

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBARTIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**KWANZA CONSTITUENCY,**

**AT ENDEBESS**

ON

**Friday 28<sup>th</sup> June 2002**

CONSTITUENCY PUBLIC HEARING – KWANZA CONSTITUENCY, ON FRIDAY 28<sup>TH</sup> JUNE, 2002 AT  
ENDEBESS

PRESENT

Com. A. I. Hassan -  
Com. Nancy Baraza - Chair  
Com. Dr. Mohamed Swazuri -

SECRETARIAT IN ATTENDANCE

Fatuma Montet - Programme Officer  
Anne Koross - Asst. Programme Officer  
Asha Boru - Verbatim Recorder

The District Coordinator introduced the hearing.

**Emmanuel Satia:** Kabla ya kuanza sherehe rasmi ningelipenda kwanza tuanze kwa maombi, jana katika kazi tulio kuwa tulianza na maombi kutoka kwa Wakristo, leo naonelea tuanze na ndungu yetu Muisalmu ambaye yuko hapa Mohamed Abdullahi atatufungua kwa maombi na Wakristo siku itakapotimia mwisho, mutatufungia kwa maombi. Bw. Mohamed Abdullahi tafadhali tuongoze.

**Mohamed Abdullahi:** Hivo ndiyo tunavyoamini lakini maombi yetu ya Kiisalamu iko tofauti kidogo sababu Wakristo wakiwa wanaomba wanafunga macho na sisi Waislamu tunafungua macho na tunafungua mkono, Allahu Samiul Baseer Minalsheitan Rajim Bismillahi Rahmani Rahim, Mwenye-enzi Mungu aliye juu tunakuomba huu mkutano uwe wa amani, iwe utufungulie sisi akili tujue kuongoza nchi yetu ya Kenya siku sijazo, Mwenyezi Mungu tunakuomba utubarikie sisi, ili tuwe wa Allah wenye wanajua hekma ile ya siku za usoni, Ya Rabbi tunakuomba ili utupatie amani Kenya yetu wale wa Kamati hii yakuchukua maoni yetu wawe watu waadilifu ambao watafanya kazi yao sawa sawa, Mwenyezi Mungu tunakuomba utubarikie Mwenyezi Mungu. Allhamdhu Lillahi, Salaam Aleykum Warahmatullahi

**Emmanuel Satia:** Asante sana. Ningepende kuchukua nafasi hii kwa upesi sana kuwajulisha baadhi ya wana Kamati ambao tayati wako hapa, kabala ya kumpokeza Commissioner ambaye atatujulisha Ma Commissioner wenzake pamoja ma Officer wale waliotoka Nairobi. Lakini kabla ya hapo, ningelipenda kuwashukuru sana kwa kufika kwenu na tutajaribu kadiri iwezavyo, kusikia maoni yenu nyote. Ningelipenda tu kusema kwamba labda unapofikiria kutoa maoni mara, nyingi watu wanapenda kuzungumzia matatizo yao. Sawa matatizo yako, lakini Tume inataka kusikia nyinyi wenyewe munataka muyatatie matatizo hayo kwa njia gani? Kwa hivyo tukiweka pale tutakuwa tunajibu mambo ambayo Tume imekuja kuchukua kutoka kwetu.

Ningelipenda kuchua nafasi hii kuwajulisheni kwa wana Kamati ambao wako hapa, wengine wako Kitale wanarudi na watakuwa nasi mchana wote. Tafadhali Bw. Chemaroup, simameni kisha, hawa ndio wana kamati katika Constituency ya Kwanza, njoo mbele kuna Bi Nancy Iyadi, kisha anafuata na Bw. John Busedi na kisha B. Lawrence Chemarou. Mimi ni Coordinator wa District, ninaitwa Emmanuel Satia. Hawa wote ni member wa CCC sisi wote tuko baadhi ya wale wana Kamati ni Mhe. Noah Wekesa ambaye ni MBunge wa eneo hili, karibuni.

Baadhi yetu pia kuna wale Civic Education Providers, tumewaweka pale wanafanya registration kwa hivyo Commissioners welcome.

**Com. Nancy Baraza:** Habari wana Kenya, habari tena, habari yenu, mumekaa namna gani? Sasa kabla hatujaaanza kazi, ningetaka kuwa julisha Makamshena ambao tume toka Nairobi kuja kuchua maoni ya watu wa Kwanza, mimi nikiwa mwenye kiti wa hiki kikao jina langu ni Kamishna Nancy Baraza, na upande wangu wa left ni Kamishna Dr. Mohamed Swazuri na upande wangu wa right ni Kamishna Ahmed Isaak Hassan na kutoka Nairobi tumekuja na staff ambao watatusaidia kwa hii kazi na tuko na Programme Officer Fatuma Montet,

Fatuma Montet: Habari zenu

**Com. Nancy Baraza:** na tuko na Assistant Programme Officer ni msichana wenu anatoka hapa Anne Koross, Anne, na Verbatim Recorder ni Asha Boru, Asha

**Asha Boru:** Habari Zenu

**Crowd:** Mzuri

**Com Nancy Baraza:** Na kulingana na sheria ambayo inahusika na kurekebisha Katiba ya Kenya mimi kama mwenye kiti wa hiki kikao ningetaka kutangaza mkutano kuwa mkutano halali wa Tume ya kurekebisha Katiba ya Kenya. Na kazi yetu tutafanya namna hii, tutachukua maoni yenu kwa njia tatu, njia ya kwanza ni kama uko na memorandum, iko vile vikaratasi kama umeandika maoni yako kwa memorandum unaweza kuja ukae hapo halafu utueleze tu kwa kifupi au highlights ya hiyo memorandum, usisome neno kwa neno kwa sababu hiyo memorandum tutaenda nayo weneyewe tutasoma, utatupatia tu highlights, au njia ingine ni wewe kuwa tu na hiyo memorandum na labda hautaki kukaa hapa uongee utatuambia tuu uko na memorandum halafu uende hapo ujiandikishe utuwachie hiyo memorandum na njia ya tatu utakuwa na haki yako kama mwana Kenya uje ukae hapo halafu utuambie maneno yako, useme jina lako halafu utuambie vile unataka. Na tutakupatia dakika tano, kila moja wenu mutapata dakika tano, na njia mzuri ambayo utaweza kutumia hizo dakika tano zako usiseme tu shida, shida ziko lakini utuambie mapendekezo. Chukua hiyo muda kutuambia ungetaka Katiba irekebishwe hivi na hivi ndiyo utumie huo muda wako vizuri. Na pia ningetaka kuwahakikishia kwamba sheria inawalinda, hakuna mtu ambaye atakufuata au akusumbue kwa yale maneno utakuja kutuambia hapa, unalindwa na sheria. Uje hapa useme maneno yote yako ambaye utapenda kwa moyo wako usiogope. Na condition ya hiyo tu ni kwamba usimtukane mtu tunaka issues, utuambie issues usimtukane mtu. Na pia sheria imesema uongee hiyo lugha ambayo wewe mwenyewe uko comfortable nayo, ukitaka kuongea Sabaot, utuambie tu unataka Sabaot, utapata interpreter, ukitaka kuongea ki Luhya au Ki Turkana au Kikuyu utuambie unataka hiyo lugha halafu tutatafuta tafsiri. Na ukija ukikaa hapo utasema kwa microphone na tuko na hiyo recorder, sasa utasema jina lako kwa microphone halafu uanze kutuambia maneno yetu. Halafu ukimaliza utajiandikisha hapo, tutatengeneza historia mpaka jina lako liwe hapo, tumelewana? Na tulisikia huko Kwanza, tulikuwa Kwanza wengine wana lia hawana Commissioner kwa tribe yao, labda maoni yao hayatasikizwa hiyo isiwe shida kwa sababu sisi tumechaguliwa kama watu Kenya wambao watasikiza maoni

ya watu tumekuja hapa kufanya hii kazi kwa kusilikiza kila mtu. Sasa wewe tu tuambia maneno yako tutafanya kazi yako kama watalaam..

Tunaanza na Councillor Enock Soita.

**Councillor Enock Soita:** Kwa majina ni Councillor Soita, niko hapa na memorandum to the Constitution Review Commission of Kenya Ford KenyaTrans Nzoia na nitapeana highlights kwa points chache. Ya kwanza any person born or adopted or married to or by any Kenyan citizen should be a Kenyan citizen. The Constitution should also allow Kenyan citizen to dual citizenship. Foreigners who have stayed in Kenya for over five years should be allowed to a permanent resident and eligible for citizenship. Any Kenyan citizen aged 18 years and above should be eligible for and given a Kenyan Passport as a Constitutional Right.

Ingingine on Local Government tunataka, the County Council in Kenya to be autonomous, kwa sababu Councillors wanafanya kazi kubwa sana kuliko WaBunge. WaBunge wanakuja nyumbani wanapata Ma-Councillors wamefanya kila kitu lakini hawa wanapata pesa nyingi kuliko hawa.

Ingingine in the new Constitution sisi Ford Kenya tuna propose ya kwamba Provincial Administration should be scrapped off. Kwa sababu hii Provincial Administration hatuoni kazi yao, kazi yao ni kutenganisha tu wananchi. Kwa mfano hata tukifatilia mtu kama Provincial Commissioner sioni kazi yake. Kazi yake ni ku-welcome President tu kwa Province hiyo tu peke yake, hakuna kazi ingine na huku anapata pesa nyingi na nchi inafilisika.. Tena tukifuatilia sana hawa ma-Provincial Administration ndiyo hufanya Serikali, kuita Serikali mbaya kwa hivyo we should do away with Provincial Administration. Na nafasi yao, kwa mfano Ma-Chief na Asst. Chief kazi yao isimamiwe na ma-Councillors kwa sababu hawa ndiyo wako karibu na watu na watu ndiyo waliwachagua na wanawa amini sana kwa hivyo wataelewana vizuri.

Halafu ikiwa kwamba tumetoa Provincial Administration, Aps watolewe na warudihswa kwa Police.

La ya mwisho mwenye kiti ya Commission, sisi tunapendekeza ya kwamba pombe ya kienyeji ihalalishwe katika Kenya to avoid harrasment of common man. Kwa sababu common man anaharibiwa sana na Police kwa sababu ati amekunywa pombe ya kienyeji na hatuoni ubaya wa pombe ya kienyeji. Hata Police siku hizi wamewacha kazi zao wanakimbilia watu wa pombe peke yake, kwa sababu anajua akienda hapo atapata pesa anashika mtu kufika njiani wanaanza Korti yao hapa kwa bara bara, kwa hivyo hii pombe ihalalishwe. Halafu kitu cha maana ni kwamba njia yakutengeza hiyo pombe ndiyo iangaliwe. Kwa sababu niko na memorandum kila kitu imewekwa hapa kwa hivyo sina maneno mengi kwa ma jina vile nilisema mulisikia ni Couincillor Soita representative wa Ford Kenya, Trans Nzoia,. Thank you.

**Com. Nancy Baraza:** Mr . Wailliam Cheptek Ndiema

**William Cheptek Ndiema:** Mimi kwa majina ni William Cheptek Ndiema vile mumesikia niko hapa na maoni yangu ingawaje sijaandika kwa memorandum nimeandika maneno na nitasema vile mimi ninapendekeza. Mimi kulingana na maoni yangu vile ninataka Katiba ya Kenya irekebishwe, kuna jambo moja ambalo nimeona issue hapa upande ya land ownership mimi napendekeza kwamba land ownership hapa katika sehemu ya Trans Nzoia hii, kuna msembo ambaye inasemekana ni cosmopolitan area na hii haiko hivyo. It is our ancestral land wakati wazungu walikuwa wanakuja, walikuta ma babu zetu walikuwa hapa .....(inaudible)... Na halafu baada ya hawa kuja kutwaa ardhi watu wetu wakawa displaced waliondolewa wakaja wakaenda sehemu zingine kwa hivyo mwenyeji akapuuzwa, kwa hivyo inatakikana Katiba i-recognise sisi tukiwa ni wenyeji wa hapa.

**Com. Baraza:** Nyinyi ni nani?

William Ndiema: Sisi ni Sabaot. Halafu jambo lingine tena kufuatia hiyo tangu Kenya inyakuliwe uhuru kutoka mwaka wa sitini na tatu, hatuja kuwa na uwakilishi kamili kwa sababu tumewakilishwa tu na jamii ingine, kwa hivyo tungepewa recognition kwa upande wa wakilishi sisi tukiwa kundi la wale wengine hata minority, wakubaliwe wawe na representation katika bunge la Kenya kama wengine wote.

Halafu jambo lingine tena tuko hapa na vitu kama Wild Life, Natural Resources katika area yetu hii, hatuoni faida ya vitu hiyo, watalii wanakuja wanatoa pesa mwenyeji hafaidiki na tunaambiwa tunchunge wanyama lakini ingekuwa heri hizo pesa ambayo inakuja huko ingetufaidi sisi wale ambao tunaishi, tuna surround hiyo Park, halafu inaweza tumika kwa ujenzi wa shule, kufanya ujenzi wa bara bara na kadhalika. Pia na miti, kwa sababu tunaona pale miti ime **sombura** na ma lorry na tunaambiwa tutunze msitu. Mwenyeji naongea kwa sababu hiyo misitu inchukuliwa na watu wengine. Kwa sababu tunataka sasa hii pia iingie kwa Katiba mpya ile mali ya asili iwafaidi wale watu wanaokaa katika sehemu hiyo.

**Clapping.**

Halafu jambo lingine la nne ni kulingana na Katiba ya sasa, nimeona uwezo unatoka juu ikija kwa mwananchi. Tunataka sasa mwananchi apewe mamlaka zaidi mamlaka yatoke hapa chini kwenda juu. Kwa sababu hata ukipanda mimea kwanza unapanda inakuwa ikielekea juu hata mvua pia evaporation inanza chini ikienda juu halafu inaenda pahali mvua inakuja. Kwa sababu tunataka vitu kama ni kugawana mali ya nchi tuwe na sehemu karibu na sisi ile Serikali ambaye itauundwa ikikula karibu na mwananchi, siyo ile system ya mbali, ile unitary system of Government hatutaki. Tuna taka ile regionalism.

**Com. Baraza:** Utueleze kama nani, huko chini nani?

**William Ndiema:** Sisi sasa tunatake ile Serikali ambayo ni regionalism. Sababu hiyo inweza kuwa karibu na wananchi.

Sababu hii mambo yakugawa vitu kutoka juu inakuja kuishia tuu pahali pengine bila kufikia sisi.

Halafu ingine ni upande wa elimu, tunaona elimu ya sasa kulingana na vile tunavyoangalia vile maisha yanavyoendelea imekuwa expensive sana, ingerekebisha iwe ile elimu ambaye watu wote wanaweza kujimudu, kwa sababu tunaona wanafunzi wengine wameanza kupenya katika nchi jirani na ilhali hapa tuko na nafaasi yakutosha isipokuwa sasa gharama ya elimu ndiyo imekuwa ghali zaidi kama vile tunavyoona. Nafikiria sitaendelea sana maoni yangu yataishia hapo.

**Com. Baraza:** Asante Mr. Ndiema. Jiandikishe hapo na utuwachie hiyo ni memorandum, utuwachie hapo. Richard Wasike

**Richard Masika Wasike:** Honourable Commissioners, it is a pleasure again, I am Richard Masika a Teacher in this School, as stated there.

**Com. Baraza:** Are you Wasike or

**Richard Masika Wasike:** Richard Masika Wasike, I have two memorandums one I will just present and the other one I will highlight briefly. Now I have addressed myself to the needs of the vulnerable groups especially the handicapped. One area that I would like the new Constitution to put into consideration is the Architectural design. Most of our handicapped who are especially on the wheelchair or moving on the scratches they find it very difficult to move to a place where their services may be given. We want them to be barrier free that is (inaudible) they should (inaudible) and if not there should be ramps everywhere for these people to have easy movement. We have experience even in schools those students who are on wheel chairs, most students who are on wheel chairs are chances in secondary schools that they cannot be able to move around on wheel chairs.

**Com. Baraza:** We got it move to the next one.

**Richard Masika Wasike:** The next one is I am highlighting on employment, one group which has a problem is the mentally handicapped, you find hardly that they are given employment by the State, shelter workshop this should be designed to cater for these people and for those ones who have some ability to work, should be a provision 1% of corporations' employee's should be handicapped, that one should be a requirement.

And another one is educating a handicapped child should be a responsibility of the State. We have them here and parents seems not to be concerned about them we understand because they take care of the able and these ones are neglected, so the State should provide funds to educate these students freely. Another one is those handicapped who cannot get employment, they should be given some allowance to sustain them after 18 years. When they grow upto 18 years, the fact that they cannot find an employment the parents are not able to assist them anymore, they should be given some allowances by the State so that they can be able to acquire amenities. Finally on these issue is transport. Means of transport should have some provision for the

handicapped, those people on the wheelchair and crutches they cannot cope up with the rushes that we have in this country in transport and sometimes you find that a handicapped person is just left on the road because of that disability, people do not care. If it is a requirement that people with transport should handle this handicapped with the dignity they deserve and also finally on that is that there should be adaptation on our vehicles so that handicapped who are able can acquire vehicles and drive themselves, this has happened. N.C.C.K. come with that programme but if it is a requirement there should be that allowance of adaptation. Thank you and may God bless you.

**Com. Baraza:** Mohamed Abdullahi

**Mohammed Abdullahi:** Bw. Commissioner yangu ni ya kwanza nitaguza tuu kifungu nne ya Katiba wa Kenya ile ya Zamani ibadilishwe.

**Com. Baraza:** Jina

**Mohammed Abdullahi:** Mohamed Abdullahi, kwani hiyo kifungu nne ambaye inatutitiza ya kwanza ni ya Rais na ya pili ni ya Parliament. Nikizungumzia Rais, tunachagua Rais hapa, tunasimama mlolongo, akifika huko Rais huyo hutawasiliana naye mpaka wa mbele amekufa, huyu naye

**Com. Baraza:** Weka mbali kidogo microphone.

**Mohamed Abdullahi:** okay, ngumu kuwasiliana na Rais ya nchi yetu chini ya Katiba hiyo.

Na ya pili Parliament yetu tunachagua tunapanga laini tunachagua, wanaenda huko kufika huko (inaudible) ngumu sana kuwasiliana nao.

Ya tatu ni uhuru wa kuabudu dini, yaani Katiba ile ya zamani inapea Kenya, hiyo imetupeleka mbaya kidogo.

Na ya nne ni ya Chief Khadhi wetu wa sheria ya Kiislamu ya Kenya. Nne hiyo ndiyo nitazungumza juu yake.

**Com. Baraza:** usiweke kwa mdomo

**Mohamed Abdullahi:** Oh sawa, ya kwaza mimi nataka Kenya kuwe na vyama viwili peke yake. Hapana ya tatu hii ya ki ukabila kabila tufunge.

Na ya pili uchaguzi wa kwanza tufanye wa Jimbo, ya Parliament na Council mbele kwanza, yaani bunge na Jimbo na governor



awe anachaguliwa kwanza. Na tukichagua hiyo sasa kila Jimbo uchague waakilishi wake nne hivi Bunge la Senate waende mbele. Wakutane huko waunge wengine wao wa Senate. Na hawa, wale tunawachagua ni wa vyama viwili vya upinzani na chakuongoza na hiyo Senate inachagua watu wote kura ya Jimbo kwa tikiti ya hayo vyama viwili zichague waende huko, na Rais awe wameingia huko. Rais awe anaongoza jeshi, yaani awe Amiri Mkuu Wa Majeshi, Rais ya Kenya.

**Com. Hassan:** endelea

**Mohamed Abdullahi:** Sarafu yetu ya Kenya isiwe na picha ya mtu yeyote juu yake, Kenya currency isiwe na picha ya mtu yeyote juu yake. Huyu Rais awe na power yakuvunja hiyo governor ya bunge ya hapa hii ikiwa wako na makosa iwe Rais awe na power yakuongoza jimbo yote ya Kenya kwa nguvu. Na tukifanyiwa hivyo tutahepuka shida zote tangu sasa ambazo wabunge wanaenda huko wakati sisi hatuna chumvi yakuweka kwa mboga, hawa wanajiongeza one million mshahara. Tutafuta tu kwa sababu tutakuta bunge yetu kwa ukaribu kabisa. Hiyo ni moja.

**Com. Baraza:** Maliza, maliza

**Mohammed Abdullahi:** na ya uhuru yakuabudu, tukiwa tunawapa watu wa sheitani, devil worship hii licence tutakuwa na laana ya Mungu. Hiyo nayo Katiba ipinge kabisa. Dini ingaliwe kabisa vizuri. Ikiwa inaabudu ubaya isikubaliwe. Na Chief Khadhi amepewa kazi duni, sababu ati kina mama tu na ya uriithi. Sasa sisi tunataka Chief Khadhi aingie kwa upana, dini ya Kiislamu yaani awe katika sehemu zote za Kenya, yaani district yote iwe na sheria ya Kiislamu yote, Chief Khadhi aangelie. Yangu ni hayo tu.

**Com. Baraza:** Pitia hapo Mohammed, pitia hapo ujiandikishe. Julius Bushendich.

**Julius B. Laibich:** Mimi nitaongelea juu ya uongozi pamoja na juu ya mambo ya mashamba.

**Com. Baraza:** Jina

**Julius B. Laibich:** Julius Bushendich Laibich,

**Com. Baraza:** Laibich

**Julius Laibich:** Laibich. Kwanza nitashukuru Mungu sababu yakuweka Kenya makabila arobaini na mbili. Kwa hivyo kitu ambacho ninasema. Ni kwamba tunataka sheria ambayo itaweka makabila yote arobaini na mbili yakae vizuri, bila shida yeyote. Siyo kwa kulazimishwa kwa hivyo ninaunga mkono ninasema ninataka Serikali ya Majimbo. Hicho ndicho kitu wa kwanza. Na katika hiyo Serikali ya Majimbo, tunataka hiyo nguvu kutoka kwa jamii ambayo wamekuwa hapo tangu mwanzo. Ambao wako hapo as ancestral land wachukuwe uongozi hapo. Siyo mtu yeyote kutoka nje anakuja kupata uongozi.

Nitakubali ya kwamba kila mtu anaweza ishi mahali anataka, mradi tu asiwe kiongozi hapo. Anaweza kuisha mahali popote ambae alikuwa amepata kwa njia nzuri yakununua. Na sema sheria iruhusu ya kwamba mali asili yote ambayo iko katika area fulani isimamiwe na wenye hiyo area ambao wako hapo kwa njia ya halali.

**Com. Baraza:** Sasa nilisahau kuwaambia hatuja kuja mkutano wa baraza, tumekuja kuchukua maoni, sasa hamta clap, hamtafanya makelele tuko na hiyo recording ambayo itachukuliwa kama mna clap hata kama umefurahi uweke tu kwa roho ufurahi kwa roho ndiyo tusiharibu maneno, mumeelewa, nimeona furaha nyingi na hiyo ni nzuri lakini tusiharibu recording yetu. Hapana clap, labda tukienda nyumbani jioni tu-clap lakini hapa tusikize tu, ndiyo tusiharibu recording yetu.

**Julius Laibich:** Nimesema mambo ya Natural Resources yote katika area fulani isimamiwe na wenye hiyo area ambao wako hapo na walikuweco tangu mwanzo, siyo wageni. Halafu ninataka waweke Sheria ambayo kutakuwa na Police wenye nguvu ambao wako well disciplined na pia hawana corruption yeyote. Ningependa vitu vyote ambavyo vinatokana na Mali Asili yaani Natural Resources, baada ya kukaguliwa na viongozi ya hiyo area, kama kuna pesa ambazo zinahitajika kwa Central Government, watatoa tu percentage fulani, iende huko, lakini mali yote ya hapo inamilikiwa na **wenyeji**.

Ninataka ushuru uwe umekusanywa na viongozi wa area huo wa area ambaye imekusanywa na inapangiwa kazi na viongozi wa area hiyo wenyewe. Hawa ndiyo wataamua ushuru ambayo watapewa na hao ndiyo watagawiya hiyo ushuru kazi, kwa hivyo

**Com. Baraza:** Umemaliza?

**Julius Laibich:** Bado, kuna mambo ya Executive powers ambaye

**Com. Baraza:** I give you one minute you finish

**Julius Laibich:** Unajua, sasa wacha niende land issue. Mambo ya mashamba ningesema hakuna mtu kuruhusiwa hamiliki zaidi ya acre mia tano, kama ni kubwa sana, mtu awe na acre mia tano.

**Com. Baraza:** Those are his views and you listen to him, you won't comment on what everybody says you keep quite those are his views.

**Julius Laibich:** Na ile shamba ingine yote ikuwe repossessed by the Government, halafu watarudisha kwa uongozi wa hiyo area, halafu hawa sasa ndiyo watagawa.

**Com. Baraza:** your last point because your time

**Julius Laibich:** Madam I have been interefered several times because you are doing some comments when I was talking so please.....

**Com. Baraza:** One minute

**Julius Laibich:** is only one minute and you (inaudible) commotion. Nina watu ambao hawana mashamba, at least wapewe acre 5, kama hawana mashamba lakini wenye wanapewa na wenye wanastahili ambao wamekuweko tangu hapo mwanzo.

Halafu pia handicapped wapewe mshahara kwa sababu hakuna vile wanaweza kujisaidia. Yale mengine ni kwamba, kuna mambo ya watoto ambao wamezaliwa nje ya ndoa, hiyo ndiyo inaongeza umaskaini mkubwa. Kwa hivyo nataka sheria ambayo italinda watoto wasizaliwe nje ya ndoa.

Na uraia mtu yeyote ambaye amezaliwa Kenya na wazazi wake wamekuwa Kenya awe automatically raia wa Kenya.

**Com. Baraza:** Your last point

**Julius Laibich:** Ningependa kusema ya kwamba hii sheria ingetengenezwa kabla ya uchaguzi, ili kwa sababu kuna watu ambao nawastahili sasa kuwa viongozi wa area hii lakini watakuwa viongozi kama sasa, kama sheria haitukuwa imetungwa kufikia, kama watafanya uchaguzi kabla ya sheria kutungwa. Kwa hivyo tunataka hii sheria ambayo italinda itengenezwe, halafu anyostahili kuongozoy, kila mtu atajua mahali anastahili kuongoza. Kwa hayo machache Mungu awabariki.

**Com. Baraza:** Benjamin Chepoton:

**Benjamin Chepoton:** Niko

**Com. Baraza:** Cheptoon or Chepoton?

**Benjamin Chepoton:** Jina langu ni Benjamin Chepoton na Commissioners

**Com. Baraza:** Dakika tano

**Benjamin Chepoton:** Nafikiri kitu cha kwanza ile tunataka kuzungumza ni land issue. Na unajua nchi lazima iwe na watu, Mungu mwenyewe aliumba na kupatia mtu ardhi yake kwa hivyo lazima hata Serikali iheshimu ardhi ya watu wengine. Mwingine amepewa North Eastern jua kali anapenda sana, mwingine amepewa mahali ya mvua nyingi, anapenda sana kwa hivyo Serikali iheshimu ardhi ya wananchi vile Mungu aligawia kwa sababu hiyo ndiyo imeleta sisi ile vita vita mumeona, zile land

clashes hizo ndizo zilikuwa zina promote. Wengine wanataka zungumza hii, wanasema hapa ni Kenya, tunajua kweli hapa ni Kenya lakini, tuheshimu wenye ardhi ya pale. Kwa hivyo tunataka Commissioners waeleze Serikali kwamba Trans Nzoia wenyewe sasa wamekuja. Sisi tulitumuliwa 1920 tulienda Kapenguria, tulienda Masai, tulienda hata Tanzania, huko Uganda lakini sasa tumerudi. Sasa tunahitaji Serikali i-recognize our presence na watupee vitu ile tunahitaji. Ila sasa tunahitaji ni wajumbe wa Ki-Sabaot, ili watufanyie kazi ingine, Councillors waki Sabaot ili watufanyie kazi ingine, Chiefs ili watufanyie kazi yetu. Kabila zingine watakaa ndani hajatuna haja nao sababu kila mtu ako na shamba yake kwa hivyo hatuwezi kusema kwamba wa Sabaot wakae peke yao, hapana tutaitwa Wakenya namna gani kama kabila ingine wahamishwe, sisi tu tunataka mamlaka ya sehemu yetu.

Sehemu ya pili ni aina ya Serikali. Tunataka Serikali iwe ya Majimbo, sababu **hiyo** ni serikali ile ilikuwa ya kwanza katika Jamhuri ya Kenya. Sasa tunahitaji Serikali kwa sababu **hiya iko** karibu na watu sana. Wakati wa KADU, kila jimbo lilikuwa na Serikali yake. Ilikuwa na bunge lake na huko juu tulikuwa na bunge la Senate na lile bunge lingine na hiyo inatakiwa sasa Kenya irudi pale pale pa zamani. Na hiyo yote ikitengenezwa namna hiyo italeta Unity ya Kenya, kwa sababu watu watapendana, hawatarukia vitu. Sababu sasa watu wanarukia mamlaka, wanang'ang'ania kwa shauri ya Kura. Kila kabila iko na watu wanapata ile **haiosyokuwa** na watu hawapati, sasa hivyo vitu tugawanye kwa kila mtu.

Halafu kitu ingine ni Serikali naye iogope watu yake, mwingine akishikwa sehemu zingine, kama ameshikwa Ethiopia, kama ameshikwa wapi lazima Serikali **shughulike**, sababu mwingine akishikwa mbali, Serikali yetu naona ni sawa sawa, si kitu, inasema alienda kufanya nini huko, lazima mtu wa Kenya ni wa Kenya akishikwa Uganda, Serikali ya Kenya ipate kujibu kwa nini huyu ameshikwa, kwa nini wazungu kama moja anashikwa, hapa wazungu wote wanalalamika, kwani sisi hakuna, sisi ni ngombe ya chini ile ya raia, sisi ni ngombe ya grade katika kwetu, lazima mtu yetu awe respected everywhere.

Halafu nyingine ni Ministers, Ministers wachaguliwe kutoka watu wale wamehitimu experienced people, si wale wabunge wachaguliwe kutoka nje. Na wakishachaguliwa iwe na Board yakusimamia, ili waseme Mr. fulani atakuwa Minister na hiyo Board ikubali kama ni bunge au ni Board fulani basi ichaguwe, isiwe ni Mr. President peke yake ndiyo anachagua, achague halafu alete kwa Board.

Halafu nyingine ni Police, Police wasiwe ni watu wa kutamani kupiga piga watu. Sasa mkenya katika hii mwaka arobaini lazima ajue sheria, mtu akishikwa apelekwe Kortini ama apelekwe kwa Cell halafu aandikiwe aende Kortini kuliko ile kukamata mtu na kupigwa hadharani ama kulaumiwa na kufungwa hiyo si hapana tabia nzuri.

Halafu ingine ni Mr. President awe na power sababu hatuwezi kuwa na Serikali isiyo na power. President asimamie Jeshi, asimamie Police na kila kitu, lakini asiwe mahali anafuta watu. Kama ile yakufuta Minister, si yeye ndiye anafuta, lazima yeye a-recommend kwa Board ili board iweze kufuta, lakini ile kufuta futa watu utakuja ona mtu amechukuwa power anafuta tu mwenzake kama vile anapenda.

Halafu mshahara ya watu, Kenya hapa hatuna mshahara yakutosha, watu tu wanaandikwa wanapewa mshahara ya chini, hata ndiyo munaona Police wanafanya kunyanganya watu, matatu sasa barabarani ufiada ni mwingi. Lazima Serikali itwe mishahara yakutosha kwa wananchi wake.

Na tena ku control maneno ile ya chakula, hasa mahindi sababu mahindi yanapandwa katika Jamhuri ya Kenya, kila mahali, lazima yawe na bei maalum. Usituambie tu nyinyi muuze vile munapenda. Sasa mtu yuko Nairobi anawaambia wenzake nunua kwa shilling hata mia moja gunia. Sasa tutapelekea watoto wetu kwa fees namna gani?

**Com. Baraza:** mwisho Bwana Chepoton

**Benjamin Chepoton:** Halafu ya mwisho ni hile maneno kama ya wanyama wa msituni, forest, nini lazima sisi tutawale, maana wananchi wa pale wasimamie hivyo vitu yote ya kutoka sehemu yao. Kwa hivyo nafikiri sina mengi.

**Com. Baraza:** Morris Kirui

**Morris Kirui:** Thank you Commissioner, mimi ni Morris Kirui

**Com. Baraza:** Na muko wengi, tutakuwa strict na time, mumeona vile watu

**Morris Kirui:** Asante, basi mimi nataka kuzungumzia ardhi yaani native and natives land. Ningependa Katiba ya nchi yetu ya Kenya iweze ku-recognize the natives and the land, kwa sababu sioni Katiba yeyote ambayo ni ya nchi na haiwezi ku-recognize natives pamoja na nchi yao. Hii inaweza kusaidia katika maswala kama ya uchaguzi. Kwa mfano tukisha recognize natives na their land, utaona ya kwamba hakuna watu wengine, we shall not have political tourists, yaani watu kutoka mahali pengine kuja kusimama katika sehemu zingine, na hatutakuwa na mambo mengine ambayo hayafai katika sehemu fulani fulani. Utaona ya kwamba kura lazima ipigwe katika njia hii kwamba mtu aende mahali, native land yake iko ama district, ama constituency, upige kura Nairobi ya nini, utapigia nani, utakuwa unachukua mtu ambaye ni bora kweli. [Napendekeza katika Katiba yetu mpya ya kwamba, watu wawekwe mahali ambapo wanaweza kupigia kura, lakini zaidi ya yote, native land and the natives should be recognized ili kumaliza hii mambo ya tribal clashes. Mambo mengine sisi wakristo hatutaki umwagikaji wa damu ambayo hauna maana, lakini unajua ya kwamba leadership katika nchi ama popote katika ulimwengu, ni kitu cha maana sana watu wanapigania pamoja na ardhi. Kwa hivyo kila kikundi kila jamii iangaliwe sawasawa katika maswala ya uongozi, katika mambo mengine, ili sisi hatutaki umwagikaji wa damu]. Tunataka kila jamii iwe represented katika Parliament na katika civic, katika wards. Kwa hivyo kusonga mbele pengine kwa sababu ya muda, mimi ningependa kuzungumzia powers za President. Nasema ya kwamba President lazima awe above the law, kwa sababu President gani anaweza kuwa hayuko above the law. Kwa sababu utaona ya kwamba mara nyingi tukisema ya kwamba tuachie mabunge mambo fulani fulani katika Parliament, utaona ya

kwamba wanapigana tu wanafanya nini, hata hakuna suluhisho la maana. Lakini sisi tunajua President awe above the law, anaweza kuangalia sehemu zote za jamuhuri, ataona nini kinatendeka sehemu gani, kwa sababu kuna machinery ya Serikali. Na kwa hivyo anaweza kimbia pale na kuzaidiaa jambo ambalo linaweza kuharibika. Lakini tukiachia tu Parliamentarians wafanye hii mara nyingi tumesikia wengi wakisema ya kwamba, oh sisi hatutaki hivi na hivi, hatutaki ardhi ya nchi yetu kwa mfano iende kwa fulani, hatutaki hii namna hii. Lakini haina faida. Kwa hivyo President must be above the law. Hii nchi isimamie, after all tunataka mtu mmoja awe responsible katika maswala ya nchi, akiharibu tunajua ameharibu, akitangeneza tunajua ya kwamba ametengeneza na hiyo itakuwa sifa.

Kwa hivyo katika maswala ya elimu mimi nasema ya kwamba, kila sehemu zote constituency, jamii, ama districts iangaliwe katika maswala ya elimu. Tumeona ya kwamba kuna ubaguzi kwa sababu watoto wetu wanasomea shule zingine za hapa lakini national schools watoto wetu hawafiki huko na kwa hivyo ni vigumu wafike University. Kwa sababu huko mazingara mema ya elimu kwa hivyo tuone ya kwamba quata fulani ichukuliwe katika jamii, fulani ama district fulani na wote twende huko University kwa sababu tuna uwezo. Sisi wote ni watu wa average hakuna mtu anasemekama ni zaidi kushinda mwingine, kwa hivyo hiyo nataka ifanyike.

Na kuja kwa early marriages and pregnancies outside marriage, early marriages and pregnancies outside marriage, hiyo iko too rampant utakuta watoto wa shule wana wacha shule kwa sababu ya pregnancies ambayo imefanyika nje nje huko hata wengine ambao hawajasoma, pregnancies watu wa fifteen years wamepata mimba, hiyo si vizuri sana katika ... (inaudible).. ndio mimi naona ya kwamba mtu yeyote akitaka ikiwa mimba inahitajika iwe mtu amekuwa adult or above eighteen years.

**Interjection. Com. Baraza:** Your time is up.

**Morris Kirui:** Okay sorry. Kwa hivyo lakini nina hapa jambo muhimu nilikuwa nataka sema hivi, ile inahitajika

**Com. Baraza:** You are staying so much

**Morris Kirui:** Okay

**Com. Baraza:** In bringing out the issue you would just tell us pendekeza and give us what to do and your time is up.

**Morris Kirui:** Asante. Employment; people should be employed from all corners of the Republic, farming mimi naona ya kwamba sisi ni wakulima wazuri wa Trans Nzoia, lakini hatuna experts, I mean technical support hakuna, tunafanya tu kwa trial and error. Hakuna Agricultural Officers karibu, karibu, hakuna Veterinary Officer, kwa hivyo ngombe zinakufa, hatutumii chumvi yetu ile nzuri, kwa hivyo hata production iko chini tukilinganisha na vile inavyo takikana.

Namaliza, niko namaliza. Kwa hivyo mimi nakuja kwa vitu vingine kama road blocks, road blocks mimi sioni maana yake, katika nchi hii, kwa sababu mara nyingi road block inakuwa tu ni corruption hakuna mambo mengine, na peana nipe, nikupe chai mimi nifanye hivyo. Kwa hivyo mimi naona iwe abolished na isikike tu wakati wa shida yaani security reasons pekee yake. Na mambo maswala ya road carnage yaani vifo barabarani sheria Katiba one ya kwamba iwaangalie kwamba ni watu wangapi wangependa kusafiri kwa gari moja na hii iandikwe barabara kwa kila gari, ili gari kwa Serikali itakuwa sixteen people kila mtu aweze akaona

**Interjection. Com. Baraza:** Thank you very much.

**Morris Kirui:** This is the last one

**Com. Baraza:** No, your time is up

**Morris Kirui:** Okay.

**Com. Baraza:** Please register

**Morris Kirui:** In one place you. The last thing I want to say is that, sisi tunataka Katiba, tunataka tufanye uchaguzi katika Katiba mpya. Hapana Katiba mzee.

**Com. Baraza:** You leave us your memondum we shall read. Solomon Korir? Na usiweke hiyo chini. Wewe nawe Korir umeweka hiyo chini, sawa. You say your name and I give you five minutes.

**Solomon Korir:** It would even take five minutes.

**Com. Baraza:** Okay.

**Solomon Kirui:** Mimi kwa majina naitwa Solomon Korir, mimi ni mwakilishi wa Kanisa la Seventh Day Adventist na singependa kupoteza wakati, maoni yote tumeandika kwenye memorandum kwa hivyo naona watu ni wengi, I will just present the memorandum. I don't have much. God bless you.

