

CONSTITUTION REVIEW COMMISSION OF KENYA

(CKRC)

VERBATIM REPORT

CONSTITUENCY PUBLIC HEARINGS,

**KONOIN CONSTITUENCY, HELD AT MOGOGOSIEK LIBERTY
CHURCH HALL**

ON

Friday 12th July 2002

**CONSTITUENCE PUBLIC HEARINGS AT KONOIN CONSTITUENCE AT MOGOGOSIEK LIBERTY
CHURCH HALL ON 12-07-2002**

Present:

Com. Nancy Baraza - Chairman
Com. Dr. M. Swazuri
Com. Ahmed Isaac Hassan

Secretariat Staff in attendance:

Solomon Anampiu - Programme Officer
Nelson Ashitiva - Assistant Programme Officer
Zipporah Wambua - Verbatim Recorder
Keneth Cheruiyot - District Co-ordinator
Joel Sang - Translator

The meeting started at 10.00 a.m. with Com. Nancy Baraza in chair and a prayer conducted by Joel Sang.

Joel Sang. You may stand up so that we can pray. God of heaven we thank you this morning. We thank you for the care you have taken upon us all through and we thank you this new day because we know that your mercies are new every morning.

We thank you for the work before us. We thank you for the commissioners that you brought through your mercies. We thank you for those who have given their effort for the success of this undertaking. We thank you for those who have their views and desire to present. Above all God our prayer this morning is that out of this process you may give us a Constitution

such that it will give glory to your name when you prosper this country through this new law. We thank you for this country of ours and all that you have done for us through the years. Give us a new heart of dedication and selflessness. Above all may each one of us desire to please you and you alone. We commit all that is before us this day into your hands for it is in Jesus name we have prayed and believed.

Com. Baraza: Asante sana. Kulingana na sheria ambayo inahusika kurekebisha Kati ya Kenya, ningependa kutangaza mkutano huu kuwa mkutano halali ya Tume la kurekebisha Katiba ya Kenya. Na kabla hatujaanza kazi, yetu ningetaka kuwajulisha wenzangu ambao tuko hapa kufanya hii kazi niko na Commissioner Ahmed Isaac Hassan na mimi naitwa Commissioner Nancy Baraza bado tunamngojea Commissioner Dr. Mohammed Swazuri ataingia baada ya mda kidogo.

Kutoka Nairobi tuko na ma-ofisa ambao wanatusaidia hii kazi. Programme officer ni Solomon Anampiu anasaidiwa na Nelson Ashitiva na Verbatim Recorder wetu ni Zipporah Wambua. Na District Co-ordinator, uko na watu wako hapa? Labda utawajulisha baadaye.

Kazi hii tutafanya kwa njia tatu. Unaweza kuwa umeandika memorandum au kikaratasi kama uko na hiyo utakuja ukae hapo, uangaze tu pointi muhimu. Usi some neno kwa neno na nitakupatia dakika tano. Au unaweza kuwa hauna memorandum au kikaratasi. Pia tutakupatia dakika tano uje ukae hapo utwambie maneno yako. Au unaweza kuwa na hiyo memorandum au kikaratasi na unataka kutupatia kwa sababu tunaenda kusoma, hutaki kukaa hapo uongee maneno, pia hiyo ni halali, utatupatia tu ile memorandum. Na ningetaka kuwaambia kwamba sheria inalinda wewe, inatulida sisi kwamba maneneo yoyote ambayo utatoa hapa haitatumiwa kuku-harrass au kukupatia shida. Hakuna mtu atakufuata kusema kwamba ulisema maneno mabaya. Unalindwa na sheria. Sasa useme maneno yote ambayo iko moyoni mwako na ambayo itatuzaidia tuunde Kati mpya. Na hiyo ni mradi tu usitusi watu. Usitaje majina ya watu na kuwatusi. Na pia sheria inasema unaweza kutumia lugha yeyote ambayo uko-comfortable nayo. Kama unataka Kipsigis unataka kunifurahisha na luhya, pia hiyo itakuwa mzuri au Kiswahili au Kizungu. Sasa tutaanza na Alfred Sigei. Please Alfred five minutes.

Alfred Sigei: Mimi nataka kusema hivi, the current Constitution Parliamentary amendments of Constitution by 65% majority votes should be changed to 75% majority votes because the Parliament now has increased because of the many constituencies and the rest.

Political parties are playing important roles other than political mobilisation. They exercise democracy mentioning faults of the Government, advising the Government.

A member of political party should not be limited and should be registered freely. I mean any political party can be registered freely.

The type of Government; I think according to the books of the commission, we should adopt hybrid system in which the

President and the Executive authority is shared between the President and the Prime Minister.

We should adopt the Federal Majimbo Government. This will bring the Government closer to the people and make easy development.

We should have two Parliaments. One from the Central Government the other from the Regional Government. The Central Government consist of the President and members of the constituencies but the Regional Government consist of members from districts. These districts should elect one Member of Parliament in the Regional Parliament.

Interjection: (Inaudible)

Sigei: The President should go with two representatives from the Regional Government when visiting foreign countries. When welcoming visitors from foreign countries, we should also welcome two representatives from the Regional Government.

Land: the local community and individual should own the land. A person should own a maximum of a hundred acres and should not exceed that one. He should also utilise the land under the supervision of the Government.

Rights: all boys and unmarried girls should have right to inherit land from their father. Men and women should have equal access to land through purchasing.

Culture and ethnic diversity be protected and promoted in the Constitution. We should consider ourselves as decent social and groups whose interests should be cared for in the Constitution,

Women rights should be addressed in the society as follows: Marriage including traditional marriages should be issued with certificates. There should be no force in circumcision of women by their husbands after they have been married.

Vulnerable groups: special schools for disabilities should be at the location level for the arrest of the education. A girl child should not be forced to circumcision until when she is sixteen years and then she can decide on her own. She has reached a stage of making her own decisions.

Elderly men and women should be sheltered, fed and clothed, secure and taken care of by the Government. That is clear and should be taken very seriously. Thank you.

Com. Baraza: Joel Koech?

Joel Koech: My name is Joel Koech. I have got a small memorandum touching on the republic of Kenya. It is my wish that the new Constitution will make Kenya a federal state and should have about twelve states. The Constitution of the federal state should be supreme and the people should be given more powers to decide on the Constitution.

On the Executive side, the President and the Vice President and the President should be an Executive President and should have a running mate so that in case a vacancy arises before expiry of the term of the president the Vice President takes over automatically so that there is no vacuum of leadership.

The President should not be above the law. A President should belong to a political party but he must not be a member of Parliament. He should be nominated by a political party but not a member of Parliament.

The President also in case he commits a crime against the state, he should be impeached.

Appointment of ministers and the cabinet. The ministers should be professionals and they should not necessarily be Members of Parliament. They should be professionals so that we have a clean and qualified executive cabinet. These ministers should be appointed and vetted by Parliament. In case they have committed a crime against the state or any crime of any nature, they should not be appointed to be ministers. They should be cleaned.

On the Parliament, I would like to make the following suggestions. Parliament should constitute of two houses. That is the senate and the house of representative. The house of representative, the senators should be elected from the state or regions in proportion with the population and the house of the representatives are actually the constituencies as we have at the moment.

Parliament may alter the Constitution but the final alteration of the Constitution lies with the people that is the referendum.

When we come to Judiciary, it should be independent and laws according to the customary should be enshrined in the Constitution and fundamental rights of individuals also should be upheld not in parts but fully.

Personal property, personal liberty, that is freedom of association, freedom of worship should actually be enshrined in the constitution.

On the land tenures, this is where I wanted to make suggestions. Trust land: it should be entrusted to the community where those land falls. All trust lands should be vetted to the community or region where that land lies and with those few remarks, I bet to say thank you.

Com. Baraza: Thank your Mr. Koech. John Rotich? Five minutes.

John Rotich: Jina langu ni John Rotich. Maoni yangu ni kuhusu the chief. Naona munapendelea machifu sana. Tena hii mambo ya forest yenye iko hapa maoni yangu nataka iwe upande wa district ya Gureti. Hii forest ambayo imepakana na district ya Gureti, iwe ya Gureti pekee yake sio ya kila mahali. Kila district ichukue forest ambayo iko karibu nayo. Hayo ndiyo maoni yangu.

Maoni ingine ni kuhusu, machifu wawe wakichaguliwa kwa mlolongo sio kuwenda kwa DC. Waajiriwe mahali wanatoka. Hayo ni maoni yangu. Asante.

Com. Baraza: Thank you. James Leitich.

James Leitich: My name is James Leitich from Kapmoli. I want a non party President with over fifty percent votes by the electoral college to serve two terms of seven years each be the Commander in Chief of the Armed Forces, not under fifty years, university graduate with having served the nation in a distinguished position. Non executive and be impeachable.

Prime Minister to be appointed by the President from a majority party. Executive and legislature authority be split between the Central Government and distinct regional authorities.

The existing provinces be given regional centres. Central Government should deal with constitutional affairs, defence, fiscal and monetary affairs, national security research, trade and immigration.

Regions to deal with local authorities, health, agriculture, industry, infrastructure, education culture, forestry and natural resources.

Chairman and mayors should be elected by wananchi and local authority in essence should be providers of services and non political and character. The Parliament should be allowed to vet ministers, Chief Justice, Auditor General and parastatal heads and Ministers.

Morals and ethics be introduced for Members of parliament, members of the regional authorities and councils.

MP salaries: a panel of eminent economists and judges to deal with their salaries in line with the countries economy.

Nominated MPs should be professionals and people of eminent status.

Coalition Government should only be created at the times of war.

Elections of President and MPs should be sparrred not to be held at the same time.

Nominated seats be reserved for crucial professions, civic and parliamentary election be sparrred. I think I dealt with that.

Basic rights: death penalty must be retained for murders. Constitution to protect security, health care, water, education, shelter and employment.

Central and Regional Government and local authorities must be entrenched in the Constitution.

Land and property rights, individuals to own, land with consent of the community.

The state Government or local authority have the right to over-see land usage. No selling of land nationally but regions to take care of that. Non citizens can lease land for a specific period. Renewable at the pleasure of the community or the region concerned

Political parties be restricted to three parties. Funding their own members only. The should not be funded by the consolidated fund. Thank you.

Com. Baraza: Thank you ver much. Joseph Bilil? John Bett? Daudi Arap Tesot?

Daudi Arap Tesot: My name is Daudi Arap Tesot. I am actually representing the vulnerable group and this is their cry. Particularly this vulnerable group unanimously agreed that they should humbly request the honourable Government of Kenya to pass a bill in Parliament on Constitution to build and equip all categories of standard of learning institutions for the physically handicapped people that is starting from basic up to higher level that is universities on technical studies as per the category of their physical abilities. At least if possible in every district of the country there should be institutions categorised to all the existing invalid that is the blind, deaf, dumb, the lame etc. Each of their part in that category they should have the special institutions.

Number two, after educational learning institutions have been precisely taken care of just like any other Kenyans, after each one of them graduates in a particular career as they will definitely be professionals should be given the first priority in terms of employment.

Number three, after systematically being taken care of and undergoing through all the above processes they strongly felt we shall be able to provid for ourselves like any other whole bodied and able human beings. After such a standard life, we shall be

fair to the other human race.

On this planet earth, concerning the creation of employment we shall indiscriminately provide employment of all Kenyans. For example to the lay person or lay men and professionals. First if our flight is obliged, we are positively confident to provide super service to entire human race. We are confident to stand the whole world in the near future by providing the head of state out of the invalid community in either in this nation of Kenya or our other counterparts elsewhere on this planet earth.

Com. Baraza: Do not read them. Just highlight the main issues.

Daudi Arap Tesot: In conclusion, attention to the 1963 Lancaster House Constitution. May our honourable Government above mentioned Constitution particularly touching on the section of the Federal Government. Sir we remain hoping that our request shall receive a careful consideration. Thank you.

Com. Baraza: (inaudible) Peter Bii.

Peter Bii: I am Peter Bii and representing Muguti AIC Church and I shall speak English.

Preamble: the following should feature, the suffering of our people under colonialism.

Number two, our desire for peace and prosperity for our children and ourselves.

Three, the sanctity of the Constitution and the people power to contain alter or abolish Government as they think fit. Directives or principles of state policy.

We need the directive or principle of state policy which should capture the following: The Government should be by conceit of people. The whole purpose of Government should be to serve people to whom that Government is responsible.

Number four, the Government should always be servant and the people be master.

Number five, human rights shall be treated as God given and not a gift o any person authority.

Six, in interpreting the law and this contribution. Government should always adhere to these principles and must always observe the moral values of our societies and the cultures of our people.

Constitution supremacy: we desire that the methods of amending the Constitution should be changed so that both Parliament

and people must be fully involved whenever there is a conflict and the will of the people must be known through referendum and under no circumstances, shall the will of Parliament supersede that of the people because the people are supreme, both individually and collectively.

The Constitution of Kenya must clearly and define Kenya's and countries extended and surface area inclusive of area covered by water.

Electoral Commission of Kenya should conduct all referendums in Kenya.

Citizenship: children whose both parents are Kenyan citizens automatically become citizens upon birth.

Number two, every Kenyan, the office of the registrar of birth and death must issue a certificate of birth which shall become the evidence of registration of such a person as citizen of Kenya upon the attainment of the age of the majority.

Number three, spouses of Kenya citizens who possess other nationalities should satisfy the immigration authority community to which the Kenyan spouses belong and before being awarded citizenship.

Number four, upon the request of the Kenya's spouse a child born under, point number three above shall be granted citizenship. Dual citizenship may be granted to any Kenyan on request provided that they satisfy the immigration or their home community that no major reasons for objection to exist.

Number six, Kenyans who have attained majority age should be given a National ID card subject to production of a birth certificate. Every Kenyan with an ID card shall be given a National Passport upon request.

Structure and System of Government;

Com. Baraza: Just highlight

Peter Bii: Okey. In structure and system of Government, the present unitary system should be discarded in favour of patriotism in Federal Government.

The present provinces should be made regions and the area should be left to the regional Government.

Com. Baraza: (inaudible)

Peter Bii: I am on my last point. My last point is federalism.

Com. Baraza: (inaudible) Wesley Koech? Peter Koech? Na kama uko na memorandum na hutaki kupoteza wakati, unaweza ku-register and you go. If you do not want to talk about it. There are people who want to do that. They have written they just register and go.

Peter Koech: Hamjambo wananchi wateule. Kwa majina mimi ninaitwa Peter Koech. Mimi nimetoa tu maoni kama one of the residents.

I start with the human rights that is the classical human rights.

One, prisoners and suspects shall be protected and their classical human rights shall be adhered to. That means that they have access to medical facilities and visits by their families.

Wherever a suspect is being arrested there should be no torture. The prisoner shall have the freedom except in the following condition: They shall not have freedom of movement. They shall not determine where they are being arrested.

Culture: Kiswahili should be made national language. Two, all cultural value practises, social or economics shall be protected and promoted so long as it does not tamper with anybody.

Executive office of the Prime Minister should be created. He will be the Chief Commander in the Armed forces and Ceremonial in the Armed forces and ceremonial. President will also be appointed. The President must fulfil the following conditions: must be 35 to 65 years, literate, educated and learned. Should have experience of suffering and legalities of the people. Must be sane in mind that is not insane. Must be Kenyan citizen.

We come to provincial administration: it must be gapped that is reduced to a small chain such that if the chief exists the DO should not exist. The chiefs or the Dos should be elected by the wananchi.

Legislative; the Parliament should be divided into two chambers i.e the senate and the lower chamber. We are also agitating for Federal Government. As we create the office of the Prime Minister we still feel that there should be more constituencies.

We want to make the judiciary independent by creating the supreme court.

Worship: in freedom of worship, this worship should be recognised by the Constitution such that in case it tampers with wananchi, people now tend to worship the devil, they should not exist. That is the last one.

Com. Baraza: Thank you Mr. Koech. Charles Musee Orongo?

Charles Musee Orongo: Jina langu ni Charles Musee Orongo. Mimi ningependa kutoa maoni kuhusu Katiba mpya na ningependa sisi kama Wanakenya kwa upande wa wafanya kazi tuwe, miaka ile ambayo ilikuwa hamsini na tano ije iwe arubaine na tano . Kama mtu amesikia kutoa notice ambaye ni ya saa ingine kustaaifu kwa hali yake binafsi ni mzuri. Ningependelea hawa wafanya kazi wawe wanafikiriwa upande wa NSSF. Ule machango ambao tunatoa kwa NSSF, mtu alipwe wakati huo. Asikae sana ziende kusaidia yeye kwa upande ule, pengine kusaidia maisha yake pale mahali ameenda sababu yeye ni mtu amezoea kukaa pale kazini na akienda sasa nyumbani ni kama mtu hana mapeni. Hiyo pesa iende kusaidia yeye.

