

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

NAROK NORTH CONSTITUENCY, HELD AT

NAROK COUNTY COUNCIL HALL

ON

9TH JULY 2002

NAROK NORTH CONSTITUENCY PUBLIC HEARINGS
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COMMISSIONERS PRESENT

1. Com. Prof. Okoth Oendo
2. Com. Isaack Lenaola

Absent with apology

Com. Alice Yano

SECRETARIAT STAFF IN ATTENDANCE

- | | |
|---------------------|-------------------------------|
| 1. Pauline Nyamweya | - Programme Officer |
| 2. Sarah Muriithi | - Programme Officer |
| 3. Michael Kome | - Assistant Programme Officer |
| 4. Hellen Kanyora | - Verbatim Recorder |
| 5. Ole | - District Co-ordinator |

The meeting started at 9.25 with prayers and Com. Prof. Okoth Ogendo in the Chair.

Agnes: Tuombe: Baba uishie milele twaja mbele yako Mfalme wa majeshi tukijikabidhi miguuni mwako maana wewe ni Mungu wetu milele na milele. Baba unajua mambo ambae imetulete mahali hapa, Bwana ni mambo ambae ni ya maisha yetu ya baadaye Bwana. Tunakukabidii kila jambo ambalo litaongewa mahali hapa, mikononi mwako Bwana wa majeshi. Tupatie nguvu na hata mamlaka maana wewe ni zaidi ya mamlaka yote Bwana. Watu wote ambae wanajitayarisha ya kuwa mahali hapa Bwana, tunawaomba neema yako na hata nguvu yako kufika mahali hapa, ni kwa sababu ya mambo hii ambae ni ya leo Bwana. Bwana tunakabidhi ambae wako wale wametoka Nairobi mikoni mwako watakapo kuwa wakisikiliza, Bwana neema yako na hekima itokayo kwako Bwana iwe ya hali ya juu, Mungu wa majeshi na hata vile watachukuwa hatua Mungu wa rehema, tunakukabidii uwepo wako, uwe pamoja na kila mmoja wao Mungu wa heshima. Asante Bwana kwa sababu ya wote ambao watakua mahali hapa. Mawazo yetu tunaikabidhi mikononi mwako. Tuwe chini ya mamlaka yako Mfalme. Tunaomba hayo machache katika jina la Yesu, alie mkombozi wetu, AMEN.

Com. Prof. Okoth Ogendo: Hamjambo wananchi watukufu?

Wananchi: Hatujambo.

Com. Prof. Okoth Ogendo: I want to formally constitute this meeting as a meeting of the Constitution of the Kenya Review Commission, sitting at Narok County Hall in Narok North Constituency to take the views of members of the Public. My name is Professor Okoth Ogendo. I am a Commissioner of Constitutional Review and with me is Commissioner Isaac Lenaola. We also have members of staff with us: Pauline Nyamweya who is just walking there. She is the Programme Officer and a Deputy Secretary at the Commission. We also have Sarah Muriithi who is with Pauline, where is Sarah? Sarah is up there. We have Michael Kome. Michael is there and Hellen Kanyora. Hellen is there.

Okey, let me start by reminding you that, this meeting is protected by Section 25 of the Constitution of Kenya Review Act. That Section says that anything you say at this meeting you should say it freely. You want to translate that into Kiswahili? Kimaasai? Okey. Translate what I am saying in Kimaasai. Under the Act which has established the Commission,

Translator: *Etomoni taa intae pooki tena tumo natee e katiba .*

Com. Prof. Okoth Ogendo: Any person who appears before the Commission is free to say anything that they want without fear or favour.

Translator: Ekejoitoi taa ore ena olong' o etata keidim olltungani entooki pooki nayieu nejo tena aji amu ekiripito naa katiba metaa miureishouake tejo entoki pooki niyeu.

Com. Prof. Okoth Ogendo: You are protected from any harassment of arrest as long as you are coming to this meeting or leaving this meeting or addressing this meeting.

Translator: *Ekejo sii nchere meta Oltung'ani oibung'I enaa opuoi arr tenejo entooki nayieu nejo niaku tejo akeyie entooki pooki niyieu.*

Com. Prof. Okoth Ogendo: You should not therefore feel intimidated even if the DC is here or the DO or the Chief, say exactly what you feel.

Translator: *Ekejo sii emiuresho atata tene ponu llainguanak neponu Dc neponu Dioni eroro ake intae enaa niyieu .*

Com. Prof. Okoth Ogendo: You will be allowed to speak in any language you choose whether it is English, Kiswahili or Kimaasai or any other language.

Translator: *Ekejo sii ore oltungani naa engutuk ake yoyote naba enanidim irorie tena e kiswahili indim airorie enaa kingeresa ,e kimaasai keishoro intae orusa.*

Com. Prof. Okoth Ogendo: If you choose to speak in Kimaasai, we shall have a translator, so that the Commissioners can follow what you are saying.

Translator: *Ekejo ore iltunganak onyieu neuro te ng'utuk olmaasai naa ekitayu olmatafutae olikio nena nijito.*

Com. Prof. Okoth Ogendo: If you need sign language interpretation, the Commission will make sure that there is a sign language interpreter.

Translator: *eketae sii oshi iltung'anak lemata ing'utukie kulo oiro too nkaek naa ata lelo keing'oruni oitung'ani olikio ina najeito keta commission iltung'anak oas ilo kasi.*

Com. Prof. Okoth Ogendo: Everything you say is recorded and will be taken to Nairobi to be interpreted and analyzed.

Translator: *Ore entoki pooki nijojo tene naa kepiki ena radio naji tape neyae Nairobi apuo aichungusa neinining'I nena pooki nitejo netumi naa atipik ena katiba Kenya.*

Com. Prof. Okoth Ogendo: The Commission will sit in this Hall until the last person who wants to address the Commission has finished.

Translator: *Ekejo sii nchere ore e naa commission kulo duo otii te Nairobi naa ketoni tene mpaka neiro oltunga 'ni lemusho onyieu neiro.*

Com. Prof. Okoth Ogendo: We will sit without a break until we finish.

Translator: *Ekejo sii mikiyeng 'a ekitoni ombaka nikidip.*

Com. Prof. Okoth Ogendo: When we call you to come and give your views, you will come and sit in the chair that is in front of us here.

Translator: *Ore sii tenikipoti pee ilotu alimu eninyieu nilimu naa dukuya ilotuaton tede orika onyorr nirorie entatoki.*

Com. Prof. Okoth Ogendo: If you have a memorandum to present to the Commission and you don't want to speak, we will ask you to register the memorandum with the Secretariat over there.

Translator: *Ore sii oltunga 'ani ota endoki naingero nemenyieu neiro akenyieu ake neishoyo nilo aingerr engarna ino tedeweji niyau ineweji nichoyo naa teine.*

Com. Prof. Okoth Ogendo: But if you want to highlight the main points in your memorandum, we shall give you five minutes to do so.

Translator: *Nejo sii nchere kake teniyieu nilimu inatii enardasi ino naa akinchorr idakani imiet owou tolimu.*

Com. Prof. Okoth Ogendo: If you don't have a memorandum and you want to address us orally, we shall allow you between five and ten minutes to do so.

Translator: *Ore sii iltung 'anak lemeeta entoki naing 'ero neyieu neirori enatumo enolong 'o naa enkinchorri kutoka idakikani imiet mpaka idakikani tomon pee ilimu naa*

Com. Prof. Okoth Ogendo: We are going to follow the list of registration which is being done out there and we shall follow strictly.

Translator: *Ejo sii nchere enaa ening'ero tene weji meidi ina natejoki tedeweji ina ardasi ake esuji.*

Com. Prof. Okoth Ogendo: If there is anybody who must attend to an urgent matter, draw that to our attention so that we can allow you to speak ahead of the list.

Translator: *Nejo sii nchere ore tene atae oltungani onyamal onyieu nelo ena otaenayieu nejo amurutoo ilkulikae niliki iyiok tedukuya naa pikiyiolu.*

Com. Prof. Okoth Ogendo: Otherwise we will follow the order in which you have registered yourselves.

Translator: *Amu ore tena olong'o nemetae enkoitoidorop enaa enaji keiturukie ng'ania naje kesuji a inardasi .*

Com. Prof. Okoth Ogendo: Let me remind you that we are here to take your views about the Constitution.

Translator: *Kayieu sii naliki intae ore enatonata etata naa ekiponu aya iduat inyi tena siai ekatiba.*

Com. Prof. Okoth Ogendo: Therefore when you appear before us, state the problem and the solution you want the Commission to adopt.

Translator: *Niaku ore tenilotu airo niliki iyiok shida natae nitoki sialotu ajo kayio iyieu niasi .*

Com. Prof. Okoth Ogendo: If you simply tell us the problem, we will ask you to go to the solution.

Translator: *Ore tenilotu aliki iyiok ichidai natae naa enkilikwani ajoki kainyio naa inyieu niasi amu eking'ilikwani naa maswwali tene.*

Com. Prof. Okoth Ogendo: So if we move fast and you keep to time, we will have many people speak and that is what we want.

Translator: *Nejo sii nchere ore tenikitem asioyo naa ekitumu iltung'anak oleng oiro naa ina duoo kiyieu .*

Com. Prof. Okoth Ogendo: We are now ready to start and the first person on the list is Paul Sophia.

Translator: *Etaa kiratiari pee kinderu ore oltung;ani oji Ole Sophia.*

Com. Prof. Okoth Ogendo: Welcome please. You have a memorandum?

Paul ole Sophia: Yes.

Com. Prof. Okoth Ogendo: You have five minutes to highlight the main points.

Paul ole Sophia: First of all Mr. Chairman, allow me to be sincere ---- I am Paul Araia ole Sophia. I am presenting views concerning people with various disabilities. Thank you.

First of all allow me Mr. Chairman to pay sincere attribute to you, Constitutional Review Chairman. With your team for commendable plea to consider the plight of people with disabilities for the on-going Constitutional Review. Thanks a lot.

First, may I now present my views to you as follows:

Education: It should be mandatory for children with disability to access education. It should be a criminal offence to conceal or hide a child with disability.

Interjection: (In audible)

Paul ole Sophia: Yes. Thank you. Persons with disability should get education at comprehensive schools, upper secondary schools and at University level.

They should go to ordinary schools and not special schools.

Sign Language interpreters must be sent to all ordinary schools.

Ordinary schools should be suitable to people with disabilities.

Education must be free and fair for all with disabilities.

The Government of Kenya should ensure that when it reaches 2010 there is a few number of illiterate disabled persons.

Good schoolbooks should be available and proper training given to the teachers.

The Government should give extra thought to small children and women with disability when it comes to education i.e. gender.

Policy: The Government should have in place a policy and a legal framework that will spur training and employment for people with disabilities.

Persons with disability should be able to work both in town and in the countryside without any laws nor rules that say that he or she may not work.

The Government should give provisional training and provide special jobs for persons with disabilities.

The Government should give money, loans or lower taxes for companies who employ persons with disabilities.

The Government should support employers and make their work place best suited for persons with disabilities and develop technical aid tools and new technology.

A renter greater should put in place of work so that persons with disability can work in an ordinary place.

The Government should themselves make sure that persons with disabilities are employed by the State, by Local Authority and also NGO's.

The Government should work together with disability association when providing education and work to persons with disability.

They should be considered sometime for part time work as personal assistant or special working hours may be necessary.

Culture: The culture should be put in place as a mechanism that encourages persons with disabilities to participate fully in cultural and sporting activities.

Persons with disabilities should be given opportunity to dance, play music write books, act and paint.

They should be allowed to express themselves and to share experiences with others,

The Government should make sure that theatres, museums, cinemas and libraries are open to everyone.

Books, scenes and plays should be made so that persons with disabilities can also enjoy them.

They should be allowed to inherit property and also farm.

Leisure, entertainment and sports: The Government should make sure that persons with disabilities have the same opportunity for leisure, entertainment and sports as others.

Hotels, beaches and sportsgrounds should be open to everyone.

Tourist agencies, travel agencies and hotels should accept everyone including persons with disabilities.

The Government should make it easier for persons with disabilities to take part in sports, competitions, athletics, football, netball and tennis.

Personnel: The Government should make it mandatory for the availability of competent personnel to provide counseling and other assistants needed by persons with disabilities and their families.

The Government should give training to all personnel who give support and services to persons with disabilities.

Personnel in training should give importance to persons with disabilities taking part in society as equals.

The Government should work together with associations for persons with disabilities when they plan training for personnel.

Personnel in training should learn about new technology and talk about attitude towards persons with disabilities.

Campaigns: The Government and all stakeholders should take part to campaign and to educate the public on the plight of people with disability.

Women and children to be enhanced through the media.

The Government should tell everyone about the persons with disabilities and their rights what they need and what can be done to help them.

The government should help to speed information about different disabilities.

Persons with disabilities have the same rights and obligations as others.

Newspapers, radio broadcasts and T.V. stations should talk about persons with disabilities in a way that describes them as ordinary people.

The Association for Persons with Disabilities should take part in this work.

Interjection (In audible)

Paul ole Sophia: Thank you.

National Disability Council: The Government should set up a National Disability Council that will co-ordinate the implementation of disability programmes, the development of people with disability, offering of equal opportunity and redress issues of violation of people with disabilities.

National Census: The Government should organize a national census to determine the number of persons with disabilities so that an appropriate planning for provision of various essential services be made for the Government and all stakeholders to take part to assist those disabled needing wheelchairs, artificial limbs, and walking frame, motorbikes and also cars.

Public Building and Transport: The Government should take part to ensure all public buildings and transport system designed and general environment be accessible and convenient to persons with disabilities and their technical aids and appliances.

The Government and all stakeholders should make sure that streets, houses, trains and buses can be used by everyone.

Information and Communication: Persons with disabilities should have access to information through the radio, television and print media. Braille cassettes, tapes, large print texts and other technology can be used for persons with disabilities.

Sign Language: The Government should recognize sign language as one of the official languages in Kenya and Braille as a tool for reading and writing for persons with visual disability as well as the use of large print in and out of school, including simple aid visual languages for persons with hearing disabilities.

Taxes: The Government should assist to devise for persons with disabilities to be exempted from all form of taxes.

The Government should ban the demolition of kiosks owned by persons with disabilities.

Medical Care: The Government and all stakeholders should make sure that persons with disabilities get medical care. Doctors with special training should be able to do research on diseases that lead to disabilities.

Training and Rehabilitation: The Government should make sure that persons with disabilities get the training they need, so that they can live as freely and independent as possible.

They can function better in society.

They should get support and advice.

Their families should have a say in deciding what kind of training they should get.

Security: The Government should be responsible for giving security to persons with disabilities.

The Government should make sure that the persons with disabilities receive a social assistance or insurance.

Com. Prof. Okoth Ogendo: Please move on to your last points.

Paul Ole Sophia:

Family and private life: Persons with disabilities should have the right to a private life. Law should not treat those with disability as being different from others when it comes to sex, marriage and parenthood.

Religious Beliefs and Churches: The Government should support those who help persons with disabilities to go to Church.

Laws: Persons with disabilities should be included in all laws dealing with the rights and obligations of the Country ----, economy and policy.

The Government should include disability issues when making budgets and planning the economy.

Association for Persons with Disabilities: The Government should give Association for Persons with Disabilities their right to stage for persons with disability.

Legislature and Local Government: The Government should give twenty per cent nomination chance to persons with disabilities. Likewise the Local Government should give persons with disabilities a one third nomination.

The Government should know that disability is not inability. Negative thinking towards people with disability always produces negative assumptions and conclusions. Thank you Mr. Chairman.

Com. Prof. Okoth Ogendo: Thank you Mr. Sophia. Do we have a question for him? We don't have any questions for you. Please register and sign our book there. Can I have Councillor Nchoe. Councillor Nchoe. Councillor, is your presentation oral? Kuna dakika tano eh!

Clr. Nchoe: Kwanza mimi kama mliyواسikia naitwa Kilena ole Nchoe, Councillor kutoka Ward inayoitwa Naisea.

Pili, ninashukuru Commission hii kwa kuweza kufika hapa leo, ili kuchukua maoni yetu. Nafikiri muda ni mchache na nitajaribu

kufupisha ama kufanya kwa haraka haraka kidogo yale ambao nilionayo hapa. Mimi sina memorandum.

Kitu cha kwanza ambacho ningependa kuzungumuzia, nashukuru Serikali kwa kuchukua hatua ya kuweza kuanza ama kujaribu kutengeneza Katiba mpya ambayo itakuwa imezungumuziwa na imechangiwa na Wakenya.

Kitu changu cha kwanza ambacho ninataka kuongea hapa ni juu ya ardhi, ambayo nafikiri ndio uhai wa kila mtu katika kila nchi. Ardhi ni maisha ya kila mtu. Ninataka kuzungumuzia juu ya ardhi tuliyo nayo kwa wakati huu ama sehemu ambayo tunayoishi kwa wakati huu. Ningependa Katiba inayo tengenezwe kwa wakati huu, iweze kulinda ardhi ya Wamaasai ama ya kila kabila katika sehemu wanamo ishi. Hiyo ninasema kwa sababu kwanza katika sehemu hii ya Umaasaini, watu bado hawajapata miliki ya ardhi kamili, hawana ma Title, bado inaendelea. Ingingine imechelewa kwa miaka ishirini, watu wakiendesha mambo ya ukataji wa mashamba. Na kama haitafanyiwa haraka ama kama hawa watu hawatapewa haki yao ya kuweza kumiliki mashamba, italeta shida baadaye. Na pia ninataka kusema hapo, pia mambo ya umilikaji ya ardhi uweze kuwa unasimamiwa na kila mtu katika jamii ama katika familia, kwa sababu uuzaji wa ardhi umekuwa mwingi. Mzee anaweza kuwa anauza ardhi, anawacha mama, anawacha watoto wake na ni vizuri Katiba hio iangalie namna ya kuweza kushuhudia wale watu, ili wasije wakawa wanamaliziwa na watu ambao wamepotoka.

Pili, ningependa kusesitiza hapo kuwa uuzaji huo wa ardhi ukome kabisa. Ardhi isiwe ikiuzwa, ili watu wapate kuendelea na watu wanaendelea kuwa ili waweze kuwa na mahali hata wa kuja kujenga. Kwa sababu ardhi itaendelea mpaka kuwe na sehemu tu ya kujenga ama pengine watu watahindwa kupata pahali wa kuweza kulisha mifugo ama kulima mashamba.

Na pia ningependa kugusia ya kwamba katika uuzaji huo wa ardhi, ni vizuri Katiba ya wakati huu iangaliwe kikamilifu, ili iweze kuchunga asile kwa sababu vile tumepata kusikia musuko suko wa ardhi, clashes ambayo zilitokea hapa na pale miaka fulani na fulani, hizo zote zinatoka kwa sababu ya ardhi. Hakuna iliotoka kwa sababu nyingine. Iliotoka kwa sababu ya ardhi. Na hio ni kwa sababu ya watu kwenda kuishi sehemu ya wengine. Sisi sote ni Wakenya. Lakini kama watu wengine wameweza kuelimika kuliko wengine wanaweza kuchukua jukumu hiyo nakuweza kunyakua ardhi ya wengine, kwa kutumia akili hio, kwa kutumia pesa na kudanganya watu. Halafu baadaye watoto watakapo kuwa, bilashaka shida kama hio itakuja kutokea hata baadaya. Halafu watu walaumiwe kwa wakati huo ama sehemu ile kuwa wamefanya clashes. Na clashes ilipangwa tu baada ya Serikali ama Katiba kuruhusu watu kuishi sehemu za watu wengine.

Pili, ningependa kusema hapo, uhamiaji huu wa watu sehemu za wengine ni vizuri kuchungwe kwa sababu italeta shida nyingi. Italeta shida ya kuja kunyakua kitu ambacho kingalikuwa ni cha wale watu kama elimu, kama asilio, kama mali na mambo mengine. Na pia watu hawa wakiingia kwa wingi, kabila fulani likiingia katika sehemu ya District hii ya Narok ambayo ni ya Wamaasai, halafu kabila fulani kama ya Wakikuyu ama ya Waluo, ama ya wingi ikiingia kwa wengi, bilashaka hio jamii ambayo ilikutwa huko, watakuwa na shida na mila zao zinaweza kupotea, utamaduni wao unaweza kupotea, mpaka lugha yao inaweza kuja kupotea, kwa sababu ya wingi ya watoto wa shule. Hasa Wamaasai baado hawaja tambua elimu ni nini na orodha yao

itakuwa nje, ya wale itakuwa wengi na wale watoto wachache Wamaasai ambao watakuwa katika mashule watakuwa na shida ya kupotewa na lugha yao. Na lugha ya watu kupotea, hiyo jamii imepotea kabisa. Na itakuja kuwa shida na hayo yametokea katika dunia hii tunapo sikia ama saa ingine kusoma kidogo, kidogo kama Red Indian katika America, kama Aborigins wa Australia ama wengine kutoka Germany ambao sijui ni akina nani, lakini wakati wa Hitler mambo kama hayo yalitokea na lugha za watu zikapotea. Na tunataka Katiba hio ilinde watu ili wasije wakapotea kabisa maana utamaduni ukipotea, lugha ikipotea, jamii hio imepotea kabisa. Na itakuwa ni shida tena kuja kukaa na kusema ati tafuta ile jamii ya wale watu waliopotea ama tafuta lugha yao. Ni vizuri kulindwa kwa wakati huu ambao hauja potea. Hiyo ndio ninasema mambo ya ardhi ulindwe ili isije kuleta shida kama hizo.

Jambo lingine ambae ningetaka kutokana nazi kwa ufupi, kuna ardhi ya Wamaasai ambayo ilipotea wakati ukoloni uliingia. Ardhi kubwa ya Wamaasai ilipotea kuanzia Laikipia area yote ya Kinangop, area ya Naivasha/Nakuru. Area zote ambazo zinajulikana zilienda na wabeberu walipo kwenda, Wamaasai wangukuwa wamerudishiwa ile ardhi kwa sababu ilikuwa ni yao. Nasema hivyo kwa sababu ardhi ilioko Kiambu, ardhi ilioko sehemu za Kericho hapa, ardhi ilioko katika Kisii pale ilirudi kwa wenyewe. Na sioni kwa sababu gani ya Wamaasai haikurudi kwa wenyewe ambao ndio walinyanganywa na wale wabeberu. Kwa hivyo, tunaomba ardhi hiyo irudi kwa Wamaasai ambao ndio walinyanganywa na wale wakoloni lakini sio iende kwa jamii ingine na hawa hawakupeana yao ilipo rudi. Ilienda tu kwa kila jamii. Kwa hivyo pia hiyo ninasisitiza iweze kurudi.

Na pia ningepanda kusema, utawala pia, jamii ingine ikiingia katika jamii ya watu wengine, itaweza pia kupotea. Kwa sababu wingi ndio unaofuatua hasa katika upande wa Kura, Ikipigwa Kura, ni ni wingi ndio unahesabiwa. Na jamii fulani ikiamia ile jamii nyingine, inakua ndio majority katika familia yao na wenyeji wawe ndio minority bilashaka uwezi kuja kusema ama kuweka vikwazo kusema kwa sababu nyinyi mulituhamia, mukae bila kutuongoza, uongozi huo itakuja kuingia na ikiingia pia jamii itaweza kupotea. Na hiyo itiliwe maanani katika Katiba ya Kenya, ili vitu kama hivyo visije.

Mimi Nasema ya kwamba utawala wa Majimbo, unafaa zaidi kuliko utawala mwingine ambao tunasema tuungane kama Wakenya, ili tuwe na Serikali moja kama ilioko sasa. Na hio tunasema ni vizuri ama umoja wa Serikali ni mzuri, umoja wa Wakenya ni mzuri, utawala mmoja ni mzuri. Hii ndio ni mzuri. Lakini, wakati mimi ninapo chukua usukani ninasema tu, mzuri ninapo tafuta Kura, lakini nikiingia, nitachukua hatua mara moja, kusaidia sehemu nilipotoka, hata kama sio jimbo. Na hio ndio imefanyika katika Kenya hii. Tumeona maendeleo katika miaka thelathini na nne ya uhuru ambao sehemu fulani zimeweza kustawi na zingine zikabaki bila kustawi, bado ipo vile iliwachwa na wale wabeberu waliondoka na tuko katika sehemu, ama katika Serikali mmoja. Kwa hivyo nasema, Serikali ya Jimbo inasaidia kwa sababu mali ya asili, uongozi, kila kitu, elimu itaenda kwa watu. Na tufanye kwa umoja, na tufanye kama jamii mmoja ya Kenya, kila mtu akiwa na kitu chake.

Mambo ya mali: Katiba ya Kenya ni vizuri iwe ikichunga mali ya watu. Kama mimi nina shamba yangu. Kama nilipata kwa bahati acre mia moja, kama nilipata acre ishirini, kuna wengine ambao wanasema kila mtu katika Kenya apate acre ishirini. Na hiyo nikusema ili atoke kwao na akuje kujipatia acre kumi hapa, ama ishirini, ama kiasi fulani. Na mtu kama Mumaasai hawezi

kuwa na nafasi ya kwenda mahali kama Kiambu hata kupata mguu mmoja wa ardhi, hata kutengeneza kiosk huko. Hio unasema sisi ni Wakenya wote wacha tuishi pamoja -----(interjection)

Com. Prof. Okoth Ogendero: ---- fupisha, fupisha eh! Councillor. Councillor?

Cllr.Nchoe: ---- kule ni kama Jimbo,

Com. Prof. Okoth Ogendero: Councillor, can you please summarize. Fupisha.

Cllr. Nchoe: Nafupisha. Nasema tu kwamba wakati huu sasa ukienda mahali kama Kiambu, ukienda mahali kama Nyanza, ukienda mahali kama Kericho, ni wenyeji ndio wamejaa. Wamejaa kwa mashamba, wamejaa kwa mashule, wamejaa kila mahali. Kwa hivyo, sehemu hizo ni kama Majimbo tu. Ni kama Jimbo lililo kamilika. Kwa hivyo ninataka kusema, hio iangaliwe watu wasiseme ni Kenya, sisi ni Wakenya na tayari wametengeneza Jimbo lao na kuishi pekee yao na hakuna mtu ana nafasi ama lugha yao kupotea ama mambo ya elimu yao kupotea ama mali zao kupotea ili waje wanyakuwe katika sehemu ya wale wengine kwa sababu tayari wametengeneza sehemu zao. Kwa hivyo ndio machache ambao nimeweza kuzungumuzia juu ya hio, kwa Katiba hii tunayo undiwa sasa ama tunayo unda kwa wakati huu. Asante sana.

Com.Lenaola: Swali langu ni hili. Umesema kwamba hii land ya Wamaasai ambayo ilichukuliwa na Wazungu irudishwe kwa Wamaasai. Lakini ungependa tufanya nini juu ya wale ambao sasa wanamiliki hio ardhi? Tuwatoe namna gani ki Katiba. Kwa sababu tayari wako na ma Title Deeds, wako na haki zao kisheria, ungependa tufanya nini juu hawa watu ambao wako hapo?

Cllr. Nchoe: Ninataka kusema hapo, kwanza kabla sija jibu kwa wale wanaoishi, kuna sehemu ya ardhi ile ambao wabeberu wale baado wanaishi mpaka sasa. Kama Delamere Estates, kama kina Solio Ranch, na nyingine nyingi zilizo katika Mkowa hio ya Rift Valley. Na hio kwanza ningependa kusema, hio kwanza direct, ije kwa Wamaasai waliopoteza na isiende kwa mtu mwingine. Kama nikununuliwa, kama ni kufanya nini, kama ni Serikali itanunulia watu, kama ndio ilinunua wale ambao wanaishi kwa wakati huu, kama ni Serikali ilichukuwa na kufanya ADC Farms na kurudi kugawanya, gawanya, ije direct kwa Wamaasai walionyanyanywa tayari.

Nikisema ile ingine ambao tayari watu wengine wameishi, hio ninasema, kwa sababu walichukuwa tu kwa kutumia elimu yao, walichukua kwa kutumia akili yao, na mambo mengine kama hayo. Na hio tunasema pia, irudi. Ama kama haitawezekana tunajua ni Wakenya wenzetu, lakini Wamaasai basi waweze kulipwa ridhaa ili waweze kupata namna ya kuweza kusomesha watoto wao, kuweza kujenga sehemu walizo baki nazo na compensation ambao watakayo pewa iwe ni Serikali ya Kenya ama Serikali ya Wingereza ilio tawala nchi hii. Kwa sababu hatutaki tu mambo kwenda namna hio, na sisi kudanganywa na wakoloni halafu tumekuja kudanganywa tena na wenzetu ili tupoe na tupoteze mali yetu, na ilikuwa ni yetu ya kihalali. Pia, katika nchi hii baado, kuna sehemu zingine ya ardhi hio ambao baado ilikuwa natajwa baado ni ya Wamaasai. Kama corridor

fulani hapa, inayo kwenda mahali kunaitwa Kinangop, kulikuwa sehemu ambao Wamaasai walikuwa wanafanyia kitu inaitwa ‘thaleng’u’ ama sherehe zao. Na Wakoloni walitenga na imewekwa corridor fulani ambayo watakuwa wakipitia na saa hii imenyakuliwa na wengine. Hio, direct irudi kwetu na sehemu hio ambao tulikuwa tunafanyia sherehe hizo, irudi kwa sababu sijui ilienda ikitumia Katiba gani ama ilienda kwa nini, na iko katika maandishi.

Com. Prof. Okoth Ogendo: Asante saana Councillor. Please write your name there. Lorna Nkowa. Councillor, Councillor jiandikishe kule. Madam, please sit down. You have five minutes.

Lorna Nkowa: Asante. Kwa majina, ninaitwa Lorna Nkowa. Mimi ni kiongozi wa wakina mama. Ningependa kuwashukuru sana CKRC na Commissioners walio fika hapa Narok. Ningependa kuwashukuru saana kwa vile tumekaa tukiwangoja kwa muuda mrefu. Na tumesema karibuni Narok.

Com. Prof. Okoth Ogendo: Asante saana.

Lorna Nkowa: Jambo langu la kwanza nikiwa kwa kutoa maoni, ningependa kutoa maoni kwa upande ya wakina mama on the right of Affirmative Action Policy.

The current Constitution is actually silent on women’s rights. Na ningependekeza ya kwamba, the right of equality of all citizens irrespective of gender, should be enshrined in the Constitution. Iwekwe kwa Katiba.

On the side of Education: Sisi Wamaasai tuko nyuma saana kwa upande wa masomo and actually Wamaasai, we are actually a marginalized community. Ningependekeza ya kwamba, masomo haswa kwa upande wa msichana, iwe free and compulsory. Free education for girls at least up to the level of ‘O’ Level, mpaka hadi pale ambapo tutaweza kujishikilia sisi wenyewe, tungependekeza kwamba Serikali ishikilie watoto Wamaasai, wasichana wasome bure mpaka Form IV. Na iwe lazima.

Pendekezo langu lingine la pili ni kwa upande wa ardhi: Ningependekeza kusema ya kwamba, Title Deeds ziwe kwa family name. Kumaanisha ya kwamba, kama bwana ako na wake wa nne, wote wa nne waandikwe kwa Title Deed. Hio itatusaidia kwa uuzaji wa ardhi. Kwa sababu utakuta ya kwamba, mzee anaweza kwenda kwa Bar, na auze shamba bila mama au watoto kujua. Kwa hivyo ninapendekeza Title iwe family name.

Pendekezo langu lingine kwa upande wa ardhi ni kwamba, Land Control Board ianzishwe kutoka huko Locational level na kuwe na Board members kutoka Locational level, Divisional Level hadi District Level. Na ningependekeza kusema ya kwamba, Chairman ama Chairperson wa Land Board awe amechaguliwa na raia ama wananchi wa sehemu hio. Awe elected by the members of that particular community. Kwa sababu tunaona ya kwamba, Chairman akiwa ametoka kwa administration, sincerely hatajali na hatajua mwenye anauza shamba na hatajali, kwa hivyo atapatisha tu. Kwa hivyo ningependekeza awe ni

Chairman ambae amechaguliwa kutoka the Local Community.

My other recommendation ni kwamba, kuna Clause ya Willing-Buyer-Willing-Seller, in the Current Constitution. Mimi Ningependelea hio Willing-Buyer-Willian-Seller, that Clause iondolewe, kwa sababu imeumiza Wamaasai. Na ningependeleza kuwa, wamama katika hio Land Board, wawe represented at least fifty per cent representation of women kutoka Locational level, Division, mpaka District Level, at least wamama wawekwe katika hio Board.

Trust land ambayo ilizungumuziwa hapo mbeleni na Councillor, maoni yangu ni kama hayo tu, kwamba the land agreement ile ilikua imefanywa, ile ambayo ilikuwa imeuzwa na watu wetu, sijui kama iliuzwa ama waliweka tu kidole wazungu wakachukua. Hio ningesema ya kwamba, tuwe compensated either by cash ama tununuliwe shamba zingine pahali pengine.

Jambo lingine langu ni kihusu Wanyama, Wildlife: Sisi Wamaasai tunaumia saana kwa upande wa Wanyama. They are not our brothers nor our sisters. Na Wanyama wametumaliza, na kumaliza mifugo yetu, na kumaliza mimea yetu. Pendekezo langu ni kwamba, Wanyama kama ni wa Serikali, Serikali iwachukuwe, iwapeleke sehemu zao tuwachwe na shamba zetu, watoto wetu bila kuuliwa na chakula chetu bila kumaliziwa. Kama Wanyama ni wetu, tuwachiwe tufanye vile tunataka. Kama ni kuuwa, kuchinja na kukula, basi tuwachiwe. Kwa hivyo, ningependeleza ya kwamba Wanyama kama ni wa Serikali (Clapping) wachukuwe Wanyama wao pahali wanajua.

Interjection --- (in audible)

Lorna Nkowa: Sorry? Umenikatisia. (Laughter) Basi pengine kwa sababu tusha andika, wacha nifikishe hapo nikiwaombea Mungu awabariki, na mwendelee kutu, Constitution itulinde. Thank you and let us have a God driven Constitution. Thank you.

Com. Lenaola: (In audible)

Lorna Nkowa: Land Board, actually here I had written, Land Board either to be scrapped out ama kama itabaki, ibaki na uazishwe kutoka tu huko chini. In a way or another, pengine one might need to transfer land to his sons, may be the Land Board would be necessary and that is why I said, the Chairperson should be elected by the Community around.

Com. Lenaola: Thank you Lorna. Mambo ya Wildlife, mahali pengi tumeenda tunaambiwa kwamba, baadala ya Wanyama kupelekwa na kufingiwa kwa Park, wananchi wa sehemu hio wapate sehemu fulani ya mapato kutoka kwa Wildlife. Ungependeleza nini juu ya mambo kama hayo?

Lorna Nkowa: Kwa mambo kama hayo, nilikuwa nimependeleza hapo na iko kwa memorandum yangu ambae itapeanwa, kwamba at least sixty percent, should go to the community around.

Com. Lenaola: Mtu akiuliwa sasa na Mnyama, analipwa thirty thousand. Unaona kama hio ni sawa, ama ungependekeza nini juu ya hilo jambo?

Lorna Nkowa: Asante saana Bw.Commission umenikumbusha ya kwamba, thirty thousand ni bei ya ndama mmoja na sidhani bei ya ndama ni bei ya Mumaasai mmoja, binaadmu. Kwa hivyo ningependekeza ya kwamba, in case mtu amewawa, one million ilipwe. Na baada ya miaka hio, one million and after five years, iwe reviewed ilipwe million mbili. Asanteni saana.

Com. Prof. Okoth Ogendo: Please go and register your memorandum there. Namunyak Kamaro. Take your five minutes. Your name first on the microphone.

Namunyak Kamaro. Namunyak Kamaro

Com. Prof. Okoth Ogendo: Okey.

Namunyak Kamaro: Yangu ni Namunyak Kamaro. Nashukuru Commissioners, nakushukuru Serikali kwa kutuletea watu wakutuletea maoni.

Yangu ni kusema kwamba ningefurahia Serikali watuletee masanduku, not black boxes. Tungefurahia watuletee transparent boxes halafu tunapo weka Kura zetu tunaona tunaweka wapi. Wakati huo hatutakuwa na rigging.

Ya pili, tungetaka family Title Deed. Kwa kuwa wazee wanauza mashamba na sisi wamama tunaumia saana. Wanakuwa na agreement nje na sisi hapa tunaumia.

Ya tatu: sisi wamama hatuna cheo chochote. Hapa Narok, hakuna mama ako na cheo yoyote. Tuko na cheo moja tu ya mama mmoja ambae ni councillor. Na ikiwezekana tungetake wamama wapate cheo ya DO, DC, na Chief. Na Serikali ichukuwe jukumu ambao hatutaki wakati election itakuja, hatutaki nominations. Hatutaki nominated councillorship ama parliamentary.

Ya nne: Tungetaka Kura inapo pigwa, kuwe na mawakili wanao simamia masanduku wakati kunapigwa Kura, sio personal. Mwenye kupiga Kura si ati atafute mtu wake alete hapo. Serikali ichukuwe jukumu ya kuleta wakili kutoka mahali popote alipo. Yangu ni hayo tu.

Com. Prof. Okoth Ogendo: Asante sana. Any questions? Okey, please register your memorandum there. Thank you very much. Pauline Naini. Pauline. Okey. Thank you Pauline. Uchukuwe nafasi yako. Asante sana. Do you want to speak?

Pauline Naini Kinyerkwo: Kwa majina mimi naitwa Pauline Naini Kinyerkwo na mimi nitajaribu kuongea kwa Kimaasai, ili wamama wenzangu wasikie yale nitakayosema.

Pauline Naini Kinyerkwo: *Ore too inkarn na Pauline Naini.*

Translator: Neno langu la kwanza

Pauline Naini Kinyerkwo: *Ore olomini la ledukuya.*

Translator: Nitaongea kama vile councillor wetu hapa, awali aliongea juu ya ardhi.

Pauline Naini Kinyerkwo: *Nakaiteru ai maki esiaenaa enaimaka olcouncilloi lan'g esiai en'gulukoni.*

Translator: Kile imesababisha niongee kama mama kwa hali ya ardhi,

Pauline Naini Kinyerkwo: *Amu ore pee ainyiaka imaki are entomononi esiai engulukoni.*

Translator: Sisi ndio tuna shida kwa sababu sisi ndio huwa tunazaa.