**Com. Baraza:** Thank you. We shall read it register there and give it to us, Solomon Korir, Korir. Wiliam Chebus?

**William Chebus:** Mwenye kiti, Commissioners, mimi nasema karibu hapa Endebess hapa ni area ya nyumbani, hapa mimi Councillor ya area hapa. Ile nitasema tu ni kuhusu Katiba. Na tumeshukuru mumefika Endebess. Langu la kwanza mwenyekiti

wa Katiba mpya, ni ile kitu tumepata lesson ninety one ninety two, ya kwamba, tumeandika history ile haistahili kuwekwa nchi yetu ya Kenya, kwamba clashe. Ningependa hiyo kitu itolewe kwa Katiba mpya hatutaki tena ile tutaita clashes wakati mwingine kwa Kenya. Wale watu wote tutawacha. Ile ya kwanza nasema ya kwamba hii ni nchi ya Kenya mzima, wazungu waliingia wakaingia mahali wakatoa watu wengine, mahali pengine wakuingia. Kwa hivyo kama hapa Trans Nzoia kama tuko, nasema hisi katiba ya Trans Nzoia [hini](#) katiba ya Kenya nzima sasa tunge saidia conflicts ya kwamba, hebu kila kabila iishi Trans Nzoia na yule mtu hastahili kuishi ekari nyingi iwe eka mia moja. Na hizo ma eka ile wazungu walipea nchi hii zaman, wapatie watu wapate nafasi ya kuishi, wapate nafasi ya [kukuza](#) watoto. Commissioners, kwa hiyo nitasema hiyo point ya kwamba because itakuja leta aibu hatutaki clashes Kenya nzima. Hiyo kama uongozi, leadership wa kama Trans Nzoia, we have three constituencies na hizo constituencies three of them ziwe na representatives wa kila tribes, Sabaots, Luhyia na Nandi hiyo ingekuwa visuri sana kwa wananchi wa Trans Nzoia watakaa vizuri, because they are happy wako na representation, vizuri sana kwa kila constituency. Commissioners kama tunaishi hapa Trans Nzoia ile kitu muhimu sana, sisi watu tunaofuga ngombe, na kuna mpakani, tuko na uwizi wa ngombe, kuna watu wa Uganda kuna watu wa Pokot na nchi nyingine. Na ngombe yetu hatuendi nje kuibiwa mahali popote, tunaibiwa hapa Trans Nzoia kama kwanza constituency, tunge stahili Katiba iangalie ya kwamba, kama ngombe yetu inaibwa iende Uganda, ama iende majirani ya community zingine, kabila zingine tafadhali Serikali ilipe huyo mtu ngombe yake, ama Serikali iwe na nguvu iweke security kwa mali ya mwana Kwanza constituency.

**Interjection. Com. Baraza:** Okay your next point.

**Solomon Korir:** My next point ni Politics kama tuko minority ya kama Parliament, for example, kama kuna nomination ya MP. Nominated atoke kwa minority tribe kwa Parliament, si wale watu wengine wale wako na majority halafu nomination zinatoka kule. Halafu chairman wa County Council awe chairman ambaye anaomba kura kwa district nzima siyo kwa councillors kumi ndiyo wanampatia chairmanship, halafu tuone allowance yake itakuwa namna gani, because ni mtu amechaguliwa na district nzima. Na pesa ya Councillors itoke kwa central special Government hiyo iwe inatoka kwa treasury. Lastly, tuko hapa na resources kama forests, Mt. Elgon National Park na yote iko kwa district hii, hiyo mali yote iwe under the community, wale wanaishi hapa. Tuko hapa na international road ile inaenda Uganda mpaka Sudan, hiyo board hiyo customs hiyo iangaliwe iwe kama ya Mombasa. Wale nao watoto wa hapa wajitahidi kama ni kazi iko hapa wapate kazi hapa.

La mwisho mwenye kiti wa Tume ya leo ni ya kwamba, nirudi kwa siasa, unajua uongozi inatoka kwa Mungu, siyo kwa mtu, Mungu anatoa kupitia kwa binadamu, na tumeona ya kwamba wengine wanataka Councillor ya Form 4 Councillor, yenye degree, MP, uongozi unatoka kwa Mungu, na yule naye anapatiwa uongozi through God, tusianze kuuliza watu, kuuliza mtu wa degree, hatutaki tuingilie halafu baadaye tukose watu wanaoweza kuongoza.

**Interjection. Com. Baraza:** Tuambie, yule unataka,

**William Chebuss:** Ninataka, kuona mtu anasoma kingereza, anasoma kiswahili na ni pewe yule Mungu anayeweza kupatia



ungozi, inatosha. La mwisho ni mwenyekiti mimi naona ya kwamba kuna agenda inaendelea Parliament nikaribu ma-agenda mawili, ya kwanza hiyo ni muzuri sana ya childrens care, watoto wa kike wale wanafunzi, tafadhali tuweke sheria wachungwe hawa, mpaka wamalize shule, yule anatunga mtoto mimba, tafadhali tuandike Katiba ya kwamba apatiwe punishment ya kutosha. La mwisho ya kwamba tunaona tuogope Mungu, tufuate Bible, hatutaki culture ya watu wengine, wanataka mwanamuke iwe pia bwana na, hiyo... (inaudible) iwekwe, tuachie kila tribe na culture yao halafu waone vile wanaishi kwa boma yao. Ni hayo tu asante sana.

**Com. Baraza:** Joseph Rikoi? Rikoi, five minutes.

**Joseph Rikoi:** Okay asante sana. Yangu ni machache tu

Ya kwanza, nitaanza na Majimbo type of Government, lazima tupewe Majimbo type of Government ili watu waweze kuwakilishwa, the indigenous of the area.

Ya pili tunataka kitu inaitwa house of commons and house of representative, wale watu wako wachache, the minority tribes wawe represented by the houseof representatives, wachaguliwe na Serikali, kwanza kabila Sabaot na Sengwer.

La tatu, mambo ya education of MPs and Councillors, an Mp should be an educated person, lazima awe na masoma ya diplomas na zaidi. Councillor lazima awe na masomo ya kidato cha nne na zaidi. Hiyo itasaidia masomo.

Ya nne na ni agreement ile ilifanywa na wazungu, imperial Government ya wazungu nineteen thirty nine, ya kwamba Sabaot warudishiwe shamba zao and to be compensated. Government waliweza kulalia hiyo ardhi in the Constitution, so the Government should reverse and give the Sabaot back their land.

Ya tano, the different rights and children tena woman ama children ambaye wanakuwa raped, anaweza kuwa raped na apate ugonjwa wa ukimwi apae ugojwa wa apate mimba, the person ambaye anafanya rape should be treated as capital offender ili aweze kuchukuliwa kama murderer, kwa sababu aki-rape msichana na apewe ukimwi huyo mtu ameuwa.

Ya sita nataka ni traffic act, police wapewe vitabu za ku-kolekt pesa kutoka kwa raia kuliko mambo ya kuchukua hongo kila siku, wapewe receipt ya ku-collect pesa kama ni hundred shillings per day iende kwa Serikali.

Ya saba nakuja kwa chief, chief wapewe uhuru wa kusaidia watu kutengeneza barabara, kama (inaudible)--ambapo Serikali hawezi kufikia, Serikali inaweza tengeneza main road but they cannot reach the interior areas. The chiefs should be mandated waweze kusaidia watu kujenga barabara on their authority.

Ya nane tunataka Government of the people, for the people and by the people. Serikali ya wananchi ile wananchi wanatawala tusiwe tunatawalwa na police kama kila mtu anataka kushika mtu kwa area lazima akuje kuuliza kwa mzee mtaa nina haki ya kushika ama hapana, Serikali ya wananchi siyo Serikali kutoka juu, tunataka Serikali kutoka chini.

Ya tisa, natural resources vitu kama Mt. Elgon National Park, lazima ibadilishwe iitwe Mt. Elgon Game Reserve if we have wananchi karibu na community wapewe all levies, kupitia kwa council ziweze kuwasaidia, na mambo kama forest department, mti hata inapelekwa Webuye Pan Paper ati walijenga shule Webuye na mahali mti inatolewa haijengwi chochote. We are very poor and the Government should point at all the levies iweze kurudishwa kwa wananchi hapo hapo.

**Com. Baraza:** Maliza

**Joseph Rikoi:** Nikimaliza, namaliza nikielekea mwisho, mambo ya distribution of Teachers, Serikali lazima idistribute Walimu sawa sawa. Kule Nyandarua Waalimu ni zaidi ya elfu moja, lakini hapa Trans Nzoia Walimu wako wachache —haswa Kwanza mahali ambapo ni pakubwa zaidi.

**Interjection. Com. Baraza:** Your last point.

**Joseph Rikoi:** My last point ni kuhusu land act, lazima Serikali abadilishe land act ile watu ambao wako hapa wapewe shamba zao waweze kugawiwa shamba, siyo watu kutoka outside waweze kuja kuchukua sehemu kubwa ya shamba. Na lalamiko ya mwisho tu ni kuhusu mambo ya uchaguzi, mtu yeyote ambaye is non resident in area the area hatoshi kusimama kuchukua kura hapa, aende mahali anatoka atafute kura huko. Asiwe pale kwa kura anaonekana, na hatujui tabia yake. Na ya mwisho nikikaribia mambo ya passport, passport should be a right, Kenyan right, isiwe ni kitu ya kuhongana. Okay. Asante.

**Com. Baraza:** Chelimo Ngirio. Five minutes naona uko na memorandum just highlight we shall read it.

**Chelimo Ngirio:** Thank you very much Commissioner Baraza,

**Com. Baraza:** your name

**Chelimo Ngirio:** Chelimo Ngirio. My is that we should get a preamble, the preamble which is senior and so I say before you even pray for .....(inaudible)... we hope there will be enough debate, as it said last time they should start fom down and go upwards, so that we know that the majority will be catered for. Now when they come the issue of the nation of Kenya as a Government, there was one Newspaper which which said if Kenya is one country with 42 nations, should amend some section volume 15 and volume 5 number. When we say Kenya as a Nation we are bounded with Constitution, that is rules and Majimbo it depends with the publican. So we don't take that the people who new Constitution had been denied. So we say we

refer back to the old Constitution that is Majimbo, so that the issue of minorities should be catered for. And when I come following up on the issues of federal Government, the Constitution and ... (inaudible) a lot of corruption that is in the issue of employment opportunities, national development, ... and distribution of infrastructure, hospitals, schools water ... (inaudible) even issue of recruitment of these petty forces, if we had Majimbo I think we could look at the culture of this people properly. So I say Majimbo so that it may, people might fear Majimbo, if you look at the issue of Belgium, Belgium was in Unitary Government for one hundred and fifty years, but only five thousand people put Belgium into federal Government. (Inaudible)-----

Then when it comes to the issue of citizenship, I say a child born to one Kenyan citizen regardless of gender should be entitled to automatic citizenship. When it comes to are saying that the different you cant fix it up (inaudible)-----let me come to the issue of passport, it is a document of every Kenyan citizen. When it comes to the issue land, let me go to it, up to chapter nineteen verse twenty six God said he gave communities profits and every thing and rain, and so what God has put on earth and me I just put under I thing

**Com. Baraza:** Ngirio you gave, Omondi Opindo, Mr. Omondi, if you are not there, Councillor Margaret Mutahi, five minutes Madam.

**Margaret Mutai:** Bw. Commissioner, wananchi wote hamjambo? Langu pia ni kushukuru kwa vile nyinyi mumefika hapa kupata maoni ya wananchi. Nasema karibuni sana na mtupatie muda ama mutupatie nafasi yakutoa maoni, wananchi watoe maoni yao mpaka wamalize. Langu ni kuhusu mambo ya Land, ningetoa maoni ya kwamba mambo ya mchanga katika division hii ama district hii ningependa mambo ya mchanga wakae wale hawana shamba, wale hawana makao, kwa sababu katika hapa Trans Nzoia, kuna watu ambao wako landless. Pia tungeomba Serikali ile compensation, wazungu waliwacha tungeomba pia tujue iko namna gani kwa sababu iliumiza watu wengi sana katika Trans Nzoia. Kwa hivyo nasema mambo ya mchanga iwe occupied na Parastatal bodies like the ADC na watu raia wanaumia huko nyuma ningependa wawape nafasi isiwe ni ya matajiri wapewe wale wako landless.

Jambo lingine pia, mambo kuhusu swala wa forest, KWS, sisi kama wakaaji hapa hatufaidiki na chochote kule, tungependa pia wale wako karibu wafaidike nayo. Nafikiria nitarudi baadaye ni hayo.

**Com. Baraza:** Asante. You sign there Margaret. Kennedy Mutai dakika tano

**Kenndy Mutai:** Asante Commissisoner. Mimi niko hapa muda mrefu.. Sitachukua muda kwa sababu niko na memorandum mutasome, nitaongea ya land issue, mambo ya mashamba.

Moja ni kwamba wakati wazungu walikuja hapa ni kwamba kuna kabila ambao walipatikana hapa, waliweza kutolewa hapa

wakafukuzwa wakaenda sehemu mbali mbali. Na kwa hivyo agreement ya Serikali ni kwamba wakati wazaungu watarudi, mashamba yatarudishwa kwa wenyewe na upto now mahali pengine, kila mahali pahali pengine Kenya ni kwamba hakuna shamba lililoko free, kama mashamba ya ADC, mashamba yote yamerudishwa kwa wenyewe. Lakini hapa Trans Nzoia ndiyo unakuta kwamba mashamba mengi yangali yako, kwa sababu wenyewe hawaja pewa mashamba. Kitu kilichoko ni kwamba, hapa Transa Nzoia ninafikiri kuna shida kubwa sana Kenya mzima kwa sababu inaitwa ni district ambaye ni ya kila mtu. I am going to say kuna wenyewe. Sababu hakuna kitu ambacho mtu atasema ni cha kila mtu. Nguo hii ni yangu, afadhali sema yako kuliko kusema ni ya kila mtu. Kwa hivyo we believe shamba ni yetu wa Sabaot na lazima, mimi na support mambo ya Majimbo na kwanza boundary ya kila kabila ionyeshwe so that kila kabila wakati mpaka utaonyeshwa wa kila kabila itakuwa kwamba, kila kabila katika sehemu hiyo waweze kujitawala wao wenyewe. Kwa sababu kuna kabila ambao wamepata mambo ya afya kwamba, mambo yakupunguza uzazi. Lakini wengi wanazaana sana kwa sababu wanataka uongozi, lakini kuna kabila ambalo wamepata hiyo majority, ili waweze ku-survive lakini hao wenye wana fuata masharti ndiyo wanaumia katika uongozi.

Nikija katika mambo ya National Park, natural resources, tuko na Kenya National Park, tuna expect watatutengenezea barabara, watatutengenezea hospitali, watatutengenezea mashule, ili sisi pia tuwe na nafasi, the nearest community wawe na nafasi pia yakuchunga wanayama na kila kitu, kwa sababu tuko na faida tunapata ndani. Isiwe tu kwamba ukishika kuni moja unapigwa na hatuna kitu wanatufanyia na pia....

Ya tatu, ni mambo ya leadership, tumekuwa na shida sana kwa sababu, mimi ninge support leaders, mambo ya leadership ianzie chini iende juu. Ukieenda nchi nyingine kama Uganda unakuta kwamba President Yoweri Museveni huwa anaongea na mzee wa mtaa. Kwa sababu sasa imelete shida, ndiyo wakati President anakuja kama area hii unakuta kwamba anakuwa welcomed na Provincial Commissioner, halafu atasema mtukufu Rais hapa hakuna maneno tunaishi vizuri, karibu uongee na watu wako. Rais ataongea kubwa na... na italeta time, italeta muda sana Serikali kuelewa kitu ambaye imefanyika on the ground. So tungeomba, so tunaomba ikiwa President amekuja sehemu fulani, aongee na the local person, ama pengine mzee wa mtaa na mzee wa mtaa pia awe ni mtu ambaye yuko available anaweza ongea na President kitu ambacho kina-affect area hiyo, ili Serikali ipate kujua ukweli. Upande wa moja ni kwamba wakati pengine shamba itatolewa, distribution of land, shamba itatolewa itaenda kwa maskini. Lakini utakuta kwamba ma D.C.s ndiyo wamechukuwa kwa sababu procedure, siyo President ndiyo mbaya lakini procedure ndiyo inakuwa mbaya, kwa sababu wenye wanaongea na mzee kusema mambo ni mazuri, hawa ndiyo wame kuja chukua shamba wenyewe, maskini anaendelea kupana, na unasikia kuna maskini wengi lakini kuna mashamba ambayo yanatolewa lakini hayafikii wenyewe. So mimi ningependekeza mkubwa akija area, aongee na the local person ili tuendelee mbele.

Kumaliza pia kuna President appointee watu kama Directors, isiwe Directors wanachaguliwa na President peke yake, itakuwa kwamba anything they do they all please the President, wana please tu President ili waendeleo kufanya hiyo kazi kwa sababu ukikataa ni kwamba utafutwa, ndiyo kamba umechaguliwa na mtu moja. Ningeomba wachaguliwe na Board ambayo wanatoka

Public Service Section, wafanye hiyo kazi na mtu ambaye ni transparent ndiyo afanye kazi hiyo.

Road blocks mimi nitapendekeza isiwe Police, wawe wakienda round, Ap wawekwe kwa Police halafu pia Prisons unaweza kuta kwa barabara, ili wakati wanazoea kufanya ufisadi pia waletwe CID katika barabara wafanye hiyo kazi. Mimi sitakuwa na mengi kwa haya machache Mungu awabariki.

**Com. Baraza:** Asante sana jiandikishe hapo. Rev. Nelson Cheleget

**Rev. Nelson Cheleget:** Asante Commissioner. Jambo langu la kwanza ningependa kusema points tisa tu, ya kwanza. Mimi ni Nelson Chelagat.

Watu wa kabila chache watambuliwe katika Katiba ya Kenya, kabila chache zitambuliwe.

La pili ni historical boundaries, kabla ya ukoloni itambuliwe kikamilifu ili usalama umarike, kupatana na neno la Mungu katika kitabu cha Duetronomy 32 part 78,

Na jambo la tatu, desturi na haki ya Kabila iheshimiwe KiKatiba, desturi ya kila kabila iheshimiwe.

Ya nne watu wote warudishiwe ardhi yao iliyo twaliwa na Serikali ya Ukoloni miaka mingi iliyopita.

Jambo la tano, jina la Cosmopolitan Trans Nzoia ifutiliwe mbali ili ufisadi wa unyakuzi wa ardhi umalizike kabisa.

Na jambo la sita County Council, isimamie miji town kama Kitale na miji ambayo imefanyiwa (inaudible) na Serikali isimamiwe, lakini kuna zingine ambazo ziko nje ambayo imewekwa barbarani ukiuliza mtu huko wanauliza ID yake before pale..... Hiyo ifutiliwe iwe sivyo..

Na jambo saba, Serikali ya Majimbo tunataka ili mipango ya Serikali iwe karibu sana na wananchi.

Jambo la nane Mwisho, Rais ambaye atapigiwa kura awe na kipindi tano ikiwa tofauti zaidi awe na kipindi cha miaka kumi, iwe miaka kumi halafu awe raia.

Na jambo la mwisho, kama environment ilindwe na wenyeji wa pale kwa sababu wajua, vitu ilivyo. Na pia land control board ichaguliwe na watu wenyewe hapa, mtu akitoka mbali kama Mombasa, Nairobi, Kisumu aje awe kwa land control board pale, hiyo ni kuleta ufisadi hata fanya kazi vizuri. Kwa hivyo nasema asante sana. Thank you very much.

**Com. Baraza:** Difas Kipteiyo,

**Difas Kipteiyo:** My names are Difas Kipteiyo

**Com. Baraza:** Dismass or Difas

**Difas Kipteiyo:** Difas. First Land is the main resource for economic development in Kenya and to maintain (inaudible), we propose that the Constitution should take away from the President the powers to distribute public land.

The mandate to distribute land should be with the local community. The Constitution should proceed to identify all public land in the republic and give it another L. R. number. The New Constitution should give power to the owner of the land to be asked whether he/she (inaudible).

The **selling** of land should be 100 acres and below. Non citizens should not own land in our country. The land be transferred after signing by family members then be the Administration and Council of elders. All land given out during the pre-colonial period should be given to former natives.

The Constitution should be clear by clearly stating land ownership in the whole areas to be for the natives but all Kenyas are free to do business in any Urban areas.

Anyone should have land within his or her own area of jurisdiction. A native land. All in all the New Constitution can establish the Truth and Justice Commission, among other things it will look into the traditional land claims and land lost during colonialism.

The general colonial names like Trans Nzoia, Trans Mara must be changed, for instance Trans Nzoia we can call it Chepkoilel District. Thank you.

**Com. Baraza :** Is called what?

**Difas Kipteiyo:** meaning white soil Kitale – Chepkoilel

**Com. Baraza;** Chepkoilel, Trans Nzoia

**Com. Hassan:** Meaning what Chepkoilel?

**Difas Kipteiyo:** Chepkoilel meaning white soil

**Com. Hassan:** and Trans-Mara?

**Difas Kipteiyo:** Trans Mara Masai wenyewe wataita jina yao wenyewe

**Com. Baraza:** Your next point

**Difas Kipteiyo:** Political parties. Political parties should be mobilizing the system. They should initiate development project, like water, roads, especially schools and dispensary. The new Constitution should regulate Political parties. Political parties must be reduced to two to avoid tribalism. Political parties should define their own ways of getting fund. The State and Political parties should work cooperatively as they are working for the common interest of Kenya.

Structure and systems of Government. We propose that Kenya adopts Parliamentary system of Government with two chambers, The Senate and House of Representative. We propose that we should adopt a Federal System of Government or Majimbo in which Executive and the ....place between the Central Government and the distinct region. The natural benefits will reach every part of the country upto the grass root level.

**Com. Baraza:** Your last point.

**Difas Kipteiyo:** Local Government, a Councillor must be a secondary level leaver O level, the minimum age of the Councillor must be twenty five years and above. The chairperson to the County Council must be the Councillor and be elected by all Councillors to office for five years.

**Com. Baraza:** Your next point

**Difas Kipteiyo:** I have got very many points.

**Com. Baraza:** No it is okay we shall read that memorandum, it is very good you have put down a memorandum we shall read it. So if you can just say your last word and give it to us we shall read it, or just give it to us we shall read it. Unajua watu wamejaa...

**Difas Kipteiyo:** County Council, Local Government should be strengthened, all State Departments NGOs, CPO, are answerable to the local Council, the Council must get 50% of the natural resources to be followed in that district. The chairperson should to the County Council must be a Councillor and be elected by other Councillors for five years. The Councillor must be. Okay.

**Com.Baraza:** Thank you very much. Please sign there and leave us your memorandum, tutaisoma hapa. You leave your memorandum. Benard Ikowo, Benard? Kama hayuko Humphrey Ndiwa?

**Humphrey Ndiwa:** Niko, niko,

**Com. Baraza:** You can see my five minutes are...

**Humphrey Ndiwa:** Asante sana, mwenyekiti wa Commission hii, jambo la kwanza langu na ambayo nasisitiza sana ni kuwa, mipaka ya kila kabila itambuliwe halafu, utawala wa Majimbo uweko. Na sehemu zote zile zilikuwa twaliwa na wakoloni kama sehemu zaidi za Rift Valley kama Nakuru, ambazo juzi zilikuwa na clashes nyingi hapa Trans Nzoia, huko Laikipia, sehemu zingine ambazo ndizo **zilitarahiwa** na wazungu. Hiyo sehemu yote irudishiwe wenyewe waliokuwa hapo awali kabla wazungu kuja. Halafu kuongezea kwa hiyo wale watu wote walio pewa settlements, sehemu hizo baada ya uhuru sasa, baada ya kupata uhuru wawe taxed ili wapewe wale walio **twahiwa** mashamba, hiyo iwe compensation. Watwaliwe mashamba wapewe compensation kutoka kwa hawo watu. Lakini hakuna mtu ambaye ataondolewa wataishi kama wananchi wa sehemu hiyo.

Basi ya pili Uwakilishi wa ubunge katika hapa Trans Nzoia, mimi ningependa iongezwe hiyo iwe nne. Ya kwanza iwe yaani constituency ambaye itanza division ni Sabaoti na Endebess iunganishwe iwe moja. Halafu constituency ingine ibuniwe, Kimilili hadi Wote iwe constituency ile ya pili, halafu constituency ile ya Kwanza iwe hii ya tatu. Cherengani iwe ya nne ili sehemu hizi zote ambaye ya uwakilishi amazo nimesema division ya Saboti mpaka Endebess iwe mwakilishi M-Sabaot. Na sehemu ya Cherengani iwe iwakilishwe na Sengwer, na sehemu ya Kimilili mpaka Amosi kwa ajili wao pia ni wengi wawe na waakilishi sehemu hiyo. Halafu sehemu ya Kwanza iwe open kwa Wakalenjin na hawa, Nandi, na Pokot na Sabaot, hawa wote washikilie hii kiti. Basi ya mwisho, bado naendelea. Kama uchaguzi wa Rais wakati huu ukifanywa iwe ya kwanza isifanyike na ya wabunge, iwe pekee yake. Na Rais ambaye atakaye chaguliwa awe mzalendo wa kufikia kila kabila hata ile ndogo, awatembelee ajue maoni yao ni nini. Basi, ingine kama.

**Com. Baraza:** Uwe unamaliza.

**Humphrey Ndiwa:** Wakati huu sasa, katika sehemu za kama prisons accommodation ni kidogo sana, watu wanaumizwa na tuko njaa, ningependa Serikali iongeze mjengo ili itosheleze watu kuliko watu kumia kule.

**Com. Baraza:** Wapi?

**Humphrey Ndiwa:** Prisons. Mjengo iogozwe wafungwa ili watu wasiwe na msongamano zaidi inaweza kuleta shida. Basi ingine.



**Com. Baraza:** Ya mwisho, ya mwisho.

**Humphrey Ndiwa:** Ya mwisho mashamba ambayo yako sasa ningependa wateuwe wazee wa kila kabila yaani sorry, kila shamba ambaye iko na Wa-Sabaot ambayo wanataka kupewa shamba, wachukuliwe wazee watatu, watatu wawe wakiwakilisha watu ambao wanataka kuwa included wapate mashamba, wawe wakiangalia wale wazee wana mashamba hawa wazee watatu kutoka kila sehemu kama Matupe, hapa Endebess mashamba kama ya Molei, Sabaot huko kama Suk wapi, waangalie wazee watatu Kiborowa, wawe wakiangalia wale wazee wasio na mashamba unawakilisha kwa DO ili wapewe mashamba. Basi nafikiri ni hayo tu yangu.

**Com. Baraza:** Robert Matui?

**Robert Matui:** Nataka kushukuru Mungu kwanza, kwa ajili ya siku ya leo ambaye leo hii ninapewa kusema maoni yangu. Naitwa Robert Matui kwa majina. Yangu nambari moja ni juu ya kuishi, kila mtu anaweza kuishi popote pale lakini uongozi uwachiwe wenyeji wa sehemu hiyo. Nambari mbili, ni juu ya makabila arobaini na mbili, kila kabila itambuliwe haijalishi ni ndogo kiasi gani na mipaka yake iwekwe, kwa sababu unapoangalia penye maandiko matakatifu katika kitabu cha Deuteronomy thelathini na mbili, ukisoma kuanzia saba kuendelea. Uhuru wa kuabudu uangaliwe sana, hasa inapo fika nafasi ya kuandikishwa kwa ma-Kanisa. Nne mtu yeyote anaye dunga msichana wa shule mimba afungwe miaka kumi. Sehemu zote zilizo twaliwa na wazungu yaani ardhi ilio twaliwa na wazungu hapo awali, zirudishiwe wenyewe mara moja. National Park kama Mount Elgon National Park, forests na mambo kama hayo yaweze kuangaliwa na wenyeji. Hayo ndiyo yangu na Mungu awabariki.

**Com. Baraza:** Yohana Tera? Afuatiwe na Pius Muricho.

**Yohana Tera:** Asante sana. Jina langu ninaitwa Yohana Tera. Mimi yangu ni kama tatu tu, mbili. Mimi nazungumzia kuhusu Trans Nzoia, Trans Nzoia ilikuwa na jina lake zamani, ilikuwa inaitwa KONY District. Mimi ningependa jina hiyo KONY District iendele. Na minaomba tena ninaomba tena, neno la squatter, lingelitupiliwa mbali hii squatter sijui ililetwa na nani, squatter ningepomba itupiliwe mbali, na wewe uko nchi yako miaka yote tumepata uhuru, miaka arubaini sasa bado sisi tunanaitwa squatter. Na neno la pili sisi ni Ma-sabaots na hapa Trans Nzoia tungeomba tutengewe constituency yetu, sisi hata tukifanya namna gani tukiwa kwa pamoja hivi tukisema tupige kura hatupiti hata siku moja, lakini afadhali kama Katiba inalinda kila kabila, itupatie constituency yetu. Mimi naomba tena tunazo ma-kampuni hapa kama ADC kama hii Kenya seed nimekaa hapa miaka yote haijatujengea hata shule, hata hospitali na ni kampuni kubwa na hata watu wanaofanya kazi, hata yule Messenger, yaani yule tarishi wa ofisi wanaletwa kutoka nje, na hapa kuna vijana wa Sabaots wengi. Tungeliomba hata hiyo nayo itusaidie, watujengee shule watujenge hata hospitali.

**Com. Baraza:** Okay.

**Yohana Tera:** pia naona mengi ndugu zangu wamesema. Haya mimi sina mengi yangu ni hayo.

**Com. Baraza:** Okay. Bwana Tera ujandikishe hapo. Pius Muricho? Utafuatiwa na Joshua Werunga.

**Pius Miricho:** Asante sana mwenyekiti, Commissioners, mimi naitwa Pius Miricho. Na nina memorandum yangu, lakini yale ambayo nataka sema ni machache, kwanza sheria ya uridhi, mimi ninataka sheria ya urithi iondolewe, kwa sababu kama mzee wangu amekufa, halafu sheria ambayo ilioko inasema ya kwamba watoto wangu kama wanataka kugawanya, wapeleke washtaki katika kotini na hiyo iondolewe, na irudi nyumbani, kwa Ukoo na jirani ambao wanajua watoto wangu.

Jambo la pili, mambo ya mashamba, mashamba ndiyo mambo mbaya zaidi, mashamba yakipatikana yapewe wale ambao hawana makao, wasipeane mashamba ati huyu Mbukusu, ati huyu Sabaoti, ati huyu nani hawa watu wote lazima wawe siku moja wanaingia hapo wote, hiyo ndiyo moja ili tumalize ukabila. Na shamba likipatikana, kama ADC, kupeana kwa wale ambao wanakosa makao, lazima kama ni eka kumi ziwe kumi siyo matajiri kuingilia katika ndani ya shamba hiyo. Kwa sababu hii ndiyo inafanya watu wengine wanaeka mia moja, huko mwingine ana hamsini na tena atachukua ya hawa maskini, halafu hii ndiyo inaleta taabu.

Jambo lingine mwenye kiti, upande wa Rais, Rais ana mamlaka mengi sana na mimi napenda awe na mamlaka mengine lakini upande wa ardhi, iondolewe kwake irudi katika Mashinani, na haya yote yaanzie kwenye wilaya hawa ndiyo wanajua mambo ya mashamba. Ukiongea na mayor nafikiri hiyo itazaidia.

Mambo ya wanyama wa pori, mimi ningependa, katika wanyama wa pori hii ipunguzwe iwe ndogo, ili watu waliokosa makao waingie ndani. Mwenye kiti mimi naona badala ya mtu kupata eka tano ama eka moja, hiyo ni sawa na kuleta umaskini, mtu wa chini kabisa apewe eka kumi, halafu mwisho iwe eka hamsini, tukifanya hivyo itakuwa vizuri. Mambo ya KARI, kwa sababu kuna mashamba mengine ambayo ilichukuliwa kuwa ya utafiti upande wa Serikali na wakati huu watu wamenyakua hiyo, mashamba wameingia ndani. Mashamba hayo yachukuliwe na yarudi kwa kazi ambayo yalitengewa. Nafikiri mwenye kiti sina mengi nafikiri ni hayo tu.

**Com. Baraza:** Asante sana. Jiandikishe hapo. Joshua Werunga.

**Joshua Werunga:** Thank you. Commissioner for giving me this chance to highlight a few recommendations that we want for our constituency. First of all the power of the people and Constitution.

**Interjection.** Com. Baraza: Your names?

**Joshua Werunga:** my names are Joshua Werunga. The power of the people and the Constitution, that the preamble for our Kenyan Constitution, I think that the Constitution should spell out clearly that the people, it is the people who have the ultimate powers in this country.

And secondly, I would like to recommend that the law, that there should be no any other law or authority to be above our Constitution that we are making today. Then that the people should be granted in the new Constitution a right for civil disobedience and protest when all channels have failed. Then under the, I also recommend that, any amendments of the Constitution that we are making now if there is need for any changes we should have a national referendum but not a few people sitting in Parliament thirty of then and deciding our fate.

Other also ideal that we should create a Constitutional Court to deal with all issue relating to those who floating the Constitution.

And the Executive powers, I feel that we should have a clear separation of powers between Executive and the Legislature. Then introduce the office of the Prime Minister to head the Government and that Prime Minister should have a majority votes from members of Parliament in the house. And the devolution of powers should be there. The President to be incharge of the state the term limit should be five years each.

I feel I should make another recommendation of scrapping the section fourteen that immunises the President against legal prosecution, nobody should be above the law we are all human beings and then President powers should be clearly defined.

I feel that we should also establish an office of ombudsman and Anti Corruption Authority to receive investigate and where necessary prosecute proven cases of mis- conduct and abuse of public office.

Then Parliament and Election, we should state clearly that legislature power belongs to Parliament alone, then the President should not be an MP.

All administrative boundaries be dertermined by effective evaluation of population to guide for coverage, communication, infrastructure, and be done by act of law in Parliament, strictly and avoid ethnic boundaries to favour ones interest.

Then also the Constitution should spell the calender of election in the Constitution. The Parliament to control its own calender, but there should not arise any cases of one prolonging Parliament or discontinuing it by Executive. Then allow all the prisoners and former prisoners as well as peddlers to vote, and then also the civic, any person an MP or a Civic person that defects during his term for five years, should not be allowed to participate in the by-elections. If a limited number of Councillors die before they call a by- election, at this time almost two hundred Councillors have died, so unless we (inaudible) an MP we don't

have a by-election for the Councillors. That one should be seen and we have a limit of Councillors who should be there before we call for the by- elections.

Then the Parliament forum of thirteen point five percent of thirty members of Parliament to be amended to be fifty, to make a decision in Parliament. The Cabinet to come from MPs and abolish office of Attorney General then it should be replaced by the Minister of Legal Justice, to answer why the delays of cases are existing in Kenya.

The Governors and Local Authority

**Com. Baraza:** You wind up.

**Joshua Werunga:** The Provincial Administration to be reformed, we don't see the work of the DC, because we have education officer who is in the District can lead education and security OCPD is there and (inaudible) is governed well we don't see the needs for having the DC. And eventually, Constitution should guaranteed gender equality for all Kenyans and allow affirmative action and legitimise programmes for promoting equality.

Then lastly, I feel that the P3's should be handled by MOH but not the police, because if you are beaten by the police you cant pick a P3 from the police. Then also the.

**Com. Baraza:** Your time is up.

**Joshua Werunga:** Busaa, mambo ya busaa.

**Com. Baraza:** Last point.

**Joshua Werunga:** This is the last one, I feel mambo ya busaa, hakuna mtu amewahi kunywa busa na akakufa ni kama uji. We don't see why wanapinga watu kunywa this brew ambayo watu wengi wamekunywa tangu kitambo na we cant afford the beer, tafadhali pombe kama local brew iwe kwa Katiba yetu kwamba tunywe vinywaji vyetu, vya zamani. Asante sana.

**Com. Baraza:** Thank you. Patrick Masika? Masika? Anafuatiwa na Chemarum L M.

**Patrick Masika:** Commissioner mimi furahi kuwa mbele yenu, jina langu ni Patrick Masika. Niko na area karibu nne nitazungumza juu yake. The tribal problems we have in our country we can improve it through good parties. Niko na agenda nne, formation of parties, ile itafuata financing parties, ile ingine election as required 2002 na nitamalizia na observation yangu. Mimi naonelea hivi.

**Com. Baraza:** Just highlight

**Patrick Masika:** Okay, correct niko sawa. Naonelea hivi, parties zile ziko Kenya ni nyingi sana nimesema kwamba tuko na kabila zaidi ya arobaini na mbili na parties tuko nazo zaidi ya arubaini na tano, mimi naona lazima tuwe na sheria siyo sheria rules, regulative rules, yakuonyesha ya kwamba parties zetu zitakubaliwa namna gani, hatutaki kurudi kwa one party system tunataka tuwe na party zile zinakuwa na watu wote na kabila zote.

**Com. Baraza:** Now please

**Patrick Masika:** Ongojea tutupima hizi kutumia opinions za say ya popular (inaudible)--- kwa mfano nishaona kwamba nchi kama America, muktaka kujua part gani inajulikana sana inkubaliwa sana, kuna survey inatumwa huko, na inakagua kwa random watu elfu moja wangapi wanapenda hiyo. Kwa hivyo mimi naona parties zetu zile ziko hapa hatuwezi kukataza party yeyote tutakubali zote, lakini tuwaulize wanaweza kuvutia watu wengine kutoka committee zingine waingie party zao na watafanya namna gani? Ikiwezekana tunaweza kuwa na opinion survey, hiyo itaonyesha kama party moja inatoka hapa hiyo inaonekana iko huko Nyanza, ionekana iko kwa Central kidogo, Coast kidogo. Na mimi naona parties hizo ndiyo zitakuwa na nguvu kupea mwelekeo Kenya siasa isiyo ya ukabila. Munaona kwamba tuko na vyama vingi vile vichache na vidogo watu wanazungumza juu ya ukabila tu, na hata siyo ukabila, wanakosa mwelekeo, wanakosa policy, wanakosa manifesto, party chache itapeana mwelekeo mzuri. Tunataka Serikali iko na nguvu nataka opposition iko na nguvu, na ile sheria mimi naona ile nzuri ni kwamba kwanza tuwe na opinion survey ikubaliwe, percentage ya kujulikana kwa province iwe kama hiyo party inajulikana kama kwa four province out of Kenya. Kwa ratio kidogo tu, mukiona tena followers wawe wengi na nimesema random survey iweko, na kwa watu wa elfu moja, waone kwa party zote zile wamefanya survey, party gani inaonekana. Mimi naona hiyo.

**Interjection. Com. Baraza:** Finish

**Patrick Masika:** Njia hiyo itakuwa mzuri. Point ya pili, nitakuja kwa mambo ya

**Interjection. Com. Baraza:** How many parties did you suggest? You could have told us

**Patrick Masika:** Okay I am finishing, nikitaka party hiyo iko nguvu nitasema iko na parties ngapi, iko na MP kama kumi itakubaliwa, iko na civic na municipal election and Councillors itakubaliwa, na kama inakuwa kama ya Anyona, ya Congress pekee yake, huko Kisii na iwe inasimamia kwa kazi ya Presidential seats, mimi naona hiyo ni waste. Kwa sababu hiyo haitakuwa ikiwapa watu mwelekeo.

Kumalizia kwa election mimi naona election kwamba lazima election ije kwa miaka tano vile inatakikana sababu ni hii, kama Britain wakati walikuwa na Second World War, walikubali waendeleo miaka kumi na sababu opposition iliunga Serikali, lakini hapa kama opposition haijaunga Serikali, lazima MPs wote wa KANU, wa opposition wakae chini kwa bunge wajiadiliane, wa-focus kwa hiyo point waseme hivi, kitu gani inafanya Constitution isiandikwe? Kama ni powers za President, kama ni sheria zile sa Electoral Commission ziko weak, kama ni Judiciary ndiyo iko mbaya sana, wa correct hapo wapeane nguvu, uwezo kwa special meeting, ndiyo mimi naona election iendeleo kwa sababu opposition haijaunga na Serikali lazima nayo ione kwamba haina sababu kubwa. Watu wa commission waendee tu kwa wakati wao mpaka iishe, hiyo ndiyo iwe people's Constitution movement. Ile itakuwa ni mzuri na imesikilizwa vizuri.

Kumalizia pengine ningeliza hivi, sheria kama vile tumeona nchi kama hivi hiyo jirani ya Uganda tunaona vitu vingine watu wamesha eleza Serikali na na Constitution yao imekuja kusikiliza watu raia ile ya chini awe ametetewa kwa njia nzuri na sheria inampenda, au inamzaidia kwa mfano, mumesikia kwamba mimi sinywi chang'aa au busaa lakini naona wana saa kidogo ya watu kunywa busaa, lakini hiyo imekuwa mbaya tena, na kwa kutembea unaona kwamba Uganda wanakubali watu watengeneze chagaa na huko wanaleta tax ya Serikali, wanapeleka kwa factory yao au refinery wanatengeneza hiyo chag'aa na wanauzia watu kwa njia nzuri.

