

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

MOSOP CONSTITUENCY HELD AT

KABIYET HIGH SCHOOL

ON

27th June 2002

**CONSTITUENCY PUBLIC HEARINGS, – MOSOP CONSTITUENCY HELD AT KABİYET HIGH SCHOOL,
27 JUNE 2002**

Present

Com. Pastor Ayonga - In Chair

Com. Phoebe Asiyo

Secretariat

Fatuma - Programme Officer
Wambeyi Makomere - Assistant Programme Officer
Lydia Moraa - Verbatim Recorder
Barno - District Coordinator
Dc - Translator

The meeting started at 10.30 a.m. with a prayer from Pastor Imam Rashi and Pastor David Boit with Com. Pastor Ayonga in the chair.

District Coordinator: Wananchi watukufu, let the meeting come to order now, we want to begin today's meeting. Wananafunzi tutaomba mnyamaze, ili tuanze mkutano wetu wa siku ya leo. Nawashukuruni sana kwa kuweza kufika, na kabla hatujaanza, nitamwalika Pastor na Imam wachukuwe dakika moja moja kutuongoza kwa maombi.

Imam Rashid: Na tuombe, mwenyezi Mungu, tunakuomba utupe hekima yako, wakati huu wa mahitaji. Wewe Mungu, tunakushukuru haki ya kukushukuru, tunakupenda, wewe uliyesema katika kitabu kitukufu.

Prayer (in Arabic)

Pastor David Boit: Kwa heshima kuu kwa Mungu wetu sisi sote pamoja tutasimama ili tuombe. Baba mwenyezi Mungu tunakushukuru kwa nafasi ambayo umetupa asubuhi ya leo. Ni asante Mungu kwa ajili, umeona ni vyema tukutane hapa siku ya leo. Tunakushuru Mungu kwa ajili ya wageni ambao wametoka mbali, kwa ajili ya kazi ambayo iko mbele yetu. Mungu ni asante kwa wakati, Mungu wetu tunaja mbele zako ya kwamba utubariki kwa kazi ambayo tumejitayarisha kwa miezi kadha wa kadha, na leo Mungu wetu tuana waomba hawa Commissioners ambao wako mbele yetu wanapoketi, wanaposikiza, na wale wote wanahusika hapa kwa hii kazi, tunaomba Mungu ya kwamba uwasaidie. Mungu bila wewe hatuwezi chochote. Na hivyo

Mungu tunaomba asubuhi ya leo kwamba, hali ya anga iko nzuri na tunakushuru, na itafikia wakati ambao mvua itakuja, na hivyo tunaomba ya kwamba Mungu kwa heshima yako, utusaidie, ili mpaka mwishi wa mkutano huu, waweze kuyasanya yale yote ambayo tumekuja kufanya na mwishowe mungu utubariki na mvua. Tuanaomba ili tunapoanza uwe pamoja nasi, kwa kila jambo, tunaomba amani iwepo, masikizano na utulivu, kwa maana nimeomba haya yote katika jina la Yesu ambaye ni mwokozi wetu. Amen. Tuketi.

Julius Barno: Asante sana, na bila kupoteza wakati, lugha ambayo tutatumia hasa ni kiswahili na kiingereza lakini ukiwa na shida ya hizo mbili, unaweza kuongea kwa lugha ya kinandi. *Imuchi ing'alal Nandi si kecheng'ung translator*. Ukiwa huwezi kuongea kiswahili ama kiingereza, tutakutafutia mtu wa kukutafsiria. Wakati huu basi nitamwalika Bwana Chairman, Chairman wa Constituency Constitutional Committee, ili aweze kutukaribisha na kisha kutujulisha kwa wale amboa wanafanya kazi naye kabla ya Commissioners kuongea. Karibu Bwana Chairman.

Job Rugut: Asante sana, kwanza Bwana Commissioners, officers ambao wamekuaja pamoja, wakuu wa serikali ambao wako hapa, wazee na akina mama, hamjambo? Kwanza ningeshukuru wazee ambao wameweza kufika mapema, na Commissioners pia wamefanya bidii wamefika mapema. Nafikiria tutaanza halafu tumalize mapema maana hatujui mvua itakuwaje, na kwa kuanzia, nitaita committee wa Mosop halafu wakuje hapa mbele, ili Commissioners wawajuwe. Karibu.

Basi, hawa ni committee, nikisimama hapa mumesikia kama Chairman, na jina langu ni Job Rugut, ambaye niko koserai na nikisimama katibu hapa ni Jane Kirwa, yeye ni secretary, ako kwa committee, ako kwa upande wa akina mama. Na huyu ni John Kebenei, anasimamia upande wa youth, anatoka upande wa Ndalat, Kipkaren division. Huyu ni Peter Kemboi, huyu anasimamia upande wa disabled, anatoka Koserai pia division. Kuna wengine wanatoka mbali, upande wa Kipkaren huko chini, tunatarajia watafika hivi karibuni ili tuwe pamoja. Basi, wakiingia nitawajulisha na watapata nafasi muwajuwe pia. Na najuwa kati ya watu hapa kuna wengien walikuwa kwa civic education. Labda hao watasimama halafu ndio muwaone.

Civic education providers, ningetaka wasimame halafu waonekane. Hao ni civic education providers, wanatoka katika NGOs Makanisa na Organizations mbali mbali. Labda itachukuwa muda kusema ni organization gani, lakini hao wote ni civic education providers. Asanteni sana. Basi Coordinator.

District Coordinator: Asante sana Bwana Chairman, mimi ni Julius Barno, ndimi mshirikishi wa Tume ya Kurekebisha Katiba katika wilaya hii. Commissioners, nawashukuru kwa kuweza kufika, tunawakaribisha na kwa wakati huu basi, kwa vile

chairman ameongea na kwa vile tunazidi kuwapokea watu wanapoingia, nafikiri nitawarejeshea programme ili mtuongoze na mtuambie vile siku itaenda, asante.

Commissioner Pastor Ayonga: *Changei tugul* Sasa hiyo kinandi yangu imekwisha, lakini tunamshukuru Mungu kwamba tuna nafasi ya kufika hapa siku ya leo, na kitu kimoja ambacho nimeona, unajuwa watu mnazoea baraka ya Mungu, mpaka mkafikiri si baraka. Nimekuja kati ya matope, lakini matope haya yameletwa kwa baraka. Kuna watu wengine hawana matope wana ukavu mtupu, nimeona udongo mnono, na nimeshukuru Mungu kwa ajili ya sehemu nzuri ambayo amewapa nyinyi Wanandi. Ni kitu ambacho tusije tukazoea tu tukafikiri kote kuko namna hivyo, lakini kila wakati, tumshukuru mwenyezi Mungu kwamba hii ni baraka yake kwetu sisi sote. Na kwa hivyo asubuhi hii, kwa niaba ya Commission, ninawakaribisha nyinyi nyote, kwa kuwe kwenu hapa, nimeona ni watu wazima, wazee, mmeacha mashamba yenu, mmeacha biashara zenu, mkaja kwa ajili ya kurekebisha Katiba tuliyo nayo. Na kabla sijawaambia jinsi ambavyo tutafanya, nimetaka pia nitoe nafasi hii kwa kuwajulisha wale ambao tuko pamoja, ambao tumekuwa hapa kuwahudumia siku ya leo. Kila kikao kinachofanywa, kwa kawaida tunakuwa Commissioners watatu, lakini, hapa mnaweza kuona tuko wawili.

Hii kazi tunayofanya ni ngumu. Na mara tunapata moja, wawili wamekuwa wagaonjwa. Na kuna taabu za bara bara za magari. Commissioner mwingine ambaye tungekuwa naye hapa leo, gari lake nasikia lilikuwa garage ilikotoka, na pia yeye mwenyewe naye alikuwa garage ingine. Gari iko garage ya magari na binadamu yuko garage ya binadamu. Commissioner Wambua ambaye angekuwa pamoja nasi, alikuwa hajisikii vizuri, hata jana alipoongea na mimi saa kumi na mbili, nilisikia mtu mgonjwa. Lakini nilikuwa ninasema Mungu akinisaidia, naweza kutoka hata usiku wa manane nielekee, nikamwambia chukua pole. Maisha nayo ni mengine, tukiwa wawili tutatosha kuchukuwa maoni ya watu wa upande huu.

Sasa hapa kando, on my left, ni Commissioner ambaye wengi wenu mnamjuwa, kwa maana yeye alikuwa Member of Parliament kwa miaka mingi. Pengine nikisema jina tu, mtakumbuka, “Ooh, ndio ndio, huyo ni Mheshimiwa Bi. Phoebe Asiyu. Si mlikuwa mnamsikia? Wangapi hapa ambao wanamjuwa bibi Asiyu, mama unaona unajulikana. Lakini sasa, lazima kwanza usalimie watu.

Com. Phoebe Asiyu: Asante sana Pastor Ayonga Commissioner, kwa kunipa nafasi hii ya kuwasalimia watu wa Mosop leo asubuhi na kwa niaba ya Commission, nina weza kusema kwamba tunafurahi sana na kuridhika na Mambo yale ambayo yamefanyika mpaka leo, na kwamba maoni yenu ambayo mtatoa, ya itatusaidia sana kutengeneza Katiba mpya. Mkumbuke tu kuko wakati ambao tutaweza kuita ni crossroads. Tuko na President ambaye mwenyewe amesema anataka kuenda kupumzika karibuni. Bunge nayo inataka kufanya uchaguzi karibuni, Katiba ilichelewa miezi tisa, tuingojea masikizano katikati ya ufungamano na wale walichuguliwa na Bunge. Kwa hivyo ni kazi ngumu, lakini mkiwa na sisi, tukishirikiana pamoja, mkitoa maoni yenu kinaga naga, kwa ufupi, ya maana sana ya kutengeneza Katiba, siyo hadithi, kwa maana hadithi tunaijuwa. Kile ambachio tunataka kusikiza ni mapendekezo yenu, vile mnataka hii nyumba mpya ya Kenya, ijengwe namna gani? Hii nyumba ambayo tunaishi sasa, ilijengwa na watu wa wingereza, sasa nyinyi wenyewe wazee, mnataka kujenga nyumba mpya ya Kenya, kwa hivyo mtueleze kabisa mnataka tukienda kuandika, tuandike nini? Tuseme mambo gani juu ya, mambo yale ambayo tumekuwa mkiyaona hapo kwa hiyo karatasi. Kama si hivyo, nawapigia asante sana kwa kufika mapema ili tushirikiane na mnajuwa kwamba tutashirikiana kwa njia nzuri. Asanteni sana.

Commissioner Pastor Ayonga: Asante Commissioner Asiyu kwa salamu zako na kwa yale mafupi ambayo umewambia watu wa Mosop. Na pia, kutoka ofisini tuna wale ambao watatufanyia kazi hapa. Hapa kuna Moraa, Moraa salimia watu.

Moraa: Hamjamboni nyote?

Commissioner Pastor Ayonga: Moraa anafanya kazi ya recording. Hapa, kazi ya recording mtatuona tunaandika wakati mwingine, na wakati mwingine utona hatuandiki. Na utanza kufikiri sasa haya maneno mimi nimekuwa nikisema, hawa watu kweli wameyachukuwa? Mbona hawakuandika? Hebu niwaambie, nyote mlioko hapa wakati unakuja hapa kuongea, kutoa maoni yako, kuna record. Kuna tape, kanda, ambayo itashika kila neno, hata ukikohoa, tutachukuwa kikohozi. Kwa hivyo hakuna kitu kitakacho potea, maneno yako yote yatanaswa ndio maana yake mliona tumechelewa kidogo hapa kwa ku connect hii vitu ili unaposema, neno lako lisipotee. Na wapi yule mwandishi mwingine mwenzako? Ooh, na kuna mwandishi mwingine hapa pia, wewe ni Mark Omere. Mark Omere, wewe salimia watu.

Mark Omere: Hamjambo?

Commissioner Pastor Ayonga: Na hiyo isitoshe, tuna yule ambaye anaitwa programme officer ambaye anachunga kuwa kila jambo limefanyika, hakuna ambalo hao hawakufanya, naye hapa ni dada Fatma, salimia watu.

Fatuma:(Inaudible)

Commissioner Pastor Ayonga: Na mimi ni Pastor Zablon Ayonga, Commissioner, siku ya leo nitakalia kikao hiki kama mwenye kiti. Na kabla hatujaanza, ningalipenda sana tuelewane. Unajuwa pahali wazee wapo, mamba hayafanyi nini? Kwanza nataka muangalie watu jinsi ambavyo muko wengi. Na ninajuwa kuna wengine walipeleka ng'ombe malisho, wako njiani wanakuja, na wateendelea kuja.

Sasa kila mut alipotoka kwake, amekuja hapa ili atoe nini? Maoni, hakuna mtu ambaye amekuja hapa ambaye ametaka tena arudi na maoni yake. Kwa hivyo, mtaoni tukibadilisha badilisha muda ule ambao tunao hapa. Nikitoa kwamba mtu, wale mlio na memoranda ambazo mmeandika maneno, kuna wangapi hapa walio na memoranda? Tutakupa, mtu ulie na memoranda tutakupa dakika tano. Tano za kufanya nini. Hebu sikiza vizuri. Za kumulika, kutuambia yale maneno makubwa makubwa ambayo umeandika katika memoranda yako. Hii memoranda ambayo umeandika, kule ofisini, tunawasomi, wataisoma, maneno yako yote yataingizwa katika computer. Kwa hivyo, unapokuja, utatupa maneno yako, ukitoa, ukitumia hizo dakika tano. Wale ambao mna maneno ya kusema na mdomo ambayo ya kuandikwa, tutawapa kuanzia sasa mwanzo, itakuwa dakika kumi. Kuanzia, lakini baada ya watu kuwa wengi, tutatoka kwa kumi tanaenda tano, nne, tuende nne, tatu, mpaka wakati utafika wa dakika moja mpaka wakati utafika hutasema chochote, utakuja kwa Mosop ile ingine ya kesho.

Nimesikia mvua iko, sasa unapokuja hapa kutoa maoni, tutakuketisha, utawekwe kwa microphone, na utaongea juu ya hayo maoni yako. Leo si siku yako kutuuliza maswali, hakuna swali ambalo utatuuliza. Leo ni siku ya nini? Maoni, unaona je? Usije utuambie story story, jinsi Bi Asiyu alivyosema, leo ni siku ya maoni tu, kwa maana, sisi pia ni wakenya, tunajuwa zile story unazutambua, pengine zimekuwa zetu. Kwa hivyo wewe kuja tu, mulika kitu unataka, ni hivi na hivi, hii ni mbaya, nataka hivi na hivi, usituambie hii ni mbaya, enda mtengeneze, hapana. Wewe ndio unarekebisha ile mbaya, utengeneze, iwekwe kwa Katiba, kwa maana wakati huu wote umekuwa ukifikiria jambo hili linalotusumbua, hii barabara inatusumbua, au haya mazao hayana soko, na unajua sasa unavyo taka.

Lugha, unaweza kuongea kwa kiswahili, unaweza kuongea kwa kiingereza, unaweza kuongea kwa kinandi, na tutakupa mkalimani. Lakini unajuwa, unapotafsiriwa, dakika zako zinakulwa nusu na nani. Na mkalimani. Lakini hiyo nafasi iko. Kama kuna mtu ambaye anasikia kweli hajui kiswahili yeye lazima aongee kinandi, tutampa nafasi aongee kinandi. Kwa hivyo, ikiwa una uzito huo, tutakusaidisha.

Pili, tunaposema dakika zako zimetosha, tafadhali kubali, uheshimu hiyo, unapoheshimu hizo dakika, una heshimu wenzako pia ambao wamekuja. Ukipitisha hapo, kupita njee, unapunguza, nafasi ya wengine. Tumeelewana? Mko tayari? Na tena, baada yako kusema, kuna kitabu, register ambayo tunataka u-sign, kwa maana kila atakayesema, atakuwa registered, na kuna maswali yule anaye kufanyia registration atakuliza, usije useme, na hayo unaniuliza ya nini? Tunafanya hivyo kila pahali. Mko tayari?

Kitu kingine ambacho nitafuata ni orodha jinsi mlivyo kuja. Aliyekuja kwanza, atahudumiwa kwanza, lakini wakati mwingine mkiona ni kabadilika, tunabadilika kukiwa hivi, kama kuna mama mzee sana, au baba mzee sana, au kuna mtu ambaye hajiwezi, tutampa nafasi, na mama ambaye amekuja mzito anataka kutuletea President wa kesho kutwa, huyo tunampa nafasi, aongee arudi. Na tena, saa inakwenda namna ingine, kuna wakati ambao nitakuja kuita wa mama maana yake watoto wakitoka shule wanataka chakula. Kwa hivyo tutafukuza wa mama kwanza wanaume tubaki nyuma. Hayo ndio mabadiliko nitafanya, ama si hivyo, nitafuata record hii jinsi ilivyo, na bila kupoteza wakati, nikikuita, uwe juu juu na uje. Wa kwanza ni Ezekiel Tuitoek, nikiita jina lako vibaya unisamehe, ni kwa maana sina uzoefu. Ezekiel, kuja mbele, kuja kiti ndicho kile. Mzee keti na toa maoni. Mzee umeandika, umeandika, au unasema?

Mr. Ezekiel Tuitoek: Ninasema, ninasema.

Commissioner Pastor Ayonga: Okay, unaweza kusema ukisimama, unaweza kusema ukiketi.

Mr. Ezekiel Tuitoek: Niteweza kusema kama nimesimama.

Commissioner Pastor Ayonga: Okay, chukua microphone hiyo Mzee,

Mr. Ezekiel Tuitoek: *Kotomo angalal.*

Translator: Kabla hajaongea,

Mr. Ezekiel Tuitoek: *Ko agotok tugulen kainetat jesu.*

Translator: Anawasilimia nyote katika jina la Yesu

Mr. Ezekiel Tuitoek: *Ko en tuiyoni kanyo kotomo anyone betut age kengalaltugul akak kituye neu niton ni.*

Translator: Hajakuja siku ingine kuongea kwa mkutano kama huu.

Mr. Ezekiel Tuitoek: *Ko kit ne amwae ne ta kokamche amun ngatutichu kemache kisup kora agobo boisionik ab emetab kapchi.*

Translator: Hii sheria tunaka ifuate mila ya kila mtu.

Mr. Ezekiel Tuitoek: *Amwae ngunon agobo korenyon nebo Nandi.*

Translator: Anataka kuongea juu ya upande huu wa Nandi.

Mr. Ezekiel Tuitoek: *Agere ale en komoswekyok chebo nandi ketinye kiwotosiek che miten kou komosto nieb cherongo.*

Translator: Hata kuna upande mbali mbali kama huku upande wa magharibi.

Mr. Ezekiel Tuitoek: *ko kamache anai ale en sigikyok chekibo kenya kokitinye kiwotosiek che kiiborugen.*

Translator: Wazazi wa zamani walikuwa na boundaries ambazo zilionekana.

Mr. Ezekiel Tuitoek: *Kokegere kele kigowalagis tukyoto kosipge ak boisionik che makisup.*

Translator: Hata hizo boundaries zilibadilishwa muda ulipokuwa unaendelea.

Mr. Ezekiel Tuitoek: *Ko noton ne amwaini tuiyoni ale mie kerib kou ye kiu.*

Translator: Hata nataka boundary iliyokuwepo irejeshwe.

Mr. Ezekiel Tuitoek: *Amache kerib amunen sirutik chechoget anan en sigikyok kokimwawech kiwotet ne kimiten kou ketit age ne kiguren ketit ab kibeles.*

Translator: Hata wazazi wetu walitunyeshwa boundary ambayo ilikuwa imewekwa, mtu **Vernacular**.

Mr. Ezekiel Tuitoek: *ko kiwo kora agoi komosta niginye agoi tulwetab in cheptirwai ngwen.*

Translator: Sasa wakaenda mpaka mlima wa Cheptirwai.

Mr. Ezekiel Tuitoek: *Ne kuren en kom,ostab komostage kokigewal kaina keguren kimangeti.r*

Translator: Ambao unaitwa Kimang'eti.

Mr. Ezekiel Tuitoek: *Ko kimokounoton kitinye kainet ne kimwawech Nandiek en kimasonton.*

Translator: Na ilikuwa hilo, lilikuwa ni jina la kinandi.

Mr. Ezekiel Tuitoek: *Ko kamache amwa ale amun nwagen takigeisiek che kagigonech ko amche amwa ale kimache ketoton konyon kotebe emetab Nandi.*

Translator: Sasa tunataka boundary iliokuwepo, irejelewe kwa mtu wa **Vernacular.**

Mr. Ezekiel Tuitoek: *Ko akwo kounoton agoi tun kipkoi agoi kotuye en komostab serem komosin nebo komostab jaluok ak terikyek.*

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Translator: Na ifuatwe namna hivyo mpaka kati ya wanandi na wajaluo.

Mr. Ezekiel Tuitoek serikali: *Ko kosome noton ale ale mie kogoswech t asi komabit ngalek che yachen.*

Translator: Sasa nataka serikali ishugulikie hiyo mambo ya boundary, ili mambo yasiharibike.

Mr. Ezekiel Tuitoek: *Ko kit agenge ne miten kora ko bik che miten ngunon kolen kagobunch koret k makiione kitoche kotebe nandi ak kogasit ngalekab Nandiek.*

Translator: Hatutaki kufukuza mtu wale ambao wako Nandi watabaki Nandi tu.

Mr. Ezekiel Tuitoek: *Bas nebo aeng ko ngolyotab inbik che kiguren eчек en kutinyon toek.*

Translator: Jambo la pili ni kuhusu wageni ambao wamekuja wilaya ya Nandi.

Mr. Ezekiel Tuitoek: *Ko bichon miten oritab nandi ko konyol kora kosib atebetab Nandiek.*

Translator: Hawa watu inafaa wafuate tamaduni na mila za wanandi.

Mr. Ezekiel Tuitoek: *Nebo aeng komakimache kole bichoton kigochi tittle deed amun kinyon kwal kit ne kitigin ago manyalukounotonkigoi kounoton.*

Translator: Na hawafai kupewa title deed wanapokaa wilaya ya Nandi.

Mr. Ezekiel Tuitoek: *Vkogere kioton kora agere ale nyolu agot en bik chebon mungaret ernacular*

Translator: Hata wana biashara pia.

Mr. Ezekiel Tuitoek: *Kegere Bik ab mungaret kele kigobwa bik vhepo mungaret asikobit konyokoboike kosir yeu chitap emet.*

Translator: Na hawa wamejitawala kushinda hata watu wa nchi hiyo.

Mr. Ezekiel Tuitoek: *Kou kabsabet.*

Translator: Kama Kapsabet,

Mr. Ezekiel Tuitoek: *Nguni kokigetawalan ak kigonyanyasan boikab yu.*

Translator: Sasa wamewatawala na kuwanyanyasa watu wa hapa.

Mr. Ezekiel Tuitoek: *K igere kou kwenutab nandi kou kabssabet kigeere kele kibwa toek akkonam bichoton kochilchi ngwony kiger kole masimuchi koyai ki ana amune.*

Translator: Hatutaki hivyo, tunataka wageni wasitawale watu wa Nandi.

Mr. Ezekiel Tuitoek: *komakemache kounoton kimache en bounotet ne kibendi kimache en bounotet nekiyaen boisioni kemoche koik koretab nandikoretab nandi*

Translator: Tukitoka Western tunaenda Eastern

Mr. Ezekiel Tuitoek: *ko en komostab kongasis ketinye ngunon mbarenik kyok che miten kou niton kemache kenai kele bo Nandi kou imbaret nebo Kapseret.*

Translator: Mashamba yote ambayo yako, kama yale mashamba ya Kapseret ni ya wanandi.

Mr. Ezekiel Tuitoek: *ko kemache kenai kele en bik che kibwa kwal mbaranaton ko kanyol konai kolwe kimi*

kibagenge ak bichoton matun mwa kole abere kigeiste bichon Vernacular

Translator: Kwa hivyo hao watu wote ambao wame nunua mashamba washirikiane nasi.

Mr. Ezekiel Tuitoek: *Ko noton ne agere ale nyolu kosipNandiek kounoton.*

Translator: Ndio nataka ifuatwe.

Mr. Ezekiel Tuitoek: *Boisionik chebo boisionikab imbaret che miten oritab kou mbarenikab chi binafsi.*

Translator: Kuhusu kazi katika mashamba,

Mr. Ezekiel Tuitoek: *ko kokwogonyo oin kaba kotesat bik imbarenik ko kial bik mbarenik kosipke ak kimnatetab chito.*

Translator: Watu wanunue mashamba kulingana na uwezo wao.

Mr. Ezekiel Tuitoek: *komanyolu keguregen abere tos imache kelenchech imache inyoru egaink ata.*

Translator: Kwa hivyo hatutaki mtu aje aseme wakuwe limited kwa acrage,

Mr. Ezekiel Tuitoek: *Makimache kounoton tinye chitugul boisionikyik kosipken ak kimnatenyin.*

Translator: Mtu aweze kupata shamba anavyo weza kununua.

Mr. Ezekiel Tuitoek: *siche chi tugul lagokyik kogere kole yame agochi ne.*

Translator: Kila mtu ako na watoto wake, ataamua vile atawapa haya mashamba.

Mr. Ezekiel Tuitoek: *ko maoni nenyun ne agere ko kanyol kisip kounoton.*

Translator: Kwa hivyo nataka ifuatwe namna hiyo.

Mr. Ezekiel Tuitoek: *kwany kagobek sait.?*

Translator: Anauliza wakati umetosha ama?

Commissioner Pastor Ayonga: Ndio mzee, sasa wewe ni mzee mzuri kwa maana nasikia ukiuliza wapi kitabu u-sign, siyo?

Thank you mzee Ezekiel, lakini, hili ninalofanya, litafanywa na yeyote kama umetupa maoni na kuna pahali hatukuelewa vizuri. Tunataka kukuuliza swali na tunapokuuliza swali, si kwa ubaya, likini ni kwa uzuri, tunataka tuelewe, kweli uliposema hivi, una mean nini.

Com. Asiyu: Mzee ningependa kukuuliza swali moja ama mbili, na majibu yako yatatusaidia sana, siyo hapa Nandi peke yake lakini Kenya nzima. Tulipokuwa Coast province, watu wa coast walitambia kwamba yale mashamba ambayo yalichukuliwa na wazungu na wengine wageni, yasiwe ya maisha, ya kwe kwa lease ya miaka fulani chache. Leo wewe umetuambia, kwamba wale ambao ni wageni kutoka nchi ya Nandi, mashamba yao wasipewe title deed. Lakini lazima kuwe na sheria ati tunataka kuandika sheria ambayo itasaidia kila mmoja Kenya, hatutaki mwingine anyanyase mwenzake, awe mgeni, awe mtu wa kuiishi hapa. Tafadhali tusaidie. Unaonaje juu ya mashamba ambayo yameshikiliwa na wageni, siyo wageni wa kutoka ulaya peke yake, au America, lakini wageni wa Kenya vile umesema? Tufanye namna gani, ili wao pia wakikaa wawe na shwari na wajuwe kwamba wana security yao pale?

Translator: *Kogile imoktoi ano? Eng korotinwek che kikwal bik che bo sang che menyeyi Nandi.*

Mr. Ezekiel Tuitoek: *Kou noto, ko ngo kakonyokoal ne bunu sang koret.*

Translator: Mtu wa nje akisha nunua shamba,

Mr. Ezekiel Tuitoek: *Ko imuchi kotebi ng'ony bik ab kokwo noto anan koronotok ak kong'alal kole yomei keyochi nee chichi ketach eng oret ne uu nee?*

Translator: Watu wa jamii hiyo wanaweza kuketi na kuamua watamfanyia nini huyu mtu, tutamkaribisha namna gani.

Mr. Ezekiel Tuitoek: *Amu eng keny ko kicham kelulei bik.*

Translator: Kwa sababu zamani, kulikuwa na njia ya kubadilisha mtu.

Mr. Ezekiel Tuitoek: *Ko ye kakelul chito kotebyei bik ab kokwonoto anan bik che yoei boisionoto ak kotach chichoto eng oret ne nyolu.*

Translator: Kwa hivyo huyo mtu anabadilishwa, awe mmoja katika wale watu wa jamii hiyo.

Mr. Ezekiel Tuitoek: *Obwoti ole kakokas.*

Com. Asiyu: Umesema kwamba, mwenye shamba ataona vile anagawa watoto wake shamba. Nataka kujuwa, je, unafikiriaje habari ya kuguwia watoto wasichana mashamba?

Translator: *Yon kipchechin lagok koret igeertoi ano ng'alek ole kipcheitoi kepchechini tibik.*

Mr. Ezekiel Tuitoek: *Ng'olyot noto ko kimatei kong'ete keny agoi.*

Translator: Hilo jambo limekuwapo tangu zamani,

Mr. Ezekiel Tuitoek: *Ki eng tibik ko kinyolu ko kikituni tibik.*

Translator: Na wasichana wanafaa waolewe.

Mr. Ezekiel Tuitoek: *Ko kingo kaketun chepto kwo kot kikoch kobunji koindo.*

Translator: Na msichana akisha olewa anaenda alikoenda.

Mr. Ezekiel Tuitoek: *Ko eng betusiechu kimi kosub kei ak atebet ne mitei eng betusiechu ko kikong'et lagok che chang eng gaa.*

Translator: Lakini kwa vile mambo yamebadilika, hawa wasichana wanabaki nyumbani.

Mr. Ezekiel Tuitoek: *Ko lagwanata ko lagweng'ung kokerkeit ak werit ne itinye.*

Translator: Na huyo ni mtoto kama yule mwingine wa kiume.

Mr. Ezekiel Tuitoek: *imuchi igochi mbaret kosubkei ak ole uu mbareng'ung.*

Translator: Na utampa shamba vile unavyo ona mwenyewe.

Com. Ayonga (Interjection): Mzee, umesema vizuri, nadhani hiyo inafanya wa mama pia kujua wanafikiriwa kama watu.

Kitu kingine mzee, umesema wale, kama mtu ambaye si mnandi anaishi kati ya wanandi, lazima afwate desturi za kinanda. Na hapa Kenya, tunajaribu sana pahali pote ambako tumepita, watu wanataka tuwe ndugu na dada. Nikiishi na wewe nataka kukuona kama ndugu yangu, nataka kukuona kama dada yangu, nataka kuona kama mama yangu, dada yangu, pahali popote ambapo nipo, kwa maana tunataka kuwa na kabila za Kenya. Sasa, kama kuna mtu ambaye ni mgeni kati ya wanandi, na anatakiwa awe mnandi, sasa mtu utakuwa watu wangapi katika Kenya, na tunataka taifa la Kenya? Ungetuambia jinsi tungeweza kufanya na hizi desturi unazo taka mtu akiwa mnandi, unataka awe namna gani?

Mr. Ezekiel Tuitoek: *Asante, ko ng'olyondonotok no keteb agobo atebet ab ketebi kibagenge ak chito ne mitei
ne toot ne kobunu sang.*

Translator: Jambo lile nimeuliza kuhusu kukaa kwetu na watu ambao wamekuja kwa wanandi.

Mr. Ezekiel Tuitoek: *Ko ng'olyot noto ko ng'olyt kora ne kararan amu ngou chito kouchi chi fulani komwoe kora
eng kokwenyi kole otinye toot ne kikoucho ne kikonyo anan kiatune lagwet anan kikeegu agenge ak chichoto.*

Translator: Ni jambo nzuri sana kwa sababu mtu akija kuishi na mtu, yule mwenye shamba atasema niko na mgeni ambaye ameo msichana wangu, ama tunashirikiana kwa njia fulani.

Mr. Ezekiel Tuitoek: *Ko chichoto kora kegeree kegeer kele ko nyolu eng atebet ab Nandiek kotebi ak Nandiek komie ko tachei Nandiek.*

Translator: Sasa watakaribishwa kwa vile wanandi wataona kwamba huyu mtu anafaa, anastahili kukaa nasi.

Com. Ayonga: Asante mzee, unaweza sign sasa kwa kile kitabu. Ninamuita Gilbert Sum. Gilbert ameandika unataka kutoa oral asubmission? Na Gilbert nakupa dakika kumi, na utupe maoni yako within those ten minutes.

Gilbert Arap Sum: Bwana Commissioners wetu wawili, mama na Pastor, wazee wote wamekuja hapa, mimi naitwa Gilbert arap Sum. Mimi naishi hapa tu milima hii. Mimi nilikuwa mwandishi wa regional assembly wa Rift Valley zamani wakati wa majimbo, nikubalie niseme just two general observations mbele ya kutoa, hutuba yangu. Thank you very much. Kwa hivyo vile nimesema, nilikuwa mwandishi, nilikuwa private secretary wa President for the Regional Assembly of Rift Valley, that is President Moi, the President of the Republic of Kenya wakati huu. Nisamehe, mimi nitasema lugha mbili, kiingereza, nachanganya kiingereza na kiswahili. Kwa hviyo, mimi kwanza natangulia kusema Constitution hii ni sawa sawa kabisa, huyu mama alisema, waiingereza walituandikia sisi. Ni kweli, halafu watu walikuwa Wabunge tu by then, they were about forties, sixties, walienda ku endorse kule wingereza, na ikaendelea kwa the last forty years. Kwa hivyo mim naoni ni nzuri, isipokuwa tu kubadilisha kidogo kidogo.

Mimi najuwa wakati huu tunataka mpya, kulingana na mambo ya siku hizi. Kwa hivyo naona tu ni kubadilisha kidogo kidogo.

Pili, mimi nashukuru Mungu kwa kuchunga Kenya, Kenya imekaa vizuri ukitofautisha na nchi zingine ambazo zinazunguka sisi, ni Mungu tu. Mimi naona Mungu amekuja karibu na sisi kidogo, na malaika wake wako karibu na sisi. Mimi nasema hiyo sababu gani? Sababu nchi zingine, zina taabu, si kwamba walipenda, ilikuja accidently. Ilikuwa Somalia, Sudan, Uganda ilikuwa na mahali pengine, kwa hivyo naomba Mungu achunge sisi tuwe kama tulivyo.