Pauline Naini Kinyerkwo: *Amu iyiok nanyamal amu iyiok naisho.*

Translator: Sisi tuna shida kwa maana hatuna mahali pa kwenda.

Pauline Naini Kinyerkwo: *Na iyiok nanyamal amu meeta enikipuo.*

Translator: Sisi ndio tuna shida, kwa maana hiyo ardhi ikiuzwa watoto wangu sina mahali pa kuwaweka na hata kuwapeleka.

Pauline Naini Kinyerkwo: *Nanyiok nanyamal amu tenemiri enkop nalau enaya inkera nemeta enalo.*

Translator: Nimesema kwamba ni vizuri niongee juu ya ardhi kama saa hii ambapo nimepata nafasi hii.

Pauline Naini Kinyerkwo: Naina na paatejo kaimaki esiai engulukoni anoto ninye taa enaimakinyie.

Translator: Ninashukuru sana, kwa sababu huwa ninakua na uchungu mwingi, na nikijiuliza ni wapi ambapo nitatoa maoni kama haya?

Pauline Naini Kinyerkwo: Nashuku enashe amu kaning'ito oshi emion atala enaimakinyie ele omoni lainosita neishari eng'ulukoni nalotu tata aimaki nashuku enashe sapuk.

Translator: Nimekosa mahali pa kwenda,

Pauline Naini Kinyerkwo: Atala apa enalo,

Translator: Kwa maana ningekuwa nimewakilisha kilio changu.

Pauline Naini Kinyerkwo: *Amu enata apa aidipa aishira*

Translator: Kama vile Katiba hii mpya ambayo imeletwa,

Pauline Naini Kinyerkwo: Kake ore taa enywaki ena katiba ng'ejuk,

Translator: Nikasema ni asante saana ili nipate nafasi ya kuwakilisha maoni yangu.

Pauline Naini Kinyerkwo: *Najo ashe olen'g pee atumoki airoro,*

Translator: Ninataka kusema juu ya ardhi,

Pauline Naini Kinyerkwo: *Niaku ore tata esiai eng'ulukoni,*

Translator: Ardhi ni kama imekwisha kabisa.

Pauline Naini Kinyerkwo: *Aishari kabisa.*

Translator: Kwa maana sisi mara nyingi hatujui umuhimu wa ardhi.

Pauline Naini Kinyerkwo: *Tia tuninye ilmasae amu mikiyiolo maama eng'ulukoni.*

Translator: Lakini sasa tumekuja kujua maana ya ardhi, kwa maana huna mahali pengine ambayo utarudi baadaye kwenda.

Pauline Naini Kinyerkwo: *Kake kinyietuo aiyolu maana eng'ulukoni amu kemir ake olmoruo olchamba nilauenilo.*

Translator: Shida ambayo tunayo.

Pauline Naini Kinyerkwo: Ore shida nikiata,

Translator: Ni kuhusu ofisi ya Mkuu wa Wilaya.

Pauline Naini Kinyerkwo: *Na kutoka hali ol DC.*

Translator: Na pia kuletwa watu ambao ni wa Land Control Board ambao si wa nchi hii.

Pauline Naini Kinyerkwo: Anaa lelo onyauni tong'ota lemelenakop.

Translator: Yeye mwenyewe hanijui hata nikienda kuuliza jambo kwake.

Pauline Naini Kinyerkwo: *Amu mayiolo nanu tenaloikilikwanu.*

Translator: Mzee akienda kuwaeleza huyu mama sio wangu, yeye anakubali.

Pauline Naini Kinyerkwo: *Ore pee elo olupayan ajoki imenai ena neny'ora.*

Translator: Akimweleza huyu mtoto sio wangu, anakubali.

Pauline Naini Kinyerkwo: *Ore pee eloolpayian ajoki imenai ena kerai nenyoraa.*

Translator: Mahali ambae mimi nakuja kusema,

Pauline Naini Kinyerkwo: *Kake ore tata anoto enaimakinyie,*

Translator: Ni yale ambayo yanahusu ardhi.

Pauline Naini Kinyerkwo: *Aishori alimu esiai eng'ulukoni.*

Translator: Inatakikana kwamba mambo ya ardhi yanzie kutoka Sub-Location na kuendelea Locational, Divisional mpaka District.

Pauline Naini Kinyerkwo: *Enyieu neiteruni esiai eng'ulukoni embaki Sub-Location ,Location Division ompaka District.*

Translator: Watu wa sehemu hio wachaguliwe,

Pauline Naini Kinyerkwo: *Nengeluni ilopen'y ina murua,*

Translator: Wale ambao wanatufahamu vizuri,

Pauline Naini Kinyerkwo: *Oinyiolo inyiok*

Translator: Wanajua watoto wetu,

Pauline Naini Kinyerkwo: *Nenyiolo Injera,*

Translator: Ili nikienda kusema uongo, kuna watu wananifahamu vizuri.

Pauline Naini Kinyerkwo: *Paa tenalo alejisho ajo kara ene lepayian neyiolo.*

Translator: Na huyu mzee akienda kusema uongo,

Pauline Naini Kinyerkwo: *Paa tenelo olpayian ajo imenai ena kitok nenyiolo,*

Translator: Anakosolewa pale.

Pauline Naini Kinyerkwo: *Neng'eluni aitoris o nkituak metaa tenera lpayian itomon neng'eluni inkituak imiet.*

Translator: Na, kama wana Kamati ni kumi, wawe sawa kwamba wanaume watano na wamama watano.

Pauline Naini Kinyerkwo: *Amu enkitok ake nata uruma.*

Translator: Kwa maana ni mama tu ndio mwenye huruma.

Pauline Naini Kinyerkwo: *Niar enkima einng'uru ilo orika enaa ole District.*

Translator: Na maara nyingine nao wanashikwa hasa na joto na kuangaika wakiendelea kutafuta kiti hicho cha District.

Pauline Naini Kinyerkwo: *Nikiponu angelu chairman le District,*

Translator: Sisi wenyewe tutakuja kuchagua mwenye kiti wa District,

Pauline Naini Kinyerkwo: *Alpayian likiyiolo lemurua.*

Translator: Mzee ambaye tunafhamu wa eneo letu.

Pauline Naini Kinyerkwo: *Oyiolo inkera o ntomonok.*

Translator: Ambaye anajua watoto wetu.

Pauline Naini Kinyerkwo: *Ore pee kingelu ilo payian,*

Translator: Tukichagua huyo mzee,

Pauline Naini Kinyerkwo: *Nikiduraa esiai o DC kabisa mikiyiok nikidoki ayieu inyok.*

Translator: Mambo ya DC, hatutaki tena kabisa. Sisi tunaondoa, hatutajua kabisa.

Pauline Naini Kinyerkwo: *Amu ore ninye keti iintomonok nemeta enetii tenakata na olDC oishwa.*

Translator: Kuna wamama saa hii hata hawana afya, hawana chochote, na ni DC ndio amemaliza hawa.

Pauline Naini Kinyerkwo: *Ore pee alo aishiraki olDC,*

Translator: Wakienda kwa ofisi ya DC,

Pauline Naini Kinyerkwo: *Naing'orr ake ol DC amu kata imuna nejo impang'a.*

Translator: DC ananiangalia tu kwa sababu nina hizi vitu ambao nimeweka kwa masikio, halafu anasema, wewe mama toka nje.

Pauline Naini Kinyerkwo: *Narikito inkera.*

Translator: Na nina watoto kwani nilikuwa nimeandamana nao.

Pauline Naini Kinyerkwo: Netimira duo olpayian olchamba te bar.

Translator: Na huyu mzee pengine alienda kuuza shamba akiwa upande wa Mara.

Pauline Naini Kinyerkwo: *Nelo aing'alanaa naa ena kelo anang'a enelo eidipa.*

Translator: Yeye anaenda tu kutembea huko na kuangaihsa huko na hata kama ni kufia huko, ni sawa kwa maana amemaliza.

Pauline Naini Kinyerkwo: Kaji aikoing'iyiotin?

Translator: Na sasa, je watoto? Nitawafanyia nini?

Pauline Naini Kinyerkwo: *Kaji aiko tenaisomesha?*

Translator: Nitawaelimisha hawa namna gani na sina mahali ya kuwapeleka?

Pauline Naini Kinyerkwo: *Kaji iko tenaisomesha mata enaya?*

Translator: Ukiangalia na sisemi ukweli,

Pauline Naini Kinyerkwo: *Ore ninye tenijo aing'o tenakata nemakalejisho,*

Translator: Yule DC wa hapa Narok,

Pauline Naini Kinyerkwo: *Ore ol DC ele lenkare Narok,*

Translator: Baruwa ikienda kuangaliwa, ikichunguzwa, ni kama amemaliza ardhi yote.

Pauline Naini Kinyerkwo: *Teneji maing'urai imbala eishayie enkop kabisa.*

Translator: Na ninataka muangalie sana hapo.

Pauline Naini Kinyerkwo: *Na kayieu ning'uraa .*

Translator: Kwa hii Katiba mpya ambayo inakuja.

Pauline Naini Kinyerkwo: *Ena katiba ng'ejuk.*

Translator: Kwa maana yeye mwenyewe amekubali wazee wauze ardhi,

Pauline Naini Kinyerkwo: *Injere amu ketoyorayie metimira ilpayiani enkop,*

Translator: Kwa nini yeye anakubali na sisi ndio tunakimbilia yeye kama wamama?

Com. Prof. Okoth Ogendo: Ufupishe mama.

Pauline Naini Kinyerkwo: *Ainyio pee enyora na ninye inyiok kinjiraki kira intomonok?*

Translator: Kwa nini anakubali na yeye ndio tunaye mtazama.

Translator: *(in Kimaasai to Pauline) Etejoki taa intodoropa?*

Pauline Naini Kinyerkwo: Bado.

Com. Prof. Okoth Ogendo: Dakika moja basi.

Translator: *Oldaikai obo.*

Pauline Naini Kinyerkwo: *Ore pee aita baki ine,*

Translator: Nikifupisha,

Pauline Naini Kinyerkwo: *Esiai olDC,*

Translator: Kazi ya Mkuu ya Wilaya,

Pauline Naini Kinyerkwo: *Ore esiai ol DC,*

Translator: Simchukii Mkuu wa Wilaya, lakini unajua sasa yeye, pengine anapatiwa rushwa.

Pauline Naini Kinyerkwo: *Maiba nanu ol DC kake kepui nadoi aihong'a.*

Translator: Asimamie kazi ya Serikali pekee yake.

Pauline Naini Kinyerkwo: *Inchoo eitashiki esiai eskali aninyake.*

Translator: Hatu ruhusu wale wazee watusimamie.

Pauline Naini Kinyerkwo: Nesho ilpayiani meitashiki ninje iyiok.

Translator: Jambo lingine,

Pauline Naini Kinyerkwo: *Ore sii enkae,*

Translator: Asante saana kwa ajili ya Katiba hii mpya.

Pauline Naini Kinyerkwo: *Ashe oleng tena katiba ng'ejuk*

Translator: Kwa sisi wamama.

Pauline Naini Kinyerkwo: *Ore tialo inyiok intomonok*

Translator: Inafaa na si wamama, tupatiwe uhuru kwa maana hatuna.

Pauline Naini Kinyerkwo: Kenarikino sininje neishorr inyiok uhuru amu mikiata.

Translator: Hata ukija mahali kama hapa unasikia tu una wasi wasi hata unashindwa kuongea.

Pauline Naini Kinyerkwo: Amutenilotu tenakata ewejinijo ena mindeu iroro

Translator: Na sasa tuna uwezo na kuna ujasiri, hatujawahi kusimama na hata kukaa mahali kama hapa kuongea.

Pauline Naini Kinyerkwo: *Netaa ekitumoki airoro amu eitu akata nanu aton tene.*

Translator: Hii tunashukuru saana.

Pauline Naini Kinyerkwo: Na iasidai ina.

Translator: Tunataka sisi tupatiwe,

Pauline Naini Kinyerkwo: Keyieu tata neishoiri iyiok ,

Translator: Tupatiwe viti yaina mbali, mbali kama ni ya DC, ya Chief na hata ma Councillor.

Pauline Naini Kinyerkwo: *Ilorikan ailo DC a ,chief a councilor neishori iyiok maitasho te pooki weji pee kitum sii iyiok ai tetea ate.*

Translator: Hata kama ni kiti cha u Minister, hata sisi tunaweza.

Pauline Naini Kinyerkwo: Ata ana olorika lo ministei, nikidashe siyiok.

Translator: Hata kama ni Rais wa nchi,

Pauline Naini Kinyerkwo: *Ore tenaa Rais.*

Translator: Inastahili Rais awe mwaume na makamu wake awe ni mama.

Pauline Naini Kinyerkwo: *Neng'eluni Rais ore Vice naa enkitok.*

Translator: Na sisi pia tunafaa tuchaguliwe.

Pauline Naini Kinyerkwo: *Neng'eluni sii ninje inyiook.*

Translator: Ikitolewa ile kiti ya wale ambao wanachaguliwa au nominated,

Pauline Naini Kinyerkwo: Tene itayuoki lelo orikan oji le nominated,

Translator: Sijui kama itaondolewa,

Pauline Naini Kinyerkwo: Amu mikiyiolo tena keiwu'ang'i.

Translator: Kama hakitakuwapo, kikiondolewa, sawa.

Pauline Naini Kinyerkwo: *Neworr aitoris.*

Translator: Councillor,

Pauline Naini Kinyerkwo: Kutoka Minister

Translator: Mpaka Wajumbe wa Bunge,

Pauline Naini Kinyerkwo: *Neng'eluni sii ninje intomonok.*

Translator: Na wamama pia wanafaa wateuliwe pale.

Pauline Naini Kinyerkwo: *Pee kirisioyu pooki.*

Translator: Ili nasi tuwe sawa pamoja.

Pauline Naini Kinyerkwo: *Kake miking'iro inyiook ilpayiani kira intomonok.*

Translator: Na hio aimanishi kuwa sisi tukiwa wamama wa Maasai tutakuwa juu zaidi ya wazee.

Pauline Naini Kinyerkwo: *Kitiake tenepo.*

Translator: Tuko pamoja.

Pauline Naini Kinyerkwo: Niaku kaitabaiki nanu ineweji

Translator: Nitafikisha hapo,

Pauline Naini Kinyerkwo: *Amu eiroro ilkulie ilomon neishu.*

Translator: Hawa wengine wameongea na wamemaliza mambo,

Pauline Naini Kinyerkwo: Kake enchom entayiolo esiai o ntomonok pee kisumisha intoyie amu meeta enikiti iyiok .

Translator: Kwa hivyo muende muangalie kwa maakini hali ya watoto kwa maana hatuna mali yoyote ile.

Pauline Naini Kinyerkwo: *Nishukuku ilchmbai lan'g apa oshomo amu mang'ira ake teina.*

Translator: Na mashamba yetu ambazo yalinyankuliwa yarudishwe.

Pauline Naini Kinyerkwo: *pee teneme shukokini inyiok ilchambai neitayuni iropiyiani nashetakinyieki iyiok universti colleges pee eponuatua enkop ang'a onkera ang'a pee isumarwe.*

Translator: Kama haitawezekana kurudishwa yale mashamba, pesa tutafutiwe tulipwe, tujenge ma colleges na ma shule ambayo watoto wetu watatumia.

Com. Prof. Okoth Ogendo: Okey. Thank you. Asante sana mama. James ole Narangek. James, you have a written memorandum, just give us a summary of the main points.

James ole Narangek My name is James ole Narangek. I am the Chairperson of the disabled in the District. Here mainly, I thank the Commissioners of the CKRC for giving us this opportunity to address the Constitutional Reform. I have just come mainly on two parts and I will be very short and brief on every part. It should have at least twelve sections, but I will be very brief and very, very quick.

Com. Prof. Okoth Ogendo: Alright.

James ole Narangek: Here, I start with the first part on the latter page of our findings to the review. I'll come to the Legislature:

The disabled persons should take at least twenty percent of the nominated positions to the Parliament and the Local Authority, as one of the marginalized people. For instance, if you try to look at the present, let us say the nearby, the Local Authority: We have got no representation as disabled persons and at any time when you come, you might think that the disabled people are represented, but they are not represented in any place. So we are asking for that one to take place.

The Constitution's stipulation should include impeachment of the breaches of trust, corruption etc., for Premier or President, Ministers and sacking of Permanent Secretaries, who do fall victims of graft and other major violation of public trust.

The third point is life of Parliament: be programmed by a special Committee of Parliament, which should take the submitted to Parliament for approval.

Direct election for Mayors, Councillors, Chairmen, President and Vice-President or Premier Ministers whichever the case.

The Electoral Commission should be constitutionally established and should be independent of interest of the other organs of the Government.

Effective Constitution stipulation that is practical and functional, separations, of power of the Executive, Legislature and Judiciary.

All Parliamentary deliberations should be aired for the electorate to vet performance of other parliamentary leaders.

The Constitution amendments to be approved or disapproved by referendum, to empower the grassroots communities.

Only University degree holders and above should vie for Parliamentary seats to improve quality and quantity of Parliament's debates which envisage inputs and analysis.

The Councillors must be Fourth Form graduates at minimum qualification to vie for Local Authority and elective positions.

Parliament should be scrutinizing which international or U.N. Convention, Kenya ratifies and should be expeditiously

domesticated in the same.

A disabled person's Constitution Office: whose mandate shall exclusively deal with the disabled person's issues whose composition shall be fifty per cent male and fifty per cent women.

Going to the Section of Judiciary: Each Police Station should have women's desk to deal with women suspects up to and including their welfare in police cells.

Prosecutors should be advocates of the High Court or simply lawyers. For offences, which attract more than three-year jail terms, and then the suspects should be accorded free defence counsel by the State.

Courts should be established at Divisional Levels to bring justice close to the people and cut down the cost of light litigations for the poor.

All cases should heard and determined in record time, maximum of three months.

Review and advisory system of justice management to re-train policemen so that they are more aware and knowledgeable about the rights of suspects before subjection to the due process.

Com. Prof. Okoth Ogendo: You have one more minute.

James ole Narangek: Yes.

Com. Prof. Okoth Ogendo: One minute. Please summarise

James ole Narangek: The Constitution should stipulate alternative justice, dispensations through tradition Maasai justice system which is still operative and effective. Cases determined this way should not again be tried in Courts.

The community to choose which justice system that best resolves their conflicts or disputes before hand.

P.3 Forms should be in the custody of the MOH, health centres and dispensaries, for ease of access. Medical personnel should be assigned to Police Stations to see the health conditions of suspects in the cells. Treatment for sick or ill suspects however, should only be done in regular health services provisions ----

Interjection: Com. Prof. Okoth Ogendo: James, your time is up. Your time is up. Have got your last point, please?

James ole Narangek: I think if at all my time is up, dear Commissioners, then I think you have everything in written but not orally.

Com. Prof.Okoth Ogendo: Agnes Jampei. Agnes, please take five minutes. If you exceed, then I'll stop you.

Agnes Jempei: I don't have much. My name is Mrs. Agnes Jampei representing Maendeleo Ya Wanawake and Kenya Women Political Caucus. I am just going to read the summary of what we have written, because everything is written here and may be you are going to go through it, when you go there.

Interjection: (in audible)

Agnes Jempei: Yeah. So in my summary, we have written that we are seeking for a system of Government that incorporates principals of equality for all.

Affirmative Action to redress past injustice.

Respect for men and women.

Equal full and meaningful participation of women in governance and development.

A gender sensitive Government that promotes the principals inclusively for women.

A society that respects the dignity and human rights of women and seek to protect women against violence by public and private sectors.

A Government that celebrates the diversity of all Kenyans and diversity of women as a special group.

A Government that acknowledges the extra burden that women carry as a result of culture, tradition and gender bias, that militates against women's involvement and participation in Government.

A Government that recognizes women as a disadvantaged group in property ownership which largely dictates participation in Government.

A Government that values women's work as a family care provider and nation builder through the formal and informal sectors.

A Government that establishes institutional framework and institutions and commensurate resources allocated in support of policies and programs for advancing the human rights of women.

A Government that ensures access by women to be productive and to be given resources for productivity.

Finally, a system truly committed to balancing of the scales so that women can share for the sake of national building.

To finish it all, we need free education for our children, because we are the sufferers when we see our children just roaming at home without education. They cannot get proper employment because of lack of education which is needed, and that is all.

Com. Prof. Okoth Ogendo: Thank you very much Agnes. Please register with the Secretariat. Amina Robo. Chukua dakika tano mama.

Amina Robo: Kwa majina naitwa Amina Robo Shagura. Nyinyi wote, wale wanapanga hii mambo ya Katiba na Serikali yote, wananchi wote hamjamboni?

Wananchi: Hatujambo.

Amina Robo Shagura: Yangu ni machache si mengi saana kwa maana wenzangu wameongea mengi. Kitu cha kwanza, ni mambo ya kazi kwa wananchi. Sisemi kabila fulani wala kabila fulani. Sisi wote ni wana Kenya. Tunakuwa ----- na watoto wanasoma. Watoto wanakosa kazi. Iko jamii wa maskini wengine hawaja faulu kupata maisha bora, hatuna ngombe na hatuna shamba wengine. Shamba yetu ni kalamu na ngombe yetu ni kalamu. Watoto wanasoma na hakuna kazi. Hayo matatizo yote yanasababishwa na kabila kuweka kwa kipande. Kwa maoni yangu mtu akiwa Mkenya wa pahali popote, akiwa na certificate ya kuzaliwa na kipande, aweze kuandikua kazi mahali popote kazi ukitokea ili ukoseji wa kazi upungue. Hiyo ni agenda ya kwanza.

Agenda ya pili: Sisi kina mama kweli tuko na shida. Shida kubwa saana kwa upande wa wasichana. Wazee wetu. Anangojea msichana fulani anamhesabia kichwa anasema msichana fulani mwaka fulani ukifika, miaka kumi na tano, au miaka kumi na mbili, tiyari ameanza kuchukuwa mali kwa wazee wenzake. Hata kama alikuwa riika yake ni sawa. Mtoto wa deregeje anarika kidogo napeana nyangusi, babu yake. Sasa inarudi msomo ile akina mama anakuaga kibebe, anashona kureshe, anashona makshamba, anaenda kibarua asomeshe hawa watoto, apate usaidizi, inakuwa sasa wazee wanapita nyumba wanapeana, hapana. Unakuta tu sherehe inakuja kwako. Hujui inatoka wapi. Kumbe msichana ashapeana. Na wewe unasema mtoto amefika Std. 8. Ninatayarisha aende Form I. Hio ndio iko shida saana. Tafadhali, mimi naongeza kwa Katiba, jamani haya mambo wasiseme Somali au waseme ni Maasai au waseme Kisii wala waseme kabila, ni wana Kenya wote,

tukuwe pamoja. Tusomeshe watoto, tusomeshe wasichana tupate kusaidika hata sisi akina mama.

Haya, tukikingia uongozi, sisi hatuna kiongozi akina mama. Hata kama ni Muislam, hata kama ni kabila gani. Tukisimama pahali mbele ya wanaume, wanasema mwanamke anasimama kufanya nini? Hebu rudi nyuma. Tukienda pahali fulani, anakuambia, unahaki gani ya kusimama mbele ya wanaume kuongea? Na vitu nyingi, hio shida yote unaletua na kukosa kusoma.

Com. Prof. Okoth Ogendo: Pendekeza mama.

Amina Robo: Pendekezo, sisi tunataka tupewe haki yetu na tupate kusoma, tufungwe mikoto kwa masomo. Mwenye kutoa mtoto kwa shule na kupeana kwa bwana, achukuliwe hatua na Serikali. Arudishwe mtoto kwa shule asome. Kama mjamaa hana mali, asaidiwe na Serikali. Atusaidie kusomesha. Hapo ndio maoni yangu umefikia. Asanteni saana.

Com. Prof. Okoth Ogendo: Joseph ole Karia.

Joseph ole Karia: Naitwa Joseph ole Karia.

Com. Prof. Okoth Ogendo: Hello. Excuse me! Please register outside before you come in. If you don't register, you will not speak.

Translator: *Etejoki taa tang'asa*

Com. Prof. Okoth Ogendo: Okey, Joseph endelea.

Joseph ole Karia: Asante sana Commissioner. Mimi yangu ni fupi, fupi. Nitazungumizia kidogo, kidogo nikichanganya na Kizungu kidogo.

Nasema, the Constitution of Kenya should guarantee and protect security, health care, water, education, shelter and food and employment as basic rights for all Kenyans.

Cost sharing ya hospitali ningeomba hio kabisa itupuliwe mbali, kwa sababu watu maskini wameshindwa kupeleka watu wao kwa ma hospitali kwa sababu ya pesa ambazo zinalipwa. Na poverty line iko very low.

The Constitution of Kenya must provide free and compulsory education for Pre-Primary school, Primary school and give loans to University students of all public universities and guarantee employment.

Cultural and Ethnic diversity should be protected and must be promoted in the Constitution. Each tribe should be allowed to remain and practice its own cultural practices. In my point of view, women circumcision as they call it, Female Genital Mutilation is completely against the customs of the majority of Kenya's tribes, while male circumcision is optional. As some tribes do practice circumcision, and yet they are not forced to abandon it. I do therefore say, the Maasai and the other tribes that practice female circumcision should be allowed to continue with it and if not so, then all male regardless of tribe and culture should all be circumcised as this guarantees a tribe to have its own culture and respect that it deserves.

All indigenous languages should be encouraged in the Constitution and if not so, some tribes might disappear in thin air.

On Land: The local community should have ultimate ownership of land. The State, Government or Local Authority should not have power to control the use of land by the owners or occupiers as this felling of trees, you have a Title Deed and yet the State does not allow you to fell your own trees. They call it a forest and that you own the Title Deed and that land is yours. Shamba ni yako, Title Deed uko nayo lakini rasilimali ile iko ndani, miti ambayo ulipata Title Deed juu yake, unakatazwa kuangusha ile miti kutumia. Kwa hivyo, inatosha Serikali ikisha kupea Title Deed, watambuwe shamba ni lako, uko na haki ya kutumia kitu chochote kilichoko ndani ya ile shamba.

There should also be restrictions on ownership of land. Kama wewe si mwenyeji wa Narok, huna haki ya kuwa na shamba, una haki ya kuwa na biashara pale Narok, lakini sio shamba. (Clapping) Shamba ibaki kwa wenyewe.

Nikienda kwa **Electoral System:** Candidates who fail to get nominations from other Parties, should not be allowed to switch to other Parties, because it proves, huyo ni kiongozi ambaye anataka tu kuwa mkubwa. Lakini hana policies, hana principles. Wakati alishindwa katika ile Party alikweko, kutorokea kwa nyingine, kutafuta njia zingine ya kupata uongozi.

Kwenda kwa hii Seats ambae itakuwa reserved kwa specific interested groups: Hio ni ukweli. Kama disabled wako na haki ya kuwachiwa viti katika bunge bila kupigania kwa Kura. Apewe hio kiti (clapping). At least wawe na percentage ambayo watapewa kuwa waji represent pale kwa Bunge kwa sababu hawa ni viwete na hawajiwezi lakini ikifika pale ataweza kupitisha maoni yake kwa njia unyofaa.

Minority Groups kama EL Molo, na Njemps. Ata hawa wanatosha kupewa nafasi ya kuwa na Mbunge. Kwa sababu kama Njemps wako Lake Baringo, they are not represented. El Molo, wako Lake Rudolf, they are not represented. Kwa hivyo mtu mmoja awe nominated, aweze kwenda kupeleka views na shida zao za kabila kama hawa kwa bunge.

Civic and Parliamentary Elections: Mimi naona hio inatosha kufanywa siku moja. Lakini ile ya President, iwe ya baadaye ama iwe ya mbele. Ya President ifanywe pekee yake ndio kuzuwiya wale watu ambao wanasimama, hata hawezi kupata kiti

cha bunge. Na amesimimama akitaftuta u-President na akose hata ya bunge na ametumia pesa za Serikali bure na hajafaulu. Kwa hivyo ifanywe Civic election, Parliamentary elections, halafu baadaye kama umefaulu kuwa Mbunge, uweze kupigania kiti cha Rais. Lakini sio upigania kiti cha Rais, na wewe hata sio Mbunge. Nafikiri namalizia hapo. Asante.

Com. Prof. Okoth Ogendero: Just a minute. You don't want people to buy land in Narok. They should come and do business but not buy land. Is that what you are saying?

Joseph ole Karia: Yes.

Com. Prof. Okoth Ogendero: Do you want to go and buy land outside Narok, yourslef?

Joseph ole Karia: I think it should not be allowed.

Com. Prof. Okoth Ogendero: So, you don't want to come and buy land in Kisumu?

Joseph ole Karia: (In audible)

Com. Lenaola: You don't want to come buy land in -----

Com. Prof. Okoth Ogendero: So you don't want to buy land elsewhere and nobody should buy land here. Is that what you are saying?

Joseph ole Karia: I think currently no Maasai owns land in Kisumu and no Maasai owns land in Central Province. (Clapping)

Com. Prof. Okoth Ogendero: No, you don't know. Alright, I got your point. Now, Female Genital Mutilation. Shouldn't the girls be allowed to choose whether they want to continue with it or not? Why should we force them?

Joseph ole Karia: I think it is a culture that has been fair -----

Com. Prof. Okoth Ogendero: --- I understand it is culture, but culture is not inconsistent with consent.

Joseph ole Karia: But now we are going to be --- we are just being fooled to agree because our girls want to be circumcised. It is just a culture that is being brought by other tribes; other cultures to the Maasai people. (Clapping)

Com. Prof. Okoth Ogendero: The question I am asking is, what I want you to help me understand is whether girls should be

allowed to agree that, that culture should continue, your girls. Should you give them the right to choose? Your girls?

Joseph ole Karia: I don't think they have a right, because even men do not have a right.

Com. Prof. Okoth Ogendo: Thank you.

Joseph ole Karia: Even men do not have a right.

Com. Prof. Okoth Ogendo: Thank you. Thank you. I was going to tell him not to impose circumcision on everybody, because I don't want to be circumcised. Thank you very much Joseph. Can we have the Chairman of Narok County Council? Chairman, please take five minutes.

Toros ole Senteu: Yeah, I'll take less than five minutes.

Com. Prof. Okoth Ogendo: Jina, I just want that -----

Toros ole Senteu: My names are Toros ole Senteu. I am a Councillor from Murijo Ward and I am also the Chairman of Narok County Council. First of all I would like to thank the Kenya Government for having set up this Commission and in time, I thank the Commission for having found time to visit us in Narok.

First of all, I would also like to state that your coverage is not the best, because the people you are seeing here, I believe most of them are elite. They are people who already know what the Constitution probably is about. Although I understand. the Constitution is so complex, such that even you, you don't understand even though you are lawyers. You don't exactly understand what the Constitution is all about. (Clapping)

So if you expect the people of Narok to suggest the best ways possible to change the Constitution, first of all you should have gone to the people who -----

Com. Prof. Okoth Ogendo: ---- Councillor, I will have to stop you. The Constitution is about life, the way you want to lead your life, so tell us your problems and your suggestions.

Toros ole Senteu: ---- yes, I know

Com. Prof. Okoth Ogendo: ---- there is nobody, listen to me -----

Toros ole Senteu: -----that is how it is supposed to be in theory but ---

Com. Prof. Okoth Ogendo: --- excuse me, excuse me, there is nobody who knows about the Constitution better than the other. Your views is what we -----

Toros ole Senteu: ---- thank you, let me go to the point, I think you are trying to protect your position and I'll give that benefit of doubt, so I start by saying our best, the most important resource in a District like Narok, is Land, second to the human resource, because to be able to fight anything, to be able to fight poverty, to be able to fight illiteracy, to be able to fight even current diseases like AIDS, you need a firm ground to stand on and that firm ground cannot be anything else other than land. So we have to address land issues, we have to be very serious because it is a matter of life and death.

I would like to agree with our previous speakers that as Maasais we have lost a lot of land and I think enough is enough we don't want to lose land any more. I also want to agree with them that there were some treaties, which were signed sometimes back, purportedly signed because we don't believe they were signed, and I hear they were signed in 1911 and 19--- whatever. It is good to remember that the other day, the British Government gave Hong Kong back to the Chinese after 99 years. So even us after 99 years we can be given some of the lands we lost and if we can't get back the lands we lost, we must make sure we protect the lands we have at the moment.

One of the ways is our customary land ownership systems must be recognized in the Constitution and if we have to go to the modern ways of owning land, i.e. using the Title Deeds, we have to have the entire family, registered in that Title, men, women and children. We should also, the Constitution must discriminate the way we sub-divide land, because right now the Constitution says land must be owned this way and that way. Remember sub-dividing marginal lands like Mosro North Eastern; you sub-divide that land to a unit, which is no longer economically viable. Ten acres of land in Mosro. You need ten acres of land to raise one cow per year and if you are only given twenty acres, you will only raise two cows and the moment you cannot raise enough cows to sustain a family in an area, then land becomes economically useless and then therefore you might as well dispose of it. So we must think about which areas must be sub-divide beyond a certain point? Right now, in a country like Norway, land is no longer being sub-divided. If you have ten sons, you only have one to inherit the land. Then the others can look for other businesses. But the way it is in Kenya now, if I have ten sons, and I have ten acres of land, I'll divide one, one acre each. You cannot produce enough maize, you cannot produce enough cows, and you cannot produce anything. So we must go into a policy where, land can only be subdivided up to a certain economic unit. (Clapping)

We must also have different laws governing different District and different areas, because as a management principle, you cannot compare things, which are not the same. If you give a Maasai fish, he will not be so comfortable as if you gave him milk.

A Luo would prefer fish than milk and all that. So in your management treat people differently because they are different.

Look at a country like the USA. It is one country but they have different laws recognizing the Constitution governing different States. If you go to Nevada State, which is neighboring California, you are not allowed to gamble in California, so that people go to gamble in a poorer State like Nevada because it is right. So we also say, as Kenyans, we should not treat Narok the same way as Bureti. Bureti one hundred percent is fertile, Narok is eighty percent dry. Therefore, we must make sure that we have laws governing different areas in different ways, according to their economic viability and according to their geographical position.

Com. Prof. Okoth Ogendo: Councillor, are you asking for Majimbo?

Toros ole Senteu: Tha is is exactly what I am saying and actually I am not asking for Majimbo in the way other people ask for Majimbo, I ask for Majimbo in the District sense, because if we ask for Majimbo in the Province sense, we will still be marginalized in Narok because we are still a minority even within the Rift Valley. (Clapping) So I am saying we should have a small state called Narok where we control our resources from the beginning to the end. Where as the Chairman of the County Council, I am answerable to the people of Narok, and I am not controlled from Jogoo House. (Clapping). So that is exactly what I am asking for.

Now, I heard my friends talking about Cultural diversity: First of all we must separate these two issues. Being tribal and being a tribalist. I am tribal but I am not a tribalist. Being tribal means I recognize my roots. I am proud of my culture. I associate with a Kikuyu, because I can learn from their past cultures. I associate with a Luo, because I can take the values within a cool Luo culture to add to mine and make it a better culture without despising the Luo or the Kikuyu or the Kalenjin. If I happen to lose my Maasai value, then I am no longer useful to this country. This country, the beauty of it is the Forty-two tribes which make this country and the moment we lose one, there will be something missing within out combination of the national cultural diversity. So I am saying that we must maintain our cultures. We must take our cultures to respect and to enrich other cultures and we must also protect them. Although culture is very dynamic we know. It is allowed to adapt, but it must be allowed to adapt in a way that is not cohesion because sometimes when you over stretch something either through cohesion or through whatever other means, you might destroy it.

So I think we must also try to, as far as education is concerned, I would like the Constitution of this Country to criminalize illiteracy. So that illiteracy is criminalized in the Constitution, because right now as Kenyans, we are in the twenty first century. Maasais are still being told to take their children to school, because education in this country is optional. Even for those who do not understand what it means, they can stop going to school. So I want the Constitution of Kenya to criminalize illiteracy, so that if you are illiterate, you are a criminal, you can be arrested or parents can be arrested for not taking children to school and that is the only way.

Number two: I would also ask the Constitution Reviews, first of all what we are reviewing now although the Commissioners

believe that it is the daily way of life. But it is so, we must make sure, that the basic knowledge of what the Constitution is all about is introduced from primary school. Like we know what America is like. We know what Europe is all like. We know what other parts of this world where we have not been to because we were introduced to geography and we were told geography is the study of ABCD and America is like this, we have reference so even as you grow up, you know, by the time you go to visit America, you know exactly what America is like because you were taught in school. Here, if we were introduced to the Constitution, that this is what we have within the Constitution, then by reviewing the Constitution, we would be doing it perfectly well because we would be doing what we know. But right now, it is document which I don't even know why, I have never seen the Constitution myself of this country and I am sure many people did not see the Constitution. So we don't know what is inside. I have finished. I think I ---

Com. Prof. Okoth Ogendo: Just summarize.

Toros ole Senteu: -- I think I thank you for coming to Narok and please let us not conduct what somebody called road-side biased development, because the Commissioners come to the Chambers here, it is very easy, it is on tarmac, let us go to Moziro, let us go to other areas where the real people are. Thank you very much.

Com. Prof. Okoth Ogendo: Councillor, just a minute. Isn't better to make education compulsory for everybody rather than to say that if you are illiterate, then you are a criminal?

Toros ole Senteu: I said it is criminal if you don't take your children to school which means I am saying, education is compulsory but in a stronger way because right now it is optional. If you don't take your children to school, you are not a criminal. But I would like to say that you are a criminal liable to jail if you don't take your children to school.

Com. Prof. Okoth Ogendo: Thank you very much. Lenaola?

Com. Lenaola: You cannot escape my examination. First question: sub-division to what units? What acreage are you suggesting? Secondly, what is the linkage between the District Federation and the Central Government? How do you link the two? Is there any structure between or do we link directly from the District to --- what system at the top? I think, link the two.

Toros ole Senteu: First of all I said sub-division is a unit economically viable. So if we are talking about marginal lands, we know how many animals a family must keep to be able to survive and pay for school fees without over-stretching their resources. So if you need a hundred cows in marginal lands to survive, then you know it is ten acres times a hundred cows, which is a thousand acres, don't sub-divide beyond a thousand acres or two thousand.

As far as we will always have a Central Government, to maintain security and maybe foreign affairs issues. So I would like to

delink the Central Government direct from the District to the Central Government from Nairobi not through Rift Valley and then through that other system and by that I am saying we also need a system where Kenyans elect a President with his Running Mate. We can also have a Lower House of Parliament where after maybe the Young Turks take over then the 'akina Yaile' can go to the Lower House (Laugter). Anyway you will come and promote your ----- anyway that is all I am saying. Thanks.