Ya pili, ningependelea kwa upande wa mashamba, Wakenya kuna wengi sana ambao mimi naonelea hatuna mashamba. Tungepewa haki tuweze kupata mashamba. Angalau unajua ukiwa na shamba hiyo ndiyo kitu ambacho kinaweza kuinua wewe kwa upande wa kimaisha. Hapo ningeonaa kama serikali inaweza kufikiria, iweze kutoa uhuru wa kupata mashamba.

Ya tatu, ningependelea kwa wale ma-chifu na assistant chiefs, wawe wanateuliwa na wananchi yaani kuchagua haya kama hii election ya bunge. Pia hao wawe wakichaguliwa.

Nne, kwa upande wa elimu, ningependelea elimu kuanzia shule ya msingi mpaka secondary university. Tuwe sisi wote ni sawa maanake kuna wale ambao pengine wanaweza kusoma lakini hawana njia ya kusoma. Serikali ifikirie watu kama hawa angalau na wao waweze kumudu maisha wafikie kiwango ambacho wale wengine wamefika. Inaweza kuwa mzuri kwa Wakenya mtu awe anajua kufanya mambo yake.

La mwisho upande wa Katiba ambayo ilikuwa ya wafanya kazi. Kuna ile imewekwa agreement ya miaka miwili. Pia na hiyo naye ningependa iwe mwaka moja angalau. Maanake saa ile mtu anaongezwa mshahara, apewe kwa safari moja ndio inaweza kuwezesha awe anafanya yale intakikana. Ni hayo tu.

Com. Baraza: Thank you Mr. Orongo. Paul Ng'etich? Joseph Ruto? Kipkemoi Arap Too?

Kipkemo Arap Too: My name is Kipkemoi Arap Too. I will give my review as an individual.

The system of Government: I prefer the Parliamentary system of Government in which head of state is separated with the head of Government and as well as regional Government.

Village elders: they should work under judiciary and must be elected by the villagers. They should be given more powers. The magistrate should never interfere and let a village elder forward the case to the magistrate.

In the provincial administration, it should be abolished and replaced with the judiciary. Judiciary should deal with enforcement of law.

Nominated seats, MPs and Councillors should be abolished and replaced with representatives from interested groups e.g representative to the national assembly, widows and youth. The leader of youth should be between 18 and 30 years of age. In religious representatives must help their MP to the national assembly.

Com. Baraza: Thank you Arap Too sigh there. Willia Koros? Bernard Chepkwony? Joseph Ng'etich? Kipkurui Bett?

Kipkurui Bett: I am Kipkurui Bett. This is my view, we should have a Parliamentary kind of Government in our country and a post of Prime Minister be established. Prime Minister should be elected by the party which has more seats in Parliament and the President should just remain as a sign of nationalhood and elected by the people. Hence the President and the Prime Ministers will have to share powers with the Prime Minister being the head of the Government while the President being ceremonial and the head of state.

It is also my view that the President of a country should only be the head of state and Commander in Chief of the armed forces and be relieved of his many other duties which should be general to other dignitaries appointed by the head of the Government who in my case should be the Prime Minister.

It is also my view that we should adopt a Federal kind of Government in Kenya and do away with the current unitary kind of Government which has actually contributed much to corruption in our country.

Devolution of power towards more regions of jimbos created will take the Government closer to the common mwananchi unlike the one we have in our country. In my regard therefore towards the establishment of Federal kind of Government a person will belong to where he lives but not where he came from. Countries like Germany and Switzerland among others have really succeeded with this kind of Government because of the following merits. Federalism supports the separation of powers.

Com. Baraza: (inaudible)

Bett: Translation Government should be established in the next General elections.

Supreme courts should be established also. The President in future should be impeached for any misconduct or any misuse of powers when he is in his office.

There should be no reserved seats for women but should be left to struggle like men.

Com. Baraza: (inaudible)

Banabas Koech: I am Banabas Koech. I will read my preamble and then I go to the main points.

Preamble to the Constitution of Kenya: forever we are grateful to the almighty God for giving us the most beautiful country which we have. We are determined to establish a federal form of Government that is institutionally to democratic values of transparency, accountability, to chiefs or assistant chief, social justice, human rights and fundamental protectors. A ware that our country has suffered the economies of foreign occupation for close to the century that resulted to the obligation of our culture and values that our fore fathers struggled to build for the millennium. Willing to give our lives for the indivisibilities disabilities of Kenya, our Nation to serve in culture but united as a people and loving and in festival rights of our people shine in our Constitution and bright in our African heritage. In serving our rights or oblique in our Government as a deems fit to hereby establish Kenya as a sovereign, democratic and God fearing country. We thank God for the Constitution of which we have now because it is our home grown Constitution. It is ours and we appreciate it.

I am going to point form now. Constitution supremacy: Parliament should not amend the Constitution without the public being informed through a referendum.

The public be informed through referendum and amending old Constitution be conducted by old Constitutional court.

Citizenship: a child born of Kenya citizenship regardless of gender be a Kenyan citizen.

Political parties; the number of political parties be limited to those parties whose membership is in at least five provinces, but the total number of membership should not exceed to one million. Political parties should not be funded.

Structure and systems of Government: we should adopt federal system of Government. We have seen through the federal system of Government in other countries they succeed or fail e.g Germany and many others.

The legislatures: Members of Parliament should be full time. Changes should be made adults to be eighteen years and legible for ID cards.

MPs should be forty five years. President to be fifty five years and should be ceremonial. Prime Minister be over sixty years. We should introduce moral and ethical qualification. Members of Parliament be degree holders. President should also be a Master Degree holder. We should not retain nominated MPs. Parliament should remove any executives through a vote of no confidence if found with any corruption or any misconduct. President should not have powers to dissolve the Parliament.

The executive: the Constitution should provide the removal of president for misconduct while in office. He or she is should not be above the law. The President appointed should be headed by the Parliament.

Judiciaries: a constitutional court should appoint them. The minimum qualification for a judiciary officer should be at least a lawyer or a degree holder. Thank you very much.

Com. Baraza: Asante Bwana Koech you go and register there and leave us your memorandum. Richard Arap Mutai? William Arap Mosonik? John Koech? Na hawa watu wanaenda wapi? David Lang'at? Arap Lang'at? You are the one Joo.

David Arap Lang'at: My names are David Lang'at. Yangu ni kwamba, watoto wa shule wapewe discipline in school.

Ya pili, village elders should be seen as people who are there to support the welfare of wananchi and should earn salary as other members of judiciary.

Mambo ya taxes lazima iangaliwe kwa sababu tunaona taxes ya Kenya iko juu sana lazima ipunguzwe.

La nne, ni mambo ya majimbo. It should be implemented in our country. That's all.

Com. Baraza: Thank you Mr. Lang'at. William Arap K Too? Kibii Arap Muge?

Kibii Arap Muge: *kaine nyun ko Kibii arap Muge*

Translator: My names are Kibii Arap Muge

Muge: *Ko ng'aliot ne kanyonjini ko kokigase kele kotesyike Wabunge rabinik.*

Translator: I came because I have heard that Members of Parliament have increased their salaries.

Muge: *Ako ene chek kelenjech meyat uchumi en Kenya.*

Translator: and we hear the economy is in bad shape

Muge: *Ko yabu ano rabinichu tesyinke.*

Translator: Where does the money they use to increase their salaries come from:

Muge: *Ne ba oeng'*

Translator: Secondly

Muge: *Kemache keger kele konget Serikali ak kotaretwech lagok ab sukulisiek missing ko lagok ab univerty amun chotet che uwen missing.ko libanji serikali.*

Translator: The government assist in paying fees for university students

Muge: *Anyon any kogeny, mitten boisyoniok che chang' che iime raia kou ngonon ko kigome uchumi amun kandoik icheket che kigopar.*

Translator: Our economy is in bad shape because of bad leadership

Muge: *Amun kikase bik che kigobar kampunisiek ak koendeleani ko boisy.*

Translator: We hear of people who bring down public co-operations and they are still in service

Muge: *Kalyan komakinam bichuton kealdaen tugukhwak ak kerat amun sibit kouit.*

Translator: these people should be prosecuted and they should pay back whatever they have taken from the public

Muge: *Ndabarekion amangu ale tokokaigait amun makanye chi koya tuguk che yach che uchoton.*

Translator: If this thing will happen it will deter those people who have similar desires.

Muge: *Anyon neba somok.*

Translator: Thirdly

Muge: *Nyalu keger kokirwagik koleweni raia icheket*

Translator: Chiefs and assistant chiefs should be elected by the people

Muge: *kongoi missing.*

Translator: Thank you very much.

Com. Baraza: William Kipkemoi Chepochok?

William Kipkemoi Chepochok: *Kainet ne nyun ko William Kipkemoi arap Chebochok.*

Translator: My name is William Kipkemoi Arap Chepochok.

Chepochok: *Abunu kamastab Kuresoi.*

Translator: I came from (inaudible)

Chepochok: *Kit ne kamache ko ketaret masquattaek ko sich imbarenik asi kosoman lagok chwak kogerkeit ak bik tugul cheba Kenya.*

Translator: I desire that the new Constitution, should address the issue of squatters, that they be given land so that their children may get education like the rest of the children in the country.

Chepochok: *Soiamwa kounatan ko ehek ketindoi tabu en kenyisiek che chang' ko ehek kotomkosoman lagokyok ak ketinye kousech serikalit en abakora.*

Translator: We have a problem in this regard. Our children have never gone to school for many years and the Government has been harassing us where we stay.

Chepochok: *Ko en yoniton kora kotam kibwati keleen amune sikeigun masquatters ago kingosich uhuru Kenya kotokisiche kotokisiche bik tugul.*

Translator: And we have been asking ourselves this question, why have we remained squatters since Kenya became independent and yet we thought this independence would bring hope to all including us?

Chepochok: *Ko en yanoton kora kegere makitinye barabariosiek, sipitalisiek kamaswek ab squatters.Makitinye kit age tugul ne kigere komiten en Kenya tugul.*

Translator: We lack any form of infrastructure. As squatters we do not get any service nothing that other Kenyans enjoy.

Chepochok: *Ko kakilelen si kokerech serikali kounaniton, anan Katiba initon ni lel inguni asikobet tuguk che uchoton.*

Translator: We are therefore praying that this new Constitution may take into consideration our rights.

Chepochok: *Ko choniton kityo kongoi.*

Translator: That is all I have. Thanks

Com. Baraza: Pastor Hilary Koech?

Hilary Koech: I am pastor Hilary Koech from Anglican Inland Church. A local church up there near the DDC. First I want to thank you all for coming to listen to our presentations pertaining to the new Constitution. First there is not only one area that I see our country is facing a tough challenge and that pertains the issue of corruption, which is affecting our country so much. Many have presented it but I want just a proposal that may help us to eradicate it completely.

First I was somewhere outside this country once, and I admired what a country is doing in our neighbourhood that is the issue of just establishing a magistrate within the people where the people are living. Because where I was travelling, we travelled to Uganda and we travelled a few kilometres and there were some people standing taking care of the people, the askaris, when they catch somebody having done anything wrong, that person is arrested and taken direct to the court. He is charged and pays the fine and then leaving that person who has done something wrong going, he will also meet other people ahead and then if he did the same mistake again, he is caught and pays the fine having been prosecuted. So if that person continues on the way may up to a hundred kilometres, he will have appeared in all the courts and the person will suffer because he will be paying all the fines on the way. So I was saying that if we adapt the courts in our villages or our locations, if our country does that, I think we will eliminate corruption. So that is what I had and also pertaining to those who are landless. I do not see the reason why there are people possessing thousands of acres yet others are not possessing even a single acre. Those are the few points and I am appealing that you present them for us and our country will remain in good shape.

Com. Baraza: Thank you pastor. Jane Sigei?

Jane Sigei: My name is Jane sigei from Mogojet. I have a few points here to present.

Preamble: we need a preamble in the new Constitutions. The issue to be in the national issue should be unity in diversity.

Citizenship: Whether a man or woman marries a foreigner they can give a citizenship to their sponsors or children. That is within Kenya.

Political parties: for registration of parties, the subsistence membership should come from at least five provinces. All political parties should be funded equally.

On the side of structure and system of Government: the structure should change and adopt a parliamentary system of Government to reduce the power of the President. The President will be a political head and the Prime Minister of the Government. The last point in structure and system of Government is federal system of Government should be adopted because it enhances distribution of resources and cultural and social diversity.

The legislature: the function of Parliament should be expanded but their term salary and their conditions of service should be determined by a commission. An MP should be on occupation full time in Parliament. That is he should not be employed anywhere.

The executive: the presidential candidate should have a minimum qualification of a Degree and should be of good morals, should serve for two terms of five years. The Constitution should provide for removal of the president for misconduct while in office 75% of Parliamentarians should sign a vote of no confidence.

On the side of judiciary, Supreme Court is necessary. The Chief Justice should not be a presidential appointee but should be elected by the judicial commission.

There should be a Constitution right, the legal aid especially for women and children who cannot afford.

Local government: the people should elect Mayors and Council chairmanship. The minimum qualification of the councillor should be O'level. Nominated councillor should be a half women and a half men and special interest should be considered.

Electoral system and process: secret ballot to be retained. Presidential candidate should obtain a third of the total votes cast.

Basic rights: should be enshrined in the Constitution that is education, shelter, food, clothing for all, rights for vulnerable groups, the interest of the women should be fully guaranteed in the Constitution, that is equal education, health political environment should be enhanced etc.

Land and property rights: there should be a limit of land an individual can own. There should be restriction of land to non

citizen.

Cultural, ethics and regional diversity and communal rights: Culture should not override fundamental human. The indigenous ethnic language should be encouraged, recognised and promoted.

Environmental and natural resources: there is a need to ensure that the environment and natural resources be conserved by all Kenyans.

Succession and transfer of power: the incoming President should be sworn in by a supreme court. The Constitution should make a provision for the former President in terms security, immunity from legal process. Thank you

Com. Baraza: Thank you Jane. Leave the memorandum there. Wesley Soi? Zacharia Mutai?

Zacharia Mutai: *Kainenyun ko Zacharia arap Mutai.*

Translator: My names are Zacharia Arap Mutai.

Mutai: *Kit ne amache ang'alalen ko akoba imbarenik.*

Translator: I want to talk of land

Mutai: *Imbarenik che kiganyokoreben chumbek boisyekyok.*

Translator: the land that was stolen by the white man from our elders or our people

Mutai: *K okingobwa chumbechoton komi che kibae tuga ak komi che kimin chaik.*

Translator: When those white people came, there were those who planted tea and there were those who kept dairy cattle

Mutai: *ago che kibae tuga kokikobek lease ne nywany komakere amune si mabek lease neba bik che kimin chaik.*

Translator: Those who kept cattle have completed their lease but those who planted tea have not completed their lease. I do not see why?

Mutai: *Ngot kikiyagta cheba imbarenik che kibae tuga konyalu keyakten ogot ak ehek cheba kapchain ak kepyechi*

bik ab kobaemet.

Translator: If we had to repay back loans for cattle farms we should also for the tea farms so that the original owners may claim them back

Mutai: *Amun kongeten 1963 kinge bouge ko agoi raini ko mitten bik chetoma kosich imbaret ako kinyalu kesich imbarenik chitugul.*

Translator: Because since independence since 1963, a section of Kenya still remain squatters and there is no reason why they should not get land.

Mutai: *Kot ne ki ng'aten ng'atutik,*

Translator: The legislature

Mutai: *Akere ale nyalu kebos kimnatet ab wajumbe che mi kot ne king'aten ng'atutik.*

Translator: I see that the powers of MPs should be reduced

Mutai: *Asi komaik icheket che kerege icheken akotesyin ke rabisyek amakere bik alak.*

Translator: so that they do not become selfish and increase their salaries at will

Mutai: *Kora konyalu ko mi bik che to kiguren commission sikogere olenyalu ketesyindoita bik rabisiek kong'eten ngweny agoi ne mi barak.*

Translator: commission should be set to review salaries of all public servants

Mutai: *Taretosiek cheyabu kamaswek ab sang,*

Translator: External assistance to the country

Mutai: *ko nyalu kelewen en division age tugul kobato councillor ak MP asi kokere ole kipyeto tuguchotet kotkoitita emet aketugul.*

Translator: In my view, assistants from outside the country should be channelled through leaders such as MPs and the local councillors so that there is equity and justice in distribution of these resources.

Mutai: *Pororiet age tugul ak tumwekywak*

Translator: Every community should enjoy and keep their cultural practises

Mutai: *Amun kou ogok katunisyosiek konyalu komi katunisyosiek kouni*

Translator: Even in the case of marriages it should be as follows

Mutai: *Nyalu komi neba kippaa ak ne3ba kap D.C ak neba kanisa.Oko nyalu kosich tugul certificate.*

Translator: All forms of marriages should be recognised equally by the law.

