

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

MARAKWET WEST CONSTITUENCY

AT KAPSOWAR GIRLS SECONDARY SCHOOL

ON

Friday, 28th June, 2002

**CONSTITUENCY PUBLIC HEARINGS, MARAKWET WEST CONSTITUENCY HEARING HELD AT
KAPSOWAR GIRLS SECONDARY SCHOOL ON 28th June, 2002 AT 11.20 AM.**

Present

Com. Domiziano Ratanya - In the Chair
Com. Riunga Raiji
Com. Salome Muigai

Secretarial Staff in Attendance

John Watibini - Program Officer
Lyme Sigei - Assistant Program Officer
Grace Gitu - Verbatim Reporter
Solomon Kibet Cheserek - District Co-ordinator

Com. Domiziano Ratanya: Tungetaka kuona kwamba tunaanza nimesikia watu wako hapa ??? na watakuja. Kwa hivyo kwa wale ambao wamefika tungeweza kuendelea. Na ningetaka kuwajulisha hiki ni kikao cha Constitution of Kenya Review Commission na tumekuja kusikia maoni yenu kuhusu kubadilisha Katiba. Na kwanza sasa kungojea wengine wakati wanaweza kuingia lakini kabla ya kufanya hivyo ningetaka kwanza tuombe Mungu atukubalie na atupatie nguvu ya kuendelea na kazi yetu. Kama kuna pastor yeyote anaweza kuendesha maombi.

Pastor: Haya tuombe pamoja. Mungu wetu aliye mbinguni, muumba wa watu wote, Mungu anayetupenda, anatupatia mvua, anatulinda kwa safari yote, Mungu mwenye kuunda serikali hapa tunakuja mbele zako asubuhi hii tukikushukuru vile umetuongoza mpaka tumekutana kwa hii nyumba ili tuangalie mambo ya Katiba ya nchi yetu. Asante kwa wale umeleta kutoka mbali na sisi ambao tumetoka karibu Mungu tunakuomba utuongoze sasa kwa mazungumzo yote. Asante kwa roho wako ambao anaongoza watu na kutupatia mawazo safi, Mungu tusaide kama watu wa Marakwet ili tuwaze vizuri juu ya Katiba tuangalie mambo yote ambayo unaweza kutusaidia. Tukianza kikao hiki anza pamoja na sisi Mungu wetu mpaka mwisho. Wale wako njiani uwalete, uwaharakishe ili tushikane pamoja kwa ushirika. Tuongoze na utubariki kwa sababu tunaomba kwa jina la Yesu aliye mwokozi wetu. Amen. Asante.

Com. Domiziano Ratanya: Asante sana pastor, sasa tungetaka kuwajulisheni wale ambao tunaotoka kwa Commission, Commissioners wenyewe na sub-commissioners ?? Na hapa niko upande wangu wa kulia hapa ni Commissioner Riunga Raiji ambayo saa ingine atasema baadaye na upande wangu mwingine kuna Commissioner Salome Muigai. Tuko Commissioners watatu kwa hii panel na members wetu kutoka kwa ofisi yetu tuna John Watubiri –Program Officer, huyu ndiye anasimamia

staffs ambao tumekuja nao kama Program officer kwa hii tume yetu, then kuna Lyme Sigei, Assistant Program officer huyu ako hapo, anasaidia na tuna mwingine Grace Gitu wa recording. Yaani hapo mkiangalia mtaona hio ka-recorder ya kunasa sauti yako wakati unapeana maoni yako. Na hapo hapo ningewauliza wakati unapeana maoni uzungumze kwa hio kitu mnaona hapa – kipasha sauti ili sauti yako nayo iende kwa machine yenyewe.

Ee sasa kitu kingine kabla ya kwanza ningetaka tukubaliane mipango, mpango mwenyewe wa kuendesha mkutano wetu wa leo. Kwanza kwa lugha, lugha kama ungetaka kuongea lugha yote ya kitaifa kama Kiswahili ama Kiingereza, una uhuru wa kufanya hivyo. Kama umeandika maandishi yako kwa Kiingereza ama Kiswahili unaweza kufanya hivyo na hata lugha ya kienyeji, kama huwezi kuongea kiingereza au Kiswahili unaweza tumia lugha a kienyeji na tutakuwa na mtu wa kutuambiwa vile inasema.

Tena hii list mnaona hapa, ni majina yenu yameandikishwa na nitafuate kama vile imeandikwa kutoka kwa kwanza napatia wa pili, hakuna kuruka lakini kama tutakuwa na sababu yeyote ya kuruka – Commissioners wanaweza kuamua, kwa mfano, kama mama akija ambaye ni mzee sana ama baba mzee sana na hatutaki kumueka sana ama mama mzito aje na hatuwezi kumuweka, hata ingawa amekuja nyuma yako, tungeweza kumuita. Hivi tutatumia mamlaka yetu. Ama kama mtoto wa shule, amekuja apeane maoni yake na arudi katika classroom kuendelea na masomo, hata huyo tungepatia nafasi lakini tutaendelea kufuata hii.

Hio ni kitu muhimu na kingine mambo ya kupeana maoni yenyewe – yule ambaye atapeana maoni atakuja hapa akiwa na maandishi, hiyo ndio tunaita Memorandum, maandishi ambayo ameandika atapeana tu yale ya muhimu katika hiyo maandishi, hatuwezi kubaila mtu kuchukua karatasi asome memorandum kwa sababu hio itakaa wakati mrefu na tena si kazi ya leo. Memorandum tunapeleka ofisi, inasomwa, inakuwa analysed na maneno yako yote inaandikwa vizuri. Kwa ile memorandum usiendeleo kusoma kwa sababu saa ile nitakupatia haiwezi kubali usome ni kutaja ile ya muhimu tu. – highlight. Na halafu utupatie memorandum iwekwe hapa na tukirudi ofisi tutaendelea kuangalia mambo yako.

Now, kama mtu hana memorandum, kuongea tu kwa mdomo hata hiyo ni njia ingine ya kuongea kwa masaa yale utapewa nitakwambia hapo unaongea na kutoa mambo yako. Na kama una memorandum tena, na hutaki kuzungumza, hutaki kuongea kabisa kusema lolote, unaweza kwenda upeane pale kwa officers wetu, u-sign na iandikwe na ukitaka kuketi uzikilize wengine, una uhuru wa kufanya namna hiyo au ukitaka kwenda kabisa una uhuru wa kufanya hivyo, hioni njia ingine. Kwa hivyo mkumbuke hizo njia tatu, kwa maandishi utapeana kwa ufupi, na halafu, maneno ya mdomo na memorandum ambayo unataka kuweka, iandikwe pale na uende bila kuzungumza, hiyo inakubaliwa.

Kitu kingine ningetaka kumwambia mwanzoni in kwamba hii Commission ni Commission ambayo imepewa mamlaka ya kuchukua maoni ya wananchi kila pahali katika Kenya. Na hapa tumefika Marakwet Constituency. Tulikuwa jana Ukwalo na sasa tuko hapa.

Uko huru kupeana maoni yako bila kuogopa. Kwa sababu hayo ni maoni yake ambaye atasaidia kurekebisha Katika yetu. Kwa hivyo usije ukaogopa yeyote kuogopa pengine chief ama yeyote, tunasema ni maoni yako na uhuru wa kusema maoni yake. Kwa hivyo hapo msiogope.

Na tena nimewambia kwamba ukipewa nafasi yako masaa yale nitakupatia ni dakika tano, - 5 minutes. Ukimaliza hiyo dakika tano nitakwambia saa imekwisha; kama ningekuwa na kengele hapa pahali pengine tunapiga kengele kama iko napiga kidogo hapa, unasikia na unamaliza. Sababu ukiendelea kuchukua nafasi zaidi, utapotelea wengine wakati kwa hivyo hapa tuheshimiane kabisa. Dakika zako zikiisha tano, umalize, utupatie memorandum yako, na uende pale u-sign register yetu. Na nitashukuru sana kama utakubali hivyo. Tunakubaliana hapo! Dadika ngapi? Tano, kwa hivyo sikusikia anayesema sita, ni tano. Kwa hivyo ukipitisha tano, umekosea hawa wananchi wote na wale watakuja baadaye pamoja na sisi.

Sasa bila kupoteza wakati mwingine eeh, kitu kingine ningependa kuwakumbusha ni kwamba kama ukimaliza kuzungumza, Commissioner yeyote hapa akiwa na kitu cha kuuliza swali ama kufafanua kitu fulani, anaweza kufanya hivyo yaani kuliza ungoje akulize maswali ama ufafanusi wowote.

Sasa nitaendelea kuanzia mtu wa kwanza ee , Joel Kibet Chebor.

Joel kibet Chebor: Mwenyekiti wa Kamati hii waliofika hapa leo na pia wenzangu hatukujirishwa ya kwamba tutakuwa na mkutano leo na leo ndio ??? na yangu ??? niwashukuru sana sana kusikia maoni yetu . Mimi maoni yangu, jina langu Joel Kibet arap Chebor. Maoni yangu sisi hatukufindishwa kama vile iliambiwa ya kwamba kuna wale ambao wanatembezwa wanapewa pesa na kuendelea kuonyesha watu ya kwamba ?? sisi hatujui leo Katiba hii ni ya aina gani. Sisi zamani tulikuwa na Katiba ya utamaduni kama tumeitwa na wazee wamekata shauri hio maneno inafuatwa.

Pili katika nchi yetu hii kila mtu alikuwa na sehemu yake na ilikuwa inaheshimiwa sana. Hapana mtu kwenda kuchukua la mwingine na kunyanyasa wengine. Sisi nataka Katiba hii ya leo ya kwamba inaheshimu mtu na mali yake ata kwa njia yao yenyewe, sisi ni nchi ya kutosha. Hata Bwana mwenyekiti unaona msitu ni kubwa sana. Kuna wengine hawana msitu na walikuwa wanaomba wale wenye wako na msitu na walikuwa napewa.

Na sisi, leo nataka Katiba ya kulinda sisi, hata wale watu wachache tulindwe.Hata mali yao. Na Katiba hio iwe namna hiyo na wala si ya kunyang'anya wengine.

Pili, mimi kwa wale ambao wako kwa kazi unaambiwa kwa kazi we unajua Katiba hii ya kiandikwa wengine, wengine wananyanyasa wengine, wengine wananyanyasa wengine. Kwa hivyo tunataka Katiba ya kufuata wale wengine wasio kuwa na elimu na wana elimu wafuatiwe. Wapatiwe nafasi, nafasi. Bwana mwenyekiti mimi sitaki kuongeza mengi sababu unasema dakika yangu imepita karibu dakika tano inabaki dakika mbili. Basi mimi naona ya kwamba yangu inatosha hapo tu

yakuangalia Katiba yetu ya kwamba turekembishe Katiba, tunataka Katiba ambayo inakubaliwa na watu wote.

Pili tunataka watu watufundishe sio kama leo wanakuja siku moja wanasema Katiba inakwenda “bambam” apana. Kwa wale waliotumwa, waje watufundishe. Asante.

Com. Domiziano Ratanya: Asante sana Joel Kibet kuja hapo kidogo, okey nenda pale uandikishe na asante sana kwa kutumia masaa lakini umebakisha dakika tatu lakini umemaliza mapema, asante sana. Ee kuna Christine Talaam, Christine Talaam.

Christine Talaam: Commissioners, ninawakaribisha hapa district yetu Marakwet, mimi ni Christine Talaam, Maendeleo ya Wanawake Organisation, nasimamia akina mama katika district hii. Vile tumekutana na akina mama wa division tulipata 49 points ya kusema leo na kunakutanisha na vile tulifanya kwa division tulikuwa na more than 65 attendants from location, sub-locations na tulifikia wote na wametupatia maneno yao yote tuko nayo tunaandika, tumekutanisha na kwa sababu umeleta tu nafasi kidogo niko na secretary atakuja kusoma na kabla hajakuja ningesema asante kwa sababu hii watu wa Commissioners wamechanganya, tuko na gender, wamama kama mimi, sasa hio maneno yetu tukisoma wakina mama muweke sawa kitu ya maana kwa sababu mnatu-represent hapo. Sasa mtaona hata mahali tumekosea kidogo, msahihishe. Na sitaendelea kusema maneno mengi nitaita secretary yangu ya Maendeleo ya Wanawake Organisation of which aseme kile tumeandika. Asanteni.

Com. Domiziano Ratanya: Asante Christine, secretary wako sasa ataendelea kutupatia yale ambayo mmeandika. Kwa jina unaitwa –

Lydia Kanda: Naitwa Lydia Kanda. Vile tumeandika, tumeandika kwa lugha ya kimobo na kama vile mwenyekiti amesema tulipata maoni 49 nitasema tu kumi hivi kwa sababu ya saa.

Bwana Commissioner, tulipata kuwa wamama walisema

1. Justice to be available in the Constitution.
2. Women to be recognised in the community in the new constitution. I can explain this abit women in Marakwet are not seen as people. So they are called children . So women decided to be recognised in the new Constitution as human beings. Firstly they said women to be recognised as adults. Men and women equality in the Constitution to be changed. Also good customary law to be incorporated in the national Constitution.
3. Another one is the murder cases or killing. The concerned mothers should be prosecuted without involving relatives.
4. Also they said land ownership women, men and children to be equal on land ownership in the national Constitution.

5. Also they said legal customary law, e.g. forced marriages should be changed and stopped immediately.
6. Also the customary law to be under the national Constitution but to be legalised to be seen as any other marriage and issue of certificate to be sealed.
7. On early pregnancy of girls, the new Constitution should involve both the girl and the boy in stealing because you can see girls are just left that way and the boys are free. A girl can be sent away from school and the boy will be admitted and left to continue with his education. Therefore we want the girl/ boy to be the same.
8. Kenyan Constitution to be reached easily by all the people e.g. local libraries, chief for easy references.

I think because of time, I will stop there and ??? again. Thank you.

Com. Domiziano Ratanya: Endelea kumaliza kama hujamaliza kwa sababu ni short.

Lydia Kanda: I can continue. They also said in the national Constitution the new Constitution should be written in all languages for ease understanding.

Also they said on citizenship. The citizenship should be a Kenyan citizen it should be equal so long as the ethnic culture of the applicant must be in Kenya in court. Also they said it was proposed a national trading to be identified and incorporated in the new Constitution.

Land ownership: Both husband and wife to appear in the title deed for family land. Also in case of matrimonial property and also inherited land of the parents.

They said also Children Act to be recognised equally by parents in the new Constitution.

On security the enforcement personnel to be provided with all the necessary facilities and cases where corruption prevails in the enforcement they should be prosecuted by the law.

Women rights and property to be adhered with and strengthened in the new Constitution under review because the parent is poor.

Also the police force or personnel to be managed or empowered by the people down at the sub-locational level in the national Constitution.

In health, health facilities to be provided free by the government of Kenya at the sub locational level and also facilities to be provided at the divisional level by the new Constitution.

Also parents of the abused children to be prosecuted in the national Constitution, human rights policy and principal to be incorporated in the new Constitution.

Personal marriages to be issued with a legal certificate in the national Constitution.

Child labour: Child labour – under 14 years of age to be protected in the new Constitution of Kenya.

In case of orphaned children to be assisted by the government of Kenya through their relatives, schooling and many others.

Provision of disabled institutions to be provided by the government of Kenya in the national Constitutions in all districts and divisions if possible.

Also they said equal distribution of services at the district level to be provided by the government of Kenya in the new Constitution.

Legal authorities to have separate powers from the Central government in the new Constitution.

Magistrates courts: Cases of corruption on exercise of office must be prosecuted and the certificate ?? be cancelled in the new Constitution.

Trust land: Trust land should be demarcated and given portion bits to the residents to enable them develop in the new Constitution.

Equality: $\frac{1}{4}$ government votes for women to be recognised in the new Constitution.

Also academic qualifications for coucellors to be Standard 8 and above in the new Constitution.

Personally laws to be protected in the new Constitution. Also congenital rights to be protected in the new Constitution.

National elections to be voted ballot in the new Constitution.

Enchroachment of rivers and water resources to be avoided. 100 metres away to be protected in the new Constitution for water catchment.

Also freedom of speech and movement to be recognised in the new Constitution countrywide.

Also wife and husband relationship to be protected in the national Constitution.

Rights of property to be protected in the new Constitution and land title deeds to appear both husband and wife.

Gazetted government of Kenya forests to be protected by the community concerned in the new Constitution. Mens succession to inherit land and women succession to be provided for cultivation in the share of their father land in the new Constitution.

Certificate: This is to certify that keeping of records of the proceedings of the Constitution Review in ??? Maendeleo ya Wanawake Organisation – Marakwet district. Thank you.

Com. Domiziano Ratanya: Okey asante sana utanjoja kidogo Lydia nina maswali. Asante sana mama kwa hayo maoni yenu mzuri na mapendekezo yenu ee mlisema kwamba kuna mila fulani zinanyanyasa nyinyi akina mama na mngetaka ziangaliwe katika hio Katiba mpya, Je, ni mila gani ulikuwa labda ukizungumzia?

Lydia Kanda: Okey : vile tumesema hapo, katika utamaduni wetu wa Marakwet, mama anaitwa mtoto, so we want our recognition as women to be seen as people, not as children because in our culture, if somebody comes to my house or home and asks, who is there? Even if I am there, I not supposed to say there is somebody, I say we are here, there is nobody unless there is a man so that I can say there is somebody. That is what we want eradicated as women.

Com. Salome Muigai: I want to ask you my own question but on relying on Commissioner Raiji that you talked about early marriages for girls and that girls should be held responsible for pregnancy without the boys. But now the issues is of governance. What is the role of women, we have talked about local governments, what do you akina mama wanaona wanaweza kuhusishwa aje kwenye uongozi kama wa local government, kama wa parliament, kwa uongozi kwa jumla?

Lydia Kanda: Okey kama vile nilikuwa nimesema wamama wanaonwa kama watoto, pengine mama akiamuka agombee kiti fulani pengine hatakubaliwa kwa sababu hajakuwa na hiyo right ya kuwa mtu mzima. Ingawaje ata saa hii tuna wachache, tungehimiza mama amkie kiti cha parliament ama councillor, community hai-recognise kama ni an adult.

Com. Domiziano Ratanya: Kuna ingine Lydia, siku hizi kuna mazungumzo inaendelea kuhusu kutahirisha wasichana, bado wanaendelea kuzungumza hio maneno katika Kenya. Hapa maoni yako ni nini upande huu wa Marakwet maoni ya Maendeleo ya Wanawake na hata yako pengine mwenyewe?

Lydia Kanda: Okey kwa upande wa Maendeleo ya Wanawake, tunafanya campaign ya kuondoa hio mambo ya female genital mutilation and personally, my views for you ningependa hio campaign iendelee kwa sababu tunaona kuna madhara mengi kwa hiyo kutahirisha wasichana na tunaendelea zaidi, tunatumia wale wamekuwa community elite specially women to eradicate

the culture and to teach may be people in the locality.

Com. Domiziano Ratanya: Okey asante sana nashukuru Lydia, enda hapo ujiandikishe anayefuata ni David Kiptarus na hapo Lydia ametumia masaa yake. Tutumie masaa kama vile nilisema. Tumetumia dakika sita pamoja na maswali yetu.

David Kiptarus: Majina yangu naitwa David Kiptarus. Kuhusu mambo ya hii Katiba, tungetaka nini – nguvu ya rais iondolewe. ??? Kwa upande wa Marakwet hatuna haki ya binadamu. Kwanza tuende upande wa polisi. Nandi ndio hapo iko unyonyaji zaidi ufiada.

Na mambo ya kotini. Iwe independent hakuna kuingiliwa na polisi kwanza huyo court prosecutor, ndio wanaumiza wananchi wa Marakwet. Mtu anashikwa unawekwa rumade hata mwaka moja bila kufanyiwa kwa case. Ambaye ukiangalia upande huo zaidi. Ni hayo tu.

Com. Domiziano Ratanya: Hapo David utangoja kidogo kuna maswali. David asante sana kwa hio maoni ee ulisema kuhusu hii polisi kunyanyasa, mnanyanyaswa kwa njia gani?

David Kiptarus: Kwa upande wa polisi kuhusu upande wa chiefs, unajua kwanza polisi ndio afanye investigations halafu ishikwe mtu sio kushika mtu na kuteswa, na kugongwa gongwa. Kwanza tunalia kama iko mtu wa Nyeri huko kwanzia tunaomba daktari asiletwe pande hii kwa sababu polisi wanaumizanga watu wa pande hii. Hapo ndio mbaya.

Com. Domiziano Ratanya: Asante sana David, kuna swali lingine. Ngoja kidogo.

Com. Salome Muigai: Asante sana Bwana Kiptarus kwa maoni yako mimi nina swali juu ya mamlaka ya rais. Umesema yapunguzwe. Ni mamlaka gani ungetaka yaondolewe kwa rais.

David Kiptarus: Yaondolewe, kama ya rais, hawezi ku-appoint Attorney General. Commissioner ya Police, Commissioner ya Prison, iwachiwe parliament.

Com. Domiziano Ratanya: Okey David asante sana kwa maoni yako umetumia masaa yako vizuri kwa hivyo endelea hapo u-sign register. Tutaenda kwa Susan Kanda ee Susan Kanda ni yule secret--- is it. Susan Kanda tunaye! Susan Kanda pengine hakutaka kuzungumza kwa sababu nimeona, kama hutaki kuzungumza ni kusikiliza ni sawa sawa mama. Magdalene Chebolei.

Magdalene Chebole: Yangu ni chache. Tumefundishwa jana kidogo katika Chepkangei. Magdalene Chebole kutoka

Chebalalia. Sasa nasema kitu kidogo tumefundishwa jana chepkangei, tuseme leo ni mara ya tatu kama imefundishwa sisi. Na yangu kweli tumetumia mwaka ile yote ile Kenya ilipata uhuru mwaka wa 63 na wengine wanasema kubadilishe Katiba. Na kweli tumekubaliana kitu tu ilemini nasema nimestaajabu sana hakuna watu. Sijui watu hawakufurahia kwa nini au ninyi serikali hamkufafanua watu waelewe vizuri hao ni nini kwa maana ni muhimu sana tukipitisha hii maneno na itakuwa mbaya kwa mbele sijui itakuwa namna gani. Sababu mimi nasema hivyo kuna kitu tulipitisha mwaka ingine kama ?? Soko Huru. Tulikubaliana Soko Huru tukakubaliana, tukapiga makofi, tukafurahi baadaye tukalia kimoyo moyo ikakuwa taabu sana. Kwa hivyo wananchi wote, wamama wazee tuangalie sana mambo ya Soko Huru na viongozi wote katika jamii hii yetu ndio tusije tukalie nyumae. Twaangalie vizuri sana.

Maoni yangu ningependa asikuwe leo peke yake ifundishwe, ifundishwe sisi tena mpaka tuelewe mambo ya Katiba. Kwa maana saa zingine watu wengine:ingawa kweli watu wote hawezi kuja kutoka nyumbani tutaangalia tu vile tutafanya.