Kwa hivyo wakati Serikali inasikiliza maoni ya wananchi ione kwamba vitu ile wananchi wanaona wanaumizwa kwa mfano, administration police au

**Com. Baraza:** your time is up.

**Patrick Masika:** Wanaona hiyo kazi ni mzuri sana na wanangalia kuifuatilia, lazima watafute njia ya kufupisha hapo. Asante.

**Com. Baraza:** Thank you very much. Leave the memorandum with us. Chemarum uko wapi? Joseph Masai? No, no Joseph will was not presenting your space is blank, Hon. Moiben? Your place is blank so you are not presenting ulikuja tu kusikiza maneno. Okay sawa.

**Hon. Moiben:** Commissioner Ahmed ambaye ni Chairman wa hii Panel, Commissioner Baraza, na Commissioner Swazuri. Na waakilishi wote wengine wa Katiba na wananchi hamjambo? Yangu ni machache na nimepanga kwa memorandum ambaye nitawapatia. Kwanza kwa ufupi Commissioners, hapa Trans Nzoia ndiyo mahali cultures mbili zinakutana na culture ya pastoralist na ya cultivators. So watu wetu wote wako hapa. Kitu muhimu kwa mfano katika constituency hii, ni kubwa sana Kwanza constituency ina voters 54,000. It is the largest constituency in Trans Nzoia district with about 54,000 registered voters na haina tarmac road, the tarmac road ni ile milioni pale uliwekwa wakati wa queen mkoloni wamecarpet juzi tu, imefika hapa. Sasa sehemu zote ni barabara ambazo hazipitiki, tunaonelea kwamba kama Constitutional Review ita recommend hii constituency ya Kwanza yawanyure mara mbili itakuwa vizuri sana, sababu ita accommodate development na kupunguza

umaskini kwa watu wetu, tunasikia masikini wako hapa ni wa aina mbili waliofukuzwa na wakoloni pia ni squatter. Waliokuwa wanafanyia wakoloni kazi pia ni squatters. Mimi nakubaliana na wale waliongea mbeleni kwamba mtu awe na shamba, asikose shamba hapa. The minimum somebody can have should be ten acres, na maximum ni two hundred, akipita hapo mtu atamea pembe hatumuruhusu, tunataka maximum of two hundred na minimum of ten acres. Na hii maneno ya forest tunataka miti sababu inaleta mvua, kuna shida kwa upande management, kuna sehemu kubwa ya ardhi ambayo ingepandwa miti kando kando ya barabara thought out Kenya, na ingechangia sana katika environment yetu. Tukipanda miti kando kando na ndizi even mwenye anatembea na mguu anakula ndizi naona kwamba hata sehemu za forest zinaweza fanya adjustment, ili watu wale wapate makao.

Ya pili Commissioners, sehemu zingine watu wamemaliza wildlife yao, hata sungura haipatikani. Watu ambayo wana wildlife yao sanctuary kama sasa yetu hapa ingefaa sana Constitution iseme kwamba mtu ataandikwa kazi KWS wakiwa na wildlife katika sehemu zao, sababu sasa utastukia kwamba mtu ambaye ni director ya wildlife hata kwao hakuna sungura, it is unfair na sisi tu (inudible) pale tunataka kuchunga wanyama wetu ambao tunaishi na wao wanakula mahindi yetu tunaambiwa kwanza wewe hukuenda form four na ulisoma saa ngapi .... (Inaudible)----- sasa tunataka sana tufanye maendeleo ya ukweli, ukweli Katiba hii ilinde mtu mnyonge, ilinde mtu tajiri, ilinde kiwete, ilinde na vipofu pia. Mimi ninge nasema hivi mambo ya President hiyo nasema iwe na specific terms, ningesema zisiwe two terms vile tuna copy nchi zingine, tungesema ziwe three terms maximum hata Councillor pia three terms hata MP pia three terms, mara tatu mtu akiwa muzuri kweda nyumbani. Isizidi mara tatu huyo mtu atafikiri watu wengine siyo watu. President three terms, Councillor three terms, mbunge three terms, na Parliament igawanyiwe mara mbili, hiyo na house of, wanasema house of commons lakini sisi tunaita hapa house of community, house of communities maana yake kila kabila katika Kenya awe na mbunge moja katika house of community. Kabila ndogo na kabila kubwa. Na hii lower house iwe ni ya kawaida kila mtu anapita kwa simple majority hiyo ni tofauti na hiyo.

Ili kwamba nchi yetu hii, kusikuwe na nafasi ya mafarakano, tunataka tuhudumiane kama wakenya. Hakuna haja ya extremism tunaweza unda kama extremism. Tunaweza ona ya kwamba extremism ya nchi zingine imefanya hata hawana Serikali. Na ni kabila moja, saa zingine is not fair, look for example in Somalia is one tribe what are they doing? They are fighting for ten years so we want to be moderate in everything, moderate in our approach for development.

Ya pili, kusema maneno ya community service, ningesema hivi kwa Commissioners, mtu akiiba mahindi yako kwa mfano anapelekwa jela labda amechukua gunia kumi ana fungwa miezi mitatu, wewe mwenye ulikuwa na mahindi utapata nini? Tungetaka sasa watu ambayo wanapelekwa katika kufungwa katika jela wasifungwe katika jela wasifungwe katika cell wawekwe ile iko community service order, community service order ni kufanya kazi nje ili kiwango fulani cha pesa ambazo mtu anafanyia kazi zilipiwe mwenye aliibiwa mahindi, au ng'ombe for example, ili mtu aweze angaa kujisaidia nazo. So the other thing ambalo ninasema ni kwamba, niko na memorandum wacha nimalize hii.

Form of Government, ninge recommend kwamba form of Government ambaye itakuwa nzuri sana katika Kenya ni Majimbo, Majimbo watu wasifikiri ni kwamba ina ujambazi fulani, Majimbo ni kusemekana kwamba watu katika mkoa fulani wanakuwa

na mipango yao ya maendeleo na wanakuwa na ushirikiano na neighbouring federal states. Kwa mfano katika Rift Valley, sisi tunapenda sana kazi ya maziwa na kazi ya ngombe na labda kufuga wanyama, tungekuwa na factory ambayo inafanya kazi ya maziwa vizuri. Sehemu zigine wako na sukari, kama Western tunashika urafiki na wao tunawauzia mahindi mbegu wanatuzia sukari, sisi tunalamba sukari yao wanapanda mbegu yetu, So njia kama hiyo tutakuwa na utaalumu na ushirikiano among ourselves. So we want actually a federal Government like the one in the US or the one in Switzerland, where people mark their own development. People of various provinces or if we can say states, have their form of Government. Na wale watu walikuwa wanafanya katika Upper House ambayo nilikuwa ninasema communities, they can have two days in the province and then have two days in the national panel, so that they have their own development planning properly.

So masema ya mwisho kumaliza, katika dunia yote wanawake ni wengi kushinda wamaume, wanawake through out the world are more than men, there should be no reason why a rapist should exist. A rapist is a person who should be he has a mental problem, a rapist there must be this people must be kept an institution should be constructed in the middle of the lake Victoria, in the middle of Lake Turkana where Doctors will examine the man, because I happened to have worked in the prisons of department, when a rapist is got to prison Commissioners he will teach him carpentry, carpentry has no relationship with this sexual appetite, so a rapist is somebody with a bad conduct, he is just like a homosexual so these people should not be taken to prison, because they do nothing. Take them to a prison like mental cases where they can be handled, you know and looking in to them whether it is the heart that is corrupt before responding to Christianity or Islamic or it is the mind. You know we should not take them to prison department. I recommend to the Commission that after seventy five percent of people who are put behind bars can move outside the bars, they should be behind bars they should not at all.

Na ya mwisho kusema mtualisema kwamba maabusu

**Com.Baraza:** Your last point.

**Hon. Moiben:** Yes madam, maabusu wapige kura that is the highest hypocrisy, sababu mabusu wakisemekana wapige kura the party that is in power will manipulate the prisoners and tell you if you cant vote for me I will fix you in the evening, so the prisoners should not, SHOULD NEVER BE ALLOWED TO VOTE. Other Kenyans who are Abroad they should not vote, because that is another source of rigging. For those few remarks I would like to hand this my memorandum.

**Com. Baraza:** Yeah hand it over there. I can see there are very many people I am going to reduce to three minutes and you come here don't tell us many things, you know we are experts as we sit here we know all this things. So what you do just recommend don't tell us the background stories we know them, three minutes so that I don't want to leave any Kenyan complaining three minutes. David Bhojo? Three minutes. I don't want to leave any Kenyan you are so many, just rush through your recommendations you will finish.



**David Bhooyo:** I am David Bhooyo Chebellion. On land ownership. I want the Sabaot to be given back there land, that was grabbed by the by the colonist, this people have suffered for a long period of time and I want them to be given their land the remaining portion, such as government trustland remaining in Trans Nzoia.

Number two, all the nominated Councillors and their Members of Parliament should come from confidence persons, representing the minority groups who under normal elections cannot make it.

Number three, the female students mostly the primary schools, should be protected by law. The law should be strengthened and be tailored in such a way that, those who impregnate these students, the female students be punished heavily. Infact I recommend that the capital punishment be given to the culprits, this should protect our young ones from acquiring this HIV Aids and so that we can have a bright future for our children.

Number four, the ministry of education should be allocated more funds, to enable it to equip schools with enough facilities. And in so doing the Government could be able to provide free education for all our children both in the primary schools and the secondary schools. At the moment more schools go without physical facilities, no textbooks, I mean the learning facilities are not enough. So the Government should allocate more funds to the ministry of education.

Lastily, number five, the powers of the Executive should be split, let us have the President having ceremonial powers, and as the head of the state. And let us have a Prime Minister to be the head of the Government. In each case they should have a maximum of two terms, five years each. That is what I have.

**Com. Baraza:** Thank you very much Mr Bhooyo, I think you have managed your time well, I you just come and read without giving us stories you will finish your points. Seluk Joshat? Please Seluk Joshat, three minutes.

**Seluk Josphat:** Okay yangu ni machache ambayo pengine nitachangia kidogo. Nafikiri kwangu naonelea ya kwamba Katiba ya sasa ambayo tunaona inataka kurekebishwa, ningependa tuseme ya kwamba Serikali wange fikiria watu kama wa sasa mime kwa hivyo tumefunga mambo mengi tunawakaza na home guards, ambao saa zingine nikiangalia wanasema kuna ile inaitwa freedom, yaani human rights, lakini ukiangalia hasa home guards, tunaona saa zingine hawana mshahara wa maana. Lakini Serikali inasema ya kwamaba kuna uhuru lakini pia naona ya kwamba Katiba mpya iangalie kwa sababu huo siyo uhuru, mshahara umeanzia mahali fulani na tena hawaangalii sehemu ingine kwa upande wa home guards. Na tukiangalia upande wa kaza wanasema Serikali inaingia kwa mzee wa mtaa, na ukiangalia mzee wa mkoa saa zingine hana ile kitu inaonesha ya kwamba yeye ni Serikali kamili saa zingine unashtuka unakuta ya kwamba anaomba omba kama mtu maskini lakini anasema ya kwamba Kenya hii ukouhuru, sasa naona ya kwamba Katiba ya sasa iangalie ya kwamba wana angali sehemu kama hiyo.

Halafu lingine ningechangia kusema ya kwamba, tuko na Serikali na tumepata uhuru na tungesema ya kwamba Katiba mpya

iwekwe wazi ya kwamba wakati wanasema tuko na viongozi hakuna maana viongozi kutosema haki kwa sababu ukiangalia kutosema haki unaona hata huwezi kujua ya kwamba President anapata mshahara kiasi gani, wala hata Councillor. Saa zingine ni vigumu, sasa kama kuna uhuru na kuna haki mbona mambo hayo yanafichwa? Saa zingine tunaweza kusema ya kwamba uhuru ukiwepo hata saa zingine unaweza kumaliza ufiisadi wa kuiba pesa, mtu anafikiria pengine mbunge ana pesa nyingi, kumbe hata hana pesa nyingi. Ikuwe huru ili hata mimi najua ya kwamba hiyo ndiyo inatosheleza masilaha yake.

**Com. Baraza:** Asante.

**Seluk Josphat:** Halafu ya mwisho, sheria ambaye pengine munaenda kutengeneza, Biblia imepanga kila kitu katika kitabu cha mwanzo tisa inasema ya kwamba hata kuna sheria mtu akiiba, kuna vile imepangwa mbona saa zingine tunafatuta mambo mengi kutoka sehemu ingine tunaomba msaada, lakini msaada wa karibu ambao unaweza kuja kumaliza kila kitu ni Biblia. Ni neno la Mungu kwa sababu wakenya wanasema ya kwamba wao ni wakristo lakini kwa vitendo hauonekani. Sasa tunapenda kuanzia kwa President mpaka chini wale ambao wanaabudu Mungu waonyeshe kwa vitendo haswa vile nyinyi mumekuja hiyo ndiyo Ukristo, lakini bora muonyeshe kwa vitendo, asanteni na Mungu awabariki.

**Com. Baraza:** Thank you. Raphael Bukosa? Is he there? You are not there Alfred Renda? No, no Alfred didn't want, Bukosa is not there? You are Alfred

**Alfred Renda:** Yes. Asante sana Commissioner mimi ni Alfred Renda Laboswa.

**Com. Baraza:** Ngoja, ngoja, Raphael? Where is Raphael, Alfred you indicated you didn't want to speak so I am not giving you the opportunity.

**Speaker:** Madam mpatie nafasi

**Alfred Renda:** Mimi ningependa Katiba yetu ya wakati huu, kila kabila ndogo ipate kuhudumiwa. Ya pili nikiandikwa kazi, niandikwe kulingana na mahali ninatoka, ya kumaliza, tunaona kazi ya msitu tunaona kama kwa mfano Mt Elgon hapa, miti inaenda inateremuka huko, lakini tukienda kwa mashule yetu ya sehemu hii, hata ukiingia kwa madarasa watoto wanakalia mawe, kwa hivyo kitu cha kwanza tuone watu ambao wanakaa hapo wapate kwanza sehemu yao. Na kwa maneno ya mashamba watu wagawiwe kulingana na vile wanaishi, vile wazungu walienda, na wenyewe sasa wamerudi. Yangu ni hayo.

**Com. Baraza:** Asante. Wewe ni nani.

**Raphael:** Ni Raphael

**Com. Baraza:** Bukose?

**Raphael Bukosa:** Yes, asante Bwana Commissioner na pia nashangaa Mungu kweli anatumia, kwa ajili amelea nyinyi mpaka upande huu musikie shida zetu. Sisi tuna ni kabila ndogo sana ambao wanaitwa Sabaot, hatuna mtu yeyote anayefikisha maneno yetu kwa Serikali. Na tunaomba hii Katiba iangalie kabila zote za Kenya ili sisi pia tuingie hapo, kwa ajili tumeshajaribu kupiga kura lakini hatufikiwi. Hivyo sasa ndiyo tunaomba, Katiba mpya hii isikize kila kabila, hata kama ni watu wawili waheshimiwe. Na kwa Majimbo mimi naunga Majimbo, bora ujue wewe ni nani Trans Nzoia, na uheshimu wenyewe. Watu wengi wanaelewa walitukuta na mzungu na sasa umefika wakati wa yeye kurudi sehemu yake, siyo ati pengine mtu achukue Majimbo ati ikiingia nchi ya Kenya ama Trans Nzoia ati watafukuza kabila zingine. Mtu akae tu akijua ako Trans Nzoia na mwenyewe ni fulani, kwa hivyo nafikiria hiyo tu ni Mungu na nyinyi mtusaidie hayo maneno na bure bado tuko na shida, kisije kukawa na kama maneno vile mulisikia clashes nini, nini, kwa hivyo wamedharau yule mtu alikuwa wa hapa, alifukuzwa na alipoenda, anaitwa foreigner, na hiyo ndiyo shida mtu anakasirika lakini hana la kufanya. Asanteni siwezi nikaongeza ingine.

**Com. Baraza:** Asante Raphael usirudishe clashes, enda hapa ujiandikishe. Councillor Michael Kitiyo? Umesikia Raphael, usirudishe clashes tunatengeneza Katiba.

**Councillor Michael:** Thank you honourable Commissioners. My names are Councillor Michael Kitiyo. I will just read briefly what I have and I will represent the memorandum.

**Com. Baraza:** You can just highlight.

**Councillor Michael:** I will just highlight, I will talk on the Supremacy of the Constitution the amendment to any part of the Constitution should retain 35% votes by Parliament, however amendment starting on the following issues, should require at least 70% by Parliament, this is one; the fundamental rights and freedoms of people.

Two, Trust land. Dear Commissioners I am saying this, because in the things affecting indigenous minority groups, the issues should be referred to the community concerned whose recommendation shall be discussed and ratified by Parliament. Referandums do not always reflect the true picture for opinion or multi-tribal society like Kenya, and this system should be discouraged. So we are discouraging referanda because the indigenous people some times are very few. The few people join up and have a referendum, which will affect them.

Citizenship, in the cases where there is cross border relationship, people have families in other regions and international countries this people should be considered for dual citizenship. I am particularly concerned on the border tribes of the Kalenjins the Turkanas, the Pokot, the Bukhusu, the Samia the Teso to mention but a few, tribes in Kenya. Commissioners, I am talking about defence and national security, it is a feeling we have here that there should be exactly the defence council under the chairmanship of the Minister of Defence which in turn should be accountable to the Commissioner in chief of the Armed Forces.

In this case it should be the President himself. In the matters relating to declaration of war, this is very serious; the executive should be limited and should seek consultation with the defence council and the cabinet, within the shortest possible time. In the situation of emergency, that is war or national disaster or break down of public order, the executive and the permission for the executive to declare war, the defence council should be consulted. Action however maybe taken and be referred to the cabinet, and thereafter ratified by Parliament to give seven days.

I am now talking about the structures and systems of Government. The community, I am talking about the Sabaot community, those whose concern is that the independence Constitution was not given reasonable time to be confirmed if it was workable or not, this was hurriedly dismissed and replaced with a Constitution that favoured centrally controlled system of Government. In the process the rights and protections conferred to all indigenous minority tribes, was eroded. They became marginalized and lost their rights to land ownership and even representations in institutions or programmes that makes very serious decisions in this country.

So these communities like the Sabaots, the Mijikenda and other Kalenjins, are worst hit by the new Constitution because they eroded their rights of having you know land. We are also us Sabaots recommending that, the new Constitution, when introduced should redraw actually the provincial boundaries and we are suggesting that Mt Elgon district be transferred to Rift Valley. And Rift valley Province be divided into two so as to be manageable. It should have North Rift and South Rift.

**Com. Baraza:** The last one.

**Councillor Michael:** I am now talking about the basic rights. Dear Commissioners our Constitutional provisions for fundamental rights are not adequate the Constitution should protect the rights of the minority, the disadvantaged give various groups, by observing appointments in their favour in the way like the Constitution of India section 16/4. Although a Constitution gives protection of freedom of conscience under section 78, some education institutions have been known to deny some of their pupils a right to observe their religions, religious ethics and working on the Sabbath day. Recently Dear Commissioners, you heard that the District Officer was sacked, he was sacked during Madaraka celebrations, because he was attending a religious function. So we are saying these people should be protected Constitutionally.

**Com. Baraza:** Thank you Councillor we shall read that one.

**Councillor Michael:** So want to just say the last point

**Com. Baraza:** just one.

**Councillor Michael:** just one, I am talking now about forests and wildlife. Commissioners I wanted to bring to your notice

that, the forest that we are talking about especially like Mount Elgon now, had indigenous people in there and they were removed and when we talk of people who are landless, they are the people who came from that forest and this forest actually before the whites came, belonged to the indigenous people.

The Constitution should compensate the communities instead of only just talking about the forest and forgetting about the people who lived there, whose land actually other Kenyans are enjoying right now and the good environment. Thank you.

**Com. Baraza:** Chepkeliek Ndiema? Mr Ndiema where are you? How comes I never heard of this.

**Chepkeliek Ndiema:** Yes my name is Chepkeliek

**Com. Baraza:** Okay,

**Chepkeliek Ndiema:** Mimi sitakuwa na mengi, mengi yamesemwa nitaongea kuhusu

Councillor, issue hii kila sehemu ya Kenya (inaudible) Cherangani, Nandi Kimale (inaudible) mheshimiwa hata ikikatwa national parks, iwekwe kando kwa sababu nakumbuka history wakati mzungu alikuja nchi hii alijaribu kuongeza ardhi hii hata hiyo mali kama programmes ndogo (inaudible)--ama security ya kufunga (inaudible) hi shamba tangu ufike Kitale, ukienda sehemu za .....iko mahali yachunge ngombe tu. Sehemu kama hiyo itumiwe iwekwe tujue mwenyewe. Isiingiliwe irudi iwekwe sababu hii ni wilaya ya mtu. Freedom of association iheshimiwe na ikae sababu ukisema haina sengenge.

**Com. Baraza:** Okay.

**Chepkeliek Ndiema:** Na kwa hivyo kama boma haina sengenge sababu ni shida vile nimeona hata clashes ikitokea halafu sehemu zingine zikuwe wazi. Wakati ilikatakatwa juzi ndiyo unaona amani inarudi sehemu hii.

**Com. Baraza:** Nini imekatatwa hatu sikii songeza namna hii ndiyo tusikie vizuri

**Chepkeliek Ndiema:** Before wakati sehemu hii ilikuwa chairman alikuwa transferred deputy administration hakuwa chief alikuwa mbali, ilikuwa (inaudible)----- assistant chief, boundary, (inaudible)----- kwa hivyo Serikali ikae tu gwa, (inaudible)-----

**Com. Baraza:** Okay, Joseph Kamron? Kamron where are you? Charles Nyongesa? Isaack Ndugu? Anafuatiwa na Andrew Cheptek.

**Isaac Ndungu:** Kwa majina ni Isaac Ndungu, Commissioner na mwenye kiti pamoja na wananchi wote kuwepo kwenu

kumekubalika, na zikuweza kufaulu kuwa na memorandum ya kuweza ku-present kwani na pia sitachukua mda mrefu kwa sababu mengi yamesha ongewa. Na kwa wakati huu nataka kuongea juu ya habari ya mwananchi, hapa nchini kwetu Kenya, nimeona tuna shida kubwa sana kwa sababu wananchi wako mbali sana na sheria. Kwa hivyo ningependa Tume hii iwasilishe habari kwamba tunataka institution ambaye inaweza kufundisha raia sheria. Sheria hiyo pekee yake iwachiwe nafasi ya kuwa na hawa watu, ili kusiwe na kabila ndogo na kabila kubwa.

Langu la pili, ningependa kuongea juu ya habari ya vyama vingi vya kisiasa. Vyama vingi vya kisiasa ningependa kama mtu akianzisha chama chake, kichunguzwe kina umuhimu gani kwa raia, kwa sababu vyama vingi vimekwisha kuja Kenya, ili vipate kuharibu na pia vipate kuondoa sheria hata mtu akitawala vibaya, hawezi kuonekana maanake kuna chama. Kwa hivyo itafutiwe katika kila mkoa, kina wafuasi wangapi ama chama kiwekewe percentage fulani kwa mfano tuseme iwe na kitu kama 45%, ili kiweze kusajiliwa kuwa chama cha kisiasa.

Pia napenda kuongea juu ya wafanyi kazi wa Serikali, kwa jina lingine ni Civil Servants, kunavyo vyeo katika Serikali ambavyo vimepewa Rais uwezo aviteuwe, kwa mfano, kuanzia kwa Attorney General mpaka Judge, watu hawa kuja mpaka kwa wale ambao wanateuliwa na Rais. Ma Chairman wa Parastatals, na Directors of Parastatals watu hawo wawe wakipendekezwa kwa Rais, ili achaguwe mmoja kati ya watu watatu watakao kuwa wameshachaguliwa au wamepigwiwa kura na wabunge. Ili asipate nafasi ya kuwachagua watu wanaomtumikia yeye kwani hiyo ndiyo sababu nchi yetu imezorota.

**Com. Baraza:** Point ya mwisho.

**Isaac Ndungu:** Point ya mwisho ni kwamba hapa katika nchi yetu ya Kenya, watu wanapokuwa na shughuli kwa mfano, wafadhili wa kutoka nchi za kigeni wakiingia hapa nchini ka kuweza kuahidi pesa ama mkopo ikisha ingia, kwa mfano kwa ajili ya kitu kama habari ya Ukimwi, habari ya kusaidia watu misaada aina hiyo na pia kwa habari ya haki za wanawake vitu kama hivyo, isiwe ikifanyiwa tabia ya kutumia pesa kwa njia ya mikutano, maana inaonekana Tume hapa nchini Kenya inatumia pesa nyingi kuliko zile zinazo wafikia wahusika. Kama ni pesa za watu vilema na watu aina hiyo zinapofika ya kwamba pesa kama hizo zimekuja unaona kwamba Tume au mikutano inachukua pesa nyingi sana. Kisha hizo pesa zinakwisha namna hiyo halafu watu wanabaki na deni ya bure.

Ningesema mengi lakini asanteni kwa hayo machache.

**Com. Baraza:** Asante sana Bwana Ndungu. Cheptek? Anafuatiwa na Stephen Kipchok.

**Cheptek:** Asante sana Bi Commissioner yangu kidogo naona imekuwa mime highlight ili na nitasoma ma points kidogo. Kwa upande wa women, women should not be allowed to wear complicated clothes like mini skirts.

Councillors should be in office for only three years.

FGM should go on according to the traditional African belief. Abortion should also be abolished completely in Kenya

Chiefs should also be going for transfers within the division. Hii inapeana 5 years inakuwa vizuri (inaudible)

Every community should be allowed to be decide how to give themselves security, hii nasema kwa sababu unakuta ya kwamba mtoto wa mtu amesoma amemaliza shule ameandikwa kuwa askari anapelekwa regions ambazo ni dangerous kama North Eastern na some areas na ana kufa mzazi haja faidika, hiyo pia wenyewe wapeane Security.

Government officials should be allowed to declare their wealth and specify how they acquired it.

Electoral Commission Officers wawe na college, college itangenezwa ya Electoral Commission Officers.

Si vizuri, it is not good for Kenyans waishi kwa slums ama waishi kama squatters hiyo ni haramu kabisa.

Elections, kuwe na specific day ya election ili watu wajitayarisha kwa elections. Halafu every community should collect funds and use them for development within their areas.

Presidential na civic elections na Parliamentary, civic and Presidential elections should not be held simultaneously, tunaanza na civic tuende Parliament halafu ile ya President. The Parliament, tusiwe na nominated MPs, the same way tusiwe na Nominated Councillors.

Let it be free let it be for every Kenyan up to form four. Halafu the four years ambaye inapeanwa, mzazi analipa na three years ipitishwe kuwa ni University kwa sababu ni ya gharama kubwa.

Wanawake na vijana, wapewe nafasi katika Council na hata wawe na representatives mpaka bunge, lakini ya bunge mtu anatafuta mwenyewe.

Wananchi wapewe uwezo wa kuitisha complain kwa mbunge wao (inaudible)--wanaogopa five years bila kupewa matunda mazuri. Kwa hivyo wananchi wapewe uhuru wa kupinga.

**Com. Baraza:** Your last point.

**Isaac Ndungu:** My last point, ni ya freedom of worship, tuwe na churches ambazo zinajulikana. Kwa sababu tumeona some

churches are, hatujui zinafanya nini na ina risk kwa mambo kama ya Mungiki.

**Com. Baraza:** Thank you, give us your memorandum we will read it. Kiptoo? Kiptoo if you are not there Philip Sikoria? Utafuatiwa na Difas Kipteiwo, Difas are you near? Amemaliza, Patrick Waswa? Be near Waswa.

**Philip Sikori:** Asante sana

**Com. Baraza:** Kwanza anzia majina halafu useme.

**Philip Sikori:** Mwenyekiti, mimi ni Philip Sikoria. Yangu ni machache tu nasoma soma haraka haraka. This is Constitutional Review of Kenya. I should also talk of certain areas, it should be left for people of the same area to benefit from it i.e forest and national parks.

Second, Provincial Administration should be abolished and replaced by Councillors.

Three, people should be left to practice their culture for example, circumcision especially for Sabaots.

Every Kenyan over eighteen years should be given land so as to practice cultural things.

Five, Serikali wasiwe na umilikaji wa mashamba yoyote kama vile, ADC mashamba hayo wapewe wananchi.

Six, raping should be given a penalty which is should be fined or that person must be killed.

**Com. Baraza:** Your last point.

**Philip Sikoria:** My last point is, the President should be thirty five years to fifty years old and should be a Kenyan with a degree in or a diploma, also should be elected by the common man that is from grass root. Thank you.

**Com. Baraza:** Asante, please just sit there I will talk to you. Kama mwana sheria I think I need to clarify to you what the law is now regarding FGM. The childrens act which was past recently it criminalizes circumsition of women who are below eighteen, above eighteen you don't force them, they can only agree to be circumsiced. So if you say that you are already breaking the law it might catch up with you. You better familiarise yourself with the law, it is there (inaudible)--the ones of eighteen they can only agree, wanaweza kubali au wakatae huwezi kuwa force na ukishika yule ambaye hajafika miaka kumi na nane hiyo ni sheria itakushika na utaenda unyongwe. Patrick Waswa say your name.



**Patrick Waswa:** Jina langu ni Patrick Waswa. Langu amblo nataka kulisema ni kuhusu Mkanisa, Kanisa ambalo linatambuliwa katika sheria hilo Kanisa ndilo inalohitajika kuabudu Mungu, na maKanisa yanayo abudu shetani yatupiliwe mbali.

Ya pili, kuhusu ardhi, ardhi ipewe mwananchi. Atakaye kuwa na ardhi kubwa zigawanywe ili yule hana apewe, na kiwango ya ardhi, mtu aliye na juu sana apewe eka hamsini lakini wa chini apewe kumi.

Kuhusu usawa wa wanawake na wanaume, kulingana na culture yetu ya Kenya kwa hii makabila arobaini na mawili, ninafikiri kuna tofauti kwa hii makabila mawili kuhusu culture zao, kuna culture ambayo waume huwa wanawaowa wanawake wakitoa mahari na hali kadhalika, na kuna wengine hawatoi mahari, labda kuna wengine wanawake ndiyo wanatoa mahari kwa waume zao. Sasa hiyo pia, inahitajika kuangaliwa mahali pale kwa maana katika hiyo culture, hatuwezi kuwalazimisha ya kwamba labda hawa wanaume wata ozwa na wanawake wao ama wataozwa wanawake ndiyo wataowa waume. Hiyo culture pia ningepomba iheshimiwe mahali pale. Ni hayo na Mungu awabariki.

**Com. Baraza:** Asante. Joseph Ndiwa Maasai? Utafuatiwa na Joseph Maasai.

**Joseph Ndiwa Maasai:** Basi Commissioner na wananchi wote yangu ni machache tu, nitaongea kuhusu matibabu. Sasa hivi maskini hawajiwezi kabisa kutibiwa, kwa maana matibabu yamekuwa ya matajiri, unatumwa uende referral center Eldoret, na shilingi elfu hamsini ambayo maskini hawafikii. Kwa hivyo Serikali tunaomba wafikirie maskini kwa matibabu.

Kitu kingine ni kwamba, maskini ana ekari moja na title deeds na benki imejengwa Kenya anapeleka title deed ati yeye anataka loan hapewi, tajiri anapewa kwa kuandika karatasi tu na kutupia Manager na anapewa loan. Maskini anafukuzwa.

Kitu kingine ni usawa, tuangalie Provinces zingine hazina watu wa degrees kwa sababu wamenyimwa University. Kwa nini kila Province isipate University moja. Kwanza katika Rift Valley hiyo ni ufasadi pia katika Serikali ya Kenya.

Kitu kingine ni kwamba katika usawa, usawa utafukuza umaskini iwapo kila kabila litakuwa sawa katika kuandikwa kazi, mshahara uwe sawa, mambo ya ardhi kugawa karibu iwe sawa. Hiyo ndiyo Utafukuza umaskini. Kuna kitu kikubwa ambacho Serikali ingestahili kuangalia kwa sababu yule yuko mbele ni mfasadi, hakuna namna anashtakiwa, sheria ingeundwa ya kushika huo ufasadi kule mbele na umaskini utaisha hapa nchini. Kwa hivyo naomba chama mbacho kinaongoza kiwache uchoyo, kwa sababu bila uchoyo na ufasadi ndiyo hakutakuwa na umaskini Kenya.

**Com. Baraza:** Your last point.

**Joseph Ndiwa Masai:** Yea, my last point ni kama hii ambayo nitaunga tu ambayo wenzangu wamesema kwamba mila ya mtu

tulipewa na Mungu, siyo kulazimishwa. Mzungu anatulazimisha kufuata mila zake ambazo zimeleta Ukimwi Kenya kwa maana mtu asiye tahiri ndiye anasambaza ukimwi. Sababu watu ambao hawakutahiri ambao wana tahirisha wa mama, wasichana na vijana hakuna ukimwi popote ndiyo hata wakifanya kazi kule ujaluoni, sasa wale washerati wanaleta ugonjwa huku kwetu. Asante.

**Com. Baraza:** Elewa, sikia, sikia. Tulipo anza hii kazi nilisema kwamba tuta sema hivi, hatuta attack mtu yeyote, unaelewa? Usitusi mtu, tuseme huyu na huyu sema tu maneno yako, Usimuingilie mwingine.

**Joseph Ndiwa Maasai:** Basi tunakubali mila ziendelee bila kuingiliwa.

**Audience:** laughing.

**Com. Baraza:** Tuongee lugha safi, tena kama wangwana tunataka Kenya iwe Kenya mpya ambayo watu ni wangwana tuiseme lugha chafu. Wewe ni Maasai mwingine?

**Joseph Maasai:** Basi asante Tume kwa makaribisho yenu. Mimi nina machache tu, kuhusu maoni yangu. Mimi naonelea kwamba hata majina tubadilishe kwa mfano, jina hili la Trans Nzoia ninaona kama wakati huu turekebishe na tubadilishe hilo jina, kwa sababu hili jina limetokea kwa mkoloni, mkoloni alipo kuja hapa ali cross Nzoia na akaita hapa White Highlands kama I have crossed Nzoia kwa hivyo alipo cross tena kurudi hakuenda na hiyo jina akaliacha tu hapa. Sasa wakati walipo kuwa wanatengeneza majina kubadilisha kama **Brodrick** Falls ambaye sasa ni Webuye, Lake Turkana ambaye ilikuwako inaitwa Lake Rudolph siku ile ilibadilishwa lakini Trans Nzoia bado kubadilishwa hadi wa sasa.

**Com. Baraza:** Unataka iwe nini?

**Joseph Maasai:** Iwe Chepkoilel,

**Audience:** Laughing.

**Joseph Maasai:** Basi hiyo jina nimesema mtusaidie kwa hiyo kwa sababu hata jina pekee yake litafaulu, ni jina la amani

**Com. Baraza:** Okay, your next point.

**Joseph Maasai:** The next point, mimi tarudi tu kwa mambo ya makao ama vile watu naweza kukaa. Ukiangalia ukirudi kwa Genesis, huyu Abraham, alipokuwa amezaa watoto wawili mmoja alikuwa anaitwa Ismael na mwingine akaitwa Isaac, wakati ambapo alipokuwa anaenda kupeana uridhi, akapeana urithi direct. Akapeana huyu Isaac pekee yake na yeye Ishmael **alianza**

kuhangaika na mama yake huko jangwani, na hiyo ikaenda kuwa taifa lingine na ile ikakuwa taifa lingine. Sasa hii mpaka saa hii tunaona tunashuhudia mashariki ya kati matatizo. Kwa hivyo inatajikana Tume hii nayo ianze kujua fulani anakaa hapa, mtoto fulani anakaa hapa, mtoto fulani anakaa hapa ndiyo hawa watoto wakielewana bila matatizo. Mu Sabaot naye atambuliwe kwamba ni sehemu hii anakaa. Nani ni mtoto wa huyu ili (inaudible)

Kuhusu watoto wetu hawa, miaka ile iliyopita kama miaka thelathini na kurudi nyuma, ilikuwa mimba kabisa hawapati ovyo ovyo sana. Lakini kwa hivi sasa imesha kuwa extreme. Tunataka nayo Tume ilete kitu ingine hapo kidogo yaku linda hiyo wasichana wetu wa shule. Kwa sababu mukienda kuangalia watoto wetu wa shule wanapata mimba mara kwa mara hata mtu mmoja anaweza pachika watoto ishirini mimba, maajabu sana. Kwa hivyo tunataka sheria ya kulinda hiyo, kusudi halafu wakipata mimba mtoto wa shule anapo pata mimba tu huyo mtu awe anahusika, aanze kuona hiyo mtoto anapo tumwa kwa clinic inajulikana ni mtoto wa fulani, anapozaliwa yeye ndiye anaenda kununua towel, masoma ni huyo mtu aliye patiana mimba. Ndiyo turekebishane kidogo tu hapo.

**Audience:** Laughing.

**Com. Baraza:** Ya mwisho au umemaliza?

**Joseph Maasai:** Niko na moja tu, kuhusu hii unapo bahati nzuri ninyi Tume leo mumekuja hapa hata munaangalie natural resources pamoja na reserve ya wanyama hapa karibu. Hakika kabisa tunapo sikia kwa radio kwa vyombo vya habari kwamba wale wanao husika na faida hiyo huwa ni wenyeji wa karibu pale, lakini tukienda saa zile miaka nenda miaka rudi, hakuna mtu mmoja hapa amepewa hata mtoto mmoja kusomea hii kazi ya hii na watalii mnaona kwabarabara kila siku, hata ninyi labda mumekuja siku hii na hivyo vyombo vyenu kuangalia wanyama. Hata hii pesa munalipwa tufaidikie hata sisi robo yake pekee yake. Kwa hivyo Tume sasa iangalie kitu kama hiyo watu wa hapa, area hii, wafaidike na hiyo. Hata mtoto mmoja apelekwe University au (inaudible) au afanyiwe sponsoring. Ni Asante.

**Com. Baraza:** Okay, sawa. Daniel Katmiba? Kennedy Opido? Wapi Daniel,

**Daniel Katimba:** Asante Commissioner na watu (inaudible)--kwa marekebisho ya Katiba. I am a school leaver. I have not yet gone to college, so I have three points to raise, I want to say this, the powers of the President must be reduced, when it comes to nominating people like, Attorney General, the Attorney General should not be nominated by the President. They should be elected by the MPs in Parliament, because you find that when people are close, those people who are close, I mean close to the President they take that advantage and go the other way to ensure their cases are not handled well. So the Attorney General and the Speaker of the Assembly should be elected by the MPs themselves.

Haya tukuje kwa kitu kama education, I want to say this, the Constitution should be a subject in schools, right from primary

level. Kwa sababu hata mimi kujua mambo ya Constitution is when I went to secondary school, that is when I knew the subject of the Constitution, otherwise even if you ask today's kids they are not aware because they don't know what is meant by the Constitution, they don't know their rights. Kwa hivyo mambo kama hayo mengi wamezungumza. Thank you.

**Com. Baraza:** Thank you. Kennedy Opindo? Come and sign this, sign your name there. Opindo? Are you Kennedy?

**Kennedy Opindo:** Yes

**Com. Baraza:** Okay, utafuatiwa na Tomas Baraza?

**Kennedy Opindo:** Yangu na mshukuru Mungu kwa kuja kwenu hapa kusikiza maoni yetu. Lakini mimi kwa upande wangu nataka kuongea kuhusu wazee, wazee wanakuja hapa wanaongea habari ya shamba, shamba, shamba. Lakini unaweza kuwa na shamba na uchumi wa nchi ni mbaya. Kitu kikubwa sana tuangalie upande wa uchumi, kuwe na Serikali yenye inaangalia uchumi. Serikali mimi kwa maoni yangu nilikuwa naonelea, Katiba hii iwe na Serikali isiwe na wana siasa ambao wanaongoza nchi hii. Tuchague watu kama maybe tuweke Managers, wa-Manage economy ya nchi wapendavyo. Ili economy iwe safi ndiyo tuje tuongee habari ya shamba. Na wazee pia, wawachie vijana, iwe mpaka Katiba iwekwe vijana unaona vijana wanaenda ku-employiwa kwa nini wanaweka experience may be five years. Sasa kijana akitoka University wanataka awe na experience ya five years, atafanya kazi namna gani? Katiba iangalie kuhusu vijana.

