

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

KEIYO SOUTH CONSTITUENCY, HELD

AT TAMBACH TEACHERS TRAINING COLLEGE

ON

3RD JULY 2002

CONSTITUTION OF KENYA REVIEW COMMISSION

CONSTITUENCY PUBLIC HEARINGS, KEIYO NORTH CONSTITUENCY
AT TAMBACH TEACHERS TRAINING COLLEGE
HELD ON 3RD JULY, 2002

Present

Com. Domiziano Ratanya
Com. Riuinga Raiji
Com. Salome Muigai

Secretariat in Attendance

John Watibini	-	Programme Officer
Lynne Sigei	-	Asst. Programme Officer
Grace Gitu	-	Verbatim Reporter
Francis Kigen		District Co-ordinator

The meeting was called to order at 10.35 a.m. with Com. Ratanya on the Chair.

Francis Kigen: We are ready now to start, and while we wait for other people to come, we will go ahead and start hearings for today. But before that, I would like to call upon Mrs. Sumbeiywo to lead us in a word of prayer, and then, I will hand over to the Principal to welcome our guests – Commissioners of CKRC and District Commissioner to welcome them, and then we leave them for the business of the day.

My name is Francis Kigen, I am the District Co-ordinator – Keiyo.

Mrs. Selina Sumbeiywo: Na tuombe. Baba katika jina la Yesu, tunakuja mbele yako asubuhi hii njema, tukirudisha sifa na utukufu kwako Mungu wetu. Asante Jehovah kwa ajili ya safari njema ambayo umewapa Commissioners ambao wamekuja kuwa pamoja nasi siku ya leo Jehovah. Tunakushukuru Mungu kwa ajili ya siku hii. Hii ni siku ambayo umeteua katika District yetu Jehovah, hili hata nasi tuweze kupeana maoni yetu kwa ajili ya Constitution ya Kenya, Jehovah. Katiba ilikuweco Jehovah, hata wewe Mungu ulitoa amri zako, na hiyo ndio amri ambayo tunatembea tukiwa nayo hata wakati huu Jehovah. Na hata kila nchi Baba, umeteua wakuwe na Katiba yao Jehovah ambayo itasimamisha nchi. Hatutaona hii ni kitu kigeni kwetu Jehovah, lakini, bali tunajua, ilitokana na wewe. Jehovah, nchi ya Kenya tunakabidhi mikononi mwako, hili na mapenzi yako Baba iweze kutendeka. Baba tunahitaji nchi ambayo itakuwa ni vyema kwa kila mtu Jehovah – kwa wale wazee, kwa waume, kwa wake, kwa watoto, na hata wajane, na hata yatima, Bwana. Tunahitaji nchi Bwana, ambaye itawezesha kila mtu kukaa vyema kulingana na mapenzi yako Jehovah. Baba, asubuhi ya leo, tunakabidhi yale yote ambayo tunaenda kunena asubuhi hii njema mikononi mwako Jehovah hili mapenzi yako ipate kutendeka. Baba, anza pamoja nasi, na ukamilishe pamoja nasi. Tukimaliza Jehovah, sifa na utukufu itakurudia Baba, kwa sababu nimeomba katika jina safi la Yesu Kristo aliye Bwana na Mwokozi wetu. Amen.

Principal (Tambach TTC): Com. Salome, Com. Irungu, Com. Ratanya, the DC – Keiyo, officials of Keiyo Review Commission, wananchi watukufu, good morning?

On behalf of the College, I would like to welcome the Commissioners very sincerely to our institution, and we ask them to feel free and enjoy the use of these facilities, the whole day, and they are even welcome to stay, if they want to stay over-night – we have rooms in this College where we can accommodate you Commissioners.

Wananchi I also welcome you to your college, please feel free, give views, be effective in the discussion. I want to wish you luck as you deliberate on these important issues touching on our lives, touching on our nation. I want to say that, even the college students prepared documents. They will present something, “wapi a student”? A government of students is also here -- that is an ex-student, a councillor, he is called Cllr. (inaudible), Bwana Mones, sema amechukua kiti chako, Bwana councillor (inaudible).

So, with those few remarks, let me welcome the DC to continue with the rest. Bwana DC, welcome.

DC, Keiyo: Thank you very much our Senior Principal, our Commissioners, Ladies and Gentlemen, I wish to take this opportunity to welcome you on behalf of our leaders in this District. Although you may see that we are few, but what has happened Commissioners is that, people have made write-ups, which I think is going to make your work very easy. I know

that when you came, you were not sure whether the District Headquarters is in Tambach or in Iten. Prior to 1973, this used to be our district headquarters, but currently, we are up in the highland in Iten, where you will be tomorrow, in the county council hall.

Ladies and Gentlemen, the business of today, this is why you find we didn't want to put chairs here. I am going to sit with you, and listen to what you are going to present. But just before I hand over, personally, as a Kenyan, there are issues that really we must take into account and we must retain in the Constitution.

One, is the court of arms: the court of arms is a very important instrument and sign of unity for all of us.

The Kenyan flag: must also be taken into account, and I wish to propose that this must also be retained.

On issues of local authorities: I have sat in local authorities for many years, I wish to propose, to say that our councils, they need also to be considered, we don't have very many, at least to get some funds from the consolidated funds. Just like our honourable Members of Parliament.

Lastly, but not least, I know I have written a paper, and already it is there, that, we in the provincial administration, alone set-up, is a very important linkage between our people at the grassroot. Right from that village elder, the things that, that village elder can do, but myself, as a District Commissioner, I am not able to. So, right from those elders, must be retained in this Constitution, because, I have said – I am saying that because, the administration of today, is not the administration of the 70s. All that we do at the moment, we do development administration.

Ladies and Gentlemen, you are most welcome. The Commissioners, feel free, I know you have been with us for three days. Our Member of Parliament for this constituency – this is the Keiyo North Constituency, will not be able to be with us. But, he has sent in his suggestions.

So, with those few remarks, you are just welcome. I wish also to say, that security in this district where I am as the chairman of the District Security Committee, it is (inaudible). I was only saying that, security of our properties and our lives, should not be left with us. It should be in the hands of each one of us, so that when we talk about the cattle-rustling, I also keep on asking myself, our neighbours, if they finish those animals, and they have the guns, what is going to happen? This is an issue that must be looked into very carefully, by all of us, by talking to our people, so that behavioural change must actually, be changed, that people are taken to school.

As I said last but not least, Commissioners, I am gender-sensitive. Issues on rape, if any man commits rape, I would say, I think that fellow should be hanged. Thank you.

Com. Ratanya: Bwana DC wa Keiyo District, Deputy Principal wa College hii, Co-ordinator wa District hii, katika Constitution of Kenya Review Commission, Wananchi wa hapa Keiyo North Constituency, hamjamboni nyote?

Response: Hatujambo.

Com. Ratanya: Kabla hatujaanza, tungetaka kujuana. Kwa sababu munatuona hapa, tuko mbele hapa, na viongozi wengine, hatujajuana. Kwa hivyo, hiyo introduction ingekuwa pengine kitu cha kwanza. Na Co-ordinator, pengine una ile committee yako ambayo inaendesha, munasaidiana nayo. Pengine ukianza hapo, ingekuwa mzuri, halafu tuendele.

Francis Kigen: Okay, asante Chairman Commissioner. Nafikiri nitaanza na Chairman wa Constituency Committee – Bwana Lucas Chepkotong. Yeye ni Chairman ya Constituency Committee, Keiyo North. And may I ask other members who are present to stand up. My two ladies, Mr. Francis Cheplait over there, he is a CCC member. Then we have here, Maurice Tuton, and then we have Mrs. Selina Sumbeiywo. Thank you. The others are busy – that is, Julius Kiprop over there at the gate, manning the gate. The others are busy organizing for tomorrow's session. Thank you.

Com. Ratanya: Okay, asante Bwana Co-ordinator, hapa hata sisi tuna staff wetu, ingawa hawa munaona hawa ni Commissioners ambao nitawajulisheni kwa nyinyi. Lakini kwanza, ningetaka mujue, watu ambao tunasaidiana nao. John Watibine endelea hapo. Huyu John Watibine ndiye kiongozi wa hao wengine ambao tunao. Pale unaona Recorder wetu – Grace.

Grace Gitu: Hamjambo?

Response: (inaudible)

Com. Ratanya: Na huyu msichana mwingine Sigei. Unaona hata dereva wetu, kuna mmoja hapa anaitwa Maingi, kuna mwingine pale Kamau, na mwingine pengine yuko nje anaitwa Abraham ambaye hayuko hapa.

Na kutoka hapo, sasa ni Commissioners ambao tunao hapa ambao munaona mbele hapa. Upande wangu wa kulia, tuna Com. Salome Muigai, na upande mwingine, tuna Com. Riunga Raiji, na ningetaka kila Commissioner pengine asalimie nyinyi na ajiulishe yeye mwenyewe kabla hatujaanza. Tuanze na Com. Salome.

Com. Muigai: *Change tugun?*

Response: (inaudible)

Com. Muigai: Tuna furaha sana kuwa hapa na nyinyi, na ninafurahi sana kuona kina mama na kina baba, tuje tuzungumzie hii

hali yetu ya Katiba yenye tungetaka. Karibuni.

Com. Raiji: Hamjambo ndugu na dada zangu?

Response: (inaudible)

Com. Raiji: Kama mumesikia, mimi naitwa Riunga Raiji, na ni furaha yangu kuwa na nyinyi siku ya leo. Asanteni.

Com. Ratanya: Na mimi ambaye niko kati kati hapa, jina langu, naitwa Domiziano Ratanya, ambaye vile vile ni mwenyekiti wa kikao hiki ambacho tuko nacho hapa siku ya leo. Hamjamboni tena?

Kutoka sasa, saa hii, tumetangaza hiki kiwe kikao cha Tume ya Kurekebisha Katiba ya Kenya. Na kabla hatujaanza, ningetaka niwajulishe mambo machache ambayo tutafuata. Kitu cha kwanza, tumeandika list hapa, wale ambao wamekuja wameandikishwa, na tutajaribu kutumia hii. Yule wa kwanza kuingia, ndiye tutaita akiwa wa kwanza na kuendelea namna hiyo.

Lakini kukiwa kuna sababu yeyote ya kuita mtu, hata watano ama kumi, nitafanya hivyo, kwa sababu, munajua kama mama akija mzee sana, ama mwanaume akija mzee sana, ambaye hawezi kukaa hapa, wa miaka kama 80 hivi ama 90, lazima tumusikie huyo, hili aende kufanya kazi ingine, asije akachoka. Na kama mama akija hapa ambaye tunamwona ya kwamba hawezi kungoja, na ni lazima tumupatie nafasi, hata hiyo tunamupatia nafasi. Tena kukiwa na mwanafunzi, ambaye ametoka kwa class, na tungetaka apeane maoni yake, halafu arudi kwa class, hapo nitatumia mamlaka hayo kumukubali aende katika class. Kwa hivyo hayo machache ndiyo tutafanya. Otherwise, tutatumia hii, “first come, first served”. Hiyo ni kitu ya kwanza nilikuwa ninataka mujue.

Kitu kingine ni kwamba, wakati munakuja hapa kupeana maoni yenu, mtu akiwa na memorandum ama maandishi ambayo umeandika, umeandika pengine kwa Kiingereza, Kiswahili, sijui pengine hata kwa lugha yako, hayo maandishi, hatutakubalia wewe uendelee kusoma, kwa sababu ukiendelea kusoma, utakaa karibu saa moja, na utapoteza wakati wa wale wengine ambao wangetaka kusema.

Ukiwa na memorandum, kuna njia mbili. Njia ya kwanza, utapeana pale iandikishwe, bila kusema lolote, uiache, ukitaka kuketi hapo usikilize wengine, ni sawa sawa. Ukitaka kwenda, unaenda. Ama, ukiwa na memorandum, na unataka kuitetea kidogo, utapewa hiyo dakika tano, to highlight. Yaani kusema yale ya muhimu. Point, point, ile ya muhimu tu. Sio kusoma memorandum. Ni point ya muhimu, halafu unatupatia memorandum hiyo. Kwa sababu tutakuwa na nafasi nyingi sana uko katika headquarters yetu Nairobi kusoma. Na tuna watu wa kusoma na kujua yale yote umeandika. Kwa hivyo hapo, ni kusema yale ya muhimu, na kupeana hapo, na utumie hiyo dakika tano ambayo nitakupatia.

Na tena, ukiwa huna maandishi yoyote, wewe unataka tu kuzungumza kwa mdomo, mambo ambayo yatakuwa kwenye kichwa

chako. Kwa hivyo utakubaliwa, uzungumze, na utapewa dakika tano.

Na wakati unapozungumza, ujaribu kutumia hiki kipaza sauti, na hata hii yenyewe ni record. Inapeleka mpaka kwa recorder, mambo yale unasema yanawekwa pale. Ndio utaona wakati mwingi tutakuwa tunakwambia tumia hii. Si kwa sababu ya sauti peke yake. Ni yale maneno unasema yataenda kwa machine yetu hapa. We are recording. Kwa hivyo utumie hicho.

Ingingine, ni lugha. Lugha ambayo unaweza kutumia hapa, kama unaweza kutumia Kiingereza ni sawa sawa, Kiswahili ni sawa sawa, na hata lugha ya mama, kaka hujui Kiswahili na Kiingereza, umekubaliwa kutumia lugha ya hapa, na tutakuwa na watu wa kutueleza.

Then, ningetaka kuwajulisha kwamba, hiki kikao ni cha Tume ya Kurekebisha Katiba. Na kiko free – yaani uko uhuru, kusema yale ungetaka kutuambia. Usiogope, usiseme kwamba, pengine bwana yako uko nyumbani atakupiga, pengine kama ni mzee atapigwa na bibi yake uko nyumbani, ama utapigwa na mwingine, usiogope. Kwa sababu uko uhuru kusema yale yote unataka kutuambia ya kurekebisha Katiba hii yetu ya Kenya. Uko uhuru. Kwa hivyo, usiogope.

Tena, ningetaka kuwajulisha kwamba, niwambie tena mambo ya masaa. Nitakupatia dakika tano kwa mambo yoyote yale utasema. Ukiwa na oral presentation, dakika tano, ukiwa na memorandum na utasema yale ya muhimu, dakika tano. Kwa hivyo usingoje, nikuambie kila wakati, stop, dakika imekwisha, kila wakati. Hata wewe tumia saa yako. Dakika tano ikiisha, ama kama unataka kuongea kama dakika tatu ama nne, tano ikifika, umalize, na uende pale, u-sign register yetu, na upeane memorandum yako hapo. Usinifanye kama chairman niwe nakuambia, eeh, saa imekwisha, saa imekwisha, tutakubaliana hivyo. Nimesema hivyo kwa sababu, wale wanataka kupeana mambo yao ni wengi, na hatutaki kukaa hapa mpaka usiku. Tuheshimu saa, saa yako ikiisha, unaenda, mwingine anaingia.

Na sasa, bila kupoteza wakati mwingi, ningetaka tuanze, na kabla ya kuanza, kitu kingine ni kwamba, kama Commissioner – sisi watatu, yeyote ana swali, kama ya clarification ama ukitaka kufafanuliwa kitu fulani, sisi hapa tutakuuliza kabla ya kwenda ku-sign register. Kwa hivyo, ujue hiyo itatokea.

Na ningetaka sasa tuanze straight away, na mtu wa kwanza ambaye ni Abraham Chemolo. Abraham Chemolo, ni wakati wako sasa.

Cllr. Abraham Chemolo: First, Commissioners

Com. Ratanya: Jina.

Cllr. Abraham Chemolo: Jina langu ni Cllr. Abraham Chemolo. Commissioners, Bwana DC, members who have come

here, I wanted to talk – I wanted to present my memorandum for Keiyo Valley Pastoral Community.

Commissioner sir, the Constitution – we as the pastoral community of the Valley, we are people who are living in one of the semi and arid areas, comprising 65% of the Kenya land. We as the community, have been depending on NGOs for a long time. This time, we would like to be included in the Constitution, so that we are given free education.

Also, in that particular area, we don't have health facilities as other areas have. We also want the coming Government to consider building more dispensaries and health centres in these particular areas.

Sir, we also have no infrastructure: we have no electricity for vision in that particular area. We want the same to be included, so that we enjoy the freedom of the country.

Commissioner sir, we also need enough security for the protection of human life. Especially the area where I come from, it is an area where cattle-rustlers are very rampant in the area.

Sir, in addition to that, we want chiefs and assistant chiefs to be elected by the community.

Also, we would like the village elders to be recognized and be paid allowances by the Government, as the people who are handling customary laws, and land cases everyday in the village. They are also popular with the villager.

All the natural resources should be under the community around the said location, e.g. forests, game reserves, etc.

I would also like to highlight that, as a councillor, we would like the Chairman and the Mayor of any local authority to be elected by the people.

On the basis of the government, the structure of government we would like to have, is to retain the unitary government and the system be Presidential.

Kenya should have only at least eight political parties. In other words, each province to have at least one party with a maximum of a million registered members, and a national outlook.

Also, councillors should be recognized and their allowances be paid through the consolidated funds.

Also, to add on that, is that, cases related to animal theft be (inaudible). That is to say that, police should not keep anybody in the cells who has a case of animal theft in nature.

Also, we would like five years for two terms to enable a councillor to be pensionable. And Councillors Service Commission to be established in the Constitution.

Also, we need reserved nomination for a councillor and also a Member of Parliament from the pastoral community.

Also, we would like to have provision of piped water for irrigation and domestic use in our area.

Also to have the community be assisted freely from (inaudible) e.g. beans, maize, oils, etc.

Another one, is that, we would like to have certain offices like—KWS should be in the area, so that when there is recruitment of people, they should take into account where the headquarters is stationed. Because right now, those people who are being recruited are from outside the headquarters. So, we would like it put in the Constitution that, in future, KWS should be stationed in the place (in the remote), whereby, the local community can benefit from such things.

Lastly, we also have free natural resources. These natural resources, are our natural resources are. But we would like in the Constitution, in future, that those people who donated the land be compensated, because they have no where to go.

Also, we would like to have..

(Interjection) Com. Ratanya: Sasa, Abraham, na dakika moja, jaribu kumaliza.

Cllr. Abraham Chemole: Okay, sawa. Also, as a pastoral community, we would like also in the Constitution to have a pastoral centre in our area. Thank you.

Com. Ratanya: Okay, asante sana. Ngoja hapo Abraham.

Com. Muigai: Asante sana Bwana Diwani kwa maoni yako. Mimi nina swali moja. Umesema kuwa ungetaka katika Parliament kuwe na Mbunge mteuzi wa kusimamia habari ya pastoralists. Lakini pia ukasema ungetaka kuwa na mteuzi pia Diwani. You also want a nominated councillor, for pastoralists.

Cllr. Abraham Chemole: Yaah.

Com. Muigai: In which county council? I thought the county councils, within the pastoralist area is made of councillors who

are already pastoralists. I want a clarification on that. I can understand the Parliament one, but the nominated councillor is from what area to which county council?

Cllr. Abraham Chemole: That one, I can say, it is now in Keiyo County Council. We are coming from the Kerio Valley, so we need one to be given in the Constitution, so that, they will have to see the interests of those people who are living there. Thank you.

Com. Ratanya: Okay, asante Abraham. Uende pale. Wilson Omonei. Na kwanza useme jina lako.

Cllr. Wilson Omonei: Asante sana Commissioners. Kwa majina, mimi naitwa Cllr. Wilson Omonei. Yangu nilikuwa nimeyaandika, lakini nitataja tu moja moja ambayo yako na points ambazo ningependa kusema.

Kwanza, Chairman, kwa sababu mimi natoka county council, tunachagua Chairman au Mayor. Ningeonelea huyu Mayor achaguliwe na wananchi – kutoka kwa wananchi.

Kitu kingine ambacho mimi naona kutoka kwa hizo points, ni salaries ya councillors, itoke kwa Serikali, sio kutoka kwa wananchi.

Kitu kingine ambayo mimi nimeona, hasa sana, ni Clerks wa Town Councils. Iwe kutoka kwa area kama County Council hiyo, watoe mtoto wao mmoja ambaye atateuliwa kuwa Town Clerk. Kwa sababu tuko na shida nyingi sana, tunapata Clerk ambaye labda anatoka mahali pengine, analeta problems kwa hiyo Council.

Shida ingine ambayo tunaona kama Councils, ni nominated councillor. Nominated councillor asiwe na kiti chochote katika council. Kwa sababu, yeye ni mtu ali-nominetiwa, na asiwe na neno lolote katika council.

Nafikiri Bwana Commissioner, mimi sitakuwa na maneno mengi, ni hayo, labda tu ningengeza moja. Hii ni upande kina mama. Labda pia, kina mama wawe nominated – waangaliwe, hasa kwa area kama hii ya town councils, tumechaguliwa kama wanaume karibu saba, na tunataka councilors saba. Kama ni nomination, wapee mama moja, ili pia awe councillor katika hiyo upande, kwa sababu tuko na shida, ya kina mama katika councils.