Pili, Bwana Commissioner, mimi nataka muda huu ambao Bunge, sorry, wabunge wa KANU. Wameongeza iendelee, iongezwe, kwa sababu sisi wanandi, nyinyi ni watu sisi tunasema *boiyob tum* Mzee wa *tumdo* kwetu, hapana harakisha, ni makosa, ni makosa kuarakisha mtu angetengeneza maneno ya *tumdo*, kutayarisha watoto. Lazima afanye pole pole au mpaka watoshane. Kwa hivyo nyinyi Commissioners, sitaki mtu kusukuma nyinyi. Ningetaka muendelee vizuri, mpaka mumalize vizuri. Kama mtu anasukuma nyinyi, ningesema tupia na kuacha, kuenda nyumbani, mtupie ile karatasi nusu mmefanya. Hakuna kusukuma, kama unataka Katiba nzuri, hao waandike pole pole na uzuri. Kwa hivo mimi, naunga yale maoni ya Parliamentary group ya KANU kusema tutaongezea nyinyi muda karibu miezi sita au ngapi? Hata pengine zaidi, mimi naunga hiyo.

Pili, Bwana Commissioners, mimi nataka hii Katiba, ambayo mnaandika, iwe Katiba ya muhimu, na ya maisha. Mimi nikifikiri ni kwamba, karibu sisi kuzaa mtoto ambaye anaitwa Katiba ya Kenya, na nampatie yeye jina, mimi naandika jina sasa hapa ambayo ningetaka aitwe, if possible kama hawa wanakubalia. Au Kenya yote wanakubali. Mimi nataka Katiba hii, ianaandikwa iwe Katiba ya umoja, undugu wa Jamhuri ya Kenya, umoja na iko undugu kwa Katiba ya Kenya. This is what I will say, I was using the word, 'General Observation', iwe Katiba kama hiyo. Na hii Katiba, tafadhali sikiza mimi vizuri, nataka hii Katiba isiige, lengo lolote la ya ukabila. Imaanishe lengo lolote la ukabila, lengo lolote la ukoo fulani, anataka watu wa Kenya wawe watu wa Kenya ambayo ni watu moja, watu wa Kenya.

Mimi Katiba nataka iwe bila maendeleo ya kidini, iwe moja ya nchi, tusijige uongo wa maneno ya dini kidogo, ukabila pande hii, ukoo na nini, nataka hiyo ishikwe kwa Katiba hii. Nyinyi mtasahisha mimi na kuandika, nafikiria mnajua huyu mzee anataka nini, because tunajuwa mahali pengine, what is happening kule North Iceland, hata ingawa waingereza wanafundisha sisi kitu gani inafanyika kwa kule North Iceland, wa catholic na wa protestanti, hata si wa protestanti, ni wa Anglican, wananmenyana. What is happening in Israel? Nataka tusishike kitu kama hicho, palestina na watu, the jews, what is happening? Hivyo vitu visije hapa kwa Constitution yetu, tutajua namna ya kufanya kuliko vile mimi nasema. What I am talking here is subject to questioning but I am only proposing, Now, let me finish my observation there, I think lazima nimalize observation yangu. Lakini vile vile ishinde watu ambao wako chungu mzima, look at our MPs now, I am sorry to say that. Wanajiongezea mshahara ambao unashinda ile pension ya America. Inashinde ile ya Mao Tse Sung'. Wabunge kama si hii Constitution yenu, ningemwambia Moi avunje Bunge leo, leo. Watoto ni mashini namna gani? watu wetu hawana afya, waalimu wanakula nini. Wanakula million na

mshahara inashinda ile ya Mao Tse Sung. Na watu wote wa Kenya, washinde mambo kama haya, Katiba hii iwe namna hiyo.

Sitaki kusema mengi juu ya observation hiyo, mbele ya kuendelea mbele, nataka vitu kama hivyo vishindwe,

Com. Asiyu: Lakini tupe maoni mzee.

Gilbert Arap Sum: Thank you very much, kwa hivyo ninamalizia hapo observation yangu Bwana Commissioner, sasa naenda kwa maoni.

Com. Asiyu: Eh!

Gilbert Arap Sum: Sasa maoni yangu, mimi naenda kwa hii karatasi, kama kuna mtu ana karatasi hii, aletwe here, afungue, aendelee, afungue hiyo,

Com. Ayonga (Interjection): Lakini, hiyo, hebu nikuambie mzee,

Gilbert Arap Sum: Yes Sir,

Com. Ayonga (Interjection): Wewe ni mzee mwenzangu,

Gilbert Arap Sum: Correct.

Com. Ayonga (Interjection): Hiki kitabu ni chetu,

Gilbert Arap Sum: Correct.

Com. Ayonga (Interjection): Hii ilikuwa ni guide kwenu,

Gilbert Arap Sum: It is what is guiding me,

Com. Ayonga (Interjection): Ndio,

Gilbert Arap Sum: Yes,

Com. Ayonga (Interjection): Lakini sasa kitu tunataka, tunataka utuambie ujumla wa maoni yako kwa hii tafadhali usijibu maswali. Usijibu,

Com. Asiyu: Tumeelewana?

Gilbert Arap Sum: Tumeelewana,

Com. Ayonga (Interjection): Najuwa ulikuwa mwalimu wakati mwingine, na sasa unaambia watoto wafungue text books ile muendeleo, na tukianza hiyo sasa itakuja kuwa kazi ngumu.

Gilbert arap Sum: Okay, sasa siendelei na book. Wacha nitoe maoni yangu kama ilivyo. Kwanza, pale mahali wale wanasema serikali ya Kenya, iwe serikali ya namna gani, iwe serikali ngapi maoni yangu ni ya kwamba, nilianza kusoma this booklet, the green one here ni Constitution nzuri. Kwa hivyo nataka serikali ya Kenya ambayo President ndiye head wa serikali,

.....(Unrecorded) kidogo tupate prime Minister, nataka serikali ambayo iko na Prime Minister,

Pili, mimi ningetaka, sitaki serikali ya katikati, mimi nataka central, nataka central government na local authorities. Local authorities zipewe uwezo mkubwa

Speaker:(Inaudible)

Gilbert arap Sum: Yes, Local Authority ipewe uwezo mkubwa wa kusimamia mambo ya education kama ilivyo kuwa wakati wa wabeberu local authority.....(Inaudible).

Com. Asiyu (Interjection): Usiseme vile wabeberu walikuwa wanafanya.

Gilbert arap Sum: Sorry, sorry yaah, sorry, I don't want to bring that example. Nevertheless, mimi nataka serikali ya local authority isimamie mambo ya education, mambo ya bara bara, mambo ya health, kwa jumla education kutoka nursery school, primary school, mpaka secondary.

Com. Ayonga (Interjection): Na mwisho sasa mzee, funga. Ya mwisho?

Gilbert arap Sum: Nikianza kufunga, mimi wananiambia nifunge, sasa mimi nataka vile vile local authority waendeshe maneno ya misitu., natural resources. Na mambo mengine, nataka hiyo uwezo upatiwe hapo.

Provincial administration itolewe, ibaki serikali ya katikati, na tena serikali kuu, na serikali ndogo ndogo ya nyumbani, na ipewe uwezo mkubwa. Maneno ya mashamba yasimamiwe na wenyewe, the Local people, sitaki ma-DOs wawe ma-chairman, nataka mashamba yanagawanywa, Wanandi wachaguwe wazee wale ambao wanaweza kusimamia, wa kwa Land Control Board.

Com. Ayonga (Interjection): Thank you, thank you so much.

Gilbert arap Sum: Asante sana, nimemaliza hapo.

Com. Ayonga (Interjection): Na tafadhali, unaweza kutupa memorandum yako itakuwa registered na tunawasomi

.....(Inaudible).

Gilbert arap Sum: I will do that, thank you very much indeed.

Com. Ayonga (Interjection): Kabla hujatoka, kabla hujatoka(Inaudible).

Gilbert arap Sum: Yes,

Com. Ayonga (Interjection): Com. Asiyu angalipenda kukuuliza swali.

Com. Asiyu: Umesima kwamba, the original Contitution of the British government was a good one and you see no reason why it should change. But you know, that original Constitution was a majimbo Constitution, it is not the present.

Gilbert A. Sum: I have rejected that.

Com. Asiyu: Now, which one do you want? G. A. S. Central government and local authority zipewe uwezo mkubwa.

Com. Asiyu: Na utaki PC na DC na kila mtu, they should go away. Na land, unasema land irudishwe kwa watu wa clan watengeneze. G. A. S. Land isimamiwe na wananchi wenyewe within the locality. Viongozi wawe elected by the people of that area, in particular.

Gilbert arap Sum: Thank you very much Mrs. Asiyu.

Com. Asiyu (Interjection): Asante sana, asante sana.

Com. Ayonga (Interjection): Wakati unapotuachia hayo mambo, let me take this opportunity kwa kuweza ku recognize

mheshimiwa ameingia hapa. Yeye ni mheshimiwa Sambu, si mgeni kwenu, ni mwana wenu, ni mfanyi kazi mtumishi wenu, na amekuja. Kwa sasa nitampa nafasi awasalimu tu, ndipo nyumaye aongee. Wacha sasa awasalimu na nyuma ye nitampa nafasi atuambie na yeye fikira zake. Nataka mjuwe kwamba Katiba ni yetu sisi sote, yeye pia ni mwana Kenya, ana taabu zake, ana maoni yake, na kwa hivyo leo haongei kama mbunge, ingawa ubunge huwezi kutoa ndani yake, atakuja kusema namna ingine, leo atasema kama mnandi ambaye pia ana sumbuka au anayetaka Katiba ibadilishwe. Kwa sasa, toa salamu.

Hon. Sambu: Commissioners, Pastor Ayonga na Commissioner Bi Asiyo, wafanya kazi wa Constitution Review Commission wote ambao wamekuja na Commissioners, wananchi wote, hamjambo? Mimi sina mengi leo, kwa saa hizi, nikuraribisha Commissioners, kuwaambia wasitoe maoni yetu ili ikiwa baadaye maoni yetu ikishikana na ya watu wengine wa Kenya, haya tutakuwa tumeweka sehemu yetu katika Katiba mpya ambayo itaundwa baadaye. Sina maneno mengi saa hizi, ni kuwakaribisha, kuwakaribisha Commissioners na kuwaeleza kwamba nyinyi muwe uhuru kusema, hasa vijana, sababu vijana wakiwa ni wasichana au wanaume, nyinyi ndio miaka nyingi sasa mtukuwa na Katiba hii. Gilbert Sum alikuwa na wazee wengine, wamekuwa na ile ya 1963. Tumekuwa na hii. Sasa, muwe huru kuzungumza, asanteni. Mimi nitasema yangu baadaye. Karibuni Commissioners.

Com. Ayonga (Interjection): Asante, mheshimwa Sambu kwa kutukaribisha, nyumaye tutakupatia nafasi uweze kutoa maoni. Sasa mwingine ambaye namwita ni Julius Kiptun Keter. Julius Kiptun Keter. Na jinsi nilivyowaomba kule mwanzoni, nataka tena muangalie nyuma yenu muone wingi wa watu, hata watoto wa shule wamefika, sikusikiza tu, na wao watatuambia taabu zao. Wazee ningalipenda tukubaliane kwamba ninapokuambia ni dakika tano, ni dakika tano tafadhali. Ningalipenda kusikia maoni tofauti tofauti, si maoni ya fulani tu, kwa hivyo mzee Keter, dakika tano. Tafadhali, nikisema zimekwisha, unakoma hapo.

Mr. Julius Kiptoon Kepter: Basi asante Commissioners Asiyo na Zablon Ayonga na Hon. John Sambu. Okay, mine will be very brief, I will take just five minutes, as you said, I will go through to my proposal, an opinion.

Com. Asiyo (Interjection): Why don't you highlight rather than reading your proposals.

Mr. Julius Kiptoon Kepter: Okay, my opinion on the type of government, the type of government I am proposing is actually the, federal government, the a Prime Minister, ceremonial President and the governors of each region.

Also on the same government there have been some areas which the government has been neglecting for a very long time and I am suggesting that within this government and the Constitution, there should be a government which has a ministry for the disabled people, blind, the crippled, and the rest. These are actually a group of people who have been neglected for a very long time, in this case, they should be given free education and first priority when it comes to employment, capital and loans, and even health facilities.

They should be promoted in a way likely to motivate them, like starting businesses for them.

On, provincial administration, I am suggesting that the powers of the provincial administration be reduced and people be given more chances to decide on their own.

Education: When it comes to education, this is an area where most of the Kenyans are actually surviving on. So, education system in Kenya should be checked to avoid cumbersome an unnecessary curriculum which does not actually confer to the rest of the work.

And also unnecessary posts to be scrapped within the ministries of education, which actually creates a lot of conflict like the major divisions in the nation, a lot of local inspectorate and these people should actually taken back to the classroom to man our children.

We come to the industries, we realize that Kenya relies very much on agriculture, and this one when it comes to industries now, most of our produce from agriculture goes to the industry, so I am suggesting that industries in Kenya should be promoted by not actually importing the duplicate of the goods available here in our local factories.

Many factories have been affected by this importing of goods, even some industries have actually collapsed because of that.

Com Asiyo (Interjection): Just give, us mechanisms on how best we correct that.

Mr. Julius Kiptoon Kepter: Okay, what I want is that, the cause of collapsing, like the sugar industry in Kenya, is that we have got farmers who actually plant sugarcane, and instead of importing more from other countries, this one of ours should be protected.

Com Asiyo (Interjection):.....(Inaudible).

Mr. Julius Kiptoon Kepter: Yaah, protection of the farmers. Okay, the existence of the land, that is now the Nandi land, when it comes to the Nandi land, there should actually be the territorial boundaries and the Nandi county councils should be the trustee of the land within the territory.

Second by land ownership: Land should belong to the native and all the members of the family are entitled to inheritance. No other person from other from other tribes rather than the natives should own and inherit land. The land should be transferred to the natives only. Lease holders formerly owned by foreigners, that is crown land, white highlands, should be surrendered to the Nandi County Council for the benefit of the natives.

Culture: When it comes to culture, culture and ethic values and diversity be protected and promoted in the Constitution. For example the circimcision of the male and female to stay as it was, with any other interference whatsoever from the government.

The gender Equity: When it comes to the gender equity, man remains the head of the family as even quoted in the Bible. We shall not adopt western life styles, because Nandis get married, to the women and not vice versa.

We come to the polygamous families. These are actually one of the areas of late which are actually affected particularly in Nandi,

Com Ayonga (Interjection): Dakika moja tu imebaki.

Mr. Julius Kiptoon Kepter: Okay, the Nandi respected marriage and each woman was cared for, therefore, the sharing of property should go to the wives and not children. In turn each woman to transfer the property to her children. This happens like that because in case of death of a woman or another wife, her children are going to be frustrated by the surviving woman. So therefore, these children should be taken care of because they will be unfortunate when these children are actually chased away or frustrated by these woman who remains actually relieved. So, these children should be catered for in the Constitution and Nandi customary law. Each tribe is to respect the property of the other tribe without any interference.

We should also have two national languages, that is the kiswahili and English, and the mother tongues also should be protected and promoted.

Com Ayonga (Interjection): Thank you very much, thank you so much. You can submit that and have your name registered.

Next is Mr. Berry Limo, Bwana Limo, una memorandum? Okay, haya. Hebu na useme, umulike zile solutions.

Mr. Berry Limo: Our Commissioners, Hon. MP. Na wote ambao mumefika hapa, nitachukuwa fursa hii, kwanza kusema majina yangu vile Commissioner amesema, mimi naitwa Berry Limo, na ningependa kuguzia tu mambo matatu kuhusu Katiba yetu ya Kenya.

Kwanza, nini maoni ya kwamba hii document, Katiba, ingefanywa iwe kitu cha lazima kwa mtu yeyote ambaye anashikilia ofisi yeyote katika jamhuri yetu ya Kenya, uwe mwalimu, uwe ni nani, uwe una uwezo wa kuweza kutafsiri Katiba ya Kenya iwe ni ile ya kwanza ama ambayo itaweza kuandikwa baadaye.

Pili, nitaenda moja kwa moja hadi jambo la freedom of worship. Nigependa Katiba ionyeshe vizuri kama freedom of worship ni kumuabudu Mungu ama kitu chochote, na ningependa ionyeshe kweli kama ni kuabudu Mungu ama ng'ombe ama ni nini.

Pili, tukienda kwa upande wa local government, ningependelea ama maoni yangu ningeonona ya kwamba mayor ama chairman wa county council achaguliwe na watu directly. Kwa sababu hapa ndio pahali wananchi ama serikali, inakaribia wananchi. Kwa hivyo sina mengi, yangu yatakuwa machache hivyo.

Com Ayonga (Interjection): Ningalipenda watu ambao wanakuja kama Bwana Limo, ambao hawaharibu dakika nyingi. Ee Bwana Limo, ajiandikishe.

Mr. Berry Limo: Okay,

Com Ayonga (Interjection): Mwingine, nataka Limo mwingine, Augustine Rono? Rono jina lako na Limo ziko letters nne tu, kwa hivyo mbona musiwe mtindo moja? Naona una maandishi mengi tu, tuambie ni nini kiki hapo ndani.

Com. Asiyu (Interjection): But you know that is now our property, that document, you will leave it with us when you finish.

Mr. Augustine Rono: Yaah,

Com. Ayonga (Interjection): Endelea, sema majina na endelea kutuambia tu.

Mr. Augustine Rono: Thank you Commissioners, I am Augustine Kiplagat Rono and I would wish to address some for issues here. One is that our future Constitution should be easily available in the libraries for access to everybody.

Another extend is that it should be written in both English and kswahili.

Thirdly, it should be simple and clear. Should be made simple and clear.

And fourthly, should be incorporated for example it should be taught in schools, for people to comprehend what is contained in our future Constitution. Our future Constitution must have the following:

Should have preamble.

Also, it should state symbols, for example coat of arms, our coat of arms has not been mentioned in the current, it is not appearing anywhere in the current Constitution.

Our national anthem and features of the Kenyan currency and even physical location of our country Kenya. Also it is important that the Constitution is the property of Kenyans and for any amendments, Kenyans should be consulted by way of referendum.

Citizenship: The only document to be carried by a Kenyan citizen should be the passport and others like birth certificate, ID cards, should actually be done away with. If possible dual citizenship be explored and if practicable, can as well be implemented.

Concerning national defence, all the discipline forces should be a creation of the Constitution; Commander-in-Chief should be the head of state who is the President.

All military chiefs and senior military officers should be appointed by a council, for example national defence council and should receive approval of Parliament.

Kenya should retain presidential system of government, and effective authority should be vested in the Parliament.

The President should be elected by direct votes and must garner atleast 50% of the votes cast.

The head of government should be the Prime Minister and this Prime Minister should be elected by the Members of Parliament.

Kenya should follow the federal system of government, in that we should create economically viable regions in order to decentralize government powers.

Appointment of senior officers for example parastatal heads, chief justice, appellate judges, police, chiefs, governors to the central bank should be vetted by parliament.

There is another issue here that all MPs and other elected leaders should be automatic members of the security committees. These are the people who are elected by the people and they have the interests of the people. So, I don't see the reason as to why they should be excluded from the security committee.

Nominated MPs, that concept should be retained and those vulnerable groups for example youth, women and disabled should be considered using the concept of affirmative action.

Removal of Executives through vote of no confidence. Parliament actually should dissolve the government by 25% simple majority. And all executive members including ministers and their assistants should resign

Then the house speaker should hold the position in acting capacity until another president is elected.

Com. Ayonga (Interjection): Na ya mwisho.

Mr. Augustine Rono: Concerning land, I should say that those pre-independence land treaties and agreements, those which do not actually favour accessibility of land by the indigenous people should be done away with.

And land possession of foreigners should only be so under legal system for a period of time.

Com. Ayonga (Interjection): Mr. Rono, dakika zako zimekwisha.

Mr. Augustine Rono: Thank you very much.

Com. Ayonga (Interjection): Na unaona wingi wa watu, we are only I have dealt with six people since we started. And look behind you, and judge by the amount of time we have. And God is soon blessing us with rain.

Mr. Augustine Rono: Thank you very much.

Com. Ayonga (Interjection): Thank you so much. Next, Julius Maiyo. Julius naona una memorandum utatupatia na tafahdali utuambie tu yale yako ndani ya memorandum yako.

Mr. Julius Maiyo: Nafikiria hata yangu yatakuwa ni machache hata zaidi kwa vile nimeandika kila mambo yote.

Com. Ayonga (Interjection): Tutaona kama yatakuwa machache zaidi. Asante.

Mr. Julius Maiyo: Ijapokuwa(Inaudible).

Com. Ayonga (Interjection): A a, hakuna ijapokuwa. Just go to the point,

Mr. Julius Maiyo: These are my points.

Com. Ayonga (Interjection): Yes,

Mr. Julius Maiyo: Katika Kenya yetu tunayo hii free market, na hii free market nimeona inatuaribu sana. Kwa hivyo sasa mahindi yetu na kila jambo limeharibiwa na free market. Ingekuwa afadhali kuwe na controlled prices ama, not having this free market.

Pili, ninapendelea federal government kwa sababu siyo central government na federal government yaani majimbo, kwa sababu tukiwa na majimbo tutakuwa tukishughulikia mambo yetu wenyewe. Wale wa majimbo wenyewe watakuwa wakishughulikia majimbo yao yenyewe. Ijapokuwa central government iwe ni central government ambayo inaweza kusimamia mambo yote, lakini kuna federal government.

Tatu ni Customary Law. Tukiwa katika customary law, nafikiria kila ethnic group katika Kenya kuna customary law yao. Kwa hivyo, ni heri iandikwe na customary law kulingana na kila tribe.

Kila tribe iwe na customary law yao ambayo walikuwa wakichunga kutoka zamani mpaka wakati huu. Na tukifuatia mambo, labda tukisema umoja, halafu tufuate Katiba moja ambayo ni law, the law is only one. Kwa hivyo tunaona hatuwezi kuwa na freedom, kwa hivyo customary law should be there.

Na masomo, tungekuwa na free education kutokea standard one mpaka form four, iwe free education.

Na ya mwisho standard one mpaka four, ni lazima wawe wakifundishwa, kwa lugha ya mama, mother tongue, we should actually have the mother tongue from standard one to three.

Com. Ayonga (Interjection): Thank you so much Bwana Maiyo. Utupe hizo kartasi zako na tafadhali, jiandikishe. Next, mama wa kwanza kuongea, mama wa kwanza kuongea hapa ni mama Dorcas Luseno.

Ms. Dorcas Luseno: Chairman, Commissioners, our MPs, I am here on behalf of women, we have written document for women in Nandi district. So, some of this will be repeated where you will go.

First of all, the Nandi, let me tell you Mr. Chairman, probably you have never heard that in Nandi **Vernacular**. Mwanamke hata hapa Nandi si binadamu, haonekani kama binadamu. Kwa mfano kama mama na watoto wakipita hapo mbele na mtu aulize. “Huyo alikuwa nani?” Unasema aje? “Hakuna mtu huko”. Kwa hivyo tunaona hivyo kwa sababu Constitution ile ilitengenezwa 1963 did not take women into consideration at all. And Mr. Chairman, women in this country are the majority of the population. Therefore, we need this Constitution to give specific concern to women.

Chapter five of the present Constitution which talks about protection of human beings does not give protection to women as people. Youth is another group, they will defend themselves, children also need protection. I know that already there is some Act which is taking care of children, therefore, that is being taken care of. Lakini the Constitution that is coming up now should take care of women. For example, we have asked for 35% seats in Parliament to be reserved for women. Seats, election that is, women should stand, and they do stand, but we are asking for 35% of the National Assembly seats to be reserved for women.

The question of citizens question of citizenship Mr. Chairman, we know that if a man, a Kenyan man goes to marry somebody else outside the country and comes to Kenya, his wife is automatically a citizen. When a woman, a Kenyan woman marries somebody else from outside, that right of the man being automatically Kenyan citizenship is not given, why? That is discrimination. We want that removed. We want both men and women to have the full rights. If I go, if my daughter goes and gets married and comes home with somebody from another nation, that right should be given to her.

Bill of rights is a very important document because in that one, we are going to want special or rather we want to have equal opportunities for both boys and girls, especially in education.

In Nandi here, there has been discrimination but I am happy Mr. Chairman to say that it is on its way out. I think now people are beginning to value education of girls. Siyo? Wanandi sasa tunataka kuona wasichana wakieleleka. After all it is the girls who take care of the old man more than the boy. Isn't that so? So, we want the girls to be educated.

Mr. Chairman, Mr. Ezekiel has mentioned the question of land which is very important to us. Issue of land and the rights of a girl in a home to have land, equal opportunity with the boys. So, that has been taken care of.

One other point, I am just highlighting some of the issues in the memorandum, one issue is that the experience we have had in this civic education, Mr. Chairman has been such that it shows women don't understand the Constitution. Hiki kitabu, sisi hatujui. Kina mama hawajui, hata sasa wana-complain yaani they have not been educated enough and that is because the Constitution, we have just started teaching them about. This civic education has been the only avenue. So we are recommending strongly that civic education should be something that continues throughout as part of life in this country, so that people become aware and fully aware of their rights. Men, women, young people, children who will always feature in this Constitution.

The other point we want to stress Mr. Chairman, is the cultural practices which have no value whatsoever in our development. We are now, in the year 2002.

Circumscition ya wanawake, ina faida gani? We want that one outlawed immediately. There is no value in circumscizing girls, we are moving forward, we are not moving backwards.

Progress means some of the practices that we have been using, been having are of no use now. So, let us do away with some of them and that is one of them. Infact, in Nandi, I think circumscion has actually been slowly killed by the people. But somehow, there is a return of this thing now. Hata akina mama ambao wamezaa watoto, they go for circumscion. What is that? Isn't that true? In some areas, akina mama have been forced. Now, this comes about because somehow somewhere, somebody says a woman who has not been circumscized cannot be a good wife. We want that to be done away with Mr. Chairman.

Com. Ayonga (Interjection): Sasa funga.

Ms. Dorcas Luseno: Unataka nifunge?

Com. Ayonga (Interjection): Ndiyo

Ms. Dorcas Luseno: Kuna maneno mengi sana, they will be in this memorandum. Thank you very much.

Com. Ayonga (Interjection): Na kabla hujatoka, kuna swali ndogo nilitaka nikuulize. Mama umesema you want 35% seats reserved for women in Parliament. Why do we want 35% seats reserved when you very well know that in Kenya, women are 52% of the population or even more.

Ms. Dorcas Luseno: That figure is there because we know that it will take some time also to get women prepared educationally, and we want those women who will go there, we might even start with a less number. That is because of education or preparation, they don't have enough preparation so we start with a smaller number.

Com. Ayonga (Interjection): Na jambo lingine ulisema, sidhani ni la wa Nandi tu lakini nimesikia elsewhere, kwamba watu, siyo hapa Nandi tu wanasema mwanamke si mtu, Nadhani hata pahali pengine tumetoka, kama kulikuwemo wanaume wawili wamepita hapo na wanamke wako watatu, utaambiwa kulikuwemo wanaume wawili, na mwanamke.

Ms. Dorcas Luseno: That is quite true in Nandi and elsewhere.

Com. Asiyu: Dorcas, you have suggested that 35% representation of women in Parliament. Can you go further and(Inaudible).

Com. Ayonga (Interjection): Ngoja kidogo,

Com. Asiyu: Yes,

Com. Ayonga (Interjection): Mara ingine hata hapa Nandi, mtu unauliza", Nani wako hapo? Mwanamke anasema, "Hakuna mtu, ni mimi tu ndie niko hapa". Ee, sasa, mbona mnasema hivyo, huyu mtu nyinyi ndio mume glorify.

Com. Asiyu: Asante sana, the 35% presentation of women not only but even in the civil service, as well as the local authorities is something that has been done by all our neighbouring countries, like Tanzania, like Uganda, allover Ethiopia, Eritrea, down South Africa and so on. And I am happy that you have seen these recommendation because nobody want to take away the seats from men. I believe if you were to suggest, to recommend the other system, it will mean that women will have their own elections. To elect one woman from every district. That will take care of the 35%, thank you very much.

Ms. Dorcas Luseno: Thank you very much too.

Com. Ayonga (Interjection): Asante mama kwa maoni yako, najua wanaume wameyasikia, lakini ndani wanajuwa wanawake ni watu.(Inaudible) Na without wao hakuna watu. Nini? Lakini, anyway, sasa wale ambao mnatoa maoni mtukuja upande huu. Najua kwamba tunapenda mama zetu, na without them we will not be in this world and they are very precious to all of us. Na hatutaki waumie, J. K. Cheptabok, huyu ni observer. He wasn't going to talk, ni observer. Daniel Choge, kuna Daniel Choge hapa?

Na while Daniel Choge is coming, ningetaka wale watoto wa shule ambao mumekuja hapa, kama mtoto msichana au mtoto wa kiume who has come to give a presentation on behalf of the others, you can come after this. After Mr. Choge, kwa maana very soon I will hear the bell ringing and you are supposed to be in the dinning room, eat your lunch, go back to the classroom, ili mjitayarisha for nation building. Kwa hivyo after Mr. Choge, kama kuna mtoto wa shule. Infact you should come here infront so that I see a boy, I see a girl, and I could call her or him immediately after Mr. Choge. Mr. Choge, time is yours, na tupe highlight ya maandishi yako.

Mr. Daniel Choge: We have met for about four months in the Kosorai divison, and we have written a very long document, and we decided that we should have some few elders who should highlight some areas. Mine is simply one, Mr. Chairman, and let me talk about for one or two minutes or three, so that the others will come and highlight the other areas. Because we find that we are not conversant. So, in short, Mr. Chairman, mine is about, human rights,

Com. Ayonga (Interjection): Wapi wale wengine ambao mko pamoja nao, wangukuja hapa ili ukimaliza na mwingine anasema na mwingine anasema na mwingine anasema so that we don't have to wait.

Mr. Daniel Choge: Thank you sir,

Com. Ayonga (Interjection): Kwa hivyo mumngojee, chukua dakika zako mbili, ulisema mbili tafadhali, zisiwe tatu.

Mr. Daniel Choge: Okay,

Com. Ayonga (Interjection): Na mwingine achukuwe(Inaudible).

Mr. Daniel Choge: Okay, mine is on human rights, we better maintain the same human rights we have but, we have observed violation in Nandi district. Areas where we violate human rights is freedom of worship of children in schools. And also, discrimination in employment. Even in sponsoring schools, you are rejected you because you don't belong to a sponsoring church. So, you find you are rejected not to head the school, we want that one to be deleted.

Freedom of worship by children says a child can be allowed to worship only if the parent allows that child to worship, that is what is in our Constitution. Let us give the child a right to worship the way he likes. We want something else to be added into the Constitution which was not there before, something about this discrimination, we don't discriminate in Nandi for your information, Mr. Chairman, we elected the first woman in Eldoret North.

Chelangat Mutai: If we were discriminating, we would not have elected her. We appreciate women. In short Mr. Chairman, let us have other additions to our human rights. It should be a right of every citizen to medical health. For example if you get an accident, you should be treated freely.

Education from Std 1 – 8 should be a right.

Water and energy, should be our right.

Every worker, to join a trade union. We have only few unions, what about other workers? Every employer, to have a right, nobody should be taxed without service.

And corruption should be avoided by all means, especially, we have seen that there is a special type of corruption.

During election year, those who are aspiring to become MPs, they start aspiring by even dishing money and conducting harambees and denying other aspirants chance to conduct harambees. Let harambees be avoided during election year because it has been used as a means of bribing the voters. Thank you very much Mr. Chairman.

Wilson Too: Mr. Chairman, I will talk on the Executive. The present Constitution provides for an Executive President, but I am proposing that we should have a parliamentary type of government whereby the President should be nominated by an electoral college, and that President should be party uses President to be elected he should have garnered 25% from five provinces, or garner 50% above all the votes cast. After the person has elected as a President, he should relinquish his party, and it becomes a party has President.

Qualification for presidential candidate:

He should be above 45 years.

He should be a Kenyan citizen of form four level of education.

He should have leadership experience of at least one term in Parliament.

Powers of the President:

His powers should be to appoint Public Service Commission, Judicial Service Commission, Teachers Service Commission, Cabinet and head of the Attorney General, Chief Justice, Commissioner of police, Heads of Armed Forces, Permanent secretaries, Ombudsman, High Commissioners and ambassadors.

Com. Ayonga (Interjection):(Inaudible).

Wilson Too: Constitution should empower the President to prolong Parliament, dissolve and open the Parliament, declare war,(Inaudible) the Constitution, and limitation of powers of the President.

The President should be impeached by Parliament if he has or if he violates the Constitution knowingly. The President should determine the provincial administration boundaries.

And lastly Mr. Commissioner, I want to touch on land. These people you see here, they have been robbed of their land in one way or another, hasa Tingeret, Nandi hills area. It was their land and somebody else is sitting on it and plucking tea and enjoying himself. While our people are suffering just around here. And they were chased by the colonialists. So, that land should be given back to Nandis, the Itek land, and the boundaries should remain as they were during independence time. Thank you very much.

Com. Ayonga (Interjection): Asante ee mzee kwenda ujiandikishe. Kwenda ujiandikishe. Maina wewe.....(Inaudible).

Com. Asiyu: Nani huyu mtu ambaye amechukuwa shamba la wanandi. We have to know, tell us.

Wilson Too: These farms, huyu mtu amechukuwa mashamba(Inaudible).

Com. Asiyu: Yeye ni mgeni, si ndiyo?