Naenda ya tatu sasa; mimi naona upande wa serikali ilifurahia hio ujama ingawa sijui alikuja mahali ingine lakini ni maoni yake. Kitu ile nimeona katika centre hii bado yule rais ya polisi awe office tu yeyote. Ukienda hapa nikipoteza mbuzi yangu au ng'ombe yangu nakienda Chiefs' office unaambiwa ulipe pesa ya askari, na mimi ni mkulima mdogo kama mimi, nitapata watu pesa ya kupeleka hao askari mpaka kortini. Usipokuwa na pesa hutafanyiwa hio kesi yako.

Ya nne halafu nimalize, kuna shinda fulani hii Marakwet kwetu District vile nyinyi mlisikia ata kila mtu kama Mkenya alisikia. Ukijenga mahali kama kapsoit, kama Harur au wapi iwe kama police station, hakuna kitu ile polisi yenu anasaidia sisi. Kwa maana ikiambiwa imepeleka ngombe kiasi fulani hapa, au kondoo au punda, anaambia wananchi wenyewe, mtangulie, mfuata mali zenu. Hatutaki. Anasaidia sisi nini? Sasa wananchi wenyewe ana mkono mtupu na hawa anatii serikali vile inatakikana, na ni watoto wetu, na wanataka watuachilie?? Kenya hii. Asante.

Com. Dominiziano Ratanya: Haya, asante Magdalene. Akindikisha hapo jina lako.Twaendelea kwa mwingine Gideon K Yego, Gideon Yego ni wakati wako sasa, Yego hayuko? Okey kama Gideon hayuo twende kwa Paul Kipsang. Paul Kipsang, Yuko William Cheboi. William ni wakati wako.

William Cheboi: Mimi naitwa William Kipatarus Cheboi natoa shukrani kwa nyinyi kuwa hapa kuja kusikia maoni ya Wamarakwet. Sasa mimi nitaanza kwa mambo ya mashamba. Hapa kwetu kuna mashamba aina mbili. Ile ya wenyewe kutoka zamani ambayo iliwekwa mpaka na mababu zetu na hiyo ninaonelea si mzuri watu kung'ang'ania kwa watu wengine na kuondoa jamii fulani kama ni watu wachache wengine wale wamepata nguvu wanaingia na kuhamisha wale wengine na wao wanaendelea na kufanya kesi na kusema ni yao. Hio sheria ningetaka ikomeshwe kwa kuachia machief wafanye kesi ya shamba. Sio mtu kuingia mpaka kwa kortini kwa maana yeye ako na uwezo na kufukuza mwingine kwa shamba lake na kortini wanaamuru hii shamba ni ya mtu fulani kwa maana yule mtu mwingine iko pressure ya kutosha. Hio sheria ningenelea iwashie wazee na ma chief wawe wakiamua kwa maneno ya mashamba.

Na ile ingine ya pili kuhusu shamba ni yule mtu ambaye alinunua shamba lake tuseme wale wazee wa zamani walipata kutoka kwa wazungu na walipata shamba kubwa kubwa. Unakuta mwingine ako na ekari elfu tatu au zaidi na ingine sasa inakaa kama forest, wanyama inaishi, na wakenya wote hawana mashamba ningeonelea ni vizuri huo mtu, serikali aone kama yeye haja develop hizo mashamba au shamba hio hizo sehemu zingine zimeashwa kama forest auze. Nakupee wananchi. Kwa maana sio mzuri kufuga wanyama kwa shamba na wengine hawana mashamba.

Twende kwa mambo ya natural resources kama forest, hapa kwetu tuko na forest kubwa katika Marakwet. Na kwa zamani, forest ilikuwa imewachiwa wananchi wenyewe wawe wakichunga. Na ililindwa mzuri sana mpaka sasa hii sheria ya kuja ya kusema forest yote imepeanwa kwa wale walinda forest na yetu ilikuwa imelindwa ndio unaona kwamba Marakwet bado wako na forest yao. Na kama ningelijua wa Marakwet wako na forest ya kila clan, inajulikana ni ya fulani na hawajaharibu forest tangu zamani. Walikuwa wakienda huko na kutoa asali yao na kuchunga kama mtu mwingine angekuja kufunga mchinga yake ya asali kwa forest ya mtu mwingine. Walikuwa na right ya kuuliza ni ya nani hii mzinga, wanatoa huyo mtu nakumwambia kwenda kwa forest yako. Ndio forest yetu tulilinda hivyo mpaka sasa.

Na twende kwa upande wa elimu: Elimu kweli tuna watu wamesoma. Na ukikuta wameachwa nje. ??? unaweza kuta mtu hana elimu ako kwa kazi. Hio si Kenya ya sasa? Hiyo mambo ingekuwa iliisha zamani wakati wa kikoloni. Sasa ndio tunazomesha watoto ili wachukue nafasi kwa wale watu ambao hawana masomo sana sana. Hiyo serikali ingechunguza sawasawa. Ikifika wakati wa kuajili watu kazi waajiri kulingana na masomo ya mtu sio kwa kupendelea, kwa kuona huyu ni rafiki, huyu ni ukoo fulani, hapana.

Haya tukuje kwa mambo ya security. Katika security, kwa kweli kuna watu wameajiriwa kulinda amani na tulikuja kusikia hivi majuzi sisi tulikuwa na matata matata na sisi wenzetu hata sasa haijaisha, hawa wapokot. Na kusudi ya hio vita kuanza kuna silaha zilipeanwa na serikali ya kulinda; hii inaitwa homeguard weapon. Home guard weapon sisi tutapiga nani – tuko katikati ya nchi na hatungeona maana ya hiyo, kuleta silaha na kusema Wapokot wajilinde. Hio ni kumwambia kama ukoo wa nafuu. Ukiwa na watoto kama watatu, na mwingine amepiga mwingine, unampa yule fimbo na kumwambia ujilinde; hio ni njia ya kumuniiza yule mtoto, watapigana mpaka mwingine auwawe. Na tungetake hiyo silaha ambaye ilipeanwa na serikali ambaye niyakulinda nchi tuwachie wananchi ambao wameajiriwa walinde, nchi walinde. Hio silaha haina maana kwa maana sisi tuko katikati ya nchi na hatuna maana na hiyo. Tuseme kwamba tunajirinda wenyewe na askari watafanya nini? Hii clashes ilianza hapo. Na watu wengine wakanunua yao wale ambao hawakupata uwezo, hawakupewa ndio wakajitafutia. Walikuwa wamenyanyaswa na wale wengine.

Haya ya mwisho, tuje kwa upande wa mshemiwa raisi. Kwa kweli mamlaka alipewa na mamlaka hiyo ambayo rais alipewa si mbaya lakini tumefika wakati ambao sisi wananchi tumeanza kulalamika kwa yeye kuteuwa watu ambao hata hawana elimu na kusema mtu aanze kazi mara moja kwa maana hana watu ambao wanasema na yeye au wanaketi kamati ya kusema fulani

tumebadilisha na fulani.

Ee, tukuje hapa wakati wa kuchagua mawaziri na manaibu ya mawaziri. Tunakuta ni yeye peke yake anaamua tu na kusema fulani aingie ofisi fulani mara moja. Wangekuwa na kamati ya kukaa pamoja na kuona nani iko na elimu tuchukue kwa upande wa Ministry of Education ile mtu ambaye iko na elimu ndio angeongoza kuliko ??

Com. Riunga Raiji: Jaribu kumaliza hapo

William Cheboi: Kwa hivyo hio uwezo ya rais ya kusema huyu mtu ameanza kazi mara moja ibadilishwe na watu watakaa na kujua nina hata fit kwa sehemu fulani. Asanteni sana.

Com. Riunga Raiji: Okey twende kwa mwingine. Bwana william nenda pale u-sign register yetu. Kuna Joseph Ndiwa – Joseph Ndiwa ni wakati wako, okey naona Joseph ulikuwa unataka kuzikiliza. Asante sana Joseph. Kwa hivyo tutaenda kwa David Chelimo, hata yeye anataka kusikiliza tu, Cecilia Chepkok, Daniel Kilimo, Okey utasema jina yako mzuri ili inazwe kwa machine yetu.

Daniel Kerima Kibiatich: Commissioners na wageni walioko na sisi mimi naitwa, Reverend Daniel Kerima Kibiatich na kwa Katiba mpya, uhuru wa kuabudu uendelee, watu kuabudu mungu bila kizuizi chochote.

Jambo la pili ??? (inaudible start of tape)

The main gender equality, wamama kuwa sawa na wazee, uwezo wa mzee nyumbani katika Katiba iendelee kudumu. Tujifunze kichwa ya nyumbani. Unajua hii kelele yenu ya equality, hii inaweza kufuja kichwa ya nyumbani mpaka maana anatoka nyumbani, anapasuka kwa hivyo hii Katiba mpya iendelee kichwa ya nyumbani bado ni mume. Fullstop. Usisahau hiyo.

Jambo lingine tutumie tena rasilmali yetu kama Marakwet kwa njia nzuri. Mambo ya corruption serikali iwe katika Katiba ichungie wananchi mali yao ili mtu moja asikule yote, tukule pamoja resources ambayo tuko nayo. Mambo ya kuhonga ikwishe. Ikiwa unauza mahindi ufanye nini! Hata polisi wakomeshe hii kazi ya kupewa chai kwa hii Katiba mpya, ya barabara, ya wapi, kortini, tusime hiyo ili tusifanyie watu kazi ya kuhongana.

Inginge hata serikali yetu ituongezee mshahara kwa Katiba mpya ili wasiwe na tamaa ya kupewa kitu.

Inginge askari yetu tupewe ruhusa ya kuishi na bibi zao katika kambi. Ukimwi inazidi kwa sababu hakuna bibi kwa kambi ya askari. Mimi nataka askari aende na mke wake kazini kwa hii Katiba mpya. Sijui itakaa aje, tutachunguza tu, hii ni maoni yangu akae na bibi yake kambi.

Wale walemavu watunzwe katika Katiba mpya. Watunzwe katika Katiba mpya. Na shule ithaminiwe na makanisa, katika Katiba mya kwa historia, mashule mengi ilianzishwa na makanisa na si mzuri kutupa kanisa nje ; wao wathamini na utamaduni hi mzuri za kanisa zidumu katika mashule.

Na kama vile mtu alisema, wananchi wamiliki forest, iwe ya wananchi na clan ya watu kwa sababu ikiwa tu ya walimwengu au serikali mambo inaweza kuharibika. Asante hiyo ilikuwa maoni yangu tu.

Com. Domiziano Ratanya: Okey. Asante sana Daniel, utaenda pale uandikishe kwa register yetu. Asante kwa maoni yako. Sasa twende kwa Father Samuel Kigen, Father Samuel Kigen uko wapi? Sasa Father ni wakati wako.

Father Samuel Kigen: The commissioners na watu wengine, asante sana tuekutana siku ya leo ili kujadiliane juu ya Katiba yetu. Na vile mama mwingine alisema kwamba alishtuka ; Father Samuel Kigen, Jina ni Father Samuel Kigen; vile mama mwingine alishtuka ya kwamba kwa nini watu si wengi, najua Marakwet watu ni wengi, sijui kulikuwa na communication breakdown.

Mimi niliona kwa newspaper sijui kama waliweka kwa redio, waliweka, then, asante sana. ??? so ya pili ni juu ya civic education. I don't think the Civic Education was well done at the grassroot, not very. I don't know whether you had a group, we had our group at the church. We never met with people from ???. So what we are presenting now is not very strong as such because the civic education at the grassroot was not done well. If people got it it was just a mere chance but most of the people they never got it.

Ya pili let people know their Constitution. Let people know their constitution. Translate constitution especially this being a new constitution, let us translate it into Kiswahili. Let us teach it in our school. Otherwise to make it like a private thing for MPs, No. Let us make a constitution to be owned by the people of Kenya. It is our constitution and we are the ones to know it.

The third one is: How to deal with corruption. The new constitution should bring out clearly how we should bring corruption cases and economic sabotage. They should be prosecuted not to be left scot free. I think it should be a criminal offence to steal peoples money na unatembea tu. So I think the new constitution should defend the poor and not the poor dying through the hands of the rich. So I think the new Constitution should belong to the poor ??? is not doing that at all.

Another one is the constitution to ????? should be entailed in the constitution. I don't know if it is. If the president today decides that we should not continue with the constitution, I don't think it will continue at all. I don't know. May be you may answer me that. People want a constitution where if the president decide people can say no. The way we have given out our good points we expect that these points should continue, until it goes to the constitution. Nobody should try to derail the constitution process. You know what is happening now is an idea of election- and constitution. It should not affect our points.

All equal share in the whole of Kenya in the idea of resources. We should share the Kenyan resources equally. In rural places unlike in urban centres we should share our resources equally. In Marakwet, we don't have a tarmac but I think we are Kenyans. We are supposed to share our national cake equally. The president of the day should take the government resources to his place should share equally, so I think that it should be entailed in the constitution.

Also freedom of worship should continue but I think it should be trimmed a bit. Because the moment somebody can start a church and mislead people. So in Kenya what might come up very soon is what happened in Uganda – the Kinungu case, if we don't try to, let us not ??? freedom of worship. Everybody can start a church. No. It should be trimmed and checked the genuineness of the person starting the church. Thank you very much. God bless.

Com. Riunga Raiji: Father Samuel just wait.

Com. Salome Muigai: Father Samuel I have one question or clarification one that the Catholic church were major partners at the national level in teaching education. We do appreciate that it has not gone as well as it could, but that partnership was there and it was agreed because we agreed that the Catholic action tayari wako mashinani na wamesaidia pahali pengine wamefanya kazi nzuri sana pahali wangeweza kama tulikuwa Arol jana na kanisa ilifanya kazi nzuri sana kuwafundisha wananchi na kuwatayarisha kwenye huu mpango na tunashukuru pia kwa ajili ya hio. Mimi nina swali kwako na swali yenyewe ni juu ya kusema kuwa Katiba mpya inatakiwa ku-protect the poor. Can you give us some of the ways that; suggestions yenye tungetumia kuhakikisha hii Katiba mpya inajari maslali ya walio maskini. The first one is about education. Education especially the primary education. I think it should be free, if we give free education we shall be helping the poor. That is what I said the sharing of the cake and removing the idea of corruption at all because corruption usually it goes down to the poor. It is the poor who suffers. If somebody steals 1 billion shillings he does not dance with the local man (inaudible – laughter)

Com. Riunga Raiji: Ee peleka hapo na u-sign register yetu. Tutaenda kwa Patrick Chebelion. Patrick Chebelion.

Patrick Chebeliel: Ee asante sana macommissioners na wamarakwet wote. Hii ni wakati mwingine kubwa sana katika Kenya yetu kama Wanakenya.

Com. Riunga Raiji: Sema jina yako inaswe kwa machine yetu.

Patrick Chebeliel: “Patrick Chebeliel ’ Jina yangu ni Patrick Chebeliel, basi nilianza kusema ya kwamba leo ni siku kubwa katika historia ya nchi yetu kwa sababu tunajaribu kurekebisha Katiba tangu enzi zile za ukoloni na Katiba ilikuwa imefanya mataabiko kwa mara mingi. Kwa hivyo nafikiri leo wanafanya overhauling of the Kenyan Constitution ile kitu inaguzi maisha ya watu sana ni security. Katika Marakwet, tumekuwa na insecurity kwa muda mrefu kama bile mtu alisema ya kwamba

wakati wenzetu wale Wapokot walipata nafasi ya kupata mabunduk ndio insecurity katika sehemu za valley iliharibika sana. Kwa hivyo tunasema katiba mpya ihakikishie watu wetu ata Wamarakwet ya kwamba security ni paramount sababu hata kazi yote tungefanyia developmenet katika miaka ishirini iliyopita, ilikuwa niku-prevent security huko.

Sasa tuko kwa District Commissioner ya treasury, imeenda huko chini inaenda huko chini badala ya sisi kufanya kazi. Kwa hivyo sisi kama Wamarakwet hatujaendelea hata kidogo. Kwa sababu pesa ote, ile allocation yetu inatumika kwa security. Basi kwa hivyo ningeliza hii Katiba mpya ihakikishie sisi ya kwamba security iwe ya maana sana pengine wale watu wakuishi huku, serikali imechukua responsibility kwa ??? building schools – boarding schools on those areas and may be police station in those areas. Lakini ya maana sana is civilisation – education. Educate them because they are primitive .

Kitu kingine ni ya kwamba natural resources zetu watu wanataja – mini niko na maoni kidogo kwa forest tukiimba kwa kila clan, saa hii kuna massive destruction, na tukiwachia clan, unajua saa hii ndugu yangu anafieka huko, anaendelea kuharibu na kuharibu kwa hivyo serikali wangesaidiana na clan, mine is to put a different appeal, wote tusaaidiane. Tukiacha clan, haitakuwa effective sana.

Land issues kama vile tuna sehemu kidogo hapa hchini ambayo bado kuwa demarcated. We are asking the government to demarcate all our land so that we have a tittle deed. Kweli tuko na communal land today kama kitu ikipatikana kama minerals na oils na kadhalika, serikali wanaingia huko kudai ownership, so we want the demarcation.

Na communal land hata kitu gani kipatikane, lazima the community ama watu wa clan hio waulizwe, wapate kitu hiyo. Na hatutaki ujaja ya construction ya zamani ya kusema kwamba kitu ikipatikana kwa shamba yako, yako ni futi sita na ingine ya chini ni ya serikali. Hio ni abunwasi. Hiyo ni mbaya. So we own the ground upto a thousand, or a hundred feet na huko juu, pia hata huko juu, we have rights; kama hiyo ni kuokota shamba yako, we have rights to a certain height in the sky because you can build a house and all that.

Inginge commissioners ni ya kwamba majimboism – majimbo ni njia moja ya kufanya decentralisation of natural resources. Kwa wakati huu pesa ikipatikana, pesa napelekwa Nairobi, kila kitu Nairobi, so tunganasema ya kwamba majimbo iweko lakini watu wote wawe free kufanya biashara mahali popote lakini there has to be decentralisation of resources. Hio sio kusema ati watu wanatawanyatawanya sana kama nchi zingine kama Nigeria. They have federal system of government, nchi ingine kama Germany, they have a ??? system . Kwa hivyo why not us? Majimbo ni kuhakikisha decentralisation of resources.

Appointment of commissioners ni ya kwamba people like President should not indulbe themselves in appointments. Tuko na Public Service Commission na hii Public Service Commission walete mtu moja kwa kila district representing sababu katika hii parastatal yetu leo unaona district zingine wako na watu karibu ishirini while hapa Marakwet we don't even have a head Managing Director, hata mmoja. Wengine wako na 50. Kwa nini tuwe just one representative kwenda Public Service

Commission na President to desist from this appointment in the new Constitution.

Ingene Bwana Commissioners maneno mingi inatokea katika Kenya Gazette. Kenya Gazette, appointments, nini, mambo mengi, now how do we get this Kenya Gazette? Is it available? Wewe unaweza kustakiwa na inasemekana ilikuwa kwa Kenya Gazette, Kenya Gazette inaletwa kwa DC, pengine County council, lakini mahali pengine hapatikani. So, can this Kenya Gazette be made available in the new Constitution to wananchi . Let it be sold like other periodicals or other dailies, yaani Standard, Nation na kadhalika.

Com. Riunga Raiji: Ee Chebeliel wakati wako umekwisha, just have a minute to wide up.

Patrick Chebeliel: Kuna kitu moja ambaye mama moja alitaja ee wananchi ni ya kwamba kama mtu akiuwa mwingine hapa Marakwet, watu wa hiyo clan ambayo mtu huyu anauwawa inafanya nini? Inafamia, sasa wanafamia yule mtu ambaye ameendelea katika hiyo jamii. So can the new Constitution kusema ya kwamba kama fulani ameuwa fulani, wacha huyu a face the consequences not te community or the brothers or the relatives. Eee is that not true?

Kwa hivyo tumeona mama hapa na nguosafi. Nafikiri Kenya should have also a national dress. National dress, mtu, akionekana huko, Nigeria, Uganda, anaonekana ni wa Kenya. So we can have a nationa dress especially women. Lakini men, waendeleo na tai zao na kadhalika. (laughter).

Kwa hayo machache mimi nasema thank you very much.

Com. Riunga Raiji: Okey. Ngoja kidogo. Pengine tuna maswali.

Com. Salome Muigai: Asante sana Bwana Chebeliel kwa maoni yako. Mimi ningetaka kuuliza maswali mbili au matatu ya ufafanusi. Ya kwanza ni hii demarcation of land. Unataka lands ikuwe demarcated ipatiwe nani? Yaani tittle deed itakuwa na jina la nani? Hio ni swali langu la kwanza. Nina maswali mawili ama matatu hivi.

Pia umesema kuwa ungetaka kuona clan na serikali ikishirikiana kuangalia forest. Hii tungetaka utueleze concretely the attitudes that you have in mind because the clearer the submissions you give us, the easy it is for us to be able to see how the Marakwets will see this issue. So the issue of land is something that I would like you to review it.

Last but not least, why should women have a national dress when the men are tying ties?

Patrick Chebeliel: Thank you very much. Madam Commissioner, demarcation ambayo ninasema watu lazima wapewe ee legal anarchy – individuals –

Com. Salome Muigai: Ah, so, can you make it very clear what the role of the clan is, what the role of the government is and what the role of individuals in the ownership or in the stewardship of the land in this area.

Patrick Chebeliel: Right. In some parts of Marakwet, we have communal land and everybody knows they used to demarcate using stones. So take for example myself, I have two sons and three daughters. Maybe the government will come, surveyor will come and say ; okey give Kiplagat that one. Give Kiptoo that one and so forth, so that is what we mean. We mean let the government come and survey and give us the relevant documents. Agricultural forests I have a nimeona ya kwamba kama ikiachiwa tu raia, destruction will go ahead because you don't want – huwezi under kushtaki ndugu yako, huwezi kwenda kushtaki dada yako na kadhalika kwa hivyo the government should chip in ku-protect pamoja na wananchi.

Now, I feel kama wanaume tuliambiwa tufae ile ya Ki-nigeria na kitu namna hii na kubeba, may be the tie, we have identical tie, imeandikwa Kenya, lakini akina mama wa dress kama wewe. Thank you.

Com. Riunga Raiji: Okey Bwana Chebeliel. Mwingine hapa ni Abdi K Kipchoge. Abi K Kipchoge, endelea.

Abdi Kipkemboi Choge: Asante sana Commissioners pamoja na wananchi ambayo wameweza kutulia siku ya leo. Yangu tu macommissioners ambaye ningesema hapa mbele yenu – Abdi Kipkemboi Choge. Ningetaka kusema katika Katiba pia ya kwamba serikali pia itawaliwe na serikali za wilaya. Sababy yakusema hivyo ningependa kusema ya kwamba pesa yetu hutoka Treasury na anakuja kutawaliwa na District Commissioner. District Commissioners ni mtu foreign anaweza kutumia pesa kwa njia mbaya na ningependa pesa hizo ilundishwe kwa Chairman wa County Council kwa sababy Chairman wa County Council ni mwananchi wenyewe wanamchagua. So atachunga hiyo pesa kwa njia inayofaa kwa sababu atajua yeye ni electorate.

