

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, KILGORIS CONSTITUENCY  
HELD AT KILGORIS COUNTY HALL**

**ON**

**16<sup>TH</sup> JULY, 2002**

## Present

Com. Dr. Abdirizak Nunow - Chair

Com. Keriako Tobiko

## Secretariat

Lilian Odhoto - Programme Officer

Carolyne Omollo - Assistant Programme Officer

Vivian Muli - Verbatim Reproducer

**The meeting was called to order by commissioner Dr. Abdirizak Nunow in the chair.**

**Speaker:** Nafikiri tuko tayari kuanza kikao, ningependa kuwa karibisha nyote katika kikao hiki cha kukokota moani, Kilgoris Constituency, lakini kabla hatuja anza, kama kawaida huwa tunaanza na kila kikao, na kufuanga na maombi. Kwa hivyo nitauliza District Coordinator atupe mtu wa kutuomba.

**Pastor:** Tusimame tuombe, Baba yetu uishiye juu mbinguni, tumekuja mbele yako wakati huu wa asubuhi ya leo. Ni asubuhi njema ambao tumekuja kwa ajali ya nchi yetu, kwa ajili ya kutengeneza katiba yetu, ale ambayo inatufaa. Tunaomba ya kwamba tuwe na kwanzo mzuri, na hata maisha mazuri, na hata kazi ambayo inafanyika iwe ni ya manufaa, kwa ajili yetu na watoto wetu, na wale ambao watakao kuja baadaye, mambo yote yaendeleo kulingana na mapenzi yako jinsi yalivyo. Kupitia jina takatifu la Masia aliye mkombozi wetu. Amen.

**Com. Abdirizak Nunow:** Asante Pastor kwa hayo maombi, sasa kabla sijaeleza utaratibu ambao tutaufata, ningependa kuwajulisha mwanatume mwenzangu na wafanyi kazi wa tume ambao wako nasi kwa siku ya leo. Kwa mkono wangu wa kulia, tuko na Bwana Turiako Tubiko, ambaye ni mwana tume. Tunitampatia nusu dakika awasalimie kasha niendeleo kujulisha wengine.

**Mr. Turiako Tubiko:** Hamjamboni nyote.

**Com. Abdirizak Nunow:** Pia, kuna wafanyikazi wa tume kutoka Nairobi, wakiongozwa na programme officer ambaye ni

Lillian Odhote. Kuna assistant programme officer Carolyn Omollo, na yule Bwana atakuwa ananasa sauti, Bwana Maranga, kule chini. Na katika mkono wangu wa kushoto, ni bwana ambaye mnamwelewa, Philip, ambaye ni district katika wilaya ya TransMara. Sasa nitamueleza nami nisi sahau kuwajulisha, mimi naitwa Abdirizak Nunow. Pia Commissioner katika tume. Abdirizak Nunow. Abdirizak ikiwa ngumu, tumia tu Abdi. Inakuwa nafikiri inaweza eleweka. Nitampatia microphone Philip atujulishe wanakamati wa constituency ambao wako nasi kama wa huku na wengine ambao wamefika.

**Speaker:** Inaudible

**Com. Abdirizak Nunow:** Asante sana kwa hayo. Sasa ningependa kuwaeleza utaratibu ambao tutaufata, kuna njia tatu ambazo unaweza kupeana maoni yako, ya kwanza, ukiwa na memorandum, ambayo umetayarisha, unaweza kupeana hiyo memorandum pale, kwa programme officer uregister kwamba umepeana hii memorandum, na usizungumze. Njia ya pili, ni kuwa na memorandum, na kusema utapeana angaza kwa hiyo memorandum, highlights. Na baada ya kupeana highlights ndio unapeana memorandum pia, you need to sign our register. Na njia ya tatu ni kutokuwa na maandishi yeyote ile, na kufika hapa mbele na kutoa maoni yako. Ukiwa utazungumza, aidha uwe na memorandum ama usiwe na memorandum, nitawapa madakika matano kila mmoja. Kwa hivyo, inakuonyesha kwamba huwo muda, ukiutumia kupeana points, mapendekezo, recommendations, utaweza kupeana mpaka recommendations zaidi ya kumi. Na ukiwa vile tunaendelea kwa siku, ukiona kuna points ambazo kwa wengine, unaweza kuiacha hiyo na kulinga yale haikutajwa, kwa sababu, report ikitengenezwa baadaye, itakuwa ya constituency nzima, na kama hiyo point imetajwa na mara mia moja, ama imetajwa once, itakuwa kwa hiyo report. Kwa hivyo, ukiona muda ina ku, anzia always na zile points hazikutajwa. Kisha uwe na muda umebakisha, uendelea, urudie yale yametajwa, na kwa hivyo utakuwa na hiyo madadika tano, kwa kila mmoja ambaye atakuwa nataka kutoa maoni yake.

Ya pili, ni nidhamu, discipline, kama mtu anatoa maoni, hiyo ni maoni yake, tafadhali usimpigie kelele, wala usimchokoze, wala usinung'unike, mwache atoe maoni yake na pia ungoje nafasi yako utoe yako. Utoe yako wakati wako, kwa hivyo, kwa sababu kila mtu anahaki ya maoni yake.

Na jamb la mwisho, ni lugha, we uhuru kuzungumza lugha yeyote ambayo unajuwa unatifamisha vizuri, iwe kiingereza, iwe

kiswahili, iwe kimaasai, or lugha nyingine yote ile. Uko na huru na ni jukumu letu kupata mtafsiri wa hiyo lugha,. Usijulazimishe kuzungumza kama ukidhania ni lazima uzungumze kwa kiingereza ama kiswahili. Na bila kupoteza muda zaidi, nitamuita mtu wa kwanza. Simeon, sorry,

**Speaker:** Inaudible.

**Com. Abdirizak Nunow:** Asante sana mzee, lakini, ninasema hivyo, ili tusikize wote ambao wamekuja na maoni. Ukisema kila mtu ambaye atazungumza amalize, tutasikiza watu kumi mchana mzima, na kama mko radhi hiyom na hautakuwa na malamishi saa kumi na moja tukufunga kikao, na tuwe tumesikiza watu wachache sana, sisi kama commissioners, hatuna maneno na haya. Lakini utakuwa umeangamiza wengi wametoka kwao kuja kutoa maoni, na wewe uketi huko, uchukue fifteen minutes, twenty minutes, half an hour, one hour, tutasikiza watu wachache. Kwa sababu siku ni moja, na hatuwezi kuiongeza, masaa ni hayo. Baadaye tukiona watu wamepungua, tutaweza kuwapatia muda zaidi, lakini kwa wakati huu, niko na watu, list ya watu sabini na mbili, na ukisema mtu azungumze mpaka amalize, itakuwa ni wengi watarudi na maoni yao nyumbani. Kwa sababu nasikia watu wengi hawajatayirsha memorandum, unajuwa kama mtu ametayarisha memorandum, hawezi rudi nayo, atapeana, hata muda ikikwisha. Lakini kama mtu amekuja na maoni yake kwa kichwa, na hujamsikiza, inamaanisha, anarudi nayo. Kama mko tayari kwamba mtu nimpatie nafasi paka amalize, iwe ni watu kumi, watu kumi na tatu, ishirini, kumi na sita, nyinyi ndio mtuamua, kwa sababu, siku ni yenu. Lakini hii muda ni kuhakikisha kwamba, kila mtu ambae ametokeza, leo , apeane maoni yake.

**Speaker:** ..... tupate kitu kama dakika kumi ama kumi na tano, Bwana mwenye kiti sababu constitution si kitu cha kuchezea, si kitu ambacho tutarudia kesho, ni kitu ambacho tukisha peana leo, maoni yetu, na itaendelea mpaka inenda national level mpaka iwe drafted, mpaka iende parliament, mpaka iwe constituted. Labda, itachukuwa tena miaka karibu ingene arobanne ndio tuje tupate kitu kama hii, constitution ya sasa ambaye tunayo, ilikuwa imetengenezwa kutoka Lancaster House. Miaka ngapi? Si ni kitu kama arobanne, so, labda kuja kurudia tena, kutengeneza constitution ingine, ni miaka ingine arobanne, kwa hivo tafadhali Bwana mwenye kiti, mtupatie nafasi kitu kama dakika kumi na tano, tupeane. Afadhali hata kama watu watapeana, ama ishirini wapeane, na uwe ukirudi Nairobi uwe uko na kitu cha maana ambacho wewe umechukua kutoka TransMara. Kwa hivyo ni hiyo tu ndio maombi yangu.

**Com. Abdirizak Nunow:** Okay, nafikiri wananchi wa Kilgoris, ni vizuri tuelewane, tumepita mkoa sita, huu ni mkoa wa sababa ambao, bado hii constituency tutakuwa tumemaliza Rift Valley nzima. Na ni western tu imebaki Kenya nzima. Na huwo utaratibu ninawambia, ndio tulitumia kila mahali ambao tulienda, lakini, kwa sababu ya malalamishi, malalamishi hayo yatafuatwa na malalamishi kubwa zaidi, jioni, wakati kutakuwa na watu ambao hawatakuwa wametoa maoni yao. Kwa hivyo, hiyo dakika tano nitaifanya madakika nane. Na madakika nane, unaweza sema point hamsini hata, mapendekezo hamsini unaweza kutoa, ukiwacha hadithi, ukiwacha shida ya Kenya, kenya kuna matata, kuna shida, hiyo ndio sababu tume imetungwa, sasa ukianza kutueleza historia, na nini imekuwa, na nini haikuwa, itakuwa ni muda itapotea. Sisi tulinge mapendekezo, maybe usipendeleze na mimi niko tu on background halafu uende kwa mapendekezo straight, recommendation, sector Fulani, sector Fulani, sector Fulani, hivyo, ni hayo mapendekozo ambayo yataingia katika draft, report ambayo itarudishiwa kwenu, mwangalie hizi points kama zimetajwa. Na bila kupoteza muda zaidi, kabla sijaendelea, ningependa kumtambua Bwana waziri ambaye ni mbunge wa Kilgoris, Mheshimiwa Sunkuli, karibu, Bwana DC pia ako nasi, Bwana Mutami, kwa hivyo karibuni na tutaanza kikawo, ningependa kumuita Simon Siria. Now, ningependa kuwajulisha kwamba, tutafwata hii taratibu ambayo mumeandikisha kwa orodha, lakini, wakati Fulani, tunaweza kupatiana, special attention kwa walemavu, akina mama, na pengine wazee zaidi ambao hawasikii vizuri, ama ...inawasumbua. Mara kwa mara tukiendelea. Francis Promet, karibu mzee. Uanze na majina yako kwa sababu inarecordiwa, ili ijulikane ni nani imetoa haya hayo maoni.

**Mr. Francis Ole Kamet:** Kulingana na hii memorandum ambayo nimeandika Bwana Commissioner, ni kwamba, mimi naitwa Francis Ole Kamet, natengeza hii constitution review commission, kwa niaba ya wamaasai kwa jumla. Kulingana na katiba ile ilikuwa infanywa na wazungu upande wa Lancaster House, mpaka sasa, nafikir tumeanda karibu miaka arobanne na mbili, na hii ambayo tunafanya, sasa nafikiri itaenda muda kama muda kama hiyo. Kwa hivo ile sisi tunasema, kulingana na wamaasai, ambao ndio tuko sasa, kupeana maoni, tunapeana kwa jina ya maasai community, ya kwamba tuko na sehemu mingi, ambazo maana unazungumzwa, kama Samburu, Samburu district, Jamus, upande wa Baringo district, Laikipia, ambao Laikipia district, na Mara ya TransMara, Narok, Nakuru, na Kajiado district, sisi sote tunahusika na hii reporti ambayo tunapeana ya katiba. Kwa hivyo, sisi tuna au mimi napendekeza, hii reporti ifike kwa commission kwa ile ambayo tunapeana leo. Nikingia kwa historia ya justice kwa maasai people, kwa wamaasai wenyewe, ni kwamba sisi wananchi au community ya ...ambao tume,

tuseme tume kabiliwa hawa watu kutukuwekwa kwa sheria ambayo iliyo pita ile ilifanywa na wazungu, na wale watu ambao walikuja kuingilia wakati huwa ambao ni wafrika, sisi tumeekwa kando kwa vitu mingi sana, kulingana na ile inasemekana hatujui kitu, na ndio hii imefanya sisi tukose vitu mingi kulingana na hiyo ambayo tumechukuliwa tunasemwa ni watu wa ng'ombe, watu hawajasoma, na ni wazungu walikataza sisi masomo. Walichukuwa sisi kama watu wa porini, na mpaka sasa, bado tuko hiyo laini, kwa hii serikali ambayo iko sasa, na ile ya wabeberu. Kwa hivyo hakuna siku sisi tumechukuliwa kama ni watu wa Kenya. Kwa hivyo nikipitisha hapo, mimi ile kitu ambacho mimi nasema kwa upande wa Maa community, ya wamaasai, ile ambayo mimi nasema au napendekeza, hapa, sisi hatukukuwa tumetambuliwa, hadi sasa, bado sisi tunahesabiwa kama ni watu ambao hawana chochote, kulingana na mfano mmoja ambao unaweza kupeana, mtu unauwawa Nairobi, inasemekana wameuwawa jana watu kumi, au watu tano na maasai mmoja, sisi apana iko laini ya binadamu, na hiyo tumesikia kwa maradio block aje ikisemekana hivyo, sasa mimi nawachia hapo, naomba commission ile report ambayo sisi tunapeana hapa, iwekwe kama sheria ambayo inaguide sisi, au inasasidia sisi, kusimamia sisi. Kwa sababu mengi yamepita sisi. Mimi nikikuja ya kwanza, shule in Maasai district au la, kulingana vile Bulunisi au wakati wazungu walikuja, tulifungiwa masomo, watu wetu hawakuwa wanasoma, na wakati hii serikali imekuja, ya watu nyeusi, hatukupatiwa masomo kulingana na vile tulikuwa tumechukuliwa na wazungu. Hata hii serikali ambayo iko, masomo kwa nchi ya maasai, yote kwa jumla, ni kidogo sana, ambao tunachukuliwa ati hatuweki watoto shule, hatufanyi nini, kwa hivyo hatuna hiyo standard ya .....location katika nchi hii, au kwa maasai land. Kwa hivyo tunaweka commission atusikie maoni yetu na sisi tuchukuliwa kama watu wa Kenya.

**Speaker:** Inaudible

**Mr. Francis Ole Kamet:** Kulingana na hiyo, upande ule inahusu education, mapendekezo yangu kwa upande wa education, ni kwamba, sisi tuliwachwa nyuma, kwa hiyo miaka yote, kwa hivyo tunataka serikali au sasa hii constitution, and that means wacha nisome kwa kiingereza, we need better schools with all facilities for both girls and boys, in all Maa region like other communities there before on colonialism, government and present government and present government of Kenya, let it be a law since tupewe masomo ambayo wamepea watu wengine na wamewacha sisi. Kwa hivyo tunapendekeza kwamba kwa upande wa education, tupewe vile wapea watu wengine. Hiyo nimemaliza upande wa school.

Nikikuja upande wa vile tunakaa, sisi, we as the community in Maa land, has no roads kulingana na ile structure ambayo sisi tungepewa, sisi hatuna barabara yeyote ambayo ni kama watu wengine wapewa, ukienda mahali pengine, bara bara imewekwa lami hata imewekwa ingine ya kugawa barabara na hii ambayo hata kugawa hiyo ingepewa sisi kujengea barabara. Lakini hatukupata. Kwa hiyo maoni ya barabara, mimi napendekeza nasema, road in maasailand for district should be constructed to connect us from the rest of Kenya. Hiyo ndio mapendekezo yangu. Kwamba tupewe haki ya barabara vile wapea watu wengine wa Kenya. Halafu ya tatu, ni mambo ya hospitali, health in maasai districts au maasailand ambao sisi tumesema hawo watu, nimesema, it is a healthy and safe, we are still in darkness so, many people die due to tropical diseases, as health facilities in maasai districts or land are too poor, all do not exist. The Maa people need health care, as other tribes in Kenya enjoy. Kwa hivyo mimi nasema, health facilities in Maasailand or district to be improved as our land large. With very little ...population, people trek for long distance without health facilities. Kwamba hiyo mapendekezo yangu kwamba, tunatembea mahali mbali sana, bila kupata hospitali ambayo iko na facilities zile ziko na watu wengine. Kwa hivyo tunasema hata hiyo sisi tupatiwe hizo facilities ili watu wetu wasiwe wanakufa.

Water: Water in Maasai district, it is the same thing in Maasai district for land as the health facilities like water bored ceases, still very rapid in our land or our livestock dies due to lack of proper water projects, we need construction, au kutengeneza, guarantee us our life and our livestock. Kwa hiyo mapendekezo, ya maji,

**Com. Abdirizak Nunow:** Could you please, mention your last point. Pointi yako ya mwisho, kwa sababu,

**Mr. Francis Ole Kamet:** Ya mwisho mimi nasema, ya mwisho ya maji, sisi tunaomba hata sisi hiyo yote iwe law kwamba tupatiwe hizo facilities zote za kupata maji kama watu wengine wa Kenya.

Halafu ya mwisho yangu, kule umesema, mimi napendekeza, kwamba all land or districts be all Maa lands or districts or resources should go to the hands of their communities and to be controlled in the net in their culture, and traditional. All this as their right given by God, and this be a law. Kwa hivo tunaomba hii tuweke sheria leo kwamba tunaweza hata sisi kuungana na

watu wa Kenya, tuna na utambliwe, hiyo ndiyo kitu ambao mimi napitisha kwa hii commission, ili tuweze kupewa kama watu wengine wa Kenya.

**Com. Abdirizak Nunow:** Asante sana kwa maoni yako. Tafadhali, tutapokea memorandum pale na pia uta sign register. Philemon,

**Mr. Philemon Lamasho Kimurmur:** Nashikuru commission, jambo la kwanza mimi ningependa kuongea mambo matano, ya kwanza ni ile wazungu wanaita preamble, jina langu ni Philemon Lamasho Kimurmur. Mambo ma tatu ambayo ningependa niwezi nipendekeze kwa commission, jambo la kwanza kuna hii jambo ambalo wazungu wanaita preamble, na tunajuwa ya kwamba kulingana na ile katiba ambayo iko sasa, tunelezwa kwamba, ikuwe na jamhuri, kuwe na rais, ningependa kupendekeza kwamba iweze kuanza na kutambua wananchi na kutambua vile mungu, unajuwa kusema pia hiki, ni mungu ndiye alisema kiwe hiki na ikakuwa hiyo sababu mungu alipoumba duniani, alisema kuwe na maji, kuwe na nini inafanyika, kwa hivyo nataka ile preamble iweze kutambua wananchi na kumtambua mungu, kama kile mwanzo, iwe na utangulizi ulio mzuri.

Jambo la pili, ambalo ninasema ni iwe ya maneno ya ardhi. Jambo la ardhi ni shida

kubwa katika sehemu ya maasai, tunaona ardhi kwa mambo mengi ambayo hata nyinyi mlipo tolea yale maswali, tulikuwa tunataka ya kwamba ile ardhi ambayo ilikuwa ya wa maasai wakati ule, huwezi kufikiriwa. Ni jinsi gani, watewaza kurudishiwa kama haiwezekani, mwengine basi, hii katiba itaweza kuangalia kwa sababu unaposikia au kusoma historia, watu wengi walirudishiwe ile ardhi yao. Lakini tunaona maasai hawajarudishiwa, ingia ndani commission inaweza kutusaidia, na jambo hili katika section ile, Chap. Kutoka 115, na kuendelea mpaka 118. Tunaona katika hiyo mamlaka ambayo iko, tunaona inapitia mamlaka watu weweze kuchukuwa hata ardhi kwa sababu ardhi hii, iko nafasi kubwa ni katika jamii, ya maasai na katika zingine, ambazo bado ziko na ardhi iliyokubwa. Tunapoangalia, tunataka iweze kuangaliwa kwa urefu sana, kwa sababu mliposema kwamba commission itatoa, sheria itakuw katiba mpya, itatoka. Lakini lazima muangalie maswala ya ardhi. Siwezi ifikiria zaidi na iangaliwe kulingana na maoni ya wananchi wa Kenya, kwa sababu ni lazima kila mtu anataka ardhi, na ni lazima ifikiriwe ni namna gani watu watapata ardhi.

Jambo lingine ambalo ningependa kuongea juu leo, napendekeza juu ya religion liberty. Uhuru wa kuabudu. Katika chap. 78, kutoka



section 1-6, tunaona tukiwa wakristo ni lazima tuwe na ile uhuru wa kudabudu. Uhuru wa kuabudu ni lazima ieleze kinaganaga ya kwamba, huyu mtu anaye sema uhuru wa kuabudu, unaabudu nani hasa? Ni lazima tuangalie ni unaabudu nani? Na ningependekeza ya kwamba, registrar, wa acts iweze kutengwa ili kuwe na registrar ya religion. Yule naye ajuwe nini watu wanaabudu, ile pengine mtu atatolewa tu, awe registrar of acts na hapo registrar sijui, lakini utanisamea, kwa sababu nitajuwa ni nani huyu amerigester mambo hayo. Halafu kuangalia hapo, ni lazima tuweze kuangalia, jambo ambalo ningesema, kuna zile sheria za mungu, ambazo zinaeleza wananchi kama wanadamu, waweze, jambo la kwanza katika sheria ya nne, ya mwenyezi mungu alisema kwamba, mtishike Sabbato, na iwe takatifu. Mungu mwenyewe ndiye alisema, na mara mingi katika Katiba hii, hata uchaguzi wenyewe, hajui wanafanyi hata siku ya Sabbato kwa sababu wananyima watu. Na huu kunyima mwananchi haki ya kupiga kura, siku, na unajuwa siku hiyo utachaguwa .....utamtumikia mungu ama wanadamu. Sasa unakuta kama ni uhuru wa kuchaguwa uchaguzi, na sasa hiyo, sasa nachaguwa mungu, sasa haki yake yake, imeshatoka.

Na ningependekeza kuwe na vikengele ambayo inalinda, tukisoma katika ile katiba ya nchi zingine kama Italy, Spain, ambayo tunaona kwamba kuna watu ambao wamepatiwa vipengele vya katika sababu ile yanyewe.

Jambo lingine ambalo ningesema, ni national conference, tulikuwa tunelezwa kamba na commission ya kwamba, tuwe tunapendekeza watu watatu. Shida ni kwamba, naweza sema commission iweze kuangalia, hawa watu watatu watapatikana namna gani? Kuna watu ambao hawaja fundisha watu kwa ile civic education. Hawajakuwa providers, na siku hiyo commission sasa itaweza pokea mtu yeyote. Sasa tungependelea tutoe mapendekezo yetu ya kwamba hawa watu, kati ya hawa watu watatu, ni lazima ni wale ambao walikuwa civic education providers. Kwa sababu gani? Wanajiuwa ni nini watu wanahitaji? Nini , ni namna gani, lakinia kama mtu yule achaguliwe ati aende aakilishe constituency ama district, na kama hajakuwa education provider, huyo mtu haki, hata constituency hiyo haijapatiwa haki na commission. Lazima yule ambaye ame pendekeza ni hata nyinyi, mlipo chaguliwa kuwa commissioners, kulikuwa na masharti ambayo mlitimiza. Na hata naomba kwamba tukikuwa tunaendelea na mambo hayo.

Jambo nafikiri la mwisho kwangu, siku ya leo ningependekeza juu ya huu mundo ,

**Com. Abdirizak Nunow:** Muda wako umekwisha Philemon, kwa hivyo point ya mwisho uharakishe.

**Mr. Philemon Lamasho Kimurmur:** Huu muundo wa serikali, tungnependelea tuwe tu na hi ya urahisi, kwa sababu hii katiba unasema waziri wakuu ndio wana siasa jamani, na kuna shida ambayo tuko kiuchumi, kiuchumi ya Kenya inastahili, watu wengine waalimu, wanalalamika hata vitu vingine, vimeaaribika, ni lazima, hata serikali kama South Africa iko na utajiri lakini haina waziri mkuu. Kwa hivyo, hilo ni jambo ambalo pengine wana siasa wanataka kutumia ili ikujumlishe makabila makubwa kwa sababu, mwingine akiwa waziri mkuu, mwingine anakuwa Rais, na nini, na lazima kulingana na uchumi wetu, tuweze kuangalia uchumi, na vile vile umoja wa kitaifa, kwa sababu Rais akiwa ni mmoja, kutakuwa na ile umoja wa kitaifa, lakini kuwa ...nini, tunaangalia mambo kama hayo, umasikini nayo, hivyo hivyo. Kuwa hivyo ni lazima tuweze kuangalia ili isilete ukabila.

**Com. Abdirizak Nunow:** Asante sana Philemon, tafadhali, kuja hapa juu, ujiandikishe na utupee memorandum, Ole Nkuseo.

**Mr. Francis Ole Nkuseo:** Mwenye kiti, Commissioner mwenzake, Mheshima, Waziri, Bwana DC, na wasikilizaji. Kwanza ningependa kutoa pole kwenu kwa kupoteza mwenzenu. Yale maneno ambayo labda, ambayo mimi nitasema, itakuwa katika topics, saba, na itahusu historical justices, ya wamaasai, the 1904, jina langu ni Ole Nkuseo, wale wengine wanajuwa labda nyinyi ndio hamnijui, haya sawa sawa, jina langu ni Ole Nkuseo, kwa hii jina ya kigeni, mimi naitwa Francis. Mazungumzo yangu, itashika topic saba na hizo ni kuanzia historical injustice, ya constitution, ambayo tuko saa hii, na 19904 na 1911 agreement, kati ya wa maasai na colonial government, Lancaster House Conference, Land and Natural Resources, Culture and Identity, trans land act and wildlife, and then governance, ya mwisho itakuwa ni elimu.

Kwanza nitajaribu, vile niwezavyo kukibia, vile wewe umetupatia madakika chache. It is our sincere hope that this constitution review will allow all communities living in Kenya feel protected by recognizing their culture identity and their rights in series in the constitution.

Historical injustice, of all the Kenya communities, the Maa speaking people have suffered the most from the constitution manipulation that displace them from one, their ancestral land, disperse them into in hospital arid land, fragmented them and set

a process of community degeneration, that continues to death. The present constitution and enshrine a historical injustice against the maasai. 1904 and 1911, agreement. The historical injustices began with the colonial treaties in which were, one, the press of their best land in 1904, 1911, using a Gwasi constitution mechanism to obtain consent from a maasai rival to settle the British settlers. 11, 550 square miles of 70% of what became the white highlands, was previously, a maasailand. A challenge by the maasai in 1913, caused the probation of the 1911, was ruled out technically, that the maasai were suffering state, but under the British protection.

Lancaster House Conference: The Lancaster constitution conference where the future of

**Com. Abdirizak Nunow:** Which recommendations do you have as regards the historical injustices?

**Mr. Francis Ole Nkuseo:** I am coming to them Mr. Commissioner.

**Com. Abdirizak Nunow:** Just take them as we go, please, you have highlighted the points, just have recommendations along with that.

**Mr. Francis Ole Nkuseo:** Okay, the injustices, he has just interrupted me

**Com. Abdirizak Nunow:** Bwana Nkuseo, the problem is when you read, it si being taken in the tape, everything is said, and that will be put in the computer and printed out, it will be identical to a memorandum that we will receive, so we will have two copies of your report. That is why we say when you have a memorandum, give us the recommendations. The rest we will read, and have them in the report as well. Rather than having two reports that are identical, one from the tape, one from the paper. Just give recommendations we are sure you every word in that paper if you are giving us with read, and taken to account.

**Mr. Francis Ole Nkuseo:** Okay, now, these are the recommendations we would like me to give, the maasai therefore, as people, would like the constitution dispensation and to accept that I believe in justice was committed to the maasai, by the

colonial government in alienating their land to white settlers, that one recommendation.

Accept that the maasai have a historical claim to their land and territories alienated for European settlement. During the 1904 and 1911, treaties, accept that this, agreement whose ....are basis for the maasai making a claim for their reinstatement.

The Kenya government has a successor of the colonial government, has not repeated in any pledges made within the colonial government, this has created aligimate expectation for the maasai to receive justice.

It has also create a constitutional that is ...to work out a mechanism for re-institution including the return of the remaining of the maasailand, still occupied by the Europeans in Nakuru, Laikipia, districts.

Now, then I go to cultural identity, and human rights of the maasai. The historical injustices discriminated prejudicial doctrine is an assault to the maasai that requires a constitutional certification. The maasai people want their identity and their human rights recognized, so as to exist as people to save determination on their cultural and ethnic identity. Due to this long historical marginalization, the maasai rights be enshrined in the constitution, allowing a basis for autonomy, in their ancestral land.

Proposals, protect their identity, of maasai and encourage conditions for promotion of their identity so as to enable them participate effectively in cultural, religion, religious and social economy and public life.

Since our culture and cultural practices against commercial agents, and by hoping of cultural materials, these party name, laws and any arti facts that imitate the maasai culture and materials. Ensure the promotion of maasai culture and education in schools permanently in maasai territories.

The teaching and development of the maasai language and protection of religious beliefs and practices, enshrine customary laws which are cultural based.

Enshrine areas, sites of land within and out of maasai community areas which are of great religious culture, and significant, where our ancestors previously performed cultural and religious practices, recognize cultural in system of the treatment, feeding, sports and should be documented by state funds for future reference by the coming generation.