Wilson Too: Yeye ni mgeni, si mnandi, atoke na a-handover the land to the community.

Com. Asiyu: Hakuna compensation?

Wilson Too: Hakuna compensation aende bure.

Com. Ayonga (Interjection): Lakini, vernacular?

Wilson Too: Yeye amekula zaidi, mashamba yote imechukuliwa bure kutoka Uasin Gishu, upande wa Itek, upande wa Nandi Hills huko. Vernacular. Aende bure.

Com. Ayonga (Interjection): Ngoja kidogo, ngoja kidogo,

Com. Asiyu: Tafadhali mzee, tunajuwa vile unasikia moyoni mwako.

Wilson Too: Ee

Com. Asiyu: Juu ya huyu mtu ame.....(Inaudible).

Wilson Too: Yes, I am very bitter, yes.

Com. Asiyu: Ndio nataka tufanye hivi, unajua umesome magazeti juu ya Zimbabwe

Wilson Too: Ee,

Com. Asiyu: Na unajua shida ambayo sasa Zimbabwe, pamoja na Mugabe yuko nayo na watu wa nje.

Wilson Too: Hehe,

Com. Asiyu: Tafadhali eleza sisi vizuri, would you rather recommend that the country where this man came from, should compensate him through the Kenya government so that he goes in peace. Because we don't want rob, Kenyans are not robbers, tell us. Should we compensate?

Wilson Too: Thank you very much. Yes, when(Inaudible) somewhere in 1905, and the committee was living in Tinderet areas, the British took all those maps by force. Our people were driven to this side, when they stepped down on 15th of December 1905 at Muhoroni, they were told to go. And anybody who was seen on site, was shot. So, the British have gone. Our people now in Kenya came and they this bought the floating shares in the stock exchange, the rich people among us. We don't want them, we want them to go.

Com. Asiyu: So, you have no problem with the British, they have gone,

Wilson Too: We have no problem with the British. If there is one, if there is one British man in Nandi Hills, or anywhere in Uasin Gishu, he should hand over the land either to Wereng County Council or the Nandi County Council.

Com. Asiyu: So, now you have a problem with Kenyan people.

Wilson Too: We have a problem with Kenyan people especially the Executive.

Com. Ayonga: Thank you, sasa dakika ndizo naona zinakwenda vibaya. You still want to highlight. Say your name and highlight.

Mr. Joshua Korir: My names are Joshua Korir, I would like to highlight some few things only on the Legislature. This one is,

we would like to recommend that the sitting MP, if he stays or goes and performs his duties that are substandard to the aspiration of the people, he should be recalled back by the constituents.

Two, if any MP crosses to another party of which he has crossed on his own, he should also cease to be a Member of Parliament and not represent the people of his constituency again.

The salaries of the MPs should be determined by a referendum. A commission should be set and then they should not be the ones to determine their salaries.

Thirdly, let there be seats reserved for special people, especially the disabled, and also these nominated MPs, seats should be reserved for the disabled and also those people who have talents which can be use of those the economists, educationists, scientistists and lawyers. They not be dished out to anybody, should be given to some special people.

When I come to the local authority, this is a place which I thought I should say on it, that is the local government.

An elected councilor should be somebody, who should be a form four leaver and above.

He should have attained the age of 35 years, so that we don't have school leavers going to local government or local authorities and managing the resource of the people.

Also, the local authorities allowances, the salaries of the local authority councilors should be determined by the local government, but the allowances should be determined by sitting local authorities, but should be approved by the ministry. I think those are the only things I wanted to highlight.

Com. Ayonga: Mzee huyu amekaa sana. Mzee nakupa dakika moja na nusu, tafadhali. Kwa maana unaona watu hawa ni wengi, nikiwaona ninaona vibaya kwamba watakuja kurudi bila kusema.

Mr. David Kirui: Asante sana Bwana Chairman, ma-Commissioners, Commissioner mwenzako, Member of Parliament for this area, Sumbu. Yangu, jina langu kwanza ni David Kirui, na ni kutoka kusirai, vile wengine wamesema na tuli recommend, mambo machache kuhusu Judiciary.

Tunafikiri a supreme court should be established.

We also feel that the Constitutional court should be established. Of course we know the corruption court is there and the family courts. And an office of the Ombudsman where complains by individuals or groups of people should be made, and we feel that office should also be established in the new Constitution.

Mr. Chairman, situkuwa na mengi kwa maana hayo ni(Inaudible).

Com. Ayonga: Huyu ni mzee mzuri, mbona hamfanyi kama huyo mzee? Next, fanya vile vile mzee, endelea. Sema majina yako na endelea.

Mr. Shadrack Ole Salam: *Kainenyun ko Shadrack nebo ole selel.*

Translator: He is known as Shadrack Ole Salam.

Mr. Shadrack Ole Salam: *Ngolyot ne kaagase kongololi chi agobo kiwotet*

Translator: On something somebody had said earlier.

Mr. Shadrack Ole Salam: *kit ne nyolu ko keyai kiwotiosiek .*

Translator: He is talking about the boundaries.

Mr. Shadrack Ole Salam: *kou ni . Vernacular*

Translator: Like this.

Mr. Shadrack Ole Salam: *Ogere emetab maasai nguni koborege kosobek kipsigisiek ak maasaek kosipke ak ngalek che kiburuchegen.*

Translator: Because of boundaries, the Maasais and Kipsigis and the Kisiis are fighting because of no proper boundary.

Mr. Shadrack Ole Salam: *Nebo aeng ko melen kotougen kiwatosiek.*

Translator: And these boundary problems have not just started recently.

Mr. Shadrack Ole Salam: *Nebo aeng ko kemwa ile kimache kituyogen bik keik agenge kimi bik tugul en Kenya ago kitinye kiwatosiekwak yekinye agoi.*

Translator: And he has said, the Kenyans should be united,

Mr. Shadrack Ole Salam: *Chito ne kigakiwal en olin konyo bororietage kwo bororiet age ko ki uni.*

Translator: Kenyans have been together they have had their boundaries.

Mr. Shadrack Ole Salam: *chito ne kagiwal konyo en bororiet age konyo inoni ko kiuni.*

Translator: Someone from one tribe coming into another tribe.

Mr. Shadrack Ole Salam: *Megasinye inye kainenyun ile a maasaindet* .Vernacular

Translator: He is a Maasai by tribe.

Mr. Shadrack Ole Salam: *ko kingenyon en emoni komi kit ne kinykeyaun kigilulin ko tyos niwe luget olino bo maasaek ip ibore maasaek kora ago I masaindet*

Translator: When you cross into another tribe you are assimilated into that tribe so that if ever they go out to fight the other tribe he is also a part of the people going out.

Mr. Shadrack Ole Salam: *komakosa ne kiburuchegen kongete boriet en sait age tugul ye kibwat*. Vernacular

Translator: There should not be a mixture of people.

Mr. Shadrack Ole Salam: *komanyolu koburuch ken bik kounoton*.

Translator: It should not be there, they should be district persons.

Mr. Shadrack Ole Salam: *Ten chon chechuget kongoi*.

Translator: Thank you.

Com. Ayonga: Thank you so much, yule wa mwisho sasa?

Mr. Mark Donald Birgei: Asante Bwana Chairman, Commissioners, on bunge wetu wa Mosop na wasikilizaji wote. Yangu si mengi, langu jina ni Mark Donald Birgei kutoka sehemu za Koisrai. Yangu ni machache, ingawa yalikuwa mengi lakini nilichukuwa kuwa machache.

Yangu ni kuhusu mashamba yetu, ama Transland. Transland tunaona kama ni vyema, ikiwa hizo Trustlands ziwekwe, chini ya mamlaka ya local authority. Mfano kama Nyayo Tea Zones na mengine ambayo inastahili iwe chini ya local government.

Halafu ya pili ni kuhusu ma-shule. Tuna ma shule ambazo tumejenga, kama public schools, ni hizo inabidiziitunzwe ili zinyakuliwe kwa njia zingine ambazo hazitahili hizo ma shule zichukuliwe na mtu binafis ama chama fulani. Kwa hivyo lazima hizo ma-shule zitunzwe, hospitali na vitu vyote ambavyo vinahusiana na public lazima vitunzwe kwa njia inayostahili. Nafikiri yangu nimemaliza, ni hayo tu machache.

Com. Asiyu: Asante sana mzee,

Com. Ayonga: Sasa nilisema si umemaliza? Nilikuwa nimesema baada ya hawa wazee, nitatumia watoto wa shule ili niweze kuwafukuza warudi darasani. Je okay, are you representing a group or yourself?

Speaker: The school,

Com. Ayonga: And huyu mwenzako nyuma yako?

Speaker: Inaudible

Com. Ayonga: Oh, you are from different schools?

Speaker: Inaudible

Com. Ayonga: Oh, I see, hakuna msichana?

Speaker: Inaudible

Com. Ayonga: Oh, hakuna habari ya kuogopa, tunataka kuwasaidisha wasiogope. Okay, sema majina yako na shule ambayo umetoka, na tuambie. Nakupa dakika mbili.

Mr. Mark Cheruiyot: My(Inaudible) I come from Kabiyet boys high school. My issues are just about the Constituency supremacy, citizenship and structure of government. The current procedure that allows the parliament to amend the Constitution by 65% majority should not be retained. To replace it, citizens should have powers to approve the Constitution made by the Parliament.

The committee should be set from level of location, to air their approval on the issues. The committee should consist of literate/elite people preferably lawyers by profession.

Citizenship: The Constitution should not allow the dual citizenship, a person should only have single citizenship.

Structure of system of government: The presidential system of government should not be retained. We should adapt a parliamentary system in which a Prime Minister is elected from the runners up of the general election, whereas the President will be from the winning party.

Lastly, the Prime Minister should be involved in the foreign affairs of the country while the President will be in charge of internal government and a ceremonial leader. The unitary system of government should be adapted and retained in which all affairs of the state are controlled by the central government. This is because there will be equal distribution of resources and it will enhance unity and eradicate tribalism. Those are my views.

Com. Ayonga: There is a small question, I think there is something I thought is a mix up. You can't have a Prime Minister to deal with the foreign affairs and have the President deal with internal affairs. I think it is the other way round.

Mr. March Cheruiyot: Yaah, the President should be involved in the foreign affairs of the country.

Com. Ayonga: Okay,

Mr. March Cheruiyot: Yes,

Com. Ayonga: Thank you.

Mr. Elisha Latin: My names are Elisha Leting' from Kabiyeet Sec. School

Com. Ayonga:Dakika moja, naona wazee,nja imewakula na mvua inakuja.

Mr. Elisha Latin: My names are Elisha Leting' from Kabiyeet Sec. School. I want to air views on children rights. The first point is. Children should have access to information by providing necessary materials. They should be protected from harmful materials by government restricting importation and publication of harmful literature that can corrode their minds.

Secondly, the children should be protected from physical mental violence, injury and abuse. There should be sufficient/Severe punishment to those who cause such suffering.

The Constitution should also protect the physically and mental by handicapped people in the society by providing special care and services in learning institutions and place of work.

There should be no segregation the unfortunate, they should be treated fairly and anybody found to have mistreated the

handicapped should be charged in the court of law.

The children should get free health care services, whoever found denying such services should be taken to the court of law.

Com. Asiyu: Inaudible

Com. Ayonga: Endelea.

Speaaker: Okay, the Commissioners for the Constitution Review, administrators, the educationilists parents and children. I would like to take this opportunity to air out views about the political parties. The political parties should be involved in the economic development of the country such as initiate and implement community projects.

There should be regulation of the formation of the political parties. This is by setting qualification for those who want to be leaders in political parties. That is, they should be aged above 18, education is law by profession and good moral conduct.

There should also be in social conduct to everyone, a Kenya citizens and should be elected by the citizen who support the party.

Also, the political parties should be utmost three in number, so that government can finance them from public funds.

Condition to be imposed on financing political parties: There should be branches all over the country to create equal level.

There should be.....(Inaudible).

Com. Ayonga: Asante, asante,

Speaker: Thank you.

Com. Ayonga: Now, ladies and gentlemen, niliwaambia kwamba nitakuwa nikibadilika badilika. Si kwa ubaya, lakini kwa uzuri. Mnaangalia kule juu mnaona nini?

Audience: Mvua,

Com. Ayonga: Mnaona mvua, kuna mawingu, mvua itakuja baadaye na tuta mshukuru Mungu ikija, hatutanung'unika kwake. Lakini kuna jambo moja ambalo nataka tukubaliane, neno moja tukubaliane. Hapa, majina nilionayo ni mengi mengi mengi kabisa, zaidi ya mia moja. Zaidi ya mia moja. Na ukiangalia, the speed at which we are going, hatuwezi tukaenda kupata maneno. Sasa ningaliwaomba, wale mlio na memorandum, tafadhali, jinsi nilivyo waambiya asubuhi kwamba memorandum can be handed over without saying a word na ukaende nyumbani, ukiende kufanya mambo yako. Lakini kwa ku-handover your memorandum, you must register. Uta-iregister katika kitabu chetu kwamba ulitoa hiyo memorandum na uta sign against it. Na tuna wasomi, haitapotea. Siyo lazima uonge hapa ndipo mambo yako yatafanyika, memorandum yako itakuwa na mambo mazuri muno.

Kwa hivyo ningaliwaomba, wale mlio na memorandum, can you please submit, surrender your memorandum and register them. Has she registered? Kuna mama moja hapa, mama Sarah Saina. Sarah Saina hajisikii vizuri. Niliwaambia nitakuwa nibadilika, mtu kama hajisikii vizuri lazima tumruhusu, kama ni mzee, tutamruhusu. Mtoto wa shule tumewaruhusu, watoto wanaweza kwenda wakala. Mama saina, unaweza kuendelea. Chukuwa hii, unaweza kuongea uki-keti, lakini pia ukitaka jinyoosha, shauri yako.

Ms. Sarah Saina: Asante *kongoi* Commissioners, Mheshimiwa Sambu, Madam, **Vernacular.***Ochamke tugul abaibai ameru ireyu.*

Translator: she is happy while being here.

Ms. Sarah Zaina: *Agere koabaibai amun boisiet ne kagiya en yukoboisiet ne ibwati bikab eemoni.*

Translator: She is happy because she sees that what is going to be done here, is what the Kenyans expect to be done.

Ms. Sarah Zaina: *Kenya ne kimi ngunonko Kenyan nenyon.*

Translator: This is our Kenya.

Ms. Sarah Zaina: *mokitinye Kenya age.*

Translator: We have no other Kenya but this one.

Ms. Sarah Zaina: *Ko abaibai ye ami yu en komostab cheepysok*

Translator: She is here on behalf of the women.

Ms. Sarah Zaina: *Asi amwa agobo chepyosok amun agere ale aga tagomi tagotinye kwonyik alage kole magigi.*

Translator: So that she can deny what other women say that they are nothing.

Ms. Sarah Zaina: *Amun ngunon ketinye ngunon ra kongeten assistant, chief.*

Translator: Shes says at the moment women are not nothing because they are the assistant chief,

Ms. Sarah Zaina: *Kitinye DO.*

Translator: They are the chiefs, they have the women DOs,

Ms. Sarah Zaina: *Kitinye OCS ak PC.*

Translator: They have the OCS women, have a PC,

Ms. Sarah Zaina: *Kitinye okot specta nebo polis.*

Translator: A woman inspector of police is there untold.

Ms. Sarah Zaina: *okot ngunon olekiabunu kokaranindetab president kosichi ki asge tugulen olewndote en ngwony.*

Translator: PS to the cabinet is also a lady.

Ms. Sarah Zaina: *Ko siongenyogat en yoto ak ketebi tugul keigu agenge.*

Translator:(Inaudible) making that statement of women are nothing because we are people now. We have our positions in the government of Kenya.

Ms. Sarah Zaina: *Amun kichamkomwae bik che bo keny kole mi ngo koi kele acha mami*

Translator: Because in the past the Wazee used to say, “who is in this room?” And the women would answer themselves. “There is nobody in the house”.

Ms. Sarah Zaina: *kongunon ra kelen mi.*

Translator: And that today you say there is somebody inside.

Ms. Sarah Zaina: *Kole mi chepyoset.*

Translator: As a mama

Ms. Sarah Zaina: *Mami boiyot.*

Translator: Mzee hayuko,

Ms. Sarah Zaina: *Ko kit nekinye ngunon raini kokewech kongoi ak kenai olekimenyandai Kenya.*

Translator: So, what we should do now, is to be very thankful, and know how to stay within Kenya.

Ms. Sarah Zaina: *Amun tinye kopchitul utamaduni chechwak.*

Translator: Because every family and every tribe has its own culture.

Ms. Sarah Zaina: *Imuchi korwa chi nebo emetage*

Translator: Like when somebody is assimilated into a tribe.

Ms. Sarah Zaina: *kokamwa boyon ne mi yon kole kogerwachin kobwogto ibwate che ibarechuto.*

Translator: Some old man here has said that once you have been assimilated into a tribe,

Ms. Sarah Saina: *komakirwache muren kirwache chepyoso*

Translator: When they have to go for war, they also go because you have now become part of them.

Ms. Sarah Saina: *kimache chopyosok kole human rights*

Translator: Akina mama should know the human rights *yaani vernacular.*

Ms. Sarah Zaina: *imandanyon ne kitinye kogonu kugo*

Translator: Women's rights

Ms. Sarah Zaina: *kigigochi kugoisiek*

Translator: They have been given by the grandparents.

Ms. Sarah Zaina: *Tindo chechwakk kongeten oliginye.*

Translator: Then they have their own since immemorial time.

Ms. Sarah Zaina: *komakiweleli.*

Translator: Therefore, they cannot change.

Ms. Sarah Zaina: *Imandanyon konyolu koit kiwango amakorulen boisiek*

Translator: She is saying the women's rights should have some limit, and not overrule the husband.

Com. Ayonga: Lakini mama unataka tuandike nini kwa Constitution? Unataka tuandike nini?

Ms. Sarah Zaina: *amache majimbo.*

Translator: She says she is for majimbo, the federal government.

Hon. Sambu (Interjection): Vernacularkuna neno ambalo wewe ulisema kuhusiana na familia. Wewe ulisema ndiyo

ingawa wanasema mama wawe huru lakini vle nilikusikia,vernacular.

Ms. Sarah Saina: *kimache kwondo koboige komi konyin*

Translator: The lady should have her own right in her own home.

Ms. Sarah Zaina: *Ko ngot ko chepyoso ne magitun kobouge komenye konyin*

Translator: She is a single lady, she should have her own independence in her house.

Ms. Sarah Zaina: *magoi indou chepyoset iwe ko amaindoun chepyoset.*

Translator: She says the lady should obey the husband and should be home earlier than the husband.

Com. Asiyo: Hiyo ya majimbo tumesikia.

Ms. Sarah Zaina: Mumesikia, hata natembea nayo.

Com. Ayonga: Okay, hicho ni nini?

Ms. Sarah Zaina: Hiyo ni majimbo, hiyo kitabu cha majimbo.

Com. Ayonga: Ilikuwa card?

Ms. Sarah Zaina: Ee ilikuwa card.

Com. Ayonga: Mama umetunza hiyo kitu vizuri, hebu leta karibu.

Ms. Sarah Zaina: Ndio hii

Com. Ayonga: Halafu ujiandikishe.

Ms. Sarah Zaina: Halafu urudishe,

Com. Ayonga: Mimi nakurudishia lakini hebu kwanza andika jina. Hapa hapa nyuma.

Com. Asiyu: Can we photocopy this?

Com. Ayonga: Do we have a photocopy machine here?

Audience: In town

Com. Ayonga: In town?

Com. Asiyu: Send that one.

Com. Ayonga: You can send someone.

Com. Asiyu:(Inaudible).

Com. Ayonga: Which is good. Sasa, wewe fanya hiyo kazi ya ku-photocopy hiyo ni kitu very historical.

Ms. Sarah Zaina: Photocopy. Hapana wacha.

Com. Asiyu:(Inaudible).

Com. Ayonga: Wapi Mr. Wilson Too?

Speaker: Amesema,

Com. Ayonga: Weka tick, MacDonald alisema.

Com. Asiyu: Mariam Meli?

Com. Ayonga: Wee kuja,

Speaker: Inaudible

Com. Ayonga: Yaah, go over that. After Meli, tunaye(Inaudible).

Com. Asiyu: Jane Muige.

Com. Ayonga: Kuna mama anaitwa Jane?

Audience: Inaudible

Com. Ayonga: Oh, she is an observer.

Com. Asiyu: Jane Kirwa, yuko wapi?

Com. Ayonga: Anaweza kuwa tayari baada ya huyo?

Speaker: Inaudible

Com. Ayonga: Elphas Ruto afwate, Elphas Ruto yuko? Barnabas Lagat, Barnabas Lagat yuko? Haya, uwe tayari hapa karibu. Halafu kuna Rashid Boit. Unayo maandishi, kwa hivyo utatoa maandishi yako utajiandikisha. Hebu, ninataka. Yule ambaye umeeingia, sema jina lako. Ee, dakika moja na nusu mama.

Speaker: Mimi niko.

Com. Ayonga: Oh, okay, mzee endelea, dakika moja unusu.

Mr. Simeon Kimeli: Ndio sasa(Inaudible).

Com. Ayonga: Sema majina kwanza,

Mr. Simeon Kimeli: Mimi ni Simeon Kimeli Cheruiyot.

Com. Ayonga: Endelea

Mr. Simeon Kimeli: *kit ne atindoi nebo kimilanyon .*

Translator: What I have on our culture,

Mr. Simeon Kimeli: *Ko komatakiburtosi komie.*

Translator: That we have not been staying properly as Nandis.

Mr. Simeon Kimeli: *Kwonyik che kigitun kaasartage kondamun makigosyin en kot kobogogto konyin en kenyisiek che chang asi tun konyo kora.*

Translator: He says some of the married ladies, sometimes maybe because of some small disputes in the family, they leave home for several years, and later come back.

Mr. Simeon Kimeli: *chon tindo bond komanyolu kowek amun en inguni ko makitindoi egarisiek chechag chebo imbaret. En keny kokinyone amun kiwo mbaret .ko nguni komami mbaret ne kigoin.*

Translator: He says those who have gone should not be allowed to come back because at the moment, we have no large tufts of land as before she could come back and be given some portion. But now there is no portion to be given to those who have tried to come back.

Mr. Simeon Kimeli: *Kit age konyoiset en sipitalisiek kou dispensaries ak sipitalisiek kigochi county council korib.*

Translator: Another point is treatment, medical station like the dispensaries and the hospitals should be given County councils should be given authority to man them.

Mr. Simeon Kimeli: *rabinik chebo rent en koretab chito komanyalu koteb.*

Translator: He says the land rents in the reserve areas, on their own plots not in the towns, should not be claimed by the county council.

Mr. Simeon Kimeli: *Kit age*

Translator: Another point,

Mr. Simeon Kimeli: *Nyolu kigochi council korib barabariosiek.*

Translator: The county council also should be given power to maintain the roads as before.

Mr. Simeon Kimeli: *kongoi.*

Translator: Asante

Com. Ayonga: Hebu ngoja kidogo.

Translator: Wewe, mzee,

Com. Asiyu: Mzee unasema wale wanawake walienda wasirudi. Sasa kama mama alizaa wanaume, watoto wake wako pale nyumbani wana mashamba yao wanataka mama yao arudi aishi na wao, unataka Katiba ikataze hawa wanawake kurudi kukaa? Lakini pia, hebu nikueleze, kwa hii, jambo ambalo tulipewa, ile Act, the law does not allow us to discriminate against anybody, man, woman, child, the disabled.

Translator: Vernacular

Mr. Simeon Kimeli: *Amun kiwo kwondo kenysisiek che chang ago kimache lagok kongeten kenya ko mama inendet komanyalu koweek nyolu ko ine ne kiribe nyolu koribe lagochoton.*

Translator: He maintains that since lady went away for several years, and has been looking after the children for a long time,

he is the mama him, she should not be allowed to come back, he is the one who has been handling the children for.....

Com. Ayonga: Lakini, lakini mzee, watoto hawa wanaotaka mama, wewe unaweza kuwa humtaki huyo mama, lakini hawa watoto wako wanataka mama yao.

Com. Asiyu: Na ni wanaume wamejenga makwao

Com. Ayonga: Si, wewe unajiletea vita tu katika boma.]

Mr. Simeon Kimeli: (Vernacular).

Translator: He is saying the same mama will not come to his boma, but she can come to the children to their homes. He says the mother can come back to her sons but not to his own boma here, hana haja.

Com. Ayonga: Thank you mzee, lakini njoo ujiandikishe hapa. Sisi tunataka wa-mama warudi, kama alikwenda arudi. Upande huu mzee.

Com. Asiyu: Upande huu mzee.

Com. Ayonga: Next ni nani? Rashid ume sha.....(Inaudible).

Com. Asiyu: Rashid bado.

Com. Ayonga: Oh, okay,

Com. Asiyu: Inaudible

Com. Ayonga: Okay, Jane endelea.

Ms. Jane Kirwa: Okay, the Commissioners who are here, area MP, I am Jane Kirwa. I will spend only maybe three minutes, because most of the things which I have written here have been said I will go straight to the point, fathers should be legally bound to take care of the children they live out of wedlock to promote moral responsibility.

Secondly, bisexualism including lesbianism and homosexuality should be prohibited and the offenders legally penalized severely.

At the same time rapists should be imprisoned for life.

Unmarried daughters who may have dependants should be legally entitled to part of their fathers property.

There must be a referendum before Parliament can amend a Constitutional provision using the current given 65% votes.

An independent body mandated by the judiciary should conduct the referendum.

The disabled should receive preferential treatment in law, being guaranteed free education up to university and easy access to social services.

An independent body should be established to look into the salaries, allowances of the Members of Parliament.

Domestic violence should be tackled and solved in family courts, at least at the grassroots levels.

Female genital mutilation should be rooted out by enactment and enforcement of laws, stipulating severe punishment to the concerned and hefty compensation to the victims.

Children born after separation should have no legitimate claim to a share of the property of their mothers' ex-husbands.

Retirement benefits must in all fairness, accompany the retirement letter.

Then, each of the three arms of government should be independent and separate of the others. Thank you.

Com. Ayonga: Thank you so much,

Com. Asiyo: What if this woman separated when she was in her early pregnancy? Na huyo mtoto na wa yule mtu.

Ms. Jane Kirwa: Then that one will be a special case, it can be considered.

Com. Ayonga: A special case (**Laughter**) Thank you, mama jiandikishe. Next ni Rashid, wewe ni nani jina?

Alphas: Elphas

Com. Ayonga: Okay, okay, unayo mwandishi, nakupa dakika moja tu.

Alphas Ruto: Okay thank you. What I want to talk about are the fundamental rights and protection of the youths mostly. I would like a Constitution which guarantees free education to all youths from the primary level, nursery level up to the secondary level.

Again, there should be health services, right to health services and facilities. That is every leader in every area to make sure that his people or her people are medically taken care of.

Hospitals and dispensaries to have drugs and all other personnel necessary.

The right of the old people: The government to take care of the aged people because you find that in most cases, old people are suffering because there is no one to take care of them. Most of them didn't marry so they don't have children to take care of them, so I would like a situation whereby.....(Inaudible).

Audience:.....(Inaudible) endelea.

Alphas Ruto: Yaah, so I would the government to take care of them. Or, force the children, some children neglect their parents so the government should force the children to take care of the old people.

Also I would like to have the right of recreational facilities. We find that we don't have any recreational facilities around, so most youth engage in films and videos, and they end up becoming criminals instead. We would like a situation whereby we have things like footballs. I mean games, we can participate in. So we go walk in the field in the evening we come and participate but because we don't have all those kind of facilities, we are forced to go to the town and do all those evil things.

Right to economic and employment opportunities. We find that most youths have gone to school, it is obvious that they have gone to school, I would like them to have employment opportunities or a good opportunity where they can make cater, for themselves economically.

Finally, the best way they can have all this, or the best way we can achieve all this now that not everyone has the money, I would like resources, natural resources in every area, every district, we use the taxes and the revenue from the natural resources in that area to ensure that we get all these things in a way. We should actually not allow the government or rather the local authority or the Executive to take all the revenue and develop elsewhere because whoever is the leader in that particular department in this district comes from a different place, he takes all the revenue and the taxes we are supposed to be using to benefit us, I would like the Constitution to look into that or, to say natural resources of this particular area, should be used to benefit the local people.

Com. Ayonga:people and you said the government should take care of them. You didn't tell us how, and the age of this old people you want the government take care of. Also, I want to draw to your attention that these old people, they have children and these children, are running away from their responsibilities and also they are running from the blessings of God because the way you can honour your father and your mother so that your days maybe increased in this earth is by taking care of them. Now, you want this wazees, baba na mama kupelekwe kambi kama watu ambao wanafungiwa huko, walishi we kizingu ambavyo tumeambiwa sehemu zingine au unataka serikali ichukuwe hao wazee wapi?

Alphas Ruto: Well, what I had in mind actually is not creating a home for them. I wanted the government to make sure that those people are provided for by their next of kin or their children in their own respective plot. Of course those people had their own plot initially, so if they sold theirs actually, you look for the next of kin to take care of them. Or the grandchild.

Com. Ayonga: And how old is the old man?

Alphas Ruto: It is that one who no longer,.....(Inaudible).

Com. Ayonga: No, no, I want you to tell us, how old? You tell us.

Alphas Ruto: Okay, the old man I would like, the government to take care of is someone 75 years of age and above.

Com. Ayonga: 75 and above, give them to the government,

Alphas Ruto: No, you give them to their children or their next of kin to take care of them. Or even you can be the government or whichever.

Com. Asiyu: Thank you very much. It think what you are for, what you are suggesting is perhaps a welfare state and I am happy you are doing this because this Constitution, if it is done well, it will last another fifty or hudred years. By that time old

men and women will need welfare. There is something that other people have raised, kuna kitu tumeelezwa karibu kila province tumeenda kwamba, natural resources za watu zisitoke hapo. Lakini hawatuambii, who will administer these resources, what institution? so that they don't leave the area of origin? Can you recommend to us the institution that in your mind you think, can best take care of natural resources and benefit the people of that area.

Alphas Ruto: Well, I believe or what I want to be done actually is we have the local authority, the local authority should comprise of, "of course it will be at the district level, I want it to be at the district level. So the district, we would create something like district service commission, whereby all the Commissioners will have a representative from each division in the district who will sit down and make sure. Of course the election should be done in such away that they elect people who know, who are very familiar with everywhere in the district such that whenever they sit down and say now, that particular natural resource is there, the value of that resource I mean, actually the question was who will take care of it? We want the local authority .

Com. Asiyu: And who will administer?

Alphas Ruto: The local authority.

Com Asiyu:. It will be good because if you say district commissioner then you are taking(Inaudible).

Alphas Ruto: Not the ditrict commissioner, local authority.

Com Asiyu: People, the local authority by the local people.

Alphas Ruto: Yes,

Com Asiyu: Thank you.

Com. Ayonga: Also Elphas, you must know that, we are not asking you these questions to put you on the spot, but we want you to help us. And if for anybody here, you don't have an answer to a question, you say kindly, "I don't have an answer, I will go consider". We would like you to go home and think, yes, I said that about that, but I hadn't thought of this and that, you can add to that and send it to us. Thank you so much, you submit your papers, register your name. Next sasa ni ndugu ambaye ni Rashid Boit.

Com. Asiyu: He has a written memorandum,(inaudible).

Rashid Boit: Yes, jina langu ni Rashi Boit. Mimi ndiye Imam wa Muskiti ya Kabiyet na nitazungumza kwa niaba ya waislamu wa Kabiyet. Mazungumzo yangu yatahusu office ya Kadhi. Nengependa ofisi ya Kadhi iinuliwe na ifanywe mahakama kuu. Kwa hivyo, nakubaliana, naunga mkono ya kuwa kuwe na mahakama kuu. Mahakama kuu kama ilivyo katika kipengele cha sitini, sehemu ya pili, ambayo inatuelezea ya kuwa mahakama kuu comprises of Chief Justice,(Inaudible).

Com. Asiyu: Na we utueleze,(Inaudible).

Rashid Boit: Yes, hapo ndipo ninaposema, na kuwe kuna ma-judge wengine ambao ni pengine judges. Kwa hivyo pengine judges hapa nakusudia to include two muslim confessing the faith of Islam. Ambapo mmoja wapo atakuwa ni CK, naye ni Chief Kadhi na mwingine atakuwa ni makamu wake. Na katika kipengele kingine ambacho ni cha Attorney General, ningependa huyu makamu wake awe ni naibu wa Attorney General. Hivyo, katika kipengele kingine, maana yake sipendi kuchukuwa muda, kuna hawa watu ambao tunawaita Judicial Service Commission, ambapo ni Chief Justice akiwa ni chairman, Attorney General(Inaudible).

Com. Asiyu: Tunawajua

Rashid Boit: Munawajua ndiyo najaribu kuleta point yangu. Hapo na kuna pengine judges wawili. Kwa hivyo ningependa

hapa Chief Kahdi awe ni mmoja wao. Awe ni mmoja wapo.

Com. Ayonga:(Inaudible)

Rashid Boit: Halafu education, hao, wawe wana degree katika Islamic sheria na katika sheria zingine. Kazi zao, kazi ya chief Kadhi na ma kadhi wengine, ningependa wahusike na mambo ya marriage, kuo, divorce, inheritance na kazi zingine katika ofisi ya serikali.

Com. Ayonga: Lakini kama mtu anafanya kazi ya mahakama, si hiyo umeandika vitu ambavyo judge atafanya?

Rashid Boit: Bila shaka,

Com. Ayonga: Na judge yeyote anajua kesi itakayo kuja iwe ni ya kuo, iwe ni ya nini, ni case ni case, tafadhali sema neno la mwisho.