Inginge tena, hii mambo ya councillors, madiwani ni mzuri kuwa na elimu yao ya kila siku pamoja na ile interview yao ya kufanyiwa ya lugha, hiyo inatosha. Sababu ni watu waaminifu na ni watu wakuwakilisha mambo ya wilaya sababu tuna wazee wengin ambao wangependa kufaa kofia na ikisemekana elimu ya juu zaidi, hio watu hawatakuweko. Kuna wazee karibu rika mne ambayo wako sasa, kuna ingine ambayo inaitwa Kagero, Chumo, Kaberechiko, na ni watu waaminifu lakini kama mtu anaweza kufika kiwango fulani hawataambia jamii ukweli.

Inginge tena, mimi ningependa serikali katika hii Katiba mpya, Serikali iluhusiwe hii serikali ya wilaya zaidi. Chief achaguliwe na wananchi na manaibu wao sababu chief ukifuatana na yeye anaweza hata kukunyang'anya wewe bibi yako na anakaa mpaka retirement. Kwa hivyo mzuri chief achaguliwe. Kwa hivyo akifanya kosa, atajua baada ya miaka mitano, ataondolewa. Kwa hivyo atachunga kazi yake vilivyo.

Inginge tena Bwana Commissioners Wamarakwet wametaabika sana na vita a hii majirani yao Wapokot. Mimi ningependa kusema, serikali ilitoa ilani ya kwamba mtu asiwe na ng'aling'ali lazima mwananchi analindwa pamoja na mali yake, na mimi

nashangaa juzi, majirani zetu wa Pokot walikuja na wakawaumiza Wamarakwet wakachukua mali, wakauwa watu kwa bunduki na wakaiba ng'ombe ambaye ukienda kutoa kifungu yao, saa mbili unaweza kuhukumiwa kifo. Na hakuna hatua yeyote ambaye ilichukuliwa. So, mimi ningesema, ukikuja kupiga report, kueleza ya kwamba vita kama hiyo imetokea kule chini, OCPD – hii watu wa security wanaanza kutumia delaying tactics. Anakaa, kama una report saa moja, wanakaa mpaka saa saba ndio wakuje. Wanajifanya sawasawa wanafanya kazi katika wanaenda huko, wanamangamanga huko na anajua tu, hao watu washatoka – immenda.

Ee, Chairman ya County Council ipewe uwezo zaidi kwa sababu nchi ni yake. Wa control hapa hii security kwa sababu wanajua ni mara moja na wakizinzia, anakasa wao waende mara moja kutatua hiyo shinda.

Basi mimi nafikiri yangu nimefikia hapo mheshimiwa.

Com. Riunga Raiji: Okey, asante sana Bwana Abdi . Nenda hapo kwa register yetu. Kuna William Kipyegon.

William Kipyegon: Kwa majina, naitwa William Kipyegon nikianza kutoa maoni yangu ya kwanza ni juu ya land ownership. I want a Constitution whereby every Kenyan is restricted to have a maximum of 1000 acres. If you have more than 1 000 you surrender to the government so that certificate of land may be given. This will also check mambo ya land grabbing because in Kenya today, the rights of the politicians somebody's even have more than 10 000 acres and still wants another land. So when we have a Costitution every Kenyan will have land.

Another one Local Authorities: I think these people should be empowered and should be made autonomous to set up their own parliament whereby all the resources alloted to that district to be managed by the local authority. I think this one help much to check on the distribution of the natural resource like here in Marakwet, I am sure the Commissioners yo are expecting to have a tarmac road in Marakwet. It is very unfortunate that mtapitia fumbi. If we would have a national fund directly located to Marakwets, I am sure we would have some kilometres of tarmac road. So if the resources are divided at the national level. Then the Marakwets will have their share and set their own priority under the County Council.

There is also this issue of government insecurity. To me, I am seeing that the government should compensate for those people who have been affected by insecurity like Marakwets. The other year so many people were killed and they were not compensated. Since it is the work of the government to protect its citizens, and if it's the work of the government to protect its citizens, we should have that obligation to compensate those people who have been killed by bandits.

Another one is medical health care: Medical Health Care should be free for all Kenyans in the new Constituency. Why? Because when we have healthy people we shall have a health nation. Without health people, there will be nothing which is happening in that country. So the government should provide medical care, health care for all free so that every other organ of

the government will run well. When we have a sick person, everything else will be paralysed.

There is this case of gender. To me the question of women of equality of women to men should not arise. Men and women have got their roles in society a woman has got her own role, so I don't see why a woman should be equal to man. Even in the bible a man is the head of the house hold. So where does the situation whereby these people can be equal because in homes there will be a lot of family instability. So the man should be the overall boss in the home. In other areas like education and other things, yes, they can be equal, there's no objection and when it comes to the management of the family, the man should be the boss.

There is this case of presidential powers. I think this has been the most abused in our country whereby even somebody who is not able to hold that office is given a post to run and that why in Kenya we are ranked amongst the most corrupt in the world. Why? You give somebody a post who does not know what to do. So public posts like chief appointments should be voted by parliament so that if you mess you will be dealt as per the law. But this idea of having a cousin, a brother, a clansman holding office should stop if Kenya will go away from this trend of corruption.

Com. Riunga Raiji: William jaribu kumaliza wakati wako umekwisha.

William Kipyegon: There is a case whereby somebody holds a public office and is charged on corruption – then you hear, tomorrow he is the head of another parastatal. I think that one should stop. If somebody has been charged on corruption, he should be declared unfit to hold any other public office. Thank you very much.

Com. Riunga Raiji: Njoja kidogo William.

Com. Salome Muigai: Thank you very much William. There's a question from your views. A question or a clarification. You have said that “serikali inatakikana kufanya compensation kwani kazi yake kulind watu na mali yao” Ungependa compensation ya aina gani? Hilo ni swali la kwanza.

Swali la pili umesema juu ya “equality does not arise because people have different roles, wewe unawza kuwa mwalimu na mimi nikawa daktari, sisi tunafanya kazi tofauti, does that stop us from being equal even though we are playing different roles because we are both giving our contribution towards the development of the country or our home. So the equality does not sound as we feel it is part of the acting under which we are operating. It is not a question of people doing equal roles. It is a question of giving equal value to values of people doing different work. And I think that also it is the same thing we've been telling us. We have been saying that the Marakwets, the Kikuyu and everybody should be equal, even though they are different. So we are looking for ways of sending this equality in differentiation within not just the working mates but at home. So I am looking for your thoughts on this as well.

William Kipyegon: On roles, when it comes to employment and any other part of life, me, equality it can be there but at the family level whereby a mother is supposed to perform certain functions, a father certain functions at the home level. You hear of these issues like when you are married and you are asked to take care of the kitchen today. That is the area whereby I am saying it should not arise because at the on-stage level, the man should be the chairman of what is happening around the homestead.

When it comes to public life yes we can be equal outside there. But at the home management, it remains on the man.

And the security compensation – like now 3 years ago, we were carrying but some immunization on polio, some children were killed in parts of Marakwet district and the government never compensated that loss. Since there is a government policy that all children are to be immunised so that's the area where I am saying the families affected should be compensated that loss. If a man is killed by Pokot or a Pokot is killed by a Marakwet, that homestead should be compensated because the loss of that man will have some adverse effect on that family.

Com. Riunga Raiji: Okey, asante William ee, kwa sababu sasa naonawatu wemekuwa wengi, tulipoanza walikuwa wachache, na ningependa kuwakumbusha vile tulikubaliana hapo tulipoanza ili wale hamkuwa sas wajue. Kitu cha muhimu nikwamba tulisema lugha, unaweza kuongea Kiingereza ama Kiswahili na hata lugha ya kienyeji: ya hapa mnaita kimarakwet ama lugha yenu local munaitaje? (Jibu – Marakwesh). Kwa hivyo uko free kutafuta mtu wa kutujulisha vile unasema. Naona watu wengi hawataki kusema pengine kama ni mambo ya lugha, kuja useme kwa lugha yako, upeane maoni yako ambayo itasaidia kubadilisha Katiba yetu. Hio nilisema na uwe free. Hapo nilisema kwamba uko huru kupeana maoni yako kwa Tume hili ya Kurekebisha Katiba ya Kenya. Usiogope yeyote. Usiseme ya kwamba ati Bwana yako atakupiga njioni ukienda kama ukisema maoni yako ama bwana aseme atapigwa na bibi yake ama mambo zingine. Kwa hivyo usiogope. Hapo nilisema hapo mwanzoni. 2, 3 kupeana maoni yetu ili tubadilishe hii Katiba yetu.

Nilisema hapa ya kwamba time, yaani wakati ambao napeana hapa tulikubaliana hapa na wale tulipoanza na wanaendelea mzuri, mpaka sasa hakuna mtu nime-penalise mambo ya masaa lakini wale wamekuja sasa ningependa kuwakumbusha kwamba ukiwa na memorandum, memorandum inaweza wakati mwingine kuwa kubwa kama hii, hutakuja hapa kusoma hio memorandum, ni kupeana yale ya muhimu tu – points, points na halafu memorandum tunaitaji sana, uweke pale, tutaikagua, itaangaliwa, tuna hawa watu wakufanya hiyo kazi na hapo nitakupatia dakika tano kwa kupeana maoni yako. Ukiwa na memorandum ambayo utapeana machache, dakika tano, ukiwa huna memorandum ni kuzungumza tu kwa mdomo, dakika hiyo tano. Si zaidi ya dakika tano lakini unaweza kuongea dakika chache lakini si zaidi ya tano, ili watu hawa wote wakati tunamaliza, tukifikia njioni ama wakati fulani, kila mtu amesema kitu . au mnataka wengine waende bila kusema kitu? Yule yeyote anataka, lazima apatiwe nafasi. Lakini kuchukua nafasi yote pengine wengine wataachwa. Kwa hivyo tukubaliane hivyo na msipitishaye hayo.

Lakini unaweza kuwa na memorandum na useme wewe hutaki kuzungumza uende pale kwa officers wetu, upeane

memorandum, uweke signature na uketi hapo usikilize vile wengine wanasikiliza ama ukitaka kwenda uende. Uko huru.

Kuna pengine wengine hawataki kusema jambo lolote hapa. Hata, hivyo, wakae tu, wasikilize wengine, mtu akibadilisha maoni yake aseme tu, asubuhi nilikuwa nimesema sitasema lakini sasa nimewekwa bidii nitasema, tutakukubalia. Hakuna taabu. Kwa hivyo tuendeleo na list yetu. Yule ambaye anafuata William Kedago, ni Selina Kedago. Selina unaongea, pengine unapeana memorandum. Its okey. Selina, nilisema kama ukiwa na memorandum, you can highlight for 5 minutes lakini ni wewe vile unataka ni sawa sawa. Okey, Selina ametupatia memorandum na hapo ni sawa sawa. Twende kwa Gabriel Chemweno. Na ukija hapa twambie jina lako ili hii machine ichukue jina lako.

Councillor Gabriel R Chemweno: Kwa majina, mimi ni Councillor Chemweno, Gabriel R Chemweno – Vice Chairman ya KANU Marakwet district. Basi kwa nafasi hii ndogo, asante commissioners kwa kufika sehemu zetu ya Marakwet. Yangu tu ningetaka kuongea sana kuhusu freedom ya kila mtu ama uhuru kwa mtu kutembea na kuwa huru kufika sehemu zetu hii, ya mashambani, ama wilayani yetu ya Marakwet. Langu tu, ni ngetaka kuongea sana kuhusu freedom ya kila mtu; ama huru kwa mtu kutembea na kuwa huru kwa sababu wakati mwingine, unaweza kupita pahali na unapata askari ambaye ako kwa kazi yake, halafu anaanza kukuliza ulikuwa unaenda wapi, wewe unajua sisi ni polisi? Wewe unajua sisi ni hii? Mpaka mtu anaaza kuwa na woga, kwa jambo ambaye hakutarajia iko mbele yake. Kwa hivyo, jambo kama hilo, iwekwe sheria, ya kulinda mtu yeyote. Kama una nyanyaswa, unapiga repoti. Askari kama huyo anastakiwa, na kufutwa kazi, na alipe yule damage. Kwa sababu ameharibu yeye. Amemweka woga kwa njia yake.

La pili, tumekuja hapa mbele Bwana Commissioner kwa sababu nchi yetu Kenya ni mgonjwa. Kwa sababu gani nina sema Kenya ni mgonjwa? Ni kwa sababu ya corruption. Ndio inafanya sisi mpaka tunarudi kusema pengine sheria tuli tunga vibaya, pengine nini ilienda vibaya. Sheria moja itungwe, kama mtu anafanya corruption, anatolewa, pahali ya kazi, public offices, atoke nje. Hapana transfer, kwenda kuharibu pahali pengine. Sheria kama hio itupwe. Na tena, arudishe ile mali ameiba si kutolewa tu na kuacha aende na mali. Mimi nalaumu sheria ya zamani kidogo kwa sababu waliweka umuhimu, mtu akiiba sindano, anafungwa miaka mingi, na mtu akiiba pesa mingi, anawachiliwa kotini bure. Mwenye alikuwa anatamani kuiba sindano, ni raia yule maskini, ambaye anaona sindano ni kubwa, na yeye ameenda kufungwa. Basi, sheria kama hio iondolewe, na mwenye amechukuwa vitu, ya wananchi inafuatwa na arudishe hio pesa; sio transfer.

Kuna ugonjwa ingine. Sheria tena inaweza kuwa sumu, kwa wale wanatumia vibaya. Unaona wakati huu polisi wamekuwa Bwana wa mabwana wakati huu. Kwanza mimi ni Councillor sasa, na sina huru kwa ile ofisi yangu ya OCPD yule yuko huko. Nikienda huko, kwanza wananiambia wewe unaitwa nani? Unataka nini, ilete hapa! Ananisumbua kabisa mpaka ninaona kuna kitu ninaweza sema, ama nikikosa karatasi moja, nitawekwa ndani. Kwa hivyo mimi nataka mtu awe free; kila mtu aseme mambo yake, kama ni uongo, waseme, na baadaye athibitisho, ikikosa, niwekwe ndani. Na binadamu, sijui aliumbwa namna gani. Kuna mtindo moja iliingia mwili wa binadamu. Anapenda hata kusema wacha naenda kuharibia mtu fulani jina. Anaenda anasema ameiba hii, na yeye hajaona. Kutungwe sheria ya kuharibu mambo hii. Mut akiniharibia jina, baada yangu kushinda kesi, kuwe na fine ile anatakiwa kulipa, na isiwe chini ya elfu mia tano mpaka milioni moja. Haya, nimemaliza hio.

Ingingine ni juu ya timu inasimamia wilaya inaitwa Security team. Ile ambaye inasimamiwa na District Commissioner. Hapo ndipo mahali wananyanyasa wananchi. OCPD wanakutana na DC, Special Branch, hata DO hatakiwi, chifu hatakiwi, Chairman wa County Council hatakiwi, mjumbe hatakiwi. Hwa wakisema tunyanyase huyu, hakuna mtu anaingilia hii Security Team. Kama wewe imekwisha fungwa kwa hawa, utaenda namna hiyo. Hapa sasa tunaomba iwekwe sheria, hata hawa wakikatia mtu lawama kwa huko, na umeenda mpaka kotini na kushinda, unarudi na kustaki DC. Na ukimstaki, tunataka atumie lawyer wake mwenyewe, asitumie yule wa public. Hii inaitwa state council. Na akipatikana na hatia, DC mwenyewe alipe pesa hio. Basi, nafikiri nikimaliza sasa, naungana na sheria hii mimi nataka kuomba, hii sheria ya kulinda wananchi.

Sheria ya kulinda wananchi. Kwa hapa Marakwet, mimi naona kama sheria hio iko kando. Kwa sababu tulipoteza mali chungu nzima, tulipoteza manyumba ya mabati, tulipoteza mashule, tulipoteza watoto, tulipoteza ngombe. Lakini serikalil, hakuchukiwa kama ni disaster. Na Kuangalia na kutoa compensation kwa huyo mtu amepata umaskini kubwa, hakutarajia yeye mwenyewe. Kuna mapendeleo kwa sababu niliona wakati wa Molo, walitoa kitu huko. Wakati wa Laikipia, walilipwa kitu huko. Hata Mt Elgon walilipwa kitu huko, lakini hapa Marakwet, waliwachwa kama si wananchi wa Kenya hii; (in the background) hata Sondwa walilipwa. Lakini hapa Marakwet, tuliachwa! Tunataka sheria ya ku-cover watu wote, na ku-cover Marakwet. Mimi sina ingine, asante.

Com: Domiziano Ratanya: Ngoja hapo Councillor. Ngoja kidogo. Councillor, kuna swali moja ambayo ningetaka ufafanue hapa. Kwa Security team, unasema Chairman ni DC, kuna OCPD na kuna Special Branch Officer, hapo, hukufafanua sawa sawa kama pengine haihitajiki, ama pengine ungetaka wananchi wahusiswe kama Mjumbe ama Councillor, wa hio team, ama haikuwa clear.

Councillor Gablo: Hapa sasa, mimi nilikuwa nataka kama wajumbe wetu wako mbali, ihusishwe kwa County Council Chairman. Na nataka mtu ambaye anachaguliwa na wananchi, si hata clerk; clerk anaweza kushikana na DC tu na kusema hawa ni civil service. Wanashirikiana kwa kunyanyasa. Tunataka sisi tunachagua, halafu akitenda kosa huko, sisi nangojea yeye, na kumwaga, na kumweka mtu mzuri huko.

Com: Domiziano Ratanya: Yaani, mumuonze kwa hiyo team?

Councillor Gablo: Kwa hiyo team ya security.

Com Domiziano Ratanya: OK. Nimeelewa sasa.

Councillor Gablo: Na hata kwa proposal yangu ningetaka Chairman kwa County Council awe Chairman wa Security Team.
(Clapping)

Com Domiziano Ratanya: Asante kwa maoni hayo yako Bwana Councillor Debro. Weka sign yako hapa. Sasa tunaita Anna Chepkien. Ukisikia siwezi kuitamuka, tayari najaribu tu kidogo. Anna yuko? OK Anna ni wakati wako.

Anna Chepkien: Asante sana Bwana Commissioner. Kwa majina naitwa Anna Chepkien. Mimi na simamia kikundi cha Maendeleo ya Wanawake, kwa sababu sisi tumekutana kwa Districts zetu na kujadiliana, kwa maneno ya katiba sisi akina mama, tunataka tupewe

Haki zetu za akina mama. Sikusema akina mama watawale nyumbani, ama watawale mabwana, hapana. Sisi tunatawaliwa kama kawaida, lakini kwa haki yetu, sisi kama akina mama, tumezaa watoto, tumezaa wavulana na wasichana. Na hawa watoto, wameenda shule, wameenda kusoma darasa moja, wameenda secondary, wameenda University, hasa, wakitoka huko, kila mtu amepata degree. Sasa Bwana Commissioner, sisi kwa sisi tunataka haki yetu. Kwa nini wasichana hawapewi cheo kama Directors na zingine? Kwa nini zinapewa tu wavulana? Kila mtoto, alienda darasa, alipata degree kama ya yule mwingine, na wanasema msichana hawezi kupewa cheo kama Director. Na yeye pengine ameshinda hata kijana. Tena wanasema ati pengine wataenda maternity, hata yule kijana, kama yeye ni Director kwa ofisi, siku zingine kama amekuwa mgonjwa, si atakaa hospitali hata miezi mbili halafu anarudi kazini? (laughter) Ni hayo tu Bwana Director, mimi ninaunga ile tulijadiliana na akina mama mkono. Tupewe haki yetu. Asante.

Com: Riunga Kuna swali. Ngoja kidogo Anne.

Com: D. Ratanya: Asante sana mama kwa hiyo pendekezo lako.

Lakini mbali na hiyo, kuna vitu vingine labda unafikiria nyinyi kama akina mama wa maendeleo ati, watoto wetu wa kike wanyanyaswa, na ungetaka turekebishe. Isipokuwa tu tuseme kwa hiyo ma-position makubwa kama Director. Kuna mambo mengine, tuseme kama uongozi, ungetaka kama hao wanawake wetu, wapewe uongozi kama ma-chief, wabunge, watu wengine, na hata President? Anaweza kuwa mwana mke. Nchini zingine wako. Ungetaka tuwapatie viti vingine au tuwasaidie kupata haki zao kwa hizo viti?

Asante sana Bwana Commissioner, mimi, ni getaka hata sisi akina mama, wa hii Constituency yetu, sisi tungepewa hata kuwa Chief, hata Councillor, hata Assistant Chief, na kazi zingine. Hata Agricultural Officer, nani, tupewe hii kwa sababu kila mtu amesoma. Na tunataka hawa watu kama chief, tuwachague kwa mlolongo. Msilete yeye huko tu na pengine mumechagua mtu ambaye amekuja kunyanyasa watu wa nyumbani. Mwenye anatomia tu cheo na hafuati sheria kamili. Asante.

Com: D Ratanya: OK asante sana Anne, ningetaka kuwakumbusha kwamba tulisema kila mtu ana uhuru wa kupeana maoni yake, na kila mtu apewe nafasi. Msipige kelele wakati mtu anasema kitu ama mumwambie sema hivi na hivi. Kwa sababu tunataka kuchukua maoni ya kila mtu. Hayo ni maoni yake. Kwa hivyo tumuheshimu namna hio. OK asante, twende kwa Elias Rotich.

Elias Rotich: Asante sana ma-commissioners wetu. Yale ambayo nilikuwa nimeweka orodha kusema, yamesemwa, na singetaka nirudie sana ninapita juu juu tu. Moja nikuhusu upingamisi hii ambaye imeangamiza wakalejins sana. Mtu akikosa, tuseme kwa mfano ameua mtu, inahusu jamii yote. Kwa hivyo, nafikiri mutatekeleza hio kabisa, kwa makini iwe sheria katika katiba mpya, iondolewe. Hata kwa Mwenyezi Mungu, mtu anabeba msalaba yake, haki yake. Nikimaliza hiyo, nakuja ya pili.

Mishipi yetu iwe katika County Council, hata ingawa kila section inaagalia kulingana na ukoo, lakini iwe katika County Council yetu.

Ya tatu, ni silaha. Wakati Mtukufu Rais alichukua uchukane mapema alitamka kwamba mwananchi yeyote ukiona bunduki mahali popote, julisha serikali. Kwa sababu bunduki hiyo huenda ikatumiwa kukuua wewe mwenyewe. Lakini leo masilaha imesambaswa. Limetambaa kila mahali, na tukipiga ripoti hatuoni hatua ikichukuliwa. Sijui ni nini.

Ya nne, naunga wale wamependekeza majimbo. Majimbo iweko.

Ya tano, nina furaha kusimama mbele ya wakubwa, Commissioners ambayo wanaheshimiwa Kenya hii. Hata Parliament imesongeshwa kwa sababu hamjamaliza kazi yenu. Kwa hivyo nyinyi sio watu wadogo, ni watu wakubwa, na mimi nina furaha.

