

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

SOTIK CONSTITUENCY, HELD

AT SOTIK PASTORAL CENTRE

ON

Thursday, July 11th, 2002

**CONSTITUENCY PUBLIC HEARING- SOTIK CONSTITUENCY, ON
THURSDAY, JULY 11TH, 2002 AT SOTIK PASTORAL CENTRE**

Present:

Com. Ahmed Isaack Hassan
Com. Dr. Mohammed Swazuri
Com. Nancy Baraza

Secretariat Staff in Attendance:

Solomon Anampio - Programme officer
Nelson Ashietira - Assistant Programme Officer
Zipporah Wambua - Verbatim Recorder
Kenneth Cheruiyot - District Cordinator
Joel K. Sang - Translator

Meeting started at 9.00am with Com. Dr. Swazuri as Chair.

Com. Dr. Swazuri: Nani atatuongoza kwa maombi. Hii ni shule ya ma-pastor kwa hivyo lazima wawe wako wengi sana, hata wanafunzi.

Thomas Soi: Could we stand up for a word of prayer. Let's pray. Jehovah King of glory, we come before you this morning. We want to worship you oh God because you have done good unto us. Thank you because you have sustained our lives, thank for the Commissioners who are in our midst today. We want Father to determine our future. Help oh Jehovah, so that what ever will be presented in this meeting may be of good to this country, may see through the (inaudible) for so many years and years to come oh Jehovah. Thank you Father, can you now, we pray that you may now bless our mouths and our minds so that we may speak what is good for this country.

Thank you Father because of the Commissioners, as they listen to various and diversified views from people. May you give them good judgement so that they may know what is good for this country. Jehovah, we present our country unto you. We want you to lead this country into prosperity so that one day we shall glorify thy name and say surely, you have been with us. Thank you Father for our leaders. Thank you for everybody who will come to this meeting to present their views, we pray that you will be with us, you will bless us in abundance for we pray in the name of the lord Jesus Christ.

Com. Dr. Swazuri: Tutaendelea, na kwanza tutawajulisha Ma-commissioners tulio hapa. Tuko na Commissioner Ahmed Issack Hassan, upande wa kulia, tuko na Commissioner Nancy Baraza, mimi naitwa Mohammed Swazuri. Halafu tuko na officers wetu, Bwana Anampio, tuko na Bwana Nelson pale, na Zipporah Wambua pamoja na district coordinators hiyo ndiyo team yetu imekamilika. Tutaendesha shughuli yetu hii kwa njia tatu, kuna wale ambao wana memorandum zao, wote ambao wamekuja hapa watahudhuria mkutano huu ni lazima waandikishwe pale mlangoni. Hata kama hutatoa maoni yako, hata kama hutasema ni lazima uandikishwe pale mlangoni. Kwa hivyo wale ambao wameingia bila kujiandikisha itabidi warudi wajiandikishe tujue leo tumekutana na Wakenya wangapi.

Halafu wale wako na written memorandum, wanaweza kuzitoa kwa maofisa wetu hapa, ili tuzichukue kwa sababu wale walioandika ni sawa tu na wale watasema. Hiyo tutaenda kusoma na itakuwa ni sawa sawa na wale ambao wamezungumza, kwa hivyo wale wako na memorandum zao tafadhali nawaomba mziweke kwenye hiyo file hapo, zita-record-iwa hapo halafu mutakuwa mumeshatoa maoni yenu. Lakini kama kuna wale ambao wanataka kuzipitia hizo memorandum, tutawapatia dakika tano na tena watupatie proposals, we just want highlights of the proposals in the memorandum, only those. We will not allow you to read to word, sentence to sentence, page after page, because we are going to read it finally. Kwa hivyo kwa sababu ya ku-save time ili watu wengi zaidi wazungumze, tafadhali ambao watapatiwa nafasi ya kuzungumza kwa memorandum, wahakikishe kwamba wanasoma zile sehemu ambazo ni proposals, hakuna haja ya kueleza mambo mengi, tunataka masuluhisho, tumeelewana hapo?

Response: Ndiyo.

Halafu kuna wale ambao watazungumza tu kwa mdomo pia nao tunataka watupatie mapendekezo. Hata wao tutawapatia dakika tano, tano ili tuweze kusikiliza watu kwa wingi. Haya. Na tutaenda kulingana na orodha ya wale ambao wamejiandikisha, first come first served. Tutaanza na Bwana Charles Kosgei. Ukija hapo ni lazima utaje jina lako kwa microphone maanake tuna-record na ukimaliza tena uende uandikishe tena kama umetoa maoni. Lazima kusema jina, na lazima ukimaliza ukajiandikishe.

Charles Kosgei: Okay, asante sana. Asante sana Commissioners. Mimi nilikuwa na mapendekezo yafuatayo. Jina langu ni Charles Kosgei. Kwa hivyo naenda moja kwa moja kwenda kutoa mapendekezo yangu.

Naonelea ya kwamba katika nchi hii yetu, pengine ile system ya Government au Serikali ambayo itafaa zaidi, ni federal system, au ya majimbo kama ile ya United States of America. Kwa hivyo kila kitu ambacho kinafanywa katika Marekani, kama ni uchaguzi wa MPs, na uchaguzi wa President, mtindo unaofuatwa pale, unafaa ufuatwe pia katika nchi ya Kenya, kwa sababu mtindo kama huo una manufaa mengi kuliko dosari au mabaya yaliyoko.

Ya pili, nataka kuongea juu ya ardhi katika nchi yetu. Tumeona ya kwamba kumekuwa na ufisadi katika ugawanyaji wa ardhi na kuna watu ambao ni maskini kweli kweli katika nchi hii, na wale ambao ni matajiri zaidi kupita kiasi. Maskini tena ni wale ambao wanakuwa maskini kupita kiasi. Kwa hivyo naonelea kitu ambacho kingefanywa ni kwamba, hata katika kupeana ardhi kwanza kitu ambacho Serikali inapaswa kufanya ni kwamba warudishe mashamba yote ya ADC ambayo ni ya Serikali, na forest land zote zirudishwe na Serikali zi-own hizo mashamba permanently. Na tena kuhusu ardhi, lazima kuwe na maximum unit of land to be owned by one single person. Sisi zote ni watu wa Mungu na hakuna mtu ambaye ni bora kuliko mwingine. Kwa hivyo hata kama ni nani, hata kama ni Rais, hata kama ni nani, lazima kuwe na maximum unit of land ambayo napendekeza iwe ni 50 hectares. Mtu aliye na ardhi ya juu zaidi katika nchi hii iwe ni acre hamsini peke yake. Sisi sote ni binadamu.

Ya tatu, ni kuhusu presidential powers. Naona ya kwamba Rais ana mamlaka mengi zaidi na kwa hivyo anaweza kutumia fursa hiyo kuweza kuhini watu. Kwa hivyo kitu ambacho napendekeza ni kwamba Rais anyimwe haki au madaraka ya kuwa chancellor wa chuo kikuu, asiwe chancellor wa university. Na pia asiwe commander in chief of the armed forces. Pia anyang'anywe uwezo wa kuweza ku-appoint ministers directly au permanent secretaries, au managing directors wa maofisi. Watu hao kwanza wapitie katika Bunge, halafu baadaye sasa, wachaguliwe na Rais mwishowe baada ya kupitia vetting through parliament. Kama vile tu Ma-commissioners walifanyiwa wa tume.

Na MPs sio lazima wawe ministers, sio lazima wawe MPs. Sio lazima. Tunataka watu ambao wana nidhamu. Kitu ambacho napendekeza zaidi ni kwamba, naona katika dini kama Catholic, naona watu wa Catholic kama ni mapadre, kama ni mambo ya nini wanaendeleza vizuri kweli kweli. Napendekeza ya kwamba watu kama haondio wanaweza kufanywa kuwa ministers. Men of integrity. Sababu katika nchi ya Kenya naona ya kwamba watu ambao wameoa huku kuoa ndio kunafanya hata mtu ndio aweze kuiba mali kwasababu ana watoto, ana shida mbali mbali. Kwa hivyo watu wa integrity kama padres ndio wafanywe kuwa ministers.

La nne, ni kwamba there should be one job for one man in this country, one man one job. Sisi sote ni sawa na tuko wengi, na kila mmoja anapaswa kufaidi kutokana na rasilimali za nchi hii. Kwa mtu yeyote, asifanye zaidi ya kazi moja. Na retired civil servants, wasifanywe kuwa executive chairman of any organisation.

Na tena, ya tano ni kwamba all public servants should declare their wealth. Nataka kujua ya kwamba ikiwa mtu sasa, anataka kupigania kiti fulani, lazima kwanza tujue asili ya mali yake. kama alipata mali hiyo kwa njia ambayo ni ya si ya halali basi asigombanie kiti tena.

Watu, wanafunzi wote ambao wamemaliza vyuo kusoma, walipwe mshahara kama hawafanyi kazi, ama wanafanya kazi sababu ni wajibu wa Serikali kuwahudumia. Na Rais, MPs na civil leaders, baada ya kutumika kwa muda wa miaka mbili na nusu, wananchi wana uwezo wa ku-pass a vote of no confidence in them if they are not able to deliver.

Number nane, MPs' salary to be determined maanake by a body that has no interest. Parliamentary service commission should be abolished. Hatuwezi kuwa na body ambayo ina-determine your own salaries. MPs, they are determining their own salaries ambayo inaenda kinyume kabisa na hata uadilifu wa binadamu. Ni kama tu KNUT inasimamia mambo ya mshahara wa walimu. Kwa hivyo PSC Parliamentary Service Commission, iondolewe mbali kabisa.

Com. Dr. Swazuri: Please summarize final point.

Charles Kosgei: Sasa mwisho ni kwamba there should be one body in Kenya to determine the salary of all workers. Only one body.

Ya mwisho ya kwamba kuna hili swala ambayo inaongea mambo ya kijamii. Ya kwamba hii mambo ya domestic violence. Ya kwamba mambo ya rape within marriage iwe unacceptable. Hatuwezi kusema ya kwamba mtu ananajisi mkewe. Hata ukisoma katika kitabu cha Mungu wakorintho saba mstari wa nne, ni kwamba bwana ana haki juu ya mke wake. Kwa hivyo mambo ya rape within marriage iondolewe kabisa. Na mambo ya marriage to be referred to elders in the community. Isipelekwe mambo ya Bunge, kwa hivyo hayo ndiyo maoni yangu.

Com. Dr. Swazuri: Asante sana Bwana Kosgei, enda pale, enda upande huu, nimesema ukimaliza uende upande huu utoe majina yako hapo. Asante sana. William Yegon. William Yegon. Kama hayuko, tutaenda, William Yegon ni wewe? Hayuko, Thomas Soi. Five minutes please. Start with your name.

Thomas Soi: Thank you very much. My name is Thomas Soi. My views are as follows. I will be very fast. Thank you Commissioners.

As far as directive of principles of state is concerned, we give the power to the people.' As far as Constitutional supremacy is concerned, the Constitutional supremacy, this is the Constitution shall be (inaudible) to kenyan, that is saying nobody can tamper with the Constitution whatsoever after we have adapted it. It is only the people who can make any necessary change.

As far as citizenship is concerned, any son and daughter born to a Kenyan shall automatically acquire that status. We shall also give out, recommend that a comprehensive birth certificate should be put in place to replace the national identity card. So this comprehensive certificate should work everywhere.

The other point is that as far as defense and national security is concerned, security services commission should be formed to oversee all security matters in the country and employ the armed forces personnel. Martial courts in that case should be done away with, because all this will fall under Judiciary.

As far as political parties are concerned, we are recommending that three political parties to be allowed, not more than that. Then, finance, the same three political parties from the consolidated fund.

Then, as far as the structure and system of governance is concerned, we shall retain the Presidential system, and that the President however will not be a Member of Parliament, neither is his cabinet. We want to go for the,

Com. Dr. Swazuri: Kuna wengine wanaongea sana. Tafadhalini.

Thank you. I was for the structure and system of government, we shall retain the Presidential system. However, the President and the cabinet shall not be Members of Parliament. We also propose that provincial administration, should be abolished. The chief and assistant chiefs to be moved to Judiciary to assist them at the grassroots level.

As far as the Legislature is concerned, we are proposing that Parliament be given powers to vet all Executive appointments to be distinct from that of the Executive. That constituency offices, be established for MPs. We also propose that people to recall their MPs if the MP fails to attend constituency office at the stipulated period that we have set. That the salary for the MP shall be proposed by the Parliamentary service commission, and put the same to the public for a referendum. We also propose that the fights and insults from MPs to attract penalty. That Parliament shall be charged the responsibility of establishing cabinet posts.

As far as the Executive is concerned, we are proposing that the age limit of the President be set that is, forty five to seventy five years, not beyond that. That the Presidential tenure should be reduced to two terms of four years each. Then the cabinet to go by the title of secretaries. The President to be impeached. That a vote of no confidence can be passed on the President.

The other proposal we are making is that as far as the Judiciary is concerned, constitutional courts should be established and that judicial service commission should also be established to oversee all judicial services.

Com. Dr. Swazuri: One minute more please.

Thomas Soi: As far as local Government is concerned, we are proposing that the mayors and the chairpersons to be elected directly by the people, and that the mayors and the chairperson shall serve for five years. The local Government unit to be autonomous not under the ministry of the local Government any more. For the councillors they ought to acquire the education level of form 4 and above attaining a mean grade of C. Local authority service commission should be formed for this purpose. The chief officers to have higher qualification and that nominated councillors should be done away with. County council should also be done away with so that we shall be having the municipalities and the cities.

As far as the electoral system is concerned, representative electoral system should be retained. Re-run of elections where a candidate does not attain 51% of the votes, registered votes
(?) should actually be done.

Com. Dr. Swazuri: Last point please we will go and read that paper please. Your time is up.

Thomas Soi: Thank you.

Com. Dr. Swazuri: Thank you very much. Can you go and register there and leave it with us. Now we need Bwana Wilson Ketel.

Wilson Ketel (Blind): Okay my name is Wilson Ketel, Chairman Kenya union for the blind, Bomet. *Angalalel en Kipsigis si kewalaon.*

Translator: I will speak in the Kipsigis dialect and then it be translated for me.

Wilson Ketel: *Echek bik che masoito kesome en ng'alek ab somanet anan bik tugul che yach borwek ko somosa puch komatkelibanji.*

Translator: We the blind request that all physically disabled people may be accorded free education at all levels.

Wilson Ketel: *Ne ba oeng' ke some kora en somanet bik che kimuti koba university ko bik ab C buch ak koba barak.*

Translator: We also request that disabled people should qualify university entrance on attaining only a C grade.

Wilson Ketel: *Ng'alek ab kerichek kinya puch bik che maimuche ke che yach borwek tugul en olda tugul.*

Translator: We also request that all physically disabled people who do not have the financial capability may be given free medication.

Wilson Ketel: *Kimache kora Serikali koger kora en ng'alek ab NHIF koger kole kalibanji 100% disables en yon kaba sipitali.*

Translator: We are also requesting the Government to accord physically disabled people full payment of NHIF dues.

Wilson Ketel: *Ak kemche kora kochapchi toilet che chechwak icheken che machete chi age kerge ng'o kakikere kenyit koba bichoton ichegen si ma murekitun icheket.*

Translator: And in the area of public amenities, we request that physically disabled people should be given their own toilets in all public places which shall be, where by other people shall be forbidden to enter.

Wilson Ketel: *Ng'alek ab kasit kemache kora kesir bik che kikotar sukul kinde college ak kesir igo tugul che kikosir che nameke ak kasisiek che kisiren.*

Translator: We are also requesting that all educated disabled people should be given priority in job allocations and all those who have done specific courses should be employed in those respective areas.

Wilson Ketel: *Kisome kora en institutions che chwak koik icheket en bik $\frac{3}{4}$ che kakisir ko disables che inetisye en elekinetisien.*

Translator: We are also asking that in institutions meant for disabled people, 3/4s of the staff working whether as teachers or tutors and other staff shall be physically disabled people.

Wilson Ketel: *Kisome kora Serikali, amun kongeten ingenam uhuru, komami bik che yach borwek che kikigoi imbaret komeny ogo tindo lagok ichek oko tindo lagok akichek oko imuche akichek kobaisiechike.*

Translator: We are also requesting the Government to give, allocate some land to disabled people because they also have families, and since independence no land has been set aside specifically for their needs.

Wilson Ketel: *Ak ke chapchi kora tittle deed kigachi sait noton matketeben tuguk che chang'.*

Translator: And they be given title deeds without being subjected to a lot of bureaucratic red tape.

Wilson Ketel: *Kisome kora Serikali kotaretech en ng'alek ab MPs kechomwech akechek bik che yach borwek ketaretech kenominaten MPs ak counrillaek koyab divisionit ake tugul.*

Translator: And in the electoral process we ask that we be given places among the nominated Members of Parliament and also councillors. Thank you. That is all I have.

Com. Dr. Swazuri: Pia tunataka kumwambia kwamba kama mtu anaweza kuongea Kingereza au Kiswahili itatusaidia sana ku-save time kwa sababu inachukua time ku-translate. Kwa hivyo mtu kama anaweza kuongea, aongee Kiswahili au Kingereza. Wale ambao hawawezi kabisa, tutawaruhusu kuongea lugha ya mama kwa sababu mapendekezo muna-address kwa Commissioners hapa, hamu-address kwa public baraza. Sio kwamba watu waliokuja hapa ndio wafaidike na hayo maneno. Tunataka haya maneno tuyachukue sisi tukayatengeneze na ya Wakenya wengine ndio yawafae nyinyi. So it doesn't pay kwamba watu lazima waelewe muliosema kama tunaweza kuelewa sisi it is okay. Steven Koech. Steven Koech, hayuko. Walter Rono. Mary Ng'eno. Mary ng'eno? David Chepkwony Karibu sana Bwana David.

David Chepkwony (Disabled): Jina langu ni David Chepkwony. Mimi ni chairman wa physically handicapped (?). Ninasema maneno machache hapa kuhusu prison.

Ningetaka prison iwe separate ya walemavu kwa vile akiwekwa ndani mtu mlemavu, anaweza kuteseka kwa vile prison inakaa. Prison imekaa kwa vile hata sisi walemavu tunaweza vunja sheria, lakini tunaweza wekwa ndani lakini mahali tunaenda sio mzuri. Ni prison imekuwa mahali sio mzuri sana iwekwe ya walemavu kando na ya wengine kando.