Upande wa education: ningeonelea, kwa sababu, labda sisi katika town, iwe mtu ambaye amesoma mpaka form IV, lakini uangalie area zingine kama, county councils, kwa sababu labda hiyo area, huenda kukawa na ... interest ya wananchi iangaliwe pia, kwa sababu huenda ikawa, kuna mtu ambaye anapendwa na wananchi, na pia aangaliwe.

Nafikiri Commissioners, yangu ni hayo tu. Mimi, area hii ambayo muko sasa, ni area yangu, ambayo ni county council. Asante

sana Commissioners.

Com. Ratanya: Councillor, ngoja kidogo.

Com. Muigai: Asante sana Bwana Diwani. Mimi swali langu ni moja, la ufafanusi. Kwanza, umesema kuwa, councillor mwenye atakuwa amechaguliwa, asipatiwe kiti chochote, na asipatiwe jambo lolote la kusema. Halafu, ukafuatia kusema eti, tuteue kina mama kwa councils. Sasa umewanyima mamlaka mzee kwanza, halafu ndio unawapa uteguzi?

Clr. Omonei: Asante sana Commissioner. Nimetaja hivyo kwa sababu, tumekuwa na shida nyingi na nominations katika councils. Unapewa mtu ambaye wame-nominate, labda hata apewe, ulikuwa umeshinda kama councillor, na yeye pia, anaweza kuchaguliwa kama chairman. Hapo sasa, yule ambaye amechaguliwa na wananchi hana nguvu kuliko yule chairman. Na nimetaja upande wa kina mama, kwa sababu, nimesema kwamba, uenda hawa councillors ambao wamechaguliwa, wote ni Wanaume, na upande moja, tunaona kuna upungufu katika upande wa akina mama. So, ningeonelea, kwa sababu wale wamechaguliwa, mama a-nominekiwa katika hiyo council, ili awe hata anaonyesha sura kwamba akina mama wako hapo, kwa sababu tunaona ni shida kubwa sana. Hasa upande wa social services, tukiwa katika councils, upande wa social services inausu sana kina mama. So, ningeonelea upande huo, ingeangaliwa kikamilifu. Asante sana Commissioner.

Com. Ratanya: Nenda pale, hapa ninaona kuna mwanafunzi ama Mwalimu wa Tambach TTC, na angetaka kwenda kwa class pengine. Sammy Kasongo. Sammy Kasongo wa Tambach TTC. Sammy umepewa dakika tano. You don't have to read the whole memorandum, just highlight the main points for five minutes.

Sammy Kasongo: Thank you very much Commissioners. I am just going to highlight a few points, just like you have said.

The first one, the Presidential elections should be held separately from the Parliamentary and civic elections.

Secondly, candidates rejected by the electorate should not be nominated to Parliament.

Thirdly, a third of the Parliamentary seats should be reserved for women.

The Higher Education Loans Board should also launch to teacher trainees in teacher colleges.

The next one is, a trust fund should be established at district headquarters to assist all the bright-needy children to pursue further education.

And the last one, dressing provocatively in public should be punishable by a fine of Kshs.5,000/-. This will reduce the cases of rape due to provocative dressing, especially by ladies.

And last but not least, primary school education should be free and compulsory for all children. Thank you very much.

Com. Ratanya: Kuna swali Sammy.

Com. Muigai: Thank you very much. Mr. Kasongo, I have one or two questions for you. One, is on the trust fund for bright children. Education is a basic right. So, what happens to the children who are poor, but they are not that bright? If we just say that it is for certain children. That is my first question.

My second question is on provocative dressing especially by ladies. What is the responsibility of men towards rape?

Sammy Kasongo: Thank you very much Commissioner. So, concerning the trust fund, especially the needy but bright. You find that some cases in the district may find children who are orphans, however, they may be bright. So, such children should be catered for, by being assisted by pursue education.

Also, those ones who come from poor families, and they are also not so bright, they should just be considered in the same way as those bright ones, because education is a basic right for children.

Secondly, concerning the dressing, rape cases mostly, they come from the desire someone feels with somebody. And this is mostly highlighted mostly by the kind of dress someone would like to put on. So, in such cases, you find a man, or for that matter a rapist, is more driven to that act, when he sees something that actually will provoke him. Thank you.

Com. Ratanya: Okay, asante sana Sammy. Andikisha pale. Sasa ningetaka tusikie sauti ya akina mama. Hata mmoja hivi. Kwanza Mary Cheboi. Uko karibu? Ni wewe Mary Cheboi? Okay, sawa sawa.

Mary Cheboi: Thank you. Jina langu ni Mary Cheboi. Ningependa niwasalimu nyote katika jina la Yesu. Sasa kwa upande yangu, nimekuja kwa upande wa disabled.

First, kuhusu finance: kwa upande wa hii pesa, kuna ile pesa ya NHIF. Tungependa tueleze Serikali kama inaweza kuchagua committee, ile inakuja mpaka District Headquarters, halafu itufikishie hiyo pesa, ndio ifike mpaka reserve, na hata ifike mpaka kwa chief, ndio igawanyiwe kila mtu.

Upande wa education, tunaomba free education for the disabled children, and children with disabled parents.

Medical: tunaomba free medical schemes for the disabled children and children with disabled parents.

Halafu, taxes: tunaomba the government to reduce taxes for the disabled people, so that these disabled people may be able to buy the equipment for themselves. For instance...

(Interjection) Com. Ratanya: Mary, Mary, ngoja kidogo. Hii ushike vizuri. Ukiweka hapa, itakuwa mbaya. Sasa weka ishike vizuri, ili tusije.....

Mary Cheboi: Kwa mfano, artificial legs ndio tuweze kununua, na hata artificial shoes ikuwe cheap. Kwa sababu, unakuta huyu poor person, cannot be able to buy these things.

Halafu, business: tunaomba free licence and town plots to be separated for these disabled people.

Nominations: tunataka vacancy moja ikuwe ya disabled ndio waweze kuwatetea disabled people, na pia the physically and mentally handicapped.

Shelter: tunaomba Serikali watusaidie kutujengea manyumba, kwa sababu, unakuta huyu disabled, hawezi hata kujenga, kufanya kazi hata ya shamba.

Halafu vitu kama toilets. Anything ile inaweza kusaidia disabled kwa public place. Tuwe considered, kwa sababu, unakuta, mara mingi tukienda ma-sherehe, ile kama Jamhuri Day, hatuna namna ya kutusaidia.

Halafu tunaomba tena employment: Serikali ituwekee kando, nafasi kwa sector yeyote ya Serikali. Ya disabled iwekwe kando, ndio isaidie hawa.

Halafu retrenchment: isikuwe kwamba huyu disabled, ama this mentally handicapped person akuwe retrenched kwanza.

Halafu, transport: ingewezekana Serikali iangalie these disabled, hata, wasilipe transport.

Halafu, kama ingewezekana, these vehicles, zijengwe ile iko modernized, ile inaweza kuwa na switch, ndio disabled anaweza kupanda ama ashuke. Ni hayo tu.

Com. Ratanya: Pengine kuna swali, ngoja, Mary kidogo.

Com. Muigai: Asante sana kwa maoni yako Mary. Mimi swali langu ni hili Mary. Umezungumzia habari ya walemavu kama wanashida zenye zimefanana. Ningetaka unieleze kuwa, shida za akina mama wenye ulemavu. Kwani akina mama

wote wanaonekana wana shida? Na walemavu wana shida? Je, ukiwa mama na una ulemavu, shida hizo zenye zinajitunga pamoja, zinakuwa zipi? Umetupa mfano kuwa, disabled wapatiwe nafasi moja kwa nomination. Wakipatiwa hiyo nafasi, unafikiri itaenda kwa mama ama itaenda kwa disabled mwenye ni mwanaume?

Kwa hivyo ningetaka kusikia shida za kina mama wenye ulemavu.

Mary Cheboi: Mama mlemavu, ningesema kuwa awe nominated, kwa sababu, anaweza kuangalia mpaka ndani kabisa ya nyumbani -- ya disabled mother, ama ya disabled child.

Com. Ratanya: Okay, asante sana Mary. Uende pale ujiandikishe. Tena tuende kwa – anayefuata ni Robert Boit.

Robert Boit: Commissioner sir, the document I am to present is still under process, so I am expecting it in a few minutes. So, the next person to come. Thank you.

Com. Ratanya: Okay, ikija, kwa hivyo utapeana pale? Thank you very much. Then, kuna Masaku Nathu Muthui Daniel. Huyu anaitwa Masaku yuko? Mwingine, ni Joseph Rono. Joseph Rono?

Joseph Rono: Commissioner sir, I would like to ask if there is any deaf person here, because we can't know whether there is any deaf person. So, maybe somebody who is having sign language to ask.

Com. Ratanya: Joseph Rono. Wewe unaitwa Joseph?

Joseph Rono: Yaah, I am a disabled person, so I was talking about the disabled. That is why, I was looking for my deaf people (a disabled group).

Com. Ratanya: But for you, you can talk directly.

Joseph Rono: Yes.

Com. Ratanya: Okay, I give you five minutes. Not to read everything, but highlight in short.

Joseph Rono: I know that. Thank you sir. So, what my colleague has said..... (*end of side A*)

Not to discriminate us or either mistreat us, because, others think that the disabled can do nothing. Let me hope that the law will protect us, to give us opportunities of exercising our capabilities. So, we should be given first priority. Whether it is

employment or any other things to be done. Especially in our families, we should not be neglected or put aside. We should be together with other people of Kenya.

So, in summarizing again, we should be treated in a special way (humanly). That means, in building, we should be considered. In telephone booths, we should be considered. Even roads, even sports, all even properties – when dividing properties. Even the Government may consider us when they are looking for landless people. They should put the disabled to be getting land. And also vehicles, driving, we should be considered to get our own vehicles which we might manage to drive.

In (inaudible) affair, we should be given slightly those monies in district level. These are the funds to the districts. At district level, they should consider us.

In education, the other colleague of mine has said something. She has forgotten about sign language. Sign language should be taught in primary schools, especially in hospitals, because deaf people may go to hospital, but they cannot manage to explain how they are feeling.

In examinations: a disabled person should be given more time in doing exams e.g. national exams. Because he might be slow in writing or the other hand is slow or in another way.

Disabled woman: a disabled woman should be given three months maternity leave, because, disability is another thing which makes her to go slowly, not two months.

Another thing is social way: we need the disabled people to be given funds by the Government, at least every month so as to cover his or her basic problems.

Equipment which my colleague has said, should be free of taxation. This will help the disabled avoid going to towns to beg. We should give the disabled something to do. For example, mentally disabled should have houses in the districts where the Government looks after them. This is because, we find people who are able, go and impregnant the mentally disabled people who are in towns and they bear children....

Com. Ratanya: Nimekupatia dakika moja, jaribu kumaliza.

Joseph Rono: So, what I was saying is that, the mentally disabled should have homes in the districts.

So in winding up, I will say that we should be getting free medical services.

About courts, sometimes we are not able to pay the advocates. So, the Government should assist the disabled.

Winding up, there are people who work with the disabled, and they don't get enough allowances. If it is possible, those people who are bringing these people together, because they were neglected, they should earn hardship allowances.

About land, let them get like other people. Thank you very much.

Com. Ratanya: Okay, kuna swali ngoja kidogo.

Com. Raiji: Asante sana Bwana Joseph Rono. Umezungumzia hii mambo juu ya urithi, kwa wale wananchi ambao wasiojiweza. Sasa nauliza, katika mila zetu, tuseme kama hapa, uko ubaguzi wakati tuseme baba anapatia watoto wake mali yake au shamba?

Joseph Rono: Of course, there is, because you find that they think I can do nothing. So, they plough all the shamba without giving me a piece, or even not allowing me to marry sometimes. They think that I cannot look after my children. They don't even like ladies to bear children. They go for contraceptives, making them not bear children.

Com. Ratanya: Swali ingine.

Com. Muigai: Asante sana Bwana Rono, umezungumzia hali ya watoto wenye ulemavu kupatiwa wakati mrefu wakati wa mitihani. Lakini ukuzungumzia juu ya masomo yao. Kwanza, sijui kama kuna shule za kutosha, kama upande huu kwa watoto wenye ulemavu. Ndio hata afikie wakati wa kufanya mtihani. Ni lazima awe tayari, ameshaenda shule, na akasoma. Kwa hivyo ningetaka utueleze juu ya hali ya watoto wenye ulemavu kufika shuleni, kuweza kusoma, hata kufikia ule wakati wa kufanya mtihani.

Na pia habari ya bursaries na vitu kama hivyo vile wanavyouzishwa kwenye eneo hili na vile tungeweza kuwauzisha.

Joseph Rono: Asante sana Commissioner Madam. Hiyo ndio kitu nilikuwa ninaangalia. Tulianza small homes, na funds hakuna – pesa. Na tunaona ya kwamba, kama Serikali wakisaidia pesa – funds (small loans), ama rehabilitations kwa districts kama iko moja moja kwa kila district, halafu disabled waweze..... Kwa sababu mambo ya kulipa, ndio ilikuwa sasa hawalipii disabled, wanalipia able children mostly. Wana wacha huyu, kama si mtu.

Halafu kwa masomo, unajua hawa watu ambao wanafanya na disabled. Wamefanya bidii kuwapatia morale, kuwapatia moyo wa kutaka somo. Sasa wanataka, wengine wamesoma, na school fees imekuwa shida. Kuna moja hana miguu mbili, hana mkono, anaenda university, lakini hakuna funds. Saa hii hako nyumbani.

Na ma-shule haitoshi ya wasiojiweza. So, ndio unaona ma-shule zingine zinajenga gorofa, na disabled awezi. Wanajenga mahali ambapo disabled hawawezi. Kwa hivyo, disabled wapewe nafasi ya kwanza kwa masomo, na pia, kwa mambo ya employment – kuandikwa kazi. Lazima apewe, ajaribu mahali anaweza. Kwa sababu akiambiwa hawezi, anakuwa hawezi, hawezi. Lakini akiambiwa utaweza, anaweza kuwa na moyo wa kuendelea. Asante.

Com. Ratanya: Rono, umemaliza. Mary Ruto.

Mary Ruto: Asante sana. The Presiding Commissioner, being one of the committee member, I have the following to say:-

Com. Ratanya: Your name.

Mary Ruto: My name is Mary Ruto, and I am representing my paper from the elderly and retired persons.

Those married women or engaged in customary law, must receive legal certificates through the Judiciary, facilitated by the council of elders. Ninasema hivi, kwa sababu, kwa wakati huu, wale wameolewa ki-nyumbani, hawana legal certificate, kama wale wameolewa kanisani, na hata wale wamefunga ndoa katika DC's office. Kwa hivyo tungependelea ya kwamba, hata wale wameolewa ki-nyumbani under customary law, wapewe legal certificates.

Another one is that, in case the husband dies, the wife should have full authority and power over the family land and property. Wakati huu, katika Keiyo customs, bwana akifa, kijana mkubwa anapewa jukumu ya kuongoza jamii ama kushika hiyo properties ambazo ziko kwa hiyo familia. Kwa hivyo, tungependelea ya kwamba, mzee akifa – in case the husband dies, the woman should have power over the family land and property.

Another one is, all family assets e.g. land should be inherited by all children – both boys and girls without discrimination. Ninasema hivi kwa sababu, watoto wote wamezaliwa na baba mama, na kila mara katika historia ya Keiyo, ni kwamba, msichana hawezi kurithi mali nyumbani. Kwa hivyo ningependelea ya kwamba, kwa sababu wote ni watoto wa nyumba moja, lazima wapewe inheritance, ama kuchukua jukumu ya kupewa nafasi kurithi hiyo mali.

Another ni kwamba, according to our culture, women were exempted from daily duties for six months after delivery. Hence, it should be included in the Constitution. Kwa wakati huu, ninajua ya kwamba, mama yeyote anafanya kazi katika serikali, uwa anapewa two months maternity leave. Na kweli two months maternity leave, haiwezi kumpa mama nafasi ya kupata nguvu ya kufanya kazi. Kwa hivyo ningependelea ya kwamba, iwe included in the Constitution kwamba, maternity leave iongezwe iwe six months, ili mama apate nguvu.

Nyingine ni kwamba, incest and defilement of minors is a taboo, and persons found breaking this law, were either stoned to death or ex-communicated from the society. And therefore, the Constitution must address this person found guilty, to be given highest penalty. Hii ni kwamba, katika kazi ya ki-Kalenjin, mtu akipatikana kama ame-defile msichana ama amemunajisi mtoto msichana, huwa anapigwa, ama anapigiwa katika shimo. Huwa wanachimba shimo, halafu wanafungia yeye, anakaa overnight, au anapiwa kabisa mpaka afe. Kwa hivyo tunaona ya kwamba hii katika Constitution, huyu mtu apewe highest penalty.

Retirement: pension to be raised, whenever there is an annual salary increment. Pensions wakati mtu anapewa mshahara, au pensions wakati watu wanaongezwa mishahara, wale wame-retire waongezwe pia – that is salary increment.

The accused elderly persons should not be remanded in police cells, unless they have committed, e.g. rape or murder, etc.

The police should not arrest and use the elderly as a base in case they fail to arrest offenders.

Illegal brewers, so to be private or follow it to stations. Ni kwamba police kila mara wakishika watu ambao wameshikwa busaa, wanapeana pesa kabla hawajafika police station. Ni afadhali mtu afike police station, ili ahukumiwe.

Nyingine ni kwamba, children found neglecting their elderly parents must be prosecuted.

Nafikiri ni hayo ambayo niko nayo.

Com. Ratanya: Okay asante sana Mary Ruto. Peana karatasi yako hapo. Kuna Judith Cheruiyot.

Judith Cheruiyot: Okay thank you. Mini na-represent Kenya Women Political Caucus. In Kenya to develop political caucus, it calls for affirmative action, under 35% of seats be reserved for women in Parliament and in all public bodies.

In land and property rights: we call to have the rights to all and inheritance to land, and other movable and immovable properties by women, should be added as a right in the Constitution.

In the cultural, ethnic and regional diversity and communal rights: since culture should not have a fundamental right, and even culture, is dynamic, it can change. So, efforts, through enactment of laws should be made to outlaw harmful, cultural practices and traditions such as female genital mutilation, early and forced marriages.

Also, child rights should be protected, whereby, a child should be defined as a girl or a boy, if he or she is below eighteen years.

The Constitution also should protect the rights of vulnerable groups, in particular, women, children and persons with disabilities.

Also, an office should be established which is for Parliamentarians in each Constituency to see the problems of the children, young women and other people who are disabled, who cannot go to Nairobi.

You know for now, most of the offices are Nairobi, and people like the ones who are in these villages cannot get access to these parliamentarians.

Com. Ratanya: Okay, asante sana Judith. Peana memorandum yako. Twende kwa Francis Cheplait. Francis, ni wakati wako.

Francis Cheplait: Mimi naitwa Francis Cheplait, na nimesimama hapa, nataka ku-present documents mbili. Moja, inatoka kwa wakaazi wa location hii – ya Kitula Location ambayo Tambach iko chini yake. Na nyingine ambayo nita-present, ni memorandum ambayo imeandikwa na wazee wa sehemu ya Keiyo North. Basi, kama vile Bwana Chairman alikuwa amesema zamani, yangu itakuwa ni kutetea tu kidogo kidogo. Kwa hivyo naomba niruhusiwe nifanye hivyo.

Com. Ratanya: Dakika tano tu.

Francis Cheplait: Dakika tano. Asante sana Bwana Chairman. Kwanza, ni mwanzo wa Katiba. Katiba yetu, kwa sasa, inasema kuwa, Kenya ni nchi ambayo inajitawala, na inaendelea kusema mambo ya Katiba, lakini sasa, sisi tuna-propose kuwa, Katiba iseme kinaganaga kuwa, Katiba ambayo itatengenezwa wakati huu, ni Katiba ile ambayo imetengenezwa na wananchi wenyewe, yaani, itanza na, “sisi wananchi wa Kenya, tunaunda hii Katiba kwa ajili ya hii na hii”.

Ya pili, tungehitaji hiyo Katiba ionyeshe kinaganaga wakati huu kuwa, Katiba hii, ikiwi itabadilishwa kwa wakati huu, kwa sababu tunachukua muda mrefu na Wananchi wamepigania sana, Wabunge katika ule muda wa IPPG walipigania sana mpaka tumepata nafasi ya kuunda Katiba. Na tumeona hii Katiba, tumepewa nafasi hii ambayo uwezo wako chairman hiko hapo sasa, kwa sababu watu walikuwa wameona mambo mengi yakibadilika bila wananchi kuhusishwa. Kwa hivyo tungetaka leo, hasa, zile sehemu za Katiba ambazo zinahusu haki za ki-binadamu, ziwe zinakuwa referred ikiwa kuna sehemu ambayo inataka kubadilishwa. Lazima iwe referred kwa wananchi kupitia referendum.