Com. Prof. Okoth Ogendo: Thank you very much Councillor. Please go and register. I want to recognize the presence of the Member of Parliament for Narok North and Cabinet Minister Ole Ntimama, Mheshimiwa when you are ready, let me know so that I can ask the people to allow you to jump the queue and let me emphasize that please if you don't agree with the views being presented, you come and sit here and give us your views. We don't want to hear you from the sideline. We want everybody to be a player. Not on the sideline. Okey?

Hon. Ole Ntimama: (in audible)—I think to be able to say one or two words. But this definitely is the place for the people of Narok to be able to express their own views. Thank you.

Com. Prof. Okoth Ogendo: Thank you very much Mheshimiwa. I am here in Narok today ----- . Let us go next to Salau ole Koros, Samau Development Organization. Okey, please take your five minutes.

Salau ole Koros: Thank you very much Professor and I have got my presentation here, I don't know ---. My names are Salau ole Koros. I am the Executive Co-ordinator, Maa Development Organization. I have already given a written presentation and to summarize my presentation, I will actually highlight four key areas, where the review has actually tried to tell us to give the highlights and in my presentation, I have disguised mainly four key areas:

1. Devolution of Power:
2. Local Government
3. Legislature
4. Land and Property Rights

To be very specific under **Devolution of Power:** We have been having quite a number of arguments with some people arguing that devolution might entrench ethnicity and thereby weaken National Unity and Identity. Others say that it threatens National integrity, while others think that it might secure cession like what has happened in Yugoslavia and the Soviet Union. While others argue that it promotes participation and accountability and if you try to look at this issue historically, there is no proven evidence actually of all this. For example in Kenya, the Majimbo system was so short lived that it made no impact at all. If you try to analyze this issue all over the world, in a place like ---

Com. Prof. Okoth Ogendo: (interjection – in audible)

Salau ole Koros: --- well in my position I am to be very, very clear, devolution anywhere depends entirely on four key issues: how a Nation defines key terms like the tribe, the Country's situation, priorities in a Country and the administrative capacity to manage the Government. In my view, under devolution or what Kenyans would like to call Majimbo, the kind of structure that I propose, I propose a two tier of Government system including the Local Authorities. The first tier, should be regionally based, autonomous and with clear tribal identity. Under this system, the Federal Government/ the Central Government should be there to address issues of common importance like Defence, Foreign Affairs, the Police, telecommunication, Higher Education and International Trade.

While the Regional Assemblies should be there to address issues like hospitals, Higher Education, Social Welfare, Regional Public Transport, Regional Planning and Regional Environmental Protection.

The Local Authorities should be there to provide Primary Education, Urban Development, Running of Social Welfare like the Kindergarten and unemployment and the Local Development.

Under the Regional Government: We should have a stronger Public Service Commission at all levels.

The finances of this Government should be very strict and the Central Government should be there to supplement the efforts of the weaker Provinces. However, there should be a financial equity. The Republic shall promote the par capita equity among all the regions. There should also be co-operation between the Central Government or the Regional Government and the Federal Government and their co-operation should be mutual and any conflict among the arms of the Government should be solved through negotiations and mediation. The Regions should also be autonomous and in my presentation, I have proposed that in Kenya we should have twelve regions.

Com. Prof. Okoth Ogendo: How many regions?

Salau ole Koros: Twelve regions. These regions should be ethnic based and the way I have named these regions: We should have Nyanza. We should have Kisii.

Interjection Com. Okoth: (in audible)

Salau ole Koros: Yes. Kisii including the Kuria. We should have Western. The North Rift. The Central Rift. Maasai Region, a Borana Region where they have the Borana and the Rendile,

Interjection: Com. Okoth: (in audible)

Salau ole Koros: Maasai. Borana, I don't know how the Borana and the Rendile and the Samburus will go and call their region and that is also something else that they will discuss in Northern Kenya, where we will have mainly the Somalis. Mount Kenya Region ---

Interjection: Com. Okoth: (*in audible*)

Salau ole Koros: ---- Yes? Yeah! We will have the Northern Kenya separate from the Borana. Mount Kenya, East Kenya where we will have the Kambas, Coast and Nairobi and as I said clearly, the Regions shall be tribal, autonomous and accountable directly to the people.

Today in Kenya, as you all know, people are voting on tribal ----

Com. Prof. Okoth (interjection) (*in audible*)

Salau ole Koros: -- we have the Northern Kenya. The Northern Kenya shall be divided into two. I have got a big map; maybe you can have a look at it. May be some people might wonder as to why I have proposed regions on ethnic lines. As you all know in Kenya today, Kenyans vote on tribal lines which you ought to accept as a reality and as actual foundation for building a stronger indigenous Nation and I will also like to stress the view that, Kenyans should not actually demonize tribalism or this issue of tribes. As you all know that the concept of tribalism is a bigger issue in Kenya but I think if we play it in a positive manner, it will help us in the longer run.

These regions also administratively, every region shall be divided into Districts, a District into Divisions, Divisions into Locations and a Location should be divided into villages. At the bottom, we shall have what we call village assemblies whereby the assemblies shall have inherent judicial and legislative powers, subject to the law of the Country. These village assemblies, we shall have elected elders who will be serving the village for a period of about five years and they will have a mandate to be renewed. Under these village assemblies, we shall have one elder to chair the assembly, who will be now playing or taking the responsibility of the current administrative chiefs.

At the Locational level we will not have an overall leader. We should only have an assembly of elders. These council of elders, shall actually form the Executive authority of every Division and at the Council level, I will propose that we have a councillor from every Division not a Location, so that we minimize the cost and we will have few councillors who will be well paid, if we are to curb corruption.

At the top of every Region, we should have Regional Assemblies who should be highest

Authority in every region, with the power to make laws. I will also propose that the current Provincial Administration including the PC, the DC, the DO and the Chiefs should be abolished completely and their functions and responsibilities be transferred to the Regions and the Village Assemblies.

Under Legislature: In my view, the National Assembly shall be the highest authority of the Republic of Kenya and it shall have two Chambers. The House of Representatives and the Senate.

The House of Representatives shall comprise of all elected MPs and the Senate shall have thirty-six Senators elected from the Regions that I have proposed and every region shall elect three Senators and also the issue of minorities and indigenous people, must also be taken into consideration at the Senate and if you try to look at the way I have proposed the Senate, it will be mainly composed of persons from all ethnic communities in Kenya.

Com. Prof. Okoth Ogendo: Please summarize since you have a written document, which we are going to look at very thoroughly.

Salau ole Koros: Maybe to summarize under the **Local Government**, I have got some few proposals and one of them is the minimum qualification for one to be a Councillor preferably he/she should be a Form IV leaver or at least somebody with a similar qualification. I propose that Councillors should be paid a bit higher, if we are to stop this issue of grabbing plots and even stealing the Council revenues and the rest. I think that is the main problem. (Clapping)

The issue of nominated Councillors should still be there, but it should not be abused. I think it should be very clear in the Constitution that, the person to be nominated should represent special interest groups like the disabled, the minorities and others.

Under Land: As one of our friends have put clearly here, we still have got a claim over the lands that we lost through the 1904 and the 1911 Agreement. It should be entrenched in the Constitution that, we should have a possibility of reclaiming back the land that we lost during the colonial times, especially the Maasais and the Coastal people and in my presentation I have made about fifteen recommendations.

Com. Prof. Okoth Ogendo: We will read that.

Salau ole Koros: Can I read that?

Com. Prof. Okoth Ogendo: We will read them.

Salau ole Koros: Yes. Over there I have stressed mainly that we should abolish what we call the Land Control Board and if there is need for us to have this Land Control Boards, they should be Community Land Boards, where we have popular leaders elected from the Community and it should not be Chaired by the members of the Provincial Administration.

We will also propose that issues like the Trust land, should be transferred to the community because they are abused by the Central Government, especially through the Commissioner of Land and I propose that we should have community Trust lands under the hands of the community and because the laws in Kenya are a bit cumbersome, we propose that we should have a comprehensive single law covering all land laws in the Republic. Thank you very much and I will answer any questions if you have.

Com. Prof. Okoth Ogendo: Thank you very much Ole Koros. Just a couple of questions. I don't want to engage you on your map, but I can see that you have put certain communities together who don't want to be together that is what they are telling us.

Salau ole Koros: Yes.

Com. Prof. Okoth Ogendo: Have you put the Turkana and the Pokot together?

Salau ole Koros: That is one I have stated under the devolution of powers that or in my presentation, we should not force any community to be with any other community. I think that is the first thing that we should solve. Like the way we have now in India, if you have to solve some problems in a place like Pakistan, we must address their problems clearly and I think the problems of the Turkanas and the Pokots, we ought to sit and solve it and we will have no problems in that region.

Com. Prof. Okoth Ogendo: That is the problem with an ethnic regional system because each group will be able to shoot a hole through it and say we don't want to be with so and so. We should be on our own. How do you know that the Kisiis will want to stay with the Kurias?

Salau ole Koros: I think to some extent in Kenya right now, tribalism is not the biggest problem but there is a problem of bringing them together by force.

Com. Lenaola: Thank you Br. Koros for your presentation. Have you addressed in your paper the economic issue regarding Federeratism because in North Eastern for example when we were there, their fear of Federal structure is that they will be marginalized much more when they lock them up in North Eastern, than they are now. Have you addressed that issue with regards to the whole structure that you have set up? Secondly, perhaps it is important that you address the issue again of putting ethnic groups together. When we were in Marsabit and Isiolo, the Boranas are, comfortable having the Samburu with

them. But they want nothing about the Pokot. The same thing, the Turkanas are saying, put us with the Samburus and the Boranas but don't bring the Pokots near us. So you must again address the issue much more seriously in your structure, how you bring certain ethnic groups together, without forcing them to come together. So my first question.

Salau ole Koros: As I have stated clearly, we should not force any community to come together with the other one. Like the Pokots finally what we should do with them, let them have their own Jimbo. That is the best thing and the issue of finances, I have addressed clearly, this element of Majimbo being expensive, I think is kind of misinformation, otherwise if you compare Kenya and a country like Cyprus, we have a lot of resources. But right now we are being blinded by the Central Government. You know people have been forced to become lazy, depending entirely from the resources from the centre but if you put these units to be separate and autonomous, I am sure people will work hard and will have enough resources to cater for all these levels of the Government. Right now we are paying the PC'S and the DC'S a lot of money and if you remove them, if we remove those levels and replace them with the lesser expensive structures, I am sure we shall run the system.

Com. Prof. Okoth Ogendo: Thank you. Thank you ole Koros. Please register your memorandum with the Secretariat. Hassan ole Kamaru. Please summarize very quickly. You have five minutes.

Hassan ole Kamaru: Yes Bw. Commissioner, I think five minutes is fairly very, very little for me.

Com. Prof. Okoth Ogendo: (*interjection – inaudible*)

Hassan ole Kamaru: Yeah. Thank you very much for this great opportunity you have given to us and we are very happy that you were very early here, to receive our presentations. First and foremost I want to begin on the issue of land.

Land issue in Maasai land is a thorny issue. It is a thorn in the flesh of the Maasai community. This is because the Maasai communities have been marginalized since the colonial times, all the way through our Government. The Maasai land was taken away since 1904 up to 1911 and I feel all this land should be reclaimed because it is our land and the Government for that matter has no land, because the land when the Government was formed either colonial or our own Government has no land of its own. The land belongs to the community. Call it Kikiyu, Maasai, Kalenjji, Luos and so forth. So the Government has no land. I feel the land which was taken away or robbed from us since that time and the Colonial Government gave it to the colonial farmers and thereafter dished out by our Government to well connected people, that is our land and we strongly feel, it should be reverted to the Maasai community because it is their land.

Secondly, when you talk about Forests: the Government had initially no Forest. The Forest land is a Trust land which belongs mainly to the Maasai community, for instance when I talk of Forests, they have been taken out and dished out, people ferry it in lorries to occupy that land and no single Maasai was considered during that process. When you say, Leakey Forest and Tereti

Forest, and Sururu Forest for that matter, that is a Maasai land and if the Government had no business in maintaining that Forest, then it should go back to the initial owner, who is the Maasai.

When you come to land adjudication: Land adjudication have been very, very Maasai has been marginalized very much. When government Land Adjudication Officers are stationed in a Maasai District, they exploit the ignorance of the community owning the land and demarcate the land to themselves and to their brother and their sisters and their friends. We find this to be a criminal act. The Government has not taken serious steps on this issue. We have complained but no steps have been taken. This is because all the Government officers are from outside. We don't say that they should not be here. They should be here but the Maasai cry should be considered as a genuine complaint. For one most of our land have been taken away illegally by these officers.

When an officer is stationed to this place he ends up with adjudicating this land to himself and to his friend.

Com. Prof. Okoth: Recommend.

Hassan ole Kamaru: Yes, I recommend that the land which has been robbed from us should come back to the Maasai owners, the Maasai people because the officers are employees of the Taxpayers and they should not do that. That is a criminal Act, so the land in question should go back to the owners.

On Land Control Boards: The present Land Control Board should be scrapped and in its place we have a community just as the person who has just spoken, the community land control board be formed to transact all the transactions regarding the land in the said areas.

Let me now go to the Central Government: I recommend that we should have a Federal Government set up i.e. Majimbo of course and on regional base with autonomous powers and we should have a House of Representatives and Local Authority should be given autonomous power in their areas of jurisdiction i.e. a Councillor be elected from each Location and the Mayors, Chairman of County Council, Chariman of Town Council be elected directly by the electorate from the area of their jurisdiction.

The Local Councils should be given autonomous without interference from the Central Government because thereby they will be able to do their work without interference because here we have noted with great concern, the interference by the Central Government. So I recommend ----

Com. Prof. Okoth Ogendo: --- please summarize.

Hassan ole Kamaru: -- so I recommend that the Local Authority should be given more power to do their work in their of jurisdiction. The Central Government should be there as a matter of fact in-charge of major Ministries like Foreign Affairs and

so forth but all the powers, the other activities like roads, communication, police and so forth should be reverted to the regional Government.

Interjection ---- (Com. Prof. Okoth)

Hassan ole Kamaru: Yes, I have summarized.

Com. Prof. Okoth Ogendo: Thank you very much. Now I have two questions for you. First of all I want to know the extent of what you call Maasai land, which was lost in 1904-1911. Just give me an idea of the territory you are saying should come back to the Maasai?

Hassan ole Kamaru: When we talk of Maasai land, which was taken away, it is Northern of the Railway; Kisumu Railway is Northern part all the way to Laikipia -----

Com. Prof. Okoth Ogendo: -- the Northern part of the Railway from Mombasa to Kisumu?

Hassan ole Kamaru: ---no, no, from Nairobi not from Mombasa to Kisumu

Com. Prof. Okoth Ogendo: ---- Nairobi to where?

Hassan ole Kamaru: Nairobi to all the way to Eldoret.

Com. Prof. Okoth Ogendo: -- Yes.

Hassan ole Kamaru: -- to, I mean that is composed of Samburu, Laikipia, and Nyandarua, all that area was a Maasai land.

Com. Prof. Okoth Ogendo: The Samburus are also claiming the same.

Hassan ole Kamaru: --- Yeah. We are one. Maasai and Samburu, we are one.

Com. Prof. Okoth Ogendo: --- they are Maasai. The Samburus are Maasai. I have a Samburu here sitting next to me and he is telling me he is not a Maasai. (Laughter)

Hassan ole Kamaru: No, they are the Maasai.

Com. Lenaola: (in audible)

Hassan ole Kamaru: --- and we should be together with our brothers in Samburu because they belong to us. We are one and we should not be separated whatsoever.

Com. Prof. Okoth Ogendero: My second question is on Land adjudication and you may or may not know this, but in 1962 when they discovered that the Land adjudication process was done very badly in what was then called Fort Hall District, which is now Nyeri, they passed legislation to nullify the entire process and they started again. Is that what you want to be done here?

Hassan ole Kamaru: That is what should be done, because even when the Land adjudication took place in our area, it is very, very slow intentionally slow, because the officers involved, they want to slow down the process so that in the process they can exploit and take away the land.

Com. Lenaola: On the same question of the Maasai Agreement, we have the districts that you have just mentioned, Nyandarua, Laikipia

Hassan ole Kamaru: ---- Nakuru

Com. Lenaola: --- and Nakuru. What do we do with those people who live there now? How do we treat them? Do we just kick them out and throw them back to Kiambu? Or what other mechanism do we have?

Hassan ole Kamaru: The mechanism should be the negotiation either they compensate the Maasai or they pack and go to their land. (Clapping)

Com. Prof. Okoth Ogendero: Thank you very much. Please register with the Secretariat.

Hassan ole Kamaru: Thank you.

Com. Prof. Okoth Ogendero: Pesi Seleton. Pesi Selaton. Is that the lady coming? The gentleman or the young man coming? He is not there. Lemeria Dikira. Dikira. Please take your five minutes.

Lemeria ole Dikir: Jina yangu inaitwa Lemeria ole Dikir ni shukrani kwa Commission, ni shukrani kwa wananchi. Nafikiri nitaongea kwa lugha ya Kimaasai (*in Kimaasai*)

Translator: Nishukrani kwa Commissioners.

Lemeria ole Dikir: *Kashuku enashe commissioners.*

Translator: Na wale wote ambao wamehudhuria Kikao hiki.

Lemeria ole Dikir: *Ole lo pooki oyetuo ena tumo enolong.*

Translator: Ninataka kupendekeza mambo matatu.

Lemeria ole Dikir: *Kayieu nairo imbaa uni.*

Translator: Inafaa mambo ya lands irudishwe kwa Sub-Location kwa maana haikuwa awali ikiangaliwa.

Lemeria ole Dikir: *Ore esiai eland pee esshukuyie alotu Sub-Location metaa teine aing'orr enkop olmasae amu meing'oritae oshi.*

Translator: Iwe ikihusisha wamama na watoto kwa maana hawa wengi ndio hasa majority huwa pale na huwa hawahusishwi na ndio mana huwa wengi.

Lemeria ole Dikir: *Neiusishae inkera inkera ontomonok nepiki ina committee natii Sub-Location nepiki intomonok teng'umoi amu ninye nememir enkop.*

Translator: Jambo la pili ni mila yetu ya Wamaasai.

Lemeria ole Dikir: *Ore entoki e are na olkuak lang lmaasae.*

Translator: Mila yetu ambayo tunataka kuelekeza au kuweka kwa Katiba hii ambao sasa tunatengeneza leo.

Lemeria ole Dikir: *Olkuak lang pee eripoki iyiok ena sheria naitayuni tata enolong.*

Translator: Ili tusije tuka sukumiwa mambo kuhusu kama mambo ya kutohara wasichana kwa maana sasa tukuelezwa tuwache hio, hio inaonekana kama ilikuwa ni mila ya wengine na hio kwa sisi baado ilikuwa inaendelea.

Lemeria ole Dikir: *Pee merumokini iyiok enaa enayeu kulie tung'anak neipony'u ena intokitingnanyieuni niasi*

ilkulikae amu teneji tata pee memurati inkera naa likae kuak lo iltung' anak ilo

Translator: Kama kwa mfano lile neno la Mungu ambae inasema kwamba muamini Mungu kwa jinshi kama vile ulivyo kwa hivyi ndivyo mila yetu ilivyo.

Lemeria ole Dikir: *Kore alkuak lang netii methali ojo e buku enkai iruko enkai enaa enikinepua itiu.*

Translator: Ili tubadilishe kuaelimisha watoto wetu,

Lemeria ole Dikir: *Pee kingeusa aisumisha inkera*

Translator: Na pia tukiwa ndani ya mila yetu.

Lemeria ole Dikir: *Nikitii atua olkuak lan'g*

Translator: Kama wale wanaoendelea ku abuse au kuaharibu mila yetu, (clapping) sheria hii sasa tunapitisha ni kwamba huyu mtu anafaa astakiwe kwa sababu ya kuendelea kutumia bila ruhusa ya dini ya wenyewe.

Lemeria ole Dikir: *Kore likea tung'ani oitokini ainepu eyasishore imbaa olkuak lan'g neilinda iyiok ena sheria neisho iyiok ena sheria masitaki ilo tung'ani.*

Translator: Kama laina ya Warani tunataka kuweka hivi,

Lemeria ole Dikir: *Kore esiasi olmuran na kayieu na nji kin'go*

Translator: Tuondowe Waran kabisa kwamba hatutakuwa nawo kabisa, hatuta kuwa nawo tena.

Lemeria ole Dikir: *Nikitayu lmuran tukul metaa mikiiatapi.*

Translator: Watoto wale wa shule (clapping) iwe niwakati ambao tunawaleta hawa tunawafanyia ile mambo yetu ya mila ya kienyeji halafu wananarudi tena shule.

Lemeria ole Dikir: *Niaku inkera o sukulini naishu isukuluni nikiponu ais inoshiake taleng'o olapa obo.*

Translator: Na tukifanya hivyo ndio tunaendesha mila yetu vizuri.

Lemeria ole Dikir: *Naa tenikias enaniking'orr olkuak nikiaku iltung'anak oyendelea siyiok ena kulie tung'anak tenkop.*

Translator: Wanyama wale ambao ni waharibifu ambae wako kwa mashamba yetu turuhurusiwe katika Katiba ijao sisi tule nyama, na tutoe ngozi na ---

Lemeria ole Dikir: *Ore ing'esi nainyilita natii atua ilchamai lan'g neishorr inyiok oruisa te katiba nalotu pee kinya ing'irr ,nikitauyu inchonito.*

Translator: Na kama hatuta ruhusiwa, waondolewe kabisa ili tukose kuona kwa macho yetu.

Lemeria ole Dikir: *Naa tenemeshori iyiok neitayuni kabisa pee mikintoki adol too ng'onyek an'g.*

Translator: Jambo lingine,

Lemeria ole Dikir: *Ore enkae.*

Translator: Kuhusu wanasiasa,

Lemeria ole Dikir: *Ore siasani,*

Translator: Kwanzia kwa Wajumbe wa Bunge,

Lemeria ole Dikir: *Epaiki ilcouncollani o ilbungei,*

Translator: Na hawa madiwani.

Lemeria ole Dikir: Ore kulo councollani.

Translator: Unakuta mtu anaweza fanya makosa katika hiyo miaka mitano

Lemeria ole Dikir: *Inepu olitung'ani etasa makosa tiatua ilarin imiet otasa esia*

Translator: Inafaa katika Katiba sasa ijayo mpya, napendekeza hivi, yule mjumbe ama akikosea, sheria iruhusu huyo aondolewe na wananchi.

Lemeria ole Dikir: *Kena rikiiono naa ore tena katiba ng'ejuk ,kenarikino ore pee eikosea sheria neishorr wanainchi meitayu.*

Translator: Kwa maana ni wengi ambao wanafanya maasi na mabaya kwa maana hakuna mtu ambaye anaweza kumwondoa pale.

Lemeria ole Dikir: *Amu kaikumo ilo asita intorok amu metii amu metii oltung'ani oiwakie teine*

Translator: Yangu ya mwisho,

Lemeria ole Dikir: *Ore enai e mwsho,*

Translator: Ni kihusu mambo ya urithi kwa sababu katika mila yetu wa Maasai, msichana hakuangi na idhini ya kuridhi mali ya baba yake.

Lemeria ole Dikir: *Naa imbaa e jung'ore amu ore too olkuak lan'g ilmaasae mejun'g osh ientito imali e meny.*

Translator: Napendekeza katika Katiba iijao mpya kwamba, msichana ambaye hajaolewa, awe akiruhusiwa kurithi mali ya baba yake.

Lemeria ole Dikir: *Kanyoraa te katiba ng'ejuk metaa ,ore entito neitu enyami nenyoro rakinimetujung'o imali e meny.*

Translator: Jambo lingine la pili,

Lemeria ole Dikir: *Ore epaye e are,*

Translator: Kuna sheria ambao ilipitishwa juzi kuhusu mtoto akiumizwa na wazazi wake.

Lemeria ole Dikir: *Ketaae sheria naimieki pee ore enkerai nainyial entoiwoui enye.*

Translator: Je, ni sheria gani itamngaliwa mzazi kama mtoto yule wake akimharibu, au akimkosea?

Lemeria ole Dikir: *Paa kaa sheria naing'o enkerai nainyial entoiwoui ?*

Translator: Sheria iwe ikiangalia pande zote mbili.

Com. Prof. Okoth Ogendo: Asante saana.

Translator: *Ore sheria neing'orr injot pokirare*

Com. Lenaola: What happens if a girl gets married, she gets divorced?

Translator: *Ejo taa otenetumu entito kiama ,neworore olpayian?*

Com. Lenaola --- she gets divorced and comes back home. Can she inherit her father's land?

Translator:

Lemeria ole Dikir: *Ore teneworore olpayian neshukuyie ang'a. Keidim atujung'o imali emenye?*

Translator: Hio tunataka kuaangalia kwa usawa, kwa sababu kama baado anataka kurithi boma ile, hataweza kurithi mali, lakikini kama ametoka kabisa, anahaki ya kurithi ile mali.

Com. Prof. Okoth Ogendo: Asante sana. Jiandikishe. Excuse me. Uweke kule. Can we --- please can we be quiet?

Translator: *Ejo taa mating'irata?*

Com. Prof. Okoth Ogendo: You will have your opportunity to speak.

Translator: *Eitumu kila obo enkata nirorie*

Com. Prof. Okoth Ogendo: Volente Kerie. V Olentekei? Is is V. Olentekei? Okey. Is he here? He is not here. Shadrack ole Rotiken. Shadrack Rotiken.

Shadrack ole Rotiken: Asante. Nitaongea kwa Kiswahili ili kila mtu aelewe.

Interjection: (in audible)

Shadrack ole Rotiken: Shadrack ole Rotiken. Ningependa kusema ya kwamba kwa Commissioners, wa Katiba ya Kenya kwamba jambo kubwa hapa kwetu Narok ni mambo ya ardhi.

Moja, sisi kama Wamaasai, tulipoteza ardhi kabla ya Uhuru na baada ya Uhuru, hatukurudishiwa. Ardhi hio, (Clapping) ilikuwa inaitwa White Highlands. Area ilikuwa mzuri sana kuliko yote. Na Wazungu walichukuwa kwa mapatano ya 1904 na ya 1911 wakidanganya, kwanza hio ya 1904 kwa mila yetu mtu anaitua Laiboni au Mganga hana ruhusa ya kuakilisha kabila, kwa sababu yeye ni spiritual leader, Lenana. Wakachukua pande ya Laikipia, Agreement ya 1911 ya Ole Kilisho, walifukuza wale wachache walibaki huko, pande huu. Kwa hivyo kuna hio swala la ardhi na ndio ilifanya viongozi wetu wakati wa Lancaster House, 1962 kukataa kuweka kidole ile Katiba ya mbele, kwa sababu swali ilikuwa ‘tukipata uhuru, ardhi ile ilikaliwa na Wazungu, itakuwa ya nani?’ Ilipapaswa, papaswa wakati tulipata uhuru, ilinunuliwa na shares, ikaenda kwa watu wengine. Na tunataka kwa Katiba hii, ardhi hio turudishiwe (clapping) au ikiwa ni ngumu kurudisha, compensation ya hali ya juu, kwa sababu watu wetu walikufa, mifugo yao, tulipoteza watu wetu wengi ili tupate kufanyia hizo pesa maendeleo.

Mambo ya ardhi hapa Narok ningependa kusema, kwanza ardhi yote ile ambayo inamilikiwa na baraza, iwe misitu, iwe mbuga za wanyama, iwe ya wananchi, iwe registered kwa kitu inaitua Trust. Kwa sababu Local Authorities wameshindwa kuangalia hio ardhi. (Clapping). Halafu sheria ile iko kwa Katiba Cap. 288 ibadilishwe. Ardhi yote iende kwa wananchi.

Mambo ya ardhi tena katika Narok. Tungeliomba Katiba ile mpya, iangalie maneno process ya Land Adjudication ambayo kunakuwanga na case ya Kamati, case ya Arbitration Board, case ya Objection na case ya Minister for Lands. Hayo mbili ya kwanza Kamati na Arbitration Board ni sawa kwa sababu ni Court au Kamati ya watu wengi. Lakini ikifika wakati wa Objection, inakuwa Principal District Land Adjudication Officer pekee yake na decision ya mtu mmoja ni hatari. Pesa hutumika, nini hufanyika, watu wananyanganywa haki yao. Kwa hivyo iwe ni Panel au Kamati, isiwe mtu mmoja. (Clapping).

Case ya Minister: Sheria ilibadilishwa, Waziri wa Ardhi na Makao, hawawezi kufanya case yote Kenya. Inakua District Commissioners. Hapo ndio mbaya zaidi. (Clapping) District Commissioners ni mtu mmoja. Inakuwa tu kama wakati wa Objection. Kwa hivyo iwe vile vile na Panel, ambayo itasikiza hio case ya Minister kama Minister hawezi maana hawezi, maana Kenya ni kubwa badala ya DC kwa sababu hayo offices ya mtu mmoja kutoa hukumu imekuwa abused.

Mambo ya Land Control Board: Kwanza ma DC watolewe. Wasiwe Chairmen wa Land Control Boards. Watu wa Wilaya wachague mtu ambayo wanamheshimu kuwa mwenye kiti kwa miaka mitatu, wachaguwe mwingine au warudishe huyo. Maana ma DC wametumia, hasa katika Narok, hii Special Land Control Board to dish out au kupeana ardhi yote ya WaMaasai bila wenyewe kujuwa. (Clapping). Kwa hivyo, Land Board iwe ikichaguliwa mtu ya Wilaya hio. Tena DC anajua ni mtu wa kuja na kwenda, hajali. Hata kama amewacha mambo mengi nyuma, anaenda.

Basi mambo mengine, Provincial Administration iwe faced out, iondolewe kabisa. Halafu, vile wenzangu wengine walivyo sema, Elders kutoka village au Location. So Provincial Administration imetumiwa na wakoloni kunyanyasa hata saa hii, tukiwa miaka ya uhuru baado ma DC wanatumiwa na system that may be kunyanyasa. Kwa hivyo Provincial Administration iwe

scrapped out.

Vile, vile maana tunatengeneza Katiba ya miaka ijayo mia moja, Katiba ya leo, nimesoma soma, Rais ana nguvu nyingi zaidi. Kila kitu. Imebadilishwa Katiba karibu mara thelathini na nane tangu uhuru. Na kila ikibadilishwa inapatia Rais nguvu. Nakumbuka mfano mmoja. Wakati moja Mbunge wa Kangundo, alichaguliwa mtu akaweka petition, the former Hon. Paul Ngei, ikawekwa petition ikasemekana alikula 'Kiapo' na ikawa proved, election ikawa nullified, Koti ikasema hawezi kusimama miaka tano ijayo. Aliona Hayata Mzee Jomo Kenyatta. Mkuu wa sheria siku hiyo ni Charles Njonjo. Ali aamuriwa aite Bunge siku hio, hio ikapita first, second, third reading ikawa Sheria kupatia Rais nguvu ya pardon an election offender. Kwa hivyo ni mfano tu natowa. Kwa hivyo kila maara Kabita inapo badilishwa inapatia Raid nguvu. Ipunguzwe na ipewe Parliament, kwa Katiba ambayo itakayo kuja. Kwa sababu tunatengeneza Katiba ambayo inakuja.

Aina ys Serikali mimi nataka ni Majimbo. Nataka Majimbo, sio Majimbo ya Mikoa, Majimbo ya Wilaya. Kwa sababu nikisema leo Provincial, hio ni kizungu, Provincial tuwe na Provincial Commissioner au Province, hio ni kubwa sana. Ingekuwa ya Wilaya. Na vile wenzangu walivyo sema, itatengeneza Serikali ya Majimbo ambayo itakuwa na Senate na House of Representatives.

Haya, Local Government ipewe nguvu, autonomy. Mwenye Kiti wa Baraza au ma Mayor wachaguliwe na raia direct na wapewe nguvu kuendesha mambo yao.

Elimu iwe free and compulsory.

Na nikimaliza, ningependa kusema, kuna huu mjadala ya Katiba, tusongeshe, tufanye nini? Afadhali Kura ipigwe mwaka huu. (Clapping) Kwa nini mimi nasema hivyo?

Com. Prof. Okoth Ogendo: (interjection – inaudible)

Shadrack ole Rotiken: --- haya.

Com. Prof. Okoth Ogendo: That one the politicians can sort out. My problem with Majimbo ya Wilaya, many people are asking for their own Districts. Where are we going to stop? The Njemps want their District. The Dasnach want their District. The El Molo want their District. Where are we going to stop?

Shadrack ole Rotiken: Asante sana. Hiyo vile unasema ni kweli. Lakini watu wana sababu ya kusema wanataka Wilaya yao. Watu wamelaliwa. Wamefinywa hasa kama sisi katika Narok. Watu wameingia Narok. Wanakua hata karibu kuwa

wengi kuliko wenyeji. Kwa hivyo, hata kama El Molo, nakumbuka 1996, population ya wa El Molo, they were 105 wapewe haki yao. Kama Katiba, if the Constitution has any meaning. Give them their right, even if they are two hundred.(Clapping)

Com. Prof. Okoth Ogendo: Thank you very much. Please register your memorandum with the Secretariat. Morris Ochieng. Is Morris Ochieng here? Morris Ochieng, you are a student.

Morris Ochieng: (answer inaudible)

Com. Prof. Okoth Ogendo: Tell us your name, your age, where you are a student.

Morris Ochieng: My name is Morris Ochieng Omolo. I am a student at Narok Teachers' Training College.

Com. Prof. Okoth Ogendo: Okay. Go ahead.

Morris Ochieng Omolo: I am going to present the views of the College community on Constitutional Review and I thank the Commission for having given us this chance to present our views.

Our views, actually are going to revolve on different areas, for example we are going to start with Education and under Education we are going to talk about curriculum facilities at Primary Level, employment of trained teachers and others.

Now on Curriculum: we realized that the Constitution should have a provision for the establishment of a stable curriculum, which can allow teachers to specialize for efficient delivery. This one actually was stipulated in the essence that we realized the teachers who don't deliver right materials are actually; the curriculum tries to confuse them because of the interruptions time after time. So you realize, the pupils, the learners don't get proper materials from the teachers, because the teachers are actually interrupted by the curriculum.

Facilities at the Primary level: Education aims at producing self-reliant individuals but we realize that in Primary Level we used to have workshops and other facilities which were used to produce skilled pupils, who can at least survive in the outside world. But nowadays, these facilities are not there and the workshops are no longer in existence. Now we realize the learners who leave Primary school education actually, they can't survive easily, because of the skills which they got there cannot make them to survive in the outside world.

Employment of trained teachers: The Constitution should come up with the provision, which will look into the employment of officers especially in the education sector and this actually, for example the graduates from different colleges and universities should be employed to avoid shortages and this one will help in the eradication of actually the understaffing in most of different

schools.

We have Teachers Salaries: The Constitution should set the modalities of salary payment and increments to teachers to enable them offer their services efficiently. You realize that those teachers who don't offer their services efficiently, is because of their salaries which are not enough for them to meet their requirements. Like for example, a Primary school teacher who is being paid may be around six thousand shillings, realizes that if he can set a business enterprise and may be get more than that, then he will try to give more emphasis on that very business, more than concentraing on teaching of the pupils and therefore the pupils will not actually get enough knowledge from these teachers. So the Constitution should look upon these increaments and payments of the teachers' salaries. Also the teachers' salaries should be paid in good time, to enable them actually use their salaries the way they want. Otherwise the question of taking time, before they are being paid actually brings a lot of inconveniences to them.

Com. Prof. Okoth Ogendo: Please summarize.

Morris Ochieng Omolo: At the same time, posting of teachers should also be looked upon, because the teachers are supposed to be posted to different areas of the Country meaning that the spread of knowledge will be actually increased.

Then Citizenship and Democrary: We should look at this, because because for somebody to be given a Citizenship of a Country, this person should be actually having, we should look at the following areas for example social duties of this person, economic duties, political duties, social choice and behaviours and social values.

Then on to Constitutionalism: There should be a proper enforcement of the Constitution to help citizens, actually to know exactly the right way they are supposed to go for example if we have said that the elections is supposed to be done after every five years, and then it is extended, now the citizens will be confused. They will not know exactly how the Constitution is leading them. Then the Constitution should also pay regard to the discrimination for example sexual, religious, disability, the ethnic or racial grounds.

Then land matters should always be emphasized, for example land grabbing should actually be abolished and at the same time land ceiling should therefore be fifty acres per an individual and the procedure of getting the Title Deed, should always be followed properly.

Then Basic Human Rights: Police officers should not use their powers to harrass people, but instead they should adhere to their motto. They should not creat loopholes for the criminals. They should assess the situation before they act unless otherwise.

Com. Prof. Okoth Ogendo: --- Ochieng please come to your last point.

Morris Ochieng Omolo: --- then **Child Rights: Child Rights**, we should look upon this in terms of child labour, child sufferings, rights to education, child marriage and child adoption. These are the areas where we should pay attention because you realize some people when they employ children, they try to inflict some kind injuries to the children and this one is very bad when we look at it in terms of those people, actually the parents feel that it is not the right thing.

Executive: The Constitution should have a provision, setting the limits of the powers of the President for example the President should remain as the Commander-in-Chief of the Armed Forces but he should not be Chancellor of all the Universities. At the same time ---

Com. Prof. Okoth Ogendo: ----- thank you Mr. Ochieng, please I think your time is up. We will read your document. Thank you very much. Do you want to ask some questions? Please register with the Secretariat. Solomon Rotiken. Is he Solomon Rotiken? Simon? Is he here? Okey Simon. When Simon is coming, Lomp K. Jack please prepare yourself. Yes Simon, take your five minutes.

Simon Rotiken: Thank you Commissioners. My points are brief but ----- sorry. I am Simon Rotiken, a student at the University of Nairobi, Faculty of Law. I have five points here, but most of them have been repeated but really these are things that are pressing us as the locals of Narok.