Pahali pengine tena ni national fund for the disabled of Kenya. Ningependekeza ya kwamba hii fund for the disabled of Kenya iwekwe kwa sheria ama Constitution hii, ili wakati mwaka huu tunatengeneza Katiba iwe kwa Constitution kwa vile hii ni mawazo ya tuseme President of state aliunda peke yake, aseme aliunda kwa mafikira zake. halafu akasema inaweza saidia walemavu lakini hatujui huenda ikawa akitoka kwa kiti anaweza toka na hii national fund for the disabled. Iwekwe national na iwekwe iwe ya Serikali.

Inayofuata ni mashamba. Ipatiwe watu disabled. Wakati ikipewa squatters iangalie mambo ya walemavu tena.

Upande mwingine tena wakati tunajenga ujenzi, iangalie vile inajengwa, na ihakikishwe iko engineer anaangalia upande wa ujenzi kwa vile watu wanaweza jenga Ngorofa na hawezi kufikiria mtu mwenye hajiwezi.

inayofuata tena ni local Government. Wakati ina-nominate, inominate disabled kwa vile wa kufana siasa ama pengine kutokuwa na nguvu ya kutembea. You nominate either one disabled kwa kila county council ama town council ama municipality.

Nafikiria kwa upande wa magari ama stage kwa big town, iwekwe stage ya disabled pande moja naitengenezewe fare iwekwe chini ama wakati nalipa pesa ya magari isiwe karibu na wengine kwa maana tukiweka inaweza ghali na isi-charge wheelchair ama kitu anachotumia kutembea. Hiyo tu nilikuwa nayo.

Com. Dr. Swazuri: Asante sana Bwana David nenda pale ujiandikishe. Dennis Pusienei.

Concillor Dennis Pusienei: My names are Councillor Dennis Pusienei of Kaplong ward. I'm presenting views on behalf of Kaplong ward residents.

On basic rights the residents proposed that free education for all at all levels.

On trade unions, the members proposed that trade union movement should be abolished. Yes and employment to be on contract basis.

As a basic right, corporal punishment to be reinstated in schools as a basic.

The rights of vulnerable groups. The Government to consider the same in designing buildings, roads and transport system.

On land the members proposed that all land belongs to state. Land to be sub-divided in to two. One, on agriculture, wildlife conservation, forests, re-afforestation and mining. And the other one on industrial activities, residential and commercial. That also the citizens should reside in municipalities and cities. All land (?) to be used purposely for agriculture, wildlife conservation and re-afforestation and mining. Kenyans to specialize in their occupation. Agricultural land to be used maximumly.

On cultural and ethnic diversity, the members proposed that hybrid culture to be encouraged. That Kiswahili and English to be made national and official languages.

On management and natural resources, the members proposed that natural resource commission be formed. The country's resources to be shared between federal Government, and local authorities. Audit team and financial controller to be introduced in place of Controller and Auditor General. The Kenya Revenue Authority be given autonomy. Public officers be required to

declare their wealth.

On environmental and natural resources, the members proposed that water bodies, forests,

(?) and minerals and wildlife be given higher protection. State or natural resources. local authorities to manage and protect.

On participatory governance, the members propose that NGOs and civil societies to assist in financing and implementation of the Constitution. A state to regulate conduct of civil societies, that is NGOs.

On international relations, the members propose that the Parliament to play a regulatory role on international relations. International treaties and concessions to be subjected to a Parliamentary discussion.

On Constitution, constitutional commission, institution and offices. Office of ombudsman, auditing and financial controller were created. Four extra commission services were formed, three constitutional institutions to stand on their own.

Ministry of justice or constitutional affairs created. On succession and transfer of power, that is the last, speaker of national assembly to assume Presidential powers on acting capacity where a vote of no confidence is passed on the President. Presidential results to be announced within 72 hours of the polls. Swearing of the President elect to be on 90th day after being declared a winner. Official handing over to be presided by ombudsman, eeh, by chief justice and witnessed by ombudsman. The President who is sacked to lose security, welfare and immunity from legal process.

Com. Dr. Swazuri: Okay, thank you very much. You can leave that with us. Thank you we will take that please. thank you. Another councillor, Kipsaina Korir. Councillor Kipsaina Korir. Ameondoka, haya. Tutamsikiliza Cheriro Francis. Dakika tano kwa sababu naona uko na memo.

Cheriro Francis: My name is Cheriro Francis, CJPC chairman, Sotik. So our decisions are as follows.

In the Government, there should be a declaration of emergency to be consolidated in Parliament. Constitutional treaties with other countries.

Also citizenship in our country is not fully defined. There should also be a revoke to be applied to one proving to be a threat to the country and the welfare as a whole. In the Constitution, we also deter the Government from selling citizenship to foreigners.

There should also be, there seems to be more powers to the local Government, thereby we should empower people to elect or choose chiefs, sub-chiefs, and so on. Powers to be revoked. We should give decision making in courts. And finances to be

based on local county councils. There should be civic education as a continuous exercise in the country. There should be development of partners and treaties to have peoples' mandate.

Leaders should be able to talk in national languages, that's to say, English and Swahili in Parliament.

Nomination of MPs should serve the interest of the local community. Public finance should be used for public use only and even Government property like vehicles to be governed properly. Unlike the other organs, the Judiciary and the legislative council organs have less power than the Executive. Thus the duties should be shared equally and fairly. Police torture to be reduced or even abolished.

Prison and police cells to be under the supervision of security personnel.

Civic polls to be counted there at the polling station. Empower people to elect or choose chiefs, sub-chiefs,

Com. Dr. Swazuri: Ya mwisho, one more minute.

Give more strength on marginalised children and women a constitutional office in Parliament. MPs salaries to be determined properly.

Customary marriages should be certified by chiefs.

Consolidated funds should be centralised.

Chiefs should be transferred like any other civil servant.

Trustland should benefit the local community.

Forests should be preserved. That's all.

Com. Dr. Swazuri: Thank you very much. Nenda pale, go and write your details there. Stephen Towet.

Stephen Towet: My name is Stephen Towet. (?) ni ya kwamba kuanzia sasa Kenya ipatiwe kiwango kiasi chake kutoka upande wa (?) kutoka from the areas shoreline, Uganda and Tanzania and other areas.

Ya pili, proposal yangu ni ya kwamba, Kenya iwe na majimboism, federal Government. Kwa sababu iwe kama nchi zingine ambazo zinaongozwa na majimbo.

Ya tatu ni kwamba, culture yetu iingie kwa Constitution mpya kama ile cultural marriage ya kinyumbani, iwekwe sheria kwa sababu ile mila yetu kwa hii sheria ambayo ilikuwako, ilikuwa haina hiyo kwa sheria ya Kenya. Sasa hiyo namaanisha iingizwe kwa sheria mpya. Constitution mpya.

Ya pili ni ya kwamba nation

(?) kama assistant chiefs wachaguliwe na wananchi ili wasitumie sheria

(?) yao.

Jambo lingine ni ya kwamba, kuanzia ule uchaguzi wa Parliament, uwe na to clear na wananchi wenyewe kama unaongeza pesa. Usiongeze pesa kama wabunge wenyewe ili wananchi wapatiwe ruhusa ya kuona ya kwamba wataweza ongezea pesa wabunge.

Upande wa local Government, tunahimizwa ya kwamba local Government ipatiwe uwezo zaidi kuliko wabunge, kwa sababu local Government ndio wako karibu na wananchi na hawa ndio wengi zaidi kuliko wabunge.

Jambo lingine ni ya kuhusu ardhi yetu. Ardhi yetu ujue ya kwamba ardhi ya clan fulani, ilikuwa inanzia wapi kwa sababu kama wakati wa sasa tunateswa na Wakenya wenzetu. Ujue kila mtu Mwanakenya apate title mahali alipo. Kama sasa sisi kutoka Sotik tuna jamii wengine wanaishi kama Transmara wananyimwa title. Na pia tuko na wajamii wengine

(?) wanaishi upande wetu ambao wanapata title. Sasa tunaomba kwa hii sheria, mpya mahali unaishi kama Mwanakenya, upate title mahali unaishi kwa sababu,

Jambo lingine kama ya kuoa, sasa ni ya kwamba, tunaona ya kwamba kuna sheria ambayo tunataka kuingiza, utamaduni wetu kama wa ezeeni, wazee wagawe, wajue watoto wote ni sawa. Wakiwa wa kiume au wa kike. Kwa haya machache, nafikisha hapo.

Com. Dr. Swazuri: Josiah Mutai. Hayuko. Mr Joel Sang.

Joel sang: My name is Mr. Joel Sang. Somebody is coming with my written memorandum, but I have a few highlights within a short time.

First and foremost the purpose of the present Constitution making. One, there should be a preamble in the new Constitution that should state the suffering of the Kenyan people during the 70 or so years under alien rule. It should also state our desire for justice, peace, and prosperity for ourselves and for our children.

Two in the directive principles of state policy which I think should be included in our new Constitution, it should be clearly stated that in Kenya, the people are sovereign, individually, and collectively. We are not the British where Parliament is sovereign. Here the people should be sovereign. There should not be any Government in Kenya that comes into existence without the consent of the people in the directive principles. Government should be by consent of the people of Kenya. Also in the directive principles, the Government should be made to know, that human rights are God given. Even the Bible says God

created man in his own image. Human rights are God given, no Government shall ever take them away but only that the Government should be the guardian of those rights.

Regarding the structure of Government, Kenya should have a federal system of Government. Kenyans have been misled to thinking that federalism is a bad system because tribalism originally was introduced. Yet today when we look at the global level, only those Governments that are federal, are the wealthiest, the most powerful whereby diversity exist side by side with modernity of grouping yourselves according to your higher interests. So I feel federalism best takes care of our diversity, and also harnesses (?) genius that can not be known to lack of western education. Wherever you are, fight for the interests of that place even if you are the only one from your ethnic community in that particular region.

And then on the system of Government, we need a Parliamentary system of Government with a ceremonial President, who shall only be the head of state and commander in chief of the armed forces. By saying the commander in chief, I don't mean the President shall have effective command of the armed forces, but rather the Prime Minister shall do all in the name of the President. The President should not belong to any political party, should have attained the age of forty years because we may have a young Prime Minister who may be 24 years or 25 years. The President should have attained at least 40 years of age. And the President shall not come from the same region or the same ethnic community as the Prime Minister at any given time.

Regarding land and property rights. First of all before I say what I think should be done in this area, when we became independent, the leaders who went to Lancaster were hoodwinked by the British to think that they had become independent yet the basic complaint of the freedom struggle that was alienation of native African land was never addressed in full. First, white highlands went only to the well connected and the powerful. Now, crown lands which was given to the commissioner of lands and is now causing a lot of improper allotment of public land should be returned back to local communities, because in communal life culture leads and there is justice.

On the part of culture, african culture should be promoted and protected by the Constitution. The various diverse cultures , African cultures of this country should be promoted and protected by the Constitution so that Kenyans may feel proud of their heritage and their personality, other than talking of our African heritage and yet we hate it outwardly in all our manifestations.

Com. Dr. Swazuri: One minute more.

Another thing. There should be promotion and protection of native African languages in this country, however, Kiswahili shall be the national language of the country, and the unifying language of our people. English may also be used in official functions though not as widely as Kiswahili.

Finally, the public service commission should be decentralised, up to the divisional level in order to make sure that employment

is evenly and fairly distributed. Recruitment of armed forces whereby names are brought downwards as we (??) to Kenyans where you find one tribe dominating the army. We are distinct, we take our children to the district headquarters we come back empty handed. Unless these changes are made, I tell you our independence will be meaningless and this country will explode. Thank you very much.

(inaudible)

Fortunately I once served in the armed forces those days. I was recruited in a fair manner. I never paid a cent, but today we receive names, names coming from Nairobi. We don't know where they come from. A few may come from here but with connections, poor academic qualifications, infact I never said anything about academic qualifications. They should have a competitive exam so that the best (??) may serve this country. Kindly write that one. Last civil service,

Com. Dr. Swazuri: Now I think somehow someone has to sought out this recruitment, because we have been to Baringo district the complaint was the same that people who came, names came from Nairobi, we were in Pokot, the same was given, we were in Kisii, they also complained that names came from another place, we were in North Eastern, people say that names came from another, now, who are these who are being recruited? Because every tribe says their people are not being recruited, but somehow people were recruited.

Joel Sang: In our investigations which may not be official, we have discovered that the big people with connections in Nairobi, irrespective of where they come from, will submit a list of names, this list will come, you are subjected to meaningless exercises but in the end you find a short list that is disregarded and then some strange names, inserted. You know I'm talking with a lot of bitterness because I hold post graduate qualifications and I have never been employed. And I say, decentralise the public service

Com. Dr. Swazuri: Thank you very much, okay (??) (??) Rotich, five minutes please. If you have a memo don't read word to word I repeat that eeh, Just highlight the main recommendations.

Alvin Rotich: My names are Alvin Paul Rotich. I represent CRECO or constitutional and reform education consortium and RPP, and I'm a civic education facilitator. My views are the views that I have been able to collect from the people I have been with in the division.

The Preamble should carry the following vision; justice for all, socially, economically and politically liberty of thought, expression, relieve, faith and worship equality of law, status and opportunity. Fraternity assuaring the dignity of the person. Common experiences. It should also carry the common experiences and should reflect the relentless struggle (??) from colonial times through to the present. Fight against colonialism, against poverty, illiteracy and political manipulation.

Com. Dr. Swazuri: I think for the Preamble that's enough please we will read the details of the Preamble can you go to another.

Alvin Rotich: Directive principles should carry the following; equitable distribution of wealth, adequate means of livelihood for all, promotion of Jua Kali Industries, provision of cheap farm inputs, affordable taxation, the right to work and education, health, public assistance in case of unemployment. Complete separation of powers between the three arms of the Government. Non interference with individual freedom by the State and this principle should be enforcesable as far as possible.

Constitutional supremacy: amending the Constitution should be as rigid as possible and should be subject to referendum.

Citizenship: automatic citizenship should be given to children of Kenyan citizens. Citizens should be accorded equal treatment irrespective of the way citizenship is acquired. Documentation. Birth certificates or passports should identify one as a Kenya citizen.

Defence should be established by the Constitution.

On discipline, particular service regulation should be used to discipline members of the armed forces, and not as it is currently for minor offences. For military, serious cases in this time should be tried in civil courts as opposed to the current system where the members of the military are tried in court martial, and they don't have free courts to appeal in civil courts which is very unfair. Another alternative should be, to allow for appeal. The cabinet and national security council can ultimately invoke emergency powers.

Political Parties: the Constitution should limit the minimum membership a party should have for registration, to check the mushrooming of political parties some even don't have, can not exceed ten people.

Com. Dr. Swazuri: How many do you need minimum?

Alvin Rotich: I recommend that a party should have a minimum membership (?) we don't want to limit.

On Legislature, appointments to high office be subject to vetting by Parliament.

Let me go to land issue. On lands, there should be no situation where a Kenyan citizen is landless. The Government should tax any land, individual land that is beyond a hundred acres that is lying idle, to force people to sell that land so that landless people can acquire. The Government should acquire idle land and settle people so that the people can pay at the rate they can afford because currently we have so many landless people.

Com. Dr. Swazuri: Thank you very much, can we have it registered there so that we read it please Mr. Alvin. Alice

Chepkorir.

Alice Chepkirui: *kainenyun kekurenon Alice Chepkirui. Kisome Serikali ko tarete chepyosok akichek kosomaso.*

Translator: My name is Alice Chepkirui. We request the Government to put in the new Constitution the right of the girl child to an education.

Alice Chepkirui: *Kisome Serikali ko taretech akechek chepyosok, ng'echerok en MBunge.*

Translator: We also ask the Government to ensure that women also get a way of entering Parliament.

Alice Chepkirui: *Kisome Serikali kotarerech universities kochang'a en oli eb gaa. Kisome Serikali kotaretwech tibik akichek kosomaso.*

Translator: We ask the Government to widen university education by introducing them even in the rural areas. I think it is a repetition of the education of the girl child.

Alice Chepkirui: *Kisome Serikali kotonosiwech yatitaet ab lagok amun noton ne kikokonech kowa let Serikali akoba tibik che kiyatito.*

Translator: We ask the Government to outlaw female genital mutilation.

Alice Chepkirui. *Miten sipitalisiek cheiseng'eng'atin puch che mami kerichek kesome Serikali kotaretech kokonech kerichek amun chang' che mi puch amami kerichek. Kiseretosi sipitali.*

Translator: The Government should ensure that all hospitals are fully stocked with drugs.

Com. Dr. Swazuri: Augustine Rono.

Augustine Rono: Mr Commissioner sir, I am Mr Augustine Rono. I represent Kibaji sub-location, and these are their issues:

I'll start from globalisation. Globalisation starts off as a dominant trend defining the international context of Kenya's development. The increasing globalisation factor and (?) markets has more than before enabled (?) to locate in countries and regions on the basis of comparative advantages while globalisation offers long term opportunities. Many countries risk the risk of being marginalised. Because their position structures are not well poised to take advantage of the outpouring opportunities. This structural weakness include lack of export diversification (?) external competitiveness, inadequate foreign investment. To gain from globalisation Kenya will need to enhance its competitiveness by sustaining and deepening its reforms and by building its human and physical (?) And above all the Constitution should assess full responsibility of promoting societal harmony and good governance in societies. Progress in these areas to strengthen the emerging international interest in resources and markets and contribute credit conducive environment creating conducive

sustained trade.

Com. Dr. Swazuri: Can you give us the (inaudible)

Augustine Rono: These are the issues that the commission should address. Sustaining that is one word. Societal harmony. Good governance that is two.

Com. Dr. Swazuri: Another one.

Augustine Rono: Then rates that is three.

International, environment and natural resources. Rather than (?) Systems and major problems that we have faced as Kenyans, the constance of efficient natural resources management and to bring about meaningful improvement to the welfare of people the conservation should, that is the Constitution should empower the local community to own and gain a percentage of the revenue from the resources within their areas. Promoting energy and water conservations and controlling population growth also contribute to environmental protection.