Rashid Boit: Neno la mwisho, namaliza kwa P3 forms. Hii ni sehemu ingine ya pili kati ya ile ya Chief Kadhi. P3 forms nataka itolowe katika ofisi ya polisi na ipelekwe katika ofisi ya daktari. Mtu akiwa-assaulted, aende katika ofisi ya daktari atibiwe na kutibiwa daktari atapeleka hiyo form katika mahakama. Na mahakama ndio itatoa warrant of arrest na mtu atashikiwa. Lakini siyo polisi kujichukulia form kama hii, na kushika kuwa ni mali yake.

Com. Ayonga: Asante na unaweza ku-submit hiyo na ujiandikishe. Next, kuna Philomena Bowen, Philomena Bowen? Who? Nani?

Audience:(Inaudible).

Com. Ayonga: Mbona unaka nyuma, wote walio simama hapa ni niwepa nafasi.

Speaker: Asante.

Com. Ayonga: Tafadhali dakika moja na nusu, tupe nuru.

Barnabas Langat: Hapa nina jambo kidogo tu kuhusu mambo ya elimu, kwa hivyo nitasoma kutoka katika karatasi hii,

Com. Asiyu: Utaeleza?

Barnabas Langat: Nitaeleza tu. I have opposed the sponsorship of public schools per churches or denominations. Reason is because there will be oppression of stakeholders who do not belong to that denomination or church. Because the schools are built by all the stakeholders and when it comes to deciding the fate of the school, you find that the sponsor is given more responsibility and therefore will bring disunity to the community within.

I propose therefore that all public schools be made under DEB to cater for the interest of all stakeholders.

Election of committees will be given to stakeholders alone as they know the needs of their school.

If there will be any denomination wishing to set up an institution, then it should set it totally private, it has to manage its under its affairs own regulations, so long as it is abiding to the laid down regulations of the teaching and curriculum provided by the ministry concerned.

Students or pupils in public institutions should be given freedom of worship which is now being violated by some sponsored schools.

Teaches should remain under TSC, but their recruitment be done within the district headquarters. Free education should be given

in primary schools.

Com. Ayonga: Ya mwisho?

Barnabas Langat: Curriculum change should be systematic to avoid loss of facilities for example books which are bought today and tomorrow the curriculum is changed and therefore, will affect the parents.

Com. Ayonga: Asante, asante sana. Nataka kukuuliza swali. Hukutuambia how we are going to give students freedom of worship when the schools set examinations on worship days. Take for instance, we have Saturday and Sunday, some schools set examinations on Saturdays, on Sundays, or they give homework to be done during those days. Or certain teachers teach at that particular time. Even in our universities, public universities, these things do affect the students. Can you recommend to us what you want to see in the Constitution?

Barnabas Langat: What I would like to be put in there is that since the government has given us freedom of worship, then those days should be avoided such that there will be no examinations set for, those days. Thank you.

Com. Ayonga: Next?

Com. Asiyu: Can we have your documents if(Inaudible).

Barnabas Langat:(Inaudible).

Com. Asiyu: You have given out?

Com. Ayonga: Now, it is Philomena Bowen, mama Philomena yuko?

Com. Asiyu: Let us move to some body else.

Com. Ayonga: Stanley Tanui, Stanley K. Tanui, are coming?

Com. Asiyu: Go to the next one, he will come. Zephania?

Com. Ayonga: Zephania?

Com. Asiyu: Kosgey?

Com. Ayonga: Zephania Kosgey? Timothy Maiyo. Wewe ni Timothy au?

Speaker:(Inaudible).

Com. Ayonga: Okay,

Speaker: Yaah,

Com. Ayonga: Kwa hivyo, tunakupa dakika moja na nusu.

David K. Keter: Asante sana Commissioners na Member of Parliament. Most of the issues have been touched but I am proposing the following: One, that I am David K. Keter. The structure of the government, I am for the hybrid system, whereby the President and the Prime Minister share the executive powers.

Two, that the President and the Prime Minister should not be above the law.

Three, they should also be responsible to the citizens in terms of the economy. If the sitting president or the Prime Minister, if

the economy of the country is going down, it should be an automatic indicator that they should resign immediately. If the economy is not moving up, then the President or the Prime Minister should resign immediately.

On education, I want to say that there should be free and compulsory education up to the university level. The Constitution should guarantee free education all the way from the ECD to the university so that the nation should have educated people.

The rights of the vulnerable groups, physically and mentally retarded the aged, and the terminally ill patients, their cases should be addressed too. I want to say one, on these chokoras, we have children we call chokoras, we don't know where they came from, but then, I am proposing that every town should have a school for these under privileged children and that they be given education free of charge, and at no costs should they be left wandering, at the end of the day spoiling other children.

Com. Ayonga: Can you go on.

David K. Keter: Thank you very much, the issue of(Inaudible).

Com. Ayonga: Kama ime-kosekana tuiache hiyo, utatupa kwa maandishi. It is not research work we are doing.

David K. Keter: Thank you very much.

Com. Ayonga: Niko na swali na mimi nitakuuliza. Hiyo maneno ya chokora, umesema hatujui hawa watoto wanatoka wapi? Ni kweli kwamba hatujui? We can say for a few we may not know, but for many, tukitaka kuwa honest with ourselves, we know where they come from. Now, I think ili tupate suluhisho pia, badala ya kusema serikali iwape hawa watoto free education, we are giving only room for irresponsible parents, lazima pia tuanze kungalia kwamba, ni nini tunaweza kufanya kwa maana after all, hii serikali tunayo sema ni sisi. Serikali kufanya kitu lazima iinue ushuru, na ni wewe na mimi tutaumia. Kwa hivyo hawa watoto, tungefanya nini kweli tuapte lasting solution kwa hawa watoto wanaitwa chokora? Kwa maana kuwapa elimu tu, kuwakusanya na kuwapa ili wasiharibu watoto wetu. Hiyo is not a lasting solution, hiyo ni kama mtu anaumwa kichwa

unampa aspro. Kichwa itapoa, but you have not really treated the cause.

David K. Keter: Asante sana Mr. Commissioner, nafikiria ikiwa mtoto atajulikana ni wa fulani, fulani yule alazimishwe kumtunza mtoto wake,

Com. Asiyu: That is very good.

David K. Keter: Ikiwa tu, tutaelewa ni nani. Then, that case should be considered. I have remembered the other one, that one was the issue of the Judiciary, and the policy. One is that, I propose that the judges be available so that they settle cases immediately they occur. And this issue of corruption will be rooted out. Kwa sababu mtu akiiba hapa, hapa Kabiyet, kuwe na mahakama, kesi hiyo inatuliwa wakati ule kabla watu wengi hawajingilia. Or, I too propose mobile judges within a constituency. That one should be moving from Kabiyet along the highway. And where cases are, he deals with them immediately. Then.....(Inaudible).

Com. Asiyu: That one should be the last one, you had already promised us. I have a question for you Mr. Keter. The office of the President and if we ever created the office of the Prime Minister, will be high offices in governance, which will be respected by Kenyans of normal minds. You are telling us that if the economy fails, then these two people must resign. Now, the economy can fail in many ways. One, the economy can fail because of some global problems that are not a kin to Kenya. Global issues.

Two, the economy can also go bad if there are national catastrophies, like drought or el Nino. This is an agricultural country are you saying that even if the global economic situation makes it impossible for Kenya to prosper. Or even where we have natural calamities like El Nino or drought that these two people must resign? Are you really serious? That this new Constitution should insist that these people resign because of economic failure of the nation?

Com. Ayonga: Na tena kabla hujajibu, President anakuwa ni kiongozi na nchi, na Prime Minister ni kiongozi serikali ya nchi.

Unataka kutuambia kama hapa Mosop mambo yamekwenda vibaya, Member mlietuma Parliament kama kuna njaa hapa na

jua limekuwa kali, na ma-chief wote hawa wafutwe au hawa watu wa-resign, kwa maana hawa pia ni viongozi

Com. Asiyu: I had not finished. This is my second question, you talked about the President and the Prime Minister sharing power. You know the French system of governance where the President and the Prime Minister share power and you know the problems of that nation. Do you really seriously believe that this young nation can go the way the French government has gone and succeed? Thank you.

David K. Keter: Thank you very much. On the issue of the President, that is the hybrid system, I don't really mean that they should share equal powers. One should have less powers than the other.

Com. Ayonga: And who is that?

David K. Keter: The president should have less powers, and the Prime Minister should have more powers.

Secondly, on the issue of the economy, I think we all understand an international catastrophe, an issue affecting each nation. For example Uganda, Tanzania and other nations will have to feel the same. So that one is a special case, but where a country like Uganda for example now is developing in terms of economy, yet we know they have come along way with a lot of problems, and some of the countries or our country is staggering on going under then, that is a question which should be raised. And that is what I meant.

Com. Ayonga: Thank you, thank you, thank you, sasa unaweza kukuja hapo uka sign.

David K. Keter: Asante sana.

Com. Ayonga: Umechukuwa saa nyingi sana kuliko ile dakika yangu moja na nusu.

Com. Asiyu: Ulikuwa na siasa nyingi.

David K. Keter: (Laughter)

Com. Ayonga: Next?

Mr. Abel Chirchir: I am Abel Chirchir on behalf of Stanley Tanui.

Com. Ayonga: Wewe umekuja hapa?

Mr. Abel Chirchir: Yes.

Com. Ayonga: Na una written memorandum, wapi hiyo? Stanley Chirchir alikuwa na memorandum.

Mr. Abel Chirchir: Yes, nakupa I will submit it.

Com. Ayonga: Unawezaje kuongea juu ya memorandum ya mtu?

Mr. Abel Chirchir: Amenipa. We are in a group.

Com. Ayonga: No, it doesn't say so.

Mr. Abel Chirchir: Okay, my own opinion.

Com. Ayonga: No, you can't have your own opinion on someone's memorandum. You see, what we do, we have got guidelines. Someone can give another person's memorandum, na ambacho utafanya, uta sign on his behalf but you cannot talk about his memorandum.

Mr. Abel Chirchir: So I wait for my chance?

Com. Asiyu: Yes,

Com. Ayonga: If you had registered,

Mr. Abel Chirchir: Yes, I had registered.....(Inaudible).

Com. Asiyu: Good,

Com. Ayonga: Okay, you wait for your turn, but you can give his memorandum now.

Mr. Abel Chirchir: Or I go?

Com. Asiyu: Please don't go. Give out Jammi's memorandum na ukae ungojea nafasi yako na wewe, usiende. Leta ile sasa ni property yetu. That is now our property.

Timothy Maiyo: I am Timothy Maiyo.

Com. Ayonga: Na wewe ni nani?

Timothy Maiyo: Timothy Maiyo.

Com. Ayonga: Okay, Timothy Maiyo, una written memorandum?

Timothy Maiyo: Yes, please,

Com. Ayonga: Na ni yako?

Timothy Maiyo: Ndiyo.

Com. Ayonga: Okay, kwa hivyo, ninakupa dakika moja na nusu.

Timothy Maiyo: Okay, thank you. What I only want to highlight here is a few issues that have not been touched. Like in case of Parliament, I can say, Parliament should only amend very minor Acts of the Constitution unlike whereby they can do it wholesale and I want to propose maybe the MPs voting for Constitutional amendment, Constitutional amendment to be by 85% unlike the 65% now.

I also want to highlight the issue of documentation about citizenship. I would propose that we have only one document maybe a very comprehensive one detailing everything about an individual that is a passport.

And then two, the system of governance I want to propose is the federal system of governance where we have the head of state being the President, and the head of government being the Prime Minister.

And I would propose something very minor about it on the presidency and the vice presidency. In some countries the President is voted directly by the electorate together with and the Vice President. I would also propose that we elect the Vice President directly, not to be appointed by the president. And they be elected for a five year term, for two terms maximum and the age will be between thirty and sixty years. That is the minimum age of being a President is 30 years and maximum 60 years.

Com. Ayonga: Thank you very much, thank you, we will read the rest. You want to ask him a question?

Com. Asiyu: Yes,(Inaudible) but now tell me, most of these men sitting here. Are 60 years old are you counseling

their possibility of being President? Because this is when a man is really wise and able to lead a nation. Are re you saying therefore that no man or woman beyond 60 years should be President of a nation?

Timothy Maiyo: No, I am not saying that, but I am saying maybe you can have other positions, an MP, a councillor and so on, but a President I don't think they can be. After 60 years, I think he can go on and advice us.

Com. Asiyo: No,

Com. Ayonga: Samuel, in any case let me protect you, let me protect you,

Timothy Maiyo: Yes,

Com. Ayonga: Those are your views,

Timothy Maiyo: Yes, thank you,

Com. Ayonga: You can say, you want the President who is two years old, that is your view. But we know the practical experience, what it means, and let me tell you, you may think 60 years is far away, you think it is eternal to think 60, how old are you?

Timothy Maiyo: I am 25 years.

Com. Ayonga: 25, and to think that 35 years from now is a long time. Thank you, those are your views. Would you please submit them.

Timothy Maiyo: Just a minute please,

Com. Ayonga: No, there is no moment.

Timothy Maiyo: Thank you.

Com. Ayonga: Now, next, ladies and gentlemen, I want Nicholas Kibet. And I had asked those with memorandums to bring them and submit them and go home or sit and wait, but it seems that everyone wants to talk about his memorandum. No one wants to submit. And so I give you one and a half minute to give us a summary, take your mic and say your names.

Nicholas Kibet Arusei: Basi my names are Nicholas Kibet Arusai from Kimjogo village. I have got some few remarks on the Constitutional review. I have got one on the structure of government or system. I want a unitary system of government with clear separation of powers and a strong local authority.

We also have here the relationship between the President and the Parliament. We should have the President not being a member of Parliament, should not represent any constituency.

The roles of the President should be; the President should not hold any party post, should not be a Member of Parliament, either in Senate or House of Representatives.

Should be a head of state, Commander In Chief of the Armed Forces,

He should also assent a Bill into a law, and can also lead in time of crisis.

And can create ministries by approval of Parliament by 65% votes.

And should not have powers to dismiss any civil servant at his or her will.

The Legislative powers, and I should talk of the Senate.

They should tax appropriate funds.

Regulate rate and money.

Should also have power to regulate rate outside, establish courts.

Can declare war,

Approve appointment negotiated by the President by 2 thirds votes.

Can also approve appointment of Ambassadors, Commissioners, Public Servants and others which were done by the President.

And can propose Constitutional amendment.

Local government: We should abolish the provincial administration and instead it be replaced by the council chairmen and the local tribunal.

Chief should also be abolished and be replaced by the local tribunal.

Members of the tribunal should be the elders, and tribunal magistrates.

And members of this camp should maintain law and order.

Natural resources: The natural resources should remain in the district where they are found . Though some 75%, should remain and 25% should go to the central government.

Com. Ayonga: Nadhani, sasa hiyo utupe.

Nicholas Kibet Arusei: Asante.

Com. Ayonga: Ee, tafadhali u submit hiyo na andikisha jina lako.

Com. Asiyu: Na usiogope kwa maana kila jambo ambalo umeweka pale litaingia kwa constituency report kwa hivyo hakuna shida.

Com. Ayonga: Sasa, wakati huu, ninaona jina liko mbele yangu, hebu mmalize hapo, nataka kufanya mambo makuu sasa. Jina liko mbele yetu sasa ni jina la mheshimiwa Sambu. Mheshimiwa Sambu, yeye kama kiongozi wenu hapa, nitampa dakika tano. Nitampa dakika tano na yeye atupe maoni, sijui atajigawa na kofia ngapi kama anatoa maoni kama MP, au anatoa maoni kama mwana wa sehemu hii ambaye.....(Inaudible).

Com. Asiyu: Mwana wa sehemu hii na kiongozi.

Com. Ayonga: Na kiongozi wa upande huu, kwa hivyo ana kofia nyingi. Sasa mheshimiwa, ili mambo yako yaingie kwa computer yetu ile, ile recorder, utatumia pande ile.

Hon. Sambu: Asante Commissioners, kwanza nitazungumizia muundo wa serikali. Nasema ninazungumza kama mnandi asili aliyezaliwa hapa. Muundo wa serikali: Serikali ya sasa, kwa Katiba ya sasa, kipengele cha ishirini na tatu inasema kutakuwa na Rais ambaye ana mamlaka yote ya kutawala nchi. Nasema ile ni makosa, tungependa serikali ambayo yule anayetawala, ama

ambaye ni mkuu wa serikali, tutengenishe kati ya mkuu wa serikali na mkuu wa nchi.

Tuwe na mkuu wa serikali ambaye ni Prime Minister na huyu Prime Minister awe ni mtu ambaye amechaguliwa Bunge. Wakifika Bunge, wabunge wote wakishakutana, wachague mmoja wao awe Waziri Mkuu. Na huyo Waziri Mkuu ndiye sasa awe mkuu wa serikali. Na kama mkuu wa serikali, yeye ndiye atakuwa na mamlaka ya kuchagua mawaziri, lakini akichaguwa maziri, hawa mawaziri lazima wachunguzwe na Bunge, wakubaliwe au wakataliwe kwa njia ya simple majority ama kura ya kawaida siyo ya two thirds ama three quarters.

Vile vile, Waziri, mkuu huyu atateuwa wafanya kazi serikalini, kuanzia Permanent Secretary na wakuu wengine wa serikali. Na hao wakubwa vile vile wa serikali kama Permanent Secretaries, lazima vile vile wachunguzwe na wakubaliwe na Bunge ama wakataliwe. Yaani lazima waje mbele ya Bunge ama kamati ya Bunge na waseme mambo yao, historia yao yote ijulikane. Kama amekuwa ni mtu wa magendo, nchi ijue, kabla yeye hajachukuwa ile kazi.

Prime Minister, tumesema atachaguliwa na wingi wa kura ya wa Wabunge. Kwa hivyo anaweza kuwa ni kiongozi wa chama lakini akikosa kuwa ni kiongozi wa chama, vyama viwili ama vitatu vinaweza kuungana vikachaguwa mmoja wao awe kiongozi ama Waziri Mkuu na hiyo itakuwa ni serikali ya mseto. Serikali ya mseto ni serikali ya coalition. Coalition government, kwa sababu kuna wezekano, kunaweza kutokea kwamba vyama viwili, vitatu vina wabunge ambao karibu ni sawa kwa numberi. Kwa hivyo nasema wale ambao au vyama vile vinasikizana, vinaeza kuungana vikasema tuunde serikali ya mseto, na wakachaguwa mmoja wao awe Waziri kuu, na wakagawa viti vya mawaziri.

Kutafanyika nini kama Prime Minister sasa ni mkuu wa serikali? Prime minister atakusanya kadhi yote, mapato yote ya serikali, na Bunge ndio itaweka kadhi, ndio itafanya budget, siyo kama sasa ambayo inafanywa na serikali peke yake, la. Bugne mzima itahusika kutengeneza budget. Na itatengenezwa kimbele. Na wakisha tengeneza hii budget, pesa zote sasa, serikali kuu hiyo ya Prime Minister itagawa kwa county councils zote za nchi kufuatana na wingi wa watu katika kila county. Kwa sababu tukisema tu kwa county, county zingine, county zingine zina watu elfu mia moja na county zingine zina watu nusu milioni. Kwa hivyo mapato ya serikali itagawiwa kwa kila county kufuatana na wingi wa watu.

Juu ya Prime Minister, kwa maoni yangu na kwa maoni ya wengi ambao nimezungumzia katika constituency sababu hawa sio wote. Bunge litachaguwa mtu mmoja ambaye si mbunge. Mtu mmoja ambaye majina. Wakenya watapeleka majina kama vile tulipeka ya Commissioners, kama ni vyama ama ni watu raia halafu Bunge tutachaguwa mtu mmoja kwa theluthi mbili. Two thirds lazima apate sio simple majority, apate two thirds. Kama asipopata two thirds mara ya kwanza irudiwe mpaka apate two thirds na huyo ndiye atakuwa Rais, na kazi ya Rais, ni mkuu wa serikali, atakaa state house. Hana mamlaka ya serikali, ni mkuu wa nchi. Head of state lazima we distinguish between head of state and head of government. Waingereza walitutawala na waingereza walitutawala na tutaka kataa kufata mwaka wa sitini na nne, tukakataa kufuata system ya mwingereza aliyetutawala. Mwingereza, head of state ni her majesty Queen Elizabeth. Zamani tulikuwa tunasoma hapa magari, ilikuwa inasema OHMS, Mama Asiyo usione vibaya, tulikuwa tunaona tunasema Onyango hana meno saba.

Com. Asiyo: Sita.

Hon. Sambu: Sita (**Laughter**). Kwa hivyo tunataka mtu mwenye mamlaka kama huyo mama Queen wa Wiingereza, kazi yake ni kukaa state house, kama kuna nafasi ya Prime Minister, yeye ndiye anaambia Bunge, basi, chagueni Prime Minister. Wabunge wanakutana, yule ambaye ako na wingi wa wabunge ndiye anakuwa Prime Minister.

Huyu Rais, yeye naye kwa maoni yangu hakuna atakaye kuwa juu ya sheria. Kwa Katiba ya sasa ambayo niko nayo hapa inasema kwamba Rais hawezi kushtakiwa kwa makosa anayofanya akiwa kwa ofisi. Mimi nasema Rais akifanaya makosa, atatolewa kama theluthi mbili ya Bunge ikipiga kura ya kusema atolewe. Akifinya makosa makubwa, two thirds ya Bunge ikipiga kura ya kumtoa, lazima atoke. Prime Minister kutolewa ni rahisi, Wabunge wakikosa kuwa na imani na yeye, vote of no confidence, basi yeye atatoka na hakuna kufanya kura ya raia wote. Yeye anaenda tu back bench na wabunge wanachaguwa mjumbe mwingine ambaye ana imani ya wabunge wengi, na huyu anakuwa Prime Minister.

Pes ikishatoka kwa serikali, ama Bunge likisha gawa pesa kufuatana na wingi wa watu kwa kila county, ningependa county council isimamie kazi zote kama zifwatazo, elimu kuanzia nursery mpaka secondary school, county council ipewe pesa ya kuajiri waalimu, ya kununua vitabu na kila kitu inayohusu masomo kuanzia nursery mpaka form four.

Vyoo vikuu viwe juu ya serikali kuu.

Examinations iwe moja chini ya serikali kuu, kama ilivyo sasa national examination council.

Hospitali kuanzia zahanati ama dispensary mpaka district hospital, pesa zote zitolewe, serikali kuu ipe county council na county council isimamie hiyo kazi yote ya mahospitali, kuajiri ma-daktari, kuajiri nurses na kununua madawa. Tender iwe inafanywa hapa Kapsabet ama Wareng, Eldoret. Hakuna cha kusema central medical stores. Kila kitu kiwe pale pale nyumbani.

Vile vile kwa barabara, barabara kuanzia zile za rural, mpaka class 'C' roads because, our roads are classified from, rural roads to class B, and class E, D, C, B and A. Mimi nasema tu bara bara za class A na B ambazo ni interprovincial non international, A ni international na B ni interprovincial, hizo tu ndiyo ziwe juu ya serikali kuu. Zile zingine zote, serikali ipatie pesa county council halafu county council ndio itafanya tender ya kupeana kazi barabara irekebishwe. Kwa hivyo hakuna tenders za barabara ndogo hizi tunasikia mtu anatoka Kiambu kuja kufanya grading bara bara hapa. Kazi yote na pesa yote ikuje kwa county council.

Kwa wafanyakazi, nasema wafanya kazi wetu wa serikali isopokuwa tu jeshi na mahikimu, wengine wote ni sharti wawe chini ya county council.

Police wawe wanaajiriwa na serikali kuu na wanatumwa wafanye kazi kwa district. Lakini vile vile, wawe chini ya mamlaka ya Chairmen wa county council na vile mmoja amesema hapa, mjumbe ama wajumbe wa Bunge na chairmen wa county council wawe members wa district security committee.

Na jambo kubwa ambalo ningependa kusema ni kwamba, kwa maoni yangu na kwa maoni ya wengi ambao ningezungumza na wao, wangependa system ya provincial administration itupiliwe mbali. Sababu hii system ya chief, DO, DC, PC, ni system ilikuwa ya wakoloni kutumia, governor alikuwa anatumiwa kuona kwamba mamlaka ya mwingereza yanatakelezwa.

Chief, kama atahitajika, atakuwa anachaguliwa na watu, chief peke yake. Na yeye atakukwa chini ya mamlaka ya county council. County councils zitakuwa na chief administrative officer ambaye yuko chini ya chairmen wa council, na yeye sasa atakuwa na wafanyi kazi wa veterinary, kabila ya administration, kutakuwa na chief katika kila location lakini hawa chiefs wachaguliwe na watu.

Mahakama: Napenda kusema kwamba kuwa Katiba ya sasa inasema kwamba Rais ndiye anteua kazi hakimku. The Chief Justice as in the present Constitution is appointed by the President. I wish to say that, in my view and the view of many Kenyans and many Nandi people, ni kwamba, Chief Justice ateuiliwe na kamati ambayo Bunge limechaguwa. Hiyo kamati ichukuwe majina ya watu ama mahakimu, halafu kutoka kwa mmoja wao, wachaguwe Chief Justice. Ili isiwe ni mtu mmoja ambaye anachaguwa Chief Justice. Kwa sababu kama ni mtu mmoja anachaguwa Chief Justice, ukikosea yeye, atamwambia tu, "Chunga!" "chungu huyo, miaka kumi. Sisemel Chungu anasema anafanya namna hiyo, lakini nasema kuna uwezekano. Kwa hivyo kutoa huo uwezekano, ni lazima achaguliwe na kamati ya Bunge na aitwe mbele ya Bunge, ajibu maswali, kama kazi inamtosha.

Basi kwa mambo ya ardhi, nataka niseme kwamba mashamba yote ni sharti yawe chini ya mamlaka ya county council. Tuachane na mambo ya kupeleka maneno kwa Commissioner of lands. Mambo yote, kama ni mashamba hapa Nandi, iwe chini ya mamlaka ya county council, map yote iletwe hapa. Na Commissioners, naweza kuwaeleza kwamba ni tuna shida sana hata sasa. Kwa mfano ukitaka sheet plan ya mashamba ya hapa ambayo ni freehold, haipatikani Kapsabet. Mpaka uende mpaka Nakuru. Na ukifika Nakuru, unaweza kaa siku tatu kabla ya kupatiwa ile map kama iko district kwa shamba. Kwa hivyo tunataka yote mambo ya mashamba, all those Acts, pertaining to land, lazima ziwe chini ya county council.

Vile vile, tunataka misitu yote hapa katika Nandi tuko na misitu tatu. Tuko na North Nandi Forest, South Nandi Forest na South Tinderet Forest. Hizo misitu, Katiba ya saa hii inasema ni Trustland, lakini county council haina mamlaka saa hii. Minister akitaka kufanya excision, anafanya excision, DC ndiye anakuja kupeana. Tunasema, tunataka misitu na mapato ya misitu, kama ni miti, kama Rais apply inakuja kukata, ama panpaper, inalipa county council. Hakuna mambo ya serikali kuu. Serikali kuu imeharibu mambo ya misitu kwa sababu wale ambao wana ifanya huko Nairobi, hawana feeling kwa hiyo misitu. Kwa

hivyo sasa, kwa sababu sitaki kurudia sana hiyo, nitasema mambo ya kesi.

Kesi, mahakama iwe kama vile ilivyo, lakini vile imesemwa hapa mbele na nimeandika hapa, hao watu wametuomba kitu kimoja. Jesi ya mashamba, kwa sababu hiyo ndio shida sana hapa Nandi, tunataka kesi ya shamba, hatuwezi kuwa na mobile courts, inaweza kuwa ngumu, lakini hapa, kulikuwa na ofisi ya ambaye inaitwa African courts zamani, tunaomba hivi, kesi ya shamba, tunataka hakim, magistrate au judge kama ni kesi ya high court. Tunataka hakim huyo aje kwa shamba, jesi ifanywe hapo, hapo. Kwa shamba ili watu wote wa sehemu hiyo watoe ushahidi, kwa sababu shida iliyo sasa ni kwamba, shida Commissioners wetu ni kwamba, nina ushahidi wa mama mmoja hapa, ambaye ni mjane.

Mama huyo, mume wake alifariki, na yeye akafanya succession huyo mama, akapata title, kwa location hii tu, hapana mbali, akapata title. Akisha pata title, ndugu ya mume wake, akaenda, kwa high court akawaka kesi kusema kwamba huyu mama shamba si yake, ilikuwa nichukuwe kwa ndugu yangu. Wanaweka summons huko kwa high court na haifiki kwa mama. Ikaitwa case mara ya kwanza, mara ya pili, mara ya tatu, sasa akasema nimechoka. Huyu mama hataki kuja kortini, shamba ikabadilishwa, sasa mama yuko barabarani na watoto. Ndio nasema tunataka case ya mashamba ikuje kwa kijiji yenyewe na mtu atazangumza ukweli, akiona watu wake wako karibu. Akienda Eldoret, anatazama anasema hakuna mtu ananijuwa hapa, anaropoka uongo wote.

Kesi zinazohusu Wanandi peke yao.

Kesi za urithi, kesi za urithi, succession tunatakazifanya kufuatana na mila na desturi za kinandi. Nataka kukanusha jambo moja, na naunga mkono huyu mama Sarah alisema hapa, sisi tunaheshimu mama zaidi ya kitu kingine. Wanaume wanaweza kupigania shamba lakini ikifika mambo ya mama, kama mama hakupata mtoto, kwanza Commissioners mjuwe kwa mila ya kinandi kama mama hakupata mtoto, ana haki ya kushika mtoto, aende hospitali apewe mtoto mdogo au ana haki ya kusema aoe bibi.

Speaker: Yes, that is true, we do that.

Hon. Sambu: Na huyo bibi, atamzalia, na yeye atarithi mali ya mama yake, ya bwana ya huyu bibi ambaye amemuoa. Na saa ingine, ma hakimu huko Eldoret, high court, hawaelewi mambo hiyo, wanasema bibi anao bibi, hakuna. Piena mali ya huyo hiyo sisi tunaogapa kabisa. Hatutaki mambo hiyo.

Ya mwisho ni hii, watu katika Nandi, hatutaki kunyang'anya mali ya mtu. Lakini ardhi yetu katika sehemu ya Tinderet na Wareng hii, haikuchukuliwa kwa mapenzi yetu, tulipigwa vita, kutoka 1995 mpaka 1906. Sasa tumeregeshewa sehemu zingine, sehemu zingine baado, tunataka serikali iweke kwa Katiba a compensation act, ndani, ya Katiba, kuwe na kipengele, cha kuwalipa watu walionyanyaswa na wakoloni walipwe riza. Ninawo ushahidi kamili, ninacho kitabu kiliandikwa kwa mkono wa yule aliuwa kiongozi wetu, aitwayeYeye mwenyewe alikubali kwamba kumbe sisi tumeletwa hapa, yeye alikuwa askiari wa mwingereza. Kumbe alikuwaAliandika kwa mkono wake kwamba angalijuwa, hangalipenda, kwa sababu baada ya kufukuzwa kwa watu kutoka huko, akaona ma settlers wakiingia. Akajuwa kwamba kumbe wanandi hawakupigwa kwa maneno ya rali, walipigwa kwa maneno ya kuongolewa, ili mashamba yapatikane. Aliandika vile vile kwamba, wanandi, ng'ombe zao ziliokotwa. Zaidi ya ngombe elfu kumi na sita, na kondo na mbuzi ya zaidi, alafu sabini.

Sasa kwa ile ardhi, ile ardhi ya Tinderet. Na mtu apende, asipopenda kile kitaamua siasa hapa ni mashamba hayo mawili, mashamba ya Tinderet, na mashamba ya Itek. Bado nunuliwa, kama nunuliwa iko wapi ma nyumba mbona hatuoni ma nyumba, mbona hatuoni manyumba? Mnandi hawezi kununua shamba halafu awache bila kubeba nyumba, au bila kulima. Ile ya Nandi hills kwa sababu iko na chai, hatutaki tugawanye, haigawanywi kwa watu, hapana, lakini tunataka wenyewe sababu wamekula tangu 1905, mpaka sasa, tunataka watupatie giza. We want to become shareholders in those, all those who escapes, that is he way to compensate us. Na kwa sababu wanandi wetu hawawezi kuja kupewa share, county council ya Nandi itakuwa Trusty, ya ile share ambayo tutakuwa nayo, na haiwezi kuwa chini ya 50%. Tutagawa nusu. Wao ambao wanasema wameleta investment kupanda chai, watachukuwa nusu. 50%, na sisi tuchukuwa 50%, na dividends itakuwa ilipwe kwa county council yetu halafu county council. **Vernacular.**

Com. Asiyo: Kuwa na kazi na walimu.

Hon. Sambu: vernacular nimesema hivi kwamba, compensation, and this has to be looked into, because, it is a serious matter, we didn't give away our lands, willfully, so we are compensations for the people guilt, we want compensation for the livestock taken. We want compensation for the laws of the land. Who will do the compensation? We are saying and I have written it here, the Kenya government should pursue the compensation on behalf of the Nandi people. Lazima serikali hii, iandikie serikali ya wingereza, kueleza kwamba, ngombe elfu kumi na sita, kutoka mwaka wa 1906, sasa kama ikuwa sasa, ni ngo'ombe ngapi. Tunataka tulipwe hawo ng'ombe,

Com. Ayonga: Kondo, elfu sabini.

Hon. Sambu: Kondo elfu sabini kutoka 1905 mpaka sasa, ingekuwa ni kondoo ngapi? Ile shamba ambayo wanapanda chai, wamekula kutoka 1905 mpaka sasa. Tunataka tupate sehemu ya hiyo mali kidogo. Hayo ndiyo yangu, kama mna maswali nimeandika memorandum, structure ya serikali niko nayo hapa vile vile.