Now I go to Transland act and wildlife: This will there foregoing we the maasai of Kenya have become together as a maasai people and further land from history, threatened by the late of which we are losing our land nationalhood, the recognizing that we have been victims of historical offence further lating by the kind of political system and practices, fathered by dominate Kenyans, Kenya communities, we are convinced that,. Now, is the right time to legally claim our rights law through treaties and living again as a national .....owing their rights and constitutional protection guaranteed.

Young control board, be replaced with communal land control boards. Composition of which be of reputable men and women elected by the community.

Administration, of whole maasailand should be to the interest of the community, that is the maasai.

Maasai land use

**Com. Abdirizak Nunow:** .....Inaudible

**Mr. Francis Ole Nkuseo:** Saa imeisha? Nilikuwa nataka kumi na tano.

**Com. Abdirizak Nunow:** Kumi na tano uwezi pata. Sorry, please, just hold your horses, make your last points and then we will have the memorandum.

**Mr. Francis Ole Nkuseo:** Haya nyingine basi Bwana Chairman ni juu ya governance. Na hii, this one we would like to have a good government whereby the president and the vice president and the ministers should not be parliamentarians. We should

also have what had in the beginning of independence that is we should have the Lower House and the Upper House. That is the Senate and the House of Representatives.

We should also be having assemblies, and then local authorities, and then that is local authorities, the present county council, and then the lowest the local authorities whereby, the communities within that locality help the place where they should also decide their things.

**Com. Abdirizak Nunow:** Thank you very much indeed for your views, please come over to the table so that you can sign the register for us. Peter Sapling'o. ....Inaudible.

**Mr. Peter Sapling:** I just want to highlight, okay thank you. Commissioner, the Honorable Member of Parliament, Councillors, and all the listeners, we present just a memorandum to this constitution, as an individual memorandum. I just touch few points about land and natural resources. As I said as we know that the community, okay, I have been referred back to say, I am Peter Martime Palsapling. I just want to touch about natural resources, and we know land is the basic life any community in this county, and the condition of culture, and foundation of culture and culture forms .....

I want also to touch about pastoralism and communal ownership of land. I will give my proposals. Also, I want to touch about Trans Act and wildlife conservation on maasai, on lands. Although this forum today, before I give my proposal to the constitution, the people of TransMara or the people of the maasai, I still claim that we were not given a humble time to think about the constitution which is the life of the people. The civic education has never taken any route in TransMara at all.

Ukiona hawa watu wote wako hapa hakuna mtu anajuwa constitution ni nini. We were just coming to listen, but not to present our views. The constitution has been already hijacked, by the top hierarchy, of these people around here. So, we have know, we are in a dilemma, if the maasai people refuse to sign the Lancaster House Constitution, is the same like these and today because we are not given an opportunity to know what is happening. The other day I was down in Logorian, Iteridon, unakuta watu hawajui ya kwamba constitution iko, hawajui kitu inaitwa katiba. Hata leo wanakuja tu kuagalia ni nini watu wanafanya. Hakuna

forum yeyote viongozi au the senior politician hajawahi hata kueleza watu iko kitu kama hii, na watu wengine wakijarabu kusema inasemekana iwe ni siasa, iwe ni opposition, na tunajuwa katiba hapana opposition. This is life of people of Kenya. Mimi na propose ya kwamba, Bwana Commissioner mimi naona unataka kunisimamisha,

**Com. Abdirizak Nunow:** Nitakusimamisha because you are aggressing. We are here for collecting for views, you are aggressing, please, isolate issues and focus on the purpose that has brought us here, please.

**Mr. Peter Sapling:** Thank you sir, okay let me go to my proposal to the constitution. I sit on the line issues, land control boards are replaced with the community and control boards constituting of reputable men and women elected by the community. Also, all len mothers should be localized. That is why we want the constitution or the commission to recommend that, there should be no ...who is the chairman of the land control board.

Secondly, administration of the maasailand should be the interest of the maasai as a community, and as Kenyans.

Thirdly, indigenous lands uses some of maasai with their customary way of life, should be formally recognized by law and as such, be inherited in the constitution as their basic rights.

All maasai land should not be alienated and such be protected. And in case of public use, the community served to decide what lane to allocate and for what purpose.

Fourth, the natural resources with the maasai land should be owned by community, as part of lane and enjoy its benefits. Any chronicle opportunities arising from such resources, indigenous should be given priority in all forms of benefit.

All forests and forests reserve, within the indigenous people. Land should be owned by community who should protect and manage in accordance to their culture and traditions.

Fifth, all maasailand should be owned communally, why I say that, there was a propaganda, when the British came, and say that the land use if you are not having their own farms, that is a very primitive low of living of which deny the maasai, their way of living.

Any lands of the maasai previously allocated to outsiders, foreigners, should be returned back to the community as a maasai community.

Lastly, .....registration, of any title land, should be challengeable in court especially if it approved. This is one of the major parts of the law which is killing us, the first registration is not challengeable, we bet this commission today, just to make sure that the grabbers of land should always face the law.

Pastoralism, the principle of the maasai means of life hood, and economic system, be recognized as Egypt men, life hood system in the constitution.

Lastly sir, Transland act be abolished and all land previously under Trans, hence for referred to back to the direct ownership of maasai, under their customary law, we should be considered a legal form of ownership like us any other. The full constitutional protection. Thank you sir that is what I can say.

**Com. Abdirizak Nunow:** Thank you very much Bwana Ole Sapling, kindly sign the register. Ole Korio Parsilia. Karibu mzee.

**Mr. Ole Korio Parsilia:** *Ekairo tolaidiki dik mayieu nanu nena kirorot inyi. Aji ore Korio ole Parsilia.*

**Translator:** Anaitwa Ole Korio Parsilia.

**Mr. Ole Korio Parsilia:** *Neaku ajo ashe naleng irkituak a commissioner oewuo tata aduare iyiok tenebo Dc tenebo muheshimiwa. Tata adodua iltunganak kumok eitu aikata adol loba iji.*



**Translator:** Ana shukuru Commissioners, waziri na Bwana DC na ana furahi ya kwamba ameona watu wengi sana.

**Mr. Ole Korio Parsilia:** *Ore enapa olong eti enkitok nati ene commissioner kuti iltunganak ina olong na kiswahili ake eirori okingeresa pa keji kidip tata irmaasai ina bae.*

**Translator:** Siku ingine, kulikuwa na mama Commissioner alikuja hapa wakaongea kiingereza, na kiswahili peke yake, wakasema leo maneno ya wamaasai yote tunamalizia hapa.

**Mr. Ole Korio Parsilia:** Najoki ina olong ta kien irbenek eitu ta ijo toki.

**Translator:** Anatuambia tutayarishie hii mkutano kwa maana ujasema chochote.

**Mr. Ole Korio Parsilia:** *Ore ta entoki najo tata kinotote, ayieiu najo ore ebae nabo nainyale pemeyiolo ta neja etiu meneja etiu apa sheria pengasa aiterunye.*

**Translator:** Anasema, leo kwa vile tumekutana hapa, nataka kusema jambo ambalo limeharibika, kisheria ambayo haikuwa namna hiyo tangu mwanzoni,

**Mr. Ole Korio Parsilia:** *Itejo eta keari iltunganak metuata neti serikali nemadol entoki nadung nyo ina.*

**Translator:** Siku hizi watu wanauwawa na serikali iko, na hawasaidii wale wameuwawa, sijui hiyo ni kitu gani.

**Mr. Ole Korio Parsilia:** *Eji teneaku tata ore apa idia kata idia sheria na kengorori risasini okuni.*

**Translator:** Sheria ya zamani ilikuwa askari wanapiga risasi tatu, angani,

**Mr. Ole Korio Parsilia:** *Engor shumata obo.*

**Translator:** Wanatupa risasi moja angani,

**Mr. Ole Korio Parsilia:** *Nengor aitolok oli are.*

**Translator:** Ya pili naleta karibu kupitia vichwa vya watu,

**Mr. Ole Korio Parsilia:** *Ore oliokuni nengor inkulukuo.*

**Translator:** Ya tatu wanapiga mchanga hapa mbele.

**Mr. Ole Korio Parsilia:** *Ore oliongoan nengor oltungani.*

**Translator:** Ya nne anapiga mtu

**Mr. Ole Korio Parsilia:** *Kaetiu ena sheria tata nakeari iltunganak ake ana irnguesi.*

**Translator:** Hii sheria ya siku hizi imekuwa aje watu wanauwa kama wanyama.

**Mr. Ole Korio Parsilia:** *Eidipe ta ina nabo.*

**Translator:** Hiyo nimemaliza.

**Mr. Ole Korio Parsilia:** *Ore ta enkae eare.*

**Translator:** La pili,

**Mr. Ole Korio Parsilia:** *Ainyo tata isikarini lopuo aibung ilapurok neitoki apuonu aisho bond einyo ina.*

**Translator:** Siku hizi askari wanaenda wanashika wezi wa mifugo na wakifika kortini, wanapewa bond, hiyo nini?

**Mr. Ole Korio Parsilia:** *Ama amu eyauni irpilisi tene ore eyai kotini nilo amaniki olangole apuroni pejo aewuo na nakaitoki ake aya. Nyo ina.*

**Translator:** Polisi wanaleta mtu analetwa kortini, anapewa bond, akitoka nje anakuta mwenye mifugo yule aliiba. Na anamuambia nimetoka na utaniona mara ingine tena.

**Mr. Ole Korio Parsilia:** *Lomon are.*

**Translator:** Mambo mawili,

**Mr. Ole Korio Parsilia:** *Oliokuni.*

**Translator:** La tatu

**Mr. Ole Korio Parsilia:** *Eji teneaku ewakaki kotini oltungani oladuo apuroni neitoki aisho bond badal naeni.*

**Translator:** Huyo mtu analetwa kortini anapewa bond, badala ya kufungwa

**Mr. Ole Korio Parsilia:** *Ka apa eima lopa arin opishana otangasa ake ajo eeni oltungani larin opishan kai iimie*

**Translator:** Ile miaka saba ambayo ilisemekana mwizi wa mifugo anafungwa, imeenda wapi hiyo sheria?

**Mr. Ole Korio Parsilia:** *Aya etaraki si oltungani.*

**Translator:** Kuna wakati mwingine ambao mtu anauwawa,

**Mr. Ole Korio Parsilia:** *ore peari oltungani ore pepuo aibung badala naji na ore apa ati apa ore peari oltungani na kepuo aingor pemear irkulikae alakie olikae.*

**Translator:** Zamani, mtu akiwa mwingine, anaenda anafichwa na jamii yake ili jamii ya yule ambaye amemua, wasimua,

**Mr. Ole Korio Parsilia:** *Ore tata peaku eyawaki kotini, nilo amaniki euo si olangole tungani otara olikae kama teneitokini aar neton intoki aibung ilo onyaga aar.*

**Translator:** Siku hizi ni ajabu kwa maana mtu ameuwa mtu, anapelekwa kortini, anapewa bond, na huyo mtu anarudi tu anakuja tembea akiwa uhuru. Sasa huyu akiwa, tene yule ameuwa atashika tena.

**Mr. Ole Korio Parsilia:** *Olomoni le imiet.*

**Translator:** Jambo langu la tano

**Mr. Ole Korio Parsilia:** *Etae enkae olong sheria apa olaiguenak.*

**Translator:** Kulikuwa na sheria ya machiefs,

**Mr. Ole Korio Parsilia:** *Na ore apa laiguenak irmaasai apa ogelu eitu aikata egelaki iyiok serikali.*

**Translator:** Na zamani machiefs walikuwa wanachaguliwa wa maasai, si serikali inachaguwa.

**Mr. Ole Korio Parsilia:** *Kijo ore tata tekulo ongi ele lopiki embilbil teidie meyioloji ejo pakelotu ajo kantai doi*

*likitegelutua.*

**Translator:** siku hizi, mtu anakuja anapewa crown na DC, anarudi huko, anakuja kutuambia vijijini, ni nyinyi ndio mme nichaguwa ama ni serikali.

**Mr. Ole Korio Parsilia:** *Oltungani obo oiminie enganyit ilo.*

**Translator:** Mtu mnoja ambaye ameharibu heshima ya kimaasai ni ....

**Mr. Ole Korio Parsilia:** *Neiminie hata tentai.*

**Translator:** Na hata amepoteza kwa serikali.

**Mr. Ole Korio Parsilia:** *Eji amu etae tata interview. Irmaasai oyilo interview olang lelo.*

**Translator:** Siku hizi kuna jambo lianaitwa interview, je interview hiyo ni office ya DC inajuwa ama ni wamaasai tu wanajuwa interview kwa maana ndio wanamuelewa ile mtu mzuri.

**Mr. Ole Korio Parsilia:** *Amu ore peini enkerai menino doi enkerai ena ai peini.*

**Translator:** Kwa maana ukizaa mtoto, huyo mtoto si wako, ni wa jamii,

**Mr. Ole Korio Parsilia:** *Na ore pekipuonu aingora ajo ele orikisho, nerikisho tenkoitoi enganyit amu iyiok ota nkitanapat aisho kama iyie tino aisho iyie ene serikali naisho nanu eniang.*

**Translator:** Kwa maana huyu kijana akija au msichana akija chaguliwa awe kiongozi, atapata sheria gani, ili ameenda kufundishwa na serikali, ama ile mimi baba yake kulingana na mila zetu tuna ufundisha.

**Mr. Ole Korio Parsilia:** *Ore pae pishoru enkata naji etabolu keyieuni tata neyieuni olaiguenani enkop naje encho irmaasai metegelu orkiyo lenye nikipuoni aisho intasa si iyie eniyieu.*

**Translator:** Mimi naomba ya kwamba, patakapo tokea nafasi ya uongozi, iwe chief ama kiongozi mwengine, wamaasai wenyewe wakae, wjadiliane, wachaguwe mtu halafu waombe serikali na wesema ndio huyo, ni mtu ambaye tumependekeza kwa cheo hicho.

**Mr. Ole Korio Parsilia:** *Enyaka aisho si laiguenak enkiti sheria eti apa sheria neton asidai ama tata amu etotio olaiguenani ana nanu oraiyai nyo etejoki teine.*

**Translator:** Zamani chiefs walikuwa na sheria zao siku hizi chiefs wanakaa kama raia tu.

**Mr. Ole Korio Parsilia:** *Mekure eti enganyit naishori.*

**Translator:** Hakuna hata heshima raia wanampa chief,

**Mr. Ole Korio Parsilia:** *Entunguaki ta laiguenak meta iyiok ogelu mintokiki aikata apik.*

**Translator:** Wachini ma chiefs, msichaguwe tena sisi, wenyewe tuchaguwe.

**Mr. Ole Korio Parsilia:** *Lomon imiet.*

**Translator:** Hilo ni jambo la tano.

**Mr. Ole Korio Parsilia:** *Olomoni le ile.*

**Translator:** Jambo la sita,

**Mr. Ole Korio Parsilia:** *Enyaka aaku tata eetae orpayiani loji lorkiushin.*

**Translator:** Siku hizi kuna wazee waitwa ni wazee wa vijiji,

**Mr. Ole Korio Parsilia:** *Ninche tata laiguenak.*

**Translator:** Siku hizi hawa ni ma chiefs.

**Mr. Ole Korio Parsilia:** *Ninche ta tata laiguenak orishisho.*

**Translator:** Hawa ndio viongozi ambao wanasiluhisha mambo ya vijijini.

**Mr. Ole Korio Parsilia:** *kainyo pemeingor serikali aisho ilo enkiti toki amu ninye oasisho neaku ele le bilbil eishori opa erik ake.*

**Translator:** Kwa nini huyu amabaye ndie anashugulika sana masilahi ya watu asipewe mshahara kidogo na serikali. Kwa maana mshahara wanapea yule ambaye amepew crowni, ambaye analala tu.

**Mr. Ole Korio Parsilia:** *Anata a ilo eitoki adamu serikali aisho elo amu olarikoni naleng amu eyiolo DC eyiolo DO eyiolo muheshimiwa eikiyiolo iyiok kulo olosho. Neikaaja pemeishori ropiani.*

**Translator:** Kuna wengine ambao wanafanya kazi, nzuri sana na DO anajuwa DC anajuwa hata DC hata Mbunge najuwa, mimi nasema huyo, ndio apewa mshahara kidogo.

**Mr. Ole Korio Parsilia:** *Neoloti osapuk.*

**Translator:** Hata si mshahara kidogo ni kubwa.

**Mr. Ole Korio Parsilia:** *Eshomo apa olo omoni aneilo. Ore olomoni likae le ile.*

**Translator:** Jambo langu la sita,

**Mr. Ole Korio Parsilia:** *He/ atoningo. Oli pishana, ore ta olomoni liopishana eti ta likae latoningo tene.*

**Translator:** Iko ingine nimesikia hapa.

**Mr. Ole Korio Parsilia:** *Netejo apa ina kituk tene nanu eliki.*

**Translator:** Na huyu mama Commissioner alikuja hapa, aliniambia

**Mr. Ole Korio Parsilia:** *Etejo ore enkop eti iltunganak oidingate.*

**Translator:** Alisema, katika Kenya, kuna sehemu ambayo watu wamekuwa wengi sana.

**Mr. Ole Korio Parsilia:** *Neti enkop nalolong.*

**Translator:** Na iko sehemu ambayo watu ni wachache,

**Mr. Ole Korio Parsilia:** *Neetae oltungani ota ekai ip nabo ana nkalusuni are.*

**Translator:** Kwa maana kuna sehemu zingine ambazo watu wana acre mia moja ama hata acre elfu mbili.

**Mr. Ole Korio Parsilia:** *Neyieu na ore entoki nayieu tata tena Katiba eji eyieu neya pooki nkae ekai imiet.*

**Translator:** Na alisema ati kulingana na hii katiba ambayo mnaandika, munaandelea kuandika, ati tu atakuwa na acre tano peke yake.



**Mr. Ole Korio Parsilia:** *Ina along atiaka meirori ta tata eitu ijo toki.*

**Translator:** Siku hiyo ndio nilimwambia leo hamja ongea, na hata leo hatusemi chochote.

**Mr. Ole Korio Parsilia:** *Ore amu mapa ina along peara ilmarabu o Siraeli nyo oshi eoroi.*

**Translator:** Wakati wa Arabu na Wairaeli wanapigana, wanagombania juu ya nini.

**Mr. Ole Korio Parsilia:** *Ne engulukuoni.*

**Translator:** Si mambo ya ardhi

**Mr. Ole Korio Parsilia:** *Me engulukuoni.*

**Translator:** Si mambo ya ardhi.

**Mr. Ole Korio Parsilia:** *Ore enkai neishorua apa engulukuoni neoriki iltunganak.*

**Translator:** Mungu alitoa ardhi na akagawia watu.

**Mr. Ole Korio Parsilia:** *Ne sirikali.*

**Translator:** Hakugawia serikali

**Mr. Ole Korio Parsilia:** *Ne me oltungani*

**Translator:** Na si mtu binafsi

**Mr. Ole Korio Parsilia:** *Enkai apa natoro.*

**Translator:** Mungu ndiye aligawa ardhi

**Mr. Ole Korio Parsilia:** *Neori apa wuejiti.*

**Translator:** Na aligawia watu mbali mbali.

**Mr. Ole Korio Parsilia:** *Ore ama kiroroki tena kata kulo mikiti engutuk nabo.*

**Translator:** Saa hii tukiwa hapa hata hautongee lugha moja sisi wote.

**Mr. Ole Korio Parsilia:** *Nikiroro ta.*

**Translator:** Lakini na tumeongea,

**Mr. Ole Korio Parsilia:** *Kake eta poki ngae enkai eisho opa ewueji enye.*

**Translator:** Lakini kila mtu alipewa na mungu sehemu yake.

**Mr. Ole Korio Parsilia:** *Ore sininche lelo kinyat eibor kake eisho enkai ewueji enye nemeiro engutuk nabo.*

**Translator:** Hata hawo wazungu, wamepewa ardhi mbali mbali ingawa hata haweongei lugha moja.

**Mr. Ole Korio Parsilia:** *Kalo angeni ilo loitushulita.*

**Translator:** Ni nani huyo ana akili sana anachanganya watu, anaweka watu pamoja?

**Mr. Ole Korio Parsilia:** *Ore ila angeni ojo neja peiruki eibukoyie ele sarge oba iji lele orere aishu.*

**Translator:** Mtu kama huyo akifwatwa, atamwaga damu ya hao watu wote.

**Mr. Ole Korio Parsilia:** *Eishorua ta enkai tata ena apa naitushula iyiok.*

**Translator:** Mungu alitoa hii ambayo imetuweka pomajo,

**Mr. Ole Korio Parsilia:** *Aishoru nkarn aja.*

**Translator:** Akatoa majina mawili,

**Mr. Ole Korio Parsilia:** *Eishorua kiswahili.*

**Translator:** Akatoa kiswahili,

**Mr. Ole Korio Parsilia:** *Pekiro.*

**Translator:** Halafu ...

**Mr. Ole Korio Parsilia:** *Eton apa einyangae ake ana iltunganak minganita.*

**Translator:** Zamana watu walikuwa hata wanaongea kama mabubu,

**Mr. Ole Korio Parsilia:** *Ore tata pelotu apa aku euo aishoru enkai ina arna nabo naitushula iyiok.*

**Translator:** Lakini wakati mungu alitoa hii jina moja ambayo ilituweka pamoja,

**Mr. Ole Korio Parsilia:** *Ebae nabo ina sidai.*

**Translator:** Hili lilikuwa jambo moja nzuri.

**Mr. Ole Korio Parsilia:** *Ore pelotu aaku ore apa idia kata pekipuo apuo nkulie kuapi engopisi olupilisi kidungie orbus pekipuo amu meroroi enkop elikae.*

**Translator:** Zamani ilikuwa ukitaka kuenda sehemu zingine unaenda kupata kibali kutoka ofisi ya polisi, bora ukubaliwe tu kuingia sehemu za makabili

**Mr. Ole Korio Parsilia:** *Na kilikini nkolongi nilo aishu.*

**Translator:** Na kuandika permit hiyo unapewa siku ambayo utaenda kazi.

**Mr. Ole Korio Parsilia:** *Ore teneaku eishunye nintoki alo aijasa telikae.*

**Translator:** Na ukienda ushinde huko upita hiyo siku, unaenda kuengeza tena.

**Mr. Ole Korio Parsilia:** *Ore nkole pikipuonu ta atum enkitoria.*

**Translator:** Tulipo pata uhuru,

**Mr. Ole Korio Parsilia:** *Nejo eta ta maidapashakinoto amu kirorokino.*

**Translator:** Ilisemekana tuchanganyike kwa maana sasa tunweza kukaa pamoja.

**Mr. Ole Korio Parsilia:** *Neitu apa ejo eyae enkop oltungani.*

**Translator:** Lakini hakusema hiyo ni sababu ya kuchukuwa ardhi ya mtu.

**Mr. Ole Korio Parsilia:** *Kama tata Kisii.*

**Translator:** Ukiona kwa mfano, kisii

**Mr. Ole Korio Parsilia:** *Eti ormaasani ota olduka teine? Ilepie inkaek olota.*

**Translator:** Iko maasai ana duka huko kisii town ama ka plot hata kidogo town?

**Mr. Ole Korio Parsilia:** *Kama Kericho eti olo ota amu irmaa oitaki ata etae tata oltungani olormaasi hata orbungei amu nelde likiata. Eta te Kericho?*

**Translator:** Hat ukienda Kericho, kuna maasai ana ardhi huko hata minister yuko hapa, anaweza kuwa ana plot kweli huko.

**Mr. Ole Korio Parsilia:** *Tobaa ta nikinyikita iyiok kira Transmara.*

**Translator:** Kwa mambo tukiona sisi tukiwa TransMara.

**Mr. Ole Korio Parsilia:** *Kama doi ede wueji teina kata nikiti e Kilgoris kaja irmangati oti lonkuapi oti ene.*

**Translator:** Lakini ukirudi uone town hii kidogo ya Kigoris, Makabila ngapi ambao wako hapa na wana ardhi?

**Mr. Ole Korio Parsilia:** *Haya, ana nata lelo oti ena kop kaja irmaasai ota entapu nkaek inono tata tana irisiosio.*

**Translator:** Hata ukiangalia hapa, hebu inua mikoni wale wamaasai ambaye wana ardhi katika town hii?

**Mr. Ole Korio Parsilia:** *Tena intae kumok tana lelo.*

**Translator:** Ili tuone kama nyinyi ndio wengi ama ni wale wasio maasai.

**Mr. Ole Korio Parsilia:** *Ninye ta ajoki commission.*

**Translator:** Na mimi nitakuambia wewe Commissioner,

**Mr. Ole Korio Parsilia:** *Na intabau olomoni laiyo ilo intabai ta doi.*

**Translator:** Kama utafikisha maneno niakuambia, fikisha,

**Mr. Ole Korio Parsilia:** *Eshomo ta olorere lenapishana.*

**Translator:** Jambo langu la saba limeenda

**Mr. Ole Korio Parsilia:** *Ole isiet.*

**Translator:** La nane,

**Com. Abdirizak Nunow:** Hilo ni la mwisho

**Mr. Ole Korio Parsilia:** Ilo le mwisho.

**Translator:** Hilo ni la mwisho?

**Mr. Ole Korio Parsilia:** *Olomoni le isiet.*

**Translator:** Jambo la nane

**Mr. Ole Korio Parsilia:** *Eisho ena kop kiaru nkishu te Transmara eutali.*

**Translator:** Hapa TransMara tuna ng'ombe tunapata kutokana na biashara ya utalii.

**Mr. Ole Korio Parsilia:** *Ore kulo taanak le county council. Clerk lenye na keitururu ropiani neya Nairobi.*

**Translator:** Lakini clerk na watu wengine wa county council wanaokota pesa na kupeleka Nairobi.

**Mr. Ole Korio Parsilia:** *Ore epuoi ashuku nemeishoruni pookin.*

**Translator:** Na wakati wanarudisha, hawatoi pesa yote.

**Mr. Ole Korio Parsilia:** *Nepuonuni ake ajo ore laasak lenye eji eton etioyo eishori nusu nusu iltunganak leas iltunganak enginyinyiret epesho.*

**Translator:** Wafanyi kazi wapewa pesa nusu nusu, kwas hivyo watu wanatoa jasho ya bure.

**Mr. Ole Korio Parsilia:** *Kama ina sidai ina?*

**Translator:** Hiyo ni jambo nzuri?

**Mr. Ole Korio Parsilia:** *Kama tena kata iyieu iti esiai ine iyieu nikipuoyi aisho nusu ana kinchori entoki ino pookin.*

**Translator:** Wewe Commissioner ukikaa hapo, usiku unapewa allowance, unataka upewe nusu ama unataka upewe yote?

**Mr. Ole Korio Parsilia:** *Ore ta si tata ina.*

**Translator:** Sasa leo hiyo,

**Mr. Ole Korio Parsilia:** *Ore tata ropiani naingua ine Transmara naingura meitoki aikata ailep, neasisho Transmara ana enayieu.*

**Translator:** Tunaomba pesa ambayo inatokana na biashara ya utalii itumike hapa hapa, wananchi wa TransMara, wawe ndio wana manage hiyo pesa hapana pelekwa tana mahali pengine.

**Mr. Ole Korio Parsilia:** *Amu etinyimua entoki naji keji a enoshi toki najo ake metai toki meetai toki, na keigero hata to ngasetini, uchumi ama uchumi o pemeuchumi epuo tena alo.*

**Translator:** Kila kitu siku hizi inaitwa uchumi ime haribika, uchumi ume haribika, lakinipesa ina unapelekwa na wakati wanarudi wanapewa pesa kidogo kidogo kidogo, wana sema ati uchumi umeharibika, hakuna pesa Kenya. Na kumbe pesa inapitishwa njia ingine.



**Mr. Ole Korio Parsilia:** *Nchoki matomonu nabo.*

**Translator:** Bwana Commissioner nakuomba moja tu.

**Mr. Ole Korio Parsilia:** *Etai ta ena toki najo nanu na pilotu ayioluo kulo le collage.*

**Translator:** Kuna watoto ambao wako college,

**Mr. Ole Korio Parsilia:** *Kitala ta eyieu ropiani serikali memus ijo ena mulango eyieu ropiani ormaasi ana ne raia metijingu, kake ore ina kata pepuku eta eiima engiyo ino eima nkera ang eta ena oshi naji epuo sukul eori ori neji uchumi nidol tadoi eneikunino.*

**Translator:** Watoto tunawasomesha, na tunapeleka colleges, na wakati tunapeleka mtoto college serikali inafunguwa mlango inakuwa pana inasema leta pesa leta pesa, mtoto wako anasoma ana pita, ana maliza shule, lakini wakati wa kuja kutafuta kazi, wanasema uchumi umeharibika, hakuna kazi.

**Mr. Ole Korio Parsilia:** *Ore nkera e Transmara kuna nati ene, kumok intoki naji irmwalimu loti ene loishutua collage lotoni ake.*

**Translator:** Ukiangalia TransMara, kuna watoto wengi wamemaliza shule na hawana kazi, hasa waalimu, wengine wameenda college, wamemaliza colleges lakini wanakaa tuu hakuna kazi.