Na zile zingine ambazo zitakuwepo, zibadilishwe na Wabunge, wakati ile vita ilikuwa katika kura, 25%. Lakini saa hii, tuna-propose ibadilishwe katika wingi wa watu Wabunge – 75% kutoka vyama vyote.

Political parties: sisi wazee wa sehemu hii, tuliona kuwa political parties ikikubaliwa kuendelea vile inaendelea sasa, tunaweza

kuwa na political parties hata pengine mia mbili ambayo mtu akikosana na mwenzake anaenda kuanza chama chake. Kwa hivyo, tungetaka political parties chache ambazo zinaweza kuwa na musimamo kamili, kama nne, ili watu wa-Kenya waweze kujiunga na yeyote kulingana na politics ya party. Sio sasa ambapo watu wanajiunga katika political parties kulingana na mtu. Tunataka tuungane, wananchi wa Kenya waungane na parties hizi, kulingana na politics ya party.

Judiciary: walisema kuwa Judiciary sasa, tuwe na courts ndogo ndogo katika vijiji ambazo zinaweza kuwa na uwezo wa kusikizwa na court ya district. Kwa sababu, wananchi wanateseka sana kwenda mahali pa court, na ambayo saa ingine inakuwa ngumu kwa wananchi kufikia.

Local Government ama structures of government: katika document ambayo sisi watu wa sehemu tulipendekeza, ni kuwa, chama ambacho kinashinda na wingi wa kura, hicho ndicho chama ambacho kitaunda serikali. Lakini, tunataka wakati watu wamejitolea kuwa ma-Rais, wajitolee kuwa ma-Rais lakini wasitoke katika constituency fulani fulani. Tunataka tu hawa watolewe na parties zao, lakini waki-run, constituency yao iwe ni Kenya. Yeye na naibu wake.

Kwa hivyo, tulionelea kuwa hiyo, itafaa na wakati imeshinda na kura ya pengine wingi wa 51%, basi hicho chama ndicho kitaunda serikali. Lakini, sisi tulionelea kuwa, tunahitaji Wabunge ambao wanachaguliwa, wawe wakifanya kazi ya Bunge na wasimamie kazi ya kamati mbali mbali za wizara. Lakini mawaziri, watoke, wateuliwe na vyama vyao, lakini watoke katika wananchi wa Kenya ambao wana uwezo wa kutosha.

Jambo lingine ambalo tulisema hapa ni kuwa, sisi wananchi wa hapa tumefurahishwa wakati mwingine. Tunachagua wajumbe, tunachagua councillors, ambao kwa muda kidogo wanaenda kwa Bunge, councillors fulani, wajumbe fulani, wanaenda huko, wanaona sukari mzuri, mzuri, wanasahau Wananchi. So, tunataka wananchi wapewe haki ya ku-recall mjumbe wao akiwa amekosa kufanya vizuri, pengine kwa muda wa miaka miwili, kupitia njia ya kumbu kumbu ya signature za wananchi, maybe 40% ya wale watu ambao waliwategua kwa constituency, ama kwa ward. Na tukishafanya hivyo,

(Interjection) Com. Ratanya: Sasa wakati wako ni kama umekwisha. Sema la mwisho.

Francis Cheplait: Basi la mwisho, nasema tukiwa hiyo re-call, tunahitaji power ya ku-recall councillors ama wajumbe kupitia njia maalum ambayo pengine itatengenezwa ili wananchi wapate nafasi ya kuwa represented kwa njia mzuri. Asante.

Com. Ratanya: Asante sana Francis. Okay, nenda uweke sahihi kwa register yetu. Na twende kwa Raymond Webor.

Raymond Webor: Asante sana Bwana Commissioner. Majina yangu ni Rayment Kiptoo Webor, na niko na mambo mawili hapa ambayo nitaenda kuzungumza juu yake.

Ya kwanza, nitaongea kuhusu mambo ya land katika nchi yetu: katika sehemu za Keiyo North, tuko na mambo ya water catchment areas. Na pendekezo letu la kwanza ni kwamba, unaona mambo ya water catchment areas, sehemu hii ambaye imefyekwa sana na imekuwa ni shida sana katika hata administration, kuangalia vile inaweza kutunzwa. Kwa hivyo, pendekezo la kwanza ni kwamba, tungetaka kamati iundwe katika kila sub-location ili wapate.....

(Interjection) Com. Ratanya: Ongea kwa hii machine hili.....

Raymond Webor: Okay, asante sana Bwana Commissioner. Nimesema, yangu itakuwa ni mambo ya land, na kwanza, ni mambo ya catchment areas. Utakuta ya kwamba, catchment areas imekuwa eneo ambalo imekuwa ikifyekwa kila wakati, na imekuwa ni ngumu sana, serikali ipate kutunza. Kwa hivyo, tumeonelea ni vizuri, committee katika kila sub-location itunzwe, ili wapate kutunza eneo hizi ambazo ni za maji.

Jambo lingine ni kwamba, tuko na mambo ya land disputes/tribunals. Nafikiri hii ni kitu ambacho kimekuwa kinachukua muda sana katika sehemu zetu. Na ningependekeza ya kwamba, ile mambo ya land dispute tribunals, iletwe mpaka sub-locational level hili watu wetu wapate urahisi kwa hizi issues za mashamba, halafu wasiwe wanaenda mpaka mbali kuchukua muda na kadhalika.

Jambo lingine ambalo ningengeza ni kwamba, hii mambo ya planning offices, ingewezekana, pia iletwe katika grassroots, hili watu wakiwa na mambo ya mashamba fulani na kadhalika, wapate kuenda haraka sana na iwafanyie kwa haraka iwezekanavyo.

Mambo ya trustlands: kwa upande wa trustlands, utakuta ya kwamba hii mambo ya allotment ni shida sana. Kwanza, hii mambo ya public utilities, ningependekeza ya kwamba, wakati kuna mambo ya allotment ya public utilities ama mashamba ya county councils na kadhalika, ingekuwa vizuri wanakamati ambao walikuweco tangu zamani, wawe enforced, hili wawe waki-advertise mapema sana, hili raia nao wapate kujua jinsi ya kupata hizi mashamba ama wa-apply kwa muda inayotakikana.

Halafu kuna mambo ya ministers na (inaudible) appeals. Utaona ya kwamba hii mambo ya minister (inaudible) appeals inachukua muda sana katika sehemu hii. Ni kwa sababu, mpaka minister tu apewe idhini kutoka huku juu, ifikie watu katika grassroots ili wapate kushugulikiwa. Kwa hivyo ningependekeza, ikiwezekana, hii mambo ya Ministers (inaudible) – appeals ziletwe chini mpaka kwa raia.

Halafu tu sasa nichangie kidogo, labda wenzangu watakuja kuongezea pia, katika mambo ya Executive. Mambo ya chiefs, ningependekeza, itolewe na mambo ya DOs. Ili assistant chiefs wapewe uwezo direct wa ku-deal na District Commissioner, kwa mambo ambayo yanahusu sub-location. Hiyo ni kwa sababu, utakuta ya kwamba wakati huu mambo mengi sana inachukua muda mrefu lakini utakuta yale ambayo yatafuata ni yale ambayo assistant chief amependekeza.

Na pia, ningengeza kwamba, hawa wazee wa mitaa ambao wako katika vijiji mbali mbali. Pia hao wapewe salaries – wawe employed hili watakuwa wanasaidia raia sana.

Katika legislation, ningesema ya kwamba, ikiwezekana, hata commission iwe appointed hili itakuwa ikijunguza mambo ya salaries ya MPs. Utaona ya kwamba saa hizi, MPs sitting, maybe some wenye wakuweko wanachukua nafasi hiyo, wajiongezee mishahara. Lakini ikiwezekana, a commission should be appointed, hili in future, watakuwa wakiangalia salaries ya MPs.

Mambo ya electoral systems and process – mambo ya votes ama kura: ikiwezekana in future, kwa Constitution, iwekwe ili wakati wanapohesabu, ihesabiwe katika polling stations, mambo ya kusafirisha kutoka huko chini mpaka juu, labda katikati hapa kuna mambo mengi, lakini ikiwezekana, ni kwamba, kila polling station, wapewe mandate ya kuhesabu kura katika kila station.

Halafu, mambo ya expenses wakati wa campaign, nafikiri iwe optional. Unajua wakati huu, labda kuna limitations, lakini ingekuwa, wacha mwenye anataka kura, atumie ile jasho ambayo angependa mwenyewe. Kama mtu ataamua kumwaga pesa yote kwa raia, ni sawa sawa.

Halafu ya mwisho, ni mambo ya Local Government: kwanza ningetaka councillors wawe na ile qualifications ya “O” Level, pass in any other levels and above. Halafu hao pia, ingewezekana, mayors ama chairmen wa kila local authority, wawe ni watu ambao watachaguliwa na raia kama Wabunge. Na wasiwe wana-represent ward. Wakati wanaenda elections, waweze kuchaguliwa na hawa.

Halafu, mambo ya nominations -- councilors kuwa nominated. Maoni ni kwamba, councillors ambao wanakuwa nominated. In future, ikiwezekana, labda tungeomba tu kwa Constitution, wawe ni watu ambao wata-apply katika Commission fulani, halafu wakuje kwa interviews, then, if they qualify, then wanakuwa nominated directly. Isiwe kama wakati huu, ambaye, mtu ambaye ni sitting MP, ako na uwezo wa nominated mtu yeyote, hata bila kuangalia mambo ya Constitution. Asanteni sana Commissioners.

Com. Ratanya: Okay, thank you very much Raymond. Sasa anayefuata ni Marina Kibet Serem.

Marina Kibet Serem: Thank you (inaudible) Commissioners, my names are Marina Kirui, I am representing a memorandum on behalf of women farmers and business women. I would like to highlight a few issues:-

One, ownership of title deeds and properties to be registered in the names of both spouses. In our culture you find – in normal

cases, title deeds are always registered in the name of one spouse, that is the husband.

Compensation be at commercial rates, in case the Government acquired individual land from communal land. Normally, when the Government takes land from somebody, to build maybe a college like this, what they do is that, they buy at the normal rate which is a loss to the owner.

Local authorities should be given power to supervise trustland in case of any disputes.

Land to be inherited should be in names of both spouses – that is the wife and the husband, and if the two are not alive, the children should inherit the land in equal proportions regardless of their gender. Culturally what they say, is that, the first born, if he is a son or the first child, should inherit to share to the others. But you find there is a big problem when it comes to inheritance, because of greed and other things. And if there are no children and the parents are also not there, the next of kin to inherit that land.

And also, the Government should assist the farmers in marketing their produce and subsidizing farms input.

The Government must also take action in repairing roads and other infrastructure to assist these farmers market their produce.

Also, the Government, especially, to provide safe drinking water in arid and semi-arid areas, by drilling boreholes to assist the pastoralists.

Rural electrification be intensified in rural areas, because, these women in the rural areas suffer a lot. They are cut out of communication.

The Government to buy and market local products before importing. You find that, women contribute 80% of the labour force in Keiyo. But when it comes to maybe selling their products, you find the market is flooded, and they cannot sell. The Government has imported so much food or any other commodities required by the communities. The women have no place to sell their produce.

Survey fees should be minimized and process of acquiring title deeds be simplified.

Another thing also, is revival of the Farmers Co-operative & Association – that is, KCC, KFA, KNFU, etc to assist these women farmers in acquiring their farm inputs and also marketing their farm produce.

Land set aside for public utilities, and if allocated to private developers and other purposes, should be replaced by the

Government or the Local Authority. Public utilities which have been set aside for other things have been grabbed.

And also, farm inputs and farm products should have smaller packages. It should be put in the Constitution – should have smaller packages, like maybe, canvas 30kgs or 40kgs, so that women can be able to be employed in offloading.....

(Interjection) Com. Ratanya: Dakika moja, jaribu kumaliza dakika moja.

Marina Kibet Serem: And loading of the same. Liberalization of market especially agriculture. There should be no liberalization of markets, especially agricultural products.

There should be alternative security laws, other than title deeds for women. Because, many women don't have title deeds except a few.

And women farmers should be accessible to information technology through essential services, because they are food producers and security agencies in the society. Therefore, maximum production and utilization, the agricultural researchers, plan scientists, extension agents, policy makers, should level the playing field which has always been male domain. Women farmers have to access farm inputs in good time – that is, improved seeds, fertilizers and credits.

And also, revival of consumer, producer and marketing co-operatives to assist these women access to whatever commodities they require.

Establishment of capacity building institutions to empower grassroots women acquire skills and technical know-how in various fields of the agricultural sector. And that can be done through adult education for the grassroots women.

And farmers at grassroots level be accessible to information to help them access market information, import export commodities, value added tax, etc.

And in the natural resources, women should be given 30% management and benefits accruing from them.

Business-women be accessible to credit schemes without many pre-conditions to prove their businesses. That is, if they can get special loans from the Government or the local authorities.

Under Basic Rights from the same women, education should be free and compulsory from pre-primary to university level. Children from poor families be given bursaries. Children with disabilities should have free education in special schools. Pre-primary teachers be paid by the Government, because mostly, they are paid by the Local Authorities, and they don't get

those salaries on time.

The teachers and other civil servants should work anywhere in the country to foster such unity, and structure for the rural development – focus on rural development.

All children be protected from tyranny e.g. defilement, child labour. Any person found defiling a child should be sentenced to death. You find that, child defilement, presently, is rampant.

(Interjection) Com. Ratanya: Saa yako imekwisha.

Marina Kibet Serem: FGM in women should be abolished, and men circumcision be done under hygiene positions, and irresponsible parents should be prosecuted by the Judiciary or the family law. Because, presently, they are so many irresponsible parents in the society who have children, they don't mind, they don't care about their education, their health, and even their shelter and clothing.

A forced marriage or a marital responsibility should face the law which has become rampant in the society.

Criminals should be charged according to their offences. That is, judgement must be proportional to the offences.

Lastly, grassroot women should be sensitized on their equal rights through adult education. And women, especially the rural women, be given 30% participation in core decision-making and policy making at all levels.

And our women in business, especially those ones in the market place, if the Constitution can just set aside some few issues. Market places to have basic infrastructure, such as water, transport, lights, security, toilets and conducive environment for the buyer and the seller. If we can look at our local markets, they lack most of these facilities.

(Interjection) Com. Ratanya: Kwa hivyo maliza sasa.

Marina Kibet Serem: All weather markets are (inaudible) by the Government. Thank you.

Com. Ratanya: Thank you very much Marina. Do you have any questions?

(Response) Com. Raiji: No.

Com. Ratanya: Okay, asante sana. So, the next one is Ann Suter. And, just utilize your five minutes. Don't go beyond that. Give the highlights.

Ann Suter: Jina langu ni Ann Suter Miilu. Napeana views ya akina mama wa Maendeleo katika North Division, Keiyo North Constituency.

Ya kwanza, akina mama walisema, Preamble should recognize the women.

Halafu ya pili, women are the backbone of the society. Kwa sababu walisema wamama wako na kazi mingi ya kufanya.

Citizenship: wamesema, both men and women have right to citizenship with their children and for any spouse. Hapo walisema, kama msichana anaolewa ngambo, na akuje nchi hii, anaweza ulizwa, umekaa muda mrefu. Kwa hivyo waliuliza wapewe citizenship – wakuwe Kenyan citizens.

Political parties: walisema ikuwe limited to two. (*na-pick ile iko point peke yake*)

Local Government: walisema wananchi wachague Mayor, na huyu Mayor awe mtu amesoma ambaye ako na 'O' level education na upright/capable kufanya hiyo kazi wanatakiwa. I mean kama councils.

Electoral ward: wamama wali-consider use of secret ballot. Halafu, wamama wakuwe participants in Parliament. Kwa sababu hapo, walisema wakienda mlolongo, wamama wanafutwa na mbio wakiulizwa kwamba, “munaenda laini gani hapo nyinyi?” Hamuwezi kukutana jioni kwa hiyo nyumba pamoja na wanaume.

Also, walisema, one job to one man. Na hii ndio itafanya affirmative action, to ensure that women hold Parliamentary seats.

Basic rights: walisema, the Constitution should guarantee basic education for primary and secondary levels for all children.

Children need to be protected, especially in parental care, child abuse and education, pamoja na shelter.

The Constitution should outlaw culture and religious practices which directly or indirectly discriminate women.

FGM to be cancelled in the Constitution.

Constitution employees and private sector should ensure that they carry out their duties and responsibilities as laid down in the Constitution.

Ya mwisho, ni right of the vulnerable group: wamama walisema the right to have their land properties. Existing land and properties to have two names of the spouses.

The Government should provide allowances to persons with disability.

The Constitution should make provision for affirmative action in case of women and other vulnerable groups. Ni hayo tu.

Com. Ratanya: Asante sana Ann. Tuende kwa Mrs. Selina Sumbeiywo.

Response: (inaudible)

Com. Ratanya: Okay, asante sana. Then, tuna Mercy Chepkemoi. Sasa Mercy ni wakati wako.

Mercy Chepkemoi: My names are Mercy Chepkemoi. I am presenting on behalf of RWPE (Rural Women Empowerment Basic Services).

Preamble: the Preamble should include acknowledgement that women have suffered from discrimination. It should also state, commitment to gender equality. It should be known in the Preamble, that women are the backbone of the society. Women are also important people – they have their own experience.

Citizenship: the law has to allow both husband, wife and their children to be citizens without discriminating e.g. a Kenyan woman married to a foreigner would be granted the right to pass citizenship to their spouse in the same way Kenyan men pass their citizenship to their foreign spouses. Section 89 and 92 of the Constitution should be amended.

Family law: customary marriages are still practiced in our society today. Therefore, they should be given a certificate of marriage. Marriage also needs harmonization to ensure that, same rights and duties exist for all individuals in the country.

Children to be protected against abuse.

FGM to be banned in the country.

Property to be given to both children regardless of sex.

Education for boys and girls to be equal.

Family violence to be (inaudible) by law.

Education for women in Keiyo should be enhanced through quota system and adult education because education is
(inaudible). So they need to be trained.

Rape cases to be punishable with severe term.

Early marriages of young girls should be outlawed.

Maternity leave to be one month before delivery and four months after delivery with full benefits.

Succession: the law should be amended to provide that all family land to be registered in the names of both spouses.

Owners of land in the valley do not have title deeds. So, the Government to issue the title deeds.

Women to be recognized as immediate heirs, in cases of husband's death and own all property. Thank you.

Com. Ratanya: Okay asante sana Mercy. Sasa anayefuata ni Abraham, kuna Abraham Konginy.

Response: (inaudible)

Com. Ratanya: Okay. Jones K. Yego.

Jones K. Yego: Thank you Chairman. I have a few things to say here.

(Interjection) Com. Ratanya: Sema jina. Na wale watakaofuata, ujaribu kusema jina kwa hii kitu, hili iende kwa machine.

Jones K. Yego: I am Jones Kimutai Yego. First and foremost, I am very happy to see that Kenya is now a multi-party state, and that Kenya must remain a multi-party state for a decade or forever. The question of one-party state must be scrapped out.

Two, in 1963, Kenya had two houses of representatives – the House of Representatives which is Parliament and the Senate which is Regional Assembly. So, we want that thing to be brought back so that Kenya will have Parliament which is the House of Representatives and the Senate. The Governor will have the right to control the affairs of every state without interference from the Central Government.

Three, I am very sorry that this Constitution is very complex. Very complex for the ordinary mwananchi to understand, and it

would have been something very wise, for you Commissioners to educate the common folk on this matter. Because, they are now finding that the opposition are now hurriedly doing everything. I don't know why. They say (wanasema), pengine Katiba au uchaguzi ifanywe in the old system, and you are there, unakula pesa ya Serikali. Sasa ingetakiwa, nyinyi mumalize kazi yenu, so that we go to the new Parliament in the new Constitution. Haraka haraka haina baraka.

Four, I am now going to the education system: now, in 1995, we had the 8-4-4 system of education which, they say, 8 years in the primary, 4 years in the secondary and 4 years in the university. I am giving my proposal that, we have 8 years in primary, 4 years in secondary school, 2 years for the "A" level and 3 years in the university. So that we have what we call, quality education in this country.

Five, there is now a problem of lack of employment in the country. And because there are several teachers in the primary who are seeking for degrees through parallel programmes. We will ask the Government to assist these teachers by giving them loans, so that they prosper, because they are now at home – no employment, hakuna kazi, etc.

Six, we have now the question of university entrants or university selection. I know, of course that, it is difficult for a child in Turkana to be compared to a child in Kiambu or Nyeri.