The first is as regards the issue of Trust lands i.e. Chapter 9 Section 115 of the Kenyan Constitution. No it is Section 159 of our Kenyan Constitution. Yeah, on Trust lands. The Trust lands are actually vested with the County Councils to be in trust for the people. But we see the Local Authorities have actually abused this particular privilege or advantage. My recommendation is the Trust lands should be vested with the local people themselves. They can form their own groups and register in their own names. A few individuals sit in this particular Chamber and allocate our Trust lands to their friends and big people in the Government. We can't allow that. (Clapping) and by that I recommend the extension of the Register Land Act should actually be applied to the Trust lands so that the individuals can own the land. so that the members of the Local Authority should stop dishing out the land of the locals to their friends. (Clapping)

Point Number two is on the lost land that has been talked of. i.e. the land that was actually taken by the Colonialists. We were not yet born but through history we have heard the information. Our people were actually traumatized by the movement. They died. Their animals died and eaten by the Colonial troops. That is why our people are still not educated up to now, because they have been subjected to the reserves vested with tse tse flies and all the other diseases, thereby their animals are emaciated, they themselves are dying, and that is why they have never been in a position to sustain themselves economically. So we want the land, the solution is, the issue of saying what do we do to the people who are seated in our lost land? They should go to

where they were before the Colonialists came. So that the Maasai should go back to their land. That we shall have as a last resort if the Government cannot have adequate compensation, not only compensation but adequate compensation to our people.

Point Number 3 as regards the Chairmen and Mayors in this Country: They should be elected by the people directly because the Mayor can actually or the purported Mayor or Chairmen, can dish out money to the Councillors, so that they can be elected thereby bringing bad leadership to the people. On the same, same point, the Councillors should actually be educated and the minimum qualification should be Form IV. By that I mean, we are not despising the un-educated members of this Local Authority, but today's world is dependent on paper work. They can be made to sign things they don't even know what the contents of a paper means. (Clapping).

As regards Point No.4 to be brief: I should also follow the steps of those who have said that the Provincial Administration should be scrapped. We have had the issues of DC and Provincial Commissioners being used by the KANU Government to actually terrorize our people. We should actually say that the DC's and PC's should no longer be there. Our own people should be elected, because the Government may say, what do we do with the administration. We can administer our own selves through elected people. So the Provincial Administration should be done away with.

Point Number 5, which is the last: I think we should have a provision in our constitution that will actually cater for or will have priority on development on the regions of this particular country. We people from Narok, actually are blessed that we have the Canal that we grow crops, we have animals but the tax that is accrued from Narok or even from the tourists industry i.e. the Maasai Mara is paid to benefit some other regions as our children stay uneducated and our mothers go with only 'Shukas' without being in a position to actually clothe themselves. (Clapping) So we recommend that the Constitution should actually provide for meaningful development, because our roads are not tarmaked and that is why our people are suffering. If you don't have infrastructure, we have no business saying yes to the current Government that is actually marginalizing our people. Thank you.

Com. Prof. Okoth Ogendo: Simon, you are a student studying law?

Simon Rotiken: Yeah at the University of Nairobi.

Com. Prof. Okoth Ogendo: Why should the current Government be responsible for the sins of the Colonial Government?

Simon Rotiken: Because if our Kenyan Government got independence, if independence meant nothing less than the land, then we don't deserve to say we got independence in Kenya because independence was -----

Com. Prof. Okoth Ogendo: --- that is not the question I am asking you. I am asking you a technical question? Why should the present Government be responsible for the sins of the Colonial Government?

Simon Rotiken: Because the current should actually cater for the interest of the people it now governs as a Government, because itself can have access to negotiate with the English people who actually colonized us. The current Government benefitted itself. We can say that those in power, if they don't take interest of the people at the present to pay for those sins, then we can say that they are concluding with those people who colonized us.

Com. Lenaola: I have a follow-up question. You said that, and you are very, very firm on this, that the compensation must be adequate. Have you applied your mind to the adequacy of that compensation and how much that should be?

Simon Rotiken: I hadn't applied, but you see I can actually give that in equation with what may be the KWS are paying, the thirty thousand for a lost person. That, you can't pay even millions for a person. But by adequacy, I mean something you see can actually bring these people somewhere, economically, politically and socially. (Clapping)

Com. Lenaola: Now that you have raised the issue of the thirty thousand for a life, what are your thoughts regarding that compensation and if you have any figure, what figure do you have as compensation for death through wildlife attacks?

Simon Rotiken: Really, I have no particular figure but what I do say is the thirty thousand cannot even clothe children left by a deceased person, leave alone educating them. So compensation should even be in millions or trillions. (Clapping)

Com. Prof. Okoth Ogendo: Please think a little more about the question of a --- excuse me, this is now your Professor talking to you. Think a little more about responsibility of an independent Government for the sins of the Colonial Government and give us a memorandum on that issue. They are dealing with it in Zimbabwe. They are dealing with it everywhere else. It is a very complex question. So I don't want you to spend time discussing here but please sit down, think through it and give us a memorandum. Thank you very much.

Com. Lenaola: (In audible)

Simon Rotiken: Thank you.

Com. Prof. Okoth Ogendo: Lompo K. Jack. Is Jack there? Okey. Francis Mpoee please come nearer. You are next.

Lompo K. Jack: Thank you Commissioners. My name is Lompo K. Jack, yest, Lompo, a student of the University of Nairobi, Faculty of Law. I have four views to comment about. The first one is the Court of Appeal vis-a-vis the Supreme

Court. You find that the last Court of this Country is the Court of Appeal. That means therefore that if one is dissatisfied with a decision of the Court of Appeal, that is the end of that person. It is therefore my suggestion that there should be a Supreme Court and this Supreme Court should cater for those people who are not satisfied with the Court of Appeal's decision.

Secondly, is the Constitution vis-a-vis the Court of Appeal. The Court of Appeal does not have jurisdiction to deal with matters of the Constitution and I think it is very absurd for this country, for the Constitution not to give the Court of Appeal, being the highest Court of this country jurisdiction to deal with the Constitution and knowing very well that the Constitution is a very fundamental document in regard to human life. It is therefore my suggestion that if a Constitutional Court cannot be formed, then the Court of Appeal should be given jurisdictions to deal with Constitutional matters.

Thirdly, regards the appointment of the Judicial Officers. The current Constitution vests that power in the President. It is my submission that an independent body should be given the power to appoint Judicial officers. (Clapping) The reason for this is, is that first of all the very well known doctrine of separation of powers is being abused. Therefore it is very possible that the judicial officers in whom justice is being sought are not themselves partial. Therefore it is my submission that if an independent body, take for example the Law Society of Kenya, is given that mandate to appoint the judicial officers, then we can be assured that at the end of the day. some justice might be dispensed.

Lastly, regards the impeachment of the Members of Parliament by the constituents. It is in deed a rule in this Country, that unless and until five years are over, or unless an MP has died, no by-election can be held and it has been a policy that many MP's take the five year duration, to do what they like and the local people who elected them might not have an opportunity indeed to impeach that person. Therefore a provision should exist, whereby the local people are given an opportunity to impeach those people whom they feel,(clapping) they have not actually fulfilled what they promised and perhaps in addition to the bi-election process -----

Interjection: Com. Prof. Okoth Ogendo: --- after how many years should they be recalled?

Lompo K. Jack: ----- as and when they feel that they have not actually fulfilled what they were supposed to have done and because I found that this is not provided under the procedure in which a by-election can be held. Therefore if such a procedure could be adopted and the local people be empowered so that they can actually remove this person, then I think as time goes by, people will progress. Thank you.

Com. Prof. Okoth Ogendo: Let me start with the last point. You know impeachment is a political process. It is a quasi-criminal process that is a political process. If a Member of Parliament commits a crime, you can always throw him in jail, so that is not impeachment, there is no problem there. You are asking for a mechanism for removing a Member of Parliament who is not performing.

Lompo K. Jack: Eh!

Com. Prof. Okoth Obedo: Most people are telling us that this should be done within two years of their being in Parliament. Why don't we just say that they should be in Parliament for two years and then we have other elections. Rather than going through the process?

Lompo K. Jack: My submission is that even the two years might be very long. Because it is very possible indeed, that as soon as these people are elected, they go completely out of record and they might not even appear as and when the local people require them.

Com. Okoth: Question number two, the doctrine of the separation of powers, is also countered by the doctrine of checks and balances?

Mpoe Francis: Exactly.

Com. Okoth: The reason why the President can dissolve Parliament, is because Parliament can also pass a vote of no confidence in the President. So, you check there. So, what is wrong with the Executive appointing the Judiciary?

Lompo K. Jack: Bearing in mind that the President is, the Executive authority of this country rests in the President, there indeed might be some situations whereby manipulations might occur and this indeed is a big predicament in regard to just.....

Com. Okoth: What will happen if that independent body is appointing the Judiciary takes bribes. Who is going to control them?

Lompo K. Jack: My understanding of this independent body is that it should be a body that from the very beginning. Nobody can be said not to commit any crime. But indeed even the President of this country, the Constitution does not provide that. The Constitution provides that even if he commits a crime, the only time he can be subjected to crime is after he is out of office.

Com. Lenaola: A follow up question. When you say that a Member is not performing within five years, to whom do you address the complaint and what mechanism do we put at the constituency level to show that indeed that is a popular decision. To whom do we address the complaint and what mechanism on the ground can we set up?

Com Okoth: (inaudible)

Lompo K. Jack: That is exactly what is lacking now. Because the local people. Well, I think the Electoral Commission in this sense should come and help so that the Electoral Commission should have a branch on its own, whereby the local people can give their views and at the end of the day these views can be addressed and the address that should be given is for these people.

Com Okoth: (inaudible)

Moses Mboye: Mimi nitaongea Kiswahili kwa sababu sijasoma, lakini nafikiri hii Katiba mkitengeneza mzuri tutasonga. Kwa majina mimi naitwa Moses Mboye. Hii kitu mmefunga? Fungua. Kwa majina naitwa Moses Mboye. Yale mambo mimi nataka kusema ni matatu na ni kuhusu. Mimi nataka kuongea hata ingawa sijasoma kuhusu haya mambo ya wakoloni wakati walikuja. Hata kama sijazaliwa. Lakini kuna mahali nilifika, tukajua kuna watu Kenya wa maana na kuna wale ambao si wa maana. Hasa Wa-Maasai si watu wa maana Kenya. Wakati mlitengeneza hiyo Katiba ingine, sisi hatukuwekwa kwa agenda. Kwa mfano haya mashamba ya Wazungu, zilikuwa colonize na watu fulani tu, kabila mmoja kutoka Nyeri kuna watu na kuna mashamba. Kama hii Native land. Hii inaitwa native. Wazungu walinyang'anya watu mashamba, halafu warudishe baadaye. Wakikuyu walirudishiwa yao wakati Wazungu walienda. Wajaluo wakarudishiwa yao, wakati Wazungu walienda. Wa-Kalenjin wakarudishiwa yao, wakati Wazungu walienda.

Clapping from the audience.

Wa-Maasai hawana shamba hata moja walirudishiwa. Ama ...

Clapping from the audience.

Je, siku hiyo kulikuwa hakuna Katiba? Ilikuwa hakuna Katiba siku hiyo. Kwa hivyo ningependekeza hii Katiba mnayotengeneza hapa, ikae, kwanza tugawe ardhi. Kwa sababu hatukugawa. Haikugawa mzuri.

Clapping from the audience.

Kwa mfano, kule Kiambu kuna highlands, Nyeri kuna highlands, Nyandarua kuna highlands hii inaitwa Murang'a. Hakuna mtu anaishi Murang'a kabila mwingine na hakuna yule anaishi Kiambu, kabila nyingine. Kwa nini highland ya watu wengine kuna mtu mmoja anakalia highland ya watu wengine kuna mtu mmoja anakaa highland ya watu. Eti amenunua, amenunua. Hiyo sheria itengenezwe hata kama bado niko na ingine moja. Muhusishe hiyo maneno kwa hii Katiba kwa sababu sisi tulinyang'anywa mashamba kama hapa Mau Narok. Niko na Title hapa ya SFT na hii Title nimeifuata kwa muda wa miaka thelathini, nikitafuta maisha yangu yote. Na kwa sababu mimi ni Mumaasai, inapishwa. Mmesikia shamba iko Nakuru na file yake hapana iko

Nakuru, iko Nairobi peke yake. Kwa hivyo Katiba mtengeneze hivyo. Kwa sababu tunajua shamba inapishwa, inatoka district, inaenda Province, inaenda Nairobi. Kwa nini hii hapana iko Nakuru na hapana iko mahali ingine? Ati iko Nairobi. Kwa hivyo ningependekeza mashamba yale ya Wazungu turudishiwe nusu. Kama hapana nusu tulipwe pesa.

Clapping from the audience.

Jambo langu lingine.

Com. Okoth: Wananchi watukufu, let us share his views if you have your own views, come in front of us here and tell us what your views are. Please let him talk.

Translator: *Ore intae olopeny enkop, maing'ura ning'ar intuat kake teniata intuat inonok wou dukuya ang'a ene niliki iyiok induat inonok. Injo erio.*

Com. Okoth: He has a Constitutional right so please let's have silence.

Translator: *Keata intuat e katiba niaku mating'irata aining'i.*

Com. Okoth: Endelea.

Moses Mboye: Kwa hivyo ningepomba kwa hii Katiba mnaitengeneza, tuhusishwe, turudishiwe mashamba yetu. Kwa sababu ni kabila moja tu ilikuwa na pesa ya kununua? Hata sisi tuko na pesa ya kununua mashamba. Na haya mashamba ilinunuliwa kwa shilingi mia moja arobaini na Maasai anauzwa kwa elfu hamsini kuwayaka. Kwa sababu sheria ilitengeneza, ama hiyo Constitution mnasema Constitution, iliundwa na watu kabila moja. Itengenezwe Constitution inayohusisha kabila zote, haswa sisi. Kwa sababu katika hii sehemu ya Narok, Narok tu ndio forest inatoka. Inakatwa ipelekwe pande ile. Watu wakikosa shamba, inakuja kukatwa kutoka Narok, D.C. anafuata shamba Narok. President anafuata shamba Narok. Kwa nini sisi hapana pata mahali kwingine?

Clapping from the audience.

Tengenezeni naomba mtengeneze hiyo kitu. Na mhusishe na muweke iwe sheria isimamie sisi. Kwa sababu sisi hapana kaa kwa highland ya watu na watu wanakuja kukalia highland yetu. Ukipea hata huyu shemeji yako kule Suswa hataki mpaka aje Nailekiangale. Ukimpa shamba Nakuru hataki, mpaka aje Mau Narok. Kwa hivyo tungeomba hii Constitution mnaitengeneza leo, hiyo kitu itengezwe iwe sheria na hii Title ihusishe familia. Kwa sababu kama ingehusiswa, haya mashamba hayangeenda na watu.

Translator: Jambo lingine ni kuhusu haya mambo ya

Com. Okoth: Fupisha. Summarise. Maliza.

Translator: Okey nimemaliza.

Com. Okoth: Asante sana Mzee. Andika jina kule. Simon Poror. Let us hear Simon Poror.

Simon Poror: Mimi naitwa Bwana Simon Poror na nimekuja hapa kwa niaba ya Full Gospel Churches of Kenya, Narok. Kuna mambo mengi ambayo wameandika lakini sitasoma yote. Nitasema yale ambayo watu wengine hawajasema au kuweka nguvu. Kitu cha kwanza, ambacho ningependa kusema, ni mambo ya kutumia pesa za raia wakati wa kufanya campaign na political parties. Maoni yao ni kwamba, pesa za raia zisitumiwe kufanya campaign na any political party. Kila chama kijitafutie pesa kupitia kwa wanachama wao kujigharamia campaign. Kwa sababu tulikubalia hiyo, wale ambao wako mamlakani kama KANU sasa nitatumia hiyo advantage kutumia pesa nyingi kuangamiza zile zingine ambazo haziko katika Serikalini.

Jambo la pili ambalo ningependa kuongeza. Walipendekeza ya kwamba, President awe na mamlaka Fulani, lakini mamlaka yote zisiwe kwa President. Kuwe na Prime Minister ambaye ndiye atakuwa anasimamia Executive na vile vile huyo Prime Minister, Waziri Mkuu, achaguliwe na kile chama ambacho kitakuwa kimeshinda wanachama wengi katika bunge. Vile vile walipendekeza ya kwamba viongozi au wafanyikazi kama Attorney General, Mkuu wa sheria, Permanent Secretary, Service Commanders hawa wa jeshi na watu kama Judges wawe wakichaguliwa na kamati na zaidi kamati ya Bunge. Halafu bunge ikadhimisha. Iwe ya kwamba President atakuwa aki-appoint mtu ambaye tayari amepitia kwa kamati, Bunge ikadhimisha, sasa President ni kuja tu ku-appoint kwa niaba ya wale wengine. Kwa sababu kama vile sasa mambo yako, wale wengi sasa wako katika hayo mamlaka. Ni mtu mmoja amewachagua.

Hata kama jeshi, service commanders, ni mtu anachagua marafiki zake. Sasa hiyo jeshi haina loyalty kwa Parliament au kwa raia, kwa wananchi. Lakini loyalty yao yote iko kwa mtu mmoja na huyo mtu anaweza kufanya chochote apendavyo, kwa sababu lile jeshi liko ambalo linalinda nchi, ni watu wake mwenyewe amesha-appoint. Na wale Permanent Secretaries wako naye, ni watu wale wake ambao wanamtegemea yeye. Kwa hivyo anaweza kufanya chochote bila kuogopa, kwa sababu watu wake ndio wako katika mamlakani na hiyo inaweza kufanya mtu kuwa corrupt. Kwa sababu anakuwa mlevi kwa sababu ako na mamlaka mengi zaidi na warrant wake ndio wako katika mamlaka.

Jambo lingine ambalo wa-recommend hapa ni ya kwamba, ni vizuri kuwe na nominated MPs na Councillors, lakini hata hawa ambao watakuwa nominated wapitie katika kamati fulani. Isiwe ni ya kwamba watu wataenda kuchagua marafiki wao ambao hakuna kitu ambacho watakuja kuongeza katika uongozi. Na mtu yeyote ambaye ameitwa katika uchaguzi, awe ni Councillor amesimama akashindwa au Mwanabunge amesimama akashindwa, asipatiwe nafasi ya kuwa nominated kwa sababu tayari

watu wale ambao walimkataa na ndio wanamjua zaidi wanaona huyo mtu hana kitu ambacho atakuja kuongeza katika uongozi. Kitu kingine ambacho wali-recommend ni ya kwamba akina mama wasijione kama ya kwamba wao ni duni. Ni hao wamekataa kupanda katika mamlaka. Wakitaka kuingiza watu bunge, wanaweza. Wakitaka kuingiza mtu Council, wanaweza. Wasiwe wakilia ya kwamba wananyanyaswa na wanaume. Kwa sababu hawa ndio wengi, wapiga kura akina mama ndio wengi. Kwa hivyo akina mama wakitaka kuingia katika uongozi wowote, watoke nje wapigania kama wale wengine na watu-treatiwe equally. Kwa sababu akina mama wakiamua ya kwamba wakiamua ya kwamba wanataka kuingia uongozi, wataingia kwa sababu kura zao ndizo nyingi kuliko za wanaume. Hata hao ndio wanaweka wanaume katika uongozi. Kitu kingine ambacho wa-recommend ni ya kwamba kuwe na coalition Government. Kwa sababu hii co-allition itawapatia watu umoja na vile vile kuna watu wengine ambao hawako katika chama kile ambacho kimeshinda. Lakini wako na maarifa mengi zaidi ambayo inaweza kusaidia nchi hii. Kuna watu ambao ni werevu, wako na elimu ya juu lakini wako vyama vile ambavyo hazijashinda. Hawa watu wachukuliwe ku-promote Kenya. Kwa sababu kile ambacho tunataka sisi wote, tuko chama kile ambacho kimeshinda, ni kuendesha nchi yetu iendelee.

Vile vile wa-recommend hivi, ya kwamba President awe na mamlaka ya kupinga mijadala mingine ambayo imepitishwa na bunge. Kwa mfano wakaona huu mjadala ya kwamba Wanabunge wamejipitishia kujiongezea mishahara. Sasa kama hiyo itakubaliwa, saa hii yule mtu anaumia ni mwananchi. Kwa sababu ili mwanabunge apate mshahara mwingi, ni maskini atalipishwa kodi kwa vitu kuongezwa. Wanaweza kuongezwa watu ambao wako na mshahara mkubwa. Kitu kama hicho, President akiona ya kwamba watu wanalalamika juu ya hilo jambo, apatiwe mamlaka ya kupinga kitu kama hicho hata kama bunge limepita, kwa sababu ya kulinda maskini wale ambao hawako bunge.

Kitu kingine ambacho wali-recommend ni ya kwamba President apatiwe two terms ya miaka mitano, kila moja. Hiyo ni miaka kumi. Vile vile wali-recommend ya kwamba katika Katiba hii mpya, Constitution I-provide, kutolewa President, akienda afanye dhambi. Kama sasa vile uchumi umeharibika. That is already a mis-conduct. Hiyo ni kufutwa kazi. Hiyo, Serikali ipitishie kwa Constitution ya kwamba, Serikali ikiwa inaweza kusimamia uchumi ukiharibika. Wananchi wapatiwe katika hiyo Constitution, mamlaka ya kutoa hiyo Serikali na kuchagua ingine ambayo itainua uchumi wa nchi.

Com. Okoth: Asante. Please summarize.

Simon Poror: Yes, I am summarizing. Ile ingine ni ya kwamba Mayors na Chairman wa Councils wachaguliwe na wananchi kwa sababu ni viongozi wa wananchi na si rahisi ku-manipulate wananchi lakini ni rahisi ku-manipulate Councillors.

Vile vile wakasema. kila Councillor ambaye atachaguliwa awe ni mtu ambaye at least amefikisha form four. Lakini form four itategemea ni wapi. Kwa sababu kuna pahali pengine ambapo hawana hao watu wengi ambao wako na hiyo. Lakini at least Standard eight. Mtu ambaye amefika darasa la nane, apatiwe kwamba yeye ndiye atasimamia hicho kiti.

Constitution itengeneze procedures zile ambazo zitafuatwa ku-dissolve councils. Sio mtu mmoja kusimama katika mkutano au kuwa na maadui fulani wa Chairman au wa Councillors halafu ana-dissolve. Kuwe na kitu ambacho kitatoa sababu za kutosha sio council kuwa dissolved.

Com. Okoth: Asante sana.

Simon Poror: Bado. Wacha nimalize hii kidogo.

Com. Okoth: Half a minute.

Simon Poror: Kitu kingine ni about capital punishment. Walisema ya kwamba Constitution ya leo inasema ni haki mtu kuishi. Lakini kuna provision ya mtu kunyongwa. Wakasema ya kwamba badala ya mtu anyongwe na hii ni kinyume ya amri ya Mungu, mtu afungwe kifungo cha maisha.

Com. Okoth: Asante sana Bwana Poror. You can give us your memorandum, we will read it.

Com. Lenaola: Political parties. Hivi sasa tuko na vyama arobaini na nane, ungependa kusema nini kuhusu, tuongeze zingine ama tufanye nini?

Simon Poror: Hakuna haja ya kuongeza zingine.

Com. Lenaola: Tufanye nini basi na hizi arobaini na nane?

Simon Poror: Hizo arobaini na nane, ziwe tu ni hizo. Au hata zipunguzwe.

Com. Okoth: Asante sana. Please register. Rev. Kooleo. Yes, Reverend please take your five minutes.

Rev. Kooleo: Thank you Commissioners. My name is Rev. Kooleo representing NCC, ACCK Members churches. I would like to make a few points of the Constitution Review particularly Bills of rights. The church should recommend that since the Human Rights are God given all Kenyan citizens should be treated equally irrespective of race, skin, colour, sex, religion, tribe, status and origin. That all citizens should have a freedom to live anywhere in Kenya and possess property, which must be safeguarded by the State.

Those citizens have a right and freedom of association, assembly, worship of his or her choice. All citizens have a right of

movement even abroad, when need arises without hinderance of passports. That all citizens should be given a right and opportunities in education, health and jobs according to one's merit. That the State and religious organizations should have a right to screen new religious societies. So, that cults and other non-God worshipping religions should be outlawed. For example, freemasons, Jehova Witness, Rastafarians etc. if this country is a God fearing nation. "

Arms of Government: I would like the Executive, the President of the Republic of Kenya should not be a Member of Parliament, but be elected by all citizens of this country and above political affiliations. That the President should not be above the law, but can be impeached when he or she commits an offence in public office. That the President should not have executive powers above Parliament and has no powers to appoint or fire public officers. Parliament and civil service.....

Com. Lenaola: Reverend ngoja kidogo unajua hii swali limekuja asubuhi. Huu mkutano ni wa Commission, kwa hivyo kama sisi tunasikiza huyu, si lazima nyinyi msikie. He is addressing the Commission, na tunamsikiza kwa hivyo ni sawa. Mambo ya translation, hiyo si kazi ya Tume hii ya leo. Tafadhali tuheshimiane.

Rev. Kooleo: I was saying that the President should not have executive powers above Parliament and has no powers to appoint or fire public officers at his or her will. Parliament and civil service commission should be consulted according to one's merit and qualifications.

Parliament: Parliament should be representatives of the people and of two Houses. The Senate, one member from eight districts elected by the people residing in that district, with distinguish career records. Three hundred Lower House representatives elected by all political parties and the majority political party should form a Government headed by a Prime Minister. The Speaker of the National Assembly should be elected by all Members of Parliament, irrespective of party. That should be County Councils, City Councils, Municipal, Town Councils in every district with Councillors elected by the people from all political parties.

Local Government should be independent from Central or Regional Government to man all resources in the district. Councillors should be qualified people. Men and women of education, standard of Form Four and above. Every Local Authority has the power to hire and fire its employees. Kenya should have a Federal system of Government in every Province to manage the resources and finance. Parliament should manage the Central Government finance under the Ministry of Finance.

Land: every citizen of this country should have a right to possess land or plot to build shelter or farm. Family land should not be sold without the authority of the whole family. Willing buyer and willing seller clause, should be deleted in the Constitution. Because it has always been abused.

Com. Okoth: Summarize Reverend.

Rev. Kooleo: All Land Acts should be consolidated to one law, so that it will manage all the laws of land in the Government. Land Boards should be appointed in every location, division and district, headed by a distinguished Chairman elected by the people. The Judiciary: The Judiciary should be independent from interference from any quarter. It should be headed by the Chief Justice, appointed by Judicial Commission and approved by Parliament. Judges and all appointed should be appointed by the Commission, that is Judicial Commission, chaired by the Chief Justice, approved by Parliament, according to their qualifications and experience. All officers should be appointed by the Judicial Commission. Courts should be allowed to be free to determine all cases, without any interference of any quarters. Corruption....

Com. Okoth: Reverend, we will have to stop you. You have only one minute.

Rev. Kooleo: I am just finishing. Nepotism should be a capital offence, punishable by hanging.

Com. Okoth: Thank you very much Reverend. Do you have a question for him. Thank you. Please register your memorandum with secretariat. Robin Parsak? Stanley Konyo. Your name first and then you have five minutes.

Robin Barmagu: Mimi nasema habari zenu nyinyi wote. Mimi naitwa Robin Barmagu. Mimi naona bunge ivunjwe. Kwa ajili mimi naona kama unafanya hapa Narok County Council, sisi tunaona Ma-Councillors wetu ambao tumechagua ni bure. Tunafanya kazi na tunakaa hata miezi mitatu kama hatujapata mshahara. Sijui kwa nini. Mimi nasema hivi; ya kwamba kama wewe unaajiriwa, ufanye kazi. Unafanya siku thelathini, baada ya siku thelathini, wewe hupati haki yako. Ya pili, wewe ni mtu unakomboa nyumba. Nyumba mwenyewe unakuta kufuli ni mbili na wewe ni muajiriwa wa kazi ya Serikali sio ya Wilaya. Sisi tunaona afadhali bunge ivunjwe, hao Ma-Councillors waende manyumbani. Mwenye bado hajajenga nyumba, akae kule msituni iko. Kwa ajili sisi tunaona hakuna faida kwa hawa Ma-Councillors. Kwanza mmoja kama Chairman wa Narok County Council. Sisi tunaona kama hawatufaidi. Leo mimi nasema tutoe kila mtu maoni lakini sisi tunaomba bunge ivunjwe mara moja. Juu hiyo haina faida.

Laughter from the audience.

Com. Okoth: Asante sana Robin. Summarize. Fupisha basi. Jambo la mwisho.

Robin Barmagu: Jambo la mwisho, hata hiyo Katiba tunasema itengenezwe, hata kama itaenda mpaka mwaka ule mwingine, iendelee lakini kwanza bunge ivunjwe.

Com. Okoth: Asante. Andika kule. Asante sana.

Clapping from the audience.

Robin Barmagu: Nasema pia hivi, kwanza, barabara iko hapa nailekengore, kila mwaka inatengeneza pesa ya kutengeneza barabara na hiyo barabara hata haipitiki. Bunge iko, sisi tunawachagua lakini hawasaidii. Inakuwa tu sisi kila siku ni bure. Mimi ningependa hivi, hii Katiba iende iangalie hiyo barabara. Kama Rais anakuja anasema, barabara kutoka junction ya Nailekiangale itawekwa rami. Sisi.....

Com. Okoth: Ladies and gentlemen. Excuse me.

Robin Barmagu: Tunaona kama Rais anakuja.

Com. Okoth: Asante basi.

Robin Barmagu: Rais anakuja upande huu, anaenda mpaka Suswa. Anasema hiyo barabara tutawekwa rami na kuweka ni elfu milioni. Lakini hakuna. Serikali inanyakua. Barabara ni mbaya, magari inakwama. Mvua, mchanga kuingia, gari ni mbaya kwa sababu ya mashimo. Mvua ikinyesha, matope ndio hayo. Sasa inakuwa kilimo, sisi hata tukulima ni bure. Hata hakuna faida. Bila mapendeleo, sisi tunataka hii Katiba ituangalie, kwa ajili tunaona hata sisi tunanyanyaswa na kura haijanyanyaswa. Sisi ni raia kama wengine, tuko Wakenya na hakuna Kenya ya pande moja. Hata kama vile Ma-Councillors wengine wanasema majimbo. Hiyo ni mzuri kwa ajili wakati ule wa Kenyatta, ni yeye alianzilisha Kenya kama Rais. Yeye na Wakikuyu wao wananyakua Kikuyu kwa ajili anapewa hii pesa za kutumia. Mwenye hana nguvu anaumia. Kama mwenye hana pesa...

Com. Okoth: Asante Bwana Barmagu. Asante sana kwa maoni.

Robin Barmagu: Sawasawa, kwaherini basi.

Laughter from the audience.

Com. Okoth: Asante sana. Andika Stanley Konyo? Excuse me, we are following a list, if you did not register outside there, you will not be allowed to speak. So, if you want to speak, go and register outside and then we will call you.

Translator: *Kekisujita olaini niaku teneitu kingeri tenede tekutukaji mikijori iroro. Niaku ,teninyieu niroro shomo ingero kewon tende na eikiuipot iyie.*

Com. Okoth: Ngoja. Who is translating? Okey. Endelea.

Translator: *Kang' aie nang'ira aibelekenym shomo dukuya.*

Stanley Koonyo: Thank you Commissioners. Mine is very brief, the first point is on land issues. First, the issuing of Title Deeds as per the previous speakers, it should be issued as a family asset. One, it should be registered with the name of the father, the mother and at least his sons. Secondly, is about the Land Control Board. The Land Control Board, to be stepped down to start from the grassroot, from the sub-locational level towards the district level.

Thirdly, it is about marriage statutes. If one is married, the daughter is married to a husband, when divorced; she should be given a right from the husband's land. Not the father's land, because she has already been married and should be given a marital right at the husband's land.

Secondly, about a child who has not been married, she should also have the right to inherit all the father's properties. We go to Local Authority which is the Councils. A Councillor should be literate from a grade of form four and above. Secondly, about the nominated Councillors, also we find that somebody was working somewhere and is nominated for only five years. Coming back to his duties is impossible. So, if somebody is working and has been nominated, be given leave for five years unpaid, to serve as a nominated Councillor and from there, goes back to his duties. Because, perhaps he is the breadwinner and has already left his job, be nominated, serving for five years and is the office he kicked off and goes home. Thus, to be given unpaid leave for five years.

Last is education: In education we have got a problem on our Maasai ladies and at least the Government should take care of a Maasai girl until she is over twenty two years or eighteen years and above to be married. Because we have got a lot of marriages that are taking place at early age of twelve years, fourteen years, of which that is child abuse.

Lastly is that in education, a Maasai lady should be given the first priority or full priority by the Councils or by the Government in order to uplift a Maasai lady to be educated also and to join the rally as other ladies in the country.

Lastly,

Com. Okoth: How many lastly are we going to have? Okey. Have that absolutely lastly.

Lastly is about animals invading our land, all over the district and the people who are getting the total revenue or the total collection of the wild animals in the district, in fact have left behind education of a Maasai child. So, the Narok County Council should take full priority of educating a Maasai girl or at least a Maasai in general in the district because they are the ones having total collection of the revenue of animals in Narok. Instead of giving out bursaries whereby it is only benefiting the individuals, it should be given to all Maasai children in the district. Thank you very much.

Com. Okoth: Thank you very much. Can you please register with the secretariat? Councillor William Yaile. Your name first.

Councillor William Yaile: My name is Councillor William Yaile and I am going to give a brief presentation. I am not going to read, I am just going to touch on issues. Five minutes will be enough for me.

Com. Okoth: Thank you.

Councillor William Yaile: Thank you Commissioners for having come to Narok today, to come and listen to us and come to take our views. I will first say that I am very thankful for this opportunity that I have been given. The Maasai delegation Mr. Chairman, did not sign for the 1962 Constitutional talks. Why? Because their land rights were never protected and they saw elders had a lot of vision, our founding fathers and they saw that this was a document that was not going to give peace to the country. It was document that was not even worth to be called a Constitution. Infact, they so proved, because within the first two years after independence, amendments were introduced. After two years, which was actually sorry to say shameful.

The Government: I am talking about the Constitution now. The existence of any Government is for the sake of merit moral and intellectual fulfillment for the sake of a good life for the unity of tribes and families in harmonious honourable satisfying life. Any Government that shall not meet the above criteria shall be deemed to be perverse. Haitoshi kuwa Serikali kwa sababu imeshindwa na kuunganisha watu and shall not deserve to be respected.

The Constitution we have in this country is an alien Constitution Mr. Chairman. Sometimes I ask myself some questions. Did Africans exist before the arrival of the white guys? Did we exist here before the first Mzungu came to Africa? And if we existed, for how long did we exist in Africa? And if we did, did we have the police? Did we have the prisons? Did we have all these other institutions that we have today? So what am I trying to say? I am trying to say that I am therefore going to present to you my views first as an African. Number two, as a Kenyan. Number three, Mr. Chairman as a Maasai.

Com. Okoth: You have only three minutes left.

Councillor William Yaile: Captives: Mr. Professor captives of the western ideologies which means we are even no longer competent to think independently without the influence of the West. Because in everything we are thinking Western and are we whites? We are not and we shall never be. So, what I am trying to say is that we need a Constitution that is not hypocritical like this one now. A Constitution that is not fraudulent like this one now. A Constitution that is realistic and based on the unity of the tribe. You see the unity of a tribe. A Kenyan Constitution should have room for the forty-two tribes we have in this country. That is the only way we can safeguard the interests of all the communities and that is the only way we can speak of a true Constitution.

Amendments: The Constitution shall never be amended by Parliament alone. The first thing to give Parliament authority is that; they need two third majority and they shall be supported by a national memorandum. The tribal unit shall always become the base and indeed it has been the base and it will continue to be the base of our democracy in this country. We need a federal system in this country. We need to have a Government that is under a Constitution from a federation of tribal units because that is exactly how we are and we should not pretend that we are. Some people have actually demonized the word tribalism. While a true Kenyan must have a tribe, he must have a clan and you know that Mr. Professor and everybody else agrees, he must be a true Kenyan. There is no Kenyan you can get without a tribe and without a clan. By introducing the word clan, that is actually the true basis. That is actually the true basis. The Land Control Board should not have no problem if it is the clan that was approving, ni nani atauza ardhi? Mlango wao, kwa sababu mtu ni mzigo wa mlango wao. Kwa hivyo mlango, tunataka turudishiwe powers, mtu akitaka kuuza shamba, lazima mlango wao wote ukubali na kama mlango wao haujakubali, hatauza.

Clapping from the audience.

Views zile nimesema views of the West, walivunja mambo ya mlango na mlango ndio ulikuwa unachunga bibi, mlango ndio anachunga Mzee, mlango ndio alikuwa anaangalia mambo ya familia and we must go back to our roots Mr. Chairman. Halafu federal system ndio tunataka katika nchi hii kwa maana hata wale wengine wote wametengeneza hiyo federal system. Ni sisi tu, tumemaliza. Hata siku hizi nchi inaitwa Kenya ni Narok tu na labda Coast na labda zingine ambazo bado watu wanalaliwa. There must be in this country a National Council of elders.

Hii national council of elders tunataka tuchague watu wa maana mmoja, mmoja katika hii district, districts zote za Kenya. Hawa watu wa maana wote ambao wamesoma na ni wazee wale wamefanya kazi zamani na wanajua mambo ya Serikali, hawa ndio watashauri na ndio watachagua Rais. Kwa maana ni federal, Prime Minister ndiye atasimamia Serikali. Rais atakuwa ceremonial peke yake, kwa hivyo hakutakuwa na Rais ambaye anafanya kazi nini hii. The qualifications of a President ambaye anachaguliwa na hawa Council wa elders ambao wametoka kila pahali katika kila wilaya, ndio wataenda kuchugua within themselves the ceremonial State President ambaye functions zake ziko hapa nimeandika na rules and functions of the President. Na nimeweka pia devolution of powers.

Hakuna mtu mmoja ambaye anaweza kuchukua mamlaka yote ...mimi sitasoma kwa maana mtaenda kusoma. Kutakuwa na Cabinet pia. Ministries katika Kenya hazitakuwa thelathini au ishirini. Tunataka kumi na mbili peke yake na majina yote nimeandika hapo utaenda kujisomea. National Assembly tena hatutaki kuenda kula ugali. Sijui wanaenda kula wapi. Tunataka National Assembly ambayo itakuwa answerable to the people. Itakuwa answerable na watu watakuwa na powers hata ku-stop that Parliament. Kwa njia gani, mtu mmoja akiona basi bunge imekula ugali, anazunguka katika Kenya kuchukua five thousand signatures katika kila district of this country. Aki-collect hizo signatures, hiyo bunge itakuwa dissolved. Kwa sababu haifanyi kazi. Imelala. Imekula ugali imeshiba.