**Mr. Ole Korio Parsilia:** *Neaku kajo ore taina, ninye ta ajoki iyie neaku governors tenewueji mekure a Nairobi ene.*

**Translator:** Basi anasema tunataka tu govern maneno yetu, hapa, hatutaki Nairobi tena.

**Mr. Ole Korio Parsilia:** *Tenebo orbungei nikidip ake tene.*

**Translator:** Tuna kaa hapa na Mbunge, tuna maliza mambo yetu hapa, hatutaki mambo ya kuend Nairobi.

**Mr. Ole Korio Parsilia:** *Kajo ashe.*

**Translator:** Asante sana.

**Mr. Ole Korio Parsilia:** *Eti ta ena natejoki keyieuni iltunganak okuni.*

**Translator:** Iko wengine wana semekana ati wanataka watu watatu.

**Mr. Ole Korio Parsilia:** *Olpayian engitok, olmurani.*

**Translator:** Mzee, mama na kijana.

**Mr. Ole Korio Parsilia:** *Na ore ena toki naasitae tene na iltunganak eitamokitae ena toki metoningu.*

**Translator:** Na hawa watu wanatakiwa kufundisha jambo Fulani waelewe.

**Mr. Ole Korio Parsilia:** *Ore ta metabaiki kipuonu agel ladou tunganak iltunganak leda alo majo eti ene pa kepuo ajo tejo ta ena tejo ena, neji entejo irmaasai ene, kiteriate ana eitu.*

**Translator:** Hawo wamechaguliwa watatu, wanaenda kufundisha vile wanaenda kusema, halafu usiku wanakuja kufanya presentation, wanasema, wa maasai wamesema. Tumeeanguka ama bado?

**Mr. Ole Korio Parsilia:** *Ninye ta ajo kaomon nchere iyiok mategelu lelo okuni hata oti orbungei nikijo elo meny*

*ngania, elo entagile naje, elo ormurani oje, nincho iyiok metegelu.*

**Translator:** Ningetaka watu kama representatives ambao sisi tutachaguwa, tujuwe huyu mama ndie anaenda, huyu mzee na huyu kijana ili tuelewane.

**Com. Abdirizak Nunow:** Asante sana mzee. Haya asante mzee, wacha tuendeleo, Ali Mrutaza. Tafadhali, tutulie, tutulie,

**Mr. Ali Murtaza:** Honorable Chairman, Honorable Commissioners, Ladies and Gentlemen, I greet you in the most favoured greetings of Kiislamu, *Sala maleku*. Jina langu ni Ali Murtaza. Hii ni memorandum ya Supreme council of Kenya Muslims, TransMara branch. Kwanza kabisa, Katiba yetu ambayo ijayo lazima iwe na preamble. Na kuna preamble ambayo nitasoma kwa kiingereza. We the people of Kenya, guided by our past constitutional experience, immediately after the adoption of the independence constitution and the subsequent amendments led thereafter. And where else, we deciders who live in unity, and harmony as invisible and insoluble sovereignty under God, within our cultural and religious diversities, and where else, we are deligated to the promotion of iter ethnic tribal, religious and cultural solidarity, world peace, regional, continental and international cooperation and understanding.

And by ensuring the provision of basic needs of all Kenyans, through the establishment of an equitable framework, for economic role and equitable access to nationa resources. And where else, we are deciders from get for constitution for the purpose of promoting the good governance and welfare of all persons in our country.

In our country on the principal of freedom, equality of freights and justice and for the consolidating of our people. And in recognition of the belief in the one supreme God, just and civilized humanity, the unity of Kenya, and democracy, which is guided by the inner wisdom. In the ananamy arising out of delibaration amongst representatives. Meanwhile, creating a condition of social justice for the whole of the people of the people of Kenya, do hereby, promogate and enact this constitution as the bases upon which the governement of the people of Kenya shall revise.

**Com. Abdirizak Nunow:** Bwana Ali, samahani, ukiendelea kusoma, kwa sababu sasa umechukuwa madakika mbili, mawali

ya madakika zako, na sisi tutayasoma vile nimesema mbeleni, yote na ita typiwa tena. Hatuta itumia vile imewekwe, ingine imaandikwa kwa, ime typiwa kwa computer tofauti. Commission ita type yote mpia, an hiyo copy ya cassette pia ita typiwa, and there will be word for word identical. That is why you better spend your time in giving us highlights of some of the key issues.

**Mr. Ali Murtaza:** Nime maliza, ndio naanza sasa.

**Com. Abdirizak Nunow:** Tupatie tu mapendekezo straight because we will read everything.

**Mr. Ali Murtaza:** Mapendekezo ni kama haya sasa.

We should have further presidential government ambaye president na vice president wake wanachaguliwa na watu direct. Na wote wawe ni degree holders, na wasiwe ni wabunge.

Ministers na assistant ministers, pia wawe ni degree holders na wewe professionals katika sehemu zao za kazi. Na vile vile, wasiwe ni wabunge.

President pamoja yule presidential candidate, ambaye anagombea uhahisi, pomaja na party yake, kwanza watoe ile, wa publish priority list ya ministers na assistant ministers kabla ya uchaguzi.

**Com. Abdirizak Nunow:** .....Inaudible

**Mr. Ali Murtaza:** Members of parliament ambao ni wabunge, wawe ni wameitimu elimu ya form four.

Na tuwe na participatory type of democracy, ambaye decisions on all matters seeking to ...the character structure, or system of the republic be decided directly by the people, kupitia njia mbali mbali kama referendum.

Machiefs wawe wakichaguliwa na watu.

Na tuwe siwe na assistant chiefs. Mahali pakee pawe na village elders ambao analipwa.

Uchaguzia uwe ukifanywa kama ifuatavyo, presidential iwe ikifanywa mara moja kwa baada ya miaka mitano, na ya ubunge, once in every years, na vile vile ya ma councilor mara moja kwa miaka mitatu. Katika katiba yetu, lazima tuimize uhuru wa dini. Siyo uhuru wa kuabudu. Mtu awe na uhuru wa kubadilisha dini yake, uhuru wa kueneza hiyo dini yake, na uhuru kama vile kwa mfano wa islamu huwa wana shida ya kubadilisha majian yao mtu akiingia katika dini ya wa islamu, ana shida ya kuabadilisha ile jina lake aingie ile ya uislamu. Hiyo, watu wapewe uhuru, wa kubadilisha majina yao.

Na, kwa upande wa mavasi tuwe na uhuru wa kuvaa na kulingana na dini ambazo tuko ama culture.

Ingingine ni kuhusu kadi scot, iwe expanded, iwe na ile original copy ya kawaida na iwe na court of appeal. Na chief ....awe ni degree holder katika sheria, na awe ile appropriate qualification in the slamic sheria.

Kwa upande wa elimu, elimu iwe ni ya bure na ni ya lazima kutoka primary mpaka secondary level. Na wale ambao watakuwa walimu wa dini kama Islamic Religious Education ama CRE, wawe ni watu wa dini hiyo, ni wasiwe ni watu ambao si wa dini wanafundisha mambo ya dini.

Na wanafunzi wakubaliwe kufaa kulingana na dini zao, wasiwe wakilazimishwa, kuvaa ile school uniforma ambayo ina undermine religious ama their cultural identity.

Community Rights: The Constitution should recognize and uphold the rights of communities to organize themselves, and mobilize around their common values.

Communities structures be recognized in the determination of matters pertaining to the communities.

The community should have a right to all land for its people.

The communities culture belief identity should be protected by the constitution not the misuse or undermine by others. Kama ni vazi la waasmau liwe likivaliwa na waaslamu peke yao, constitution ikataze wale wengine. Kama ni wa maasai iwe ni wa maasai peke yao wana vaa vazi yao na mambo yao zingine.

Na tuwe na customary court, community...na vile vile court of appeal.

**Mr. Ali Murtaza:** Land and natural resources, ndio the last. Every citizen should own land, size na acreage itategemea size ya their communal land. Land should be registered under communal titles. Land must be held in trust for the people by the community. Land control boards should be abolished , and community management board be formed. Ownership and management of any natural resource, should be given to the local community in the specific area. Asante.'

**Com. Abdirizak Nunow:** Asante sana Bwana Ali kwa hayo maoni, fadhali, njoo ujiandikishe hapo na tupokee memorandum yako, Charles Kangethe.

**Mr. Charles Kinyanjui Kangethe:** Mimi ni Charles Kinyanjui Kangethe, naongea kwa niaba ya MauTrans church of God. Sub Region ya TransMara. Ile mambo ambao nitaongea, yana itaguza tu yale mambo ya mhimu ambayo tumetaja kwa sababu nitapeana copy yetu.

Katika Kaimbu, ndio mambo ambayo nitaguzia kidogo ambayo inahusu ya kwamba ni lazima tuwe na katiba iko na utangulizi ulio mzuri, na uwe National Anthme yetu katika utangulizi. Na tena iwe inaangalia mambo ya watu, ambayo inazungumzia kuhusu watu kwa sababu watu ndio wametengeneza katiba na hao ndio wanachungwa na hiyo katiba, kwa hiyo katika utangulizi, iwe na yale mambo ambayo inaguza watu.

Kenya katiak Logo, yaani katika utangulizi hapo mbele, iwe na bendera yetu ya nchi, na katika giyo bendera, iwe three cycles ambazo zinaonyesha katiba ikiwa katikati, inaguza kila upande wa serikali. Kwa sababu tutakuwa na mikono mitatu ya serikali, na iwe inaguza kila pande na kila sehemu, inaguza mtu kwa hiyo kuna vile inaonyesha, kwa hivyo iko kwa diagram, kwa hivyo, unafikiri hiyo utaiona.

Yale mambo ambayo nitazungumzia, sitaongea yote, sababu ya wakati, ni ile ambayo ni chache ambayo in naona inafaa, ili ni haje.

Tukienda katika bunge, parliament, wabunge, watu wana haki ya huita mbunge wawao nyumbani ikiwa wakati wa kukatika bunge ama akiingia kwa bunge, haja enda na mwenendo ule watu wanaona ni mzuri. Na haitafanyika kwa njia moja tu ya kwamba 65% ya raia wale ambao walipiga, wnasema ya kwamba, amekuwa hawatumikii kwa njia inayofaa, hii itapunguza wale wabunge ambao wanaenda kulala tu wakigonjea miaka tano ndio wanarudi kwa raia.

Wanawake watapewa haki ya uchaguzi, yaani kuchuguliwa na raia kwa sababu wamekuwa waki cliam, equal rights, sasa hakuna kuwapatia special mambo specila hii ni kuonyesha ya kwamba,hiyo tunaongea kuhusu equal rights zimepitishwa tuanze kubeba wanawake, na hiyo haitawezekana, kwa hivyo watapewa equal rights waende kwa raia watafute kura, waongee na raia wakipewa, ni sawa sawa waende bunge na councilor.

Nimeingia kwa president, maybe imetajwa lakini sitarudia ile imetajwa, nitaenda tu, ya kwamba hata president anaitwa nyumbani aende akaopumzike wakati ameonekana ya kwamba hajafanya kazi inapendeza watu. Hii tumepewa bunge haki yao ili wakiwa katika bunge, 65% ikiona ya kwamba, president haendeliikwa njia ambayo inafaa, wamuambie aende apumzike, na raia wachuguwe mwingine, 65%

Local Government: Mayor na chairmen watakuwa wakichaguliwa na raia sio coucilors wanakaa chini, wanachaguwa ule mtu ambaye wanapendekeza, na akikosa kufanya kazi kulingana na vile hao watu wachache ambao ni ma councilors wanataka,

wanachaguwa mwingine. Kwa hivyo raia wakichaguwa, chairman na mayor, watakuwa wakuchunga raia na kuwapa haki sawa, kwa sababu najuwa ya kwamba, akikataa kufanya vizuri, raia wako haki ya kumfukuza. Lakini siyo ma councilors.

Jambo lingine ni kwamba councilors na mayor elimu yao mpaka ifike form four, hii kwa sababu anaweza kuwa tu analetewa makaratasi ana sign akurudi kushtukia anakuta mambo ile imafanywa, ni zaidi ya ile ambayo alikuw anafikiria, kwa hivyo akiwa na hii ya kutosha, itamsaidia.

Jambo lingine ni kwamba katiak councilor, akifanya kazi ambayo haifai, mayor ama chairman, raia wako ya kumrudisha nyumban aende apumzike, lakini hii inafanyika tu kwa 65% ya wale watu ambao wamemchaguwa.

Nominatd councilors watakuwa wakichaguliwa tu na commissioners na tena, iwe ni watu ambao wanaonekana ya kwamba, wanahitaji representative katika council. Wale watu ambao ni marginalized , wale ambao siyo wengi, wananonekana wako pahali ni wenign Lakini hawaja kuwa represented. Hao ndio wako na wanapewa nafasi ya kuwas nominated councilors and Mps.

Naenda katika system ya election, electoral system. Balloting boxes, ni lazima ziwe transparent. Hii ni kuondoa lile jambo ambalo inaonekana, watu wanasema oooh kura ziliibiwa, zilifanywa namna gani.

President ili achaguliwe, ni lazima awe na 25% kama vile ilivyo kwa wakati huu, kwa mikoa mitano. Na tena awe amechaguliwa na 50% ya total votes. 50% ya total votes, kwa hivyo president akichaguliwa, awe anachaguliwa, awe anachaguliwa na 25% for every five provinces, na awe tena amechukuwa votes 50% ya votes zile ambao zimepigwa. Na tena, siku ya uchaguzi, ni lazima ijulikane na iwe katika sheria zetu, na tena iwe ni week ya mwisho, sasa kama tunachaguwana week ya mwisho, na isiwe siku ya weekend. Hii kwa sababu, dini zinaheshimiwa na kuna hiyo point na kwa sababu nimesema sita rudia, ya kwamba ni lazima tuheshimu dini na katika hali ya kupumuzika, kwa hivyo iwe the last week, ya kila five years na isiwe siku ya weekend.

Yaa siku ya maombi.



**Com. Abdirizak Nunow:** Your last point please, one more point.

**Mr. Charles Kinyanjui Kangethe:** One more point? Yaani nitaenda haraka, ya mwisho ni basic rights. Nitaenda haraka kwa sababu ni hivi ni tataja ni ya kwamba, mambo ya kutairi wasichana, iwe ni sheria, na iwe na kifungo cha miaka saba, kwa yule atapeleka msichana akatairiwe.

Abortion iwe imekuwa sheria ya kwamba it is a criminal offence, na tena katika hali ya ukimwi, imeongezeka sana ingetaka kutaja, ya kwamba mtu akiambukiza mwingine ugonjwa wa ukimwi, afungwe life sentence, afungwe maisha. Kwa sababu, hiyo ni kama kuua.

Na ya mwisho ni kwamba, katika torture, katika wakati kuna watu ambao wanawekwa katika hali ya kuwa tortured, kwa sababu isiyo kabla hajakuwa proved ya kwamba amekosa. Na mara nyingi inatokea ya kwamba amekuwa ame suffer, na ile ...alikuwa amesemekana amefenya ina tukia ya kwamba hajafanya. Kwa hivyo, iwe imetolewa kabisa katika our forces.

Mwisho ni kwamba, public lands, ziwe ninachungwa na county council, na sheria ichungwe sana ili wasije waka tumia hiyo nafasi kwa kupea wale ambao wanataka. Bwana awabariki sana.

**Com. Abdirizak Nunow:** Asante, tafadhali, jiandikishe pale na tupokee memorandum yako. Asubuhi wakati wa kuanza kikao niliweeleza, ikiwa mtu ame taja kitu Fulani na hiyo ni pendekezo yake, lakini haiambatani yako, ngoja wakati wako utoe yako. Kwa sababu hii katiba kila mtu ni uhuru, na kila mtu ni sawa mbele ya katiba. Kwa hiyo tafadhali kama unataka watu wako waheshimiwe, heshimu wakati wa wengine, sawa sawa. Mheshimiwa Sunkuli please,

**Hon. Julius Sunkuli:** Mr. Chairman, Commissioner Nunow, Commissiner Keriako Tobiko, ....TransMara. My presentation is going to take into account, the fact that so far, KANU which I belong to, has put into process a system where we will have one document to show our members and to show the commissioner. This will be shown in due course, and therefore, I will try and limit my discussion, to those aspects which I consider to be personal to myself.

And having participated in the process of constitutional making, I want to urge the commission to which we belong to understand that when put in place the act, it was with a word review. And I hope that the word review will not be taken as a dictatorship to the commission to actually produce a new constitution. Because I hope the view myself, that the results of the Ghai Commission, as your commission is called, should not produce a new constitution at all. It should just amend the constitution we have now. Because the framework of the 1963 constitution, still remains relevant to the needs of the Kenyans today, and must just be amended so as to suit the times as we go ahead.

This constitution, which is coming, must therefore be amended in order to reflect a number of principles. First of all, one of the biggest disservices of the present constitution, that needs to be rectified, this is the way in which power is centred in Nairobi. And I think that one of the principles that must guide this constitutional amendment, or review, should be decentralization of power from the center to the periphery.

The other thing, which I believe should be done, is to eventually bring into the constitution the recognition that Kenya is comprised of tribes. And although we do not want to limit the independence of the individual, I think that equality in Kenya, must now be based on equality of communities. Because there are many people who would say, that things like constituencies should be based on population. You see Mr. Chairman, we are not actually in Kenya by accident, because you in 1985, the colonialists went and subdivided Kenya, without taking into due regard which tribes were there, the Maasai for instance would have been a big political force in Kenya today. Had we not been divided into three. So, we want to come to Kenya, as a community and we should be given small rights as people have in other parts of the country without caring our population. Because we are not responsible at all for our small population, and I don't think that we should be punished for this.

This constitution must also be based on another fact. That even if you decentralize power, there must be never destroy the concept of a strong government. And that is where I want to begin my specific recommendations. In a country like this tribalism is so much. It is important that we retain a strong office of the president. And that we do not dilute in any way, the powers of the president. Because, those powers are the ones will be used to unite the country, and those powers are going to be used in order to drive the country forward.

The president should be elected by everybody. Universal suffrage. And must hold office for a specific term and I don't think that we need to change anything there in the present constitution.

The president and his vice president must be elected together as running mates, and I think that the president should have the executive authority of the country, and will be at liberty to appoint ministers and he can call one of those ministers, the prime minister, or the constitution can appoint the office of the prime minister, which will be derived his authority from the powers of the president. That way we will have a strong government.

However, can I say that, we must address where the problem is. The problem is once we have started out the powers at the top, we must also give powers to the periphery, and I believe myself, that there is no need to divorce powers to the province. I think that the best place to behold power is in the district. So, the county council should be a very important authority. The county council should be headed by chairman who is elected by his colleagues, the councillors. And I then believe myself that leadership has much to do with education. I think that the chairman should be a respectable man with a reasonable education together to perceive the matters are in within his pockets. And he should have a cabinet councillors who will drive the councillor resources forward. I believe that the responsibilities of education, should be based on the county council so that we do not have teachers going to Nairobi for teachers service commission. I think that all the teachers should be employed by the county council, and that the education policy be directed in Nairobi but the operations of education must start and finish here in the district. There is no need for a teacher to be employed for the whole country. Let the teacher apply to TransMara county council, if TransMara county council has enough teachers, it will not employ more. If it doesn't have enough teachers it will employ more.

The problem today must be also be seen in terms of land. And Mr. Chairman, I hear people taking us back to 1911, and I must agree with them, that in fact, the Maasai are the most disadvantaged people. Because they are based on their lands, were taken away. As I have said that Mr. Chairman, I think you must understand that we live in the 21<sup>st</sup> century, and do not intend to take the Maasai back to 1911. We just wanted to regret that our land has gone, and we want a constitution that will take of us in the land we are in now. I do not advocate myself, this generation here does not know where we came from. It knows where we

are, and I do not think that it is important to start diversionally issues like others take the maasais back to where they came from, eventually where they came from by the way was Israel, they came by the Nile, and I don't see how far we can go, I think that people are trying to excite feelings of the maasai people, that as address the land that we have now, and ensure that each maasai man has his land. I do not believe myself that we should say that the principle is that maasailand should be owned communally. I think that should be the exception. The best person to look after his land is the person himself.

Those maasai people who own land communally, have put the lands in the hands of land committees which have treated land as their private property, and I don't think that we should have communal property. I think that the Njonjo Commission should come up with its report quickly, and that the commission that you sit on should be able to adopt what Njonjo has recommended because that commission has done a good job. That will incorporate what one of my colleagues has just said, that first registration has been the enemy of Transland that people have stolen land, and because the law says that you cannot defeat first registration even if it is done by front. I think that, that matter should be sought out.

I think that security should also be decentralized, so and to conclude in the land issue, I think that there should never be a registry of lands in Nairobi. I think that the commissioner should be a commissioner of lands for every district, because there is no need for a person in Nairobi, to allocate you land in Molgoria. And he doesn't know about it, I think that the District Commissioner of lands should finish up the job and the only records that should be kept in Nairobi should be kept in the Archives.

They should abolish every activity that goes on in Ardhi house and do it in the districts. And I would like to say that in future, I think that the Commissioner of police should be able to train all the policemen in the country. But leave the subject of hiring and firing ...in the district so that the policment apply for a job in their districts.

We retain a strong government by having a military force in Nairobi, and to ensure that, that looks after the whole country, and to have a police force that will look after us as a nation in terms of Metropolitan settings but not to look after this areas, because, the commissioners of police be ready to identify in the districts, the OCPDs be ready to identify in the district in a manner that infact their life is tight together with the lives of the people of a particular district.

I think that we should constitution should be able to limit the number of political parties in Kenya. If possible, to free, because the political parties in Kenya now are equal to the number of fights then I think that the only way to trick political parties in Kenya is to make sure that they are based on some sort of principles other than tribalism.

Then I think that political parties should be funded by the state, because you will get up a political party like the one of Matiba, which when is dissatisfied, he takes away the desks and the drawers and closes the office. And then there is no hope for political party, I think that personality based political parties should not be accepted at all.

And ...as I that I do not intend to say a lot because I am part of the process that will eventually again give you views about KANU, and I think that a lot more about KANU, will be stated in our memorandum.

I want to thank you very much for having us time TransMara, I know that some people are saying we do not have representatives from other places, actually, I think many of the people from here are from different parts of the country, for ...of the district and I feel that civic education was the responsibility of those NGOs that were given responsibility, and if they do not succeed, I think you will join me in saying that the NGOs have never succeeded anywhere so that is why it was important for the commission itself to do this registration.

I am absolutely surprised, that the commission says it can finish its work in September, then infact, we will have put an elaborate law, to come.

The people who said that we need time, was not coming. The people who said we need the time was the commission. So, all of a sudden, people are accusing KANU of voting and extension, it is the commission that appeared before the Raila Committee which asked for time. We therefore, want Prof. Ghai you commissioners to tell us exactly what miracle we are going to perform. To short-circuit what plans we had put in parliament so that we can have a good constitution by September. I think that you must not use process form elections, we have two commissions in the country right now, we have the Kibutu

Commission, Electoral Commission should do its work, we have your commission which will do its work, and you can finish your work when you want or when you think you are going to get ready, and the Kibuitu Commission can go ahead arrange the elections anytime now. I don't see how these two things are connected, I believe myself that this commission is going to do an injustice to Kenya, a good injustice to Kenya, by trying to hurry things up just, because in order to be on time for elections. I feel that it is absolutely wrong for the commission to start speaking the language of the opposition.

I have said we want a new constitution, and we want elections, you can have both, so anyway, I still don't believe anyway, that you want a new constitution, I think you will agree with me that the present just needs to be a mended a bit and we can go ahead with them. Otherwise, thank you very much.

**Com. Abdirizak Nunow:** Thank you very much Bwana Mheshimiwa kwa hayo maoni. Maxi Opia.

**Mr. Maxi Opia:** Mr. Commissioner, and other listeners, my name is Maxi Opia, and I come Kilgoris Constituency, now, it is very irrelevant for me to present my views if it is true that the Ghai Commission is finishing its work in September. In other words, you have just come here for formality because the work is already done, so, I consider and regard this views collection as irrelevant and .....So, whatever we shall say here, is just a matter of time, and then you go back, and then in September, you us a constitution already in place. Unless we are assured, then, we are rendered irrelevant Mr. Commissioners.

However, I would say some few things, Kenya is a sovereign state, and so, we require a strong central government, number one.

Two, the president shall be elected directly by the people with his vice president.

The president shall therefore, appoint his prime ministers and other cabinet ministers.

There should be three arms of government in this Kenya, the Executive, The Judiciary, and the Legislature, and they should

entertain anybody.

And as we see, the president shall not be an MP, just as his vice president.

Now, decentralization of powers from the central government. We want to take seriously in place that main functions of the government which are held up in central government should ...down the district level, and should be run by the county council.

And the county council therefore, the following:

Land matters shall depend directly within the county council,.

Education shall be in the county council.

Security in the county council.

And then, the central government with the main like say, armed forces, like intelligent services, and say CID.

Well, the district on its capacity shall be able to identify the needs of the working staff, like police, teachers and considering their budget, they will have to employ people directly and train them in various institutions in the country and they are .....in various districts.

The chairman to the council shall be elected by the panel of councillors and will have executive powers.

Also, a chairman as asomebody said, he must be a respectable person and have a reasonable education.

And therefore, if we come to the young people who say, who are finishing schools, maybe the government must have this

programme of training the former leavers into military camps and then they are brought back to work, and therefore, people sitting in military barracks for years and there is no war in this country, they should be taken back to some other better jobs to improve this country.

Political parties, Kenya being multi-ethnic tribe, we need to reduce political parties into two, and ...we have a literal party, which will oversee the running of two main political parties. And as somebody said, it must be funded directly by the state.

And finally, the provincial administration, the provincial administration should be abolished from the provincial level under the divisional level. ie, the PC should be abolished and the DOs should be abolished, we are left with the DC who will be appointed by the PS, incharge of provincial administration in the office of the president, who will oversee the work of the chiefs and so on, otherwise, he will have no other role to run. I think with those few remarks, I take to end mine.

**Com. Abdirizak Nunow:** Thank Bwana Opia, kwa hayo maoni, Pius Nerege.

**Mr. Pius Nakuta Olerenge:** Asante sana Bwana Commissioner, jina langu naitwa Pius Nakuta Olerenge. Nashukuru sana kwa kupata nafasi hii, ya kwanza, kitu ambacho kinaitwa nominated Mp na Councillor katika Kenya ipigwe marufuku. Sababu, hawa, kwa kiingereza tunaita Mayors striges ya watu wengine. Na ule mshahara wanapata, katika pesa za wananchi. Kwa hivyo tunaita robbery without violence. Kwa hivyo ipigwe marufuku.

Jambo lingine, ni usalama katika nchi ya Kenya, haiko hata kidogo, hakuna usalama, hasa ukilinganisha na mipaka, mipaka ya makabila, hata ya clans. Watu katika Kenya hawatambui mipaka ya makabila mengine, ni hii ndio inaleta kila wakati tuna fujo, tuna matata, watu wanauna, sababu wale ambao wako katika uongozi kama serikali, hawashugulikii security ya watu.

Ikiwa kabila Fulani inataka kuchokoza kabila Fulani, serikali haingilii na kusaidia. Kwa hivyo, iwekwe iguzwe sana na Katiba ya sasa.



Jambo lingine ni kunjisiwa kwa wanawake. Ni jambo ambalo limeleta aibu katika nchi ya Kenya. Ikiwezekana, sheria ya unajisi wa wanawake, yaani rape, iendelee kutoka cha .....na iwekwe katika Katiba, ili wanawake walindwe, sababu rape nchi katika nchi ya Kenya inaendelea zaidi na hata watu wanapelekwe kortini ati anashinda na anafanya rape. Na ninapendekeza ya kwamba, mtu akinajisi mtoto mdogo, iwe ume yake ikatwe na kuondolewa. Castration, iondolewa kama ni minor iondolewe, ume wake uondolewe na kufungwa maisha. Na ikiwa mtu mzima, imenajisiwa, mtu afungwe pia maisha, na viboko hamsini.

Na huyo ambaye ame najisi, alazimishwe kulipa garama kwa yule ambaye ame najisiwa, male yake serikali ingilie na kuweka katika munada na kulipa yule ambaye ame najisiwa. Na hii serikali, ndio itumikie yule ambaye ame najisiwa, serikali ndio itagaramika kuona kwamba ametimiziwa haki.

Mambo ya vita, kama viti itapokea katika nchi ingine adui ya Kenya, haifai kamwe uwe ni mtu mmoja kama president ndiye aseme vita ipiganwa. Ikiwezekana au mimi napendekeza ya kwamba, session ya bunge ambayo itakuwa secrete hakuna watu wa magazeti iitwe kujadilia vita. Na kutoka kwa bunge kuwe na Kenya security committee ambapo, kuna ...wanahusika na mambo ya usalama, kuna wakuu wa majeshi, polisi army na wale ambao wanahusika na usalama, ndio watangeze kwamba kuna vita, lakini isiwe ni mtu tu moja president ni mtu mmoja ndie asema ati vita iko. Nafikiri ni hayo tu, asante sana.

**Com. Abdirizak Nunow:** Asante sana mzee kwa hayo, na sasa nitapatia nafasi mwanafunzi mwakilishi wa wanafunzi wa Kilgoris Secondary School ile weweze kurudi madarasani, Sammy Nkulet. Sammy utatupa majina yako, jina la shule yako, darasa lako, na umri wako, kishe uendelee kutuopatia mapendekezo.