Ile neno mimi nataka kusema ni hii. Ikiwa Parliament itasongeshwa kwa sababu nyinyi hamjamaliza kazi yenu, ningetaka niseme hivi kwa maoni yangu. Mtukufu Rais ni kiongozi ambaye amefanya mengi sana katika Kenya. Na kwa maoni yangu ningetaka apewe zawadi. Apewe tuzo. Tuzo yake ni hii. Aendeleo kwa miaka mingine tano kama zawadi (clapping) kutoka kwa Wakenya. Kama zawadi ya kupewa na Wakenya. Kwa sababu amefanya mengi. Wacha niseme. Uzuri wa mtu akiwa katika kiketi huonekani. Akisha ondoka, uzuri wake utaonekana. Kwa hivyo kabla hatujasema O Rais alikuwa mzuri, tutambue kama bado angali kiketi kusema ni kiongozi mzuri. Aendeleo kwa miaka mitano. Ikiwa bunge itaongezewa, pia Rais aongezewe. Ma-commissioners, mimi najua kitu kimoja hapa ambaye ni kasoro. Mengi yalifanywa vizuri, lakini tatizo ya marakwet ni vita ya Pokot ambayo imetusumbua sana. Hata mimi nikikaa chini saa hii hakusosi mwilngine atasema nje bwana Secretary wa KANU katika sub branch, wewe unataka miaka iongezwe na tumekwisha, tumeuawa? Tunaomba serikali katika katiba mpya irudishe amani, iwe vile ilikuwa hapo awali. Kwa hayo machache, kwa sababu kila mtu ako na uhuru, yakusema, hayo ni yangu, nimesema. Asante.

Com: D Ratanya: Hebu ngoja kidogo Bwana Rotich kama pengine tuko na maswali, pengine tunayo.

Com: Salome Muigai: Asante sana Bwana Rotich kwa maoni yako. Hii swali la uaji inaendelea kuja, hata jana tulipokuwa Alor swali la mtu kuwa ameua na iwe shida ya mtu binafsi, na sio shida ya jamii nzima. Imeendelea kuja mara kwa mara. Je, ungetaka kutueleza vile ungependa ikuwe kwa katiba mpya?

Elias Rotich: Jambo hilo, ilikuwapo tangu wakati wa babu zetu. Mtu mmoja akiua mtu, kutoka jamii fulani, watu wa yule ameuawa wanavamia ukoo nzima, manyumba yanachomwa, mali inaharibiwa, wengine wanahamishwa, na leo tunafanya maendeleo. Mimi najenga nyumba yangu permanent, ndugu yangu anakosa, nyumba yangu inavunjwa, mimi ninasafirishwa, hali ya uchumi ndio hii imetutatiza, tungetaka serikali uwe sheria. Mtu aatibiwe kulingana na kosa lake.

Asante sana Bwana Rotich lakini kwa sababu naona wewe ni kiongozi hapa, labda ingetusaidia kwa sababu tumesikia sana shida hii la nyinyi Wamarakwet kuvamiwa na majirani wengine. Sijui labda kama uko na mapendekezo fulani- specific proposals ungetaka tuweke, ili kuhakikisha kwamba, shida kama ile ilitikea hapa Marakwet, au mahali pengine Kenya, ungetaka tufanye nini specifically?

Elias Rotich: Ningetaka wanasiasa wawe moja na administration. Ikiwa kuna silaha, katika upande wa Marakwet, hapa na pale, wajibu wetu tukiwa wanasiasa tusiogope, au tisifiche, tueleze serikali, na tuungane na administration mbila kuogopa kusema labda nikifichiwa hii, nitakosa kura kwa wananchi, kwa sababu amani ni kitu ya kipekee. We cannot compare peace with anything else. Kwa hivyo viongozi wote, wa tabaka aina mbali mbali, wawe moja na administration.

Com: D Ratanya: Asante sana Elias kwa maoni yako, andikisha hapo sasa. Joseph Kendagor.

Joseph Kendagor: Asante sana Bwana Chairman, na Commissioners wako wote, Jina langu ni Joseph C Kendagor, retired Town Clerk, wa Eldoret Municipa Council. Bwana Commissioner, nafikiri wacha nianze hivi kwamba, Marakwet Community ni a very marginalized society. Siogopi kusema hivo kwamba, kuna examples nyingi ya kuonyesha kwamba, sisi kama Marakwet, tumesahauliwa sana. Bwana Commissioner, huwezi kuamini kwamba tangu uhuru, 1963, sis community ya Marakwet, hata ingawa tuko watoto ambayo wamesoma, hatujapata DC hata mmoja, tangu 1963. Kuna wengine, wameshapata, wame re-cycle, mtoto mzee amekuwa DC mtoto wake, hata grand child wake amekuwa DC. Sisi hatujaona mtoto wetu wa Marakwet akiwa na hiyo kraoni. Kazi zingine kama MDs

Wa Parastatals, hatujaona. Wewe umeingia katika District hii pengine mara ya kwanza, hakuna tarmac road, vilie vile ni kwamba, kila mtu ambaye amezungumza hapa, ni kwamba marakwet wanauawa, sasa sana, kama experiment na hawa jirani wetu Wapokot. Na serikali inapendelea Pokot. Kwa nini? Wanapatiwa silaha. Wamarakwet, hakuna mtu anakubaliwa kuwa na silaha. Kwa mfano, mashule katika pale, saa zile Wapokot wanavamia, watoto wa Marakwet wanakuja kwa escarpment wanajenga mashule ya shrubs- ya miti miti, ya nyasi, hakuna mtu amefanya harambee, kusema tuwajengee mashule katika hiyo escarpment tu ya mawe, hata kutoa apology, hata kutoa rabi rabi ni shida. Kutoa rabi rabi kwa radio, kutokea wenyewe, hata DC kusema anatoa rabi rabi, ama DC kutoa kwa wale wamarakwet wameuawa, it's a pity. Ni aibu kwa serikali yetu. Ukienda hapa kwa Mancheste, watu wa Markwet wamehama huko, refugees in their own country. Sorry. Ni hayo, make that record, Marakwet maginalized community.

Kuingia kwa memorandum yangu, kwamba tumeandika kwa niaba ya group yetu, tunajiita Ngalantai Welfare Society. Kwa ufupi, tunaomba kwamba tuwe na katibaa ile ambayo inasimamia nchi yetu, inasimamia sisi kama Wanakenya. Ile Katiba ambayo ina guarantee maisha ya binadamu, mali yetu, na iwe katibaa inatusaidia tuwe na amani, tuwe mali, na tuwe na furaha. Kati yetu iwe na Preamble, ya kuamuru wale ambaye wanasimamia, taifa letu, wapate kutumikia sisi kwa njia nzuri. Wapate kutumia mali yetu kufaidhi sisi wenyewe. Nikitoa kwa mfano, katika hapa Marakwet, tuko na, maji, maji kutoka hii nchi yetu, baraka tumepata forests, kuna dam katika Chebara hapa. Hio mali, inatoka nchi ya Wamarakwet. Lakin wamarakwet hawaoni faidha yake. Inatumiwa na wengine. Kati iamuru yakwamba, mali ikitoka mahali fulani, itumiwe kuwafaidhi wenyeji wa huko. Mfano ingine, Maasai wako na wanyama, Mungu aliyo wavariki hawa akawapatia ndovu, akawapatia simba, lakin ile pesa yote inatoka kwa hio, inaenda kujenga high class hotels, in Mombasa and Nairobi, Mt Kenya huko na kutumiwa na wamaasai ku-enjoy the heritage of their property, sorry.

Kitu kingine ni kwamba naungana na wenzangu, kwa nguvu tuwe na serikali ya majimbo. Tunataka serikali iwe karibu na wananchi hawa, wapate kuona serikali iko kwa macho yao. Nasikitika kusema kwamba, pengine civic education hapa ilikuwa very poor, na pengine quality ya presentation ni shallow. Hawana ile indepth of what you require in the constitution. Kwa hivyo tuwe na serikali ya majimbo, ambayo itasimamia vitu kama bara bara, public health, primary education, social services, ziwe katika Provinces.

Citizenship, hakuna mtu awe na citizenship mbili. Tuwe na citizenship moja. Jambo lingine kwamba, umesikia wenzetu wamesema amri za President ni nyingi sana. Tume-propose kwamba tuwe na Ceremonial President, yule ambaye amechaguliwa na raia, asiwe wa chama chochote, yeye ni non-partisan, na awe a symbolic Head of State. Na tuwe na Prime Minister, ambaye kazi yake ni kujibu mambo katika Parliament. Serikali yake ikienda hay wire, anapewa vote of no confidence, anarudi kuchaguliwa tena na raia, ili kurekebisha mambo.

Iko katika katiba yetu 25% ya President. Hiyo, ili President asi shinde tu kwa wingi wa area moja, hio 25% ipate kuendelea. Nimesema kwamba tuwe na Provincial Government. Wqatu wengi wanaogopa, tukizumgumza habari ya majimbo, watu wengine wanatetemeka na tume-propose a safeguard. Tuwe na Commission ambaye tutaita Good Neighbour Commission. Hii Commission itakuwa ikiangalia sheria za kila Province – ya kila majimbo – ama local authority. Wakipitisha kwamba, na kuona hio sheria ni discriminative, wata-propose penalties kwa senate, na kwa kuwa tutakuwa na serikali ya majimbo, tutakuwa na senate. Ile nyumba ya pili katika Parliament. Sasa hii kazi ya Good Neighbour Commission, kila mtu atakuwa apipiga ripoti akiona kwamba amenyanyashwa katika jimbo la Eldoret, basi ako na haki kufanya ripoti. Na commission itachungulia. Itachunguza maneno haya. Vile vile, nimesema tutakuwa na senate, itachaguliwa kutoka kila Province, na kazi yake ni kama ile ya zamani kuangalia sheria za Law House, sheria la Provincial Assemblies, sheria za Local Authorities. Nikiendelea Bwana Commissioner, Members wetu wa Parliament, wanapewa a lot of privileges, mshahara mzuri, minono minono na kuna tabia ambayo imetokea, karibuni kwamba,

Com: D Ratanya: Yes Bwana Kendagor, nitakukatiza kidogo kwa sababu imepitisha dakika yako.

Joseph Kendagor: Yes Sir.

Com: D Ratanya: Kwa hivyo jaribu sasa kumaliza. Tulisema wananchi msisome memorandum. Museme yale ya muhimu, kwa hiyo dakika tano. Lakini wewe ume enda dakika kama tisa, na maliza kwa sababu wewe ni kiongozi.

Joseph Kendagor: Ndio Sir. Namaliza kidogo. Political Parties. Tuwe na sheria, ya kulainisha, viana via siasa. Tuwe na viana vya siasa chache sana. Ziwe mbili au tata, zisizidi tano. Na sheria hiyo, iwe ikiamuru, political parties ziwe ziki-practice internal democracy. Kusiweko na defection every minute. Watu wawe na principles. Mimi nikishindwa katika chama changu leo, nisirudie during the night, na kwenda kwa chama ingine. Tuweko na sheria kwamba huwezi ku-defect within a certain period – say 6 months to the elections or whatever.

La mwisho kwa kuwa nimefanya kazi na Local Authorities, tuwe na very very strong local authorities, ambayo chairman wake, na Mayor wake wamechaguliwa directly na raia. (clapping) Watakuwa answerable, to the public. Na wafanye kazi wakijuwa wakifanya corruption, raia watawafuta. La mwisho vile vile ni kwamba, kuna commissions ziko katika nchi yetu, na ningengeza, tuwe na anti-corruption authority ambayo kila raia, ata-report ile kitu ameona, amedhulumiwa, ameona corruption imefanyika mahali fulani, wanareport. Vile vile, katika nchi zingine kama Tanzania wameanza commission nyingine inaitwa ombudsman. Hiyo vile vile, iingie katika katiba yetu, ili raia wetu wa Kenya wawe na uhuru wa kila aina., kila kona. Ukiangalia mbele, iko nafasi ya ku-report kibaya , ikiangalia kushoto, iko nafasi ya ku-report kibaya. Bwana Chariman, na Bwana Commissioner, ni hayo, yako katika memorandum yangu, nimesema tu kwa ufupi, na nasema ni mzuri,

Com. D Ratanya: Councillor. Ngoja kidogo kuna swali.

Com. Salome Muigai: Asante sana retired Town Clerk, nina swali moja, lenye pengine, sita kutarajia kulijibu wakati huu. Lakin ningetaka pengine ukiwa na nafasi ufikirie. You have can we put to talked at length about marginalization. What concrete proposals reverse either the marginalization, or to put points of redress into it? You have talked about lack of ??? lack of tarmac roads, killings of the ,

Joseph Kendagor: Hata mjumbe wetu wa Parliament, na pana mwingine alikuwako huko, katika areas zingine, it is very painful, utaona baada ya kushindwa kwa Parliamant, kesho he is MD somewhere. Lakini hata mmoja tangu uhuru, Arap Too is sick lakini angalia, yakwamba, hata kupata good pension ili apate kuvaa vizuri, kuliko kuvaa ile viatu zimepasuka. Alikuwa Mheshimiwa hapo Parliament. (clapping)

Com. D Ratanya: OK asante sana Bwana Kendagor kwa Maoni yako, peana hio memorandum. Do you have another

copy? Ama ni hiyo tu? OK , tunaendelea kwa Robert Kipkorir.

Robert Kipkorir: Jina langu ni Robert Kipkorir, Mbunge wa zamani katika Marakwet district. Bwana Commissioners ningependa kuuliza tu kusema, mimi nimeona aibu sana kwa serikali yetu, vile yanaendesha mambo, imekuwa aibu katika Parliament ya sasa. Wakati mimi nilikuwa Mjumbe, mshahara yangu ya kwanza ilikuwa elfu saba. Niliwahi kufanya kazi nyilngi katika Marakwet, kujenga mashule, kutembelea wagonjwa, kusaidia wasiojiweza, na nilifanya kazi mingi. Nimeshangaa vile serikali imesimamiwa siku hizi. Unaona wajumbe wanakula mshahara zaidi ya elfu mia tano, na wnataka kuongezewa uwe miliomi moja, wakati walimu wameuliza mshahara tangu 1997, wanafinywa na inakatazwa. Ukiona mwalimu mmoja anakula mshahara elfu tano., na Mheshimiwa anataka milioni moja, na hawezi kusikizwa. Hii ni aibu. Sis kama viongozi wa marakwet, tunataka ile kitu inaitwa equality. Mishahara ya wafanyi kazi iwe sawa. OK unaweza kupatia Mjumbe zaidi mbele kidogo, kwa sababu anakazi nyingi. Lakini, lazima wale wenye mshahara kidogo waongezewe mshahara, kama walimu, na wafanyi kazi wengine wa serikali. Kwa mfano, umesema polisi wamekuwa corrupt. Mshahara yao elfu tano ni nini katika maisha ya sasa? Na huyu mtu ana watoto katika University, ana watoto katika secondary school, na muna mpatia mshahara elfu tano, si hata huyo mtu akiiba hakuna makosa, kwa sababu hamuangalii masilahi yao (clapping)

Kwa mfano, school fees,

Com. D Ratanya: OK hebu tumpe nafasi. Si hio ndio tulikubaliana? Hebu aseme maoni yake.

Robert Kipkoriri: Kwa hivyo, mimi nataka hio mshahara ya wafanyi kazi kwa jumla, katika wilaya mbali mbali ziwe sawa. Halafu kila mtu anafurahiya. Wakulima walindwe. Kwa mfano, siku moja mimi ninauza mahindi yangu, shilingi elfu mbili kwa gunia. Sasa nauza shilingi mia nne, kwa sababu serikali anakataa kufanya marketing. Wale watu ambao wanasimamia serikali, wanasimamia kazi kama wizara ya planning, hawafanyi kazi zao. Kwa mfano, watu wamekufa katika South Africa kwa sababu ya njaa. Mahindi inatakikana huko. Mahali pengine, chakula inatakikana, lakini sisi tunaulizwa kuuza mahindi yetu kwa shilingi mia nne. Na fertilizers mfuko moja ni shilingi elfu moja mia tano. Mbegu ya kununua, ni shilingi elfu tatu, Mia tatukwa mfuko mmoja. Sasa, mimi ninapata nini katika hio mavuno? Kwa hivyo, mtu anaitwa mkulima amenyanyaswa kabisa. Na amepata hasara kubwa sana. Sisi kama Wamarakwet tuko na viongozi katika area hii, tunalia sana. Kwa hivyo, mtu wa agriculture, aangaliwe maneno yake sawa sawa.

Ningependa tu kuongeza kitu kimoja mwenye kiti, kwamba tumeangalia hii kitu inaitwa security, kweli, hata sikutaka kurudia. Kuna kitu tunasema katika Parliament, Sessional paper number 1, katita mbunge, sheria ya kulinda watu na mali yao. Kwa mfano, wale Wamarakwet wamekuwa massacred katika Chesungut, what we have said is the worst thing is walikufa. Wamewacha watoto yatima.

Kwa nini hawa watoto serikali haiwezi chukua na kuwasomesha mpaka wafikishe miaka 18 au mpaka 21 halafu inawachilia? (clapping) Kwa nini tusingaliwe namna hio? Watoto wa hawa watu wameachwa, sasa wamekuwa maskini, wanatembea,

wamekuwa “chokora”. Watoto wa watu ambao walikuwa na mali yao, walikuwa na utajiri. Hiyo ni kusema nini Bwana Mwenye kiti? Sisi tunataka very seriously, security. Na hatutaki mchezo kwa hiyo maneno. Kama sivyo, tutangaze vita. Wamarakwet, musikubali kuwa mzigo kwa serikali! Twende tukachukuwe silaha na kuua watu wengine. Hii ni aibu sana. (laughter) OK, hiyo imekwisha, lakini nilikuwa nataka kurudia kitu kidogo tu katika mambo ya forestry. Kidogo tu.

Kuko namna hii Bwana Mwenye kiti; katika Marakwet community, sisi tunaheshimu sheria ya kwetu, kinyumbani vile wababa zetu walikuwa wanatuendesha. Forests zikawa kwa clans. Na hizo forests, mimi siwezi kutoka clan ingine, kwenda kuingia katika forest ya mtu mwingine. Ni kama mashamba. Na ilikuwa inalindwa, na wazee, na hakuna mtu alikuwa anaingilia. Halafu after independence, 1964 Mwenye kiti, 1963, wakati tulipata uhuru, serikali ikanyanganya wananchi powers. Na wakachukuwa, na wakaanza kusema inalindwa na Central Government. Kutoka haapo, wakaleta wageni, kwenda kulinda hio forests. Wale wageni wakaenda huko, wakaanza kufieka forests. Wakanyakua. Unaona mtu anaitwa forest officer, anasimamia forest, unakuta iko na ngombe mia moja ndani ya forest. Na kusema hii ni mali yangu, nimepata. Unaenda huko, unaambia mzee. Anakwambia, wewe ishi hapa, nitakukatia plot hapa. Sasa forest yetu inavamiwa kutoka pande zote. Ile mambo ya clans iliharibika. Kwa hivyo sisi tunataka irudi katika County Council, na wananchi wenyewe, warudie mambo yao, ya kuangalia mbuzi zao. (clapping) Hii maji ambayo iko Chebara sasa ni uchungu sana kusikia Directors wa hio maji, ni watu foreigners katika area hio. Hakuna Mumarakwet hata mmoja amepolekwa huko akawa Director. Watu wote wale employees, wale wanafanya kazi, hata wale wakufieka chini hata wale hawaja soma ni watu wa wengine. Hakuna Wamarakwet huko! Sisi tunataka 85% to 90% wawe Wamarakwet. Wale watu wanafanya kazi katika hio Dam (clapping) Basi kwa mambo ya distribution, umeshasikia hiyo, kwamba Wamarakwet wamenyanyashwa. Haya, nimesema mambo ya marketing. Na sasa Bwana mwenye kiti kuna kitu kinaitwa culture ya watu. Kama ni Wakikuyu, wako na culture yao. Kama ni Wamarakwet, wako na culture yao. Kwa nini tusiheshimu culture yetu? Sisi tunaletewa culture ya wazungu kwa nini? Unavaa trousers, kwa nini bibi yangu anavaa trousers? Kuna aja gani bibi yangu kuvaa trousers? Mimi nataka bibi yangu avae marinda mzuri, anaka kama mama wa nyumbani hata wazazi wangu aonyeshe heshima akiwa mbele ya wazazi wao. Sisi hatutaki hii aibu inaletwa na foreigners. Halafu wanakuja kuharibu culture yetu. Mama yangu na baba yangu mpaka leo wana heshima. Wanafuata kimila na wanaita mimi mtoto, na kuita wale wajukuu, tunakaa vizuri.

Hii maneno ya kuchanganya culture ni mbaya. Mimi sio mzungu, mimi ni mwafrika, na mimi ni Marakwet. Na mimi lazima nikae kama Mumarakwet (clapping). Haya mwenye kiti, mimi nataka kukueleza kwa ufupi,

Com. D Ratanya: OK sema ya mwisho kwa sababu dakika zako zimekwisha.

Robert Kipkorir: Kuna shamba inaitwa White Highlands ambayo wazungu walinyanganya sisi. Na wakati wazungu waliondoka, wakasema tumeondoka, lakini hii shamba, tilinyanganya Wamarakwet, na hii tulinyanganya wakikuyu, basi, Wakikuyu walirudishiwa upande yao. Wamarakwet hawakurudishiwa yao. Sisi tulifukuzwa katika Trans Nzoia, mpaka Ua-sin-gishu. Takafukuzwa na Wazungu. Sasa kutoka 1963, watu walitoka mahali pengine wakavamia hizo mashamba. Na

sisi tukanyimwa kwa maana walikuwa kwa ppower siku hizo, mpaka sasa, sisi tunaishi kwa male, na Uasingishu ni kwetu. Munanyanyasa watu namna hii, na hii shamba iko Trans Nzoia yote, chini tunapakana na watu wa Elgon na tunapakana na Wabukusu, na barabara ya mpaka yetu ilikuwa kupita rami ya Kitale mpaka Eldoret. Sasa kabila zingine zinakuja mpaka hapa hata Kapcheloti, yote imeenda. Sasa hii shida tutaishi namna gani Brwana Mwenye kiti? Sisi tunataka mashamba yetu turudishiwe, watu waondike katika hiiuo trans-zoia waende kwao.

Com. D. Ratanya: OK, Mheshimiwa ngoja kidogo, pengine kuna swali.

Com. Salome Muigai: Asante sana Bwana Mheshimiwa kwa maoni yako, mimi nina swali moja kwako. Umesema kuwa umezungumaia kwa kirefu habari ya mila zetu. Mimi swali langu ni hili. Mila inakomaa ama mila inaendelea ikibakilika kama vile sisi na wewe tumeenda tukibadilika. Wakati mwingine tulivaa mavazi nimetupatia lugha tofauti, zimetupatia, je tinataka lugha yenye itakubakiana na kubadilika na nyakati, ama mila ni kitu kilichokufa kama aa kama hii, inaitwaje? Mawe; yenye haibadiliki ama ni kitu chenye kiko alive and able to change with time.