(Interjection) Com. Ratanya: Yes, Jones, wakati wako ni kama umekwisha. Lakini nitakupatia dakika moja umalize hiyo sentence.

Jones K. Yego: Thank you sir. Mtoto kweli akitoka Turkana, ambaye kweli hata gari hajaona, ukimwimbia to write a composition on road accident, hajaona. So, we want, you Commissioners and Joint Secretaries to lower the admission for these children from Turkana, Samburu, all areas ya North Eastern Province, because, they are suffering without bitterness or with bitterness.

Last and not least, sisi watu wa Keiyo, we have no land. Hatuna ardhi. Uasin Gishu imekuja mpaka inakutana na forest. Sisi tulibakishiwa kitu kama mkia au ngozi ambaye imekuliwa na mbweha. Sasa tunataka nyinyi Commissioners muangalie ardhi ya Keiyo. We have no land. Hatuna ardhi.

Halafu nimalize hapo, niangalie (nafikiri I am very happy kusimama hapa). Hapo mbeleni, ukiangalia mambo ya watoto wasichana. Sisi tulikuwa tunafikiria, mtoto msichana, akizaliwa nyumbani, ni kuolewa. Sasa, siku hizi hakuna ma-bwana. Au pengine hao wamekuwa wengi.

(Interjection) Com. Ratanya: Sasa wakati wako Bwana Yego umekwisha.

Jones K. Yego: Can you, anyway, uniongezee..

Com. Ratanya: Utamaliza hiyo tu. Maliza hiyo.

Jones K. Yego: Basi, sasa mama watoto, wewe umezaa wanaume watatu na wasichana watano. Sasa, tukiangalia hawa wasichana watano, pengine, wawili au moja anaweza olewa. Sasa, ingekuwa afadhali, hii Katiba waseme, hawa watoto wasichana waende wapi. Kwa sababu ni mali yangu, ni watoto wangu, nilizaa. Sasa mvulana ana..... (inaudible) huku, anasema hii mali yangu, na hii wasichana wangu wanaenda wapi. Hii Katiba kweli, iandike kulingana na haki ya kila mtu katika familia. Thank you.

Com. Ratanya: Sasa Yego umemaliza. Na kuna swali hapa. Ngoja.

Com. Raiji: Bwana Yego, niko na maswali mawili nataka unifafanulie. Kwanza kabisa, uliguzia hii mambo ya ardhi ya Keiyo. Ingekuwa leo vizuri sasa vile ulikuwa ukitaka kusema. Ulisema tuangalie hii mambo ya ardhi ya Keiyo. Unamaanisha nini? Hiyo ardhi imechukuliwa na mtu, au imeenda wapi, au ungetaka Katiba ikusaidie namna gani? Hilo ni swali la kwanza.

Jones K. Yego: Thank you very much Bwana Joint Secretary.

Com. Raiji: Ingingine, hii mambo ya hawa watoto ambao hawajaolewa. Hata hiyo sikuelewa. Unapendekeza nini? Kama hawajaolewa, kwa nini hawawezi kuendesha maisha kama wengine? Hau ulikuwa ukipendekeza nini? Tufanye kitu gani? Anza na hiyo ardhi ya Keiyo.

Jones K. Yego: Okay, basi, thank you very much Bwana Joint Secretary. Nikizungumza hiyo kitu, hiyo kitu ilianza wakati wa ukoloni. Na wakati huo, wakoloni wakachukua ardhi yote kutoka Kitale, Uasin Gishu yote mpaka na kukutanisha na forest – yaani Uasin Gishu inakutana na forest. Sasa sisi tumebakia tu na mkia. Utafanya nini na mkia? Nitalima wapi? So, ningeaona, hiyo boundaries iwe reviewed.

Ile ingine, ya wasichana, ni ukweli wa mambo. Sasa siku hizi, imekuwa na conflict kati ya wavulana na wasichana. Mvulana anasema, wewe msichana potea. Anapotea wapi mtoto yangu? Basi, yaani, watakaa tu nyumbani. Kama una ardhi ya kumpa hawa, wapewe tu. Kama ni kuzeeka.... Hata wakae tu nyumba yangu, kuliko kufukuzwa na vijana hawa.

Com. Ratanya: Okay, asante sana Jones. Peleka hapo, uende hapo u-sign register yetu.

Jones K. Yego: Okay, thank you.

Com. Ratanya: Asante sana. Sasa tuna Peter Barngetuny.

Peter Barngetuny: Thank you Commissioners. My names are Peter Barngetuny. My simplified submission is as follows:-

We are proposing that ID card procedures should remain the same and issuance should be simplified and be centralized to give services.

There should be no dual registered citizenship.

Kenya Police Reservists be paid just like any other security personnel.

Political parties should have a national outlook countrywide through representation, and should be limited to 3 to 5.

All public and constitutional offices including all other appointments should be vetted in Parliament.

Graduate level from recognized university should be a minimum qualification for Members of Parliament and also the Cabinet Members.

Independent body to regulate salaries for Members of Parliament.

Elections should be on tenure – that is every five years. And also dissolution for Parliament should be as per calendar.

President and executive members should be delinked from constituencies and party issues – that is to say, they should not be Members of Parliament.

Village elders should be paid allowances by the Government because of their heavy work.

Legal aid should be provided to those who cannot be able to meet their legal payments.

Cattle rustlers cases to be unbailable and hence be treated as capital offences. Compensation be given to complainants first, and also to the Judiciary by the accused persons, if found guilty of an offence.

Constitution to be written in simple language that can be understood by all Kenyans.

A certain percentage of taxation must automatically go to education to guarantee free, compulsory education to all levels.

Free and accessible medical services.

And also, guaranteeing employment to professionals.

Members of the Local Authorities who are councilors must be members of the ward. A councillor who is elected twice – that is two terms, to be pensionable. “O” level education for Mayors, Chairmen and Councillors is recommended. Clerks must be locals and they must meet the required qualifications.

Nominations for Parliamentary and civic wards be reserved for special groups e.g. women and youth, and they should be from marginalized communities.

We are also proposing that councillors be paid equally countrywide from consolidated funds.

And finally, electoral system: secret ballot be accepted and a candidate who has been defeated in a party, through either rigging or irregular means, can be defect to be nominated in another party.

Commissioners be voted through Parliament. Thank you.

And also finally, I am requesting you, Mr. Commissioner Chairman, to allow those from Kerio Valley to present their views, because the vehicle travelling to Kerio Valley, by 1.30 p.m. will have all gone. Thank you.

Com. Ratanya: If I know them, tell them just to alert them. Just do a star somewhere for such cases. We have questions here.

Com. Muigai: Thank you very much Bwana Barngetuny for your very well co-ordinated points. My question is just one. We have heard time and time again, that, village elders should be paid. Now, my question is an education for myself. Are village elders from this region men or women, or both?

Peter Barngetuny: But they are both around Kerio Valley.

Com. Ratanya: Okay, the other one is Lucas Chepkwony.

Lucas Chepkittony: Thank you Commissioner. I would like to correct my name. It is Lucas Chepkittony. I would like to present this memorandum on behalf of Professionals and Non-Professionals People of Keiyo.

We the citizens of Keiyo District recognize the need for this review to the Constitution of Kenya, and mindful of the problems of the present Constitution, here, we submit our memorandum for inclusion into the new Constitution of Kenya and guided by the main code which is, for the people of Kenya to have a greater say in the running of their affairs and to bring government closer to the people. Government systems must be devolved to the people.

Form of Government: we are suggesting federal system.

Structure: with Office of the President and the Vice President.

We are proposing either to have a President elected by the people for five years or to have President nominated for two terms of two years each. To be rotated in the eight provinces.

We are also proposing creation of the office of the Prime Minister and two Deputy Prime Ministers as constitutional offices and the office of the Secretary to the Cabinet.

Also, we are proposing that a senate be formed of about 100 senators. The senators will compose of people elected from different districts and a percentage of different ethnic communities. The senators must be educated and respected persons. Selection criteria has to be agreed.

The duties of senates is to act as an oversight body to oversee the national assembly with power to review, overrule or amend decisions by the national assembly.

Then, we shall have a national assembly head by the Prime Minister, composed of elected members of the national assembly from the different constituencies.

And Members of Parliament must be persons of high integrity. Criteria to be agreed upon. That 30% of the Members of Parliament must be women, special interest groups, selected on proportional basis.

They are also proposing that we have provincial assembly, to be headed by a governor, replacing the role of the current Provincial Commissioner and elected by the people. The representatives of the provincial assembly shall be elected from the districts.

The Mayors of metropolis or larger towns shall sit at the provincial assembly. This will be decided by the assembly.

Then we shall have district assembly, merge the District Commissioner's office and the Local Authority. To be made of the District Chief Administrator replacing the present District Commissioner, and will be an elective office. There will be a divisional administrator who may be elected by the people from the division to the districts, replacing the current District Officer position.

The roles of the district assembly will be:-

to run services such as infrastructure, roads, education, health, police, etc.

To control the land, forests, natural resources, environment and water.

To present municipality Mayors to report directly to the district assembly, not the Central Government as before, or have equal status of the district administrators.

Then we shall have locational assembly or community assembly elected by the people. They may not be salaried, but I think they will have to be paid something.

Then, I go to Judicial system. First is the Judiciary: we should have:-

the supreme court to deal with appeals from Court of Appeal;

then we should have Court of Appeal;

we should have High Court;

then we have Municipal or Metropolitan Courts;

Subordinate Courts;

Sub-locational or Village Courts;

then alternative, dispute resolution be enhanced and encouraged;

then we should also have Human Rights Court;

and Land Courts – this is the district to deal with land issues and having similar adjudication to the High Court.

We are also proposing that, we should have Ministry of Justice, headed by Secretary for Justice and Constitutional Affairs.

Office of the Attorney General does not go to Parliament. He remains as chief legal advisor of the Government.

Then office of Director-General of public prosecutions. To conduct criminal prosecutions, remove prosecutions from police and bring all prosecutions under Director of Public Prosecutions.

Appointment of Judges and Chief Justice: Judicial Service Commission to nominate, and Judges vetted by the National Assembly.

Then impeachment: create a simplified process of impeachment of Judges and Chief Justice, where any person with good or solid ground can bring an action of impeachment in the Supreme Court.

(Interjection) Com. Ratanya: Okay, jaribu kumaliza sasa. Jaribu kumaliza.

Lukas Chepkittyony: Then on electoral process: any electoral process must be democratic. Electoral Commission of Kenya to become independent and mandated to conduct all elections.

On international policy: Kenya must constitutionalise to make mode, how and method of establishment of permanent foreign policy.

Then on land rights: security of person and future title deeds to be enshrined in the Constitution and protected by the Constitution irrespective of size and location.

District assembly to deal with all natural resources, water catchment areas, forests. All issues related to land, succession, inheritance, to be dealt with a district assembly who can set up district assembly tribunal elders' assembly.

Then political parties: they shall not be limited in number. There must a minimum of ten elected Members of Parliament to constitute a parliamentary party.

Then on national elections: there should be a calendar of elections for the President, National Assembly and all other national positions. The calendar of elections should be fixed in the Constitution, subject, only to extreme changes such declaration of

war. President shall call for elections.

The President shall be elected directly by 25% of the votes casted in five provinces plus highest number of votes...

(Interjection) Com. Ratanya: Hebu jaribu kusema ya mwisho, kwa sababu wengi wanangoja.

Lucas Chepkitony: Okay, I am on the last one. Office of the Ombudsman. There shall be established a constitutional office of an Ombudsman, who shall be appointed by the President from at least three persons nominated by the National Assembly.

In brief, Chairman Commissioner, that is all I have to say. Thank you.

Com. Ratanya: Ngoja kidogo, pengine kuna maswali. Okay, asante sana Lukas. Sasa, kwa hivyo, nenda pale ujiandikishe na u-sign our register. Tuna mwingine, hata huyu ni Luka Chemengich. Luka Chemengich, ni wewe?

Luka Chemengich: Okay, thank you very much Commissioners. I am Luka Chemengich. I will present views on disabilities – views on persons with disabilities.

One, I would like to say that, special institutions and centres, catering for the persons with disabilities should receive full funding from the Government for recurrent and capital expenditure. Now at present, we rely on charitable donors. I am running an institution for the disabled, and I have an experience on this. So, if these donors or these charities do not give any money, we get into problems. Sometimes, we even close schools early because we don't have money to run the institution.

Another point, is, a vehicle should be allocated to each centre catering for the disabled persons. Now, for example, here in Keiyo, we have 8 centres catering for the disabled, and none of these centres has a vehicle.

I would like to say that, an institution catering for the physically handicapped persons needs a vehicle. Sometimes these children get sick at night, and we get problems taking them to hospitals. Because, actually, there are not so many centres in the country.

If a centre is given a vehicle, I don't think it will be a strain to the Government.

We find like the Ministry of Health, they have lots of vehicles, and we have none. So, I am recommending that.

Another point is the academic standards for persons with disabilities should be a bit lower than those of normal persons. When selecting students to join university colleges, primary teachers colleges, medical colleges. A quarter should be set for persons with disabilities.

Now, I have an example, we have a boy in our district, who finished form IV, he is blind, he is totally blind, and he has a “C- (minus)” in K.C.S.E. He wants to join a teachers training college, but he cannot be admitted because the standard says “C” and above. So, it is a disadvantage to persons with disabilities. If this can be lowered, maybe, a person with disability can be accepted if he has a “D+ (plus)” or “C- (minus)”, that will be a bit fair.

Another thing I would like to say is, the NGOs and charities should allocate a certain percentage of their funds to persons with disabilities, e.g. Kenya Charity Sweepstake. Yeah.

Wewe kaa hapo kidogo..... (*side complete*)

But, they mostly help institutions for normal persons – primary schools. We have not received any funding from them to the institutions for the disabled. That is an example.

Now, another one is, personal allowance of teachers, setting standards for the disabled should be increased from 10% of their salary. Currently, we are getting 10%, I am a teacher by profession. So I am requesting that, the Government should give us 200% because, actually, the workload is too much, and sometimes, these things (inaudible), you know teaching a deaf person using sign language to acquire language is not easy, sitting behind to read is not easy, and most of our teachers have left the profession. Some have gone to overseas countries because of better pay. So, we might lose most of these specially trained teachers if their salary is not increased.

I would also like to recommend that other caretakers e.g. house mothers, house fathers, cooks, groundmen, watchmen, (inaudible) should be paid their salaries by the Government. Currently, they are being paid their salaries by the BoG.

But sometimes, these children do not pay their school fees, and as I have said, we rely on charity, sometimes, we don't get, money is not found and it becomes a problem.

We don't actually chase these children. It is very difficult to send a child home for school fees who is disabled. It is really difficult. Sometimes, we sympathize. But in a case like a secondary school or a primary school, although the Government says, “a child should not be sent home”, but they are sent home, because the money must be brought to the school. So, what I am saying is, the Government give out money – should pay these books and the others. Thank you very much.

Com. Ratanya: Okay, asante sana, ngoja kama kuna maswali.

Com. Muigai: Thank you very much Mwalimu Chemengich. My question is on – I would like you to share with me your thoughts on integration of children with disabilities amongst other children, and the other system of keeping them apart, so that

they are in special schools. What are your thoughts on this? What do you think the Constitution should say on this?

Luka Chemengich: Well, I am for the integration, because, when these children get integrated, they share, they learn socially with the others, and you know, they will easily be accepted in the community when they finish school. So, segregating is a problem. But, we have other cases like, severe cases, these ones, we cannot actually integrate these ones, because, they can't learn with the normal children. It is sometimes difficult. Thank you.

Com. Ratanya: Okay, sasa kuna Margaret Cherop? Thank you.

Margaret Cherop: Thank you very much. My name is Margaret Cherop. I am speaking on behalf of the widows and single mothers.

Children should be taken care of by both parents, so that the children will receive full rights and parental care and love. Sometimes there are cases where there is a single father, and the father of the children disappears. He does not take up responsibility, so that this responsibility is left entirely on the mother alone. And so this man should not get away free, but to take care of the child, because, the child needs both parents.

The children of the single mother should inherit the mother's land and property.

They should also be treated equally like the married women in their places of work. Sometimes, single parents are victims of any movement. If there is a transfer, they will be taken around. If there is anybody who is staying alone, you get a transfer to wherever. So they fall victims of any movement.

They should have a right to get their medical benefits, hardship allowances, and those allowances equally as the others. And particularly, in the case of widows, Pay As You Earn, I think it is better to relieve them because they take up responsibility of two people.

Pension of widows and their benefits should be processed at the district level to reduce expenses. Because somebody who is alone, needs to work on those benefits at the district level, because they go very far, and chances of being taken advantage of are very high.

Maternity leave should be a minimum of 120 days – that is four months after delivery. Because, sometimes in delivery, there could be complications at birth, and this mother will be expected to report for duty. It doesn't matter whether she will have recovered well or not. So, these four months will be better for this lady after delivery.

Proper documents should be written during local marriage or engagement, so as to safeguard the wife, in case of death of husband, before a formal wedding. And we also still suggest, that when you talk of marriage engagement, there should be a guidance. Properly a document for the people negotiating that marriage should be guided on ways of writing any document down. So that in case there is a problem in between, probably the man dies, security of the woman is in place.

The single mothers should have protection (I think I mentioned this earlier).

Property ownership should be in the names of the widow or the single mother and the children.

All family resources and investments, e.g. land, should bear the names and titles of both spouses. We have cited a case of a widow, if the property was on “Mr&Mrs”, anybody can come from aside as a “Mrs”, or something in the process. So they should bear the real names of the spouses, not “Mr&Mrs” because those are ambiguous.

Female genital mutilation should be prohibited completely.

There should be 30% of the Parliamentary seats reserved for women.

And then, we also mentioned something on persons with disabilities. And we said that, persons with disabilities are in two groups. There are those with severe disabilities and those others that can also take part in some activities on their own. And so, homes for people with severe disabilities should be set up. There should also be a welfare scheme for them to take care of their needs, because, sometimes funds are collected and they don't reach them. But if there is a welfare scheme, where everybody will contribute towards the same scheme, they will benefit.

An examination time should be extended for the disabled or the handicapped. If they are put on a normal examination period, some of them, probably they have a nervous problem. So they can write a composition for one and a half hours or for one hour, and they are expected to do it in thirty minutes.

(Interjection) Com. Ratanya: Yes, try wind up.

Margaret Cherop: Thank you very much.

Com. Ratanya: Okay, asante sana. The next one is Stephen Serem. Is it Serem or Berem?

Response: (inaudible)

Com. Ratanya: So you are not presenting now? William Tum. Okay, that one is an observer. Ishmael Kiprop. Ishmael Kiprop are you ready? It is your time now.

Ishmael Kiprop: Commissioners ambao wamekuja hapa, jina langu ni Ishmael Kiprop. Nitazungumza kwa niaba ya wakaazi wa Keiyo North Democrats. Kabla sijasema chochote, nimepewa jukumu na watu zaidi ya elfu sita pamoja na watu wengine elfu tatu, ambao ni sympathizers katika new KANU. So, I am speaking here with authority.

My first point is this, leo tunafurahi sana kwa nyinyi... na kitu ya maana sana ni kusikia maoni yetu. Wakati mwingi, tumekutana na Commissioners ambao wanakimia tu, hatuwasikii tena. Naamini ya kwamba, maoni haya, itaenda vile watu wanataka.

Kwanza, Ofisi ya Rais: kile watu wanataka, hii maneno ya ofisi ya Rais kuwa na nguvu zaidi – above the law, sisi hapana taka hiyo kitu wakati huu. Iondolewe kabisa. Na hata kama ikiondolewa kabisa, itupwe mbali kabisa.

Hiyo kitu kingine ambayo mimi nataka kusema ni ya kwamba, hizo powers ambazo ziko kwa ofisi hiyo, kuwa Head of State, na kuwa tena Head of Government, kuwa tena Mkubwa wa Jeshi, sijui Mkubwa wa Polisi, Mkubwa wa Civil Service, Parliament, Judiciary, na all public universities in Kenya, sisi tunataka utaratibu mzuri ambao kila jukumu inapatiwa yule mtu ambaye anastahili. Sio kila kitu iwekwe katika ofisi hiyo.

Kitu ingine ambayo mimi nataka kutaja hapa, ni ya kwamba, maneno ya 5 provinces, sisi tunaona hiyo kitu, uenda, 5 provinces kila wakati, halafu watu wananunuliwa, sisi hapana taka hiyo kitu. Tunataka 50% of the national votes rule -- yaani, iamue, na hiyo inakuwa jukumu ya raia. Sio kusema eti province hii, province hii, halafu upate tano, unafungia tatu nje. Kwa nini? So, hiyo ni maoni tunafikiria itaenda kabambe na vile watu wanataka.