Mutai: *Serikalit ab Majimbo*

Translator: Federalism

Mutai: *Ko nyalu ko mi amun kikere kararan notet amun imuche konyor chtugul amitwagik koyab boisionikyik.*

Translator: I feel that we need a Federal Government because this will ensure that everybody will enjoy whatever he has without interference from people who may not be concerned.

Mutai: *Kora akoba tgukeyok che kiribenkei akere ale nyalu ketindoi tgukeyok che kikiribenge kongeten taunet kou kipchabok ngotit agort bundukit nda mukagse.Ta atinye kit na ribenge.*

Translator: Citizens should be allowed to own traditional weapon for self defence purposes and even in some cases guns should be given to citizens if they do desire for person security and that of their property.

Mutai: *Amun sait ake konan kenyo kerebenech tgukeyok che kitindoi en karikeyok keng'etu puch komuche konyokobarech okot punyik alak che katakimuchi keterengei.*

Translator: Because we can deny ourselves arms and thieves comes fully armed and take away what belongs to us.

Mutai: *Agoba chorsosiek ne kikoyet en Kenya.*

Translator: Theft of public resources in Kenya:

Mutai: *Chorsosiechu akere ale ng'wan tos mamichi netos ribe ng'atutik.*

Translator: I feel that the law should apply in the case of people or should be enforced in the case of people who tamper with public property

Mutai: *Amun okt en ng'atutik che kio Musa che kikonu Mungu, ko en ng'atutik taman ko mitten ng'atutiet ne mwae kole me chores.*

Translator: Even in the ten commandments that were given by God to Moses, there is law that says though shall not steal.

Mutai: *Kongoi ingo bachit yonitet.*

Mutai: Finally thank you very much.

Com. Baraza: David Mujwanda? Are you the one? Why don't you respond. Utafatwa na Peter Maritim.

David Mjwanda: Asante sana. Mimi kwa jina naitwa David Mjwanda. Sasa mapendekezo yangu ni haya. Nimesikia ama katika zile vitabu nimeona, nimeona kwamba Katiba iliyoko hakuna utangulizi. Sasa mimi binafsi ningependa Katiba yenye tunatengeneza saa hii iwe na utangulizi na maneno yafuatayo izingatiwe.

Kuanza, amani, uhuru na umoja. Tutawekea hivi, sisi Wakenya kwa ajili ya amani tuliyonayo umoja na uhuru, tunaandika hii Katiba . Hiyo nimemaliza.

Pili nakuja upande wa uraia: ningependekeza mtoto akizaliwa hapa na wazazi wake wote wako hapa, indigenous parents, apate uraia moja kwa moja. Na ikiwa mzazi wake mmoja atakuwa sio Mkenya, na mwingine ni Mkenya kwa mfano kama baba ni Mkenya mama sio Mkenya, hapo atapata uraia. Na kama baba sio Mkenya na mama ni Mkenya hapo kutakuwa na tashwishwi kidogo.

Ya pili, upande wa uraia bado, mtu anaweza kuwa na uraia, anaweza kuwa Mkenya wakati mmoja na wakati mwingine awe wa inchi ingine. Tuseme kwa mfano, yeye ni mzaliwa wa Kenya lakini ameolewa mahali ingine nje ya Kenya hapo akikubaliwa huko akuwe na uraia hatuwezi nyang'anya yeye.

Tukiingia upande wa uchaguzi: ningependa kugusia utaratibu wa uchaguzi. Tarehe ifafanuliwe ya uchaguzi.

Wagombeaji uchaguzi: Rais asiwe chini ya miaka thelathini na tano na tusiwekee yeye kipimo ya mwisho. Asiwe mwakilishi wa eneo la Bunge. Mbunge atakuwa. Vile akichaguliwa Rais anakuwa Mbunge direct na asikuwe Mbunge yeyote.

Pia ningependekeza kuwe na Prime Minister. Yeye anasimamia shughuli za bunge zote na Rais anasimamia idara ya serikali inayoitwa tekelezi. Yeye anachaguwa mkuu wa majeshi, mkuu wa polisi na wengineo.

Tukirudi kwa mali asili tusikubali wageni warithi ama wanunuwe mali za asili za Kenya. Tuseme kwa mfano, mgeni akuje anunue shamba. Tutakubalia yeye akuwe na contract kama anafanyia hapo biashara tutakubalia yeye lakini sio yake tunampatia muda. Mwenye anaweza kurithi mali ya asili moja kwa moja ni Mkenya. Na mali ingine ya asili kama maziwa na nini Serikali isimamie. Nafikiria kwa uchache ni hayo. Asante.

Com. Baraza: Sign your name there. Peter Maritim utafuatiwa na Albert Towet. Albert are you there? You sit close there.

Peter Maritim: I am Peter Maritim. In our Constitution, we should have the preamble and it should be as follows: we the people of Kenya through the court of the magistrate we write that we shall preserve our Constitution.

Point number one, Constitution supremacy: people should be informed of any changes if the Parliament want to change the Constitution. And in Parliament, for any Constitution to be changed they should be three quarter 75% not the current two third.

Citizenship; any person above sixteen years not eighteen years should be registered as a citizen of Kenya. Any person born in Kenya and above sixteen years. Any other person married by Kenyan either a Kenyan lady or a Kenyan man must be registered as a Kenyan citizen.

We have also those who come to Kenya to evangelise. If they stay in Kenya for more than five years should be registered as Kenyan citizens.

Defence: head of state that is the President be the Head of Armed Forces.

Political parties: Any group of people wishing to register their political party should be allowed to do so if they have the manifesto.

Structure of Government: the people should elect President and he should be the head of the unitary Government. We should retain the present unitary Government.

Devolution of powers: we need to see the MPs having powers to implement any economic political or social activities in their

representation areas. Councillors also should have powers to implement anything so long as they have consulted their people not the Central Government.

Salaries of the President and the MPs be determined by the civil society and be approved by a constitutional court. The current salaries of the President and MPs be increased immediately from ten thousand to three hundred thousand so that they can also be taxed and the emoluments be reduced by 80%, because you see now they have more emoluments than their salaries.

Religion: freedom of worship should be abolished and all the religions in Kenya be regulated because have started to abuse this freedom of worship.

Education: we have to adopt a system of education, which is ten years in primary five years in secondary and three years in university.

We go to the ownership of land. All the land in our area which are owned by Europeans those who came here before independent should be returned to their owners, those who owned them before. Thank you.

Com. Baraza: Albert Towet. Please five minutes.

Albert Towet: My name is Albert Towet. My point concerns Presidency. Age should be one of the qualifications of any presidential candidate. The lower age limit should be introduced and should be twenty one years to ensure the elected president is mature enough to handle the great responsibility of the office. The upper age limit should also be introduced and he should be seventy-two years for the same reason. The lower age limit of the parliamentary candidate should be twenty one years and the cut off age should be seventy two for the same reasons. The President elected should not be an MP, because it is difficult for one individual to serve two roles. The provincial administration should be scrapped as way of reducing corruption in our country. The police officers should be posted to go to their respective subdivision to discourage them from receiving bribes. The Mayor should be popularly elected and must be degree holders. The President should not be the Commander in Chief of the Armed Forces because he or she may misuse his presidency.

The right of land ownership should be made a basic need and the right to employment should also be made a basic need. Also, there should be a right to minimum economic security. Thank you.

Com. Baraza: David Rotich? You have a memorandum, please come and highlight it.

David Rotich: Jina langu ni David Rotich. Ningependa kusema tu yale ambayo nimeandika hapa, kuhusu wale watu wamedhalauliwa katika jamii kama vile wanawake wanavyo pigwa na wanaume wao, lazima kuweko na sheria inaweza

kuwalinda hao wanawake, kwa sababu wanaume wengine wanaachia wanawake jukumu la kuchunga watoto pekee yao.

Ya pili ni wale walemavu ambaop hawakubahatika katika jamii, lazima wasomeshwe kama watoto wengine. Hawa watoto pia lazima wawape malezi bora. Kuwapa vifaa vyakutumia shuleni. Baada ya kumaliza masomo yao ni lazima kutafutiwa kazi na kuajilwa kama watu wengine

Mahitaji ya walemavu ya shughulikwe na Kati, kulinda mali zao. Kwa mfano wakiwa na mashini ni lazima ilindwe kutokana na wizi. Kuwapa pesa za kuanzisha kazi zao. Kuanzisha chama chao cha biashara kama co-operative.

Makundi yanaweza, yale ambayo yanadharauliwa pia yalindwe na wananchi wengine. Katiba inayoeleza kisheria. Masharti na vizashawishi kwa mfano wanawake na makundi mengine kuwathiriwa kwani Wakenya ni Wakenya na kuna usawa kwa kila mwananchi. Hapa dipo kutakuwa na Serikali ambayo inachunga wananchi wote bila kubagua Uongozi: Pia walemavu lazima wachaguliwe kama viongozi wengine. Ni hayo tu.

Com. Baraza: Kipere Arap Rono?

Kipere Arap Rono: *Kainenyun ko kiprere arap Rono. Ko sianyo yu ko kokagas logoiwot ab Majimbo.*

Translator: My name is Kipere Arap Rono. I came here because I have something to say on federalism.

Rono: *Ko Majimbo ko ba bik tugul oko ba ye ba. Okot echek bik ab Kalenjin ko mitten Majimbo ne nyonet ne ba koi eb Kalenjin.*

Translator: I feel that it should be introduced so that all people even us Kalenjins should enjoy resources that are within their area.

Rono: *Ko kikinge mang'u en tulwab lagoi kemwa koteben aketugul korenyin.*

Translator: Since we left Lodian Hills there, we determine that everybody's land should be respected and each live in his land.

Rono: *Ko teben aketugul korenyin makitwae majimbo en ye mitten ake tugul en ye mi Katiba.*

Translator: So everybody should own the land on which he lives

Rono: *ko mitten logoiwot ab keputyi imbaret chepyosok, komamiten en kot ab Kalenjin kepye teta kialji chepyoset*

imbaret.

Translator: We hear of people proposing that land should be given to women. In Kalenjin customary law you cannot have different rights for the wife and different rights for the husband but the husband holds the land in trust for the wife and the children.

Rono: *Ko mabitunat en kamastab Kalenjin tugul en Kenya.*

Translator: It is not allowed among the Kalenjin

Rono: *Kongoi misingi en chonitet karatugen yaniton.*

Translator: That is all I have thank you very much.

Com. Baraza: Priscilla Koech?

Priscilla Koech: *Kainenyun kegurenan Priscilla neba arap Koech. Amache ang'alal ataret chepyosok.*

Translator: My names are Mrs Priscilla Koech. I want to speak on behalf of women

Priscilla Koech: *Inanamen olinba kot ne wo olin ba Parliament.*

Translator: I will talk regarding parliamentary representation.

Priscilla: *Nda mukakse komache kikachi chepyosok ng'echerok sosom en parliament che makibingani kergei inge lewen anan komakilewen ke nominateni koteben ng'echerochoton.*

Translator: Women should get automatic seats not necessarily upon election but should be automatic.

Priscilla: *Kit age amache kenam chepyosok che kagitun en kipгаа kikachi certificates ak ichek amun kiit wakati ne muti chit oak kitun en kotini amun tun kait kwa boiyot kereben chepyosanaton imbaret amun kimatok en Kipsigis.*

Translator: In the past women had been denied their heritage by traditional marriages having been discriminated against by the law. I suggest that in the new Constitution all marriages be made equal and every married person should have a certificate so that women may have their inheritance.

Priscilla: *Kit age amache ingepyee ng'echerok en institutions tugul che mi serikali kou ministry of Agriculture, ministries alak tuguk che mitten kemache keger kele mitten chepyoset ne wendi agoi resob kotaret chepyosok che maimuche koit yoton.*

Translator: In giving out employment in the various departments there should always be a quarter for women, so that amongst those who come to work in the rural areas interacting with people women should also be there.

Priscilla: *Kongoi missing.*

Translator: Thank you very much.

Com. Baraza: Anna Koech?

Anna Koech: *Ane kekurenon Anna koech.*

Translator: My names are Mrs Anna Koech

Anna: *Amiten ireyu, asame ale majimbo konyalu kotonon kou yotet.*

Translator: I wish to state my preference for a federal system of Government.

Anna: *Ko kou tibikyok che kikomut pororiosyek alak ko nyalu yekimi lewenisiet kong'ot ko kasergei komuche komi ak lagokyik kepagagchi lagokyik.*

Translator: I suggest that women who are married outside their communities if there is a misunderstanding they should be given their children. The women should stay with the children.

Anna: *K one rube kogeny ko kamastab tibik ko nyalu chepto ne masich konyin konyalu kebutyi imbaret amun lakwevyun kora.*

Translator: Unmarried women or girls should inherit their father's land just like any other child in the family.

Anna: *Ale ko ten yoniton*

Translator: That is all I had. Thank you.

Com. Baraza: Geoffrey Koech? Wilson Ketel? Micah Mastamet? Kiptoo Arap Marugunya?

Kiptoo Arap Marugunya: *Kainenyun kegurenan Kiptoo arap Marugunya.*

Translator: My names are Mr. Kiptoo Arap Marugunya

Kiptoo: *ko kit na mache amche majimbo ane mangel ng'alek alak.*

Translator: I am for federal state of Government

Kiptoo: *Ko en Majimbo inotet ko teben chitugul ye kimi. Kobek matinye ng'alek alak.*

Translator: And in that majimbo system, in the ownership of that land, there should be the original inhabitants of that place. That is all what I have.

Com. Baraza: John Chestigei? Are you there? Please come.

John Chestigei: Majina yangu ni John K Arap Chestigei. Kuna mambo mengi mumeongea lakini jambo la kwanza, wacha niongee kiswahili. Jambo la kwanza ni kidokezo (preamble). Kama Katiba yetu haina kidokezo, jee tunaelekea wapi? Lazima tuwe na kidokezo tunaelekea wapi tunataka kuongoea juu ya nini.

Pili, kulingana na mambo ya hapo awali, tulikuwa na katika uhuru tulikuwa na majimbo. Na majimbo hayo yadumishwe. Kila jimbo lijishughulishie mambo yake mwenyewe.

Juu ya ardhi: ardhi ni jambo lilokuwa la muhimu hata kabla ya kupata uhuru kwa sababu wakoloni walipoingia kwetu walitupokonya ardhi yetu. Ardhi hiyo irejeshewe kwa wananchi walio kalia hapo awali. Kwa mfano, tulikuwa na mashamba aina tatu mashamba ya kwanza ni yale ya mjini. (urban centres) Hapo tuna jukumu ya kumilik ardhi yetu. Mtu akitoka India, asiye akajigamba ati ardhi ni yake kule mjini, hapana, lazima tuwe na uwezo wa kuongoea juu ya nani amiliki ardhi hiyo. Pili, kulikuwa na mashamba ya kulima nafaka kufuga ngo'mbe na kadhalika. Wazungu walipoondoka tulishuhudia mashamba yetu tulirejeshewa. Kama Commissioners nyinyi mnajua geographia ya Kipsigis kutoka Ng'oilo mpaka itembe kule Bomet. Wazungu walikalia kwa sababu walizokuwa lakini uhuru ulipo tujia tukanyakuwa mashamba hayo. Hakuna wazungu tena ukienda kule. Kwa hivyo tumerejeshewa hayo. Jee ni mbinu gani zilitumiwa ili turejeshewe hiyo. Turejeshewe mashamba mengine. Kuna mashamba ya michai. Wazungu walikuja na kukalia kwa mkataba maalum ati ni lease. Hii lease haijaisha? Waliandika miaka mingapi nilisikia kwamba waliandika miaka tisaini na tisa sasa tuko mwaka wa elfu mbili tangu 1899. Sasa

mashamba yetu tayari ni yetu kama walileta miti ikiwa blue gum ikiwa chai ikiwa chai labda wanalipa marupurupu kidogo tuwape lakini wamepata zaidi ya kupitia kiasi kwa hivyo turejeshewe na wale watu wa Kipsigis. Yule mzee aliptangulia alisema mlima wa Lodiani. Hatuuti mlima wa Londiani, tunaita Mau Summit. Through out Kipsigis kutoka hapa yote. Tulipo wafukuza wale walimaji wa ngano, lazima kuwe hao wengine halafu tupate uhuru wa kuongea tutauzia nani chai. Hata juzi walionyesha nguvu nyingine iliozidi hapa Gatie. Kuja kupanda chai kwa nguvu sana. Juzi tu.