Hon. Asiyu: Kama umeandika hiyo mzee hakuna wasi wasi.

Hon. Sambu: Basi nimeandika na nimeweka sahihi, hata niko na structure vile itakavyo kas. Sawa.

Hon. Asiyu: Asante sana. Kwa maana wewe ni kiongozi wa hapa, na kuna maswali mengi tunataka kuweka kwa Katiba.

Hon. Sambu: Ndiyo,

Hon. Asiyu: Tafadhali utusaidie. Umesema kwamba mapato ya serikali kuu, igawiwe usawa kulingana na wingi wa watu wa Kenya kwa kila sehemu ya county council. Na wewe mheshimiwa unafahamu kwamba kuna mahali pengine katika Kenya ambao kuna watu wengi na walitengeneza lami mpaka kwa market, mpaka kwa duka. Unataka hii pesa tena igawe usawa kwa hao na wamejijenga wame-maliza kazi yao ya kujenga, they have finished the development ile ya kawaida? Kama tutagawana usawa, je, wale ambao hakuna hata lami kilomita moja kwa district yao watapata siku gani?

Two, tunataka usaidizi wako kwa maana tumeambiwa hivi tukipitia mahali pengine, naweza kutusaidia. What security will this Prime Minister of yours have, if at any time and we know Kenyan politics, he can be kicked out any minute.

Three, many people have suggested to us that we should indeed adopt the American system where Members of Parliament have ministers, wanachaguliwa kwa wale professionals, na hiyo hiyo Parliament. Wanaenda nje wanatafuta ile society nzuri kabisa ya mwisho, iwe, historian, iwe environmentist, ndio wanawekwa kama ma-ministers. Na hapa Bunge ni ile tu ya kawaida kazi ya Bunge, hakuna minister huko ndani hata moja. Utuambie hiyo fikira itakuwa namna gani, kwa maana hiyo tumeelezwa na watu wengi sana, hawataki nyinyi muwe ministers.

Hon. Sambu: Okay, inaweza kuwa mingi?

Com. Asiyu: Ya mwisho kabisa.

Hon. Sambu: Yaah,

Com. Asiyu: Ni mambo ya boundaries,

Hon. Sambu: Yes,

Com. Asiyu: Bwana mhesimiwa, you know that Kenya does not have international boundaries. The only boundary that Kenya has internationally, is that small piece between Ethiopia and Kenya that Kenyatta and Haille Selasie signed, the rest of Kenya has no determined international boundaries this is the truth. In the new Constitution, we would like to say something

about this because no country can just live without international boundaries defined. Na hiyo ndio mwisho.

Hon. Sambu: Maybe I will answer(Inaudible).

Com. Asiyu: Ee usisahau,

Hon. Ayonga: Nitakukumbusha ukisahau.

Hon. Sambu: Okay

Com. Asiyu: Tunataka utusaide kuandika Katiba mheshimiwa,

Hon. Sambu: Yaah,

Com. Asiyu: Ile Katiba itadumu miaka mingi.

Hon. Sambu: Well, halafu Commissioner mwingine ataniuliza, maoni yangu,(Inaudible) Nataka nianze na ya mwisho, nianze na mwisho. Wacha nitubu ignorance ama nitubu kwamba mimi sijawahi kujuwa kwamba, hatuna fixed boundaries na nimekaa kwa hiyo cabinet miaka minne. Naomba watu wa Kenya msamaha kwa sababu mimi sikujuwa hiyo, ningeleta motion. Na sasa nimejuwa ni kwamba hakuna nchi ambayo itajiita nchi kama haina mipaka ambayo imeandikishwa, defined and signed. Ndio nimeona sasa juzi wakati wavuvi wetu pengine jioni upepo unawasukuma. Watu kutoka nchi zetu jirani, wanaanza kuwatesa. Sasa, mimi nasema kwamba hata hii haita ngoja Katiba, hii hata ikiweza-kana ni lazima sasa sisi katika Bunge tulete motion haraka iwezekanavyo kusema kwamba lazima tuandikishe mipaka yetu na Uganda, mipaka yetu na Tanzania, mipaka yetu na Sudan na Somalia.

Com. Asiyu: Na Ethopia?

Hon. Sambu: Na Ethiopia kama baado. Kwa sababu kwa Indian Ocean tunajua kwamba mile kumi na mbili ni yetu, halafu 200 ni ile inaitwa economic zone. Tunaweza kuenda nje kilomita mia mbili bila kuulizwa kama wavuvi wetu. Lakini mile kumi na mbili, hiyo ni ardhi ya Kenya. Meli ikiingia, meli ikiingia, ikifika mile kumi na mbili isimame hapo, isiingie ndani, itakuwa imevunja sheria. Kwa hivyo natubu na hiyo nitawaambia wenzangu hasa wale wa international affairs committee ya sasa ili tuweke hoja ama mswada katika Bunge tuulize serikali ifanye mikataba na nchi hizo.

Jambo la pili umeniuliza ni je, huyu Waziri Mkuu atakuwa na security gani asifutwe kazi? Mimi ninavyo-jua ni hii, ni navyo-jua ni kwamba, kazi ya Rais wa sasa ni kuwa head of states, akiwa vile vile ni head of government, kwa maoni yangu, hii ndiyo imeharibu Kenya, na mimi nasema wazi. Sababu yake ni hii, tukiwa hapa saa hii, kwa sababu ya section 23, DC akifika hapa ama kwanza hata anza na chief, chief anasema katika hii location ambayo mimi natawala, hamwezi kufanya hii. DO anasema katika division yangu ambayo mimi natawala. DC anasema nama hiyo, PC anasema namna hiyo. Sasa najiuliza, tulipata uhuru tujitawale ama tutawaliwe? Kama ni kujitawala, ni lazima tuwe na njia rahisi ya kubadilisha wale wanaotutawala. Hii kazi ya wananchi wote kuchaguwa mtu mmoja, akisha chaguliwa anasema. “Hewa ila bwana sikia, mimi nimechaguliwa na watu million tatu, wewe kama mbunge umechaguliwa na watu elfu thelathini kama mimi, wewe ni nani? Na huyo ambaye ni Rais ambaye amechaguliwa na watu wengi anaona kwamba ni mfalme. Na katika Kenya hatuna watu wengi, hatuwezi kuwa na wafalme kwa sababu tutakuwa na wafalme wa kabila ngapi? Na hiyo vile vile inaleta ukabila.

Hii system ya mtu mmoja kuchaguliwa kuwa Rais, head of state na head of government.

Sasa, Commissioner Asiyo ameniuliza je, huyu Prime Minister ama Waziri Mkuu, utahakikishaje kwamba hatakuwa anaondolewa? Basi, ikiwa amechaguliwa na wabunge wengi, mimi ninavyo-jua siasa ni kwamba siasa ni mchezo ambao hauna fixed rules.

Hata ingawa Katiba itakuwa pale, siasa ni mchezo wa kwenda, hata saa hii kwa huyu Rais wa sasa, si lazima. Mbona Raila alitoka NDP akakuja kwa KANU? Lazima watu wanafanya deals, kutakuwa na kusikizana. Lazima watu watakuwa wanasikilizana. Ikiwa mimi ni Prime Minister, nikiona wale wengine wanataka kunichochea kunipigia kura ya vote of no

confidence kutokuwa na imani, lazima nitazunguka niwaambie wengine, “Ngoja, hawa wakitaka kunitoa, nyinyi mnipigie kura halafu nitawatoa, nitawaweka”. Katika siasa, there are no permanent friends, there are no permanent enemies. An hour is as long as a year. Hakuna marafiki permanent, kwa hivyo itafanya kazi.

Na mimi nasema hivi, mbona mwingereza alitawala nusu ya dunia? Assume the sun never sets on the British Empire. Kwa nini? mwingereza alitutawala kwa sababu alikuwa na system nzuri ambayo Prime Minister akinyieta, anatolewa na haendi nyumbani. Anaenda tu back bench na mwingine anachaguliwa. Hatutaki system ya kuvunja ati irudiwe tena uchaguzi mpaka miaka mitano. Kwa hivyo nafikiria, hiyo itafanya kazi.

Ya mwisho nilikuwa,(Inaudible).

Com. Asiyu: Ilikuwa hii mambo ya mapato igawe usawa.

Hon. Sambu: Ndiyo ndiyo, yes. Haya, Commissioner Asiyu ameniuliza je, wale ambao wamekula zamani, tukigawa sawa, ikiwa katika Kenya tutataka tuishi kwa amani na tuwe kitu kimoja ikiwa tutarudia. Na mimi nataka niseme kitu kimoja, pengine wao walipata, kwa sababu walikuwa werevu. Walipoambiwa wapande kahawa, walipanda kahawa, walipoambiwa wapande chai, walipanda chai. Sasa ili tuishi vyema siku zijazo, mimi ningependa niseme hivi, kwamba kuanzia sasa kama Katiba mpya ikipenda haya mapendekezo yangu na ya wengine, tugawe sasa iwe sawa. Na tuyasahau yaliyo pita.

Com. Asiyu: Na North Eastern province, what do you do with them?

Hon. Sambu: North Eastern province, pengine isiwe tu juu ya watu, nitaongeza, asante sana. Nitaongeza kusema kwamba, vile vile, tufuate ukubwa wa sehemu ya nchi, sehemu ya nchi lazima tufuate. Kwa sababu hatuwezi kudharau North Eastern province, sababu yake ni hii, je, kesho tukichimba shimo tukute mafuta huko chini na tunakuwa tumesema hatuwataki, nyinyi ni watu wachache. Kwa hivyo, tutagawa. Wacha niongeze kwa, nitaongeza kusema(Inaudible).

Com. Asiyu: Tafadhali ongeza,

Hon. Sambu: Kufuatana na wingi wa watu, na kufuatana na kubwa wa nchi. Lakini tusahau ya ile ya zamani. Tusahau kwa sababu tukifuata hiyo kusema Kiambu hawa watu walikula, itatuletea mafaragano tu, haitawahi kutusaidia kitu.

Com. Ayonga: Asante, asante mheshimiwa, swali nililokuwa nataka kukuuliza, umelijibu tayari. Kwa hivyo, no further question.

Hon. Sambu: Asante sana, basi nitaongeza hiyo halafu(Inaudible).

Com. Ayonga: Na mengine ambayo utafikiria. Sasa ujiandikishe, uweke kidole na mambo yote yakamilike.

Com. Asiyu:(Inaudible).

Com. Ayonga: Haya ataongeza, wacha afikirie. Unajuwa taabu moja tulionao na wana siasa, kama nikumwachia nafasi, itafika six O'clock.

Hon. Sambu: Ameniuliza, je, county council unakubali iajiri? Kwa sababu nimesema hakimu, judges na police wawe. Mimi nakubaliana, mimi nafikiria kwa sababu mimi nasema police wawe chini ya serikali kuu ni hii, ikiwa police wa Nandi county council ni tofauti na police wa Maragoli ama hapo Vihiga, nikifika Vihiga, atanisimamisha anasema. "Sisi ni polisi wa Vihiga, ni tofauti na police wa Nandi. Hiyo tu, watakuwa under one Police Act. Na lazima wawe national.

Com. Asiyu:(Inaudible).

Hon. Sambu: And, yes, kwa sababu working under the local authority, chairman wa county council ndiye anakuwa chairman wa district security committee.

Saa hii kukitokea shida, chairman wa county council na yuko, tafadhali nionyeshe kama alikuwa hajaonyeshwa. Asimame tu

watu wajuwe kwamba Bwana Torei ndiye chairman wa Nandi county council. Asante.

Com. Ayonga: Kabla huja-toka, kabla huja toka, nimeona umeweka uwezo mwingi sana katika chairman wa local authority.

Kuna watu wengi ambao watakuwa chini yake, kuna wasomi wa namna ya hali mbalimbali na hali bwana mheshimiwa, county councils zingine, unisamehe kama nitasema kitu kama kwamba ninajua, county councils zingine tumesha sikia, tumeambiwa, kwamba ma chairmen wengine, hawajui kusoma wala kuandika, sasa uwezo huu wote ambao umewapa, umetoa ma DC, umewafanya, hawa ndio wafanya vitu vyote, sasa umefikiria juu ya qualifications of such a person? Ili aweze ku handle such weight. Tunataka maoni yako.

Hon. Sambu: Asante sana Bwana Commissioner, pengine sikuandika kitu lakini kuna Kitabu kubwa ambacho tumeandika na wenzangu wengine, tumesema qualifications. Kwa sababu hata saa hii, ma-DC wengine nao, ni some rejects. Hata wengine kusoma kiingereza unashindwa huyu ni DC, au nani? Kwa hivyo, vile vile tutaona kwamba hii ikikubaliwa lazima local government authority, local government Act Cap. 265, lazima itafanyiwa marekebisho mengi. Hata kiwango cha elimu ya kuwa diwani, lazima itanyiwa marekebisho mengi. Hata kiwango cha elimu cha kuwa diwani lazima itawekwa. Kwa sababu isopowekwa, kweli watu. Mwana siasa ni mdomo, na watu watamchagua halafu wale makarani na accountants watapenda kunyoya yeye na kunyoya mali ya watu. Asante, hiyo tutaweka qualifications hapo. Thank you Sir.

Com. Ayonga: Huyu alikuwa mheshimiwa Sambu,

Com. Asiyo:(Inaudible).

Com. Ayonga: Sasa, kwanza nataka nimshukuru kwa upanuzi ambao ametoa, and he has given that very eloquently, ametumia ujuzi wake na experiences zake. Kwa hivyo tunamshukuru kwa maana naye ni mwana Kenya, kama sisi wengine. Next, sasa, ngoja Niliambiwa kwamba ikifika saa nane mambo ya Nandi hapa yanabadilika lakini naona mwenyezi Mungu amevumilia nasi kidogo, lakini hatuombi kwamba mvua isije, hatuwezi kuomba. Wewe unasema nini?

Speaker: Inaudible.

Com. Ayonga: Hapana, tunamtaka anayeitwa Zephania, yuko? Kosgey,

Com. Asiyu: Alikuwa amesama. Now, we want Ernest Sabei.

Com. Ayonga: Ernest Sabei, nikisema jina vibaya, usijali,

Com. Asiyu: Ernest yuko?

Com. Ayonga: Hayuko.

Com. Asiyu: John Maritim?

Com. Ayonga: John Martim Tuwei, Martim John, ni wewe? Asante, tunataka watu kama John, badala ya kuja hapa kurudia na kitu fulani kimesemwa, kile kile ambacho ulitaka kusema, hakuna faida ya kuja hapa, mbele,

Com. Asiyu: Sammy Bor?

Com. Ayonga: Wapi Sammy Bor, Sam Bor, yuko wapi. Hayuko,

Com. Asiyu: Francis Tum?

Com. Ayonga: Francis Tum, Francis Tum?

Com. Asiyu: Abel Chirchir?

Com. Ayonga: Abel Chirchir? Kama mtu amesema yale ambayo ulitaka kusema, hakuna ubaya. Sasa ndio nafasi yako. Na nakupa dakika moja na nusu.

Mr. Abel Chirchir: Okay, sitarudia yale yamesemwa na wale wengine.

Com. Asiyu: Sasa vile kijana nasema Rev. Philemon Rugut awe tayari, halafu Shadrack Lebo.

Mr. Abel Chirchir: Ningependelea hiyo Constitution ya zamani, ile sovereignty, kusema supreme iwekwe dependent.

Com. Asiyu: Dependent?.....(Inaudible)

Mr. Abel Chirchir: Yes,

Com. Asiyu: Ya Parliament au ni ya nani?

Mr. Abel Chirchir: Kitangulizi cha Constitution yetu ni kwamba Kenya is a sovereign country.

Speaker:(Inaudible).

Mr. Abel Chirchir: Yes, we are dependent,

Com. Asiyu:(Inaudible).

Mr. Abel Chirchir: Haya, Parliament moja, citizenship haitakuwa na maana kama hakuna faida,

Speaker:(Inaudible).

Mr. Abel Chirchir: Hakuna faida. Why should we fight for citizenship if we are beggars. Haya, mambo ya ID(Inaudible).

Com. Asiyu: Tuambie kwanza(Inaudible)

Mr. Abel Chirchir: Yes,

Com. Ayonga: Unapotuambia(Inaudible).

Mr. Abel Chirchir: Like for example, I went to school, then I came back I was told to go and beg, my father to give me a farm. And we are struggling, our maize, our ten gorogoros, we cannot survive like.....(Inaudible).

Com. Asiyu: But you are a Kenyan, and you are proud of it.

Mr. Abel Chirchir: What is there to be proud of?

Com. Ayonga: Sasa unataka uitwe nini?

Com. Asiyu: Unataka uitwe Mtanzania?

Com. Ayonga: Okay, hayo ni mawazo, maoni yako,

Mr. Abel Chirchir: And if we have to have identification, let us have one, birth certificates, passports, and these other ones

only passports that can enable one to go outside.

Com. Ayonga: Mwisho?

Mr. Abel Chirchir: I still have more,

Com. Ayonga: Dakika ni moja na nusu, angalia hawa watu nyuma yako.

Mr. Abel Chirchir: Okay, local authorities I differ somewhere with somebody. Local authorities treasury, wawe na mamlaka, pesa zisichukuliwe kule. Ziwekwe kwa county council na committee ya councils iweko. Siyo mtu mmoja anasimamia tu kusema chairman peke yake. Tuwe na Commission. Yes, police service. Please, police service, let us not have police force. Let us have police service. Let them come to the people. Wawe na watu, na ma-AP, warejeshwe, waende kwa police. Na AP mwenye anakunywa pombe asishike mwenye anakunywa huko busaa. So, I still had some more. Domestic affairs, let them be handled by Kokwet council. Domestic affairs, resident magistrate aje kwa watu. Haya(Inaudible).

Mr. Abel Chirchir: Ya mwisho sasa hiyo. Lazima iwe ya mwisho.

Mr. Abel Chirchir: Forests; ingawaje nilikuwa na nyingi wacha niseme forests. Forests ziwe kwa wale wenyewe. At the moment, they serve outsiders. Like for example, tukipanda miti, wale wana-benefit ni wale wanatoka nje, lakini wenyewe wanashikwa, wamama pia,

Com. Asiyu: Hiyo tunajuwa, wewe ni nini unataka?

Mr. Abel Chirchir: Shamba system itoke, imemaliza mashamba, imemaliza forest.....(Inaudible) wasiwe na power yeyote kwa forests.

Com. Ayonga: Asante asante, ya mwisho ndio hiyo, hebu jiandikishe,

Mr. Abel Chirchir: Can I say something which I have not said.

Com. Ayonga: Hapana, hapana,

Mr. Abel Chirchir: Okay,

Com. Asiyu: Hebu kuja uniambie pole pole halafu nitasema.

Com. Ayonga: Mwingine, next ni mama tulifika wapi, yule wa mwisho ambaye tuliita?

Com. Asiyu: Ni Reverend.....(Inaudible).

Com. Ayonga: Wapi Reverende Philemon?

Reverend Philomen: Ni mimi hapa.

Com. Ayonga: Tafadhali chukuwa hiyo, sema majina yako na endelea.

Reverend Philomen: Kwanza nashukuru kwa nafasi hii ambayo nimepata kushiriki katika kutengeneza Katiba mpya. Jina langu ni Philemon Rugut, yale mengine yote nilikuwa nayo kwa mawazo yangu yame zungumzwa mahali hapa na hakuna haja ya kurudia. Ningetaka kusema jambo moja kuhusu Parliament, ama nyumba hii ambayo inaitwa bunge. Ningetaka kuanzishwe ile nyumba inaitwa House of Bishops.

Com. Ayonga: Okay endelea.

Reverend Philomen: Ya pili ni tarehe ya uchaguzi. Kwa sababu hatuna tarehe imekuwa tu kwa, tuko kwa giza, inaweza semekana kesho na hatuja jiandaa.

Jambo lingine la tatu ni kuhusu makanisa ama kwa kuelezea, kuna makanisa ambazo zimekuwa registered katika nchi hii ambazo wana projects tofauti tofauti kama shule, kama hospitali, na mambo mengine mengi ambayo yanaweza kusaidia watu wa taifa hili. Ningeomba katika Katiba mpya waruhusiwe, kama kuna misahada aina yeyote kutoka nchi zingine, waruhusiwe kuleta vitu hivyo bila duty ili kusaidia. Kama vile mnavyojuwa katika nchi zile zingine za ng'ambo hasa hawawezi kutoa pesa zao, lakini kama material, ukitaki vitabu, ukitaka nini wanaweza kuruhusu uchukuwe, lakini tunashindwa kulipa hiyo kitu inaitwa duty.

Com. Ayonga:(inaudible).

Reverend Philomen: Jambo la mwisho, ningetaka mashule zote, ziwe protected kwa wale wanao-sema, wanaweza kujita wahubiri wasio-julikana kwa sababu wameleta matatizo mengi katika mashule zetu kwa sababu wanaweza kufundisha imani ingine ambayo inasababisha watoto wengine hata kuangukia kuabudu, mashetani. Na hii pia iangaliwe, nasema ingaliwe.

Com. Asiyu: Reverend unataka zifanywe namna gani? Tuandike namna gani kwa Katiba?

Reverend Philomen: Nataka kwa Katiba, kwa sababu kuna wasomi ambao wamesomea wanaweza kuelewa mimi nataka namna gani.

Com. Asiyu: Sema tu kwa lugha yako vile unataka ikuwe.

Reverend Philomen: Kwa maana sisi hatuandiki Katiba kwamba iangaliwe, tunasema itafanywa hivi.

Rev. Philemon nataka kusema ni marufuku, ipigwe marafuku, wanaosema wanahaja ya kuenda kuzungumza ama kuhubiri katika shule kama hawana cheti na hawatambuliwi, na hawajakuwa registered. Kama dini yake haijakuwa registered katika government, huyo asiruhusiwe.

Com. Asiyu: That is true,

Com. Ayonga: Hivyo ndivyo ilivyo, na ulisema hiyo ndio ya mwisho. Nataka nisikukumbushe kwamba ulifika mwisho wako.

Sasa nina swali Reverend,

Reverend Philomen: Yes, Sir,

Com. Ayonga: Umesema tuna nyumba inaitwa Bunge, ndipo ukasonga mbele ukasema sasa unataka nyumba inayoitwa House of Bishops. Sasa mimi kwa kutojuwa kwangu, unajuwa this is the first time I have heard of this. Sasa hii House of Bishops, ndio inaenda kuwa Bunge au ni nyumba ingine iko huko kando ya Bunge na kazi yao itakuwa inafanywa, itakuwa kazi gani? Ni nami watakao-kuwa katika nyumba hiyo? Ni Bishops au ni nani? Na sababu ya kuwa na hiyo nyumba ni nini?

Reverend Philomen: Kwa kuelezea, sio nyumba ingine tofauti, bado itakuwa ni Bunge. Kazi yake, Bunge ni mahali ambapo wanapitisha sheria inayo(Inaudible).

Com. Asiyu:(Inaudible).

Reverend Philomen: Na sheria hii ikishaandikishwa, inataka ipitishwe kuwa sheria ingekuwa vizuri kwa sababu nchi ya Kenya ni nchi ambayo tunajuwa watu wanapenda Mungu. Na sheria hizi ambazo zinapitishwa, zipite katika mikono ya bishops waanglie ili wasipitishwe kitu kinaweza kusababisha laana katika taifa.

Com. Asiyu: Waislamu, wataangalia hii?

Reverend Philomen: Pia wao wakipenda,

Com. Ayonga: Okay, hayo ni maoni yako, asante sana Reverend.

Reverend Philomen: Asante,

Com. Ayonga: Ujiandikishe na utupe hayo maandishi.

Com. Asiyu: Now, Shadrack Lebo and David Kirui.

Com. Ayonga: Wapi Shadrack? Shadrack Lebo?

Com. Asiyu: David Kirui?

Com. Ayonga: David Kirui yuko?

Com. Asiyu: Joshua Korir?

Com. Ayonga: And Joshua Korir yuko?

Com. Asiyu: Kama hawako kuna James Mase.

Com. Ayonga: Oh, hawa wamesha kwenda kwanza weka huko ili tusije changanya wamesha fanya.

Com. Asiyu: James Mase?

Com. Ayonga: James Mase, James Mase?

Com. Asiyu: Edward Kipyego?

Com. Ayonga: Na Edward Kipyego. Na tafadhali yeyote ambaye ataongea, ongea kwa kile ambacho hakija semwa.

Com. Asiyu:(Inaudible).

James Mase: Okay, I am James Mase. Mimi maoni yangu ni kwamba(Inaudible)

Com. Ayonga: Ngoja kidogo, kama kuna wale ambao mna memorandum zenu na mmetaka ku-submit na muende, tafadhali nafasi ipo. Uje tu pole pole hapa, muone huyu msichana hapa nyuma mpe na atakuandikisha. Fanya hivyo usingojee mpaka dakika ya mwisho.

James Mase: Okay

Com. Ayonga: Wewe ni?

Mr. James Mase: Mimi ni James Mase kutoka upande wa Sertunei, Mosop Nandi district. Maoni yangu ni matatu, sina menono mingi. Yale ninge-nena wamesema ya kwamba yamepitishwa. Employment section. Kwa vile tunasomesha watoto kwa hivyo ningeona ya kwamba, mtu akiajiriwa kwa kazi, afanye kazi miaka kumi na tano, nafasi ipatikane ya mwingine. Kwa sababu mtu anakaa huko na watu wengine wanaumia nyumbani.

Second, tukichaguwa mjumbe, tunachaguwa kwa kupenda kwake. Lakini, vitu vile ambavyo viko katika area yetu for instance forests, asipate mamlaka ya kuja kukata kata na kupeana, without consulting the community. Mamlaka yapewe council of elders halafu tutaona kama atapewa huyo mtu.

Com. Ayonga: Tafadhali, nataka usije una address mheshimiwa hapa, yeye aliongea kama mnandi mwana wa nchi hii. Tumekusamehe,

James Mase: Asante

Com. Ayonga: Lakini umeingiza hayo meneno kwa tape.

James Mase: (Laughter) Halafu kuna kitu kama primary education. Maneno ya shule ya primary, ningependa pesa za activity fee, DO awe akitupatia breakdown ya every schools. Sababu hizo pesa tunalipa halafu kuna watoto wengine hawataenda kucheza, lakini pesa zinaenda.

Com. Ayonga: Asante, maneno yako ulisema ni matatu, umesema sasa manne, asante yametosha.

James Mase: Asante,

Com. Ayonga: Njooujiandilisha. Wewe ni Edward?

Speaker:(Inaudible).

Com. Ayonga: Edward Kipyegon yuko wapi?

Com. Asiyu:(Inaudible).

Com. Ayonga: Huyo ndiye Edwin?

Com. Asiyu:Emmanuel Bungei.

Com. Ayonga: Emanuel yuko? Edwin, kama unaongea, tuambie yale ambayo mwingine hajasema tu, toka asubuhi, yale ambayo hayajasemwa. Na dakika ni moja na nusu tu.

Mr. Edwin Maiyo: Asante sana, yangu ni(Inaudible).

Com. Ayonga: Jina?

Mr. Edwin Maiyo: Jina langu ni Edwin Maiyo. Yangu ni moja tu au mbili. Kwanza ni kwa upande wa elimu. Wakenya hata kwa Katiba ya saa hii inasemekana tuko na free education. Lakini hiyo free education hakuna. Kwa sababu tuko na cost sharing ambayo it has caused a lot of problems so,

Com. Asiyu: Can you just tell us that you want free education?

Mr. Edwin Maiyo: Yaah, we want free and compolusory primary education. And number two, ni kuhusu parliamentarians. Tunawachaguwa, they are our servants. And as a servant, you are an employee of the person whom you are serving. So, hatutaki MPs waongeze pesa yao. This is wrong as far as ethics of employment au concerned.

Com. Ayonga: Asante ulisema points zako ni mbili.

Mr. Edwin Maiyo: Thank you very much,

Com. Ayonga: Okay.

Mr. Edwin Maiyo: We want a parliamentary commission to look into their allowances and their salaries. Thank you very much.

Com. Asiyu: Inaudible.

Com. Ayonga: Yeye ndiye employer.

Com. Asiyu: Now we have Emmanuel Bungei.

Com. Ayonga: Emmanuel Bungei, kama una neno jipya, njoo utuambie. Kama yako yamesemwa, sema tu maneno niliyotaka kusema yamesemwa.

Com. Asiyu: Atafuatwa na Charles Simoto.

Com. Ayonga: Charles yuko?

Com. Asiyu: Na Elkana Sum.

Com. Ayonga: Na Elkana Sum. Kama kuna mapya, lakini uje tu.

Com. Asiyu: And David Keter.

Com. Ayonga: David Keter nawe ujitayarishe.

Mr. Emmanuel Bungei: Yaah, I am Emmanuel Bungei. Maoni yangu ni haya.

Com. Ayonga: Sema jina.

Mr. Emmanuel Bungei: I am Emmanuel Bungei,

Com. Ayonga: Okay,

Mr. Emmanuel Bungei: I think in future when a candidate is aspiring for presidency, he has first to name his running mate, like

we have seen in(Inaudible).

Com. Ayonga:(Inaudible).

Mr. Emmanuel Bungei: Yaah, any holder of the office should be charged for any infringement or abuse of office. He should be in office only for two five year terms.

Members of Parliament should be people who respect their electorate.

And they should be contesting as per their qualifications, but not according to their status.

Com. Ayonga: Asante, si ni wewe unawachaguwa?

Com. Asiyu: Endelea,

Mr. Emmanuel Bungei: Ndio ni sisi ndio tunawachaguwa,

Com. Ayonga: Ndipo?

Mr. Emmanuel Bungei: Na system ya government ile tuna ajicate for tuna-agitate ni federalism na every region has to be headed by a person of high esteem.

Com. Asiyu: Mtu kama sasa governor ama anaitwa namna gani?

Mr. Emmanuel Bungei: Ndiye huyo governor.

Com. Ayonga: Ndiye huyo?

Mr. Emmanuel Bungei: Na awe from within that region.

Com. Ayonga: Mtu ambaye anaitwa ndiye huyo?

Mr. Emmanuel Bungei: Anaitwa governor.

Com. Ayonga: Tunataka wewe useme.

Mr. Emmanuel Bungei: Na kwa hiyo region, mapato yake yawe yanatumika within ingawaje watakuwa wanapeana kwa quarters mpaka ifikie kwa serikali kuu.

Com. Asiyo: How much, 25%?

Mr. Emmanuel Bungei: According to how much they are getting. Any foreigner in that region, like from another region na awe anafanya kazi, atakuwa anakuwa taxed as per vile hiyo region imeamua.

Com. Ayonga: Asante, asante, zimetosha Bungei, unayo dakika yako moja na nusu na una maandishi tutasoma. Thank you so much. Njoo hapa.

Com. Asiyo: Na ujuwe kila maandishi yote yataingia kwa computer, kwa hivyo hakuna shida.

Speaker: Inaudible.

Com. Ayonga: Wewe ni nani?

Mr. Charles Simoto: I am Charles Simoto.

Com. Ayonga: Charles Simoto, okay, endelea Charles.

Mr. Charles Simoto: Mine will be very brief. A President who contradicts the Constitution should be impeached by Parliament through a motion in parliament.

Registration of voters should be a continuous process. Free and compulsory primary education for all.

And my daughters should be included in the inheritance of property.

Re-introduce Association Act.

Com. Asiyu: Inaudible.

Com. Ayonga: Ya mwisho?

Mr. Charles Simoto: The rule of 25% representation in at least five provinces should be retained to protect the interest of the minority tribes.

A truth and reconciliation Commission should be set to investigate if there has been any abuse of power or wrong doing in the running of the government since 1963.

Mayors and chairmen of county councils should be elected directly. Thank you.

Com. Ayonga: Thank you so much.

Com. Asiyu: Thank you very much Bwana Charles, that document is now the property of our Commission.

Mr. Charles Simoto: Thank you.

Com. Asiyu: So sign it and surrender it and sign our register. Thank you very much. You are mister who?

Mr. Elkana Sum: I am Mr. Elkana Sum.

Com. Asiyo: Okay,

Mr. Elkana Sum: Mine is very brief, most the things have been said. Yangu ni machache kwa sababu yale yote ambayo yametajwa hapa mbeleni yamekuwa yametajwa. Naenda straight moja kwa moja kwa upande wa police and AP. Mimi nafikiria ya kwamba katika hii sheria, hii administration police kwa jumla iondolewe. Na waingize katika hii Tume ingine ya police. Kwa sababu makosa mbali mbali ambayo yametendeka hapa kwa dunia, ina inakuwa caused AP. Kwa hivyo, administration zao zitolewe katika ofisi ya Rais, kuanzia ofisi ya DC, DO, chiefs, assistant chiefs, including the APs should be removed and scrapped.

Customary law: ingawa ilikuwa imetajwa briefly, kuna kitu ambacho ningependa kuguzia, moja tu. Katika customary law, mambo ya ma-judges, mambo ya wizi wa mali yetu, kuna sheria za wazee mimi nafikiria, ingekaa. Hasa kwa upande wa mambo ya ndoa na mambo ya ugawaji wa mali ya asili.

Pia, ningependekeza katika mambo ya ukulima, tuwe na sheria ambayo ingeweza kutunza mavuno yetu kama wakulima. Kama mahindi miwa, maziwa na kadhalika. Ingawa tuko na soko uhuru katika dunia, lakini na guidelines fulani, katika sheria hii, ambayo inaweza kutunza wakulima tusiende chini, wala juu.

Mambo ya environment, ilikuwa imetajwa, lakini kuna vitu viwili ambavyo ningependa kuguzia. Ingawa imetajwa, Nandi county council kama Transland trustee ya hii mambo ya forests, imekuwa tu katika sheria ambayo ilikuwa hapo awali. Lakini hiyo sheria haikufanya kazi hata siku moja. Kwa hivyo tunaona tu miti inapita, inavunwa, lakini county council haipati mapato yoyote.