Administration: hii watu tunaita PC, DC, DO, Chiefs, Assistant Chiefs, iko mtu anafanya kazi, nataka kuambia nyinyi leo. Kuna watu wanaitwa village elders, ambao waanabeba hizi mizigo zote. Kila kitu ikiaribika uko chini, ni village elder, na hapati hata ndururu. Tunataka huyo mtu alipwe. Na hawa watu wengine, wote waangalie, kama chief inabaki, assistant chief atoke. DO iende, hata DC iende, PC ibaki. Ama PC iende, DC ibaki. Na hiyo ndiyo tunahitaji.

(Interjection) Com. Ratanya: Wewe unapendekeza gani kwa sababu tunataka maoni yako?

Ishmael Kiprop: Hiyo ni maoni yangu pamoja na wale watu wametuma mimi hapa.

Ile kitu ambayo tunataka tena ni kwamba, tunataka tena ni kwamba, tunataka kuondoa maneno ambayo tukituma watu kama sisi, inakuwa promotion place. Kama hapa Keiyo unaona ni district ndogo lakini maneno ile inafanyika hapa, ni ya maajabu

kabisa. Maana, hapa huwezi kuingia ukiwa DO na uondoke bure. Utatoka na kitu nzuri sana. Promotion ambayo itafaidi wewe na familia yako peke yako, na unawacha watu wanakuwa maskini hapa. Na hiyo, watu hawa wanajua. Hakuna mtu ambaye anaingia kama District Commissioner, na aende bure. Inaendanga na promotion. Na hiyo iangaliwe kabisa kabisa. Hatutaki maneno ambayo inafanywa namna hiyo.

(Interjection) Com. Ratanya: Kwa hivyo, Ishmael, wakati wako umekwisha. Kwa hivyo jaribu kumaliza. Maliza.

Ishmael Kiprop: Tafadhali, mimi nilikuwa na maneno and I am representing the largest number of people. Please, if you can allow me another five minutes, then I will

Com. Ratanya: No, I will only give you only one more minute to make it six.

Ishmael Kiprop: Okay, I will read the.....Now, pengine ya mwisho, ingawa nilikuwa na vitu ishirini na tano, mengine nitawachia pengine (inaudible), ni aina ya Serikali ambayo pengine tunahitaji. Serikali ambayo tunahitaji, inaitwa Majimbo. Lakini, maoni ambayo tunataka kukaa pamoja, ni, “a government of national unity”. Hiyo ndiyo Serikali tunataka kukaa pamoja, na kila mtu akae mahali anataka. Sio kusema Majimbo, Majimbo ni nini? Sasa tunataka Serikali ya umoja. Na hiyo mtu anataka Majimbo peke yake, atapeana hiyo kwa

Electoral Commission: commission ambayo inaweka watu, maana tuko na commissions nyingi. Mara mingi commissions ziko shida. Unakuta kulipishwa sawa sawa na mtu ambaye ameshinda kwa siasa, anaenda kuwekwa Commissioner. Kama hii Electoral Commission ambayo iko sasa, iko na watu ambao walikuwa MPs wanawekwa huko kwa manufaa ya watu wengine.

So, in future, tunataka Commissions zote katika Kenya, ziwe strong Commissions ambazo sina-represent maoni ya watu ama ile dignity ya hiyo ofisi. Maana, huwezi kuweka mjomba yako ndani, uweke nani..... na hiyo.....

Nataka tena niseme juu ya office ya Controller & Auditor General. Huyu ni mtu mmoja. Ningependa igawanywe iwe mbili – moja iangalie na ingine i-audit, ndio tupate fairness katika hiyo ofisi, kwa sababu mtu mmoja hawezi kuangalia na ku-audit.

Mimi nasikia Madam ananiambia kitu juu ya..... (inaudible). Lakini hata hivo, nitawachia zingine yule mzee. Asanteni.

Com. Ratanya: Kuna swali.

Ishmael Kiprop: Hapa niko na memorandum ya kutosha.

Com. Ratanya: Hiyo utatupatia, tutasoma. Hiyo ni mzuri, lakini ngoja, pengine kuna swali.

Com. Muigai: Asante sana Bwana Ishmael Kiprop kwa maoni yako. Hili swali linakuja kwako Bwana Ishmael Kiprop. Mimi swali langu ni kuhusu hii administration. Umesema toa PC uwache DC, ama toa DC uwache PC. Tafadhali ungetupa maoni yako na ya watu wako. Munapendekeza tutoe nani, tubakishe nani?

Ishmael Kiprop: Nashukuru sana Commissioner. Kulingana na hiyo swali, mimi ningependa, village elder awe promoted, assistant chief aondolewe, chief abaki, DO – hata hiyo DOI, sijui DOIII, iende yote, mpaka DC ibaki na PC iende. Halafu PS ibaki. Hiyo ndio maoni yangu tafadhali.

Com. Ratanya: Asante Bwana Kiprop. Hayo ni maoni yako. Sasa peana memorandum yako hapo, na u-sign register yetu. Kuna Aaron Chumo.

Aaron Chumo: Commissioners, mimi sina mengi, kwa sababu mengi imeguziwa na wale walioongea hapa. Nina machache. Yangu tu ningetaka ni-propose hivi:-

Chiefs na assistant chiefs wachaguliwe na wananchi.

Ingingine, ni yale yamesemwa na wale waliokuwa hapa – ni kuhusu village elders. Village elder ni mtu wa maana katika grassroot, na ufanya kazi mingi. Tungaliomba huyu apewe allowance hili ajimudu kidogo.

Ingingine ni kuhusu hospitali. Wengi hawajiwezi. Ugonjwa ni mingi, lakini ukikaa kwa hospitali, unaandikiwa dawa ya shilling elfu tatu. Na ukiwa hauna hiyo pesa, Mungu tu ndiye atakusaidia. So, ningenelea, hospitali, malipo iwe free – dawa.

Ingingine, MPs na Councillors, ningepropose hivi, kwa sababu hawa ni wale ambao wananchi wanachagua, sana sana tunachagua hawa na wakienda kule, wanatusahau nyuma. Kwa hivyo, ningenelea ya kwamba, tutachagua hawa. Ikifika miaka miwili kabla hawajafanya chenye walisema, tutaamua kuwatoa hawa, ili tuingishe wengine.

La mwisho, ni kuhusu chiefs: ninaonelea hivi, chief awe mtu wa kwenda kupiga report kwa police ikiwa kuna kitu kimetendeka katika grassroot. Kwa sababu, sana sana, ma-askari wakikuja kule, wanakuja kusomba watu wenye hawakuwa na makosa yeyote. So, ningenelea kuwa, chief, yeye mwenyewe, ikiwa mtu amefanya makosa, chief mwenyewe aende police, aende apige report ya kwamba kuna mtu fulani amefanya kosa hili. Hili police waje direct, washike yule mtu. Ni hayo tu.

Com. Ratanya: Asante sana. Peleka sasa hiyo memorandum yako, ama u-sign register yetu. Asante sana. Kuna Philip Kimaiyo? Philip, Philip hayuko? Philip akae hapo na aseme jina lake.

Philip Kimaiyo: Okay, kwa majina naitwa, Philip Kimaiyo Kimaru. Naongea kwa niaba ya wasiojiweza. I thank these people who are doing this review – the Commissioners, that you have come to this place. My points are like this:-

The State should provide financial assistance or allowances to those who have disabilities every month, especially, those that have severe disabilities. This will enhance their support and continue with their families and other things ahead of them.

Number two, minimum entry qualifications for colleges intake should be lowered to the disabled, so that they may support themselves and continue with education, like other people in the country. I say this because, the grade last month, was raised, thus, it hindered the disabled to continue with their colleges, and this is very painful, and to add on this, the disabled have faced a very tough going in their lives.

Another one, reference in job offers should be given to people with disabilities. Here I mean, first priority should be put forward for them, so that they may continue smoothly like other people.

There is a point, I didn't note but I would like to add on what I have said, and this is that, the disabled should be given a disabled person as from grassroot level. This will bring the issues of the disabled direct to Parliament for discussion.

Another one is, also, an MP who will represent them in Parliament, should also be nominated to represent the disabled on their behalf. And also, this person should be disabled because, he or she is feeling pain of the other people in the reserve or at the grassroot level. That is all I have, and another person will add on what I have written, and that is Gabriel.

Com. Ratanya: Okay, Philip, ngoja hapo kidogo. Kuna maswali kutoka kwa Commissioners.

Com. Muigai: Asante sana Philip Kimaru kwa maoni yako. Nina swali moja. Umesema kila bahali, mtu mlemavu aletwe akiwa mtu mmoja kutoka pale mashinani mpaka tutakapofikia kule Bunge. Wakati mwingi unaona kuwa, ikipatianwa nafasi moja ati ya mtu mlemavu ama ya mtu yeyote, ni mwanaume mwenye anapata. Kwa hivyo naona tutawahusishaje kina mama wenye ulemavu pia?

Philip Kimaiyo: Kwa kuchangia ni kwamba, hatutawanyima wamama, pia, wajiunge na wale hawajiwezi. Kwani, hata hao wana uchungu ambao wale wengine kama wanaume wanao.

Kama wamama pia, katika mashinani, kama mama atakuwa atakayeongoza, tutampa mwanaume ajisaidie naye. Likewise, to the national level. We shall put them in support. Every woman should be supportive – a man and a woman. I hope that is clear.

Com. Ratanya: Asante sana Philip. You have anything? Okay, sasa Philip utaonyeshwa pale utaenda ku-register, u-sign register yetu. Na kama una maandishi yako ambayo tunaweza kuangalia baadaye, uwache hapo. Philip, una maandishi ungetaka kuaja, hata ingawa ni Braille, wacha hapo, tuwachie. Tuna Gideon Kiprop, Gideo Kiprop?

Gideon Kiprop: Okay, kwa majina ni Gideon Kiprop. Na ningependa kuakilisha pia maoni yangu kwa Tume ya Kurekebisha Katiba.

The first thing is that our Constitution should have a Preamble, which starts with, “we the people of Kenya”.

Ya pili ni kupunguza kwa nguvu za Rais. Reduce the power of the President. So, in particular, he should not appoint the Vice-Chancellors and Heads of Parastatals, and also the Police and the others. So, we should not reduce the powers of the President.

On the Ministers: I propose a government of technocrats. Ministers should not be seating MPs.

On Parliament: I propose that a Parliamentarian who is not delivering to the people should be recalled by a vote of no confidence from his people.

I have also proposed that Parliamentary sessions should be broadcasted live, to increase the accountability to the electorate.

I also propose that nominated MPs should be from minority groups and present some special groups like the disabled, the youth and women, not from parties.

Judiciary: I propose that we divide the office of the Attorney General into two.

On fundamental human rights: I propose that there should be free education and health should be part of the fundamental human rights.

Both male and female children should inherit the property of their parents.

I propose also that there should be a law court for human rights violation.

I also propose that death sentence should be outlawed.

On trustland: I propose that the community should be the authority on the use of the trustland.

On provincial administration: I propose that all the entire provincial administration should be removed, right from the chief to the PC, because it is inconsistent with the tendency of democracy – the government of the people, by the people, for the people. This is a government from above, and we want a government from below.

I have also proposed the office of an Ombudsman who will take care of the public issues.

I propose also that there should be religious – the religious instructions in schools should be maintained. Religious organizations should be given access to institutions to offer religious instructions.

On human rights education: I propose that it should be included in the curriculum in institutions of learning so that people may know. Our current law says that, “ignorance of the law is no defence”, and there is no effort being made to educate the public on these issues.

I have also proposed that political parties should be limited to two, and should be funded by the Government.

I have also proposed that brewing and consumption of illicit brew should remain outlawed and stiffer penalty should be given to those who break these laws.

(Interjection) Com. Ratanya: Gideon, try now to wind up. Wakati wako umekwisha. It is over. Dakika moja umalize.

Gideon Kiprop: Okay, nimemaliza.

Com. Ratanya: Okay, asante sana Gideon. Kuna maswali. Swali moja na ingine nitakuwa na.....

Com. Muigai: Asante sana Gideon Kiprop. Swali langu ni kuhusu ufundishaji wa haki za ki-binadamu kwenye shule. Pahali pengi tumeenda, tumeelezwa hata, tufundishe Katiba nzima kwenye shule zetu na vyuo vya masomo ya juu. Wewe unaonelea tu tufundishe hii haki za ki-binadamu peke yake ama ungekubaliana na wale wengine tufundishe Katiba yote kwenye shule?

Gideon Kiprop: Nafikiri Katiba yote ikifunzwa itakuwa vizuri zaidi.

Com. Ratanya: Swali lingine Bwana Gideon Kiprop, umesema kwamba, provincial administration yote iondoke kutoka PC mpaka chief.

Gideon Kiprop: Yes.

Com. Ratanya: Have you spared the assistant chiefs? Ama hata yeye umesahau?

Gideon Kiprop: All of them.

Com. Ratanya: Kutoka assistant chief mpaka PS?

Gideon Kiprop: Yaah.

Com. Ratanya: Okay, ni maoni yako hayo. Thank you. Uende upeane – weka sahihi kwa register yetu hapo. Asante. Kuna Gabriel Yego Baricho? Gabriel Baricho?

Gabriel Yego Baricho: Commissioners, nachukua nafasi hii, nitoe maoni yangu.

Maoni ya kwanza ni kwamba, all the rights of vulnerable groups – people with disabilities should be given free education by the Government.

Second is that, reasonable caring in schools should be catered for in their Constitution.

Third is that, registration and the Constitution should guarantee and protect the rights of children.

Another one, is that, on the side of education in general, I would like that those professionals who have a profession for a certain course, should be given chance to get better and green pastures anyway else. By saying so, is that, in maybe this government of ours, the professionals are paid low amounts of money, and in other countries, there is better payment. I would kindly request that they should be allowed to fly somewhere else and be employed to obtain those better and green pastures.

Also, I would request that, the restriction of maybe looking for a passport for example, should be loosened. There is more of restriction in carrying somebody who wants to go outside the country. I request that those restrictions to be loosened so that it should be easy for one to fly outside for one or two reasons. It is not only by looking for employment, but also for personal reasons.

In the side of NHIF: I could also request that, it will be good if the whole system should benefit from getting getting the NHIF or National Hospital Insurance Fund. At the moment, those who benefit are employed people, but those who are not employed, they don't get from that particular provision.

In the side of land possession, you find that in this country, there are people who are living in places like buffer zone areas, and it is that particular land that they own. But you find that, sometimes, the Government can come and say, let those people move from that place, maybe for example, it may be a tourist area or a wild animal area. I would request that those people should be recognized that, that is their land, and should be honoured. They should be honoured in that particular place that they live. And in case the Government would want them to move out of that place, they should be compensated or be given a better land somewhere else.

Also, you find that in places like forests or resourceful areas, you find that some areas are covered by forests, and the forest is, many people or the whole nation benefits from that particular forest, but the residents don't benefit from that particular forest. I would like that if it could be possible, that the forests should be reduced, and the areas that those particular people live, should be individual or the residents should benefit from that particular forest but not all people. I think you are getting me, I am sorry.

Another one, is about the – I have an opinion about the Constitution.

(Interjection) Com. Ratanya: Just the last one. You only have just less than a minute.

Gabriel Baricho: About the top government officials in general, I would request that the way on how one gets a chance to being a top government official, one way of qualification, is that, he should be a Christian with a known testimony.

Final is about the Constitution Review: I just request that, it should be given a past 1% of the number of years the Constitution of Kenya is going to last. If it is 100 years, continue reviewing for more than 10 years. If it is 50 years, let us use 5 years in Constitution Review. Up to there, I say thank you.

Com. Ratanya: Just hold Gabriel.

Com. Muigai: Bwana Baricho you have told us that for one to get a top government job, they need to Christians with a personal testimony. About 10 or more percent of this country are Muslims. What do we do with them?

Gabriel Baricho: About the Islamic believers, I propose to say that, they should have a testimony from their own denomination or way of worship. I don't mean only Christianity but also in Islamic, they should be known that they are Islamic believers with a testimony of that denomination. Thank you.

Com. Ratanya: Asante sana. Na mwingine anayefuata ni Phillip Chebii. Phillip Chebii, yuko karibu?

Philip Chebii: Okay, thank you Mr. Chairman. My names are Philip Chebii. I would like to make the following proposals, in the new Constitution of Kenya.

One, on the Legislature: I would like to propose that the powers be given to the orders to move a vote of no confidence on a Member of Parliament who did not deliver according to their expectations.

On the same note, voting age to be increased from 18 to 21 years to avoid the misuse of youths by the politicians..

Thirdly, for one to qualify to be elected a Member of Parliament or a Local Authority, should not have mismanaged any public office or a company.

Fourthly, an independent body to be formed to look into terms of service for Members of Parliament to avoid MPs increasing allowances and salaries for themselves, according to their demands.

On the Executive: I would like to propose the following:-

The President should not be above the law to avoid misuse of power.

Secondly, the power of the President to pardon one of guilty of an offence should not be applicable. Because, it is not measurable, or the type of offence to be specified.

Thirdly, any civil servant who has retired should not be re-appointed to head any public office, to give room to other unemployed Kenyans.

On Judiciary: any person found guilty of an offence should compensate the complainant for the damages or (inaudible) in case of death. Instead of, say for example, the fine that is taken by the Government, should be given to the complainant.

The same note on Judiciary, the appointment of the Attorney General and the Chief Justice should be made by an independent body for Parliament, to avoid the interference by the Executive.

Thirdly, I propose that by-laws for any particular community should be recognized by the law to avoid corruption, and also to save the disadvantaged persons to be heard by the law. Because sometimes, you can find the law can be manipulated.

On education sector: I prefer the Constitution to guarantee free education in primary and the Government to commit herself to provide all the learning facilities.

Secondly, also the Constitution to be amended to provide relievers to the female teachers who are on maternity leave, to avoid leaving children idle. Because, sometimes, you can find that about 10 female teachers can go on a maternity leave at the same time in one particular school, and the school can be left just without any relievers.

On agriculture: the Constitution of Kenya should guarantee farmers compensation by the Government during the time of disaster, for example, drought, and also during time when there is lack of market. The Government to purchase all the produce to pay and compensate the farmers, so that the farmers may not lose hope.

I have got something on child rights: I think the Constitution of Kenya should define an alternative way of correcting children apart from the corporal punishment. And if they cannot define, I propose the use of 'cain' to correct them should be uplifted as it was banned previously by the Government or the Government to build juvenile courts.

(Interjection) Com. Ratanya: Wakati umekwisha. Sema ya mwisho kabisa sasa.

Phillip Chebii: Okay. If the Government will not have any alternative, I propose juvenile courts to be built in every division with experts to correct the children. Thank you very much.

Com. Ratanya: Ngoja Phillip. Kuna swali.

Com. Muigai: Thank you. Do you mean that every child who creates a misdemeanour in school or makes a mistake should be taken to a juvenile court?

Phillip Chebii: Yaah. Because, we find in schools, nowadays, the immediate way of correcting children was using a 'cain', and you know it was banned, and it is punishable, and you find the experts to be set aside and juvenile courts to be set aside so that those children can be corrected. Even the small mistakes, you find that teachers are limited.

Com. Ratanya: Okay, twende kwa Ernest Chebii. Ernest?

Ernest Chebii: Commissioners, I have two items to present.

(Interjection) Com. Ratanya: Sema jina lako.

Ernest Chebii: Mimi naitwa Ernest Chebii. I have two items to present:-

One, is pension for retired persons. I propose that the computed pension should be increased by half, instead of the present quarter.

Two, the lumpsum should be prepared, so that, the officer or persons is paid last day upon leaving the service. And, monthly payments follow promptly like any other employees.

Three, when the Government reviews salaries of the employees, the pensioners salaries should be reviewed also, and an increment awarded alongside other workers.

Retired persons should be respected as good citizens after serving the Government and the State for many years. Note, all working persons will one day retire and so, they ought to be respected by those who are still working.

Travelling to earn the pension is a problem. The pensioners should be paid in the nearest station possible.

The other topic is on old age: the State should work a formular for the care of the aged. The aged should be around 65 – 70 years. The Government could also create homes for them, and pay them some subsistence or remuneration every month, for the rest of their lives, to enable them earn a living. With those very few remarks, I thank you.

Com. Ratanya: Okay asante sana Chebii. Peleka memorandum yako hapo. Kuna Phillip K. Kibor. Sasa ni wakati wako Phillip.

Phillip Kibor: Thanks to the Commission. My names are Phillip K. Kosgey Kibor.

My simplified views are as follows:-

First, I will talk about cultural diversity: I propose that wife inheritance should be banned completely. This is to eradicate the outset of diseases.

Two, female genital mutilation (FGM) should be banned completely.

Education be given to the communities who are found with the culture.

Structures of government: the President should not be above the law, in that, the rule of law should be observed.

All appointments made by the President should be subjected to the Parliamentary approval.