Unajua ukila ugali sasa ushibe utalala. Bwana Mwenyekiti Chairman wa Local Authority lazima achaguliwe na watu wote. Na hiyo ndio kupatia mamlaka katika kila Local Authority na pia katika Local Authority kutakuwa na Cabinet na Chairman hatakuwa na uoga. Na hiyo Cabinet ndiyo itakuwa ikisamimamia mambo ya mpango wa maendeleo, kutunza ardhi, kuangalia mambo ya makesi kidogo kidogo na huyo ndiye atakuwa D.C. Ofisi ya P.C., D.C. hiyo itaondolewa katika Kenya, haifai. Hiyo ikiwa ni majina ya ukoloni, ambayo sasa ni aibu sana, miaka arobaini after independence, we are still using the same laws, the same systems, which our fathers and our founding fathers struggled to remove. Na hiyo sasa, ndio nauliza, Mwafrika anasema anataka uhuru, sasa unajua maana ya uhuru ni nini?

Com. Okoth: Councillor, I might stop you.

Councillor William Yaile: Namaliza sasa. You will not stop because I am going to finish. Katika Local Authorities kutakuwa na Speaker na huyo Speaker ndiye ata-head Parliament, iwe ya Local Authorities. Na Chairman atakuja ku-answer majibu katika hiyo, under the Speaker na atakuwa grieved kama ameharibu na Local Authority, Central Government itakuwa na power ya ku-veto. Saa hii Ma-Councillors wakianza kupeana mashamba au kufanya mambo iliendelea hapa jana ya kupeana park watu wachache ambao wameshiba. Parliament iko na ruhusa ya kukaa.

Clapping from the audience.

Councillor William Yaile: Na watu pia wako na ruhusa wakatae.

Com. Okoth: Councillor you must finish.

Councillor William Yaile: Why don' you allow me to talk about the economy?

Com. Okoth: We are going to read it.

Councillor William Yaile: The economy?

Com. Okoth: No. No. Go to your last point. Those people who have committed economy crimes shall be taken to prison na wanyongwe. Kwa sababu hiyo ni kumaliza nchi hii. Polisi pia lazima power ya polisi. Bwana Chairman hata ukipea mimi dakika mbili, I am a Councillor na kazi yangu ni kuongea. So, I have that right.

Com. Okoth: No, you don't.

Councillor William Yaile: Mambo ya polisi. Polisi hakuna ruhusa kuanza kutesa wananchi halafu mtu akishikwa akifika polisi, ni kama amekakwa kunyongwa.

Com. Okoth: Councillor.

Councillor William Yaile: Yes Sir.

Com. Okoth: Will you listen to me?

Com. Okoth: This is my meeting, it is not the Council please. Come to your last point.

Councillor William Yaile: My last point. Let me say like this. There are so many points here and I would also like you to ask me questions. You see, I want to speak about ethics. Professor, about ethics. The problem in this country and this Constitution today is that there is no national code of ethics. We need a national code of ethics. Why? Because we want those people who shall be employed in the Government, should be employed on merit and qualification. Si kwa sababu yeye ametoka katika kabila ya Rais. Saa hii, juzi jeshi imeandikwa hapa na wale watu waliandikwa ni Kalenjin peke yake, Wa-Maasai walienda huko na hawakupata kazi. Saa hii mimi majuzi yangu inatoka katika roho. Nalia kabisa kwa sababu tumeshika ile njia ya Burundi. What will happen tomorrow if the whole of the Kenya National Army shall be a Kalenjin Army? We shall become captives in our land and therefore these shall not be our perspective Mr. Chairman.

Clapping from the audience.

Com. Okoth: Excuse me.

Councillor William Yaile: Yes Sir.

Com. Okoth: You must stop. I am sorry. You have to stop. Because you are turning this into a political rally and that is unacceptable.

Councillor William Yaile: What?

Com. Okoth: You are turning my meeting into a political rally and that is not acceptable.

Councillor William Yaile: No. No. I am just trying to say we want a fair Government,

Com. Okoth: Okey. Then finish.

Councillor William Yaile: A fair Constitution. We want those people who have vandalized our country and economy to.....

Com. Okoth: We got that point.

Councillor William Yaile: We want natural resources to be protected under the Local Authority.

Com. Okoth: We have got that point.

Councillor William Yaile: We want freedom of association because God created us as free moral agents. So long as we are moral and we are obeying the law of God. We shall not need any laws to bring us together. We need the laws of incitement Mr. Chairman to be removed out of the books. Unaona? Because incitement....

Com. Okoth: Councillor. All these people want to speak.

Councillor William Yaile: Thank you Sir.

Com. Okoth: Why do you think you have the right to take all the time?

Councillor William Yaile: I don't have and I am just parking up.

Com. Okoth: Thank you very much. Please register.

Clapping from the audience.

Com. Okoth: James Karia. Is James Ole Karia there? And while Karia is coming. Can I have Ayuka Wanyang'ao. Ayuka Wanyang'ao please prepare and Margaret Kurekem please prepare. Okey, James your name.

James Karia: Kwa majina naitwa James Karia. Kabla sijasema mengi, ningependa ile ardhi iliyonyakuliwa wakati wa ukoloni tuweze kurudishiwa na kama haiwezekani, tuweze kulipwa ama tuweze kuletewa miradi ya maendeleo kama vile kujengewa mashule, mahospitali na pia miradi ya maji.

Katika hii wilaya yetu ya Narok, ndovu wamekuwa vizuizi wa maendeleo na ni lazima wafukuzwe ili maendeleo yawepo. Kwa hakika imekuwa ni jambo la kusikitisha kuona ndovu wakiharibu mimea yetu na kuwaua watu wetu. Na mnafahamu kuwa

ukulima ni uti wa mgongo wa uchumi wa nchi yetu. Na tulipopata uhuru, tumekuwa tukipambana na mambo matatu. Umaskini, ugonjwa na kutojua kusoma na kuandika. Tutawezaje kupambana na hayo mambo matatu ikiwa ndovu wanaharibu mimea yetu na kuwaua watu wetu? Kwa hivyo ningependa Katiba, iweze kutulinda kutokana na swala hilo nla ndovu. Ndovu wafukuzwe mahali inayostahili ili tupate maendeleo.

Ningependa tena kuongea kuhusu ardhi. Katika hii wilaya yetu ya Narok, ardhi tuliyo nayo tunaitumia kikamilifu. Hakuna ardhi isiyotumika kikamilivu. Ardhi tuliyo nayo tunaitumia kikamilifu kwani sisi ni wafugaji na pia sisi ni wakulima. Kwa hivyo hakuna ardhi isiyotumika kikamilifu. Ningependa tu kuwaambia wale walio na mawazo kama hayo ya kusema ardhi isiyotumika, in Maasailand, we are utilizing our land to the maximum. We have no any idle land, kwa hivyo ningependa kusema hatuna ardhi isiyotumika kikamilifu. Kwa mambo tena ya land ceiling, ningependa kusema kwamba, nikiwa na acre mia moja, hizo acre mia moja ni zangu na nina haki ya kuwa na hizo acre mia moja.

Kwa hivyo katika Katiba mpya, mimi binafsi sitaki kuwe na usawa katika ardhi. Kwa sababu ni na watoto, ni na pia mifugo, mbuzi, kondoo. Kwa hivyo hakuwezi kuwa na usawa katika ardhi. Kwa wale walio na mawazo kama hayo, ya kusema kuwe na land ceiling, ningependa kusema hakuwezi kuwa na usawa katika ardhi. Kwa maana nina kondoo, nina mbuzi, nina ng'ombe, nina pia watoto na hao watoto wanataka pia shamba. Ningependa tena kuongea kuhusu utamaduni. Katika utamaduni wetu wa KiMaasai, utakuta kuwa watu wengine ambao si Wa-Maasai, wanatumia huo utamaduni wetu, kufanya nao biashara. Kwa hivyo ningependa pia Katiba iweze kutulinda kutokana na swala hilo ili watu wengine wasio Wa-Maasai wasitumie utamaduni wetu kufanya nao biashara ama kujinufaisha. Ningependa pia kuongea kuhusu uuzaji wa ardhi.

Com. Okoth: Please summarise.

James Karia: Utakuta kuwa Mzee katika familia, anaenda Land Control Board, anauza shamba bila kumfahamisha mke wake ama familia yake kuwa ameza shamba. Ningependa pia Katiba iweze kulinda akina mama, juu wamedhulumiwa kutokana na swala hilo la uuzaji wa ardhi. Na ningependa pia katika Title Deed kuwe na majina ya watoto, mama na mzee ili mzee asiwe akiuza ardhi kwa urahisi. Ili mzee asiuze ardhi kwa urahisi na tena ardhi katika hii wilaya ya Narok ardhi itapungua. Juu watu watakuwa wakichukua safari ndefu ndio wauze shamba. Ni hayo tu.

Com. Okoth: Asante sana. Please sign the register. Ayuka Wanyang'au.

Ayuka Wanyang'au: Basi majina yangu ni Ayuka Wanyang'au na yale ambayo ningea yaweze kuwekwa katika Katiba ambayo inaundwa ni yafuatayo.

Moja, there is this traditional culture ya Wa-Maasai, ambayo watu wengi wameichukua kama ni kienyeji ambao watu wanapigwa picha, na inawekwa hata kwa calendars. Ikishawekwa kwa calendar, inatumika watu wengine kupata pesa.

Ningeomba basi, hii Constitution ilinde utamaduni huo, ili yeyote ambaye atachukua hiyo picha, aweze kulipa kulingana na (inaudible) yao.

Clapping from the audience.

Kiti kingine ni kwamba, the current Constitution has no Preamble. Lazima tuwe na hii preamble ambayo itahusisha tribes zote arobaini na mbili. Na kama kutakuwa na kitu chochote cha kugeuza hiyo preamble, lazima iwe 100% members of Parliament wakipiga kura huko bungeni. Kitu kingine ni kwamba tumeona miaka iliyopita, bunge inapitisha clauses kila wakati wakitaka, kwa sababu wanataka two thirds of the Members of Parliament. Constitution hii ambayo itatengenezwe, ichukue 90%. Kupitisha kitu chochote Bunge iwe 90%.

Political parties: Kama tuko na arobaini na nane. Zingine hatuzijui kabisa. We don't know them. Tunataka ziwe reduced, hata ziwe tatu peke yake. Wakati wa elections, kuna wale wengine ambao wanawekewa cases za uchaguzi. Ningeomba Katiba hii basi, kama mtu yeyote ameweka kesi, yule member amewekewa case, asiende bunge kwa sababu hakuna pesa zake, mpaka case iwe determined. Ningeomba tena, tuwe na korti kuu ambayo kama the three arms of the Government, wameangalia wameona hawawezi kuchukua Mbunge fulani kortini. Sisi raia tuweze kuwa na uwezo wa kuenda kwa hiyo korti na kuweka kesi ya huyu Member of Parliament au Judge, au Mkuu wowote wa Serikali.

Kitu kingine, Provincial Administration iende. Itolewe kabisa ili tuwe na Chairman wa clan, those County Councils. Kwa sababu kama Chairman ni mwenyekiti wa County Council nzima ambayo ni wilaya nzima, basi awe ndiye answerable to that particular district. Kwa sababu yeye ndio anajua huko zaidi kuliko watu wengine. Kama basi President ndiye amechaguliwa, tungeomba basi, achukue siku ishirini na moja ndio au aapishwe isiwe anaapishwa hata usiku.

Kitu kingine ni kwamba President yeyote ambaye atakuwa huko sasa, tungeomba kitu kimoja. Asiwe akifuta Cabinet Ministers at any time akisikia sasa ni kumfuta, anamfuta hata saa saba. Hata huyu anakuwa embarrassed for no reason. Hata wale Permanent Secretaries wake wawe wamekuwa vetted na bunge.....

Com. Okoth: Ya mwisho.

Ayuka Wanyang'au: Ili waweze kutumika wakitumia mamlaka yao yote. Kama Cabinet Minister, akipewa Ministry aweze kuchunga Ministry yake, si kwamba there is a lot of interference kutoka tena kwa President.

Com.Okoth: Asante sana.

Ayuka Wanyang'au: Kitu kingine ya mwisho ni kwamba kama magari yetu yamekuwa designed, magari yetu ya kubeba

abiria. Yamekuwa designed kubeba watu arobaini. Hakuna haja, let the Constitution itutetee hapo, hakuna haja watu kupelekwa kama mizigo, kama magunia ndani ya magari ya abiria.

Com. Okoth: Asante sana.

Ayuka Wanyang'au: National cake Mwenyekiti. National cake iwe distributed equally. Si kwamba kuna sehemu zingine zinapata nyingi kuliko zingine na pia waweze kujua ni kitu gani kimepewa kwa hiyo district ili waweze kufuata. Kwa sababu tunaona barabara zingine haziishi na shilingi milioni mia tisa zimetumika. Sasa unashindwa ni nani tutauliza.

Com. Lenaola: Bwana Ayuka, political parties tuko na forty eight, umesema zikuwe tatu. Ni mechanism gani uliyotumia kutupa hizi arobaini na tano, ili tubaki na tatu? Tupe mechanism.

Mimi ningependa tuangalie kwa njia ile ambayo tutaweza kuuliza watu wote. Tuwe tumeungana in such a way it is either social or political tuweze kupata na zile ambazo zinaambatana na zitakuwa na muundo wa watu wote wa Kenya. Rather than kuwa na party ambayo ni ya mtu mmoja na hakuna pahali inaenda.

Com. Okoth: Asante sana Bwana Yuka. Please register with the secretariat. Margaret Korokeyi. Endelea

Margaret Korokeyi: Kwa jina naitwa Miss Margaret Korokeyi. Ninawakilisha kikundi cha akina mama ambacho kinaitwa Maasai Women for Education and Economic Development, in short tunajiita MAWEED. Na niko hapa nikiwakilisha maoni ya akina mama ambao ni Wa-Maasai katika district hii, kwa hivyo mapendekezo yangu ambayo yametolewa na kikundi hicho cha wanawake, ambao wamekuwa katika mikutano na workshops nyingi, ndio nitakuwa nikitoa katika mkutano huu.

Nataka kuongea habari ya the Organs of the State, ambazo ni the Executive, the Legislature, and the Judiciary. Sisi tukiwa wamama wa Ki-Maasai, tunaona ya kwamba tumeendelea kufinywa na Katiba iliyoko sasa. Kwa sababu ukiangalia katika district hii hakunamama mmoja ako katika uongozi. Ukiangalia katika Chiefs, D.O, D.C., hatuna uwakilishi wote. Kwa hivyo tunasema ya kwamba tunataka affirmative action, ndio wamama wa Ki-Maasai waweze kupatiwa nafasi hizo. Ambao sasa tunaona it is a civil service. Katika Legislature tunaona ya kwamba, wamama kabisa hawana uwakilishi wowote. Katika Bunge, nomination hata ya mama inapofanywa, hakuna mama Mmaasai huwa anakuwa nominated katika districts zote za Kimaasai.

Katika Local Authorities pia tunaona ya kwamba, district mzima kama hii ya Narok ambayo iko na madiwani karibu sabini, ni mmoja tu ambaye ako elected. Na nomination, tunaona ya kwamba, kuna nomination ya wamama wawili tu peke yake. Na ukijaribu kuangalia idadi ya wanawake katika district hii, wanawake ni wengi sana. Kwa hivyo tunasema ya kwamba, fifty percent ya hizi structures ya Serikali katika Local Authority na hata tuki-recommend kuingia katika federal State, wanawake wawe fifty percent.

Katika Judiciary, tumeona ya kwamba, hakuna wanawake wa Ki-Maasai katika hii sector ya Judiciary. Wasichana wetu wameendelea kusoma na wamehitimu sana lakini huwezi kupata mmoja ambaye ako katika hiyo section ya Judiciary. Kwa hivyo hatuna role model ya wasichana wetu. Pia sisi tukiwa wanawake wa Narok, tulipendekeza ya kwamba tungetaka Serikali ya Majimbo (federal government). Tunataka kuwa Managers and the controllers of our own resources. Kwa sababu tunaona tunakuwa exploited kabisa na wanawake wa Narok, wamebaki bila kupata hizo resources. Tunasema ya kwamba katika hii kazi ya majimbo, tungetaka wanawake pia wawe fifty percent katika the Federal State na katika Judiciary na katika Legislature. Tunasema ya kwamba rasilimali ambazo zitapatikana katika district hii, 80% ibaki na 20% iende kwa the Central Government. Tunataka pia kusema ya kwamba katika Commissions zile zina-formiwa katika hii nchi ya Kenya, hakuna wakati ule mwanamke MuMaasai aliwekwa katika Commission yeyote. Kwa hivyo tunasema ya kwamba, pastoralists women should also have a representation whenever such Commissions are formed. Tunasema pia katika hali ya uchaguzi wa kuchagua viongozi wetu, wanawake wamependekeza ya kwamba viongozi wao wawe wamesoma upto form four and above na fifty two percent ya hiyo representation iwe pia ni wanawake wa Ki-Maasai. Tunasema ya kwamba tungetaka Affirmative action, ili tu-amend Section 33 of the Constitution. To make it appreciate the affirmative action and gender sensitive to make the women participate in the elections.

Tunapendekeza pia ya kwamba, tunapopiga kura tungetaka secret ballot, kwa sababu wazee wamekuwa wakitumia nafasi hii, kuhakikisha ya kwamba mama atapigia mwenye anataka kura. Pia tunataka women....imekuwa ni mtindo katika district hii ambapo unakuta men tu ndio wanakuwa agents, tunataka pia women agents katika elections. Ndio wawe wakisaidia wale wamama ambao wanataka kujaziwa makaratasi. Na hapo tunaunga mkono kazi ya affirmative action for women. Katika Local Government, tunasema ya kwamba katika district hii, nomination seats zote 100% zipatiwe wanawake. Kwa sababu bado hatujafika kile kiwango cha kutetea hivyo viti.

Pia tunasema katika Local Government, lazima tuwe na ofisi. You will compensate me for the time. Tunasema ya kwamba, katika Local Authorities kwa sababu ni ile Serikali ambayo iko karibu na mwananchi na hasa mwanamke, tuwe na ofisi ambayo itakuwa inazingatia mahitaji ya akina mama. Tunasema ya kwamba, wanawake katika district hii tumeona ya kwamba mali nyingi inaharibiwa na ni wanaume ndio wako katika uongozi. Tunataka board iwekwe in place ya kuangalia mambo ya corruption na mis-appropriation of public resources.

Com. Okoth: Please summarize.

Mambo ya ardhi tunasema ya kwamba tunataka ownership, mwanamke na mwanaume na hata watoto wawe included katika mambo ya ardhi kwa sababu sio ya mtu. Tunataka pia kupendekeza ya kwamba, wanawake wetu huwa wakiolewa nje, akiolewa na mtu kutoka nje, yeye hawezi kupata citizenship na mwanamume akioa mwanamke kutoka nje anapata. Kwa hivyo tunataka pia, wasichana wetu wakiolewa hata Ulaya, bwana yake anakuwa pia ni Mkenya na watoto wao pia. Tunataka pia

kuzingatia kusema ya kwamba, kuna sheria zingine ambazo zinatufinya katika ardhi. Unakuta ardhi ni yako tu juu lakini ile mali ambayo iko ndani sio yako. Kwa hivyo tunataka pia hiyo sheria itusimamie. Mali yote ile iko chini na juu iwe yetu.

Com. Okoth: Please go to your last point.

My last point will be; tunataka sheria pia isimamie kuwa, hakuna msichana atakuwa forced kuolewa. Msichana ataolewa baada ya kufikisha miaka ishirini na zaidi. Kwa sababu wengi wanamaliza kwa wakati huo. Tunataka pia kuhakikisha ya kwamba, kuna zile customs ambazo zinafanya mama kuumia ama msichana kuumia. e.g. F.G. M. Tunasema sisi tukiwa wamama hatutaki kufanyiwa F.G.M. It is a God given right na hakuna haja. Lingine tunasema ni inheritance. Inheritance of property. Unakuta mama ambaye hajaolewa kwa sababu sasa nchi imebadiliki na hatutumii ile customs ilikuwa ya zamani, huwezi kupata mahali ya kuweka ng'ombe yako kama wewe hujaolewa ukiwa msichana. Kwa hivyo tunataka sheria iwe ya kusimamia yule msichana hajaolewa.

Com. Okoth: Just one more minute.

Margaret Korokei: Na pia saa ile mama wamekosana na bwana yake, ni lazima mama apatiwe haki yake, kwa sababu nay pia huwa amejenga hiyo boma.

Com. Okoth: Asante sana Mama.

Margaret Korokei: Na pia watoto wasivamie wazee.....

Com. Okoth: Please I think that is enough, we will read the memorandum. Thank you very much. Please register your memorandum with the secretariat.

Margaret Korokei: Wacha tu niseme just one point. Hii physical planning Act, tunaona ya kwamba inanyanyasa nchi za Ki-Maasai. Kwa sababu unakuta zile farms ziko karibu na town, mzee anaendelea kukata acre moja, anauza anauza, unakuta town inaendelea kuingia mpaka ndani ya reserve. Ambapo unakuta ya kwamba, kwani hakuna control ya towns, mahali iko-supposed kupitia. Unakuta town mpaka inaenda kushikana na ingine. Watu watakuwa wanalima ama kukaa wapi na hii pia ina-affect hata utamaduni ya watu. Kwa sababu unaweza kukuta watu wamechanganyika na mila imepotea.

Com. Okoth: Asante sana mama. Please hand in your memorandum down there. Raimel Ole Sabela? Is he there? Seleile Ole Monik? Seleile please take five minutes.

Seleile ole Monik: Thank you the Commissioners, my names are Seleile Ole Monik. I am a farmer and a Narok North

parliamentary aspirant 2002. The ongoing Constitutional Review process in Kenya is most welcome and the process shall accord the people of Kenya and more so the post independent generation to come up with a new Constitutional order that shall perfectly cater for their social, economy and political aspirations, needs, rights and that of prosperity. As the Maa speaking people, the process shall give us a chance to present our views on several historical injustices that oppress and discriminated against the Maasai and perpetuated by the last Constitutional set up. In summarizing my memorandum,

Com. Okoth: Please don't read it, summarize.

Seleile ole Monik: Just to touch on a few pertinent issues that affect our livelihood and our survival. Land ownership rights: As it has been said by most of the speakers around here, it is true that the Maasai community lost a lot of their best lands during the colonial era that became of the white highlands and as such, we really lost a lot in terms of land and land resources. Subsequently, other land reforms and policies, also robbed the Maasai of their land through Constitutional provision such as, the Land Trust Act and the categorization of the forestland and Government forests. Infact this was quite unfair and injustice to our people and I would want to make some proposals to the new Constitution, that would actually try to correct the anomaly that was created during the colonial and post-colonial area.

I would like in the new Constitution, to recognize that the Maasai suffered colonial injustices in disposing them of their land for the settlers and we have historical claims over this land that was taken from us, by the colonialists and subsequently by the succeeding Government. I would also want to propose that in the new Constitution, a process should be initiated, through land reform commission, to return the land that was taken to its indigenous people. This should actually start straight away with the lands that are currently occupied by the white settlers, in Nakuru district and even Laikipia. Because I believe the current owners of this land and ranches, inherited this land from their parents that were provided for in the illegal treaties that were entered into, between the colonial Government and the Maasai back in the 1904 and 1911 agreement. I would also want to propose that, because most of the lands were taken by the Government and State, through colonialization of those forest lands and Government forests. I propose that the trustland Act should actually be abolished and all the land under this Act, should revert to the ownership of the people.

In our particular case, to the Maasai community. All the other lands that are categorized as forestlands, that are in Maasailand or their territory, before the colonial era or rather before the coming of the Europeans, should also revert to the ownership of the indigenous people of the Maasai. We have very good examples of these, forests like the Likia sururu, where the Government through the Constitutional provision robbed its own people of their land and dished it out to other favourable communities and individuals. We believe that this was a great injustice to us and this land should revert back to the rightful indigenous owners.

The other thing, I would also like to mention because I will present this to the Commission. Something on the culture and

Maasai's right to humanity. It is quite apparent that the Kenyan nation is made up of several different ethnic cultures and ethnic groups. There has been colonial lyrics and beliefs that were passed over, for the Maasai as a people with unique culture. It is associated with primitivity and backwardness, which is not actually the case. We need in the new Constitution, this culture and not only the Maasai culture, any other culture of the Kenyan people to be recognized and protected by the Constitution.

I also want to propose or rather by virtual of this, because we have several problems like commercialization and abuse of this culture by other people without our consent and knowledge, which should not be the case. I would actually want to propose some constitutional proposals to amend or to rectify this. Normally where we have to have the Constitution identify and recognize the Maasai culture. Protect the culture against commercial agents and ensure the Maasai culture and education is intergrated in the formal curriculum in the Maasai nation territories. The Constitution should also recognize the Maasai customary laws in the management of their own cultural systems in land laws, marriage and education alongside the formal education curriculum.

Com. Okoth: Your last two points.

Seleile ole Monik: The last point is on the system of governance. I would actually want to straight away go to the proposals I would like to make on the governance. It was currently in the current system. We have had a situation where there is a lot of concentration of power in the Presidency, lack of participatory governance and lack of recognition and appreciation of diverse cultures and languages and ideologies of the people of Kenya. Which should actually have been the basis for creating a cohesive and united Kenya nation State.

I would like to recommend the following, that in reference of the above shortfalls, I would actually want to recommend that we go for a federal structure. Or rather Majimbo system of Government. Where we will have regions created or rather based on ethnic and cultural groups. For example, we as the people here in Narok and the Maasai community, we could be in one region as Maa speakers. Which shall include, district of Transmara, Narok, Kajiado, Samburu and even parts of Baringo district where we have the Ilchamus. Because our interests, ideologies, special needs are the themes. Likewise, it should also be the same in the other regions, for example the Coast, where we have the Mijikenda it could also be a Jimbo. We already have places like Central Province; it is already a jimbo on its own with its own people.

The last point, I would propose that we have a Regional Government with Regional Assembly and the Central Government with an Executive President and Vice President who will actually be the running mate of the President. The President shall be the Chief Executive of the Central Government. While in the local region, we will have in each and every district in the region, in the respective regions. We will have a Governor in the region and the districts for example Narok District, we will have a Deputy Governor to replace the District Commissioner.

As such, all the other provision administrators, below that line, the D.C na kwenda chini, iwe localized and we have our own people elected by their own people. I strongly believe that the people, who come here, do not have the feelings of these people. In many cases, land ownership rights, abuse of environment and forests; have been perpetuated by such a system.

Last Bwana Commissioner, I strongly believe this system of majimboism of all the other things can also assist to curb the contagious social vice of corruption. I believe, people who will be managing their own affairs for their own people, will not go to that extent of exploiting them through corruption.

Com. Okoth: Thank you very much.

Seleile ole Monik: Finally,

Com. Okoth: Ole Lesieki that must be final. Make it final, final.

Seleile ole Monik: Finally, I would want to say that in the new Constitution, this Constitution should actually be accessible to the people of Kenya. As such, it should be written in a simple and understandable language and written in both Kiswahili and English; For easy access to all and even be introduced or rather be intergrated in the educational curriculum. At least starting from the Secondary School level. Thank you very much.

Com. Okoth: Thank you very much. Please register with the Secretariat. Can I have Honourable Ntimama. Mheshimiwa take your seat. You are a citizen of Narok like anybody else. Thank you. Be brief if you can, I know politicians are never brief.

Honourable Ntimama: I beg your pardon.

Com. Okoth: Be brief if you can, politicians are never brief.

Honourable Ntimama: But I will try my best. Honourable Commissioners, first of all I thank you for coming here to take the views of the people of Narok. I am sure you like me are so pleased that we have given these people an opportunity and as a matter of fact, I have completely delighted and surprised that most of the views that have been given by people, who pretend to be illiterate, have been absolutely very valuable indeed to this community and to Kenya as a whole. Honourable Commissioners, I have had an opportunity to present my views to the Commission in Nairobi and I still think that it is important for me to highlight a few things that probably have been touched on by the people here today, because I am so grateful that you have given them an opportunity and that you have come to Narok here. First of all, this question of land, Professor Ogendo you are one of the specialists. You are one of the professionals, who know everything about land laws, the distribution and all other things related to land. As you have seen, most of the things that have been spoken here concern land. Actually, the most

important thing that I want the Commission to take into cognisance, is the fact that during the Lancaster House conference, the Maasai delegation as (inaudible) did not sign the Constitutional arrangement that was there because they think something was lacking. What was lacking was the land that was stolen, the land that was taken away but the white Government and given to white settlers. Consequently, it was never returned to the Maasai as it was to other communities. Honourable Commissioners this is going to be a contentious issue.

I am not saying like what the young boy has said of suspending the Constitution until we have sorted out the land. Because I think that is critical, but I would say, I think this question of Maasai land and the fact that it must be returned to the owners, it is going to be a big issue and critical issue in the 21st century. It is going to be a big critical issue in the 21st century. Because Honourable Commissioners, you know very well when I presented my views here internationally, that all the other marginalized groups, all the other dispossessed groups of the world, have either got their land back or got reasonable compensation for their lost land and so forth. You can talk about the aborigines of Australia, you can talk about the Maoris of New Zealand, and you can talk about the Bushman of S. Africa. You can talk about even the Red Indians of Canada and so forth and so forth. All these people, the world has seen and in most cases, they have confessed that they have made sins and sins that could be considered as criminals, by dispossessing all these people without any compensation and without any retrieve at all of giving their land back or even compensation.

This one, I want to say very clearly that we are going to keep this issue alive and we are going to be true to the people who did not sign the Lancaster constitutional conference, until the whole issue of land has been decided. Because, either we have that land back or we have compensation for whatever we have lost. Like young men who are here the lawyers, they have said, we have lost men, we have lost property, our children and women died of exposure and exhaustion during the big movement from the Rift Valley to the Eastern Reserve.

So, I want to present that one to say, it is not going to die, we are going to keep it alive because we were not satisfied of the British courts. Although, Professor, I know you very well. I keep saying that the whole thing was so build up unprepared. We lost on the battlefield because we could not send up the machine guns. We also lost in the briefing council although we went way up, but we still think something must be done. The other option of returning is give us our land back or give us the best compensation to build our schools, to build our health centers, to build our dispensaries, improve the infrastructure.

Second point, Honourable Commissioners, I don't want to take most of your time, but I want to say first of all my views are very well known on the issue of federalism. I am going to say that definitely I am not very strong on the third tire, in the devolution system. I would rather have the top and the base and the base would be the Local Authority really given the powers and the elections to be able to ...

This question of distribution of resources, fairly and equitably, it is a very serious issue, Honourable Commissioners. I am of the

opinion that the budget should be, that the people have a say. The people have a stake in the distribution of financial resources in the country. I think to leave it to the Executive alone, is not right. It is such a big issue of distributing financial resources to help in education and the infrastructure and everything to live it to the Executive and the Minister for Finance alone. I think we should have a Budget Commission, which includes the parliamentarians, which includes the corporate world, which includes the professionals.

So that this fair and equitable distribution of resources can be effected. Without it, look at the position right now Professor. Our people are saying here that we should only elect Councillors who are upto O' level education. But our literacy percent is twenty one percent and so the other seventy nine percent are illiterate. What do we do? If probably some of these people who come from the illiterate sector are probably the most respectable people. I would rather be cautious on that one and some of these areas like the N. Eastern, Maasai land and all these people should be given the option of allowing some of these people who are illiterate to come in. Because if you throw out the seventy nine percent just because the few people went to school and the other ones did not get an opportunity. I think it is definitely unfair.

Probably one or two of the last ones is definitely, I have always stood for the entrenchment of the freedoms of the people. These freedoms which are fundamental, to the people, must definitely be entrenched in the Constitution, like they are all entrenched the world over. The freedom of speech, the freedom of association, give the press their freedom. Give the people the freedom to assemble. Give the people the freedom even to petition. It doesn't matter how they do it, whether it is in their voices, or in their legs or in their papers, the right to petition the authority.

Clapping from the audience.

One or two of the last ones is that I am definitely hurching for, that these branches of Government. Definitely as you know Professor, I have just said here that they need to be independent but they must also interact.

That I agree in most cases. But the principle of separation is so important because, no branch of Government will come and interfere with the other branch of Government. Because it will create chaos and definitely if you allow one branch to run a mock, then definitely what is going to happen is that the people are going to suffer. Let me say very clearly, that democratic institutions must be entrenched, so that the appointment of people in the public service must be done by institution and not an individual. It could be checked or checked otherwise, we should have Public Service Commission being empowered, the Judicial Commission, the Armed Forces Commission and all these other things, which should be composed of people of Kenya with probity and experience and with a lot of qualifications. So that, they can give us the right people. May be the individual at the top would like to know who they are, but probably we should not allow him to strike anybody that he doesn't like his face or something dead.

I support lastly, the principle of impeachment. I think right through; the President should be impeachable by Parliament or the people. I think the Judges should be impeachable. Because we are saying that they should be actually appointed by democratic institutions or individuals. Because as soon as you know that your livelihood is depending on an individual, you are going to act exactly as he wants. Judiciary is the very important one Honourable Commissioners, because what they do affects the daily lives of the people.

Most of the consumers of the Judiciary are the ordinary people and you know, when there is a mistake, those who are going to be victimized are the poor, the voiceless and the people who (inaudible) and it is very serious. So, we must have independent judicial officers because right now we have problems. Once there is the loophole in the Judiciary. Then people will queue up to try and find openings to crash and marginalize other people. These loopholes must not be given. We have now, I am not going to be specific on any point, people in this district who are queuing up you know, litigants who are queuing up to see whether they can have an opening of grabbing either the forests or the Maasai Mara or something like that, because may be there have been openings in that kind of situation. So, I think the Judiciary must be thoroughly independent and those Judges must be impeached, if they really commit crimes against humanity.

Clapping from the audience.

The last one, I have heard a lot of people saying here and I agree entirely that the Local Authority should be strengthened. But we must not allow individuals who are corrupt to run our Local Authorities because, then they will do a great damage, especially when it comes to land, because they are now in charge of trust land or even plots in urban centers. We have problems now because some individuals are dishing out trustland; some are dishing out this on their own right without even consulting the people or the council. I think these people are criminals in a way. Because what has happened for example in Narok town today, if all the plots go to people in Central Province because they have the money, what will happen to our children, when they grow in the next ten or fifteen years. There will be nothing for them and this could create problems.

Clapping from the audience.

So, I think these people must face the wrath of the people. I really don't know why, but if we had people's council, I think they should really be condemned. May be like the Greeks of old used to do. So, thank you very much Mr. Ogendo, I know we have been together on land before and I know you are a great man and you have got a young man who understands our language and probably understands our culture. People have talked of our culture and I say thank you very much for coming here and I hope if there are people who wanted to give their views, that they can still continue. Thank you very much.

Clapping from the audience.

Com. Okoth: Thank you Mheshimiwa. There are two things I want to raise with you. The first one is of course is on the question of land. I understand the problem. I have written about it and I have thought deeply about it. But as I go around the country, the question of restoration of land is coming all over the country, we have heard it in the Coast, we have heard it in Marakwet, in Pokot, we have heard it even in some parts of Nyanza. But it is always much easier to deal with it if the original expropriators are there like in Zimbabwe and South Africa. How do we handle the problem when the original expropriators have gone, indigenous people are on that land, have been given land and they are Kenyans like you. How do we proceed?

Honourable Ntimama: I see you ask the question and I will answer it at the corner. It is the heirs and successors.

Clapping from the audience.

Honourable Ntimama: Well, we have got all we have gotten. So, they are responsible for the mess.

Com. Okoth: Okey. You are saying that they inherited the problem, they now must face the wrath of the people?

Honourable Ntimama: Yes.

Com. Okoth: My second question and I can pursue that with you separately. The second question is on the question with impeachment. A lot of people are telling us quite rightly that there should be a mechanism of getting rid of a President who commits crime in office or Members of Parliament or the Judiciary at all. My question to them is this; what about when the President leaves office? Should we protect an Ex-President who has not?

If we have a mechanism for impeaching the President while he is in office and we don't do anything about it. Should we allow anybody to pursue the President when he leaves office? We are having this problem in Zambia, it has caused a lot of instability in West Africa because what happens is; that when you start pursuing the President out of office, he goes to the bush with his soldiers. This has happened in Congo Brazzaville and other places. In Zambia now, Chiluba pursues Kaunda and he didn't think about his own future. Now Chiluba is in court he is pursuing also. But they didn't want to make law to pursue him while he was in office. Would you like to help us to tend to this matter?

Honourable Ntimama: I would like to say that definitely this process of impeachment is a very important process to stop people at the top from making criminal or disrespects against humanity. But when you block, when there is a system to block some of these things, while the President is in office, definitely after that, the people have the right to pursue this impeachment process. This is actually what is happening in Africa today because there is no law when the President is in office to try and do anything at all. Even to talk about him, you are committing a crime. So, you remember during those days, when Njonjo came up to say that even if you think, you are alone to talk about it, you are in trouble. So, these people will keep quiet, may be until the

next regime has come over. They now have the (inaudible) to pursue the thing like they are doing in Zambia today.

Com. Okoth: We are not trying to avoid there is a system that allows for vengeance after the facts.

Honourable Ntimama: Well, I have been to Britain, blacks are known. We have a lot of Indians who are black. Probably that is going to happen. But I think the best thing is to allow for these in the normal way so that people do not go overboard. Because as you say probably in Zambia today, you can see the whole process building up and it is going to be quite dangerous. But, I would like all these people who are being impeached, also to be scrutinized, to be questioned by Parliament or by any other thing before they are given to go to office. Because we are allowing crooks to go to the office and only regret when they have made messes.

Com. Lenaola: Please expound more on the budget committee? I didn't get clearly what you meant when you said that we have a budget committee. Will it be Parliamentary or will it be outside Parliament?

Honourable Ntimama: I think it is definitely going to include prominent Members of Parliament but it should be outside Parliament. I would recommend that it is professional and corporate members and all the other people like you people, who are legal and people like Bwana Ogendo who knows about land and who knows the rights of the people. So that they can sit down and make sure that we get the resources. Look at what is happening in this country. Look at what is happening in Maasai land today, the infrastructure, the schools, the dispensaries, we walk hundreds of miles to go to medical clinics. Some people have it there, within two, three yards from their own homes. So, this must be fair and equitable distribution of public funds.