Joseph Korir: Mimi nataka Bwana Mwenyekiti ningependa

Tu mila ya watu iheshimiwe, yaani kama kwa mfano, kama watu wameshasoma wasome lakini wajue kwamba wa Marakwet historia yao ilikuwa namna gani, ili mambo yetu kama kimila isipotee. Kama sasa, kwa mfano ee kwa desturi vile wazee wetu walikuwa wanakaa, nataka iwe recorded, katika vitabu ijulikane tulikuwa tunakaa namna hii. Hata kama tumepaa, sisemi lazima tukae kama zamani. Nina sema hiyo kazi yetu iwe retained na iwe iendeshwe yaani kwa kisasa, yaani iendeleo kama ya kisasa lakini iwe kama Marakwet au vile tunakaa. Tusikae kama wazungu. Tukae kama Wamarakwet lakini iwe modernized. Mumenielewa hapo? Tafadhali na tusipoteze kazi yetuikatwe namna hii, halafu tuone tulikiwa na watu walikuwa wanaitwa Marakwet na kazi yao ilikuwa namna hii na hakuna. Hatutaki namna hio.

Com. D Ratanya: Mheshimiwa hapo tumeelewa. Nashukuru sana kwa maoni ile unapeana. Kama una memorandum yako upeane na u-sign register yetu. Aa sasa twende kwa Lena Kilimo Kilimo. Lena Kilimo sasa ni wakati wako.

Lena Kilimo Kilimo: My name is Lena Kilimo Kilimo, most of what I would have wanted to say has been presented through Maendeleo ya Wanawake, because we want on together collecting our views and we have a memorandum. To register a few things, I want to highlight especially as I sar down there, I want to talk about equality.

Equality has to do with equal opportunities and more so to my fellow Marakwet who are seated here. Equal opportunities, I would like to address the men to educate your child, the girl and the boy. Do you educate your firl to just become a housewife or to just work? We know we would in equality retain our sole biological role and even the congenital role, matrimonial role, we shall retain. But equality which we want to put in our constitution is equal opportunities to be respected. Equal respect, the respect they would give to a DC man, they should they should to a decent woman, so that to remove the cultural stereo types

which we really have in the past in our cultures that women are not considered as people. They are considered as children or people who do not easily make up their mind.

But education has taught us to be able to make up our minds so we want equal opportunities and to all our Marakwet men here, equality is equal opportunities. Bringing Beijing home does not mean I have brought Beijing so that I can rule over you. It means only that bringing Beijing home there is a role, it has to do with education that I have had and out there I do my role as a leader of the community or anything that I have but congenital, matrimonial home rules will be retained. So I hope I am clear on that one when we come to equality.

I come from the valley where most of the land is trapped land and all the community people know that our boundaries is from this stone to that stone because that is what we use to demarcate. We would like in the new constitution that the trust land should have a title saying this is trust land, this piece of land from this stone or from this hill to this hill belongs to this community.

Whoever in the future is to be demarcate to those people in that community or not, it will at least ensure the security of that land that it belongs to those people, and not as it is now that it belongs to the government and they can do anything with it.

About national dress if we have to have a national dress, may be the design at which it will be made, will just be different so we are for the idea that we should have a national dress if it is the same colour, it is the same colour; but if it is a man's, it will be tailored in a way that it should fit a man. And it should be tailored to fit into a woman. So that we can remove that which men think women are supposed to be flowers there, for decoration, or you use us to show off your national dress and the men should show off our national dress. So we can remove that negative attitude of women being used as models of some sort.

Security: we would like it to be put in the new constitution – where it is known that there is conflict, between two ethnic communities then the security arm of the Government, should lead in the boundary – the no man's land. They should be able to clear and live in the boundary. For example, in the Kerri Valley now, OK the government ensures that we have security, but where do these security men live? They live along the road and where we are killed or where our animals are taken, it before you reach the road; they finish us before you reach where the personnel is. So I think to curb that personnel problem, if you have heard, every body else is talking about it, I would like from my own contribution that there should be a boundary, a clear no man's land where the security personnel live. So that they know who is crossing in who's side. I would also like the aggressors to be treated as bandits by the security. If the security has been located on Market side, and they see people coming, to kill us from the Pokot side, how come when they arrive they say we are waiting for orders from above so that we can effect or whether we can arrest that person or shoot? So we would like the security personnel, if they are on the Marakwet side, they should take themselves as Marakwets. That time they should not be as the Government but as Marakwets and so they are protecting themselves from any aggressors and they should be given the authority to shoot anybody who has aggressed them. Like wise on the Pokot side, if we go to that side, then they are protecting the Pokot side. In that

way, we might remove the security problem.

Another one is on education. Because of poverty, many of us are not able to take our children to school but if the Government can give us free education, and free equipment, especially in the primary, then I would work so hard and save money to educate my child in secondary but after secondary, we would like the Government to take over. Right now, we have so many school leavers who are hanging around playing pool, if it is put in the constitution that, OK the Government will educate your child up to standard 8, for the next 4 years or so try to make sure you educate that child and after form 4 the Government should take these children to the Youth Service where they are given skills. Whether I got A or I got B, we go to the institution, like the youth service, we are taught skills, then from there, my brother or sister, who got A can go to University and me who had D, I will have got some skills that can enable me to earn a living after that, and that one should be free so that all of us can at least have a skill on how to survive.

Another one is to do with the MPs, we just want to elaborate that those who want to vie for Parliament, should not be allowed to dish out money. If they want, they can build a school, contribute to the school, or community project and if they are known to have dished money at some point, then they should be disqualified. They should not be cleared to run.

Another one we would like in the new constitution is the separation of the powers. If you are an MP we want you to remain an MP, and not to become a member of the cabinet, so that if we send an MP with our grievances, he can talk boldly to the Government, the executive and the cabinet who are not supposed to be MPs. We wonder how some body who is supposed to be a Minister will run his ministerial duties and at the same time know what is happening in his grass root home.

The people who form the Cabinet should be professionals who are may be elected by Parliament and not an MP who may be just got there and is put in the cabinet. They can never discharge their duties in the constituency well, or accuse the Government for neglect of security. If my MP is the Minister of Security, and his people are killed, and we tell him, “go and tell the Government that you have killed us” whom is he going to ask? Is he going to ask himself why have you killed the Marakwets? So we would like those ones to be removed.

NGOs: NGOs should be removed. We know that the work of NGOs is really to alleviate the lives of the community. But sometimes we have NGOs who do not involve the local people. We have so may NGOs in Nairobi who are operating saying that we are working in the Rift Valley, we are working where, but really, the person who is getting hurt does not get those services. They just write proposals, that money comes, but they are theoretical but not practical. My suggestion is that if any NGOs has to be given a certificate to operate as an NGOs it should be in the local, and it should involve the people from the local area, and their office should be in that locality whether they walk up to there without a vehicle.

For the disabled people, we would like to have an institution for the disabled people in every district so that as a woman I will

not be ashamed of having a disabled child as I know this is a child of the Government. Immediately we recognise the disability of the child, we take them to that institution and the Government takes care and gives them the skills so that they can survive later in life. It should be a place where I can go and visit that child as a parent. Thank you very much.

Com: D Ratanya: Thank you very much Lena Kilimo, just wait, may be we have questions to ask you.

Com: Salome Muigai: Thank you very much, that was very elaborate sharing, I have a few questions. I want to start with children with disabilities. Why should our children with disabilities be the responsibility of the Government yet our other children are our own responsibility? What is the right of the child with disability to the family? I do appreciate that it could be more expensive than the other, but I also would like to see the role of the family towards the child with disability. The other question that I would want to ask you is on the role of women as leaders. At present we have not – a lot of women as we went round, some women had told us that until women are given quarter system, we don't please request you to stop the – (excuse me, ningekuomba uwache habari ya soda kwanza tuasiliane na huyu mama - asante.) We have been told that unless women get a quarter system of getting into governance, it will be very very difficult to make a breakthrough. So we have had some places where we have been even told to have affirmative action, and we have heard all those types of suggestions. I would like you to share with me how you see the Marakwet woman making her break through in leadership. What are the strategies that you would like to see in place? Thirdly, and lastly, I would also like to ask you about the girl child because not only aren't women joining leadership, but, yesterday, we were told in a role that all impediments to the girl child, even at finishing primary school, being able to go to a secondary school where sometimes parents make choices and sent the boy child to school before the girl child, we were also told about early marriages and all that. So I want you to share with us your thoughts on the way to remove some of those impediments along the way constitutionally, so that this girl child has got an equal chance to reach leadership and to reach maturity, and to reach education as her brother. Those are many questions. I will remind you as we go along. That I started with the child with disabilities.

Lena Kilimo: Thank you very much madam Commissioner, we appreciate that children are a gift from God but sometimes the gift is a heavy burden that you cannot afford to take care of, and take care of the other children. So that is why my suggestion was that there should be an institution or home for these disabled children, and it should be a distance where I can be able to visit that child, because as life is going on now, things are difficult, you have so much work to do in the home, some children are not able to stand or you need to assist them go to the toilet, or feed them and with that in the hands of a mother, it is rather too much. If we can have somebody to assist us with that, our love will go with that child, so that you can be able to do other duties more easily, and be able to visit that child there. Also, bringing up a disabled child is very expensive. I might not afford to take them to a special institution. I might not even know where that special institution is, but if I know that there is a place where I can take my disabled child, like you can take it to the Government, or to the DC, and say that "I have a disabled child", and they will tell me "yes, the Institution is there", I think it doesn't mean that we don't love them. It is only to reduce the burden in the hands of the mother.

Lena Kilimo: Please remind me of the second question?

Com: Riunga Raiji: Women and governance. How do we bring women into governance especially in Marakwet?

Lena Kilimo: Thank you very much. In Marakwet for example, women are considered as children. I think we only need to put it into the constitution that all men and women are equal before the eyes of the law; and if I find a man who is slandering a woman, like to say the truth, our men really know how to abuse women, and if I can, - it is true, because I have undergone - you know very well those of you who have abused me, know what you have said, negative things about me, so I think, if there is a law that if a man has abused me, I should know how to go and report him, and he should be charged with defamation or something, you know. (clapping) With that, if there will be no abuse on the woman, then they easily achieve what they want because sometimes you really want to get something, but along the way, somebody says very negative things about you, malicious things which are not even true, but because people would like to believe the wrong things, and it is interesting to here the wrong things, than the truth, so in most cases, their achievements of what they want to really get are brought down. They can't achieve because they get so many negative things about women. We would like it to be put that a woman should be respected. For example, another woman who came here talked that if you want leadership, they said if you take her there, you make her the headmistress, when she goes on maternity leave, who will be the headmistress? Let it be put in the law that even having a child is work. Going to maternity ni kazi, and that work, God has given us. So, it should just be taken that it is normal work I am doing to go and have a baby, and after that I come back. (Clapping) So those are some of the things which hinder leadership in Marakwet, because somebody suggests you are capable of being a headmistress in a school, but then the board which is made up of mainly men will say "now if she goes on leave, and she was married recently, who will run the school?" And that one leads to the next question of the girl child.

The girl child in Marakwet has got a lot of hurdles. The first hurdle of course has to do with culture. There is something called female genital mutilation in Marakwet which is in the memorandum which we have given as women, it should actually be put in law that there should be no circumscion. Because, after that, our girls just get married. If they don't get married, they have a feeling of being grown up. Why? Because that female genital mutilation was a right of passage from childhood to adulthood. So once they are circumscized, they have a feeling of being an adult and might not listen to advice or want to work hard in school or correction, and a lot of peer pressure after that and women themselves, who are enemies of their own daughters, normally tell their girls actually we can after circumscision you are considered a wonam and the mother can say, 2 women cannot live under one roof and the girl will get the feeling - I'd better go away. The place to go to is to get married.

Com: Riunga Raiji: It is taking so much time. Can we go on to something else?

Com: Salome Muigai: No I am taking a very relevant point so can she finish it.

Lena Kilimo: So, the girl child, there are so many hurdles that she meets one of them being the female genital mutilation, which will lead to that early marriage, and has led to semi illiteracy of women in Marakwet District. I can read but cannot understand properly because I did not finish school because of cultural norms and because also the men take their girls as other people's wives. They normally say "I am educating somebody's wife. I'd better educate my son who will later come and take care of me." So, women will not go to leadership because they did not finish school. Because the parents did not assist their daughters, or remove the hurdles along the way, which would have enabled this girl to finish education. Thank you.

Com: Riunga Raiji: Thank you very much. First of all, I would want you to congratulate you, for trying to bring out the problem of women in a very eloquent way, and we make no apologies for giving you more time than we should have because we have had very few representation from women, and the Act under which we operate says that we must specifically seek out for the marginalised groups including women, the disabled and the children. Now, taking into account the limitations that you have put, on the possibility of the women taking up positions of responsibility, particularly the cultural limitations, their views and so forth, would you perhaps advocate for a system of affirmative action to empower the women to take responsibility in governance? And if so, for how long do you think you need that kind of action before we come back to open competition with the men?

Lena Kilimo: Affirmative action might make us feel as though we are the weaker ones. I think we just want a fair ground for all of us. Let me compete my way as a woman, let the boy or man compete his own way and we shall achieve it. If the obstacles are removed, like that one of slandering women most of the time, saying there is nothing they can do, if we are just given level ground, I think we will want just to compete the same way without affirmative action.

Com: Riunga Raiji: OK. I think you are through now Lena Kilimo. Isn't it? Hand in your memorandum and sign our register. Thank you very much.

Lena Kilimo: Thank you. It has been handed in with Maendeleo Ya Wanawake. Those are just my own personal views.

Com: Riunga Raiji: OK. Thank you very much for your presentation. I have given you more time because you are a leader. But this does not mean that every body else will take the 20 minutes that you are given. So I hope you have also appreciated her presentation. Si ndio? (clapping) Twende kwa mbio sasa. Harry Suta? Yuko? Hayuko?
OK let's go to the next. John Kisaru.

John Kisaru: Thank you very much the commissioners who have come here to collect views. My name is John Kisang. Chairman, Marakwet university Students' of Moi University. I want to talk about 3 or 4 things. One is education, and especially the University Education. One thing is that in our old constitution, the Head of State was the one who was actually

deciding the kind of system that we have. So for that reason, him being the Chancellor of Public Universities, has not worked well with university students because being a chancellor of a university, that person must be a scholar in the first place, and he needs to be somebody who understands how university administration is being done. So I want the new constitution to have address the issue of a chancellor of a University. That he should be a scholar, and not a political leader. Because this has brought a lot of unpredictability in our education system. For example, we used to have the 7-6-3 type of education system, but now we have moved to 8-4-4 and the 8-4-4 now has brought a lot of problems which, most of us after completing standard 8, we have nothing to be proud of, completing form 4 you have nothing to be proud of, and even in the University level we have graduates coming out and they just start being everywhere because there is no job. So we want that to be appointed by may be the Commission of higher; the Chancellor to be appointed by the Commission of higher education, and should be a scholar not a political leader.

Secondly, we have bursaries which the Government normally gives out to university students and even to secondary school students. These bursaries normally come through the District Education Office, but at times, we in the university do not get any bursaries that is coming through our District Education Office. So we are requesting, or I am requesting and we with my colleagues from Moi University, that bursaries should be under an independent body, just like the Loans board which is now distributing loans. This has been proved to be successful but it is working. So the bursaries come through an independent body that can channel these bursaries to needy students, not to just everybody.

I also want to talk about the Land Adjudication and Demarcation. This is a problem with Marakwet, the way you have heard from many people, that most of our land is under communal tenure. Clans or families own big land but an individual does not have access to that land. So you may have people having different pieces of land in different parts. So we want the new constitution to address the issue of demarcation, that each family to have a title deed of what they have divided among themselves through that communal land.

In natural resources, I want to talk about the community's natural resources. Mostly when you see in Kenya, we understand the state is sovereign, it has all the powers but when it comes to the resources that have been conserved, by the local communities, sometimes the state can come in and take it to be the property of the State.

Mostly in Kenya we understand the state is sovereign it has all the powers, but when it comes to the resources that have been conserved, by the local communities, sometimes the state can come in and take it to be property of the state, which to some extent has caused a lot of problems. For example, the people of Marakwet have these forests, the Tekinor forest, which is a resource, and it has been preserved for so many years – since they have been here. But now it has been made the state property yet what comes out of it, for example, they have said about the dam which is in Kiobara, people who benefit are not people from the community. It is being conserved yet we are not benefiting from that dam, and those who are working there, from the Director to the sweeper, are people from outside who do not know even what is a forest. Surely, if people are

benefiting for what we have been conserving for so long how then can we reserve other resources that we have in the district? So we want the new constitution to address that issue.

I also want to talk about the District Focus for Rural Development.

Com. D. Ratanya: Now try to finalise, try to summarise please.

Speaker. Alright, let me finish with this. In the meetings, that the DCCs, which is the administration Board, one of District Development Committee, they have meetings that are restricted from the members of the public. This is a problem because when you see any development project that is within the District, I think the people who should know or those who are concerned are normally outlined. They are just outlined there, you don't even know what is happening in the District, Development Committee, and I propose that it should be open to the people, and again it should even have representatives from our youth so that they can know what projects the Government needs, proposing to do in the District.

Finally, the political structure, could I propose a Government headed by the President, who is the Chief Executive, and the Vice President should be given powers, not just being Minister like any other, for example, leading the public ceremonies, and then the parastatal heads by members of the Parliament. This is to limit corruption. The President should appoint the Cabinet Ministers. Thank you.

Com. D. Ratanya: Just hold on John Kipsang, we have some questions to ask you.

Com. Salome Muigai: Thank you very much, John, for your, observations. Tell us a bit more about the youth and where you see the gap widening, and where you think this new constitution can come in to sort of make the playing field a little bit more level for the youth.

Thank you very much, that's a very good question. What I am proposing is that when a project is being done, when there is a feasibility study, of studying a project may be by the Government, sometimes the people who are most involved are the DC and may be some Heads of Departments. Now when it comes to its implementation it becomes a problem because the youth don't know what the Government is trying to do, so we want the youth to become involved in the management or what we call the feasibility study of any project that is being done in the District.

Com. D Ratanya: OK thank you very much John, tuna mtu ambaye ana disability hapa. Kama anaweza saidiwa na mtu, anaweza kuruda hii msitari. Msaidieni anaitwa Joseph Rotich,tumpe nafasi. Msaidieni afike hapa apearene maoni yake. Anza na kusema jina lako Joseph.

Joseph Rotich: Asante Commissioners ambao mko hapa na Wamarakwet wote wenye wako hapa. Hamjambo? Mimi naitwa Joseph Rotich Kiptum, Chairman Union for the blind, wakati huu mimi ni Chairman, Marakwet Constituency kwa civic education. Kuna mama mmoja aliongea juu ya disabled.

Mimi ninongea kwa niaba ya watu. Sisi kama nyumbani, kuna watu wengi sana kama mimi. Mama anapendelea wale wanaenda shambani. Anaweza kununua nyama kidogo, anapea wale wako shambani. Halafu anadanganya mimi wale wanakulia mboga. Na kumbe nimesikia harufu ya nyama (laughter and clapping in the background). Hata sisi Wamarakwet, ni hivyo. Mjumbe, MP, and Bwana Gazetich? Ni hivyo. Na kuja kwako sana. Wewe ulikuwa mtu wa Parliament. Hii sheria mpya, hatutaki kunyanyaswa.(inaudible) kama binadamu wa Kenya. Si kupaguliwa, kuachwa hapa nyuma, ningojee mjumbe ili anipatie shilingi 2 au shilingi 5. Hatutaki hivyo kwa hii sheria ya sasa. Tunataka sasa tuwe nominated. Watu wawili. Hio si ya KANU, hio ni ya Safina. Yes. Huyo ni wa chama cha Safina. (clapping and noise In the background).

Ingingine, sisi, hatuna shule ya vipovu hapa Marakwet. Hatuna shule ya wale hawasikii. Tuna shule moja huko Chesongok imefunguliwa na wenzetu wale wanaona, kwa maana hawa, wakikuta mtu ambaye haoni, wanaua. Wakikuta mtu yule anaona, wanaua. Tuko hapa kwa Kenya hii na kila siku tunasema tuko na amani. Ni amani hio kweli? Sijui, nauliza wale wanaona. Sijui kwa akili zenu munaona amani? Mwenzenu akikufa, akiuawa? Kenya kweli tuone mbele. Sisi hata wengine. Kuna Professors. Tumesoma, lazima tupatiwe nafasi. Nashukuru, kuna mtu mmoja aliongea tukakasirika sana. Tu-reduce powers of the President kabisa, kwa sababu:

Mtu mmoja ambaye alikuwa Professor, mwenzetu, alikuwa amesoma braille, mtu mmoja akasema, kwani munaweka mtu ambaye haoni apinduwe katibaa ya Kenya, ataona? Na akili ziko sawa. Ni makosa.

Nyingine, juzi tulikuwa na mwalimu hapa mmoja. Tulipatiwa nafasi kwa Kenya, Marakwet nzima. 54, mwenzangu huyu mmoja, P1 teacher akaenda huko akaandika jina. Wakati application ilikuja, wale wanaona wakachaguliwa peke yao. Yeye akawachwa nje. Akaambiwa, jina yako itakuja baadaye. Walisoma wapi? Walienda shuleni wapi? Imagine. Mpaka yeye akaenda kwa mkubwa. Tukatetewa kama chama, nikaenda kumwona mtu mmoja jogoo House anaitwa Kariuki. Tunashukuru yeye. Tunataka na sisi tupewe nafasi kama DC. Hata mimi naweza kuwa DC DC anafanya kazi gani? Si DC ni kupata tu orders from above? Askari fanya hivi, (laughter in the background) ya mimi siwezi pata shida mimi. Lazima nikipatiwa nafasi, nikuwe hata DO1 kuna wengine. Kuna wengine kama accountants. Wamesoma, wako Marakwet hapa. Kuna mwingine anapiga simu, ako Marakwet. Nyinyi Wamarakwet muko wapi? Mimi ni wa Marakwet, na walemavu wa Kenya wanasema.

Nyingine pia ninaoma taxi ya Walemavu kama white cab kama tamafome, tafathali mu-reduce hizo tupatiwe free. Maana na miti yangu hizi, sitajulikana kama ni mlemavu sasa. Nishikie mimi hii kitu. Sitajulikana kama ni mlemavu, mimi natembea hivi kama mzee wa kazi, lakini sitajulikana huyu ni special. Tunapaguliwa tunaambiwa kaa chini tu, na usiongee! Hata kwa mkutano, wale munaona wote, Chairman KANU, Chairman wa Location, na Chairman wa District. Why?

Com. D Ratanya: Bwana Joseph, hebu peana maoni yako kwa ufupi, ili wengine nao wapate nafasi.

Joseph Rotich: OK.