**Mr. Sammy Nkulet:** The Constitution Review Commission Officers, and other listeners, before you is Sammy Nkulet, on behalf of the students of Kilgoris Secondary School giving them views on how they want to be governed in future. When we were given the responsibility of coming up with views of how we want to be governed in future, as Kilgoris Secondary students, we come up with the following views:

The first view in which Kilgoris Secondary School children came with,

**Com. Abdirizak Nunow:** Sammy in which form are?

**Mr. Sammy Nkulet:** I am in form three.

**Com. Abdirizak Nunow:** And the age?

**Mr. Sammy Nkulet:** 17 years, now they came up with these views. The first views in which they gave, they said that, the president should be under the law. Because, during that time, when this constitution will be on work, there will be at time the system of Kenya, and if by chance, the president at that very moment, will be a very corrupt man, then we can see that they say that they will have no future or they will have no peace. So they proposed that the president should be under the law.

The second view in which they gave, they said that there should be a limit on how many acres of land and an individual can own. Those limits should be about five hundred acres. This is because, most people have a very big or large acres of land, and this, when we see, there are other people who doesn't have even a single acre. So, these students said that, if it is possible, let there be a limit on how many acres of land an individual can own, possibly the limit be about five hundred acres.

Also, they said that there should only two political parties in Kenya, that is the ruling party, and the opposition party to reduce tribalism. And here, they also said, there should be a right for employment after successful school or training, because the students when we hear of, maybe if you get below a C+ and you will go nowhere, we tend to lose hope. But if the constitution, come up with the right for employment after successful school or training, then, we shall be motivated to even work hard.

And the other few, a student they say that, caning or corporal punishment, should be returned in our institution to instill discipline that has deteriorated a great deal. Because since this caning was removed, many students are seen to misbehave because they know that, maybe because there is no caning, there is nothing which the teachers can do about it. So, they said that should come back, and what they proposed, is that, when this caning was removed, most students who were maybe, they didn't

't know what they came to do in school, they like this corporal punishment, for example, being sent outside and study maybe digging out logs or doing othe corporal punishment outside the class, so, these students of Kilgoris Secondary school proposed that, caining or corporal punishment, should be returned in our institsutions, to instill discipline that has detoriated a agreat deal.

Also, they said, that, prisoners should have their rights restructured and should have the right to follow in presidential parliamentary and local elections. This should be given this embeddings, and a balanced diet, because what we know is as students, a punishment, is made to maybe change once behavior, but this punishment, maybe he will be given a punishment of having no freedom, but let this prisoners have their rights also.

Another view in which they gave, is the arms of the gornement should be independent. They said that, there is no need of one or the othe arm of the government, to depend on the other, but let each and every arm of the government, depend on itself.

Another view, they said that, one person should not be given more than one job. We have many capable people on the streets, yet you get one person having more than three jobs. He or she is getting more than his rightful share. This will rduce unemployment, because, as we can see, in our present country, we have those people who may have more than one job, maybe you can see, he is incharge, of maybe a lands, he incharge of maybe the county council, he is incharge of what and whatever, we can see that there are othe those people who are capable of having that job. So, let these people also be given their rights.

Also, they say, members of parliament, should not decide their salaries, the current salary should be reduced so that the money is used to assist orphans and street children by way of wise investment. This is because, if you can give this maybe Mps, if you can given them that chance of deciding for themselves, we know obvious, one will favour his side, so, we can see that, we cannot have maybe the money to give those children, who are in the streets and those people who are incapable, so they say that, the members of parliament should not decide their salaries, the current salary should be reduced so that the money is used to assist orphans and street children by way of wise investment.

Another point they say that, chiefs and councilors should be from four leavers with at least a mean D+ and they should be elected by the local people. This they said because, as we can see, most chiefs not elected by the local people. They said that, and this also, and these same chiefs and councilors are maybe illiterate, they don't know even if maybe there is a function like this one which is here, he cannot be able to express himself, before people. So they said, chiefs and councilors, should be from leavers with at least a mean grade go D+, that is at least he passed in his secondary school education, and this should be elected by the local people. Because you cannot just choose somebody, whom people doesn't like, so he can see that people will not have that freedom, they will be in stress, so, people should choose for themselves, these chiefs and councilors.

Also they said the 844, system, should be adjusted and subject to reduce exercise from parents. Because as you can see in this system of .....as students now, this system, is overloading the students. You can see that, a lot subjects are being to students and we can see in that issue, many textbooks, are being needed. And at the same time, these parents, they are supposed to buy for us these textbooks, they are supposed even to provide for us school fees and even pocket money, so, as students we came up with the few, that these subjects should be adjusted, and reduced to reduce the expenses for parents.

The few in which they came up with, is there should be a population control and everyfamily, has atmost four children, because in this present time, we can see, othe families having even more than, let us say even more than ten children and at the same time, this family cannot be able to satisfy the needs of these children. So, came up with these views that at least, let the population be limited. So, there should be a population control and every family should have atmost four children so that each and every family should be able to satisfy the needs of the children,

**Com. Abdirizak Nunow:** Sammy give us you last point.

**Mr. Sammy Nkulet:** The last point here, they said that, death penalty should be abolished. These people who have been found of mistakes, they don't have to be given a penalty as then, but just them, be told on how to live in the society. Thank you very much for listening to my views.

**Com. Abdirizak Nunow:** Thank you very much Sammy, please, get over there, and register yourself. Joel Leposo.

**Mr. Joel Leposo:** Thank you Bwana Chairman, I have come to present the views of the district Agriculture and Livestock Extension Office, TransMara District. My full name is Joel Leposo, I am an animal scientist by profession. I will basically give the highlights because I already have right .....The first thing we want to say, is that in the appointment, and selection of public servants, and we extended our definition for public servants to also include politicians. We should not only look at their academic qualifications, but we need to develop a mechanism of capturing the suitability of the relevant public worker, that is point number one.

The second point, is that, having identified the right person for the right job, can we provide all the relevant resources and facilities to that particular officer. We are not saying that the resources for a particular officer should be allocated to the officer, so that he is able to do the job that he more suitably engaged.

That point is that we need to develop a monitoring mechanism for public servants, such that at the end of the day, you can be able to say, yes, having identified the correct officer for the right job, having given them all the resources that he requires, then, we can determine and establish whether or not he is doing it right, and on that basis, we can reward or punish accordingly.

The fourth and last point, I know that liberalization, globalization has taken place, but I think our farmers, have not been adequately prepared to compete in the market place. We are therefore, proposing that a law be enacted specifically to protect our farmers;

To facilitate the development of agriculture and well creation

And then secondly, to protect our farmers, from undue competition, we agree that we need to develop agriculture efficiently, but we need also to protect our farmers from competitors who are stronger than they. I think those were my highlights. Thank you very much.

**Com. Abdirizak Nunow:** Thank you very much indeed, Bwana Leposo, that is the spirit of those who memoranda, you know, because it will be read so, you go into details, you will only be taking time that otherwise would have been used wisely because you have already put a lot of effort by writing it. So, you give highlights of a few issues, then, you.....with it. Solomon Kiteng. Is Solomon there? John Egrun.

**Mr. John Egrun:** Thank very much Mr. Chairman, Commissioners, fellow participants, Ladies and Gentlemen. My presentation is that of the county council of TransMara, and I will read the recommendations as were made by the local authority, and thereafter, I will make a few remarks of my own which will be my own and they should not be taken as against or in opposition to whatever has been recommended by the local authority.

The council recognizes the importance of local government as a cornerstone to democracy, and the more Kenyans practice democracy, at the local level, the nearer we approach to good governance, accountability and transparency.

Transparency: It is also of need to mention that local government elections, are more appealing and more interesting actually, and more important to the lives of the local system than, the national elections. Hence, the necessity to ensure that future electoral systems are carefully involved.

The council considering the questionnaire made the following recommendations:

On the election of Mayors, and Chairmen, they recommended that the councilors be responsible for electing their mayors and chairmen. Thus retaining the current system. But two, their tenure be extended to five years and councilors retain the right to pass a vote of no confidence in cases of mayor involved in a busy office, corruption, and incapacitation, defection from political parties which sponsors as bankruptcy and etc.

The council recommends physical decentralization and devolution, and that mayors and chairmen be executive chairmen and

mayors, and the chief officers be answerable to them.

The minimum education was recommended to be standard seven.

Language should be conducted, those in English, and Swahili.

Moral and ethical qualification should be there. But this should be determined by the electorate. This is because, they argue that it is more of the lateral knowledge of the councillor, than any other source of vetting.

The right of the electorate will call their council should note up why, however, if it is meant to apply, it should affect both councillors and members of parliament.

The councilors go to ...that their remuneration should be decided by themselves.

Nomination of councillors should be remain as before, but with specific reference to special groups eg women, disabled, experts, or professionals etc.

Rules should include consistency in party affiliation, and why he has ranked on political tourism occurs, he should heavily be punishable.

The president and all the ministers for local government should not have the powers to dislodge the councils.

Those were the recommendations on the local authority, I don't want to expand. But having said that, in the questionnaire, I want to just say, a few recommendations of my own and that is one is physical decentralization and devolution.

I support this policy fully, there are many sizes of physical decentralization and devolution.

I propose that decentralization and devolution of powers should be approached soberly.

Central government has its own fierce but the local government officials may, lack financial management capability. And therefore, resist, sharing power on condition that on feeling that too much decentralization will lead to destabilization of national policy.

You at the local level, fear that, more responsibility without resources, and power to generate resources locally could be a disaster. However, we need a strong local government system, with empowerment and maybe legislation. I feel that the challenge is to strengthen democracy, and local governance with the physical decentralization without dimensioning the benefits that can arise from coordinated central government benefits.

On minimum education, I wish to say that the minimum education should at least be form four standard.

In order to allow them to perform effectively, this can now must help this basic education. Noting that we are actually on the age of the dot coms, and where soon or later we might be making internet decision, we might be an internet decision making process, this we must compile.

The constitution should take into account the participation of minorities in the political sphere.

It should guarantee their rights, to take part in the conduct of public affairs, and right to stand for office in without discrimination.

As earlier as has been, that minorities are marginalized in all aspects of life. Their lands must be protected by the constitution.

I had or we have had presentations to this commission suggesting that idle land be taxed and minimum ownership of land in terms of acreage, be fixed.



We want to protest, that the highest voice that this infringing rights, is infringing the rights of the minorities.

These acts, are aimed, and passed to ....which has been, which is seen by them whom I call the ables. They imagine that these lands are virgin, because when they drive around, they look at these lands, and they think they are idle. Whereless, they actually are maximumly utilized where they have grabbed, they are usually turned this lands into deserts.

We even heard others say that the white highlands be turned to the local authorities.

My recommendation is that this lands if at all they will be turned to local authorities, should be either to the original orders or compensated.

I want to say lastly that the powers of the president and the minister for local government to dissolve local authorities, should maintained as a check-up sytem.Because, every system that does not gives outmate power, and does make a corrective measure, may fail, and that the local authority officers, should be employed by the public service commission or another public service, commission as other than directly by local authority.

I hope this and what I have said in the memorandum, will be read and thank you very much.

**Com. Abdirizak Nunow:** Thank you very much Bwana Egrun. But maybe before you leave, one small clarification, on land selling and land taxes, did you say that they should not be applied at all, or they should not be applied, in pastoral areas.

**Mr. John Egrun:** I said, I mean, the application on taxing, the idea is noted not becasse lands that are occupied by the minority tribes, but is aimed that maasailand, and is aimed that pastoralists, and those tribes called the minorities, these are the ones that I am saying they should, and the constitution should protect them from any taxes or any minimum or maximum acrage of ownership.

**Com. Abdirizak Nunow:** Okay, thank you very much, please let us have your memorandum, David Owen. Daniel Laton,

**Mr. Daniel Laton:** Asante sana Commissioner, Commissioners wote wako hapa, District Commission, Bwana Mbunge na wasikilizaji wote wa TransMara, mimi nina toa tu maoni yangu kwa urekebishaji wa katiba kwa sababu nilikuja hapa kwetu na .....tupeena mawaidha yetu. Kwanza, yangu, ningetaka tu, commission hii

**Com. Abdirizak Nunow:** Bwana Laton, anza na majina yako tafadhali.

**Mr. Daniel Laton:** Mimi ni Daniel Laton, Katiba hii tunataka iwe ni katiba ambayo ya kudumu na ya rakebisha katiba ya Kenya, sisi tunauliza, kwanaza kama jamii, wamaasai, ya kwamba, mipaka zote, za kila kabila ziheshimiwe katika sehemu zote za Kenya. Na katika sehemu za Kenya vile vile, kuna jamii, katika zile kabila ya maasai na kwa kila kabila, DC mpaka, zote za ukoo ya wengine, hiyo ndio itatufanya, tufanye tuelewane kukaa kwa usalama sababu, wakati mungu amaumba nchi, aliumba kwa sisi wote binadamu, waafik wa Kenya, na kila watu wamepata sehemu zao. Kwa hivyo mpakka kabisa iheshimiwe as sana katika ya jamii ya maasai, kwa sababu kutoka jamii ya maasai, wakuwe kidogo kidogo vile vile waheshimu mpaka za wengine.

Jambo lingine, nina propose au ninatoa maoni ya kwamba, kazi ya ma chiefs, katika Kenya hii yetu, as kama kutoka nchi zetu za maasai, machiefs wazamani wanachaguliwa na wananchi, na sasa imekuwa maneno ya interview kwa sababu enyewe ni masomo, chief lazima aende kwa interview, baada ya kuganya interview, wananchi wapitishie wake wanechaguwa kwa sababu watoto wamesoma siku hizi na hawapitishi wale wameshaguwa.

Hii ni kwamba, chief akuwa vile vile achaguliwe na wananchi baada ya interview yake.

Ingingine, Chairman to county council, ninaomba au nitoa maoni ya kwamba chairman, mayors na chairmen, wachaguliwe na ma councilors, wale ambao wanaweza kuchaguliwa katika eneo yao.

Ingingine ni Katiba hii, ya Kenya, imekuwa kila mara ya kwamba tumesoma ya kwamba, uaaji binadamu kwa ndovu, huwa mtu

analipwa na shilingi elfu salasini, na hiyo tunaona hiyo ni pesa kidogo sana, watu wanapoulia na ndovu, ipandishwe, iwe ilipwe hata million tatu kwa mtu kuliko, badala ya million mbili.

Ingingine, tunaomba constitution hiyo ambayo imekuja wachukuwe views au maoni yetu au yangu, iwe TransMara tukubaliwe tuwe na constituency mbili. Sababu tukiwa na constituency moja, ni kama mtu yuko na macho moja. Itakuwa kwamba huduma ya wananchi inakuwa kidogo sana. Kwa hivyo naomba iwe constituency mbili.

Ingingine, ninaomba, constituency hii ichakuwe, katika katiba, ya kwamba, katika jamii zote, wakenya iwe ikubaliwe sheria, au ile inaitwa material court, ifanyika katika vile vile kwa jamii. Iwe korti ya kitamaduni ya kikabila hiyo.

Ingingine, president, ninaomba, katika maoni yangu ya kwamba, president abaki na ule uwezo wake ili awachishe kuchukuwa ulindaji wa Kenya kikamilivu sababu unapokuwa hakuna nguvu, basi ile vile mnasema ceremonial dress itakuwa basi ni yule mtu yuko hapo, pale itakuwa hakuna uwezo hata wa kuhudimia nchi yake.

Ingingine, county council wapate serikali yao katika wilaya yao badala ya kuwa katika central government kutoka Nairobi. Wawe na mamlaka yao kufunyania vitu yao kaika disticts zao.

Ingingine, Councilors, wale wanapochaguliwa, wawe na the least kama ni chini, kwa sababu kuna nchi zingine, ziko chini kwa kielimu, ziwe sana kuanzia CP na kuenda mbele kw sababu kuna nchi zingine kulingana na masomo yao wachaguliwa kuanzia CP na kuenda mbele.

Ingingine, ambayo itakuwa labda ya mwisho kwangu, Kenya, ingekubalika iwe na parties mbili peke yake. Hii party tatu ambayo tunaona karibu ....arobanne na hamsini, ndio imetuletea sisi Kenya tabu, hata hatupati muelekeo uongozini. Kwa hivyo tunaomba ya kwamba, Kenya iwe na parties mbili ile ambayo inaongoza na wale ambao wasikizani na wale ambao na wale wataongoza.....chama yao. Hizo ni zangu peke yake Bwana Commissioner.

**Com. Abdirizak Nunow:** Asante sana Bwana Laton, tafadhali njoo hapa ujiandikishe. Tecla Mumlusi,

**Ms Tecla Munlusi:** Okay,

**Com. Abdirizak Nunow:** Anza na majina yako tafadhali halafu hatimaye unapendekeza.

**Ms Tecla Munlusi:** Jina langu ni Mrs. Sidai, Mimi ndiye District Chairlady Maendeleo ya Wanawake. Haya ni maoni yetu, tukiwa akina mama wa wilaya hii. Ya kwanza, ni, to view on the citizenship. And we had said, plans of Kenya citizens regardless of gender should be entitled to automatic citizenship. So, long as one is in the country permanently, now these are the reasons:

In case he or she owns permanent houses, like land, buildings, and any other assets, she should automatic .....the citizenship.

Secondly, children born of female parents, which are the Kenya citizenship, should be given automatic citizenship. Otherwise, it is against human rights to accept the mother and reject the child.

Now, we have also the basic rights. In the basic rights, we had said, equal rights in education for both boys and girls. And should be compulsory for all.

We have also security, like domestic violence, the culprits should be given maximum imprisonment if found guilty and find to compensate damages or bonds.

We have also touched on the rights of women, that is including land, and property rights, in case a Kenyan woman is not married, she should be given equal rights to inherit her parents property and land. They also say, should have equal shares of the same in the family, just like her brothers.

For a married Kenyan woman, that is a citizen of Kenya she should have a right to own property, land and to get in case of separation or divorce.

We have also touched with the title deeds, that the title deeds should have both partners , male included, the woman and the husband.

And we have also said, the total days should appear in the name of the wife, if they have lived together for a period of not less than ten years.

And we also touched in the participatory in governance, during nomination, to parliament, civil bodies, administration and other key positions, of government ministries, women should have equal rights, but we should not be said to be considered. I think that is all we have from Maendeleo ya wanawake.

**Com. Abdirizak Nunow:** Asante sana, mama kwa hayo. Afadhali tupokea memorandum yako, pale kisha uji register, Wolenanta Sitena.

**Mr. Hassan Olenado:** Thank you Mr. Chairman, Ladies and Gentlemen, my names are Hassan Ole Nado, I am the executive director of health of the maasai trust.

**Com. Abdirizak Nunow:** Hassan nafikiri sijakuita, nimeita Ole Nata sietenie,

**Mr. Ole Nata Sietenie:** Topics, the historical injustices is against the maasai as the people, land and natural resources, governance and education. Good enough, several speakers have taken opportunity to mention some few things I was also supposed to mention.

**Speaker:** Inaudible

**Com. Abdirizak Nunow:** I am Hassan Ole Nado, Executive Director of Race of the Maasai. The .....of the maasai before you

today, as this pre – independence to Kenya, in the days constitutional spokes of Lancaster House Conference, to which we consider to be our ..... The delegation, genuinely concern that the maasai land issues should be addressed in the independence constitution. In order to know where are Mr. Chairman, we must go back to the history and know where we came from so that we can know our current problems.

**Mr. Ole Nata Sietenie:** Mr. Chairman, it is true that the maasai as a people are suffering great injustices since the arrival of the Europeans in East Africa, like for instance, the former governors are the ..... mention one of his statements that I cannot admit that the wandering prides have arrived to keep other superior races, out of life parts of land, nearly because they have acquired the habit of struggling over for more than that work they can utilize. Exceptly clear Mr. Chairman, that for instance, the Uasin Gishu Maasai problems started when the large ...of land in Nandi, Uasin Gishu and Eldama Ravine, districts for alienated the Europeans settlers in 1904.

Mr. Chairman, in one, of the reports of the former land officer of Uasin Gishu, he said that there were nine thousand acres remaining of what had been already taken over in Eldama Ravine.

Mr. Chairman, we consider again that the suffering of this nation, the maasai, is because in some to the reports, secret confidential reports by Elco Sagem, he mentioned that no dacton platforms in reports with, we have no intention, of depriving natives of land, but this has never prevented us from taking the level land we want, I have now decided to protect maasai .....in the ease abestly land system, found and riding and immorality. The .....to boost the maasais and their neighbours, they sooner it disappears, and it is unknown, that except in the books of anthropology, the better.

**Com. Abdirizak Nunow:** Hassan just a moment let me stop you, that is a very interesting history, but we don't have the time to go through it, we will read it because you have written it, you have done a lot of work, please, go to your recommendations then, giving the key ones only, and we will read the rest when you leave it with us.

**Mr. Ole Nata Sietenie:** We recommend, land laws as a result of those treaties of 1904 and 1911, between the maasai and

British be declared null and void, and that the maasai land be given back to them, like in cases of other ....all over the world, for example Canada, USA, and New Zealand, to.....the view. The expiry of listhole land for example, the case of Itech, comes in Uasin Gishu districts, be given back to the Uasin Gishu maasai.

Create the constitutional commission, to obey, to work out mechanism of the situation, including a return of maasai land and compensation for loss of lives, for both human and livestock, as a result of mass movement in the Southern Rift,

Number four, the maasai have ....constitutional protection, which recognizes article number 25, of the draft of united nations declaration of the rights of the indigenous people which states indigenous have the rights to maintain and strengthen their distinctive spirituality, and material relationship with the lands, territories, waters constala and seas, and othr resources which they have traditionally onwed or otherwise, occupy or used.

Number five, the maasai be constitutionally accorded specila guarantee, as a minority, or indigeous people in cases where such protection is needed for survival as a people.

Numbr six, land lease, of area A and B in TransMara, as result of Cata Land Commission, of 1932 recommendation, be terminated, and the said land be given back to the maasai of the transmara plus payments of previous years, in full.

Mr. Chairman, as I go foreward again to mention some few on the land, we suggest, we recommend that number one:

Land control board should be replaced by community land board,.

All land mothers should be localized, as provincial adminstration, as been avenue of communism land alienation.

Number three, the transland act be abolished, and all land under trust hencesforth referred to the right ownership of the maasai.

Mr. Chairman I think you will agree with me that the major part of the constitutional review is that, the system of the governance.

Mr. Chairman, we suggest, that the Kenyan state should be referred to the former one of the 1962, the former one, the KADU recommendation, with the Lancaster House Conference, that is Majimbo system governance.

We suggest that for the constitution should .....of the ethnic groups living in areas where they occupy, and that, we therefore propose, that, Rift Valley province be divided into three regions.

Northern Rift Valley, should be Trukana, Pokot, a minority, .....that is in TransNoia.

Central Rift Valley, should be Kalenjin districts of Nandi, Kericho, Bomet, Buret, Keiyo, Koibatek and parts of Baringo.

Southern Rift Valley, all Maa speaking groups Narok, Kajiado, TransMara, Laikipia, Samburu, and entire area occupied in Baringo, by .....should be the place where the Maasai should be governed.

Mr. Chairman, we seriously deny that, the current situation of all government, is based on the separation of powers, Mr chairman, you will agree with me that that is not true, as most of the executive members are part of the parliamentary groups as for instance, our honorable president of the republic is a member of parliament, and in the same time, is the head of the executive, and at the same time, he appoints the judges and so forth, there is no difference, there is no separation of powers Mr. Chairman, to that, we recommend for instance, for the executive national powers, executive shall comprise of the president, vice president and cabinet ministers whom shall be non parliamentarians.

All cabinet ministers, shall be professionals in their respective hills with a at least bachelors degree in the level of education, or its equivalente.



The president Mr. Chairman, shall be head of the state and government, and shall be entitled to all office for a maximum of four , two years term.

All Kenyans in presidential elections shall elect him on a common role basics.

The vice president should be a running mate of the president and shall be the deputy executive of the republic.

The president and his running mate shall be holders of bachelors degree from a recognized university or its equivalent.

There shall be ten ministries headed by a minister.

The ministries shall be those scheduled by the constitution.

The president shall appoint the ministers but then both chambers of parliament must rectify their appointments, no person who has ever been elected president, or otherwise, been president of Kenya, shall be eligible and such a president under the new constitution.

Any Kenyan of sound mind and health, 30 years and above, will be eligible to five of those offices.

Regional Executive: The regional shall be the best unity of decision making, the county shall be divided into several semi autonomous regions, the boundaries of which be clearly defined by the constitution

Traditional and religious institutions should be .....in the constitution as guaranteed

**Com. Abdirizak Nunow:** Bwana Hassan Your time is up. Do you want to make one last point.

**Mr. Ole Nata Sietenie:** The Legislature, we propose Mr. Chairman, that we should have a two chamber house that is upper house and lower house. That is the we shall have the senate and the house the representatives.

In any house we propose that we shall have one third of members of the house, shall be women.

Mr. Chairman, allow me to say something on education.

**Com. Abdirizak Nunow:** .....seconds for that.

**Mr. Ole Nata Sietenie:** I will do so.

**Com. Abdirizak Nunow:** Okay,

**Mr. Ole Nata Sietenie:** Mr. Chairman, as earlier as stated, the marginalization summoned by the maasai is total and true and that marginalization has affected our education. We propose that the education curricula does not reflect pastoral, we are saying, that .....reflect pastoral life with lifestyle, with emphasize agricultural farming instead.

Private schools are allowed to continue locking out maasai pastoral children from attending national provincial schools.

There is an influence of my grand children is allowed to continue displacing maasai children from their own schools.

I would say that leading to conflict in culture and prejudices, and non commitment for running local schools. Thank Mr. Chairman.

**Com. Abdirizak Nunow:** Thank you very much, we will receive your memorandum and consider all the detail you have put in there, so don't mind that you have not been able present it all. Leporio Lekoko, Leporio Lekoko, Robin Kinyamal, Alex Makala, Wamang'ombe Peter, who is it? Wamang'ombe Peter, okay, give us your names and proceed.

**Mr. Wamang'ombe Peter:** Asante sana Bwana chairman, na wananchi mliokuja kushuhudia mambo ya leo. Kwa majina mimi ni Peter Wang'ombe, kwanza ningependa kuchangia katika kuwa uraia, raia wa Kenya anafaa, awe na kitambulisho, ikiwa ni kitambulisho hiki, tunacho sasa.

Utawala, rais anafaa awe mtawala lakini awe chini ya sheria. Na apunguziwe baadhi ya maamalaka, asiwe amri jeshi mkuu, asiwe mwenye kuvunja bunge, asiwe mwenye kutengwa mkuu wa uchaguzi, asiwe mwenye kuwa mchaguzi, asiwe mwenyue kuteuwa mkuu wa sheria, mamlaka haya yote yapewe bunge.

Uchaguzi, Rais awe mbunge au diwani, achaguliwe kwa upande wa wananchi, lakini siyo kuwanunua wananchi.

Ufisadi: Ufisasi uangaliwe kutoka kifedha hadi kiukoo.

Kasha ipewe uzito mwafaka kutoka utawa hadi .....

Mwizi: Mwizi akipatikana na ashuhudiwe anatekeleza, anafaa akatwe miguu.

Ukabila: Neno ukabila lina faa lipigwe marufuku, neno taifa linafaa ziadi.

Fedha, makadilio ya fedha ya serikali inafaa isomwe kwa lugha ya kiswahili, ndio mwananchi wa kawaida apate kuelewa.

Wanasiasa: mwanasiasa anaposema jambo, au anaposema jambo lolote, ni lazima jambo hilo alitekeleze, asipo fanya hivyo, apigiwe kura ya kutokuwa na imani na nayo.

Kidini, wananchi wapewe uhuru wa dini, bali siyo uhuru wa kuabudu, apasaya kuabudiwa ni mwenyezi mungu peke yake yake.

Walemavu: Mlemavu anafaa apewe mshahara angalau elfu moja kwa mwezi.

Elimu, ama kwa kweli, wanadamu, siyo sawa, kuna matajiri na masikini, kwas hivyo ingefaa, serikali ijaribu kuweka vifaa shuleni kama kw mfano vitabu, kalamu, dawati na kwa wale kutoka jamii maskini na wamepita mtihani wa darasa la nane, wasaidiwe, siiyo tu ki mananeno, bali kimatekelezi. Asanteni.

**Com. Abdirizak Nunow:** Asante sana Wamang'ombe kwa hayo, umekuwa precise, focus on the point, haya sema makala.

**Mr. Simon Ole Makala:** Bwana mmwenye kiti na commissioners, nami nimeandika, memorandum yangu, wach nikimbie tu nifanye, sehemu sehemu ambazo naona ni mhimu. Kwanza, jina lanu ni Simon Ole Makala, na nini haya ya kusema, kuanza constitution yetu ambayo iko sasa haina kitu, na inaitwa preamble ama national statement. Kwa hivyo ningependa constitution ambayo mnaandika iwe na preamble ama vision statement ambayo itakuwa na haya:

Lazima iseme maneno ya national soeverignty, nationa physlosophy, sisi kama wa Kenya, tuna phylosophia gani ya yetu? National principles, Democratic principles, National values, Basic human rights, and in all general directions and how to get there and national vision.

Na pia iseme mambo constitution supremacy. Bwana mwenye kiti nataka kusema machache kuhusu ofisi ya president, ama presidency. Ningependa kuona tukiwa na Rais, chini yake tuwe na waziri mkuu, na manaibu wawili wa waziri wakuu na pia chini yake tuwe na mawaziri, na mawaziri wasaidizi.