Com. Okoth: Thank you very much Mheshimiwa, I hope you will still stay with us and listen to the views.

Honourable Ntimama: I am going to be here.

Com. Okoth: Thank you very much.

Honourable Ntimama: Thank you very much.

Com. Okoth: Please sign our book. Ole Marima. Give them another copy. Register it there.

Ole Marima: Thank you very much for giving me this time Honourable Commissioners. My names are Moses Kima Ole Marima. If it will help any, I also happen to have been the Member of Parliament before the Honourable Ntimama and before the aspirant. Needless to say, I want to be very much to the point and very brief. On governance, we need to have transparency and that transparency must cut right through from the Presidency to the local elected Councillor. I believe having

worked for the Public Service Commission for about six months as a Commissioner; there cannot be an alternative to competence, when you are appointing officers. Even in our Local Authorities, the sufferings we are having, is because of incompetence.

Incompetence of principle officers, who are answerable and dying to be supported by a godfather because they are incompetent. They must be advertised, interviewed and appointed by the Public Service Commission. Narok is said to be the richest county council in the country, has been plundered by own sons who are half-baked and who are fussy, hungry and greedy. So, when I talk of Governance, the Central Government, I believe in Unitary Government myself. For reasons I can give if I am asked in another forum. The Late our good Marshall* a Black American in the American circuit court, defending the civil rights of the blacks, said, 'there cannot be equal and separate.' Therefore, we cannot claim to be equal here, if we claim we want to be separate. We must be in a Unitary Government, fight for our rights and have our rights entrenched together with the rest of the Kenyans. But let us not be isolated, it is dangerous. I am talking of a Unitary Government. That personally, I would recommend a President that will be Executive who will have a Deputy Vice President. Not just a Vice President. An active Deputy Vice President. If we appoint Ministers, let us have Deputy Ministers. Because an Assistant Minister just sits there and when the Minister is not there, we appoint another very busy Minister to act again, because the other one is out.

When two or three Assistant Ministers are sitting. I think we should get rid of what we call Assistants and get deputies, they are elected, they are represented, and they have the trust of the people. Mr. Chairman, the Local Authorities, rather than have what we call a Federal Government, why don't we have enhanced authoritatively Local Government.

We have seen people with a lot of education, principle officers well-educated and well appointed to run the affairs and the economics of the Local Authority. I am suggesting, that eighty five percent of all agriculture and natural resources in any district should go back to the Local Authority. I am suggesting that what we borrow and pay as taxpayers, what taxes are deducted from us through any means by the general Government, all districts in the country divide equally. Money should be managed by Government of Local Authorities.

Com. Okoth: Please summarize.

Ole Marima: Mr. Chairman, I am saying the basic right of every child is education and that is the bottom line of everything we are doing. Let us entrench in our Constitution a system where we have a certain percent of all income, supporting education so that every child in this country, including Narok, goes to education without being denied. Mr. Chairman on elections, I am actually appealing for a staggered election so that Presidential elections, Parliamentary elections and Local Authorities must not necessarily be held at the same time. I think the Local Authority's elections should be done alone. The Presidential elections should be done alone and the Parliamentary elections should be done separately. For obvious reasons, you are ganging up together so that we win and we shall use any method including corruption, including beating to win. We can be stable if others

are in power and others are running.

Com.Okoth: Can you please say your last point?

On environment Mr. Chairman.....Yes. That should be my last point and I appreciate. This country and this district particularly, has been protective of its own environment. Forests, water catchments, wildlife. It is being plundered by others. Somebody has said in another forum, forgive me to say that, that we should entrench laws in the Constitution, which brings equal ownership of parcels of land to everybody in Kenya. It is unheard of anywhere in the world. It is uneconomical; it is the trigger point for igniting fire in this country. We have been surviving as a country, because we have not interfered on it.

My last point Mr. Chairman. On land, I want to suggest that we criminalize and bring to court, punish and take away from land that has been taken by civil servants whose salaries are being paid by our taxes and who come to apportion our land. Including our forests as they did here now to themselves. Thank you Mr. Chairman.

Clapping from the audience.

Com. Okoth: Thank you very much Mheshimiwa. Please register your memorandum with the secretariat. Samson Kamamia? Okey. Samson Kamamia, I am sorry I have mis-pronounced your name. Your name in the microphone for the record.

Samson Ole Kamamia: Thank you very much Bwana Chairman. I will be brief because I have a memorandum here. My names are Samson Ole Kamamia. I am a local resident of Narok and because I have a memorandum here, I will try to be brief so that I hand over what I have.

Com. Okoth: That's right please be brief.

Samson Ole Kamamia: The first one will be on land, I have heard several people talking about land and there is one area which I think I should stress and this is somebody getting a Title Deed through fraud, through other means which are not correct and which the people have said is not challengeable. I suggest that this should be challenged in the Court of law and even by the elders of that particular area, so that we make a very very strong example to the other people who may want to do the same. Another thing is on education: I have heard and I want to appeal that.....

Com. Okoth: Just one minute. Give us examples of those fraudulent land transactions you are talking about.

Samson Ole Kamamia: I have several, there is one area in Maasai Mara, it was taken, the community did not know about that land. They are crying upto this minute and that Title Deed should be returned and the land should go to the owners and the

owners should know what to do about that land. But not that individual?

Com. Okoth: Are you talking about Lodmurun

Samson Ole Kamamia: Yes Bwana Chairman. Another thing is about inheritance of girls. Maasai girls do not have a right to inherit property from their parents and I suggest this, when a girl is married, gets divorced, instead of coming to the father, the person who took that girl, the property must be shared among the two. If there were three women, it will go to four people because the other two women must also get a right. So, if that girl is the offender, then the community should decide, where the property should go. If the husband is the offender, then the girl must have the right to have that property. Just like the way another Christian wedding is. When you have a Christian wedding, somebody goes to the church. When they divorce, they go back to the court of law and they divide the property.

Com. Okoth: Please summarize your points.

Samson Ole Kamamia: Another thing is about the Local Authority. The Local Authority should be empowered. Empowerment, I mean, a person who should be the Chairman of the County Council, should not be elected in a particular Ward. He should be elected in the whole district. So, that he should have more powers and instead of calling him a Councillor, I suggest that we call him, Katibu Mkuu of that particular region so that he can also have all the powers of that particular district. Instead of the District Commissioners or the Provincial Administration, that particular person can be in charge while the other Councillors will be his deputies.

I suggest again, Mr. Chairman, that; girls.....or I think. Not girls alone. I have heard people say girls. But Maasai children, boy or girl should get free and compulsory education. I also say that adult literacy should also be incorporated, so that all the communities and in particular the Maasai who have not gone to school should have this particular time to go back to learn formal education.

Com. Okoth: Thank you very much. Lastly, Mr. Chairman.....your last point. Excuse me, you have exhausted your time. Please allow somebody else to come in.

Samson Ole Kamamia: Allow me one. Just to say the last one. I just want to say the last one. I say Mr. Chairman thank you very much. I also recommend that the natural resources from that particular district in Narok in particular, in Maasailand, should be developed for the residents of that area. I mean this, we have may be some resources.....

Com. Okoth: Thank you. We have got the point. Please register. Mary Nasiyeku? Please register with the Secretariat there. Mary?

Mary Nasiyeku: Thank you Mr. Commissioner, I am here to present.

Com. Okoth: Your name first.

Mary Nasiyeku: My name is Nasiyeku Leopani. I am here on behalf of Indigenous Youth Networking Forum. I will dwell mostly on issues that affect women.

Education: I suggest that, the Maasai women due to the marginalization of the Maasai community have not heard access to education. In this forum I want to suggest, as the Constitution is being reviewed, we would want, in the same way it is being claimed that land should be compensated. The Maasai women should be compensated in this way. Due to the marginalization, they were not able to have access to education. The current, and that Government that should come, should compensate the Maasai women by accessing adult education to them, so that they can be at par with other communities. Girls married early through forced marriage, there should be a special court set to compensate them and access them to school because they have lost a golden chance.

I would also recommend the adult education for Maasai women, that civic education be mandatory. Civic education should be taught in schools, if at all Kenyans have to know what their Constitution is all about. Tungetaka Civic Education ifunzwe katika mashule yetu, ndio watu wote wajue haki yao kama wananchi. Kwa sababu inasemekana civic education inafunzwa, lakini ni watu wachache sana especially watu wa Kimaasai ambao wanapata hii civic education. Ikifunzwa katika shule, ifunzwe katika lugha ya mama, ifunzwe katika Kiswahili na Kiingereza. Katiba ikiwa itarekebishwa, lazima wananchi wapate civic education.

Electoral Commission: Tungependelea kwamba, iwapo katika nchi hii, nafasi ya President itakuwa ya Mzee au ya man, Vice President, lazima nafasi hiyo iwe ni ya mwanamke ama ikiwa Vice President ni mwanaume, President awe ni mwanamke. Pawe reserved hiyo seat. Tungependelea election iwe secret ballot, sisi akina mama.

Mambo ya shamba: Sisi akina mama tungependelea, willing seller buyer iwe outlawed kabisa. Tungependa wamama wawe na right ya ku-own land na property yeyote ambayo iko kwa land. Wamama pamoja na akina mama. Pia akina mama tungependa kwamba, tunakuta kuna hii issue ya polygamy. Na ambapo pengine mama mmoja anapewa certificate ya kuwa yeye ndiye bibi. Tunataka polygamy marriage, our traditional marriage iwe certified, ikubalike ili hawa akina mama na watoto wao wapate equal rights to the property ya yule mzee ambaye ameo wanawake wengi. Hivyo basi, wanawake ikiwa wameolewa watano, wapate equal rights kwa property ya yule bwana. Pia akina mama tunasema kwamba

Clapping from the audience.

Com. Okoth: Can I please ask the audience, you can clap but do not hit the tables please. Madam, go ahead.

Mary Nasiyeku: Pia sisi akina mama tunaomba, ikifika ni mambo ya kutunza watoto. Tunaona kuna street children wengi na watoto ambao hawana watu wa kutunza. Tungeomba Mzee akizaa watoto na mke au mke asiye wa ndoa, pawe na sheria atunze hao watoto na wa-inherit property yake.

Com. Okoth: Please summarize that.

Mary Nasiyeku: Mwisho kabisa ningetaka kuzungumzia juu ya public funds. Tunaona ya kwamba, budget yetu ya Kenya inapokuwa drawn tunakuta wamama ndio huchangia uchumi wa nchi hii yetu sana na tunakuta kwamba views zao hazikuwi represented kwa budget. Tungependa katika Constitution kuwe na forum, ambapo wananchi inclusive of women watapata fursa ya kuchangia maoni yao kuhusu budget. Budge ibadilishwe. Maoni yasiwe yakitoka kwa Executive. Kabla budget haijasomwa kuwe na forums ambapo wananchi especially akina mama wanapewa fursa ya kuamua ni nini wangetaka Serikali isaidie. Kwa mfano sisi Wamaasai, budget haitukumbuki kwa sababu tunaona ya kwamba tuko nyuma katika maendeleo. Na pengine ndio sababu tunaitisha Federal State ili tusikie watu wengine. Iwapo budget itatugusa tutaendelea. Pia tungetaka kuwe na court special ambapo wale watu wote wameiba mali ya umma pamoja na ardhi ya Wamaasai, warudishe hiyo ardhi na mali yote ambayo wamechukua kawa umma.

Com. Okoth: Thank you madam.

Mary Nasiyeku: All those people who have embezzled public funds, there should be a special court set so that all these public funds.....we are poor because these people have embezzled our funds and they are still running our Government.

Lastly, on this Commission that is here, we have observed as women, the Commission has not been fair to us because there is no woman Commissioner representative in front of us. Thank you.

Clapping from the audience.

Com. Okoth: Excuse me. Can you please sit down? This particular panel has three Commissioners. The third Commissioner is sick in Nairobi but will be with us tomorrow and her name is Alice Yano. She is a woman.

Mary Nasiyeku: Thank you, there is a woman representative, we have not seen her. We would want to see her. So that we feel our suggestions are taken care of.

Com. Okoth: You will see her tomorrow.

Com. Lenaola: There are women, others are in Narok South, others are in Kajiado South, others in Kajiado North. They cannot all be here.

Com. Okoth: They cannot all be here.

Mary Nasiyeku: But if the Commission has equal numbers, they should be two, a man and a woman.

Com. Okoth: Please register. Madam, you don't know who your allies are? Can I have Lucy Sandaisa? Jina kwanza.

Lucy Sandera: Kwa majina ni Lucy Sandera. Mwenyekiti maendeleo ya wanawake katika wila ya hii. Ningependa kuzungumzia, kusema Katiba iliyoko sasa, imetugadamiza sisi wanawake sana, imetufinya. Na ningependa Katiba mpya ambayo tunajadili sasa, iweze kujali masilahi ya mama. Katiba ya zamani haioni mwanamke. Ni kama inafunga macho kwa mambo ya mwanamke. Ningependa masilahi ya mama yawe ynjaliwa kwa ajili ya.....ukiona sasa kama mwenyekiti wa maendeleo ya wanawake. Ningependekeza mwenyekiti ambaye atakuja tena kwa Katiba mpya iwe ni mwingine au iwe ni mimi. Ningependekeza ya kwamba, ajali masilahi ya mama kwa sababu kiti hicho cha akina mama kimekuwa ni kiti tu ambacho hata hakina mshahara. Na ni kiti ambacho ni kikubwa, iko sawa na kiti cha D.C. kwa district, na ningependekeza, Katiba mpya ambayo itakuja, ijali masilahi ya mama, kwa ngazi zote ambazo zitakuwepo.

Ya pili ni upande wa uongozi, walio viongozi katika nchi yetu hata haifiki asilimia moja. Wale wako kwa uongozini kwa upande wa akina mama, haifiki asilimia moja. Kwa mfano kama sasa Ma-Councillors ambao tunao sasa, kwa County Council, Councillor mama ni mmoja tu. Hata hana mwingine ambaye wataweza kuzungumzia mambo ya akina mama. Kwa upande wa Town Council ni mmoja, tunaona mambo mengi yanaharibika, kwa sababu Chairman peke yake ndiye anashikilia mambo yote. Anaweza toa timu yake peke yake, wanazungumzia na hata kwa upande wa Town Council, mambo mengi yameharibika, hasa kwa plots.

Tungependa kutaka usawa ili kama ni plots, hata sisi akina mama tuwe na usawa wa nomination. Kwa upande wa plots, uweze kutetea wale wengine wapate kupata plots, kwa sababu wakati tunawachagua, kura zetu ndizo nyingi na pia zetu ndizo zina msimamo. Tungependa kwa nomination, kuwe na usawa. Tunataka Katiba mpya ionyeshe usawa kati ya mwanamke na mwanaume, haki za kibinadamu ziheshimiwe kwa kila mmoja. Kwa mfano, unaweza ona kiongozi wa akina mama anachukuliwa kama kitu kidogo hasa kwa nchi yetu ya Kimaasai. Tungependa Katiba mpya iweze kusimamia mama na hata aheshimiwe, hata anapofika aonekane yeye ni kiongozi amesema, na amesema na ipitishwe. Wanawake wamebaguliwa kwa upande wa citizenship, yaani hawana uwezo wa kuwafanya watoto wao waliozaliwa ng'ambo wawe citizens wa Kenya. Mtoto ako na haki ya kuwa Mkenya kama mzazi mmoja ni Mkenya. Pia, tunataka pasi zipewe kama haki yaani passports. Tuwe huru hata sisi tukiwa Wamaasai, tukitaka kwenda nje, tuwe na mwakilishi kwa sababu hata unapoenda kuchukua passports, hapo

kwa dirisha, kama ni Mkisii ndio ako, akiona bahasha ambayo ni ya kabila nyingine. Anatupa huko mbali, anapatia Wakisii wao.

Kama ni kabila ingine, kuwe na usawa ambapo kila mmoja anaweza kupata passport bila kubaguliwa. Pia, kuwe na haki ya kila mtu, aishi katika...yaani awe na kazi ambayo anaweza kufanya. Kama amesoma awe na nafasi mzuri ambayo atachukuliwa. Kwa sababu siku hizi, kumekuwa na kubaguliwa. Unaweza kuta mwingine amepita na wakati watu wanaandikwa kazini, kunakuwa na siasa fulani ambayo wanapendelea. Kila mmoja ambaye amekuwa na haki ya kuandikwa kufanya kazi, isiwe kuna kubaguliwa ama kujuana.

Com. Okoth: Summarize.

Lucy Sandera: Ya mwisho, masomo ya msingi iwe ni lazima kwa kila mtoto bila malipo. Ningependa tu kumalizia kuhusu vyama mbalimbali. Kusiwe na sheria ya kulazimisha mtu kwa chama fulani, bali mtu awe na haki ya kuchagua chama anachotaka.

Com Okoth: Asante sana Lucy.

Lucy Sandaisa: Nimemalizia na tungetaka Serikali iwape wanawake asilimia thelathini na tano ya viti vya uongozi katika Bunge. Kwa upande wa ardhi, tungependa wanawake wawe na haki ya kurithi mashamba. Nimemalizia.

Com. Okoth: Thank you very much Madam, please register. Councillor Joseph Lenchoi.

Councillor Joseph Lenchoe: My names are Councillor Joseph Ole Lenchoi from Loketo Ward, Chairman Narok Town Council. I would like to give my views orally on behalf of Narok County Council. To begin with, I would like to deal with the land issues. I entirely do concur with those who spoke before me, that we Maasai as a community had lost quite a lot of land, during the colonial era and I do join them by supporting that we should be compensated for the land lost, in form of various developments to our community. Also on the same issue, I would like to touch on the Land Control Boards, I do support what somebody who spoke before me has just said. That we should have Land Control Boards from the sub-locational level, all the way to the district level. So that we have people who understand the problems of those affected. I would also like to touch on....

Com. Okoth: Can you just address what has not been said?

Councillor Joseph Lenchoe: Thank you. I would like to touch on human and wildlife conflict in our land. We have that problem as a major problem in Maasai land and I would like to suggest that these wild animals are destroying our crops, hence

causing people to have starvation. These animals are destroying developments on our farms. I would like to suggest that we need compensation given to us for the destruction of wildlife. It is very pathetic and very sad that a human life is compensated with just thirty thousand shillings. Infact with these other insurance companies, when somebody gets an injury, that person is paid lots of million of shillings. So, I suggest that human life should be compensated by about five million, so that the family of the person killed by the wild animals, can may be sustain themselves in life. This question of saying there is no money, I would like.....

The same way it is done in our neighboring country Tanzania and also Angola, just to mention a few. When an elephant kills a human being, that elephant is killed and the tusk is sold to compensate the family. So, I would like to make that suggestion. I would like to come to Local Authority. We would like to have autonomous Local Authority with an executive Mayor or Chairman, so that the Local Authorities can make decisions on their own natural resources.

I would like also to suggest that we have literate Councillors at least of O' level. Because we have been crying that we lost our land due to illiteracy and just as my Honourable Minister has just mentioned that we only have twenty one percent of our community having gone to school and seventy-nine illiterate. I would like to suggest that, if we want to kill the seventy nine percent of illiteracy in our community, we should first of all make use of the twenty one percent of the literates. So, we should support that we should have educated leaders, educated Councillors so that we set precedence to show that education is important and vital to the development of this nation. I would like also to support and suggest that we have Mayors and Chairmen directly elected by the people and a way should be formulated to allow any impeachment incase of any misconduct.

Com. Okoth: Summarize.

Councillor Joseph Lenchoe: On economic issues, I am just summarizing. On economic issues, I would like to suggest that in the new Constitution, each and every ethnic group should be protected by the law. That is, we have pastoralists and these pastoralists are people who keep animals. We would like it to be enshrined in the new Constitution that we have an all time ready market for our animals. Also to the other ethnic groups they should also be provided for an all time available market for their own resources. So that we empower them economically and be able also to compete with the others in the whole world. Thank you very much.

Com. Okoth: Thank you very much Councillor please register. Elizabeth Kayoli. She is there? Madam, I am going to give you all the time you need so that we can be friends. Elizabeth Kayoli?

Elizabeth Kayoli: Commissioner, viongozi wote nawasalimia nyinyi kwa jina la Yesu. Hamjambo. Mimi ninaitwa Elizabeth Kayoli na niko na maneno tatu tu. La kwanza, lakini nitaongea Kimaasai.

Elizabeth Kayoli: *Commissioner, o lariko pookin airoroki intae pooki te nkarna olaitoriani entasupa.*

Translator: Wamama wote wana haya ya kusema,

Elizabeth Kayoli: *Keta intomonok ilomon ojo,*

Translator: (inaudible)

Elizabeth Kayoli: *Niaku ore kenarikino netayie ilpolosien neshukuni neitobirr amu ore pee eitayu enkai nejo ketaei ilpolosien.*

Translator: Kwa hivyo mipaka inastahili irudishwe tena na irekebishwe kwa maana hata Mungu alipotoa alisema kwamba kuna mipaka.

Elizabeth Kayoli: *Naing'a siatengaraki tengaraki ore iltunganak kumok nejio ekiata olialo naa ore ena meitodolu ajo ekiata olialo,amu ilo ninepu ilkulie tunganak oirorita engutuk enye. Ningasia eneingua kuna kutukie.*

Translator: Nashangaa kwamba watu wengi wanasema tuna ukabila na hii haimaanishi kwamba sisi tuna ukabila, kuna wakati hapa unaenda unakuta hata wale wanaongea ile lugha yao. Kwa hivyo unashangaa mahali ambapo ukabila ulitokea.

Elizabeth Kayoli: *Meetae obo la olmasani oingeroki teina sipitali nikiata inkeru naisumate nikiata ildakitarini nemetae hoo obo.*

Translator: Hakuna mmoja ambaye ni wa kabila la Kimaasai ambaye ameajiriwa kule kwa hiyo hospitali na hata tuna watoto ambao wamesoma. Tuna madaktari na hakuna hata mmoja.

Translator: Kwa nini sisi tukitiisha kitu ambacho tunaposema tunataka watu wetu waajiriwe au watoto wetu, inasemekana ni ukabila.

Elizabeth Kayoli: *Kanyo paa ore iyiok tene kipotu entoki nikijo nikiyieu iltunganak lang neingeri ashu inkeru ang neji olialo.*

Translator: Kwa mfano kama Waziri wetu akisema kwamba (inaudible) ikaenda, watu wanapiga kelele, wanasema kwamba ni ukabila ambao tunao.

Elizabeth Kayoli: *Tenejo olarikoni lang nepuo kulie tung 'anak elepilep nejo eikiata olosek.*

Translator: Hatuna ukabila, Mungu alitoa mipaka yote na laini zote zikiwa sawa.

Elizabeth Kayoli: *Nikiata olose, eitayuo enkaii lpolosien pooki aitoris.*

Translator: Vitu vyote vilivyo dunia hii ama viumbe na vitu vyote. Mungu alitupatia ili tukapate kuitawala.

Elizabeth Kayoli: *Ore intokitingi pooki natii ena nkop enaa iltunganak eisho iyniok enkai pee kintawala*

Translator: Kwa hivyo tunataka sisi kama Wamaasai tukiwa jamii ambayo ni changa au haina nguvu, kutolewe kitu ambacho kitatupatia uwezo na badala yake tuangaliliwe vile vitu ambazo zinatuhusu.

Elizabeth Kayoli: *Niaku ekinyieu inyiok kira ilmaasae kitii oilmarei kiti enaa ole metaeta engolong, neishori iyiok entoki naisho iyiok engolon kake neingurakini iyiok intokiting naipeta inyiok.*

Translator: Naomba kwa sheria hii ambayo sasa inakuja, itolewe sheria ambayo inaelea kulinda mzee na wamama hata kama ni watano ama ni wangapi, iwasimamie.

Elizabeth Kayoli: *Kaomonu tena sheria nalotu pee eitayuni sheria naing 'orr olpayian ,ontomonok ata tenera imiet ata tenakaja , injo eitashiki.*

Translator: Kwa maana sisi wafrika bado tunaoa wake wengi.

Elizabeth Kayoli: *Amu ore iyiok iloorok eton kiyam inkituak kumok.*

Translator: Tunataka sheria ambayo itasimamia jamii, kusiwe na ile ambayo inanyanyasa wale wengine.

Elizabeth Kayoli: *Ekinyieu sheria naitashi olmarei, pee metae ina inyial ilkulie.*

Translator: Kwa sheria ijayo, mimi naomba ya kwamba, kusiwe na sheria ambayo itakaza watu wasioelimika kusimama na kuchaguliwa. Kwa sababu percent kubwa ni wale ambao hawajaelimika.

Elizabeth Kayoli: *Ore teina sheria nalotu kaomonu nanu injere pee meetae sheria nainyial iltunganak leitu eisuma pee meitashengeli. Amu ore enkumoi naa iletu aisuma.*

Translator: Kwa maana kuna uwezekano kupatikane mtu ambaye ana hekima zaidi ya kuongoza hata kushinda yule ambaye amesoma.

Elizabeth Kayoli: *Amu keidimayu netumi oltungani ota engeno sapuk erikore alang ilo oisume.*

Translator: Shida mbalimbali zimeletwa na wale watu ambao wameelimika.

Elizabeth Kayoli: *Ore enyamali sapuk naa ilelo tunganak oisumate.*

Translator: Hata sisi wale hawajasoma, mtuongoze na mtubariki.

Clapping from the audience.

Com. Okoth: Asante sana Mama. Andika jina lako kule. Kanyusi Sandaisa? Kanyusi? Is it Sandaisa au Gandaisa? Mwaitalelo Kenta.

Mwaitalelo Kenta: Thank you Mr. Chairman of the session. My name is Mwaitalelo Kenta, an advocate from this district. I would like first of all to recognize the presence of Member of Parliament and Minister in the Office of the President and the other leaders from the community who are here. Mine is brief, because I have got a memorandum to the Commission, but I would like to highlight a few things that do not affect the Maasai's alone but most Kenyans. However, before I even proceed further, I would really like to register my concern about the uncertainty of this process that we Kenyans are undergoing at the moment.

Com. Okoth: I don't think I will allow you to go into that discussion.

Mwaitalelo Kenta: Thank you.

Com. Okoth Ogendo: Just give us your views.

Mwaitalelo Kenta: I would also like to state that, my observation as from the contents of what my fellow Kenyans have said, most of what has been said is actually contained in the present Constitution and other statutes but it is clear point of one fact, that the laws in this country in many occasions only exist in books but are not implemented by the authorities that are supposed to implement them. However as a Kenyan, and may be as a lawyer, I would like foremost to suggest or to give a view that a preamble be included in the new Constitution. Because I have observed that most of the preambles give the aspirations of the

nation and the dreams of the people.

I will suggest that a preamble be entered in the new Constitution. It is a clear fact that the Executive Arm of the Government in the present Constitution has actually become a kind of monarchy and constitutional amendments have been done and put in place to strengthen the power of the President which I believe has been the cause of the economic, the political and social problems in this country. In that regard I will ask that the new Constitution sets out very clearly separation of powers. Which Arm of the Government must act independently of another one and must not interfere with the operations of the other one.

So, I will suggest that instead of having many offices, which our economy cannot at the moment afford, we would like to have an Executive President who should not be a Member of Parliament. The Vice President who must be his running mate, so that they are both equally elected by popular votes. In that vein, I would like to suggest that the President must be elected by majority votes and I will suggest a cast of fifty one percent of the votes. If one candidate does not attain that fifty one percent, then there shall be a run off between the two front contestants.

I will also suggest that Cabinet Ministers like in the American system be appointed by the President, not from Parliament, but from able citizens who are trained in specific fields. Like for example, if it is a Minister for Health, he must be a medical doctor. If it is the Minister for education, he must be an academician. If he is the Minister for Justice, he must be a person conversant with the law. I will also suggest that in the new Constitution, the Attorney General must be an independent entity, divorced from Parliament. It should not be a division member of Parliament and it should also not be elected by the President. But must be appointed by Parliament on the recommendation of the President and he must be approved by two thirds of Parliamentarians, for him to have authority. I will also suggest that Permanent Secretaries as Chief Officers in specific Ministries must also be appointed by Parliament in consultation with the President. The same case applies to members of the Public Service Commission, this Commission and many other Constitutional offices.

This will actually ensure that they are independent and they are not set at the whim of an individual. Because what we see these days is psychofancy, whereby even leaders who are popular with the people, are delegated by periphery and people who are not popular, are the ones who load on the citizen of this country. In fact the most noticeable thing is that the present Cabinet Ministers have shown that kind of antagonism amongst themselves and this has been encouraged by the powers of the President, who has actually dominated everything.

Com. Okoth: Please summarize.

Mr. Kenta: Thank you Mr. Chairman. Apart from the other things because as per memorandum here, the land is a very sensitive matter in this country and especially for the Maasai community. I am sure you have been told from morning to this time and you will be told even after this, that the Maasai community has lost all the land that was given to them by God and their

forefathers from 1904 to date.

Com. Okoth: Not all.

Mwaitalelo Kenta: Almost all of it, because actually the whole of Kenya was ours, all the way to Tanzania. To safeguard against this innocent accommodating people's rights because they are very accommodating people. We shall insist and we hope that your Commission will put in place that we should have our own Governments in our own districts. That is by strengthening the Local Authorities. So, that they will have, with the support of the community, a self-governing body inclusive of age groups chiefs who are actually appointed by the community and the leaders who are also elected by the people. So, we would like to have at least the autonomy to an extent that we are able to carry on our own affairs. I set out all those things in my memorandum.

The land control boards should also be localized and so should all the other things like the natural resources for the community, environment and all those things must be left in the hands of the people. The other very important thing is, the Parliament. We will suggest that people be elected by universal s.... like always and that Parliament should be the one and the foremost arm in controlling the other Arms of the Government, specifically the Executive. I would also like to go to the Judiciary for that matter. I will suggest that a supreme court be constituted.

Com. Okoth: Please summarize.

Mwaitalelo Kenta: I would suggest that a Supreme Court be included or be formulated so that it is actually the highest court in the land and the courts of records. I will also suggest that Parliament be involved in the appointment of Judges with consultation with the Attorney General. On some other things, I will.....

Com. Okoth: Please come to your last point Sir.

Mwaitalelo Kenta: I will also advocate for majimbo system of Government. I will suggest that we have Executive Government, an Executive President. I suggest that we have an independent Parliament, which must be involved in all activities. We have an independent Judiciary. That the people be given a fair hand in all their endeavours. Thank you Mr. Chairman.

Com. Okoth: Thank you very much.

Mwaitalelo Kenta: Thank you very much. I have included almost all those things in my memorandum which I wish to present to you. Just a minute. A lot of people are telling us, they want Parliament to appoint the Attorney General. Parliament to appoint Judges and so on. The duty of Parliament is to make laws, not to run the country. Aren't we confusing what is Executive

Authority from.....

Mr. Kenta: What I am simply saying is that there should be complementary. Whereas the President can actually pinpoint particular people to hold offices, of course with the advice from the Judicial Service Commission and Public Service Commission. We believe that Parliament should just be like the Congress in America, should have the last word so that we do not have the kind of people that are in positions at the moment. There is one thing that I would like may be to add very quickly on that one, I would suggest that an Ombudsman office be introduced in Kenya also. So that he can actually check on the malpractices of Public institutions and parastatals for that matter.

Com. Okoth: Thank you very much Bwana Ole Kenta. You can present your memorandum to the secretariat and sign our register please. Thank you very much. Alice.....your second name is not very clear. Say it yourself.

Alice Muke: My names are Alice Muke. I am a teacher by profession and I have just a few views that I want to present to the Commission. One of them, I just want to emphasize; one of them is to emphasize on the need for every person who has to hold a position of leadership to have a minimum of Form four education. Unless we have this, we shall continue to have a lot of malpractices in different areas of administration, because many people within the same administration will not know what is going on. So, I request that if somebody has to be a Councillor, he has to be anything; he or she should be a form four certificate holder. It is true that many people have not gone to school in this district but the only way they will be saved is by having the ones that have gone to school, being in position because they will not blame any other person. They will blame themselves if they cannot deliver the goods.

I want to talk about the legal system, particularly we feel that there is a big problem here and I was requesting that the Constitution should provide for time limit for certain cases or different cases. We have cases that are taking even twenty-five years and I think this one is denial of justice. We would wish that as we continue to restructure our Constitution, we do something about the Judiciary. I would also want us to look at the claims. People have accidents, they have problems, they have gone to a lawyer because they wanted to be assisted to get something, at least may be to pay their hospital bills and so forth. We find that when this money comes, they never reach the people. If they do, they reach them in very small proportion and very late. So, I am requesting, can the Constitution do something, so that may be this money can go directly to the people who require redress and if the lawyers fee is within there, it should also be sent to the lawyer and not through the same channel.

I want to talk about sharing of resources, responsibilities and opportunities.

Com. Okoth: Can we please hear the lady? There is too much speaking going around. Please. Go ahead.

Alice Muke: I was talking about the sharing of responsibilities, opportunities and resources. Beginning from the President, we

should have a President who does not hold too many offices. A President who does not become the Vice Chancellor of all the Universities in the country. We would like people to be able, if you are a Manager or a Director or a Chairman of a certain organization, you should not hold the same position in so many others, because that way we cannot have fruitful leadership and quality leadership. So, we would request that, if one person is holding one responsibility, a major responsibility in the country, let him give the other members of the community, the opportunity to hold the other positions that are there. I would request that in our Constitution, let's see how we can also cherish or give importance to skills and profession and areas that require such. That is why I am saying.....

Com. Okoth: Please summarize.

Alice Muke: That is why I am saying, if it is a Minister of education, he should have something about education in his education life. If it is an area requiring engineering, then he should have done engineering and so forth and so on. I would also request.....

Com. Okoth: Madam please summarize.

Alice Muke: I am summarizing.

Com. Okoth: Come to your last point.

Alice Muke: I would like the district development committee to be restructured. I want them to have the members of the community and not heads of department. Today particularly in this district, we have heads of departments forming the district development committee. The district education board, can we have the people who can talk about that education being in that board. That is the people who understand the different levels of education being members of that education board and not necessarily the D.C. to be the Chairman of District Development Committee and District Development Board. Sir, let me finalize with just one request.

You have asked a number of people here that how do we want that land issue sorted out. I would request, why don't we see what happened in Australia, in New Zealand, in Canada about the Red Indians? Why don't we also borrow something from there and have whatever money that will come to us? Coming so that we can develop the infrastructure, the schools, the hospitals and other things. Thank you Sir.

Com.Okoth: Thank you Madam. Please register. Ole Kosen, the Kanu Chairman. Jina kwanza.

Ole Kosen: Mimi naitwa Kuyon Ole Kosen, Kanu Chairman, Ngaraga location. Mimi nitazungumza kwa Kimaasai.

Com. Okoth: Endelea sasa.

Ole Kosen: Mr chairman ore olomoni lai.

Translator: Jambo langu la kwanza.

Ole Kosen: Ore embae edukuya

Translator: Kwanza ni kuwasalimu nyote hamjambo.

Ole Kosen: Kangas airoroki intae, tengaraki nietuo iltunganak le katiba.

Translator: Agenda ya pili,

Ole Kosen: Ore agenda e are,

Translator: Ni kuhusu ardhi yetu ambayo Wazungu walichukua kwa ajili ya ujinga ule ambao tulikuwa nao.

Ole Kosen: Na enkop ang apa nawaita ilmusungu tengaraki emodai nanya ilkokoyo tengarki emodai nanya ilkokoyo nanya ilumbwa.

Translator: Hawa watu ni mlango mkubwa ambao wametunyanyasa.

Ole Kosen: Naa nena ajijik sapukini nayiala ena nkop niarr ikajiji kutitik

Translator: Ninaomba yaandikwe yale ambayo tunasema.

Ole Kosen: Kake kaomonu pee inkeringere enikitejo

Translator: Si ni Wa-Maasai ndio waliruhusu hawa Wazungu kuingia nchi hii?

Ole Kosen: Ama apa pee eponu ilashumba ime ilmasaei apa oisho orusa pee eponu

Translator: Si ni (inaudible) aliruhusu wao kuja?

Ole Kosen: *ime olonana apaoisho meetu?*

Translator: Wamechukua Rift Valley yote nzima na hapa wakanyanyasa wengine na hapa Wamaasai walibaki bure. Walinyanyasa hawa.

Ole Kosen: *neya ikoror neisha ikwapi ongishu neisha ilarik lentoror neingarri isamburu neitokini ainyanyasa lelo inkajiji sapukini.*

Translator: Bwana Chairman neno langu la tatu,

Ole Kosen: *bwana chairman ore olomoni lai le kuni,*

Translator: Sisi tukiwa Wa-Maasai tulikuwa tunaishi na wanyama kwanzia hapo awali.

Ole Kosen: *ore iyiok ele orore oji ilmasae nikipoita apake o ngesi*

Translator: Sio Wa-Maasai siku hizi wanakula pesa ya wanyama.

Ole Kosen: *mekure apa aiyiok oinosita ingues*

Translator: Tunaomba Katiba irekebishe kwamba ile pesa ambayo inatokana na wanyama wa pori, sisi tutumie na tuweze kuelimisha watoto wetu.

Ole Kosen: *kiomon katiba metaa iyiok ongama iropiyiani ongues isumie inkera ang*

Translator: Lakini sio makabila mengine ambao wanakusanya hiyo pesa, kuambia wale Wamaasai. Wamaasai wachukue zile pesa kwa maana hata hawa wanyama wanaishi nchi yao.

Ole Kosen: *pee mekulie abilaritin nasotu iropiyiani ongues injoo esotu ilmasae nanya amu eingunenye enguei.*

Translator: Bwana Chairman bado tunasikia tu habari kuhusu Katiba. Je hii Katiba ilikuwa wapi? Ilikuwa mbele yetu ama ilikuwa wapi?

Ole Kosen: Bwana chairman kiningito apa iniyok ena toki naji katiba.katialo apa iyiok kitii katiba pee mikitii apa samani otata?

Translator: Neno langu la nne.

Ole Kosen:*Ore olomoni lai liongwon.*

Translator: Sisi Wa-Maasai tumebeba kabila mbalimbali hata Wahindi na wote wako katika ardhi hii yetu.

Ole Kosen: *Kinapita ilmasae ikabilaritin mpaka ilmohindi mpaka ilashumba kake engulukoni ang erorita na ninye enyasie esiai.*

Translator: Ninaomba kwamba, Katiba hii ambaye amekaa hapo, kilicho chake ni mawe tu lakini mchanga ni wetu.