The Executive should not be corrupt, no criminal records. Declare wealth, that is one faced with accusations should not be elected as an MP. President to relinquish the post on attainment of seventy years of age. Should not be a dual citizen, must be a graduate of any discipline. Tenure two terms five years each. Functions; No appointment and dismissal by the Executive. This should be done by the commision appointed by Parliament who in turn submit the appointments and dismissal to Parliament for vetting and approval.

Non partisan provincial administration on political matters. Provincial administration should be policy implementation only. President to be impeached by Parliament. President should be ceremonial to Parliament.

Local Governments: mayors, council chairmen to be elected directly by the electorate not necessarily a council, not corrupt, no criminal records, declare wealth should not be an elected councillor. Must be a form four level of education C and above. Tenure one term of five years. Councilors can be the mayors, concil chairmen on misconduct and forwarded to
(?) .

Com. Dr. Swazuri: Last point please.

People from the local council to forwad their proposal to the ministry of finance and planning. Criteria for councilors is the same as the council chairmen and the Mayors.

Com. Dr. Swazuri: Thank you very much. Can we have it registered there. Just stand there and write your details. Asante

sana. Tutamsikiliza councilor Samuel Korir. Councillor Samuel Korir is not here so we will listen to David Rotich youth leader, David Rotich is not there so we go to Paul Kiget.

Paul Kiget: *Kainenyun ko Paul Kiget. Abunu Sotik.*

Translator: My name is Paul Kiget from Sotik.

Paul Kiget: *Kit na mache amwa ko marriage neba kap DC akere ale kikoit corruption kora.*

Translator: I would like to state that even marriages solemnised by the District commissioners have some corrupt practices creeping in.

Paul Kiget: *Amun mi makoraek che muche kobaige ak lakwet ak konyr certificate komanyor baorinik che yame.*

Translator: Sometimes people take a girl for a wife get a marriage certificate but not the required number of witnesses.

Paul Kiget: *Amun ingunon kotagu kogere makorayat lakwet netinye kasit komach kotun amun kamach mali choton ako magaito malik.*

Translator: This has been used by these people on working women in order to get their money, without paying dowry or bearing any responsibility for these women.

Paul Kiget: *Kokit ne kimache ko kaigai konyo chito ak koyai marriage ko kawitnessen kirwaginde, kosir baruet ak kobakobarta kole itunige iman bichon ak kogaito malik kenai kele kokotunge iman. Ak kokaito malik.*

Translator: Marriages should be solemnised, in the presence of a Government official preferably a Chief and the parents of those who are solemnizing the marriage. And they should pay dowry in cases where it is applicable.

Paul Kiget: *kit na some kora ko kisome Serikalini ke some ng'alek kou kap education komanyalu kochangen system abakora amun konu hasara en bk che matinye rabinik koalen kitabusiek yon kagichangen.*

Translator: Constant changing of the education curriculum should be discouraged by the new Constitution as it places extra burdens on those who buy books for their children.

Paul Kiget: *Kesome Serikali koger yoton mat kochakyi education Ko changeni all the time.*

Translator: He sympathise that the Government should ensure that there is no constant successive or subsequent changes in the system.

Paul Kiget: *kit ne kisome kora kegere Nairobi kokigitech tribes karibu 42 ko ingebwa kele bwane taek Nairobi konyokewunyawunyi en Nairobi korun kekase en gazatisiek kele komi taek che kotobie kole kaigai komanda koit conner neba Kenya asiko bit konai bik che mang'en kole kait taechoton konyalu kogere Serikali koyon kait taek*

konyalu kogere Serikali ko yon kait taek konyalu kele kagitach taek en yekile. Ngot ko ma mi oleruitos kowekse Nairobi. Lakini nyalu koba. Kebeberwek tugul en Kenya. Makenyo ke tach Nairobi kityo kele ba Nairobi.

Translator: International guests coming to Kenya should not be restricted to Nairobi alone as Nairobi has been built by all Kenyan communities, and we would like to enjoy some of the economic benefits of getting the visitors. The Government should receive visitors not necessarily in Nairobi alone but all over the country.

Paul Kiget: *Kit ingo kora asame ale Serikalini kimache ingunon kemache Majimbo.*

Translator: We should have a federal system of the Government.

Paul Kiget: *Siamwa kounon ii, konyalu keger kele mache kobet bananda en bik che lelen matinye imbarenik ako mi bik che tinye ekarisiek millions of acres.*

Translator: This is one way of banishing poverty and making sure that you can know who has land and who doesn't have, and how can we get land for such people without land.

Paul Kiget: *Kimache chit one tinye acrerisiek elfu moja koal Serikalie acrerisiek mia tisa asi kobit kong'etyi bogolu kepiechi kibananok igo.*

Translator: Those with large tracts of land say, a thousand acres should forfeit 900 acres and an individual may own only upto a hundred acres, so that the poor may be resettled in the rest of the land.

Paul Kiget: *Neba 2000acres konyalu kong'tyi 200 .*

Translator: The Government should buy the land from the owners. Those with two thousand acres should remain with two hundred. In other words he's suggesting that one tenth should remain with the owner, the rest should be bought by the Government.

Paul Kiget: *Nyalu en baisiosiek che kigere kesire bik ii, kokoit kit ne kemache kanyitenet kityo kesir matakebaisien kit ne kilelen qualification ne kinyor chito.*

Translator: In job placement nepotism should be forbidden and personal qualifications should matter.

Paul Kiget: *Nyalu koger Serikali yoton kora ak kikachi bik kesir kogerkeit. Okot tribe nemi ngweny konyalu kesir kora.*

Translator: All communities should be given access to jobs.

Paul Kiget: *Kongoi mising*

Translator: Thank you very much.

Com. Dr. Swazuri: Mike Korir, Mike Korir. Josef Tanui, Ann Chebet.

Ann Kibet: My names are Ann Chebet, I am a civic education facilitator. Our views are these;

The Constitution should have a Preamble, such that we should feel that we own it like the first statement should be, “we People of Kenya”.

The Constitution should protect the rights of citizens, and the Government and should not be biased as in it should not overlay so much to one side. We as citizens we feel that we should also be contacted when the Constitution is being reviewed if changed or amended.

The judicial process should be just and fair and should not accept bribery so that they maintain the principle of justice. Mob justice should not be allowed because it deprives people the rights to live.

The bill of rights should strengthen peoples property such that in case of tribal clashes like previous years people should be allowed to revive their property which they lost during clashes. The basic education should be provided freely by the Government such that everybody will be able to read and write all through. There should be of association and and freedom of speech and not to marginalise people who are opposing especially the Government. The death sentence should be abolished because it deprives people the right to live. The police cell Standard should be improved because normally it is very pathetic.

The Constitution book should be simplified to language which can be understood by many people and also should be accessible to people so that they can have it and read it whenever they want it.

The Government should not legalise abortion, because it's now a bussiness which is illegal.

The law should protect girls and women against FGM, because we realise there are so many side effects on it and there is no law which protects FGM issue. There should be one third representation of women in Parliament. Women should also be allowed to own property. And not to be marginalised. Also domestic violence should be protected by the law such that whenever there's any case which is reported the law should have a say on it. Girls also should be allowed to inherit property from their parents. That's all I had.

Com. Dr. Swazuri: Leave us with that paper. David Yegon, David Yegon, hayuko. Mike Bosire, Mike Bosire. Jerald Senkon, Jerald Senkong, Wesley Rono, Susan Ruto.

Susan Ruto: My name is Susan Ruto from the University of Nairobi and I have come to represent the Kenya Women Political caucus. So these are the points that am going to present;

Okey in the first one from the Preamble. So from the common experience we should acknowledge our oppressive colonial history and the common struggle by men and women for independence that should inspire in a National vision, that encompasses a sense of common unity and future tolerance for diversity, patriotism, nationalism where country is put above self, inclusiveness, justice as our shield and defender, peace, liberty, equality for all regardless of race ethnicity gender class or

political, affiliation.

Respect of human rights. And in the directive of principle of state policy. So we recommend the following democratic principles; Democratic principle that should be included in the Constitution include the following;

Supremacy of the will of the people. Power resides with the citizens, and the state gets its authority from the people through delegated power. Power and authority of Government is best when the Constitution, which is the supreme law of the land flowing from this a system of devolution of power, where citizens participate in the governance at all levels. The people express their will, through regular free and fair elections of leaders at national and local levels.

The Constitution cannot be overdrawn or suspended save through a national referendum. All people should be involved in governance through continuous and or sustained civic education which should be the primary responsibility of the Government.

The provision of the Constitution should be popularised using local languages. The Government should adhere to the rights of the citizens, where the citizens should conform to the duties as entrenched in the Constitution. Respect for the rule of law: the principle of the best interest of the child should be incorporated.

Openness, accountability and accessibility of Government. Values; values should be included in the Constitution and these should include; human dignity and quality, respect for human rights, respect of the rule of law, equity and equality including positive discrimination. That is affirmative action to achieve equality. Non discrimination inclusiveness, participatory governance, respect of diversity, accountability, placing country above self.

Constitutional supremacy; It over the provision on the following areas should not be amended save by national referendum: the bill of rights, Presidential term, systems of governance, transition of Government, political system, principles, citizenship, manner of electing and removing the President.

Then citizenship: women have faced discrimination in respect of citizenship provision in Constitution and in the particular section 90 and 91 that currently renders women second class citizens, as they do not have the ability to confer citizenship to children born abroad of non Kenyan father or to confer citizenship to their spouses.

The Kenyan women political caucus recommends that, automatic citizenship be accorded to any child born within or without Kenya so long as one of the parents is a Kenyan. Dual Citizenship should be allowed in recognition of the increasing number of children of mixed heritage. Kenyan women and men should be able to confer citizenships to foreigner spouse. Passports should be issued as rights.

Com. Dr. Swazuri: One minute more.

Susan Ruto: Okay, in the (?) The recommendation by women are;

Rights, section 82, 4b should be amended as it perpetuates discrimination against women and further promotes practise of harmful cultural practises. The principle of the affirmative action should be constitutionally entrenched it is suggested that, in particular women should have a minimum of thirty percent of seats reserved in Parliament through a system that is similar to the one that obtains in Uganda.

The freedom of association should be concluded and regarded to include the freedom of choice in marriage.

Com. Dr. Swazuri: Okay madam your time is up, we will read that memorandum, the rest of it. Thank you very much. Philip Ngetich, Philip Ngetich, Hayuko. Wilson Lagat.

Wilson Lagat: Okay asante sana jina langu ni Wilson Lagat kutoka Rongena. Mimi napendekeza ya kwamba, village elder, apewe mshahara kwa sababu hiyo kazi ni ngumu (Kiptayaka kokwet)

(interjections inaudible)

Apewe mshahara ya kuonekana badala ya kutumia (?) Kwa sababu hapana mshahara anapewa na yeye anafanya kazi ngumu. (Laughter)

Ya pili, title deeds. Title deeds imekuwa ngumu, ni kali na hakuna statement ya kusema ya kwamba, ya kuonyesha hii pesa inaenda wapi. Kwa sababu ukihiti eka moja ama heka nne, watu wanauliza wewe elfu kumi, na haijulikani hizi pesa inaenda namna gani, you have no statement. Hiyo, ndio mimi napendekeza ya kwamba wapewe mshahara yaani, mtu wa kawaida hawezi kupata hii title, ni ngumu sana hiyo Serikali iangalie.

Ya tatu na ya mwisho, ma-councillors na MPs, wakichaguliwa na mtu yeyote ambaye amepita kama ni MP ama councillor, asikae kwa miaka mitano kwa sababu anaweza chaguliwa mtu ambaye hasikizani na watu. wakati wowote watu wa constituency hiyo wakutane na wachague mwingine badala ya kukaa mpaka miaka mitano. That is right to recall. Na tena ijulikane ni pesa ngapi kwa sababu ninasikia member of Parliament wako na mshahara ya juu sana, na sisi tunataabika. Ni lazima ijulikane ni pesa ngapi hawa wanapewa. Asante sana.

Com. Baraza: Wakijua mtafanyaje?

Wilson Lang'at: Tukijua, tuta-reduce.

Com. Baraza: (?) unataka iwe namna gani?

Wilson Lang'at: Tunataka pesa ijulikane kama mshahara wa watu wengine, kwa sababu sasa elfu mia tatu kwa miezi ni mingi sana. Wapewe kama,

Com. Dr. Swazuri: Mama anauliza saa hii mukishajua kwamba wanapata laki saba mtafanyaje? Kwa mfano tumetangaza mshahara ya wabunge ni laki saba sasa?

Wilson Lang'at: Haya, kile tutafanya eh, tuta.. hakuna haja ya kuchagua mtu sasa kwa sababu mtu huyo,

Com. Baraza: Mtakasirika tu.

Wilson Lang'at: Ee tutakasirika.

Com. Dr. Swazuri: Halafu baada ya kukasirika, hatua gani utachukua (**laughter**)

Wilson Lang'at: Yaani mimi vile maoni yangu iwe ni ya wananchi, wananchi wenyewe wataamua ni pesa ngapi, huyu apewe pesa ngapi hayo tu.

Com. Dr. Swazuri: Solomon Manyipe, you have a cassette, sijui hiyo cassette.

Solomon Manyipe: Bwana chairman. Jina langu ni Solomon K. Manyipe. Kusudi tuokoe wakati nafikiri nitasema kwa Kiswahili. Yangu Bwana chairman ni juu ya special elected members to Parliament. Special elected members to Parliament. Hawa walio chaguliwa kumi na wawili ndio jambo ninalotaka kuzungumzia. Vile mnavyojua wakati huu wale hawawezi kuonyesha kazi yao na faida yao kwa mwananchi. Kwa hivyo ningependekeza kwamba badala ya kuwachagua wao kumi na wawili katika Bunge, wao wageuzwe na wapewe kazi nyingine badala ya wao kwenda direct to the Parliament.

Mimi ningependekeza ama mimi nimependekeza kuunduwe kamati ama body nyingine inayoitwa Presidential advisory council, ambayo kwayo wananchi watajua ya kwamba wale kumi na wawili wametumika vizuri kwa manufaaa yao. Kitu ambacho wale watafanya watakuwa kado kabisa na watu wa Bunge. Na vile watakuwa kando kutoka watu Wabunge, wao ndio watakuwa wanyapara, watakuwa wanyapara kuwachunga wale wale wakubwa ambao kwa sasa hawachungiki na hawanyapariki.

Kwa mfano ikiwa minister fulani amefanya jambo fulani hakuna mtu ambaye atakuwa na haki ya kumuonyesha kidole kwa nini umefanya hilo. Ikiwa Permanent secretary ametenda jambo kinyume na vile anavyo takiwa kufanya hakuna mtu aliyena uwezo wa kumwambia why did you do that? So vile tunavyotaka, nataka Constitution itafute a person constitutionally ambaye atakuwa na uwezo kumhoji mkosa wa Bunge. I mean kati ya Wa-Minister na kati ya Wa-permanent secretary kati ya wanajeshi wakubwa ama wale superbrass of the country. Yaani hawa watu ambao sasa watakuwa wakiitwa Presidential

advisory council ndio watakao kuwa nyapara wa maendeleo au wa matendo ya wale wakubwa wakubwa, ambao ukiangalia kwa kweli, ndio chanzo cha corruption. Ukiangalia kwa kweli, wanafanya corruption because there are above the law. So in order to bring them all to the right position ama kusudi kuwa weka katika nafasi yao ilo nzuri tunaka a body which will supervise the activities from that way is what I have covered in this cassette

Com. Dr. Swazuri: Thankyou very much. Uende pale, upeane cassette, na uandike majina yako. Asante sana. Omar Langat, Omar Langat.

Omar Langat: Kwa majina mimi naitwa Omar Langat, nilikuwa na mapendekezo kidogo tu. Mapendekezo yangu ni haya ambayo nitasoma kwa lugha ya Kimombo. Herbs and health, mimi nawakilisha Omar health care services. Many health care profesionals dismissed the idea of natural healing with herbs, and in other countries like Germany and Australia and through out Europe herbs are recognised as medicines. WHO World Health Organisation, notes that 80% people, world wide rely on herbal drugs as a form of therapy. **(interjection inaudible)** Okay. Therefore ample provision should be covered in the new Constitution to regulate the use of herbal medicine like the use of other conventional drugs.

Secondly, Kadhis court. The chief Kadhis court should have court of appeal like other judicial courts in Kenya.

Third, the freedom of press should be preserved. Thankyou.

Com. Dr. Swazuri: Walter Rotich. Walter Rotich is not there so we go Samuel Korir, Samuel Korir, hayuko. David Cheroyot, David Cheruyot.

David Cheruyot: My name is David Cherouyot. I would like the following to be put in the new Constitution.

A Federal form of Government to be constituted. Reasons for the Constitution of federal form of Government that it is clear although it is not catered for in the current Constitution that Kenya is a multi ethnic nation and each ethnic tribe resides in their area of origin or their areas of region. It is also clear that, President, Presidential candidates who takes office (?) to their areas of ethnicity and in most cases other tribes keeps on waiting and if they have their own person to take over. Kenya's system of voting is a game of gambling, and each tribe try to vote in blocks so that they hold that office for their own benefit. The present unitary system of Government, places power to few individuals who are not reachable and who are not accountable to the public. Regional assemblies to be created to provide checks and balances to the central Government which must be a federal Government.

Com. Dr. Swazuri: (inaudible)

David Cheruyot: They are very many but I would like to,..In the form of this new Government just put the following. The

President who shall be the holder of the office shall be highly ceremonial and shall be the head of state. Powers of which he is now holding shall be put to regional assemblies the senator or the governor. Other powers which he is holding shall be put to the office of the Prime Minister who shall be the head of the Government, who shall be the holder of the portfolio to head Parliamentary business.

There shall be two houses according to my recommendation, one house is to accommodate the Government, that is the Senators from the regional assemblies, and then the cabinet ministers, which I also recommend that they shall be nominated. Because we have seen that somebody who does not have any good professional for example the Minister for public works, the President chooses somebody who has taken the career of health to be the minister of public works. What has he to do with the roads if he took medicine? My recommendation is, you nominate an expert who is not a politician to be the minister of roads and whose field he has majored in civil engineering or roads or whatever and he takes that office and it should be the office with a tenure.

I also highlighted that the regional assemblies in which Executive is the governor takes the portfolio manning that state, and then he takes order in that state by manning vital police force and small domestic businesses in that region. I also indicated that, county councils all of them in that state be put under a senator because there are not accountable. You realise that a county council is supposed to be reporting to the minister who is very difficult to manage, because he is supposed to manage all local authorities in Kenya, and he cannot even manage even one. So the best way of doing this thing is to put a local authority under a regional assembly, which shall discuss over the content of certain local council which are doing very poor.