Kazi ya president ama rais ambaye atakuweko awe ceremonial, hatutaki masanduku ya president imbizwe vijivijini kwa maana hiyo ni njia moja ya corruption, kwa maana president ikujuwa Rift Valley haijampa kura, hatasaidia Rift Valley, kama anatoka Nyanza, atapeleka nguvu yake yote na uwezo wake huko Nyanza. Hatasaidia kwenu, tatukuwa na president ambaye atakwu ceremonial. Na yeye atachaguliwa na parliament, kwa mapendekezo ya waziri mkuu. Na asiwe mwana chama wa chama chote chote cha kisiasa. Na asiwe mbunge, na yeye akuwa na uwezo wa ku appoint a leader of majority I parliament to form the government.

Awe na uwezo wa dissolve parliament, na asiwe juu ya sheria, awe chini ya sheria.

Nimesema mengi, lakini wacha nikate niseme machache tu,

Hali ya afya ya president iwe imeangaliwa kabla ya uchaguzi ama kabla hajachaguliwa, kw maana Bwana Mwenyekiti, utakubaliana nami ya kwamba asaidie nchi yetu kwa maana 1992, tungekuwa na mtu mgojwa kama Rais na hatujui na hatujui mweshowe tungekuwa wapi. Kwa hivyo, rais afya yake ingaliwe, sisi .....kabla hajachaguliwa na kw ofisi hiyo.

Lazima a serve only two terms consecutively, na awe na ile tunaita uwe wa .....of mercy, iwe alikutwa anaweza kutoa msamaa.

Na awe commander in chief lakini asiwe na uwezo wa kutuma askari wetu katika vita, ma hata atume askari wetu waende hiyo ma peaces missions wameenda, bila kuwa na kibali cha senate.

Arais awe, Katiba yetu ye establish armed forces with the president as the commander in chief. Katiba yetu haina hii leo, ama kama iko, is not very clear, kwa hviyo the current constitution ya establishe armed forces with the president as the commander in chief.

Wakati wa emergencies kama tuseme tuko katika hali ya vita, the nations under attack was threatened, there is a national disaster, president anaweza aka deploy army lakini a report to the parliament within 24 hours. Kusema kuna emergency, na nimetuma askari waangalie hiyo kazi. Lakini awa na uwezo wa kura ya tuzo.

Mwisho, president aki retire, apewe full security, na apewe welfare yote, malipo, alindwe vizuri, ili tu encourage kuwa na ma president wetu ambao watakuwa wana stafu na kwenda kukaa vijijini, wakiwa raia wema.

Hatutaki president aki retire aletwe kortini, asumbuliwe, ama anyanyaswe kwa njia yeyote, na awe na full with unity.

Anything that he did when he was in the office.

Tutakuwa an waziri mkuu, na huyo waziri mkuu atachaguliwa, atachaguliwa yule kiongozi wa party ambayo itakuwa na majority, katika baada ya uchaguzi, yeye ataalikwa na Rais kuunda serikali, na awe anakuwa impeachable akifanya makosa, vote of no confidence ipitishwe na bunge, with two thirds majority na .....

Ni maoni yangu Bwana mwenye Kiti tuwe na senate, tuwe na house of parliament ama house of representatives, tuwe an regional assembly na tuwe city municipalities na counties katika ngazi ya chini.

Mumesema mambo ya developing of powers, Nairobi iwe kituo chetu chetu cha kutoa policy ama muongozo, lakini operations zifanywe at provincial and district level.

Tumesema political systeme ya ku run serikali, basi ianze Nairobi, ikuje mkoa, ikuje district kwa maana tusipofanya hivyo, tuta create a vacuum somewhere. Na hiyo lazima iwe , kwa hivyo political set up iwe president, prime minister, deputy prime minister ...

Senate, mtu sitasema mengi, iwe election yao when you govern us sitasema chochote, lakini wacha niseme counties, counties Bwana Chairman, ningenda kuona chairman akichaguliwa na wananchi, si councilors, awe na minimum kabis ya education at least awe O level, na naunga hata yule kijana wanafunzi alisema awe na D+ and above, kwa maana huyo tutajuwa amepita mtihani. Kwa maana kama tutaondelewa ma DC kwa maana mapendekezo yangu ni kwamba tutoe provincial administration, tujetuwe na mzee wa kienyeji sasa atajuwa kazi ya DC. Hata Mbunge hapa alisema, OCPD awe answerable to the chairman wa district. Because he will be an executive chairman, atajuwa kazi ya polisi kama hajui kusoma, atasoma hata ile ma report ya polisi asubuhi, tunataka mtu ambaye amesoma Bwana chairman na minimum iwe O level.

Pia katika hiyo, tunataka mambo ya provincial administration indolewe, hiyo ndio inatuletea shida katika Kenya, kwa maana mnasema, a political government, lakini utakuja unakuta PC, anatawala ma councilors, DC amekuwa governor hapa chini ndio inaleta taabu nchi hii. Kwa hivyo tuwe na setup ya polisi constituency, ili raia wa Kenya, ajuwe amechaguwa president, amechaguwa provincial governor, amechaguwa, chairman katika district yake na hao ndio wataambiwa usiponifanyia kazi vizuri hivi, si DC wakuenda kutoa na kusema, mimi natoa amri ama lazima mfanyi hii, hiyo hatutaki, na Bwana Chairman, kazi ya chairman, katika county council, hatutaki kusikia ati chairman wa Game Committee, Chairman wa Forest, Chairman wa Finance, tuwe na watu kama ministers, ambao watakuwa wanajibu wamaswali katika council wakati wa mikutano, kwa maana yeye, tuna a little minister wetu anasimamia pesa, mwingine anasimamia forest, mwingine anasimamia ma barabara, mwingine anasimamia elimu, na kadhalika, kwa hivyo watakuwa wana run department ya council with executive powers, ku run hizo divisions zote, including the security.

**Com. Abdirizak Nunow:** Bwana Makala your time is up, ..... your memorandum is big, we will read it.

**Mr. Simon Ole Makala:** Please, let me say something, land, tunataka constitution ambaye ita decentralize management of land. The constitution should decentralize management of land. Na, nimepata nafasi ya kusoma constitution ya Uganda, ukiangalia at point two, three, four, subtitle 9, halafu na section 26, 31, 32, na 33, they have done exactly what I am talking about.

Katika location, Bwana Chairman tuwe na objection. Katika division tuwe na tribunal, katika districts tuwe na appeal. Na hii itasimamiwa na wazee na akina mama ambao wamechaguliwa na raia, na wakisha chaguliwa, wana serve within three years. Na itakuwa responsibility ya serikali, ku wa train on land laws.

Bwana Chairman kitu inaitwa director of location of land, ndio imeleta taabu hapa. President asiwe na direct allocation of land, commission of land asiwe na direct allocation of land, na hata minister, Bwana Chairman, tuna court moja Kenya inaitwa kortini ya waziri wa ardhi. Ni hii korti moya inashinda ma case yeto ya republic, tuna ma judges zaidi ya thelathini lakini hata hawamalizi ma case. Tuna magistrate hawawezi mali case, kwa nini tunakukuwa na judge mmoja Kenya ambaye ana handle all the cases, na siku hizi tunaona, inaenda anaangalia file, is too complicated, anarudishia DC, DC atawaliwa na mambo ya local

hapa, akiona huyu mtu si mtu anapendwa na wanasiasa, huyu anatendewa ki vingine, yule mwingine anatendewa, anapendwa na wanasiasa, anatendewa kivingine. Kwa hivyo tunataka case yetu ianze location at objection level, iende division at arbitration ama tribunal ikuje district, iwe handled na wazee wenyewe na case yetu imalizikie hapo.

Bwana Chairman utasoma lakini ..

**Com. Abdirizak Nunow:** Okay, thank you very much indeed,

**Mr. Simon Ole Makala:** Ningesema tu kitu kidogo, kodogo tu Bwana Chairman, tafadhali, hata nitasimama,

**Com. Abdirizak Nunow:** Now, keti tu,

**Mr. Simon Ole Makala:** Kuna mashtaka, ambaye inasemekana eti, provincial tukitoe, tukieka provincial government, itakuwa very expensive, Bwana Chairman, nataka kusema, is not expensive, kwa maana tutakapo ondoa ma DC, tutoe wale bureaucrats ambaye wanakaaa katika districts na provinces, hii kitu is not expensive, remove all the outdated provincial administration, except chiefs, tuwache ma chiefs, toa , remove urban and town councils ambaye some are viable, hatutaki hiyo, tuwe na county council peke yake ina run the whole district. Tutoe hii wanatoa kwa kijiji hapa iko ati urban council ingine sijui iko na town council, ambaye they are unviable, they cannot be run, toa hiyo, reduce members of provincial currently based in provinces, districts, ministries, ziwe reduced. Utakuta serikali itakuwa na ministers kama tano hivi, wa defence, wa finance na wa foreign affairs. Tuta run, the country will run. Kwa hivyo is quiet expensive, eliminate dominated councilors and eliminate nominated MPs. Hiyo ni tu cut the costs that will let the country go.

**Com. Abdirizak Nunow:** Asante sana Bwana Makala, tafadhali upeene pale, na register ijazwe, ukisha andika hiyo ni kama umepeana, Stephen Ole Narupa, na tafadhali usizidishe mudaa, uone huwo muda zile points ambazo unataka, hazijatajwa pengine.

**Mr. Stephen Ole Narupa:** Majina yangu ni Stephen Ole Narupa. Yangu ni kusema, kama ni president, mbunge, councilor,



waweze kutangaza mali yao, kabla hawajaapishwa siku ya uchaguzi.

Iwapo atapatikana na hatia, aweze kutawaliwa mali yake na kupewa wengine.

Kituo cha polisi waweze kuputia wao pia computer ya kuezxa kuk record statement, kwa sababu kituo cha polisi unapoenda, ukiwa na shilingi elfu kadhaa, wanakuambia tubadilishe statement yako ilikuwa mbaya, wawezi ku reord na computer ii, watu waweze kuelewa vile inaendelea.

Langu lingine nasema, eno ya mipaka, sehemu ama watu wanao husika na ardhi, mtu aweze kumiliki haki yake na kupewa title hiiyo kwa muda wa mieze tatu. Kwa sababu watu wengine wanaitamani ardhi, labda eno la wa maasai ni kubwa, wanataka kwa sababu wamaasai hawana title deeds. Na iwapo tungekuwa na title deeds, hukuna mtu angetamani hiyo area.

Langu la mwisho ni kusema, ikiwa sisi wa maasai, tumeshirikishwa na hiyo urekebishaji wa katiba, kwa nini sisi wote, tusihusishwe na muda mrefu ili tuweze tuendeleo, ni hayo tu.

**Com. Abdirizak Nunow:** Asante sana kwa hayo, tafadhali jiandikishe pale, Ole Tompoi Lenius.

**Mr. Ole Tompoi Lenius:** Bwana Commissioner, ...na wenzangu wote hamjambo. Kwa jina mimi naitwa Ole Tompoi Lenius, na yangu sina memorandu, ni na ya kusema verbally.

Yangu ni machache kwa sababu muda murefu nafikiri zaidi ya miaka kumi tumesoma, tumesoma, tumesoma kwa magazeti, na kusikia kwa radio na TV, kitu inaitwa constitution. Lakini, ni watu wachache mpaka wa sasa wameelewa hii kitu inaitwa constitution. Mimi langu, ni kwamba ningepomba nyinyi commissioners mko hapa, hata ni bahati nzuri nasikia tu Tobiko nimemuona leo, siwahi kumuona yeye. Ile ya kwamba yeye ni mmaasai, na anaweza kupitisha hata wewe mzee mwingine mwenye kiti, pelekani hii mambo kwa sababu ni kama ya kwamba, yaani mkiangalia, hii kitu ni ya watu wachache, kwa sababu saa hii, bwana mwenye kiti, uki appoint mzee mmoja hapa, au mama, umuulize afafanue kitu inaitwa constitution, nobody can

know, hawezi kufafanua, hata mimi mwenyewe ninapo kaa hapa, sielewi hii constitution ni tofauti gani ya constitution na sheria, because there is law, and then there is constitution, sasa, hataja pata civic education, na si ati sisi ni wajinga Bwana Chairman, hatuja pata time to be educated, na tuelewe, constitution ni nini, ile tuweze kuja, kupeana maoni.

Mimi natoka sehemu hii ya Southern part of the district, na hatuja wahi, tumeona advertisement, but th committee of the district has not come or these other I hear, NGOs, ambapo wenzangu wali mention.

Hatujapata elimu kuhusu hii, ili tuweze kuja kupeana maoni kama tumeshaielewa, kwa hivyo langu ni fupi, na nina kuambia sijaandika, na ningomba, you delink hii constitution review ya Kenya, delink it, na hii kazi ya election. Let the general election go on with the Kipuitu Commission, nyinyi constitution review ya Kenya, muendelee na hiyo mambo, kwa sababu mkiarakisha, vile mnavyo sema ati itakuwa tayari by September, I don't thing it will work. Kwa hivyo maoni yangu ni kwamba, nyinyi muendelee, wacha Kibuti aendelee na kazi yake, asante.

**Com. Abdirizak Nunow:** Asante sana, tafadhali, njoo ujiandikishe, Mrs Zipporah,

**Mrs. Mary Ziparu:** Chairman, na Commissioner mwenzake, jina langu ni Bibi Mary Ziparu. I am part and parcel of the Maendeleo ya Wanawake, so, what I am going to say, is just a little which was left not mentioned in the depth, and I want make a few points, touching on the inheritance of women, especially, a widow, and a childless woman in the maasai community. Inheritance of property by a widow, the points to be made here, are made with specific reference with the maasai community and their cultures, and traditions, with the aim, of seeking protection under the law for maasai widows.

One, a childless lady upon the death of ther husband, is not entitled to inherit anything at all. Be it livestock, or any other properties that the husband may have owned. Usually, in the maasai community, if a woman has no child, maybe if the man, if the marriage was polygamous one, the sons of the other co-wives, will come, into the house of the other one and inherit everthing that was there. Usually, in most cases, the poor woman is .....from the home, and because of this, we are seeking probation under law, to have the rights and the future of the unfortunate woman, we are recommending that they should be

protected by law.

Two: A widow with under age sons, the maasai community, or in the maasai culture, an uncircumcised boy, cannot inherit property. Rather he must wait until he is okay to inherit. This usually brings problems because, when a person dies, a meeting is held in the home, and a Trustee is chosen among the relatives, usually the man's brothers, or even from the clan, and this usually brings problems, because the property should not be managed properly, maybe even, there will be mismanaged by those who are there, and we believe that the right person to be a trustee, for these children, or for these children who are under age, will be the mother. And so, we are seeking and we are recommending to say that, the rights of these women and the future of their sons, should be safeguarded, by ensuring that, the right of the widow to inherit the property and holding the trust for her sons.

One, last point, I will not read anything else, this is discipline must be good. Please give the husband, we felt that as parents, we must talk about discipline in schools. Discipline in schools has deteriorated a lot, and we believe that, we are sparing the rod and spoiling the child, so, we recommend that corporal punishment should be returned to schools, the cane should be used to instill discipline in schools, thank you very much.

**Com. Abdirizak Nunow:** Thank you very much for those views, Francis, Francis Ng'eno,

**Mr. Francis Ng'eno:** Thank you very much Bwana Chairman, and the other Commissioner, .....Now, as for as the constitution is concerned, my name is Francis Ng'eno, I am an employee of the Kenya National ....of Teachers. TransMara Branch.

I will start by talking about public debts. Actually, we feel, that parliament should actually be given the mandate to debate and approve all debts and grants from other countries.

I think the political parties have been mentioned, and to our case, we thought these parties should be there so that there should

be unity.

We also touched about the cost of the Attorney General, that is the Legal Government Advisor, and we said, he should also be a government appointee and should be somebody who is a lawyer, he should be a judge of the high court, and should have experience of at least five years.

We talked also about the Auditor General, we thought this post, is very important and should be advertised and the person should also be a parliamentary appointee, and security of tenure should also be specified. And should not actually serve for more than five years.

Now, we also talked about some commissions which are not orderly in the constitution, we thought this commission should be part of the constitution, we talked about education service commission and teachers service commission, we said this two important institutions, should be entranced in the Kenyan constitution, we know these are some of the employers of the government or the public workers.

We saw, the type of government to replace Mr. Chairman, we thought we should have a unitary type of government, which will bring the people together.

We also said that the type of president, we said we should have a parliamentary type with a prime minister and a ceremonial president.

Now, we also talked about the parliamentary calendar, Mr. Chairman, you these are in the secret weapon, so we thought there should be a clear parliamentary calendar, we thought that when the relationship be held, and when the life of parliament should end and also in the constitution, it should specify the two terms period of the president in office.

We talked about the qualification of a person, who should via for the post of the president, and we had some .....Mr. Chairman, I would like to mention them, but we say, he should not be young leader or he should not be a young turk or an old

man, he should be between 40 years of age, and maximum 60.

We also thought that we should also be somebody who is a graduate, he should also be well learned.

Just to mention a few, we also talked about the qualification for a person to be an MP, we said he should also be a degree holder and also, he should be at least, 35 years of age.

Mr. Chairman, we said that somebody, to qualify for the post of an MP, he should declare his or her wealth, and he should not be bankrupt.

When people have talked about the provision for chairmen, and mayors and councilors, which we share, that to us, we saw that, he should be at least 30 years, somebody to be made a mayor, or a chairman of the council, and he should also have education of at least, that is the councilors and the mayors should be at least of O level, but .....councilors, and the chairmen, but the mayors should at least be a degree holder.

Mr. Chairman I would like also to mention something which is somehow common here in our district, we feel it should also be included in the constitution. This is the man ....we have our game reserves, and the national, our game reserves we feel, and the national reserves should be fenced properly. There should be n animals which are a stray, and also the local community bordering the game reserves should benefit directly. Not that collection of going to Nairobi, and the rest.

Incase of death, or crossed and livestock damages caused by wild animals,

compensation should be done immediately and properly. One of my colleagues says it should be at least three millions. Mr. Chairman, we are saying this because most of our people here, have suffered, and we believe, TransMara for example, county council is caring over these animals on behalf of the central government, and therefore, the people in this area should not suffer.

All animals should be made to be in their reserves, they should not go round. Game rangers for example should be well trained and equipped.

We also talked about the worship, freedom of worship should be guaranteed. Now, Mr. Chairman, I would like to go back again to the election of the president, and we said, the election of the president successful candidate should have at least 25% from all 8 provinces of the votes cast.

Counting of the votes should be done at a polling station.

We also thought the successful candidate should honor 51% votes in the capital city. Mr. Chairman you know the capital city for example in our country, is actually occupied by all races, so if the president who will honor 51%, will actually have got the mandate of all the races because they are all, we believe in the city.

We also saw that most of our citizens have been deprived the voting because they have been doing rushing in registration of voters.

And thought the voters registration should continue, should be a continuous process. And we thought a person to vote, should be at least 21 years, because you know, he cannot be sleepy. ...or something like that.

**Com. Abdirizak Nunow:** Please summarize

**Mr. Francis Ng'eno:** Okay, something Mr. Chairman, okay, I talk about the children, the right of children Mr. Chairman, should be in the constitution, and finally, I like to something about the physical handicapped. The constitution should recognize them as ...citizens and the government should have special schools for them in every districts, and equal opportunities with others in employment, thus Mr. Chairman, I bet to say that there should be no , minor amendments for the constitution once it is made. This one maybe could be said because it was done in 1963 in the Lancaster House.

We feel that the constitution, should not be amended just all the time, it should at least stay for 50 years, and again, a review can be done instead of minor amendments. Thank you very much.

**Com. Abdirizak Nunow:** Thank you, John Kiptikoi.

**Mr. John Kiptikoi:** Commisison Chairman, Mr. Nunow akisaidiwa na Keriako, .....Councilors, wasikizaji wote, mbele yenu, mimi naitwa John Kiptikoi, nikitoa maoni yangu kuhus katiba hii inaendelee. Nikianzia upande wa president, ambaye watu wengi wamesha ongea, president anatakiwa achaguliwe na wananchi, na asiwe mbunge.

Na asiwe juu ya sheria, na achaguliwe akiendamana na makumu wake pamoja wasiwe wabunge.

Nikija upande wa wabunge, mitihani ya lugha, inatosha, hata tukiangalia ya sasa, ni watu wamesoma, kwa hivyo tukisema mitihani ya lugha, hii ni automatic, kwa maana karibu wote wamekuwa professionals. Na wabunge wawe watu professionals, wasiwe watu ambao hawana elimu. Hasa elimu ya juu kuanzia .....na kuendelea mbele. Kwa maana hiyo inatuletea shida.

Mbunge anaweza rudishwa nyumbani na wanachi, ikiwa services zake hazionekani zina saidia wananchi waliochaguwa ande upande wa bunge. Na hii inaweza fanyika kwa kura, ya zaide ya aslimia 60.

Tukikuja upande wa serikali ya mitaa, chairmen, chairmen wawe watu wamesoma, inaweza kuongea kingereza na kiswahili, na anaweza kusoma vizuri ili asi,

**Speaker:** Mpaka kwa kiwango gani?

**Mr. John Kiptikoi:** Kiwango cha form four na kuelekea mbele.

Ikiwa services zake hazionekani, zinasaidia district, anaweza, ma councilors wanaweza kufanya uchagusi tena, ama maisha ya kurudisha yeye achague mwingine.

Na Chairman achaguliwe na councilors.

Pia Chairman wa .....Committee ya county council, waweze kuwa watu wamesoma, amabo ni form fours na kuelekea mbele pia. Kwa maana hapo ni mhimu pia ambao mambo yake inahitajika hapo sana.

Niki kuja upande wa elimu, Kenya yetu ya sasa, hatuna elimu ya bure. Hata ukianza shule ya msingi, mpaka university level, tukkuja primary, tunakuta ya kwamba serikali yetu ama Katiba ya sasa inatupea walimu peke yake ambao wanalipwa na TSC.

Tukikuja kwa vitabu, wazazi wananunua, tukukuja kwa ujenzi, wazazi wanajenga, karibu kila kitu wazazi wanafanya. Kwa hivyo hapo tunaweza kuona, hatuna elimu ya bure, kuanzia nursery mpaka secondary schools, tunajuwa kufika university inaweza kuwa bei ghali, ama mambo inaweza kuwa ngumu, hapo serikali inaweza kuona ya kwamba inaweza lipwa, ili administration pia ya university isaidike.

Tukikuja upande wa hospitali ama health care, hospitali yetu ya Kenya hasa .....na serikali, haisiadii sisi kabisa. Madawa ile inasaidie huko ni kidogo, ambaye pengine ile ya bei ya chini, ambaye siyo rahisi kuponyesha mtu, na serikali wanatakiwa wanalipwa kabisa ama katiba ihakikishe ya kwamba, serikali imesiadia sisi, tukiwa wananchi, kwa kueka utaratibu wa madawa ile inaweza kusaidia mtu akiwa mgonjwa, na atibiwe na apone, asiende kutafuta, atibiwe mahali pengine.

Na tukikuja kwa upande wa daktari, ambao wanaweza, wanasimamiwa na serikali, malipo yao iko chini. Hiyo tuseme watu wote wa serikali, walipiwe pesa ya juu, ili waweze kutimiza kazi yao vizuri.

Tukikuja kwa police force, ama watu wote wa serikali, unakuta police, wanaweza lazimika, wafanye kitendo ile hawangetaka kufanya, kwa ajili, ukiona payroll yao, mtu anaweza kuwa analipwa karibu elfu saba ama elfu kumi, kujaribu kufanya budget na mtu ako Garissa, ama ako wapi, hatakuja kuona watoto wake inakuwa shinda.



Sasa unakuta kila wakati tunawalaumu polisi ya kwamba yeye ni corrupt ukifika hospitali daktari ni corrupt, ukifika .....ni corrupt, mtu analazimika kufanya corruption kwa ajili apate ile inatosha yeye. Kwa hivyo tungesema polisi anaweza kupewa zaidi ya elfu arobanne, anama hamsini na kuendelea mbele ili , asiwe tempted kutenda yale yasiyo wezekana, kwa maisha yake. Na hapo, wananchi watasiadika.

Nafikiri mengi yamesemwa, ana mimi nitafikisha hapo, ili wengine waweze kupata nafasi ya kuendelea kwa maana yale yote nilikuwa nayo wengi wamesha sema na sitaki kurudia rudia tena yale nimekubaliana nao, asante sana.

**Com. Abdirizak Nunow:** Asante sana Bwana Kiptikoi kwa maoni yako, Diwani Daniel Sitai, Councilor Sitai, Councilor Tampati, Emmanuel Ruandai, Isaac Victor, Gideon Sinyai, Karaguri Mokaya, Savia Lodi or Savia yuko? Haya. Anza na majina tafadhali.

**Mr. Francis Lodi Savia:** Kwa majina naitwa Francis Lodi Savia. Mimi hasa, napendekeza sana mambo ya ulemavu, kwa sababu mimi pia ni mlemavu. Mambo hayo ni kwamba ..... Kwanaza ma shule za walemavu ziongezwe au kama zisipo ongezwa, walimu wanavyo juwa wafunzo ya waalemavu, waweze kuzambazwa katika kila wilaya. Na wawe wamesoma, wamefuzu katika Kenya Institute for special education.

Katika shule za upili, walimu wawili katika kila shule wangepaa sana katika mafunzo ya vipofu, na bubu pamoja na viziwi.

Katika shule za msingi, katika kila taarafa kuwe na shule moja ambazo kuna waalimu wawili, wanaweza kufunza mafunzo hayo.

Ya pili, mambo ya hazina ya walemavu, ambayo iko katika ofisi ya Rais. Hazina hiyo ya walemavu, napendekeza ya kwamba iwe ikigawiwa walemavu, bila hata kutuma maombi, kwa sababu, walemavu hawo, wanaweza kupeleka majina yao katiak ofisi ya DC , na wanapopeleka huko, DC apeleke majina hayo katika ofisi inayohusika, na pesa hizo waletewe walengwa, kwa sababu hiyo siyo pesa ya mikasa. Ni pesa ambayo imeekwa kando katika .....ya matumizi ya serikali.

Ya tatu, walemavu, wapewe elimu ya bure kutoka shule ya msingi, hadi chuo kikuu, kwa sababu kuna wengi walemavu hawapelekwi mashuleni. Wanakuwa vikwaso katika, wakiwa nyumbani, na hata wengine penda kuomba omba katika mitaa kwa sababu ya kukosa elimu.

Kazi, walemavu kwa mara nyingi wamenyimwa nafasi za kazi katika mashirika yasiyo ya kiserikali, kwa hivyo sheria itungwe kulingana na katiba ambayo kila mlemavu, ambaye ana kiwango cha elimu, kufikia secondary, apewe kazi ile ambayo anawez kuifanya.’

Ya nne, yapenda kujisiasana, mambo ya wanawake, wanawake ma nyumbani wanafaa walindwe kuhusiana na katiba, kwa sababu wananyanyaswa kwa mambo mengi, kama vile kupigwa, kuhudulimiwa, na hata kufukuzwa ovyo ovyo, baada ya waume wao kuwa walevi kwa sababu ambazo hazina msingi.

Na wanaume ambao wanafukuza wake zao, au kuwapiga, inafaa wapewe adaba kali sana kama kifungo cha miaka mitano. Na mwanaume huyu akiwa katika kifungo hicho, huyo mwanamke aweze kupewa mahitaji yake na serikali ili iwe adabu kwa wanaume wengine wenye tabia kama hizo.

Pili, ni Equality: Wanawake na wanume wawe sawa kikazi na hata kijamii, kwa sababu mwanamme, ni kichwa cha nyumba. Na mwanamke, ni shingo, na bila shingo kichwa hakita simama.

Jambo lingine, mambo ya mzingira, mazingira, au mali asli, inafaa isimamiwe na mwenye ardhi, na ardhi huyu, anaweza kuitumia mazingira hiyo vile anataka, na asiweze kukamatwa au kuganyiwa chochote, kwa sababu yeye wenyewe anajuwa jinsi atakavyo tumia, na ni mipango ipi anaweza kubakisha ili aweze kumsaidia nyakati zijazo.

Kama vile uchomaji wa makaa, lazima iwekwe katika Katiba kwa sababu hiyo, inasiadia watu wengi sana ambo hawajapata elimu, sababu wengi wa wamaasai hawana elimu ya kutosha kuandikwa kazi, wenig wao ni wazee na hawata ajiriwa, kwa hivyo

iyo makaa inaweza kuwasaidia.

Jambo lingine, ni

**Com. Abdirizak Nunow:** Na hiyo ni ya mwisho.

**Mr. Francis Lodi Savia:** Ni mabo ya siasa, siasa, vile tunapokuwa kuwa kuna upinzani, na chama tawala, siyo mambo ya kurishiana matusi, kuwe na joint political rallies ambapo kutakuwa mjadala, waweze kuuliza maswali, na wajibewe na wale wako busy ambao, wanagombea viti hivyo. Na hapo ndipo, kura ya maoni inaweza patikana, ndipo kura enyewe ipigwe wakati ukifika. Ni hayo tu, asanteni.

**Com. Abdirizak Nunow:** Asante sana Bwana Savia, tafadhali njoo hapa juu ujiandikishe. Kama umepeana maoni. Na nimwite Nipaipol Daniel, halafu utupee mapendekezo tafadhali.