Jambo lengine ni Urais. Rais ni lazima achaguliwe na jamii na akichaguliwa, apate nguvu ya kuzidi kiwango anaweza hata kwenda platform nakutangaza kwamba ati mimi nafanya hii leo. Rais lazima achunguzwe ili asije akaweka watu wengine wale ambao wanaitwa kwa kingereza untouchables. Halafu wengine wanaumia. Wabunge lazima wakatazwe kuhairisha Katiba kiholelea. Lazima kuweko na Tume (Commission) ile inawaambiwa hapa fuatilia Katiba hovy hovy.

Pili unaona kuwa wabunge wanajiongezea mishahara hiyo hailipishwi kodi. Jee tutajenga nchi hii namna gani kama mbunge akichukiwa million mbili halafu kuringa ringa nayo na kusema hapana nitakuwa mbunge kuendelea. Mishahara yao ichunguzwe. Lazima kuwe na Tume ya Katiba ambayo inachuguza hiyo Katiba. Tunaita referendum ama waulize raia kupitia Tume ya Katiba. There should be constitutional court in which even a referendum should be conducted through the commission.

Uraia si kila mtu Tom and Dik awe raia wetu. Mtoto ambaye alizaliwa hapa na mzazi wa kikwetu, Kenya hasa Mkipsigis, sis tunaitwa Chelule. Kama mtu ameletwa hapa kutoka nje, awe Mkipsigis kwa jina na awe na nyumba yake. Ukoo wake. Halafu uraia wa mgeni ule mwanamke ambaye anatoka ng'ambo awe mweupe, mweusi akija ajitangaze kwamba yeye amekuwa Mkipsigis, aolewe vilivyo.

Ndoa za kiwetu zitambuliwe. Our traditional marriage must be recognized and entrenched kwa sababu unaona siku hizi mtu anaenda na mwanamke ana kaa tu. Tuna majina kama yale ya Kipsigis unaweza kusemea kwa lugha ingine Bwana Rono tunaita (Kipsigis dialect) An unmarried woman who lives with a man in our community is called (Kipsigis dialect) I think the nearest English parallel is a concubine. Sasa huyu hana haki yeyote katika jamii hiyo.

Com. Baraza: Wind up

Chestigei: Sasa nilikuwa nikiongea juu ya marriage. Mambo yale yakusema kwamba akina mama wapewe mashamba kiholela hapana. Lazima kuwe na jamii, sheria ya kijamii. Traditional rights should be followed. If the woman has to be given land, the Kipsigis have got their own way of giving the land and therefore the Kipsigis should be allowed.

Sasa kuhusu elimu, afya na ufukara. Elimu yetu itunzwe ili tujuye mambo gani yale. Na lugha yetu, ya mama, nidhamu, ilindwe. Masomo yetu yalindwe na kufundishwa shuleni.

Com. Baraza: Your last point.

Chestigei: Sasa afya ilidwe, hospitali na watu wetu wachunge. My last point ni ufukara. (Poverty) hatuwezi kuondoa ufukala kwa kukaliwa na wazungu hapo ng'ambo kukubalia watu waimbe pesa yetu. Ile corruption (ufisadi) lazima kuwe korti ilio na nguvu. Asante sana.

Com. Baraza: Ulisema mwanamke mzungu akiolewa na Mkipsigis afanyiwe traditional marriage atakuwa Mkipsigis?

Chestigei: Akiolewa kanisani, Wakipsigis wana recognise kanisa ki-islamu, wana regonise bora tu aje na kufuatana na ile tradition ya Kipsigis halafu awe mwanamke wetu.

Com. Baraza: Iko swali: Mkipsigis akipata mama mzungu, Bwana yake alete hapa Kipsigis aolewe kwa church au kwa Kipsigis, atakubaliwa kuwa Kipsigis?

Chestigei: Atakubaliwa kuwa Mkipsigis. Nilisema hap awali tunaitwa conquerers (Chelule) tunaleta yeye halafu afanyiwe traditional marriage ile ya kuoja tunaona hata mwanamume. Tunachija ng'ombe. If a husband comes to the Kipsigis family, he must be inherited. He must be married the Kipsigis way.

Com. Baraza: Nime elewa

Chestigei: A husband will not come to the in-laws. The girl is supposed to go not to bring the husband.

Com. Baraza: A husband may be married to a Kipsigis girl and wish to visit

Chestigei: We have solved it now. On your way to Kericho there is one who is married by a Kipsigis woman. The woman is the born right of the man and therefore he may enjoy the right. (laughter)

Com. Baraza: Okey thank you. Sofia Bwogo

Sofia Bwogo: *Kigurerenan Sofia neba arap bwogon.kit na mwae ko tonononet ab Majimbo kotonone kou atebet ab Kipsigis.*

Translator: My names are Mrs sofia bwogon. I have to say that majimbo should be entrenched in the next Constitution.

Sofia: *Amun ehek kokikinai kiburecheken kogiki Kipsigisiek.*

Translator: So that as Kipsigis we may nurture our cultural values.

Sofia: *Kingo kageker tulwanon kiba lagok ko kikitil en yet kele ki kipsigisiek ine konyi oko kibure echeken.*

Translator: After we closed the Mau Summit it was decided that we are going to be the Kipsigis and we will take care of our culture.

Sofia: *Ko mi ng'aliot age namwae ale ne kiterech okot ne akase kelemen akoba lagokyok kele Makitun anan makese werit ko ming'aliot akeng'e non kiba kirgit.*

Translator: Why we are talking about marriage and having many complications regarding marriage there is the story of the bull

Sofia: *Mi ng'aliot ab oeng', ko ng'aliot neba bik alak che ba bik alak che kigilanda ko ba ainet ko kiriryo pichoton ako mekomi bik che kiilanda kotkoba bbitanin.*

Translator: There are those people who have taken access the waters and they cried and those who took them no longer exists

Sofia: *Ko ehek kot ab Kipsigis ko kikipsigisiek ine konyi. Kimache kesom nyoet ab kat non kiba kirgit ak kesom nonkiba pichoniton asikobit kotebi lagokyok komie. Kinge nerie ko kigiigu lagok ako kikitunet makitebi.*

Translator: so we remain the Kipsigis and we desire that we may remain so.

Sofia: *Ki kipsigisiek ine konyi. Boisyenyon ko kikipsigis komie*

Translator: We remain the Kipsigis and we ought to remain so

Sofia: *Kongoi.*

Translator: Thank you very much

Com. Baraza: Harun Cheruyoit?

Harun Cheruyoit: My names are Harun Cheruyot: The first one is about the military. Wale wa military hawafai kufutwa ovyo ovyo because they will increase that rate of deaths. They have the techniques of handling the gun. So if they are sacked,

they will increase the rate because they can buy a gun and can use them to steal and it will be very hard to get them because they have the techniques of hiding themselves. So they should not be removed from the power anyhow. They should only be removed when they make a big mistake.

The President should not be the Commander in Chief of the Armed forces to enable the others to get jobs. If he will be the Commander, he will make others miss chances and they are educated.

Unmarried women should be given a portion of land in their homes because she is also a child of that family and should not be given the same rate like that of a man. She should be given a ratio two to one to make her stay there. If she is not given a piece of land, we will increase the rate of concubines. So she should be given a ration to bring up her children.

Marriages; all three types of marriages should be recognised. Traditional, civil, and church wedding and should be given a certificate.

Parties; in Kenya we have multipartism. So all parties should be given a chance to present their views and address the people so that everybody chooses the party he/she wants to belong to. So they should have a right to address people any time.

Landless people should be given land. Those giving the land should be sure that this man has no land. We find that the land we are giving out, if you go there you will find rich men have portions and they should not be given. The land that has been given to rich people should be taken back and be given to the landless people. That is what I have.

Com. Baraza: Thank you. Benard Kimtai? Elijah Arap Ng'eno? Sarah Cheruiyot?

Sarah Cheruiyot : *Kainaikyuk ko sara Cheruiyot.*

Translator: My names are Sarah Cheruiyot.

Sarah: *Angalale missing agoba kamastab chepyosok.*

Translator: I will specifically address one area which is about women

Sarah: *Kikemwa kot ab Kalenjini kele makobendi lagok tumdo.*

Translator: A good number of Kalenjins have accepted and said that there should be no female genital mutilation again and we should accord the girl child equal education facilities with boys.

Sarah: *Akemache lagok kosoman che tibik kogerkeit ak ole somando werit.*

Translator: And we should adore the girl child equal educational opportunities with boys.

Sarah: *Kogeny kemache tibik kinet ko nyikanitun asikoba KAI, koba luget akonam boisyosiek che yechen kogerkeit ak murenik*

Translator: We also need to train girls so that they may have self confidence and courage and even join such challenging careers such as ministry and other careers in that category.

Sarah: *En ingunon okerech si kemi chpyosok koi ko amun kimache chepyosok ko beunge kwa uwingi.*

Translator: Why we women have joined men in expressing our views is because we also feel that women should also go to Parliament just like men.

Sarah: *Akemache yon kabit kasarta non kenominetenen bik kemache koik 2/3rds kwanyik.*

Translator: We also feel that whenever nominations are done, two in three nominations.

Sarah: *Kogeny ng'aliot neba kamangut kabisa nesire tugul ng'adan kororon tugul, kemache Majimbo.*

Translator: The most important of all even though each point is important in its own right is that we want a federal system of Government.

Sarah: *Asi kemwa kounon koamun olinyon, kemi en tabu neba sipitalisiek neba universitisiekak tuguk cheba maana.*

Translator: We say so because our area is highly productive and yet our resources never come back to serve us, by giving us such things as health centres, universities and other important institutions.

Sarah: *Neba kwang'et ak okase bik che mi koi, ko koit kit ne kepare cancer ne kimuti chito kowa Nairobi kai ingonyone kemache million ana million oeng' en kap chito. Kegase takiwekwech majimbo asikenget kekwelkwelgei, ketech Sipitalit ne mi machinisiek asi komagi siptaibik koba Nairobi sikobit kinyai en gaa.*

Translator: We have the problems nowadays of such terminal illness as cancer, where people are taken to very expensive hospitals in Nairobi. We cannot raise the requisite fees and we feel that we should have our own Government, which should build the required facilities within the reach of our people.

Sarah: *Sikomautien ng'andan ng'aliondonon koba murenik, kakomwa murenik ko kwanyik ng'ot komasich amitwagik che kwangchin lagok ak ichek kokagoyait emet. Kimache kewekwekyi imbaret ne kiga komboan chumbek olikitom kesich boisyek che mi ng'uni.*

Translator: I want to add on what men have already said. Women also feel strongly about because as women, a child is not given food, the child won't live and so we talk about our land that was stolen by foreigners, now we feel that it is the time to return it back to its former owners.

Sarah: *Kapchain ,karoguye.*

Translator: Those are tea plantations just across the other side. I hope everybody understands

Sarah: *ko en title deedisiek che kitinye chepyosok ab Kipsigis ko kigisir muren inegen.*

Translator: In the current title deeds that are issued even within our own county, only the names of men appears.

Sarah: *Kimache kotak kwondo komi kainet ab muren kobato neba kwonda en Tittle deed.*

Translator: it is our feeling that the title deed should have the names of the husband and the wife.

Sarah: *Ak kemache chepto ne makitun ketiji imbaret.*

Translator: We feel that unmarried women or girls should be given a share of land.

Sarah: *Kemache korig ofis chepyosok komaKebire ak kemache kora kesirchi lawyer anan ko advocate si koibe ng' alekwach ko ba yoton.*

Translator: Lastly I feel that women should be protected from domestic violence and they should have access to advocates in order to air their grievances.

Com. Baraza: J. K. Kosgei?

J. K. Kosgei: I am J. K. Kosgei. First and foremost I would like to give what I have written here in point form. That is agriculture as a sector should be introduced in schools as the main subject, since it is the backbone of our nation. Current Constitution should be introduced straight from Primary level.

Thirdly, we should have a ceremonial President by the people should elect him and his powers should be reduced and he should be at least a graduate.

The parliamentary seats and councils should be at least or those who will be contesting should at least have a certificate of Form Four or any equivalent level. We should have free medical services, free education from primary level to secondary level and to

wind up the nomination of MPs should be done on constitutional basis in order to give powers to those who have been elected by the communities.

The parties in Kenya should be reduced from three to four. They should be given equal opportunities.

Marriages: those who are engaged should get married within a period of five years.

Administration: there should be no chiefs and assistant chiefs. The rank should start from the DO and above.

Com. Baraza: Go and register and give us your memorandum. Samuel Ketel?

Samuel Kete: Jina langu naitwa Samuel Kete. Serikali lazima iangalie vizuri upande wa polisi na raia.

Watengenezaji pombe wakipatwa, wasifunguliwe bila kortini kujua. Polisi wasichukuwe hongo sababu raia wanaumia. Asante.

Com. Baraza: Charles Yegon?

Charles Yegon: In order to bring my points most clearly, I will speak in Kalenjin language.

Yegon: *ko kit ne kamache ko akoba compunisiek.*

Translator: I want to speak regarding companies.

Yegon: *Amun kambunisiek ke kere wendi nguweny Kambunisiek che to taretenne bik.*

Translator: Corporations that should have assisted the economy and uplifted the standard of living of the people are going down by the day.

Yegon: *Ko amun akoba kandoik che kileweni en barak che ma qualified anan chemache kityo kosich cheo koger kole kabar kambunisiech choton asikobit komakyige tugukwak Kongoi.*

Translator: This has come about as a result of not qualified people being given posts that they do not deserve. They have the primary aim of enriching themselves, and not being concerned about the fate of the corporations. Thank you.

Com. Baraza: Joseph Arap Kiele? George Arap Ruto?

George Arap Ruto: Honourable commissioners wananchi wote, mabibi na mabwana. Kile ambacho nitakacho toa kuhusu Katiba, kwanza mtaniwia radhi kwa sababu nitachanganya lugha zote. Kizungu na Kiswahili. Kwa hivyo nitachanganya lugha zote. Kizungu na Kiswahili. Kwa hivyo nitachanganya muniuie radhi.

Nitaenda mbio mbio sana kwa majina mimi ni George Cheruyot Ruto. Kile mimi nataka ni kwamba Katiba yenyewe iandikwe historia yake vile ilianza ili iweleke ni Kitabu ya aina gani, na ni kitabu inaendelea namna gani.

Pili, kitabu hiki cha Constitution inafaa iandikwe kwa lugha ambayo inaeleweka kwa watu ambao hawakupata elimi zaidi, kwa sababu, Katiba ilioko kwa hivi sasa iliandikwa ambao ni ngumu kwa watu ambao hawana elimu kubwa.

Nikienda kwa Constitution supermancy ni kwamba Bunge ikubaliwe kubadilisha Katiba kwa 65% majority, kwa sections ambayo sio nyingi sana na lakini kwa overhaul ya Constitution lazima ku-involve public referendum.

Nikienda kwa structure of Government. Inafaa tuwe na serikaly ya majimbo pale ambapo Rais anagawanya mamlaka na waziri mkuu. Tena provinces zilizoko kwa Kenya zibadilishwe hizo provinces ziwe jimbo.

Nikenda laini ya Bunge, mtu anayetaka kuwa Mbunge anafaa awe na miaka ishirini na moja kuenda juu. Pili huyu mtu anayetaka kuwa mjumbe wa bunge ni lazima awe na elimu ya degree na kuenda juu. Tena upande wa kazi wanavyo tenda kazi inafaa kuwa Kati inayokuja sasa wanainchi wapewe uwezo wa kurundisha mjumbe wao nyumbani wakiona ya kwamba hafanyi vile inatakikana. Lazima powers zipewe public to re-call their MP wakitenda pasivyo.

Upande wa mshahara wa bunge, ni lazima iwe na commission ya kuangalia mshahara wasije wakawa ma bwana na at the same time ni servants, watu wa ku-serve wanajipea mshahara. Kwa hivyo inafaa kwa Constitution inayokuja iwe na commission ya ku-determine their salaries.

Tena, nomination ya Wajumbe ifanywe kulingana na parties kwa sababu hivi sasa Kenya ni mulitparty state.

Executives: mtu anayetaka kuwa Rais ni lazima awe mtu wa miaka thelathini na tano na juu, awe mwanasiasa maarufu na tena ni mtu ambaye ni transparent. Awe kwa ofisi as long as akienda kwa uchaguzi akipita aruhusiwe aendelee. Bora tu wananchi wanakubali aendelee.

Nikienda kwa provincial administration, tunaona laini tulioko sasa, uchum mbaya na vile utendaji wa kazi tunaona pande zingine hazifai. Inafaa village elders wapatiwe mshahara. Ianziwe utawala kutoka kwa village elder. Pia mambo ya assistant chief na chiefs itolewe kwa Katiba ya sasa ili village elder awe answerable kuanzia DO na kuwenda juu.

Com. Baraza: Your last point.