The President should be subjected to impeachment any time he or she breaks the law.

Establishment of the office of the Ombudsman – this is to check bad governance.

Education: must be free at least in primary school and to be compulsory. Adult education should be revived and made workable, to eradicate inability to read and write in the communities. Free education to orphans should be provided.

Girls who become pregnant while in school, should be allowed to continue with their education after giving birth. A rule should be made to punish those who impregnate school-girls, hence to eradicate early marriages.

Electoral process: the Chairman of the Electoral Commission to be elected by the President and vetted by the Parliament. Seats be reserved for the three groups – women, disabled and minority.

Vulnerable people: these are unborn, orphans and widows. Unborn: the Constitution should protect the unborn because, he or she is part of the growing nation. Abortions should not be allowed, unless, authorized by the specialist doctor for the unsafety of the unborn child or the mother.

Legislature: nominations be given to women, disabled or minority groups.

MPs should be impeached if found not working properly to the people; should be full-time occupation; they should appoint and approve the holding of constitutional offices.

Judiciary: must be independent and be guaranteed by the Constitution; be holders of university degree of law; be appointed by the President after the recommendation by the Judicial Service Commission; and approved by Parliament.

(Interjection) Com. Ratanya: Jaribu kumaliza sasa. Wakati wako umekwisha.

Phillip Kibor: Tribunal courts be established and be recognized by the Government.

Poverty rights: the Constitution should provide rights that governs the people in that, eradication of poverty be imposed. For example, give soft loans to the people.

Widows: the Constitution should protect the rights of widows, in that, a “Will” should be written so as to avoid conflicts among the family community.

Local Government: Mayors and Council Chairpersons should be elected directly by the people. Nomination in councils should facilitate gender equality as well as people with disabilities, should be considered. Should be of 'O' level.

Powers of the councils – city, municipal, town and county should be shared among the councilors, and chief officers to promote accountability and transparency.

Com. Ratanya: Sasa Bwana Phillip, huna wakati, umemaliza, peana hiyo memorandum yako. Tutaisoma.

Phillip Kibor: Asante.

Com. Ratanya: Asante sana.

Phillip Kibor: Thank you, that is all.

Com. Ratanya: Sasa tuna James Limo, James Limo? Inaonekana James Limo hayuko. John Kiptoo Arap, John Kiptoo Arap. Hata huyu John hayuko. Jonathan Chesesio. Jonathan ni wakati wako. Sema majina yako kamili, Jonathan.

Jonathan Chesesio: Commissioners, I thank you for giving me this chance. Jina langu ni Jonathan Chesesio. I have the following to present.

One, councils to be strengthened in capital and human resources.

Local authorities should nominate women and at least those specialized in certain professions. At least half of the councillors should be women. Half of the women to be elected as councillors.

Councillors and MPs to be recalled by the electorate in case of non-performance.

A referendum to be put in place to approve MPs salaries or emoluments and allowances.

Councillors' allowances to be uniform throughout the nation, and should be in four categories -- cities, municipalities, town councils and county councils.

Government forests to be given to councils as trustees, and committees from the relevant communities to also manage to curb encroachment.

Professionals to be nominated to Parliament. Government to have a ceremonial President, and the Government to be headed by a Prime Minister and deputised by two who should be Minister for Finance and Minister for Foreign Affairs. And the Prime Minister should be elected by the MPs.

Ministries to be given maximum number in the Constitution.

National Economic Council to be provided in the Constitution, so that, it will be advising on how the economy is moving. I think up to there, I hope to

Com. Ratanya: Okay, nashukuru sana Jonathan. Sasa, nitaenda kwa Gilbert K. Chelimo. Jonathan, Jonathan, enda hapo u-sign hapo kwa register yetu. Anayefuata ni Gilbert K. Chelimo. Gilbert Chelimo? Inaonekana Chelimo hayuko. Raymond K. Senda, Raymond K. Senda? Then, kuna Fredrick Kimei. Fredrick, huyu inaonekana ni observor, na hata David Ruto. Sasa anayefuata ni Musamas J. K. Na uje useme jina lako kamilifu.

Musamas Josephine: Thank you Mr. Chairman, the Commissioners. My names are Musamas Josephine. Most of what I wanted to say, has actually been said, but maybe I will just reinforce one or two things.

For example the form of government: I feel we should just continue with the one we have – the unitary one. Because the federal system may not actually work, especially in an African country where we have so many tribes. I think it will bring in a lot of tribalism. So, I believe this federal is Majimbo. Majimbo really may not work, especially in an African country. Maybe it works in the U.S.A. where maybe God was good to give them just one language. But for us, to be realistic and to really talk the truth, I think federalism may not really work. Already we are seeing so much tribalism that is on. We are seeing even getting a job now is very difficult. So to be realistic, actually, we think we should have a unitary government where everybody works hard and gets what they get in the right way. So, I think the government that we have is actually okay.

Then I will also say one or two on education (maybe I would say on fundamental human rights). You find that within our Constitution, this is really well covered, but the problem is, our Constitution is something that is written, just written. But when it comes to the things on the ground, it just kind of does not work. So maybe, Mr. Commissioner, you should find ways of finding how to really make these things work. Much as we would say, but how will you really make them work?

For example, when we talk of free education. Is it really free? Even when the Government struggles to give bursaries to those who are unable, there is some corruption that comes in and the rich get the bursaries. So, what have we really done? We have done nothing really. We have a law for example, these child rights that are there now, how is the law going to the grassroot level, to really find out whether children are being misused. So you find these NGOs are coming in and grabbing the whole thing, and they are getting funds for a certain thing that is happening, yet, they don't really know if it is actually true. So, really I

feel, most of what we have is okay, but the problem is, how it is being enforced on the ground.

So, something like, for example, pregnancies – girls getting pregnant. Even the boy should also be punished for the thing if they can be found. But the problem is that, how will you really find the true boy.

Then things like street children: we know that there are parents who are irresponsible. Some have just decided to let the children go. So, how are we going to cater for that, to make sure that parents are responsible for their children? Parents should be responsible for their children, and a way should be found, in that, even the street children should be followed to their homes, so that the parents are punished for letting children go to the streets and also not educating their children well. Because, there are some parents, who would rather have their children work as maids, etc, instead of taking them to school. And yet they are able actually to take them to school. So really, how is that being catered for, much as it is in the law?

Things like pornography on the streets. We should really reinforce that law, that, there should only be a certain place where such dirty magazines are sold, because, children have pocket money, so they will buy very funny things to go and read. So, how are we protecting them from getting access to the right of print or the right of media. They read anything.

Under that also, I think, parents should also be educated. I don't know how, but parents should kind of get education on how to care for their children. Because, this is back-firing back to the schools. The teacher is being told to streamline the child, and the cane is removed. How is the teacher going to do that if the parents have left it on them? And yet they are told at the same time, don't cane. So, the teacher is in a very awkward position, because, when that policy comes, I don't think those people were really knowing what is happening in the schools. Parents have allowed children to watch videos of over 15. So they come and practise it in school. So how will the teacher manage? And also children of other parents who are trying are being affected because of other parents who are not very good.

Okay, I will not take a lot of time. I will also talk on the rights of ownership: it is kind of ironical when there is that right saying that everybody has a freedom of owning, and yet you see a lot of grabbing taking place. So, what are we really talking about, yet there is that issue of grabbing. Even if you have the money really, you cannot buy because somebody has blocked it somewhere.

Then there is that law of local brew. It is there alright, but we are seeing it all over, and it is what is making most of the children not go to school. So, I think Mr. Commissioner, something should be done.

(Interjection) Com. Ratanya: Just place your....

Musamas Josephine: Something should actually be done to reinforce what is already there in the law. Because, most of

what we will say is already there.

And then things to do with agriculture for example, we know that our country, agriculture is the backbone, and yet we see very little is given on the Budget on the agricultural section. We know there was that liberalization issue, but the problem is, the common farmer is suffering, because, he is not able to put together a lot of things, so the middleman comes in and swindles even all the profits.

Then when it comes to NGOs for example, I would wish maybe that, there should be rules for NGOs. Many NGOs are formed, but whatever they do is finished on top. It doesn't come to the grassroots Commissioner. I think you should find a way of censuring NGOs, such that, the people who are governing it do not profit. Instead, it should really profit what they intended it to be for. Because, actually, they are good, but the problem is, whatever they do may not reach the common persons. Yet, they are using the name of the common person to enhance themselves.

And then, things like Maendeleo ya Wanawake, Jua Kali Associations, should try to go to the grassroot also. Because, most of what they do is just acting, it doesn't reach down. So, Mr. Commissioner, I think, most of what I had has actually been said by the people here. Thank you so much.

Com. Ratanya: Hold on. Kuna maswali kidogo.

Com. Raiji: Thank you Josephine for your presentation. You have stated that the problem is that, a lot of things which are there, do not work on the ground. Now, do you have any proposals, for example, now we can make the Constitutional provision operative on the ground?

Josephine Musamas: Yaah, thank you. One of which is the Anti-Corruption Authority that was formed. It is working, but sometimes there is blockage on it. So, I don't know the type of leaders that we have. It is working, because it is trying to remove that corruption. So, maybe smaller ones can be made at the grassroots. But you will find that Africans are Africans. Once you put them there, even me you put me there, you will never know, I will also start corrupting things here and there. So, I can't really say anything. But I believe your office can do something, because, it is higher up there.

For example, this issue of Constitution Review. We wanted to go and teach the people, but we were told that it was on volunteer-basis. So, how would we volunteer, yet, we know, up there, people are eating more. So, we said, let it go, because we can't do things on volunteer basis honestly, much as you would want the people to know, because they actually don't know.

So, we just said, fine, let it continue the way it is.

Com. Ratanya: Josephine you have mentioned Maendeleo ya Wanawake organizations, and you mentioned that they should

all come to the grassroot. You want to mean that we don't have Maendeleo ya Wanawake in Keiyo – at the grassroot?

Josephine Musamas: Maybe I will use an example of my own place, my own village. With my village, I go there once in a while over the weekend, but I have not really heard, there are so many young women who have finished form IV, they don't have jobs, and, have never heard them talk about Maendeleo or anything. So, I am wondering whether I am the one who is supposed to start, yet I know there are so many elderly women who should go and reach them – who I feel is their duty.

Com. Ratanya: Okay, nashukuru Josephine kwa hayo maoni yako. Nimekupatia wakati mwingi kwa sababu kina mama ni wachache wameongea. Kwa hivyo, nenda pale upeane Tutaendelea kuwapatia wengine nafasi zaidi, tumusikie Monicah. Sema jina lako.

Monicah Cheruiyot: Thank you Commissioners. My names are Monicah Cheruiyot. I have a memorandum for Women Professionals – Keiyo North.

Preamble: there is need for a Preamble in the Kenyan Constitution, so as to give a brief history of the people, their values and aspirations. The national vision presented in the Preamble should aim at fostering peace, love and unity, and aim at alleviating poverty, illiteracy and diseases.

Constitutional supremacy: the Constitution involves all people of the country, therefore, they should be consulted. That is, MPs should get views from them. It is unfair for only a small percentage of 222 members to amend the Constitution.

Citizenship: I would say, women should be allowed to have citizenship to their foreign spouses, and therefore, their children. And again in line with citizenship, I would say, passports, national ID cards, birth certificates and religious testimonials should be legalized as evidence or proof for citizens.

Defence and security: I would say, all disciplined forces should be established by the Constitution, and court-martial should be established in all departments of the disciplined forces.

Also, under defence and security, I would say, the President should be retained as the Commander-in-Chief of the Armed Forces.

And again I would say, the Executive, with Parliamentary Security Committee, be given the power to declare war when Kenya is under external threats.

Political parties: political parties should be given opportunity to participate in national development, and implementation of their

policies as stipulated in their manifestos.

The formation and conduct of political parties, be regulated by the Constitution.

The Constitution should restrict the number of political parties to five to promote national unity.

Political parties should also finance themselves, and should act as checks and balances to the ruling party – that is, they should act as a watchdog.

In structures and systems of government: let us adopt the hybrid system upon which the Executive authority is shared between the President and a Prime Minister. That is, state powers could be given to the President and government business could be given to the Prime Minister.

The Legislature: all appointments to constitutional offices be vetted by the Parliament. That is, offices like the offices of the Managing Directors of PSs.

It should be a law that Parliamentary activities be on full-time, such that, MPs should be recalled, if proved to be negligent to the needs of their constituents.

In case of (inaudible): I would say that a Presidential candidate must be a graduate and above, and should be a person who is morally upright. And the tenure should be, two terms of five years each.

A President can be removed from office and judged in a court of law, when proved guilty of offences such as corruption, immorality or abuse of office.

Judiciary: they should create a family court to cater for issues pertaining to family affairs, such as, family quarrels, rape cases and defilement.

Again under Judiciary, plaintiff or accused persons to be given legal aid, such as lawyers, legal advisors, under such circumstances as false allegation, accusation, and there should be full compensation for damages on innocent persons.

For Local Government, I would say Mayors and Council Chairmen be elected by the people directly, and the office tenure for chairmen should be increased to five years, and their qualification should be at least a pass in 'O' level and they should be morally upright.

Now.....

(Interjection) Com. Ratanya: Just try to end now. We don't have more time. Try to wind up now. One more minute.

Monicah Cheruiyot: Lastly, on land and property rights: I would say, all land ownership should be the way it is – that is, categorized as those owned by the state.

And again, a widow should be an automatic administrator of family land and property, upon the death of her spouse. That is I have.

Com. Ratanya: Okay, thank you very much Monicah. Nenda upeane hiyo makaratasi yako hapo. Na tutaenda kwa mama mwingine hapa anaitwa Maria Kigen Chokai. Maria Kigen Choka? Kunao anaitwa Maria Kigen? Okay, Maria hayuko? Ooh, ni huyu. Hebu asaidiwe, pengine hakusikia. Jaribu kumsaidia apeane maoni yake.

Maria Kigen: Hapana jua.

Com. Ratanya: Sema jina lako Maria.

Maria Kigen: Habari zenu? *Kongoi, kongoi Mungu ne kakonech werikyik kole oba obotoben Kenya. Ara kongoi Baba, kongoi Mungu ak Kenya.*

Translator: Anasema asante sana kwa watoto wangu ambao wamekuja hapa leo kutoka Kenya, ili wasikie maneno yetu.

Maria Kigen: *Kongoi Baba. Atinye ale a chepyoso ne os.*

Translator: Anasema kwamba, ingawa mimi ni mama mzee,

Maria Kigen: *Kikobek boiyonyun en kenyitab artam ak lo en arawap lo en lo mpaka sasa.*

Translator: Anasema, mzee wake alifariki namu mwaka wa 1946 mpaka sasa..... **(end of side A)**

Maria Kigen: *keibenon imbaret kong'eten Cheptebwo mpaka Kitany mpaka Tabsabui mpaka El-geiyo border, acre yote*

Translator: Anasema kwamba, mashamba yake kutoka hapa chini Chepsigot, mpaka sehemu zinginge, Chepetebo, Uasin Gishu mpaka Kittany, eti yote yamechukuliwa, mpaka Elgeyo kwote.

Maria Kigen: *Kiplot tugul ko mia moja arobaini.(speaking in Kipsigis)*

Translator: Anasema eti shamba zake zilikuwa acre elfu mia moja arubaini.

Maria Kigen: *Amune kanyeren nee en Kenya we murenchu? Kanyeren nee we murenchi ak kekurenon chebiywo kot kimutan Mathari.*

Translator: Anasema eti sijui kwa nini hayo yote yalichukuliwa na watu wakaniita mimi ni wazimu.

Maria Kigen: *Keib tukyuk baba, keib tugab arap Moiywo kot go maro. Kealda kot kealda tuget, kot kealda imbarenik tugul eng kap torokwo.*

Translator: Anasema kwamba eti vitu vyake vyote viliuzwa hata ng'ombe, hata duka, yote.

Mary Kigen: Namwambia Mungu, na Mungu, namwambia Serikali. Ni kukosa nini? Mtu yangu kwa Mungu, kwa Serikali. Hapana iko mtu ingine. Na Nyayo (inaudible).

Mary Kigen: *Nilikosea nini serikali, nilikosea nini mimi we Mungu?*

Mary Kigen: *Ara amun kokeipenon bainit nemi elfusiek boronaik elfusiek tiptem million, keib en kap Kokilge.*

Translator: Anasema eti pesa zake zilichukuliwa, sijui kwa bank.

Mary Kigen: *Kianyalil we murenchu, kianyali ne mo nyalili chi. Miano chepyoset age ne kimuita ne teno non. Ano we murenchu ne kimuita ne ten non. Kiamuita muitaanet ne kimuita Nyayo ako kiasindan Nyayo ako kasindan Nyayo. Kiamuite anendet missing murenchu amun a chepyoso.*

Translator: Yeye amevumilia sana ingawa ni mama.

Mary Kigen: *Etan anyun baba nyun. Kibendi agoi gaa kor ikerchige. Kot ko aniwendi bitonin, londoni. Nakuenda ng' ambo, napeleka shamba yangu, kuona kila kitu yangu. Ndio. Mpaka nikasikia Nyayo, mpaka nikasikia Nyayo baba yangu. Naita mimi kabisa. Hapana sitaki kusikia maneno ya kisirani. Askari ya Mungu, askari ya Nyayo.*

Translator: *Kale in aini kartasing'ung. Kale kakekas ng'alechatan kuk ago kakesir tugul asi kebo keng'alalen. Kole i, kakegas ago kakesoman eng' yuton yu. Kwa hivyo sibokeker kit ne kiyoitoi. Kongoi.*

Com. Ratanya: Okay, tutaenda kwa Kamau P. W. Kamau? Naona Kamau anatoka Tambach, yuko? Kamau? Pengine ni mwalimu, okay he is not around. Harun Yego? Harun yuko karibu? Lazaro Chebii? Lazaro Chebii. Sasa Lazaro ni wakati wako.

Lazaro Chebii: Kwa majina mimi ni Lazaro Ruto Chebii. Natoa memorandum kwa ajili ya Traditional Practitioners – Keiyo North. Nikisema Traditional Practitioners itakuwa ni herbalists, na hata both attendants, hata circumcisers, na wengine.

Kwanza ni, to protect free species that contains medicinal values. Katika hapa Keiyo, kabla ya miti ya sumu kuingia, misitu yetu ilikuwa mizuri sana, kwa sababu, ilikuwa na miti aina yeyote, ambayo ni ya madawa, na mengine. Na mimi ningeonelea, Serikali itafute namna, miti yeyote ambayo ina umuhimu wa aina yeyote, iwe ikilindwa, jinsi tunavyolinda wanyama wa pori. Kwa sababu unakuta mtu ako na shamba yake, na anaona ile miti hata angesaidia yeye mwenyewe, anatupa tu, hajui value yake ni nini.

Na hata msitu, ningeonelea, msitu ya serikali yote iwe katika indigenous trees. Na ile misitu ya wale wanataka kupanda miti ya pesa, wapande katika mashamba yao, na serikali iwasaidie hawa kupanda.

Traditional herbalist practitioners must be licenced constitutionally by the Government. Wale wote hata kina mama ambao wanatusaidia uko kijijini kwa kuzalisha akina mama, wako na shida sana, hata wakati huu ambao nchi imekuwa mbaya na huu ugonjwa. Kwa hivyo akina mama wanatumia ile crude aina ya zamani, bila gloves, bila nini yeyote. Sasa, kama serikali ingewafundisha kila kijiji akina mama wawili, halafu wasaidie hawa akina mama kwa sababu ni ngumu sana. Ukifikiria upande wa pale, hata ni karibu tisaini kwa mia ya watoto wanazaliwa nyumbani.

Pia, wale wazee ambao wanatahiri vijana, wasaidiwe kufunzwa, pia kusaidiwa kwa njia yeyote. Iwe ikifikiriwa na serikali.

Mambo ya licence: wale wanatibu kutumia miti ya kiasili, wako katika social services. Lakini tukitaka Kenya iwe na quality health management care, wao washirikishwe katika wizara ya afya, ili nao pia, wawe wakifundishwa, na wawe katika sheria ya nchi.

Pia, tunataka badala ya – wazungu wametutumia sana kupita kwa institutions za serikali. Wanakuja kupitia KEFRI, KEMRI, na zingine. Wakipata value ya hiyo medicine, mambo ya intellectual property rights, sasa wanaenda kuiba, wewe unabaki nyumbani hapa, una kitu ya kufanya. Baada ya uko, wanaenda kutengeneza na kufanya kuwa wa biashara. Lakini tungetaka evidence medicine. Kama kuna mtu ambaye amekuwa mgonjwa, na anatibiwa na amepona, hiyo inakuwa evidence, badala ya kusema kuwa ni mpaka upime, mpaka ufanye nini, halafu wao wakilipwa.