Mambo ingine pia ningeongea upande wa u-Rais, Rais asiwe above the law, katika Katiba nguvu ipewe bunge, bunge iwe na nguvu kama ni ku elect mambo may be ya Agriculture, kuwe na Committee kwa bunge ya kuweza ku-elect na kuangalia mambo ya wakulima. Kama ni Health Group Committee kwa bunge inaangalia mambo ya health, isiwe mtu mmoja ana decide fate ya thirty million people.

Upande ingine, tuwe na Serikali wacha mambo ya Majimbo kuwe na Serikali ya National Unity. Serikali bora bunge ikisha kuwa nzuri ikuwe na ile ya National Unity, basi mtu akiwa anaweza kuwa Director wa kampuni fulani, tuangalie ana qualify au ha-qualify. Awe Msabaot au kabila gani aandikwe.

Point mwingine, ni upande ya Serikali, ya wilaya, mimi kwa maoni yangu nilikuwa nataka, mkaza awe na nguvu, hata kuliko Chief maana mkaza ndiye anajua watu wa area hawa PC, DO, tuwache wachaguliwe na wananchi. Tunaweza letewa DO kutoka North Eastern yeye anajua mambo gani kuhusu mashamba ya Trans Nzoia? Tunataka yule mtu anajua habari ya mashamba ya hapa. Hayo ndiyo maoni yangu.

**Com. Baraza:** Asante Bw. Henry. Thomas Barasa? Were you there? If he is not, Kama hayuko. Masusu Stephen? Stephen Masusu? Utafuatiwa na James Mulama? James usongee karibu. Na wewe ni nani?

**Stephen Masusu:** Ni Stephen Masusu. Yangu ni machache tu. Ningependa Katiba ilinde watoto wale baba zao wamepata ajali barabarani. Zaidi ni wale watoto walio na miaka kumi kurudi chini. Kama baba yake na mama yake wamepata ajali wakienda safari, hawa watoto waangaliwe vizuri kabisa. Ikiwezekana Serikali iwasomeshe hawa mpaka kiwango kile kinatosha kusoma.

La pili, suspects, should not be suspect's wale watu wamekamatwa wakipelekwa cells, police lazima wafanye uchunguzi wao kamili na mambo hayo ya watu chungu nzima kupelekwa kwa cells ati uchunguzi bado unaendelea. Kwa nini mlikamata huyu kama uchunguzi wenu hamkufanya vilivyo? Mtu akikamatwa apelekwe kwa police, kesho yake apelekwe kortini, ajibu maswali yake.

**Leadership:** Kiongozi anatakiwa kama ni kuwapa watu wale wako na miaka ishirini na tatu, iendelee mpaka sitini. Shauri hao watu ndiyo wako na uchungu zaidi, na hawa ndiyo wanazaa, ndiyo wanajali maslahi ya Wakenya, na wale ambao wamezeeka zaidi, hawajali maslahi ya watoto.

Courts, because we have Courts in case of any body being tortured in the cells and if he dies, those responsible for their case should be sentenced to life in prison. Wale watu watakamatwa as suspects, wapigwe mpaka wafe kotini ama kwa Cell. Ie kasi yao ikiwakilishwa, wale askari walipiga hawa watu, wanastahili kufungwa kifungo cha maisha.

**Com. Baraza:** Injine.

**Stephen Masusu:** Political parties, hatuna haja ya vyama vingi hapa Kenya, heri tukuwe na chama mmoja tu na wale wana campaign uongozi wa leadership ya u-President wa register, so that wafanye campaign yao under an umbrella of one party, hata kama watu ni elfu tatu, wa register ... (inaudible) .. ile ya President.

**Com. Baraza:** point ya mwisho.

**Stephen Masusu:** Point ya mwisho, nafikiria imesemwa na watu na haina maana nirudie.

**Com. Baraza:** Okay. Asante. James Mulama? James? Amos Bushendichch Balinga? And three minutes. Anafuatiwa na Stephen Chepenei. Stephen ukae karibu.

**Amos Bushendich Balinga:** Asante sana mwenye kiti wa Tume pamoja na Commissioners. Mimi kwa majina naitwa Amos Bushendich Balinga.

**Com. Baraza:** Balinga?

**Amos Bushendich:** Balinga. Na nina maoni hapa machache. La kwanza, na utanisamehe Bwana Commissioner, kwa sababu ninaona muda umenipa ni mchache sana lakini inawezekana upige simu kwa Serikali kwa Serikali huko uambie Yash Pal Ghai awaongeze muda. Kwa sababu la kwanza, General Election itafanyika chini ya Katiba mpya, Bila Katiba mpya hatuwezi piga kura.

Ya pili, bunge likiona kama muda ukiongezwa wa kutengeneza Katiba, ningeunga mapendekezo bunge iongeze muda, kusudi Katiba imalizike vizuri.

Jambo la tatu, ningeomba Tume hii ipeleke ujumbe wa transfer, kwa transfer hii ya Mt Elgon ije Rift Valley. Lingine la kufatia tunaona tukiwa hapa Kwanza, hapa ni nyumbani kwetu, lakini mjumbe wetu kuna sehemu tangu achaguliwe hajakanyanga, kwa sababu ni kubwa sana. Waigawanye hii constituency, ziwe mbili. Kwanza Constituency igawanywe mara mbili.

Jambo lingine, ile mzee ya boma hata watoto wakiwa ishirini watamenyana, President awe na nguvu katika Serikali.

Jambo lingine, tunataka sehemu za wakilishi bungeni, iongezwe. Kwa sababu huduma kwa wananchi katika wabunge ni chache.

**Com. Baraza:** Your last point.

**Amos Bushendich:** My last point, wale watu waliostaafu kutoka kwa Serikali na wamekuja nyumbani, wasirudi huko tena kuajiriwa kazi, tafadhali mwenye kiti utusaidie. Tuna watoto wamesoma sana tunataka ifikishe miaka thelathini na yule alisoma University atafanya nini? Halafu,

**Com. Baraza:** Tumesikia hiyo.

**Amos Bushendich:** Nina kuja culture.

**Com. Baraza:** Just one.

**Amos Bushendich:** One, yenyewe mwenye kiti, kutahiri watoto ni hatia, akipenda atahiriwe hata zaidi ya miaka kumi na nane hiyo. Lakini sasa tunashida ya kuza watoto tunge omba iundwe sheria wale watoto yatima tunao hata wengine hapa, kwa mgongo wako hapa, hawana mikono na hawana baba, hawana mama, kwa hivyo mungeunda sheria, hawa watoto mayatima wote wajengewe shule zao.

**Com. Baraza:** Asante jiandikishe hapa.

**Amos Bushendich:** Kwa haya na mwisho ningependekeza Serikali aina ya Serikali tunayotaka ni Majimbo.

**Com. Baraza:** Okay, jiandikishe hapa.

**Amos Bushendich:** Kwa hayo machache asante.

**Com. Baraza:** Stephen Chepenei?

**Stephen Chepenei:** Asante, the Commissioner. Jina langu ni Stephen Chepenei. Maoni yangu ambayo ningependa kutoa ni kuhusu President. President awe chini ya sheria, maana yeye ndiye anatawala mambo yote katika nchi ya Kenya.

La pili, ni kuhusu mazingara, mimi ni mkaazi wa sehemu kama hapa hivi (inaudible), na boma langu nimepanda miti na hiyo miti inaniaaidia, na unaona iko sheria ya kusema ukitaka kukata miti utapitia kwa Chief uende kwa DO, uende kwa Forester, uende kwa DC. Hiyo application yote itachukua karibu miezi mbili ama tatu, na pengine bahati mbaya nyumba yangu imeanguka hii manyumba zetu za mashambani unajua vile iko ama nyumba imeungua, sasa huo wakati wote utakuwa unachukua muda wote huo, nitakuwa nikifanya kazi gani? (inaudible) kwa mazingara kila aina yote. Ndiyo mkikata miti nitapanda lakini sheria ikisema kuwe na masharti, hiyo tungependa Tume iangalie hiyo.

Halafu la tatu, mbunge ambaye anachaguliwa katika sehemu yetu awe bunge wa kutoka sehemu hii, asiwe mbunge wa kutoka nje. Maana hasa Kama wakati huu mbunge ambaye anatutawala anaeza kuwa anatoka sehemu za Sabaot huko chini mahali kwingine na hajui shida za upande huu. Tafadhali Tume iangalie hayo, hayo pia yarekebishwe, sisi wananchi wa Endebess tujue mtu wetu wa nyumbani, ambaye anajua shida zetu, hata tukiingiliwa yeye naye atapinga huku. Hilo ni la tatu.

La nne, siku hizi nasikia tugawane usawa kati ya mama na mzee, lakini Biblia, unaona Biblia inasema mwanamke hana sauti, asiongee mbele ya Kanisa, lakini sasa kwa nyumbani inabadilika hapo pia hapo nayo, tukipea wamama nafasi hiyo sisi tutatupwa nje. Hiyo Tume iangalie hapo. Tano,

**Com. Baraza:** Ati ifanyiwe nini?

**Stephen Chepenei:** Nimerudia hapo, inasema mama

**Interjection. Com. Baraza:** Atupwe nje.

**Stephen Chepenei:** Siyo atupwe nje, yeye nasema atanitupa nje mimi kwa maana sasa tutasema tuta gawanya gharama kwa nyumba. Tutakuwa sawa. Sasa mwanamke sasa hapo unakuta hata ni shida kwa maana nikichukulia hatua ananipeleka, hata akinipeleka kwa ofisa (inaudible)

**Com. Baraza:** Point ya mwisho.

**Stephen Chepenei:** Ya mwisho, nilikuwa mambo matatu hapa lakini nasema ya mwisho sasa, President, President amekuja kwetu hapa Endebess, na mimi ama mzee mmoja ako na shida wamesema wamegawia watu mashamba, na mzee hiyo alikuwa anatakikana apewe shamba, na pengine mzee ako na shida anaona President amekuja hapo, anapata nafasi nzuri nitaongea na President, huyo mzee anatembea tu hapo namna hiyo, hatafika hapo hayo maneno yatapotea kwa sababu (inaudible) . Na President ni binadamu kama sisi wenyewe. Lazima Serikali ichunguze hapo. Mwenye anaweza kimbia kwa President apewe nafasi aone vile atafanya. Yangu ni hayo asanteni.

**Com. Baraza:** Asante, Francis Ndiwa? Anafuatiwa na Moses munero uwe karibu.sema jina Mzee.

**Francis Ndiwa Kipoton:** Kwa majina naitwa Francis Ndiwa Kipoton.

**Com. Baraza:** Endelea.

**Francis Ndiwa Kipoton:** Jambo ambalo nataka kusema mbele yenu ni juu ya makao. Mimi ni yule niliondolewa katika wakati huo wa wazungu walipoingia, mimi nina umri wa miaka themanini. Na sasa mimi, nimerudi kutoka mahali nilienda, kwa mwaka wa tisaini na mbili niliingia hapa Trans Nzoia. Nilikuwa katika nchi ya Museveni katika wilaya ya Pokot kwa miaka sabini. Na sasa nimerudi, kwa hivyo mimi nahitaji makao. Mahali hapa ndiyo mahali pa babu wetu walikuwa wakiishi tangu zamani.

**Com. Baraza:** Endelea.

**Francis Ndiwa Kipoton:** Na mambo ya mashamba hatutaki mtu awe na eka elfu kumi na wengine wanakufa kwa ajili ya njaa, hawasomeshi watoto, sisi tunataka kumpa yule ambaye yuko na shamba eka elfu mbili tatu, apate eka mia mmoja pamoja na nyumba yake, na zile zingine zigawanywe kwa wale ambao hawana, kama mimi nilikuwa mahamishoni kwa miaka sabini.

**Com. Baraza:** Ya tatu.

**Francis Ndiwa Kipoton:** Ya tatu nataka sehemu yetu ya Mt Elgon irudishwe katika sehemu hii North Rift, kwa kuwa hata upande hii Mashariki ya Ujerumani na Magharibi imerudishwa, kwa hivyo sisi tunataka hivyo.



**Com. Baraza:** Ya mwisho.

**Francis Ndiwa:** Basi ya mwisho, mambo ya ma Chief lazima wachaguliwe na raia. Na hayo ndiyo yangu kwa siku ya leo. Asanteni Mungu awabariki.

**Com. Baraza:** Asante Bwana Kipotoon. Andika hapo jina. Johnson Preto Maasai? Utafuatiwa na William Naibei. Just highlight two minutes. Hiyo tutasoma vizuri.

**Johnson Preto:** Mimi ni Johnson Preto Maasai. Nitagusia mambo machache kwa sababu mambo mengi nimeyaandika kwa hii memorandum. Ya kwanza ni vyama vya kisiasa, nimeonelea iwe vyama vitatu. Hoja si ile ya kuhusu vyama vya kisiasa ni kwamba Serikali igaramie nusu ya mahitaji yao.

Muundo wa Serikali, tunahitaji muundo wa Serikali ya Majimbo ambaye mamlaka ya nchi na bunge yamegawanywa baina ya Serikali kuu na Majimbo maalum. Katika sehemu hiyo pia, Rais awe na uwezo wa kuvunja bunge, Rais awe mkuu wa majeshi. Rais aongoze sherehe za kitaifa. Waziri mkuu, awe na uwezo wa kuunda Serikali. Waziri mkuu awe na uwezo wa kuunda. Na kuendelea na shughuli za Serikali.

Bunge, kazi ya bunge iwe ya kila siku. Wananchi wawe na haki ya kumrejsha mbunge wao nyumbani. Kura ya kuondoa Serikali kwa kutokuwa na imani, inatosha. Tuendeleo kuwa na wabunge wateule. Rais awe na kura turufu ya kuzuia sheria iliyo pitishwa na bunge. bunge iwe na uwezo wa kutupilia mbali kura ya turufu ya Rais. Ya Rais sorry, ya Rais. Electoral Service Commission of Kenya ipewe uwezo wa kukata kauli, kuhusu mshahara na marupurupu ya Wabunge.

Rais awe na uwezo wa kuvunja bunge, wakati ya uchaguzi na wakati wa Waziri Mkuu ameshindwa na kazi yake.

**Com. Baraza:** Point ya mwisho.

**Johnson Preto:** Haki ya makundi yanayo enda kudhuriwa. Nina kuomba Madam isiwe ya mwisho.

**Com. Baraza:** Hiyo tu halafu...

**Johnson Preto:** Katiba ihakikishe maslahi ya wanawake walemavu kikamilifu kwa kuwatengea viti katika bunge na mabaraza.

**Com. Baraza:** Ya mwisho sasa

**Johnson Preto:** Muundo wa utaratibu wa uchaguzi, tufuate msemu wa uiano na uwakilishi. Mshindi anatakiwa kuwa na kura nyingi na lazima pia awe na asili mia 51%, ndiyo atangazwe mshindi.

**Com. Baraza:** Nitasoma, I have all this people to deal with

**Johnson Preto:** Okay, no problem.

**Com. Baraza:** Nitasoma vizuri sana.

**Johnson Preto:** Asante sana.

**Com Baraza:** Moses Mumelolo? Wapi Mumelo? Yuko? Ronald Matongolo? Oh William you are the one just come halafu wewe umfuate.

**William Naibei:** William Naibei kwa majina. Asante sana Mr Commissioner, hivi mimi nitaanzia mambo ya baba, kwa sababu baba ni mambo yote, yaani President Executive Powers. Zile powers ambazo sasa katika nchi yetu hii, yaani ile 66.7 na sisi raia tuna 33.3 ambao tumenyanyaswa sana. Kwa hivyo powers ya President ziwe reduced. Sisi wananchi tungeomba kwa sababu President ni mtumishi wetu, ningepomba sisi raia tukuwe na percentage ya hamsini yaani nusu, thirty two ni kidogo zaidi.

Halafu lingine, tunataka ile Serikali ya Majimbo, yaani federal Government. Kama vile Katiba yetu inaendeshana mahali pengine. Lakini ile ya sasa sijui ile thirty four chapters ambazo zilikuwa amended na zikawa reviewed sijui zikarekebishwa na watu, fulani fulani ika-benefit wao. Sisi tunataka tukiwa raia wa Kenya kila kitu sisi tutapitisha ndiyo itajadiliwa kule na iwe sheria. Kwa sababu hatutaki watu wachache waende huko na wapitisha. Kama ni kuuwa mtu sisi napitisha auawe, tunataka ile inaitwa congress of the people. Yaani the people's rights.

President pia asichague mtu ambaye amekula kula sana, anawajukuu na kuna vijana wa University, baba amegharimika na masomo lakini kijana hana kazi, kwa hivyo President asichague yaani hizo powers ma Commissioners nao wawe vijana, vijana. Kwa sababu mtu akiwa mzee sana, kazi inakwisha. Jambo lingine, Mr Commissioner ni kwamba sisi kabila ndogo, haya mambo ya clashes, hiyo ilikuwa clashes but kama nijuavyo dalili ya mvua ni mawingu. They will become war yaani civil war, kama watu wengine hawata tendewa haki. Kwa hivyo kila kabila itunukiwe na haki zake, na mipaka ya kila kabila ndogo hata ile El-moro ya lake Lake Turkana iheshimiwe. Ya Tinderett iheshimiwe, ya Eldoret ya Baringo iheshimiwe, na hata ya milima hapa lazima pia iheshimiwe. Sina maneno mengi kwa sababu yale maneno ninasema...

**Com. Baraza:** Na ninataka kukuambia bwana Naibei, hiyo maneno tunayasikia, lakini usiseme mutaleta war. Hii process tunasema, tunafanya sheria imesema tuangalie vile Wakenya watakaa pamoja. Hiyo ndiyo sheria.

**William Naibei:** Asante Mr Commissioner,

**Com. Baraza:** Na tukianza sasa hapa kufikiria mambo ya war tutaharibu nchi

**William Naibei:** Asante Mr Commissioner kwa sababu

**Com. Baraza:** Nimesikia enda hapo. Nakuambia tu ni sheria, enda hapo u-sign. Basi alikuwa nani? Ronald Matongora? You are who?

**Ronald Matongora:** Ronald Matongora.

**Com. Baraza:** Yes three minutes

**Ronald Matongora:** Thank you.

**Com. Baraza:** Utafuatiwa na James Fabila.

**Ronald Matongora:** Mine is about tax collection. The Government should monitor tax collected and involved local communities to make sure, tax collected is used for the intended project. Direct tax should be used other than indirect, because this one will make somebody get the different the highly earning people will pay more tax than, mtu mdogo you buy sugar at the same price a millionaire is buying. So you are paying the same tax.

In monitoring we should have local communities formed to make sure that they are also involved in monitoring to ensure transparency. Seventy percent of the collection of money and in form of tax should remain in areas where it has been collected, so as to develop that area. The Government officers to make sure the money collected as tax is well utilized. Employees to be concered on meriting, for example, academic qualifications, when employment of opportunities are created.

Corrupt officers, to lose employment than to be transferred to other areas to cause more harm. (DDC)- to have community representatives to present the welfares of people. Government officers, should declare how they acquired wealth to make sure the property aquired through corrupt means is the property for the state.

President's position should not be, like the President should not be above the law for this is room two several or licences several corruptions. President should be given in rotational manner, so as to make sure the opportunity is equally shared. He should not be one to appoint directors of big post for some people but should base on ones qualifications and the head of Civil

Servants should play this role. Last issue, should be that one finds land, but not to be given lease, this will bring tribal affiliated distribution phobia.

**Com. Baraza:** Your last point.

**Ronald Matongara:** My last point about youth, that youth should be considered when it comes to opinion giving, because they are not tribally affiliated. And they know, they only need education as a matter of competence and also development. Majimboism should not be considered as a solution to our problems but actually we should use education and if you are unfourtunate or misfortune has befallen you, please try to educate your children and this will enhance unity national wide.

**Com. Baraza:** Thank you. Please sign there. James Fabila?

**James Fabila:** Asante sana, yangu ni kwamba, kabila ndogo ikumbukwe zaidi. Kwa sababu wamenyanyaswa, tangu zamani hata mpaka sasa. Na nitaunga Majimbo kwa maana kama Majimbo yako kila mtu hata ingawa umenunua shamba kwa wakina fulani, wa kabila fulana wakati uchaguzi utakuja, ijapo kuwa uko na diploma ama una hekima aina gani, uende nyumbani kwenu uliize (inaudible)! Mimi ni mkristu karibu niseme bwana sifiwe. kwa hivyo, ninajua ya kwamba kwa makabila arobaini na mbili, kila mmoja akienda bunge kwa kila kabila ili wanakuwa akiongea kwa bunge, naye Njama aongee, naye Njeri aongee. Kila mtu atakuwa na furaha yangu naye ananitetea. Lakini bila hiyo utadanganyana mpaka wapi? Kwa hivyo mimi nasema hivi, heri ukitaka kabisa tufurahie matunda ya Kenya, wale watu kabila ndogo wakumbukwe, haswa sisi hapa Trans Nzoia kuna wenyeji na hata mimi mwenyewe basi wacha niseme mimi ni M-bukhusu lakini kwa sababu ya amani yangu sitaki nipate taabu kama ya ninety two. Heri Wa-sabaot warudishiwe haki zao na waendeleo Leg-co ama bunge. Kwa hivyo.

**Com. Baraza:** Point ya pili.

**James Fabila:** Point ya pili ni kwamba, mamlaka ipunguzwe kwa President. Na utawala uanzie nyumbani, kwa sababu kitu kidogo ikitolewa, na ianzie nyumbani wale Wakaza wanajua kabisa ni nani ndiye anatosha apate kiwango fulani. Yangu ni hiyo tu.

**Com. Baraza:** Okay, Caleb Oingo? Atafuatiwa na Grace Mabonga.

**Caleb Oingo:** Kwa majina ninaitwa Caleb Oingo. Na sina mengi ya kugusia na ni machache tu ambayo nitagusia. Jambo langu la kwanza ni hili, ningependa Katiba ijayo, ikiwezekana mamlaka ya Rais yaweze kupunguzwa. Kwa sababu kuna mamlaka mengine ambayo yanafanya mtu anasababisha makosa, kwa hivyo ningependa hii mamlaka ya Rais yaweze kupunguzwa. Halafu pia, Serikali ni lazima iweke mpango kuhusu wale vijana wanao maliza masomo, ikiwezekana iwatafutie kazi. Nadhani ni hayo tu Bwana Commissioner.

**Com. Baraza:** Ya pili ulisema nini?

**Caleb Oingo:** Ya mwisho nilisema kuwa Serikali iwe na mpango kwa vijana ambao wanamaliza masomo yao kusudi, iwatafutie kazi.

**Com. Baraza:** Asante. Mabonga?

**Bernard Sipo:** Excuse me madam,

**Com. Baraza:** Yes.

**Bernard Sipo:** Since my name has been passed in the list of the names ....

**Com. Baraza:** You are who?

**Bernard Sipo:** I am Bernard (inaudible)---- it was appearing in the list.

**Com. Baraza:** Bernard who?

**Bernard Sipo:** Sipo.

**Com. Baraza:** Yes, yes, okay. How will I know I am following the list?

**Grace Mabonga:** Mimi ni mama watoto ninachangia kwa upande wa shule. Sisi ni wa Wazazi wa Mt. Elgon, lakini tuko na matatizo hatuna Waalimu. Waalimu wanaweza kupatikana kwa shule kama ni wa Serikali, ni watatu hivi. Lakini watoto wakifanya mtihani wanaanguka. Sasa kwa mchango kweli tunataka usaidizi kwa upande wa Mt. Elgon.

Tuna watoto wenye wamesoma sana, lakini hapo nataka tuchangie kwa wakati huu wanaweza kupata course ama hapana.

Ya pili, sisi ni wakulima wa Mt. Elgon ama ni Trans Nzoia. Huwa tukipanda mahindi, mbolea, mbegu bei inakuwa juu, lakini wakati wa kuuza mahindi, bei inakuwa ya chini sana. Hapo kweli nachangia hapo mtusaidie. Ni hayo tu.

**Com. Baraza:** Fred Musuya, unafuatiwa na David Katete.

**Fred Musuya:** Asante sana. Mimi naitwa Fred Musuya. Mimi ninaonelea hapa Trans Nzoia ama Kenya nzima kuna watu wanachanga lakini hawajachanga kitu moja. Haswa kama sisi hapa watu wa Trans Nzoia wadogo, tunanyanyaswa kusudi ukiangalia tunalala na ngombe kwa nyumba. Tunataka Katiba itusaidie hapo.

**Com. Baraza:** Kwa nini unalala na ngombe kwa nyumba.

**Fred Musuya:** Kwa sababu hakuna usalama wa kutosha.

Tungependa, Rais ndiye anasimamia hii kitu ya ndugu wana mafimbo. Kwa nini hii fimbo haitolewi kwa hawa watu? Mtu anachunga ngombe na fimbo kali na mimi nikiwa na fimbo kali inaenda, nitachukuliwa hatua. Hapa Mt. Elgon ama Trans Nzoia hapa, kutoka hapa Pokot kama unavyosikia ndugu zetu wanataja hii, kutoka hapa Pokot, tuseme wizi unatoka nchi hii unaenda nje na sijaona mtu wa Kenya anaiba kitu. Kwa nini wizi unatoka Somalia, wanaiba mali ya Kenya, huko Busia wanaiba mali ya Kenya, na Kenya nayo haiibi kitu inaingia hapa. Ni kwa sababu gani wizi inaenda nje na hapa kwetu haingii? Tungetaka Katiba hii iangalie hapa.

**Com. Baraza:** Mnataka muibe?

**Fred Musuya:** Hapana. Mimi nataka kujua kwa nini wanatuibia sisi na sisi ni watu waKristo. Tunataka Katiba iangalie hapo. Kwa nini vitu vya watu vinaenda nje? Na sisi hatuibi.

**Com. Baraza:** Ya mwisho

**Fred Musuya:** Bado nachangia kidogo, sasa dakika moja unasema ya mwisho Tena ningependa kama maneno ya mwezi wa sita, wanasema wanasoma budget, kwa nini hii budget tunataka Katiba kwa nini hii budget inaongezwa kila siku. Juzi iliongeza mafuta ya taa, utaona next month, utaona mwezi ujao wameongeza tena, kwa nini hivi vitu vinaongezwa?

Tena Mwanakenya hana uhuru kweli, kusudi hapa tunalipa kodi. Ukiingia kwa mhindi, mhindi ndiye amekaa nchi hii na ni kwetu tu lakini mimi sina uwezo, mhindi ananiuzia vile anapenda, na mimi bado ninafinywa tu mapajani sasa hapo naona Katiba itusaidie.

Tena hali ya hospitali. Wengi hapa kweli usipokuwa na pesa mtoto wako hatatibiwa. Pengine mama amekwenda, saa hii unaona ninavaa hii jacket, ninavaa lakini sina pesa, naweza ingia hapo hospitali, na kama sina shilingi arobaine sitatibiwa, tusaidishe hapo Katiba muone hapo tutafanya namna gani. Asanteni sana.

**Com. Baraza:** Asante sana.

**David Katete:** Hamjamboni nyote? Yangu ni machache na itahusu juu ya scholarship watu kusoma kwenda ng'ambo. Serikali imetumia pesa nyingi kwa mtu anaenda kusoma ngambo na ako na miaka arobaini na tisa. Anaenda miaka minne anarudi anastaafu. Sasa naona Serikali iangalie hapo, waweke sheria. Vijana ndiyo wanastahili kuenda ndiyo akitoka huko aifanyie kazi Serikali. Hiyo pia iangaliwe.

Ninaona upande mwingine wa magereza watu wenye makosa kama ya raping, wawe wanapewa mavazi maalum ya kuonyeshwa kwamba huyu mtu amefanya kisa fulani fulani, uniform ile inastahili hata iandikwe na maandishi fulani kwa mgongo ama kwa kifua ndiyo aonekane mtu aliyefanya makosa fulani fulani. Hiyo sheria iwekwe, naona itakuwa mzuri.

Na kuongezea hiyo ingine ni juu ya mamlaka ama kupiga kura. Kupiga kura naona kura zikipigwa zihesabiwe katika kituo, ili kupunguza wizi wa kuiba kura. Na kura ya President iwe inapigwa siku moja peke yake. Isiwe inachanganywa na MP na Councillor kwa sababu hapo ndiyo inaleta wizi mwingi. Iwe siku ya President iwe ni siku ya kuchagua President. Sasa yangu nafikiria ni hayo.

**Bernard Sikwowo:** My names are Bernard Sikwowo. I am a youth leader. Mt. Elgon, but I propose the Government to create an office of youth internationally. Nationally and International if possible, because we have East African Cooperation.

Secondly, I propose that we present, election and condition as a process. I propose elections to be held this year.

Thirdly, I propose enough constituencies to be created, why, to bring near the services to the people.

Fourthly, I propose, Kenyans need a leader with 25% votes on tribal lines. If it is Sabaot 25% votes to President Moi, is okay to pave way for his survival. If it is Matiba 25% votes, not on provincial basis, on tribal basis. At present you can get 5% votes from every tribe, which means from 42 tribes, every president winning must have gotten 25% votes from all tribes, to be mandated for Kenyas leader (inaudible), I propose that way.

Fifthly, I propose areas that the Government has not demarcated boundaries, to be done immediately before the elections. Example, Mt. Elgon, Bungoma district.

Sixth, I propose this way, whereas the indigenous of the area might not be represented in various dimensions, but Kenyans need a leader with a natural (calibre) not by accident. So I oppose the change from my fellow ...(colleague) who say that only the indigenous can lead the area because an indigenous can lead, the area because an indigenous might not be having the credentials to lead but unfortunately he might be borrowing a leaf from another corner to lead them both directly or indirectly.

We have not done everything, Kenyans have had various commissions, but I say let this Commission not end in smoke.

Because from the era of Kenyatta, era of Moi we have seen various commissions but all have ended in smoke because they have not shown Kenyans what is expected of them. Thank you very much.

**Com. Barasa:** Thank you. Kefa Were, unafuatiwa na Florence Khaemba

**Kefa Were:** Mimi ni Kefa Were ningependa kusema machache kwa sababu nimeandika ambayo nitapeana.

Ya kwanza, ningependa kupendekeza kwamba viti vya bunge, nominated seats zipewe akina mama. Katika bunge letu la Kenya ya Katiba ijayo viti vya kuteuliwa vya bunge – nominated seats, wapewe akina mama.

Ya pili, pia ningependekeza kwamba Katiba iwekwe nafasi ya wale walemavu na vijana. Wakati wa uteuzi vijana pia waakilishwe na wabunge wanaakilisha masilahi ya vijana na walemavu katika bunge ya Katiba ijayo.

Ningependa kupendekeza, pia kwamba ofisi ya u-Rais kwa Katiba ieleweke kwanza ninamamlaka makubwa sana. Mamlaka hayo yapewe bunge, mamlaka mengine yapewe Tume ya uchaguzi. Mambo ya kupanga mipango ya kuvunja bunge na nini, ni vizuri na ningependekeza kwamba yule mwenyekiti wa tume ya uchaguzi awe pia anajua bunge itavunjwa lini na mipango na maneno ya bunge ni ya wapi bila kuingiliana na ofisi ya Rais.

Pia Public Service Commission uteuzi wa wafanyi kazi na uteuzi wa ofisi zetu za Serikali ziwe chini ya bunge, bunge iwe ikishugulika nayo.

Pia ningependa kupendekeza kwamba Judiciary, mambo ya uteuzi wa Chief Justice, hii ipendekezwe na bunge Rais awe tu wa mwisho kuteuwa. Lakini ateuliwe pia kulingana na masomo. Cheti ambacho amesoma, amesoma wapi, Wakenya wote wawe wanajua, isiwe tu pengine ni mtu ambaye amesomea mahali fulani, kesho yake tusome kwa makaratasi kwamba amesoma mahali fulani na hana hivyo vyeti. Ni vizuri kuhakikisha kwamba tuwe na Tume ambaye ita kuwa ikichunguza cheti za watu watakatayokuwa wakifanya kazi katika maofisi kuu ya Serikali. Na pia pale tuwe na ofisi ya malalamiko ya ombudsman, ili yeyote, Mkenya akinyanyaswa anaweza kupeleka malalamiko yake.

Ningependekeza kwamba Polisi wote station zote, katika Katiba ijao, kuwe na desk la human rights. Hiyo kama mtu amekuwa tortured ameteswa ama amepigwa, anaweza kulalamika kwa hiyo desk ya human rights na inaweza kuchunguzwa. Pia hii P3 form ipewe ma-dispensary ya Serikali na hospitali zote kwa sababu ni makosa pengine Polisi anaweza kutesa mtu au ampige amuumize na hawatakubali kumpa P3 form.

Na kazi ya P.C. na kazi ya D.C., mimi naona kwamba ofisi hizi zinachukuwa rasilimali ya nchi bure, mamlaka kamili na kazi zenu turudishe County Council na chiefs na assistant chiefs wachaguliwe na raia.



Kumaliza, ningependa kuongea mambo ya ardhi. Ningependekeza kwamba Katiba ijao iwe ni Katiba ya umoja wa kitaifa. Mipaka ya makabila na mila itupiliwe mbali kabisa. Hiyo inaeneza chuki miongoni mwa raia ku-promote tribalism, iondolewe na tuwe na national unity kwa mipaka yote ya kitaifa. Asanteni sana.

**Com. Barasa:** Bw. Lubano

**Lubano:** Ma-commissioners na wananchi. Mimi niko na points kadhaa lakini kitu ambayo mimi nataka kwa Katiba yenu ambayo inaandikwa nataka kwa Katiba yenu ambayo inaandikwa nataka ihakikishe mmetoa kitu inaitwa tribalism. Iandikwe ndani kama mtu ana-practice tribalism aende mbali sana.

Kitu ya pili ni corruption. Hiyo Katiba mtumie Lawyers wote mtafute njia ya kutoa tribalism na corruption. Kwa kusema hivyo sasa mimi nitasoma vile nimeandika.

**Com. Baraza:** Just highlight.

**Lubano:** Yes. Kitu ya kwanza kwa sababu mimi nimehighlight hapa, Executive President, nimesoma kwamba President awe elected kama President bila part yoyote. Na awe elected by 51%.

Ya tatu, lazima aseme wealth yake.

Halafu, President awe ceremonial na awe restricted. President awe kwa sheria anaweza kuwa removed, either by impeachment na akiwa removed anatakiwa kulingana na America, Chief Justice ana-chair the meeting halafu ma-paliamentary wote, wanakuwa halafu wana-remove the President.

President ku-limit yeye kwa ku-appoint watu, ama ku-curtail yeye ku-appoint watu kadha. Ministers, assistant ministers, paliamentary committee assesses halafu ndiyo a-sign lakini waende draw wasiweke watu wa kabila moja wa-head department.

President succession – kwa sababu tuko na shida sasa ya succession, nimeandika hapa kwamba iandikwe vizuri, mambo President successor wake ni vice President. Halafu kama vice President anakufa, the next in line Chief Justice, the next in line Speaker of the National Assembly, the third in line Attorney General. Na hawa wanafanya tu 90 days halafu wana-choose President.

Government ministries, nime-limit Government ministries ikuwe katikati ya kumi na tano na kumi na nane. There are too many ministries. Na assistant ministers wakuwe 30 hivi kwa sababu ministry zingine zinaweza kuwa na assistant ministers wawili so maximum assistant ministers 30.

Legislature – MPs nimeandika kwamba apate atleast ½ the votes in that constituency. Kwa sababu sasa tuko na mtu anaweza kupata watu mia mbili na constituency ina watu elfu kumi na anakuwa MP. Tunataka MP apate enough votes in a constituency.

**Com. Baraza:** Your last point. We shall read the memorandum.

**Lubano:** Tuna-disqualify them or recall them tumeandika hapo clear. Halafu MPs lazima wafanye kazi. Wanapata mshahara mkubwa, so wawe na ofisi kwa constituency yao na vile vile kwa Parliament.

Salary ya MPs isikuwe ni hao wenyewe wanafanya, kuwa na body fulani ambaye nominated ku-increase salaries ya wa MPs.

Political parties: Nataka political parties zikuwe kama kumi tu peke yake na tena tumeandika njia gani ambazo tunaweza ku-reduce hizi political parties. Kama hapana (inaudible) manifesto yao isiwe ya ukabila.

**Com. Baraza:** Asante. Get the last point and sign there.

**Lubano:** Last point, nitasema kwamba powers za President, za judges na MPs ziwe completely spelt out so that there is no interference with executive, the judiciary na Parliamentarians. Iwe clear kabisa. Na President hatakuwa ana-interfere with all those powers. Asante.

**Com. Barasa:** Florence Khaemba.

**Introducer:** The commissioners, chairlady, we are a group of justice and peace commission women programme. In the justice and peace we are two presenters, I am introducing the one who will represent. The catholic justice and peace commission Programme..

**Com. Baraza:** I can see you have a memorandum and I am giving three minutes, you can see how you will comply with that, I don't want to leave any of these people without hearing them..

Introducer: Just one minutes introduction. We want to say we go for a district delegation meeting and we compile views from the wananchi who are women. This is a programme, which is to sensitize women about their rights so we compiled about six points, which our presenter is going to present right now.

**Florence Khaemba:** The Commissioner Madam the audience, ladies and gentlemen. Before you is Florence Khaemba from the CJPC women's programme. I will talk about two issues that is citizenship and electoral process and women, just a few points, which women came up with and others are in the memorandum.

In examining and reviewing the rights to citizenship the women recommended the following which will, we hope, ensure gender parity, the confinement of their rights.

One, husbands of Kenyan women should be entitled to automatic citizenship.

Two, any child born to Kenyan parents outside Kenya should automatically have a right to be a Kenyan citizen.

Three, the registration of birth and death should be compulsory, efficient and effected at village level, for the common woman to reach.

Along with that, passports should be automatically available to all Kenyans when they reach the age of 18 years and issued by the same board. Also both passports and birth certificates should be free to be issued after every five year.

Kenyans leaving abroad should be allowed to vote by post or proxy in General Elections.

**Com. Baraza:** I thought they are in the memorandum. Iko kwa memorandum?

**Florence Khaemba:** Yes, please I am just highlighting them.

**Com. Baraza:** No you are not highlighting you are reading. Highlighting you say citizen then you say a little then go to the next point. It is just time but we will read your memorandum.

**Florence Khaemba:** Please these are just highlighting.

**Com: Baraza:** Okay fine

**Florence Khaemba:** I am just on the last point. That is on Electoral process and women. As we know every Kenyan woman has a right to vote and secondly we are 52% in our country, therefore women said.

- One, illiterate women should be assisted to vote.
- Two, presiding officers' agents should also include women.
- Three, two times during polling one for women and one for men. If I may be asked I would elaborate.
- Four, prisoners should be allowed to vote by proxy although they may be said to be criminals, but we have more criminals who are not in prison.
- Five, those women in hospitals should also be allowed by proxy or any other method, electoral commissioners will think

appropriate.

- So Madam Commissioner, those are my points, so for representing the women. I hope I have not taken too long.

**Com: Baraza:** I hope I haven't harassed you

**Florence Khaemba:** You have

**Com: Baraza:** I have, okay give me your last point. Just give it we will read it.

**Com. Barasa:** Wycliff Osere, if you are not there William Naibei, William have given. Wycliffe is there, umefuatiwa na Coun. Michael Kituyi. Councillor ameongea? Sema jina.

**Wycliffe Osere:** Wycliffe Osere. Maoni yangu mimi naomba Tume ifikirie walemavu wote hapa Kenya. Hapa Trans Nzoia walemavu tuna mia mbili hamsini, wako na shida sana na mimi mwenyewe nikiwa vice-chairman wa Trans Nzoia.

Hawa walemavu wanaweza omba shamba ya makao. Wakiomba makao wanaambiwa wangoje kuna wakati watapewa. Ukifika pale unapata wakubwa ndiyo wamegawa hilo shamba. Tafadhali mfikirie hawa walemavu.

Halafu kuna wamama wale wazee wao wamekufa. Wako na watoto, wako na ma-group, hawa wamama unapata wanataabu sana na watoto, huko nyumbani. Tafadhali muwafikirie.

