit in one way or another and even the spectators...

P.L.O. Lumumba: I want us to concentrate on the Constitution, you have written some very good points there I wish you could share them with us. The ones you brought to me in advance, those are the things that I am waiting for, they are very good.

Moses ole Moyei: First we have the individual rights.

P.L.O. Lumumba: Yes, those are the things.

Moses ole Moyei: I think everybody has a right whether you are poor or rich, you have your own right and in the current government we can see that only the rich have rights because a poor person cannot be heard. I think the individual rights to be

exercised because they are there in the laws of the country but we do not see them enacted.

The other thing is on elections, in the County Council, the Mayor and Council Chairmen should be elected by the people. Plots should not be directed to the Councillors like for example here at this Trading Centre most of the plots have been taken by rich people some have 5 or 6 plots but we find that ordinary citizens should also be given plots even if he or she will later sell it to another rich person but we should have equal distribution. Those are the points I had.

P.L.O. Lumumba: Thank you. I would have loved to end with mzee so I will call Mzee ole Tumoi who is also another mzee he has described himself as an elder.

Mzee ole Timoi: Thank you Mr. Chairman, my name is ole Timoi I am from Kajiado. While I give the views, I acknowledge the fact that Kenya is a nation made of many different groups called tribes with diverse backgrounds in terms of history, culture, population and economic systems. However, we aspire for a united, strong and thriving nation but it is necessary that every individual and every community is served, get protection, basic rights and opportunities in development and(Inaudible) I will present views on some basic issues that I feel mostly touch on us.

I start with land because land is an issue because the history of Kenya is the history of land and particularly for the Maasai the birth of Kenya gave birth to the displacement, dispossession of the Maasai from 1904 to this particular time when we are sitting here. The population of Maasai today in Kajiado is 51% and that of immigrants is 49% and the land is being transferred on a daily basis. The immigrants are not living in a vacuum, they are living on ground where the Maasai have been displaced so land is a very crucial issue. The proposition is that ancestral land to belong to the community and we call that community "Olosho" because in Maasai land we had distinct sections and there was no dispute about land ownership and the boundaries. Individual land ownership to exist but to be subordinate to the Olosho title. All ancestral land taken from indigenous people to revert to the indigenous people. All titles to bear the names of family members that includes the husband, wife and the children. All land taken irregularly to revert to the local owners and all land Acts including adjudication Act, group representative Act, wildlife and others to be repealed and the Land Commission that recognizes community laws on property and land to be established.

Natural resources, when I talk of natural resources I include minerals, wildlife, fish, forest and water and I recommend that all the natural resources found in an area to belong to the community but can be leased by the community on terms favourable to them. The revenue accruing from such natural resources that is, 40% to go to the community, 15% to central government, 20% to the regional government and 30% to the proprietor or whoever incurred the costs of working on those resources. The lease for such natural resources for instance places like Magadi Soda Company, Mable Quarry, the lease should be limited to 15 years but renewable.

Structure of government, I propose the Regional System of Government where by in the Central Government there is a Parliament of two houses that is the Lower House and the Senate so that the Senate can regulate and check the bills passed by the Lower House. At the regional level, we shall have a regional Parliament and I recommend the regions to be established and follow the current provincial boundaries but I suggest Rift Valley to be divided into 3 regions and I describe the region where we wish to belong to start from Transmara, Narok, Kajiado, Nakuru, Laikipia, Samburu and parts of Baring and we shall call it Southern Region. The district level will be the base for development for the communities and the County Councils and Urban Councils will be in existence and will be in charge of the district but there will be responsibility given to the elders committee at the locational and sub locational levels.

Terms of office for representatives those in Senate or those in the Lower House to be in office for two consecutive terms of 4 years each and the Executive will include the President who will be elected nationally and who will not represent any constituency and he will be elected by the whole country while the Regional Assembly members will be elected by residents of their respective regions.

Education, early childhood, primary and secondary education to be free and compulsory and relevant to the regional area. Affirmative action for neglected communities in education and development be put in place. Tertiary colleges to be available in all districts, curriculum to include culture, vernacular and pastoralism in the case of Southern Rift region. Regions to have their academic callenders to take care of seasonal and cultural demands and universities to have a quarter for each district.