Pia, herbalists wako na shida sana. Mtu anakuwa mgonjwa kama paralyisi, ambayo unaweza tibu kwa mwaka mmoja ama miwili. Sasa huyo mtu, hawezi kupata chochote kwa serikali. Kwa mfano, tuseme off duty, hawezi kupewa ruhusa na serikali kwa sababu anatibiwa na mtu ya tiba ya kiasili, hawezi kupewa ruhusa ya kupumzika nyumbani, umuandikie mpaka apone, ama hawezi kusaidiwa na pesa. Mpaka aende tena kununua sehemu fulani kwa serikali ndio apate hiyo.

(Interjection) Com. Ratanya: Okay, jaribu sasa Bwana Lazaro kumaliza.

Lazaro Chebii: All leaders must avoid cultural and native values to establish educational centres where herbalists can be

taught and liaise with a registered medical practitioners to improve services. After such practitioners have been recognized by the Constitution, then the code of ethics and conduct be established to guide all of them. Thank you.

Com. Ratanya: Asante sana Lazaro. Kuna Cllr. B. K. Chemisto. Cllr. B. K., huyu Councillor hayuko? Kama hayuko tutaenda kwa mwingine. Okay, Councillor, endelea ni wakati wako sasa. Na utaanza na kutuambia majina yako.

Cllr. Benjamin K. Chemisto: Kwa majina naitwa Benjamin Chumba Chemisto.

Bwana Chairman, kwa maoni yangu, nataka kupendekeza ya kwamba conflicts baina ya watu na wanyama wa misitu, iangaliwe. Kwa sababu, kwa wakati huu, mnyama akiua mtu, hakuna malipo yeyote.

Pia, maoni yangu kwa mambo ya kesi ya mashamba, ziwe zikifanywa na elders – wazee wa vijiji kwa sababu hawa ndio wanaelewa zaidi badala ya kupeleka kortini.

Mambo ya forest management, iwachiwe locals. Kwa sababu, hata tangu zamani, mababu zetu walikuwa wanajua kulinda forests.

Ingingine, napendekeza ya kwamba, village elders kwa sababu ni viongozi kutoka mashinani, pia wafikiriwe masilahi yao. Ni hayo tu Bwana Mwenyekiti. Asante.

Com. Ratanya: Okay, asante sana. Kuna Raymond K. Sende. Raymond?

Raymond K. Sende: Thank you very much Commissioners. My names are Raymond Kiprono Sende, and these are my views:-

Democracy means a government you have chosen. Freedom to address that government about your problems and the rights to kick it out when it begins to oppress or it works against the Constitution. And to address all these issues, from my point of view,

(Interjection) Com. Ratanya: Raymond, jaribu kuzungumza kwa hii machine hili sauti yako ijukuliwe.

Raymond K. Sende: I am to address all these issues from my point of view. A government of national unity is actually required, with regional governments at district level. Also, we have to elect a district governor, with no provincial headquarters at all.

Another one is that, we have to strengthen the resources of local authorities and the entire structures of the local authority.

Another thing is that, we have to elect assistant chiefs, the chiefs and the village elders with a gender equation in place, and also, they should be paid. What I am saying in short is that, such a system which is a federal system is actually required.

On environment: the Constitution actually should enact laws that should protect the environment and its endangered species.

On education: we should have a system whereby it is a “people-driven education service”, and maybe to rap it off, is that, the teaching fraternity should actually come from all corners of somebody from Giriama, Mombasa, could be a teacher in Keiyo, and likewise. We don't have to localize teachers, and in that case, in teaching, we have to borrow examples. If somebody is from your locality, I don't think you will get a good example.

So, Ladies and Gentlemen, I am sure you will support this, and it will go through. Thank you.

Com. Ratanya: Sende, Bwana Raymond ngoja kidogo.

Com. Muigai: Asante sana kwa maoni yako Bwana Sende. Umesema kuwa waalimu wanaweza kufunza pahali popote. Je, na watoto wetu wanaweza kusoma pahali gani, kwani, mwalimu anaweza kuja kufunza mambo mapya, lakini watoto wakati wako wachanga ndio bado wanafungua fikira zao kuchukua mambo mapya kutoka pahali popote. Kwa hivyo, naona watoto wetu tuwasomeshe hapa hapa, lakini waalimu tutoe kila pahali, ama vipi?

Raymond K. Sende: Nafikiria mtoto wa shule, nafikiri yule wa kindegarten tu ndio anaweza kusomea karibu. Lakini primary – standard I, yangu inaweza enda hata Mombasa ama Kisumu. Anyway, hata discipline, ukiwa karibu na mama sana, kwa sababu mama akiwa karibu na mtoto sana, anaharibika. Wacha aende mbali uko, apate discipline ya huko na itakuwa bora.

Com. Muigai: Na mtoto akiwa karibu na baba je, Mr. Raymond?

Raymond K. Sende: Atakuwa very smart. (*laughter*)

Com. Ratanya: Okay, asante Raymond, hayo ni maoni yako. Sawa twende kwa James Kasika. James? Ni wewe James unajitayarisha?

James Kasika: Ndio.

Com. Ratanya: Okay, endelea. Anza na kusema majina yako. James, ni dakika tatu, sasa nimeanza dakika tatu. Hiyo memorandum hautasoma yote, lakini sema yale ya muhimu, ya muhimu, mpaka utuambie yote. Tuambie summary.

James Kasika: Mr. Chairman, thank you for giving me this opportunity. Well, I will suggest katika the Executive Secretary, KNUT Keiyo. I know it will be difficult to say what I intended to say in three minutes.

However, let me start by a remark which my colleague said for the benefit of the Commissioners here about Keiyo land which was taken by Uasin Gishu. Please let us refer to (inaudible) of 1933, where it set the boundary of Keiyo somewhere in Uasin Gishu. If our land can extend upto there, I think we shall be okay.

Now, we did say something about the Constitution, and we said, it should have a Preamble. I may not be able to say what we said, but I will leave the memorandum.

We also talked about the direct principles of state policy.

We also talked about the Constitutional Supremacy.

Now, there are areas which I thought like the area of state security, where we have the defence and the national security. Here we have the Armed Forces, and we have the Administration Police. Regular Police and the APs appear to be duplicating roles. So, that is an area where we said, they should harmonise to have one.

Now, touching on political parties, we accept and we believe multi-partism is good for our nation. The only thing that we recommended here is, after the elections, the smaller parties should join the bigger opposition party, so that, those very small ones should actually leave out there and merge and get one strong opposition party.

Now, we talked also about the Legislature, and we said, Parliament should be able to vet, or rather, what has been at the (inaudible) the following:-

The Attorney General;

The Chief Justice; and

The Head of Civil Service should approve their appointments.

We also talked about an MP, and we said, he should be 30 years minimal age, and not more than 70 years. There should also be a way of recalling the MP in case they don't perform. Here we recommended, 2/3 of the voters.

Now, we also talked about the President or rather the Executive. We gave out the age – 40, and also should not be more than 70 years.

Now, I will straight leave out others to the point where we talked about the Provincial Administration, and we said, we need it. The only difference is, let the candidate i.e. the chief or the sub-chief be interviewed. Two or three people be forwarded to the people to be elected, at least one of them, so that in the process, it is the leader chosen by all.

We also talked about village elders, and we recommend, that the way others have said, they should be put in the public service payroll.

We also talked about the Judiciary, and here, we talked about the Chief Justice being appointed by the President and then of course, the other officers, by the Judicial Service Commission. Their tenure, I think is adequate.

Now, on Local Authorities, here, we are saying, the Mayor and the Deputy Mayors, the Chairmen and the Vice Chairmen should be elected directly by the people. And the people should also have a way of recalling those people in case they don't perform.

Now, the Local Authorities and even Parliament, etc, women and men can compete equally.

Now, nomination should be from the vulnerable groups.

Now, the electoral system and process, we said, it is adequate currently. The only thing is, where the Presidential should direct the way it is, and we set the two terms. We are saying the way it is, because, let it be funded by the ex-chequer, so, I think I leave that one.

Let us come to the basic rights which are adequate, except, we suggest that death penalty be abolished and replaced by life imprisonment.

Now, we also suggest, the Government should provide free, compulsory education to the poor, upto form IV. Now, bursaries to the needy, up to the university.

We also said, the Constitution should guarantee all hawkers, the rights to a trade union.

We also talked about the right of the vulnerable group. We talked about the interest of women are not fully guaranteed, the way we talked about, when men own land. We recommend, probably, they should be jointly owned.

Now, interest of people with disability are not fully taken care of. We also recommend that a social welfare fund for them, including the unemployed be established. Maybe, the funds will be contributed from those active and people who are able to contribute when they are still in service, and those who are working.

Land and property rights: we said, land should be owned by the State and individuals. If the Government has interest, of course, it has its own way of acquiring it. Idle land should be taxed. In that way, it will enhance productivity -- people will make use of it, or they give it away to those who need it. All land which belongs to the people, especially Keiyo, should not be under lease. We should own it absolute.

Now, the procedure for land transfer, proper measures should be put in place. We have heard of cases where people look for ways and means of cheating to obtain title deeds. So, we should not say, we simplify, but we say, strengthen it, put in force rules which make it difficult for people to cheat.

Cultural and ethnic regional diversity of our communal rights: we are saying Kenya has 42 tribes and we know it is difficult to bring them into one culture, and therefore, this cultures should be protected. Their beliefs, their traditions, should also be safeguarded from extinction.

Now, I know we are talking about our languages which we should actually try and encourage. Otherwise, they will perish, although we should teach the two main languages – Kiswahili and English.

Places of social, religious and cultural values should be protected by the Constitution.

Council of elders should be empowered to defend social justice, especially, disputes like land, etc, because they know it better.

Marriage certificates to those people who married under customary laws should be given.

Now, on management of natural resources, we are saying, Parliament should retain power to..... and in particular before I talk of Parliament, let us say about our forests here, should be given to the Local Authorities, they know better and they will be able to take care of them. Now, then, any public servant who mismanages, then, should be dealt with according to the law.

Now, I don't know whether...

(Interjection) Com. Ratanya: Yaah, sasa mwalimu, nitakupatia nafasi kwa sababu unawakilisha watu wengi. Wazazi, waalimu na watoto. Sasa jaribu kumaliza. Dakika moja sasa. Unajua hiyo memorandum tutaisoma kabisa, na utatuwachia. Kwa hivyo, maliza sasa dakika hiyo moja.

James Kasika: Haya, Mr. Chairman, we are also saying, the Government should formulate ways of managing in partnership, to protecting the environment with the local community. And I have cited, the case of forests.

And I had also talked about any person(s) or institutions engaging in any profit-making ventures, in this area is rich in natural resources, should be entrusted with the upkeep of the same. That is, they should maintain the infrastructure. They should build the schools, maintain hospitals, cattle dips, and also provide the social amenities for the people, and those particular people in that particular area.

(Interjection) Com. Ratanya: Kwa hivyo, sasa....

James Kasika: Otherwise with those remarks, Mr. Chairman, thank you very much.

Com. Ratanya: Okay, thank you very much James. Sasa tupatie memorandum na u-sign. Kuna swali, Bwana Mwalimu, kuna swali hapa.

Com. Muigai: Thank you very much Mwalimu. I have two questions for you. One is on certification of customary marriages. Normally, our African customary marriages are a process, they are not an activity. It is not like the way we go to church one day and we are married, and the whole thing is finished. So, in this process, in my own culture, we have when they come to see the house, then there is something else to happen, then there is the day for the dowry. At what process, at what stage of the process could you recommend that we give the certificate? That is one of my questions.

My second question is on council of elders, whom you agree that should be given more responsibilities and be empowered. In most of our cultures, the councils of elders were made of men alone. How do you see us including women in governance? Or would you like us to keep it a men-men only domain? What are your thoughts on this?

James Kasika: Now, the first one, on customary marriage: normally, if you have to refer back to our culture, and I believe those who are seniors here, maybe they didn't do it, but they know it. There was a way, where, there was something which was done, and they used to put something here which they used to refer to it as "Nkurirot". Now it is actually at that stage when that thing should be signed.

Now, the second one, is about the council of elders. Normally, for the council of elders to be effective and anything done, it must also have women. And I believe and I know, normally when they are making decisions and strong decisions like that, they include respectable women, and normally, elderly women. Thank you.

Com. Ratanya: Sasa, kuna Koech N. Francis, akuonyesha kama angetaka kuongea, lakini kama yuko tayari, naona anaonesha ataongea, na hataongea, lakini ame-cancel. Is he around? Koech Francis, Koech N. Francis? Okay, hiyo imekuwa cancelled. Kuna Ishmael Kite, Ishmael Kite? Hata yeye naona hayuko. Francis Kimuge, Francis Kimuge? Hayuko hata huyo. Charles Rotich. No, first of all is Patrick Kiprop, Patrick Kiprop, na halafu Charles Rotich atamfuata. Patrick Kiprop?

Patrick Kiprop: Thank you Commissioner. My names are Patrick Kiprop, and my proposals are as follows:-

One, structures and systems of government: I propose a federal system of government in which we have governors in charge of affairs of every Jimbo. Such as, security....

(Interjection) Com. Ratanya: Kiprop, shika hiyo vizuri. Ushike vizuri ili tuweze kusikia. Usiweke kwa mdomo.

Patrick Kiprop: Okay. I am saying, I propose a federal system of government in which we have governors in charge of affairs of every Jimbo, such as, security, health-care, education, among others. Every Jimbo should have its own house of representatives with direct links to the senate.

Executive: Executive power should be vested in the Prime Minister appointed by the President, by virtue of being the leader of the majority party in Parliament.

There should be a President elected directly by the electorate, who will be the Head of State and his or her major duties should be to protect the Constitution and sovereignty of the State.

The Vice President should be the President's running-mate in Presidential elections.

Local Government: Mayors and Council Chairpersons must be elected by the people directly, and serve for two-and-a-half years with a possibility of being re-elected.

Councillors must be at least 'O' level graduates. The electorate should be able to recall their councillors, if need arises.

Local Government should be strengthened.

Human rights: other than ensuring that citizens enjoy all the rights contained in the current Constitution, Bills of Rights without unnecessary extensions. The Constitution must enshrine the following as basic rights:-

- i. Right to free legal aid;

- ii. Right to vote and stand for elections;
- iii. Right to health-care, water, employment and development that is sustainable;
- iv. Right to live under conducive environment.

The Constitution should provide for the impeachment of the President, on violation of the Constitution and abuse of his or her powers.

The Prime Minister shall be the Head of the Government and answerable to the Parliament, which should be empowered to pass a vote of no confidence on the Prime Minister.

Legislature: I propose a by-cameral legislature, namely, the senate and the house of representatives.

Parliament should be able to control their own affairs and have a calendar of activities.

Appointments that should be made by Parliament are:-

Auditor-General;

Speakers;

Ambassadors;

Ministers;

Chief Justice;

Governors;

Heads of Parastatals; and

Chairperson of the Electoral Commission.

There should be a committee set up to work independently in determining salaries of Parliamentarians.

Electorate must have power to recall incompetent Members of Parliament in respective constituencies.

Conservation of catchment areas: all water sources and catchment areas should be protected and conserved, and anyone who goes against law, should be charged in the court of law.

To eliminate ignorance of the law, the Constitution should be written in simple language and be taught right from primary school.

Land belonging to individuals, taken for public utility, e.g. schools, and (inaudible) be compensated by the Government.

That is all. Thank you.

Com. Ratanya: Sasa, tuende kwa Charles Rotich.

Charles Rotich: Thank you Mr. Commissioner. My names are Charles (inaudible) Rotich, and I am here on behalf of Kaptum. I have summarized my points, and I hope you will allow me time.

First of all, the biggest problem we have, especially, we at Keiyo, is land problem. Land problem, as we all know, is a basic right for every Kenyan. And therefore, I would say that title deeds be issued at the district level. This of course will enable all of our communities, especially the people, if you look around the crowd, it is a very small crowd, which means that, at least, there is something which made them not to attend. So, I would say, if we make it possible for title deeds to be processed here at the district, it will be affordable for most people.

Second, we have land cases: land cases in other areas, end up in court. We have the land here, around us. So, the only people who can assist us, obviously, are the wazees. So, they know what existed, they inherited from the land, and so, I would recommend that, let us give them the mandate to assist in land cases – that is the wazee.

Land accessibility: in our society we have women who are widows. I would recommend that, at least, they be considered to own land.

Provincial Administration: in my first word, I say, if you look at our crowd here, it is a very small crowd, which tells us, there is ignorance of our people not attending a very special occasion like this, Mr. Commissioner. So, I would say, provincial administration, is the key role in our society here in Keiyo, in educating people, relating information and even giving out what we have said today. Without provincial administration, I think we are getting into a site whereby, we don't have people who can lead us.

Concerning Electoral Commission, I would say, if it were my wish, and if wishes were horses, every beggar could ride on. I would say, let there be an independent body to decide on elections and be in-charge when the elections are going on, to be in-charge when the President is not there.

Obviously about the powers of the President, even during the time of Jesus, he said, obey those who are in authority, because they are the people who will govern us, without you, we would not be sitting here, we would be somewhere in our homes. So,

without authority, if there is a place to be amended, we reduce some of the powers, but, let us honour the President as it is. So, the current government, I would say, should continue.

Care of children, women and people with disability. It is an area, I think it was forgotten. People who are unable to see, people who cannot walk, let us give them assistance. And if possible, we educate their children.

Children in this case, I would say, the problem started somewhere with the parents, or we parents. How can a child stay in town, in Kenya? He cant. Even the Bible says, the status of the child should be tamed.

(Interjection) Com. Ratanya: Charles, jaribu kumaliza, kama wakati wako umekwisha. Nitakuwa dakika moja umalize.

Charles Rotich: This is the last. So, I would say, let us try to see areas which can help our communities. The child is the backbone of the parents or the mother. So, if we allow cultures of other countries, or cultures of other people, we shall ruin our beautiful Kenya. So, with these few remarks, I would say, thank you once more.

Com. Ratanya: Nenda pale uandikishe. Enda kwa register. Sasa wale ambao wamebakia, naona ni wengi, lakini si mwengi sana. Ningetaka kuwajulisha kwamba, ni heri useme kwa ufupi yale unayo. Kwa sababu tumesikia mengi, mengi, yamesemwa, na usije ukarudia. Kwa hivyo, una yale mapya kabisa, badala ya kurudia sana, kuja useme kwa ufupi na umalizie hapo. Usirudie yale yote tumesikia kutoka asubuhi. Kila mtu atapata nafasi ya kusema, lakini sema machache, na kwa ufupi, na yale ambao hayakusemwa na wengine. Sasa tuna Albert Kiprop, Albert Kiprop? Na sasa tumepunguza dakika ni tatu sasa, ili tuweze kusafiri ma-nyumbani. Albert useme jina lako kwanza.

Albert Kiprop: Majina yangu ni Albert Kiprop, and I am going to speak on land and other natural resources. My proposal is that all land in Kenya should be titled. All land now should be consolidated.

The forests given out for shamba system should be shared equally among persons surrounding the forest. Any private or trustland, oil or minerals should not be acquired by the Government or any investor without the agreement of the acquirer and the owner.

The lease period for such land to the acquirer should not exceed twenty years. In case the land is taken from the owner, adequate compensation should be given to the owner and houses build for such displaced persons.

There should be a Land Commission whose duties shall include, to protect the whole public land including forests and game parks, on occasion of available land to squatters and the landless.

And lastly, developing a mechanism for optimal utilization of the land. A tax should be imposed on misuse for private land.

Lease of harvesting resources, mining minerals or oil, be transacted with the consent of the local people.

There should be established a commission to run all natural resources in the country.

Political parties and civil society organizations: I propose that, there should be no restrictions on the formation of political parties. But, political parties must be authorized by law to be able to audit the accounts every financial year.

Political parties must also be authorized by law to conduct elections as per the Constitution. The Constitution should also guarantee the right of civic groups such as CBOs, Religious Organizations and NGOs to operate without interference by the Government.

And lastly, I would want to say on the issue of the Administration Police and the regular Police, which at the moment have conflicting roles. I would suggest that we scrap the Administration Police, retrain them first, and then absorb them into the regular Police, so that we have a working system that is cohesive. And with those few remarks, I say thank you very much.

Com. Ratanya: Asante Kiprop. Tuende kwa Peter Kyang. Huyu hayuko. Linus Kimei. Na Linus tuambile jina lako.

Linus Kimei: Thank you. I am Linus Kimei. Here are my proposals, they only touch on one area, that is Parliament. I have many, but I have only chosen to pick just but a few.

Firstly, I would want to say, we should have a coalition government of national unity.

Second, is that, Parliament should have the power to impose the President or to pass a vote of no confidence to the Government.

Another point is that, the Parliament should have powers to appoint the Ambassadors, Directors of State, Attorney General and the Controller & Auditor General.