Ole Kosen: *kaomonu ajo ore iltunganak lijolelo oltungani oinyingwa epuloti neshet na osoi ake olenye amu imolenye engulukoni.*

Translator: Neno langu la tano,

Ole Kosen:*Ore olomoni lai lemiet*

Translator: Tunasisitiza ya kwamba kwa Katiba ijayo, mtu anatoka ugenini na anakuja katika ardhi hii ya Wa-Maasai, na siku sio mbili ama tatu hivi. Anasema nataka kusimama kuwa Councillor. Hiyo tunasema ipotelee mbali.

Ole Kosen:*Ore itunganak oponu tenaiposha naa keitashe oltungani liaikop itashe te councilloingoru olrika neingoru ole parliament nelotu likae te kericho likae nelotu aitashe ingoru olrika le parliament tenkop olmasaae nikiomon katiba pee ituraa inapi*

Translator: Kuhusu mambo ya Uchuguzi,

Ole Kosen:*ore tenjoto nena toki naji election*

Translator: Sisi Wa-Maasai wengi wetu hatujasoma.

Ole Kosen:*Etu toi kisuma ilmasae*

Translator: Hao ambao wanaomba kura ya siri, tunajua hapo ni wizi wa kura.

Clapping from the audience.

Ole Kosen: Ore iltunganak ojo secrect ballot naa ilapurok le kura

Translator: Tunaomba ya kwamba ni kura ya mlolongo tu ili watu wote waonekane wazi wazi.

Ole Kosen: ikiomon katiba pee eyaku olmlolongo kiata ilmaasae amu merisio iloismate oleitu.

Translator: Njia ya wizi,

Ole Kosen: Ore esiai lolapuroni

Translator: Sisi tumeshangaa tukiwa Wa-Maasai, mtu anaiba hata akiwa na mamlaka.

Ole Kosen: ingasiate iyiok kira ilmasaae kepurisho oltugani ata eta mamlaka.

Translator: Naomba Katiba iangalie isiwe na wizi ndani yake.

Ole Kosen: akaomon sheria e katiba tena kaisidai pee meitokini ata olapuroni otaepurore treine amu ina corruption nainyilita Kenya.

Translator: Kwa maana hiyo ndiyo inaharibu Kenya na kuleta corruption.

Com. Okoth: Asante sana Chairman.

Ole Kosen: Mr. Chairman, asante sana shukrani.

Com. Okoth: Thank you. Please go and register. Eunice Marima.

Eunice Marima: Thank you Mr. Chairman. My names are Eunice Marima. I want to present my views, though most of them have already been said by the previous speakers.

Com. Okoth: Then just summarize.

Eunice Marima: My first observation is that, when we are dealing with the Constitution, I am proposing that we come up with an absolute Constitution. Why do I say an absolute Constitution? Because what we have been having in the past, has been subjected to a lot of challenges. So we would like to have a Constitution that is going to be holding water, because it has been diluted with what we have been having. As has been said by others. My second observation is, we are talking about deployment. Deployment of people, human rights and resources. We are saying us, as Maasai, although it is a personal observation, in the absence of us having the Moran inplaced, the system that is going to be inplaced will also have to come and listen or address the issue of this young able bodied people, that have not gone either to school and cannot get their rights.

Com. Okoth: Can we listen to the lady please? If you must talk, please step outside and talk there. Thank you. Continue.

Eunice Marima: I am talking about the criteria that we are going to introduce in the system particularly the young Moran that have not gone to school be given a chance to go into discipline forces. The reason is, our history has held is that our culture has been giving us an opportunity of protection from our own sons. So, in the absence of the organized system, whereas everybody is talking of primitivity. I am suggesting that we give this foreign alternative means of survival that is going to give them a gainful employment and be of some use to us and they will also be the bright people, because they will have to acquire some skills which will be good for everybody.

The other observation is the inheritance which has been talked about here much and in the present time of Aids, we are seeing a lot of orphans. Both parents are gone and we have not put in a social system which is going to address the plight of those children that are left. I would like this Constitution to make a recognition that in the amidst we have so many children that need to be taken care of comfortably, compassionately and given their rightful place in the society. We can only do that if we have got a just Government. Because at times when some of us we see some writings in Parliament, that says “for the just Government of men”.

But on occassions, we have had reason to doubt whether our governance is just. So for the sake of these orphans, one thing I will say is that what are highlighting the other day, when you see a Government which is not owning up to its own problems, we like to have in the new Constitution, a Government that comes out as a responsible Government, sensitive to the needs of its own people, sensitive to the needs of its own employees so that we don't have a system where the Government becomes an official debtor of its own employees. I don't know whether I am communicating?

Com. Prof. Okoth Ogendo: Yeah, you are.

Eunice Marima: If you had seen lately, even people being evicted that have been ex-Government workers for example the Railway people that were on the other ----- that is not the form of governance that we want in the new Government to come. We want a Government that knows how to own up to its own problems and not become a debtor in as much as they are

chasing others to pay, they also need to organize themselves.

Mr. Chairman, because of the

Interjection: Com. Prof. Okoth Ogendo: ---- thank you very much.

Eunice Marima: ---- because of the dreams of the large salaries being paid by the lawyers, we talk about childhood marriages.

There is one thing also that I would like to have included in the Constitution and that is Child Labour. Child Labour in this Country is something that is very obvious. It is very much practiced in Maasai land, in the form of young shepherds, the parents, the fathers don't see that it is wrong, but it is wrong. If I remember, the speech of the President of this Nation on the 1st of January, this year, he talked of free education for every child that is of school going age, but if we go right now into the Maasai villages, nobody has seemed to have heeded that the President made a decree and so at this point we need to relate to the Commission recognize that when a decree is given for the right of the child, those children must be given an opportunity to go to school. For that reason, child labour in Maasai land must be wiped out, because they are the shepherds, they are everything, their fathers are robbing everyday or they are busy selling those children before they even become of age for marrying.

Com. Prof. Okoth Ogendo: Thank you very much.

Eunice Marima: So Mr. Commissioner, the other thing I would like to talk about is -----

Com. Prof. Okoth Ogendo: --- can you please come to your last point?

Eunice: My last point would have been something that will be repetitive, that is the land issue, but I would like to believe that the documents that were handed over to the Lancaster House in 1962, some of us were children, were false documents and they need to have a fresh approach, a fresh look, a fresh revisiting. Thank you Mr. Chairman.

Com. Prof. Okoth Ogendo: Thank you very much. Hold on. Hold on.

Com. Lenaola: Mrs. Marima, please explain that point. What documents were these at Lancaster House?

Eunice Marima: (In audible)

Com. Lenaola: Yeah. Okey.

Com. Prof. Okoth Ogendo: Oh! The Agreement. We know about the agreement. Can we have Wilson Kaelo? Wilson Kaelo? If Wilson is not there, Pariken. Is Pariken there? Turta? Turta? Turta is not there. Councillor Ntimama. Yes Councillor, please move over fast.

Cllr. Ntimama: Mimi naitwa Councillor Ntimama. Kitu changu cha kwanza ni kihusu mambo ya Control Board. Control Board, DC ndio Chairman. Kila kitu ambacho ninapenda kupendekeza ni kwamba, Control Board Chairman awe akichaguliwa na wananchi kutoka Wilayani.

Ninaomba sheria ambayo inatengenezwe wakati huu, ipatie sisi Majimbo katika Wilaya, si katika Province au katika mahali ingine, lakini katika Wilaya, kwa sababu sisi tukiwa upande wa Wamaasai, tumeona Majimbo imesha tengenezwa tayari, Bw. Chairman. Kwa sababu tukienda upande wa Kiambu, au upande wa Nyeri, pande hio kama tuseme Bomet, makabila ambayo ni arubanne katika Kenya, ni sisi Wamaasai ndio baado tuna beba mzigo ya watu wa kabila mengine katika Kenya. Tayari Majimbo imesha tengenezwa zamani. Kwa sababu ukienda Kiambu, huwezi kufanya biashara yoyote. Bw. Chairman, hio ni Majimbo tayari. Hata sisi tunaomba Majimbo, tuwe na Jimbo katika Wilaya ya Narok, kwa hii sheria mpya ambayo inatengenezwa.

Upande wa election tuseme ya Wajumbe au ya ma Councillors, sisi Wamaasai hatuja soma kwa wengi. Kwa watu wengi ambao wako mashambani hawajasoma. Na hii inasemekana ati watu ambao wamesoma ndio wanaenda kuakilisha watu, kwa mtu ambaye hajasoma na anajua kuongoza, kuliko yule ambaye amesoma, kwa sababu pengine katika Location ingine, unaweza kuona watu wengi hawajasoma na wamefikisha kiwango cha kuongoza. Na ndio ambae ----

Com. Prof. Okoth Ogendo: Pendekezo. Pendekeza.

Cllr. Ntimama: --- na ndio tunaomba kwa mapendekezo yangu, hio isiletee watu hawa aibu ambao hawajasoma kuambiwa, ati chagueni huyu mtu ambaye amesoma, la. Wananchi wapewe freedom kuchagua yule mtu ambaye wanaona anaweza kuongoza katika Council au katika Bunge.

Upande wa nomination. Hayo sio mapendekezo ya wananchi katika Kenya, hio kitu Mbunge wa area, ndio mapendekezo yangu kwamba hiio ndio zawadi yake anarudishia watu wake kuchaguliwa kwenda Bunge, si watu wote ambao unasema ati wanatengeneza sheria ya nomination. Wacha Mbunge atengeneze pekee yake, kwa sababu hio ----

Com. Prof. Okoth Ogendo: Summarise councillor.

Cllr. Ntimama: Yeah. Mimi baado maliza. Kwa hivyo Bw. Chairman, kwa ruhusa yako, tunasema Mbunge aweo nominated, iwe zawadi ya kurudishia wale watu ambao wamechoka. Asante sana.

Com. Prof. Okoth Ogendo: Asante sana Councillor. Please sign the book. Salankat ole Nchoe. Please take less than five minutes.

Salankat ole Nchoe: Thank you Hon. Chairman. My name is Salankat ole Nchoe. I am going to be very, very, very much brief. Indeed so many points have been stressed here or presented. So I feel that I am going to play a supportive role in the points or in my presentation.

1. I want to talk about the animal and human conflict. This is a major problem we have in Narok and I wanted to give a view or a presentation or my own opinion that, the Kenyan society should adopt the Zimbabwe/South African approach of curbing these animals. If at all these animals are many in the National Parks and then they stray into the secondment areas, they should be curbed or the population of these animals should be controlled otherwise if these animals happen to kill anybody, adequate compensation should be made.
2. In the matter of devolution of power: In my opinion, I would propose a Federal System of Government, i.e. Majimbo because I feel that the ordinary person or the ordinary citizen could get an acclamation power to be heard or you can express yourself because for me as an ordinary citizen, I feel that it is very hard, it is suicidal to see the President, but I feel that if we can be allocated these Jimbos, we can have access to power.
3. The issue of land alienation: I also support the opinion of the speakers who have passed here that we should be compensated for the land we lost ---

Com. Prof. Okoth Ogendo: --- please don't repeat what has been said. Just give us new points.

Salankat ole Nchoe: --- okey. The next issue, because I think so many points here have been spoken on, is about education. In my own opinion, I can suggest that corporal punishment should be re-instated back to schools. I think that is the only way a child can go to school, if corporal punishment is there.

I also propose that, especially the Maasai in Narok, we don't have provision of free health. I think even the Ministry of Health is the most demanded factor in Maasai land because we don't see health facilities being given to our people. We are going to present these views as the second largest views in the land, because we need also the provision of health and health facilities.

The next proposal that I want to make is about economic corruption. In my own suggestion, I am calling for the Constitution to

give a very good provision of a special Court and these sentences to be passed to these corrupt people. A maximum of life imprisonment and a fine of not exceeding more than five million, should be passes for those structures of things which have been grabbed and should be sent back to the State or to individuals.

Com. Prof. Okoth: Please come to your last point.

Salankat ole Nchoe: My last point is about Trust lands or group ranches. This is a major problem that we have in this District after the Colonial period we have been placed into group ranches and I am calling for the provision of the Constitution to give us private ownership of this land, because we don't see the future of these Trust lands.

My last proposal is for the autonomy of the Local Authorities i.e. the DC, should be actually scrapped from having any hand in the Local Authorities because he normally sits in the Council and vote and he should be ---- or rather the Provincial Administration should be scrapped in full.

My last proposal ----

Com. Prof. Okoth Ogendo: -- no, no. You are making too many last proposals. Please make that absolutely the last one.

Solankar ole Nchoe: ---- okey, thank you. It is that I am calling for these marginalized communities especially the Pastoralists to be given a priority in the nominations of leaders.

Com. Prof. Okoth Ogendo: Thank you very much Salankat. Please register. Elizabeth Kathumi, no Kasurai I think. Elizabeth. Is Elizabeth there? Amina Abdi? Oh, they have presented their papers. Okey. Can I have Mutura or Matura? Mutura is not there. Koitanet ole Kina. Ole Kina is not there, oh, he is there.

Koitanet ole Kina: My names are as you said Koitanet ole Kina and my message is simply this. History does not treat kindly those societies that diagnose their structural weaknesses long after the weaknesses have become irreversible. However, that is what we are trying to do in Kenya especially now as we are trying to revisit the problems of our Constitution. The Maasai person, for instance asked to write his history in Kenya today, would write something like this.

It would be a rendition of manipulation, deceit, daylight robbery and astrology by the British and then the subsequent Government through the 1904-1911 Agreement and what has followed after the current Governemnt or the independent and post-independent Government came to power. A lot has been said about our land here that is about the eleve thousand five hundred square miles of the Maasai land that was taken by the British and later on handed to other settlers. In fact when you revisit those Agreements as I did, I have been scrutinizing the 1911, and 1904 Agreements, I find that this actually was a total

fraud, that everything that is written there is not true, because for instance, the men who signed those Agreements are people from 2 or 3 Sections of Maasai land i.e. you will see that Upsuter, Upomatopro, Lodogilani and ----- yes those are the three ---

Interjection: Com. Prof. Okoth Ogendo: --- Kostamet, we know that Agreement. I have studied those Agreements very thoroughly and I agree with you.

Kostamet ole Kina: --- what I am trying to say here is, you don't know what I want to say, let me just say this. What I am saying is this, that when you look at this, this Agreement purports to have represented the views of the Maasais and so ceded the land of the Maasai to the British, which is not true. So, because one section of the Maasai does not control the land of the other section.

Interjection: Com. Prof. Okoth Ogendo: --- excuse me. I knew that was what you were going to say and I understand that argument and I accept it. Can you go to your next point?

Kostamet ole Kina: So in this regard then, I am proposing the following. Okey, on the issue of land, I want the Constitution to accept that these wrongs have been there and address them and we look for ways of addressing these issues that will treat all Kenyans fairly because certain Kenyans have found themselves in a situation that has been created by history. So I do not want to say so much about land because it has been said.

I will go to education and in education I have several propositions straight away. I am proposing that, the local languages be used as, let us say as the languages of instruction in schools, because this is the only time that children will come to terms with what they are being taught immediately, instead of having to fight over learning a language and then learning what they are being taught.

Then Pastoralism for the Maasai and other Pastoralists communities should be taught in school as a legitimate economic activity and means of livelihood.

Primary and Secondary school education should be free and compulsory to all. Then languages of specific nations, should be taught and examined in those regions. For instance, in Narok, if we say that we have Jimbo of the Maasai people, those people there should be taught their language and it should be examined. I do not see why we should be forced to learn French and be examined in French, learn Kiswahili and be examined in Kiswahili and not be examined in Kimaasai and Kikuyu and other languages.

Every Region shall have a university maintained by the National Government and there shall be an education commission which

shall have inspectorate powers to ensure proper standards of education are maintained throughout the regions. A region can have its own academic calendar in order to harmonize the region's cultural and religious life. For instance, we have been talking about moranism and our tradition here. If we had our own calendar which for instance the Maasai say, we will go to school from January to August and then from August to December, we will carry out our cultural activities, we will not have a conflict between our culture and the modern education, because every child will be in school when he or she is supposed to be in school and will be participating in his or her cultural activities when they are supposed to be there.

Com. Prof. Okoth Ogendo: Please summarize.

Kostamet ole Kina: Yes So, if we are seriously intending to have a Constitution that will take care or that will take into consideration the rights of all Kenyans, affirmative action must come in place first of all, to address the inequalities that are already there, such that areas that do not have schools for instance, are endowed with schools. Areas that do not have roads are given roads. This is the only way that we can say that we are making another Kenya in the twenty first century. Thank you.

Com. Prof. Okoth Ogendo: Thank you very much. Please register with the Secretariat. Raul ole Legero. Raul. Mzee.

Mzee Raul ole Legero: Asante sana.

Com. Prof. Okoth Ogendo: Sema jina kwanza.

Mzee Raul ole Legero: ore enkarna ia na Raul ole Legero

Translator: Asante sana kwa Kamati ya Commissioners kwa kuja kututembelea.

Mzee Raul ole Legero: *ashe naleng tengaraki kamati ecommissioners naetuo abaki iyiok*

Translator: Mshangao nilio nao ni kuhusu Katiba.

Mzee Raul ole Legero: ore enging'asia nata naa keusu katiba.

Translator: Kuanzia Kenya ipate uhuru, Katiba ilikuwako.

Mzee Raul ole Legero: ore apake pee etum Kenya ketii apake katiba.

Translator: Kwa hivyo sisi wamaasai nikama vile Yesu alipo msalabani, tuliwachwa pale, sisi tukabaguliwa, ikasemekana sisi ni washetani. Serikali ikatuwacha hapo.

Mzee Raul ole Legero: *niaku ore inyiok ilmasae najo yesu amu ore pee etumi uhuru neinyanyase iyok neyae enkop ang 'a neingu 'a inyiok pooki .*

Translator: Wakatuwacha tu hivyo, Serikali zote mbili za marehemu Kenyatta na hii sasa ya Moi. Wakatuwachu hivyo tu.

Mzee Raul ole Legero: *ore skali emarehemu Kenyatta wena e Moi neingua neijia ke mikiata aitoki.*

Translator: Na maara nyingi watu wanasema kwamba Wamaasai wanaubaguzi na kwa kweli, hawana. Ukienda sehemu kama Mkoa wa Kati, hawana, ama ukienda Nandi hutaona Mumasaai ambayo anafanya kazi.

Mzee Raul ole Legero: *ore inkastitin kumok nejo ltunganak ore ilmasae eworo nake sipa meeta. Tenilo enjoto nijo kopikop ,meeta ,arashu enilo Nandi midol olmasani osita esiai.*

Translator: Hata ukienda kwa Lumbwa hutakuta ambaye anafanya kazi huko.

Mzee Raul ole Legero: *ata tenilo ilumbwa midol hoo obo te siai.*

Translator: Sasa kukitokea kama biashara ya mboga na vitu vingine hapa, wakitaka Wamaasai kufanya wanasemaje Wamaasai wanaubaguzi.

Mzee Raul ole Legero: *tene puku ninye esiai opuka nemeyeuaki ilmasae amu kejo meyiolo biashara naa keta olkuak.*

Translator: Inafaa kuwaeleza kwamba mimi ni mmoja wao wakupigania uhuru.

Mzee Raul ole Legero: *kenyieu nenyiolu ajo kara obo oing 'orua uhuru.*

Translator: Uhuru ulipo patikana, tukasahaulika kwa upande wa masomo.

Mzee Raul ole Legero: *ore pee etumi ,uhuru nerikinoini iyiok tenkaraki e nkisuma.*

Translator: Kwa hivyo musije mukatuwacha, watu wengine wapate kuchukua mali zetu.

Mzee Raul ole Legero: *niaku minbgua iyiok ,pee meya ake kulie tunganak imali ang 'a*

Translator: Kile ambacho ninataka pendekeza ili libadilishwe,

Mzee Raul ole Legero: ore etoki nayieu nebelekenyi,

Translator: Nataka kuomba Serikali iniruhusu nichague viongozi ambao ninataka.

Mzee Raul ole Legero: kayieu naomon skali pee aisho orusa matengelu olarikoni layieu.

Translator: Hadi Chief,

Mzee Raul ole Legero: ebaki chief,

Translator: Kwa sababu imefika kiwango ya kwamba nihurusiwe kuchagua hawa viongozi.

Mzee Raul ole Legero: amu etabakia enkata nijoo iyok orusa pee kingelu ilariko.

Translator: Nataka tu kusema kwamba Mungu aliweka mpaka wa kila kabila.

Mzee Raul ole Legero: kayieu najo etipika enkai olaini lo ngutukkie pooki.

Translator: Na Mungu alinipatia nyumba yangu.

Mzee Raul ole Legero: naisho enkai enkaji ai

Translator: Na ndipo sasa Serikali inakuja kunyaka ile nyumba yangu.

Mzee Raul ole Legero: naina pee eyaita skali enkaji ai.

Translator: Naomba uniruhusu nitawale ardhi yangu.

Mzee Raul ole Legero: enjoki orusa pee aitawala enkop ai.

Translator: Kile ambao inachukisha zaidi ni ile Kamati ambao Mkuu ya Wilaya ndio mwenye Kiti.

Mzee Raul ole Legero: ore entoki naibasho oleng na kamati na olarikoni le wilaya ninye olope olorika.

Translator: Je, Mkuu ya Wilaya anajua nini kwa nchi yetu?

Mzee Raul ole Legero: keyiolo enyiolo olarikoni le wilaya tena nkop ang?

Translator: DC alipatiwa tu aje aangalie usalama tu na utengamano pekee yake.

Mzee Raul ole Legero: ore olDC neishoki ake pee eingorr eseriani ake weworo openy ake.

Translator: Hawa ndio sasa wanaendelea kutunyanasya kwamba ni lazima ifanyiwe hivi.

Mzee Raol ole Legero: kulo toi tenakata onkira inyanyasa iyiok ejo mpaka pee eyasi ena.

Translator: Hakuna DC ambaye amewahi kukanyaga area hii ya Narok ambaye hana sehemu hapa.

Mzee Raol ole Legero: meetae olDC oyeuwo narok neroro lemata eweji enye.

Translator: Ili nikiendelea kumaliza narudisha shukrani,

Mzee Raol ole Legero: ore aidipita kashuku enashe

Translator: Kama Katiba itabadilishwa haya ndio ninaomba.

Translator: Muturuhusu tushike mila yetu na matendo yetu yote bila kutunyanganya.

Mzee Raol ole Legero: enjoo iyiok maipung 'a olkuak o onkiasin ang 'amengira ai nyanyasae iyok .

Translator: Sana, sana ardhi.

Mzee Raol ole Legero: ore olen 'g olen 'g naa angulukoni.

Translator: Kwa hivyo uturuhusu ardhi yetu tuilinde mukiendelea kusema -----

Com. Prof. Okoth Ogendo: Asante sana mzee. Asante sana.

Mzee Raol ole Legero: ashe oeng

Com. Prof. Okoth Ogendo: Ole Kidoki. Ole Kidoki hayuko? Tanusi Tempessi. Whee is he? Okey, Tanusi Tempessi.

Tanusi Tempessi. Good afternoon?

Com. Prof. Okoth Ogendo: Good afternoon.

Tanusi Tempessi: Okey, I would like to thank you for coming here. My name is Tempessi ole Kemomuru and these are my --- (interjection). Okey, I would like to thank you for coming here first of all and for taking your time and I would just like to make a very short presentation.

The first thing is about the Preamble. The Preamble which defines the Constitution for the future should basically be based on the principles of God. On the principles of Love. On the principles that bring about unity. On the principles that give peace. There are no other principles but the principles of God to achieve this. So while you write your Preamble, I ask first of all that you maintain the principles of God.

The second thing is on the environment: For the environment, I suggest that law binding or protecting environmental issues, should come in above all other laws. The reason why? The reason why is because we still have an environment. If you go to foreign Countries and foreign Cities, the air is polluted. Their waters are polluted. Air and Water is life. Without those two, we are living in a dirty world that is not going to produce much. So we need to keep our environment above all other laws.

The third thing is when it comes to democracy, let us look for people to vote in members. Let us not look for nominated Members or selected members. Let us look for elected members. Let us have an elected Head of the Judiciary so that he can be independent to make judicial judgement. Let us have elected Resident Magistrates whose position will be determined by how well they judge people in their localities. Let these people be elected. Don't let them be chosen.

The fourth thing is the Vice-President should also have tenure just as much as the President he should not be a stepping-stone of somebody who can be kicked around.

The fifth thing is devolution of powers of the President is a solution to 90% of the problems we have in this country. (Clapping) Now how do you devolve the powers of the President? The other best solution is to give people autonomy. Give the tribes autonomy.

That brings me to the case of Majimbo. People are confusing and saying we want Majimbo, we want Unitary System. But Majimbo or Unitary is all Unitary but is based on units that function. Units that have similar needs and interests. That is what we should be looking for. A tribe is a unit that is based on family. That is based on the principles of God. That is based on blood. You come from family, to clan to tribe and all those are united groups. Keep the groups united that were united from the beginning. Let us not try and unite people by force. People can only be united by love, and by honour. There is no other form of unity and this truth will continue and will live on.

The Sixth thing on Majimbo is of course save us from the Provincial Administration. Please save us from the Provincial Administration. They are definitely the main reason for the instability of this Nation. (Clapping)

The Seventh thing, when the Mzungu came here, they did one thing. They scrambled Africa and they scrambled the people in Africa and we have to look in those Constitutions now to unscramble what they scrambled. It is very hard for me to understand how you expect me to unite with everybody else in this country and my brothers who are in Tanzania, I cannot unite with them. It is a very difficult situation that I can be in a Kenyan Army and say that I am going to fight for the Army while tomorrow may be I will be fighting my brother who has not done me anything wrong.

Com. Prof. Okoth Ogendo: Please give us a solution.

Tanusi Tempessi: Social unity. Principles of Social Unity before capitalistic principles of unity. Now, before we start thinking about economic unity, we should start thinking about social unity. Social unity is where, while we open up boundaries to allow our brothers, because we have been put in boundaries, in lockers by the scrambling of Africa that has caused us to disrespect our brothers or even to fear our brothers. We should create more understanding between people in different boundaries. This should open up Africa.

Com. Prof. Okoth Ogendo: Please come to your last point.

Tanusi Tempessi: I really don't have much of a last point there. What I would like to say is also that with that knowledge in mind, Africa has the potential to be the greatest Continent in the World if we look towards social unity as opposed to economic unity. Capitalism is the root of all evil and that is reason why even if America had a Constitution that was based on the principles of God, two hundred years-ago, it has now fallen and has become another useless Constitution. If we can maintain a Constitution based on the Principles of God, we shall make it. Otherwise only God knows. Thank you.

Com. Prof. Okoth Ogendo: Thank you very much. Please register. Kuyia ole Masikondo. Kuyia ole Masikonde. Is he there? Not there. Shadrak Jalalo. Shadrack is not there. Okey. If Shadrack is not there, can we have John Kaputa? John. Okey. Your name first John and then proceed.

John Swakei ole Kaputa: Asante sana Commissioners na wananchi. Mimi nina machache sana kwa sababu nimeibiwa yale nilikuwa nataka.

Com. Prof. Okoth Ogendo: Majina kwanza.

John Swakei ole Kaputa: Mimi naitwa John Swakei ole Kaputa.

Com. Prof. Okoth Ogendo: Endelea.

John Swakei ole Kaputa: Mimi ni facilitator wa Civic Education katika Narok Central Division and Morran Division, Narok District. Mimi ninaingia kwa points straightaway bila kupoteza wakaki au bila kupita pita kwa ma corner, corner. Mambo mengi katika Katiba yetu yamesemwa. Lakini, yale ambao haijasemwa na ninajua wengi hawatasema. Bwana Commissioners, kama nikweli, Constitution inaandikwa kutoka kwa maoni ya wananchi, kama sio, mimi ninakubaliana na Commissioner Tobiko aliposema Constitution ilikuwa imeandikwa na ya kufumba. Kama ni kweli, Constitution inaandikua, mimi nasema mambo yote ya sheria na Katiba ya nchi ianze chini kwa maoni ya wananchi. Uwezo wote wa kubadilisha Katiba au ku construct Constitution iwe inanza chini kwa wananchi, si ati inaundwa huko juu na mtu mmoja anguke kama lile jiwe ambalo inaanguka na kuponda sisi zote.

Ya pili, mimi nazungumuza habari ya ardhi. Sisi Maasai inaonekana kama tume finywa sana Ma Commissioners kwa ajili ya ardhi. Wakati Mzungu aliingia Kenya, alifaidi tu nchi ya Maasai. Na alinyakua maara moja. Na alipo nyakuwa na akakalia Serikali ya Kenyattaa iikaja, ma Bw. Commissioners, sisi tuliachua na maendeleo, na tuliachuwa na mambo mengine, sisi tukawachiwa kitu inaitua ardhi. Sisi ni wafugaji wa Ngombe. Tunataka musiseme nchi ya Maasai tunataka ceiling, yaani tunataka kila mtu awe na portion kwa kuangalia nchi yetu. Maana kuna watu wameleta maoni ya kwamba kila mtu awe na equal share. Na hawasemi tutoe pesa zile ziko kwa Bank, kama ni billions iwe igawanyiwe pia mimi, tuwe ba equal share ya pesa. (Clapping) Tunataka sisi naitua marginalized tribes, Maasai, Samburu na wale wengine munayo wajua. Sitaki kuwataja wote. Sisi, maoni yetu kwa kuandika Constitution mpya, tutambuliwe internationally, tupewe special consideration. Tupewe special privilege kama watu, marginalized tribes ni kusema watu hawajulikani. Watu wamepotea huko ambao hawana msingi. Wakati mwingine tunaitwa Red Indians in our Country. Sisi tunataka, sisi marginalized tribes tupewe privileges hasa ya ardhi yetu.

Interjection: **Com. Prof. Okoth Ogendo:** Please summarize.

John Swakei ole Kaputa: Ku summarize ni Elimu iwe ya lazima. Sisi Wamaasai tuwe tunapewa elimu ya lazima kwa watoto. Na si kudanganywa ati kesho, inasemekana education is free na kesho yake, mtoto anafukuzwa shule. Hasa kama hapa

Narok. Watoto wa Narok hawako shule saa hii Bw. Commissioners. Kama hamjui. Wamefukuzua wote shule na juzi President ametangaza ya kwamba mtoto awe anapata free education kutoka mwanzo mpaka Primary, na hio ni uongo.

Na kwa hivyo namaliza kwa kusema, watu wamenyakuwa ardhi yetu, kwa wakati huu. Saa hii hakuna DC hapana iko na plot. Wengine wako na gorofa, hapa, hapa Narok tu. Tunasema mtu kama amenyakuwa plot hapa Narok, especially kama ni DC, arudishie wenyewe. Kama mtu ame forge Title Deed Bw. Commissioner, kama ame forge Title Deed, hio Title Deed irudishwe na iwe squashed na ardhi irudishiwe wenyewe.

Ya mwisho, yangu ya mwisho nikusema wanyama wanatuwa. Kama mimi Location yangu watu karibu watano nyumbani kwangu wamewawa na ndovu. Hawa wanyama inatakiwa tukule yake, tuuze meno yake, tuuze ngozi yake. (Clapping) Na kama siyoy, Bw. Commissioner, Bw. Chairman, muchukuwe wanyama wenu mupeleke mulinde mahali munataka na muwache sisi pekee yetu nyumbani kwetu. Kwa sababu, tumetezwa saana Bw. Commissioners. Nasema asante lakini tumetezwa sana na wanyama. Sisi hapana wanyama, sisi tungetambuliwa kama binaadamu wengine.

Ya mwisho, tunataka Serikali ya Majimbo. Sitaki kwenda Kiambu iko bara bara ya lami. Na nikienda huko Eldoret, iko bara bara ya lami, iko barrack ya majeshi na hapa kwetu hakuna chochote. Iko sharing equal sharing of resources. Kama siyoy tunatangaza mara moja Majimbo. Kila mtu akae kwake. Thank you.

Com. Prof. Okoth Ogendo: Asante sana John.Sedera. Is John Sedera there? Na Moses Sakwa. Moses is not there. Stephen Sankok. Okey. Go ahead. Please take five minutes.

Stephen ole Sankok: Mr. Chairman Sir, my names are Stephen ole Sankok. Mr. Chairman, Sir, distinguished Commissioners, Ladies and Gentlemen, we are glad to submit these submissions on behalf of three churches in Rotian areas i.e. AIC Church, the Pentecostal Church and Evangelical Holiness Church. I would not like just to make a repetition but I would just like to just go through a few points, on the system of Government that is.

I learnt after going through some records that one of the conditions for the British to give Kenya independence, i.e. the KANU Government was for them to accept Majimbo, which will ensure that all the communitis will stay comfortably. There was a hue cry from certain communities, the Norther District communities. They were not sure, because the larger communities by then were a threat to these smaller communities and they are still a threat up to this minute. So I would like to just propose that the Federalism in as far as I have just said, is the best solution for now.

I would also just like to be sure that after just the acception of Majimboism as a condition, immediately before the end of the first year, i.e. 1964, there is that section was to repeal now to pave way for the larger communities to come and dominate and this now brought about the gap between the so-called now marginalized communities, because had the people been allowed to

enjoy the privileges of Majimboism, there would not have been such a gap and to come to a realization that people are marginalized. Why? Because the British knew that these people are not yet cohesive to live together and up to now, 30 years after independence Kenyans are not yet cohesive. There are open tribalism groupings --- for power. That is what you are seeing.

Education: -----

Com. Lenaola: What do you want done about it?

Stephen ole Sonkok: About?

Com. Lenaola: (In Audible)

Stephen ole Sonkok: People should be given their own Jimbos on the District Levels and the community that has been marginalized; they should be given what they have been deprived of. Because this was just out of tribalism----

Interjection (in audible)

Stephen ole Sonkok: ----- exactly. We go to education: Colleges and public universities that is to pay money to get a 'D' should be accepted because that is the level they are now and most of the so developed communities were where we are twenty years or twenty-five year ago so we should also be given an opportunity to come up.

Education to be made affordable to the poor. The school committee boards to be allowed to scrutinize the fees that they can charge. Education to be made practically free.

Com. Prof. Okoth Ogendo: Please summarize.

Stephen ole Sonkok: On the land issue, I would like to just say that these things should be honoured. We teach children in schools that the Maasai, there was this land Act, this whatever. These things should be put in the Constitution and people should be fully compensated of their land. They also learn that without Treaty like the Mau/Narok and Suswa Treaty and others and other communities are still encroaching on the Maasai land and this one is very bad. So, because the British, you can see it somehow, the British are frustrated away for the hire of the other Government of the day and are pressing us to bring in their people to take the Maasai land and that is very wrong, because should a war break out as people ask for their land, those ones should be blamed. The British and the present Governemnt should be blamed because the people may loose patience -----

Com. Prof. Okoth Ogendo: Please make your last points.

Stephen ole Sonkok: ----- when they know their land was taken. Okey, there was also another question of the land ceiling. It should not be put to a limit because land is just like wealth. It should not be put at a certain limit. But somebody should acquire it lawfully not through grabbing and those people who have acquired land through misuse of office, they should be impeached.

Com. Prof. Okoth Ogendo: Is that your last point:

Stephen ole Sonkok: Not the last. The other thing about the Political leadership: We would like educated people to at least Class Seven level and upwards. That is to open competition because some other communities because of marginalization, it gives some people just a walkover unlike competition.

Call Back: The Community also to be given an opportunity to reject people with bad track records in the community i.e. people should be morally upright. They should be good.

Com. Prof. Okoth Ogendo: That you very much. I think that should conclude your points -----

Stephen ole Sonkok: --- and last but not least, there is also this disabled people. They should also be given -----

Com. Prof. Okoth Ogendo: --- we will read the memorandum, please.

Stephen ole Sonkok: Thank you.

Com. Prof. Okoth Ogendo: Thank you very much. Please register. Mapelo Ole Mapelo. He is not there. Ole Kerema. Sammy Kone. Patrick Batian. Patrick Batian. Are you Patrick?

Patrick Batian: Yes.

Com. Prof. Okoth Ogendo: Okey.

Patrick Batian: Thank you Mr. Chairman for having given me this time.

Com. Prof. Okoth Ogendo: Please say your names.

Patrick Batian: Patrick Batian. I feel very much that we have been neglected by the Government may be from the colonial times up to the moment. We have been neglected in the way that we have no roads and it is the same Government we are serving. We have no hospitals. We have no good schools. We have don't have any infrastructures which can assist us. So we feel that because of the regional Government, we can uplift our standard of living because we may do things for ourselves.

I also feel that the revenue we have been paying to the Government, may be from the animal produce or from agriculture produce, they have been going to the Central Government and in my view, I feel that they should be going direct to the Council instead of the Central Government.

Another point is on land grabbing. It is my point that all the land, which has been grabbed unlawfully, should be returned to the public and should be taken to the community.

On Education: Education should be free and fair to all from Std.I up to 8 and from Form I up to Form IV and still on education, I feel it is not good for the Government to keep on changing the system, every time without giving out the notice. That within a period of five years, you see that all the syllabus has been changed of which when the teachers have started getting the right way, they start changing again the syllabus which if you try to look at it, then it makes no sense at all.

On the DDC: It is my opinion that the DDC should be localised in a way that if a DC becomes the Chairman of the DDC, then you find that the DC does not know the interior or does not know the need of that Sub-Location, and it has been localised, then everybody will have a chance to express their feelings of what they need in that Location and what they want in that Division and in the entire District.

Com. Prof. Okoth Ogendo: Thank you Patrick. Please go to your last point.

Patick Batian: Okey. On the farming, you find that in Narok, we are very rich in producing a lot of wheat. But you find that there is a lot of sabotage, which is being done. When our wheat is ready to be harvested, you find that a lot of wheat is being imported to the Country to sabotage the farmers who are here and you put all your investment in that project, you put all your resources but there if you try to find a market, you find that all the market are blocked for you.

On animals: We could be having the KMC which could be existing or it is a ready market for Pastoralists, but you find that we don't have any ready market for Pastoralists. What is there is that we are only being exploited, because we don't have any ready market and it is for the Government to work hard to see that every community have their rights. It is our right that we have a place for marketing our products.

Com. Prof. Okoth Ogendo: Thank you very much Patrick. That should be the last point. Please register. Councillor Matiko Sedera. Sedera Yes Councillor.