Com. Dr. Swazuri: One minute more.

David Cheruyot: I also suggest that the regional assemblies establish regional funds, so that they can Raise some money to manage regional Government. And then also the same expenditure is being monitored by the federal Government so that none of these factors can be rooted and they shall be submitted to auditor general and general. Thankyou.

Com. Dr. Swazuri: Thankyou very much. Can we have that memo there. Joel Yebei, , Joel Yebei? Hayuko. Samuel Kirui, karibu dakika tano tafadhali

Samuel Kirui: My name is Sammy Kirui. Hapo awali nilikuwa katika CJpC lakini sasa naonega kwa niamba ya watu with disability. So kwa maoni yangu, ni kama ifuatayo. Jambo la kwanza ni ku-create awareness programme ili watu pia wajue ya kwamba watu walio na hitilafu kwa miili zao waweze kufanyiwa huduma kama watu wengine.

La pili ni kuhusu hospitali NHIF to pay for us 100% lakini sio nusu kama vile inavyoendelea sasa.

Jambo la tatu ni pia Serikali kutupa free education kuanzia primary school mpaka university level, sababu ukiona manyumbani zetu sana sana ni watu ambao hawajiwezi. So tungetaka Serikali itilie maanani mambo hayo.

Pia jambo la nne ni kutupa monthly income maintenance hiyo nikusema kwamba hata sisi tupate ya kununua sabuni sababu mzazi anataabika sana tunapouliza uliza ya sabuni hata nguo zingine madogo madogo ambazo hatungesitahili kusema mbele ya watu, kwa hivyo Serikali itupe monthly income maintenance ili tuweze kupata hiyo huduma.

Pia jambo lingine ni kuhusu ndoa: unapata watu wengine kama sisi hatuna mikono yote miwili na tunataka kuo. So kwa vile kuvika pete ni taabu sasa lazima kuna mtu atatusaidia kuolewa yule mama ambaye angekuwa bibi, so kwa kimila ama kwa kikanisa mwenye anavika mwenzake pete anakuanga bibi ya huyo mtu mwenye amefanya hivo, so kwa maoni yangu Serikali ingetabua kusema ya kwamba, kama tunataka kuo ama (?) ama kwa DC chochote ambacho tutaweza kutumia itambulikane na court na Serikali sababu saa zingine hatuna mahali tunawezavika pete.

Jambo lingine ni kuhusu mashamba unapata wengi wetu sisi hatuna kazi na hatuna mashamba pia. Na ukiona katika Serikali yetu watu ambao wanajiweza sana sana wako na mashamba makubwa mno, na ilhali sisi hatuna hata ya kuweka kaburi saa zingine na imekuwa kazi yetu kuomba omba kwa njia ili tuweze kupata msaada.

Jambo lingine ni kuhusu, sign language, hii ifanywe kuwa national language na iweze kufunzwa kwa mashule, ili hata yule ambaye hawezi kuongea kwa verbally tuweze kusoma anasema nini wakati anapotumia sign tujue anasema nini ama hiyo ishara ambayo anafanya ili aweze kuleta communication iwe nzuri.

Jambo lingine tunaomba pia commission itabue itupe katika Parliament yetu itupe Minister ambaye atakuwa incharge ya disabled wote. National fund for the disabled iwekwe chini ya mtu ambaye ni mlemavu sio mtu mkalivu na hiyo imetuletea shina nyingi sababu tumejaribu na hatuoni njia. Kwa hivyo tunataka Minister wetu wakuweza kuwa in-charge na mambo yetu. Kwa watu wa visual impaired person tunataka Serikali iweze kutengeneza notes ambazo zitakuwa detected kwa yule mtu ambaye hana macho ili aweze kutofautisha kusema hii ni shilingi kumi, hii ni shilingi tano, hii ni shilingi kadhaa kwa sababu saa zingine kume kuwa na wizi watu wanadanywa hivyo kwa sababu hawezi kutambua, kwa hivyo tunahitaji hivo vitu kwa maendeleo ya Kenya yetu.

Jambo lingine ni kuhusu employment. Tunataka Serikali ifutiele mbali kodi zote ambazo kwa zile companies ambazo zitakuwa imewaajiri watu disabled tax zisilipe nyingi zaidi ya kiasi.

Jambo lingine ni kuhusu zile machine ambazo zinatumiya tuseme artificial limbs, hands ama tunaita calibres, saa zingine ma-companies ambazo zinaagiza hizo vitu zinakuja zinauzia sisi bei kali ambayo sisi hatuwezi kununua.

Mwisho kabisa ni kuhusu prisons, unapata prisons zetu wakati mtu wetu ameshashikwa labda kwa makosa ya kibinadamu,

tunachanganyiwa na mahabusu wengine, na vile wengine basi wameingia huko kwa sababu mbalimbali tunafinywa kabisa na hiyo condition. Sisi watu ambao ni walemavu hatuwezi kustahimili hiyo prison, kwa hivyo tupewe sehemu yetu maalum ambapo sisi tutakaa kama watu wengine tuingojea hukumu. Asante sana

Com. Dr. Swazuri: Thankyou very much. Toa hiyo na ujiandikishe thank you very much. Joel Makoli.

Joel Makoli: Jina langu ni Joel Makoli. Yangu ni machache. Yangu inahusu vile uchaguzi unafanywa. Mimi yangu ni kusema kama wakati uchaguzi inafanywa uwe wa MPs, uwe wa councillor, ya kwamba wakati wanaofanya wakati wa campaign, wasitumie pesa kuwapa wananchi yaani kubembeleza wananchi ili wawapigie kura. Kwa kufanya hivo tumekuwa sisi wananchi tumechanganyikiwa. Mtu anakuja kwa sababu hana pesa nyingi anamwaga pesa sasa kila mtu anasema mtu ndio huyu tukiwacha mtu ambaye ni mkamilifu. Kwa hivyo ingekuwa vizuri mtu tu aseme maneno yake aongee peke yake sisi tukichunguza ni nani anastahili. Kwa sababu wengine wamekuja akienda Bungeni anaenda kwa sababu ya, anakaa tu. Anaendelea kupata pesa huko, siku ya campaign ana pesa nyingi basi anachaguliwa tena na constituency yake inaendelea kuumia. Kwa ninaonelea ya kwamba wambiwe ya kwamba watumie maneno tu na wakati wale wanao wachunga wale tunaita wale youth wale wanao fanyia campaign, kwa sababu hawa wanaleta funjo na vita kila area hawa wangechungwa tu na security ya Serikali.

Com. Dr. Swazuri: Haya hiyo tumeelwa uko na ingine?

Joel Makoli: Na nimesema upande wa kanisa, nimeonelea ya kwamba kanisa zimekuwa nyingi. Serikali ingetu, wakati inawapa license, kuna uhuru wa kuabudu kweli, lakini zingine zimekuja ambazo zime-confuse watu. Zingine zimekuja hata zinamtumikia shetani na wanapewa license. Hawa, Serikali ichunguze ijue hawa ni aina gani ya kanisa. Hayo ndio yangu.

Com. Dr. Swazuri: Asante sana mzee, enda pale uandike majina yako. Andikisha pale, halafu tutampata Peter Rotich. Peter Rotich. Kama hayuko, Daniel Nge'tich, Daniel Ng'tich na kama hayuko tutaenda John Mosonik.

John Musonik: Asante bwana chairman jina langu ni John Mosonik kutoka Longena location. Yangu ni kusema habari ya village elders. Village elders watolewe katika ofisi of the President wananchi wachague kwa mitaa. Wasiwekwe katika ofisi ya the President, watolewe wananchi wachague ili ukweli upatikane katika nchi. Maanake sisi tunaona sasa hasa mambo ya mashamba ana corruption ananzia huko kwa katika village elders halafu anaenda mpaka assistant chief, mpaka kwa DO, tunaona wizi ananzia huko chini, kwa hivyo village elders itolewe katika ofisi of the President iwekwe wananchi achague hata 5 years.

Na langu lingine tukiwa tunachagua ma-councillors na MPs, iwekwe katika commission ambao inachunguza mishahara katika katika watu wote katika Kenya. Maanake tunaona MPs Kenya analia mambo ya uchumi, na tunaona Ma-MPs wanaenda huku

wanachukua pesa zote wanamaliza katika (?) ya Serikali iwekwe commission ambaye itachunguza pesa katika wafanyi kazi wote kwa jumla katika Serikali ya Kenya.

Ingingine ikiwa kotini asimame katika sheria ya kila moja kuchunga kila mwananchi wa Kenya. So yangu ni hayo. Asante

Com. Dr. Swazuri: Asante sana mzee John nenda pale tafadhali. Mathayo Cheritayo

Mathayo Cheritayo: Jina langu ni Mathayo Cheritayo kutoka Chebilachi location Sotik division.

Mapendekezo yangu ni nchi yetu iwe na amani na ijapokuwa tunachagua President yule ambaye hapendelei chama chochote.

Ya pili tunachagua, tunakuwa na Serikali ya federation Government. Tunataka federal Government. Ya tatu hawa ndio watakuwa wakusimamia federation, kwa hiyo kazi kusimamia kuchunga Prime Minister kwa hiyo kazi yote awe na uwezo ya kusimamia hiyo na President aongoze ile kazi ambayo iko katika kuweka sign kila kitu kutoka nje ama kile kinaingia ndani ya Kenya.

Jambo lingine, kugawa katika mashamba yetu. Katika boundaries kama ile shamba tunayo, limitations, hiyo kazi ya limitations ambayo wamepea watu (?) katika community ya region, katika wilaya ya katika mahali katika jamhuri ya Kenya.

Jambo lingine, ni ya kwamba sasa watoto wale ambao (?) wasichana, wale wamekuwa confused katika makanisani protestants itakuwa nyingi. Watu wanasahau watoto wasichana wanakuwa kutupa huduma zao ya kijamii ya utamaduni yao, ya kinyumbani ya kwamba sasa hawa wakizaa watoto wako taabuni, na wanapatia wazazi taabu kwa sababu wanadanganywa katika makanisa tumesahau hiyo desturi ya zamani, hatuwezi kuenda hivi na kudanganya na watu na watu wa pesa. Sasa kwa hivyo iwe na Serikali ile mtu amechukua awe na uangalie na kutibiwa na wasaidiwe na community. Sababu (?) two parties hiyo lazima angalie, wakati hiyo amechukuliwa mtoto kwa hiyo.

Wale ambao wameolewa mabibi wale wameolewa na mabwana ikiwa wamefariki yule mama anabaki kama bwana nakufa hiyo mama ndiyo anaridhi mali kuliko mambo kama hawa na kuongozwa na clan yao. Thank you ndio hayo tu.

Com. Dr. Swazuri: Thank you very much, mzee enda pale uandike na utuachie hiyo memo, Mika Nyorei.

Mika Nyolei: My name is Nyorei Mika and I come from Nyoboita Chibilachi. I would start by giving my views by stating that the new Constitution should clearly embody the doctrine of separation of powers. This is only written in our present Constitution but in practice the current Constitution doesnot exhibit any separation of powers. We cannot for instance say that there is separation of powers when the President appoints judges, when the members of the judicial service commission are directly appointed by the President.

When we come Parliament bills are passed by Parliament and assented by the President and this clearly shows there is no separation of powers. I would therefore suggest that any Executive member should not have a seat in Parliament, this in essence means that no Minister shall be an MP instead qualified people should be appointed as ministers in the relevant ministries. The President in my own suggestion should not be a MP. For instance in Tanzania this is the case. Parliament should also control the budget of the country and the Executive to publicly account for its expenditure. This is a clear check against the corruption which is currently rampant in our country.

Election should also be controlled by the Constitution extensively and Executive shall have no say over when election should be done or when Parliament should seat. Judges shall not also be appointed by the Executive. The CJ should be appointed by the Judges, while judges themselves should be elected by the Parliament, or confirmed by the Parliament. The executives shall not draft bills but bills should originate within the house itself.

Another area that I feel that the new Constitution should address is about Parliament. In my view nomination of members to the national assembly shall be, should be done on (?) considering any parliamentary party present. Another issue is about cases of members of Parliament absenting themselves from the house. This is currently very rampant. The current Constitution is very silent on the issue and only partially talks about it in section 51 dealing with quorum of members which is at only 30 members. (?) of a house of over 200 members to sit with only 30 members. To deal with this issue, I suggest that members absenting themselves from the house should be answerable to the electorate, and in my view this should warrant a by-election.

The Judiciary also needs the independence in order to render justice without fear or favour. Judges in my view should be elected or if not elected be confirmed by the Parliament. The jury system should be introduced and the jurors be appointed by both litigants.

In conclusion I would say that it is pointless for us to have a beautiful Constitution that will not be respected by Kenyans themselves. The new Constitution should cultivate the virtues of constitutionalism, and the respect of the Constitution as a supreme document in the land. The Constitution should have sanctions on any one who disrespects the Constitution and the sanction should be so severe so as to act as deterrent to others with such motives. Thankyou.

Com. Dr. Swazuri: Thank you very much. Kuna wale ambao nimewataja na walikuwa hawako. Wawerudi? Okay let me start from last sheet. William Nyegoni, hajarudi. Stephen Koech, okay.

Stephen Koech: Thankyou very much my names are Stephen Koech, a civic education provider. What I wanted to contribute is that on the side of Preamble, the word “we,” should be included in our Preamble. It should include a statement to show that we Kenyans do fear God. I will start again.

I was contributing that in the side of Preamble, the word 'we' should be included in our Preamble. The same applies that our Preamble should include a statement to show that we Kenyans do fear God.

Executive: President tenure of office should be fixed to five years for two terms.

President and Parliament. President should only be head of state and not area MP. Provincial administration like the P.C, D.C, D.O and the civil servants the chiefs should be transferred to other places.

Judiciary: panel of elders should be included in Judiciary and not in the Executive, and the same panel of elders should be gazetted and work on salary basis. Discipline to judges: Discipline to judges and other judicial officers be dealt with through independent committees. Constitution should ensure that court fee to file cases should be affordable by all. Constitutional right to legal help be guaranteed to all seeking legal support.

Legislature: Kenya chambers should be divided into two chambers; the lower senate and upper senate. MPs should not propose salary for themselves. MP should work for 30 days and not 2 days per week. Thankyou very much.

Com. Dr. Swazuri: Walter Rono.

Walter Rono: My names are Walter Rono and I work with the education center for women and democracy. First of all an ombudsman office should be established to deal with public complaints.

A public national office to correct and collect opinions.

Parliament should have limited powers to amend Constitution.

MPs should not have powers to extend Parliament.

Another point, a unitary Government with Prime Minister as head of Government and President, plus deputies whose duties are clearly defined in the Constitution.

The electoral commission should have powers to call general election, and to dissolve Parliament.

Chiefs and assistant chiefs should be elected by the public. Independent body should be established to determine the MPs salary.

A constitutional court should be established with at least 8 Judges.

Justice ministry should also be established,

A supreme court should also be established and an appointment of Judges and senior judicial officers be done by an independent body established by an act of Parliament.

An effective anticorruption department should also be formed.

And lastly the police should be re-trained.

Com. Dr. Swazuri: Mary Nge'no, Mary Nge'no.

Mary Nge'no: Jina langu ni Mary Nge'no ninatoa maoni ya akina mama wa mothers union ACK church Kimasi Sotik parish. Our vision is for a new Kenya where citizens celebrate life abundantly leaving peace and (?) opportunity to explore their talents where human dignity is cherished i.e a Kenya that is founded on justice and the rule of law.

Affirmative action: the Constitution mandate affirmative action programmes in order to increase representation of women, persons with disabilities and all historically disadvantaged groups in representatives such as Parliament and local Government. In the first place the Constitution should set a free hold of 1/3 of all Parliamentary and local Government representation for women.

Preamble: the Preamble may be used as, incorporated in to the Preamble to a new national Constitution. The function of the Preamble and statement of basic social and economic objective principles is to define values upon which a society is formed. The present Constitution of Kenya lacks statement of values, and therefore fails to give general direction to which the society should focus to eradicate poverty and achieve social economic development separating powers between state, institution, Executive and Parliament Judiciary.

Executives should be participants, want a new Constitution to define limit and distribute the power of the Executives. The Constitution must provide for the approval by Parliament of major Executive appointees e.g ministers and constitutional officers. New Constitution must also limit the term of office to only two terms of five. It, the Executive should be removable from office by Parliament and not the cabinet on the ground of being incapacitated. I hope up to there nitawacha kwa sababu hizo zingine tumeandika tu-save time.

Com. Dr. Swazuri: Asante sana. Na tuna wale tunawajulisha wale ambao wameingia sasa kwamba tunawapatia dakika tano tano. Wale wako na written memos wanaweza wakazitoa saa hii hata bila kutoa maoni yao ikiwa wanaona hawana haja ya kuzisoma. Na kama utapata nafasi utafanya kama vile mama amefanya. You highlight the main points zingine tutaenda kusoma. Councilor amerudi? Kipsaina Korir, bado hajarudi kwa hivyo tunaendelea. Peter Kosgei,

Peter Kosgei: Mimi naitwa Peter Lagat Kosgei, kutoka Kipyulwo Location. *Amwae enKipsigis* Nitasema kwa Kipsigis`

Peter Kosgei: *Ng'alwek cha mache amwa ko akoba kirwagik.*

Translator: Ninataka kuongea ju ya ma-chief

Peter Kosgei: *Olakertai kemache kelewen en gaa.*

Translator: Ninavyona ma-chief wanafaa kuchaguliwa na wananchi

Peter Kosgei: *Ne ba oeng'.*

Translator: Ya pili,

Peter Kosgei: *Ko kinde transfer, makilelen kobure en kamasta akeng'e.*

Translator: Wawe wakipata transfer kama watumishi wengine wa Serikali.

Peter Kosgei: *Ne ba somok*

Translator: Ya tatu.

Peter Kosgei: *Ko akoba mpakaisiek.*

Translator: Nataka kuongea juu ya mipaka.

Peter Kosgei: *Amun akere kisiptaate mpakaisiek che makinge ole lite.*

Translator: You find that borders are being shifted now and then.