Culture, culture to be recognized and protected and compensation methods to be entrenched in the Constitution for instance when the a human being is killed according to the Maasai traditional law is you pay 49 herds of cattle and if you kill a bull, you pay 9 cattle and the other go like that. So if a human being or animals are killed by wildlife it should follow the traditional way of compensation. Peoples culture to be respected and protected against puggery and abuse, misinterpretation about culture of a people is subject to penalty given example of the spear and the Maasai woman which is not true but is universally agreed and believed and you cannot convince anybody otherwise but there must be somebody who started it, should be punishable.

Historical injustices and wrongs, this particularly applies to the Maasai people from 1904 to-date, for instance when the British came and took Kenyan land 16,000 square miles which was taken 11,000 square miles were from the Maasai and they continue taking again. When Kenya got independence, the land that was taken from the natives as they were referred was returned to the respective owners but the Maasai land went two directions. The one which was returned by the whites was shared among other communities and others is still settled upon by those whites upto now, those are some of the historical injustices. The recommendation is that there is need for a Commission to investigate forms and extent of injustice subjected to specific people and recommend for restitution. The Constitution to acknowledge the historical injustice on people that it does exist.

Pastoralism to be constitutionally recognised and supported as a vital economy because you find that now people are thinking land is idle because the system does not understand pastoralism. Land taken from the people wrong to be revert to the rightful owners this includes land taken during the colonial days and land taken during independent Kenya through use of big offices, big money, corruption, fraud and bad laws.

Citizenship, one should only qualify as a Kenya citizen if born in Kenya and the two parents were born in Kenya, unless citizenship is regulated Kenya will be like Kajiado where we the Maasai our future is threatened, the economy has been taken from our hands, marginalized educationally and on development opportunities. We are so much intimidated that we even fear to say what is ours is ours. We do not even get employment, our sons and daughters are denied employment when opportunities exist and are given to outsiders and I hope the Secretary to the Commission has given the community freedom to say everything and I hope it will be also included. A point in recent times is when we had a Coordinator for this Constitution, the Secretary to the Commission advertised the position for indigenous people but we struggled for our rights but in vain, when I went to the office of the Secretary I saw the portrait of Dr. Luther King, Mahatma Gadhi and the name of the person is Lumumba, then I did not wish for anybody else but what transpired the Commission was now like the British government the Secretary was like the Governor whom the Maasai appeal for their rights but they could not go through. Up to now we are still suffering, so we are saying the Kenyan citizen should be taken care of because we are even denied our roles and we blame the system and rampant corruption. Today Kajiado would be a rich area full of elephants, rhinos and other important animals, they are all gone, it is not the Maasai who killed them it is other people who killed them, they say people are replacing use here, the Maasai are going like the elephants and if Kenya plays the Kenyan will go, even the businesses already in Nairobi we will see who are owning. So I strongly say citizenship should be strictly considered such that nobody just comes and get citizenship without having any background being born with roots in Kenya. Thank you.

P.L.O. Lumumba: Thank you mzee ole Timoi. Moses, you have come too late, you have been here since morning, I will allow you to give your views for 2 minutes then we allow mzee he has been waiting for everybody. We are not treating him as we should, with respect.

Moses Awani: Langu la kwanza ni kuwasalimu wote na wenye mkutano huu wa leo ama haki na amani, nimewashukuru kwa siku ya leo kupatia wananchi nafasi.

P.L.O. Lumumba: Toa mapendekeza moja kwa moja.

Moses Awani: Jina ni Moses Awani kutoka hapa Kitengele. Ningepende kutoa mapendekezo kuhusu wasomaji. Nafikiri watu wengi wamesoma hapa Kenya pengine 80% nikisema na kuna wazee ambao bada hawakusoma lakini ukijaribu kuwa katika mikutani mbali mbali katika mtaani hata kwa head office, watu wanaongea kiingereza na kuna wazee kama moja kama Ndaretu ambaye hakuwa pamoja na sisi siku ya leo. Lakini unakuta watu wanaongea tu Kiingereza hata ma-vocabularies

ambazo watu hawawezi kuelewa, kwa hivyo ningependa sana kuomba siku ya leo, hii reporti ifiki katika pendekezo letu kwa siku ya leo ya kwamba kama wale wanaongoza katika kila group wajaribu kuongea lugha ya Kiswahili ili wazee waelewe na hata wale akina mama hawajasoma na watoto pia. Kwa hivyo ningependa saa tuongee lugha ya Kiswahili ili kila mtu awe wazi na lile linasemekana.