Halafu ofisi ya Chief. Mimi naomba ofisi ya Chief wawe wanachaguliwa na wananchi wenyewe.

Halafu ofisi ya community development mimi naomba, nafasi ilikuwa ikiwekwa kwa PDA wakisimamia tafadhali wapewe walemavu wenyewe wasaidiane pale.

Ya mwisho, wakati watakapopiga kura, kama Tume umemaliza kazi yao ya constitution iende. Nimeomba, **mjulisha** mbunge kwa kupiga kura, lakini nominations, tafadhali mu-nominate wa mama. Yangu yamekwisha:

**Wycliffe Wanyonyi:** My views are as follows:

The name Trans nzoia to be replaced by Chepkelion

Boundaries to be respected

Village elders, MPs and Councillors to be the indigenous people

Natural resources to benefit the locals

Large farmers should pay rent to indigenous people.

**Michael Ofenda:** Here are my views:

Bill of rights should be protected.

Electricity should be available to all Kenyans

Concerning law and language teaching law. The ministry of education should not be interfered with by so many people in the country, but leave matters pertaining to education to ministers and professionals of education.

Matters concerning air-waves. The KBC should not be biased when broadcasting matters concerning the country's welfare.

With these few remarks I say thank you.

**Com. Baraza:** Rev. Kamataro Wanyama, yes please hurry and I give you three minutes, unafuatiwa na Edward Wanaswa

**Rev. Kamataro Wanyama:** Ni asante sana. Sina mengi ya kumptia. Ya pili nashukuru

Mungu kwanza mvua vile imenyeshana sana, si namna hivyo.

Yangu vile nimekalia hapa hivi nikiwa mwenye kiti wa mashirika ya ADC ..

**Com. Baraza:** Anza na jina.

**Rev. Kamataro Wanyama:** Majina ni Rev. Kamataro Wanyama. Kwa hivyo yangu ni machache nikiwa mwenyewekit wa Mashirika ya ADC, ambayo ilianzishwa mnamo mwaka wa elfu moja na mia tisa sitini na tano. Wafanyi kazi hao wamefanya kwa mashirika kumi na mawili na Serikali iliyo saa hii ya utawala ikasema ADC share na Chepkeina ivunjwe igawiwe wananchi.

Jambo la muhimu sana ni kwamba wenye wameishi hapo Cheteina, hawakupata ardhi. Wakapewa ardhi ma ministers and

maD.C., na ma D.O. na watu wakubwa wakubwa. Ndiyo nasema Tume ya saa hii, ambayo inakaa kikao hiki, sheria ambayo itatunga ipelekee Rais mpya ama Rais mwenye ako, mambo ya ukabila ndiyo imefanya Kipkeina watu wengine hawakupewa ardhi.

Na ya pili kwa sababu ya kupewa ardhi wale wakubwa wanapata barua kutoka kwa D.C. kama marehemu Chelanga, Manging Director na Dr. Walter Kilele. Badala ya kupata (inaudible) ya wajiri, wanapata barua kutoka mbele na hawa wananchi walikosa ardhi.

Ninaomba sasa kwa sababu hata majina yenyewe ni haya ya watu ambao hawakupata ardhi. Ni hawa watu wameteseka kama vile vile wakati wa uongozi wa Pharoah alipotesa Wamisiri.

**Com. Baraza:** Asanta, tupatie hapa tusome.

**Rev. Kamataro Wanyama:** Wacha ni asante. Kwa hivyo nasema ya mwisho sina mengi muchague ambayo mbunge wakaazi wa hapo ndiyo wataumia wakati huu. Mungu awabariki.

**Com. Barasa:** Edward Wanaswa, kama hayuko, Wanaswa yuko wapi? Kama hayuko tuko na Kiptum Samoa Rotich, Kiptum, I saw you in Kwanza yesterday?

**Kiptum:** Ndiyo lakini hiyo sirudii nyuma

**Com. Baraza:** I will not give you another opportunity. No those are the rules

**Interjection: Crowd:** Toka

**Com. Baraza:** Umejua tuko hapa, wametuambia tumalize hii kazi, huwezi kuja huko na uje huku. Augustino Chemongess, kuja unafuatiwa na Ngeiywa, kama uliongea huko Kwanza, sitaki nikuone hapa, we have to hear people.

**Augustino Chemongess:** Ile ninaongea ina husu hapa. Yangu, mwaka wa sitini na tatu mpaka wa leo, sisi hatujaona dalili ya Kenya. Yaani kusema namna hiyo nilitembea kila pahali, Pokot iko dume, Turkana iko dume, Tugen iko dume, Keiyo iko dume, Kipsigis iko dume, Nandi iko dume, sisi Sabaot na Cherengani hakuna dume. Na ile nafanya hapa (inaudible) na naona kila pahali nimezunguka, nilienda Pokot hakuna kiti ya mtu, mtu hapana uliza kiti ya mtu, naenda Marigat hakuna mtu anagusa kitu ya mtu, tugen hakuna mtu anagusa kitu kitu ya mtu, Turkana namna hiyo, Nandi, Kipsigis namna hiyo, Masaini namana hiyo, Kikuyuni namna hiyo, Kisumu Jaluo iko namna hiyo, hakuna mtu anagusa nchi ya mwingine na hapa nchi ya Sabaot na nchi Cherengani tumenyanyaswa aardhi kuuzwa.

**Com. Baraza:** Unasema aje? What do you want us to do?

**Augustino Chemonges:** Sasa mimi nasema mwaka huu, ikiwa Councillor, ikiwa mbunge Sabaot waingie, na wa Cherangani waingie. Taabu ilioko hapa Endebess, wazungu waliingiza hapa. Tangu sitini na tatu mpaka wa leo mwaka arobaini, wale walikamata mamlaka hiyo walifanya kazi gani mpaka wa leo?

Lelem ara bara kutoka hapa lami iende mpaka **lelom** mpakani, iko wapi? (inaudible) iko wapi?

Yangu ni hayo. Wale watu wako nje ya Sabaot wawe wakulima si tiketi ya mwingine, hapana ya mwingine halafu unaleta maneno watu wagombane, hatutaki watu wagombane, tunataka tuwe kitu kimoja, ukiwa mkulima, somesha watoto wako. Lakini tiketi ya wenyewe uwachie wenyewe.

**Com. Baraza:** Asante tutaona mambo ya dume.

**Edward Wanaswa:** Nashukuru Tume pamoja na wananchi. Mimi naitwa Edward Wanaswa na niko na maoni machache haya kuhusu Katiba. Jambo la kwanza naongea juu ya uongozi.

Kenya iwe na kiongozi wa taifa ambaye taifa ni Rais, pia atakuwa na Waziri mkuu, ambaye atachaguliwa na bunge, pia tuwe na maWaziri ambao watachaguliwa kulingana na ujuzi na elimu yao.

Pia kuwe na special ministry ya haki.

Halafu usalama wa mwananchi wakawaida upewe first priority kwa mambo yote katika taifa lote.

Upande wa Provincial Administration, cheo cha P.C. na D.O. iondolewe. Halafu tubaki na D.C. na chief. Na hawa watu watakua wanachaguliwa na wananchi.

Jambo la tatu ni lazima tuwe na civic education kuhusu maisha kwa jumla, yani hii elimu ya kujifahamu. Wananchi wafunzwe mambo kabla hawajapewa nafasi ya kutoa maoni. Kwa mfano tunatoa maoni ya Katiba lazima tungelikua na civic education mpaka mashinani, kwa sub-location kuhusu Katiba ndiyo, wakati wakutoa maoni tunajua tunatoa maoni kwa upande gani.

Halafu elimu ya sheria ianzishwe katika primary na secondary school.

Jambo la tano ni Court of Arms. Executive Parliament na Judiciary ziwe independent. Kusiwe mambo ya kuweka pamoja ama ati mtu mmoja awe na nguvu nyingi. Executive President asimamie, Parliament iwe na Speaker na Judiciary isimamiwe na Mkuu wa Sheria ambaye ni independent hachaguliwi na mtu mmoja.

Halafu hizi constituencies Katiba lazima iheshimiwe. Kwa leo mimi napendekeza ya kwamba, kabla hatujamaliza Katiba hii, na

mwaka huu ni lazima bunge ibadilishwe kuhusu wanasosimia uchaguzi, wafanye uchaguzi kwa uongozi ambao unaweza kufaa kama ni ikiweza Prime Minister, na njia zingine na uchaguzi ufanyike. Lakini Katiba iendele, Tume ya Katiba iendele na kazi mpaka wakati itamaliza.

La mwisho, Commissioner mimi naomba ya kwamba Tume yeyote ambayo inachaguliwa katika kufanya uchunguzi yeyote ama kufanya kazi yeyote, lazima ichaguliwe na bunge halafu na zipewe muda wa kufanya kazi. Isiwe tu tume huchaguliwa halafu inamaliza kazi kwa wakati ambao haujulikani. Kwa mfano kama tume ya Katiba ni lazima ingeambiwa muda, sio kuikatanisha kusema pengine mtaweza kuendelea pengine hamtaendelea. Kwa hiyo mupewe muda mzuri wa kufanya kazi, ili mlete matokeo ambayo yatafaa wabunge na taifa za dunia. Yangu ni hayo.

**Com. Baraza:** Asante. Stanley Ngeiywa, if you are not there , Ronald Kisiyo, hawa wamesema, Jacob Mukung, we ni nani?

**Jacob Ngiwa:** Bwana Ghai, ningependa hapa mahali inaitwa Trans Nzoia kwa sababu wakoloni ndiyo walikuja kupinduwa Trans Nzoia na siku ya leo tungepeleka jina la Trans Nzoia hii ikuwe ya Kony district. Tungeenda kumwambia Queen Elizabeth watu wale ulinyanyasa kuyoa nywele bila kuweka wembe ama maji, kwa sababu mzungu alikuja kutoa Kony kunyoa nywele, kunyoa kavu bila maji. Kunyanyasa tu. Na leo kwenda kwa Elizabeth umwambie watu wale uliyonyanyasa wamepata cheo na wamewekwa kwa ardhi zao. Kwa sababu kitu ile inaleta hapa ni ukabila ambao tunasema ati ukabila. Ukabila ndio, ukoo, kuna Luo, kuna nani, kuna Muganda, hiyo na anatawala pale pale. Hiyo ndiyo inaleta hapa mzozo, kwa kila mtu kwa sababu Trans Nzoia tunasema ati tu na watu tatu. Watu tatu kwa kwa diji moja wanafaa.

Leo ndiyo tunataka utwambie siku ya leo na urudishie President pamoja na wewe nawe na tungependa mahali hapo siku ya leo mtoto akizaliwa aitwe Kayo, kwa sababu umerudishia wale udongo wao. Tukifanya biashara hatuwezi kukataana, tuende biashara kila mahali. Uchumi hatukatai. Kwa hivyo na pongeza nyinyi mmekuja district yetu hii, au hujaandika hiyo. Leo kwa sababu unatoka mahali mbali wewe, Mombasa ama Nairobi ni mbali. Umekuja hapa, uko KONY, kwa sababu Joseph Thompson, alichukua hii mlima, alikuta kama watu wako, mpaka wakati walitoza watu kodi, watatoa manyama, mapanya, mpaka walikataka mkia za panya ati kodi kulipa kodi, tulisubuka kwa hivyo sasa, basi tunataka kila mtu akae boma yake na bibi yake na watoto wake. Na elimu tuwe kitu kimoja kama mashule. Kama ni Kakamega watoto wanaenda, kama Nairobi watoto wanaenda.

Basi ni hayo. Sikusema kwa hasira. Hasira kwa kunyanyasa. Hapana nyanyasa wakati wote.

**Com. Barasa:** Asante, tume sikia Mzee, pita hapo ujiandikishe. Hassan Muchenge, come over

**Hassan Muchege Wambuya:** Asante Bi Commissioner na viongozi wa siku ya leo ambao mmekuja hapa kutoa maoni yenu.



Kitu cha kwanza, mimi ninapinga juu ya mamlaka ya Rais. Mamlaka ya Rais ya kuwa mkuu wa majeshi, na kuwa Rais wa chuo kikuu, na Rais wa chama, ningependekeza hasira siku ya leo, Rais abakie akiwa Rais kwa cheo kimoja.

Jambo la pili, ningependekeza pia P.C na D.C. waondolewe na badala yao tuwe na Chief ambao anachaguliwa na mwananchi ili kwamba aongoze kwa miaka mitano.

Jambo la tatu, ningependa pia, Machief ambao wanaandikwa, wakiwa kabila moja kwa Katiba ya kesho, ambayo sasa tunaelekea baada ya uchaguzi, iwe kwamba machief wanachaguliwa kulingana na wananchi kutoka kwa makabila arubaini na mbili na wala si kabila moja. Hii imekuwa ikichangia wizi wa mifugo na corruption.

La nne, ningependa sheria ya numbari 107 ambayo inamwezesha mwananchi kuwa na kitambulisho, ningependekeza kwa siku ya leo ya kwamba kitambulisho kitafanyiwa marekibesho mapya kulingana na wananchi wa kawaida.

Nafikiri ni hayo to. Kwa majina ni Hassan Muchege Wambuya,

**Com. Baraza:** William Koross, Lorian Ngeiwa, we unaitwaje?

**Lorian Ngeiwa:** Commissioners

**Com. Baraza:** Sorry, let me interrupt you. Kama kuna watu wana memorandum, na mungetaka tu kupeana unaweza kupeana, sijui kama tutamaliza na mvua inakuja. Kama uko na memorandum unaweza kupeana, tutasoma.

**Lorian Ngeiwa:** Ningependa tu kusema namna hii, there is something about

**Com. Baraza:** Say your name

**Lorian Ngeiwa:** Lorian, moja nahitaji Katiba ambayo ni Kenyan na siyo iwe na mifano ya British.

Pili, tunataka Katiba ambayo kila mwana Kenya anapatiwa nafasi aseme vile angependa kusema na wakati ambao unofaa. Ikiharakishwa kama ile ya Uganda itakuwa na shida.

Tatu, tunataka Katiba ambaye zaidi kuliko kila kitu inaongea juu ya ardhi katika nchi hii. Kwa sababu hiyo ndiyo roho ya watu wote katika nchi hii.

Nne tunataka Katiba ambayo ni federal katika nature, yaani ni Serikali ya Majimbo. Kwa sababu hiyo ya matakwa ya wale ambayo walio wengi ambao wananyanyaswa. Nasema hivi kwa sababu isipokua kutoka zaidi Commission ya 1978 mpaka leo

wametafuta Kenya we want na hawajapata. Hakuna mtu anauliza kwa nini hawa watu wanapigana, kama watu wanapigana pengine Rwanda na Burundi, Hutu na Tutsi, kama watu wanapigana Somalia na Sudan, juu wa Wanumbi na wale wa juu. Natusipotengeneza haya mambo ambayo Kenya iko katika ukabila, hatuwezi kundanganyana kwamba hatuna ukabila, nchi hii kila mtu awe na uhuru na haki ya kuwa katika sehemu yake na iwe localised katika community hiyo.

Tano, hakuna kitu kinaitwa Kenya. Hii Kenya ni viraka ya makabila. Kwa hivyo sasa tunahitaji land ile inaitwa mchanga wa Kenya usiitwe mchanga wa Kenya katika Katiba, hata katika sheria ya Mrs. Baraza. Mchanga uitwe mchanga wa local community wa wale watu wanaoishi hapo.

Commissioners, tusiwe na kitu inaitwa trust land. Trust land ilikuwa ni mchanga ambao unachungiwa wale ambaye haikuwa wanajiweza tangu wakati ule. Trust land yote irudi katika local community. Government land yote irudi hakuna nchi inaitwa Government. Tunaambiwa hiyo forest ni Government land, ADC ni Government, nani ndio serikali, nani ndio Government. Inatakikana irudi kwa wale watu wenyewe.

Nasikia iko ingine inaitwa consolidated land, kuna ingine inaitwa land adjudication, land sijui nini. Tunataka local council, ambaye inaitwa council of elders, kama ni Wasomali, Wasomali wenyewe waketi pale katika local council yao, kama ni Waborana kama ni wengine, kama ni Pokot, Sabaot, Waluhya wabaki katika nyumbani nawatafute ili inaitwa local native yao wenyewe. Hawo ndio watangalia maneno ya ardhi yao. Lakini sio Commission of Lands. Nafikiri huyu anaitwa Commissioner of Lands atolewe. Huko ndiyo wizi wa nchi unafanyika. Land Control Board, hatutaki Land Control Board D.C anaketi pale, D.D.C. sijui D.D.O anaketi hapo, D.D.O. pengine ni kabila ingine, inapatikana shamba pengine siwezi pata, D.C. anachukua, D.D.O. anachukua, inapotea, sasa hatutaki. Tunataka kitu inaitwa native, wale watu wa nchi hiyo, wenyewe waketi chini waangalie mambo yao.

Ingingine, hii lease ya miaka 99 ama 999 kutokea saa hii ikwishe. Ilikuwa ni lease ya Wazungu na sasa Wazungu walienda. Hatungependa Wafrika wale huru tena waendele na mambo ya lease. It must go back to the local community.

**Com. Baraza:** Your last point.

**Lorian Ngeiwa:** Hapana last madam. Ingingine ni kwamba hakuna land inaitwa private. Itarudi tena kwa wananchi.

Trust land Cap. 9 Section 112-118 ambayo inaitwa land is held by trustees, the County Council, tunataka irudi kwa local residents. Na hii mambo ya Council Council tutoe.

Ingingine district boundaries, lazima iwe marked sawa sawa tena kulingana na makabila, sio kulingana na population, sijui ati

physical features, tunataka kama ni district boundaries inakuwa, Eriteria iliwekwa katika boundary ya milima milima ya Ethiopia, kwa hivyo hata hii ya upande hii inakuja kutoka Mt. Elgon, inafuata namna hiyo itafika upande huu namna hii. Na watu wengine walisema kwa nini mntaka namna hii, it must be according to ethnic interests. Section 27 na 28 ya Land Act ambayo ina-empower individual ati wawe na mchanga, kama mtu amekuwa na mchanga na pengine aimeiba ama alitumia fraudulent ways atakuwa na nchi. Kwa hivyo tungetaka hiyo yote itolewe, hiyo section na mchanga urudi kwa wenyewe.

**Com. Baraza:** Asante tutasome Memorandum

**Lorian Ngeiwa:** Sina memorandum

**Com. Baraza:** Okay your last point

**Lorian Ngeiwa:** Tunataka kitu kinaitwa minority bill katika bunge. Minority bin iamuriwe kwamba wale wachache, makabila yote wapatiwe ubunge. Wamefikia sasa pengine constituencies tisaine. The group in charge of creation of constituencies ile group ya commissioner hawa watengeneze kulingana na makabila. Tungependa ile bill inasema hakuna squatters katika nchi ya mtu. I mean Sabaot hawezi kuwa squatter katika nchi ya Sabaot, Mturkana ndiye atakuwa squatter katika nchi hii. Ama Sabaoat ndiye atakuwa squatter katika Somalia. Lakini squatter hapa hakuna, hii ni nchi yao.

Ya mwisho nafikiri kwa sababu nimekua harassed kidogo ni kwamba national constitutional assembly, ile itakuwa KCC, nasikia baada ya hii, wataenda kuketi chini mahali fulani, lazima iwe na makabila yote katika hiyo assembly. Sikuwa na watu wachache ati wamesoma, hata kama hawajasoma wataambiwa Kiswahili, ili kila kabila iwe katika kile kikao cha mwisho kuamua mambo haya.

Nikimaliza kabisa nasema hiyo jambo kama mtu ni Msomali ya Kenya ama ya Uganda ame-stay in Somali awe na vitambulisho viwili, kama ni Mteso awe na vitambulisho viwili cha Kenya na cha Uganda. Kama ni Sabaot ya hapa iwe namna hii ya pande hii na ya pande ile. Kama sio hivyo basi ikiwe recreation of boundaries. Boundary yote iwe mpaka ya Somali yote ije Kenya ama hawa watu waende mahali wanapenda. Tusiwe kama Rwanda na Burundi. Asante sana.

**Com. Baraza:** Patrick Mukile, Commotion back ground noise (inaudible)

**Patrick Mukile:** Mimi Patrick Mukile nitaongea kuhusu wizi wa mifugo. Hapa tunaongea tumekosa ulinzi wa kutosha.

Mifugo ya watu imechukuliwa, watu wameuwawa, Serikali iliyoko mamlakani haijakuchukua jukumu lolote. Kile nasema katika Katiba mpya kwa maana Serikali inasema inalinda mali na maisha ya mtu na hivi vitu vinatoeka. Kwa hivyo katika mpya nataka tuweke kwamba ikiwa mali ya mtu na maisha itatolewa, Serikali ilipe ridhia kwa huyo mtu ama mali yake. Kwa hivyo pia

naongea kuhusu ulinzi hapa kwanza ulinzi umezoroteka kwa sababu ya administration kuchaguliwa kabila moja peke yake. Kwa hivyo nataka chief, assistant chief wachaguliwe na wanananchi moja kwa moja ili usalama upatikane. Kwa hivyo upande wa uraia. Nitaongea upande wa uraia. Mtu yeyote ambayo alipigania uhuru hapa Kenya, mpaka Kenya ikapata uhuru, anastahili apewe uraia bila pingamizi lolote. Mtu ye yote iliingia hapa miaka ya thamanini, naamengia hapa Kenya, huyu mtu achunguzwe uraia wake ulitoka wapi. Kwa hivyo hiyo ndiyo naona watu wanaongea kwa uchungu. Wanatetea uraia usiyo wao. Kwa hiyo upande wa ardhi, tungeomba kwamba kila Mkenya ambaye ana umri wa miaka kumi na nane apewe ardhi, acre tano yule wa chini na yule wajuu apewe acre hamsini, kwa mana Wakenya wengi hawana mashamba, ndio kuchangia sana umasikini katika nchi. Ndiyo naona ufasadi wa mashamba umekua juu sana. Kwa hivyo, lingine ambayo nitaongeza hapo, tuwe na Tume ambayo itachaguliwa na bunge ya kuchunguza ufasadi katika wizara zote za Serikali na pia tuwe na Tume zisizo za Serikali ambazo zitafuatilia pia ufasadi ili tuone haki inapatikana wapi.

Kwa hivyo upande mwingine wa uongozi ni kwamba tunataka Serikali ya umoja wa kitaifa, ili kila kabila lilindwe sawa sawa bila kubaguliwa.

Kwa hivyo la mwisho ukabila imezidi Kenya kwa sababu ya provinces. Provinces ndiyo imeleta ukabila Rift Valley na Nyanza. Kwa hivyo mikoa yote ipigwe marufuku, ili watu wasione Kenya kama kabila, waone Kenya kama moja.

Kwa hivyo kumalizia ni kwamba, kuna wale wasiojiweza kama wazee na watoto. Hasa nitaongea kwa wazee. Wazee walio juu ya umri wa miaka sitini, Serikali iwe inawapa kitu, ili wajilinde nyumbani. Iwape pesa fulani ili maisha yao yaendelee nyumbani.

**Com. Baraza:** Amina Moraa, utafuatiwa na Joseph Jerotich

**Amina Moraa:** Kwa majina naitwa Amina Moraa. Kuhusu mashamba. Wakenya wote wapewe mashamba bila kubagua wanawake. Mtu wa chini kupewa shamba iwe acre kumi na wa juu iwe hamsini.

Viti vya bunge maalum vipewe wanawake.

Masomo ya shule ya msingi iwe free kwa kila mtoto.

Masquatter wote Trans Nzoia wapate mashamba. Yangu ni hayo tu.

**Com. Baraza:** Asante, Joseph Cherotich, kama hayuko Paul Kimei.

**Paul Kimei:** Asante sana Mama Commissioner and all the other Commissioners. Ningependa kuongea juu ya President of

the Republic of Kenya. Mimi na-propose ya kwamba..

**Com. Baraza:** Sema majina

**Paul Kimei:** Mimi na propose ya kwamba Rais wa Kenya awe an all-powerful President ambaye anakuwa elected na wananchi wote wa Kenya yaani universal suffrage na sio mtu wa kuwa elected na Parliament.

In case of any wrong doing by the President, awe impeached by Parliament as is the case in America.

Presidential tenure iwe two terms of five years each.

The type of Government ziwe Presidential type. And the President is the chief executive and head of Government awe pia commander in Chief na awe na powers za ku-declare war at any time he deems fit.

Kuhusu mashamba ya Serikali hizi wanasema trust land, mimi naona ya kwamba because this issue is very sensitive, na mashamba ya Serikali yameisha, ninge-propose ya kwamba Serikali isimamishe kupatia watu mashamba. Watu ambao hawajapata mashamba mpaka sasa watafute namna yao ya kupata mashamba, lakini Serikali zile shamba zilizopo (too much background boeing).

**Com. Barasa:** Kimia. Nilisema kwamba tutaheshimu maoni ya kila Mkenya hapa. Wewe utapata wakati wako useme maneno yako. Hapana fanyia mwingine kelele. Haya ni maoni yake na utayaheshimu.

**Paul Kimei:** Kwa upande wa death sentence mimi nataka iwe abolished na iwe replaced with life imprisonment.

Tribal boundaries iwe maintained as they are now. Zisiwe tribal, ikuwe tu vile ziko kwa sasa. Iwe ni ya kabila ama si ya kabila.

Na mwisho tuwe na survey post ambaye itakuwa kazi yake headed by the Chief Justice na kazi yake itakuwa ni ku-swear in the President and to translate the Constitution.

Vyama vya siasa pia madam, viwe vingi sioni haja ya kuwa na vyama viwili sasa. Watu wanataka hivi vyama vingi, na vyama hata viwe mia moja hakuna ubaya.

Nominated MPs wawe nominated on merits sio ati ni wanawake ama sio wanawake. Na Na la mwisho Madam Commissioner, ya kwamba kuna mtu alisema hapa wale husbands wa Kenyan wives wawe Kenyans. Sasa naye wale wives wa Kenyan husbands wawe Kenyans. Thank you.

**Com. Baraza:** Stephen Chesire, kama hayuko, Chemswet, William Chemaswet, Sammy Ndungu'u, Dickson simiyu, kuja, fuatiwa na Dickson Chemandwa

**Dickson Simiyu:** Madam commissioner yangu ni kwamba ningependa wazee wa miaka sabini walindwe na Serikali. Wapewe pesa kwa kila mwisho wa mwezi kama shilingi elfu moja au mbili. Kwa sababu hawa wazee wanataabika sana wengi wao hawana makao wanakaa tu kiholela. Kwa hivyo Serikali ichunguze maisha yao.

Maskini katika Kenya, ambao hawana makao wapewe makao, mashamba ambayo wanaweza kukaa pale na na kupata mapato. Kuliko wale wanaitwa maskini sasa ndiyo matajiri wanapewa mashamba na maskini wenye hawana mashamba wanakaa hivyo, hivyo.

La tatu: Matajiri wenye mashamba wanatakiwa wawe na ekari hamsini au mia moja mwisho.

La nne machiefs wachaguliwe na raia kuliko hawa Ma-chiefs wanatolewa kule nchi nyingine wanaletwa hapa na wanahongana na wanapewa U-chief na hawajui tatizo la wananchi ambao wanakuja kutawala. Kwa hivyo ma-chiefs na sub-Chiefs wachaguliwe na raia.

La tano ningelipenda hivi, mambo ya busaa, chang'aa ambayo Polisi inakimbiza wananchi, wakipelekwa huko na huko ihalalishwe na Serikali itumie njia fulani ambayo wanaweza kupata pesa kutoka kwa hiyo pombe.

**Com. Baraza:** Ya mwisho

**Dickson Simiyu:** La mwisho, ningelipenda AP – administration Police, ipeanwe kwa Polisi, wawe pamoja na Polisi isiwe AP. Kwa hayo mengi ama machache nasema asante kwa kunisikiliza.

**Com Baraza:** Jacob Wamalwa, wewe ni nai?

**Dickson:** Dickson

**Com. Baraza:** Utafuatiwa na Wamalwa, uko wapi? Sema Jina,

**Dickson Chemalwa:** Yangu nitasema tu machache. Kwa upande wangu mimi karibu na niko karibu miaka sitini katika Trans Nzoia hii, na nina elewa vizuri sana. Katiba ambayo sisi tuko nayo, ni kama ifuatayo. Kitu cha kwanza, hili jina la Trans Nzoia libadilishwe na itwe Kony district.

Ya pili, mwaka wa sabini na nne, sabini na tatu kuna watu ambao walikuwa wanaishi upande wa Kaptagat na Timboroa. Na hawa watu hawajapata makao mpaka wakati huu. Kwa hivyo kuna mashamba ambaye kama ADC, haya mashamba ya ADC, yapewe watu kama hawa.

Ya tatu mimi kwangu naona kile unasema ati (inaudible) iko kwa upande wa watoto. Kuna watoto, zaidi kwa upande wa wasichana, hatujapata sheria kamili ambaye inatusaidia. Kwa sababu kila mara unaona mtoto wa mtu anadungwa mimba ama kijana fulani anaenda na msichana fulani kwa muda kidogo anafukuzwa kuja nyumbani. Na huo mzigo wote unaletewa wewe mzazi. Kwa hivyo ningetaka hivi sheria kamili kabisa ya kulinda hawa watoto itungwe. Nyinyi Katiba mwende mwangalie maneno kama hiyo.

Nikimalizia hivi, wale ambayo wako katika Trans Nzoia ikiwa ni kabila ngapi wako Trans Nzoia, tukae na mukijua mko chini kwa ajili ya Sabaot katika Trans Nzoia. Ni hayo tu na itafanyika.

**Com. Baraza:** Can you keep quite. Upeane maoni bila kutisha mtu yeyote. Sisi tutaenda tuangalie. Usi-threaten mtu yeyote peana tu maoni, wewe ni nani sema jina

**Jacob Wamalwa:** Commissioners wa Katiba ya Kenya mimi kwa majina naitwa Jacob Wamalwa. Hapo mbele yenu ni machache ya kupendekeza kama maoni yangu:

Kwanza kabisa ngependa kuzungumzia juu ya uraia wa Kenya. Mimi mwenyewe ni Mkenya mzaliwa wa Kenya, baba ni Mkenya. Kwa hivyo tunapojiita Wakenya tuwe Wakenya. Nikiwa M-giriama, na nikaishi kule Bungoma nikawa kule na duka langu biashara yote ama shamba, sharti nilindwe na sheria pamoja na hiyo mali yangu niliyo na vyote nilivyo navyo upande huo kwa sababu mimi ni Mkenya nanitajivunia kwa Mkenya upande huyu wa Bungoma japo kuwa mimi natoka Mwambao. Nikitaka U-Councillor kule ama nikitaka ubunge kule mimi ni Mkenya, wakaazi wa kule Bungoma ikiwa watanipenda, wanichague kuwa mbunge wao au Councillor wao kwa sababu mimi ni Mkenya na niko Kenya. Hakuna cha kusema ya kwamba mimi ni Mluhya ama ni Mbungoma siwe kusimama kwa Ucouncillor ama kwa mbunge. La, hapo mtakosa kujua maana ya uraia wa Kenya. Mimi ni Mkenya na niko na haki popote nilipo, niwe upande ule wa Turkana ama kule Kuria, ama kule Masaaini, mimi ni Mkenya, kwa hivyo wananchi watukufu mpate kujua uraia, kujiita Mkenya, uwe ni Mkenya kweli, na siyo Mkenya wa Endebess tu.

Jambo la pili, ningependa kusema tuwe na Serikali ya Majimbo. Serikali ile tuliyokuwa nayo tangu tulipopata uhuru mwaka wa 1963 hadi mwaka 1966, kulikuwa Serikali ya Majimbo na wale wenyewe wa rika yangu walikuwapo wakati ule na wako. Wakati huu wakaniunga mkono. Ilikuwa Serikali nzuri, mimi niliipenda kwa sababu barabara hizi munazoziona kutoka Kitale kwenda kule Kipsogot, kwenda kule Malaba zote silikuwa maintained na chief wenyewe wa County Council. Tulikuwa na

bulldozer hapa sikachezea hapa mara kwa mara, barabara zilikuwa nzuri kweli kweli. Lakini sasa mambo yalipokuwa centralised Nairobi, basi barabara zetu zikaharibika kweli kweli.

**Com. Baraza:** Sema point ingine tumepata hiyo

**Jacob Wamalwa:** Asante. Sasa point yangu ya pili, ningependa kumzungumzia juu ya Rais. Ningependa kusema ya kuwa, Rais wa Kenya asiwe juu ya mamlaka, bali awe chini ya mamlaka, ili kwamba atendapo, jambo lolote akiwa ofisini na yeye ashtakiwe ili kuhifadhi nidhamu katika ofisi hiyo na kwa namna hiyo itakuwa njia moja ya kuondoa ufisadi katika ofisi zote na Serikali ya nchi hii yetu ya Kenya.

Kwa hivyo ningependa vile vile kusema ya kwamba Katiba mpya tungependa Rais atawale kwa miaka ama kwa vipidi vya miaka mitano mara mbili. Yaani kipindi kimoja miaka mitano, kiingine miaka mitano, iishapo aende nyumbani. Asanteni.

**Com. Baraza:** Morris Masinde, yuko, Jane Khamala.

**Jane Khambala:** Ni asante sana kwa Tume hii. Nimeshukuru kwa vile mmfekia sisi watu wa Bumali, nina washukuru sana. Mimi nikiwa hapa naitwa Jane Khamala ninatoka Nalingo Primary School mlima mwisho kabisa, lakini kilio changu ama kuongea kwangu ninaongea nikisema niko kama msituni bila mchuganji. Sababu yake huko kila kitu kinafikia lakini mwenye iko mbele ya town kwenda huko anachunga vizuri na analala vizuri. Kwa hivyo sijaelewa ni kwanini niwe Mkenya naninaka Kenya yangu nikiwa na wasi wasi. Pili ni kwamba, ningependa hali ya kortini, ni kwanini korti, ofisi na judge, unaweza kuona judge hana mamlaka wakili ndiyo iko na mamlaka. Sababu yake, huyu mtu ananuliwa na huyu mtu ambaye anatumia watu. Unakuta huyu wakili anamwabia, wewe simamisha hii case usikate, kusudi zile pesa zake ziingie, na huyu binadamu ni Mkenya anaumia. Ningependa case zikatwe kulingana na judge zisiwe ni wakili.

**Com. Baraza:** Wokil ni nani?

**Crowd:** Advocate

**Jane Khambala:** Tatu, ningependa ardhi ikishanunuliwa wapeane title deed wachunguze ukweli kama iko wapeane title deed, hatutaki ma-case. Tunataka tu mwangalie na kama ni ukweli imekwisha haina deni, isimamiwe haraka nawapewe matitle deed. Ikiwa mimi ni mwenye shamba nilinunua sitapata title deed na huyu mtoto wangu ambaye atakuja kutawala atapata je title deed, ambaye hajui uchungu wa hiyo shamba. Ningependa itolewe haraka ipeanwe.

Ingingine ni kwamba, tuko hapa Trans Nzoia siyo wafute hiyo jina ya Trans Nzoia. Ningependa jina la Trans Nzoia ikae Trans Nzoia kusudi Trans Nzoia si uko wa mtu, sio kabila ya mtu, ningependa Trans Nzoia hata Mkikuyu akiomba kura kwa vitendo



yake apewe. Kama wewe ni Mpokot kwa vitendo yako upate. Trans Nzoia hapa tulikuja kununua na pesa lakini sio reserve.

Mambo ya kusema iwe ni ya Chepkoilel mimi ninapinga vikali sana. Kusema ni ya Chepkoilel pia mimi ni Mnandi itakuwa ni ya Wanandi, lakini ni ya watu wote 42. Singependa hivyo.

La nne, ningependa watu wa Kenya wa Sabaot, Wasebei, wa Bol, na hii inaitwa Bongomek, ninachinganyikiwa ndani ya hawa watu. Ndani ya hii watu unakuta Msabaot, Msebei, Mgomek na Kon, tulikuwa tunasikia kwanza Mbomet, tumekuja kusikia Sabaot na Sebei, je mwingine inafuata hiyo neno (inaudible) original. Tafadhali Tume hii ona ndani sana, chunguza yaani ile inafaa inasema nini? (inaudible) hatungependa ifanyike. Mimi ninakaa nikilalamika, sijakaa kama Mkenya. Nimeona ile sheria ilipitishwa ikasema njia inapita mpaka Uganda, inapita mpaka Tanzania, inafanya biashara la, sio hivyo. Hiyo kazi wasipoangalia naomba nyiyi Tume mwangalie, kwa sababu Mganda anakuja na vyombo yake yote na pesa yake yote ananunua shamba langu na kuishi ndani, ndiyo unasikia Bongomek wanalia hivyo. Sasa akindugwa haoni anapigwa. Unawesa kukuta Muhindi ametoka kwao, town yote ukitembea ni Wahindi, kwani Africa ya Kenya hakuna mtu? Ningependa mtwangalie tujitawale, tule matunda na Kenya kama Wakenya. Tusiwe watumwa. Hata gharama ingine ndiyo inakujia tu hii, inakujia kwa wale wengine wanaharibu Kenya yetu. Wakenya wanakuja kututawala. Tafadhali saa ni mbaya naona mvua, iwe hivyo.

**Com. Baraza:** Manoa Alishula

**Manowa Alisula:** Bi Commisisoner naitwa Manowa Alisula.

**Com. Baraza:** Mta kimya ili tusikie maneno ya huyu.

**Manoa Alishula:** Maoni yangu ya kwanza ni kwamba katika Katiba tuwe na utangulizi, Preamble. Na katika hiyo preamble kuwepo na zile objective, zile ambazo wale wote walipigania uhuru, ili tuondoe kutokujua kusoma na kuandika, tuondoe umasikini, na kupigania dhidi ya maradhi.

Pili napendekeza kwanza wabunge, MP uwe full time occupation. Wabunge kazi yao iwe ni full time wafanye kazi kwanzia Jumatatu hadi Ijumaa. Na kila mara wawe katika bunge. Hii maneno yakukuwa yeye ni mbunge na ana kazi nyingine mara yeye ameenda kortini, yeye ni advocate, mara yeye ni managing director company fulani singependekeza iwe hiyo. MPs iwe full time occupation. Pia ita-deal na hii idea yakotokuwa na quorum katika Parliament. Wawe huko Parliament, wanafanya kazi at the expense of the tax payer.

Tatu napendekeza kwamba, kile kifungu cha elimu, Education Act, kiwe amended mahali fulani i ruhusu at least Waalimu wapate uwezo wa kuwaadhibu wanafunzi katika kiwango fulani. Nasema hii kwa sababu, unaweza kukuta mwalimu ambaye ni mzee kwa mfano au mama wa miaka hamsini na nne hamsini na tano katoto ka miaka kumi na moja kumi na mbili kana argue na yeye, na hata anafaa kuwa his or her grandchild, unaona. Sasa hii ndiyo imechangia sana kutokuwa na nidhamu katika

mashule. Kwanza napendekeza kwamba hili liwepo na iwe na iwe na guidelines zake.

Pia point ya nne ningependekeza kwamba kuwe na total free education. Total free education, hivi ninasema wazazi wengi Kenya kwa hivi sasa wanaishi below poverty line, na hawana uwezo ule wa kununua hata chaki, chokaa. Inakuwa ni vigumu sana Waalimu kufundisha. Buildings, shule nyingi sana katika Kenya hazijakuwa developed, hata sana katika sehemu hii. Inatakikana wao wazazi waweze kujenga. Kwa hivyo napendekeza kwamba Serikali iprovide kila kitu, Waalimu, building materials, kujenga, chaki, vitabu na hali kadhalika. Pia ku-maintain na hata ku-employ watchmen kwa shule. Kwa sababu tunaambiwa kwamba free education na...

**Com. Baraza:** We got the point

**Manoa Alishua:** Tano napendekeza kwamba special seats katika Parliament ziondolewe. Kwa sababu Madam Commisisoner, I think uko hapa kwa sababu of your competence, you qualify, sasa iwapo tutatenga viti fulani ati special vya akina mama tutapata mama wengine ambayo wanenda huko and they are not competent enough. Kwa hivyo mtu aweze kupata asiwe kama ni ubongo kwa mfano, ama hata kama ni kiwete ndio, asimame kura kama mtu mwingine apigiwe kura.