Com. Riunga Raiji: Peana mapendekezo yako, si kusema malalamishi. Unataka kuwe namna gani? Eleza.

Joseph Rotich: Mimi nataka kuwe sheria ya President kweli wasichaguliwe na watu. Wasichaguliwe kugombea kiti kama cha bunge. Watachaguliwa na members wote.

Ingingine tena ni kuwekea mama mwenye kuuza mboga tax. Nikinunua mboga ya shilingi 10 halafu ile mboga imebaki, ile hajanunuliwa, asiwekewe tax.

Nyingine ni maneno ya shule. Tupatiwe shule kama watu wale wengine. Na mukomeshe ile kitu inaitwa cattle rustling. Kama hii maneno ya cattle rustling, watu wangu waliuawa juzi wengi sana, tano. Na wengine wakakuwa walemavu, wakakatwa miguu. Hii sheria hapa Kenya iangalie hii maneno.

Wakati wa uchaguzi, tupatiwe officers. Na nyingine tena, tupatiwe wakati wa majina ya wenye kusimama kama President, ama councillor. Tuandikiwe na Braille. Wale wanaweza kusoma print, wasome print, ili watu wakifika pale wanaulizwa, unataka nani? Hapana. That is primitive. Nataka nipapase yangu, nichague kama ni Ford Kenya, ama KANU, niweke shimo.

Maneno ingine tena, ni ya shamba. Kuna shamba ambayo watu wanaenda kuomba kuhusu ulemavu yangu. Na wakati shamba inapeanwa kwa jina langu, mtu mulemavu wa kwanza ni yule alienda kuambia hawa jina langu. Anapewa na mimi ninabaki maskini.

Tena Kenya yetu kuna watu wakubwa sana. Wana mashamba kama elfu moja. Na mtu mwingine hana hata ya kujushikia, kaburini. Hio ni namna gani kweli?

Ingingine tena, hii maneno ya kuita watu waende mkutano kama kwenda State House. Nani ameskia walemavu hawaendi huko? Wale wanajiweza wanauliza huyu ataenda kusema nini? Hata President anataka sisi. Sisi ni binadamu jamaa. Hata kwa Mungu sisi pia ni watu.

Nyingine tena, tunaficha watoto hapa. Kuna watu ambao wanaficha watu. Tunataka sheria yetu kama kotini. Tunataka lawyer wetu mmoja ambaye serikali wanaajili yeye. Nikinyanyaswa pale, mimi naenda pale, na yeye analipwa na serikali. Yeye ni mtu wetu, wa walemavu tafadhali. Naomba kwa sheria hii ya leo.

Ingingine tena,

Com. D Ratanya: Ya mwisho,

Joseph Rotich: tuangaliwe vile tunaishi kwa Kenya. Saa hii security iko kweli. Na watu wanakimbia. Angalao tujengewe hata shamba letu ambayo tupatiwe pale kama District hapa. Tusifikiwe na ujambasi. Nashukuru sana.

Com. D. Ratanya: Joseph, sasa utaenda ku-sign register yetu. Unaonyeshwa na ofisa wetu. Majina yako yaandikwe na kila kitu, wachukuwe record yako. Asante sana. Anaye fuata sasa ni Stephen Cheboi.

Stephen Cheboi: Your excellency Commissioners, we are very grateful this day as Marakwets for you to visit our District. As you have heard, hii District yetu iko na shida nyingi. Na vile tulisikia, tutapata hii nafasi ya kuweza kuambiana shida zetu, ndio Kenya iweze kushughulikia kupitia hii katiba mpya. Tungeomba sana watu wa Marakwet tuweze kuonekana katika Katiba ijayo na shida zetu ziweze kushughulikiwa. Zaidi, tungependa serikali kupitia katiba ijayo ishughulikiye maneno ya security. Hio ni shida yetu ya kwanza ambayo tunaona kwamba kama serikali ingeweza kushughulikia kupitia hii katiba ijayo tutashukuru. Security contrary na hii katiba ya sasa inasema kwamba mali na maisha ya mtu inalindwa hatuoni kama katiba inashughulikia. Na kama inashughulikia tunauliza, kwa nini haifuatwi na imeandikwa? Hio tunataka tujue. Na tunataka katibaa ambayo inakuja, itumie mbinue yote, kuhakikisha ikiwa chochote kimandikwa katika katiba liwe linashughulikia vilivyo. Kwa sababu hakuna aja tuone mtu alisema Wakenya they have very good paper work. Kitu ya kuandika tu. Lakin kufuata, hapana. Kwa hivyo ningependa serikali ishughulikie kabisa maneno ya security kwa Kati ijayo. Commissioners, niko na memorandum kubwa na nitapitia kidogo kidogo tu.

Com. D Ratanya: Fanya hivyo kwa dakika tatu zile zinabaki.

Stephen Cheboi: Asante. Kwanza, katika katiba ijayo, we need the pre-amble in our new constitution starting with what we the people of Kenya. We need a constitution with a national vision. WE need a constitution with values and philosophies like sovereign, secular, democratic be enshrined in the new constitution together with the philosophy of justice, social, economic and political, liberty of thought, expression, belief faith and worship. We need a constitution with equality of status and opportunity and fraternity. We need a constitution of honour for all those who suffer for justice and freedom in our land and respect for those who have worked to build and develop our country.

Direct principles of policy. These are things to supplement personal drives in achieving wealth of state with the new constitution. With the new constitution, we need parliamentary form of Government in which the Prime Minister is appointed from the majority party in parliament. Also, we need that the President shall be a Ceremonial speaker, but the executive power of the Central Government shall rest in him. In the new constitution, we need that it must adopt federal system of Government in which the executive and Legislative authority is place between the Central Government and distinctive regional or other units for effective service delivery to bring the Government near and close to the people.

About Legislature, we need the new constitution to have a bi-cameral system of legislature, that is the Upper House and the Lower representative. We also want the new constitution to have key positions in the Government which should be vetted in the Parliament. We need that in the Legislature, people of Kenya should be given power to recall non-performing MPs. (clapping) We also need that Parliament through the legislature should have moral and ethical qualifications which should be introduced for both civic and Parliamentary candidates. We also need that power should be a state, province or symbol legislature called Legislative Assembly. We also need that the state elected members shall be called members of Legislative Assembly (MLA). Also we need that whilst the members of the Central Union or the Government shall be called member of Parliament. The constitution should permit collision Government. It shall state that whoever is willing and capable of performing in the Government must get 51% of total seats in Parliament in order to form the Government.

In executive, there shall be a President of Kenya. The President shall be elected by the members of an electoral college consisting of directed members of all the houses of Parliament. Directed members,

Com. D Ratanya: Bwana Cheboi, ulisema usisome memorandum, just highlight, na dakika zako 3 zimekwisha. Tupatie hio memorandum, na itasomwa sawa sawa. Itakuwa analysed.

Stephen Cheboi: Asante. About the electoral commission we need the electoral commission to have more powers to manage this process in the country. We need 30% of the civic to be reserved for special interest groups. May be the women, the disabled, the youth and other marginalised groups in the country.

In basic rights, everyone should have a right to have health care services including reproductive health care, sufficient food and water, education, social security, including assistance for them and their dependants if they are unable to support themselves.

According to land, within the Government, there must be a ceiling on land owned by an individual. Non citizens should be strictly restricted to ownership of land. Communities and individuals should have adequate ownership of land. Section 75 of the constitution of Kenya on compulsory acquisition of land, should be retained in its entire form. Cultural, ethnic and regional assembly, diversifies communal types.

Com. D Ratanya: OK, I will be forced to stop you, Cheboi, kwa sababu wengine wanakaa bila kusema kitu. Kwa hivyo, George Kaige? Swali. Kuna swali moja peke yake, halafu twende kwa George Kaige, na Bethuel Kaino ata goja.

Com. Salome Muigai: Thank you very much, Cheboi, I have one question for you, actually I have two. One is one the 30% reservation of land for special groups and some of the examples you gave were women and the other one was youth, and which was the other one for special groups? Disabled groups. The women were 50% and the youths are 75%. How did you come

up with 30% of all these groups added together? That is one of my questions. The second question is a shorter one. You are talking about land ceiling. What kind of acreage could be the ceiling?

Stephen Cheboi: First to do with reservation, you know in this country of ours, some groups are crying. They have been left out, they have been marginalised, and their interests are not catered for. That is why as a matter of having been with them, may be the women, they are saying they want equality. That is why we just say as a Kenyan, because we consider you, let us just give you reservation. I will also assume because their interests are not catered for, we say let us give you a reservation either in terms of nomination or any other means. Lastly,

Com. Salome Muigai: I don't have a problem with reservation, I am addressing the number. The percentage that you thought of. Because I was thinking the women are 50% of the population, the youth are 60% or is it 60%? So when you add these two and give them 30%, why the 30%? That is all I am asking. And the last question from me is what kind of acreage are you looking at for as a ceiling?

Stephen Cheboi: As a ceiling there is no need for one to own over 1000 acres of land in this country. For reservation, you know youth, and women feel that they are marginalised because they do not have representatives. May be the elected members are just for the community. That is why we want that if the 70% goes to the elected community members, let 30%, now that you have said 51% to 12% are women, and 75% are the youth, they will be able to divide within themselves those, because may be they will not get elected positions.

Com. D Ratanya: OK, asante sana, Cheboi tumeelewa na tukiwa tunaendelea, mtu asisome memorandum. Tulisema hivyo hapo mbeleni. Kwa sababu wengine wata ngoja muda mrefu sana, na una dakika 5 tu za kuongea. Kwa hivyo, highlight, ama useme points zile ziko kwa memorandum. Kwa sababu unazijua na utatupatia hapa tutaachwa nayo. Na hapo tumefika kwa George Kaige. Hayuko? Bethuel Kaino? Are you Bethuel? You are not? OK. Hayuko?

Benjamin kipkigen? Ni wakati wako, tumia ile dakika 5 tu, na usiende zaidi. Usingoje nikusimamishe, si vizuri sana. Kwa hivyo Benjamin ni wakati wako sasa. Na Luca Yatol atangoja huyu akimaliza.

Benjamin Yatol: Nafikiri yangu Bwana Commissioner, zimeongewa na watu wengi. Jina langu ni Benjamin K Kikieng. Nafikiri maneno ambayo ningependa kuongea yameongewa na watu, kwa hivyo tu nita pitia juu juu hivi.

Nilikuwa nasema serikali yetu kwa hii Kati mpya, ichukuwe mul wa masomo kwa watoto wote kuanzia nursery, mpaka university. Halafu, mambo ya forests nafikiri yamezungumzwa. Kwa sababu tunatunga katiba mpya, Bwana Commissioner ningepomba hivi. Kuna watu ambayo wameishi katika forests kwa muda murefukama wale wengine ambao wako Timbaroa na sehemu zingine. Kwa hivyo ningepomba kwa hii Katiba serikali itafutie hawa mashambaili hii katiba idumu kwa njia safi.

Halafu ingine Bwana Commissioner, ni wakulima. Wakulima wanajitaidi kabisa tangu tupate uhuru lakini ningeomba kwa hii katibaa serkali itafutie hawa soko ya kuuza vyakula viao. Kama ni mahindi, kama ni wanyama, na kadhalika.

Ninaomba ingine Mwenye kiti, hii mahindi ambayo inatolewa nje wakati wa msimu wakati sisi tunavuna, mahindi matamu yanakuja kutoka nje. Ningeomba iingishwe kwa hiyo katiba hiyo mahindi ikome. Au, Ili, soko kwa watu wetu iwe nzuri.

La mwisho Bwana Mwenyekiti, ni kesi ya mashamba. Kesi ya mashamba ambaye inapelekwa kotini sisi hapa Marakwet tuna jukumu tunaweza kutatua hizo kesi. Kwa hivyo iingishwe kwa hio katiba yetu ya kwamba mambo ya mashamba, watu wenyewe wawe wakifanya, au wachague kamati fulani ambaye itashugulikia hio maneno.

Ingingine Bwana Mwenyekiti, ni sheria ya machief. Wakati ilipo ondolewa, ikachangia ualifu kwa njia nyingi sana. Kwa hivyo hiyo sheria ya chief ibaki vile ilivyo. Chief awe na uwezo pande yake, na asipite kiasi. Nafikiri Bwana Commissioner, mimi nitakwamia hapo, ili wengine waongee, kwa sababu naona mengi yamezungumzwa, kwa hivyo mimi nashukuru, asante sana.

Com. D Ratanya: Asante sana Bwana Benjamin, nenda u-sign hicho kitabu chetu. Luka Yatol, nilisema awe tayari, sasa Patrick Kwamambia atafuata Yatol.

Luka Yatol: Menyekiti, na Commissioners, yangu. Kwa majina ni Luca Yatol. Yangu nitazungumza kuhusu mashamba. Katika hii wilaya ya Marakwet, Wamechora sehemu zingine, na sehemu zingine hawajachora. Ningeomba kwa hii katiba wachore sehemu zote za Marakwet kwa sababu tangu tupate uhuru, watu wamekula matunda ya uhuru, na wengine wako na arthi kakini hawajakula. Wapewe title deed. Hapo tena, katika hii maneno ya mashamba, wakati ilikuwa yanachorwa, pengine baba yangu alikuwa anasikilizana na ndugu yake. Akamwambia pengine hajaelewa kuhusu michoro. Sasa akamwambia nduguye pengine uchore shamba. Lakini wakati huu, yule nduguye amenyakua ile shamba yote. Ningeomba kwa hii katiba, hiyo yarekebishwe kwa sababu hio Katiba alikuwa hajaelewa.

Ingingine hapo tena makesi ya mashamba, zirudishwe kwa wazee wetu kwa sababu wanajua ukweli kabisa, lakini kufika kotini, wazee wetu hawasilizwi. Wanakuwa lawyers tu. Yule hana pesa, anaumia kabisa na shamba ni lake. Ningeomba kwa hii Katiba mpya mwangalie hapo.

Ingingine, ningeomba upande wa village elders wazee ambayo wanafanya kazi, na hakuna kitu wanapewa na serikali, na yeye ni chanzo cha kuuliza neno. Kama ni ubaya, yeye ndiye wakwanza kuulizwa. Uiona nini? Mtu anapoteza wakati wake, na huko tunasema tunatumia masaa kuwa pesa. Ningeomba hawa watu wapewe kitu angalao kwa sababu ana familia, na analinda sisi wananchi, lakini anajitolea tu, na hakuna kitu anapewa. Na kuna serikali. Ningeomba hii serikali uetu inaglaie wazee kama hawa.

Ya tatu, inchi yetu imekuwa na corruption sana. Mimi nimesomesha watoto, kusema amejiliwa kazi, mtoto yuko na kipande 3 pengine hizo zote amepita, kufika hapo wanakuendea, wanasema hujaleta kitu. Hio maneno ya kusema kitu mkomeshe kabisa kwa sababu yule hana kitu anaumia na mtu ambae pengine amepita vizuri ana degree, lakini hakukuwa na kitu ya kupeana kwa wale wakubwa, kama nyinyi leo commission, pengine, mtu ambaye hakuwa na documents nzuri, na awachwe, pengine alisomea daktari, pengine alisomea vitu vingine ambaye angeweza kusaidia watu wa Kenya. Ninomba hio ikomeswe kabisa Bwana Commissioner. Nasema ni hayo tu, asante.

Com. D Ratanya: OK, nashukuru sana Bwana Luca. Kuna swali hapa.

Com. Salome Muigai: Asante sana Bwana Luca, umetueleza mambo mawili juu ya wazee. moja ni warudishiwe kesi za mashamba, na pili wazee wa vijiji walipwe. Mim swali langu ni hili, Wazee wa kijiji na wale wenye kurudishiwa mashamba, ni akina baba na akina mama, ama ni akina mama peke yao ama ni wababa peke yao?

Luca Yatol: Kwa hapo, ni wote, kwa sababu mimi katika familia yangu pengine niko na mama ama pengine shiaka, pengine mama huko na anajua kitu. Wote warudishiwe vitu. Kama kuna mama zile shelter kwa sababu katika ulaya wa Marakwet wamama hawako katika vilge elders, lakini ningepomba hata wamama wawe kwa village elders kwa sababu wanasema ukweli, huongoza watu wote.

Com. D Ratanya: OK, Bwana Yatol, tunashukuru, twende kwa Patrick Kwambai. Anza na kusema majina yako Patrick.

Patrick Kwambai: Mimi ni Patrick Kwambai, mimi natoa shukrani yangu, mimi natoa kama binafsi, Yangu ya kwanza, ni kuhusu mashamba hapa Marakwet. Kweli kuna jambo moja upande wa mashamba, ambao inakataza wasichana kupewa shamba katika Marakwet. Na ningepomba hio jambo, yakwamba, kweli msichana,

Mashamba yetu ikae kama vile watu wetu walikuwa wanapanga isivunjwe katika sheria zetu kwa sababu kuna kijana na msichana. Msichana anaenda nyumba yake, na mwaume anao analeta msichana wa pande ile, so ni vizuri msichana apate shamba pande ile, msichana akija nyumba hii, akae na bwana yake kwa shamba yao. Ikiwa kuna msichana ako nyumbani, pengine hakuolewa, waja jamii watatue waone yakwamba shida yake ni nini. Kwa sababu wote hawasemi yakwamba hawataolewa. Hawezi kusukumwa aseme, ati aende apotee, inaangaliwa na jamii yakwamba kama kuna shida. Halafu mzee na mama waona kama kuna nafasi ya kumpea pahali ya kukaa, ili asisukumwe. Hio ndio maoni yangu kwa upande wa hayo.

Ya pili, ningesema ya kwamba kwa upande wa mashule discipline yetu imeenda chiniwakati huu. Kuliko zamani. Kwa sababu zamani, kila mtu alikuwa anachunga mtoto. Kama ni mama ama baba, walikuwa wanaangalia mtoto anakaa namna gani. Ningependa ya kwamba, ile kiboko irudi kwa mtoto. Hata bibilia inasema haki ya mtoto ni kiboko. Wacha kiboko itumiwe na mzazi na mwalimu, ili mtoto apate discipline nzuri. Mtoto asirudi kujisikia hawezi pigwa. Lakini si kupigwa ile ya kuweka mtu rungu. Unapiga ile ya kufundisha. Mwalimu na baba. Na sheria ya mtu kupiga mtoto kwa rungu, hio ni sheria kali.

Hatuwezi kubali mtoto apigwe.

Ingingine ni pesa ambayo serikali inaweza kusaidia sisi jamii au kuleta kwa projects. Langu ni kusema yaakwamba pesa zote ambayo zinakuja ihushishwe wale ambao wako pale. Ikiwa inakuja kwa project ya barabara, wacha community ya hapo ione pesa yao imeingia kwa njia nzuri. Kama ni ya project fulani, wacha ije, jamii hio ione yakwamba imeenda kwa njia fulani isije kwa njia ya watu fulani, au group fulani halafu halafu wana-justify iende kwa njia yao. Halafu ile pesa unasikia yakwamba, corruption inaingia pesa zimepotea. Kwa sababu watu wakipea hawa watu pesa, wanajua shida yao ni gani, kwa hivyo kazi itaendelea vizuri. Yangu ni hayo tu.

Com. D Ratanya: Kuna swali, ngoja kidogo Bwana Kwambai.

Com. Salome Muigai: Asante sana Bwana Kwambai kwa maoni hayo mazuri. Umeeleza kuwa msichana mwenye hataolewa asipate shamba kwa baba kwani hataenda kupata pahali ataenda. Mimi nigetaka kuuliza, na title deed yako wewe mwenyewe ungetaka liwe na jina lako pekee ama iwe na lako na la mama?

Patrick Kwambai: Kwa kweli, mambo ya title ni ya mzee na mama. Hata baba akikufa, mama anashika, halafu atagawanyia watoto. Sio tu baba ashike title kama ni yake. Kama baba amekaa na bibi yake, pia bibi yake ni kama baba, kwa sababu hata Mungu anasema hawa wawili ni moja.

Com. Salome Muigai: Kusudi ya mimi kukuuliza hivyo Bwana Kwambai ni kwani umesema yule msichana asipate shamba ya baba, kwani ataenda kupata shamba pahali ataenda. Sasa pahali ameenda, umeniambia title ni ya baba, kwa hivyo inaonekana ame-miss mtumbwi upande ule, kwani huko alikuwa msichana mwenye ataenda, upande huu mwingine ame-miss mtumbwi, kwani huku amekuwa mama, hii katiba imetupa jukumu ya kuonyeshana hakuna mtu anaye dhulumiwa na katiba. Unatusikia mzee? Kwa hivyo hio ni jukumu yetu ya nyinyi mutumie na sisi kunyeshana watu wote watahudumiwaje na hii Katiba ili kila mtu awe amesaidika? Ukitwambia mtoto wa msichana kule nyumbani ame-miss kwani ataenda? Pahali ameenda ame-miss kwa sababu... Mzee, habari ya katiba ni habari ya kufikiria justice. Si unaelewa justice?

Patrick Kwambai: Yes.

Com. Salome Muigai: Na justice ikipita kwako na kukuarusha kidogo ikipita kwa mimi inanikwarusha kidogo. Sitaki ujibu swali langu pengine hukuwa umeifikiria, lakini nataka uende nalo nyumbani, kwani wewe si ni baba ya wasichana na wavulana.

Com. D Ratanya: Mwingine ni Susan Korir, Yuko? Karibu mama. Utafuatwa na Luka Kipsoi na Morris Chelimo.

Susan Korir: Jina langu si Susan Korir. Langu siku ya leo, ningependelea kuongea juu ya watoto wasichana. Kweli watoto

wasichana wamehangaishwa siki hizi sana sana ni wale hawana kazi. Wasichana wale hawana kazi wameumia siku hizi na ni watoto wetu. Wamezaa nyumbani, mwishowe wanafukuzwa nyumbani na vijana, halafu na mama pia anaumia, juu ya hawa wasichana. Amegombanishwa na mzee, kwa sababu ya wasichana kwamba hajaongelesha wasichana vizur, na shida inaingia kwa mama na msichana. Sasa, mimi nataka hata serikali waone kwamba wasichana wale wamebaki nyumbani, bila wazee hawaja fukuzwa. Wapewe pia uridhi ya baba, kidogo. Iwe ni sheria kwa wale hawaja olewa. Kwa sababu hawa wenyewe, hawakupenda. Ni mambo ya maisha ya siku hizi.