Lingine ningependa kuongeza ni kuhusu wakubwa, unaweza kuta wakubwa kwa mfano mzee wa kijiji anaweza kuamka na kuongea kilugha tu kikubwa ambao hata hawa hawataelewa na unakuta kuna shisa hapo hata wazee wengine kuto...

P.L.O. Lumumba: Unapendekeza lugha ya Kiswahili iwe ndio lugha ya matumizi kwa maisha ya kawaida?

Moses Awani: Nimependekeza hiyo iwe ni lugha ya kila wakati, wakati wa mipango zote.

Waongoze wetu, kunawaongoze wetu na nikisema waongoze ningetoe mfano moja tu ya mtu kama Chifu, nikiongea kuhusu mambo ya Chifu, nafikiri Chifu amekuwa kama mtu tu amewekelewa pahali yeye hatahama na yeye hatakuwa na shida na unakuta wananchi wanapata shida kwa sababu Chifu anakaa hapo milele. Ningependekeza hata Chifu awe anaangaliwa mambo yake hata kama ni uchaguzi sisi wananchi tungependeza tuchague kwa sababu amekuwa tu anakaa pale, kazi yake ni kuenda kuchukua mshahara, ukimuita kwa shida hata kwa mipango ya nyumbani mkipigana hawezi kuja kwa sababu anajua tu analipwa misharaha. Kwa hivyo ningependekeza siku ya leo, kwa sababu Kenya iko katika corruption hata Chifu tuchague kama inawezekana tuwe tuwe tunabadilisha viti kwa sababu ya maringo kwa watu wengi.

P.L.O. Lumumba: Tumekuelewa unapendekeza tuwe na fursa wananchi kumchagua Chifu asiteuliwe kutoka Nairobi sio? Basi nenda kwa pendekezo lingine.

Moses Awani: Ingingine ni kuhusu land grabbing, nafikiri kwa mashamba hapa Maasaini kwa mfano pahali tulipo, tuna sehemu mingi hata zile shamba ambazo sisi tuko, tumekuwa na shida na uzuni kwa sababu kuna maboma wakati huu ukienda, mzee anakaa tu akihama. Kusema anakaa akihama, shamba imeenda yako na unakuta mwongozi fulani anasema 'wewe mzee enda title yako imeisha hata huna shamba' kwa hivyo tunapendekeza tujue sababu gani mashamba zinauzwa hata wakati huu wazee wengine wakifa watapelekwa huko Langata. Kwa sababu hakuna pahali pa kuweka watu kama hoa, kwa sababu ya shamba kuuzwa na pia hii corruption, unakuta hata shamba lako hujauza, pengine mzee amepatiwa elfu moja tu halafu anaambiwa shamba lako imeenda, akiulizwa na mama. Unajua hapa Maasaini unaweza kuta familia moja haweze kusomesha watoto kwa sababu ya shida ili tuliyoko sasa nayo hapa. Unakuta mtoto ameshindwa kuenda shuleni hata anatoroka nyumba. Kwa hivyo unakuta mzee anakaa na bibi yake siku ile watapata mtu mmoja ya kuwapatia elfu moja shamba imeenda, watoto kurudi hakuna makao, ukijaribu kufuata unakuta ni mtu aneyejua kama mwongozi.

P.L.O. Lumumba: Sasa pendekeza lako nini? Unasema ya kuwa shamba inauzwe kiholele, watu wanapoteza mashamba

sasa kutatua tatizo hilo.

Moses Awani: Sasa kutatua shida hili ni kusimamisha mambo ya kuuza shamba kwa sababu tulikuwa tumesema tuuze mashamba tupate faida lakini kwa kweli kabisa shida ndio umeingia sana na hata watu wengi wamekufa kwa sababu ya hizo pesa. Kwa hivyo ningependekeza kwa siku ya leo uuzaji wa shamba zisimamishwe zote.