Kwa hivyo ningependekeza ya kwamba, iwe katika sheria ya kwamba mapato ambayo inatokea katika misitu yetu, rasilimali katika nchi yetu ya Nandi district iwe ni mali ya Wanandi, wanarudi katika Nandi county council ili watoto wetu wapate bursaries from that, or benefits from the forests.

Com. Ayonga: Asante sana.

Mr. Elkana Sum: Mwisho, mwisho Bwana Commissioner ni hii mambo ya corruption. Mambo ya corruption, ingawa kuna Tume imechaguliwa ya corruption, ndivyo nimesema ya kwamba katika hii mambo ya kufanya kesi. Hii kesi ililetwa nyumbani kwa wazee, sababu wazee wenyewe wakikaa, hawana hii mambo ya corruption katika nyumbani. Mambo ya mshamba ifanyiwe hapa hapa nyumbani. Lakini hii mambo ya kwenda kupeleka kwa ma-wakili, unapata yule mtu ambaye hajiwezi, hana pesa ya wakili, anavunjwa. Kwa hivyo kesi nyingi iangaliwe na wazee nyumbani. Asante sana.

Com. Ayonga: Hebu nikuulize swali kabla hujatoka. Umeongea kidogo juu ya soko huru, hii soko huru unaiona hapa kwa Wanandi imeleta faida, au ni kitu ambacho unafikiri tungerudi jinsi tulivyo kuwa. Kwa maana sijui hii sehemu ya Wanandi kama mna soko huru ile ya chai, ambako mtu anakuja kando ya shamba lako, unachuna chai, unamuuzia yeye anapeleka, hujui anapeleka wapi, mwishowe wewe hupati bonus, sijui nini, maneno ni mengi. Hii maneno ya soko huru mnayaona aje?

Mr. Elkana Sum: Hii maneno ya soko huru naona ya kwamba yanaumiza.

Com. Ayonga: Yanaumiza? Kwa hivyo ungependa iwe nini?

Mr. Elkana Sum: Kwa hivyo ningependekeza kama kungekuwa na sheria fulani ya kufanya soko huru iwe kiwango fulani, ingesaida wakulima. Kwa hivyo hatuwezi kukataa kabisa, maana kule juu imepitishwa kwa biashara kuu, na hatuwezi kusema ivunjwe, lakini kuwe na kiwango fulani.

Com. Ayonga: Lakini hapa una nafasi ya kusema ivunjwe? Unataka kutuambia tena tuwe na siku ingine? Leo ndio kuvunja au kutovunja? Kwa hivyo ivunjwe, kwa sababu inanyanyasa wanandi?

Mr. Elkana Sum: Na wakenya kwa jumla.

Com. Ayonga: Wakenya kwa jumla.

Mr. Elkana Sum: Hata kwa sukari, hata kwa miwa, si wanandi peke yao.

Com. Ayonga: Hayo ndio maneno tunataka useme si kwamba iangaliwe,

Mr. Elkana Sum: Kwa hivyo ikiwezakana ivunjwe.

Com. Ayonga: Ikiwezakana.

Com. Asiyu: Ikiwezakana ivunjwe?

Com. Ayonga: Okay, hebu mama akuulize swali.

Mr. Elkana Sum: Yaah,

Com. Asiyu: Mzee, nina maswali mawili tu fupi sana, juu ya corruption. Unasema watu ambao wamefanya corruption waletwe nyumbani, na jinsi tumeambiwa pande zingine, districts zingine kwamba, ni haja gani kuchukuwa advocate kama unaweza kununua magistrate. Haja gani kutafuta pesa ya kutafuta wakili, if you can buy the judge. Do you want us to bring this judge to his original home? Or what are you telling us?

Mr. Elkana Sum: Yale ambayo nimesema ni ya kwamba, katika hii mambo ya corruption ya pesa kidogo kidogo humu humu kuharibu makesi, ni ya kwamba tukipatia wazee kama kesi ya biashara fulani, au kesi baina ya watu wawili, iletwe katikati ya hawa watu, baina ya watu wawili iletwe kati kati ya hawa watu, watu wanaelewa hapa nyumbani,.....(Inaudible).

Com. Asiyu: Good but that also we have been told by many people that land cases should be dealt with by the clan and the local people.

Mr. Elkana Sum: Of course,

Com. Asiyu: But now the second question is this, which is unrelated. Unasema mambo ya marriages, na hii ni jambo mhimu sana kwa taifa ambayo inakuwa, iangaliwe na watu wa nyumbani. Na wewe unajuwa, watu wengi ambao wanafanya ndoa hawaendi kwa kanisa, au kwa DC, wanafanya kwa ile njia ya kinandi. Lakini wakati mwingine, mtu analipa pesa, na pesa huweze kuona ana miguu nne kama ng'ombe, itaweza kusema huyu analeta ng'ombe nne. Je ungependekeza kwamba all marriages whether in church or DCs office, or Kinandi, iwekwe registration, ili kila mtu awe na certificate?

Mr. Elkana Sum: Oh, I am getting you very well. Ningependekiza ya kwamba certificates ambazo zinatolewa kanisani, inatolewa kwa DC(Inaudible)

Com. Asiyu: Ndio itolewe kwa kinandi.

Mr. Elkana Sum: Hata wazee wale wanapeana ikibaki nyumbani.

Com. Asiyu: Tena wapeana?

Mr. Elkana Sum: Wapeane,

Com. Asiyu: Fantastic, I am happy about that, umefanya vizuri.

Com. Ayonga: Ngoja(Inaudible)

Com. Asiyu: Philip, Philip Lagat?

Com. Ayonga: Wapi Bwana Philip Lagat? Philip, Philip Lagat.

Com. Asiyu: Atafuatwa na(Inaudible).

Com. Ayonga: Hayuko.

Com. Asiyu: Obedi Chweya.

Com. Ayonga: Obedi chweya, wewe ndiye yule? Mbona mzee husemi kwamba ni wewe Obedi unakuja.

Com. Asiyu: Obedi Chwea, wewe ni kabila langu?

Obedi Chwea: I am a Kenyan.

Com. Asiyu: You are a Kenyan, good, come and tell us what the Kenyans want to hear. Thank you.

Mr. Obedi Chweyo: Yaah, thank you Commissioners, I have got four views, but I want to add to whatever my fellow Kenyans have said. Firstly.....(Inaudible).

Speaker: Inaudible.

Mr. Obedi Chweyo: Yes, well the first one pertains to the salaries of the President, entertainment allowances and duty allowances; The salary of the Speaker, Deputy Speaker and Members Parliament. We realize that in the Contitution that we have, they don't pay taxes out of this money that they are paid out of the public coffers. And whereas we tax payers pay a lot of money out of the little that we get. If it is possible, they have to pay taxes out of the income they get from public funds, or from any other source.

Secondly, I believe, currently, the members we have in Parliament, at least a good majority are learned. And if a Bill has been passed in Parliament, I see no reason as to why the President cannot give consent. That it should not be, as per my opinion, the prerogative of the President to summon and dissolve Parliament. It should be something that all the parliamentarians should be

aware of, it should be incorporated in their calendar.

Com. Asiyó: What are you recommending?

Mr. Obedi Chweyo: I am recommending that every Member of Parliament and other Kenyans should be aware of when Parliament is supposed to be dissolved, when we are supposed to go to the general election, and so on.

Com. Ayonga: Dissolved?

Mr. Obedi Chwea: Yaah, or dissolved,

Com. Ayonga: Okay,

Mr. Obedi Chweyo: Finally,

Com. Ayonga: Ya mwisho,

Mr. Obedi Chweyo: Finally, yaah, the appointment of the Chief Justice, Permanent Secretaries and other important post, like that one of the Commissioner of Police and whoever is in charge of the Forces, should be done by the National Assembly and not by the President because these people hold a very important place in our country.

Com. Ayonga: Thank you

Mr. Obedi Chweyo: This one can avoid favoritism and in extend therefore, Mr. Commissioner, I wish you the very best I am looking forward to seeing a good Constitution that is reviewed before the end of the year when we go to the next general election. Thank you.

Com. Ayonga: Thank you, those are your views, Ee kuja hapa, tuna kazi nyingi ambayo tunafanya according to the Act. Na kwa hivyo usidhani kwamba tunafanya hii kazi kwa ku-drag our feet, we are working. We are here and we are going long

distances, and we want to listen to everybody. Sasa next mama anaitwa. Lilian. Infact by now, I should start to kuangalia wa-mama, kwa maana hawa bwana mkurudi nao nyumbani, ataanza kukuuliza chakula na hata ukimkumbusha kwamba si tulikuwa na wewe huko, hiyo lugha hawaelewi. Mama sema jina lako na sema maneno yako kwa dakika moja na nusu na uende nyumbani. Na wale wa-mama ambao mko hapa, nataka muwe hapa karibu.

Ms. Lilian: I would like to highlight some few issues which the new Constitution of Kenya should highlight One, is on the Judiciary. I would want a case whereby courts are actually expanded to be at the divisional level so that it can allow justice to be accessible even to the local mwananchi who may not afford some money to travel long distances to places like, from here to Kapasbet. And on that issue also of the Judiciary, I would want a Constitution which seeks to see to it that justice is actually availed immediately. We have a scenario in our Judiciary whereby justice can be accorded to someone even after twenty years, whereby maybe even witnesses may not be present at that particular time, they might have died. Or the person who wanted justice to be done could have died, so I want a Constitution which can avail justice to the Kenyans immediately.

Secondly, there is this issue on education whereby we have cutoff points when women are going to the university or wherever. So you find that there are some issues whereby women can enter the university at a lower grade than the men. I find that promoting inequality in the first place. So what the Constitution should provide is that, it should provide for both genders equal playing ground. So, that it can avoid this kind of discrimination on the cut off, points My third, point is on land and property. Whereby, as we have heard the Constitution provides that women may not inherit property of their parents, or even if they are married, they may not inherit the property from their parents. So I would want a Constitution whereby these women are actually provided with that, without referring them to the customary laws, because some of these customary laws they were made long time ago to provide for the needs of some special interest groups.

And finally, on basic human rights. I would want a Constitution whereby free and compulsory education is given to all Kenyans That is just on paper, because this is what we have been having in the Constitution. The current constitution has been telling us, but what we have on the ground is that people actually are very ignorant. That free education is not even there. So we would want a Constitution whereby there is that free primary education. And there should also be provision of free health services,

because without these two, we maybe reviewing the Constitution but the person to enjoy these constitutional rights may not be there if these two are not covered. Thank you.

Com. Ayonga: Asante mama Lilian, kabla hujatoka, kuna maswali kwako. Na mama mwenzako.

Com. Asiyu: Lilian you were suggesting that the cutoff points for women entering the university should be scrapped.

Ms. Lilian: Yaah,

Com. Asiyu: But you also know why this provision was made. One, because as a girl an

African child, woman, you know that you don't do your homework with your brother because you are either fetching firewood or cooking, when your brother is doing his studies. And know there are many many issues that really militate against women, These are some of the reasons why this special point was made, and it has made very many women enter the university. With this cutoff points being removed, I can see half the population of women not entering the university. I know that there should be equality of gender, but if the Kenya government had not, for example Lilian, applied affirmative action on Indians all the shops in Nairobi and Eldoret would still be occupied by the Indians. But because they did the cutoff point, the Indians went. Now, what do we do?

Ms. Lilian: Okay, what I was suggesting is that was a remedy then, but what we should do as a solution, a final solution is that we actually have to provide an equal playground for both of these genders. If it is a matter of allocating sometime for studies, then we give the boys and the girls the same opportunity.

Com. Ayonga: But Lilian, don't you see that you are disadvantaging women and advantaging men even further. Don't you see you are doing it the opposite way?

Ms. Lilian: Inaudible.

Com. Ayonga: I thought it was for the benefit of women, but you are taking it away, and there will be more men in the university and less women. I think that is what Commissioner Asiyu is trying to tell.

Ms. Lilian: But we are not bring...

Com. Ayonga: Anyway, those are your views.

Com. Asiyu:Inaudible.

Ms. Lilian: Yaah, I am not denying but I support that but I want from now on, a Constitution which would address issues equally for both sexes.

Com. Ayonga: Okay, thank you, Even reserving 25%...Come back mama this one you have not fulfilled and w can't leave you go. Thank you, those were your views,

Com. Asiyu: Tabot Mathew, arap Tabot ndiye huyo. Arap Tabot nataka ukiongea useme yale ambayo bado hakuna mtu amesema kutoka asubuhi,

Mr. Arap Tabot Mathew: Okay,

Com. Asiyu: Lakini kurudia, wazee wanataka kuenda kuona ng'ombe walibaki wapi. Na waanze kufikiri juu ya wale waliochukuwa chai mashamba.

Mr. Arap Tabot Mathew: Haya, asante sana, nitaanzia health.

Com. Asiyu: Endelea,

Mr. Arap Tabot Mathew: Kwa health, nataka free medicine for outpatient.

Com. Asiyu: Inpatient walipe fraction kidogo.

Com. Asiyu: Kama?

Mr. Arap Tabot Mathew: Kama quarter.

Com. Asiyu: Na Kama ni maskini kabisa?

Mr. Arap Tabot Mathew: Kama ni maskini, free. Haya , free ingine ya medical ni kwa accident victims kwa sababu, hufanyi mpango ati unaenda kuanguka bara barani, watibiwe free.

Com. Asiyu: Akiwa mlevi?

Mr. Arap Tabot Mathew: Akiwa mlevi, hiyo ni accident tu. Haya, currently medical charges are very exorbitant, something has to be done, that is why you see(Inaudible).

Com. Asiyu: Tell us what is to be done.

Mr. Arap Tabot Mathew: A kitty should be formed, because you see an the TV, there is that lady ama watu wanalalamika sana kwa hiyo, it is very exhorbitant.

Com. Asiyu: Inaudible.

Mr. Arap Tabot Mathew: The Kenyans, Kenyans are highly taxed people, so some tax should go there.

Com. Asiyu: You want free medical care for(Inaudible).

Mr. Arap Tabot Mathew: For accident victims.

Com. Asiyu: Inaudible,

Mr. Arap Tabot Mathew: Yaah, infact I have said,

Com. Ayonga: Tena, hebu nikuongezee hapo.

Mr. Arap Tabot Mathew: Okay,

Com. Ayonga: Umetaka tufanyaje hii cost sharing?

Mr. Arap Tabot Mathew: Ya hospitali?

Com. Asiyu: Ndiyo,

Mr. Arap Tabot Mathew: Cost sharing is not bad. Lakini still, I don't know why, there is medical sharing, but still the medical bill is usually very high.

Com. Ayonga: Lakini unataka tufanye aje? Unataka tufanye aje?

Mr. Arap Tabot Mathew: Some more tax should go there.

Com. Ayonga: Halafu ingine uwezi.....(Inaudible).

Com. Ayonga: It is a very important issue, you should help us before you go on.

Mr. Arap Tabot Mathew: Okay,

Com. Ayonga: Hebu nikusaidie,

Mr. Arap Tabot Mathew: Saidia mimi.

Com. Ayonga: Pande zingine watu wametuongia hakuna madawa hospitali, hakuna services ambazo zinakuwa rendered kwa waganjwa. Na hali, tunafanya cost sharing. Na hawaoni kwa nini tufanye cost sharing kwa services which are not forthcoming. Kwa hivyo, wame recommend watu wapate free medical services kwa maana tunatoa kodi.

Mr. Arap Tabot Mathew: Ndiyo nimesema hivyo bwana,

Com. Ayonga: Hukusema hivyo, hebu rudia useme jinsi nimesema.

Com. Asiyu: Inaudible.

Mr. Arap Tabot Mathew: Nimekubali, wacha niende ingine. Nasikia kuna poverty reduction lakini.....(Inaudible).

Com. Ayonga: Hebu sema ya mwisho, hiyo ni ya mwisho.

Mr. Arap Tabot Mathew: Ya mwisho?

Com. Ayonga: Ni ya mwisho kabisa.

Mr. Arap Tabot Mathew: The citizens should actually be economically empowered. Like in this place of ours, we sold our maize at four hundred shillings a bag while down south there, I hear people are hungry. I don't know how much it is being sold in Zimbabwe. So.....(Inaudible).

Com. Ayonga: Tunaongea mambo ya Kenya.

Mr. Arap Tabot Mathew: Yaah, yaah that is to say. What I am implying there is that if we cannot export this maize, why should we import some? That is.....(Inaudible).

Com. Ayonga: Kwa hivyo unataka tufanye aje ili tu-protect mkulima?

Mr. Arap Tabot Mathew: To protect the mkulima, they look for a market for us.

Com. Ayonga: Kama wanatafuta market, je, unataka hii importation ifanywe aje?

Mr. Arap Tabot Mathew: Importation ya gani?

Com. Ayonga: Ya kuleta mahindi katika nchi yetu.

Mr. Arap Tabot Mathew: Huwezi kwenda kununua sukari kama kuna sukari ndani ya nyumba.

Com. Ayonga: Ahaaa, you are not asking me a question.

Mr. Arap Tabot Mathew: It should be scrapped.....(Inaudible).

Com. Ayonga: Thank you, thank you, mambo yako yamekwisha. Nahashon Kosgey? Mwingine ambayo atamfata ni nani?

Com. Asiyo:Inaudible.

Com. Ayonga: Mwalo au Mwalo?

Com. Asiyo: Ngwalo?

Com. Ayonga: Ngwalo. Wewe ni nani?

Speaker: Inaudible.

Com. Ayonga: Okay, wewe kuja. Sema jina lako, chukuwa mic. Sema majina yako na uendelea, una dakika moja na nusu.

Mr. Nahahon Kosgey: I am Nahashon Kosgey, I would like to highlight some problems facing the disabled persons especially in Nandi district. I am going to highlight about five areas.

One is on medical health. They should be given free medical treatment because most of them are unemployed, and they cannot afford medical care.

And secondly, on the side of education, the disabled persons should be given free education because they cannot afford.

And also, special schools to be established in every district because right now we have some districts with those schools and here in Nandi for example, we have got only one special school, that is Kapsabet school for the deaf. We should also have a school for the blind, a special school also for the mentally handicapped or those who are mentally retarded. And then also, job opportunities. You find that there is a lot discrimination when it comes to giving job opportunities, jobs to those who are disabled. Because we have those who are educated they have gone upto university level, but they are not considered. And then also, another point is on political arena. When I go to political arena now for those people, in the civic elections, the disabled persons should be given 10% we presentation to start with.

And then for parliamentarians they should be given about 10% of the seats should be reserved for those people. Because they are what I can say endangered species. And.....(Inaudible).

Com. Ayonga: Mwisho?

Mr. Ashon Kosgey: I also would like to say that if that is not going to be done, I think you are going to implement on that because we have suffered for a long time we the disabled persons,

Com Asiyu: Faith, have faith.

Mr. Ashon Kosgey: yes, we have faith; we cannot be beggars for along time.

Com. Ayonga: Okay,

Mr. Ashon Kosgey: We are now reaching a state whereby we are saying enough is enough.

Com. Ayonga: Okay

Mr. Ashon Kosgey: So, thank you Mr. Commissioner,

Com. Ayonga: Thank you sana, habu kuja hapa ujiandikishe Joshua Ruto yuko?

Com. Asiyo: Mary Kojo.

Com. Ayonga: Kuna mama anaitwa Mary Kojo? Kuna mama anaitwa jina hilo? Je, kuna mama yeyote. Hapa sasa nitatumia uwezo wangu wa kiti. Kuna mama yeyote hapa aliye na jambo linamchoma roho yake? Kuja hapa mbele tukupe nafasi uende kutafuta mboga.

Speaker: Tuko wawili.

Com. Ayonga: Kama mko wawili kuja mwingine asimame hapa mwingine akigonjea. Tena kuna mama mwingine. Nataka kufukuza wa mama waende nyumbani. Kuwafukuza, mkipenda kukaa sawa lakini mapigo ni yako jioni.

Com. Asiyo: Okay, you can take the mic.

Ms. Marion Cherop Mustafa: Asante sana kwa nafasi hii.

Com. Ayonga: Sema majina,

Ms. Marion Cherop Mustafa: Mimi ni Marion Cherop Mustafa.

Com. Ayonga: Okay, endelea.

Ms. Marion Cherop Mustafa: Ningependa kusema ya kwamba, kuna mambo mengine kama rape cases. Hatupaswi sisi wanawake, rape cases, mwanaume aende achukuwe au a-handle hiyo kesi. Tunataka mwanamke kama sisi achukue hiyo kesi juu anasikia huo uchungu. Kwa hivyo andika hiyo Bwana Commissioner.

Okay, na kitu kingine ni kwamba, wache niseme ya kwamba Army wa iliandikwa jana. Wanawake ama wasichana rika langu walikuwa wengi sana lakini inahuzunisha ya sana kuonekana kwamba hii Constitution ambayo tuko nayo hawa balance wasichana kwa wavulana. Wasichana wanachukuliwa kuwa yaani hawana faida kabisa. Na wavulana wanapewa hizo nguvu zote, ati akili yote na kila kitu ni chao. Waliandika wasichana wa-nne na wavulina thelathini. Hebu fanya comparison uangalie kama inaezekana katika Constitution. Hiyo tunataka wangeuze, tafadhali.

Com. Ayonga: Unataka wageuzaje?

Ms. Marion Cherop Mustafa: Wageuze, wafanye kama ni kuandika wasichana kumi, waandike wavulana kumi na wawili.

Com. Ayonga: Na kwa nini wavulana wanakuwa kumi na wawili na wasichana wanakuwa kumi, mbona husema kumi kumi?

Ms. Marion Cherop Mustafa: Kwa sababu kwa sasa, wameandika wavulana ishirini na wangapi? Na wasita na wasichana ni wanne. Kwa hivyo kwa sababu wamejichukulia kuwa zaidi kuliko wasichana, wacha tuwalete karibu karibu, hivi karibu tutakuwa ten ten.

Com. Ayonga: Okay, thank you.

Ms. Marion Cherop Mustafa: Na kitu kingine ni kwamba, inatakikana watu kama mad people, yaani wale ambao wako akili pungwani,

Com. Ayonga: Okay,

Ms. Marion Cherop Mustafa: Wapewe free education, free treatment, yaani kila kitu ikuwe free hata kama wataweza kusoma mpaka university.

Com. Ayonga: Okay,

Ms. Marion Cherop Mustafa: Na Nyayo Tea Zone, kama Nandi Nyayo Tea Zone, ikuje Kapsabet County Council, watoto wetu wasome free, na tupewe medical care free 75% of the money should remain with the county council.

Com. Ayonga: Hebu sema ya mwisho.

Marion Cherop Mustafa: Okay, wacha nimalize,

Com. Ayonga Ya mwisho

Marion Cherop Mustafa: Ya mwisho ama karibu na mwisho?

Com. Ayonga: Aa aa,. Ya mwisho.

Marion Cherop Mustafa: Okay, ningependa kusema ya kwamba, kama retirement ya President, ningependa kusema ya kwamba in our next Constitution, ingepaswa apewe benefits, allowances na good security.

Halafu another thing is freedom of movement. Mambo ya kusema ati haitakikani mtu a a-move usiku wala mchana, tunataka freedom of movement. Na hiyo mimi naweza kuenda mahali popote wakati wowote.

Com. Ayonga: Thank you.

Marion Cherop Mustafa: Nita malizia kusema ya kwamba, no smocking in public, hiyo tumekataa. Thank you.

Com. Ayonga: Asante, hiyo ndiyo point ambayo hakuna mtu alikuwa amesema. Lakini hii kutembea usiku na mchana, tutalala sasa gani na kwenda kazi saa gani?

Mrs. Rodah Serem: Yaah, I have few views about the Constitution,

Com. Ayonga: Tafadhali tumsikie mama, hiyo pia ni moja wapo ya mambo ya Constitution. The freedom ya kuachia mtu aseme apendavyo.

Mrs. Rodah Serem: I want the adaptation of a two party system in our country, where we have only one legal opposition political party. Which is not just doomed to opposition, but has chance to get power and this will enable the existing party in power to be responsible and fulfil the needs of the citizens.

Two, I want the adaptation of a federal system of government.

Three, I want residential system of government again, with the office of the Premier to assist him in his executive powers. And the presidential election should be separated from the general election. That is the separation of elections.

Speaker: Inaudible,

Mrs. Rodah Serem: So, that at one time, the electorate, just look up to one person, that is the President.

Thirdly, I wasn't a specific seats be reserved for interest groups. Like the religious group, the handicapped, the educationists, the trade unionists. Maybe I can say about 4% of the seats in Parliament.

Another one is that I want the duties, the functions and the powers of Members of Parliament be clearly defined by the Constitution. Whereby when we elect a Member of Parliament, we know the powers they have, we know the functions they are supposed to do, so that we can have a ground when can see our MP is not doing work. What work have you assigned him to do? So we want the law, the Constitution to define those responsibilities. Again, we want the office of the Members of Parliament to be in the constituencies so that we don't have to go the MP's house to look for him. We will have to get him in his office.

Again, the Members of Parliament, the money they earn is too much for a part time job. So, Members of Parliament, responsibilities should be full time, because that is too much money when some of us are earning very little money for full time responsibilities.

So, their responsibility should be full time and that will make us get access to him because he will always be in the office when he is not in Parliament.

In customary laws, I want a penalty that is going to get the sorcerers and the witches. You know when the Lancaster House conference was made, the white man and the few Africans who were there overlooked the idea that the Africans have sorcerers. So when we get witchcraft in our community we cannot take him to a law court because there is no law that criminalizes that person. So because we are Africans we know there are witches in our society, we need a penalty that is going to fix this person. I also want the recognition of indigenous land rights because this is an area where we have seen so much violation of the indigenous land rights in our country and.

Com. Pastor Ayonga: Okay, finally.

Speaker: Finally I want compulsory, free primary education.

Finally, women to women marriage to be outlawed.

Com. Pastor Ayonga: Mmesikia vile mama amesema? Ndiyo. Mama sema majina yako.

Jane Sawe: *Kigurenon Jane Sawe*

Translator: Anaitwa Jane Sawe.

Jane Sawe: *Neta*

Translator: La kwanza.

Jane Sawe: *kiabore ane civic education konyolu koribi imandab kwonyik.*

Translator: She says the way she was taught in the civic education was that there are some laws they want to write to safeguard the rights of the women.

Jane Sawe: *Anan ko bik che kere kwonyik che kigitun koma ki .*

Translator: For certain groups of people do not see the married women as anybody.

Jane Sawe: *Ago en katunisiet kokiikogimwachi chechang kou ole bo kechamdoak kotoretige.*

Translator: And during marriage they were promised a lot, that they will be loving each other, they will be assisting each other.

Jane Sawe: *Ago ye kagosirto betusiek kebir kwondo anan okot kicher konda anan ko kit neu non.*

Translator: Then after a short while the woman is beaten and may be even gorge out the eye or chop off the hand or something like that.

Jane Sawe: *Ko nyolu komi ngatutiet neribe kwonyik.*

Translator: So they want some laws which will safeguard and protect the women.

Com. Pastor Ayonga: Mama, we want those laws from you. You tell us exactly what you want.

Jane Sawe: *Amache kesir ngatutiet ne ribe chepyosok asngotebiye lagok kogere mama ago baba nin mamache ale aboi boyot kou yon ibwati bik alage .*

Translator: She is saying she wants the law which will make the husband respect the wife and the wife to respect the husband.

Jane Sawe: *Amun olinyon nandi komawendi boiyot kichen kokwonye .*

Translator: Because traditionally here there is no day when the husband will go to the kitchen to cook when the wife is just sitting.

Jane Sawe: *kimila komami boiyot konyone chiget ak kogugureni tuguk che mi ma.*

Translator: Traditionally, the man is actually somebody who will guard and protect the house when the wife is in the house cooking.

Com. Pastor Ayonga: So you want men to get into the kitchen and start cooking?

Translator: No.

Jane Sawe: *Amache kityok ngotepchei kongen kole achito makonemwan konda ago kinanyoneen konyo abo konyek tuwan.*

Translator: What she wants is the husband to do is to respect the wife.

Speaker: Prevention of domestic violence

Jane Sawe: *Ngolyot age kolole kipcheitoi tuguk kemi ko kora komatagitun cheptanyun ago kiosich werik ak tibik.*

Translator: The next thing is about the property. When they are sharing the property in the house, there are some girls within the family who are not married.

Jane Sawe: *kokmatagitun chepto nyun komamache kigochi tuguk nusu ak werikyu amun kiasiche twan*

Translator: She is saying, if the girl is not married she should get access to equal inheritance like the boy.

Jane Sawe: *Angot ko korenyon ko egarinik tiptem anan ko mut anana k ata kigochin chepto poindit ne ngole kobat komatinye libati ko ngole koyaga tuga komami ole kiyagen.*

Translator: Even when dividing land, it should be divided among all children, the girls and the boys alike.

Com. Pastor Ayonga: Mama umemaliza? Nataka nikuulize kitu kimoja, mama umeongea vizuri toka wakati wa harusi, mimi nimeshafanyia watu wengi harusi na ningali ninafanyi watu harusi na wana-pledge na wanasema watafanya hivi na vile na vile na hiyo itaendelea ikiwa kuna upendo kati ya hawa watu wawili. Sasa jambo hili la domestic violence, hii vita kwa nyumba ambavyo tungalipenda kuona Constitution ambayo inaleta kuheshimiana katika nyumba. Unajua wanaume hawa, mara nyingi tunapongea neno domestic violence, we tend to think it is man against woman.

Translator: *Kole boriet ne imuchi komi ko kobortos boiyotak chepyoset kale mi boisiek che kimuche kebire chepyosog lakini mamwae*

Com. Pastor Ayonga: Lakini experience tells us kwamba hii domestic violence wanaume wengi hapa wako wale ambao wanapigwa na mabibi lakini wanaume hawa hawawezi kusema mbele ya wanaume wenzao kwamba wanapigwa.

Com. Pastor Ayonga (Interjection): Kwa hivyo ulimwengu unazidi kufikiri kwamba wanaume wanapiga wanawake lakini wanaume hawapigwi. Ninajua, hata wewe unajua hivyo, wanawake mnapokuwa katika mabaraza yenu mnasema kale nikikafinya hakatasema. Tungalipenda kuona Constitution ambayo watu wote, equality hii iwe kwamba hakuna mwanaume anayemtendea mwanamke vibaya na mwanamke pia asitende mwanamme vibaya. Kwamba tuwe na amani katika nyumba kuliko kufikiria kwamba domestic violence means a man beating his wife.

Jane Sawe: *au konamege rtet ak teta kigayai ne kikebir noton.*

Translator: Anasema the cow and the goat are not equal.

Com. Pastor Ayonga: Tena angalia kitu umeongeza, umekuja ukafanya mwingine mbuzi mwingine umefanya ng'ombe.

Jane Sawe: Kwa sababu hawa sio sawa kwa nguvu zao.

Com. Pastor Ayonga: Wacha mama mwingine akuulize swali.

Com. Phoebe Asiyu: Ningependa sana utusaidie Mrs Sawe kwaa jambo ambalo umetaja lakini hukutaja mpaka mwisho. Kuna kuwa na wakati msichana na kijana wanaowana halafu wakishakaa kwa muda, mtu anaweza kuleta bibi wa pili. Hii inafanyika hata hapa Nandi si ndiyo? Nataka utusaidie, ningependa utueleze kabisa kama bwana wakati ule anakuo, kama anajua kwa nia yake kwamba wakati mwingine ataweza kuleta bibi mwingine akuambie kwamba ana... tufanye mpango kwa Katiba kwamba kuna potentially polygamous system of marriage at the time of marriage na akueleze kwamba anakuo under this particular system of marriage ili ujue tu ukiolewa kwamba wakati mwingine bibi mwingine anaweza kuja.

Tena tuwe na ile ya wakristo ambao inaonekana wanaambiwa wasioe lakini wanao tu, na bibi wao hawawapeleki kotini. Hata ile ya DC wanafanya namna hiyo, wengine wanao kwa njia ya Kinandi. Hii ndoa ya Kinandi ili mambo yawe sawa, unaona ni vizuri msichana aelezwe akiolewa kwamba, you are being married under a potentially polygamous system of marriage?

Translator: *kegas chon*

Jane Sawe: Hiyo si lazima hata kwa Kinandi si ati ni lazima aoe bibi wa pili.

Com. Phoebe Asiyu: Lakini unajua sisi hapa Kenya tulisema kwamba polygamy iwe abolished na Bunge ilikataa na Tanzania waliandika vile vile tulisema na hakuna polygamy katika Tanzania sasa hapa Kenya unataka namna gani?

Jane Sawe: Hapa Kenya nataka iwe kama ya Kanisa. Kwa sababu kwa bibilia tunapooana, tunasema mpaka wakati wa kifo ndio itetutenganisha.

Com. Phoebe Asiyu: Kwa hivyo tusema hakuna polygamy tena Kenya hii? Tuseme hivo? Hata wezee wamekubali hiyo jambo? Okay, sawa sawa.

Com. Pastor Ayonga: Lakini mama, mbona umeogopa kusema hili neno.

Jane Sawe: Kama?

Com. Pastor Ayonga: Jambo umeulizwa ni kwamba tuseme katika Kenya hakuna polygamy?

Jane Sawe: Ndiyo.

Com. Pastor Ayonga: Mbona husemi hivyo?

Jane Sawe: Hakuna mwanamke wa pili.

Com. Pastor Ayonga: Hakuna mwanamke wa pili.

Jane Sawe: Asiolewe akiolewa shauri yake.

Com. Phoebe Asiyu: Thank you very much.

Jane Sawe: Sikuwa nimeelewa, hakuna haja ya mwanamke wa pili yeye si kifo ya nyumba yetu.