Cheruiyot: My last point. Thank you. Nikienda kwa laini ya basic rights, inafaa kwa Kenya na Katiba I-guarantee elimu ya bure kutoka nursery mpka secondary iwe elimu ya bure. Tena wasiojiweza pia wapatiwe nafasi kwa nomination either Parliament ama kwa county council a represent the interests ya wasiojiweza.

Wakina mama wapewe haki yao. Kama wakina mama pia iondolewe kwa Katiba ya sasa mambo ya kunyanyaswa akina mama kimapenzi, kupaswa tohara kwa njia isiofaa. Asante sana.

Com. Baraza: you leave as your memorandum there. Francis Tanui. If you have a memorandum, just highlight it, or if you give it to us we will appreciate.

Francis Tanui: First of all the commissioners present and the wananchi at large. I am going to touch briefly on a few areas here and there. I am Francis Tanui representing teachers KNUT.

I am going to start with education and here, I would like the new Constitution to put legislation in place to allow for free and compulsory education to all Kenyan Children both lame and those who are alright.

Parents or guardians who will not comply with the legislation the court of law should be there to deal with them. I would also like to say that we illegalise all forms of levies collected in school should be stopped henceforth and nobody should interfere with running of schools by issuance of statements which are not in line with such Constitution if it should be put in place. I would also like to appeal that colleges and middle level trainees be provided with loans and be guaranteed with jobs on completion of their training in Kenya. I want to say that teachers like any other worker in this country should be guaranteed the jobs just like we are doing to the Kenya Armed forces. I want to say that we should be fair to all in the coming Constitution.

On issues dealing with land, I would like to say that in case of polygamous families our cultural practice of subdividing land according to the number of wives should stop and the subdivision should be given to both inheriters sons and daughters equally, they should inherit properties and resources of their fathers.

The owners of large track of lands should use the land to their satisfactory production to benefit everybody in the society.

Where such a case is not applicable, the idle land should be taxed heavily to the tune of the value of the said idle land. Still on land, I would like to recommend that natural resources, the forests in particular should be preserved for the prosperity of the present and the future generation. On former white highland and the grabbed land, it should be refunded to the original communities as it was in 1884.

I am in affirmity with federal form of Government.

Where permanent assest have been put in such big pieces of land as I have talked about and it is not possible for them to repossess it now, there should be levies of up to 25% and these levies should benefit such sectors as education and health sectors of our society.

On parliamentary and civic elections, I concur with the current qualifications of both Parliament and civic education, but please add the following: the candidate must be moraly upright. Must have stabilities in their familes and should not be practising this bad habit of hand outs.

On the head of state, I am appealing that his powers should drastically be reduced particularly on making appointments.

Appointments to the cabinet: I wish to appeal to the commissioners that they include in the recommendations that members of Parliament should be qualifed professionals. I do not think there is any business of an Armed Officer being made the Minister of Education as we have seen before. They will mess up the whoe area. Ministry of Health should be headed by health professionals.

The Vice President just like the President, I recommend that he should be elected by all the registered electorates as in the case with the President. Both the President and the Vice President in the course of their election must ganner over 50% of the total votes irrespective of the regions. Finally the President and the Vice President need not be MPs, as they are going to represent the interest of the nation and not their own.

Finally, the MPs performance in Parliament should be next to excellent. In view of this, non performing MPs should be recalled by a third of the voters signs in the vote of no confidence in their constituencies. This will heal the wound of lack of quorum in Parliament.

Economic sabotegers, corporation bosses, managing directors and so on whose deeds leads to collapse of their offices, departments, parastatal corporations and firms be made answerable and looted property be repossessed for the benefit of citizens of this country. Thank you.

Com. Baraza: Thank you very much. Leave us your memorandum. James Ng'etich?

James Ng'etich: Majina yangu ni Mchungaji James Ng'etich niko na pointi mbili.

Ya kwanza ni kuhusu walemavu ama wale ambao hawajiwezi. Katiba lazima ikubalie wale ambao hawajiwezi kuchaguliwa kwenda Parliament ili wawakilishe wale wengine ambao hawajiwezi ili nao wapate kufurahi. Kwa sababu hao wanaweza kujenga nchi na wengine.

Second point the church should have more influence or right in the Government so that corruption is eradicated in Kenya.
Thank you.

Com. Baraza: Thank you pastor. Wilson Serem?

Wilson Serem: My names are Wilson Serem. There are few points I would like to present to you the commission.

First of all the Government: I propose that federal majimbo system of Government be in our next Constitution.

Secondly is about the civil servants: I propose that the civil servants in our countries should not actually participate in harambees, as we are saying this would encourage corruption as we have seen this being our major undoing towards reviving our economy. You see a civil servant donating 60,000 and he earns 15,000 a month or a PS for example earns 60,000 as basic salary and donating half a million twice a month. That is questionable.

In the legislature, we propose the qualification for an MP should at least be a graduate and the councillor should be somebody who has actually finished Form Four and having a D+ or equivalent certificate. Still on legislature, we propose that salary to the MPs should not be determined by the same MPs. There should be a commission which should actually look into the views of these people.

On orphans and disabled people of our society, we should see a law which actually see to the welfare of these people. You should actually see these disabled and the orphans be given security education and employment in a more favourable situation. They should not be subjected to free competitive life because these are disabled people.

On the issue of land, we should actually recommend that idle land be taxed. Person with lying land which is also un utilised should actually be given to the landless.

On female circumcision, we actually propose that female circumcison be illegal. On basis of health, the male circumcison be done under hygenic conditions.

On the issue of professional pharmacists, we actually propose that Pharmacy Practical Act be amended so that we see a situation as it is now we are seeing the human medics actually prescribing and actually dispensing animal parts on the other side.

We know that these fellows have no idea of the side so we are actually proposing that the human medics deals with humand drugs and the vetenary counterparts deal with the vetenary drugs. Asante.

Com. Baraza: Kipchirchir Arap Seisel?

Kipchirchir Arap Seisel: *Kainaikyuk ko Kipchirhir arap seisei.*

Translator: My names are Mr. Kipchirchir Arap Seise.

Kipschirchir: *KO ne tai amache awekyi kongoi Jehova en betunito kora.*

Translator: I wish to thank God for this day.

Kipchirchir: *ak awekyi serikalininyo en boisyoni konam kora.*

Translator: And I wish to thank the Government because of the process that is going on right now.

Kipchirchir: *Amun kinakuse kong akere boisieik chok ko chile buluu.*

Translator: When I first so what was happening in this world I saw our elders going to sign up for labour under colonial Government.

Kipchirchir: *Ko kichile koyachin boisyet chumbek sikoaget tuga.*

Translator: So they used to serve the whites so that their cattle could graze on white lands.

Kipchirchir: *Mang 'en ale ngwany king 'o ba chumbek ko kingonget imbareni chon kokiib ngo.*

Translator: So today I would like to pose this question, when these whites left this country, who took possession of those lands?

Kipchirchir: *amun akere kora komatinye bik imbaret nyalildos kora*

Translator: This Government should address the issue of landlessness amongst Kenyans.

Kipchirchir: *Ko kelemen asikeger kele kibano imbareni choton*

Translator: This commission should address the issue of landlessness amongst Kenyans.

Kipchirchir: *Kimache kebebetab Majimbo.*

Translator: I am for the federal system of Government.

Kipchirchir: *Amun noton ko siko konai chitukul boisionikwak ole kipendito.*

Translator: This is to enable everybody benefit for their labour and let no one live on the sweat of others.

Kipchirchir: *Ko natan ne kimache.*

Translator: I feel this one will care for us.

Kipchirchir: *Lagok kora che mitten gaa, kingen kele kikong'et lagok che chang'en gaa amun makotuni chi.*

Translator: I would also like to speak on those girls and women who are not married.

Kipchirchir: *KO kilenjini kora serikali asi ko kilwek lagok che mi gaa kosich somanet komie.*

Translator: I am requesting the Government to include in this Constitution a provision that guarantees education for these children.

Kipchirchir: *Ko che matakosich somanet kora ko sikoger kora serikali en imbarenik kora c he imuche kotaret lagochotet amun uwon matinye imbare.*

Translator: Even these unmarried girls should also be given land

Kipchirchir: *Alen ten choniton.*

Translator: That is all. Thank you.

Com. Baraza: Joseph Sigei? Simon Arap Muge? Samuel Mutai?

Samuel Mutai: Jina langu ni Samuel Mutai. Niko na agenda mbili. Ya kwanza ni kimila ya Ki-kalejin. Mimi nataka hii kimila ibaki kama zamani kwa sababu hii kimila ililetwa na wale wazee wa mbele mpaka wakati huu tunakuta.

Upande mwingine ni upande wa mashamba. Ibaki kama ile ya zamani. Baba abaki na shamba na wale wasichana hawajaolewa wagaiwe shamba.

Agenda ya pili ni ya village elders. Wanafanya kazi kubwa hata kuliko assistant chiefs hata kuliko chiefs. Wanafaa kulipwa. Kwa hivyo, mimi nafikiri nimetosheka na hayo.

Com. Baraza: Pastor Joseph Miteu? Joseph Kelei? Grace Chumo?

Grace chumo: *Kainaikyuk kegunon Mrs. Grace CHumo.*

Translator: My names are Mrs Grace Chumo

Grace Chumo: *Ne ba tai ine amache amwa ale en ng'alalet niton ne ba Constitution, amache aik neba tai amwa ale kimakyinike Majimbo.*

Translator: Regarding these presentations for the review of the Constitution, my foremost point I would like to put across is that I am for a federal system of Government.

Grace chumo: *Ko neba oeng' ngalek cheba members cheba Parliament, kemache en lewenet nebatun ne kindo Constituttion kemache bik che somanatin che magokonech tabu en ng'alalet neba kong'alale ak bik alak kemache ko kasyin kipsomaninik kogerkait. Kimache bik che somanatin kabisa.*

Translator: I feel also that all those seeking Parliament election should be people with certain minimum qualifications in order to make them able to interact with other Kenyans there and also deal with issues that concern Members of Parliament.

Grace Chumo: *Kimache en lewenisiet neba ministers kemache ministers che kiappointeni che nameken ak boisyet ne kinetyige.*

Translator: The appointment of Ministers should actually be in line with areas of their specialisation. They should be experts in their fields.

Grace Chumo: *Ak kemache ng'alek, kou boisyek che to ng'alalen ngalechuton. Makemache kolewenunen olin.*

Translator: In major decisions we no longer desire that these decisions should come from above. Our feeling is that all major

decisions touching on the lives of Kenyans should begin from grass root and go upwards even elders should be consulted in major appointments.

Grace Chumo: *Ng'aliot ingo ko ngalek ab ole kiburtai kogichepyosok kemache kiyamech ak boiyot en tittle deed kou yekikakiyamech en katunisuiet ak kele tugukyuk ko chekuk, tugukyuk ko che chuk.*

Translator: Just as we swore in our marriage vows with our husbands that until death do as part what is mine is yours and what is yours is mine our names should both appear on the title deeds.

Grace Chumo: *Asiamwa ko abakora ingo ba boisyek ketinye tabu chepyosok kesirati ng'alek ng'isiat kot kobek rabisyek kora.*

Translator: Why I say so is because when our husbands die, you find that we have to go through many tedious processes as if we are asking for what does not belong to us.

Grace Chumo: *Amamwae ale sikobit kele bendi boisyek ichegen kondoe akot kora ingwa boisyek kora kotinye tuguk che chang' ko kor atinye tabu chepyoset anibuch kowendi kora kayaini kopwa ingo. Makilelen indoe boisie abakora.*

Translator: I do not say so because I desire that men should always be on the lead wherever appropriate, women should also be on the lead and take major decisions.

Grace Chumo: *Ya mwisho ko ng'lek ab tumdo en lagok komakemache tibik koba tumdo kotie ke olekigertai. Ingo ba tumdo ko chang' che peku, chang' che miandos. Tumdo kemache koba murenik kou ye sirat en Bible.*

Translator: On certain grounds especially on hygienic grounds, I am not for female genital mutilation.

Grace Chumo: *En council kemache chepyosok akichek koik klerk, koik treasurer kogerkeit ak yeu murenik.*

Translator: Women should be given major posts in councils. They could even become treasurers and clerks in councils.

Grace Chumo: *Ak nominations kemache kenominate kogerkeit.*

Translator: They should also be nominated just as men are nominated.

Grace Chumo: *uyon kakoyaman.*

Translator: Thank you very much.

Com. Baraza: Josiah Lang'at?

Josiah Lang'at: Asante sana. I am Josiah Lang'at. I would like to propose that retirement age of all civil servants be reduced to forty five to give chances to the youth who are fully educated or graduates be employed. This will also reduce corruption in our country.

Second, administration: village elders should earn salaries for they are doing a lot of work in our Government without any payment. Village courts should be introduced for they know much about what is going on in their villages.

In the position of village elders, chiefs and above be there. Asante.

Com. Baraza: Thank you. Reuben Koskei?

Reuben Kogkei: *kongoi missing.Kokanenyun ko Reuben Koskei.*

Translator: Thank you very much. My names are Mr. Reuben Kosgei.

Kosgei: *En kit ne amache amwa ko ngalio akenge.*

Translator: I would like to deal on one issue only.

Kosgei: *amun mitten ng'aliot ab amache Majimbo*

Translator: I am for the federal syste of Government.

Kosgei: *Amun Serikalit ne akenge ko kigoimech.*

Translator: Because the unitary system of Government has given us a lot of problems.

Kosgei: *Nyalu kepyeapye sikoyam bik.*

Translator: We feel that Government should be dissolved so that different people my play different roles.

Kosgei: *Asikobit konyor kebebarta aketugul boisionik. Maratinye ng'al. Kongoi.*

Translator: and that every area should get its share of development and resources. That is all I had. Thank you.

Com. Baraza: David Koech?

David Koech: Thank you very much. I take this chance just to announce a few comment about Constitution.

Education: with the current system of education that is 8-4-4, I think the system is too long, cumbersome and it should be reviewed. Levies payment, local activities, construction fees should be done away with, just to meet the needs of those people who are not capable of raising the fund.

Inheritance and equality: in the case of family, every child in the family should be treated fairly and family property should be shared equally.

On the equality, therefore, I oppose the kind of equality in gender, that is women versus men. In the sense that we cannot say that women should have the right percentage that is the ratio of one to one in whatever the family is doing. In such a case, women should not be allowed to rule their family or rather should not be given a greater percentage to rule the family because it will result to chaos.

Com. Baraza: (Inaudible)

David Koech: That is the case. In the case of majimboism as a Government, I also support it. With the kind of unemployment we have due to the economy of the country, employment should be dealt with fairly because mambo ya kutoa Kitu kidogo should not arise.

On the kind of leadership, where village elders should be paid something, I cannot propose it in the sense that everybody in the end will fight for that position and therefore resulting to corruption, something we are trying to do away with. Thank you very much.

Com. Baraza: Patric Yegon?

Patric Yegon: Thank you very much for this opportunity. I would like to air my views to this constitution reforms. Ministerial posts in the Government should be given to those qualified to hold and manipulate them as per their profession. That is those

who are experts in the field. This is part of building the nation.

The effort to provide self esteem for our people is the love of our country's political esteem and determination to improve it. Hence democracy and Constitution in our land would be a more slogan.

The case of professional Ministers holding this position will be able....

Com. Baraza (Inaudible)

Yegon: My last point is that I propose the federal type of Government.

The third one is economic institutions in Kenya, should be run by persons having intellectual professions for approved standards rather than playing political game, backing up someone of low standard of education to run it, hence the nation will suffer in terms of unintellectual prestige. Project developers belonging to very few who are in power without alleviating the living standards of the common man.

Com. Baraza: Daniel Sigei.

Daniel Sigei: Mimi ni Daniel Sigei kutoka sehemu za Mboito, Kifungoro Village. Mimi ningependa niongee kuhusu majimbo. Majimbo tunaiunga mkono sana kulingana na serikali ya siku sijazo. Wakati huu ningependa tena niseme kuhusu mambo ya wasichana yule ambaye anaolewa. Wasichana wale wanaolewa, ni heri kama mtu anataka kuoa msichana wa nyumba ile au kijana anataka kuoa wa nyumba ile ni heri aende kwa chifu atafute kadi ya kuonyesha kwamba wamekubaliana kuanza jamii . Ni vizuri aende kutafuta kadi kwa chief. Halafu hiyo kadi inaandikwa jina yake na ya wale wamekubaliana. Sasa kadi inatumwa kwa wale wazazi wake, kwa chifu, chifu mwenyewe atatuma kwa wale wazazi wake. Sasa itutumwa hiyo kadi mpaka iende kwa kila mzazi wa wale wawili. Halafu hiyo kadi itaenda mpaka kwa mzazi na hiyo italeta kitu kama certificate ya kuoa huyo msichana.