Peter Kosgei: *Making'en kele tun en uchaguzi kokere ano.*

Translator: We do not know what will happen there is uncertainty during the elections in the future due to these changes.

Peter Kosgei: *Anyon akoba telejinet ab kuRaisiek.*

Translator: Also on the management of the electoral process.

Peter Kosgei: *Kmache che telejin ko bik ab Kanisosiek .*

Translator: We would like the church to play role also in the electoral process.

Peter Kosgei: *Makilelen kap DC ichegen che teleljinotet en emet.*

Translator: Electoral commission iweze kuenda to the church wherever it is possible so that it can play a role in the electoral process.

Peter Kosgei: *Ko iko ko tagemwa baadaye alak.*

Translator: Ni hayo tu nilikuwa nayo.

Com. Dr. Swazuri: John Kilei

John Kilei: *Kikurenon John Kilel.*

Translator: Ninaitwa John Kilei.

John Kilei: *Amenye Tunbeleion*

Translator: I come from Tubeleya

John Kilei: *Ko kit na mwae en yu ko ng'alek ab Serikali kinamen gaa.*

Translator: What I'm going to say concerns the Government and should begin right from the grassroots.

John Kilei: *Mi bik che kekuren Kiptainik lakini maame mushahara.*

Translator: We have village elders who have a lot to do, they do a lot of work but they do not have any salary.

John Kilei: *ko ingo ko ng'alek ab kiwotosiek, Chepkomon ne sipto chito chepkomonit a bingo.*

Translator: Land demarcation should be also specified in the Constitution so that authority to settle disputes regarding land demarcation may be clear.

John Kilei: *Ko kirwagik kemache kelewen bik icheket.*

Translator: Chiefs should be elected by the citizens or the voters.

John Kilei: *ko ng'aliot na tesen ko kit na mache ko Majimbo.*

Translator: Regarding the structure or the system of Government, I'm for the federal system of Government.

John Kilei: *Korib tugukchwak koret alak tugul*

Translator: So that local communities may become guardians of national resources.

John Kilei: *ko wo olikitom ke sich Uhuru.*

Translator: Just as it was at independence.

John Kilei: *Ko ng'aliot ingo ko ng'alek ab imbarenik. Imbarenik korribe chito neba.*

Translator: Regarding land, the person living on the land is the guaxryyrdian or the ultimate owner of that land

John Kilei: *Ko chit one kasirto koribe akine kwondo.*

Translator: When a husband dies the wife should inherit that land and keep it in trust for future generations.

John Kilei: *Kongoi.*

Translator: That is what I had for today.

Com. Dr. Swazuri: Pastor David Lelei. Thank you very much, he has given a memo. Daniel Kosgey, mzee ulisema jana? Kama jana ulisema uwapatie watu wengine nafasi.

Daniel Kosgey: Naona nilisahau kitu kimoja.

Com. Dr. Swazuri: Wapatie wengine nafasi. Kama uko na kitu uandike utupatie tafadhali.

Daniel Kosgey: Okay, asante sana.

Com. Dr. Swazuri: Haya tutakuja na Chelule Ruto, Chelule Ruto.

Chelule Ruto: Jina langu ni Chelule Arap Ruto kutoka Manaret Location.

Ninaomba mambo ya kwanza ningetaka kusema ni hivi. Kwanza village elders be paid and also they should be elected.

On the question of traditional beer, traditional beer should be legalised, because even the Kipsigis use traditional beer in their ceremonial activities. Hakuna maana askari wanafukuza fukuza watu wakipatwa na hio.

Mambo ya tatu land disputes. The land disputes must be given to land elders, village elders are the ones who know. To get rid of the advocates in the question of land disputes because they disturb.

Mambo ya nne, all chairman of local authorities must be elected by wananchi.

Mambo ya tano, Parliament be given two terms only for five years.

On the question of education, we want education to be free from standard one to secondary.

Recruitment of police, for example army and police the method these days is corrupt so should be changed. Nafikiri ni hayo asante sana.

Com. Dr. Swazuri: Haya mzee pita huko

Com. Baraza: (inaudible)

Chelule Ruto: Msiingilie maneno ya land disputes don't do that.

Com. Baraza: Only land na kwingine tunafanya?

Chelule Ruto: Munafanya kwingine, lakini land issues, no.

Com. Dr. Swazuri: Haya, Joseph Simoto.

Joseph Simoto: Yangu yatakuwa machache, kwanza katika hii jamhuri. Jina langu ni Joseph Simoto kutoka Chesirio sub location, Kaptor location. Yangu katika jamhuri hii yetu ya Kenya lazima tuweke maanani peace, amani.

Secondly mtu ambaye anataka kuchangia yule mtu ambaye anataka kugombea kiti cha Rais awe mtu miaka 35 mpaka 70.

Tena assistant chief na chief lazima watu wachague assistant chief na chief. Yatakuwa tu hayo machache.

Com. Dr. Swazuri: Asante sana mzee Joseph, sasa tutasikiliza James Roitich, James Roitich hayuko. Pastor Cheronei, memo?

Okay, thank you. Njoo u-sign memo hapa. Elijah Kirui.

Elijah Kirui: mimi naitwa Elijah Kirui kutoka Longata.

Translator: *A Elijah Kirui koyab longata.*

Elijah Kirui: *Amache amwa kouni,*

Translator: Mimi nataka kusema hivi,

Elijah Kirui: *Amache kosabcho lagok che mengech.*

Translator: Ninataka hata watoto wadogo pia wawe na maisha mema hata siku zijazo.

Elijah Kirui: *Mamache kobar lagok chit one mi kenysisiek sitini kotkoit sabin. Mamache kobar lagok*

Translator: Singetaka mtu aliye na miaka sitini na kuendelea ahatarisha maisha ya vijana.

Elijah Kirui: *Kit ne konu baret koinoni.*

Translator: Kitu kinacholeta hiyo hatari ni hiki.

Elijah Kirui: *Bare bik makarek.*

Translator: Matajiri huhatarisha maisha ya watu

Elijah Kirui: *Bare bik President.*

Translator: Rais anaweza kuhatarisha maisha ya watu.

Elijah Kirui: *Barek bik Vice President.*

Translator: Hata Vice President anaweza kuhatarisha maisha ya watu.

Elijah Kirui: *Bare bik ministaek.*

Translator: Hata ma-minister wanaweza kuhatarisha maisha ya watu.

Elijah Kirui: *Si kosobcho ng'alechu kouni,*

Translator: Ili maneno yaende barabara iwe hivi,

Elijah Kirui: *Kit ne kimache ko kosungukan bounatet*

Translator: Kitu tungetaka ni uongozi kuzunguka ama utoke mahali moja uende mahali pengine.

Elijah Kirui: *Makimache bounatet ne wendi kamasi ak kowa kamas safarit akenge ingowek en yu kowa yu.*

Translator: Hatutaki uongozi ambao hua unakaa sehemu moja ama unabadilishana sehemu kati ya sehemu mbili tu.

Elijah Kirui: *wu ni,*

Translator: Ni hivi,

Elijah Kirui: *Amache bounatet kinam inguni kinamen kisto kikoek komakobarchinge bounatet neba President ak vice. (laughter).*

Translator: Ningetaka makabila ambayo imetawala hasa Wakikuyu, wasipigania tena.

Elijah Kirui: Kiti cha President na Vice,

Elijah Kirui: *Ng'echerok oeng'*

Translator: Viti mbili.

Elijah Kirui: *Ko ng'alek ab ministaek keleweni en kikoek lakini makileweni Vice ak President tonondos*

Translator: Lakini hao jamii ambao wamewahi kuongoza kama Wakikuyu watakuwa wakipata viti kama vya waziri.

Elijah Kirui: *MPs,*

Translator: Wabunge pia.

Elijah Kirui: *Kalenjini konyalu kotebi kora.*

Translator: Hata Wakalenjini wasipate fursa ya kuongoza tena.

Elijah Kirui: *Manyalu kosich President ak Vice.*

Translator: Na hiyo itakuwa haki kama watakuwa Rais ama makamu wa Rais.

Elijah Kirui: *Manyaji lumek kotakosich vice President.*

Translator: Na Waluo pia hawastahili kupata Vice President ama President.

Elijah Kirui: *Manyaljin masaek kosich akichek.*

Translator: Wamasaa pia hawastahili.

Elijah Kirui: *amune kikonyor kikwam bendo.*

Translator: Kwa nini? Hapo mbeleni wameshapata na wamekula.

Elijah Kirui: *Ko chetom koam komaame ichek ii.*

Translator: Na hao pia ambao hawajaonja pia nao waoje.

Elijah Kirui: *Ketyinge bichon kokalyan.*

Translator: Usirudie wale wamekwisha onja tena.

Elijah Kirui: *Konu meet bicho niton kaketyige.*

Translator: Kwani wale wameshaonja wako na nini spesheli?

Elijah Kirui: Wanaleta kifo.

Translator: Wanaleta nini? Ni kifo tu.

Elijah Kirui: *Amache kouni,*

Translator: Nataka hivi,

Elijah Kirui: *Amache kowa bounatet marikolyek inguni.*

Translator: Naona Waluhya wastahili kwa zamu hii. **(laughter)**

Elijah Kirui: *Ko vice ko Mukambaek.*

Translator: Na Wakamba pia wapate vice.

Elijah Kirui: *en kenysisiek taman ak mut.*

Translator: Miaka kumi na mitano

Elijah Kirui: *Makemache 5 years 5 years, mut ko cheba ne.*

Translator: Hatutaki (?) miaka mitano, tunataka kumi na mitano

Elijah Kirui: *Kimache kenisiek taman ak mut en bichon tua.*

Translator: Kumi na tano kwa hao wote.

Elijah Kirui: *Ne ba oeng'*

Translator: Ya pili,

Elijah Kirui: *Kemache konyokwa baunatet bik ab Mombasa.*

Translator: Wale watakaofuata huyo ni watu wa kule Mombasa.

Elijah Kirui: *Ko vice olinba North Eastern.*

Translator: Na makamu awe ametoka North Eastern huko.

Elijah Kirui: *Kenyisiek taman ak mut.*

Translator: Miaka kumi na mitano tena.

Elijah Kirui: *Ne ba somok,*

Translator: Ya tatu, iende kwa Wakisii.

Elijah Kirui: *Kowa kosobek President*

Translator: President awe Mkisii. (laughter)

Elijah Kirui: *vice ko meruek*

Translator: Makamu awe ni Mumeru.

Elijah Kirui: *Kenyisiechon ko artam ak mut.*

Translator: Sasa hiyo italeta miaka 45.

Elijah Kirui: *Ko kage taret lagok che mengech komanget baryet.*

Translator: Hiyo itakuwa imesaidia vijana kusitokee vita humu nchini.

Elijah Kirui: *Tomagesu.*

Translator: Sijamaliza bado.

Elijah Kirui:*ng'alek ab kasisyek*

Translator: Upande wa kuajiri watu.

Elijah Kirui:*Amache kinwagit.*

Translator: Miaka ya kustaafu iletwe chini kidogo, iteremushwe

Elijah Kirui: *Ak ketesyi bik rabinik ko chang'a.*

Translator: Na mshahara uwe unaongezwa kidogo.

Elijah Kirui: *Si kobityi lagok che bure puch en gaa.*

Translator: Ili wale pia hawajapata kazi wapate fursa ya kuhudumu.

Elijah Kirui: *kikoumiaso bik koribe chito akenge batai.*

Translator: Watu wameumia sana wakingojea mtu mmoja astaafu,

Elijah Kirui: *Kenysisiek konom ko begu au.*

Translator: Miaka 50 itamalizika lini si watu watakufa?

Elijah Kirui: *Komi bik lain ii.*

Translator: Wakisubiri. (laughter)

Elijah Kirui: *Kimache ketil kenysisiek ab chito koik taman ak mut tiptem che yae chito kasit.*

Translator: Mtu awe amefanya kazi miaka 20 na isizidi.

Elijah Kirui: *Nataka iongezwe sababu pesa inatengenezwa.*

Translator: Mshahara iongozwe kwa sababu pesa inazidi kutengenezwa.

Elijah Kirui: *Kit nerube,*

Translator: Na nipewe fursa nimalize ili Kenya hii,

Elijah Kirui: *Kaiwekwon metit, haisuru*

Translator: Kidogo nimechanganyikiwa.

Elijah Kirui: *Kit na mache nagesunen,*

Translator: Ninamaliza kwa haya.

Elijah Kirui: *Amache President kotinye bik somok che toretike yon boisie.*

Translator: Ninaona Rais anastahili kuwa na wasaidizi watatu.

Elijah Kirui: *Amune imuche koyai makosa President, konyo konde chito ne ba bundukit bandek konyokwa cereal chito neba bundukit.*

Translator: Rais anaweza kosea ampatie mtu ambaye anajua mambo ya bunduki awe anasimamia mahidi ilhali hajui mambo hayo ni nini.

Elijah Kirui: *Chito nengen bundukit konyokwa chego akoba bundukit ii.*

Translator: Mtu anayejua mambo ya bunduki anaenda kusimamia mambo ya maziwa

Elijah Kirui: *Komabatkiy chito amun akenge President neyai ng'alechon. Kimache bik somok che tareti.*

Translator: Si makosa ya mtu huyo isipokuwa Rais ni mtu moja anayetoa maamuzi mengi na anaweza kukosea.

Elijah Kirui: *Kimache kotebi President ak cchitob ng'atutik.*

Translator: President awe amekaribiana kabisa na mtu anayeelewa mambo ya sheria.

Elijah Kirui: Asante.

Com. Dr. Swazuri: William Yego, hayuko. Samuel Kosgei, amesema huyu. Kiplagat Busenei tuliita halafu hakurudi tena. John Kitel.

John Kitel: My names are John (?) Kitel from Kaprongo sublocation in Chamagel location. Mine is just to contribute a bit towards this Constitution, and I would like to suggest on how to eradicate poverty in our country. As pertains to employment, I would suggest that employment should be based on family, it should be family based employment which would be (?) fairness for all. I'm sure one employed person in a family will help that particular family because you find in our country there are certain families who may be everybody in a family, is employed in the Kenya Government and we also have some people in some families who have gone in schools they have passed exams and because they do not have anyone to put them in the jobs, we find they stay at home.

The other point is that positions of people like the D.O I do not see it necessary, because their payment should be introduced for village elders. Then the positions of assistant chiefs be up graded in their sub-location to chiefs and chiefs be scrapped so that the same assistant chiefs are being the chiefs will take their reports to the D.O 1 and that is all about the line up for the administration.

It must not be at the age 55 years that people go on retire, but I would suggest that every employed person should work in the Kenya Government or where immer they are employed, and should work for a maximum of 15 years in order to give room for someboby else to come and work, so that everybody will have room of working in this country, because we all see a common interest and we all see our country and it belongs to us all.

I also want to suggest something as pertains to elections. You find that during the time of election there is a lot of rigging, so that we lose the people that we wanted may be put the people in the places. So I would suggest that every party because we are living in a multiparty Government, every party should have or choose their own color of ballot papers, I mean like when we have KANU we normally have the red ballot papers to mark, that one could reduce a lot of rigging because the same same colour for different parties. So I would suggest that KANU have their own colour of ballot papers, DP to have their own colour of ballott paper like if it is green it is green for DP, if it is ford people it is blue, so that when it is thrown on the table it is easy to pick the papers and it will contribute to easy hesabu, ya haraka haraka, kuliko rigging.

I also want to suggest in the selection of children to form one, I will refer this to district education office so that children selected to form one are selected by the office, district education office and not the headmasters.

I also want to suggest something about political campaigns. I think the idea of campaigning with money should be put off so that people come in the arena or waje kiwanjani waombe kura bila kununua watu, bila kutumia pesa kwa njia yeyote. Because we have been losing people who could have gone to the right positions because of the rich people who have got money. Thankyou.

Com. Dr. Swazuri: Silvester Musonik, Silvester Musonik. Bernard Telel, Bernard Telel. James Maritim, James Maritim. David Rotich, David Rotich. David Chelule.

David Chelule: My name is David Chelule and am coming from Longena location, and I present the views of the residents of Longena location.

I have a full report but I want to mention only certain features. We addressed the question of constitutional supremacy, and we said Parliament should not amend important parts of Constitution. Some parts of Constitution can be termed, can be refered to referendum. They should be conducted by the electoral commission. These are especially when it is touching on the Constitution, when it is touching on their salaries and have important amendment which they can actually be compromised by the Parliament.

We also touched on citizenship. The present awarding of citizenship in this country leaves room to the officers who are out to sell this country to foreigners. We have found this one and recommended that citizenship may be acquired through application

which should be vetted by a commission appointed by Parliament.

Other salient features, are something to do with structure and system of Government. We recommended that the Prime Minister to form the Government, in actual sense we recommended federalism for our country which is popularly called majimbo. P.Cs and DCs offices to be scrapped, to be replaced by elected governors in place of P.Cs, and elected leaders in places of D.Cs, so that is another salient feature.

Other salient features we choose the Legislature. MPs salaries and benefits should be determined by an independent tribunal reasonably constituted by the Government. Nomination should be retained, but nominees should represent the disabled and minority groups eg Elmolo.

Also we said something on Judiciary. A.g.s or Minister of justice to recommend judicial officers for approval by the Parliament will remove this from Presidential discretion and others. So the Parliament committee, there should be a Parliamentary committee to appoint such officers and they should be graduate lawyers of high status (?).

Other salient features we choose local Government: Mayors and town council chairmen be elected directly by voters. Secondly nominated councillors should be scrapped, should be confined to persons of special interest e.g the disabled.

Electoral system: the Constitution should be reviewed every ten years, but not as when the MPs feel like. It should be every ten years.

We also touched on something on culture, ethnic and regional diversity and communal rights. I think on this one what came up was that we touched on customary marriages. Customary marriages in Kipsigis is well recognised by the community, and the Government should also recognise it by issuing a marriage certificate like any other. Then they should also recognise the extended family that we actually use especially this time of a lot of orphans.

We also used to have minimum weapons especially carried by a man may be a rungu or a sword. This was very important for self defense, but since insecurity has increased it should be allowed the use of shot guns and a few advanced weapons.

We also have something on woman marriage. Among the Kipsigis a woman who has no son is allowed to marry, and we have had a problem that the Judiciary did not understand how a woman can marry another woman, but we say we have it, it is positive, it is working and should be approved as our normal culture.