**Mr. Daniel Nipaipol:** Thank you very much Mr. Commissioner and your fellow Commissioner, straight away start because of the limitation of time, and I will begin with preamble.

Preamble: And in preamble, some of the things that should be noted include that authority come from the people.

And that people should act through their representatives.

Again, people should govern through their will and consent.

Lastly on preamble, embassies be put on justice and liberty equality among all Kenyans.

On political parties, I would just the following that should be limited to three, and these political parties again should be financed from public funds.

May also address the issue of supremacy of the constitution what I can say, the constitution should not be amended anyhow, this can only be done true referendum and this will be collecting the views of the people concerning the same.

On the issue of MPs, MPs should not be a minister, this has brought about conflict of it, see how we can see a minister serving the president and again we can see serving the constituency and at the same time, Kenyans in that capacity as a minister, so, he should only be having one job, and that MP.

All major appointments that should be done, should again be presented by parliament and this includes, appointments of all parastatal heads.

Ministers again after being appointed must be rendered by parliament, and all other public officials.

Again, this has been said, by many people that people should recall their MPs when they are non-performing and this again should include councilors, people should ...back home.

Chairman of a mayor of county council be elected by the people. And they should be elected directly by the people for five years.

Again the qualifications of a chairman, should at least be a form four, and the language test must be administered. So that he can participate effectively in his work.

Again, may I talk about the issue pre-independence treaties and ..... I can see this one will bring a lot of problems so, what I can say, it is not to be retained, it involves really opening goods, which are already in. So, I can say should not be retained.

Prisoners and undischarged bankrupt should also be given that right to vote, these are Kenyans, and they have a right to vote. So, they should not be denied that chance of voting.

What people have also said is he president not being a member of parliament. This bring again the .....of interest because if representing that particular constituency.

On basic rights, I would recommend the following, that the civil and votal rights be wide enough to include a right of privacy, and right political participation.

On social and economic rights, in our constitution, there is not such provisions, and should incude, a right to peace, a right to clean environment, a right to education, employment which includes a fair working conditions.

Again, we should have a right of assess as the information in possession of state, so long as there will not course any .....to the state security.

On Judiciary, I would recommend the following, there is need to create the office of constitutional court that constitution courts will deal with interpretation matters. Again supreme courts should be established by the constitution.

Lastly, on offices and commissions, I will recommend that the office of Ombudsman, be established by the constitution. This again will receive the complaints from the people, and act, should be given powers to prosecute those violaters of law, and with that, I will mark the end of few highlights.

**Com. Abdirizak Nunow:** Thank you very much Daniel,

**Mr. Daniel Olenga:** Commissioners na wasikilizaji, kwa majina naitwa Daniel Olenga, na hapa niko na machache .....ambayo kabisa haionyeshi mwananchi akoa wapi. Hakuna mahali popote ambapo mwananchi wametajwa, katika utangulizi, au preamble ya constitution ya Kenya ya 1963.

La pili, ni ya kwamba, tanzu tatu ya serikali yaani parliament, executive, na Judiciary, igawanywe na ipewe mamlaka sawa ili isiwe ikaja ikawa, kuna utanzu ambao uko na uhuru kuliko wengine.

President, wa nchi awe nachaguliwa direct na siyo mbunge.

Pia kuwe na waziri mkuu, ambaye katika Katiba ya 1963, hatuna waziri mkuu, na mawaziri na kadhalika, pia ofisi ya Attorney General, ambayo inasemekana ya kwamba ni public prosecutor, naona ya kwamba, public prosecutor, akiwa ni AG, haiwezekani, yeye, Attorney General kushitaki, watumishi wa serikali ambao yeye pia ni mmoja wao. Kwa hivyo, ni heri tuwe na ofisi ingine ambayo inajulikana ya kwamba Ombudsman, au complaint officer ambaye pengine, atakuwa akiangalia masilahi ya wanachi, wakati wanapo sumbuliwa au wakati wanaponyanyaswa na watumishi w serikali.

Neno lingine ni ya kwamba elections, au electoral commission, iwe independent. Isiwe ina chaguliwa na president, au political party ile ambayo iko katika power wakati ule lakini, wawe ni watu ambao wanachaguliwa katika bunge. Halafu president ni kazi yake kukweka sahihi tu.

Kuna mambo ya uuzaji w ardhi, na sheria zake, land laws yote iunganishwe iwe ni land law moja. Kwa sababu hizi land laws zinapatia president uwezo wa kupeana mashamba, inapatia commissioner plans, uwezo kupeana mashamba, inapatia wazari wa kupepeana mashamba, na hiyo mashamba si ya watu hawa watutu ambao nimewataja.

Mahamba ni ya wenyewe, wale ambao wanaishi katika sehemu sile, kwa hivyo, sheria imegeuzwa ili wenye ardhi wawe na mamlaka na kutoa uamuzi juu ya ardhi yao. Na kama ni kuuzwa, at least jamii iwahuzishe kwanza kabla ardhi hiyo haujauzwa, kwa sababu, iko mambo ua uuzaji wa kiholele ya mashamba halafu watoto wanawachwa bila makao.

Nikisema tena ya kwamba, mambo ya agreement ya 1904, 1911, kwa kusema kweli wa maasai wamenyanyaswa na wazungu ardhi yao akanyakuliwa, na baada ya uhuru, 1963, wa maasai wamenyanyaswa tena mpaka wakati huu wa leo, wakinyanyang' anywa ardhi yao.

Katika Katiba ya sasa, au sheria ya nchi yetu tukufu ya Kenya, hakuna mahali popote ambao ina protect au ina tetea, au inalinda ardhi ya wamaasai. DC akitaka kupeana ardhi ya maasaia, anapeana tu, kwa sababu sheria inaruhusu yeye kufanya hivyo, kwa sababu sisi hatuonekani kama tuna haki tukiwa wana Kenya, kuwa na ardhi hata kama ni acre ya elfu tano kila mmoja, hiyo ni sawa, hiyo ni haki yetu. Kwa sababu katika Kiambu, iko wageni wako na estate ya manyumba mia tano, na sisi hapana uliza. Na kwa nini maasai akiwa ardhi yake anaulizwa, ardhi hiyo, sisi hapana lima, migugo inakula. Na hiyo tambulike kabisa katika Katiba ya kwamba sisi tukiwa maasai tunafuga mifugo na wanakula nyasi, hapana kula mchanga.

Nikija kwa education, katika nchi ya wa maasai, education ilianza juzi juzi tu, wakati districts zingine elimu ilianza, 1913, na ndugu zangu wa maasai, nyinyi mkijaribu kujilinganisha na ile ma taifa ingine, makabila ingine katika Kenya, hiyo mtaunguwa mchana. Wacha sisi tuchaguwe viongozi, kulingana na ile masom ambayo sisi tuko nayo.

Secondary schools hata TransaMara, zilianza juzi tu, 60s, 67, na nafasi ya watoto wetu ni ndogo sana, kwa hivyo wakati mnapo toa maoni ya kwamba, wewe ma degree holders, kuna wengine ambao wako na hata PHD, lakini hawezi kusimama mbele ya watu, na kutoa sauarit kama mimi hapa.

**Com. Abdirizak Nunow:** Mzee utatupa mapendekezo, kwa elimu umetaja, ungependa nini kwa elimu?

**Mr. Daniel Olenga:** Elimu ni kutoka darasa la saba na kuendelea, pia,

**Com. Abdirizak Nunow:** Kidogo, huja nielewa, umesema elimu hapa kwanza wakati wa mbele imeanza hivi karibuni, hiyo ni shida. Ungependekeza nini sasa kutupatia kama tume ambayo ungependa kuingia kwa katiba? Kwamba mupewe elimu ki vipi? Mngependa nini haswa, shida ukitaja, sipendekezo.

**Mr. Daniel Olenga:** Elimu katika wakati ule mlipo aanza Kenya, kariba miaka nyingi iliyo pita, sisi tulikuwa katika closed districts, kwa hivyo tungetaka nchi ya wa maasai kabisa wote, wapewe elimu ya bure, ili wafikie mahali watu wengine, wakenya

wako sasa.

Title deeds, title deeds zimekuwa kikwazo, na imekuwa ni mbili ya kuangaisha sisi wa maasai, halafu tunapatikane, na viongozi wengine ambao wanataka kunyakuwa ardhi hii, kama kuna sehemu ambayo inakatwa, na hakuna problem hata kama ni location moja ama sub location moja, wale ambao hawana complain wapewe titles, wale ambao wako na objections, wangojee mpaka wamalize halafu wapewe titles zao. Lakini wale ambao hawana mambo ya objections wapewe, watenganishwe, kwa sababu hawana shida. Badala ya kunguojea miaka nenda rudi.

Nikienda kumalizia, ardhi ambayo ilionyakuliwa na wabeberu, tunasema haina ubaya, kwa hiyo iko katika agreement ya 1904, 1911, tunasema, kinaga ubaga, turudishiwe hiyo ardhi, kama vile pia, wakikuyu waliporudishiwa ardhi yao, ambayo wazungu walinyakuwa, wakamba walirudishiwa ardhi yao, ambayo wazungu walinyakuwa, wakisii hapa na kipsigis walirudishiwa ardhi yao, ambayo wazungu walinyakuwa, na je, sisi wamaasai? Kama ni haki, kwa sababu tulikuwa tunatawaliwa sisi wote tukiwa wanakenya, kwa nini hatuwezi kurudishiwa ardhi yetu, tunataka hiyo ardhi turudishiwe, na hatutakoma hapa, hatutakomea katika review hii, tutaendelea mpaka tuhakikishe ya kwamba, sisi tumepata haki yetu pia tukiwa binadamu wa Kenya.

Corruption: Mambo ya corruption, wakati wa enzi ya ukoloni, Bwana Commissioners, hiyo corruption ilikuwa hakuna. Na wakati ule, mishahara pia ilikuwa kidogo sana. Na kwa nini, kwa nini corruption inaendelea katika Kenya? Na nyinyi wenyewe, president ni wenu, si wa malikia tena, mawaziri ni wenu, siyo mzungu tena, na mbona corruption inaendelea katika nchi? Kwa nini haiwezi kusimamishwa? Wengine wanasema ya kwamba ni shauri ya pesa ndogo lakini siyo vile. Sisi wana Kenya tumekuwa manyang'au, vile Nyerere alisema ya kwamba, man eat man society. Hii ni kweli. Wewe umesoma, halafu wewe badala ya kuja kufanyia nchi yako haki, na ufanyie bila mishahara ile ambayo unalipwa na raia, halafu wewe unataka tena ingine ichaguwe. Kwa hivyo, mambo ya corruption katika Kenya, ningetaka kabisa ibuniwe kikosi, ambacho kina chunguza mambo ya corruption, na ibuniwe tena kikosi kingine, cha kufanya uchunguzi tena juu ya kikosi hiki, ili, corruption ipunguwe.

**Com. Abdirizak Nunow:** Asante sana mzee kwa maoni yako, nitakusimamisha hapo,



**Mr. Daniel Olenga:** Basi nikimalizia, mambmo ya upigaji kura. Tunaomba kabisa ya kwamba, hii mambo ya regular hatutaki. Kura ipigwe katika kituo, ili ihisabiwe pale, votes, wale agents wa political parties wawe pale, wa witness, wa sign, halafu, kura zote zirudishwe kwa sanduku tena iwe sealed, halafu iletwe hapa, kwa sababu hii mambo ya kusafirisha, inatupa masanduku ya watu wengine, halafu inaleta watu wengine na inaongeza ya watu wengine.

**Com. Abdirizak Nunow:** Asante sana kwa hayo maoni, Bernard Ketere, Tomoka Olokonya, Diwani Stanley Langat, Councilor Langat, yuko? Councilor Seiywa, Councilor Steven Seriani, Madiwani, kuna Diwani yeyote hapa? Is them back here? Just left, because this is a list of the councilors, several of them. Okay, between the two of you, one of you present. Sorry, the whole list of councilors are here, so, they are not there, excuse me, let do orderly because when they come, they will break all your movements again.

**Councilor Joseph Sulu:** Asante sana Bwana Commissioner, kwa nafasi ambayo umeruhusu kunipea, nimeandika jina, lakini bado haijafika. Kwa, hivyo, asante sana kwa kunipatia hiyo ruhusa. Mimi kwa sababu sana memorandu, na memorandum ile tulikuwa nayo tuliandika jana. Jina langu ni Councilor Joseph Sulu. Mimi nitasema tu machache, kwanza nitaongea uchaguzi kuhusu Rais, ningependa tu kuungana na wengine wa Kenya amabao wamesema, Rais anachaguliwa moja kwa moja na wananchi, asiye mbunge, ndiyo atapata kutumikia wananchi wote kikamilivu. Kama ma Rais wa nchi zingine, tuchukue mfano kama America. Huwa wanachaguliwa tu moja kwa moja, na wananchi, their president ha astahili kuwakilisha Kenya mzima, asiwe na mahali pa kusema kwamba hapa ni sehemu yangu. Wakati huwo ukiona, katika Kenya mahali imekuwa na maendeleo, bila kuficha, ni mahali Rais ametoka.

La pili, ni kuhusu mshahara wa wabunge, hawo wenyiwe ndio wanapendekeza mshahara yao. Lakini mimi ningependekeza kwamba, mshahara yao imekuwa nyingi zaidi. Kwa hivyo mishahara hiyo ikatwe irudishwe, ikuwe reduce, kwa sababu wana nchi katika districts wako na poverty. Iko poverty kubwa sana katika districts. Lakini kuongoza watu maskini, ni shida nyingine kubwa sana, kwa sababu kama mashara yangu itakukwa million moja na mimi naongoza watu ambao ni maskini, afadhali hiyo mshahara yangu niikate, ije isaidie wananchi.

Nusu serikali ya mtaa, ambayo ni county council, uchaguzi wa chama wakati huu, sioni kasoro, ma councilor wenyewe watachaguwa, kwa sababu hatutakuwa na election mara ya tatu au nne, leo kuchaguwa chairman, na wananchi kesho, tuchaguwe bunge, kesho tuchaguwe ma councilor, kwa hivyo nchi hii bado ni maskini, siyo nchi ambayo imetajirika, tunachaguliwa safari moja sisi wote, ili tuchaguwe chama hapa, kwa masomo, ninaunga wananchi mkono kwamba, masomo ya chairman, iwe, form four kwenda mbele mpaka degree, kwa sababu wakati huu, huwa ma chairman na mayor wanaitwa ng' ambo, na pengine kuenda ng' ambo itakuwa shida kuongea kiingereza.

Na kuhusu vile inasemekana tugawanye power ya councilors na power ya officers. Hapo ndiyo imeleta shida, chief officers wanaandikwa na public service commission. Sisi tunachaguliwa na wananchi, sisi tumekuwa kama managers ambao tuna manage council. Leo tumetoa bibi siyo yako, wambiwe, hii mboga haija wekwa chumvi na anakimbia kuambia bwana wake, utaweza kutawala huyo mwanamke kwa nyumba? Kwa hivyo mimi nataka kuomba Katiba, irudishie sisi nguvu, tuandika chief officers sisi wenyewe, kwa sababu council zimeharibika, sisi macouncilors ndiyo tunauliwa na wananchi. Hawa hawaonekani, sisi ndiyo tunaonekana na wananchi.

Kuhusu marupu rupu ya ma councilor, nikiambia wananchi marupu rupu yetu hapa, watahanga sana. Kwa sababu kuna wakenya wanafanya kazi, na hawana mshahara. Hii katiba ambyo iko sasa, hebu uulize ma councilor. Ni allowance peke yake. Lakini hajakuwa na mshahara.

Ni vigumu mtu awe manager na anapokea elfu saba, kwa sababu Kenya ya sasa, wale watu wanatawala, nasema utawala ukiwa na pesa, kwa hiyo mimi naomba, ma commissioners, mshahara ya councilor pia iwe mshahara ya kutosha. Kuanzia elfu hamsini mpaka elfu mia moja.

Ya mayor pamoja ana ma chairman iwe elfu mia mbili, kwa sababu, bunge lenyewe ako na elfu mia sita, hata ikitolewa elfu mia moja kupitia councilor, iko makosa gani?

Ya mwisho, ningependa serikali wakati huu, ministries nyingi zimekwisha nguvu. Kama council itapewa nguvu, ikiwa serikali ya

local authorities, ndio itaweza kufanya wananchi wapate shares zao. Kwa sababu ministries nyingi kama za agriculture, zinagawanyiwa kutoka Nairobi, agriculture itawaliwe kutoka hapa. Tunaweza kutengeneza hapa sisi factory yetu ya wanyama kama vile wa maasai wanapenda kuuza ng'ombe, wanapenda kuuza mahindi yetu hap, wanaenda kuuza, badala ya kupeleka hizo ng'ombe Nairobi, afadhali tutafute namna tutapata industry, ambayo tutafaidisha ng'ombe zetu sisi wenyewe hapa hapa. Hiyo ndio itamaliza umasikini.

Kuhusu mambo ya uchumi kwa jumla kama vile wanyama wa pori, badala ya pesa hizo kuenda Nairobi, ndio wanatawala pesa hizo. Hizo pesa tugawanye hapa. Kila ward ichukuwe pesa hapa hapa hapa, ijulikane ward ya councilor Fulani, iko na elfu mia nne, halafu hizo pesa wanachi wenyewe wagawanye kwa miradi yao.

Kuhusu mambo ya elimu, kwa sababu sisi wa maasai, hatuja soma, na tutadanganya hapa tuseme tunataka viongozi ambao wamesoma, wale wamesoma ni wachache, tusema kiongozi atakuwa na imani kutoka kwa wananchi, kuanzi standard seven na kuenda mpaka degree, hatuja kataa, na atakuwa mwenyewe anaonekana anataka kuongoza, hatuwezi kupewa tu mtu kwa sababu ana degree akuje aongoze watu hapa. Ni vigumu sana.

La mwisho, ni kusema ya kwamba, elimu iwe compulsory. Kuanzai nursery iwe elimu ya bure mpaka secondary. Tutapenda kulipa tuanze kulipa fees kwa university, kwa sababu itakuwa kila mtu amepata elimu.

La mwisho lile nimesahau, ni upande wa administration, DCs na PCs, bado hatujakuwa na democracy ya kutosha, sisi tunaweza kufuta administration, tukifuta hawa administration, Kenya haitatawalika, lakini, next tutaweza kufuta hiyo administration kama tutakuwa tukichaguwa ma governors, lakini wakati huu, itakuwa ni shida sana kukosa DC, kukosa chief, kukosa DO, kukosa PC, kwa sababu hii kitu tumezoea, lakini, turekebishe powers zao, powers, zile wanazo, turekebishe kidogo kidogo, kwa hivyo mimi nafikisha yangu zile wanazo, turekebishe kidogo kidogo. Kwa hivyo mimi nafikishe yangu hapo, hii tu ni maoni ya kila yule ataona atatowa maoni yake. Kwa hviyo asante sana commissioners.

**Com. Abdirizak Nunow:** Asante sana Diwana, tafadhali kuja ujiandikishe, Napash Kiesi, yuko?

**Collins Napash:** Bwana Chairman, your fellow Commissioner, District Coordinator, and the listeners, the auditorium. My names are Collins Napash, I am presenting our proposal on behalf of TransMara district University students association. And because I have a memorandum here, I think I am not going to take much time, but I am going to use, very little time to be able to present and I am just going to go through this proposal so that we can allow other members to present their views.

One of the things that you think is important, is that this current review exercise, is a golden chance for all Kenyans to be able to give their views on how they are supposed to be governed and because we are trying to make the supreme law of the land, we must ensure that the views of as many Kenyans as possible, are taken on board in this very important exercise of the review of the laws of Kenya.

Mr. Chairman, it is through this law that people or any society pursue greater happiness and therefore, ensures, that people get the satisfaction of maximum wealth, including ....and waste.

Mr. Chairman, I would like to talk about the historical injustice of the Maasai people as an enduring society. It should not be taken for granted, but the review process that is now on going, is not going to come up with very clear solutions to the fate of the 1904, and ...agreement, I beg to leave with earlier speakers and that is just part of our proposal, that these issues should not be featured in this on going process. But rather what we want to say is that, the 1904, and ....agreement, should be first and foremost treated as legitimate agreements between the Maasai and the British colonialists. And that we are not sorrowful during the 1961, 1962, or the Lancaster house conferences, and that should therefore be soft, this time as this golden opportunity has come for the Maasai people to sort out the historical injustice, he should not just be wished away. Under the guise of let us forget the past, in debt into the future. Because I know of the former .....whereby it was inscribed the words that those who forget their history are going to repeat it, and that we will not like to repeat the history, we recommend that the land that was taken by the British Imperialists through the agreements, be taken back to Maasai, with unconditionally referred to the Maasais with immediate effect.

Mr. Chairman, let me talk about education, education is a very important basic right, and constitution should treat as so, it is a basic right. And the closed districts ordinance act which was imposed on the maasai districts of Kajiado and Narok, in 1967, is still being strongly felt in these areas, as evidenced by the low standards of education in these areas, and as such, to breach the gap between the pastoral communities arising from these ...act. The current constitution or the constitution that is being made, should make it a right for the pastoral child, to get education, from the pre-unit, to O level free and compulsory.

Number two, education should also be seen in these pastoral areas in the light of the availability of the schools in the areas. Therefore, the government or the constitution should be able to bridge the gap by providing more schools, primary, secondary and even provide the college within each maasai district so that we can be able to catch up with the rest of Kenyans these posts.

Again, on the issue of governance, we propose as maasai as TransMara university students association, and indeed as maasai university students, students association, that the system of government to be adopted, should be federalism, and the kind of suspicion that is associated with federalism, should not be taken to mean that the system is bad for this country. Because what we want is maximum participation of the people in the governance process. And therefore, there should be the regional executive for every region in this country, and therefore, there should also be the national executive, that is the president, we are calling for the presidential system whereby the president is the national executive and also we do have the regional executive who is elected by the people within that region, and the person to be nominated or to be chosen to that office should be a graduate with the bachelors degree qualification or its equivalent.

**Com. Abdurizak Nunow:** Now, just to move ahead make your last point please, if you have it in the memorandum we receive it. Because your time is up, I will let you make one more point.

**Collins Napash:** Yes, yes, thank you Mr. Chairman, allow me to make a few recommendations on the governance process. I am saying, that we should also have a bi-cameral system of legislature. Whereby we have the senate, and the House of Representatives. And because I have highlighted all the qualifications and membership or composition of the two houses in my

proposal, I let to stop there in order to give other members a chance to air to air their views. Thank you very much.

**Com. Abdirizak Nunow:** Thank you very much Bwana Napash for your views, we will be happy to receive your memo, Ole Naitipa, Fasil Ole soit, Antony Papa, Joseph Chepkwony. Steven Ole Naiguta, utamfata.

**Mr. Antony Papa Keya:** Thank you commissioners, .....some few views as that, these are the views that,

**Com. Abdirizak Nunow:** Tupatie majina kuanza, majina.

**Mr. Antony Papa Keya:** My names are as follows; I am called Antony Papa Keya from Teso district. I am representing my views as per the review has been called all about. First, I would rather say, although it has been mentioned but, concerning, todays, constitution, we would have a preamble whereby we could have a lot of .....Mine I will not repeat what has been said, but I would like to touch a point on the points of security and defence. You find that, in most cases, our country although has been, has been maintaining peace to all boundaries at nationwide, but the boundaries, standing for the section of our .....we have in Kenya, have some problems and we get in most cases maybe because the president has no opportunity of visiting those areas that have problems, people suffer without getting any support from anywhere, maybe, the support they get is only from the near security section which is the police, whereby I am requesting .....and find that the minister of defence was to be present in the country. Because, that one could enable them to sit in parliament supporting the idea of security in case of insecurity allover around.

On the side of children citizenship, I find that, those of the citizens suffer I Kenya, while those people who are in other towns with those citizens, benefit, Because, for example we are born in Kenya, maybe you can, it goes to an extend because you are not in all persons, because your parents were not educated.

It forces you also to remain uneducated and you become meaningless in your point.

What I was requesting, every Kenyan citizen, every child born in Kenya, was to be given full support to enable him grow up in a good atmosphere that will make feel like a fee Kenyan.

In the section of Education, I would also like to point on an issue whereby you get, education now is becoming meaningless in Kenya of today. Because you get most of the Kenyans involve themselves in education, but when it reaches to a point whereby maybe, your parents have wasted a lot of money in educating you, when it goes, to an extent whereby you are supposed to be employed, non considers the person, because maybe of this corruption you get those people who never even passed examination have an opportunity of getting jobs, while those ones who, had an opportunity of getting jobs were not to be considered because they don't have tall relatives.

On the side women rights, women are supposed to be given their rights to perform every duty in the country, but it goes to an extent whereby they are being undermined, due to maybe instead of education, they are undermined because men have a priority of keeping the .....because for example now, if loose the ministries in the country, you will get, it is as if those women never went to school those times, those ones who are up there are now, so I was requesting women also should be taught on how to tackle views so that they are also seen in above position in the nation.

As per the constitution, I have seen the constitution has been something that could not take all this long time that it has taken in this country, because Kenya has been a peaceful country, it has never had a lot of problems. But because people do not know what the constitution is, it has enabled these people to take a lot of time in rectifying the constitution, that is why I was maybe requesting if the government could have constitution side along which will compose even colleges that could teach people what the constitution is. For the next time when the constitution will have come up, for its review again, that one could have enabled Kenya to get the right people for the rectification of the constitution, and that one could not even take time maybe. But today it has taken time because, the person like myself maybe it is only because I went to school, that I have been able to have thought about what is going on. But otherwise, I never knew what the constitution is because I have never been given an opportunity of reading even the previous constitution. That is why I was requesting that.

In the side of judiciary, I also had the point there whereby, we Kenyans, we should bear feedon afte what we are in Kenya. I got in Judiciary that although we are all Kenyans but I don't know which section allowed judges to favour almost with those

people who are a bit well off, and those ones who are poor, because in most cases, I found that people, some people have been jailed because their parts are not well off, but not because they were found of their mistakes. That is why I would request the constitution to take that part and make that supreme court to be very sensitive, in order to enable all judges to get how treat all Kenyans as Kenyans. For that statement I say, thank you.

**Com. Abdirizak Nunow:** Thank you very much, please, register yourself there, Steven, then we have Wilson Korio,

**Caterchist Steven Ole Nuguta:** My names are Steven Oreti Ole Nuguta, caterchist, coordinator, and justice education commission, TransMara district. I am here on behalf of the Catholic Church, Kilgoris parish. The constitution of country, should lead as follows:

We the people of the republic of Kenya in the mercy and care of God, should have a Kenya sovereign republic, multi party, democracy country. All the people of Kenya should be under the said constitution, and non-should be above it.

The structure of the government should consist of the prime minister, ceremonial president, the vice president, the cabinet, the attorney general, controller auditor general, public service commission.

The office of the Ombudsman should be created, and should be independent and non controllable. This goes up to the district levels.

Elections: Vacancy set for presidency, and members of parliament, and the local authorities, should be done by the .....

The disability people should be elected or remunerated for parliament set, and local authority set, those women and men.

Registration process: The process of the general voters all over the country, civic education providers and both educations should be a long going process countrywide. The provider should be the government, non governmental and organization, and



the churches.

The elected prime minister, the president, the vice president should be above 35 years and knowledgeable or graduate or masters.

Electoral Commission: Should not procession of private candidates in election. Kenya living outside the county should be facilitated to vote through their embassies.

Counting of the voters card, should be counted in every polling station, local authority, parliament and residency, to avoid convenience of rigging.

The ministers, and their assistant ministers should be graduates and knowledgeable and this applies to permanent secretaries, the attorney general, controller auditor general, the ambassadors, commissioner of police, in any nomination of a person in any post should be gender.

Parliament: All members of parliament should be of school certificate of education standard and above.

There should be citizens of Kenya born in their own constituency.

Any Member of Parliament who proves guilty, or corruption should resign, and his state should be declared vacancy by the speaker.

The commissioners, should be given a chance to make a vote of no confidence, to their area of member of parliament in the area councilors due to corruption and non progress. The parliament life span should be five years and non-additional time, every district must and should have two constituencies or more depending to the population.

The judiciary, the Attorney general should be a graduate with both masters and degree in all.

They should be over 35 years of age, and non .....

Judges and magistrates should graduates with masters degrees in law.

The structure of judiciary should consist of law courts, high courts, court of appeal. The tenure of the court judges should be non .....

The judicial service commission, progretive of mercy, should be done in parliament. The progressive of mercy should be voted in parliament and deeply initiated.

Traditional should be empowered and recognized if a maasai, .....Vernacular, to mention but a few.

The chief justice should serve for two terms of five years each.

.....Rights, consist of the rights of a person

**Com. Abdirizak Nunow:** Please summarize,

**Caterchist Steven Ole Nuguta:** Okay, I will be of heights maybe should just go on, by the ordinary constituency they have now. But additional should be added.

Torture, any police found guilty in torturing, should be sacked out. And then the other place which can be added, protecton of men who are contolled by their women and also protection of women who are controlled by their men.

And then limitation of fundamental rights and freedom.

Parliament should provide fundamental rights and freedom rights to be officers in even that Kenya is at war.

The .....of any emergency powers. The police should be given equal health and food cares. Whereas should be provided to accuse for any illegal meetings.

Professional freedoms of worship should be given to those who worship through living God, but not satan.