Sita, maneno ya cost-sharing, napendekeza kwamba yatolewe na Government sector. Unapoenda kwa mfano kama kwa D.C. una document zako unaambiwa uende ufanye photocopy, namzee labda ametoka kule nyumbani, miguu mitupu, shilingi tano hata ya kufanya hiyo photocopy hiyo gharama hawezi.

Saba ningependekeza kwamba haya maneno ya budget, Waziri anasoma budget katika bunge, halafu yanajadiliwa na wabunge nahatimai mwishoe hakuna neno niliona nayo pale. Kwa mfano juzi alivyosema anaongeza bei ya mafuta by 1 shilling. Hii ita-affect mwananchi wa kawaida na wale wabunge kule ambayo wanajadiliana sana hawaja-vote that one out. Sasa imebaki vile. Sasa why discuss about that issue.

**Com. Baraza:** Your last point.

**Minowa:** I have just two points madam, just bear with me.

Nane ningependekeza kwamba maximum acreage of land iwe hundred acres. Yule tajiri kabisa awe na acre mia moja. Na mdogo ikiwezekana awe na acre kumi. Huenda labda tutajaribu kuangamiza hii poverty, umasikini.

Tisa, Presidential shift. This should be on rotational basis. Kwa hivi sasa tulikuwa na Rais tukota central, wakati huu tuna Rais kutoka Rift Valley, mbona tusiwe na Rais tutoka Nyanza, Western, ama hata Coast.

Mwisho, ningependekeza kwamba nchi hii yetu ya Kenya iwe partyless state. Mtu kama anataka u-Councillor ama hata wakismama elfu moja, sisi wenyewe tutachagua ni gani. Hi maneno ya kuchagua vyama vingi vina promote ukabila. Asanteni.

**Com. Baraza:** Thank you. Veronica Osewe: Kama hayuko Daudi Sebei, kama hayuko Phillip Mrefu, utafuatiwa na Fred Opindo.

**Phillip Mrefu:** Asante sana mwenye kiti. Umebarikiwa na kuja hapa Endebess. Mimi ni Phillip Asogo Mrefu, kutoka Chepcheina kutoka Endebess division, Trans Nzoia. Yangu ni na maneno mchache.

La kwanza mimi nataka kuzungumza kwa mwananchi M-Sabaot wa Mt. Elgon ambaye alikuwa anaishi mlima huo ambaye unaita Kaitogon ndiyo ule. Hata ni baba yangu alikuwa anaishi huko. Nawakati wabeberu walipokuja hapa, walienda kufyetua hawa watu, juu chini ili watoke waende. Lakini Msabaot alikubali kwenda, wakaenda mpaka Tanzania, wengine Pokot, wengine Uganda, hata Sebei wapi hata sijui maana ya Sebei. Sebei ni district Sabaot ni binaadamu (inaudible) Sasa wakati walipoenda 14 – 18 na mpaka juzi wakati wa (inaudible) ambayo Majimbo unaingia ndani mzungu amechukuwa mashamba, sijui acre kumi au mia moja, sasa M-Sabaot hana njia, miti inatoka hapa inaenda, si ya Msabaot. Hawa wanyama wako ndani wanaenda hawapatii Wa-Sabaot, wangesema hata one quarter ya miti wawapatie hawa watu kwa maana walifukuzwa, wapewe tu kama pension, saa zile walitoka pale, hata za mnyama wapewe kidogo pension, wapewe hawa watu ili wasi ibe ibe kwenda Tanzania tena, wasiende Pokot tena, basi Commission hii ifikirie ya kwamba hawa watu nao ni binaadamu, mzee mmoja karibu aliwa hapa hata mimi nililia. Kwa hivyo hii misitu haina kabila. Mzungu alipanga mchanga, tukienda Nyeri saa hii niko Nyeri nchi ya nani, M-kikuyu na nina heshimu yeye na mimi pia niheshimiwe nikiwa milimani siyo kwa Muarabu ni kwangu. Ukienda kwa mtu huwezi kuingi tu bila hodi, utapiga hodi. Kwa hivyo heshima tupewe na nafasi, na tupewe shamba hii ya ADC na hawa watu wa milima hawakupewa. Madam, uko shamba ya ADC hapa, Chepchoina iko hapa, hawa watu WaSabaot na wengine ambao waliishi hapa ambao tumeishi nao kama jirani, Wabukhusu namna gani hawajapewa mashamba. Kwa hivyo, hiyo kitu mzuri mwenzangu Madam,

Commission hii ione vile watu wameishi hapa kama ndugu, wapewe yale mashamba yako hapa, wasilete mtu mwingine kutoka huko. Maoni yangu yule mtu sasa yuko hapa. Ya pili ya mwisho....

**Com. Baraza:** Ngoja Ngoja kwanza, haya mashamba ya A.D.C. mimi nilisikia, wajua mimi natoka Mt. Elgon, nilisikia wanagawa mashamba, yalienda kwa nani? Nyinyi mtanyamaza. Sisi ndiyo tunaandika Katiba, tunataka tuelewe maneno. You keep quiet, unijibu tu na mwenzangu tuelewe, tujue nini inaendelea kwa sababu tutarudi Nairobi kuandika maneno. Jibu swali langu ndiyo tujue ni nini inaendelea.

**Phillip Mrefu:** Kuna mashamba ingine imepeanwa kwa WaSabaot wengine Sigalale, kuna mashamba zingine zimepeanwa Chepchoina kwa wa Pokot na watu wengine upande hii na kuna shamba ambayo, hakuna mashamba mengi. Haya.....

**Com. Baraza:** Haya uende kwa point yako ya mwisho

**Philip Mrefu:** Point yangu ya mwisho, mimi nataka kuzunguka, hapa Kitale, kutoka Kitale kuja Mt. Elgon, mlima huu, shule ilioko ni shule ya primary peke yake. Trans Nzoia hakuna University. Na Trans Nzoia kuna watoto wengi sana. Trans Nzoia hawajafikiriwa wapewe secondary schools za kutosha, hakuna hata University. Kuanzia Trans Nzoia wapate University, hata moja ingekuwa ya maana sana.

Kwa hivyo madam, hiyo ndiyo naona.

**Com. Baraza:** Fred Opindo, anafuatiwa na Jackson Maasai. Msipige kelele, hii recorder itabeba tu kelele. Watu wakija kwa national conference ku-discuss issues hiyo ya Sabaot hakuna kwa sababu ya makelele.

**Fred Opindo:** Mimi kwa jina naita Fred Opindo. Sitarundia tena mambo nyenye imeongelewa, lakini utaona ya kwamba ile mambo kubwa sana ni mambo ya mashamba. Ndiyo kila mtu anapongea anaongea juu yake. Sisi tumekubaliana Wakenya tusiitwe Wakenya, kwa ujumla. Kwa sababu hata hawa ndiyo nasema walifukuzwa na mzungu wakaenda kwingine, Uganda na mahali pengine, kuna watu walikuja nyuma wakapigana na mzungu na wakafukuza mzungu ndiyo wakapata nafasi ya kurudi kama ni watu wa huko. Kwa hivyo mtu kusema kama wewe ulikubali ukafukuzwa kwako madam na mama mwingine, ukapata amekaa, ukirudi mtaishi na yeye? You become two wives? Hakuna kusema wewe umekimbia kwa mwingine mweupe halafu ukaona uone huyu bibi mweusi unarudi unasema sasa ona. We want to live like Kenyans. Na hii ndiyo nataka kuwaambia Tume, kuna watu wachache wenye wamo-uniite watu juu ya land pale (inaudible) na ningependa Government, ichukuwe sheria kali kwamba hata ukiona mambo ya clashes ilikuwa very few leaders madam. I have been living here for the last fifteen years hata wakati wa clashes. Clashes ilipoanza siyo raia, siyo Wa-Sabaot, hata ukiona wale wazee wanaongea hapa wengine, ni wale wamekuwa paid kuja ongea, mimi sijaona baba mkongwe akija kukataa mtoto wake kwa sababu yeye ni kabila fulani. Kwa hivyo sisi tunapenda kama Wa-Sabaot wanaona hapa milimani ndiyo kitu ya maana sana, tungependa Commissioner waandike hivi, Sabaot wabaki na Milimn hiyo, Wakenya wengine pia wasije kukanyaga ardhi hiyo Majimbo ipate (inaudible) wakitaka kwenda laini ya Museveni, waende namna ya Mseveni na sisi tuende namna hiyo. Na sisi tuongee na Wakenya wengine sabau tunajua Msabaot anataka kwenda kusoma Kisumu, Nairobi, Mombasa. We need one another. Muhindi anajenga gorofa hapa, town yote ni Muhindi. Unaangalia Mbukusu, unaangalia Mwafrica mwenzako, kweli tunaenda mbele au ni kurudi nyuma. Hiyo ni kurundi nyuma. Kama mtu ana kitu ingine tofauti, mashamba ikitangazwa hapa unapata wale Wasabaot, mimi najua Wasabaot wale wa Kenya, wao nikutoka hapo kwenda Bungoma, tunandugu zetu Wasebei, sikuwataa wako, hata, Wabukusu wana Wagisu huko. Wajaluo sisi tunapakana na Lango huko. Hata Tanzania iko namna hiyo. Kweli hiyo maneno ya kuleta maneno mingi, leo tunasema East African Community, twende biashara mpaka Siam huko. Sisi tunataka tuwe Waafrika, tuowane, tununue mashamba, mimi ningependa Sabaot, ama wale wa kweli, Sabaot ni wale wa Sebei walienda, Serikali iko na macho yakupiga. Tutafute mashamba, tuulize Serikali kwa ile njia inatakikana, mtu apate shamba tufanye kazi tuinue economy ya Kenya.

Hapana sisi tena Waafrika kuja kugombanan hapa Bwana Commissioner so as you write take it hii material yako kidogo.

Uongozi, watu wanajua watu wanachaguliwa na nini na kura. Hiko Bii Edna Sang hapa juzi alisimama, akapiga yake, Wekessa akapat si ndiyo hyu tunaendlea. So let the kura, wacha debe. Kama hapana mimi nimeoa ningesema namna hii Sabaot, minasikia Sabaot muna tahirisha wanawake so kuzaa yenu inakuwa kidogo. Wacha kuhirisha wanawake halafu zaa. Haya hiyo ilikuwa mambo ya land.

Mambo ya Parliament na President, mimi ningeomba hivi, uchaguzi mimi ningeomba ikiweza iendelee vile imepangwa. Chenye inaleta taabu ni hiki, Powers of the President, ukiona leo Raila akitaka mjaluo anafikiri Raila akiwa huko watakula vile Kenyatta na Moi wamekula. I think that is coming to an end. Sasa powers za President na Government zipewe Tume, na hizo Tume ndiyo zinapeana appointment tuone kile kabila, Sabaot akuweko, El-molo akuweko, kila kabila isiwe, ati kabila fulani ndiyo D.C. peke yake ndiyo Chief yake. Hii ndiyo inaleta ukabila, hii Kenya sasa iwe Kenya. Mwingine anasema hapa hakuna Kenya, basi aende kwa Museveni because he must have a country, Uganda si Mganda. Ama akitaka kwenda Ulaya aende Ulaya na ajiite yeye ni Muryuropa.

**Com. Baraza:** Umemaliza?

**Fred Opindo:** Bado Madam.

**Com. Baraza:** One Minute.

**Fred Opindo:** Sasa hii one minute yangu Madam, mambo ya mashamba haya. Kuna watu wenye wamechukua mashamba ten times, unapata mtu ana 10,000 acres, anakuja Kitale anataka hamsini, tena anataka huku na wengine hata mahali yakuweka mchanga peke yake hakuna. All we want in Kenya about land sababu mimi specifically iko nyingi mtasoma, lakini I am dwelling on land. Tafadhali wenye wana mashamba kubwa waende wajenge ma plot, lakini mwana Kenya asiishi kama squatter. Mtu asikosie mahali, leo mtu akifariki, you don't know mahali pa kuweka kaburi. Tafadhali hiyo Commissioners nyinyi mngesema mpitishie hiyo na mengine tutazungumza kama wakati itatupa ruhusa.

**Com. Baraza:** You have a memorandum, if you will surrender then. Jackson Masai, utafuatiwa na Eliud Wanyama

**Jackson Masai:** Mimi kwa majina Jackson Masai, kwa hivyo Madam Commissioner kabla mimi sijatoa maoni yangu, ningependa nikujulishe kwamba nimeshangaa sana hapa, kwa sababu wakati M-Sabaot anaongea na kama kuna watu ambao wanafikiri wakipiga kelele ni kama nyinyio Commissioners hamutaandika hayo. Kwa hivyo mimi ningependa niwajulishe kwamba mimi ni Msabaot, lakini ni Msabaot ambaye nimesoma. Kwa hivyo wakati nimetoa maoni yangu, mimi nataka hata

wale wenzetu ambao wanatupinga huku nyuma wanyamaze kabisa na wasikize hii kwa sababu, sisi ambao tumesome tukija hapa , tumekuja kuja kutoa maoni na kuna watu ambaye tunaakilisha huko nyumbani pia. Kwa hivyo ikionekana kwamba sisi tumepuuzwa basi sisi tutaambia hawa sisi WaSabaot hatuna sauti. Ka hivyo mini ningependa nisema kwamba tuheshimiane kabisa kwa sababu hii ndiyo labda mara yangu ya karibu tano. I have been attending to several Commissions, during the Nyamweya Commission in 1997, we have been giving certain views and they have always been ignored such that even clashes which come, they are not caused by educated people like us but they are caused by people who are may be illiterate and if we the educated do not give them proper guidance. Then they will just cause a lot of problems.

**Com. Baraza:** Yaa you heard from me, I am saying keep quite and respect every body and we keep quite and give everybody a chance to talk. Now go ahead and do as you are doing.

**Jackson Masai:** Okay so, Madam Commissioner my first view is on the Commission, I have the feeling that your Commission is going to give a very good contribution, but my fear is that with the current debate which is going on in Parliament, perhaps we might not use the new Constitution. So my feeling is that I propose that your Commission should be added more months so that it continues.

Secondly on General Elections, I propose that if the stalemate which is going on continues, I propose that a transitional Government of national unity should be there, they should conduct an Election with minimum Constitutional Reforms and that one should be followed by one year after your findings are presented, if the Constitution is ready the General Election should take place.

Thirdly, I support Majimbo system, because when it is introduced it will cater for all of us, even the minority in Trans Nzoia here, even if we cannot elect an M.P. if we elect a Councillor we also feel we are represented somewhere, but if we are denied, we don't have Councillor we don't have an M.P., then there are a lot of problems.

Fourthly, on the Local Authority, I propose that the Local authority should be given more powers to run and develop their areas.

Fifthly, on the Provincial Administration, I propose that Provincial Administration should be replaced with elected leaders, such that instead of having a P. C. we should have a Governor or Similar to the system in Nigeria and other federal Government so that even the minority are represented.

And then the Sixth one is the one which is I know is very sensitive now, whenever people have been talking here may be some saying we are inciting others or so on. But personally I am an Historian and I feel that a permanent solution to tribal clashes and land clashes. We should actually do a number of things, I am aware, or you as Commissioners, the Carter Commission of

1932 and in 1932 there was a Chief called Chief arap Chessis and he was even living at Jolim up here. He gave his recommendations and it is clearly documented that parts of Trans Nzoia were originally for Sabaots. So it is due to piece of historical events, it happened that after independent when other people were getting land they were being settled by the Government, our Sabaots were not considered, because if you look at all over all these settlement schemes they are no Sabaots who are considered. So it is my feeling that the remaining ADC farms should be given to the Sabaots and our brothers who were settled since 1964 all the people who are behind me here they are sons of people who are settled, may be their fathers were squatters so they were settled. It is my feeling that the Sabaots should also be settled in the remaining farms so that they exist, we shall co-exist together. Under this permanent solution, I think you Madam you are aware you know the history of Trans Nzoia, Mount Elgon and Bungoma and I am sure you have read this book about the (inaudible) by Masila and there are certain discussion and recommendations which were even done by our countrymen. There was a time when in 1870 when Sabaots and Bukhusu fought. The Elders met and there was a peace-agreement which was made, the gentlemen are aware that was 1870. There was the (inaudible) war after the War there was an agreement which was it was decided that the Sabaots to live along the hills and the Bukhusu live in the lower areas. And that one continued until after independence. So after independence may be due to over population the Bhukusus broke the agreement and they managed even to buy land inside the Sabaots. So what I am saying there is that law about freedom of somebody, there is freedom of everybody owning land anywhere in Kenya so I am sure our brothers use that Law. But then I think it is illogical for me for example I am a Sabaot I go and buy land in the middle of the Pokots, where already I know they are very hostile to me and then after that I start asking for protection from the Government. So I think, because everybody has a right to buy land anywhere, but it is very sensible for you to buy land where you feel secure, so that you live there peacefully.

Otherwise I support my brothers who have talked about business and so on. Any body can carryout business anywhere. But for example if you go to a place you want to be a leader to ignore those people, when a Sabaot talks you are ignoring I think that one is very unfair.

**Com. Hassan:** We have taken that point.

**Com. Baraza:** Now take it from me, in this session the people who should matter to you are the Commission. If we are the ones ignoring you then you have a reason to complain. The rest should not be your business. All they need to do is to keep quite and listen. Target the Commission.

**Jackson Masai:** Another point, I think I, in Trans Nzoia here we have always been having problems when it comes to elections and as a Sabaots whether they are educated or not they also have a feeling that at least we should, well we have tried to elect one of our own but we have not managed, so with the current debate in the Parliament that may be they want to add more 90 Constituencies, I propose that another constituency be created in Trans Nzoia, specifically for the Sabaots whether somebody likes that or not it is something which will bring peace. It is better we have some arrangements so that we live

together, but if some people feel that they should have MPs in Saboti, Cherangani, Kwanza and when a Sabaot tries may be he gets about 15,000 votes a Bukhusu gets about 25,000 so with these 15,000 it is a big number and I remember in 1992 when Samuel Moiben was elected as an MP after the clashes at least the Sabaots felt that they were being represented and there was a lot of peace. But right now that our people, our Sabaots have been ignored, then you will find there is a lot of tension. Even our brothers they feel that whenever a Sabaot talks because I remember last year during the Njonjo Commission when we were at the Museum, when a Sabaot talked they shout him down and then we come home we feel like we are not in Kenya. So personally well there are some people that all Sabaots in Endebess here are from Uganda, but personally I have not even gone past Chepchoina. We are Kenyans. If there is a Sabaot who came from Uganda he went there because his parents were harrassed. They were harrassed.

**Com. Baraza:** Finish, your last point

**Jackson Masai:** My last point Madam, my last point is actually when were still on the solution to peace in Trans Nzoia and even in the whole country. There are certain commissions. There are Rueben Chesire Commission in 1964 and they talked about even the Sabaots in Mount Elgon being given some locations there. That one has not been done. Even right now, there is a feeling amongst us that Sabaot Constituency is so big. So they should divide it and we are given that area so Madam thank you very much.

**Com. Baraza:** Asante. That was Jackson eh, Eliud Wanyama, Madam ya what is your name? Eliud patie mama nafasi.

**Commotion:** (inaudible)

**Hilda Nabangala:** Madam Chairman, na Vikao hivi wananchi wenzangu, mimi kwa majina naitwa Hilda Nabangala. Mimi ni Mwenyekiti wa maendeleo ya wanawake katika Division hii. Maoni yangu ya kwanza ningependa Tume hii ipitishwe kuhusu watoto mayatima. Wale hawana wazazi wote wawili, sheria ipitishwe hawa watoto walipwe na Serikali na wapewe elimu kamili kama watoto wengine.

La pili, ningependa Tume ipitishwe ya kwamba wa mama wajane, wale wamefiwa na wanaume wao, wana nyanyaswa zaidi huku mashinani. Wangeleta hata Court ifikie sisi wananchi hapa chini, ili mama, mume wake akifa na mali yake kidogo kama shamba, ilindwe kikamilifu na awe na uwezo wakulinda hiyo mali.

La tatu, wamama wale wamenyanyaswa na wanaume zao, wanapigwa, najua huko Nairobi munaongea, lakini huku chini sheria hiyo haijafikia wazee wa hapa chini, wangali wana nyanyasa wa mama. Tungependa sheria ipitishwe hata Koti itengenezwe huku nyumbani kwa ma divisional level, mama aki nyanyaswa mzee aende kujibu kwa Korti.



Ya nne ningependa tuzungumze mambo kuhusu mashamba ya Trans Nzoia.

La tano Serikali ikija mpya ningependa Ma-Chief wawe wameajiriwa, wakati wa enzi hii walichaguliwa kutoka Nairobi, sisi hatuwajui, uongozi unakuwa mgumu, watuletea sisi raia wenyewe tuchague ma-Chief.

La Sita tungependa mashamba ile ilipeanwa kuanzia mwaka wa 1980 iwe abolished katika Trans Nzoia, kwa sababu mashamba haya imepeanwa kwa watu wageni na ilikuwa kama reward kwa sababu walikuja kufanya kazi fulani katika hii district. Na wananchi wa halali hawana mashamba, wamekaa kama squatter, wamekaa kama wageni katika nchi yao.

**Com. Baraza:** Maliza

**Com. Hassan:** Umemaliza?

**Com. Baraza:** Ya mwisho

**Hilda Nabangala:** Inginge, ningependa tu mashamba ya ADC yote ile ili peanwa Sian, ... Cholem, ChepChoina kwa sababu ilikuwa inapewa tu mtu yule yule moja, iwe abolished na irudi kwa Serikali, Serikali mpya itaangalia squatter halisi na apewe hii shamba.

**Com. Baraza:** Eliud, unafuatiwa na Christopher Kikwai

**Eliud Wanyama:** Nashukuru sana Tume kututembelea siku ya leo. Kwa majina ni Eliud Wanyama. Maoni yangu na haswa ya kikundi changu nimetumwa na nimeyaandika hapa, nitzungumza tu kwa uchache. Kwa upande wa Tume, kitu yenye ambaye nimeonelea kufanya marekebisho, marekebisho haya yasiwe ya kwamba kama wata maliza hivyo ni iwe hivyo bali baada ya miaka fulani, kwa maana watu wanaendelea kupata akili na kukua mpaka warekebishe Katiba tena.

Halafu jambo la pili kwa upande wa Serikali ana uwezo wa Serikali. Tusipewe tu mtu moja, huu uwezo ugawanywe kwa maana ninaposema hivyo. Uwezo huu uweze kugawanywa kama President asiwe above the Law. Yaani asiwe juu ya sheria lakini yeye na awe chini ya sheria,. Kwa maana ni mwanadamu yeyeote anaweza kosa, na aki kosa sheria imfuate.

Mahakama isingiliwe, iwe na uhuru. Mahakama isingiliwe na Serikali iwe ambao ni shirika lenye like huru.

Tume kama ya marekebisho naye isiweze kuingiliwa na mtu yeyote, iwe huru.

Tume ya uchaguzi iwe huru, kama hapa mfano, kama vile tumefanya uchaguzi hapa, mini naonelea ama na pendekeza ya

kwamba tunapo maliza kupiga kura, tumwage hiyo kura hapa chini ihesabiwe, sisi tujue ni nani wetu ambaye amepita.

Halafu kwa upande ya mashamba. Kwa upande ya mashamba nitaongea hivi. Upande ya mashamba title deed ikitoka isiwe inaandikwa jina tuu la mzee kama hata sasa mimi. Ziwe zinaandikwa jina ya family yote, mke na watoto kwa maana inafika mahali, baba anauza shamba watoto wanaanza kuhangaika na kuleta maswali kotini.

Upande wa mashamba kufanywe marekebisho hapo. Tuna I.D ya mtu badala yakuandikwa manamba ingine, iandikwe nama ya shamba.

Halafu kwa upande wa Uraia, raia awe tu na uraia moja, kama wewe uko Kenya use tu raia Kenya, usiwe raia Tanzania, Uganda kitambulisho kitatu hapana. Iwe tu na kitambulisho kimoja. Hata ukichunguza computer ya Uganda wewe huko uko wao tu Kenya.

Upande ya Elimu: Elimu iwe bure, ya Msingi hata ya Secondary kwa maan katika elimu ndiyo utapata kiongozi. Sasa elimu ikibakilia watu wa pesa peke yangu ndio unalipa karo, utapata watoto wa maskini hawaja soma na watapata viongozi baadaye.

**Com. Baraza:** Point ingine

**Eliud Wanyama:** Point ingine kwa upande wa uchaguzi wa viongozi ama Administrator, hawa wapigiwe kura, kutokea kwa Chief mpaka hata D.C. lakini cheo kama ya P.C. naona ziondolewe, sisi hatuoni kazi ya P.C. iondolewe.

**Com. Baraza:** Umemaliza.

**Eliud Wanyama:** Upande wa Hospitali. Hospitali kuwe na matibabu bure. Kwa maana wewe kama ni raia, inatakikana utubiwe kama nyuma awali lakini mambo yenye walileta cost sharing inafanya watu wengi wanakufa, wale wenye hawajiwezi kunua madawa.

Nakumazilia ni kikundi. Kama tumetengeneza kama community, mali yenye iko hapo Serikali inapotoa mali, mahali pale kikundi navyo viwe na share fulani katika mahali hapo. Isiwe tu Serikali inachukua kila kitu na wenyeji wa mali hapo wanabaki maskini.

**Com Baraza:** Okay asante, Christopher Kikwai,

**Christopher Kikwai:** Commissioners, siku ya leo siku ya furaha sana hapa Endebess kuwa na nyinyi na ningependa, actually I would like to give some few proposals that I have written in this paper here.

First, every Kenyan should be given a land of 5 acres.

Land selling should not exceed 20,000/- shilling. Land selling, if today I would decide to sell my land to my fellow friend or neighbour, I should not sell above 30 but a Kenyan himself should get a land free from the Government should not buy his own land. These are our resources.

Third resettling of the people, like landless people, Government should exercise its machinery but not through the politicians and Councillors who issue forms to people because this is people are malpractise or corruption in one way or another.

**Com. Baraza:** You said it should be done by?

**Christopher Kikwai:** The Government should give through the Ministry of settlement.

**Com. Baraza:** Okay go on

**Christopher Kikwai:** These Kenya is a hospitable country, despite these hospitality people should respect one another so that our country can prosper and go (inaudible).

Fifth, Kenya, in Kenya I propose that if we have Majimbo it will be better because Administration will be closer to people. Right now for an old man like me I cannot go to Nairobi to look for my APC support card the other side because from here to Nairobi is (inaudible) laughter.

**Com. Baraza:** Don't laugh let him make his submission. Don't make noise the machine is recording noise.

**Christopher Kikwai:** The sixth point is that in Kenya people are when you can be paid one thousand doing about six jobs which is not good one person one job, that will be good, because that will limit these corruption.

When I come to education that is seventh point. Education should be free from Primary to Upper class so that we can balance, we cannot have a very big gap between the rich and the poor. Poverty comes because if my son qualifies to go to University, I will be unable to pay the school fees then, you will find my son will remain at home.

**Com. Baraza:** Your last point.

**Christopher Kikwai:** The last point, a President should be given two terms

**Com. Baraza:** For how long?

**Christopher Kikwai:** For 5 years each.

**Com. Baraza:** Thank you Sir.

**Laughter**

**Com. Baraza:** Julius Sakong, take three minutes, utafuatiwa na Benson Kirui, Benson where are you?

**Benson:** I am here Madam.

**Julius Sakong:** First and foremost, I will talk about citizenship. There should be no dual citizenship in our country.

**Com. Baraza:** Sema jina

**Julius Sakong:** Sakong Julius. On the issue of citizenship, there should be no dual citizenship within our country.

Political parties, they should be limited to only four political parties, this one will (inaudible) are talking about. And the political parties should look for their own source of money should not come from the Public funds.

About the structure and systems of Government, I prefer Federal Government, actually all communities in this side do that. The MP should remain partisan and about leadership, the legislature, the person who want to be an MP should not be restricted or should be about 23 years and above.

About local Government the Mayor and the Council Chairman should be elected by the people themselves not by the Council. And they should be form 4 leavers. The Mayor should have some qualifications on how to manage, especially the funds. And those ones who are going to be in local Government should not have committed any crime. And the nomination of Councillors should be out, they should be reported by the people themselves.

About the electoral system and process, they should not be allowed to shift to another party especially the MPs that they should be shift from one party to another so that they can be nominated. They should remain within the party and if he is not nominated should remain as the one party do not shift from one party to another.

**Com. Baraza:** Your last point.

**Julius Sakong:** Last but not the least. On the financial aid, increase of any grant of institutions e.g. schools and colleges. The funds should be shared all upon the academic performance in all districts.

And also about the land the lowest person should have 5 acres.

Education also, the education should free to standard eight level and all secondary level every parent who is capable of educating each child and does not take the child to the school should be prosecuted to the Court thank.

**Com. Baraza:** Sakong thank you. Benson Kilui, unafuatiwa na Benson Gatamuka

**Benson Kilui:** Asante sana kwa Tume, mini ningesema...

**Com. Baraza:** Sema jina,

**Benson Kilui:** Majina yangu ni Benson Kilui Masandiko. Ningeanza na kusema ya kwamba Serikali ambaye inaenda kuundwa tuwe na Waziri mkuu ambaye atakuwa anatumikia Serikali na Rais awe tu kama mkaribishaji wa wawageni.

Ya pili hospitali tuwe na madawa yakutosha na pia tusiwe na ufiisadi, lazima sheria iundwe kwa wale ambao watakuwa wanaiba madawa wafungwe.

Wezi ambao watakuwa wanaiba mali ya watu kama mifugo na kadhalika, walipe hata kama ni pesa za Serikali lazima akishtakiwa alipe.

Serikali iwe inasimamia bei ya bidhaa za maduka kwa mfano sukari na kadhalika, kwa sababu miwa tunapanda hapa, na vingine ambavyo huwa vinaweza kupatikana katika nchi hii.

Starehe, mambo ya pombe ihalilishwe kwa sababu, kuna pombe zingine ambazo ni za watu wa nje na zime halalishwa watu wana kunywa na wengine hawa starehe vizuri, kwa hivyo sheria iundwe ili wananchi wa kawaidia ambaye hajiwezi kununua beer awe na kinywaji cha Kenya waraji.

Tuko na watoto ambao wako katika streets. Watoto hao wamebandikwa jina la chokora, sheria iundwe ili tupunguze hii, hawa ni kabila kubwa ambaye inaweza kutisha nchi kwa sababu wameanza kuwa wengi. Serikali iwatengee kama ni viwanda. Kama mahali ambapo ni maalum wanaweza kufanya kazi na kujifunza.

Mambo ya Majimbo kama itahalalishwa, tutapata ma-Chiefs wetu wale wa zamani kwa mfano kama Mumia na wengine.

Squatters lazima waangaliwe, Serikali inunue mashamba ambae imebakia na igawe wale watu ambaye hawajiwezi ama ambaye wale ambae hawana.

Ufisadi umezidi Kenya haswa kwa Court, Polisi na kadhalika lazima sheria iuundwe ili hawa watu wakabiliane tunpunguze ufisadi.

Kuandikisha wageni ambao wanaingia katika nchi hii lazima ichunguzwe na pia kitu itawekwa kama ni raia wa hapa awe na raia wa hapa. Lakini isihalalishwe mtu kutoka nje na kuja kusumbua watu.

**Com. Baraza:** Your last point.

**Benson Kilui:** Mwisho, elimu ipewe free na pia watoto waadhibiwe ili wawe na nidhamu.

Namilizia tu tafadhali Madam, mambo ya mazingira pia yalindwe kwa sababu ndiyo chanzo cha mvua. Lazima iwekewe sheria yakulinda mazingira. Asanteni.

**Com. Baraza:** Benson Gatamuka, utafuatiwa na Tom Mamati

**Benson Gatamuka:** The Honourable Commisioners, Ladies and Gentlemen, my names are Benson Gatamuka, na ningetaka kusema kwamba hii Commisioners imefanya vizuri kukaribia sisi hapa kwa sababu kuko n shida mbali mbali. Na ningeonelea ya kwamba wakati tunaongea habari ya budgeting in Nairobi or in Parliament, hawafikiri habari ya Trans Nzoia, kwa hivyo ningeonelea ya kwamba kitu kama production area kama hii yetu ambaye hii inasemekana ndiyo ghala la nchi ya Kenya tufikiriwe sana, sababu wakati wanaongea habari ya kahawa vitu vingine kule hawaongei habari ya mkulima mdogo ambaye analima mahindi area hii.

Tena number two ningetaka factory kama ya Kenya Meat Commission iondolewe Nairobi, hakuna ngombe tunakuwa Nairobi, na kutoa Ngombe hapa kupeleka Nairobi na unajua Nairobi ni gharama kubwa. Kwa hivyo nitafute ni process gani ambaye inalisha Ngombe kwa wingi hiyo factory iletwe pahali kama hapo. Tena ingine ni kusema factory inaitwa Unga Feeds hakuna haja yakupeleka (inaudible) yetu Nairobi ikatengenezwe, chakula ya kuku na ngombe na mahindi iko hapa ingine inapotea njiana. Kwa hivyo tungetaka factory kama hiyo itolewe headquarters ya Nairobi iletwe kama Trans Nzoia ili watu wale wako na vitu zetu za kupotea isipotee njiani na vijana wetu wapate kazi.

Ya mwisho ningetaka kusema ya kwamba we need people training colleges kwa kila district ili watoto wetu wakitoke pahali kama haphapana kwenda kuhangaika na kutafuta college na hakuna pahali yakupata. Kwa hivyo area kama hii ya Trans Nzoia

yote hakuna college hata moja. Vile tungetaka tena watoto wetu wakienda colleges wapewe free education huko kwa sababu wata kuja kauajiriwa kazi ili wakatwe mshahara yao baada yakufanya kazi. Thank you very much Madam Commissioner.

**Com. Baraza:** Catherine utamfuatia huyu, Catherine are you there. Sema jina halafu uendele

**Tom Mamati:** Majina yangu ni Tom Wakhungu Mamati. Niko na miaka hamsini na mine. Mimi mwenyewe nina maneno manne tu. Ya kwanza naomba Serikali ikumbuke sisi wasiojiweza katika kila huduma. Pia itukumbuke sisi katika local department ambaye wanaenda kuchaguliwa iweko na district council halafu iweke nasi viti. Pia hata na Bunge.

**Com. Baraza:** Na Local Authority? Ya kwanza ilikuwa local authority. Okay point taken.

**Tom Mamati:** Katika Bunge tuwe na kiwete ambaye anatuwakilisha katika Bunge yetu ya Kenya.

Sasa neno lingine na zungumza upande wa squatter, kusema kweli mimi nimekaa hapa, nina miaka hamsini na nne, nin watoto nane, na hata Serikali sione ikitambua kama mimi ni mwananchi wa Kenya kwa sababu haijaweza kunifikisha mahali ninatakiwa.

Mashamba ambaye imepeanwa mwaka wa sabini nane kurudi nyuma kulikuwa na mgawo mzuri, kuanzia sabini na nane kuja mbele hiyo mashamba (inaudible) Serikali imeingia halafu haingalii vizuri.

**Com. Baraza:** Point ingine.

**Tom Mamati:** Point yangu ya mwisho naunga kupunguza uwezo wa Rais. Kila moja aweze kufikia Rais kwa sababu yeye ni mtawala ni baba wa Taifa. Mimi yangu ni hayo.

**Com. Baraza:** Nanjala, unafatiwa na James Lengoi, James

**Catherine Nanjala:** Kwa majina mimi ni Catherine Nanjala. Mimi ningependa hii Tume iweze kuteua na kupea wa mama haki yao katika boma zao.

La pili watoto nao wapewe haki zao katika familia yao, sababu hii ndiyo inafanya watoto wengi huwa chokora kwa sababu ya wazazi yao kukosea kupea hao haki yao.

La tatu hata wa mama hao waweze kupewa mashamba, sababu kubwa wanaweza pewa shamba kwa jina la waume zao na mwishowe wanaweza kuwafukuza na watoto wahangaike bila makao. Na ni hayo tu.

**Com. Baraza:** James Lengoi unafuatiwa na Johnson Preto Masai, Masai hakupeana?

**Crowd:** Aliongea

**Com. Baraza:** Aliongea? Okay

**Interjection:** Niliandika natoka huko...

**Com. Baraza:** Wewe? Jina lako nani?

**Joseph Mjosi:** Joseph Mjosi

**Com. Baraza:** Okay unamfuatia huyu. Sema Jina

**James Lengoi:** Naitwa James Lengoi Arafat.

**Interjection:** Laughter

**Com. Baraza:** Ngoja aseme maneno yako.

**James Lengoi:** Katika maoni yangu, kwa upande yaku rekebisha Katiba ningeomba mtu anaitwa Mkasa apewe uwezo zaidi kuliko Chief. Hata kama inawezekana aweze kupata mshahara. Kwa sababu yeye ndiye anajua mambo ya kijiji kuliko Chief. Chief naye aweze kupigiwa kura na wananchi. Aweze kuchaguliwa na wananchi.

Ya pili, ni Msabaot apewe Constituency yake ingine.

**Com. Baraza:** Moja au mbili?

**James Lengoi:** Hata tatu. Ya tatu Msabaot ni mtu aliye pata elimu, ni wachache ndiyo wamepata elimu na kwa vile hawajapata elimu ningeombe hii Katiba wasiwanyanyase kwa sababu wanasema hawajapata elimu, wapewe haki yao. Hata Turkana huko, hata kama ajui Kiswahili lakini apewe haki yake.

Jambo la nne ninaomba yuke mtu ako Trans Nzoia, kwa sababu Trans Nzoia inajulikana kwamba ni ya Msabaot, ninaomba akae chini ya Msabaot, kwa sababu hatuna haja yakumfukuza Mluhya ama tumfukuze Mjaluuo lakini tunaomba tuu akae chini



yake.

**Interjection: Laughter:**

**Com. Baraza:** Please let him talk, let us have respect for people's views. Can we be assured of that please?

**James Lengoi;** Na pia Kenya hii mimi nikisema hivyo, katika Kenya hii makabila arobaini na mbili kila mtu ako na Wailaya yake. Mluhya ako naye Bungoma, Mjaluo ako nae huko Kisumu huko, na sisi wa Sabaot hatuna wilaya yetu ingine hapa. Nikienda kama Burret iko Burret, iko Kericho nini sisi wa Sabaot ni eneo ile ya Mt. Elgon peke yake, kwa hivyo naomba, sisi wa Sabaot tupewe Wilaya ingine tena.

**Interjection: Commotion**

**Com. Baraza:** Can you keep quiet let him make his submission. Sema ya mwisho

**James Lengoi:** Ya mwisho mambo ya forces, sisi hapa tumezaliwa mwingine ni mfupi, mwingine ni mrefu. Na pia hapa Kenya tunajua elimu kama elimu hata inapeanwa free, wengi hawaja soma, lakini vile tumesikia mambo ya points ikiitishwa wanasema C+ nakuendelea. Kwa hivyo mimi ningeomba hii forces zaidi inaangalia upande ya vijana, haiangalii upande wa wazee ama nini. Ningeomba hata yule ambaye amefika darasa la nane, aweze kupewa percentage yake hapo kidogo.

**Com. Baraza:** Asante.

**James Lengoi:** Nafikiria ni hayo tu. Mimi naitwa Arafat.

**Com. Baraza:** Sema jina

**Mfalme Josefai Mjosi:** Kwa majina naita Mfalme Josephai Mjosi.- Kwangu ningeonelea upande ya mazao kwa kuwa tunajua rasilimali ya mwanadamu kila jambo lolote linafanyika kupitia katika mchanga. Tunajua ya kwamba msemu unajulikana wewe mtaka cha uvunguni shari ainame. Wewe unaenda kuinama ulime mchanga bure kwa jasho yako lakini wakati yakufika kuuza ufisadi inatokea unastukia gunia ya mahindi wananunulia kwa bei duni kama shilingi mia mbili na wewe mbolea ulinunua kwa bei ya juu pengine elfu moja na mia tano. Sasa ikiwa liberalization yaani kuwe na upande ya, wewe mwenyewe kwa upande ya mazao yako upige bei. Siasa ambayo inataka watoe kwa Serikali.