Ya pili ningependa kusema tena mambo ya kuoa na kuolewa. Wasichana wetu bado wanadungwa mimba wakiwa bado wadogohalafu wanaachwa nyumbani. Pengine wazazi wanashughulikia, wanapeleka yeye kwa kijana. Kijana anakubali. Basi msichana anabaki nyumbani na wazazi wa kijana, kijana anaendelea na masomo, baadaye kijana anarudi nyumbani, anakuja kuweka mimba ingine, halafu anaendelea na masomo. Baadaye, kijana anaona huyo msichana kama mjinga, hajasomea, yeye mwenyewe amesoma, ameenda university, anaenda kuangalia msichana mwingine huko wa university, anaanza kumlete, anafanya arusi na yeye, na huyo msichana mwingine anakataliwa kabisa na kijana, hata anaambiwa wewe ni mfanyi kazi, pengine wewe ni mfanyi kazi, hata hatujui wewe, hujui kingereza, sasa unaona, anaanza kufanya arusi na yule mwingine. Ningeonelea hapo, mambo ya kuoa, wakati wa kwanza tu, kama msichana ameshafika kwa kijana, wazee wakae chini, na sub-chief na chief, na hata waende kwa DC wajue huyu mwanamke ni mwanamke wa kwanza, na huyu kijana hawezi kuoa tena, mpaka arudishwe nyumbani. Yaani sheria ije nyumbani, mambo ya kuoa ije nyumbani. Mambo ya arusi, ile mambo ya peruperu ya mbeleni ya kwenda kwa DC ama wapi, ianzishwe nyumbani. Ndiyo hata yule mwanamke aliye wa kwanza, apate uridhi. Hata akidharauliwa, upate uridhi, ashikilie kama yeye ni mwanamke wa kwanza. Kwa sababu hata pia yeye, amezaa watoto wa kwanza na huyo kijana. Yule msomaji ni mtu wa nyuma tu. Kwa kitabu ya Mungu, tunamwita maiti ya nyumbani. Huyu ni bibi ya mwisho na ni shetani. Tunapenda yule wa kwanza apate nguvu, na wale watoto amezaa, hata serikali imlinda, na raia wamlinda. Ni hayo tu. Ningependelea kusaidia watoto wetu wasichana.

Com. D Ratanya: Susan kuna swali. Hebu ngoja.

Com. Salome Muigai: Asante sana Susan Korir. Swali langu ni moja, umezungumzia hali ya yule msichana anazaa nyumbani kupatiwa uridhi kidogo. Mama akaombe hii uridhi kidogo. Huyu baba ana jukumu gani?

Susan Korir: Kwa kusema ukweli, ndio tunaanza kutetea hivyo, tunaona kweli wamama wanaumia, kwa sababu watoto tu wakiharibika, wamama wanasukumiwa. Hata ikiwaje, unajua kwa kimila yetu ama mtindo tu ya msichana ni kuolewa. Na kama hajaolewa, pengine wengine wataolewa, na mwingine atabaki nyumbani. Ni lazima atakaa chini na wazee, pengine chief, waangalie huyo mtoto. Iwe ni sheria. Huyu mtoto apatiwe mahali, atakaa vizuri. Ajisikie kama yeye alizaliwa na wazazi, kama ule kijana.

Com. Salome Muigai: Nimeelewa hiyo juu ya msichana wako. Yule mtoto sasa unazungumzia ni yule mjukuu wako? Huyu

mwenye amezaliwa? Na mtoto wako, yeye pia katika katiba lazima limpe haki yake. Ana haki kwa baba, ana haki kwa mama. Unaona kama tumpe baba haki gani? Ni jukumu gani? Huyu mtoto afanyiwe nini na Katiba ndio imlinde, ili akuwe na haki kwa baba yake, na akuwe na haki kwa mama?

Susan Korir: Kwa hiyo, ningependa mtoto mwenye amezaliwa, kama kijana, akikubali mtoto ni wake, hata kama msichana ako nyumbani kwao, huyu kijana mambo yaandikishwe siku hio, huyo mtoto ni wake, hata kama msichana ataendelea kulinda mtoto, mtoto bado ataenda kwa baba yake na kama anafanya kazi, huyo kijana atakatwa mshahara yake kwa huyo mtoto. Achunge huyo mtoto kama amekataa bibi, basi huyo msichana atakuwa maid tu ya siku chache, na kijana awe akilinda huyo mtoto. Na atapeleka huyo mtoto wake. Msichana atabaki nyumbani kama atabaki peke yake, atakaa na ndugu zake na mama yake, na watoto watabebwa na kijana. Na kama kijana akikataa, wanaweza kufanya uchunguzi, ikikosekana, hio itakuwa tutasaidia wote, wazazi na msichana, tutangalia kwa sababu saa zingine tunakaa mpaka mwingine anapotelea kabisa. Kwa sababu watoto wakiwa wadogo, pengine anakuwa na marafiki watatu wanne hivi kwa sababu ya yeye bado mdogo, anakosa kujua ni nani mwenye mtoto. Sasa tungependa kijana shughulikiye huyo mtoto kama ako kwa kazi, mshahara yake ikatwe, huyo mtoto alindwe vizuri.

Com. D Ratanya: Asante mama. Nafikiri umejibu. Sasa Luka Kipsoi? Atafuatwa na Morris Chelimo.

Luka Kipsoi: I am Luka Kipsoi, I will start by expanding on chapter 5 of the present constitution on the fundamental rights or the Bill of Rights. The few rights that we have in that chapter like right to life property, security, liberty, speech, negotiation, protection from slavery, discrimination, torture, harassment and so on are always abused. So, I would wish to suggest or to recommend that in the new constitution, we entrench them in the constitution such that people don't abuse these human rights. I mean to minimise abuse.

Secondly, these basic rights are not enough in our constitution. I would wish we include second generation rights, those are rights, to free medical services, for every body whether you have money or not. Of course we are paying taxes, free medical benefits should be a right in the constitution, protection from unfair trade and investment as we heard other speakers agree. Three speakers have talked about importation of maize or other commodities that are not necessary in the country, which we have. So I would wish in the constitution that we have protection from unfair trade and investment.

We should also include our rights to sue corrupt civil servants by the citizens especially on matters that are likely to cause collapse of public institutions. We have in the recent past realised the collapse of public institutions because of corrupt officers. So we should allow or put in the constitution a section that allows the public to sue any corrupt civil servant or any public figure that brings down public institutions.

Everybody should have rights to free basic education and housing.

Thirdly, we have third generation rights, which are not in chapter 5 of the present constitution, but I would wish that we include them, that is right to development, at the moment, on the present constitution, it has tempted our leaders so that in most cases, our country is shown in terms of development. That is this is District number 1, this is district number 2, number 3, 4 in the constitution. I would want the others in the new constitution have uniformity in terms of development, so that everybody, every district or every part of the country is developed equally.

Rights to peace should also be included as third generation rights, every body should have peace, you will realise that we are reading in papers very funny things in the country or we are looking at very funny things like private armies, that politicians have, like you have heard of Kamjesh, you have had of Bagdad boys terroring people all the time, so can we put in the new constitution a right to peace. So that any politician or any leader, having that private army should be prosecuted as per the constitution.

Finally, I will talk about the Judiciary, we have this prerogative of mercy, that is always with the President, I would wish that this is removed from the Presidency, because it has been abused. So instead of prerogative of mercy we start what is known as the Supreme Court in the country so that it will be looking at the prerogative of mercy, and decide on what is right and whether that person is freed or jailed. This is because it has been politicised by the institution of the Presidents in the country.

Another thing about Judiciary in the country is the Judicial service commission heads that are normally appointed by the President, I would wish this also is remove from that institution of the Presidency, and probably be put in the arms of the supreme court judges or the Judicial Service Commission. That section of the President having criminal and civil immunity should also be removed so that every body is under the law. No human being is above the law as it is normally put. That act of civil and criminal immunity of the President should be removed. The law enforcement in the country is relaxed and it will be detrimental. We should tighten the law such that people who commit crimes are not set free or don't go out.

I will end by talking about citizenship in the country. We have had double citizenship and this has brought up a lot of problems. You can recall the Nairobi bomb blast we read in the papers, if it true to go by that, that somebody known as Ochelan had the citizenship of another country, and he also registered as a citizen in Kenya, with an intention of setting up a bomb in the country. We should look at that as having double citizenship in the country, and in the new constitution, we should not have that. So that anybody who wants to be a citizen of Kenya should first of all forfeit the citizenship of the other country. We should also have a citizen and court of allegiance in the country, that we protect our country, we protect our property and so on. So that public coffers are not looted or looked at as Government property. Thank you....?

Com. D Ratanya: OK, jilandikishe, Morris Chelimo, nilikuwa nimemwita, yuko? Kama hayuko, tunamwita Susan Kanda.

Susan Kanda: Commissioner, na Wamarakwet wenzangu, yangu tu ni kuchangia barua tumeandika, memorandum ya wanawake. Lakini yangu ni kuhusu wasichana. Hizi rape cases. Tumewacga hiyo lakini tunaona hio ni hasara sana kwa sababu msichana ametendewa hio kitendo na kufika kwa chief, ama kwa polisi, wananyanyanswa kwa sababu hawezi kuaona hio ni kitendo mbaya. Wanakimbilia pesa. Kila mtu anakimbilia kupata hio pesa, halafu wanalipa ili hio case itupwe. Na hio case ni mbaya, kwa sababu msichana ametendewa hio kitendo mbaya, labda hata huyo msichana alikuwa anatarajia kuolewa, ama ni mtoto wa shule under 15 years, ama hajafikia hata miaka 18. Huyo msichana anaweza shikwa na ugonjwa, hata ugonjwa ya ukimwi. Sasa huyo msichana kwa maisha yake, amepoteza, kwa sababu atakuja kufa, na huyo kijana amefunguliwa, ameachiliwa kwa sababu ya pesa. Labda kufikia hata huko kwa police station anaachiliwa kwa sababu ya pesa. Hawakuona hio ni kitendo mbaya. Sasa ningeonelea, hio rape case iwekwe kwa katibaa na tukiona mtu akifanya hivyo, kwa sababu anatumia nguvu, na tuweke kwa Katiba.

Com. D Ratanya: Kuna jambo lingine ungetaka kutujulisha?

Susan Kanda: Hakuna ingine. Tulikuwa tumeandika hio kwa memorandum ya Maendeleo ya Wanawake. Lakini tuone kuhusu hio kitendo.

Com. D Ratanya: Asante sana, tumepokea, tutafanya vile kunatakikana.

Com. Riunga Raiji: Sasa anayefuata ni David Kilimo. David yuko karibu? David Killimo? Tulipo anza asubuhi, kuna wale ambao hawakuwa hapa na tukawaita, lakini tutarudia, tuone kama kutakuwa na nafasi. Na wengine ni wale walikuwa wamesema kwamba hawatasema kitu, and now they have changed their minds. Kwa hivyo hata hawa tutawaona tukimaliza hii listi tunayo. Kuna mtu kama Morris Chelimo? Kuna William Chepsigon? Wengine wako hapa na Samuel Chemweno, kwa hivyo watangoja. OK kama kulikuwa ha hitilafu kwa registration ni sawa sawa. Si nime mwambia mutaitwa tu. Mtasema kitu. Na kwa vile tumeona kumekuwa karibu usiku, na mambo mengi yamesemwa, ningetaka kuwaambia kwamba at least musirudie yake yote yamesemwa. Useme ya muhimu, na useme kwa ufupi na kama una memorandum nilimwambia asubuhi, hakuna kusoma memorandum. You just highlight the main points. So at this time, we only have to give you 3 minutes for your presentation. Just to highlight the very very important points and also if you are giving oral presentation, be very brief. Don't repeat what has already been said by others. David Kilimo ni wakati wako. Kama David Kilimo hayuko, nitaenda kwa mwingine. Kuna Chelimo Kiplat. Naona kama huyo aliandikisha halafu akaenda. Then kuna Andrew Chelang'a. Andrew Chelanga hayuko. Huyo Joseph Rotich amesema Patrick Kanda? Richard Chepting? OK ni wakati wako Richard.

Richard Chepting: My name is Richard. I want to say this. So many people have come around and have talked about insecurity, and I also feel that I must contribute on the issue of insecurity in Marakwet District. As we have had, so many people have lost their lives and property and I would want the next constitution to do away with communal punishment carried

out by the Government in the name of co-operation when we have cattle rustling. These people who are called cattle rustlers are individuals, they are known by the Pokots. Whenever they strike, I want the Government to follow them as individuals, they get arrested, and they get charged in a court of law. Because when you bring an operation, you go harrasing innocent people, collecting animals of innocent wananchi, you leave those people poor, you leave those people very bitter, and they will revenge. While the actual criminal runs away.

Another issue is the new constitution should take a cattle rustler as just a normal criminal because when you come to Marakwet, you find you find 2, 3 or 5 rustlers killing about 5 people and stealing their animals and once they are arrested, they are just taken as normal cattle rustlers charged in a court of law, and may be if not killed jailed for about 7 years. When you go to some other places, you see somebody robbing even 25 shillings by force, he is being charged for murder case, and is actually harmed.

Another issue I wanted to talk about is and there are some people have infact talked about it is the MPs salaries. It is very unfortunate that no body is controlling the MPs salaries, and when you don't control the behaviour of a human being he can do anything. Even a man can want to live as long as possible. Only death is there to remove him from this world. So if we don't controll the behaviour of the MPs, they will continue as long as possible to increase the salaries as much as possible. So I wanted to make a contribution to come up with an organization to cater for the MPs salaries – not just the MPs salaries alone, we also have councillors in local authorities. These people are here with wananchi, and most of them are getting about 7,000.00 which is very little for them to live on or even serve the wananchi. So I am saying that the next constitution should come up with an organization to cater for the MPs salaries, and other politicians like the local councillors in the local authorities.

The last point is about ethnic balancing when it comes to job opportunities. The commissioners have heard that Marakwets have no jobs and we are citizens like any other citizens of in this country. It is good that we have a constitution which makes sure that jobs is public service or even private sector are acually balanced. The way the are doing for the military and even the police, whereby every District is given some specific number, to recruit so when it comes to even the top jobs key positions let the constitution take care of every ethnic community in the country. Thank you very much. (clapping)

Com. D. Ratanya: OK Bwana Richard, Samuel Chemweno yuko? Ni wakati wako sasa Samuel.

Samuel Chemweno: I am sorry Mr Commissioner I was seen inside, and here. You haven't called my name this is the first time. There was a mistake, and I think it was not in order. I was supposed to be told what to do at the gate, so that I would have known. Kwa hivyo, mimi sita.. nilikuwa nimekuja ku-inquire. My names are Samuel Chemweno, mimi ni Marakwet KANU District Executive Officer. Mimi nataka kuchukuwa nafasi hii kuwashukuru, kwa kazi ambayo munayofanya katika commission. This is a very important occasion, which touches on the lives of the Marakwet community. And I am rather

shocked that mahali kama hapa, the senior leaders who are supposed to be here, wajumbe wengine, kwa sababu kwa kweli, hii ni sheria ambayo tunatunga. Marakwet matters kwa hii sheria. Lazima iwe ndani ya hii sheria. Hii wengine wamechukuwa ni kazi tu ile normal ile ya kuchezea. Hapana. Hii sheria ni kazi ya muhimu sana. Ndio unaona hata ilikuwa ni karibu niende, lakin kwa sababu nina umuhimu wa Marakwet kwa roho yangu, nikasema nibaki niseme hivi. Nataka nianze namna hii.

Nataka kuanzia mambo ya parliament. The current parliament ambayo iko wakati huu ambao ungeona, wajumbe wangukuwa hapa. Lakini kwa sababu ya uchoyo, kukataa, labda hawana nchi mioyoni mmwao, especially the 8th Parliament, ndio unaona the first achievement wamefanya kwa Parliament, the first commission kuwekwa kutoka kwa Judiciary, the commission to determine the functions and the salaries of the PMs in Parliament. Kwa sababu ukiwekea hawa kujiongezea mshahara, watajiwekea kila kitukwa sababu ukiona ile achievement ya kwanza kwa 8th Parliament is punching in the house. Ngumi ndio walifanya ya kwanza. Ya pili ni clapping. Kulikuwa na mambo ya funfair ya el-nino.

Com D Ratanya: Samuel, kuna kitu kimoja Samuel. Pendekeza mapendekezo yako kuhusu kurekebisha katibaa si malalamiko mengi. Sema ningependa kuwe hivi, na kuendekea namna hio.

Ndio hiyo naweka nataka hio commission wawe pale kwa sababu ya hii mambo ya Parliament isiwe ni kwamba Parliament wanaweka maneno yao peke yao. Nataka Commission na Judiciary.

Kwanza, our cultural, regional and ethnic diversity and communal rights. Every one should have a right to use the language and to participate in the cultural life of their choice. But no one exercising these rights may do so in a manner consistent with any provisions as the Bill of Rights.

Persons belonging to the cultural, religious or linguistic community may not be denied the right to other members of the community. To enjoy their cultural practices, their religion and use their language, and to form and join any religious practice,

Com. D Ratanya: Try to summarise now. You have only one minute.

Samuel Chemweno: Bwana Commissioner, I think er er..

Com. D Ratanya: We agreed in the morning that we are not going to read the memorandum. Just..

Samuel Chemweno: I am not reading! I am just summarising, so if you can give me 3 minutes, I can just say I will give my presentation and then I go away.

Com D Ratanya: I give you only one minute to complete what you are saying.

Samuel Chemweno: I talked to you. First of all, I don't know whether there is something which ilikuwa inafanyika hapa. Kwa sababu in the first place, nimekatazwa; saa hii nimepewa 3 minutes, why don't you give me 5 minutes like the rest?

Com. Riunga Raiji: Ndugu yangu, si ati kuna mtu amekatazwa, vile tulisema, ni kwamba tuko na listi ndefu tunajaribu kupatia kila mtu nafasi. Kwa hivyo, jaribu kumaliza haraka iwezekanavyo.

Samuel Chemweno: Can I have my 5 minutes please. As a leader, I matter in this place.

Com. D Ratanya: Ok. You have 5 minutes starting now.

Samuel Chemweno: Thank you very much. As a leader, I matter in this community. Yeah sure – in the whole community. Ok thank you. Kwa kweli laima tugombane kidogo, halafu tuelewane.

Mimi nilikuwa nasema mambo ya electoral resources kwa wilaya yetu. Nilikuwa nataka niseme hivi, kuna mwingine ambaye alikuwa amesema ya kwamba natural resources zote ziwe chini ya County Council, na hiyo ni ukweli. Ukiona kama Marakwet wakati huu it is the best conserver in forests. The reason is because we had clan forest ambaye ilikuwa inawekwa kwa claim fields. Mimi singeweza kwenda kwa forest ya mtu fulani, nikate hata local kamba ama log log, nitaulizwa. Ulikuwa unafanya nini? That is why you see we have been conserving the forest because of that culture ambaye tulikuwa nayo. Na hio culture ikiendelea kulindwa vile utaendelea kuona forest zinakaa na zinafutuliwa vilivyo vile kunatakikana.

Lakini tukilete watu, sisemi serikali isiwekwe kwa hii, lazima serikali wawe ndani to oversee, and then local use – inputs kutoka kwa forests, vitu kama miti, kuni, na nini, if the government interferes, na mambo ya local use, hizi ndogo ndogo namna hii, itaharibu tena zaidi. So nataka ijue kwamba isihusiane na local communities, especially those who are neighbouring the forests because the instructors are not the neighbours of the forests. Wanatoka mbali. Wale wanaishi karibu na msitu, wanahifadhi msitu.

Inginge nilikuwa nasema mambo ya majimbo. Tukikuweco na mambo ya majimbo, katika nchi hii, itakuwa vizuri sana because some of us – some of the districts which are oppressed can even have a say na wapate hata nafasi ya kuhudumiwa vilivyo. Especially kama sisi Wamarakwet ukiona mambo mengi, tumekuwa somehow oppressed, kwa jambo fulani.

Hasa kama hii mambo ya security, our aggressors who are our neighbours the Pokot used to be our good neighbours lakini kwa sababu ya kitu moja, hii maneno ilifanyika kwa sababu another community has a say in the government are legally insensitive in us the government that the community. Ndiyo unakuta saa zingine inafinya wale wengine. Unakuta jambo fulani inafanyika, ikifika mahali fulani, inakuwa diluted. It is not the same thing ambaye inakuja pale. Tunachukuliwa kama we are

aggressors. Wale walianza kuchokoza wale wengine tukianza kufuatiliwa mambo ya security, most of our people ambao waliuawa nchi ya Marakwet . Wale adui ambaye wameuwawa, wanauwawa ndani ya Marakwet lakini kufika mahili pako serikali because of that minister, that DC or whatever inasemekana ya kwamba Wamarakwet wanaanza. Na kwa ukweli, God will judge the Marakwet if they are lying so ni kitu kama hio ambayo tunasema we are oppressed. We done have a representative.

Com. D Ratanya: Ile dakika yako 5 iliisha zamani Bwana Samuel.

Samuel Chemweno: Wacha nimalize kidogo .

Com. Riunga Raiji: Do you know you are keeping everybody waiting for you? Maliza ssa!

Samuel Chemweno: Inginge, we support the 3 organs of the government: that is the Judiciary, the Executive and Parliament. That one, ikae vile ilivyo kwa sababu hatuoni kama kuna makosa, itatusaidia.

Ya mwisho, ni mambo ya Local Authorities. Nataka mambo ya local authorities, Chairman pamoja na Mayor wale elected directly by the wananchi.

Halafu ile maneno ya minerals in that particular districts iwe chini yao. Kwa sababu wanaweza kuwa wako na debts from the dipper. Wasiwe na wale ambao wanasimamia yani kutoka ofisi kuu, au kutoka kwa central government whereas tumechagua conservations wale watachunga hii kitu. Nasema kama hii maji yetu ya Chefara kweli inaenda kusaidia watu wengine. Hatukatai na maji. Tukikataa, tutakuwa wachoyo.

Lakini si tupewe percentage ambaye tuna conserve. Kama tungeharibu hiyo msitu hii watu wengine hawangepata hio maji. Kwa hivyo, tunataka iwe chini ya County Council. Itaweza kusaidia kwa kazi hiyo yote imefanyika.

Ya mwisho ni mambo ya shamba. Bwana Commissioner there is a problem especially in this District and it is also country wide.

Mambo ya shamba, we might get the plan, ambaye imeleta shida kwa muda mrefu sana. Unakuta mtu ako na title deed anadai shamba ni yake lakini ukienda kwa crown, ni ya mtu mwingine. Kwa upande wa nyumbani, hata wazee wa zamani wanajua ya kwamba shamba ni ya mtu fulani. Because of this title deed mtu anasema ni yake. Hata mwenyewe anajua si yangu, lakini utafanya nini na title deed ni yangu? I want that one to be revived ili kumaliza mambo. Kama sisi hapa, tuna clans, kama 6 ama 7 ambao wanang'ang'ana kila mara. Just because of this title peke yake. Hio iwe revised na iende kwa tribunal panel. The elders ambayo wanajua to make a decision to be presented to the district commissioner who will preside over a meeting for the 2 parties and make the judgement. Halafu wapatiene kortini because iko namna hii – because kortini sometimes anaenda kujudge na hajui crown iko namna gani. Tuta create tension every year, every now and then. So mimi sina

mengi, nitakwamia hapo.

Com. D Ratanya: Ok, asante sana Samuel Chemweno, we ni kiongozi, umepewa dakika 12 badala ya tano (laughter). Okey sasa twende kwa Willian Chesoni. Lakini usiendelee mtindo huo. Tutafika usiku. Stick to the time.