Clr. Matiko Sedera: Asante sana Bwana Commissioner. Jina langu ni Matiko Sedera. Ni Councillor ya Narok Council. Yangu tu ni kuwa Katiba ambayo inarudishwa hapa Wilayani, pendekezo langu kama Councillor Federa ni kwamba uakilishi katika Wilaya hii ya Narok kama hasa Wilaya ya Wamasai kwa jumla, iakilishwe vilivyo kwa sababu Wilaya ni kubwa na ukilinganisha Narok na Wilaya wa Kiambu kwa jumla au Wilaya ya Bomet au Kericho kwa jumla, unawezaona kuwa ni kama mara tatu hizi. Kwa hivyo tungeonelea kuwa tulinyimwa uakilishi katika bunge la Taifa. Bunge ni mmoja na hata ikipitishwa kitu, hawatakuwa na usaidizi wowote kama Mbunge ni mmoja katika nyumba hiyo. Na hilo ni jambo ambalo linafaa Wilaya ya Narok iwe ikiwakilishwa na Wabunge wanne kama Wilaya ya Transmara ati Mbunge ni mmoja. Hiyo ni njama fulani ambayo imefanyiwa Wamaasai na ingelifaa kuwa wakilishi katika bunge kuwe kila inapo ongezwa kabila lingine kuwa Mbunge, kwa mfano sasa ukiangalia kama Wilaya wa Kiambu, karibu Wabunge ni watano, kumi ni hio tunaonelea kwamba hio Katiba hata kama watu ni minority ama watu ni majority kwa jumla, ilinganishwe na Wilaya kwa sababu hii Wilaya ya Narok inaweza kuangaliwa mraba yake uko namna gani ama Wilaya ya Kajiado kwa jumla. Kwa sababu hapo tunaona ya kuwa, Mbunge kama ni mmoja, hawezi kufanya kazi ili, education ya Wabunge pia iangaliwe kwa sababu mimi nasikia tu ikiangaliwa education ya Madiwani.

Pia Wabunge wawe na first degree kwa sababu tumekuwa na Wabunge wengine wanaenda hio bunge bila kuwa hata na chochote ya kusema kwa hio miaka mitano. Anarudi tu bila hata ya kuwakilisha watu wake. Ati kwa sababu amechaguliwa kwenda bunge na anaenda kunyamaza tu bila hata kuwakilisha watu.

Ya tatu: Ni mambo ya Land Control Board ambayo yamesemwa na wengi. Kuwa Mwenyekiti ya Land Control Board ni mtu ambayo amechaguliwa na watu na sheria iwekwe kuwa kama anaharibu anatolewa na kuwekwa mwingine na mtu anakuwa mwenye kiti kama mwaka mmoja aangaliwe kama ni mtu mzuri, aidhimishwe tena. Kwa sababu huo ndio unyanganyi ameingia katika mashamba ya Wilaya ya Narok.

Ya nne: Inatakikana kwa hii Katiba iandikwe hivyo, wale wafanyi biashara wakae town na wasirukie mashamba ya watu tena kunyanganya wale hawajui namna ya mchanga. Kwa sababu hio italeta clashes tena. Kwa sababu utanunua shamba ya yule mtu, yule mtu anakuwa watchman wako, na tena tunarudisha tena utumwa katika Kenya. Hatutaki tena watu kutoka makabila zingine kununua mashamba katika Wilaya hii. Na iandikwe namna hio. Hio nikumaanisha ya kwamba tutazuia clashes katika Kenya, kwa sababu watu wale ambao walikuwa wakipatiwa soft loans katika ma Bank ndio wanakuja kujenga Narok na kununua mashamba yote na kubakisha wale watu ambao hawana elimu ama hawajui chochote itakayo kuja kesho yake. Kwa hivyo ninataka sheria ya Katiba ilinde Wamaasai kwa njia hio.

Pia jambo lingine ni kwamba, mambo ya kuandikiana agreement iondolewe katika mambo katika mambo ya kuandikiana

agreement na ma advocate hapa Wilayani. Hio imekuwa ni unyanyashaji kwa sababu Maasai anaweza uza acres kumi na iandikwe acre mia mmoja na mtu anyanganywe haki yake kwa njia ambae haelewi na amefinya kidole yake tayari. Inatakikana hio iwe ikifanyiwa agreement kwa Council na iwe ikifanywa wakati mkutano wa Council wao na watu wote, waone ya kwamba yule mtu amedhimisha acre Fulani, lakini isiwe ikifanyiwa katika hizo ofisi porojo, porojo ambazo zinamaliza watu hapa. (Clapping)

La mwisho ambalo mimi nataka tu kuongea, hio kwa sababu ni kitu ya maana, ni rigging. Hii rigging ambae ilikuwa inasemwa ya kwamba ni secret ballot. Hio ni kumaanisha ya kwamba watu wengi wale hawajui kuandika, kulikuwa na viti wakati hatukuwa na mlolongo ya KANU ama nini? Si tulikuwa na rigging nyingi kutokana na ma DC hivi. Ilikuwa tu watu wanaandikiwa hio vitu, mtu hajui halafu inakuwa rigged. Siku hizi mambo ya mlolongo watu wanaenda mchana kiwanja, kama ameshindwa wawe wanatosheka. Sasa sisi tumeona hio ni haki, hii mambo. Wacha watu wafanye mlolongo.

Com. Lenaola: Asante Councillor.

Cllr. Matiko Sadera: Basi nikimalizia, uandike ya kwamba Wilaya hii yetu iwe sealed. Hatutaki tena watu kutoka nje wanunue, Wilaya. Hapa ni Wilaya, sio Province. Halafu mahali watu wanaweza kununua, wanunue huko kwa Province. Na hata sisi kama Wamaasai, kama tulinyanganywa yale mashamba zamani na Wakoloni, hao mambo yasahaulike. Lakini, Narok, watu wale wamenunua ma shamba wa surrender mashamba warudishie wenyewe halafu warudi ma kwao. Kila mtu arudi Wilaya yake na tufanye biashara ya town lakini sio mashamba ---

Com. Lenaola: Asante Councillor. Umerudia hio. Nenda ujiandikishe. Cllr. Suzzane Kirapash. Kirapash. Ametoka. Lezingo Kitamoni. Lezingo. Ole Pasit Phillip Lemein.

Phillip Lemein: Asante sana Bw. Commissioners waliofika leo hapa. Mimi ni Phillip Lemein. Nilikuwa Senator wa Narok District mwaka wa 1963 to 1956, tena nikawa MP wa Narok South kwa miaka tatu mpaka 1969. Nilikuwa katika Lancaster House Conference ambayo wasemaji walisema ya kwamba Wamaasai walio fike kule London kwa Conference ya kuandika Katiba ya kwanza ya Kenya, nilikuwa huko. Na tulikuwa Wamaasi ambao tulitumwa kupeleka kwa niaba ya Wamaasai katika Conference hio. Tulitoka katika Narok District, Kajiado, Samburu na Transmara. Kwa hivyo District hizo nne tulienda kwa ajili ya Conference ya kuandika Katiba ya Kenya na hasa ya nchi ya Wamaasai. Tulitumwa na chama ambacho kiliitua Maasai United Front. Shabaha yetu ilikuwa kufuata Agreement ya 1904 na 1911 na ilipitishwa ya kwamba sisi hatukubali kuvunja Katiba hio. Na tulikataa kuweka sahihi ikiwa watu walisema, si walikuwako, mimi ni mmoja katika wale walio kataa kuweka Katiba pamoja na wale Wamaasai kutoka District nne walio kataa kuweka sahihi. Kwa nini tulikataa? Kwa sababu tulitaka kufuata mashamba yetu yalio chukuliwa na Serikali ya Wakoloni irudishwe kwa nchi ya Wamaasai kwa pande zote. Kwa Samburu, kwa Transmara, na kwa Wamaasai wote kwa jumla.

La pili, tulipitisha sheria na ikaandikwa katika Katiba na tulileta katika Katiba ya kwanza, ya kusema nchi ya Maasai, Kajiado, Narok, Samburu na Transmara, zote nne iwe closed District ambae haiingiliwe na kabila lingine lolote bila pass na ilipitishwa na ilifuatwa wakati huo kwa miaka mitano tulipokuwa katika Parliament. (Clapping) Hio, ilivunjwa. Na njia ya kuvunjwa ilivunjwa na Serikali, maana chama chetu cha Maasai United Front cha kuunganisha Wamaasai wote ilivunjwa ikawekwa kwa KADU ambapo kilikuwa chama kingine cha siasa. Baada ya hayo, bado tunafuata. Hicho kilivunjwa kikaingzwa kwa KANU ambayo sasa inatawala. Na walifuata kwa miaka hiyo mitano. Baada ya hio, Katiba ilivunjwa mara mbili nyakati hizo. Ya kwanza ilivunjwa, ikavunjwa nyumba ile yetu ya Senate na Regional Assembly. Na hata sasa kwa wakati huu, kwa sababu Katiba inaandikwa, tunafuata Senate iwe tena.

Com. Lenaola: Pendekeza. Pendekeza mambo hayo ambao unasema. Ningependa mapendekezo.

Phillip Lemein: Pendekezo ni hii, nchi yetu iwe closed District katika Katiba hii. Nchi yote ya Maasai. La pili, tuwe na chama chetu cha Wamaasai cha kufuata mashamba yetu yalio chukuliwa wakati huo. Vyama ni arubanne na nane na yetu iwe, ya Maaasai yakuchunga nchi yetu na kufuata nchi zilizofuata na kutafuta pesa ambazo tulioibiwa katika London. Msipo pata nchi, mtapapa pesa. Kwa wakati huu, tunafuata pesa hizo au nchi.

Com. Lenaola: Asante Bw. Lemein. Basi nenda pale ujiandikishe. Asante kwa maoni yako. Hassan Sheikh. Hassan Sheika. Karibu. Sema jina halafu, please be precise.

Hassan Sheikh: Ninaitwa Ali Juma kwa niaba ya Sheikh ambae tuko pamoja.

Com. Lenaola: Unaitwa nani?

Ali Juma o/b Hassan Sheikh. Tuko na Sheikh pamoja. First we represent the Narok Muslim Welfare Society and basically all that we are going to talk and mention, relates to our interests as Muslims. In our presentation we have Preamble, which we have for you to go through.

We have personal law, which falls under customary law: in this section it relates to the customary law, which falls under the Kadhi's Court. Basically, in this section it deals with marriage, divorce and inheritance. But we feel that is not enough. We propose an extended Kadhi's Court, with original and isolated jurisdiction and we also propose the Chief Kadhi with a degree in law and an appropriate qualification in Islamic Sheri, appointed by the Judicial Service Commission just like any other judges.

We also have citizenship. Most of us Muslims do complain a lot in relation to our rights as the citizens of this Country. We feel that in most cases, when we have to get Identify Cards and Passports we are subjected unfairly to many other questions.

We also propose that a citizen of Kenya may hold multiple citizenship. You can be a citizen of more than one country as for the acquisition of Passports, we feel that this one should be made compulsory to every Kenyan so that we can be able to get jobs elsewhere just like know Egypt is an unproductive country in terms of many other resources, but it exports a lot in terms of man-power.

We therefore feel that the acquisition of Passports will make it easier for many Kenyans to get jobs elsewhere. We also feel that a citizen of this Country should be, a child born in Kenya or a child born of Kenyan parents or a person who is a native of Kenya. In our presentation also we have mentioned something to do with Foreign Policy:

You realize the relationship sometimes with Kenya, Muslims are increasing in quantity because of the relations between governments and foreign policy holding notion and pursuing policy detrimental to Islam. We feel that sometimes, the country is not protective of Islam. When it comes to feelings that are against Islam, the country sort of gives in very easily. We think that this should be the priority of the Parliament to determine as to whether such things should be happening to the Muslims.

On Education: You realize that most Muslims come from the arid and semi-arid zones and in these areas, you realize that the education part of it has not been spread much, because churches sponsored schools did not start there. We therefore propose mobile education for all arid areas, mostly like Narok and those areas that you find that we have so many muslims; we therefore propose a mobile education so that most of these children could be reached.

Com. Lenaola: Pick the last two points.

Ali Juma o/b Hassan Sheikh: We also have something about Group Rights: We feel that if there is something that is of interest to one group and it affects them entirely, if there is a matter to be decided on that, it should be entirely on that group to decide. It should not be allowed for other groups to decide for them.

Lastly, may I mention something about freedom of religion, please? I feel we should have freedom of religion but not freedom of faith, because you realize in the freedom of faith, we tend to have things like devil worshippers coming in. So this one should be controlled by having the freedom of religion rather than the freedom of faith.

Com. Lenaola: Lastly,

Ali Juma o/b Hassan Sheikh: ----- lastly kabisa then please. I tend to believe that areas that have been neglected by the Government should have a marshall plan to rectify the situation. Thank you very much.

Com. Lenaola: Thank you very much Hassan. Please register. Moses Mpoe. Moses Mpoe. Solomon Kulou. Solomon

Speaker: In due respect Bw. Commissioner ---

Com. Lenaola: Your name and then proceed.

Solomon Sirima ole Kulou: My names are Solomon Sirima ole Kulou. I am just a prominent farmer. Here, despite that the land the Maasai are waiting to be compensated, I have once heard some people giving decision or ideas for people to have only ten acres every person in Kenya and every person in ----- Kenya to have only ten acres. We the Maasai invest our money by keeping animals like cows, sheep and goats and therefore we need to have more land for the grazing of these animals of ours. But if then the idea is supported because they might be the majority, then I would decide to have an average of twenty thousand per acre, for the ten acres adding to two hundred thousand then everyboty should have only two hundred thousand in the bank and not more than that. So that the other money could also be given to the poor.

Ingingine mimi ningesema ni wale sponsors. Kunakuwaga na ma Kanisa walianza zamani kuja hapa. Mekanisa kama PCEA, Mekanisa kama AIC, wamekuwa waki sponsors wa areas fulani wakaaja hata wakasaidia mashule kuunda na wakaisimamia, wakaisaidia sana wakaendelea. Na kulingana na vile Mekaniza zingine zilikuja zuzi, zuzi, saa ingine zinaweza kuwa zina nguvu sana na zinaweza kunyanganya wale ma sponsor haki yao ama hio hizo shares kwa hizo mashule. Kwa hivyo hio pia ningependa iaangaliwe.

Pia mimi ningependekeza pia niunge mkono kwa ma Councillors, wa area wawe wana elimu ya kuanza Std. 7 mpaka Std. 8. Kwa ajili pia hio ingeonesha kwa ajili kila mzazi siku hizi nyumbani, kasi ile kubwa anafanya ni kusomesha watoto. Kwa hivyo kama kungeonekana ya kwamba elimu ina umuhimu, pia hio inge promote hata watoto wetu kuwa wange weza kuendelea na shule kwa nguvu.

Na MP pia aanze kuwa ni mtu wa Form IV kwenda mbele. Ya nne, ningependekeza kama wakati wa ku register, mtu kujulisha ya kwamba atangombea kiti, ipewe muda mrefu kidogo, kwa ajili saa ingine kuna watu wanaendelea wakiwa waalimu, ama wanaendelea wakiwa watu wa ma ofisi na anaendelea wakifanya campaign licha kuwa kuwa ile kazi wameandikiwa na pia kama hio, kama ni ualimu unaweza pia kudhuru watoto sana. Kwa hivyo ingepeanwa kama miaka miwili mtu ajulikana kama basi amewacha kazi ya ualimu na amekuja ku campaign kuliko kutumia campaign kwa mtu ya shule na watoto wetu wanakosa masomo. Halafu kama basi wataondoka, hio nafasi yao inaweza kupewa mtu mwingine.

Com. Prof. Okoth Ogendo: Summarise please.

Solomon Sirima ole Kulou: Hapa ingine ningesema wale watu wanatake kugombea viti, kila mtu si tajiri. Kwa hivyo, pia pesa

hizo ziangaliwe zisiwe pesa nyingi za kujiregister ili upate nafaa ya kugombea kiti chochote kwa ajili kuna wale watu wengine masikini, na wanaweza kuongoza. Tupewe basi pesa zubazoweza kupatikana na kila mtu, mradi tu ni Mkenya. Asante sana.

Com. Prof. Okoth Ogendo: Asante sana. Peter Ngusilo. Peter. Peter is not there. K.K. Lokoyo. David Njihia. David Njihia is not there. Olokoyo. Olokoyi is not there. Shadrack Kamamia. Not there. James Dikir. James Dikir. Okey, James. Yes James, please take your seat.

James Dikir: Thank you very much Hon. Commissioners for visiting us and I thank you for the opportunity you have given me, to present these views. My name is James Dikir. I am a Trade Unionist. I am a representative of the Kenya Local Government Workers Union, Narok County Council Branch. I will particularly emphasize on the areas of amendments, that we would like to request the Commission to consider as pertains to the Labour Movement and the Labour Act of this Country.

I would first of all, like to request the Commission to consider the amendments of various Sections, particularly various sections of the amendments that are supposed to be done on the Trade Dispute Act and the Labour Act, and in particular the Sub-Section Two of the Section 80 which guarantees the Freedom of Assembly of Association. This Sub-Section established started to control the enjoyment of rights and freedom mentioned in the existing Constitution. Our Labour movements are not free in this Country. In these cases, they cannot deliberate fully on their deliberations as far as the workers' right are concerned.

We would like to request that the Registrar of the Trade Unions should no longer be appointed by the Minister of Labour. Because, one thing, the Minister of Labour is an executive himself and he himself is an appointee of the President and in this case our Labour movements have been having a problem. We would like particularly Cap 233 of the Trade Union Act, under Section 5, which also provides for the appointment of the ---- and the Assistant Registrars be amended. We call for the establishment of an independent Trade Union Commission through an Act of Parliament to take the role of all Legal frameworks of Trade Unions in the Country.

The Trade Dispute Act should also have a new Clause in transition for a well organized union to have an illegal ban to meet the expenses of strikes and other works ----- The current Constitution does not allow this and it is very important We would also like the new Constitution to eliminate oppressive labour laws, which were colonial manipulated. For example, Section 17 of the Employment Act where an employee could face a dismissal if he or she abuses a supervisor. In fact, Mr. Chairman, this was so much colonial because if an employee can be dismissed or relieved of his or her duties because of abusing a supervisor, I think it is wonderful and if what is there or what is provided in the Current Constitution.

The separation of powers and their token should therefore as well be reviewed particularly where the Executive is supposed to be a person appointing the one serving in the Legislature. For example, the current appointment of the High Court judges, the Minister of Labour appointing mediators for workers ----- with employers after initial deadlocks. So this one should be changed. We would also -----

Com. Prof. Okoth Ogendo: ---- please summarize. You are reading your memorandum. Please summarize.

James Dikir: Just to summarize quickly because I have very strong points in front here, the new Constitution should address ways of wiping out corruption among the ineffective leaders elect, due to the stomach. For example, to address a situation where Trade Movements and Labour Movements are hindered by lack of solidarity.

We would also like the new Constitution to honestly improve the impending Trade Disputes Act and Labour Laws, to insert new clauses to improve the workers benefit packages, in line with the ones that have been done in other countries to mention a few, Israel, Egypt, Sudan and Uganda.

The following areas should be addressed. Factory Act Cap. 514, NHIF Act Cap. 255, NSSF Act. Cap. 258. These things should be managed by workers themselves so as to create a direct benefit and regulate corruption by relegating Managers that are irrelevant and managers who are not contributors. The National Hospital Insurance Fund should be paying at least 50% of the total amount of money deducted from workers. If one has not claimed medical expenses for a consecutive five years period and staff management committees be created at grassroot levels to approve genuine claims.

The Trade Dispute Act also should be improved to insert relevant clauses to restrict the employer from their time or preventing the approval of ----

Com. Prof. Okoth Ogendo: Please get to your last points.

James Dikir: Just to add, Mr. Chairman is that we would like the Constitution to also insert a clause for prevention of corruption in the Civil Service. The Prevention of Corruptions Act, Cap. 65 should be amended to empower Trade Union Organizations to accuse the Government in wiping out corruption in the Civil Service. Trade Unions in the Country should only be fighting for higher salaries and better terms and conditions of service, but also be involved in fighting the vice and this one also, to involve other Parastatals and other public sectors such as Local Authorities to mention but a few.

Com. Prof. Okoth Ogendo: Thank you very much.

James Dikir: We should also mention a quota system to be also enhanced for a Trade Union to be selected ----to be appointed as nominated councillor, Sir.

Com. Prof. Okoth Ogendo: --- thank you.

James Dikir: -- I would request you to mention only this last point ----

Com. Prof. Okoth Oendo: ----- James, James, excuse me, excuse me, hello. James, can you please finish? You are taking too long.

James Dikir: Yes sir, I would just request you to mention only one. This last one only. That the quarda system should also be enhanced for Trade Unionists elect, to be appointed as nominated Councillors and nominated Members of Parliament as well. This move would strengthen the Trade Unionism in the Country, by enhancing a stronger representation of workers. A law should also be enacted to create provision for a situation similiar to that of study leave to enable workers wishing to contest for Civic and Parliamentary elections to be contested. There are so many workers who would like to go for elections but they cannot go for fear of their job security. We would like to request the Constitution to create a situation ----- to the workers.

Com. Prof. Okoth Oendo: Thank you very much. We get the point. Thank you very much.

James Dikir: Thank you very much.

Com. Prof. Okoth Oendo: Thank you very much. Please register with the Secretariat. Isaac Naikuni. Isaac Naikuni. Please make brief.

Isaac Naikuni: Yangu yatakuwa mafupi sana. Naitua, Isaac Naikuni kutoka Wilaya hii ya Narok. Napendekeza tukiwa watu wa Lokegere ya kwamba, kuwe na Rais mwenye nguvu. Rais mwenye nguvu ili aweze kuunganisha ma kabila yote ya Kenya arubanne na mbili. Rais bila kuwa na uwezo wa kuunganisha makibala yote ya Kenya tutaweza kuwa na shida kubwa. Vile, vile huyo Rais, awe hana nguvu nyinyi ambazo zinamfanya awe kama mlezi wa kutawala. Tunataka nguvu zake zipunguzwe.

Pili, tunataka Serikali mmoja, Unitary Government. Hapana Serikali ya Majimbo. Kwa sababu Serikali mmoja itawezesha nchi kuwa moja kwa sababu watu watakuwa wakipata huduma kutoka kwa Cerntal Government. Vile, vile, County Council baaala ya Majimbo iwekwe nguvu, iwe na nguvu zaidi, kwa sababu, resources za County Council ziweze kufikia mwananchi wa kawaida. Na natural resources kama wanyama wa Mbugani, wale wako na madini, wale wako na misitu, hizo mali ziwe zikienda kwa wananchi kupitia Chairman wa Council ambao atachaguliwa na wananchi, hapana madiwani. Achaguliwe na wananchi ili aweze kumpa wananchi wote wa Wilaya huduma.

Point nyingine ya nne: Bunge iwe akikaa miaka mitano bila kuongezwa. Bunge wa sasa ambae inasemekana iongozewe muuda.

Isiongezewe hata siku mmoja. Ivunjwe kulingana na Katiba ambao ilioko sasa. Kwa sababu kuongeza hio wakati wa bunge, nikuonesha ya kwamba maneno mengine yataweza fuata. Kwa hivyo tunapendekeza bunge ivunjwe na Rais achaguliwe, na Wabunge wachaguliwe mpya na Katiba hii ambao inaendelea sasa, isiwe kikwazo ya kufanya bunge iongezewe muuda. Katiba

itaweza endelea lakini bunge ifunjwe. Some few amendments zinaweza kufanywa ili ku harmonize the issue ya bunge.

Com. Prof. Okoth Ogendo: Thank you very much.

Isaac Naikuni: Mwisho kabisa, tungependekeza Provincial Administration isivunjwe. Kwa sababu Provincial Administration, ni Serikali ambayo inaingia kwa wananchi. Lakini ma Chief wenyewe wawe ni ma Chief wako na kuwepo cha education hadi Form IV na wawe wamepelekwa katika training ili waweze kuwapa wananchi huduma zao vizuri. Kwa hivyo hayo ndio mapendekezo yetu.

Com. Prof. Okoth Ogendo: Asante sana Isaac. Andika jina kule. G.K. Dikir. D.K. Dikir. Gichoe Dominic. Okey Gichoe. Jina kwanza halafu endelea.

Gichoe Dominic: Asante sana Commissioner Prof. Okoth Ogendo na Ndugu Lenaola na hasa yale mimi niliotayarisha yalikuwa yanahusu kazi ya ardhi. Na haya mambo ya ardhi ni maneno ngumu sana hata kama tukirudia mara kwa mara. Nafikiri kuna sababu, kwani watu wa jamii wanaona kwamba ardhi zao zilienda vibaya.

Kwanza kwa kisheria kwa mwaka wa elfu moja, mia tisa na nne, Wamaasai wali ingia Agreement na Wazungu. Na kwa Kizungu, Serikali wao sovereign kuingia agreement na chombo kingine, ni lazima hata hicho chombo kingine kuwe a sovereign body. Hii ni kusema ya kwamba, Wamaasai pia wakati walipo andika hizo agreements ni kama walikuwa na Serikali zao. They were Sovereign Nations. Haya, licha ya hayo, Wamaasai wakaona ya kwamba kuna makosa. Halafu ndio wakafanya appeal mwaka wa elfu moja, mia kenda na kumi na tatu. Serikali ya Wingereza ilisema ya kwamba hatuwezi kusikiliza hii case, kwani Kortini ambayo iko hapa Kenya haiwezi kusikiliza kwani sisi hatusimami, sisi si Serikali ya Wingereza. Kwa hivyo case sasa ikaharakishwa ikasemekana kwamba itapelekwa Wingereza mali panaitua Privy Council. Yaani hio ni kama Supreme Court ya huko Wingereza. Case kupelekwa kule huyu Mzee Lekilisho ambaye alikuwa anasimamiya, akachange Ngombe, na Mbuzi wakaenda mpaka Mombasa, kufika Mombasa nafikiri walikuwa wamechangisha Ngombe elfu mbili ---

Interjection ---- **Com. Prof. Okoth Ogendo:** (In audible)

Isaac Naikuni: --- ngoja. I am coming to the point. Sasa kitu mimi ninasema ni ya kwamba, sisi tulikuwa Sovereign Nation, na Wazungu wakawa Sovereign Nation pia. Tumefanya maagano, hapa 1962 tunaenda Conference ya independence. Sisi, Wamaasai Nation hatuja sign that agreement. Kwa hivyo hii Katiba sasa tunaibadilisha ina husiano gani na Wamaasai. Haina uhusiano hata kidogo. We never accepted. We never signed. We never endorsed that Constitution.

Com. Prof. Okoth Ogendo: So what do you want to suggest?

Isaac Naikuni: What I want to say is that the Constitution which we are making now is the Constitution which the Maasai, they should be involved in. But the other one, we were not. Now I want to ask a legal question. Now that the Maasais did not endorse that Constitution, the independence Constitution, the one which you are reforming now, what of all the effects of the lands that have gone and all the injustices that have been done to us in a Constitution that should not have applied to us.

Com. Lenaola: That is the question we are asking you and we want the answer from you.

Com. Prof. Okoth Ogendo: We want the answer from you.

Isaac Naikuni: It shouldn't really apply to us. My suggestion is that therefore all injustices that have been done to the Maasai from independence up to now must be restituted, if in form of land of whatever has been taken should be reversed.

Com. Prof. Okoth ogendo: Okey. Thank you.

Isaac Naikuni: Secondly and finally, I do not wish to bore you further, I think for the Maasai rights to be domesticated so the Maasai shall enjoy their rights fully, I think I will recommend to the Commissioners, that the new Constitution should contain what it should actually domesticate the United Nations draft declaration for the rights of the indigenous people. Thank you very much Mr. Chairman.

Com. Prof. Okoth Ogendo: Thank you very much. Is there another Nchoe Dominic? There isn't any. Moses Sadera. Moses Sadera. Amina Abdi. Anthony Njuguna. Please take your place.

Com. Lenaola: Your name and then proceed.

Com. Prof. Okoth Ogendo: Your name and then proceed to the microphone.

Anthony Njuguna: Kwa majina, mimi ni Anthony Njuguna ambaye ni mkaaji tu wa Narok. Yangu nitawashukuru ma Commissioners vile mumekuja kutusikiza, tuweze kuunda hii Constitution mpya, kwa sababu hatuijui ile ya zamani. Na kidogo tu ningetaka may be Professor ukubali nikulaumu kidogo kwa sababu Katiba ya zamani, wengi wetu wanaorudia maswala hapa ya kizamani, ni vile tu hawajaelewa Katiba ya zamani. Mimi ningependekeza, Katiba iwekwe kama syllabus, iwe ikisomeshwa shuleni kutoka darasa la kwanza mpaka hata darasa la mwisho wa masomo, ili kila mtu aweze kuelewa Katiba ni nini.

Ya pili, ningependekeza kwa upande wa masomo, nikisema ya kwamba, Katiba ya sasa inakubali may be masomo iwe ya watu wote Kenya, lakini masomo tulio nayo, utakuta sehemu kama these remote areas, ambao Wakenya hawaja fanikiwa kufikiwa

na maendeleo tumekuwa tukifanya mitihani sawa na watoto wale wako katiba Urbarn areas. So ningependekeza kama kwenye mitihani ambayo linawezesha kupeleka watoto wetu kwenye National schools, iwe ikilangaliwa kama kuna mitihani ambayo mtoto anayesoma Ong'ata Baragoyi, na hajawai kuona hata gari, na unamuliza swala la gari. Basi Professor naona hio mimi nitahimiza ya kwamba, au nitapendekeza kwa Katiba ya sasa iwe ni jambo la kushugulikiwa tuwe na mitihani ya Urban areas na sehemu ambazo hazifikiwi na maendeleo.

Upande wa, kama tulivyoguzia mambo ya kumiliki ardhi, Commissioners, sisi ni Wakenya hata wewe ni Mkenya vile, vile. Ningependekeza Mkenya yoyote ambaye, hii tunaita ndio our Nation, our father Nation, sioni vile ningekuwa nikiwa mzazi na nisimpe mtoto wangu pahali pa kuishi. Kuna Wakenya wengi wamezaliwa baada ya uhuru na ambao walikuta ardhi, ikiwa imegawiwa kwa kila mtu. Huyu Mkenya ni wa nani? Hivyo, Commission, ningependekeza Mkenya yoyote apate shehemu au pahala pa kuishi.

Upande wa uchumi, pendekezo langu ni ya kwamba, Kenya imekuwa ikipewa misaada kutoka nchi za ng'ambo na misaada hii imekuwa ikifikia tu mkononi michache. Ningependekeza kwamba tuhusishwe kwa madeni ambayo tutakuwa tukilipa na Kodi yetu ya wananchi kwenye donors wale wanaotupatia hio misaada.

Lingine ningesema na may be hii ndio ya mwisho, -----

Com. Prof. Okoth Ogendo: ---- okey

Anthony Njuguna: Professor, ni kwamba tuwe na Logo. Logo hii jina la Mkenya. Tumekuwa tukijulikana kama Maasai, Mkikuyu, mfulani na katika nchi zingine ambazo nimeweza kutembelea, nimekuta ya kwamba Mkenya ni Mkenya, mu America ni mu America na hatuna kabila hati huyu ni mu America fulani. Tuwe na National name. Kama ni Mkenya, ni Mkenya wherever you are.

Finally, ningetaka tu Professor unishauri kidogo, kwa sababu nikujua Katiba ya zamani, utangulizi wake ilikuwa ni nini. Labda imekuwa ni Katiba ya Serikali. Ndio niweze kuseme tungefanya nini Bw. Professor. Katiba ya zamani ilikuwa na utangulizi gani?

Com. Prof. Okoth ogendo: Section gani?

Anthony Njuguna: Constitutionally. Ni Constitution ya Kenya, ni Constitution ya Bunge, ni Constitution ya Serikali?

Com. Prof. Okoth Ogendo: Ni Constitution ya Kenya

Com. Lenaola: Republic of Kenya.

Com. Prof. Okoth Ogendo: Republic of Kenya.

Anthony Njuguna: Sasa Bw. Profossor nataka ufikishie hata Bw. Chairman Ghai kwamba tunataka Constitution ya Wakenya.

Sisi ndio tunasema sasa. Vile umesikia viongozi wamesema hapa mfululizo, wanasema wanataka. Tusirudie makosa ya Constitution iliokuepo. Iwe ni Constitution sisi Wakenyan tunasema. Constitution ni ya Wakenya. Nimeshukuru.

Com. Prof. Okoth Ogendo: Asantesana. Thank you very much Bw. Njuguna. Mary Wanjiru. Tom Sekero. Tom. Kirui Naithan. Kirui is not there. John Maitai. John Maitai. Okey, John.

John Maitai: Asante.

Com. Prof. Okoth Ogendo: Taja jina kwanza.

John Maitai: Mimi jina langu ni John Maitai. Mimi Ni mzaliwa wa hapa Narok na ni Mhubiri pia.

Basi, mimi napenda kutoa maoni yangu kuhusu Katiba mpya bila kuingilia mambo mengine, mambo yanaohusu Katiba pekee yake.

Jambo la kwanza, Katiba ya Kenya ingefaa iwe ina sehemu inayosimamia mtu binafsi. Kwa nini? Kwa sababu ikiwa na sehemu hio, kila mwananchi wa Kenya atapata nafasi ya kujitetea kwa jambo loloto inayomhusu.

Jambo la pili, njia kubwa ya kuokoa raia wa Kenya wakati huu ni kuondoa kitu kingine kimekuja wa uma ama kwa ma ofisi yoyote kinacho itwa 'kitu kidogo'. Sheria inao undwa iondowe hio kitu kidogo ambae imekuwa ikifanyika kwa kila ofisi ama kila mahali, mwananchi wa Kenya hawezi kutendewa jambo bila kutoa hio kitu kidogo.

Jambo la tatu: Rais wa nchi angekuwa akitumika kwa kipindi cha miaka kumi tu. Kisha aondoke hata kama ana mazuri gani kwa kua akizidisha wakati kama huo, ataona kama ile kazi ni kazi yake binafsi anayofanya.

Jambo la nne: Katiba inafaa iwe juu ya kiongozi yeyote katika Jamhuri. Sheria isiwe iko chini ya kiongozi yeyote.

Jambo la tano: Bunge lafaa liwe na uwezo kuunda Katiba na kuidhinishwa na mkutano wa mawaziri. Na pia kuwe na permanent yaani, Tume yakukaa ikichunguza Katiba ya Jamhuri ya Kenya hata siku zijazo. Ili raia wapate sehemu yao yakuwalinda katika Katiba.

Nayo bunge liwe na kipindi cha miaka mitano tu. Likimaliza wachaguliwe tena. Pamoja na Rais wa nchi. Kama Rais anaweza kupoteza Kura kwa hio miaka mitano hata pia amepoteza kiti cha Rais.

Mshahara wa Wabunge na Mawaziri, ma naibu wa Mawaziri iwe kiwango cha chini kuliko vile ilivyo sasa. Kwa sababu ukiangalia kabisa kwa maakini, mshahara huo mkubwa ni sehemu moja inayoleta umaskini katika Jamhuri ya Kenya.

Com. Prof. Okoth Ogendo: Please summarize.

John Maitai: Katiba iruhusu Serikali ya Mseto kuliko hii tulio nayo sasa ambayo imepatia mtu mmoja uwezo mkubwa zaidi. Kenya ya leo si kama ile tulikuwa nayo wakati wa chama kimoja. Sasa tuna vyama vingi ambayo vingefaa kuwe na Serikali ya Mseto. Bunge lipatiwe uwezo wa kupitisha Kura ya kutokuwa na imani kwa yeyote atakaye vunja Katiba au haki ama ukweli wa Taifa la Kenya.

Com. Prof. Okoth Ogendo: Bw. Maitai, please come to your last point.

John Maitai: Mimi ningependa katika Katiba, tunayounda mpya kufuatana nayo ishirikishe pia WaChristo wawe katika Serikali kwa sababu naonelea ya kwamba Wa Chritu wakiwa katika Serikali ile, labda hayo mambo yaliomo katika Serikali ambayo ni ya corruption yataondoka kidogo, kidogo, kwa sababu nafikiria WaChristo wanakatazwa kuchukua kitu kidogo na corruption kupitia Biblia. Asante.

Com. Prof. Okoth Ogendo: Asante sana Mzee. Andika jina kule. Sayoyo Peterson. Sayoyo Peterson. Kitipa Naikuni. Kitipa Naikuni. Benson Mpokei. Pastor Benson. He is not there. Mwakelelo Lekenta has already spoken. Is there with a Catholic Church Memorandum here? Okey.

Com. Lenaola: Basi tumefika mwisho wa mukutano na tungependa kuwashukuru saana kwa maoni yenu na baada ya kutoka hapa, tutaandiki report na kuwarudishia katika Constituency yenu muone kwamba maoni yenu, kweli imechukuliwa na kama muna swali, mutauliza Tume. Basi kufunga ningependa kwamba mmoja wenu atuombee ili tufunge Kikao vile tulianza asubuhi. Mrs. Riapan.

Mrs. Jambei Riapan: Tuombe. Baba uishie milele tunakushukuru Mfalme kwa vile tulikuomba Mfalme kwamba tuanze vizuri na hata tumalizie vizuri. Tumefika mwisho wa mambo yote ya siku hii ya leo. Tunakushukuru, ni kwa sababu tumeona uwepo wako mahali hapa Mungu wa Majeshi. Umekuwa pamoja na kila mmoja wetu katika hali ya kuongea na hata kutembea na hata nguvu ya kila hali Mungu wa Majeshi. Tunasema ni asante ni kwa sababu hata ya hawa wageni ambao wamekuwa watulivu na hata kutusikiliza kutoka asubuhi hadi ma saa haya ya jioni.

Tunawakabidhi mikononi mwako Bwana hata katika safari yao Bwana, katika hii kazi mpaka imalizike Bwana mkono wako uwe juu yao na hata damu yako, Mungu wa Majeshi ambaye uko na ushindi wa kila aina Bwana uwazingire. Hata nasi tuondokapo hapa kuelekea ma nyumbani mwetu, Bwana tunajikabidhi mikononi mwako. Uandamane pamoja nasi. Wale watakapoingia kwa magari, kila gari Mungu wa Majeshi, tunakuomba uzingire na damu yako. Tufikapo nyumbani Bwana, tutakushukuru. Tunaomba hayo machache katika Jina la Yesu alie mkombozi wetu, AMEN.

The meeting ended at 5.05. p.m.