Jambo lingine upande ya cost sharing wangekuwa kwa kuwa nimeona maternity wa mama wengi wameenda kuumia kwa vile tunatak hii maneno iofike nyumbani. Kwa upande ya matibabu tuweze kuna (inaudible) talented people ambae midwife,

kukuwe na colleges yakufika karibu kwa kina mama waweze kufanya namna gani kule Daktari kufikia hao jinsi ambayo wa mama midwife wanaweza kupigia mama. Unaweza kupigia mama anaweza kutoka nyumbani anakuja anazalia ndani ya gari na hapo unaona ni aibu kubwa sana. Lakini sasa tena upande nachangia upande ya matibabu. Hata hii ukimwi yenyewe inamaliza watu kwa ajili sisi tuna miji yetu ni dawa hata ukiingilia kwa bibilia Ezekiel 47 ukiingia mstari kumi na mbili inasema mti huu utakula matunda lakini majani itakuwa ni dawa.

Na tukiingia kabisa tukiangalia hii miti kuna miti ambaye ni dawa tukipata (inaudible) au hizi makarkana ikikuja karibu na sisi kuna wazee wa ujuzi ambae watafunza vijana na unaona hata tunatibu ma ukimwi ingine kama hii cancer maana hata nikisikia historia vile (inaudible) aliweza kuongea kulikuwa na moja ambae alikuwa mgonjwa mgonjwa upande ya cancer lakini alitaka kukata ku amputate lakini ikafikia mahali wakati alikuja kwako nyumbani ikaonekana kupitia kidogo, walitibu yeye na ikakuwa mzuri.

Jambo lingine upande ya mashamba. Upande ya mashamba kweli sisi tunaumia tuko wengi landless. Zile ambaye zinaitwa squatter wewe unawezaje kuwa squatter to erase we should abolish that one wewe uko kwa nchi yako shamba ikitolewa upewe free. Usinunue kwani wewe iko freedom na nchi yako.

**Com. Baraza:** Asante.

**Josephai Mjosi:** The last one kwa upande ya President asiwe na mamlaka awe chini ya Law. Maana yeye akiwa juu kila kitu ni yeye anaongea ndiyo itoke.

**Com. Baraza:** Johnson Masai

**Interjection:** Nipe muda kidogo, kwangu mbali sana, nataka niweke mimi hapa na zungumza, mimi hakuna maneno mingi sana.

**Com. Hassan:** Kuja. Jina lako

**Cherop Kipkurui:** Jina langu Cherop Kipkurui

**Com. Hassan:** Mzee nedelea, kama ukiwa na shida na Kiswahili ongea lugha yako ya mama wacha kijana wakutafsirie sawa. Uko na shida yakuongea Kiswahili.

**Cherop Kipkurui:** *Kamwa kile, chito agenge korichu, onget kile king'eten nee kikinee king'et ng'alek chu, beshonon*

*kingekwete bik ko kikekwet ng'olole kit age.*

**Translator:** Anasema kwamba ile tunajua ni maneno ambaye inajulikana kwamba kuna wakati

**Cherop Kipkurui:** *Kikikwet kampunishek ata?*

**Translator:** Kuna Kampuni walifukuzwa, kampuni ngapi? Kampuni mbili

**Cherop Kipkurui:** *Agenge.*

**Translator:** Walifukuza Kampuni mmoja

**Cherop Kipkurui:** *Choto kiche komach kampuni noton sikoimii ng'alek choton chon serkali. Kimoche kenai amunee si kekwet kampuni agenge kimoche kenai.*

**Translator:** Kampuni moja tu ilifukuzwa na inasumbua Serikali

**Cherop Kipkurui:** *(inaudible)... Omwoe ole amunee, omoche ates kei. Kimoche kele nenyon koret..... kimoche ketwai, acha.*

**Translator:** Mimi ni moja wa wale ambae tuliyo fukuzwa. Na kama kuna mtu ambaye anasema tulikuwa tunakaa na yeye aseme.

**Com. Hassan:** Ya pili point ingine sema

**Cherop Kipkurui:** Hiyo neno inaniumiza

**Com. Hassan:** Ndiyo tumesikia hiyo.

**Cherop Kipkurui:** *Achek ko kikemiose kikwetech echek chumbek, kikebe achek, mpaka sahi.....keweke ke kurech achek sebeiye.*

**Translator:** Tangu wakati huo tulipo fukuzwa tulipata taabu na sasa tumerudi nchi yetu, Na huko tukirudi ati tunaitwa ni wa Sebbei.

**Com. Hassan:** haya asante, weka sign kule

**Cherop Kipkurui:** *Ak ye kiomiten, kiometochikee korenyun en ye kiomiten ko momiten nguni omiten nyalil nemoche imbaret.*

**Translator:** niliporudi kwenda pole nilifukuzwa. Sasa hata saa hii niko taabani.

**Cherop Kipkurui:** *Ngokoswon ng'alek, ene o nyolili ke kweton?*

**Translator:** Muniangalilie hii maneno kwa nini ninahangainshwa miaka hii yote.

**Com. Hassan:** Haya sawa asante. Solomon Wasike, kama hayuko Philip Kasidi, Peter Wesike, nani huyo? Ngoja nikuite Benjamin Chemoss, William Mukoya. Harakisha dakika tatu.

**William Mukoya:** Thank you very much for listening to me. I think what I just got (inaudible) The first is the office of the President and I think here my own observation is that there must be treaming of powers for the President. For the powers of the President this office we should be able to treat the powers so that there is separation of the executive the Judiciary and the Legislature. This one actually we shall have a President with minimum powers and therefore we shall not need a Prime Minister.

When it comes to election, I think all candidates both Parliamentary and civic must be educated people at least people with basic education. And you know what basic education means at least form four and so on. The President's election should be separated from Parliamentary and Civic so that they run different on days. The President should also have a running mate that is the Vice President, the person who must also be upright.

The President should at least garner 50% of the total votes and if this does not happen then we should have a run up whereby the person who gets more votes.

**Com. Hassan:** I have taken that point.

**William Mukoya:** Okay, three you should also reduce the civic seats. So that we have a few civic seats which will be actually taken up by people who can be able to represent us effectively.

Education: the Government should provide primary education, free primary education i.e class 1 –8. It should also give

provisions that we shall need in school. The Government should protect children's rights. Rights to education, basic needs and also abuse by parents and others.

Land ownership: The Government should come up with a formula and at least whereby we can be able to find the best way of settling the squatters. Presently I think we have a problem and this what;-

One people who are given land must be really Kenyan citizen by birth

Two if there is land for sale then the land should come up so that the willing buyer will be able to buy.

And finally we should have provision free health.

**Com. Hassan:** Thank you very much. Dina Chereserem. Joseph Wanjala, Lazaro Wegundo, Alex, Patrick Bushendich, huyo ametoa maoni. Joseph Njau, Joshua Okumu, Meshack Nyisia, Evans Chengoi. Mwendwa, Simon, Robert Wafula, Steven Chemkoto, Patrick Naibeii, Kiptum Samwei Rotich, Simon Wasike, Ndiema Mrefu, huyu ametoa, Willy Kipsegei, Joan Wafula.

**Com. Hassan:** Anza na jina

**Willy Kipsegei:** Jina langu ni Kipsegei Willy. Nitazungumza kuhusu, uraia: Uraia ni kitu nzuri, ningependa ya kwamba uraia izingatiwe kufuatana na kuzaliwa kwake ambae wazazi wake ni wawili. Mama na baba na mama na baba wanakabila yao na hiyo kabila. Ma hiyo kabila ndani ya kabila hiyo kuna ukoo nyingi wanajua ya kwamba huyu ni mkoo fulani kwa hiyo kabila, kwa hivyo ikiwa kitambulisho itapeanwa yule ana haki kuumpa huyu raia ni wazazi wake kutoka kwa baba ingie kwa ukoo wake, itoke kwa ukoo kwa ile kabila.

**Com. Hassan:** Inginge hiyo tumefahamu.

**Willy Kipsegei:** Ndiyo, ili kupoteza, sababu kubwa ni kwamba tuondoe ufishadi. Maana mtu akitoka mahali kuja kupeana iole kitambulisho yule mtu anashika kitambulisho pengine anatoka nchi ingine anapewa kitambulisho. Anatoka Sudan anapewa kitambulisho. Ile uraia Lodwar inapotea na hile haki ya Lodwar inapotea kwa maana imeuzwa, kwa hivyo wale waliyo na kupwa haki kupeana hiyo kitambulisho wapeane hiyo kitambulisho pale pamoja na Serikali kuumpa muakilishi yao pale. Iwe wawe ni wakilishi wao.

**Com. Hassan:** Inginge wacha hayo

**Willy Kipsegei:** Pili ningependelea na pia kusema kuhusu lugha ya mtu. Lugha ni kitu pia ya asili ambayo hatununui. :Lugha ya

mama, kwa hivyo hii lugha ningetaka Serikali ikuze lugha yote ya Kenya. Ya kabilia zote za Kenya. Na itilie maanani kabisa kwa maana

**Com. Hassan:** Enda kwa ingione hiyo nimechukua.

**Willy Kipsigei:** Nataka mzungumze afya: Afya ya mwananchi ya Kenya inazoroteka kwa njia zote ile jinsi ninvyoona mimi pia. Kwanza kuna kitu kinachangia ukosefu wa ufahamu mzuri ambapo katika elimu ya sasa tumepata kujua, ya kwamba bila makingano mazuri pamoja na utamaduni zingine ambayo intufinya inafanya tukose afya. Kwa mfano tohara ya binti zetu ama kwa jumla hata wanaume. Ikilazimishwa kwamba tohara itumiwe, huyu mtu anaweza pata ugonjwa kupitia kwa vyombo hivyo na iwe kwamba tohara isimsaidie kitu. Ile ningepata badala yake apewe elimu, ili nchi iwe kimwili. Apewe elimu ambayo itmsaidiye maishani kuliko kumtahiri na kumuacha hapo tu. Kuna kitu sababu ilifanya mtu kutahiriwa, tahara ni alama tu yakuonyesha mtu mzima.

**Com. Hassan:** Ya mwisho

**Willy Kipsigei:** Kwa mtu akitoka katika elimu atakuwa ni mtu mzima sasa anaweza kuendesha mambo yake. Mimi natoka kwa makabila ambao wanafanya tohara, na maana ya tohara ni kwamba kumuidhinisha kwamba amekuwa mtu mzima.

**Com. Hassan:** Ya mwisho

**Willy Kipsegei:** Ya mwisho ningependekeza kuzungumzia pia ingawa kuna neno lingine ambalo ni mali ya Asli. Mali ya Asli isirundikizwe kwa Serikali kuu. Ingie katika Serikali ya Majimbo. Serikali yakupeana mamlaka ili kwamba mali ikitoka, ikiwa kuna kitu kimetoka Mt. Elgon, Mount Kenya au sehemu fulani hata ukichimba, tuseme gold iko mahali au mafuta yanachimbwa mahali, watu wa pale wafaidike. Wafaidike kabisa.

**Com. Hassan:** Ya mwisho, ya mwisho

**Willy Kipsegei:** Ya mwisho ni chama ambayo ningependekeza mimi, kitu ningependekeza ni kwamba Majimbo Serikali ambayo ingefanya kazi vizuri ijapokuwa si jina tu Majimbo, lakini madaraka yapewe ukoo, wa kila kabila ihakikishwe kwamba wamehusika katika utawala wa Serikali yao.

**Com. Hassan:** Okay asante sana. Sign hapo kwa register. John Wafula, Stanely, Chepkurui Cherop, Benard Kigoho, Abraham Sirim, David Wekesa,

**David Wekesa:** Niko

**Com. Hassan:** Ni wewe, okay, tafadhali tuharaskishe tuko wengi hapa.

**David Wekesa:** Basi Ma-Commissioners wetu na waliofika siku ya leo kwa ajili ya maoni ya Katiba, yangu ningeanza hivi:- Kwa upande wa Utawala tungependa katika kwanza kutoa maoni haya mimi nikiwa kutoka sokoni ningetowa maoni haya. Kiongozi wa nchi maana, yeye ndiyo anaongoza nchi na tungependa uwezo wake kama kiongozi wa nchi uwe na Bunge yetu ya Kenya kwa sababu tunachagua wale wabunge kwenda kule kuwakilisha wananchi. Sasa uwezo wa kutoa si yeye peke yake. Pia Bunge ipewe uwezo wa kuweza kuchagua mkuu wa jeshi, mwenye anasimamia mawaziri pia kusimamia pia Mkuu wa Sheria paomja na Mkuu wa Polisi. Hayo mashirika yote yasimamiwe na bunge. Mambo kama kusoma budget, wasiwachie Waziri mmoja peke yake kwa sababu Waziri hawezi kuwakilisha maisha ya watu wote katika nchi maana, yeye haelewi mambo ya watu wa Trans Nzoia, haelewi mambo ya watu Coast, huo wakati ya kusoma budget lazima wilaya zote zihusishwe, kwanza watu ambao watahangaishwa (inaudible) pamoja na wabunge wote.

Kwa upande wa Elimu, tungependa Serikali yetu maana tunaichangia ushuru waweze kufanya mambo yake elimu pamoja na mambo ya afya Serikali ihusike. Kwa upande wa elimu Serikali iweze kusimamia hasa sana katika primary na University. Upande wa secondary wazazi wenyewe waweze kujisimamia.

Kwa upande wa utawala: Kuchagua viongozi kama Wabunge, Ma-Councillors na Rais, tungependa pia iwe katika viwango vya elimu, kwa sababu katika maisha ya sasa, ulimwengu umeenda sana lazima kiongozi wa nchi aangalie kiwango chake cha elimu maana anweza kufika pale, kwa upande wa mbunge pia tungelipenda awe ni graduate. Upande wa Civic tungependa at least awe na form 4.

**Com. Hassan:** Haya endelea

**David Wekesa:** Na upande wa uraia, pia tungependa raia wa nchi awe ni mwenyeji kamili kwa sababu hata unaona hapa Trans Nzoia mambo ya uraia inaleta ujanja sana. Unaona inaweza kuleta hata watu wanaweza kupigana, iwe Serikali ya Majimbo ichague team yakuangalia uraia, kwa sababu kuna watu wanakuja tuu na kujiweka anasema mimi ni mwananchi wa Kenya.

**Com. Hassan:** Ya mwisho

**David Wekesa:** Ya mwisho ningelipenda juu ya Trans Nzoia. Trans Nzoia ni sehemu ya watu wengi ambao wanaishi, kabila zingine za Kenya zote out of 42 tribes 98% ni kabila zote za Kenya, na labda katika maoni yangu, wenzetu wanasema kwamba, wapewe district labda 2% out of a hundred per cent, unaona hawatakuwa na uwakilishi bora. Sisi tuapendekza Trans Nzoia ibaki, iitwe Trans Nzoia maana kabila nyingi za Kenya ziko hapa.

**Com. Hassan:** Okay asante.

**David Wekessa:** Asante sana.

**Com. Hassan:** Lenus Chemoko, Lenos Chemoko

**Lenus Chemoko:** Kwa majina naitwa Lenos Chemoko. Nasema maneno matatu tu sina mambo mengi kwa maana wamesema mengi. Kwa upande wa ufunguo wa silaha, Ningesema ibaki katika mkono ama cheo cha President. Ya pili, kama leo kweli nikurekebisha Katiba hakika katika Kenya yetu naona vile itakuwa, Bunge yenyewe inadaganya, wabunge wanapaka mshara mwingi, na ukipata watu kama Waalimu wako taabuni. Hasa kama Adult Education, ingawa hawana mishara na huku wanasema kuna adult education, hiyo mshahara upelekwe juu na wapate kumi na mbili elfu kama ulivyokuwa na Rais Jomo Kenyatta. Siyo mtu moja kula mia nne elfu na mwingine hapati kitu.

Tatu kwa upande wa wasiojiweza wawe na wakilishi kutoka nyumbani hapa, mpaka city, siyo tu kuiba huko city na wata hapa nyumbani hata hawajulikani. Ya mwisho wananchi wote wa Trans Nzoia ni ndugu, jambo la maana sana, wajenge sehemu ya wananchi na wasiwe na wasi wasi. Asanteni.

**Com. Hassan:** Asante sana, bwana Chemoko, sign hapo. Bathlomew Juma, mzee nachukua list kwa hivyo nitakuita kama uko ndani.

**Bathlomew Juma:** Asante sana Tume hii siku ya leo. Nami nina maoni tatu. Maoni ya Kwanza itakuwa Elimu, maoni ya pili itakuwa Majimbo maoni ya tatu itakuwa kwa squatters.

Kwa upande wa elimu ningependa watoto kutokea form 1 mpaka University wapewe loan ili wakimaliza masomo yao watapewa kazi. Nasema kwa sababu kuna wazazi wengi tunasomesha watoto.

**Com. Hassan:** haya enda kwa point ingine hiyo tumesoma

**Bathlomew Juma:** Tena ningependa hawa watoto, Waalimu wa U.T. warudishwe ili wazazi tusiwe na mzigo wakuandika Waalimu wale tunawalipa.

Kwa upande wa Majimbo, mimi mwenyewe ningesema Majimbo hatutaki kwa sababu Majimbo itachangia tena ukabila, kwa hivyo tutabaki kama kawaida, wa Kenya mahali popote wewe ni Mkenya. Lakini tukisema Majimbo italeta balaa wakati wa kuja.



La tatu squatters, ningependa hawa squatters, wanaitwa maskini, shamba ikitolewa wanapewa acre tano (5), lakini utakuta matajiri wanapewa tena kwa hiyo shamba ya maskini, acre mia tano, acre mia tatu. Na kama wangelikuwa wanapewa acre tano, tano, matajiri wenye wanapata mashamba ya maskini, ingelikuwa umaskini umepungua kwa hivyo mia tano wata gawa wengi.

**Com. Hassan:** Asante sana. Umemaliza siyo

**Bathlomew Juma:** La mwisho, wale watoto wamesoma, rushwa uondolewe, kwa sababu kuna watoto walipita vizuri mtihani lakini utakuta watoto wa D wameenda mbele kufuatana na rushwa wamepeana wanasongeza na hali watoto walipita vizuri wako nyumbani shauri hawana pesa.

**Com. Hassan:** Maurice Masinde, Philip Tet, Dickson Simiyu, Julius Naibei, Jackson Alisa. Dakika tatu harakisha

**Jackson Alisa:** Kwa kifupi sijui nitasema neno moja moja tu. Jambo la kwanza lazima Serikali ihakikishe kwa dhati kila mwananchi ambaye ni raia wa Kenya apewe ardhi bila kupendelea, wewe tu ukae sehemu fulani.

**Com. Hassan:** Hebu tunyamaze tafadhali huko nyuma

**Jackson Alisa:** Jambo la kwanza lazima Serikali ihakikishe kwa dhati kila mwananchi ambaye ni raia wa Kenya apewe ardhi bila kupendelea mtu au sehemu fulani.

**Com. Hassan:** Jackson usiweke kwa mdomo sana.

**Jackson Alisa:** Jambo la pili kuhusu elimu. Waziri awe na elimu ya juu zaidi. Waziri atakaye kuwa wa elimu. Pia Bunge lihusike ka maamuzi makubwa kusu swala ya nchi yetu halafu Rais ahusike kuweka sahihi na wala asikatae

Kuhusu afya, matibabu iwe bure kwa mwananchi, pia yawe na Waziri ambaye ni Daktari, yaani shahada yake. Pia mambo ya hospitali, yapitishwe na Bunge huku Rais akiweka sahihi yaliyo kubalika.

Rais awe Amiri Jeshi Mkuu na hayo mambo yote. Kuwe na Waziri wa Ulinzi aliye na ujuzi kwa mambo ya vita.

**Com. Hassan:** Ya mwisho

**Jackson Alisa:** Serikali, bunge pamoja na wananchi wahusike kulinda mazingira, bunge iwe ni suluhisho wa mwisho na Rais ahusishwe tuu kuweka sahihi, ingawa zote ziwe chini ya bunge Rais akihusika tuu kuweka sahihi hata hivyo kila upande uwe na

kura ya turufu. Ikiwa makubaliano hayako halafu, wananchi wahusike, ahusishwe kutoa maoni yake ili suluhisho lipatikane kisha kila upande ukubali swala. Rais atahusika kuteuwa Mawaziri na Wakurugenzi wa Company, kukiwa na tashwishi juu ya uteuzi swali libaki kwa bunge kwa haraka litoe uamuzi.

**Com. Hassan:** Wacha kusoma neno kwa neno jaribu ku-recommend

**Jackson Alisa:** nchi iwe na Waziri wa Sheria. Uhuru wakuabudu uweko lakini usiwe wakumudhuru mwanadamu kama mungiki na kadhalika na kadhalika. Ya kuwaua watu na pia kwa kuabudu kwa Kanisa yaani. Kuwe na bunge mbili, yaani bunge la wakilishi kama tuko nayo pia kuwe na bunge ya Senate, yaani bunge ya kutengeneza mambo ya Serikali kutoka kwa bunge wa wakalishi. Basi la mwisho, Chief, Chief kuanzia P. C. hadi Mkaza wawe wakichaguliwa na wananchi.

**Com. Hassan:** Okay asante.

**Jackson Alisa:** Vibarua, kuhusu vibarua kama kwa mfano bara bara na kadhalika na mambo mengine, tuombe usaidizi kutoka nchi za ngambo hata uingereza, hata nani isikataliwe tu ati tunatengeneza daraja na huku tunaharibu karibu.

**Com. Hassan:** Asante, Baraza Wafula, Edward Wafula Simiyu, why are you making faces and I was going to call you.

**Edward Wafula Simiyu:** Mimi naita Edward Wafula Simiyu ninaanza na Elimu. Kwa upande wa Elimu watoto wangesema free kuanzia Nursery mpaka form 3.

**Com. Hassan:** Hayo ni maoni yake tafadhali munyamaze

**Edward Wafula Simiyu:** Kuanzia Nursery hadi form 3 form 4 mzazi alipe,

Mali ya Asili kama National Park na Forests, mali ikitolewa na askari ya Serikali ikitaka kupeleka sehemu zingine kama kutengeneza rasilimali ingine ndani yake, wananchi wa sehemu hiyo wafaidike ndani yake. Mbunge, Councillor, inatakikana wawe na elimu ya form 4, wabunge lazima wawe na degree, Rais degree.

Uchaguzi nataka ufanyike kwa term mbili, miaka mitano mitano.

Kama kuna shamba la Serikali kama hizi ADC, inatakikana wagawiye wananchi wa Trans Nzoia ndiyo wanatakina wapate nafasi ya kwanza na wawe makabila zote ambao wanaishi hapa.

Mawaziri, ikawa kama kuna Waziri ambao amecheza rushwa kwa Serikali inatakikana bunge ijadili juu yake ndio wamufukuze. Pia kuhusu mambo ya clashes ya 1992 mpaka 1997 inatakikana Serikali iwalipe wananchi ambao walipata hasara kwa hiyo

mali, maana yake tunsahngaa Serikali ilikuwa wapi wakati clashes inaendelea. Kwa hivyo nilazima kwamba serikal;I ilikuweko lakini ikaweka shingo upande, kwa hivyo ninaomba Katiba ilioko iangalie hayo mambo, wananchi hasa wa Trans-Nzoia na Mt. Elgon na sehemu ya Bungoma ilihadhirika walipwe kitu kidogo kwa mali yao ambayo imeharibika. Pia sehemu ya Kwanza Division ya Kwanza, kumwekuwa na wizi wa mifugo kwa muda mrefu, Serikali iliokuwa kwa madaraka ilifanya nini mali za wananchi, ngombe za wananchi zikiibiwa? Kwa hivyo naomba ikiwa Serikali inaweza kulipa wale wananchi mifugo yao iliyoibiwa na wananchi, waliotoka nchi jirani na ni wanakenya wanajulikana, Serikali iweze kulipa hao wananchi.

Jambo la mwisho ningependa kuzungumzia juu ya madaktari. Hawa madaktari wame wa -nyanyasa wananchi. Ikiwa kama wewe mwananchi mdogo umepeleka mgonjwa wako hospitali na pengine huyu daktari alitumia madawa duni kutibu mgonjwa wako, na baadaye akifariki utatakiwa kulipa pesa nyingi. Kwa hivyo mimi naomba deni hiyo ihakikishwe kama wewe umepeleka mgonjwa wako hospitali na amefariki hiyo hospitali ipunguze gharama, asante.

**Com. Hassan:** Okay asante sana. Joseph Chesumbai, John Kisiero,

**John Kisiero:** Niko hapa.

**Com. Hassan:** Nilikuambia nitakuita kama umejiandikisha hapa

**John Kisiero:** Okay asante sana ni shukurani kubwa. Basi mimi ninasema ni asante sana kwa kunipa nafasi jioni hii. Basi maneno ambayo nilikuwa nimepanga ni kwamba wenzangu wamepitia pitia karibu zote, wamemaliza. Lakini sasa ambaye ninaweza kusema ni kwamba

**Com. Hassan:** Jina lako sema kwa microphones

**John Kisiero:** Mimi ningeonelea ya kwamba sheria itungwe imalizwe, ndiyo twende General Election. Hakuna haja twende General Election na hali sheria haijatangwa ikamalizwa, kwa sababu sheria ambayo tunatumia ni sheria inaumiza wananchi.

**Com: Hassan:** Ya pili

**John Kisiero:** Basi ya pili, ni kwamba nasema hivi hivyo mtu anapo retire katika Serikali hii, tunaenda kwa ofisi ya Rais Nairobi headquarters utakaa miaka mitano ukufe hujapata pension yako, kwa sababu sheria imetungwa makarani ambao wanahusika katika ofisi hiyo wawe wana angaliwa sawa sawa mambo ya TKK iwekwe kando. Mimi mwenyewe nimekuwa huko tangu 1998 mpaka leo 2002, nimekuwa huko ndiyo saa hii wanasema mzee rudi muda kidogo utapata haki yako. Kwa hivyo hiyo unamaanisha ya kwamba rushwa iko na Serikali itaweka sheria kali ambaye mtu aki retire na Serikali itaweka sheria kali ambaye mtu aki-retire achukue mwaka moja ama mbili kupata haki yake. Basi neno la kufuata ni kwamba, maskini ama

tuseme squatters katika area hii katika Trans Nzoia pahali nimekaa ni kwamba mashamba ya ADC kuwa inafanywa settlement na maajabu ni kwamba wafanyi kazi kutoka Kenya hii wanapewa mashamba na squatter ambaye yuko hapo anasahaulika, ajulikani kama yeye alifanya kazi katika area hiyoo.

**Com. Hassan:** Jaribu kutoa mapendekezo.

**John Kisiero:** Hiyo ni pendekezo tuu ingawa imesemwa lakini haijafiliwa maanani.

Basi la tatu ni kwamba mwananchi mdogo hajapewa uhuru kamili. Kwa sababu watu matajiri ndio wamepewa uhuru wa kukunywa wana pesa nyingi, lakini mtu maskini amenyimwa ka-pombe hiyo ambapo anafukuzwa na Polisi kama swara, pombe inamwagwa. Tupewe uhuru ya mwananchi akunywe kidogo kupatana na pesa zake, siyo kwa kuchukua mtu mdogo ati kwa sababu Kenya haitaki mlevi, ati sijui nini hapana hiyo ni njia moja yakuumiza wananchi wadogo ambao hawajiwezi.

**Com. Hassan:** Ya mwisho.

**John Kisiero:** Si mwisho sana ni kwamba upande maskini, watu wanafanya kazi kwa ADC kuna shida mtu akitoka Lodwar alitoka Mandera aliandikwa kazi wakati anafiwa anaambiwa abebe mwili apeleke Kitale, azikwe pahali pengine, na shamba hilo ni acre elfu tisa, elfu nne, elfu tano na kuna sehemu kubwa ambayo wanaweka set aside mtu akifiwa katoto kadogo wa mwezi sita nane azikwe tu kwa hiyo shamba ya shirika apewe nafasi, siyo kwamba ati agharamie, aanze kutafuta marafiki na nini huo si uhuru.

Basi ya mwisho siyo mwisho sana kwa upande wa elimu tumeonelea ya kwamba katika Trans Nzoia ambayo ina watu wengi sana na hatuna TTC tungependelea tuone St. Joseph badala ya Secondary iwe TTC, Teachers College ili tuwe na Waalimu wakutosha. Hatuna Waalimu wakutosha na pahali nimekaa mimi moja wa wazazi na tuna mzungu kubwa yakuandika vijana ambao wanaandikwa na PTA. Upande wakuishi tunavyo ishi hapa kuna wenzake walikuwa wasema mbele ya kwamba, hii ni land ya fulani ya fulani, ama ya Sabaot ama ya Bukhusu. No mtu yeyote katika Kenya, na Kenya ilipotawala ilisema ya kwamba italinda mwananchi. Kwa hivyo mtu yeyote ambaye amenunua kashamba yake amekaa Trans Nzoia, awe nani awe nani na alibahatika akapata kitambulisho na akanunua hiyo iwe sheria ya kwamba mtu huyo ni mkenya ataishi Kenya pahali popote hakuna pingamizi, hiyo itungwe, asante shukrani.

**Com. Hassan:** Stephen Busenei you are here?

**Stephen Busenei:** Jambo la kwanza ni kuhusu Katiba. Jina yangu ni Stephen Busenei ya kwanza ni Katiba. Katiba yetu iwe na utangulizi. Utangulizi huo ni kwamba uwe na maono ya kwamba, baada ya miaka ishirini Katiba iingaliwe upya kwa kuwa wakati huo tutakuwa tumekuwa na wale walikuwa na miaka kumi na saba na kwenda chini wamefika kuwa viongozi, watakuwa na mahitaji yao tofauti.

Jambo la pili ni kuhusu kilimo, sheria yakuhusu kilimo ni kwamba tuna liberalized economy japokuwa bunge iwe na kamati, kamati ilioko bunge ya kilimo kwamba waidhinisha ya kwamba iwapo kuna haja yakuleta mazao kutoka nje tulizo nazo. Iwe na support ya 55% katika Parliamentary Agricultural Committee, ili iitishwe kutoka nje kama hatuna, na tukiwa nayo jambo hilo lisifanyike.

Ya tatu kuhusu elimu. Shule ya msingi iwe ya bure na ya secondary ipate kushika kwa kiasi ambayo ni nusu ya yale yanayo lipwa kwa sasa. Na inapokuwa elimu ni ya bure katika kiwango ya Nursery mpaka darasa la nane, sheria itungwe kwamba mzazi atakaye kosa kupeleka mtoto kwa shule, awe na adabu, aadhibiwe na sheria.

Jambo la nne ni kuhusu mazingira. Mazingira yetu ni kwamba hata sasa vile tunavyo gawa mashamba, kuna yadi hamsini na mbili ilikuwa ikitoka mtoni kwa shamba ya kila moja naye pakana na mto jambo hilo iendelee kuangaliwa zaidi, ili tutunze water catchment pamoja na usafi wa maji.

**Com. Hassan:** Jaribu kumaliza.

**Stephen Busenei:** Jambo la tano ni kuhusu Judiciary. Dependency ya Judiciary iendelee kutiliwa mkazo na hata cases, cases zenye ziko Judiciary ziangaliwe na hata sentences kama ile ya murder, hanging should not be there should be replaced by life imprisonment.

The Legislature, Bunge. Mbunge ambaye anawakilisha sehemu awe answerable to the electorates na iwapo atakuwa amekosa kutenda kazi anaye tarajiwa kutenda katika constituency yake, the electorate wapewe the right to call him back.

**Com. Hassan:** Ya mwisho

**Stephen Busenei:** Ya mwisho ni kuhusu elimu yetu ya watu, adult education kwa kuwa nchi yetu inahitaji kufikia mwaka wa elfu mbili na tano, elfu mbili na kumi kila moja awe anasoma. ni kwamba Waalimu ambao wamehitimu wapate kuajiriwa katika idara ya adult education kwa hivyo vote yake ni tofauti.

**Com. Hassan:** Okay asante. Rotich, Mutai, Matayo,

**Vincent Kisachi Ndiwa:** Kwa upande wa utawala, mimi napendekeza iwe Serikali ya Majimbo. Offisi ya Rais ipunguziwe mamlaka, asiwe mbunge. Kama ni Rais awe Rais. Miaka mitano aende kwa miaka mitano. Vyama, na umri wa miaka thelatini na tano, hadi hamsini ikizidi hapo hakuna.

Bunge: Bunge pia miaka mitano, miaka kumi na nane hadi hamsini, kufika hapo hakuna.

Vyama. Vipunguke viwe vinne. Sababu hiyo naona inaleta utatanishi, inakoroga wananchi.

Offisi ya Chief, Chief Assistant Chief uchaguliwe na wananchi na pia kwa miaka mitano anaondoka. Pia Councillor ni hivyo.

Ma-squatters, siyo vizuri kuita mwananchi squatter. Squatter sijui ni mtu gani huyo, tunataka kila mwananchi Katiba ambaye tunatunga ihakikishe ya kwamba hakuna mtu anaitwa squatter apewe shamba. Ninashangaa mwaka wa 1998 Shirika la ADC, walitoa shamba ya share ya Chepcheina na Manager alichukuwa zaidia ya acre 200, kwa hivyo ningepomba hiyo mashamba irudi ili mbunge wa sehemu hiyo na Ma-Councillor sehemu hiyo, wafanye mpango maalum kwa sababu hiyo ilitolewa kwa njia ambayo haikupendeza sisi.

Elimu.....

**Com. Hassan:** Uko karibu kumaliza.

**Vincent Kisachi Ndiwa:** Okay sawa. Elimu iwe ya bure. Bursary iwe kwa watu maskini siyo kwa watu matajiri. Bursary haifikii watu maskini.

Kuajiri, kijana Serikali kama jeshi tuwe na Tume katika wilaya ambayo wakati wale Commissioner wa Serikali wale wanaajiri jeshi wawe hapa kwa sababu hatuna shillingi elfu ishirini ama thelatini yakutoa.

**Com. Hassan:** Ya mwisho.

**Vincent Kisachi Ndiwa:** Ya mwisho. Hospitali iwe za bure. Wazee wa mitaa wapewe mishara.. Pombe iwe tick kwa sababu hiyo ni culture. Mashariki ya forest na ADC kama bado wangali wajenge mashule. Asante.

**Com. Hassan:** Asante. Naibei, William Sigilai, wewe ni nani?

**Stephen Naibei:** *Naibei. Stephen naibei. Mwounee ng'alechu bo koroni chebo kwony ko kikipyei kikimoche kenya.*

**Translator:** Mambo ambayo inaleta matatizo kwa nchi hii ya Kwony ni kitu ambacho mpaka ilishagawanywa kitambo.

**Com. Hassan:** Akisema Kwon anamaanisha Trans Nzoia?

**Stephen Naibei:** *King 'et kotom kobwa musunguk, ki mimiten boishek chemangeny, ak...(inaudible)*

**Translator:** Kabla wazungu hawajakuja kulikuwa na mzee moja (inaudible) walikuwa wana kaa area hii.

**Stephen Naibei:** *Ki mi yu*

**Translator:** (inaudible) alikuwa area hii ya kati kati hii, mahali tuko

**Stephen Naibei:** *Kelenj Chemang 'eny kotebi Suam*

**Translator:** Chemangech aliambiwa abaki upande wa Suam

**Stephen Naibei:** *Kelenj lesit ng'eten kamukuiyo*

**Translator:** Na (inaudible) aliambiwa aende mpaka Kamukuywo

**Stephen Naibei:** *Kwo cheptei kwo pande kimasin.*

**Translator:** Cheptei alienda upande ule na (inaudible)

**Stephen Naibei:** *Kikiipichi .....(inaudible) ye loit.*

**Translator:** Mipaka imefanywa kitambo

**Stephen Naibei:** *Che itu ko karam.*

**Translator:** Wale wana sema hapa ni wageni

**Stephen Naibei:** *Koche borien serkalit nobo yu*

**Translator:** Ndiyo wanaharibu Serikali na mambo haya yote.

**Stephen Naibei:** *kong'olole agot siasa*

**Translator:** Wamekuwa wakiongea hata hapa kama kwamba wanataka ku... wanaleta siasa.

**Stephen Naibei:** *Ye takoim bik kou non, ko u non, kaikai kepe kotini*

**Translator:** Hawa wakikataa hivyo basi tutakwenda Kortini

**Stephen Naibei:** *Kekwaen chitab koroni.*

**Translator:** Sababu mwenye hapa hajulikani.

**Com. Hassan:** Asante sana. Asante mzee kwa hii maoni. William ...

**William Sigilai:** Kwa majina naitwa William Sigilai. Mimi ningependekeza siku ya leo, Serikali itakayo kuja iwe ni Serikali ya Majimbo. Na wananchi waelimishwe kuhusu hili neno Majimbo kwa sababu lina haribu mambo hapa. Hawaelewi. Pia Rais ambaye atakuja katika Serikali mpya awe chini ya sheria. Siyo wa sehemu hii au sehemu yeyote na ningependekeza awe mwenyeji wa sehemu hiyo.

Kitambulisho cha taifa na passport zikuwe zikitolewa bure. Kwa mfano mtu akizaliwa hapa Kenya kabla hajafika miaka kumi na nane hawezi kujulikana kama mwana Kenya kwa sababu hana kitambulisho. Kungekuwa na njia yeyote ile mtu akikuwa na miaka mbili. Ukiuliza mtoto miaka mitano wewe ni Mkenya hawezi kujitetea yeye ni mkenya kuwe na njia mtu akiwa ni miaka kumi na sita anajulikana ni Mkenya.

Mambo ya mashamba. Nafikiria shamba mwenye atakuwa na area kubwa ikuwe ni kama acre 500 na shamba ambayo atakuwa naye zaidi ya hiyo, hata kama acre mia moja na haitumii kwa mfano halimi, atoe kodi kwa hiyo shamba. Masomo kwa shule ya msingi yawe ni ya bure.

Halafu Defence and Intelligence sioni hapo Mbunge ya Rais sana. Pia matibabu yawe ni ya bure.

Sheria inayotungwa imalizike ndipo uchaguzi mkuu ufanywe. Serikali sheria iweke msahara wa mwisho ya wananchi. Ikiwa wananchi wanalipa hapa shilling kumi na tano kwa siku mpaka sasa, nafikiria Serikali iangalie ione (inaudible) idea in Kenya people are earning between one dollar iwe one dollar. Hata kama ni below 1 dollar lakini Serikali iwe systematic kama itaongezwa wajue wataongeza kiasi gani. Lakini mwingine hapa anakula shilling ishirini siyo sawa.

Kifungu cha kunyongwa kama adabu, kitolewe. Vyama vya siasa viwe viwili. Halafu niongeze kuhusu local authority na mambo ya kazi ya kitaifa kwa mfano, Waalimu, Jeshi na hiyo, iwe ni sawa ichukuliwe at district level. Lakini iko kazi ambayo si ya Serikali. Authority hapa, vile nimesema kama ingekuwa ni Majimbo vijana wengi hawangekosa kazi kwa sababu ingekuwa jimbo lao sasa inandika kazi. Tukienda office of labour iko na kazi.

Natural Resources kwa mfano National Park hii iko Mt Elgon hata hawatujengea shule moja hapa. Mti hii inauzwa inaenda



hapa kila siku lakini sijui huwa inaenda wapi. Hii mali ingine tungekuwa na authority ambayo ingekuwa unahakikisha mali inabaki kwa wananchi. Ni hayo tu.

**Com. Hassan:** Asante Bwana William. Kibet. Tuweze kuharakisha tafadhali

**Stephen Kibet:** Yangu ni maneno matatu, ya kwanza mimi napendekeza Serikali ya Majimbo. Ya pili hii mambo ya pombe iruhusiwe, kwa sababu mawili, ya kwanza ni hawa wanao wanyima raia wadogo pombe, hawa wanafaidika kwa pombe ya beer. Kwa sababu ya kwanza ni hii, pombe hiyo ilisomesha ndugu yangu kwa hali yaku iba iba mahali amekutana na Polisi mpaka akasoma aka pata kazi. Saa hii yeye anafanya kazi ya. . . . .