Mzee wa mtaa lazima apatiwe mshahara kulingana na kazi ile anafanya ni kubwa sana. Kwa sababu tunaona kazi yake ni kubwa hata kuliko assistant chiefs.

Ya pili, certificates lazima ipatiwe hao kulingana na wale wanaenda kuolewa.

Ya tatu, Bunge lazima ipatiwe yule mtu ameelemika kabisa kulingana na mambo ya kisasa. Lazima ipatiwe yule mtu anastahili kupatiwa.

Com. Baraza: Sema pendekezo

Sigei: MP lazima awe graduate na councillor lazima awe mtu wa form four.

Com. Baraza: Thank you. Francis Rono? Ulikuwa umemaliza:

Sigei: Hii mambo ya kusema mambo ipelekwe mpaka kwa DO afadhali tumalizie kwa chifu mambo yote ya kinyumbani tumalizie kwa chifu kuliko kupeleka maneno mpaka kwa DO, DC wapi.

Com. Baraza: Francis Rono? Five minutes. Tutasoma vizuri just jiandikishe hapo? Charles Arap Bett? Rale Lang'at?

Rael Lang'at: *Kongoi missing en kasariton kagenyoru tugul.*

Translator: Thank you very much for this opportunity I have been given.

Rael Lang'at: *Awekyini kongoi commissioners amun kagenyoruke en betuni eb raini.*

Translator: I thank the commissioners for having come to collect our views today.

Rael: *Ko kongoi missing en ribet ab Jehova amun kagenyoruge ngunon.*

Translator: I also thank God for the care he has taken upon us

Rael: *En iyei atinye ng'alek che machang'mising.*

Translator: I only have a few points to raise in this regard.

Rael: *akere en kamasta ne ba ufisadi.*

Translator: I am going to look in the area of corruption

Rael: *Akere agoba boisionik tugul che kokokilge sigik kosomeshan lagokwak agoi university.*

Translator: Whatever parents have done to educate their children up to university level

Rael: *Oko kimiten alak che kimuche kosoman lakwet akoi university kokimuch kosomeshan lakwet ak rabisiek ab serikali kot komuch kotar kora.*

Translator: And yet there yet there some who educated their children up to university level using Government money

Rael: *Kotun katar lagochoton koitgaa ako ibure agoi ra oko imuche kotesatagei rabinik ab serikali amami kegur koyai boisyonik.*

Translator: And when these children completed university they never got jobs and they have no way of refunding the Government money they used at the university

Rael: *Atinye kora ng'aliot neba oeng',*

Translator: The second point

Rael: *Akoba boisyet ab chepyosok yani kirupisyek, akere kotindoi boisyet newo, imuche kogroupen kei ogo mwisho komami melete nekere ile Kasich bichoton kit nekigere kele kabois ako kakiguren atepto ne mie.*

Translator: Especially Non Governmental Organisations belonging to women, you find that they put a lot of effort into projects and yet these projects come to nothing in the end.

Rael: *Ko kit neamache keyai en yoton kemache taretet nebunu kamasta kondochike bik choton en tuguk che imuche koittech en nyumnyumindo.*

Translator: The new Constitution should cater for the needs of these people who come together to form groups in order to better their living

Rael: *Kounaton konyalu ketinye majimbo asikomuch keityige en serikali initon ne nyone.*

Translator: I also feel that in order to bring the Government close to the people and to make it responsible we need a federal form of Government.

Rael: *ng'aliotneba somok, kimuch ketinye spitalisiekinguni oko manyumnyum ketinye kerichek che imuche kotaretech en nyumnyumindo en oliepgaa.si komuch kotaretech*

Translator: These federalism I think will also assist us in catering for our needs in hospitals such as drugs and qualified staff.

Rael: *Ne ba mwisho koin en serikalit ne nyone ngunon ko en bik che boisye kotakyige kamasta ne kigosoman agoba kamasatan ba politician kosoman kotar agoi ko tar somananaton neba politics. Konotan ne nyokondochi bik.*

Translator: In this new dispensation we want that people be given jobs they have expertise. If somebody is a politician, let that person show that he is qualified to be a politician

Rael: *Neba mwisho kemache keboisyeen lughait ni kigere. Angot kemach majimbo kemache lughainyon ne kimuche kekasyinen en emet tugul koyamya pororiosiek tugul koik lighait ne kimache.*

Translator: With respect to what I said about majimbo, language comes in again. We fee that our languages should be promoted and protected by the Constitution so that the way the Government does day today functions may also reach all citizens, educated and non educated. Thank you.

Com. Baraza: David Ng'eno? Are you the one. Who are you. David you respond when you are called.

David Ng'eno: Thank you very much. My names are David Ng'eno. I am resenting on behalf of Global.

Nobody in Kenya should be above the law. I mean the President like any other citizen should not be above the law.

Secondly the system of Government that we should have in Kenya is the federal system in fact headed by the Prime Minister appointed by the party having the majority of the members in the house. The person appointed to be the President of Kenya should be a person of between thirty five years and not more than seventy years of age. He should be a graduate and then in fact from one of the Kenyan universities. The President of Kenya should be the person who is from the party having the second majority votes during the general elections. Here I suggest that we also have a coalition Government.

Another thing is about the provincial administration. I suggest that the seats of assistant chiefs and district officers be removed so that we remain with the Office of the President, the Provincial Administration, DC and then chiefs and village elders should be recognised also.

I suggest that the seat of the President should be vacant during the campaign. The reason being that the President who has been on the seat during the campaign has been getting the advantage may be using the Government property e.g vehicles.

Parliament; for a person to be nominated in Parliament an MP must be a form four leaver. An ordinary level. But for a person

to be elected as a Minister he must be somebody who is having at least a degree. The person must be strictly married just like is the President.

Culture: The Constitution should allow for the culture of the people of Kenya and here I mean that it should allow for things like local brews, female genital mutilation, dancing, solving of land disputes, village courts, medicine and herbs.

I am requesting that when the new Constitution is out we wish that our people be alerted and in fact civic education should continue so that our people could know what the new Constitution is all about. Thank you.

Com. Baraza: Do we have sign language interpreters? Jeniffer Nyetich?

Janeffer Nyetich: *Kikurenan Janiffer chebet Ngetich*

Translator: My names are Mrs Janeffer Nyetich

Nyetich: *Kasme en okwek ingunon ale siotaretech amun echekkomakimuchege Otaretech okot kou somanet en lagok.*

Translator: I feel that in the new Constitution, the disabled should be accorded assistance even in educating their children.

Nyetich: *Amun kitindoi lagok inguni che seretos en somanet kotagai.*

Translator: We have children who suffer in the area of education

Nyetich: *Mayame somanet kotiyegen amun mamuchige.*

Translator: These children do not get good education because I am not in a position to support myself

Nyetich: *Ingo bare kait sukul kowek.*

Translator: They go to school then they come back again.

Nyetich: *Kakiwek kotieng'e fees.*

Translator: They come back because I do not have the money for the fees

Nyetich: *komang'en any ale okot en oratinwek ole kibunati inguni keseretosi en oratinwek.*

Translator: Since there is no specific way of assistant for the disabled, we suffer so much even when we are travelling, we have a lot of problems. We are inconvenienced.

Nyetich: *Okot ole kibendaten inguni ko nan ng'o makitinye rabinik che kibune. Kimuche keboljinatech amun mami rabinik.*

Translator: Sometimes the fair may not be adequate and there is a lot of noise bu the conductors because we cannot afford the fair.

Nyetich: *Okot ole kimenye ko makitindoi kora.*

Translator: Even shelter is a problem

Nyetich: *okt tuguk che kiame keseretosi kora.*

Translator: Food is a problem.

Nyetich: *Kounan amwae kotenit chotet asioger akokwek ole wu, kogikas agoba Katiba kele ni ke ng'alal tugul asikogerech kit neki u. oko kokibaibaenji.*

Translator: This is one area that I had wanted to address when I heard that you are coming to take views on a new fundamental law I had a feeling that this new law will also cater for us those who are disadvantaged in society. We are very pleased that at last you have come to take our views.

Nyetich: *kongoi. Katen yon.*

Translator: Thank you so much. That is all I had.

Com. Baraza: Isaiah Chepkulu: Even people with memorandum and you do not want to waste your time we shall read it very well. You can present it here and you go. We will read it.

Interpreter: *KagiLe bik che tinye memorandum, okmatinye ng'alek che nyokomwae en tai yu itete kityo ak ibemwaite en yun kesir kaineng'ung' ak iwe si ma ki bet kasarta puch.*

Com. Baraza: David Obonyo?

David Obonyo: Thank you the chairman, commissioners and distinguished guests, ladies and gentlemen. Before you I am David Obonyo, from Kimali factory Broke Bond. I have a memorandum which I want to present. Before I read,

Com. Baraza: Do not read it. Highlight.

David Obonyo: Okey. First we felt that in basic rights we felt that there is need to have a wider space and we feel that the basic human rights should include the right of workers to get descent wages and favourable working conditions taking into account their humanity.

Two, Kenyan workers must have the right to have unions. The Government under no circumstances tamper with union affairs and if Kenyan workers feel that their rights have been tampered should be allowed to move to supreme court. We hope we shall have it soon.

Three, prisoners and suspects must retain their human rights and should maintain their human dignity except for the following:

One, they shall forfeit their freedom of movement. Two, they should loose freedom to do as they wish and three, they shall not dictate where they are held.

Four, we feel that the executives should ensure that the basic rights of the people are protected and Kenyans enjoy them fully.

Civil societies should have a role as watch dogs.

The ultimate guardians for the rights of Kenyans should be the supreme Court.

Voluntary retirement of a worker who has attained the age of forty years should be given their benefits.

All statutory deductions should be effected only when the Government and the employers have sat down to lay the framework.

All major decisions by the Government that is social and economic welfare shall not be implemented under such Constitution until the wish of all Kenyans is well known.

About the culture, we felt that the Kiswahili should be our national language and the Constitution should be translated to various Kenyan languages. Also any cultural practice or value which does not contradict the human rights should be implemented.

Indigenous languages should be protected and promoted under the new Constitution.

Executive; the presidential qualifications. One, he must be O'level and above. Two, shall be ceremonial and party-less and other conditions should remain the same with the current Constitution.

Parliament and development bodies should effect all executives appointments. No person should be above the law.

About the provincial administration, we felt that the civilians, particularly the chiefs and the assistant chiefs should elect them. If they are not competent, they can be removed from the office. We felt that term of office should be six years.

Judiciary: appointment of judges should be effected by Parliament, and it should operate independently.

Lastly, legislature: we felt that selected bodies or commissions should effect salaries and other privileges..

Lastly I thank you for the good work you are doing and we felt that you continue doing it. Let it not be sabotaged may be by politics. We feel that those are two different issues. Parliament should not be extended because Parliament and the commission, those are two different issues. Thank you.

Com. Baraza: Thank Mr. Obonyo. Sign hapo. William Odoro? You are with him? Same memorandum? Thank you. Robert Mutai?

Robert Mutai: The commissioners I would like only to forward four allegations.

One, Judiciary, executive and the legislature: village elders should be the deciding factor of any case to the judiciary in future. Where by, they have got pure truth of the people within the area and we shall end corruption in that field, because currently you see the police are causing corruption.

On the side of executive; intelligent network should be a separate body which should be independent. That is the special department. To deal fairly with the Government and the politics of this country. Then we shall have corruption eradicated in that field, because in legislature we have got also members of Parliament, who would, like to amend some laws to favour their sides which will be against the public.

Then we should be having the organizations and churches plus intelligent body to decide on issues of appointing and firing the executives in the office in any corruption. Public should be the deciding factor that is to hire and fire within the same whereby an MP does an mistake which is accused public he should be fired by the public. There should be no amendments in the current

Parliament without consultation of the public. At all cost no amendments.

Local government: their utility should be done within the districts, not at that their will be a ministry of the local government to decide for any particular district.

Com. Baraza: (inaudible)

Mutai: I have got the last one. Also Mayors and the chairmen of the county council should be qualified from Diploma and above and should be elected by the public not the council

Lastly I come now to land there should be no limit of owning land and the land board and survey should not be the deciding factor of any title deed unless it is done right from the village elders who are there. That is for us to ease the corruption.

We should have free health services in this country. That's all thank you.

Com. Baraza: Jushua Kosgei?

Joshua Kosgei: Thank you very much commissioners. I am here to propose the system of Government. On my part I propose a federal Government because of these few points: matters of local importance are properly addressed, it also enables locals to control regional resources on top of other resources.

On the next item legislature: I suggest that we should have two chambers as it was right from independence, the lower house and the upper house. Why? That is because we need a synthesis because we are now reforming after a number of mistakes have been identified in the current Constitution because it was actually vested in the one house.

Parliament should actually appoint the following: head of public service, all permanent secretaries, heads of parastatals. Parliament should indeed have the unlimited powers to control its own procedure through standing orders.

Being an MP should be a full-time job, so that the constituents needs and aspirations are accorded adequate time and the resources to their satisfaction.

Requirements for one to contest a parliamentary seat: I concur with the current requirements and in addition I suggest the following: One, aspirant to be an MP should be a university graduate of a recognized university as have been said, and should actually be forty years and above. At the same time he should also have no criminal records.

People in a constituency should have a right to re-call an MP should he fail to perform, after a period of two and half years. A special committee, set to assess or value the performance of such a person based on his development agenda during the campaign should actually do this.

Salaries: MPs should not give themselves salaries. This work of remuneration for MPs should be vested in a team of experts in the field of economics. These are people who know very well the status of the country.

Nominated MPs and councillors should be done away with. This is to minimize Government expenditure and conflicts between the nominated MPs and councillors.

The Constitution should retain the system in which the dominant political party forms the Government to check sabotage.

Executives: the President should serve for two terms of five years each. His functions should be clearly defined in the Constitution to avoid duplication and possible friction with other state organs

Com. Baraza: Your last point

Kosgei: Thank you Madam. I am getting down to it. DC should provide internal and external security to promote international co-operation.

A President should not be removed in the office if he falls sick, or to a point where he cannot perform. He should also be removed if he lose the state funds and his moral conduct is unbecoming. The relationship between the President and the Parliament should be that of partners in the development, he should not be the boss mastering every through that house.

Provincial administration in an independent country, which has now forty years, should actually be given that strength which it has now. It should be removed completely and this should be replaced by a system that is system that has specific needs of the community. A system that has been there since time in memorial

Judiciary: the present state of judiciary is inadequate. We need to entrench the village or community courts in the system to deal with community legal aspects while we should also retain the Supreme Court and the Constitutional court.

Local Government: it is a very important department in the management of natural resources and it should be strengthened in line with the modern development strategies. Mayors and chairmen should be elected directly by the people. The current two years term is inadequate for the Mayors and Councillors to perform. The term should be two and half years.

Com. Baraza: (inaudible)

Kosgei: Oh my! Okey, the electoral system: it should be retained. Civil servants who have retired should not be given any contracts. This is actually a situation that has created corruption.

Land and property rights: Land should belong to an individual and the Government should not whatsoever have the power to control or own the land compulsorily for any purpose. Thank you very much Madam.

Com. Baraza: Kenneth Rono?

Kenneth Rono: Thank you very much. The Constitution Review of Kenya must be written in forty-two languages according to the indigenous of the people for better understanding.

Any MP who does not hold any of his or her suggestion in Parliament for two months to be removed.

Night services of the church must be stopped or seek the permission from the Government because this is helping in spreading the diseases.

The Parliament to be seventh according to the provinces.

We need good background of somebody aspiring to be an MP or a President. Any MP or President who misuses power must be arrested after his term.

School children must be canned in order to have good disciplined.

During the general election other members of other countries must there to witness the truth.

All the ladies and gentlemen must be tested before marriage.

If the President is a man, the Vice President must be a lady like a family. (Laughter)

The companies must have clinical treatment for good health of the workers with a reasonable earning.

The Government must have only two parties. That is the ruling party and the opposition.

Girls must be married when they are of twenty-one years and above and a man should be of twenty-five years and above.

Com. Baraza: Thank you. Leave us your memorandum. Paul Ng'eno? If you have a memorandum just highlight.

Paul Nge'no: My names are Paul Ng'eno. Under the legislature, I prefer the two chambers that the senate and the House of Representatives. An MP should be a Degree holder. Also a candidate who vying to be an MP should be twenty-one years old and the Presidential Candidate be forty-five years old.

There should be reserved seats for the disabled people and the small tribes. An MP should be re-called back after one and half years if he or she will not have fulfilled his or her provinces to his or her constituency.

Under the education sector: there should be free education for the primary schools and a reduced cost sharing on the side of secondary schools. Also there should be specialization in subjects done at schools.

Under the system of Government: I prefer federal system of Government.

Also under the Judiciary: the village elder should be answerable to the judiciary. That is the village code and the community code be established in every location headquarters.