Com. Baraza: (inaudible)

Yes they have their own way of marrying another woman. Yah, actually if there is somebody who has no son or a lady who has no children our custom has a system of allowing the lady to marry another lady. I think this (?) can understand better (Laughter) but the mechanics

Com. Baraza: (inaudible)

David Cherule: There are some customs they perform so if people are allowed to inherit the property of this lady when she dies and continue with the lineage. It is very important and you note that as the most important thing,

Com. Dr. Swazuri: What about the father of the children?

David Cherule: He has no role except to assist in terms of providing its

(interjection inaudible)

David Cherule: No.

Com. Dr. Swazuri: Do you know this thing about woman marriage. Do you know yourself or we have to ask another elder to explain? So if you have no knowledge yourself, we can leave you we will ask someone else to tell us. (?)

David Cherule: What it means a woman can marry another woman here means it is union of a woman who do not get children or who do not get sons they unite with another woman who is supposed to be the wife now, the father who came to father the children is immaterial it can come anywhere but the children will go to the mother I think that is how it is.

Com. Dr. Swazuri: Okay just hold on. If that yah, is married to me for example, I'm the husband. That woman now is allowed to marry another woman and when that woman is married to my wife am I supposed to be the ... or somebody else. (Laughter) Anyway the husband will come from the family, the father of the children.

David Cherule: Yes.

Speaker for David Cherule: To assist him commissioners in my case am aware of cases where a woman who is married marries another woman. Usually the clan sits down. A sons of the husband, one of the sons of the husband, from another wife or a close relative within that immediate family will sire children for that woman.

David Cherule: Thankyou very much I think that is what I meant. Asante sana.

Com. Dr. Swazuri: OKay asante sana. It is not a sin if it is being done and it has been accepted. Okay. Gilbert Mambwai.

Gilbert Mabwai: Jina langu ni Gilbert Arap Mambwai. Natoka Kipoti sub-location, Kipor location (Inaudible)

Ya kwanza, mimi nataka Serikali hii ya Kenya uchaguzi hii ya mlolongo analeta kwa sababu corrupt ameshatumia. Hiyo ni aibu kubwa sisi nataka secret na tunataka mwenye kusimamia hiyo ni mtu mwaminifu kama missionaries not D.C, not other people kwa sababu hawa ni corrupt.

Ingingine ni sheria ya watu, yaani culture ya kila watu. Hatutaki Serikali kuingilia culture ya wengine mpaka na beba Parliament na Waluo hawajui mambo ya Kipsigs na Wakikuyu hawajui mambo ya Kipsigs. Wacha watu na mila zao waendeleo vile nataka.

Ingingine ni ma-chiefs na assistant chiefs. Walipewa power sana na Serikali wananyanyasa watu wengine ambao ni maskini. Kwa hivyo tunataka chiefs waadikwe kwa mikono ya wananchi.

Ingingine naenda mambo ya biashara mimi naona kitu iko haibu sana katika town. Mtu kwisha kata insurance ya gari yake na license kidogo unaona county council nakwenda njiani nafunga tunataka pesa tena, na hii insurance ilienda wapi sababu Serikali hapana kaa nakuweka pamoja agawie county council yao ile anataka sababu hiyo anatuletea haibu.

Ingingine ni mambo ya mayors anafaa kuchaguliwa na wananchi.

Ya mwisho ni mambo ya Parliament kukaa na kujiongezea pesa nyingi bila ya wananchi kujua, kwa hivyo wanajitegemea wao wenyewe sio kusaidia watu. Hio iangaliwe na raia waseme kama inafaa kuongezwa ama la inatosha hio sababu wenyewe wanajiongezea.

Com. Dr. Swazuri: Haya asante sana mzee.

Gilbert Mabwai: Amekwisha?

Com. Dr. Swazuri: Ee umemaliza, maliza ya mwisho.

Gilbert Mabwai: nilikuwa mimi bado maliza sana.

Com. Dr. Swazuri: Haya maliza ya mwisho dakika yako inaenda.

Gilbert Mabwai: Dakika imeenda. Kwa hivyo iko nyingi lakini tulikuwa nataka hii mambo ya corruption ni mbaya sana kama mtu amekosa hata kama ni President, lazima aende kortini. Sio kukosa na kama yeye amekwishakosa (?) za

wengine. Lazima kila mtu apatwe na sheria. Hata kama ni mimi au kama ni nani lazima awe na sheria ashtakiwe sababu sisi naona hii maneno ya corruption iko nyingi sana. na mwisho sasa nasema, asante sina mengi.

Com. Dr. Swazuri: Haya nenda pale mzee, nenda pale. Samuel Ng'eno, Samuel Ng'eno. Ndio wewe, hapana. Bernard Sigei. Peter Cheruiot, Father. Soi. Simon Soi, ndio wewe umetoa memo? After this i'll give women.

Simon Soi: Okay, okay asante sana jina langu naitwa Simon Soi. So mimi naongea juu ya haya maneno ya machiefs. Kweli wamekua problem in this country. So, tunataka kila mtu awe chief ama assistant chief, achaguliwe from grassroots a man called trustee bila kupendelea mambo yote, bila kusema can you do something for me I'll see you later. That's what we call promotion of corruption. So next is this, we are now seeing this what we call NGO's, but we have never seen in this area. hii maneno ya
(?)

Com. Dr. Swazuri: Noise tafadhali huko nyuma. can we have silence at the back please?

Simon Soi: NGO's hii maneno ya non-Governmental organisations kusaidia watu properties, ili watu wajisaidie. Always you know what we call hii msaada hatuna but we don't know why. That is we what the Government to take action again. Next hii naitwa what we call, bursary fees.

Kuna watoto kweli wame-qualify kwenda secondary but have financial problem. But tunashangaa kwa nini watoto wadosi wadosi wamebadilishia ati amepata free education from the bursary fund but we want to know why. Unakuta mtu wa marcedece baba yake iko na marcedece jee ulinunua hiyo marcedece na pesa ngapi? (?)

So another thing maneno ya hospital: kuna watu viwete, (?) hawaoni, hawatembezi vizuri. Why not treat free of charge without charges?

Another thing again haya maneno ya multiparty always in Kenya tulikuwa na peace but we don't know now what next tukiwacha hii. Tulikuwa tunalala from morning to evening unatembea mzuri, je tunataka tu vyama tatu kwa Kenya, three parties only.

So another thing hii watoto wamezaa nyumbani ovyo ovyo. When a person mwenye mtoto amezaa mtoto na msichana wako, we want to take action hiyo mtu ulimutia hiyo mimba. So hiyo mimba lazima huyo mtoto wake? ee, (clapping and laughter.)

Mtoto wake kujifungua mwenyewe achunge huyo mtoto mpaka eighteen years, huyo anakuwa mtu mzima. Hatutaki watoto wetu tunasomesha kesho unamwambia godfather no I'll see you, let me take you to another. I am going to see you for another job somewhere kumbe one way kuweza kudanganya mtoto wako. We want a Government of this moment to take action

seriously so,

Com. Dr. Swazuri: Okay asante.

Simon Soi: Another thing again for Presidential maneno ya President. When a person is thirty five years and over seventy hakuna maneno ya oldness kwa leadership. So when you are finished so that one can go up to the end of your life otherwise leadership, peace tulikuwa naye kwa Kenya hii ni mzuri.

Maneno ya mayor and councilors. Should be somebody who knows to read and write. We don't want to be illiterate through always (?) education hata mimi ingawa si ku-summarise O' level and whatever I am trying now to struggle with the language you see, thank you.

Com. Dr. Swazuri:

Akina mama hatujawaona kwa wingi leo sasa yule yuko tayari aje atupatie maoni. Mama uko tayari? Mama haya. Na wengine, haya.

Com. Hassan: Na wale wako nyuma akina mama muje karibu tunawapatia nafasi halafu tutarudi kwa wazee.

Rachael Musonik: *A Recho Mosonik.*

Translator: Ninaitwa Rachael Musonik.

Rachael Musonik: *Kayakwan chepyosok ab yaganek women group.*

Translator: Nimetumwa nilete maoni na wamama wa Yaganek women group.

Rachael Musonik: *ko kit ne tai ko kit ne ka mwa chepyosok, ko tittle deed konyalu kesir kainet ab chepyoset ak boiyot en tittle deed.*

Translator: Wamama wamesema wangetaka jina la mzee mwenye shamba, katika title deed iandikwe pamoja na jina la bibi yake.

Rachael Musonik: *Ko en katunisiet ko bik che itunikei en kipгаа konyalu kikachi certificate en kap kirwagiondet en betut ne sibi.*

Translator: Ndoa zinazofanywa nyumbani kulingana na mila ziwe pia zinaandikishwa na certificate ipeanwe na iwe sawa na other marriages.

Rachael Musonik: *Ko ne ba somok komanyalu takebir boiyot chepyoset.*

Translator: Mzee asiwe anampiga mama tena. Wife beating should be outlawed.

Rachael Musonik: *Ko namba angwan ko manyalu koalda kiy age tugul boiyot komatebe chepyoset ak lagok.*

Translator: Any sale within the family should get the approval also of the mother of the home and the children.

Rachael Musonik: *Kwondo ne tuni boiyot ngot komache kotun kwondob oeng' komanyalu konyokokachi tuguk che kiyae age. Nyalu nyokonamen yoton.*

Translator: Any person who decides to become polygamous, and marry's another wife should not take away what belongs to the first wife, but each wife should struggle to build her own resources.

Rachael Musonik: *Mi kwondo nekikitun ak kowa.*

Translator: There are also women who got married and run away from their marital homes.

Rachael Musonik: *Akokanye kityo tun kasirto boiyot konyokepiechi malik che kergeri.*

Translator: Such women stay until the death of their husbands and then they come home demanding their inheritance.

Rachael Musonik: *Kokakachi chepyosok kenysisiek taman komanda ng'ot ko mawek komasiche kiy.*

Translator: According to the women who sent me with this memorandum, if a woman is married and runs away from her marital home for ten or more years, such a woman should automatically lose her inheritance in that home.

Rachael Musonik: *Number tisap ko chepto ne akitun ko nyalu kepiechi koret.*

Translator: Unmarried daughters should also get an equal inheritance especially on the part of land from their parents.

Rachael Musonik: *Chepyoset kora ne masikis konyalu kocheng kwondo ne name malik ab chepyosnoton.*

Translator: A woman who is barren should have her rights to marry so that the woman she marries will inherit what belongs to her.

Rachael Musonik: *Ko chu kocheba lagok any,*

Translator: And regarding children,

Rachael Musonik: *Kermache kerib lagok amun mi korik alak che maribe lagok.*

Translator: the Government should enforce childcare because there are some families where children are not well cared, for.

Rachael Musonik: *Mising ko boisiek ko yon kageyai tuguk komuche koalda ak serser kotor koseretyo lagok.*

Translator: Especially on the part of men, sometimes they sell family property they squander the money and you find children

leading a destitute kind of life.

Rachael Musonik: *Kimache korib en amitwagi, En somanet ak meng'atet.*

Translator: They should care for the children on the part of food, education and shelter

Rachael Musonik: *Ko numb ataman ko mosonget ne kikosirto chitanyin.*

Translator: And the tenth point regards the widows. Widows should inherit what belonged to their late husbands.

Rachael Musonik: *konyalu konam tuguk ab boiyondenyin. Ng'alek ab maiwek, komanyalu komi maiwek resob. Kou wirgik.*

Translator: And regarding drinks or traditional drinks should be forbidden or banned. Changaa should be banned, and busaa also.

Rachael Musonik: *Numba taman ak akenge komanyalu ta keyatita tibik.*

Translator: The eleventh point. Female genital mutilation should be outlawed.

Rachael Musonik: *Numba taman ak somok, komanyalu kosich kab chi lagok chechang' che mamuche kosich.*

Translator: The thirteenth point, a family should get the number of children for whom they can provide a descent living.

Rachael Musonik: *Mi akenge ne kautyen tamanu ak oeng'*

Translator: There is the twelfth point which I forgot

Rachael Musonik: *Kokoba besendo neba loan. Loan komuche chito konyokoib tittle deed neba ak tun kealda imbaret ko manyalu kebesenen loan tittle deed ab chito age.*

Translator: Regarding the borrowing of loans from financial institutions, somebody who wants to borrow a loan should not be allowed to borrow it using a title deed of another person as security.

Rachael Musonik: Thank you. **(Clapping)**

Com. Dr. Swazuri: Tell us her name. What is her name? Then she can give the memorandum there.

Loise Rono: *Kainet ko Loice Rono.*

Translator: Mimi ni Mrs. Loise Rono kutoka sub-location ya Kibajit.

Loise Rono: *Kit ne kamache amwa konyalu kenam tittle deed kesirchi tuwan boiyot ak chepyoset.*

Translator: Ningetaka kuomba ya kwamba cheti cha kumiliki shamba kiwe na jina la mzee na mama.

Loise Rono: *Amun ndamache abesen loan akane koa chepyoset atinye right akane abesen loan ma boiyot ineken ne nyalu kobesen loan en tittle deed inoton.*

Translator: Mojawapo ya sababu ni kwamba hata mimi nikiwa mama, nikitaka kuchukua mkopo ninaweza kuchukua na hicho cheti na sio lazima iwe ni baba tu anaweza kukopa loan.

Loise Rono: *Age ko ng'alek ab tururunet ab moet en lagok.*

Translator: Jambo lingine linahusu utoaji wa mimba, ama kwa Kiingereza abortion.

Loise Rono: *Konyalu keib kinde ng'atutiet kerat bichon yachin lagok practice kounoton.*

Translator: A law should be enacted outlawing abortion and making those who go against the law to face the legal process.

Loise Rono: *Kachon kityo.*

Translator: That is all I had, I'll present the memorandum.

Com. Dr. Swazuri: Mama mwingine, mama okay, na wewe mwingine na yule mwingine yuko nyuma. Kina mama tunataka tusiwabague. Wewe mama unaangalia nyuma. Okay mzee wangu njoo. Mzee usisome neno baada ya neno.

Kimunai Arap Soi: Mimi ni Kimunai Arap Soi, mimi ni mwenye kiti wa Kanu katika constituency hii na ni former MP wa Chebalungu. Na I will read my memorandum but not explain any further. I want a unitary State in Kenya with a strong Government.

Two, strong local authorities should be established this will provide grassroot services. Certain legislative and administrative powers should be devolved to them. Increased grants should be given to them, that is the councils by the central Government. They should be incharge of minor roads, health centres, schools, development of farms and livestock.

An MP is a representative of his people and should not be recalled by his people and should be free to cross the floor or choose to be independent without losing his seat. That's a question of MPs.

Provincial administrators should go, that is the PC should not be there, redundant. The DC remains directly responsible to the PS. That is my statement.

We should retain the Presidential system of Government.

Parliament should be supreme in making or unmaking any laws without any influence of judiciary.

The President should come from the majority party. His term should be unlimited. Popularity should be the criteria.

No nominated MPs or councillors hapana takiwa hao nataka wawe wanachaguliwa tu. Parliament should be made a final appeal court in criminal and civil cases.

Parliament should vet appointments of the Attorney General, Chief Justice, governor of central Bank.

Parliament must have unlimited power to control its procedures through standing orders.

Number twelve, the dominant Party should form the Government, no coalition.

There should be two chambers of Parliament, members from every district, each member from each district should form the composition of that house.

Impeachment of a President should be introduced for serious crimes.

Mayors, chairmen should be elected and the council should be independent of Government or of a Minister.

Civic and Parliamentary elections be done in different years.

Pre-independent land treaties or agreements by communities be retained.

Mimi ni Arap Soi former MP Chepalungu Box 59, Sotik.

Com. Dr. Swazuri: Aa tutasikiliza, Charles Kirui, Charlse Kirui, Alice Koech, Alice Koech ndio huyu ee? ameshatoa hapo asante. Na Loise Rono pia ametoa. Simon korir.

Simon Kipkemoi Korir: My names are Simon Kipkemoi Korir.

Com. Dr. Swazuri: Ni nini wazee?

(Inaudible interjection)

Com. Dr. Swazuri: Na sisi hakuna, list zote tumetaja majina hapa. Si hata tumeanza kurudia wengine? Kama mzee ulitoka useme mimi nilikuwa nimetoka mbona jina langu sijasikia? Sasa sisi tunafuata vile ambavyo ziko hapa. Hata tumeanza kurudia majina mawili. Mtatuambia majina yenu lakini tunasoma kulingana na (?). Andika majina yenu mulete.

Simon Kipkemoi Korir: My names are Simon Korir, from Mabwaita sub-location, based in (?) location.

Well the few points I have to put a cross here are concerning the Presidential candidates. The laws of this country states that for one to be elected President, he must be above thirty-five years. According to our points here we have the view that because the youths of this country, constitute sixty percent they should also be given a share in the leadership. So we suggest that for anyone to be a Presidential candidate, he must be above twenty-five years. And the oldest we are not limiting that one. This is because ee,

Okay now the second point I want to give is concerning the MP's. There should be a vote of no confidence bill to be

introduced for those MPs who are dormant. You find that when the elections are over somebody may feel that his or her votes have been rigged. We find that our country allows such a person to appeal after paying an amount of five hundred thousand, this figure is too high it should be reduced to something like two hundred thousand.

Now there's an issue of introduction of more constituencies in our republic. We recently heard that our country wants to introduce other ninety constituencies. We totally object this because, this one shall mean increment of, we shall be increasing more problems because right now the two hundred and twenty constituencies we have, and still we see is a burden to manage this constituencies. It shall be an addition to more problems if this more ninety constituencies are introduced.

The bank rate of loans. The rates are too high you find that when our people want to borrow bank loans, the interests are too high, so we recommend that these rates should be controlled by the Government.

The last point is the issue of Presidential nini. We find that we are told the President is above the law. So this law should be scrapped, because you find that a leader at time makes a serious crime and he/she should be brought to law. That's my last point thank you.

Com. Dr. Swazuri: Aa Tole, Tole.

John Tore: Asante sana. Pendekezo yangu napendelea mimi ni John Tole.

Com. Dr. Swazuri: (inaudible)

John Tole: Mimi nilikuwa hapa ndani, inaonekana yule kijana hapana taka mimi.

(Noisy interjections).

Com. Dr. Swazuri: Umeandikwa jina lako hapa kama hutaongea.

John Tore: Huyo kijana alikuwa anaadika hapana mimi.