P.L.O. Lumumba: Asante Moses, umetoa maoni jilandikishe. Sasa naomba kumuuliza mzee ole Muyee. Karibu mzee.

Mzee ole Muyee: *Airoroki intae viongozini pookin.*

Translator: Anawasalimu viongozi wote.

Mzee ole Muyee: Kara ta orpayian enkitok.

Translator: Mimi ni mzee kamili.

Mzee ole Muyee: *Nderito neaku nau intae tukul.*

Translator: Mimi ni Nderito nimewazaa wote.

Mzee ole Muyee: *Naning du nchere etae ele omoni le nkop.*

Translator: Nasikia na nilipata habari ya kwamba kuna jambo hili la ardhi.

Mzee ole Muyee: *Najo alo ainining.*

Translator: Ndipo nikaja kusikiza.

Mzee ole Muyee: *Amu nekure duo tata enkop anapa eta iltunganak ore tata irkituak meti ene hata adolita. Madolita laiguenak madolita irkulikae.*

Translator: Nashangaa kabisa dunia imebadilika hapa sioni viongozi sioni Machifu, sioni viongozi wengine.

Mzee ole Muyee: *Ne entoki napunui aininingu ena.*

Translator: Na hii ni jambo la maana ya kusikizwa.

Mzee ole Muyee: *Amu entoki apa nashomo te kira.*

Translator: Ni jambo ambalo ilipita zamani sana.

Mzee ole Muyee: *Penikining iyiok iltunganak kituak ijo etushukunye nikiomon enkae eushe iyiok enkai ngonyek.*

Translator: Na tukisikia tumepewa nafasi ya kuongea habari ya yaliopita tunasema asante kwa Munge ametupa nafasi.

Mzee ole Muyee: *Ota tenajo alo meti iltunganak.*

Translator: Na mimi nimekuja na sijaona watu.

Mzee ole Muyee: *Ore enajo majo nkumok amu tana keti nai iltunganak na kajo nkumok.*

Translator: Sitasema mengi naona hakuna watu.

Mzee ole Muyee: *Kake kanangu orkume obo nainguaki intae.*

Translator: Lakini nitatoa jambo moja mzito kweli.

Mzee ole Muyee: *Ewuo ena toki na enkai nayaua me iyiok oyoua enkai natadamua neshuku ashuku osotua.*

Translator: Jambo hili ni Mungu amelele na ikalete mambo ya amani.

Mzee ole Muyee: *Ore ta sintae lotegeluaki orere entareta iyiok niminchosho metoruo laruo amu eti lopusonu aitaruo.*

Translator: Nyinyi ambao mmepelewa nafasi hii mwongoze kwa amani na mchunge wale watahararibu.

Mzee ole Muyee: *Tinijo duo kirere mpaka mwisho na mwisho ena enetiaka intae enkai amu etiaka laruok lariki intae eiganare neitaruo ena bae.*

Translator: Muendelele mpaka mwisho na Mungu atawasaidia mpaka mfikishe.

Mzee ole Muyee: *Tiningor nanu are kitok ara si nanu orpayian ake kitok ota olorika ara olpayian le kijiji e Kitengela.*

Translator: Mimi ni mzee lakini niko na kiti kidogo mimi mzee wa kijiji wa Kitengela.

Mzee ole Muyee: *Na aita si nanu nawal nadol na kanyor ena amu entoki sidai nashukunye. Enkiteng naimina apa natushukunye tesidano nemeti enara na kajoki ake ntae emincho meimu entoroni incho eimu osutua ana tata.*

Translator: Jambo hili ambayo imerudi naona ni jambo la maana na mweka amani tujadilie.

Mzee ole Muyee: *Amu eti tata loitaruo epuonui aingorunye enara, engaruoshi, neitaruoki intae entoki apa naitobirua.*

Translator: Chunga kuna uchochezi na wale ambao wanapanga mabaya.

Mzee ole Muyee: *Apalie ta ina kake aigil tena kayiolo orkekun oitoki alotu, amu kajo nanu keitoki amusanu neiluso iyiok, kajoki intae entobiraki kulo oti emincho meitaruoti laruok.*

Translator: Na ninatia kikomo hapo nikiwatakia kazi mzuri na mchunge watu wa kuharibu.