Under the executives: the appointment of the ministers should be as per the professions. The President should not be above the law. He should not appoint Permanent Secretaries, Chancellors, Attorney General and Judicial office.

Under the provincial administration: the public should elect chiefs and assistant chiefs. Thank you very much.

Com. Baraza: Thank you. Wesley Koech? Wilson Bii?

Wilson Bii: Thank you very much the commissioners. My name is Wilson Bii. I would like to give some few contributions regarding land ownership in Kenya.

One, I propose to the Government to give a law for every one who owns a farm of more than two hundred acres. A land of two hundred acres should be shared out to the land-less.

Two, anyone should not own more than two hundred acres in the present Kenya because the population is increasing and the land is scarce.

Three, anyone who owns less than two hundred acres and not utilized should also be looked into, either to be taxed by the Government or be made productive by the Government. Because this is the major source of income by the Government. So if somebody has got two hundred acres and cannot use it properly it should be taxed or the Government should make some system or procedure of making that land to be productive or profitable.

Four, locations issue within the towns, municipalities or the cities should be approved by the land control boards and not by the councils or the councillors. This is to discourage corruption or misappropriation.

As for now that the African countries have introduced the LEPAD, the system of liberalization should be ceased or be stopped because the products should be sold into African countries.

A law should also be enacted to suppress or stop importation of locally available goods in the country, to encourage farmers to work hard and get maximum profits or yields from their hard work.

Number seven, a law should also be enacted to pass heavy punishment or sentence to Chang'aa brewers, to discourage heavy drunkenness which is causing a lot of poverty to most people.

Primary education as it has been said should be compulsory and free. The Government should also subsidize secondary education because most of the children now are sent away from school because of lack of school fees.

Number nine, a law should be enacted to gather or to group HIV suspects in one center or place in the district to eradicate the epidemic of AIDs problem because at the moment, those who have been infected are spreading to many people.

Com. Baraza: Thank you very much.

Bii: I have got only the last one Madam. I also propose two terms for MPs and it should not only apply to the president but also MPs and civic leaders.

Police on roads; in order to reduce corruption, there should be patrols of plain clothed policemen. They should also be travellers like the passengers, so as to discourage this kind of lete kitu kidogo on the road. Because even if the matatu is full, wanakuja kuongea mbele huko tu na kupeana kitu kidogo wanaendelea tu kutembea na watu wamejaa.

Com. Baraza: Thank you very much. Joseph Marusoi? Nyinyi watoto mko na wimbo? Samuel Arap Mutai? Josphat Lang'at? Josiah Cheslet? Vincet Mutei? Josphat Soi? Uko na memorandum?

Josphat Lang'at: Thank you very much commissioners. My name is Josphat Soi. I propose in our Constitution in Kenya that we should have a free Constitution for all children from Standard One to university. We should stop adult education because for forty years since we got independence we should be educated adults.

There should be free medical services in government hospitals. If medicine is stolen, those who do it should be dealt with.

Three, there should be no people with many acres of land while there are many landless.

Four, ethic culture should be preserved and those which are not good will disappear on their own.

There should not be a specific number of political parties because those which are liked by the people will grow more popular.

Village elders should get pay.

Land taken by white settlers before independent should be returned to local communities unlike other lands e.g land which was used to keep livestock was given to the community but those with tea should also be given back..

The MP who does not serve people should be recalled and another one be elected.

People who killed industries like KCC, K.F.A, Pyrethrum, KTDA and others should be dealt with, and taken to court. The wealth they have accumulated from these companies should be taken back.

Traditional marriages be recognized and given certificates.

MPs should be given two terms of five years to serve in Parliament.

Com. Baraza: (inaudible)

Interjection: *Mwa any ole maktai.*

Sharon Chelang'at: *Kikurenon Sharon Chelangat ne chame Jeiso. Akenyisiek somok.*

Translator: Mimi ni Sharon Chelang'at who loves Jesus. I am three years old. I have nothing more to say.

Com. Baraza: Benard Cheruiyot:

Benard Cheruiyot: *Kikurenon Bernard Cheruiyot. Ami Nusery school.*

Translator: My name is Benard Cheruiyot. I am in nursery school.

Hilary Kiprono: *Kainenyun kekurenon Hilary Kiprono.*

Translator: My name is Hilary Kiprono

Kiprono: *Abo kenyisiek mut.*

Translator: I am five years old

Com. Baraza: Unataka nini?

Kiprono: *Amache awo sukul kotait university.*

Translator: I want to go to school until I reach university

Tom Oguru: My name is Tom Oguru.

Translator: I am in class one. I am six years old. He says he wants to go to school until he reaches university.

Sharon Kipkoech: My name is Sharon Chepkoech.

Translator: I am twelve years old.

Interjection: (inaudible).

Translator: Sharon says she wants to become a doctor when she grows up.

Com. Baraza: Esther Tuu:

Esther Tuu: *Kainenyu kekurenon Esther neba arap Tuei.*

Translator: My name is Mrs Esther Tuu

Esther: *Kimiten ketebenge kele kisoantai ano.*

Translator: I came so that together we may decide how we are going to live in future

Esther: *Kisoptai ano ak lagokyok inguni si makingen oret ne kotakyini.*

Translator: and how our children are going to live in the future.

Esther: *Ko inguni kokagisome kityo kele en lagochu choket chuton kikotar sukul komami kit ne kesome amun makinge kiy.Ake some bik chon miten tai ko sikogerwek lagok amun omut kesire lagok ko rwayate lagokyok puch korwchin lagok alak che makingen ole koyabu amun makitindoi rabinik c he kitaretenge.*

Translator: We want that our children go to school when they finish school and the new Constitution should make sure they have a role to play in bulding this country. We are especially very angry because recently we were told that our children will be recruited in the Armed Forces. They ran and yet they never got anything, we had twenty men in the lists. Our children were running for trangers. They had no hope.

Esther: *Ko kounanitet ko okot ehek ngunon komami kit nekingen amun ehek komakitindoi imbarenik konda yon kasiche lagok okot kiy asi kobaibaitu ko Yon mami rabinik en ehek, kimaketinye oko masich lagok. Matakosich kasit agetugul kagoik kora che laate masikosyek en barabara.*

Translator: Being landless we expect our children to get something better. We were not fortunate, we would have wanted our children to be more furtunate so that they do not become carriers of luggage of the other people.

Esther: *Si ko taretech Constitution koger kit ne kiyae si ko bit ke sich kit ne kitaretenge en icheket.*

Translator: The new Constitution should also empower women so that they may get some economic strength and be able to sustain themselves and their families.

Esther: *Kongoi mising.*

Translator: Thank you very much.

Rono Alfred Rhoja: My names are Rono Alfred Rhoja.

I should first say ministrial jobs should be given to people from same profession. E.g somebody taking Agricultural Engineering should head the Ministry of Agriculture.

We need a federal type of Government. A person aspiring for a presidential post should be thirty five years and not over sixty years.

On the basis of gender equality, men should be the heads of the families since women are only strong in terms of verbal expression, but in terms of thinking they are not creative.

On basis of employment, it should be on merit and not bribing. Let say Telkom Kenya want to recruit some members, they should come to the field the way Armed Forces have been doing.

Village elders should be paid and if not possible, they should be abolished since most of the time they are solving problems that are referred back from courts.

There should be no importation of goods which our country can produce e.g some people may be importing sugar while our country Kenya is producing sugar.

On basis of prostitution, it should be abolished by refusing bar maids who are ladies to serve the customers.

In terms of ladies being circumcised, the Government should not interfere, since the exercise is done on the fact the person, that is the lady agrees to undergo.

On the basis of divorce, when the couples separate, the children should remain in the father's home, so long as the lady did not come with any child but if she came with any, she should go with them and leave the rest who were born in that home.

The last point, in the case of giving birth, if the ladies are in a certain district let say Gureti district, can immunised to get girls only and those who are in Kericho be immunised to get boys, that should be passed so that only girls are found at Gureti district and only boys at Kericho district. Thank you. (Laughter)

Com. Baraza: How old are you

Rono: I am twenty years old.

Com. Baraza: Do you go to school

Rono: Yes I went. I was in Kabianga High School

Com. Baraza: I want to ask you a question? Have you heard of women who are doctors and lawyers and professors and Prime Ministers and your mother? Have you heard of them?

Rono: Ya

Com. Baraza: Why do you think they have no brain

Rono: They have brains actually in terms of

Com. Baraza: Why do you think women are only good at mdomo and they have no brains. You are a young man can you be progressive in your thinking. Be progressive in your thinking. You are a thinking like a sixteenth century person.

Rono: No I am not thinking that way but I should say

Com. Baraza: Do not discuss your mother. If she only had mdomo she would not have given birth to you

Rono: But you know the member never contributed in terms..

Com. Baraza: No I am talking to you as a Kenyan. Start being progressive otherwise you be there there..

Rono: In terms....

Com. Baraza: That is okey go and sign there but I am advising you as a Kenyan. David Rotich?

David Rotich: Thank you very much. My names are David Rotich speaking on behalf of Kochua Elders.

Preamble: we need preamble in our new Constitution which should strictly address injustices, maltreatments and indignities which Kenyan people suffered during the colonial rule.

Directives and Heads of States: the Government should have consent of the people of Kenya. At all the Government shall be the servant and people shall be the masters. All forms of dictatorship are forbidden.

Constitution supremacy: any new Constitution in future and now shall not be amended by Parliament alone, but shall be amended by legislature of Kenya. In any case such amendments if there is conflict the will people shall prevail because people

are sovereign collectively and individually.

Land and property rights; the ownership of land in Kenya shall be vested on people of that community. In acquiring any land, the Government must enter into dialogue with that community in which the land is located. When a criminal is killed in the community or individual, should be compensated accordingly.

Former white highlands, which are still owned by whites, should cease to be leased by them immediately the Constitution is enacted. The community be given loan by the Government to buy it.

African Inland Produce Board or any other tea estates or any other states which are owned by Europeans where people were evacuated, the management should build a university in the heart of that community and locals be direct beneficiaries of bursaries given by the estates to children entering university grade in that community.

Structures and systems of Government: in the new Constitution, it is our strong desire that Kenya acquire a federal system of Government in which executives and legislature is put between federal Government and Majimbo to enable their own resources and affairs to be benefited in that community.

Local Government: the new Constitution should allow Mayors and Chairman of county council be elected by the people. A councillor who will not have met the electorate expectation before the term of office elapses will be recalled back and explain his inefficiency to deliver services to electorate. If found guilty of inefficiency, the electorate may petition the constitutional court to nullify and fresh elections be held. All councillors must be elected.

Legislature: Parliament shall vet the following through their various committees. Cabinet appointment, ambassadors, judges of high court, chief justice, and top public officials. Professional bodies shall have a say in such appointment especially Public Service Commission, Judicial Service Commission, Law Society of Kenya and other bodies.

Being MPs shall be a full-time job. An MP shall be called back if he performs poorly as per the expectations of the electorate. In order to avoid the imbalance of the MP, the order of two third of all nominated MPs be women, and should be determined by women themselves.

Every province shall nominate two nominees preferred professionals to sit in Parliament and review the salaries of the MP. An MP shall at least avail once a month in district headquarters in his constituency to respond to local problems, need and desires of the electorates.

Environment and natural process: the state should have powers to enforce laws on protection of the environments. The local

community should hold natural resources and be involved in management and protection of the environment. The same community, be responsible of management, protection of natural resources for the benefit of the current and future generations of that community.

Basic rights: National Schools should be built adequately in all regions and school fees be the same as other schools in the republic of Kenya. Students who join university should be those who pass in every division not high marks from one region only. Hence equal representation of all ethnic groups in our universities.

Anybody who is HIV positive and knowingly infects another person should be charged of murder in the new Constitution.

The rights of vulnerable groups: the Constitution should avail special protections to vulnerable groups in our society e.g disabled. Children who are disabled should be educated freely to university level.

Mature unmarried daughters should get their parents inheritance. First be given temporary occupation of parent's land when lacks comes in, she will move to their new home with their husbands anywhere in this republic.

Executive: in the new Constitution, there shall be a ceremonial President who will be the Head of State. Executive President and Judiciary should independent completely. An office of trustee be created in every location. A person should be between fifty five, he/she should report direct to DC about any corrupt civil servant, non government organisation agents in that location. He should show no partiality.

Retiring President should be accorded honorable retirement. There should be an office of Ombudsman.

Rape cases should be heard in camera by a woman magistrate possibly of that community.

Village elders should be given salaries and other allowances. Thank you so much.

Com. Baraza: John Balichilei

John Balichilei: *Ane ko a John Barchilei.*

Tanslator: My names are Mr. John Balichilei.

Balichilei: *a vice chairman nebo kolong'ei group.*

Translator: I am the Vice Chairman of Kolonge Group

Balichilei: *Kit ne amache amwa ne tai ko agoba serikalit ne nyone.*

Translator: I will direct my first point to the Government that when they enter in the new Constitution

Balichilei: *Serikalit ne nyone kemache serikalit neba Majimbo.*

Translator: We want a federal system of Government

Balichilei: *yanyon imbarenik, kimache kiwatosyek che kingoitu chumbek konyorta bik che tuen kotindo kewek.*

Translator: On the issue of land, Demarcations of boundaries should be based on the boundaries that existed up on the entry of the white people to this country.

Balichelei: *Asikong 'et bik ab jimboit aketugul kong'alal ng'alekchwak olewu imbarenikwak.*

Translator: So that every region should make laws governing land in their respective areas.

Balichelei: *Ko yebata yonito konyoko ng'alal districts olewu imbarenik chywak.*

Translator: There after, then the districts may also demarcate their boundaries.

Balichelei: *Imbareni ak ng'alek ab tittle deed.*

Translator: Land and title deeds.

Balichelei: *Lakini metit ab gaa ko muren kemache kesirTitte deed koba boiyot.*

Translator: There is nothing wrong in writing the name of a woman on the title deed but as a matter of convenient, because the head of the family always is a man, there is nothing wrong when his name is appearing on the title.

Balichelei: *Ndab ndasipkowendi boiyot kebire chepyosanaton.*

Translator: Because even when the husband dies, the woman must inherit that land.

Balichelei: *Ko ngunon agere ale asikerib ng'alek ab imbarenik ko amun petusiechu ko ana kotun ke bik ak kotaitos komuche kowa chito ak imbaret ko kigesirchi kopye malik ab oranaton oko kakwa oret age.*

Translator: So in order to take care of the inheritance of the children, sometimes you find nowadays that people may get married and divorce so in case a man divorces, you will find the woman running away with the man's land.

Balichelei: *Alen ko ng'alek che chang' komiten memorandum ini karasir en yu.*

Translator: Any other thing I would have to say, I present in the memorandum. Thank you very much.

Com. Baraza: Lazarus Chepkwony:

Lazarus Chepkwony: My name is Lazaurus Chekwony. I am airing my views as an individual. I wish the Kenya Government reforms laws as follows:

One, education: there are two types of education.

- (a) Basic education for Primary School to university
- (b) Adult education for parents who are unfortunate in Primary education basically.

I propose that Kenya Government extends and strengthens Adult Education. The reason is that the basic education in Kenya has deteriorated in Kenya entirely due to the fact that many parents are illiterate. Many of them do not contribute to development, towards the needs and promoting their children. So adult teachers should be employed and distributed to do that work.

Other extended workers for example administration, the Ministry of Agriculture and other ministries should assist in this campaign in this eradication of illiteracy.

Two, marriages: unlucky women in marriage should be given shares in their land for their fathers but those who are already married should not instead they should maintain their respective families and look after them properly.

Third, traffic police: they should avoid the bribes in order to safeguard the lives of those who are travelling in overloaded vehicles.

Four, administration: chiefs should not create the so called kangaroo courts. Instead they should do the work properly in their respective locations. They should be transferable like any other civil servant.

Five, married women to foreigners and if the woman wants to come back to Kenya, as Kenya citizens, the Kenya Government should consider that thoroughly well in order to avoid irrelevant distractions as that of Nairobi bomb blast few years ago.

Com. Baraza: Thank you very much. Give us your memorandum. Charles Lang'at? Christopher Rono? John Lang'at? Julius Arap Chepkowony?

Julius Arap Chepkowony: *Ko kainenyun Kiptoo arap Chepkowony Julius.katebe agoba kipshambainik che kagile kagoba chumbek ko kichumbek oko kiba kebeber ko nget kebeber.*

Translator: I am asking about the settlers who we had left after independence and it transpires that a section of them still remain in this country.

Chepkowony: *Kiwon boisyekyok koamingin.*

Translator: They chased away our fathers when I was a little child

Chepkowony: *Kibaokot baisyekyok bakoyosekitun.*

Translator: Our fathers served them until their old age.