Com. Dr. Swazuri: Sema majina yako.

John Tore: John Tore. Pendekezo yangu, napendelea Serikali ya Majimbo. Na President iwe amri jeshi, na kulinda Katiba ya nchi na kugawa mali ya inchi kwa Majimbo yote.

Prime Minister aendeshe Parliament. na Prime Minister achaguliwe na chama kile kimeshinda na kuendesha Parliament.

Chief justice aandikwe na Tribunal Commission, hapana President.

MP akiacha chama chake na kuhama uchaguzi uitwe.

Katiba hapana kubadilishwa na Parliament bila kura ya maoni, tunataka kura ya maoni.

Mshahara wa MP pia, Tribunal Commission aongeze ama kuchunguza.

Wakongwe, Serikali achunge wakongwe aweke pesa kwa budget hapana chungu kutoka mtoto akiwa mzee anatupwa.

Councilors wawe 0' level, na mayor na Chairmens achaguliwe na wananchi.

MP awe na degree. Sisi hapana somesha watoto nakuja kila mtu nakwenda huko.

Assistant chiefs na Chiefs na village elders, wachaguliwe na wananchi.

Na mambo ya marriage tunataka ya culture yetu ipewe certificate katika nyumbani kwa sababu kijana nao halafu anakwenda Nairobi anaenda kuoia mwingine anaenda kwa P.C anapatiwa certificate bahati mbaya akikufa yule ako nyumbani ananyimwa mali.

Kesi ya mashamba wazee wasikilize mambo ya mashamba. Advocate hapana, hiyo advocate aende kabisa.

Watoto wote wachukue mali na kugawa mali ya wazazi wao kama wazazi wakikufa watoto wote bila kubagua hawa, kusema huyu ni msichana, hapana, wote iko sawa. Isipokuwa yule msichana ameolewa pande ingine.

Human rights ama equality. Iwe sawa kwa kila mtu hapana kuja kuambia mimi ni mzee wewe apana fungua kofia kwa chief hiyo hapana mzuri hiyo.

Elimu kwa watu wote kuanzia primary mpaka secondary. Iwekwe kwa budget. Hapana sema free education na wazazi wanalipa pesa nasema ati free education primary hiyo ni kudanganya na hawa watoto hawa wanazaliwa ovyo ovyo iende na yule mwanamme yule alidunga huyo msichana mimba achukue huyo mtoto. Hapana weka mwingine tabu na kutoroka.

Ya mwisho mimi nafikiri ilikuwa mimi naona kitu ya sisi tulisema. Mwingine alisema hapa mwanamke kuoia mwanamke mwingine kinakua kitu cha ajabu kwa nyinyi lakini ni utamaduni wetu. Saa yote nyinyi naandika majina hapa naitwa Chepkwony ndio hio. Asante.

Com. Dr. Swazuri: Asante sana, okay, na yule mwingine .Jonathan Soi. Ndio yeye.

Jonathan Arap Soi: *Ane kekurenon Jonathan arap Soi.*

Translator: Mimi naitwa Jonathan Arap Soi

Jonathan Arap Soi: *Ne tai amache Majimbo.*

Translator: Ya kwanza mimi ninapendekeza tuwe na Serikali ya Majimbo,

Jonathan Arap Soi: *Ne ba oeng' amache anai Serikali ole boisiotoi amun Serikali komachealewen kityo ogo manganon kole a chito.*

Translator: I would like that the Government should explain its policies to the people, because as it is at the moment the Government only comes to power and demands taxes from me, but it doesn't want to know what is happening in my life, or what do I know about what I ought to know according to the law?

Jonathan Arap Soi: *K ounoniton amache kora Serikali koger wakulima en ole baisiotoi asi ko magaren Kenya.*

Translator: I would like the Government also to take a very special or a keen interest in the farmer because this is where Kenya can economically succeed.

Jonathan Arap Soi: *Kimache kebesendechi bik terekta en bei nafuu asikobais bik kabisa..*

Translator: People should get agricultural machinery like tractors on loan basis so that people can invest in agriculture and uplift the national economy.

Jonathan Arap Soi: *Si ke tech aine Sotik ak kamaswek Alak kinde cereal ko kitemisye bik amun kimi terekta ogo kitako tinye ik eik. Kokong'et eik ingobare kobai bik kochor igo ak koba koeny.*

Translator: Why there is a very big storage facility here in Sotik and you will find a lot of storage facilities all over in urban centres and towns, is because the economy was in very good shape. Agriculture was well cared for but all over sudden people started messing up with this sector.

Jonathan Arap Soi: *Kokounoton amache kora Serikali yon kisire biok koba jeshi ane kokiawe jeshi. Koyon kisire bik koba jeshi anan polis kemache kesir kongeten bichon lelen bik keyachi testi kokigosir chito sekondari konyokeyachi testi kolyan chitab vitet bakobarege ak testi chitob vitet?*

Translator: Those people who are employed in the military and the security services, should at least have attained a form four level of education. In my opinion there's no need for them to be examined again because to fight a war, you don't necessarily need to be so good academically.

Jonathan Arap Soi: *Kiawe vitet ko bichoniton ii, komabakesomani okot chumbek che kikimi tugul ii kokiasirchini numba akwang'e keteben lakwenyun ne kitar sekondari , keteben kelenji imache iyai testi. Ayae testi anan awbareke ak punyik.*

Translator: I was also in the military and I remember there were some white people for whom I use to read their numbers they never knew how to read. I wonder therefore why my own son who is of form four standard of education should be asked for further proof of their academic qualifications.

Jonathan Arap Soi: *Ikere ingunon ile Serikalit koyae bik kong'et en gaa ako bik komuche koyai boisiet aketugul. Kangele mami boisiosiek ii konikesir koba jeshi anan ko polis.*

Translator: Here you realise the Government sometimes causes unemployment because they say they want people and then they place obstacles in the way of recruiting those people.

Com. Baraza: Swali hii mzee ulisema unataka Serikali, he said he wanted the Government to expound the policies to the people. Bado nauliza, unataka kuwe na kikao gani ambacho watu watakuwa wanaelezwa hizo Government policies? Kikao gani kwa watu kwa mashinani ndio wasikie hizo policies?

Jonathan Arap Soi: *Amache Serikali koger en raia tugul che mi en ngweny, ko ingen ile kigobanania bik okot lagok inguni komamuche kosomsan konyalu koger Serikali ng'o kasomesan lagok puch en Kenya tugl ma en yu. Kosoman lagok ab bik puch.*

Translator: I think that the Government should give free education to all the children and,

Com. Dr. Swazuri: Aa tutapumzika saa saba na nusu we will just take a short break. Kwa hivyo tuko na mwingine David Koskei, David Koskei. Hayuko. Augustine Belion, hayuko. Andrew Langat, karibu Mzee.

Andrew Langat: My names are Andrew Kibet Langat. I'm from Sotik sub-location. I have a written memorandum I want to give highlights of it yes.

Number one concerns the structure of Government. It is my view that separation of powers should be seen to be there. Meaning the Executive should not sit in Parliament. Ministers therefore will be appointed by the President but will be vetted by Parliament, ministers who are not MP's. This will avoid things like sycophancy from the MPs and so on.

Number two, I advocate for regional Governments for enancement of national unity. Reasons I will give in my memo.

Number three, the constitutional amendments or writing of Constitution should not be left to Parliament alone but through a referendum. I have also given the reasons why.

MP, councilors should have a minimum of form four Education to enable them to execute the business in their respective councils or Parliament.

The President of the country should also have a minimum education of atleast diploma level.

Number five, in Kenya the AG. has powers to take over cases instituted by private citizens, my proposal is that this should not

happen any more so that citizens will be in a position to sue corrupt people who are highly placed in the society.

There should be direct elections for Mayors and Chairmen of local authority.

The constitution should include a clause for independent candidates both in Parliament and in local authorities. As many parties as possible can also be registered and I am also proposing that the two terms of five years each be retained.

There should be an Office of the Ombudsman.

The Government or the state should have a clear agricultural policy. In that I mean there should be adequate protection of the farmer in terms of subsidies or waiver of taxes to enhance the agricultural development. Thank you.

Com. Dr. Swazuri: Thank you very much mzee. Nenda pale uandike na utuachie hiyo. Councilor Joel Kiget, Councilor Maritim Soi, Wesley Kosgey, sorry. Jackson Bii, Church of Christ, Dickson M. Soi, karibu Mzee. Wewe ni nani? Who are you?

Dickson M Soi: Kwa hivyo nitasema asante sana kwa hii sheria ambayo mnasema tuunde sheria mpya, kwa vile, Jina yangu ni Dickson (?) Soi, village Tosis. Kwa hivyo naonelea sheria mpya mimi mwenyewe sielewi hiyo sheria ambayo ilikuwa inafanya kazi tangu zamani. Kutoka 1966 mimi nilikuwa naona hiyo sheria ilikuwa inaendelea kwa njia mzuri kwa maoni yangu bila kuwa kusema na mtu.

So maombi ya pili tunatakanga kama mtu yeyote ambaye ni mtu wa Serikali aliandikwa kufanya kazi kwa ofisi kama wewe ni karani kama wewe ni clerk, kama wewe ni assistant, Chiefs uwe ofisi ni kuanzia saa mbili, kwa vile sheria hiyo inapitisha hiyo kama inasema iandikwe mpya, Kwa hivyo, tunaonanga hawa ndani ya ofisi unaweza kwenda huwezi kumpata hata moja na ameandikwa hiyo ofisi ya Serikali. Kwa hivyo inaonekana kama hiyo ofisi inakaa namna hiyo, inafaa ipitishwe sio ofisi kwa hivyo hiyo ni maoni ya tatu.

Mambo ya hii watu ambao wanakujanga kwa shamba ya town council. Hawa wanakujanga wanasema niko na title deed. Na wewe hujui huyu mtu alizaliwa wapi, na ana kuja kufanya nini hapa kwa hivyo analeta maneno kumwambia wewe iko na title deed na anafungia wewe ndani ya nyumba kwa sababu mtu akiweka nyumba yako (?) na inje nafikiri mtu natoka ndani. Kwa hivyo tunataka watu wa Town Council ukimpatia watu mashamba ile ambao ni ya Serikali, kumbuka yule mtu atatoka namna gani basi kwa hivyo (?) Mashamba ya watu hiyo ni maneno mbaya. Tena hiyo maneno ya sheria hiyo sisi bado kuwahi kumuona askofu hii watu takataka inakuja kuletwa mbwa halafu analeta ile punda unaona anashayawekea mlango yako. Ukisema ni nani, sheria gani inapitishwa, watu wa Town council wanaleta takataka namna hii anaanza kusema hapo ni mahali ya takataka na wanaacha mahali iliotengwa zamani. Pengine wanauza. Basi kwa hivyo askari anaona kama wewe uko kwa town council. Kama (?) sheria ipitishwe kama inawezekana.

Kwa hivyo nafikiria sheria zingine hii ni mpya sasa mambo ya tite kama vile watu kina mama wanasema hiyo walisema sawa sawa. Kwa vile iandikwe mzee na mama.

Sasa ingine naonelea nitakuja kumalizia hiyo maneno hapo mambo ya mashamba, hii mambo inaitwa advocate. Hakuna advocate anafanya kazi mahali popote, hii ni hasara tupu kwa vile advocate anataka 600, 16,000 nitasaidia wewe. Na hana maneno anaweza kukusaidia.

Maneno ya mashamba (?) watu wa reserve wanamaliza kwa assistant Chief. Ikishinda assistant Chief, inaelekea mpaka wapi mpaka pahali pa senior Chief. Ikipita hapo inarudi pahali pa D.O (?) hapana weza kuelewa watu wanaishi namna gani sababu D.O iko karibu na wewe (?)iko na DO hapa Sotik. Ile shida shida tunataka kupeleka tunaweza (?) Kwa hivyo hata mimi nimeshindwa kuongea mingi sababu naona hawa watu ni wangu ambao wanaongea Kiingereza, kama ningekuwa najua Kiingereza ningeozea kidogo. so now (kongoi).

Com. Dr.Swazuri: Asante sana hata hiyo kidogo unajua so now. We ni nani?

Jackson Bii: Mimi naitwa Jack Bii, natoka upande wa Kaplong. Nataka kusema tu maneno machache.

Nataka kusema ya kwamba sisi raia ndio tumeteseka shauri hatuna sheria ile inachunga raia. Kwa upande wa elimu tunajaribu kusomesha watoto lakini vitu mingi ndio inakuja kwa mzazi. Tunanunua vitabu, imewekelea mizigo nyingi kwa upande wa mzazi. Sasa tunataka ya kwamba Serikali ile itaingia mwaka ujao ndio tunataka itupunguzie taxes halafu tuweze hata kusomesha watoto wetu.

Halafu tena tunataka kwa upande wa Serikali iwasaidie hao watu wa reserve yaani Raia. Wachungiwe mali yao kama kwa upande wa kilimo kama tuseme tukilima vitu, hatutaki Serikali tena kuagiza vitu kutoka ngambo. Kama mahindi sisi hapa tunalima mahindi na hao wanaleta tena mahindi hapa Kenya ndio wanatesa wananchi. Tena tunataka, sisi ni watu tunafuga ngombe, tunakamua maziwa yetu, tuko na ma-factory na hao tena wanatuletea maziwa mengi na sisi tuko na maziwa. Sasa tunataka ile Serikali tutaunda ndio wachunge sana watu wako nyumbani.

Ya tatu tunataka tight security yenye inalinda hao raia kwa sababu tunaona, kila mara makosa ikitendeka nyumbani, sisi tunaona askari wanakuja kutesa the common man, kutoka reserve wanakuja ku-scare, yaani kutesa tesa. Badala ya kuongea ukweli ndio anasumbwa mpaka anaogopa kuongea ukweli hasa tunaona sisi kama Wakalenjin ndio bado tuko nyuma sana, kwa sababu sisi tuko na chai yetu, sisi utajiri yote iko hapa lakini (?) wetu hatujui nani anachukua.

Tunataka Serikali ile tunaunda, (?) Wakalenjin wakae hapa, kama ni ya town ya (?) kama ni ya Chebalungu ni ya Chebalungu. Sasa hatutaki tufanye nini tufanye confusion kwa sababu kama tukitoa ya Kiisi alafu tujue taxes ya Kiisi iende Kiisi

kama ya hapa ni ya hapa ndio tunataka kusema tu Serikali ile inakuja tena tunataka MP ile kama tukichagua mtu, akicheza tuseme kama akisema iko katikati aongee mambo ya multi-party kama anataka kuenda pande ingine ama kudifect. Kama amesema mimi na-defect, tunaanza tena uchaguzi ingine badala ya kusumbwa wanainchi, hiyo ndio taabu sana hata sisi tunateseka kwa upande wa ma-councilors wameanza kuenda pande hii pande hii hatujui inchi iko namna gani. Hiyo ni ya mwisho hakuna nyingine.

Com. Dr. Swazuri: Okay tutachukua break tupumzike kidogo for thirty minutes. Kwa hivyo tutarudi hapa saa nane kamili.

Com. Dr. Swazuri: Aa mzee huko tayari? Huko tayari? Haya karibu. Dakika tano. Sijui kama utaweza. Weka microphone karibu kama hivi, kama hivi, usiweke sana karibu sana.

Mathew Ng’etich: Ee asante kwa hii siku ya leo, kwa hii nafasi nimepata nitoe maoni kidogo, katika Constitution, jina naitwa Mathew Ng’etich, Mathew, yes. Vile nimeona Katiba kuhusiana na wacha niseme kama President, ningetaka kusema akose above the law, ama niongee kwa Kipsigis. Ok vile nimejua kwa maoni yangu mtu kuwa above the laws nimekataa, kwa sababu mtu akiwa na, na kama mtu iko na Katiba yote, kama nabeba Katiba hiyo sasa anaweza kutoa, kufanya kila kitu angetaka kufanya. Ee kitu kingine kuhusu tuseme kama nyumbani, kwa kama tuseme, watoto, kama mtu iko na bibi mbili ee labda bibi mwingine akipata mtoto mmoja mwingine akipata watoto kumi ninaona sio mzuri kugawanya equally, kwa sababu yule mwingine atapata share kubwa kwa sababu vile tuna, kwa, kimila naona wanagawanya kama wanagawanya, wanagawanyia bibi mabibi, halafu mwingine akipata mtoto mmoja anapata share kuwa wale wengine. Asante sana.

Com. Dr. Swazuri: Kwa wale ambao mmefika tunasema kwamba, kwanza mtu akija hapa lazima atuambie jina lake na akimaliza aende pande ule ajiandikishe. Tunawapatia dakika tano tano.

Philip Kipsang Ngetich: Thanks. I’m Philip Kipsang Ngetich, Philip Ngetich, and in the first is a preamble it should include “we people” and then in that preamble we have, it should have words which drive people to unity e.g. words in the National Anthem. Preamble has to state that no one should be above the law.

Another thing is a transparency and accountability of funds in all the ministries from the national levels to the district levels. Trust lands must be preserved or given to the poor people if possible not the prominent people, retirement to the retired people from the Government should not be re-employed again by the Government. Nomination e.g. of MPs should not be done by the President alone. The nominated MPs also are not supposed to be given any ministry unless professionally.

There should be freedom of an organised day to address his or her people in the constituency without interference of the police. The GK properties e.g. vehicles should not be used for personal purposes and strictly be used by the concerned persons.

The civic marriage should be done or conducted by the chiefs for easily reach of the people in the rural areas. Last but not least, chiefs to be transferred like other under the civil servants and be elected by the citizens. Thanks a lot.

David Koech (Blind): OK. Aa, Jina langu ni David Koech kutoka Union Photo Plant. Maoni yangu ni machache sana ni kuhusu wale watu wote ambao huenda mtu (?)

(Inaudible Interjection)

David Koech: Naitwa David Koech. Haya, mtu anaweza kuwa mlemavu bila kukuwa na kazi. Tuseme mtu alikuwa ana kazi ni huyu mtu anafaa asaidiwe na Serikali kama wale wengine wanasaidiwa na Serikali wakipatwa na mkasa wakiwa kazini.

Ingingine ya pili ni hizi, wanaitwa machiefs wanaongoza ufasidi. Hawa wanapaswa kuchaguliwa na wananchi baada ya miaka mitatu kama (?)