Willian chesoni: Mimi kwa majina naitwa William Chesoni. Mimi nafanya na Catholic Church and Peace commission, Nerko Parish.

Ningependa mapendekezo haya:

1. In the first chapter, the relationship between the people and their commission. It should not be the relationship between the office and the council.
2. We are proposing the parliamentary system of Government, not like the one we had before which is a mixed grill so under that one we have the executive, which is the President, I want to add one point. I have around 13 but I have mentioned only one.
3. He should get 25% votes in 5 provinces and at least 51% of the total cast.
4. If non attains that qualification, then number one and 2 will go for the runners up.
5. The Vice President : It should be entrenched in the Constitution that we have the President and the Vice President as partyless. They have no political parties.

Then we go to the Prime Minister who is nominated by a party.

Then we go to the Minister under this, I will only elaborate one point, On Technical Ministries we may have a lot of ministers who are not qualified. But I wanted us to have on Technical Ministry like Finance we give the Prime Minister powers to appoint even somebody outside parliament to manage the economy.

Then we go to the Assistant Ministers and from there, we go to the Attorney General.

We need impeachment of MPs on crimes like corruption, poor representation, and so forth.

I also talked about education, which is allowed upto O-Level certificate, 30 – 35 years of age.

We go to nominated members of parliament, I have said a few things there. The following areas should be entrenched in the Constitution.

- a) The blind
- b) The physically handicapped
- c) A certain ratio of women
- d) The Youth
- e) The businessmen
- f) The farmers, the religious groups and Civil Society - the NGOs should also have representatives in parliament.

These nominated MPs should be partyless. Not like currently where you are supported by who you know.

Let us go to the electoral commission. I want the electoral Commission to be appointed by the National Advisory Committee. We need to have National Advisory Committee which will appoint the commissioners.

We also go to Local Authorities. Most of those people have mentioned about giving them autonomy. I don't need to say that NAC should advise the President to resolve poor performing councils and corrupt ones.

We should have partyless nominated councillors from the marginalised groups.

Technical knowhow. We go to the electoral commission. I would want the electoral commission to be appointed by National Advisory Committee. We need to have a National Advisory Committee which appoints the commissioners. We go to local authorities. Most of these people have mentioned about giving them autonomy. I don't need to say that the National Advisory Committee to advise the President to resolve poor performing councils or corrupt ones. Nominated Councillors not belonging to any party from the marginalised groups as I had said before. If we go to the economy, we need to entrench in the Constitution a mixed market economy where basic needs are available to all, like housing, food shelter, and security. These should be provided by the Government.

We also need to have a Controller and Auditor General, replaced by an Auditing team appointed by Parliament, and answerable to Parliament.

Another one which is of great importance, we need to set up an economic and social council, to advise Government on economic performance. If I may go faster, we go to land and natural resources, people have said that we give that one to the Local Authorities, I want to support that one, but I will say, all natural resources managed by Local Authorities except Land Mineral Deposits and National Parks. That one should be managed by the Government.

We need a very important thing, finding leadership codes. Leaders should abide by the ethical and social values of the constitution. Citizens have a right to sue any leader violating the code. Not like now whereby if you sue, you are told you sue,

as who? How does that affect you? So we need that members can sue. We also feel that we extend amnesty to leaders on past crimes. In the previous constitution, who serve in the old constitution but but must admit and apologise to the state, or nation, all found kinship must prepare from those in public office.

Com. D Ratanya: Try to wind up.

William Chesini: OK thank you. I am winding up.

Finally on that one, we set up a permanent constitution to review and determine salaries of all workers in the country. Sio watu wachache wachache kufanya mishahara ya wengine. Waangalie kwa maana inflation inaumiza kila mwananchi. So kwa haya machache, nasema asante sana commissioners. Ni hayo tu.

OK asante sana. Mwingine sasa ambaye tumefika kwake ni Antony Chepkwon. Kama Antony yuko, ni wakati wako halafu Chemutai atafuata huyu.

Antony Chepkwon: Asante sana Bwana Commissioner, mimi niko na maneno machache sana, na kiini chake ni,

Com. D Ratanya: Sema jina lako kwanza.

Antony Chepkwon: Jina langu ni Antony Chepkwon. I will talk about separation of powers and in that case, you know very well that the Government consists of 3 arms of Government. These 3 arms of Government should co-exist and should act independently and have checks and balances.

- Powers or duties of the Legislature or Parliament should act as the watchdog of the people.
- That the work of Parliament is to veto issues but in resources including Parliament.
- That the work of Parliament is to educate the electorate or to educate the masses.
- That the work of Parliament is to make laws pertaining the constitution.

The work of the Judiciary, is to settle disputes and to act in the court of justice.

That the Powers of the President be limited to Head of State,

- plan day-to-day Government business,
- Commander-in-Chief of the Armed Forces,
- answerable to Parliament,
- his powers to be taken away,
- hiring and firing of civil servants,
- control over Parliament and the Judiciary,
- Chancellor of all public universities,

Why I am highlighting this is because we have been having a problem in our constitution that some arms of Government interfere with others.

For the case of the Judiciary, you find the executive can even interfere and act on the side of the Judiciary.

Another point I want to put across is civic education to the masses.

- that civic education will enhance democracy.
- that with democracy, we shall have better economy, better environment and better health services and many others.

So I would like to say thank you, for giving me a chance to give those few remarks.

Com. D . Ratanya: OK, thank you very much Antony. Twende kwa Kimtai, nilimwambia agoje. Ako wapi? Inaonekana Kimtai hayuko, na kuna mwingine anaitwa Kipseng Johnstone. Pia yeye hayuko. Sasa, wale ambao pengine hawakupata nafasi, kwa sababu walikuwa wameenda, wakitwa, na hawakuwako, na mwingine yeyote ambaye angetaka kusema kitu, tunaweza kuwapatia kama dakika kama moja ama moja unusu waseme kitu haraka haraka, kwa sababu tumemaliza yale ambayo yameandikwa hapa. Sasa, nani angetaka kusema kitu? Mama wewe ulisema. Unless we have time, you can repeat. OK hebu nione wale wangetaka kusema kitu. Huyo ni mmoja, keep your hands up. Hebu tumalize list, tukimaliza, tutaenda kwa hawa, na wale wangetaka kurudia.

Michael Sengech: Jina langu ni Councillor Michael Sengech. Nitaanza with my area, and that is the Local Authorities. My

first suggestion is that Local Authorities be given autonomy, and the Council Chairman and the Mayor be directly elected by the people, and should not necessarily have a ward. In other words, he should not have an area of representation.

Thirdly, in this era of multi-party politics I am suggesting that Local Authority politics and the organization in that chamber be on a “by pola” Councils. By pola in the sense that it is the majority seats in that council that form the government of that council. There is the opposition side, and the ruling party side. If the ruling party for example is KANU, and the majority of the councillors say in Marakwet County Council is DP, let those who form that Government in that Council be the DP and KANU although it is a national governing party, be the opposition in that council. That is in essence what I am saying. Next, let the nominations of councillors continue, but it should be done by the Electoral Commission taking into consideration people such as the youth, the disabled, and women.

On Electoral Commission, let us have commissioners being appointed by the leading political parties. It is my suggestion that the leading 3 political parties, depending on their numbers, their dominance in Parliament, the 3 leading to nominate the commissioners to the Electoral Commission and those commissioners should be 15. They must be men and women of integrity, with sound academic qualifications biased towards political science, and legal disciplines. They should be 21 years and above, and must retire at the age of 55, like any other civil servant.

That elections be done simultaneously, civic and parliamentary. The Chairpersons of the Local Authority and the Mayors, and the area councillor. The Chairman should not have a ward, so it should be direct elections by the people, during general elections. President, MP, Chairman of the Local Authority or the Mayor and the councillor.

An other one is that Provincial Administration should be made extinct. It should be done away with. Just like colonialism which is stone age and has already been done away with. Instead all Provincial Administration officers, civil servants, all should be brought under the Local Authorities except the police.

On education, to end up, let us have free primary education and free post graduate education, because those are people who deal with research and research will consume all the assets of a community. So free primary education, and free post graduate education. Free education for people with disabilities. Anybody, young or old who wants to read, should have access to free education. In our education system, we should have under Government or Civics let us have constitutionalism taught. Not for the sake of National Constitutions, but even other organizations. We make constitutions every day by-laws and others, and then let us have our populace educated on matters of Civics Constitution.

Last but not least, certify traditional marriages. Apparently today, we have people marring under the traditional set up systems, but then, there is no certificate by way of paper from the Government acknowledging the existence of that marriage. With that Mr Commissioner, I say thank you.

Com. D Ratanya: Hebu goja kidogo kuna swali hapa.

Salome Muigai: I don't know whether you have an answer for this Councillor lakini, I would like you to think through with us on that traditional marriage and its certification. At what level do you give a certificate, when we go to the DCs we know that we give that certificate on that day. When we go to church, we give that certificate on that day, or before the kadhi. This traditional marriage is a process. At what level in this process do we give a certificate?

Councillor Michael Sengech: OK ,thank you madam, I am referring at the village level, at the grass root level, you know there are some customs in our marriage ceremony, which cannot be done away from the home, away from the hut, inside that hut. So it cannot be brought at the DCs place, to give certificates. OK, fine let it be done there, but let the Chief organize after the ceremony, to issue those certificates at the DCs office.

OK asante sana Councillor Michael, mwingine ni Paul Siliato. Yuko? Inaonekana Paul hayuko. Wale walikuwa wameinua mkono, kulikuwa watatu pande hii, na mmoja pande hii. OK sasa wanabaki wawili, na mmoja pande hii. Hebu waweke mkono juu tena.

Lakini wale tuliuliza, hebu tuchukuwe huyu, halafu, mutafuatana ndiyo tumalize. Kwanza utanza na kutuambia majina yako vizuri, ili yaingie kwa tape recorder.

Daniel Talaam: Kwa majina naitwa Daniel Talaam, na mimi ninafanya kazi na Electoral Commission of Kenya. Kwanza, maoni yangu yatakuwa machache sana. My view is that the constitution should be written both in English and Kiswahili. In our constitution, we should have an Executive President, the Vice President, and a Prime Minister, who will be the Head of the Government. We should in our constitution have a maximum of 15 cabinet posts. That is 15 Ministers. In that Cabinet, we should give at least 3 positions to women.

When we talk of natural resources, it has been said here earlier on and my view is that the Local Authority should have the mandate to run the natural resources for that particular area. People have given their views here. Such issues is that we have a natural resource which is the water "jebara". It is so sad that the Marakwet is not utilizing even a ton of this water including the school which is in the neighbourhood whereby they are using contaminated water and the water that we are producing is consumed in Eldoret. Not even here in Kapsor as a District Headquarters. We are using contaminated water, so this is our natural resource and we should have been given first priority by the authority. We should have been consulted in the first place.

In Provincial Administration, my views is that the Chiefs and the Assistant Chiefs should be elected by wananchi. Currently, the Provincial Administration is done in Nairobi and when they have been appointed, they become big headed. They become

masters of the people, instead of being the servants.

The President should be impeached by Parliament. In my view, whoever wants to stand for Presidential elections as a candidate, should in the first place declare his or her wealth. This should also apply to those who are aspiring for parliamentary seats. They should declare their wealth in advance, including the councillors of course.

Elections should be held every 5 years and no extensions.

Education should be made compulsory and given free by the Government, from standard 1 up to 8. Secondary level can be met by the parents, and of course, at university the Government should meet that expense.

Lastly, freedom of expression should be in the constitution. On security, I think,

Com. D. Ratanya: Jaribu kumaliza sasa. Sema hio ya security halafu uende.

Daniel Talaam: OK, asante sana. Security I think is paramount, it should apply to every Kenyan citizen not partially, as we have seen in Marakwet. Thank you.

Com. D Ratanya: OK asante Daniel Talaam kwa kuweka masaa vizuri. Kulikuwa na mzee mwingine pande hii. Hakuna mwingine hapo si ndio? I just wanted to confirm. Hakuna mtu hapo. Sasapande hii, kulikuwa na mama mmoja – ama ni wawili? Kulikuwa na mwingine? Sasa ni mama, halafu huyu aseme yale alibakisha, na tumalizie hapo. Endelea Madam.

Lena Kilimo Kilimo: My name is Lena Kilimo Kilimo. Thank you for giving me a second chance. There are a few things which I did not talk about the other time. My fellow people reminded me.

First of all I want to clarify number 31 of the proposals that Maendeleo ya Wanawake wrote. Madam Commissioner asked a question that at which process do we want marriage certificate for customary marriages? The first stage. We normally have the first stage when they come and talk about dowry negotiations and now the two parties have agreed to get married. This is the point at which we want to be given a certificate because in Marakwet there is still another wedding which will be done later on once you have had children, but we want a certificate on the first stage. Also number 21 of the resources of Maendeleo ya wanawake has given us their resolutions, we don't mind sharing with our neighbours who don't have what we have but before the Government can take our natural resources to our neighbours, let it supply to the community where those natural resources are coming from first, and then once we have enough, let the Government give to the nearest community who are in need of that, eg, the water which people have talked about we should be given as Marakwets first. Once each one of us has got piped water, then let them give to the communities that do not have.

The next point I have come to talk about is to do with education. Now, our present constitution says there is free education, but it is not practical. We want free education to be regulated. There are some user charges which are normally required. In Districts that are able to afford, they can, but we would like it to be in the constitution that although there is free education, the Government should remove user charges on marginalised areas. It should know that even in Marakwet, we can't afford to pay PTA fees or anywhere else. So, they should put that into consideration, when it comes to education.

There is also this one of health we have written in our memorandum but I would like you to make it clear here that depending on the terrain, of each District, there should be a very good hospital, which is equivalent to a district hospital in every Division so that women don't really have to walk very far to get medical services or if it is maternity case, for example here in Marakwet our boundaries, we have the lowlands, middle and the highlands and walking up to Kapsor to have a baby is rather difficult. So if we had a very good hospital in every division, it would be good, and may it be put in our constitution that the Ministry of Health should have in their calendars that this year we are building a good hospital in this division of that District, next time, we are building here to bring health services closer to the people.

In security, where there is a lot of animosity between the communities, it should be put in the constitution that there should be peace. Then in the 2 warring communities, the Government can put up schools and exchange the children from these two communities to learn in the same schools in the two communities and vice versa, so that each will watch out that my children are in that community, if I go and attack, they might finish our children on that side, and so there will be fear of creating disturbance. Then in that way, we might achieve peace.

We do not want the new constitution to protect the old constitution, where right now, we say OK, we should take people from Marakwet or from Samburu, those who are marginalised to put them in positions in the Government so that we feel those communities have been represented. Once the Government regulates education of these marginalised people, then there will be no hurdle on the way for these people to achieve their goals. Then people can be appointed on merit of what they have done.

Another point is on Parliamentary lines. We would like legislative lines to go along divisional lines, because sometimes our terrains in Kenya, are so difficult, for example, Marakwet you are in the valley, you are in the highlands, you are in Kapsor and you cannot really bypass or criss cross the constituency to deliver. So we would like our legislative boundaries to be just like the divisional boundaries, so that an MP can be able to meet the people and hear their problems more easily than it is now. Still on education, we feel the old system of 7-4-2-3 was good so that the child can go to standard 7 and then another 2 years when they feel they are not able to continue further, they can go to technical institutions. We should still have technical institutions which these children after 7-4-2 can go to if they are not able to continue. In that way, every body can be able to be economically empowered. The Government should also see that people are retained in school. We appreciate the fact that girls can now go back to school after may be, they have had a baby and they are still in school, but can it be put in our

constitution that it is up to the Government to see that children are retained in school. Whatever is hindering them from going to school, the Government should see that it is removed. If it is poverty, let them come in, if it is marginalization of some sort, the Government should step in to see that a student remains in school.

Com. D Ratanya: Ok, sasa nikumaliza upatie wengine nafasi, na tunashukuru sana Lena Kilimo Kilimo, kwa hao maoni yako.

Kuna wa mwisho hapa. Huyu ni Rotich? Yes. Joseph Rotich. Lakini anza na kutwambia majina yako, nakumbuka tu ile ya mbele ulisema.

Joseph Rotich: Asante commissioners. Jina yangu naitwa Joseph Rotich, Chairman wa(inaudible) Marakwet branch, Asante kwa nafasi hii tena. Maneno ile nataka kuongezea ni kuhusu forests. Kuna hii maneno ya forests, nina shangaa sana, kuambiwa watu wamekata miti. Hakuna mtu ambaye ako na muguu mbaya ati anaenda kukata miti. Nyinyi wale munajiweza munaenda kukata miti, halafu maji inakwisha, yule mtu anatambaa chini atakunywa nini ukikata miti? Wewe unaweza kwenda mpaka.....(inaudible) lakini siwezi kwenda.

Nyingine tena, kwa nchi yetu ya Kenya, vitu ambayo wanataka tupitisha kwa sheria, mtu akiuawa, ama mtoto wake akiuawa, lazima serikali ilipe mtoto yangu. Kwa maana mimi siwezi kuzaa hapa duniani na kwisha. Nataka nizae ndio niendeleo. Nipate wajukuu. Nyingine, pia kwa hawa disabled, waki-suggest hizi requests, kuna wanyanyasaji. Tumenyanyaswa sana. Unaweza kwenda ofisi ya Commissioner wakwambie enda uone DO1 ama enda uone chief, na nimetoka upande ule, na mimi ndiye Chairman yule alikuwa ame-apply. Sifurahii hiyo kabisa. Sifurahii kama walemavu. Ama twende mkutano ya leaders anabeba wale wanajiweza, anatoa walemavu. Hivo ni vizuri kweli Bwana Commissioner? Kama ni sheria kweli, you are head. It is correct, normally Si mzuri. Pia, askari lazima wasikie sherehe ya Wamarakwet. Sisi mtu wetu akifa tunapika pombe. Siku moja Mwenyekiti, nilipigwa na askari, wakati nilimwambia, nataka niende kwa mazishi ya Mrs Shiroya, marehemu. Akasema lawyer ni nani, akanipiga kofi. Ona hii alama. Ni vizuri kweli? Halafu nilikuja kuuliza kotini kama ni vizuri nikaambiwa enda pahali popote Kenya polisi. Wakati nilienda huko, watu wanalalamika tena. Sasa tafadhali tuchunguze kwa hio sheria vizuri, tufunze watoto wetu hizo sheria kutoka standard one, up to level ya masomo. Tafadhali tuzungumze, tuweke hio kwa vitabu, twende tupeleke mashule, kama America. Ili mtu akitenda makosa, awe anajua lakini anafanya maksudi.

Nyingine tena, Bwana Commissioner,

Com. D Ratanya. Sasa sema ya mwisho. Ya mwisho kabisa.

Joseph Rotich: Ni ya mwisho kabisa. Maneno ya plot. Tunajiandikisha plot kutoka 1998. Wale wote wamepata plot sijui sisi bado hatujapata. Tena ofisi, hata ukija ofisi yangu Bwana Commissioner, ni chini ya miti. Sijui utakalia matope. Yangu ni hio tu. Yanatakikana uangaliwe kama ya watu wale wengine. Asante.

Com. D. Ratanya: OK, Joseph, ngoja hapo kidogo uonyeshwe la kufanya kutoka hapo. Now, wapi Co-ordinator? Yuko karibu? Najua wakati tulipo anza hukuwako, na pengine wazee wako wako hapa wa? (inaudible) Kama wako, tungetaka hata sisi kuwajua. Kama hawako, tutafutie mtu wa kufunga kwa maombi.

Solomon Kibet Cheserek (District Co-ordinator): Thank you distinguished Commissioners, thank you for the work you gave me to go and look, the CKRC work on the ground. I have one CCM member Stephen Chebor. On behalf of all the Marakwets, of Kapswor, ninataka kurudisha asante sana, kwa commissioners wetu, kwa kuweza ku-adjust kwa different situations, labda climate, socially, na ninasema asante sana, kwa sababu mumekuja hapa kufanya a historic way which will not be there may be after 200 or 100 years. Kwa hivyo nashukuru sana. Asante sana Bwana Watibini, asante sana Salim, nafikiri nitamwita Bwana Antony atufungie kwa maombi.

Antony: Asante. Kabla hatujaomba, tufahamu kwamba wakati tunapofanya kazi yetu, Mungu apewe nafasi ya kwanza kwa maisha yetu, ili ifuatwe na kazi yetu. Na hata hivo, wakati tunafanya kazi, hio ndio njia moja ya kuomba Mungu. So, sasa nachukua nafasi hii kuomba Mungu, kwa maneno yetu.

Kwa jina la Baba, na la Mwana, na la Roho Mtakatifu, Amina. Baba wa Binguni, Baba wa Bwana wetu Yesu Kristo, tunakushukuru kwa kikao hiki, tunakushukuru kwa maneno unayatia kwa akili zetu, tunakushukuru kwa ajili ya nguvu na afya ambayo uliyo tujalia siku ya leo, tukaweza kuitekeleza hii kazi. Tunakuomba ili uweze kuyabariki watumishi wako, uwabariki viongozi wetu wa serikali, uwabariki macommissioners ambao wanajitolea usiku na mchana, ili nchi yetu iweze kufana, kwa ajili ya kupata uongozi bora ama kwa kupata katiba ambayo yanaweza kusimamisha mwanadamu kwa miguu miwili na kupatia maisha bora.

Tunakushukuru pia kwa ajili ya mahitaji yote ya mwili. Tunakushukuru pia kwa kile ambayo unatupa kila siku, tunakushukuru pia kwa mvua ili tupate chakula, tunashukuru pia kwa mengi. Kwa hivyo tunaomba, ili utupatie, upendo ya kweli, tunakuomba upatie nchi yetu mapenzi ya kweli, ili tuweze kupata maendeleo bora ya mwili na ya roho. Mungu baba wa binguni, tunaomba hayo kwa njia ya Kristo Bwana wetu. Kwa jina la Baba, na la Mwana, na la Roho Mtakatifu. Amina.

Com. D. Ratanya: Kwa hivyo wananchi, mwisho kabisa nikusema asante sana, kwa niaba ya Constitution of Kenya Review Commission, ningesema asante sana kwa vile mumepeana maoni yenu, na tumefurahi, tumeyasikia, kwa hivyo, yataendelea kuangaliwa, kuingishwa kwa kurekebisha katibaa yetu. Kwa hivyo tunashukuru sana, watu wa upande huu wa Kapswor katika Marakwet West Constituency. Ningetaka hata kushukuru wale wote wamepanga mipango hii ya kupata hall, headmistress wa

shule hii, hata ingawa simwoni hapa, asante sana kwa hayo yote, na hata Co-ordinator, kujishugulisha kabisa isipokuwa asubuhi hatukukuona lakini umerekebisha, tumepata watu na tumefurahi. Kwa hivyo tumesema asante sana na tungetaka sasa kumwacha. Muachwe kwa njia nzuri na Mungu amubariki, na kwa niaba ya Commission, ningetaka kufunga hii kikao cha Constitution of Kenya Review Commission rasmi.

Interjection: (Organised clapping by District Co-ordinator).

The meeting ended at 4.05 pm.

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