Com. Phoebe Asiyu: Asante sana. Wale wameoa wakae na wao lakini wale hawajaoa wasioe bibi wa pili.

Com. Pastor Ayonga: Kuna mama mwingine?

Speaker: Ndio huyu.

Com. Pastor Ayonga: Yes, but I want to know whether there is another. Ama huyu ndiye wa mwisho? Nataka kuita mama mwingine. Kuna mama mwingine kule kati ya watu? Angalia nimetumia ile lugha mbaya kati ya watu.

Com. Phoebe Asiyu: She is the last one. Endelea mama.

Jane Toroitich: *Abaibai amun kwonyik nguni*

Translator: She is saying she is happy because women now.....(inaudible)

Com. Pastor Ayonga: Majina yake kwanza?

Jane Toroitich: Jane Toroitich.

Translator: Jane Toroitich.

Com. Pastor Ayonga: Endelea mama Jane.

Jane Toroitich: *Konyonireyu si amwa agobo rival KCC.*

Translator: She is saying she has come here, she wanted the revival of the KCC.

Jane Toroitich: *Amun yoton ko olkiginyorunen rabinik.*

Translator: Because that was their way of earning some money.

Com. Phoebe Asiyo: Ingine?

Jane Toroitich: *Amache sokoni ne amuche aaldaen rurutikab imbaret.* (Vernacular)

Translator: She wants a market to sell her produce from the farm like maize.

Jane Toroitich: *Asome kora kisip kotini konyo ireyu.*

Translator: Anaomba tena koti ije karibu hapa.

Jane Toroitich: *kongoi*

Translator: Thank you.

Com. Pastor Ayonga: Asante sana mama, *kongoi kongoi mising, kongoi.* Ujiandikishe mama. Kuna mama yoyote. Nataka akina mama waende nyumbani. Kuna mama yoyote? Sasa ninataka wazee, wazee kabisa. Kama wewe unajijua ni mzee karibu na wale wazee walitajwa waende kulindwa. Mzee unaweza kuingia hapo, chukua moja ya hiyo microphone. Mzee unaweza kuingia hapo, chukua moja ya hiyo microphone.

Speaker: Asante sana mabibi na mabwana kwa kunipa nafasi hii ndogo. (Vernacular)

Com. Pastor Ayonga: Sema majina yako na kama ulianza vizuri na Kiswahili, tena una mfanya nini? Kwa nini wewe unaweza kufanya hivyo? Endelea namna hiyo, ni dakika moja tu.

Speaker: Nimesema asante mabibi na mabwana **Vernacular**

Translator: Anasema he has three points to make.

Speaker: *ne ta*

Translator: First.

Speaker: *konyolu kichuchuch dowery.*

Translator: Anasema the dowry should be reduced.

Speaker: *Yon kamyam chito konyolu koribserkali ak kogochi kerichek chebo buch.*

Translator: He is asking that whenever somebody becomes sick the government should take care of him and give him free treatment.

Speaker: *Yon kimwa agobo maiywek maiywekab chumbek kotindo lesienit ago changaaak local brews komatindo leseaniy.*

Translator: He is saying when you talk of drinks, the European drinks are licenced and they are available but the chang'aa and the local brews are not licenced and they can be arrested at any time.

Speaker: *Amzche kiyam keye changaa ak maiywek ab ka.*

Translator: He wants to be given an okay to drink chang'aa and busaa.

Speaker: **Vernacular.**

Com. Pastor Ayonga: I would like you translator please to say the way he says it not to say he says. Speak as if you were him.

Translator: I am requesting that the fines given when I am arrested after drinking the chang'aa or the busaa should be reduced. The fine should be very low.

Com. Pastor Ayonga: To how much?

(Interjection)

Speaker: By the way, there is something else he has said. He saying he is also being fined for a change he is not aware.

Translator: (Vernacular) that was the first one. The second one he says, I am being fined somewhere before reaching the court.

Com. Pastor Ayonga: That somewhere is what?

Translator: *Ano yoton*

Speaker: *Aarogeni ndamun to konyokobiron kora.*

Translator: I am fearing to say because I might be attacked later on.

Com. Pastor Ayonga: Just a moment, let me assure him. Mzee in this kikao hiki chetu, hakuna mtu atakayekuwa arrested kwa maana amesema his mind. Let me assure you this, if you are arrested today, report it to us. Anybody can report to us for anybody arrested because he or she gave the views, we have that protection.

Speaker: *Bwone polisiek olinyion ak konyogocheng ak kosich maiywek , ago yon kanamin igoini ki kitten.*

Translator: The Police come to our homes and investigate and get the pombe and then when they arrest you, you give them something.

Speaker: *Amache kealda changa en bar ak kee busaa en kaa.*

Translator: I am recommending that the chang'aa should be sold in the bars and the busaa to be drunk at home.

Speaker: *Ane ko a Mwalimu ne kigoretiyaren ago a kenyisiek 76.*

Translator: I am a retired teacher, I am 76 years old.

Speaker: *Abore tos maaonoton amun kimonamankingota Mwalimu.ago kuni korayositu kobwane koamon.*

Translator: I thought they could not be chasing me now because I was not arrested when I was a teacher and now when I am a mzee they come and arrest me when drinking the busaa.

Speaker: *kiawe jela arawek somok ago nguni asomekebagatech.*

Translator: I have been sent to jail earlier on for three months but now I am requesting that we are set free.

Com. Pastor Ayonga: Thank you very much mzee kwa maoni yako.

Speaker: *kongoi.*

Translator: Asante.

Com. Pastor Ayonga: *Kongois, Kongoi mising.* Thank you. Mwalimu sasa weka kidole lakini busaa isije inakusumbua Wacha kunywa hivyo vitu ili Mungu akupe siku nyingi za kuishi.

Paul Chumo: Ningetaka tu kusema machache juu ya yale ambayo yametajwa. Yangu ni kwamba.

Com. Pastor Ayonga: Mzee, umesema majina?

Paul Chumo: Mimi ni Paul Chumo.

Com. Pastor Ayonga: Paul Chumo, okay, endelea.

Paul Chumo: Ningetaka kutaja tu juu ya mawaziri. Kazi ya Mawaziri au Waziri, ateuliwe kulingana na masomo yake kuwa waziri fulani kufuatana na masomo yake. Kama Waziri wa health iwe yeye alikuwa daktari kuliko kuteuliwa kuwa Waziri mtu ambaye alikuwa mtu wa jeshi, ingekuwa bora akiteuliwa mtu ambaye alisomea masomo hayo.

Com. Pastor Ayonga: Hiyo tumesikia, tumepata point.

Paul Chumo: Neno lingine ni ma-Councillors. Councillor ateuliwe mtu ambaye ana miaka arubaine na tano na kuendelea na watu ambao ni wasomi ili kusiwe na mambo ya kuvunjwa kwa ma-Council kila wakati kutokana na elimu ndogo.

Com. Pastor Ayonga: Asante, endelea.

Paul Chumo: Jambo lingine ni kuhusu mambo ya ardhi. Katika Nandi kuna watoto wanaouza mashamba wakipatiwa mashamba na wazazi. Ingekuwa bora au ningeomba uuzaji wa shamba lazima ishuhudiwe na wazazi na watoto.

Com. Pastor Ayonga: Asante sana Paul.

Paul Chumo: Jambo ambalo lina mzozo lifanywe kufuatana na kesi katika division na wale ambao wamechaguliwa kuwa katika panel, panel of elders wachaguliwe watu ambao wana mali ili wasiangukiwe wakati kila na mambo ya *mrungura*. Mnajua maana ya *mrungura* ni nini?

Com. Pastor Ayonga: *Mrungura* ni nini?

Paul Chumo: *Mrungura* ni watu wa kupenda mambo ya chai chai. Wanakamati wa mashamba wale wazee wa panel, wachaguliwe wazee ambao wana maendeleo, wale wazee ambao wana mali yao sio watu ambao wanaweza kuangukia ile

murungura.

Jambo lingine ni kwamba, kamati hiyo panel of elders wachaguliwe akina mama hata na wazee kwa sababu mama hawezi kushika mrungura.

Com. Pastor Ayonga: Asante.

Paul Chumo: Jambo lingine Bwana Commissioner ni kwamba kugawa kwa mashamba, watoto ni sawa sawa. Nilisikia mama akisema watoto ni sawa, kama kuna msichana ambaye amekosa kuolewa lazima apatiwe shamba na wazazi wake na si dhambi kwa baba kumpatia shamba huyu mtoto.

Com. Pastor Ayonga: Hiyo ni kweli tupu.

Paul Chumo: Mambo ya makesi, kuna makesi madogo madogo Bwana Commissioner. Kuna makesi madogo madogo yale ambayo mtu baada ya kupata chakula chake pahali fulani anaenda kwa barabara, pengine anaenda akitota tota namna hii, polisi anasema ingia kwa gari. Mtu anaenda karibu maili sabini, kesho yake hii kesi inahusiana na watu wengi wa kuenda kusikia kesi hiyo au kuenda kule na ni kutoka maili hii. Ingefanyiwa kesi hiyo kwa division.

Com. Pastor Ayonga: Hiyo tumesikia.

Paul Chumo: Jambo lingine tena, hiyo kesi iwe inasaidiwa na wazee wa-chache na akina mama wachache ambao wanahusiana. Ikiwa kuna mama alishikwa, akina mama wataweza kusikiza hiyo kesi.

Com. Pastor Ayonga: Sasa mzee unaweza kutupa hiyo karatasi yako.

Paul Chumo: Kidogo tu. Mambo ya rape, mambo ya raping Bwana Commissioner ingekuwa kama mtu mkubwa amenajisiwa, mwenye kumnajisi apewe miaka ishirini na kama alikuwa mtoto mdogo apewe miaka thelathini na kuchapwa viboko kumi.

Com. Pastor Ayonga: Asante hiyo imetosha. Sasa sikia, mzee jina lako ni nani hapa?

Kiptanui Aramngisire: Kiptanui Aramngisire.

Com. Pastor Ayonga: Ulikuwa umejiandikisha?

Kiptanui Aramngisire: Jina langu liko hapa kwa list.

Com. Pastor Ayonga: Okay, mzee endelea. Tafadhali usichukue muda mrefu.

Kiptanui Aramngisire: Mimi sitachukua muda mrefu.

Com. Pastor Ayonga: Endelea. Sema majina kwanza.

Kiptanui Aramngisire: Nimesema Kiptanui Aramngisire.

Com. Pastor Ayonga: Endelea mzee.

Kiptanui Aramngisire: Vile tulikuja hapa, tulikuja kwa ajili ya Katiba.

Com. Pastor Ayonga: Endelea.

Kiptanui Aramngisire: Mambo ya Katiba nifikiria kama ni kitu cha kupitishwa vile Wanandi wanasema katika hapa Mosop Division.

Neno la pili, kutokea mwaka hamsini na nane mpaka wakati tulinyakuwa uhuru sitini na tatu na wakati tulipata uhuru, tulipata na vyama ngapi? Tulikuwa na vyama viwili au kimoja.

Com. Pastor Ayonga: Wewe ndio unasema.

Kiptanui Arammgisirie: Kwa hivyo ninasema ya kwamba, wakati tulipata uhuru tulikuwa na chama cha KANU na KADU na ninasema mbele yenu, mimi nasema kwa kweli kama mbaya au mzuri. Kitu ambacho kinaleta siasi mingi katika Kenya au Africa ni vyama vingi na dini nyingi. Unasikia mtu anaenda kuhubiri barabarani, ati wewe funga macho halafu mimi nitakuombea halafu upate pesa. Hiyo ni kweli iliundwa hapa Kenya ama iliundwa Nairobi?

Com. Pastor Ayonga: Utuambie unataka aje mzee?

Kiptanui Aramsingirie: Kitu ile mimi nataka Bwana Sambu na nyinyi pamoja.....(Inaudible).

Com. Pastor Ayonga: Hii maneno si ya Bwana Sambu.

Kiptanui Aramsingirie: Sorry.

Com. Pastor Ayonga: Hebu sema umekosea.

Kiptanui Aramsingirie: Nimekosa nisamehe hapo. Mimi nasema Mrs. Asiyo, kitu ile mimi nataka hapa Kenya tulikuwa na dini nne peke yake ambazo tulikuwa tunajua.

Com. Phoebe Asiyo: Ziwe dini nne sasa?

Kiptanui Aramsingirie: Ndiyo, hiyo ni mambo muangalieni, hizo dini nyingi sitaki, ndio inaleta siasa Kenya.

Com. Pastor Ayonga: Na vyama?

Kiptanui Aramsingirie: Vyama tena hiyo ndio inaleta maneno mengine mbaya.

Com. Pastor Ayonga: Unataka ziwe ngapi? Iwe KADU na KADU?

Kiptanui Aramsingirie: KANU yenyewe ndio ilileta uhuru.

Com. Pastor Ayonga: Halafu na KADU tufanyeje.

Kiptanui Aramsingirie: KADU isimame mgongo wake kwa KANU.

Com. Pastor Ayonga: Thank you so much.

Kiptanui Aramsingirie: Siasa mingi ndio imelete taabu nyingi.

Com. Pastor Ayonga: Okay, njoo hapa ujiandikishe.

Com. Pastor Ayonga: Hebu useme majina na uendeleo mzee.

Elija arap Terer: Mimi ni Elijah arap Terer. Yangu ni kuhusu uuzaji wa mashamba. Kumekuwa na mtindo mbaya, mashamba yanauzwa barabarani, yanauzwa hata kwenye pombe na watoto wanauza shamba bila idhini ya baba au jamaa. Na pesa hizi zinapatikana kama mtu ameuza shamba zinapotea kwa pombe. Kwa hivyo ningesema ya kwamba, sheria iandikwe ya kwamba,

kuuza shamba lazima familia wenyewe waka chini wasikizane wauze kwa sababu hii na hii. Sasa kuna uuzaji wa huko na huko na mzee anaweka sahihi, hata nani anaweka sahihi na anapewa pesa kwa kuweka sahihi. Kwa hivyo shamba iuzwe kama familia wamekaa wamesikiza na ipitishwe hata wakija kwa board tena, wote waje na waeleze sababu ya kuuza shamba ni nini. Iliuzwa kwa ajili ya ugonjwa, iliuzwa kwa ajili ya masomo ya kuenda ng'ambo au wapi? Bila sababu hakuna.

Com. Pastor Ayonga: Okay, pointi ingine.

Elijah arap Terer: Haya, jambo lingine, mambo ya mishahara katika Kenya hii, tunasikia hata watu wengine wanapata mishahara sijui milioni ngapi kwa mwezi moja. Nani aliwapatiwa mishahara hiyo? Hata wengine tunasikia hata pengine ni Bunge au County Council wanaketi wana-decide wenyewe mishahara kiasi gani, sisi Councillors tungepata mishahara kiasi gani. Unafikiri wataweka chini? Si wataweka juu hata kama ni Wabunge ndio wanajipitishia mishahara. Lazima kuwe na body katika Kenya ya kupima mishahara ya waalimu ni kiasi fulani, councilors kiasi fulani, wajumbe kiasi fulani, daktari kiasi fulani. Body moja ya Kenya ina-decide salary ya watu wote.

Com. Pastor Ayonga: Ingingine tena mzee.

Elijah arap Terer: Ingingine, kuna magonjwa mabaya mabaya ambayo yanaingia na watu wengi wamekufa kama ugonjwa wa moyo. Unasikia huyu hawezi kutibiwa katika Kenya anataka apandishwe kwa ndege atibiwe South Africa au Ulaya na ni ma-milioni ya pesa. Sasa tutafanya nini? Hata wengine wameweka kwa television, tunataka kiasi fulani, leteni donation. Tunataka cases kama hizo kama magonjwa ya kutibiwa ngambo kama ya moyo na zingine zilipwe na serikali.

Basi jambo lingine, nasisikia mambo ya title deed inaandikwa 99 years, certificate, sijui hata hii yetu ya reserve ni 99 years au ile ya Wazungu peke yake. Kama ilikuwa ya Wazungu hatutaki hizo 99 years hata kama ni a milioni years. Title deed kama imepeanwa, iwe imepeandwa kabisa hakuna la kusema iko na expiry.

Com. Pastor Ayonga: No limit. Okay.

Elijah arap Terer: Basi, mambo ya kuoa, kwa desturi tunakwenda kuomba msichana na jamaa wanakwenda pamoja na yule ambaye anaoa. Sasa kuna marriage zingine, mtu anakwenda kuoa tu, hata baba hakutuma ujumbe au familia hawakuenda kwa ujumbe au wapi. Mambo kama haya, hiyo si marriage, tunataka marriage ile tumekuenda ka ...(Inaudible) tumekwenda kuomba basi huyo ndio tumeleta aolewe ndiye tunajua, mali iende na mambo kama haya.

Com. Pastor Ayonga: Na wale ambao wamekuja bila nyinyi kufanya hivyo, tufanyeje?

Elijah arap Terer: Hiyo hatuwezi kutambua na hawezi kupata mali hapa. Ili marriage ambayo ilifanywa bila jamaa au family

kujua hiyo si marriage. Basi, asante sana.

Com. Pastor Ayonga: Asante mzee. Hebu kuja hapa mzee, ngoja uulizwe swali.

Com. Phoebe Asiyo: Nitakurudisha hapo kidogo nikuulize. Unasema mzee kwamba marriage hatuwezi kutambua kama watu hawakufika hapa nyumbani kufanya hiyo mipango. Sasa watoto wanasoma ngambo, wakikutana huko na wanataka kuona wakimaliza mashule yao na hawawezi kurudi hapa nyumbani kutengeneza mambo haya. Wakirudi siku ile wakimaliza masomo wanakuja kufanya kazi, tutawatambua au tutawakataa?

Elijah arap Terer: Wanaweza kuoana huko lakini lazima waje nyumbani kusema ya kwamba tumeoana na huyu hata kama ni Mzungu, sisi Wanandi tunasema bibi hana ukabila. Kama ni Mzungu ni bibi tu.

Com. Phoebe Asiyo: Bila kurudi nyumbani?

Elijah arap Terer: Lakini sasa kama wamefanya huko lazima waje nyumbani, tuketi chini na family, sisi tuna-confirm ya kwamba kweli alifanya hivyo kwa sababu hatukuweza kuenda huko kufanya uchumba huko. Kwa hivyo tutakubali walete tu tuzungumze tuseme tumefanya hii na tuseme sawa sawa halafu tunaweka sahihi.

Com. Phoebe Asiyo: Kwa maana sasa ukisema tumalize hata mimi nyumbani kwangu nitaumia maana vijana wangu wanaoa hapa na wako ng'ambo. Kwa hivyo wacha tu watu waoane lakini wakirudi nyumbani wamalize mipango hiyo...(Inaudible).

Com. Pastor Ayonga: Mzee, tusije tukajiuwa wakati watoto watu wako ng'ambo, watoto wetu huko wakipatana kitu kizuri umesema wakija hapa tutaanza kuwauliza sasa huyu baba yako yuko pande gani ilituanze kurekebisha. Tutarekebisha kama Katiba, ndiyo tutarekebisha. Huwezi kuwacha mtoto wako ambaye amekuletea wajukuu wanaokusalimia viziru umebeba halafu ukatae.

Elijah arap Terer: Hapana.

Com. Pastor Ayonga: Karibu weka sahihi.

Elijah arap Terer: Jambo lingine, iko moja nimekumbuka. Hii mambo ya kuoana na kuoana, bibi ameolewa tumekaa miaka mitano tumezaa mtoto mmoja halafu tumekosana aende. Akienda miaka kumi na azae na Mjalu, Mkikuyu, Mhindi, Mzungu analeta mchanganyiko halafu arudi nyumbani

Com. Pastor Ayonga: Na Mnandi mwingine?.

Elijah arap Terer: Hata Mnandi, halafu arudi nyumbani kusema niliolewa na Arap Terer kwa hivyo mimi naleta watoto wale ambao nimezaa huk. Hao watoto ni wa mama, anajua alizaa na nani, agawe watoto hawa kwa wale watu, wale nilizaa naye yule mmoja aliwacha hapa au kama walikuwa wawili basi, hawa ndio watoto wangu, Lakini wale wengine Wanandi wale wa zamani wanasema, kubali tu mzee ulioa, hawa ni watoto wako. Hakuna siku hizi, hiyo iishe.

Com. Phoebe Asiyo: Ngojea hapo kidogo. Sisi kwa Wajaluo, na hii mambo ni muhimi sana kwa Katiba, msichana akiolewa na tena aende nje wale watoto wote anazaa tunasema ni watoto wa ngombe, mpaka arudi nao kwa huyu mzee kwa maana pengine huyu mzee alikuwa hana bahati ya wanaume anapata wasichana tu. Sasa hawa watoto wa ngombe wanakuja kusaidia hapa, sasa ukisema tufunge hii pengine itaumiza miji ingine ambapo hawana mtoto wa kiume halafu inakuwa shida. Hebu tuwache haya mambo, kwa Katiba tusifunge mtu.

Elijah arap Terer: Hapana, mimi nataka nyinyi msikie ya kwamba hawa Wanandi wa siku hizi si Wanandi wa zamani na hawana mashamba kwa hivyo sikia sasa maoni, hiyo nimesema kwamba wale watoto wanaozaliwa huko wakae huko. Uliza hawa, wanasema nini? Si unasikia.

Com. Pastor Ayonga: Sasa hayo yalikuwa maoni ya mzee Terer, sasa Wanandi wengine pia wana mawazo yao. Lete mama kwanza tafadhali. Mzee ufanye dakika moja, sitaki kuona akina mama hapa kama wamechelewa. Asante mzee kwa kukubali wacha mama achukue kwanza. Endelea.

Patroba Kosgei: *Kainenyun ko Patroba Kosgei*

Translator: She is called Patroba Kosgei.

Patroba Kosgei: *Atindoi ngalek aeng che amwae.*

Translator: She has one or two words to say.

Patroba Kosgei: *Okot ndo ngololen kwonyik katiba ko kwonyik kora.*

Translator: We women even if they have talked about Katiba we are still women.

Patroba Kosgei: En ngalalet koboru kole kilen kiyechen.

Translator: The talk here seems to be inciting us so that we feel big.

Patroba Kosgei: Kisome kityok kegasech

Translator: We are asking that we are educated (Inaudible)

Patroba Kosgei: *Betusiechu kegonyiti kwonyi k che magitun kosir che kigitun.*

Translator: Single women nowadays are abit respected more than the married women.

Patroba Kosgei: *Okot kou yo overtakenigen karisiek konyolu konai kwonyik che mengechen kole neo boiyot.*

Translator: Like when the vehicles are traveling on the road and they overtake each other there is a way one must overtake, so what has been said here the young girls should know that the husband is still the head of the family.

Patroba Kosgei: *Ongetegiske asi kebe ta.*

Translator: Let us respect each other and then we shall succeed.

Patroba Kosgei: *kongoi*

Translator: Asante.

Com. Phoebe Asiyo: Asante sana mama tumeshukuru. Mzee unaweza kuendelea. Utasema jina lako halafu endelee.

John Maze: Mimi naitwa John Maze na yangu nitakayosema ni machache sana. Ninataka kusema kuhusu mambo ya ukulima wa mahindi. Tunaona shida inazidi sana kwa wakulima kwa maana tunanunua mbegu kwa bei ghali na tunalima kwa gharama kubwa.

Com. Phoebe Asiyo: Unataka tufanye nini kwa mkulima?

John Maze: Ndio mimi nasema sasa. Sasa kile kitu mimi naoni ni vizuri serikali kututafutia soko ya kuuza vitu vyote vya shamba kuliko sisi wenyewe tuseme tujitafutie. Sasa tunauza gorogoro ya mahindi shilingi kumi, tunakosa soko na wengine pia hawajui pahali watakwenda kuuza. Lakini tunasikia watu wengine wanakufa na njaa na hawa watu hawana hata ngombe wanipatie kubadilisha nayo. Sisi tunaona badala ya kupanda mahindi tunakosa hata fertilizer, ajambo serikali kama imechukua mahindi yetu kuuza tupate...

Com. Pastor Ayonga: Utuambie kitu cha kufanya, maoni?

John Maze: Tunataka serikali wanunue mahindi halafu iuze.

Com. Pastor Ayonga: Halafu point ingine?.

John Maze: Point ya pili nilikuwa nataka kusema maneno ya radio, tumeona radio imetuhaibisha sana hasa hii television.

Com. Pastor Ayonga: Okay, endelea.

John Maze: Siku moja tuliona kwa nyumba ya mwingine kama tunakula katika meza sasa akina mama walikuwa wanamenyana na kupigana uchi bila nguo, hata sisi tunawacha chakula na kutoroka. Nasema na hawa watu walilete hapa Kenya hii maneno ya nini? Na sisi tangu zamani tunaheshimiana.

Com. Pastor Ayonga: Kwa hivyo mzee unatakaje?

John Maze: Tunataka watu wa television waweke vitu vizuri vya maendeleo na ile ingine ya Wazungu watoe kabisa, hiyo imelete aibu kubwa kwa Kenya mzima.

Com. Pastor Ayonga: Asante, hiyo point mzee umeshaiweka na si point yako tu, watu wengi wameshaona hivyo. Kitu ambacho nataka ni kwamba tuwe na censorship, ni vitu gani watu huonyeshwa na ni vitu gani ambavyo havionyeshwi watu na vitu vya nyumba za cinema na vitu vya nyumba za watu. Kwa maana unakuwa unakula na watoto wako tena hata ulikuwa unaangalia hapa sasa tena unashindwa utoke uende, uzime au ufanye nini. Hiyo yote ni aibu. Asante sana mzee.

John Maze: Ya mwisho, nataka kuombo hii permit ya television ikatwe safari moja wakati inanunuliwa kwa sababu ni mbaya. Permit ikiisha kesho nasombwa kwa polisi. Ni vizuri kulipa safari moja sawa sawa na radio. Yangu imekwisha.

Com. Pastor Ayonga: Watu ambao walikuja hapa mapama, inawezekana ulikuja hapa asubuhi umeona watu wengine wamekuja nyuma yako, wameongea, wamekwenda na wewe bado hujaitwa na pengine jina lako liliitwa ulipotoka kidogo, unajua mtu hutoka kidogo kwa mambo mengine. Kuna mtu wa namna hiyo kati ya nyinyi mlioketi? Ambaye alikuja asubuhi na hajapata nafasi ya kuongea? Njoo pande huu, njoo hapa na ona saa, unajua tulikuja jua likiwa kule na sasa jua limerudi migongo yetu hapa na ni lazima tufanye haki. Hiyo si kusema kwamba wale ambao mmekuja saa hii mtoke nataka tu kujaribu kufanya haki. Nikiwapa dakika moja moja mtaweza? Lakini mnajua Wanandi, sisi Wanandi, tuna heshimu sana wazee. Mtu akiitwa boiyo, ni boiyo na anabaki kuwa hivyo na kama amesimama anaongea wanamwambia kwamba mzee kwa maana ni wewe nimewacha tu. Sasa nyingi naona ni ma-DOT.COM, mnisamehe kidogo. Mngojee tu kidogo hawa ni baba zenu, wengine ni babu. Kwa hivyo si tungefanya namna hivyo? Tukifuata mila za Wanandi lakini huyu mama nitamchanganya wakati wazee wawili wakiongea hapa, huyu mama lazima aingie ili aende nyumbani. Mzee dakika moja tu.

Thomas Rono: Asante sana. Kwa majina naitwa Thomas Rono. Yangu nataka kutaja kuhusu mambo ya cost sharing katika health centres au hospitali. Kwa mfano hapa Kabiyet Health Centre tunasanya pesa kutoka kwa wagonjwa halafu tunatuma zote ziende kwa district halafu baadaye tunafanya proposals kuomba hizo pesa zirudi ili tusaidie nayo wagonjwa lakini inakuwa na shida kupata hizo pesa. Kwa hivo maoni yangu ni kwamba, ningependa ikiwezekana hizo pesa tukishasanya tu-retain ile 75% halafu 25% iende kwa sababu.....(Inaudible).

Com. Pastor Ayonga: Point is made.

Thomas Rono: Thank you, nalikuwa na hiyo tu.

Com. Pastor Ayonga: Asante, mpe mzee mwingine yule ako nyuma yako. Kuja hapa na wewe mzee tunataka useme tu neno moja kama huyo.

William Sang: Ndiyo. Majina yangu ni William Sang. Mimi nataka kuzungumza juu ya Local Government. Mayor achaguliwe na watu na awe amehitimu form four.

Member of Parliament awe na cheti cha university ndio achaguliwe na kitu ingine tena nataka kuhusu Members of Parliament, siku hizi tunasikia kwamba hakuna quorum kwa Parliament na hawa watu wanaenda wapi?

Com. Phoebe Asiyo: Utuambie tu unataka namna gani?

William Sang: Kitu mimi nataka, kama hakuna quorum yale majina ya Wabunge ambao hawako katika Parliament waandikwe katika gazeti ili watu wasome kumbe fulani haendi Parliament.

Ya pili, nimeona kwamba Wabunge wakikaa sana kwa Bunge hawafanyi kazi vizuri. Kwa hivyo nasema Mjumbe awe kwa Parliament kwa two terms za miaka kumi.

Juu ya kotini, wakati wa wabeberu tulikuwa na tribunal ya court ambayo ilikuwa hapa Kabiyet.

Com. Phoebe Asiyo: Unataka turudishe hizo?

William Sang: Ndiyo, nataka turudishe hizo na ilikuwa inafanya kazi ya mashamba.

Com. Pastor Ayonga: Ndiyo tunajua, ikirudishwa itafanya hizo kazi ilizokuwa inafanya.

William Sang: Ndiyo irudishwe.

Com. Pastor Ayonga: Okay, ya mwisho?

William Sang: Ya mwisho, tunataka free treatment kwa sababu siku hizi watu hawawezi kununua dawa. Hayo ndiyo yangu.

Com. Pastor Ayonga: Asante sana.

Com. Phoebe Asiyo: Utakuja uweke sahihi.

Com. Pastor Ayonga: Nenda hapo ujiandikishe. Mama sema jina lako?

Martha Rono: Jina langu ni Martha Rono.

Com. Pastor Ayonga: Endelea.

Marth Rono: *Angololen nandi.*

Translator: I want to talk in Nandi so that they can hear or understand properly.

Marth Rono: *Atindoi ngolkyot agenge kityom*

Translator: She has one word to say.

Marth Rono: *Angalalen bik che kisir serkali.*

Translator: I am talking about the people who have been employed by the government.

Marth Rono: *bichon kigoemploen serkali.*

Translator: Those who have been employed by the government or whoever the employer is, knows the age of the employees.

Marth Rono: *Agobo chelewanetat bension yon kagoretiyan ago bwone kogakochelewonso kabisa.*

Translator: About the delay of the pensions, when one retires and the pension benefits come very late, sometimes they come after the person is dead.

Marth Rono: *Amache kechokyi asi komatar kenyt keonate nyolu okot koik arawet agenge.*

Translator: I am asking that they should speed up so that after one year or less or even a month.

Com. Phoebe Asiyo: Mama wewe useme hivi, yule mtu akitoka apewe wakati huo huo.

Martha Rono: Apewe na akuje nyumbani watoto wafurahie si ati akuje ndio pension baadaye.

Com. Pastor Ayonga: Kabisa, hapana ngoja mpaka watu wamekufa halafu, mtu anakufa ndipo pension inakuja.

Com. Phoebe Asiyo: You know, we are recommending ... (Inaudible).

Speaker: Mimi nilikuwa hapa kweli na mimi naomba tu.....(Inaudible).

Com. Pastor Ayonga: Hapana, ngoja kidogo, angalia, tafadhali nakuomba kwa heshima. Kama una jambo lolote ulisahau nenda uandike tutapewa kesho.

Speaker: Sijui kusoma.

Com. Pastor Ayonga: Watakusaidia, tafadhali.

Some Kiprono: My name is Some Kiprono, mine is based on the cultural, ethnic and regional diversity and communal rights which is specifically for the Nandis. Yangu ni masilahi ya Wanandi ambayo ningependa Commissioners wa-pay attention kwa sababu inahusu masilahi ya hawa watu wote ambao wako hapa kama Wanandi. So, on the basis of cultural, ethnic and regional diversity and communal rights, I feel that me as a Nandi and the rest of the Nandis, we have been jeopardized by the government in such a way that we have not been... As the question goes on 'so you feel that you are supposed to be protected and promoted by the Constitution? life as a Nandi, I feel that the Constitution should protect us and promote us in this kind of aspect. For example, our cultural ethics of cleansing yaani kienyeji yetu ya kufanya cleansing, it should be carried on in a protected way ambao kwamba Wanandi wakifanya mila yao ya cleansing kama vile ilifanyika huko Nandi hills or in any other families, the government should not harass our community when carrying out with that kind of cleansings because it is productive and it is going to safeguard the traditions of the Nandis.

Com. Pastor Ayonga: You have made your point, next one.

Some Kiprono: Next point, on security to the Nandi, concerning masilahi ya Mnandi, the agricultural products should have security, management so that liberalization ambayo ilipitishwe would have been brought to the knowledge of the Nandis in advance so that cases like the KCC scandal should have provided for compensation. Kama sasa KCC iliharibika na ikafungia maziwa ya watu wengine huko ndani, so there should be compensation for the taxation which the farmers are paid long time ago. Legal officers in various districts to safeguard farmers' welfare.

Com. Pastor Ayonga: Tumekubaliana dakika moja kwa kila mmoja.

Some Kiprono: Welfare and then kwa Nandi ile nilisema ya culture, serikali isiingilie mambo yetu. Tukisema mambo ya

shamba yetu lazima wasituingilie.

Com. Pastor Ayonga: Thank you.

Some Kiprono: It should be stopped. Thank you very much.

Com. Pastor Ayonga: Uje ujiandikishe hapa na utuwachie kama kuna material umeandika.