Chekwony: *Akoaini agane ayote oko kayositu.*

Translator: I am also serving them and I am very old now

Chekwony: *chi chiton kowendi au?*

Translator: When will this person go?

Chepkowony: *Ikestage au?*

Translator: When will he finally depart?

Chepkwony: *Ak kotoma kowa kobang 'o chaichu tun kakwa.*

Translator: And why is he still not gone, who owns these plantations?

Chepkwony: *Tun ba pororyosiek anan pa bikab koba che kikiwonen yatan.*

Translator: Will it belong to all the tribes of the country or it will belong to those whom the land was taken away?

Chepkwony: *Amun ingunon ko banandos lagokyuk matinye imbarenik oko mi imbarenik cyhwak che kigiwone kwanisiek.*

Translator: Because right now my children are very poor. They do not have any land but the land that is their heritage was taken away by their fathers.

Chepkwony: *Ko makimache tun kele bata pororiot age ne kimakewone en yoton. po chitop koba ng 'ung 'unyat.*

Translator: It will be very bad indeed. We will not accept it if it will be said that it will belong to whoever has no heritage on that land. It shall belong to those whose parents possessed the land.

Chepkwony: *Ng 'ot komamache kounoniton kobal asi kebe kemeng 'isien.*

Translator: If they do not want it that way, they should take off the land and they go and we live where our parents lived.

Chepkwony: *Ng 'aliof neba oeng'*

Translator: The second one

Chepkwony: *Amache serikalit neba Majimbo*

Translator: I want the federal system of Government

Chepkwony: *Makimache kilekenech maki cheplangok.*

Translator: We do not want to have spots like leopards.

Chepkwony: *Ne nyon emani ko twa.*

Translator: This land belong to us from the beginning to the end.

Chepkwony: *Makimache maget ne nyokoyae chitage.*

Translator: We do not want somebody else wishes to superceed our own in our land.

Chepkwony: *Kaakesu.*

Translator: That is all.

Com. Baraza: James Arap Cheboi?

James Arap Cheboi: *Kainenyun ko james arap cheboin.*

Translator: My names are Mr. James Arap Cheboi

Cheboi: *amwae kongoi amu kagekurek kebwan yu*

Translator: I am thankful to the commissioners for having given us a chance to air our views so that each may say how each he or she desires.

Cheboi: *Si ko mwa chi tugul ng'alekyik.*

Translator: I want a federal system of Government.

Cheboi: *amache Majimbo si koribwech imbarenikyok ak tugu kyok.*

Translator: I want majimbo or federal system of Government because it will take care for the heritage of our children or inheritance of my children.

Cheboi.: *si kemach Majimbo ko amun si komi chitugul emenyin,Jimboinyin ak ng'alekyik.*

Translator: I also want federalism because each person will leave in a place that he has a historical connection with it.

Cheboi: *oko kit ne kimach kora ne sire kemache bitet ab sikemwa kele mie majimbo amun tebie chitugul emenyin ak pitenyin. Ko en emenyan bik ab kalenjjin ko maindoe kwony. Indoe mureno.*

Translator: why we are saying this is because, there is this issue of culture and amongst us the Kalenjins the roles of men and women are clearly defined and one may not take up the role of the other.

Cheboi: *Kimwa akine ng'atutik en sirutik che tililen kole metit ab kapchi ko muren.*

Translator: Even the scriptures say that the head of any family is a man.

Cheboi: *ko Jeiso kometit ab kaniset ko makikatame murenik.*

Translator: And Jesus Christ is the head of the church and so men shall not be forced to use a position that is not theirs or shall not occupy a position that is not theirs.

Cheboi: *Oko makipyee malikyok kosabe mureno en emani nyon.*

Translator: And in our culture you do not share the property of the person while that person still lives

Cheboi: *yon makomi ko piechin werikyik.*

Translator: It is only when a person is dead that his children may inherit what belonged to him and share.

Cheboi: *Makochin chepyosenyin.*

Translator: The woman will not take it while he lives.

Cheboi: *Amache kora kouni , sikeboiboitun kora kot ko ngunon kemache majimbo kegere kokaran majimbo amun majimbo....*

Translator: I say this because

Cheboi: *ko kit ne kiomache kora en emani ne kimwachinike ak kemwachini lagokyok kemache lagok che murenik che tibik kogas it sigikwak.*

Translator: We want to maintain respect between the young generation and the older generation even in the new law in this country. So that social order may continue to accord us development.

Chepkwony: *Okot serikalit ne nyone ne kimache kemache serikalit ne tinye kalyet ne mie.*

Translator: Even the future Government we want should have peace as one of the future primary goals

Chepkwony: *Uwon maratinye chechang’.*

Translator: That is all what I had

Chepkwony... *Kongoi*

Translator: Thank you very much.

Com. Baraza: Jerad Serikomo

Jerad Serikomo: My point is am talking about the Rwandees who came to Kenya in 1940s to the tea estates. I would say they came in the 40s to work in the tea industry and the above mentioned places like Nandi Hills, Sotik and Kericho.

They got official identifications and have even participated in all national, civic elections in the years up to 1993. In the subsequent years, they started being regarded as Aliens. Some of the Rwandees who came went back and others remained permanently to-date. Most of these Rwandees remaining are second and third generations. That is, their grandparents who came to Kenya in 1940s. These third generation Rwandees were born in the estates and brought up there and have always known Kenya to be their only home. They do not know and do not have any other home elsewhere apart from Kenya. Most of them have no official identification papers either way.

While making the new Constitution, could you please incorporate this pertinent and unique case of these Rwandees because apparently and unfortunately they have been treated and looked upon as Aliens.

Interjection: (Inaudible)

Serikomo: Most of them. I have because I am educated but most of them are uneducated so they do not have.

Interjection: (Inaudible)

Serikomo: They are many, 2,000, 3000 there in the tea estate and even in the reserves here.

Interjection: (Inaudible)

Serikomo: Yes. Some of them have intermarried.

Com. Baraza: Richard Rono. Are you Richard Rono? If you are come. Or you gave a memorandum. We appreciate.

Robert Ruget: Are you Robert? And you want to say or you don't want to say? You have given? Do you want to? Then you come?

Robert Ruget: My name is Robert Ruget and I come from Bomet but I am around here doing some work. I want to present my views as an individual and my points are the following.

I support federal system of Government elders should be paid. President should be above thirty five years and not more than fifty years.

Girls circumcision should be penalised.

Primary education should be free to all. All the churches which are school sponsored should be assisted by the Government, to assist the schools they are sponsoring.

Schools should be allowed to be used by all the churches even if they are not sponsors of that school. There should be freedom of worship in all churches. Thank you.

Com. Baraza: David Arap Bett:

David Arap Bett: Thank you for having this chance. My names are David Bett. My memorandum starts with the requirement for the preamble of the Constitution. We are aware of the dangers of an oppressive Government hence a need for a living document adapted to changing circumstances I quote.

“We the people of Kenya give in to the necessity of forming a social contract, in order to secure our rights more firmly to ordained and establish the Constitution of the people of Kenya for the sake of the betterment and the guarantee of our prosperity and stability, so as to form a just Government default of fraudulent and corrupt practices.

Second, direct principles of state policy. National policy and guiding principles. Kenya is hereby declared as a democratic state, guided by the popular sovereignty of these people who shall have final voice in a just Government, because the current Constitution gives sovereignty to the country. It does not recognise the people but it recognises the existence only of a country.

Government needs to be reflected in constitution. Government to be created by the people for the good and the welfare and order and from time to time should induct just and equal laws and choose such representatives for the general good of the country.

We also need application of new knowledge and ideas which shall make a fitting lubricant for the Constitution and I would hereby add by saying additional of ideas also involve cultural modification. We must recognize that we are living in a global set up, where changes are taking place and we cannot be by-passed by these changes. So cultural modification must be reflected in the Constitution because the Constitution is for the generation that is of now.

Com. Baraza: (inaudible)

Bett: The Constitutional supremacy: we need a Constitution which is actually based on the law and not based on the wishes of an individual where the rights and justices are superior.

Referendums: we are supposed to have referenda either carried out by the individuals or even Roby groups may even initiate a referendum and they should be reflected in the Constitution.

Citizenship: a person who consistently dwell in Kenya for a period of over eighteen years or born in Kenya and are over eighteen years should be legible for registration as citizen because the way we are treated outside should also be reflected the way we treat foreigners.

Defence and national security: the defence order should be established by the Constitution. President should be the Commander in Chief of the Armed Forces and the Executive must never have power to declare war. Only Parliament should have this capability.

Use of extra ordinary powers in situation of war or natural disasters must be harmonised and coordinated by the legislature. Things like disobedience should be dealt with by Parliament because for the disobedience to reach a stage which is alarming it means that the individuals who were supposed to have taken care of that have not played their role.

Com. Baraza: (inaudible)

Bett: I will just say one word. Political parties must be reduced to three and they should be funded also.

The executive Government: Parliamentary system of Government with a Prime Minister appointed by the majority party in Parliament is necessary because the President in the current system is not answerable to politics in Parliament.

Interjection: (Inaudible)

Bett: Federal system of Government: this is not relevant in the modern democracy because it is actually being promoted to people who are not even aware or people who have undergone a lot of desperation there is no more hope.

Interjection (inaudible)

Bett: The parliamentary system not federal.

The legislature: the cabinet appointments or head of department must be vetted or examined by the Parliament.

Good conduct of the parliamentarians is necessary or even the civic local Government candidate. The executive should specify qualifications for a President along with those of the MPs.

Provincial administration should actually observe good governance and democracy. I also want to add in saying that there is too much Government in the country right now. We have the PC we have got the DC and we have got the local county councils. I propose that Provincial administration powers must be reduced or eliminated because policy formulation normally is district and people driven. There is no participation by provincial administration. So this is perhaps a concept which was a colonial oriented and I believe it should be done.

Judiciary: the current judiciary is not adequate. We need a supreme court and we need a body of judiciary review to balance up the errors within the executive, legislature, judiciary and also the common people.

Local government, mayors and chairmn should be elected direct by the people.

Electoral system and process: we require representatives in electoral system through secret balloting. Simple majority should not be a base of winning election. 21% majority is necessary. Failure for a presidential candidate to achieve this should actually call for a run off because you get a situation whereby the runners up of the presidency sometimes gathers 65% of the total votes

casted. While the current system allows even somebody getting less than 50% and is declared the President.

Cultural and ethical diversity should be given more emphasis because what we are emphasising in this Constitution is a reflection of nationalhood but not allowing any society to be an ethical or cultural beliefs of anybody. There should be a reflection of nationalhood.

There should be a participatory Government where Government organs or lobby groups or even organised groups have a role to play in governance and they also have a role to play in awareness and sensitising the voters. So these things must be instilled in the Constitution that the lobby groups are not chased any more by the policemen.

We also need an office of the Constitution in the administrative areas, so that people are enlightened and ignorance is done away with.

In relation to succession and transfer of powers it is my view that the speaker of National Assembly is supposed to hold executive powers during the presidential elections. And the election results of the President to be declared only after the approval of achieving 25% of the casted votes. Failure to achieve 25% of the votes a runner up will be called and the winning candidate be declared President.

Lastly the Constitution should make provision for the former President only on condition that he has performed and adhered to the requirement of the Constitution, and no way should there be a negotiation for immunity of the President in situation where he had messed up the country or he has done acts that are liable for prosecution. If the President had done well they can continue earning on condition that they participate on international and domestic affairs together I believe he will still be getting his benefits as being an employee of the people of Kenya.

Com. Baraza: Thank you very much please give us your memorandum.

Kwa hayo mengi tumeyasikia kutoka watu wa Mogogoseik, Konoin Constituency. Mp ni nani?

Interjection: Raphael Kiptul

Com. Baraza: Raphael Kiptur? Ningetaka kuwashukuru sana. Tumepata maoni mazuri sana. Natutayachukuwa kule Nairobi lakini kile ambacho mimi ningetaka kuwaelezea ni kwamba, hii Kati ba tuaangalia maneno vile tunataka kuishi lakini, tungetaka pia nchi iendelee kama nchi zingine. Singetaka ati tumefanya Kati ba na tumeharibu nchi. Na yule mzee ambaye alisema madoa madoa, hiyo sio lugha ya kutupeleka mbele. Hiyo tuache tuone vile tutatengeneza nchi ambayo itaenda mbele. Lakini tumesikia maneno yenu tutaenda na tutaenda kila constituency tunamaliza Rift Valley. Monday na Tuesday bado

tunamaliza hapa. Halafu tukimaliza tutaenda Western Province. Tukimaliza Western ndio tutakuwa tumemaliza Constituencies zote kwa nchi. Halafu tupeleke yale maoni yote tuweke pamoja, tuangalie, tutengeneza constituency report. Report ya maoni yenu itarundiswha kwa nyinyi wenyewe muangalie kama hawapindui sheria tuwarundishia wenyewe muangalie muone kama maoni yenu yamechukuliwa. Lakini usipoona maoni yako vile umesema tutakuwa tumeandika kwa kugha ambayo itakuwa ni constitution language sio ati neno kwa neno itaonekana hapo.

Na hata hivo tutaangalia maneneo ya kila Mkenya. Kwa sababu sio nyinyi hapa tu peke yenu. Si mnajua Kenya ni kubwa? Sasa hiyo maneno tutaweka pamoja tuone tuangalie ni balance gani tunaweza kuwa nayo, ndiyo tuishi vizuri. Si ndio? Lakini mtaletewa draft Constitution wenyewe mu-debate kwamba ni mzuri, halafu ndio tuende kwa national conference.

National Conference tutakuwa na representatives kutoka hapa, watu watatu kutoka kila district, MP wenu atakuwa hapo na civil society hapo, halafu wa debate huko ndiyo hiyo itakuwa Katiba kama hawasikizani huko ndio wataenda kwa referendum. Na referendum ni kwamba watarundi kwa kura ya maoni ya kura ya raia. Sasa ndio tutakuwa na Katiba yetu mpya. Na kwa hayo machache ningetaka kuwashukuru tena sana sana. Ni nani atatuomba? Co-ordinator you did not introduce people who have helped us. Na ningetaka kuwashukuru sana wale civic education providers. Bado mungali na kazi. Si mumeona bado tutarudi? Halafu the 3C's mmetusaidia na kazi asante sana na Mungu awabariki.

District Co-ordinator: Wanakamati nafikiri wengine wameondoka saa hii wale wako wakuje. Mrs Soi ametoka? Tuko na Chairman, Pastor peter Bii Secretary, Engineer Tanui, Mrs Rael Lang'at. The others are Mrs Elizabeth Koech she is not here shie is in another division and Mrs Sarah Cheruiyot who has just left.

The other thing is that we wish to thank the civic education providers. I can see some of you here. You did some good work. Thank you so much tumeshukru and thank you for participating.

Com. Baraza: Mtu atuombee tunataka Mungu atulinde tuwe na nchi nzuri. Mzee kuja utombee. Utuombee vizuri tuwe na Katiba nzuri.

Paul Munei: Mutaniuia radhi niombe kwa Kipsigis.

Com. Baraza: Ni sawa.

Paul Munei: Asante: *Kimache kebe tait ab kamuktaindet ne ba tuguk tugul okot chu kakisire akoba emani. Arakimache kesaa kesom kalyet en inendet ake som ng'amnatet ak naet ne tebiye kole baba Jehova ne mi kipsengwet ako mi kobatech. Kakibwan tai ngung, ra langatuni en kaminginet ab kei ne ba sobonwekyok ke kutungchin kei akekurin inyon kwenunyon si nyitech tamirmiriengung' ne tilil ak iberur sirutichu kagesir, Constitution neba Kenya*

koik Constitution nesabe koikkeny ak ketegisi. Yon mi kalyet emani nyon amun kimache kalyet.

I Jehova neba kalyet akoba ngamnatet. Yai boisyet ne wo en bik kuk amun che kuk . Kiriyai bichu en itondangung ak kiitech borwekchwak en kamanutiet.

Kiibusyi kabuset orit ab borwekchwyak ak sabtos inguni bichu en inye. Kamuktaindenyon Jehova. Iberur taechu kami yu koyeit kosir Constitution ini kabaemani ne kiriben emani ako ndoiwech noton en betusiek tugul koten kotago mingweny'. Makinetin kiy Jehova amun ikanetindet inyendet en ehek.

Tuguchu kiyae kemakyniken kalyet, bounatet ne mie ne nyitat tamirmiriet ne tilil, ne nyitat kalyet, ng,amnatet ak imanda. Noton ne kichenge en ireyu Jehova. Konengung' kaberuret si lumde akilumde emani koteben kalyedt koikeny. Manetin kiy, tuguk tugul asome en kaminginet ab ke koit taingung' en kainet ab Jeiso Christo ne yetindenyon. Amen.

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