Free marshal and devil worshipping should be abolished and night meetings should be given limited times.

Loud speakers and shouting at night be completely abolished.

Empowerment of the majority communities who are poor for fair games to join secondary schools and higher institutions of education.

Empowerment on agriculture, livestock and farming within the pastorals.

Free education to all primary school, free education to secondary school children who are less than .....and this should apply to university students.

All people of Kenya should have..

**Com. Abdirizak Nunow:** Thank you very much, I will have to stop you there I am sorry. Because of the time, please, we will read that memorandum is as good as having... Thank you for your presentation, hand it in. Then, we have Mathew Twala, Peter Ole Kamboi, utamfata. Kabla Mathew hajaanza, ikifika saa tisa, ambayo sasa nafikiri imebakia dakika tano, kila mtu ambaye nitampa nafasi baada ya saa tisa nitamu restrict kwa madakika matatu. Zile pendekezo ambazo utaweza kutoa, na kwa

muda wa dakika tatu, ndio tu consigne nayo. Kusudi nimalize hawa watu. Hatutaki kuwacha hawa watu wameketi hapa, wamekuja tangu asubuhi na warudi.

Excuse me, we will close this session at four o'clock, if you want the ten minutes, I will give, but those who will not have spoken, you won't complain. So, just be democratic, everybody has his own views as very important, why do a few people want to be selfish, because we have one more hour after three, and I would like to finish these people. Okay, proceed.

**Mr. Mathew Twala:** Commissioners, na wasikilizaji wote, mimi sina memorandum, bali nina mapendekezo, mapendekezo ambayo ninayo, hapa ni tano. Ya kwanza ni utawala:

**Com. Abdirizak Nunow:** Majina tafadhali,

**Mr. Mathew Twala:** Jina langu ni Mathew Twala, mapendekezo ni matano. La kwanza ni utawala, aina ya utawala, pili ni rasilimali, tatu na mamlaka ya Rais, nne serikali za wilaya na tano, ni muda wa marekebisho ya katiba.

Nigusia aina ya utawala, mapendekezo yangu ni kwamba, ni utawala wa majimbo. Utawala wa majimbo ni bora kwa sababu utalinda haki ya jamii zote nchini. Na hata ilinda jamii ambayo wanaishi katika jimbo moja ili kwamba, hakuna jamii ambayo inaweza nyanyaswa ama kuingilia na kunyanyasa jamii ingine, hivyo basi, utawala wa majimbo ni bora sana.

Kinyume na milio katika katiba ya sasa, kwa sababu utapata kwamba katiba ya sasa hakuwa ime Linda haki ya jamii ingine, hasa wamaasai. Kwa sababu tukirudi nyuma, ninaposema hivyo ni kwamba wamaasai, walikuwa wame pokonywa ardhi na wakoloni, na punde tu baada ya uhuru, ikiwa kweli katiba ya sasa imelinda haki ya wamaasai, wamaasai wangejeshewa ardhi yao. Lakini wapi.

Rasimali: Ikiwa basi, utawala wa majimbo kweli katika marekebisho ya Katiba mtapata utawala huwo, rasimali ya kila jimbo, itumiwe kustawisha jimbo linalo husika.

Na ningependekeza kwamba, isisukumwe, kwa serikali kuu. Ama niseme, kiasi kidogo tu, ziende kwa serikali kuu, aslmia ishirini na tano, na aslmia sabini na tano, ya raslmali ya majimbo, itumiwe kustawisha jimbo linalohusika.

Mamlaka ya Rais, Rais, achaguliwa moja kwa moja na wananchi, na asiwe mbunge. Rais, asiwe chini ya umri wa miaka robanne na tano, na asiwe zaidi ya miaka sitini.

Pia makamu wa rais achaguliwe na wananchi.

Rais pia, asiwe juu ya sheria, awe chini ya sheria.

Serikali za wilaya: Chairman wa county council na baraza lake wawe na mamlaka kamili.

Na staffs wa county council na wafanyi kazi wote wa county council wawe chini ya hiyo baraza la, na chairman wa baraza lake.

Na iwapo, staff yeyote ama mfanyi kazi yeyote, wa county council, atatumia mamlaka yake vibaya, chairmen na baraza lake wanaweza kumfuta kazi.

Kuhusu madiwani, ni kwamba, uongozi ni kipawa, na sio elimu, ningependekeza kwamba, madiwani ingawaje elimu ni mhimu sana, madiwani wawe na at least elimu ya standard seven na kuendlea mbele.

Hasa wa sana katika eneo la TransMara, ambayo elimu ndiyo wakati huu tunaanza kuona wasomi.

Kuhusu marekebisho ua Katiba ni kwamba, Katiba isitamanishwe na uchaguzi, tungependa kuona Katiba ambayo ni nzuri, na ambayo italinda wananchi wote. Kwa hivyo, Katiba isifanyiwe haraka vile wengine wanaposema.

Uchaguzi ufanyike kama ilivyo pangwa. Lakini marekebisho ya Katiba, ichukuwe muda isarakishwe, ni hayo machache ninayo. Asanteni.

**Com. Abdirizak Nunow:** Asante sana kwa maoni yako, tafadhali njoo ujiandikishe, Peter Ole Tomboi,

**Mr. Peter Ole Kamboi:** Commissioners wananchi wale wako hapa, my names are Peter Murmet Ole Tomboi. I am giving out my own personal views. To start with, I will start with system of government, I prefer federal government.

On the side of administration, from the assistant chiefs, to the PC, I will prefer them to be elected by the people of the community.

On the side of security, to add, the security we have that, is police administration, police, GSU, I would like or I would prefer a village police or askari wa vijiji, and these people should be people of that particular clothe. And they should be given a salary to give them moral.

On the side of army generals, the army generals should be appointed by parliament, not the president.

On the side of political parties, I would prefer we have three main political parties determined by the number of Mps and councilors, and this three political parties should be financed by the government. This will go according to the number of MPs in parliament.

On the side of county councils, mayors chairmen, of county councils should be elected by the people and they should not be the councilors.

Education side, we should or there should be an examination set aside for the councilors, chairmen and mayors, to determine

that they can perform their duties properly.

On the side of allocation of plots, the DC should not .....DC should entirely, with the work of the county council and the area councilor should be given a quarter of the plots, so as she can distribute to his people.

On the side of game reserves, games reserves or forests, which is run by the council at the moment, the county should sign an agreement with local community, surrounding forest or the game park.

On the side of development, that is roads, hospitals, schools, it should be relied on the district level. The distribution, like right now we have the district boards and on this district, we don't even know about the district boards, so, I think this people should be elected by every community within that district.

Veritinary doctors, at the moment, we have parantize, and the vertinary doctors can close any market without notice, or without consulting the local people, so, I think committees of every market should be consulted firs before a market is closed.

On the side of education, I would prefer it to be a must forever y child to go to school, and this should be taken seriously on the side kids because they are the ones who are closer and who knows his people. If I go back to the election,

**Com. Abdirizak Nunow:** Make your last point.

**Mr. Peter Ole Kamboi:** Yaah, I would prefer every elector, to be given a chance his or her choice, to bring with him or her person who can assist him or her during election, not the agent. So he should be given anybody who does'nt know how to write and read, should be given a chance to come with her or his choice or a person of his choice, to help him, in election, thank you very much.

**Com. Abdirizak Nunow:** Thank you very much indeed, please come and register yourself, Samuel Kitenya.

**Mr. Samuel Kitenya:** Basi Bwana Chairman, kwa majian naitwa Samuel Kitenya, langu nafikiri sitachukuwa nafasi kubw ama muda mrefu, itakuwa machache tu, nikianzia upande wa police, katika marekebisho hii ya sheria, tunaona ya kwamba, upande wa police, ambao ni askari wetu, kuna mahali iko matatizo sana. Kwanza kama reserveni ambaye unaeza kuta saa ingine ni makosa madogo madogo, kama watengenezaji wa pombe, ama nini, unaweza kuta mtu ameumizwa, na askari, na hakuna mali pa kustakiwa huyu askari ambaye meumiza huyo mtu. Ningeomba kwa sheria, iwekwe sheria kama mtu anaumiza mtu kwa njia iliyo, njia mbaya, ambayo siyo sawa, wasitakiwe hata yeye, siyo wastaki mtu tu, lakini hata yeye astakiwe.

Upande wa mashamba, katika wilaya yetu ya TransMara, Bwana Chairman, matatizo ni nyingi kwa upande wa mashamba. Kwa sheria ya wakati huu, ningeomba ya kwamba, kila raia ambaye yuko TransMara, wapatiwe nafasi ya kupata title deed kama wakenya wengine.

Iteuliwe tume ya kusimamia hii mambo ya mashamba, kile mtu apate title deed, kama wakenya wengine. TransMara iko nyuma, kwa mambo kwa upande wa mashamba, Bwana Chairman, kwa upande wa utawala, nafikiri, upande wa ma chiefs, uchaguliwe na raia kwa upande wa mlolongo. Kama zamani kwa sababu zamani wakati kuanzia 1965 na kuendelea nyuma, nilikuwa naona ma chiefs akichaguliwa katika ma area zao, na raia kwa mlolongo. Na ningeomba wakati kama huu, sheria hiyo ikuwepo, sababu hii mambo ya mtu kukuja kufanya intervie, hata yule mtu ambaye siyo mtu ambaye anaweza kuhudumia wanachi kwa nchi ya sawa sawa, unakuta amekuwa chief.

Nikielekea upande wa council ambaye mimi mwenyewe ni councilor, naungana na wengine kwamba chairman, awe mtu wa form four na kuendelea mbele. Ama mayor, na ma chairmen zingine za committee, ama ma ministers wengine kwa county council, wawe ambaye wamesoma.

Ma councilors wawe watu wa standard seven na kuendelea mbele. Na hata nikisema hivyo kwa sababu mambo ya uongozi tunajuwa ya kwamba uongozi sana ndani tukiingilia ndani, siyo mtu kueleleka, ni kipawa kwa mungu, kwa sababu kuta mtu ambaye anaongoza watu kwa njia ya sawa sawa, na hajaenda shule, lakini kwa ajili ya mambo mengi na masomo ya kisasa, ama kwa ajili ya maendeleo ya wananchi, na mambo mengi ambayo tunataka ingie, basi awe mtu wa standard seven na kuendelea mbele.



Kwa upande wa, niguzi kidogo kwa upande wa marupu rupu ya ma councilors, bwana chairman, marupu rupu na allowances ya ma councilors, iko chini zaidi. Iko chini zaidi, kwa sheria ya sasa ningependa ya kwamba, walipwe ma councilors na serikali na apate mishahara ile wabung ama wajumbe wetu wanapata. Siyo kusema iwe sawa, lakini wawe na mishahara wa kuonekana, ni mtu ambaye amechaguliwa na raia. Kuanzia hata elfu thelathini na kuendelea mbele mpaka hamsini mpaka mia. Sababu nikisema hivyo kama raia atajua ile marupu rupu tunapata kwa wakati huu Bwana Chairman, ni mashangao, na ni kila wakati unakuta raia anataka wewe councilor, waakilishe yeye kwa harambee, anataka councilor usaidie kwa shida ya hospitali, hata kwa mtoto saa ingine amekosa fees, unaweza kuta raia mwingine anakuja kwako, lakini hakuna pesa.

**Com. Abdirizak Nunow:** Bwana Councilor make your last point, pointi ya mwisho tafadhali.

**Mr. Samuel Kitenya:** Basi nikielekea langu la mwisho, kwamba, county council, iko ma officers ambao wanaajiriwa na serikali, nenetaka kusema ya kwamba, ma officers hawa waachiliwe, na ma councilors, wawe chini ya chairman, ikiwa mtu ataaribu kazi yake, chairman na baraza lake, wewe na nguvu ya kufuta huyo clerk, ama ma officer wowote ambao wanafanya kazi kwa county council. Siyo kusema ati iko transfer mtu ambaye naaribu hapa, anapigwa transfer anaenda kuaribu mahali pengine, na hiyo itakuwa ni makosa sana.

Nikimalizia ya mwisho, nafikiri sitakuwa na mengi, Bwana Chairman, wacha nimalizie hapo, asante,

**Com. Abdirizak Nunow:** Asante sana, asante kwa hayo. Tafadhali ujaiandikishe kwamba umepeana maombi, Ole Nasha, Nicholas Konchela, Nicholas Korinko, Nicholas nakupa madakika matatu, chagua zile points mhimu zaidi na uzitaje tafadhali.

**Mr. Nicholas Lataya Korinko:** Mwenye kiti, pamoja na Commissioner mwenzako, Coordinator, kwa majina ni Nicholas Lataya Korinko, mimi ningependa kutoa maoni yangu kuanza kabisa, kwa kusema, Katiba ya sasa, nilionelea ilikuwa na kasoro Fulani katika upenda wa utangulizi. Kwa sababu Katiba ya nchi hii ya sasa, jambo la kwanza, ni kuwa, haina preamble. Ama utangulizi.

Jambo lingine, haihitaji kuwa ama haisemi kuwa ni Katiba ya nchi ya Kenya ama ni ya watu wa Kenya.

Jambo lingine ni kuwa, Katiba ya nchi hii, ni kama haitambui mungu, ama haihitaji mungu mahali popote. Kwa hivyo mimi ningependekeza katiak utangulizi, iweze kusema hivi kwa kifupi tu, kwamba na nitasoma kwa kiingereza, we are the people of the Central Republic of Kenya, humbly relay on the blessing of Almighty God, have a greed to unite in one indepent nation state. Mimi napendekeza iweze kuwa na utangulizi wa aina hiyo.

Jambo lingine, ni kuwa, serikali yetu, iwe serikali ya majimbo, ili kila kabila ama kila upande uweze kuakilishwa.

Pia serikali yetu iweze kuwa na bunge mara mbili. Bunge la waakilishi, na bunge la senate, na katika bunge la senate, waweze kuchaguliwa, ama senators waweze kuchaguliwa kutoka makabila arobanne na mbili ama yale makabila yako katika jamhuri yetu ya Kenya. Ili makabila Elmolo na Wokie waweze kuakilishwa katika serikali. Waweze kuwa na mbunge katika jamhuri.

Jambo lingine, serikali yetu ama jamhuri yetu iweze kuwa na vyama vitatu vya kisiasa.

Jambo la tatu, mamlaka ama utekelezi, ama utekelezi mkuu wa nchi aweze kuwa Rais. Na Rais, aweze kuchaguwa waziri mkuu, akiwa ni mwakilishi wake, katika bunge la senate.

Na pia katika bunge la senate, ama katika serikali, liweze ama Katiba liweze kuunda office ya Ombudsman. Ama office ya kuweza kuchukuwa kwa kuona mamlalamiko ya wananchi.

Na katika

**Com. Abdirizak Nunow:** Make one more point.

**Mr. Nicholas Lataya Korinko:** : Na katika baraza la wilaya, mwenye kiti wa baraza la wilaya ya county council, aweze kuchaguliwa na wanachi. Na pia, aweze kujuwa kusoma na kuandika bila kujali ako na certficate ya aina gani. Kwa sababu wezi kuenda kuchaguwa yule mtu ambaye ako na PHD degree na amesomea mambo ya mifugo, na labda yule ambaye ako na

certificate ya standard ya 8 ndio wananchi wameona ndiye ataweza kuwakilisha ama kuwasaidia hawa katika mambo ya maendeleo.

**Com. Abdirizak Nunow:** Thank you very much, I presume you are going to leave us with your paper, then that will be very useful, Josephat Matumbiro, do you have also Joseph Nkulet, karibia.

**Mr. Justus K. Matundra:** Kwa majina naitwa Justus K. Matundra, .....mimi naonelea hii Katiba itachukuwa muda sana, ikienda kubadilishwa. Nitaonelea, tuna sehemu zingine tunasahau kama wizara ya maji, ingesimamia maji ile act yao ikuwa na nguvu. Kwa maana, maji ilikuwa miaka mia moja kama Katiba hii ya iweze kuwekwa ndani, maji yatakuwa yanapotea. Ikiwe, wakate maji, kama futi mia moja, miti iwekwe, maji ifwatiwe. Ikiwekwa maji, mahali maji inataka, vilindwe na maji ile akimaliza kama miaka tatu, wanachota huko, ipimwe na wizara ya maji iangalie kwa utaratibu ili magonjwa isikuwe zaidi.

Kwa upande wa acts za chief, ingekuwa inapunguza amri kidogo. Na kitamaduni ya kabila hawa wa Kenya arobanne na mbili ichungwe na iwekewe heshima kama hii ya kutayiri, ikuwe kama unatayiri hiyo kabila, kama wajaluo wanatolewa meno, ikiwa ikuwe inaheshimiwa, ikuwe huko.

Ya tatu, ningeonelea kwa upande wa magonjwa, zimezidi kama sasa July, unaona sasa Serikali imesaidia million arobanne, mtu anaenda ni maskini, anaenda hopitali, anafukuzwa, mpaka anakufia njiani. Maneno ya matibabu ikuwe free.

Education iko, maskini, ikuwe free, na upande wa elimu, yaani wale hawajiwezi, ikuwe free na wakuwe wanachaguliwa kama nomination, wafanyiwe nomitaion. Na wale wajiwezi hiyo pesa inakuja katika wizara au, pahali inakujanga, ikuje katika districts, ile wale hawajuwezi wasitumie kwa nyumbani. Naseme asante kwa hayo machache.

**Com. Abdirizak Nunow:** Asante sana Bwana Matundra, saa hizi kwa kuweka muda, Justus Ngulet, three minutes please, make sure you don't, I will stop you, you just focus yourself.

**Julius Ngulet:** Asante sana Bwana Chairman, kwa kunipa nafasi hii, hata mimi niweze kutoa pendekezo. Na nikianza kabisa kwa upande wa Rais, mimi napendekeza ya kwamba Rais ateuliwe na wananchi, na wakati wa campaign, mimi niko napendekeza ya kwamba, Rais asiwe natangazwa kwa campaign na wabunge wale wengine ambao wanataka kiti. Rais mwenyewe akea kwa TV ama kwa radio, aelezee wakenya ni kitu gani atawafanyia kwa miaka mitano, na wakenya wakiwa watakubaliana naye, basi, ndiyio wanamteuwa. Si kusema ya kwamba ati kama mbunge kama ametoka TransMara, anasema uzuri, hiyo, na sisi hatumjui. Rais akae kwa TV ama kwa magazeti, ama kwa radio asema atawafanyia wakenya kitu gani. Na akikishe mia tatu kama hajafanya hiyo maneno aondolewe.

Jambo lingine, ni kwamba, Rais huyu, awe na umri wa miaka arobanne na tano, hadi sitini na tano.

Nikizungumzia kuhusu county council, kuwe na chairman wa county council, ama mayor, ambaye huyu mtu asiwe ni mtu ambaye ni councilor awe anachaguliwa na wananchi. Na awe na masomo ambayo inatokea kidacho cha nne kuenda mbele.

Nikikuja upande wa provincial administration, ma PC waondolewe, DC abaki, DO aondolewe, chief wabaki, assistant chief wachaguliwe na wananchi, na hawataitwa assistant chief, waitwe wazee wa mtaa na walipwe.

Kwa upande wa masomo, ningependa kupendekeza kwamba, maomo ikuwe free kuanzia standard one mpaka form four, na zile pesa ambazo zitahitajika kwa kusomesha hawo wanafunzi, ziwe zimewekwa katika baraza la county council.

Mtu ama watu ambao watafikisha umri wa miaka sabani, awe ni mama ama, mzee, wapewe marupu rupu kama mshahara, kwa sababu hiyo ni pongezi kubwa, hata bibilia nisema ya kwamba, mtu sas umri wake, umeteremshwa hadi miaka sabani, kwa hivyo mtu akipitisha miaka sabini, hiyo ni marupu rupu, nayo serikali inatakikana kumwangualia wampee mshahara ya pesa zisiopungwa shillingi elfu tatu.

Nikizungumzia pia kuhusu masomo, ni kwamba, mimi napendekeza ya kwamba, hii mashule ya private, ipunguzwe, na kama itakuwa, iwe inasimamiwa na baraza la councilors, ambayo mtu ukijenga shule yako, utalipwa rent kutoka kwa country council,

kama ni pesa ambayo mtakubaliana, si watoto walipe school fees, kama unaona ni vizuri ujenge shule, ujenge shule, ikubaliwe na baraza la county council, halafu wawe wanakulipa wewe ni kama ..... Nafikiri hayo ndioyo maoni yangu, asante.

**Com. Abdirizak Nunow:** Thank you very much, tafadhali jiandikishe, Stephen Tialal, Ole Karuna, Ole Karuna is not there? Simon Muniolo, Peter Momanyi, Justu Nandu, Wilson Kiset, Ole Seur David, wanataka kusema hata hawa ni absent?

**Mr. Ole Seur David:** Mr. Chairman Commissionr, fellow Commissioner, District Coordinator, and secretariate, I am very thankful for this chance you have given me. I will quickly go through because I have written a memorandum, and certain instances I may use kiswahili. So, I propose, this is a personal proposal, that Kenya becomes, a nation state, instead of an individual or citizens state. Sorry, my names are David Ole Seur. And I start with an introduction that the constitution of Kenya nation state, should have clearly defined and fairly thought through vision and mission.

And I start with an introduction that the constitution of Kenya nation state, should have clearly defined and fairly thought through vision and mission statements in its preamble. We need a fair national physlosophy and dialoing principle that brings unity in diversity.

Number two: Governance, we need a federal system of government that empowers local authorities with a management in use of local resources. The local authority, should as well be named made, responsible of all security matters within its jurisdiction except police work.

Number three: Justice, I propose, formation of a tribal ethnic duol courts at a local authority level where the cultural language is used, places (Cases to progress to the state level in that order).

Constitutional formation of a contitutional supreme court to be formed, to guard the state constitution. We as well need traditional duol courts at a local level.

Number four: Legislation, the national assembly will have two house, namely, the house of representatives and the upper house or senate.

Number five, is land, I propose that management marginalized groups like the maasai, should be given back their land mainly TransNzoia, Uasin Gishu, Laikipia and parts of Baringo. That were given to white settlers, on a lease agreement that has expired in the late 1990s. It is important, that we are told or adomination should be given to us that say, what an idle land use is , it should not be believed that it is only proper agruculture, that comes, as proper land use.

Also pastralism, thus si infact the most conservative land that they are based today in Kenya.

Number six: Education, we would want an affirmative action from the government to assist us to take over our children to school because from communal homes todote, the maasai have had a comparative disadvantage, to the rest of the country in terms of all education resources, and communal mentality.

The civil service private sector and corporate organization, should be made to pay a fee to reduce, or would sustain, university education.

Also, ethnic languages to be taught at primary level.

Number seven: Traditional and cultural issues: All agreements, and treaties of land transfer if national value and other affected party values.

Number eight: Local authorities, this should be a self sustaible or completely to government in brackets at a local level, and have a local assembly, a local justice courts, with proceedings done in the cultural language, and English and kiswahili, it should also have an executive appointed by the state civil service commission, and controlled at local level.

All councilors should have a minimum O level education with a mayor or chairman elected directly by the people, and can be given a vote of no confidence after two and half years.

Number nine: Land style that should be the second last one.

**Com. Abdirizak Nunow:** I will allow you on that., I have allowed you the last three when ..... your time.

**Mr. Ole Seur David:** **Mr.** Okay, sir, okay, the last one, all the cultural property of an ethnic group should enstrained in the constitution and given partiment powers, or pertaining powers. The constitution should find a the expected minimum per capital income at a given period for the .....

Natural resources: All natural resources and their proper use should be under the local authority and the relevant region. They should all be regional unless where the state has directly say to mine minerals, at shared profits with a local authority and their affected individual.

Provincial administration,

**Com. Abdirizak Nunow:** Thank you, thank you very much. Thank you, let us have your memorandum. I think we read through where there is, .....any difference, honestly. Because we are going to have it typed and word for word, we will read it all of us .... So, please, hand, let see over we can go with the others. Parsiria Ole Melugo, Peter Ole Katir, John Busecha, sorry, Osenja, Kevin Ole, Kevin, are you Kevin, tell us your names and take your three minutes to give us your recommendations.

**Mr. Kevin Ole Lwal:** Nashukuru sana Bwana Chairman, ningependa tu mapendekezo yangu kwa uchache, na kwa ufupi, jina langu ni Kevin Ole Lwal. Pendekezo langu ni kuhusu marekebisho ya Katiba. Ni tatu tu. Kuhusiana na mila ya kuoja jii kitamaduni yetu, hii ya kimaasai, hapo ndiyo nilikuwa sijasikia wameigusia ndio naitikia tikia maybe amepitiwa, kwa hivyo langu

ni kusema ya kwamba, kuhusikana na mambo ya kuoa, uwe, napendekeza ya kwamba, iwe mtu akioa anapoa kwa sababu wanawake wote ukiangalia wanafikiria wananyimwa haki, lakini wako na haki. Isipokuwa tu pendekezo langu ni kwamba matangano hii ya kinyumbani, iwe kwamba watu bwana na mke wakikosana, hiyo wasiwe wakae, bali siyo serikali ishikilie kazi kama hizo, kwa sababu wainyanyasa wananchi kwa njia moja ama nyingine.

Langu la pili, ni kuhusikana na mambo ya mashamba, kwa mashamba, kwa haki kabisa, watu vijana kama sisi, waniapata, kijana sana sana, babake akiwa hai, kwa kimaasai sisi tuko na sheria ya kwamba kijana yule babake yuko hai, bado hatambuliki kama mtu. Siyo tu yule ametairishwa lakini, bado ako chini ya sheria ya babake na hiyo tunakubali, lakini naomba tu, iwe kuhusikana na mambo ya mashamba, unajuwa mzee ama yeyote kwa mzazi mmoja kati yao anapoenda, sana sana mzee, inakuwa shida kwa hiyo boma. Kwa hivyo ukisuluhisha mambo ya hiyo shamba, ipatikane namna ya kugawa kwa hawo vijana wote itakuwa ni vigumu. Kwa hivyo napendekeza hapo, iwe na sheria ya kujuwa mzee Fulani ako na watoto wangapi, na wanafaa wagawiwe yani haki ya baba yao kulingana na kiasi gani.

Langu la mwisho, ni kuhusu mavasi, especially hii mavazi tunaivalia, sana sana wanawake kuhusikana na mambo ya raping, raping haikuji bure, raping inakuja kwa nguo zile zinakosa tabia, na kwa hivyo ipigwe marufuku, na nina omba sana sana, zile nguo za kukaza mwili, hiyo nayo inaleta tamaa kwa wanaume, wanawake ku rape wa, isemekane na wanaume wako na shida lakini hiyo siyo shida yao, ni vile mwanamke kujitangaza mwenyewe. Kwa hivyo nguo kama hizo, naomba kwa marekebisho ya katiba, yapigwe marufuku.

Jambo langu la mwisho, ni kwamba serikali ndiyo ina makosa, kila mtu anakosa, kila mtu ni binadamu na anakosa, sana sana unapata serikali yetu ukipatikana na kosa, hata huenda ikawa hauna hilo kosa, unapata umepigwa, umeumia, serikali iwe na kipande moja ya kuishikilia na kufatilia ya kwamba mtu alipo shikwa, especially chief, awe anaifatilia na ...huyu mtu alichukuliwa kwa njia gani mpaka amefikishwa pale na hajukikani amekaa kwa usalama ama ako namna gani, kwa sababu watu wengi wanaumia bure, usipokwa na kosa ama uwe na kosa. Police hawana huruma na mtu, tafadhali hiyo iangaliwe, iwe chief na .....waifatilie, kwa hivyo, langu ninafikiria kwa wakati kwa sababu hakuna wakati mrefu, ningependa kuongea mengi lakini kwa hayo machache nashukuru.



**Com. Abdirizak Nunow:** Asante sana, asante sana kwa maoni yako, Ephraim Mware, Igongo Leng'eno, Mashaiki, Mashaiki yuko? Samuel Murngat, Gideon Ole Ngeto, utamfata, tuendeleo.

**Ephraim Mware Moses:** Haya, asante sana kwa mwenye kiti, na wakubwa wenzake, na wanachi wote, mimi yangu yatakuwa machache, na yatakuwa kuhusu vile tangu Kenya ipate uhuru. Wakati tulipata uhuru, kulisemekana, kwa majina ni Ephraim Mware Moses. Narudia kwanza vile nilisema kwamba nitaanza kuzungumza kuanzia upande wa uhuru.

Wakati tulipata uhuru, kulisemekana mambo matatu, umasikini, magonjwa na ujinga, hivi vitu vitatu, tukichunguza sana, serikali, vingi vimesha sahauliwa, umasikini umeongezeka, magonjwa yamezidi, uwe na pesa ndio utibiwe, bila pesa uwezi ukatibiwa, sasa ningependekeza kwamba, tukitaka tupunguze mambo ya umasikini kwanza, tuchunguze mambo ya hati miliki. Mambo ya vitu kumiliki mpaka watu wamefika wakati wa kumiliki ardhi. Mambo ya kumiliki ardhi imesha leta umaskini mwingi sana hapa Kenya sababu unakuta mtu ni mkubwa, anafanya kazi kubwa, pia amesha miliki ardhi kubwa, anamiliki popote pale anapenda, sababu kunakuwa na mambo ya kumiliki, mpaka mtu anamiliki, anamiliki mpaka na watu wenzake, kama huna uwezo, utamilikiwa na wale watu matajiri, sasa ningependekeza kwamba, sheria inapoandikwa leo, ichunguzwe kwamba, serikali ichukuwe mambo ya ardhi, ndio mtapunguza hii corruption mnasikia vita vinapigwana, hata wamaasai wanauliwa hapa bure, na wamaasai watu walikuwa wanajulikana walikuwa na sehemu yao. Serikali ikisha chukuwa ardhi, itachunguza kama ni pahali pa kuchunga, pahali pa kulima, pahali pa kufugia wanyama, watafanya vile wanataka, siyo ati mtu amechukuwa pale amesha miliki ni kwake.