Elijah Rotich: Kwa majina naitwa Elijah Rotich, natoka Kibuluniki. Nina tu maneno mawili au matatu ambayo nataka niwape;

1. Huhumu ya kifo, death penalty: I would just want to say that death penalty is a sinful and a primitive way of punishment, it should be completely abolished.

2. The government, sensitive to the peoples' needs, should ensure protection of all human rights. Tena ningetaka pia niongee kuhusu haki ya wale watu ambao labda wamefinywa kabisa katika jamii like the physically handicapped. We find that we have people in various councils like Councillors and the Members of Parliament who are may be elected or appointed to safeguard the interests of these fellow. But I would just want to comment that, let the lame people represent the interests of the lame people in the Parliament but not people who are just walking by their feet to represent the interests of the lame.

Com. Pastor Ayonga: Thank you. You have made the point, let the lame present the same.

Elijah Rotich: The issues of the lame. The last issue is about gender sensitivity when it comes to the running of the affairs of our country. I would just want to mention that let us be so sensitive to the issues of gender in that if we just have, infact you have just presented the best example that if we just have one Commissioner who is a man, let him be deputized by one woman so that if we have a head of State who is a man, be deputized by a woman.

Com. Pastor Ayonga: The point is made. What is next?

Elijah Rotich: Thank you so much, I think those were

Com. Pastor Ayonga: Thank you. Come here. Now, I want you to be as brief as possible.

Isaack Kemboi: My names are Isaack Kemboi, I want to present about security. I propose that we should have what we call Police Community Service whereby we have got these Policemen within our regions. Sometimes some criminologies or some cases of indiscipline case can occur in the rural areas and the Policemen or Police Stations are very far, it is difficult for us

to communicate to the Police at the Police Station.

Com. Pastor Ayonga: Your point is made.

Isaack Kemboi: We need Police Community Service, they should stay with us.

Two, the Ministry of Electoral Commission be set aside to fund the Electoral Commission of Kenya regarding the elections which take place every now and then when there is an election.

We also have the discipline when it comes to security. These Police officers are normally dismissed just once they commit an offence, a tribunal should be set for them, they should be listened to and when they have been dismissed their benefits should be given forth with.

The Minister for Local Government should not have powers to dissolve any council at his own discretion. He is supposed to present to Parliament, it be debated after which the issue is going to be sorted out.

Com. Pastor Ayonga: Ya mwisho?

Isaack Kemboi: Last is about the property inheritance. I have seen girls who get married to particular families being denied to inherit the property of her father. Let even those who are married to automatically inherit the property of her father even when I have already married her.

Com. Pastor Ayonga: Thank you. Kuja pande hii. Hayo ni maoni yake. Sema majina yako?

Rotich Joseph: My names are Rotich Joseph from Kibiyet here. I want to say a few things only.

1. The employment issue is now becoming a problem and therefore the Constitution should take care of employment that means on retirement, once a person has attained the retirement age, he should keep off from work and give room to others.
2. We have the issue of public officers, they should declare their wealth to reduce corruption. Otherwise if we accept to continue for 5 years people will destroy the few resources while other people may not even enjoy the fruits of independence in this country.
3. We have the issue of pre-school teachers. We say that in Kenya they are supposed to be employed by the Local Government but in real sense the Local Government is not even able to pay them. While we say as far as the Ministry of

Education is concerned, that there is no child who will join class one without going through pre-school. Therefore, the Constitution should consider pre-school teachers to be employed by the government as any other civil servants.

Com. Pastor Ayonga: Thank you. Your point is well made, the first teacher is the most important person. Thank you. Next?

Daniel Kiprono: My names are Daniel Kiprono Kemboi, I am going to present on education.

Com. Pastor Ayonga: Dakika moja tu.

Daniel Kiprono: The Constitution should provide a standard fee to be paid in primary school and secondary education in boarding or day schools, because we understand the government does cost-sharing so it is difficult for the government to allow compulsory and free education. Kenyans should face life in reality and practically, we do not have to be idealistic Kenyans. The standard fee to set by the Constitution should be the one which most Kenyan parents are able to pay.

The private sponsored degrees offered at the universities, these have made the education standards in the republic to be questionable. So, we want the Constitution to state clearly how these programmes are being carried on because they are saying it is private yet the students in the parallel programme are using the government's facilities. So the Constitution should state this clearly.

Election, the election date should be set by the Constitution not the President alone to know the election date so that he will be threatening us that he can call elections at any time from now.

Com. Pastor Ayonga: Asante sana.

Daniel Kiprono: Lastly, about the Kenya Anti Corruption Commission, we understand in Kenya we are fighting for zero tolerance corruption. So we would like the Kenya Anti Corruption Commission to be headed by the Chairman of the Commission who has the security of tenure of the office for 4 years. The Chairman should have powers to investigate everybody including the President if found guilty of corruption or mismanagement of public funds and he should not be sacked by the President or any other person.

Com. Pastor Ayonga: Thank you young man. Utupe makaratasi na ujiandikishe. Majina yako kwanza?

Samoi Richard Kiptoo: I am Samoi Richard Kiptoo and I have only two points to make.

Com. Pastor Ayonga: Thank you Samoi.

Samoi Richard: It is about governance. As much as I support the Unitary System of government where we have the President as the centre of power, I would follow it up and suggest that we devolve power further to the Local Authorities. Well, I would suggest that we empower the Local Authorities and if we have to empower the Local Authorities it will follow that the qualification for one to be nominated as a Councillor will be adjusted. May be we will put a requirement, that because of the enormous power that we have vested on the Local Authorities then we would require that may be we have a Councillor to have the level of education of up to form four and above.

On Parliament: I would suggest that well, many people have said that MPs earn a lot of money and we do not know exactly what they do with it. What I would suggest is that, may be we divide the emoluments for the MP and let the constituents know that this percentage is for development expenditure and this one is for his personal use so that we may not be following the MP up and down and yet we are eating up his resources.

Com. Pastor Ayonga: Thank you. Next? Come and register your name.

Michael Rop: I am Michael Rop and I have two points to make and before that, I would like to register my disappointment at one of the comments that was made by the Commissioner Madam Asiyo. That those who are 60 years of age are wiser so the question of the President being in that caliber of between the age of 25 and 60 years is not an issue.

Com. Pastor Ayonga: Just a moment, the Chair will take care of that. I think that was just a view and you are giving a view. Just say what you want to happen.

Michael Rop: That is exactly what I wanted to ask.

Com. Pastor Ayonga: Just a moment young man, we are not debating.

Michael Rop: It is not a debate.

Com. Pastor Ayonga: Therefore, when it is not a debate we are giving views I can give my views as a Kenyan and you give your views as you.

Michael Rop: I wanted to ask if it was an opinion of the Commissioners. I have two points to make.

Com. Phoebe Asiyo: Can I respond to what you have just said before you make your point. Yes, I did make a comment that to restrict the age of a President of a nation up to 60 years would not work very well and it has not worked very well in many

countries of the world. Even if you look at the way they elect the Pope, the Pope is only elected by anybody who is 75 years of age, you do not qualify to vote for him unless you are 75 years and above and then if he is 90 years old and he gets votes he goes but we are not in that area of discussion. What I am trying to say is, this it would be wrong for this nation to put a ceiling for the President. I think it would be wiser nation because we will be guided by wisdom and especially now we are dealing with a very sophisticated audience like yourself. We know that Kenyans are going to be looking only for the best and that best could be 50 years of age, he will need 10 years in that house and if he is 55 years old, you are saying that after spending 5 years, he goes out because he has hit 60. These are some of the issues that went through my mind but you are right you are open and you have your views and we respect them. Thank you.

Com. Pastor Ayonga: Let me add to that. Young man, I am telling it to you today, that as you go and I pray that God blesses you with long life but as you climb this ladder of life you will find many things on the way, some of which you many not understand because they have never been part of your experince. Life is made by experience and researchers have shown how experience helps to safegurd governance of a nation. It is not arithmetic in a class room where you can calculate things or look at them through a test tube in a chemistry lab. Life, you are dealing with all kinds of questions, you are dealing with the old, young, unborn and the unkown. Therefore, let us take it cautiously. It is your time now, give your views.

Michael Rop: I had that point in mind because I know President Clinton was very young. Now, the issue was this, that the Constituion right now should empower, there should be a representaion, a nomination of representatives from the University Graduates Welfare Association so that they can push to secure government jobs which fall vacant and they should also press for loans for those ones who are not employed because we are living in a world of reality not morality. In this case, the government should set a side the revolving funds for those unemployed youths or the university graduates for that matter.

The other issue is that we should have euthanasia, that is mercy killing for those who are terminally ill because it is a burden to the society, a burden to the families that they come from. So they should actually be given that right to euthanasia.

Com. Phoebe Asiyo: To kill themselves?

Michael Rop: No, the doctors should be empowered under oath to give that euthanasea

The last one is that Kenyans should not be detained or put into custody or remand for more than one week.

Com. Phoebe Asiyo: There is a recommendation you made which I would like you to reverse. Why don't you recommend that there should be a special seat for youth not for university students because you do not exclude all other youths in Kenya just because you are a university graduate.

Michael Rop: No, this is an endangered species because they are not getting jobs.

Com. Phoebe Asiyo: No, they are not I am saying this. I agree with you that you should get a revolving fund, that I think we will recommend because, take for example the issue of Egypt. Today when a student gets out of a university in Egypt if he so decides he will be given some money to go and set up on virgin land along the river Nile so that he can produce for that nation. These are some of the recommendations that we know we are going to be recommending but do not restrict the nomination of youth to Parliament or Councils to only university students. Leave it to the youth of Kenya, they will know whom to elect.

Michael Rop: We are starting from the upper level coming downwards.

Com. Phoebe Asiyo: Youth is youth, mzee.

Michael Rop: This is trickle down effect.

Com. Pastor Ayonga: Those are your views and thank you very much for your views, you are entitled to your own views, sign your name. I think mama is telling you these things out of experience because we are looking for the entire Kenyan youth regardless of their book work. Next, sema majina yako.

William Meli: My names are William Meli, I come from Kipkaren. I have quite a number of proposals to make but time is very short but if I take more than one minute you will pardon me.

Pension scheme: I propose that the new Constitution should provide for better pension schemes, we realize that the pension our people are getting ni kidogo.

Political parties: I propose that this country, the Constitution should be written to allow this country to have 2 political parties only. The ruling party and the opposition and the vice versa.

Medical care: I propose free medication to all Kenyans because they are tax payers. I also propose that we abolish the private wings in our Nyayo Wards hii wanaita amenity, it shows that Kenyans are not equal because there is disparity. I also propose that they do away with private clinics owned by doctors who are employed by the government. Wanawacha kazi ya serikali na kuenda to attend to their clinics. So it is either they do their work or they do the work of the government.

I also propose that there is a code of ethics to be set for the herbal medicine doctors because we realize that they are with us and we use their medicine so at least there should be a code of ethics they will follow.

I also propose that in this new Constitution, there should be a reduction in taxation rates

Com. Phoebe Asiyo: What?

William Meli: Taxation rate. I also propose that this Constitution should provide the security of tenure for the following offices;

The office of the Auditor General, Attorney General, Chief Justice, Chairman of the Anti Corruption Commission and the office of the Chairman of the Electoral Commission.

I also propose that in the new Constitution, the nominated MPs to be done away with.

Com. Pastor Ayonga: And in their place?

William Meli: Their places be done away with, we elect the MPs and do away with nomination of MPs.

On marriage, I make the following propositions; that in case of customary and civil marriages, the marriages to be done by the Chief. It is costly to go to the district headquarters and yet it is just a certificate and two people wenye wanaingia huko, kwa hivyo ifanyiwe kienyeji.

Com. Pastor Ayonga: It is just a certificate.

William Meli: A certificate can be given by anyone so they just provide the paper.

Com. Pastor Ayonga: Okay, your time is up not because of marriage.

William Meli: Please some minutes nilikuwa nimeomba kidogo.

On Provincial Administration: I suggest that they do away with the Provincial Administration and replace the DC with the Chairman of the Country Council. I also propose that the Chief be elected by the people. I also propose that the village elders be paid.

Com. Pastor Ayonga: Thank you.

William Meli: I will use 30 seconds only, please bear with me.

Com. Pastor Ayonga: What did you say?

William Meli: I will use only 30 seconds extra.

Com. Pastor Ayonga: I beg you to allow others to speak.

William Meli: On education; I propose the following:

Free education to “A” level, university education should be paid and graduands should be provided job security on finishing their education. I also propose that the higher education loans board should give loans to other students in tertiary institutions.

On Judiciary, I propose that the Judiciary should be independent and also that the Resident Magistrate Courts should be set at divisional levels. Thank you very much.

Com. Pastor Ayonga: Thank you.

Benjamin Magut: My names are Benjamin Magut from Kaiboi, I have about 4 propositions to make.

Com. Pastor Ayonga: How long are you going to take?

Benjamin Magut: About two and a half minutes.

First, the elected Members of Parliament should be voted out if they do not perform and again on the MPs, they should not be paid I think they are the servants of the people. They should not be paid and instead we pay the Councillors well because we are giving more powers to the local County Councils.

Com. Pastor Ayonga: So we do not pay the MPs?

Benjamin Magut: Yes, according to me and they instead we pay the Councillors.

Secondly, we abolish Special forces like the GSU, APs, the Anti Stock theft, the Anti-naicotics and we replace them with one universal Police Force. This question of having several forces has given us a lot of problems. Again we create a clause that the government should employ lawyers who are going to help the poor people in terms of getting legal advice instead of hiring lawyers who are going to exploit them.

We should promote protectionist policies, stop importation of things we produce in the country because why should you import if you can produce them in the country.

International treaties should be ratified by the Parliament through a referendum so that it is not only the Parliament which is going to ratify these treaties but the people should be asked.

MPs should not be members of the BOG because they never attend those BOG meetings so I do not why they should be members.

When issuing IDs, the passports should also be issued because we are only issued with passports when you want to go away and it gives us a lot of problems so both of them should be issued at the same time.

Political parties should be funded by the government equally. That is first fund the political parties and then secondly, it should be equal.

Interest rates, they should be low and the farmers should be compensated in case of catastrophies.

Finally, the President, MP and the Cabinet Ministers should declare their wealth before they contest and then for the cabinet they should be professionals not just because one is an MP.

Com. Pastor Ayonga: Thank you. Let me ask you a question, you said do not pay MPs and instead pay Councillors. Why don't you also say that we wipe out the Parliament all together because how do you expect these MPs to work when they are paid to work.

Benjamin Magut: What I am saying is this, the Councillors are the ones we are within reach so much, I can go in the morning and get a Councillor but an MP, I need about ten weeks to get him. So why should we be paying him and I can take 10 weeks to get him to solve my problem whereas I can get the Councillor in hours.

Com. Pastor Ayonga: May be the Councillors cannot do the things that the MP does.

Benjamin Magut: Because we are paying them low salaries, so we should pay them as the MPs and then the MP should remain ... (Inaudible)

Com. Pastor Ayonga: Then you come back to my earlier question, why don't you then say there is no need of MPs instead

MPs are replaced by the Councillors.

Benjamini Magut: I am saying this because the MPs when they are campaigning, they tell us they are our servants. So if they are servants, why should we pay them?

Com. Pastor Ayonga: And in deed they are. Thank you, those are your views. Hey, gentleman come this way.

David Nalemu: Kwa majina naitwa David Nalemu kutoka Kabiyet. Yangu ni machache na iwapo nitarudia ambayo yamesemwa na mwingine, mtanisameha kwa sababu lugha inanipita kidogo kidogo. Kwa hivyo iko namna hii, ningependekeza nichangie mchango tuseme kwa hao wazee wanaoitwa wazee wa mtaa. Wazee wa mtaa wako na kazi kubwa na wako karibu na wananchi. Ningependekeza hawa wazee wa mitaa wawe wakilipwa pesa na serikali kwa sababu hii, nitaeleza kinaga ubaga ni kwa nini walipi na serikali? Ni kwa sababu wananchi wengi ambao huyu mzee wa mtaa anaongoza hawana pesa.

Com. Pastor Ayonga: Hiyo point umefanya ni mzuri sana, kila mtu ametuambia hiyo na tumeichukua na imejaa kwa tape zetu. Wazee wa mitaa walipwe. Next point.

David Nalemu: Ya pili, ningependeza ingawa wakati mwingine hamkusanyi haya maneno ambayo nataka kuyasema.

Com. Pastor Ayonga: Sisi tunakusanya kila kitu utasema isipokuwa matusi tu ndio hatutaki.

David Nalemu: Ningependa kusema namna hii, shuleni, sidhani kuna mmoja wenu hata wale ambao mmesoma kama kuna mmoja hakuchunwa masikio wakati alikuwa shuleni. Waalimu wamepewa jukumu kubwa na hawa ni kama wazazi kwa watoto wetu ambao tunawatuma kule shuleni, mimi kama mzazi niko na...

Com. Phoebe Asiyo: Unasema corporal punishment irudishwe kwa shule?

David Nalemu: Basi hiyo inatosha namna hiyo. Kiboko bila kuumiza mtoto, piga mtoto kama mtoto wako kule nyumbani.

Com. Pastor Ayonga: Asante mzee kuja hapa ujiandikishe, usiende, kuja hapa. Wewe unasema maeno mazurui halafu tena unatoroka?

Hezbon Teno: Okay, majina ni Hezbon Teno .

Com. Pastor Ayonga: Hayo ni maandishi yote ambayo umetuandikia?

Hezbon Teno: I will only take two minutes.

Com. Pastor Ayonga: Okay.

Hezbon Teno: This is what was agreed by some old men from around on trust land.

They said that original district boundary should be retained what is popularly known in Nandi as Kipeles boundary.

The land Board should have all its members being natives from the district.

Nandi land which was reserved at the colonial times should be in the hands of the natives only.

This land should be bought by or sold to the natives only. Non natives should respect the culture and the people of Nandi so long as they live in this place.

The forest land should retain the original boundaries as at independence.

All the piece of land outside the urban areas should not be taxed.

Proceeds from the Nyayo tea zones should go to the Nandi County Council.

Nyayo Tea Zone should be renamed as Nandi Tea Zones.

Land should be owned by the title holder and should be distributed as per the will if there is any.

The County Council should be the sole physical planners in the planning of towns within the district.

On marriage:-

It was said that traditional marriages should be recognised formally through the issuance of the certificate.

Children born after husband and wife are separated should belong to the wife.

Traditional pastors should be recognized. That is, they should be allowed to issue out certificates to married couples.

Com. Pastor Ayonga: Who?

Hezbon Teno: The traditional Pastors the one we normally call insertion? They should have powers to issue certificates to married couples.

Com. Phoebe Asiyo: Hawa ni traditionalists, si Pastors, ni ile ya Kinandi.

Com. Pastor Ayonga: Why do you remove name, the original name?

Hezbon Teno: I thought may be you will find it difficult to understand.

Com. Pastor Ayonga: Si inaingia kwa tape?

Hezbon Teno: (*Vernacular*) As I complete what I was presenting, the second wife should be married only after being accepted by the first wife. That means the husband should seek permission from the first wife if he want, to marry a second wife.

Com. Pastor Ayonga: Thank you. Dakika tatu zimekwisha zamani, tafadhali.

Isaack Taalam: Kwa majina mimi naitwa Isaack Taalam, mimi ni mzee wa mtaa. Niko na jambo moja nataka kuuliza Bwana Commissioner.

Com. Pastor Ayonga: Unauliza au unatuambia?

Isaack Taalam: Nawaambia.

Com. Pastor Ayonga: Okay.

Isaack Taalam: Nimesikia siku mingi vitu kama msaada unatoka uko juu ya kupatia askari, wale wazee na msaada wowote kuanzia huko juu. Tunasikia, haukuji mpaka bado tunangoja msaada. Sasa nakuomba tukiwa na msaada wowote tunataka iletwa kwa wazee wa kijiji ama watu wa division, Sub Chief, Chief na mzee wa mtaa, msaada wowote, tunaona watu wa juu wameshiba.

Com. Pastor Ayonga: Sasa unatakaje? Mzee sema ile point.

Isaack Taalam: Tunataka kila kitu ikuje kwa watu, ikiwa pesa, msaada wowote tunataka kwa watu wa nyumbani. Tumengojea huko juu hatuoni.

Com. Pastor Ayonga: Juu zaidi.

Com. Pastor Ayonga: Sema kile kitu unasema hujasema.

Isaack Taalam: Kwa upande wa mishahara kwa mzee wa mtaa, tunataka lakini msaada..

Com. Pastor Ayonga: Msaada tena unataka gani, si unataka wazee wa mtaa wapewe kitu.

Speaker: Tunataka hata uniform.

Com. Pastor Ayonga: Ndiyo, sasa ndio unasema wapewe mishahara na uniform. Basi.

Speaker: Na msaada ya wale watu askari.

Com. Pastor Ayonga: Hapana, wewe kuja hapa uweke kidole.

Abraham Kipruto: Basi yangu itakuwa ni machache, jina ni Abraham Kipruto Chumo.

Com. Pastor Ayonga: Abraham Kipruto Chumo.

Abraham Kipturo: Mimi ni mkaaji wa hapa. Yangu itakuwa ni point karibu nne.

1. Security ambalo ni forces, nataka hao wamalize miaka kumi na mbili kama ni jeshi apewe pension akuje nyumbani awachie watoto nafasi ya kazi.
2. Kwa kazi ambayo nimesema ya forces, hatutaki wakati watu wanaandikisha kazi inakuwa kazi ni ya nyumba moja tunataka iwe kila mtu anapata kazi kwa sababu sasa mtu akiwa mkubwa ameandika watu wake wote mpaka wale wengine hawajui watapata mkubwa siku gani. Hiyo ichunguzwe vizuri.

Com. Pastor Ayonga: Hiyo ifanywe hivyo kwamba kila mtu apate nafasi.

Abraham Kipruto: Hiyo ni sawa.

Com. Pastor Ayonga: Ndiyo, ya tatu? Ulisema points zako ni nne, ninahesabu.

Abraham Kipruto: Unahesabu?

Ya tatu, mtu ambaye ni mzazi ako na jukumu ya kulinda mtoto kutoka kuzaliwa. Lakini ile kitu imeshtusha mimi ni moja, serikali inataka kusimama mpaka kwa mali, hiyo ni kama promotion. Kama niko na watoto nne na nimesomesha wamemaliza mali bado wanakuja ku-demand mali tena na serikali inataka kusimamia, hiyo iwachwe. Mzazi au baba ako na jukumu lake la kusema huyu mtoto apate hekari kumi na huyu apate mbili. Nasema hivyo.

Com. Pastor Ayonga: Asante, ya mwisho sasa, ya nne?

Abraham Kipruto: Ya mwisho, mimi kwangu ninavyoelewa, serikali, ni mwananchi, ndio watu wamesema mzee wa mitaa alipwe pesa, kuanzia mzee wa mtaa na Chief apate nguvu katika area kwa sababu yeye ndio anakaribia mwananchi wakati wowote.

MP katika Mosop ni moja, Councillors juzi wamesema wapunguzwe wawe wachache lakini bado ni wengi na watu wanaumia hapa, County Council inasumbua watu na bei ya licence yao iko juu sana ndio pesa za mishahara ya Councillors. Mimi naona kwa Councillors, wawe sita peke yake imetosha. Hiyo ni yangu ya mwisho. Asante sana.

Com. Pastor Ayonga: Asante sana, hebu Chumo kuja hapa ujiandikishe.

Joseph Etok: Jina langu ni Joseph Etok, yangu ni kuhusu mambo ya employment. Mambo ya employment imekuwa shida siku hizi kwa sababu sasa watoto wa university wamekuwa wengi na kuna kitu ingine ambayo inaendelea sana. Mtu anaweza kuwa na kazi karibu mbili au tatu. Unapata mtu ni Permanent Secretary pia anakuwa Chairman wa ofisi fulani halafu baadaye...

Com. Pastor Ayonga: Sema maoni ni nini unataka?

Joseph Etok: Maoni yangu ni kazi moja kwa mtu mmoja kwa sababu kazi imekuwa kidogo sana.

Com. Pastor Ayonga: Ndiyo tumesikia.

Joseph Etok: Yangu ya pili ni kuhusu mambo mashamba ya kupeanwa. Unaona watu wakubwa wanapewa mashamba tu, anapewa plot kwa town, anapewa the same person na yeye ana kazi kubwa. Kama(Inaudible) utaona kama plot za(Inaudible) itapeanwa kwa watu wakubwa tena, mambo kama hayo afadhali yasimamishe kabisa. Kama mtu amepata kazi, apate kazi moja peke yake, tosha. Asante.

Com. Pastor Ayonga: Thank you so much. Ngoja kidogo, hapana si wewe, pole. Je, mzee wewe ulishaongea.

Speaker: I have got some burning issues Sir.

Com. Pastor Ayonga: Just a moment. Unajua lazima tufanye haki fulani fulani na kazi pia ina mwanzo na ina mwisho, sio?

Kuna jukumu zingine pia na kuna watu wengi hapa ambao wamevumilia kwa kusikiza tu kutoka asubuhi wamewacha kazi zao, wamevumilia. Mimi ninauliza hivi, ninarudia hii ni mara ya mwisho. Kuna mtu yoyote hapa kati yetu nyinyi hapa ambaye alijiandikisha na alitaka kuongea na hajaongea. Ndiye huko, kuna mwingine? Baada ya huyu tutaomba na tutafunga mkutano. Una dakika moja na nusu kama wengine, sema majina yako na anza mara moja.

Timothy Kemboi: My name is Timothy Kemboi.

Com. Pastor Ayonga: Sema maneno yako.

Timothy Kemboi: Point yangu ni hivi; sources of water should be termed as government property and nobody should own them. I repeat again, source of water within the district should be owned or be termed as government property and nobody should just own them.

Two, our shambas should not be subdivided if they are less than 5 acres because if it is subdivided it becomes economically non-viable

Com. Pastor Ayonga: Hiyo ni point. Wengine wamesema heka saba isigawiwe, wewe leo umerudisha chini kidogo but it is a point. Go ahead, your next point?

Timothy Kemboi: Next point is concerning equality. We have seen from our own experience, we find that of late those who are married and those not married, they are different. Those who are married have their own line to follow, the unmarried ones want to control the other ones and they want to cause divorce in families, so the government should assist.

Com. Pastor Ayonga: Thank you. Hayo ni maoni yake wewe tupe makaratasi yako. Asante, jiandikishe. Sema majina yako?

Josephat Anoi: Majina yangu ni Josephat Anoi. Maoni yangu ya kwanza ni kwamba, the electorates should be given powers to recall MPs or Councillors who do not perform to the satisfaction of the electorate.

Secondly, the government should introduce special elections for women, disabled and youth.

Thirdly, such elections should be held such that the election for Councillors and the special groups I have mentioned should be done at the same time and those of MP, Prime Minister and the President should be done at a different date

That is all I had.

Com. Pastor Ayonga: Thank you so much.

Jinsi ambavyo nilisema hapo, kilicho na mwanzo kina nini?

Audience: Mwisho.

Com. Pastor Ayonga: Tulianza jua likiwa kule sasa jua linatoka wapi? Upande wa nyuma and it has been a good day. Tumepata maoni mazuri sana, Mwishimiwa naweza kukuambia tumepata maoni mazuri sana kutoka kwa watu wa Mosop hapa na tumepata maoni kwa watu wazima, wengi wazee ambao wana-experiences kutoka wakati wa wakoloni, wakati ambayo tulianza serikali 1963 up to the present time. Nadhani maoni ambao mmetupa hayakuwa mageni sana na maoni ambayo tumepata sehemu nyingi. Maneno ya mshamba ni maneno ya mashamba, maneno ya Councillors, maoni ya pande hizi, pande zile, maneno ni mengi. Kwa hivyo tumepata maoni ya maana na tatayaweka kati kati na yale mengine ya Wakenya wengine na tutayatumia kwa kutengeneza Katiba. Na kabla sijaita Pastor kuomba, ningalipenda Commissioner mama Asiyu aseme neno moja au mbili ndipo nitafunga mkutano kirasmi.

Com. Phoebe Asiyu: Asante sana Pastor Ayonga kwa kunipa fursa hii ya kuwarudishia watu wa Nandi asante sana kwa maoni yenu ambayo mmetupatia leo na ambayo nataka kuwaeleza kwamba yatatusaidia sana kuandika Katiba hii mpya. Nataka tu kuwakumbusha kwamba huu sio wakati wa mwisho, ijapokuwa hata kesho bado tuko tutakuwa kwa constituency hii, mna nafasi kabla ya mwisho wa mwezi wa July kuandika mapendekezo yenu ambayo pengine hamkupata nafasi ya kutueleza leo. Na kule ofisini kwetu tuko na wasomi ambao wanakaa pale chini, kila mara maoni yakiingia yameandikwa, yanaaingia mara moja kwa computer. Na hata miaka zijazo, kama kuna mjukuu wa mjukuu wako, anataka kusikia mzee Tum alisema nini juu ya Katiba, kama anafanya research ataweza kuenda kwa Archives na aangalie jina la Tum na aangalie tarehe tuliongea hapa hata miaka ishirini ijayo. Atakuona, atasikia sauti yako, atasikia ulisema nini.

Nasema hivyo kwa maana mambo ya leo yalikuwa mambo ya muhimu sana ambayo yatalinda maisha ya nchi hii kwa miaka hamsini au mia moja vijayo na ninawashukuru sana wazee, vijana, akina mama, wale wasomi na wale wasiosoma kwa maana nimeona kwamba kulikuwa na hekima kwa karibu kila jambo ambalo kila mmoja wenu alitupatia leo. Zaidi sana ni ile heshima yenu mlikuwa nayo nao wakati huu ambao tulikutana na nyinyi.

Kuna pahali tumeenda pengine hatukupata heshima kama hiyo na tulikuwa na wengine wamekuja kama wamelewa lakini hapa kumekuwa kuzuri sana. Unajua tukirudi bila kusema si mzuri. I am really impressed by the way you have handled this meeting. I am hoping that tomorrow because you are in the same area, Mheshimiwa it will be the same. But let us ask more women and young people to come We only heard from 3 students and we should have more students and there was not a single woman student who talked and yet we need their views because this Constitution is really going to be for them and not for those of us

who are of age. I am 60 years old and above and I have been told this afternoon that I do not stand a chance a being a President and I accept it but I think we should hear from the young people more and more. Tumeshukuru sana, Mungu awabariki, mbaki salama mpaka kesho, wale ambao watafika kuongea nasi tena. Asanteni sana.

Com. Pastor Ayonga: Kabla hatujaomba, ningetaka ku-pay very special attention kwa ku-recognise wale ambao wamefanya kazi hii kufanyika. Things do not just happen, some people must have gone sleepless nights, some people must have traveled to areas and may be they had no transport to try to mobilize people for this meeting. Ile committee yetu ya 3C's imefanya kazi na haya ni matunda na ni mavuno ya kazi yao. Wale watu ambao mmefanya kazi ya civic education to educate our people, mmefanya kazi ya ajabu kwa maana the kind of views we have collected are very mature, well considered and imekuwa namna ile ambayo tumesema it was good we came this way.

Nataka kumshukuru District Coordinator na watu wake, kwa kazi nzuri ambayo mmefanya na pia nataka kusema kwamba tumekuwa na kikundi kikubwa hapa, kikubwa mno. I wish wale watu ambao wanachukua mapicha leo kama wangechukua, sijui ni kwa nini Bwana Sambu hawa watu hawakuja. Wakijua kazi inafanyika nzuri pande yako hawaji? Wanajificha, mngekuja hapa watu watatu tuone, watu wa mapicha wangekuwemo hapa, watu wa kutuuliza maswali wa magazeti wangekuwemo hapa na kusema sasa upande huu hawa watu wanafanya nini? What do you think this is? Lakini leo mmejaa hapa, mimi kama mhubiri nilifikiri leo tuna camp, meeting kind of na niko tayari sana kuhubiri, I am tempted. Lakini tumekuja hapa na kazi ingine na hii pia ni mahubiri kwa maana what we are trying to do is to make a Constitution that will suit not only the future but which will affect us also. Because the future is with what you have at present.

We know of what happened yesterday and we know of what has happened here today but tomorrow is the mystery of God. So we pray that God help us na Bwana Sambu akienda kutusaidia huko Parliament so that we can have enough time to make this Constitution, a Constitution that fits all Kenyans, a Constitution that Kenyans would feel, it is ours. Ownership of the Constituion is something very important. Na kabla sijaita anayetuomba hebu niwakumbushe Wanandi wenzangu kwamba Mungu has blessed you with very very beautiful land, virgin land. Hata hapa pahali mimi nakaa kitu kimoja ambacho sitasahau ni kwamba ninakaa na kiti kinazidi kuenda nafikiri niko juu ya godoro. Mnandi tu hata akiguza hivi na kidole akiweka mahindi inaenda juu, mnaongea juu ya ferterlize kwamba mnatafuta pesa ya kununua fertilizer, kwenda pahali pengine uone.

Tumshukuru Mungu kwa kutupa nchi hii ya Nandi for Kenya na Mungu awabariki kwa heshima zote zile ambazo mama amesema. A very quite, straight forward meeting ambayo tumekuwa nayo. Na kweli hatukuona mlevi, unajua pahali pengine tunaenda Mheshimiwa na kazi yetu ambavyo mlituambia tunachukua maoni kutoka kwa kila mtu, walevi pia huja wakatuingilia mpaka mwishowe tunashindwa ewe Mungu wetu haya ni mambo gani? Wengine wanakuja waje kutukana serikali, wengine hata wanasahau na heshima ya wazee wetu, wazee wetu ndio wamefanya mambo kuwa what it is. Hiyo tusingahau. Kutoka wakati ule ambao reli ilikuwa inapitishwa hapa katika Nandi, ile war of resistance, hawa watoto hawajui. There was a war of resistance, Wanandi walipigana