Because of time, I will only speak. Parliament must have the powers to vet or to approve the appointments made by the Head of State or the President.

In the Constitution, we should have the pioneers recall their Members of Parliament, if he or she does not fulfil duties required.

The Constitution should provide for the formation of a Constitution Development Committee to meet at least every month, once.

The chairman of the Constitution Development Committee should not be a Member of Parliament, and should not be deciding or determining salaries for Members of Parliament.

And finally, women's representatives from every province should be an ex-officio, numbering a total of eight Members of Parliament.

Finally, libraries for children should be drawn from all the way from districts to locational levels.

On matters of land, I would want to touch on title deeds.

(Interjection) Com. Ratanya: Sema ya mwisho sasa. Saa imekwisha. Sema ya mwisho.

Linus Kimei: Thank you. On matters of land, title deeds should be provided to men as the security of the family and generations coming up. With those few remarks, Mr. Chairman, I say thank you.

Com. Ratanya: Ngoja kidogo Bwana Linus.

Com. Muigai: Thank you very much Mr. Kimei, because of your contribution. You said that title deeds should be provided to men as the security of the family?

Linus Kimei: Yes.

Com. Muigai: Why not women?

Linus Kimei: In this case, title deeds are lasting documents in the family, and when I give women, it tends to be the link of chaos in the family. Are you getting me? This is because, when we issue the title deeds to women, and when I die as the father, my brothers now come and want to obtain my wealth. Then, in that angle of perspective when they see, my brothers have come to obtain part of my wealth, then there will also come the family of the wife, then say, because it is indicated in the title, we also have to get a share. Thank you.

Com. Ratanya: Okay, mwingine ni Gabriel Bachok. Gabriel Bachok? Okay, Gabriel hayuko. Vincent Chelimo, Vincent Chelimo? Michael Kandie? Bwana Kandie endelea.

Gabriel Kandie: Thank you. Mimi ni Michael Kandie. Niko hapa ku-propose to the Constitution of Kenya Review Commission:-

Culture and ethic regional diversity and community rights: Moja, Kenya's ethics and culture (inaudible) contribute to the national culture.

Pili, the Constitution should provide for protection against discrimination as part of culture.

Three, we should have two national languages – English and Kiswahili.

Four, the Constitution should recognize and promote indigenous languages. So, thank you.

Com. Ratanya: Asante Bwana Kandie. Nenda pale kwa register. Kuna Willy Birer, Willy Birer, ni wakati wako.

Willy Birer: Asante, asanteni sana. Kwa majina mimi naitwa Willy Kipkenei Birer. Yangu ni kwa ufupi sana, vile mengi ambayo nilikuwa nataka kusema yamesemwa.

Kwanza, nitaanza kwa upande wa public funds. Nafikiri Katiba yetu mpya ambayo tuna-propose kwa wakati huu, ningepomba kwa upande wa public funds, badala ya mtindo ambao uko wakati huu, ambao inategemea sana, kwa miradi yote itekelezwe, lazima ipitie kwa upande wa DDC. Badala ya mtindo huo, uje moja kwa moja mpaka waakilishi wa Bunge. That is the constituency, badala ya kuja kugawia kwa district.

Ya pili, ni upande wa wafanyi kazi wa Serikali -- senior public servants. Sana sana, hili nchi yetu iwe vile tunasema, kwa mwaka wa 2025, iwe ni nchi ya viwanda. Tusipolipa hawa wafanyi kazi vizuri, tutaendelea kuwapoteza wakati huu. Kwa hivyo ningepomba, ama nimetoa maoni yangu ya kwamba, Serikali itilie maanani sana hawa wafanyi kazi, ili wazidi kubaki humu nchini.

Ya tatu, hawa hawa, senior public civil servants, wawe wamechaguliwa na Rais, na wawe wameidhinishwa kupitia Bunge. Na pia, tabia yao iwe imechunguzwa kupitia Bunge.

Ya nne, nafikiri nitarudia hiyo ya council of elders. Nafikiri ili sheria itendeke kwa haki, sio kwa mtindo ambao uko kwa saa. Taratibu yenyewe ni mzuri. Kupitia court 2, kuja mpaka kwa magistrate, ni mzuri, lakini, ningepomba, Katiba ambayo tunatengeneza wakati huu, itilie ama ipee kuteuliwa wa kwanza kwa hawa wazee. Watatue kesi zote ambazo ziko chini kwanza, ili, ambazo watashindwa ama ambazo zimeenda mbali zaidi, ziende labda kwa magistrate na kwenda mbele.

Ya tano, pia, ikiambatana na sheria, mtu ama Serikali isaidie huyu mtu wa kawaida, ama huyu mtu wa chini, apate angalau mwakilishi katika court. Nafikiri ni hayo tu. Asante.

Com. Ratanya: Asante sana Bwana Willy. Sasa, nitaenda kwa Bwana Daniel Chesire. Bwana Daniel Chesire? Daniel Chesire yuko karibu? Ni wewe? Okay. Umesema present. (*laughter*). Okay, Chesire endelea.

Daniel Chesire: Asante sana Wakubwa na Commissioner kwa nafasi hii. Jina langu ni Daniel Chesire. Nitazungumza kuhusu:-

Shamba: mtu akisha pimiwa shamba lake, ni vizuri apatiwe title deed, kwa urahisi.

Pili, jina ni la mzee mwenye boma.

Tatu, wachaguliwe wazee wa vijiji na wapewe nguvu ya kusimamia kila kitu katika vijiji, ili apate kuona kila kitu.

Ikiwa mtu ana watoto wavulana na wasichana, watoto hawa, wote, kila mmoja anapata haki yake. Msichana akikosa kuolewa, ndio hawa wazee wanaona ya kwamba, watoto hawa wote wamepatiwa haki kama ipasavyo. Kwa maana, siku hizi, watoto wengi hawaolewi. Na akikosa kuolewa, lazima aone jinsi ya kufanyiwa.

Ikiwa mzee huyo anasimamia shamba yake, kama title deed iko kwa jina lake, kila kitu ikipatikana katika lile shamba, kizuri, ile inatifikana kutumika kama gold au kila kitu, ni lazima kiwe mzee huyo anaulizwa, kwa sababu kila kitu iko juu yake. Akiuliza huyu mzee, kama inatifikana hiyo kitu, kutumiwa katika nchi, ni wazee hawa wanazungumza pamoja na huyu mzee, na kuona hiyo mali inafanyiwa namna gani.

Na huyu mzee akitaka kupeana shamba vijana wake au msichana wake yule hakuolewa shamba, ni sharti apewe title deed bila kizuizi chochote. Kwa maana, wote ni watoto wake. Kama ingekuwa ni mvulana, angepatiwa shamba, kwa bahati mbaya hakuolewa.

Ya mwisho, mtu akiwa kwa shamba yake. Kuna watu ambao wametatiza watu na hawa ni wezi.

(Interjection) Com. Ratanya: Chesire, saa yako imekwisha.

Daniel Chesire: Nitamaliza haraka.

Com. Ratanya: Eeh, maliza.

Daniel Chesire: Wezi hawa wakiingia kwa shamba na kuchukua mbuzi au ngombe, chochote. Akipatikana kwa haraka, ndio hata vizuri auwawe. Na akinyenyekea na kuomba msamaha kwa mwenye ng'ombe au mwenye mbuzi, ni ashikwe, awekwe cell, na wazee hawa wazungumze juu yake. Ikiwa amekubali kulipa, atalipa ng'ombe mbili. Akipatikana akiwa hai. Na akipatikana ameuza au amechinja, alipe ng'ombe tano. Vile, ukisoma Biblia katika Kutoka 22:1, anasema, ikipatikana akiwa amechinja, alipe tano. Ikiwa akipatikana angali hai, alipe ng'ombe mbili.

(Interjection) Com. Ratanya: Sasa umemaliza sasa. Okay, asante Chesire. Nenda hapo uandikishe. Tuna Joseph Kimuge. Joseph tuambie jina lako vizuri, hii jina ingine sijui kama ni Kimuge, ama ni Muge, lakini tuambie sawa sawa.

Joseph Chemwen: Okay, asante sana Commissioners. Kwa majina, naitwa Joseph Chemen Kimuge. Asante sana. Yangu sitasema mengi, kwa sababu yale yote imesemwa, imekuwa katika Commission ya kwanza.

Mimi ningetoa tu maoni yangu moja, ambayo ni mambo ya government. Kwa upande wangu, hii government ya wakati huu, tunajua area zingine kama ngambo au mahali pengine nchi za ngambo zote tu. Tuseme tu sisi hatuwezi kuwachwa nyuma. Nchi yetu ya Kenya, ningependelea iwe Serikali ya Majimbo. Na ikiwa ni Serikali ya Majimbo, hiyo ya Majimbo inatoanga Prime Minister, Vice Prime Minister, na President yuko, akiwa anatawala akiwa pamoja na vice yake ambaye ni Vice President. Hapo, watu wenyewe, inachaguliwa President na Vice President na wananchi. Prime Minister, Vice Prime Minister, wachaguliwe na wananchi.

Tukija katika upande wa Local Government: tunasema kwamba Mayor ama Councillors, Mayor mwenyewe awe anachaguliwa tena na public. Sio kuchaguliwa na councillors. Viti vya Mayor na Chairmen wa County Councils, viti vyao viwe vya miaka tano.

Nikija katika Serikali, kwa kumaliza, mimi niko na mawazo ambayo nimeweka kwa memorandum yangu. Katika "Njonjo Commission", mambo ya mashamba, ichukuliwe katika nafasi kuu, itolewe katika Njonjo Commission, na iwekwe katika hii line ya Constitution Review. Kwa hivyo, kwa hayo machache, nitasema asante sana.

Com. Ratanya: Okay, ngojea swali.

Com. Muigai: Asante sana Mr. Kimuge. Swali langu ni kuhusu Majimbo. Ingetaka Jimbo liwe lipi? Jimbo liwe mkoa, ama Jimbo liwe wilaya?

Joseph Kimuge: Asante sana Commissioner. Katika nchi yetu ya Kenya, tuko na provinces. Na kwa wakati huu ili kitu iwe rahisi sana, hizi provinces zinafanya kazi iwe rahisi sana. Ili, ikiwa hata President, Prime Minister anapata kazi, iwe rahisi,

inachukua kutoka wale watumishi katika provinces. Kwa hivyo asante.

Com. Ratanya: Kwa hivyo umemaliza? Nenda pale uandikishe Bwana Joseph. Sasa inaonekana kwamba wale ambao walikuwa wamejiandikisha katika register yetu tumemaliza, na hiyo ni kusema kwamba hakuna mtu mwingine ambaye ana maoni, isipokuwa kama, kama yeyote ambaye alikuwa amejandikisha, na kwa bahati mbaya, pengine hatukusikia maoni yake. Na ningetaka kujua ni wangapi. Na hawa kwa sababu ni wa mwisho, watakuja tu, useme jambo lile ambalo halikusemwa. Nitakupatia dakika moja, kwa sababu hiyo ni kumupatia. Nimeona ni wangapi, moja, wawili, watatu, wane. I have seen four. Kwa hivyo tuanze na Ooh, kuna mwingine pale wamekuwa watano. Okay, anza, na mafupi. Sio kurudia yale ambayo yamesemwa. Dakika moja ni kidogo sana.

John Chirchir: Bwana Commissioner, yangu tu ni kutoa..... Majina ni John Chirchir. Yangu tu ni maneno mawili.

Ningetaja ya kwamba, siku ya uchaguzi, itumiwe ile transparent ballot boxes.

Na pia, date of general election should be entrenched in the Constitution.

Thirdly, Controller & Auditor General should control, supervise and monitor public expenditure, and submit/give an annual report to Parliament within 90 days.

The for Auditor General, he too audits the accounts of public bodies and submit reports to Parliament within 160 days.

All political parties should be funded by the Government, because, all these parties belong to the citizens of the country, who pay a lot of taxes.

(Interjection) Com. Ratanya: Mwingine anaanza. Saa yako imekwisha. Please. Na memorandum utapatia. Maliza hapo halafu utajibu swali.

John Chirchir: Section 59 should be amended to remove the power of the President from dissolving Parliament.

President to have powers, to negotiate and sign treaties with approval by Parliament.

Com. Muigai: Asante sana Bwana Chirchir kwa maoni yako. Mimi nina swali moja kwako, juu ya political parties – vyama vya siasa, umesema zipewe pesa za Serikali. Je unataka ziwe arobaini na sita zenye tuko nazo sasa kwenye utajirivu. Kuna 46 registered parties. Are those the parties that you want to be funded by the consolidated funds?

John Chirchir: Thank you Commissioner. I could elaborate on the question, that, these political parties should be funded

according to the representation in Parliament.

Com. Ratanya: Okay, tulikuwa tumehesabu watu watano. Wa pili – yule alikuwa number two aingine hapo. Na ni kwa sababu ni kupewa tu nafasi, nilisema ni dakika moja. Kwa sababu yote yamesemwa. Usiridie rudie.

Harun Yego: Asante sana Commissioner. Kwa majina mimi naitwa Harun Yego. Na haya ndio maoni ya vijana katika Keiyo North. Kwa sababu ni summary na saa ni fupi, nitasema tu machache.

Kwanza, political parties (nitaongea juu ya political parties), maoni ya vijana tungeona ya kwamba, political parties iwe limited. Iwe kati ya tatu na tano.

Jambo lingine hapo ni kwamba, political parties waji-finance wenyewe.

Na katika political parties, hiyo political party lazima iwe na national outlook.

Kwa upande wa Legislature: maoni ya vijana ni kwamba, Commission to be formed so that wanaweza kuangalia maneno ya mishahara ya Wabunge. Kwa maana, tumeona ya kwamba, Wabunge walikuwa na uwezo wa kujipatia marupurupu zaidi kuliko Wakenya wengine. Kwa hivyo, tunataka independent commission ambayo inaangalia mishahara ya wafanyi kazi wote katika ile Serikali.

(Interjection) Com. Ratanya: Hiyo, tupatie memorandum, kwa sababu tutasoma huko kwa headquarters, na dakika yako imekwisha.

Harun Yego: Nina moja tu ya village elders.

Com. Ratanya: Okay, nusu dakika.

Harun Yego: Haya. Kwa Executive, sisi tunawatambua village elders, na tungeomba kwa hii Commission, waangalie maneno ya village elders, na waweze kuwapa mishahara. DCs wawe elected, na wale wote wanahusika kama Mayor, awe elected. Asanteni sana.

Com. Ratanya: Ninashkuru. Mwingine, yule alikuwa number three. Ni wewe ulikuwa number three? Okay, sawa sawa. Dakika tu.

Isaac Lachi: Yes, my name is Isaac Lachi.

About the retirement age of teachers: that it be moved from 55 to 60 years. That is my proposal. Because, it seems as if the Judiciary, even at the age of 75 which is quite high, we think that it should be lowered down, even to 60 as well, because they are also civil servants, so that all of us contribute to national development.

Then, the university professors who normally retire after 60 years, I think there should be a limit to their retirement age, so as to create more room for other people who are coming up. Because, it seems as if, they retire after about 75 years. And, this means that most young graduates will not be able to move up, because these people will keep on teaching, for over 75 years.

Interjection: (inaudible)

Isaac Lachi: I also propose social security funds for all Kenyans. Because, all of us Kenyans contribute to the national development, and most people who are not having any job could really suffer, but if there are some social security fund for them i.e. to take care of their health, to take care of their upkeep as they grow old, then, I am sure that they would stay comfortably.

Now, the other one concerns taxation: now, we are struggling to have education for all in Kenya, but most people will not be able to put their children under the school system because of heavy taxation. So, perhaps, the Government should waive tax on all educational materials – books, teaching materials, etc, so that all children will be able to go to school, in primary and also in secondary. So, thank you sir.

Com. Ratanya: Thank you Mwalimu. You go there, and you just register. We had the fourth person. Na utasema majina yako.

John Toroitich: Mimi ni John Toroitich Ko..... (inaudible). Nimetoka Kapten. Kwa vile mimi nataka, sitaki kubagua. Kila mmoja anajua pahali alikuwa. Na kama wewe unataka kunyanganya mwingine shamba, si wazee wanajua? Na sitaki mambo ya kunyanyasa wengine, na wengine wamekaa kwa miaka ishirini, na mwenye bado kukaa hata kula mboga hapo, anasema shamba ni yake. Kwa hivyo, mwenye kunyanyasa mtu, hapana.

Com. Ratanya: Asante sana number four. Kulikuwa na number five. Yaani wa mwisho. Huyu ndio wa mwisho. Nenda ujiandikishe pale Bwana John.

James Kipruto Kipsang: Kwa kweli hapa hivi, huyu mzee ameongea ukweli. Jina langu naitwa James Kipruto Kipsang. Hapa hivi, ni ukweli mtupu. Hapa Kenya hatuna ukweli. Hapa Kenya, matajiri wananyanyasa watu. Kama kuandikiwa kazi, kama Kenya Army juzi ilikuwa Kapten hii, waliandika nani? Ni kama ni ya matajiri peke yao. Yule anauza ng'ombe yake aende kuandika mtoto yake.

Na maajabu ni hii, hata Moi, na na serikali ya Moi ni bure. (Ngoja).

Nyayo Tea Zone ilipandwa ya nini, na watu hawatumii? Na hiyo shamba, watu wanakaa njaa pande, ni college tunanyanganywa pande hii, pande hii tunanyanganywa mashamba, pande hii primary inajengwa na hatulipwi,
..... (inaudible) na sisi hatulipwi, kwa nini?
..... (inaudible). Tunataka
Majimbo Bwana.

Com. Ratanya: Okay, James andikisha hapo. Sasa wananchi, tumefika mwisho wa kupeana maoni, kwa sababu kila mtu amezungumza. Hakuna mtu ameambiwa aende nyumbani bila kusema. Kila mtu amesema maoni yake kuhusu kurekebisha Katiba yetu ya Kenya. Na Co-ordinator, pengine unaweza kutupatia mtu wa kuendesha, ku-close kwa maombi halafu tumalize.

Na kwa niaba ya Tume ya Kurekebisha Katiba ya Kenya, na Commissioners ambao tuko hapa, ningetaka kuwaambia hiki kikao tumefunga rasmi. Asante sana. Co-ordinator, endelea kwa maombi.

Francis Kigen: Asante sana Chairman Commissioner, Commissioners wetu, na wale wanasaidiana na hawa. Kwa niaba ya watu wa Keiyo North, katika Tambach, nawashukuru, mumechukua maoni yao, na ninafikiri, mutayapeleka vizuri mpaka ifikishwe mahali ile wananchi, Wanakenya wenzao wanachukua zao. Kwa hayo machache, nasema asante kwa nyinyi kuweza kufika siku ya leo. Najua kesho, mutaenda, Iten kusikiza, wale wenzenu wa highlands watapeana maoni yao huko, na pia tuko na huko fluospar, Keiyo South, hawa Commissioners wataenda huko kesho, tutaandamana na hawa, nikishaanzisha ya Iten. Nashkuru nyinyi wote kwa kuweza kufika. Sasa tutafunga kwa maombi, nauliza Mary Ruto hapa, mama huyu, atufungie na maombi. Tusimame.

Mary Ruto: Basi na tuombe. Baba aliye juu Mbinguni, tuko mbele yako tena Baba, tukisema ni asante, kwa kuwa umekuwa pamoja nasi kutoka asubuhi mpaka wakati huu Baba. Ni asante Baba kwa sababu, asubuhi tulikuomba uwe pamoja nasi, na uwe Mwenyekiti Baba. Ni asante kwa ma-Commissioners ambao wako hapa Baba, kwa ajili ya Constitution ya Kenya hii Baba. Ni asante kwa wananchi ambao wamekuja, siku ya leo Baba, ni asante kwa kila mmoja ambaye ametoa maoni yake Baba. Tunakushukuru Baba, na tunasema ni Halleluya, kwa sababu ya uaminifu wako Baba ambao umetulinda Baba. Tunakuomba Baba hata wakati huu tunapoondoka Baba, tunakuomba Mungu hili upate kutuongoza kila mmoja wetu Baba. Tunajua tunawachana kwa ki-mwili, lakini kwa roho tuwe pamoja Baba. Tunaombea hata ma-Commissioners ambao watatoka wakati huu Baba, ukawaongoze Baba, na hata magari ambayo wanapita, ukayafunike na damu ya mwanawe Yesu Kristo. Ukawaongoze Baba hadi wafike mahali wanapoenda

Baba. Nasi ambao tunaondoka Baba, utuongoze kila mmoja wetu, na hata afike kwake nyumbani akiwa salama salmini. Baba tunakushukuru kwa hayo yote, na ninaomba na nikiamini katika jina safi ya Yesu Kristo aliyempatanishi wa maisha yetu. Amen.

Meeting ended at 3.35 p.m.

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