Sasa kitu kama hiyo naomba hivi iwapo Serikali ingeruhusu watu, kuwapa nafasi kidogo na iwape muda. Pombe hii ya busaa ifunguliwe kuanzia saa saba iendelee. Wasifungue chini ya masaa za kazi.

Neno la mwisho ni upande wa unyanyasaji kwa upande wa Serikali hii. Security, unaposhikwa nyumbani kwa pombe ukifika kwa Polisi, ikiwa wanaona hakuna kosa linaweza kukupata unaandikiwa kesi ingine. Kwa mfano mimi mwenyewe nilishikwa kwa kesi si ya busaa. Kufika hapo nilkwenda kotini na kesi gani ya kwanza nasema bangi, na mimi tangu ni zaliwe sijajua hata sijavuta sigara eti suspect. Ya pili wakawema nilijaribu kupiga askari. Hiyo yote sijafanya, nilijaribu kulilia OCS na wakati nilipelekwa kotini, niliumia, niliumia, anaitwa kotini hakuji, anaitwa kotini hakuji. Mara ya mwisho Magistrate akaita yule askari aliye husika na kesi yangu. Wakati nilimuza yeye maswali alishindwa. Akaambiwa mbona unaleta mtu anakuja kuumia ilhali hakuna ushaidi.

Na mwisho milima yetu hii tunaumia sana. Tunaomba Serikali atungeze vijana wa Milima hii kwa kuongeza kwa Home Guard sababu askari hawezi tolewa Nairobi na akajua njia za wezi hapa, kushinda mzaliwa wa hapa. Hata mpaka wa sasa wizi ikitokea hata ukuje kwa station upeleke ma askari hawajua lazima kuwe na wenye wanaongoza hawa. Nafikiri ni hayo.

**Com. Hassan:** Asante sana. Collins Omido, Ogutu Mak Odhiambo

**Ogutu Mak Odhiambo:** Mimi ni Ogutu Mak Odhiambo. Mchango wangu kuhusu Katiba ni juu ya uteuzi au uchaguzi wa Rais. Vile tujuavyo hapa Kenya, tuna kama makabila arobaini na mbili ambayo wameandikishwa ki-rasmi na ukitazama, kwa makini utaona makabila haya yana idadi ya watu wanaotofautiana. Kwa mfano tukichukua kabila ya Kikuyu ambayo tunajua ndiyo kabila kubwa, halafu tuchukue kabila ingine ndogo kama El-Molo. Sasa tukisema tunataka kumtoa Rais na tunampa kila mtu nafasi yakumchagua Rais wake, utakuta ya kwamba kabila kubwa inatoa mchango mkubwa kwa njia ya kura na ile kabila ndogo ina kura ndogo, kwa hivyo hawana matumaini hata siku moja kuweza kumtoa Rais. Kwa hivyo ningependkeza tuwe na Serikali ya Majimbo, tuwe na Bunge yenye chambers mbili na tuwe ile kinachoitwa cultural leaders. Sasa hawa cultural leaders waongoze kutoka sehemu zao na pili kila kabila iruhusiwe kura moja tu. Kwa hivyo tuwe na Kura arobaini na mbili za kuweza kunchagua Rais. Rais kama huyo atachaguliwa na atakuwa Rais ambaye ako very popular, maanake kati ya watu ambaye

tukimchagua na kura thelathini, huyo si mtu popular ili kwamba kusiwe na watu ambaye kuna advantage juu ya watu wengine ni hayo tu.

**Com. Hassan:** Asante sana. Simiyu Patrick

**Simiyu Patrick:** Asante Commissioners. Niko na maneno machache hapa. Ya kwanza nitaanza na wajumbe, naona jukumu ya wajumbe na iwe ya (inaudible) Na mambo mengine ni ya D. C. ya referendum. Tunasema hivyo kwa sababu majuzi siku hizi wajumbe wakiwa kule bungeni na wakiamua kitu kwa dakika thelatini wamepitisha na wamepewa. Na inaweza fika mahali hata wakitaka pengine kusema kile kitu kiko Kenya yote ni yetu, wataweza kupitisha na watachukua.

Ya pili ni mali ya asili, unajua hii nchi yetu imekumbwa na umasikini mwingi na kuna watu wachache wale wako na udongo na mambo mengine. Tunaomba tafadhali mali na iwe taxed. Na huu ushuru ikuwe ile inaitwa direct tax na huu ushuru ungetolewa kwa hili eneo na uende uwe kwa district level. Pengine kiasi kidogo tu ipelekwe kule.

Neno la tatu ni kuhusu elimu. Iwe jukumu la Serikali kutoa ushuru kwa raia na wakiweka huo ushuru wakiweka huo ushuru kitu ya kufanya maendeleo. Iwe tu jukumu la mtoto kuondoka nyumbani na kwenda shuleni. Iwe Primary na ikiwa secondary iwe jukumu tena ya Serikali kuona ya kwamba mahali popote yeye anaishi anafanya maendeleo ya Serikali na kama mzazi yule ameshindwa, apewe bursary. Na bursary hiyo iwe assessed kule distric headquarters, siyo ile inakuja kuwa assessed na wale watu kule chini halafu wanapewa tu wanaenda.

Jambo lingine ni muundo wa Serikali. Tunapenda Serikali iwe na President, Prime Minister, Wajumbe, Local Government kuwe na Mayors, Mwenyekiti na hawa Councillors na tena tuwe na wale wazee, wale wanaweza kuwashauri hawa Ma-Councillors, Wazee Committee Organisers.

Mambo kuhusu Rais, unajua tumekuwa na vyama vingi sana na wengine tu wameambiwa kuwa viongozi wa vyama hii na pengine waweze kuenda kule ngambo na wapewe pesa kuja kuwadanganya, nafikiri pengine na ningesema wewe ukiwa kiongozi wa vyama ukimbilie tu uRais, tu (inaudible) na wengi sana. Lakini inaweza kuwa njia ingine bora ya kupunguza wale watu wanaojtolea kwenda kuunda vyama hapa na pale.

**Com. Hassan:** Ya mwisho

**Simiyu Patrick:** Ni hayo tu.

**Com. Hassan:** Okay asante. Otiende Kidawa, J. K. Kamurop

**Otiende Kidawa:** Asante sana kwa ma-Commissioner wetu ambao walichaguliwa kwa mambo kuhusu Katiba, mimi yangu ni kwamba, maoni yangu, karibu maoni manne ambaye tunaona area hii ya Trans Nzoia tena kwa jumla imenyanyasa. Kitu cha kwanza hatujaona uhuru, hatujui uhuru kwanza. Na kitu ambacho kinaitwa unyonyaji kati ya wafanya kazi. Wafanya kazi wa Trans Nzoia wana shida kubwa na hao kutoka kwa mishara mpaka kwa kazi. Ningelipendelea maoni yangu, upande wa wafanya kazi, Serikali ambayo inataka kutunga Katiba ifuatwe kikamilifu na iwe na uchunguzi. Wachague viongozi ambao wanaweza kuchunguza mpaka ndani ya ma kampuni zile ziko kwa kazi ya ma-town. Wajue wafanyi kazi wanalipwa mshahara kwa njia nzuri. Tunasema ya kwamba tunataka kuangamiza umasikini. Umasikini umekaa hautaangamia kwamba wafanyi kazi wananyanyaswa, hawana mshara yakutosha, watoto wadogo kama wa hali ya chini hawajiwezi kusomesha mtoto hata afike form 4. Watoto wengi Serikali inatuambia wasi lale kwa maboma, lakini inapatikana hatujui tutumia njia gani ili watoto wasiwe wajinga.

**Com. Hassan;** Tueleze, tueleze, toa mapendekezo mzee

**Otiende Kidawa:** Sasa mapendekezo yangu ni kwamba wafanyi kazi wakipewa mshahara. Yaani Serikali ikitoa mshahara itoke kwa wakuu wa Serikali wote mpaka kwa mfanyi kazi kiwango ile stahili na itolewe. Na pili Serikali ningependa maoni ya wafanyi kazi, wawe na saa nzuri. Saa yakutoka saa moja mpaka saa kumi ama saa tisa inanyanyasa wafanya kazi. Tuwe na saa mzuri ya mabadiko ambaye ni yakuinua wadogo naye wajisikie tunafanya kazi kwa njia mzuri na wafurahie, wafike saa saba Jumamosi watoke, Jumatatu mpaka Ijumaa wawe na nafasi hata watu wakwenda Kanisa ya Seven Day, wapate kwenda Kanisa.

Ya tatu ni kwamba tunasema haki za watoto. Tuwe na haki za watoto za ukweli. Haki za watoto zitoke kwa area mpaka shuleni. Walimu wetu wajue tunawatumia watoto hawa na ndiyo wanawapa kazi na wawe wakitumia ukweli na haki kwa watoto. Watoto wasinyanyaswe kupigwa na hata mtoto anaweza kuumia na anaweza kuumpa mzazi taabu yakuweza kutibu na mtoto anaweza kufa na hakuna hatua yeyote ambayo utasaidia.

**Com. Hassan:** Umemaliza? ya mwisho

**Otiende Kidawa:** Swali ya mwisho ni kuhusu afya. Upande wa afya, upande ya afya tunaomba Serikali ikumbuke ambaye tunataka Katiba inyoroshwe upande ya afya ugonjwa. Mtu anaweza kwenda hospital hana pesa na inatakiwa awe na pesa ndiyo atibiwe na mtu anaweza kufia hapo hachukuliwi hatua yeyote, je siku hizi watu wamekuwa wengi sana ndiyo mnataka tufe tupungue ama ni nini?

**Com. Hassan:** J. K. Kamoron hayuko, Dickson Kariuki

**Interjection:** Bwana Commissioner, umeita jina gani hiyo?

**Com. Hassan:** J. K. Kamuron

**J. K. Kimuron:** J. K. Kimuron

**Com. Hassan:** tutakuita hata wewe.

**Dickson Kariuki:** Dickson M. Kariuki. It is a pity that today Constitutional Review Commission is not enshrined in the Constitution it is meant to amend, which itself is a very risk (inaudible) history of Probes and Commissions in Kenya (inaudible) Before even the hearing you should have pressed for the enshrinement. The very Constitution that is threatened (inaudible) So the will, the vision and the aspiration of Kenyans is not as satisfactorily expressed in the first chapter. The requirement of 55% majority in amending the Constitution is very low hence it can be attained to change the Constitution even for partisan parochial or authoritarian reasons. I would suggest the right to 75% majority to safeguard the document against unnecessary changes. The clause that protects the sitting President from prosecution that he is above the law should be changed to allow for impeachment in the case of malpractice while in office. Similarly present Presidential powers over Parliamentary sessions and calendar should be the preserve of the very legislature. The power of the President to appoint senior officers e.g. Ministers, Judges and Parastatal heads, should be subject to endorsement from Parliament. In addition to gaining the majority vote a President should be required to at least make more than 51% of total votes polled or a run off call incase of all the candidates failing to get 51% mark. Each Presidential Candidate should name his running mate. A boundary should be district between the Government and the ruling party, e.g. party functions and Government functions should be delinked. A fee should be surcharged should the present party when Government faciliy or Personnel in Presidential entourage are divided into party functions to enhance a level playing ground.

The Provisional Administration is an irrelevant entity and we can do without. If the local councils were empowered and given administrative issues and unlike the implication of laws between the administrators and Councillors where a D.C. can overrule a Council's resolution. In line with this the head of every council should be a representative in the senate otherwise, why should we be electing ineffective Councillors. The vote should be by direct voting where the member of Parliament should be re-introduced where the upper house should put more checks and balances on bills especially on their effect morally and ethically. The very Parliament should be in control of the its own polling date and it should be fixed in the Constitution e.g. like 29<sup>th</sup> December after every fifth year.

**Com. Hassan;** Summarise the points now

**Dickson Kariuki:** Okay. Kenyans should create the highest Court in the land then Supreme Court, which should be the final arbitrator. Judges should be vetted by Parliament after appointment to ensure they do not have sectarian (inaudible). The role

of the Attorney General should be defined either he remains in the Judiciary, Executive, or Legislature and not all. To pave way for the real separation of powers of the three cardinal institutions of Government.

Kenyans should communicate all declarations and conventions on human rights debate per International or regional bodies.

Freedom to associate should be seriously regarded to ensure all demonstrations, processions and marches are free, so as aggrieved voices are heard. Also victims of other state brutality should be condoned.

**Com. Hassan:** The last one

**Dickson Kariuki:** There two last

**Com. Hassan:** The last one, don't read word for word

**Dickson Kariuki:** The right to the consent of prosecution should lie with somebody else other than the Attorney General. Say Chief Justice and when the Attorney General is in Court cases he must give reasons and grounds beyond probability, that he might be acting impartially or intimidation. If this was effected war on corruption will have been declared.

Last should be the preserve of the Local Council when they will be empowered unlike the patronage ... of issuance presently. Criteria should be sought on who genuinely deserves land it should not be reward for loyalty.

**Com. Hassan:** Okay thank you very much. J. K. Kamuron

**J. K. Kamuron:** Mheshimwa, Commissioners yangu ni machache. Mbili tu. Kwanza mimi ningependekeza kwamba, Katiba ya sasa iwe na Lower House na Upper House. Mheshimiwa Commissioner, nataka kuwe na Katiba ya ku-rule kuwe na Vyama vinne au viwili. Hivi vyama vyote arobaini na mbili hii sasa kila mtu anabaki nini. Bwana Commissioners mimi ningependa kama kutakuwako na Majimbo, kama iko Lower House na hiyo iko sawa. Majimbo iwekwe katika laini. Mheshimiwa Bwana Commissioners, jambo lingine ni Ardhi. Kitu kinaitwa Ardhi nataka mtu amiliki ardhi kubwa, kubwa kushinda kiasi cha acre mia tano katika Kenya, ile mtu iko na ardhi kubwa. Lakini ardhi ni kutoka acre moja, nusu acre mpaka nakufikia acre hiyo. Bwana Commissioners upande ya Administration, Ma-Chiefs na Assistant Chief nataka wachaguliwe na raia baada ya miaka kumi. Hapana miaka tano. Kama kazi yake mbaya, anatolewa hapo. Bwana Commisioners.

**Com. Hassan:** Jaribu kumaliza mzee

**J. K. Kamuron:** Na maliza karibu si unona mimi sina kartasi ile yakupenduwa. Bwana Commissioner habari ya afya ya watu. Afya ya watu hiyo watu wote wanazikwa kaburini, hawa watu ni maskini hawana pesa za matibabu. Dawa inakuwa ghali,

magonjwa mengi. Kwa hivyo nataka Serikali ichukuwe nafasi hiyo tafadhali. Ichukue jukumu hiyo ya afya ya watu yake. Bwana Commissioners, yakumaliza ni Elimu, Serikali ichukue nafasi ya University, ndiyo itakuwa sehemu ya Serikali. Serikali itowe bursary kwa hii class ya form four, kuangalia hapo, halafu isiwe mzigo kwa wazazi. Mheshimiwa Commissioners, mimi nafikiri yangu nina sema asante sana, Mungu awabariki kwa hii kazi mumepewa.

**Com. Hassan:** Asante sana. Lawrence just summarise the points don't read it

**Lawrence Chemaron:** Iam going to be very brief.

**Com. Hassan:** you understand don't read word to word

**Lawrence Chemaron:** Thank you very much. Commissioners, mine is to

**Com. Hassan:** Your name

**Lawrence Chemaron:** Lawrence Chemaron. I have four complete issues.

One I am recommending Federal System of Governement.

Two a serious review of basic human right, particularly for the minority tribes.

Three Land and Property Rights Review, a serious review of Land and property Rights as far as the minority tribes are concerned.

There should be no thread of doubt that the Constitution Review Process would be half baked and incomplete without incorporating the filing of the Kenya Judicial Clashes inquiry 1998/99 and the Commision of Enquiry into the Land Law System of Kenya.

That is the paragraph I said I will very brief.

A likely solution to the Land Clamour shall not be valued if the issues raised are wished away as a Kenyan cry.

And to wind up Commissioners, if you are not aware of the history of this country this area you will get it here. Thank you very much.

**Com. Hassan:** Anza na jina lako.

**Alex Munji:** Jina langu ni Alex Munji. Mimi nitaongea kuhusu Katiba yenyewe. Katiba hii ya Kenya mimi ningependa because of the current Constitution is not established na hata hajjafanunuliwa vizuri. Sasa mimi nasema, the language of the Constitution should be simple for everyone, for every individual to understand from the primary level.

Two, I will speak also on Education. Education should be free from Primary to Secondary then sponsorship should be there, so that after school people are given jobs to pay. After being given the jobs they will be serving the Government because they are paying.

Three economy, uchumi nimeona umekuwa na shida kwa sababu wameaacha watu ambaowangeweza kuamsha uchumi, wamewaachwa nje. These people are left out. The common man should be in the scene, the administration from the district level. Now uchumi ukiletwea msaada ukija huyu mtu wa kawaida kutoka local, aelewe kwamba huo msaada umekuja kwa mtu wa kawaida na utafanya nini. Kuwe na kitu kama Committee ambayo itashugulikia haya mambo, lakini wakiwachia district commissioner, D.O., sababu wakipewa pesa hizi wao wanajifanyia and this common man will continue suffering wataambiwa waendeleo kuishi pale pale.

**Com. Hassan:** Umemaliza, maliza

**Alex Munji:** Good security hawa maaskari wetu wa zoezi lakini the problem is wananchi hawaja fundishwa kazi ya askari, kwa hivyo mtu akitoka kule Kiganjo, anakuja ku-molest hawa watu wanao vunja vunja, bila hawa wananchi kujua kwamba right yake inafika wapi. Kwa hivyo rights zielezewe kwa wananchi za askari na pia wananchi wenyewe. Hata mwananchi hajui kwamba anaweza ku-arrest askari.

Kuhusu Culture, Culture yetu ni nzuri sana, lakini ingepaswa kuwekwe Law ambayo kila moja ataelewa culture yake ya Kenya.

Kwa mfano Kiswahili kiwe ni lugha ya culture yetu kwa sababu ni lugha ambayo kila moja ajivunie alipatia (inaudible). Nafikiri yangu nimemaliza hapo.

**Com. Hassan:** Asante sana mzee.

**Gibson Mandeno Kibor:** Kwa majina ninaitwa Gibson Mandeno Kibor. Yangu ni machache tu, siyo mengi sana. Kwa upande wa Katiba, mimi nina pendekeza Katiba ya Majimbo. Ndiposa niseme namna hiyo, mimi saa hii nina miaka mingi zaidi kidogo nimezaliwa hapa Kenya. Na nilipoanza, nimeanza na Majimbo yenyewe sababu niliposanya sanya hii mambo ya ma Katiba ingine ambayo imefanywa hapo, nimesanya mpaka ikakuja kitu moja. Sasa mimi naona mambo ya Majimbo ina maana sana, na ikiwa kama sasa tutaweka hii mambo ya vyama. Tafadhali iwe ni vyama viwili. Isiwe tatu na niwache useme (inaudible) hata kwa maneno yenyewe tu kuna maneno ya uwongo na ya ukweli .Na niwache niseme habari yake. Vyama

vingine wakitaka kupinga Serikali ikitaka kuanguka wasanye wote kwa chama moja na hii ambayo ni Serikali ambayo inaongoza ndiyo sasa inapingana tunaingia kitu inaitwa tug-of-war. Tukija kwa mambo ya elimu, nilikuwa nikisomea slate saa hii mimi ninaumia sana kwa mambo ya karatasi, sijui kama ingekuwa namna gani hii mambo ya ma slate iletwe.

**Commotion:** Laughter

**Commotion:** (inaudible)

**Com. Hassan:** Slate ni nini?

**Crowd:** Ni kama blackboard, unaandika na chokaa halafu unafuta.

**Com. Hassan:** endelea, endelea mzee.

**Gibson Mandeno Kibor:** Okay. Tukiingilia mambo ya Wabunge tafadhali sana. Mungu hakufabya vibaya halafu aunganishe sisi kabila zote arobaini na mbili, kila saa tunaongea kusema ya kwamba kabila arobaini na mbili lazima masharti yatungwe masharti ya Tume (inaudible) kimsingi. Aliona mbali sana, Mungu aliona mbali sana ndiyo tukasanywa tukakuwa watu arobaini na mbili. Hata hiyo Bantu, Nilotic and so on. Tuendeleo mbele kidogo, naomba hapo Mungu sana nikisema, hapo kila mtu apate taa yake ambayo inangara wapi kwa Parliament into Majimbo. Tukiingilia mambo ya soko, tembelea upande wa Trans Nzoia ama Mount Elgon, hapa Mount Elgon hata soko ya mbuzi peke yake tu ni ngumu. Katiba naye iangalie sisi watu tumesahauliwa. Majuzi tu nidyo tumeletewa kitu kama mjengo hata tunaonelea hii mjengo ambaye inajengwa hapa. Mwingine anaongea hii mambo ya ng'ombe, hata hatuja kuwa na kitu kama hiyo, hata ya unga peke yake ambaye tuna pikia mandazi wapi, iko wapi. Na zamani mimi nilikuwa na soma nasoma na kulikuwa na timetable ya radio ambayo ina communicate. Siku hizi hata sioni kitu. Kulingana na kwetu hapa tena kulikuwako na mambo ya Kanisa ilikuwa imechanganywa na timetable ndani kule. Saa hii madhehebu mengine hata baada ya watoto tu kufunga wanakuja wanachukua watoto hata mtoto hawezi kujua hata maslahi ya mzazi yake peke yake. Hata kitamaduni hajui, sasa anaanza kuingilia mambo mengine tu mpaka hata. Ningelisema hata hii Katiba irekebishe mambo ya madhehebu, sababu wamekuwa too much. Unaona mambo ya Mungiki.

**Com. Hassan:** Ya mwisho

**Gibson Mandeno Kibor:** Haki kama ni mwisho kama hii mambo ya chokora, sijui kama, chokora ni changia chokora mpaka kwa kiwete ni kama hawa kidogo wasaidiwe, nikimalizia malizia nitakuja kitu ya watoto ambao wameelimika kidogo, ambao wamepata masomo. Kungekuwako na kitu kidogo ambayo inawaidiwa kama wamemaliza kama hawajapata kazi, wawe wanapata marupu rupe kidogo, ili wasije wakakuwa tena wezi. Nasema asante kwa hayo madogo.

**Com. Hassan:** Tunataka kuwacha hapo bwana, wacha tuwapatie dakika mbili mbili, one, two, three, four, five basi



**Francis Kangethe:** Mimi ni Francis Kangethe. Merger non partysm, mara nyingi watu wengi wamekuwa wakiwa katika hali ya kuzozana kubishana, kuna wengine wakiwa tuseme ya kwamba hawa ni kwa sababu ya wingi ama uchache wao. Ama hata watu wengine wa ma Kanisa ambayo wanakataa kushiriki mahali popote katika Serikali wakidhani ya kwamba hawa. Serikali yako iko.....(inaudible)

**Commissioners:** Weka microphone mbali na mdomo kidogo

**Francis Kangethe:** Inge ni kwamba wakati watu wanafanya kura, wanapigania kura, wakati watu wanafanya siasa Serikali ilete hali ya T.V ama ma redio watu wawe wakishiriki siasa katika T.V. na video kwa sababu ya ili ku-ease the problem of skirmishes and (inaudible)

Inge uhuru wa kuabudu, uhuru wakuabudu, watu wengi, tumesikia watu wakilalamika ya kwamba, kuna Devil worhsippers ambao wanaleta mambo ya kuchoma mashule, kufanya nini, maajali bara barani na kadhalika. Sasa ningelipendelea hiyo freedom of worship ibadilishwe.

Inge ni kuhusu .....

**Com. Hassan:** Ya mwisho

**Francis Kangethe:** Inge ni kuhusu umiliki wa ardhi, tungelipenda mtu wa kiwango cha chini sana, kwa sababu tunaelewa ya kwamba hakuna mashamba ambayo yamesalia kwa watu. Hakuna mashamba yakupea idadi mzima ya Kenya mzima, kama kuna nafasi yoyote yakupeanwa mashamba watu wawe wakipewa acre moja, acre mbili na nusu na mtu wa juu zaidi kwa sababu hatuwezi wakatwalia wale wanayo, hawawezi wakatwaliwa, kwa sababu walipata kwa right yao, through their right iwe acre mbili na nusu hadi acre mia moja.

**Com. Hassan:** Okay asante. Your name please

**James Lorine Ekeno:** Thank you very much all Commissioners, ladies and gentlemen, I am going to..

**Com. Hassan:** Your name

**James Lorine Ekeno:** my name is James Lorine Ekeno. My first point, first I start on land and settlement. The Government should first of all most of all establish property, by settling landless people like Turkana who are evicted and forced to move to neighbouring districts like Trans Nzoia, due to drought and famine from their areas.

Secondly equality among Kenyans, both rich and poor, for you will find that a poor person will do all he can to educate his or her child and if you reach at the point of employment, you will find that the people to be employed are still from the rich family, leaving the people poor to be very poor throughout their lives in the country. That is corruption. A Government should follow the right steps to end corruption in the country by dismissing anyone practising corruption.

Thirdly, the new Government should create employment by letting allowing for retirement in Government Departments and company for the persons attaining the age of 45 to 50 to give chance for Kenya's new society.

Fourth the last point, the rich people are taking advantage of lack of employment and paying very low wages to the unfortunate ones where the economic standard is at a low rate. Thank you.

**Hezron Khaemba:** Kwa majina ni Hezron Khaemba, nimewashukuru kwa vile mumekuja kututembelea. Na huu ni wakati mzuri sana, hasa zaidi ninaenda kuzungumza juu ya mipaka. Trans Nzoia hii, imekuwa ni sehemu moja katika upande wa Western na ikiwa mipaka hii itabidilishwa naomba irekebishwe na Trans Nzoia irudishwe upande wa magharibi yaani Western.

Nikija hapa ndani, ninazungumza juu ya uongozi wa mali ya ki asli. Mamlaka ya wanyama hawa, yashirikishe jamii pamoja na Serikali ili wagawane mali hiyo na Serikali.

Bunge liwe na uwezo wa kuamrisha ukusanyaji wa matumizi ya fedha za umma.

Serikali ianzishe miradi ya kijamii ambayo inahusu mazingirisha ili wagawanye 50% sawa na wananchi.

Serikali inahitaji kugawa faidi ya rasilmali baina ya Serikali kuu na jamii ya mahali pale rasilmali inkusanyiwa ikitoka.

Mazingira na mali asili, mazingira ya simamiwe na jamii za eneo lao. Jamii kuu kuwa na uwezo wa utekelezaji wa sheria, hifadhi ya mazingira pamoja na Serikali. Mali asili ni kama maji, na mafuta na misitu, wanyama pori, mbuga za wanyama na chemi chemi.. Serikali pamoja na mwananchi kwa kukuza na kufanya upanuzi wa mazingira hayo.

**Com. Hassan;** Mzee usjaribu kusoma neno kwa neno, jaribu kufupisha maneno.

**Hezron Khaemba:** Ulinzi na usalama. Bunge ipewe uwezo wa kutoa nidhamu kwa majeshi ya

**Com. Hassan:** Mzee wetu umesikia

**Hezron Khaemba:** Ndiyo

**Com. Hassan:** Nilikuambia usisome neno kwa neno na hiyo ndiyo unafanya bado, jaribu ku...

**Hezron Khaemba:** Nimewacha hii, Nina jaribu kuwacha mengine. Bunge litumie uwezo ndiyo, kwa kuteua Tume za kushiriki kukabiliana na majanga ya kadiria.

Raia, wale waliyo kuweko tangu uhuru wa nchi, tangu mwaka wa 63, wale ambao waliokuwa na vitambulisho vya wakoloni wapewe urai. Wote waliopewa uraia kwa umri wa mwaka thelathini wachunguzwe na walioingia hapa Kenya kuanzia mwaka wa themanini wachunguzwe.

**Com. Hassan:** Jaribu kumaliza

**Hezron Khaemba:** Vyama vya kisiasa viwe vyama vitatu tu peke yake. Hivi vyama vingine vyote vipigwe marufuku kwa maana havina kazi yoyote, isipokuwa kusumbua wananchi tu na kuwaweka kwa hali ya hatari, ni hayo tu. Asante.

**Dismas Kelele:** Kwa majina Dismas Kelele. Hii ni sehemu yangu ya maoni. Ya kwanza ni elimu, elimu iwe bure kuanzia darasa la kwanza hadi darasa la nane.

Jambo la pili, mamlaka ya Rais lazima, Rais awe chini ya Katiba, sii kwamba Rais awe juu ya Katiba.

Pia sehemu moja ambayo imeleta hatari sana katika maisha yetu ni matatu, magari ambayo yanabeba abiria, lazima kuwe na kiwango ambacho gari hutumiwa, basi nasema kwamba kwa maoni yangu kwamba ingeliwezekana itungwe Katiba ambayo gari yeyote ikipatikana katika hali ya express. Hiyo gari iwekwe Polisi na I-chajiwe pesa nyingi kwa sababu ingeuwa watu wengi. Na yule pia raia ambaye amepatikana akiwa ndani katika hali ile labda angefungwa kwa mwezi moja ili asirudie kujiingiza katika gari.

Pia katika hali ya ulinzi katika Serikali, kuna hii sehemu ya KPR naona kwamba watoe specialist ambayo amekuwa trained. Kwa sababu KPR ni raia ambaye akienda msituni anaenda pigana na yule mtu ambaye ni jambazi, hana ujuzi.

Jambo lingine ni kwamba kabila ndogo lazima pia wawe na mtu mwakilishaji katika bunge, ili wajue pia hao ni wananchi wa Kenya.

Pia sehemu ya ardhi watu wasipewe ardhi kutoka nje pahali pengine labda district ingine, waje wapewe katika district ingine, lazima wale watu wa pale wapewe ardhi kulingana na ile sehemu wako.

Pia jambo lingine ambalo ningesema, hii jina Trans Nzoia ambayo inaleta tatizo sana lazima itafutiwe jina special, ambayo wakoloni walipokuja walipata, ili hawa wananchi waishi katika eneo hili wakiwa na umoja, si kwamba tuu wanganganie Trans Nzoia because hawajui ni ya nani.

Halafu pia haki ya watoto, watoto wapewe haki yao na mama ama mzee asiadhibu watoto ama awaache watoto, pia wazazi lazima wachukuliwe hatua waangalie mtoto. Kuna ile 'come we stay', kuna watu labda mtu amechoka pande ile na anakuja upande hii hapa anapatia mtoto hapa, halafu baadaye mzee anaenda transfer anawaacha, lazima watunge Katiba ambaye inaangaliya hiyo watoto. Thank you very much.

**Com. Hassan:** Wewe ndiyo wa mwisho?

**Henry Ageng'o Sigare:** My names are Henry Agen'go Sigare: Ningependa kuongea kuhusu mambo ya mashamba kidogo. Ni mengi yamezungumziwa yangu labda yatakuwa sawa ama yasiwe sawa kwa njia hii kuna watu ambao waliweza kununua mashamba zao, baada ya wazungu sasa wanaondoka hali imekuwa nchi imekuwa huru, wakawa wana nunua. Na waliweza kumlipia huyo mzungu hata kama ni yeye alikuwa ni yeye ameishi shamba hii na anaondoka, aliweza kulipwa na akaacha shamba na mtu akaishi. Hizo senti haziwezi kuwa na senti za sasa mtu akitaka kunua shamba. Lakini ni nyingi kulingana na wakati huo. Labda unapata watu kutokea baada ya hizi shida za clashes 1992, watu wamekuwa displaced, kati yao hata inakuwa pia ni mimi.

Nashindwa kuelewa pia utaratibu ya Judiciary, unapta hii mambo unaifanya katika administration, administration inatoa recommendation yake, lakini inashindwa kutekeleza ule wajibu inasema peleka Kotini. Wanapeleka ule uamuzi ya administration kotini inaanza tena kuanza process moja, inaendlea, inachukua muda kiasi mpaka sasa hatuna kitu inafanya. Wale waliyochukua nafasi hiyo ya kumiliki ardhi hapo wanafanyi kazi yao, wanaendelea kuhudumu. Kwa hivyo hapo mahali naomba kwamba hii kazi ya Judiciary kama ni kazi mtu anakuwa overloaded na kazi nyingi inachukua muda ili mambo fulani kusuluhishwa judges waongezwe ili kesi iweze kufanyika kwa muda mfupi na kuzingatia haki, ili watu waweze kuendelea kufanya maendeleo, kuliko vile mtu anaweza kuwa yuko lakini hakuna maendeleo anafanya, anaongojea kujua matokeo yake mbele ni nino na ili hali, haki fulani anaichagua.

Zaidi ya hayo ningependelea pia kuongea mambo ya Local Council, pesa ambazo zinalipwa kwa licence za duka, watengezaji baiskeli. Vitu za soko. Ningependa kama kungekuwa na hizo ofisi za Local council ziwe katika kila soko kwamba ile pesa ambazo zitakuwa collected hapo zibaki kwa eneo hiyo na ziwe na kamati ya eneo itakayokuchunguza na kufanyia maendeleo katika eneo hiyo, kwa sababu hizi pesa zinapo chukuliwa atakuja kuzidai kwa fujo sana na zitachukuliwa zitaenda, lakini ni baadaye sana na hata labda isiweko katika kutekeleza wajibu wa kazi ya pesa hizo katika eneo ambalo pesa zinatoka. Unweza kupata eneo linatoa pesa nyingi, lakini hakuna yeyote ambaye atasaidiwa pale. Kwa hivyo ningependa pia tunapogusia hapo,

inamaanisha mwanzo mimi ningependelea Serikali ni ya Majimbo ili jimbo liweze kujisaidia katika kutekeleza mambo yake.

Pia idara ya traffic kwa maoni yangu ni kama ingeondolewa, ili kuwe na watu ambao watakuwa wana collect ile kodi inajulikana kituo fulani na kuwe na mobile unit ambayo itakuwa inatembea na kuangalia wale wamekata karatasi katika bara bara ama hawajakata. Either itumie pikipiki kulio pesa ambazo zitakuwa pale kwa traffic na labda makosa fulani ilipatikana ilipwe na hile pesa haifikii Serikali ili hali Serikali inalipwa gharama, unalipia kodi hiyo. Shukrani.

**Ernest Muleysha:** Kwa majina naitwa Ernest Muleysha. Na maoni yangu, ningechangia ya kwamba katika bunge ningependela kila tribe, forty two wawe na mtu mmoja huko. Na huyo mtu mmoja, Rais ambaye anachaguliwa tunataka achaguliwe na hawa watu forty two ambao percentage ile inapita iwe 51%.

Second katika wakulima tungeomba Serikali iangalie wakulima, kwa vile anaweza garimu mali yake kwa shamba kama mbolea na akipiga gharama yake baada ya kuuza mavuno yake anapata ni hasara.

Third Serikali itoe elimu ya bure kwa primary, na hata secondary na University pia inaweza saidia.

Halafu maoni ya mwisho na katika hospital, wizara ya afya ijaribu kuangalia wananchi kwa sababu hawa ndio wanaumia na mara mingi wanatangaza kitu kikiwa cha bure na ukienda si ya bure,, kwa hivyo tunaka tukatangaziwe neno liwe linafanyika hilo neno ambalo limetangazwa. Asanteni kwa hayo machache.

**Com. Hassan:** Asante. Yes sema, jaribu kufupisha haraka,

**Eliza Nyangau:** Thank you very much Commissioners

**Com. Hassan:** You names?

**Eliza Nyangau:** Eliza Nyangau. What I want to say about the Commission itself ni kwamba the threat, unajua many of us we get information through the press and by regulating the press, yaani kuwekea press ipate nguvu, nikuwapea freedom ya ku-prepare many people here our knowledge after education is through the press. So we want the freedom of the press. The Press itself be given the freedom ya ku-operate freely isikuwe na makaso because the present system is government in this country. Kwa sababu wanajua the press inawaambia ile makosa ambayo wanafanya.

Another thing is this, the Youth wanasumbuka because hata the system of education ambayo tulipewa ambayo ni mbaya. You come home, you stay at home the Government should regulate, should have a policy whereby after umemaliza shule ni lazima uwajibike katika kujenga taifa. Yaani must do something to generate to the economy. Unapata kijana anamka asubuhi

anafanya nini anaingia kwa pool saa mbili ya asubuhi, hafanyi kazi and at the end unapata kuna kuwa na wakora wengi.

Halafu kitu ingine ni recreational facility, kama videos na these bars and whatever, something is here hapa ni local area unapata kitu kama makuti hapa hivi unapata many of us just sitting. Government imetu allow hata tuki-waste elimu, imetuletea recreational facilities nyingi tuingie kwa raha tusahau the topical issues ambayo.... The Government itself. Thank you very much.

**Com. Hassan:** Well thank you very much we have listed 110 people from this area and I think this the highest number of people we have heard since we started the hearings in Kenya. It is the highest number of people, I think the people of Endebess we are very grateful for the views. Tunawashukuru watu wa Endebess tumesikiza watu mia moja na kumi na nimesema hii number kubwa kuliko wale watu ambayo tumesikiza tangu tumeanza kazi hapa kutoka, Central, North Eastern Coast na Nyanza, kwa hivyo watu wa Endebess tunawashukuru kwa yale maoni mumetupatia leo na vile madam amesema asubuhi, tutakuwa tukitengeneza ripoti. Tukirudi Nairobi tutaenda Rift Valley na tutaenda Western Kenya. Tutakuwa tukitengeneza ripoti ya Constituency na ile ya National Report na halafu itarudishwa hapa kwa Constituency yenu muone kama yale maneno mumezasema kweli tumeyateleza na hiyo ripoti mtaisoma, kutakuwa na debate katika kila Constituency ndiyo halafu tena mchangilie ndiyo halafu tutengeneze Katiba mpya. Kwa hivyo baada ya mwezi wa nane mutakuwa mkitarajia tutawatumia hii ripoti, ili mupate tena kusoma na kuyaangalia.

Na kwa hayo machache ningependa kuwashukuru wanakamati wa Kwanza Constituency pamoja na Coordinator wao, kwa zile kazi nzuri walitufanyia na pamoja na wale watu wengine wa Kwanza ambao walitupatia msaada hapa nafikiri bila kupoteza wakati ningependa kama mtu mmoja atuombe tufunge kazi leo.

**Emmanuel Satia:** Asante sana Commissioners, kabla labda ya mtu kutuomba kwa kufunga mkutano, kwa niaba ya Wanakamati wa Kwanza Constituency, Constitutional Committee, ningependa kuchua nafasi hii kwanza kabisa, kushukuru Provincial Administration ambaye wametusaia sana katika kuwaleta watu katika mkutano.

Pili kushukuru the Security System ambayo imehusika na usalama katika sehemu hii na

Tatu pia kuwashukuru kwa dhati sana wananchi wa sehemu ya Endebess na Kwanza kwa jumla, kwa sababu yakujitokeza kwenu kwa wingi zaidi. Nimesikia kwamba tumevunja rekodi tangu waanze kuzunguka kule kwingine, hawajasikia watu wengi. Karibu pengine tutakuwa washindi kwa sababu wanaenda Western.

Mwisho kabisa, ningependa kuwashukuru Ma-Commissioners na wale staff waliotoka Nairobi kwa utulivu na kwa kutusikiza kwa makini. Wananchi wana hakika sasa kwamba maoni yao imeshasikizwa kila mtu amefurahi na wataona matokeo baadaye. Asante sana kwa hivyo tupate maombi yakufunga mkutano.

Tuombe: Asante Baba, asante Mwana asante Roho mtakatifu, Baba twakushukuru kwa mkutano wa leo ambao umekuwa mwenye kiti. Mwenye-ezi Mungu nawaombea Commissioners wetu ambayo wamekuja kuchua maoni ya wananchi. Baba nakushukuru kwa ajili ya wale watu wote waliokuja katika mkutano huu. Baba kama wanatembea na magari uwe dereva mwema kuwafikisha wanapoenda baba. Mungu nawaombea wale wote hawajawai kufika Baba wapokee maoni baada yakufika Nairobi. Mwenyezi Mungu naiombea Serikali yetu tukufu, naombea viongozi wote, nawaombea hata Madaktari wote na omba hayo kwa njia ya Kristo Bwana Yesu.