Upande wa ujinga,

**Com. Abdirizak Nunow:** Ufanye pointi yako ya mwisho.s

**Ephraim Mware Moses:** Yes, asante, ujinga, watu wasome bure kuanzia nursery mpaka darasa la nane, ama saba, ili kufikia secondary, ndio watu waanze sasa kuendelea wakijuwa watalipwa namna gani.

Halafu upande wa umaskini, umaskini kamili tu pale pale, pahali pa ardhi. Mambo ya mchanga ndio imeshaleta umaskini hapa Kenya, serikali ichunguze hapo sana, kazi ya kumiliki ipigwe marufuku mambo ya title deed ziwepo. Ndio serikali, mtu akitaka pahali Fulani, anaenda anawuliza serikali, wakuje wachunguze, kama panafaa, mtu kuishi, ama hapafai, pakifaa, uishi, kama hapafai, utolewe hapo.

**Com. Abdirizak Nunow:** Asante sana mzee kwa hayo, tafadhali njoo hapa ujiandikishe. Gideon,

**Mr. Gideon Ole Ngeto:** Thank you Mr. Chairman, and your fellow commissioner, mine also will be brief, my names are Gideon Ole Ngeto, senior chief from Nyabwera Location. First of all I propose, the writing of the constitution to be guided in both English and Swahili languages so that most Kenyans will be able to read and understand for themselves, the meaning of the constitutions.

Secondly, or further on that, it can also be interpreted to other languages, if possible, because sometimes you find when somebody is taken to court, is even unable to understand what is going on there. But if there are, if this .....were written in their language, they could be easily understood by them and they will know what is going on.

Let me now come to my proposal, to me, the current constitution, is perfect, I don't think anything wrong , with the current constitution only, with a few amendments, because if were not for this constitution which has, actually protect us, protected us for 40 years we could have reached this far. Because fellow Kenyans we must understand that, the moment we dilute the powers of the governance and the way we are going to look after our country, we might find ourself in the situation which our neighbouring countries are experiencing now, like Somali and the rest. It was just by the way of diluting the constitution, so I am saying, the current structure of the constitution, to stay, and maybe just a few amendments to be done.

I am also proposing that, the supreme court to be created, this supreme court will be the check balance of the three arms of the government. First, it will deal with errant judges, or it can refer us even the decision from other inferior courts. This will allow a

fair hearing, or whoever who is not satisfied with the decision of other courts that is from the court of appeal down, they can go with this supreme court. This court also will consist of a bench of twelve judges, and probably with three nominated other judges with reputation from the communal countries so that everybody, can be satisfied whenever the decision is made in the supreme court it will be final. It will also check decision of parliament, because you see now, parliament has a lot of powers, they can decide whatever they want for themselves. The other day they have decided to arm themselves, they have decided to increase salary for themselves, and nobody is saying why. Because they have that power, it is the duty of this Supreme Court to check cheating, this is the place, anybody who is not satisfied to take their complaints.

Local government: I also propose that , the mayors and chairman to be elected by the council of themselves, because if we today say, the chairman and the mayor to be elected by the people, that one will be difficult, and the pump of these people, is there going to remain there for five years, suppose one do any era, how can we go and correct that one, so, it is the responsibility of councilors to elect the chairmen, and the mayors, and also the nomination of MPs and also the nomination of councilors to stay.

**Com. Abdirizak Nunow:** Please, summarize,

**Mr. Gideon Ole Ngeto:** Yes, Mr. Chairman I will try, to summarize, also the business of the councilors to be clearly stated, because we don't see, especially what is their job? Most of the time you find this people hanging around gossiping and talking a lot, but they are not in business, so, I am proposing that, let the constitution split up, there will be two weeks in one month for the sitting or the business of the council, so, that these people will get jobs here, to come and settle matters affecting their people.

Lastly, the election of chiefs, as one of them, I am also, I am proposing that, let be vacancy be advertised, let all the qualifications needed to be lay down, and on the material date, let the panel of elders, comprising of at least twenty elders, from allover, the district or the area concerned so that they can elect these chiefs and the result to announced there and there. Not waiting first of all to go all this process to Nairobi to where through the province, that is where the people are doubting. So, if it

is possible, I am proposing that, let just election of chiefs be done there and be announced directly there. With those few remarks, I bet to end there, and I think Mr. Chairman you are going to consider our proposal, we are making orally, we are not presenting any memorandum, but I think we are going to consider all the proposals made, thank you very much.

**Com. Abdirizak Nunow:** Thank you very much, please, register yourself, Tiaparuso Francis, Steven Peride, subiri kidogo, Steven Peride keti. Peter Korincho, Peter Korinko, uko? Njoo mbele, Thomas Ole Makala. Daniel Kalasinga, uko wapi? Okay, Joseph Diwani, Joseph Suntu. Diwani Michael, njoo mbele Bwana Diwani. Pastor John Sanja, Ezekiel Naigia, njoo mbele, Mutuku Simon Simiyu, unaweza kuja mbele pia kama kuna nafasi hapo viti vya mbele. Aantony Ole Maki, Simon Sikawa, njoo mbele pia, front seats. Mr. Justus Omayi, and then Tom Wasike uko? Sasa hii ni watu karibu kumi na nne na kati yenu niko na madakika nane, because I seriously want to close at four, so make three recommendations each of you and don't duplicate, if one has been said, three education has been repeated for instance, three other .....say pendekezo that have not been mentioned, because when are put together the form the views for Kilgoris constituency, as I said this morning whether it was said by one person, or everybody, it will be still, we are not collecting startistics, we are collecting recommendation. So avoid what was said, and say what you think was not said, in the shortest time possible. Okay continue.

**Mr. Francis Chaparuzo:** Thank you Mr. Chairman, my names are Francis Chaparuzo, I will not like to dilute what my colleagues have said, only I would like to mention one thing that should be included, or I propose what what should be included in the new constitution. I have not heard anybody mentioning about th currency of our country, the currency, now, what I am proposing is that it should not carry the head of anybody, but should only have an emblem of the country. That is one thing I am suggesting.

Lastly or before I go to the last point, our current constitution as my colleague has just said, I will contradict it very much, by saying that, it has a fault, of 16 sections, a personally stayed with contitution for eight years, and I have come to underline sixteen votes, and that is why we are having problems, it has made the country to be a personal property. So sixteen sections are amended, let review, if the sixteen sections are amended, and then powers distributed to the three arms of the government then the present constitution is correct, but if not, then, we are not going to have any constitution, for those few remarks I lastly

say that in the legal constitution should include teachers service commission.

**Com. Abdirizak Nunow:** Thank you very much indeed, Peter Korinko,

**Mr. Peter Ole Korinko:** Asante mwenye kiti pamoja na msaidizi wake, na District Coordinator, pamoja na ma secretary wake. Wenzangu na wamkuwa katika salama za jioni, hamjambo. Mimi nigeponda kuguzia katika mambo ya ulemavu. Disability is not inability. Sorry, my full names are Peter Ole Korinko. Ningeponda kuzuzia sana sana ulemavu. It's a neglected society in the country, whereby only, it is all of those of three you know that Oti Ooko how much he has contributed to the nation, when he was able to see at the time he was not able to see bindig that any person of that caliber. Many have got the Kenya disabled fund, we normally hear by ...or reading papers, but nation, it is not doing for self. Whereby, a person, a DC, a DO, or even a chief from that location does not recognize those children who are in need, leave alone the disabled older people here in need of any assistance, they keep on running with those forms, bule forms which will be forfeit, as be said so that they will be taken to the DC and whatever come out of that, it will end up in the wrong purpose, but I will be very sorry for the administration if you are a little bit hurted.

**Com. Abdirizak Nunow:** Ningeponda mimi Peter nukuambie, ungeponda nini?

**Mr. Peter Ole Korinko:** Yaah, I am coming to that point. Sorry, just let me talk on one point then I will release it. What I think is that, if this office is still existing, in Nairobi, it should be brought directly to the district level, you elect indepence disabled person to deal with that office, independently, leave alone the administration, because as I personally, I cannot come and get something if a hundred shillings, and I know we are going to share with somebody, then I will pocket it in my own pocket without assisting my colleague. With those few remarks, I say thanks.

**Com. Abdirizak Nunow:** Thank you very much Bwana Korinko, please come up and register yourself. The next person is Daniel is Kalasinga.

**Mr. Daniel Ole Kalasinga:** Bwana mwenye kiti, mimi napendekeza, kwa katiba yetu ya Kenya, kwamba tuwe na vyama viwili vya kisiasa. Kwa sababu ile ingine haiwezi kuwa ya democrasia hata tukiwa na nyingi sana. Tuwe na mbili ambayo itakuwa ....

President awe executive, tuwe prime minister, kama yule wa hapa jirani kwetu Tanzania, na ministers na wale wengine.

Land issue: Kuna shida kwa title deed kwamba ule mtu ambaye anakaa sehemu kwa miaka kumi na mbili, anaweza kuwa na haki ya kupewa title deed, hiyo ifutuliwe mbali, ardhi ibaki kwa indeginous. Wale wenyewe, wale wengine wanakuja, wawe squartters, sijui watafanya nini?

National cake: Tuko na shida ya national cake, kama kwetu hatujawahi kuona lami taangu ianzishwe nchi hii, kwa hivyo tungekuwa national cake distribution kwa sehemu yote, kama ni lami, isiwe wengine wawekewe mpaka nyumba. Sisi tupewe hata moja, ama sehemu zingine.

Councils: Ma councilors wasome mpaka darasa la saba. Hapana form fours kwa sababu viongozi wanazaliwa kulingana na kipawa.

Education iwe free, mpaka form four, lakini kiwa hapo, walimu wawe answerable kwa wazazi. Mwalimu asipokuwa yule mwalimu, awe mlevi wazazi wamuondoe.

Provincial administration ibaki, na inapobaki, PC atake, DO atoke, na ibaki wale wengine. Na ma chiefs wawe trained. Ma chiefs wawe trained kama magistrates, kwa sababu, they act like magistrates, waingizwe sehemu ambayo watuweze kupatiana.

Mwisho, the street children: Serikali yetu ama Katiba yetu, wale watoto ambao wasio na wazazi wale wanatambea sehemu za Nairobi na sehemu zingine wawe wajengewe maboma kwa kila province. Kila province ianzishwe mahali pa kupelekwe hiyo watu, nchi yetu itakwua very clean. Thank you very much.

**Com. Abdirizak Nunow:** Thank you very much indeed, jiandikishe tafadhali, Diwani Michael.

**Michael Ole Maito:** My names are Michael Ole Maito, I will so brief. The constitution first to consider the maasai grievance which previously the colonial and first colonial government imposed on the maasai. That is, they should admit that, their land which was taken, should be returned, that is to bring justice to the maasai people. And this one, the tribunal should be formed to work how to reinsitute the remaining lands Nakuru, Laikipia and other parts.

Also for the cultural, our cultures should be protected and promoted so that it should be effected, so our culture should be effected religious and social in economy and enshrine our customary law, which is culture based.

Our land, land control board should be replaced with community land control boards. It should be localized, with elected reputable members

Natural resources within the area should owned by the community and engage this benefit and given priority to the economy opportunity.

In governance, I propose that the Rift Valley should be devided into three sections. The North Rift, South Rift, and Central Rift. North Rift should, the Turkana, Pokot, Saywer and TranNzoia. The Central Rift should be composed of the Kalenjins, Nandi, Kericho, Bomet, Keiyo, Koibatek and so on. In th South Rift, should contain the maasai community, Narok, Kajiado, TransMara, Laikipia, Samburu, and Elchamos and other ..... Also the north eastern should also be divided.

There shall be two level of executive powers

**Com. Abdirizak Nunow:** How many districts divide north eastern?

**Michael Ole Maito:** Two, into two. Also, there shall be two level of executive powers, the national and the regional. This

.....to abolish the provincial administration, replacing it with the leadership, with the elected leaders, that is what I mean. I will

Try to go fast, there shall

**Com. Abdirizak Nunow:** Make your last point, are going to give us that paper. Okay, then make the last very sensitive points you want people to hear, because for us we will read everything there.

**Michael Ole Maito:** My last point, the judicial, it should be formed the judicial service commission. And also, my last one, is the commissioner of enquiry should stop in this country, and we form the professional for example, the RPI in Kenya we can form something like KBI, their profession, so that to stop the misuse of the .....Thank you very much.

**Com. Abdirizak Nunow:** Thank you very much Bwana Diwani, I am sorry, we are caught up by time, but we will read everything there is because you have written the paper. Pastor John Sanja, tafadhali, tusizidi, in your mind sit nowing that you have about two minutes, you can say so many things withot background.

**Pastor John Sanja:** Mimi ni Pastor John Sanja, na nina hayo ya kuwasilisha kwenu Bwana Chairman, jambo la kwanza ni mshahara ya wabunge, mshahara ya wabunge inahitaji kupunguzwa, kwa sababu imechukuwa raslimali nyingi ama kubwa sehemu kubwa ya pesa ya uma. Ipinguzwe na iundwe commission ambayo itakuwa inasimamia malipo ya wabunge, kwa sababu, wao ndio wanajipatia mshahara, na hawawoni hata nchi imesoroteka, wao wanaongeza tu mshahara vile wanataka.

Jambo la pili, security, security katika nchi, inaonekana inahitajika ilinde kila mtu na mali yake, na mtu akipatikana akivuka mpaka wa kabila ingine ikibeba silaa, apifwe risasi.

Jambo lingine ni aina ya serikali. Aina ya serikali mimi napendelea serikali ya mseto, serikali ambayo inajumuhisha vyama vyote katika ma idara.

Na lingine ni wale wanao tume vibaya mali ya uma, washitakiwe.



Ingingine ni sehemu ya mbunge, inapokatwa eneo la bunge, isiangaliwe idadi ya watu, iangaliwe ukubwa wa sehemu.

Na la mwisho, ni jambo la kununua wapiga kura. Ipigwe marufuku. Iwe, ihesabiwe kama ni corruption, ihesabiwe katika kiwango cha corruption. Asante.

**Com. Abdirizak Nunow:** Asante sana Pastor, tafadhali ujiandikishe, Ezekiel,

**Mr. Ezekiel Lagea:** My names are Ezekiel Lagea from Kakune Ward. First of all, I would like to say, that the constitution should put forward and see that they alleviate the kind of education that Kenyans need.

Also we have maybe to eradicate poverty allover the country. We don't have maybe to touch one area so that you can say we have eradicated poverty, that is the time you will tell people that you have done that, no. We need the whole country to be in a good position, maybe to have citizenship.

Also we have, the eradiction of extensive corruption, which is affecting the economy of the country. This corruption should be maybe eradicated in all places, because if you maybe, if the country maybe tries, maybe to see corruption is becoming very terrible, mostly in offices, and you can see that, that is the gun or the route to proceed with important things in this country.

Also we have unemployemt, unemployment should also be eradicated, because us the youth we are suffering, we don't have employment and we are educated.

Secondly, we have also the county council, that is the local government, should have another body, to monitor what the county council is doing, because, the county are given things and those things are not reaching the wananchi.

**Com. Abdirizak Nunow:** Finally,

**Mr. Ezekiel Lagea:** We have the land grabbing, which is I can specify they have mile stripe is at the border of Kericho and TransMara, they should be given to the owners, not the ones who are not the members. Education be free at primary level, but in secondary, should be timed, it should be in commercial terms because they use those money to buy the facilities, for the secondary.

**Com. Abdirizak Nunow:** Asante sana Bwana Ezekiel kw maoni yako, Simeon Mbutuk.

**Mr. Mbutuk Simon:** Bwana Chairman, Commissioner mwenzako, na wananchi yatakuwa machache sana, na pengine nitasema tu kwa ufupi, kuanza, ningependa kutoa maoni yangu kuhusu utawala. Kwa majina ni mbutuk Simon, na nimesema nitatoa maoni yangu kuhusu utawala.

Kwanza the system of government ambayo ninaonelea ni Federal System. Na kwa federal system, tuwe na central government na tuwe na regional government. Whereby tutakuwa na regional assemblies, yani wabunge katika region. Vile vile tutakuwa na wabunge katika central. Pia katika central government, tuwe na pengine ministries chache sana kwa mfano ya defence, foreign affairs, na pengine tourism. Lakini zingine zote, zije katika regional government.

Ningepnda kuongea kidogo, kuhusu president, ama urais. Kwanza, ningependa kusema ya kwamba, president atawale tu kwa miaka tano mara mbili na pia wakati ambao election ama wanatafuta kura, aweze kutaja makamu wake. He should name his running mates. Then the vice president kame president tuseme ya kwamba atashindwa kukamilisha muda wake, vice achukuwe hiyo nafasi mpaka wakati uishe. Tusifanye lection ingine kwa sababu tunaweza kuwa na president kwa mwezi mmoja tu, halafu pengine ashinde kufanya hiyo kazi, ama afe. Ninaona, it is unnecessary wananchi waende tena kwa uchaguzi, na tayari, running mate alikuwa ametambulika. Vice president aendeleo tu na huwo muda, akamilishe huwo muda, nayo pia kama anataka kuwa president, apewe terms zingine mbili.

Lingine, ni office ya Attorney General, kwa office ya Attorney General, myself, I can see Attorney General is performing two important duties. And duties sometimes they contradict. That is, he is the legal advisor of the government and again he is the

prosecutor. For myself I can say, the Attorney General can be the legal advisor, then we have now, another officer, to prosecute, but not the Attorney General's office.

Lastly, kwa upande wa, on the side the president we should be given leave of thirty days. I can see in Africa president only, they don't apply for the, they don't go for leaves. And during this time of leave, the vice president now, should act as the president. Basi hayo tu ni maoni ambayo nimeona watu hawakuwa wameshangia. Asante.

**Com. Abdirizak Nunow:** Thank you very much, tafadhali, ujiandikishe, Samuel Sikawa.

**Mr. Samuel Talala Ole Sikawa:** Mr. Chairman Sir, fellow Commissioner, members of the secretariate and the members of the public. I am

Samuel Talala Ole Sikawa, and I have my own personal proposals. First and foremost, I would like any amendment in the constitution, to be done through a referendum. And not by a section of the people of the republic.

Two, also have a proposal on a free and compulsory education starting from nursery to the universities.

Also have a proposal on a free medical service and the private hospitals, should be abolished in Kenya, along side with that, private schools also, should all be abolished in Kenya.

I also got a proposal on a voter registration, that will run throughout the year, throughout the term, until only six months to the elections. And I also got a proposal on the any persons in any positions of leadership from the councilors, chiefs and members of parliament to have an education of at least form four and above.

Then my proposals on the parliamentary, civic and presidential terms of office, initially it has been taking five years, and I humbly submit here, that it should take only four years.

And then, I also have a proposal on the chiefs, that they shouldn't be any position of an assistant chief. There should be only a

position of a chief. We should have or we should work only for ten years, starting from the age of forty years, and ending or retiring at the age of fifty.

Along side with that, we also have cultural leaders for example in the community that it here, we have a person that is called Ole Tono, another one called, Ole Mang'ene, and a cultural chief. And this in, we also find these people being very influential amongst the people, and even the chiefs that we have today, they ram top them, to help them do a number of things because the people can listen to them, so I hereby propose that these people should also be paid by the government.

Then, we also have any person running for any position of leadership, form parliament and civic, I propose that, any other person who is working in any organization, should not be made to resign fast, but should be made to resign afterward he has won the seat.

And then, for the post of the council chairman and the mayors, I propose that should be elected by the people and finally, I have a proposal that there should be a prime minister and a deputy prime minister and both of them should be elected and along side with that, for any person to become the minister, in the republic of Kenya, then, should have a specific age that a person who should be a minister should have. At least forty-five and above.

**Mr. Justus Omari:** Thank you very much the Chairman and all your colleagues. I have got three main issues to put across.

One, I will talk about parliament, and two, is about the TransLand then number three is citizenship and that is all.

Number one, I was proposing is this, since we have elected in Kenya are doing election after every years, we should elect a president. And if we are not satisfied, with what the president is doing, it better that parliament should be dominated to cater for the interest of the people.

Number two, I was suggesting something about TransLand. In that land, I was saying is this, let the land be as it was allocated initially. The following of saying that we should go either go back to where we were initially is a problem. For example, chance

concluding that the maasai people should go to .....where they come from, it is a problem. Let them stay where they are.

However, if a person has lived in a place for more than let us say a year, let that person be allocated with a land title deed.

Above all, I could suggest this, that is nearly the last thing. The main problem is not the sections of Kenyan constitution, I was suggesting, that let us have eight yes, this is the eight parts of the constitution as I can say. Not eleven, the less it is, the more important it serves the people. The main problem is with human rights.

Section five of the human rights is the one which is causing a lot of problems, so, I was suggesting this, since the .....is with the human rights, let us have those ones in authority following what the constitution will be saying. If a person goes a stray, let that work in authority be given a penalty. Kwa kiswahili tunasema kidogo, kwamba kama yule ambaye anashikilia mamlaka, ndiye analeta mambo ya corruption. Wacha achukuliwe hatuwa, siyo yule ambaye anahonga mtu, hiyo ndiyo maoni yangu na jina langu ni Justus Omari.

**Com. Abdirizak Nunow:** Asante sana Justus kwa maoni yako, Tom Wasike,

**Mr. Tom Wasike:** Mimi ni Tom Wasike, na kwanza niko na imani na tume ambayo anafanya marekebisho. Langu la kwanza, ni kwamba, nimeenda mpaka nyumbani kwa mashamba, land title deeds, ambayo ni ya baba yangu, ningependa, wawe wakiandika kwa hiyo land title deed, watu watatu. Mama ambaye ni bibi ya huyo mzee, na mtoto wake wa kwanza. Sababu ya kusema hivyo, mzee anachukuwa hiyo land title deed kwa sababu jina ni lake binafsi na anauzia tajari Fulani, na wanaenda Kilgoris wanakula hiyo shamba, kitambo mama ajuwe, ana mtoto, land title deed shamba yake imeenda. Kwa hivyo, kama tungekuwa, hiyo land title deed ni anaandikwa na watu hawo watatu. Ikiuza, lazima huyu mama ataweka sign, na mtoto wake ataweka sign, hiyo shamba itakuwa imewekwe kamili kabisa, kwa hivyo ningependekeza, hiyo land title deed iandikwe na hayo maji ya watu watatu.

Pili, ningependa utawala wetu wa chief vile uko kutoka kwa president mpaka chini uendelee kukaa naman hivyo mpaka assistant chief. Na mzee wa mtaa awe akilipwa kwa sababu kazi nyingi inafanywa na mzee wa mtaa. Na kuku ambao tulikuwa

tukimpea wakati ule, wameisha, apewe kuku ambayo ni pesa ya serikali, alipwe.

Na tukiweka pamoja nyumba ya assisant chief na chief wachaguliwe na wananchi, tutakuwa hatujaweka mpaka wa kati ya wanasiasa na serikali, kwa hivyo, mimi maoni yangu ningependa, utawala ule ukae namna hivyo, kwa sababu mwana siasa anachukuwas miaka mitano na assistant chief anachukuwa miaka hamsini na tano. Kwa hivyo, ikae namna hivyo.

Nikimalizia sana, ningependa upande wa police, unaumiza wananchi sana. Polisi amechukuwa hiyo sheria ambayo ianamlinda wakati amevamiwa na maadui, imekuwa ni silaha ya kupiga kila mtu. Kwa hivyo, polisi akishika mtu, awe kama ni judge, aweke huyo mtu amhoji pole pole, na ampelekee magistrate, amagistrate mahoji pole pole. Watu wahalifu, watu wengi wetu wanakufa kwa sababu polisi wanapiga, na hata wengi sana wanaumizwa sehemu zaon za siri. Ili waseme ile mambo ambao wamefanya. Na wanafanywa na polisi, kwa hivyo, ile sheria ya kupatia polisi uwezo wa kupiga mtu, upunguzwe ili mwananchi akishikwa, hata awe na uhuru, wa kuongea hata mbele ya police.

Ya mwisho kabisa, ni upande wa majimbo, mimi ningependekeza kwamba, majimbo isijuwe, kwa sababu, sisi tukileta majimbo, itabidi, ukilima mahindi, utauza tu kwa ile enoe yako, na unataka sukari, sukari nayo inalimwa seheu ingine, kwa hivyo tuwe na vile tulikuwa tunakaa, tuwe tukilima mahindi yetu, na izunguke kila mahali. Kama ni sukari iuzwe Kenya mzima. Na kama ni mahindi biashara, ifanyike Kenya mzima. Hiyo itasaidia, itamaliza umaskini katika Kenya. Tukileta majimbo, italetu, hata wengine hatutafanya kazi sehemu zingine. Ni hayo tu, na mungu awabariki.

**Com. Abdirizak Nunow:** Haya asante sana Bwana Wasike, na kwa hiyo, tunafika mwisho wa kikawo hiki, kikao nitakifunga. Nashukuru nyote, kwa kujitokeza na zaidi kwa wale wameketi nasi tangu asubuhi, bila break yeyote, tumechukue maoni yenu, memetoa maoni, na jinsi tulivyo zunguka, sehemu ambazo pia zinasema civic education imejazwa zaidi, hawakutoa maoni, ambayo imaandamana zaidi kuliko ile mmetoa. Kwa sababu tulizunguka kila mahali, kwa sababu kila sehemu wanasema, shida yao na jinsi ingewezesha kuambatana nao. Kwa hivyo, nawashukuru nyote, na sasa kwa sababu mmetoa maoni maoni yenu, ni haki yenu kujuwa nini kitatendeka baada ya hapa.

Na kwa ufupi sana, nitwaeleza kwamba baada ya hapa, maoni ya Kilgoris itakusanywa kama constituency zingine zote mia mbili na kumi. Na pia kutakuwa na report ambayo itakusanya constituencies zote. Report ya kitaifa, hizo report mbili mtaletewa hapa. Baada ya sisi kuanda mbili, mtaletewa hapa, mchunguze mwagnalie yale maoni mumetoa, yamo ndani ama yalitupwa. Na kama itakuwa kuna maoni Fulani ambayo mlitoa ambayo haiko ndani, mnahakikisha mmeandika, kwa sababu baada ya miezi miwili ambayo mtakuwa na hiyo report, mtawezesasha kusoma, mtaweza kuisoma, na kuchunguza vizuri. Both constituency report na national report, mtato yale ambayo yamewachwa kisha tume itakuja round tena, si kwa constituency kama hivi, lakini pengine kwa wilaya, ama kwa mkoa, headquarters. Kwa hivyo kila constituency itakuwa ni lazima sasa kupitia na ile committee ama na za mwingine, muezzi kupata yale maoni yaliwachwa, na mpatie commossion tena. Kisha tuta revise hiyo report, halafu hiyo report tutaipatia national conference, ambayo MPs wote wataketi pale ambao ni zaidi ya watu mia sita hamsini, na kutakuwa na watu watatu kwa kila wilaya, ambo mmoja wawo atakuwa wa kike. Na wao ndio sasa pale ndio itaishia, possiblity ya commission, aswa kama kikimbiza ama ku determine speed ya process. Kwa sababu tutakwu Ex.Officio members, hatutowi kura pale, ni wale wana wanashuhudia national conference ndio wataendesha hiyo shughuli. Sisi tutakuwa ma karani pale, na kwa wakati huu tulipangia hiyo kazi at least mwezi mmoja. Lakini, ule muda utachukuwa, haitaweza kijilikana, kwa hakika, kwa sababu, itategemea jinsi wale watu kumi mia sita na hamsini, watakubaliana kwa yale maandishi. Na wakikubalian kila kitu, baada ya hiyo, tutaipatia bunge, ipitize. Na wakikosa kukubaliana jambo Fulani la Katiba, itaenda refrundum ambayo ni general election, kura ya maoni, ambayo kila polling station kutakuwa na sanduku ya kuweka maoni. Uchaguwe watu .....mtakuwa mnachaguwa maoni. Na baada ya haya maoni, kura ya maoni ndio tutaandika tena na ibebe ile.

So, mwisho wa kila process ni bunge. Lakini national conference, Uganda walikuwa wanarekebisha Katiba yao, miaka sita iliopita, walipangia national conference ichukuwe miezi mitatu. Akachukuwa miezi kumi na sita. Na sisi tukuketi tu hivi, vile tumeketi sasa, kuandika, wale watakuwa wana debate, wanajiuliza na wanashuhudia nini, 227 MPs three people from each district, 120 members on civil society. Regioul groups, NGOs, Local based , community based organizations na kadhalika.

Kwa hivyo, vile tunapigwa kila upande na wana siasa na kila mtu, hakika na hivyo nimewaeleza. Kwa hivyo mtangoja report, mkipata mahakikishe mnaenda line by line, muone maoni yenu iko ndani. Chochote kimeachwa,, muandike mtupatie mara ya pili tukirudi. Na hiyo, nashukuru tena, na ningependa kumuomba pastor, atufungie kwa maombi.