Ya tatu ni hili: wabunge wananchi wapewe nafasi watangaze kwamba hawana ile hawana ile confidence na mjumbe yao. Hiyo nafasi itangazwe kuwa wazi.

Nafasi ya uRais ipatiwe (?) hiyo ni point ya nne. Nafasi ya Rais ipatiwe mtu yeyote akiwa mzee bora awe na uwezo, wala sioni ama fulani kwa maana kijana wa siku hizi hawana mawaidha ya elimu. Watu wote ambao hawajiwezi wameona shida sana wakiwa wazazi. Unajua hawa ni wazazi kama hawa wengine wanateseka sana sana sana. Kwa maana wanaulizwa fees ya watoto wao na mambo mengine mengi ya shule. Sisi tumeteseka sana kwa kuwa tumepewa mabarua na maheadteachers kwamba tusipolipa kitu ya funds na pesa zingine, watoto wetu watafukuzwa kwenda nyumbani, na hatuoni wala hatujui sura za watoto wetu kama ni nyeusi ama ni nyeupe. Hicho ni kitu ambacho kimetuhuzunisha sana. Tunaolea sasa, watu ambao hawaoni ama wale wanatambaa ? wale wanaitwa cripples, watoto wao wasome free education kabisa kabisa, ndio wanasaidia sana tunaomba. Asante sana.

Com. Dr. Swazuri: Asante sana. Mpeleke mzee akaandike jina lake pale. William Turgut. Hayuko? Philips Sitienei, John Turgut, Samson Chirchir, Raphael Marusoi, Mike Korich, Edwin Kirui, Chief John Mutahi, Augustine Langat, alizungumza huyu. Kibore Koech, Philip Ng'eno, Florence Kirui, Joseph Maswai, Philip Rono. Haya. Karibu mzee. Who are you? Sasa mi naita wewe hata hauangalii. Mike Korir. Haya. Mzee wewe ni Philip Rono. Haya akimaliza hii ni wewe. Five minutes please.

Mike Korir: Well. With for me, I wanted to present, my name is Mike Korir, I wanted to present something starting with the Preamble. We need a Preamble in our Constitution. The issues to be in the national vision, unity in diversity, respect of human

rights of all people, equality and equity of all citizens.

Basic rights. Basic rights should be (?) in Constitution i.e. education, shelter, food, medical and clothing for all. Free and compulsory education from primary schools to form four. One law, should be stated very clearly in the Constitution that it is free and compulsory because free education has always been free education, and nobody has taken it seriously and as you know we, Africans, have to be forced then it should be compulsory.

Something on the political parties. Our country at the moment has forty- three political parties and since our country is a small country of 42 tribe then each tribe has its own political party. So we need a nation or a country with two political parties and every party should be having popularity of at least two-thirds of the provinces in Kenya. All the political parties should be centred equally by the Government and if there is any room for any independent candidate then that one should stand on his own.

Structure and system of the Government. We need a Government where we have a head of state and a head of Government that is President being the ceremonial figurehead and Prime Minister being head of the Government.

Legislature; the function of the Parliament should be expanded, there terms, salary and conditions of services determined by special commission. An MP, an MP, for one to qualify to be an MP he should at least get 30 years, and above, and less than 60 years of age.

Com. Dr. Swazuri: Nani huko nyuma kidogo. Mwambie anyamaze huko nyuma.

Mike Korir: An MP should be full time in Parliament and should not be an employee elsewhere. For any person to qualify as an MP he should at least have a degree and above.

Trade unions. Trade unions should be strengthen and expanded to serving the domestic workers.

Something to do with lands, lands, the powers of the commission of land should be reduced and distributed, that is anything to do with the town council should be under the council. Community settlement should be under a group of elders or village elders. Land title deeds should be under the name with the name of the father or the mother or women and his children should be listed in the title deed.

Local Government; all the councillors to qualify to contest of local authority should be at least be form four failures, should at least be O-Level failures and above. Nominated councillors should be scrapped. Chairmen or mayors should be elected by the majority. Thanks.

Philip Rono: My name is Philip Rono. May I point out accountability of all Kenyans in terms of education. Genius children, medical treatment. I would like to say in Kenya we have different education according to riches and we should back to formal education for further success for all people in Kenya, not ministers alone. When I say about genius children we get scientists from genius children and not from rich family. We can get scientist who can work for this country.

Farmers producers. Co-operatives societies should be strengthened and should assist farmers by protecting the sales of their produce such as milk , which is being sold to K.C.C. Farmers, the Government should see that farmers are paid their milk as fast as possible because Kenya is depending on agriculture which is the main exchange for the Kenya's economy.

In medical, when you see the treatment being done in Kenya to people it is treatment for rich and poor people. When you visit these Government hospitals you are told to go and buy medicine while local people had gone to hospitals with money. I comment that Government should give free treatment as it used to be given before. What the Government is telling us is that we have so many people at the moment not so, we are also paying taxes to the Government.

Com. Dr. Swazuri: (Inaudible)

Philip Rono: You know, in medical, Okay. We have Prime Minister and President as figurehead of Kenya and somebody with minimum qualifications of diplomatic and mature person not a young boy.

(Inaudible Interjection)

Philip Rono: Middle-age person from 45 and above because he may know all the problems affecting all people in Kenya.

Com. Baraza: Na je Uhuru?

Philip Rono: It will depend on the majority of Kenya. We don't know whether we can be putting to confusion, we have to select somebody.

(Inaudible Interjection)

Philip Rono: Also chief Executives there should be limited such as managing directors who are misusing Government's money. Because their powers are not limited is it everything exceeding twenty million should go to Parliament or the minister concerned to approve.

Com. Dr. Swazuri: Okay, mzee. Asante sana. You can have your memo right there and you register your names. Philip Rono, then we have John Cheruiot ? Paul Kirui, Assistant Chief Paul Kirui, Gideon Tanui, Gideon Tanui, Peter K. Rono.

Peter K. Rono: Well I would like to present my proposals to the commission. My names are Peter Kamtae Rono. The constitution must guarantee the representation of youths, women and disabled in the Parliament. This will ensure maximum participation in Government by all.

Employment must be made compulsory for all by destiny as this is the right of a Kenyan.

Corruption must be made a capital offence. This will deter the vice.

Provincial administration should be scrapped because its role is scanty.

The high salary for a Kenyan must not exceed fifty thousand Kenya shillings a month and there should be one man, one job. This should reduce the gap between the half men and the poor.

Prisoners must not be subjected to hard labour as well as corporal punishment to accompany their sentence as this commands to total punishment.

All Kenyan citizens, entitled to salaries being citizenship payments. All Kenyan citizens to salaries being citizenship payments. This rejects the anguish of unemployment.

All public officers should declare their wealth, assets and if all, to be legally acquired, the officer concerned should be prosecuted.

Local brews to be legalized with a license to operate and regulate. This will give the low class the opportunity to enjoy themselves without embarrassment by the Government, and as they cannot afford the licensed alcohol.

Nobody should own more than 20 acres of land. This will restrict influential personalities from illegally allocating themselves chunks of lands while other Kenyans are landless.

MPs terms be fixed to two-five year terms and their salaries be determined by the citizens because they're the employers.

There must be no street people. The state must cater for these people and their welfare. Thanks.

Com. Dr. Swazuri: John Korir, Church of Christ, John Langat, from the same church, Leonard Sigei, David oh David Koech, amesema, Mathew Ngetich, pia amesema. Jacob Rono.

John Rono: My name is John Laboso Rono and not Jacob Rono, John Laboso Rono. My suggestion is, I'm supporting the farmer law to be implemented, so that farmers can get compensation for what he can do in his farm or her farm. Also a firm for farming should be opened for farmers so that the IMF and the World Bank if they have funds, they can channel to the farmers' bank, so that farmers can get loans from their banks. Also farmers should be allowed to export his or her products wherever he finds market and also free to import livestock or farm inputs or implements to the farm as he wishes. Also farmers should be fill their silos in their villages to gather grains for exports. Also cooling plants to get the dairy products for export. For the Government to get revenue from the farmers they have to wait until the farmers sell their products, and this money should be provided. In turn, the money from the taxes should give the farmers good weather and roads, electricity and health services.

Second point is education laws. Every child be given education from standard one to form four, free education, from colleges to university. The responsible parties should pay their fees.

African business laws should be implemented. Government should fully support African businesses to venture worldwide to explore due to markets to compete with other competitors. Also loans should be given to African business people so that they can compete with other competitors.

Provincial headquarters, number four, should be abolished so that the old districts, 42 districts, to be provinces, and all the new districts should be abolished and replaced by provincial office P.O. instead of P.C.

And Kenyan citizen should have the powers to regiment and suggest the salary of the civil servant cabinets and the MPs and a body should be formed to take views from the wananchi so that they can arrange the salary for their people. Also the churches, church laws, free fellowships, teaching in schools, pastoral services once a week, to help ? also churches should have a say in Government leadership e.g. praying for the Government, free teaching through K.B.C. to wananchi from 6.00 a.m. to 6.15 a.m. in the morning. Thank you.

Com. Dr. Swazuri: Okay. Thank you very much. Can you register there? Eli Cheruiyot, Kibere Nibei.

Kibere Nibei: (In Kipsigis dialect, through translator)

Translator: My name is Kibere Nibei. Kibere Nibei.

Kibere Nibei:

Translator: We have a problem, our girls become pregnant and we are being told to give them land. What we want is person responsible for such a pregnancy should take the girl or be responsible for the maintenance of the child.

Kibere Nibei:

Translator: Even if the person may be poor or may not be able to support himself they should go and struggle wherever they want to stay even if it's in the (?).

Kibere Nibei:

Translator: That is all I have.

Com. Dr. Swazuri: Richard Lelei, Richard Mursi, Wilson Soi, Albert Langat, Albert Langat, Kibore Koech, Philip Ng'eno, Lawrence Kirui, Lawrence Kirui. OK. Karibu.

Lawrence Kirui: (In Kipsigis dialect, through translator)

Translator: Ninaitwa Lawrence Kirui.

Lawrence Kirui:

Translator: Ninaishi hapa Sotik.

Lawrence Kirui: Na nimependa yenyewe Katiba. Nimependa Katiba.

(Inaudible Interjection)

Lawrence Kirui:

Translator: Sijui sana katiba kwa sababu sikusoma.

Lawrence Kirui:

Translator: Kitu ningetaka kusema ndio hii.

Lawrence Kirui: Ndio hili. Mimi nataka hivi. Mimi nataka hivi. Nataka hivi. Nikieleza hivi kwa vile imesemekana enda mbele ya watu uongee yale yote unapenda kuongea ama namna gani?

Com. Dr. Swazuri: Ongea tu.

Lawrence Kirui: Eeh, mimi nilikuwa ninataka kuongea hivi. Katiba sijafahamu. Sijafahamu katiba kwa vile ninaweza kuelezewa kwamba Katiba ni nini?

Com. Dr. Swazuri: (inaudible)

Lawrence Kirui: Utanielezea baadaye?

Com. Dr. Swazuri: Joseph Maswai, John Cheruiot, Paul Kirui, Gideon Tanui, John Korir, John Langat, Leonard Sigei, Isaac, oh! Sorry, Eli Cheruiot, Richard Mursi, William Soi and Albert Langat. Wote hawako. Haya. Nani mwingine yuko tayari. Wewe? Give us your names.

Councillor Christopher Maritim: Kwa jina naitwa Councilor Christopher Maritim, Okay, okay. Mambo ya Katiba, separation of powers of the Government. The President should not be a Member of Parliament. The chairman of the county council should be elected by the people of the area of jurisdiction. The elected councilor should be empowered to know the activities of council especially in terms of income and expenditure. Nominated councillors and MPs should be scrapped since they do not have a role to play in the Constitution. They should be at least 8 what, to form a council. Corrupt officers of the public office should not be transferred from one office to another. Instead, they should be sacked, judged and jailed. The Legislature should be empowered to curb the activities of the community especially harmonization of disputes pertaining to boundaries i.e domestic disputes. They should be paid and assistantship be scrapped. The village elder should have at least 12 villages representatives and they should be paid sitting allowances. Thank you.

Com. Dr. Swazuri: Paul Birir, Paul Birir. Uje hapa.

Paul Berir: (In Kipsigis dialect, through translator)

Translator: Ninaitwa Paul Berir.

Paul Berir:

Translator: Nauliza, tuliona watu ambao walikuwa wanaandikwa watu kule nyumbani. Kuna tofauti kati ya kuandikwa pale na hiyo hiyo.

Com. Dr. Swazuri: (inaudible).

Paul Berir:

Translator: Kuna watu ambao walikuwa wakienda wakiandika majina ya watu.

Paul Berir:

(Inaudible Interjection)

Paul Berir:

Translator: kuna tofauti kati ya ile Katiba tuliandika siku ile na leo hii?

(Inaudible Interjection)

Paul Berir: (In Kalenjin dialect) yaani, siyo ngumu. Hata mimi ningepuliza. Sasa kwa nyinyi kwa vile sasa mnaandika. Ile ambao wengine ilikuwa wanatembea iko tofauti na hii?

Paul Berir:

Translator: Vile mimi nataka leo hii.

Paul Berir:

Translator: Watu wanataka waalikwe kwa mkutano waelezwe hayo maneno.

Com. Dr. Swazuri: (inaudible)

Tabrandi Too: (In Kipsigis dialect, through translator)

Translator: Ninaitwa Tabrandi Too.

Tabrandi Too:

Translator: Mimi natoka kijiji cha Kablong.

Tabrandi Too:

Translator: Nilikuja kwa hii maneno ya Katiba.

Tabrandi Too:

Translator: Na ninaona inaendelea vizuri.

Tabrandi Too:

Translator: Amekuja, nimekuja kwa ajili ya wale ambao, wasichana ambao wanajisimamia. Maslahi yao iangiliwe katika hii process. Wale wanajisimamia wenyewe ?

Tabrandi Too:

Translator: Wametuletea shida na kuwasaidia inakuwa ngumu. Wengine wetu wazee waliaga zamani na tumejisimamia. Anakuwa ni mzigo mkubwa juu yetu.

Tabrandi Too: Hakuna mashamba. Nimemaliza. Asante.

Translator: Thank you.

Com. Dr. Swazuri: Kipruno Sile, Joseph Beruchok. Kuna mwingine anataka kutoa maoni, jina lake hatukuandika. Njoo wewe halafu mzee uwe tayari.

Father Richard Soi: My name is Father Richard Soi and I'm presenting as an individual. Father Richard Soi, I'm presenting as a resident of Sotik Division and as an individual.

First, I'd like the Constitution to have civic education provided, to be part of the , provided, civic education because I see some of the people come and ask questions about the issue of civic education. So the new Constitution should, provide a place for the civic education.

Also, we should have, on land, you know, the current Constitution we have now has got British laws regarding land. That is, demarcation of land so what the new Constitution should have laws governing land such that we re-demarcate the Kenyan boundaries, especially the district boundaries. So that we should have like, for example, today we have districts according to tribal, tribal boundaries, which actually were used by the colonialists to divide the Kenyans in order to rule them. So, the new Constitution should do away with such tribal boundaries so that we have people living together, and we make boundaries in such a way that people of different groups can live together.

Also, land lease. In the first place, the police, way back in 1920, came and chased out the people, evicted the people who were living there in order to plant tea. So the laws governing such estates should also be removed so that the issue of leaving land 99 years should be done away with, so that we have the people of the area and as such Kenyans not necessarily people who are living here.

On family, family laws we should have sorry, on rape cases you know according to the laws of Kenya, rape and defilement are different such a way that if a person defiled in a minor he's imprisoned for a very short time and the one who rapes ? is imprisoned for about 14 years. So all these should be imprisoned for life and P3 should be used as exhibits and also witnesses, those who witness such a crime. Defilers should be for life because this is a serious case.

On development, there should be a policy by the Government providing development to every part of the country, regardless of whether people are from this particular party as is happening today. So there should be development whereby different district,

the district should have a budget and present to their Member of Parliament so that it can be considered in case of, for development. Thank you.

Joseph Kirui: Okay. My names are Joseph Kiproo Kirui, Chairman CJPC Kaplong Parish. I have about three issues to Raise.

One is concerning elected leaders for example, MPs and councillors. We know when they are elected they go in for five years and that should not be the case. These people should be recalled immediately they mess. We know they've been messing. At times, MPs are given money meant for roads, councillors are given money ? we have known that money is not used for the intended purpose, so immediately the residence discovers that such leaders are messing with these money, they should be recalled back and another elected with immediate effect because if they are allowed to continue for five years, still the morale of the people will go down because they will see that they are not being attended to. Now, MPs should attend Parliament from 8:00 a.m. to 5:00 p.m. everyday because we have had ? being shifted from town to town. Time is not enough upto the next station because I think the time a location was not convenient, so they behave like all the civil servants. They should report at 8:00 a.m. on the dot and the 5:00 p.m. Then on salaries, the salaries for MPs, they should not decide because nobody is allowed to see himself even right here in this house you cannot get a pair of scissors then you start cutting your own hair. So there should be a body to decide the salaries for all the people, all the workers in the Republic of Kenya, MPs included and the councillors, and the salaries should match with the type of work one is holding.

Then the third one concerns land acquisition. When God created the world, he saw everybody to be equal before his eyes. Now with the land, this one should be shared equally and nobody should qualify to be a landless person because God was good when we did that one and as I am talking, I am still looking for somebody who was the first one to buy land from God. We are ? looking for that person, this person, the first to decide that land should be sold. That should not be the case because if allowed, if it's allowed, the next day you'll hear people say, I'm selling river water and the rest. So we want the first one and I'm appealing to all of us who are here, get us the first person who decided that land should be sold, let us forward the name to the CJPC office for necessary action. Now we should appeal the wall as God said but because of this selfish land acquisition and the rest, we have not filled because I know once everything is filled another one is. God should have created another land for us but we have not filled because I know once everything is filled another one is. God should have created another land for us but we have not fulfilled what he told us to go down, give birth, fill the land. See the problem on our side. Now, so te question of whether somebody is married or not married, should get land equally. So, we hope that in the next nini.

Then another is the gender issue. When this word came, it was good but it has been misused. If people are going for the same job once advertised, male and female, that's if both of them have a C+ the question of saying that we take the girl because of gender, that one is ungodly. Let people play on the same ground because after all, man was created first, so man should be given the first priority everywhere that is said in the Bible. So the question of misusing gender, I'm saying so because the ladies

give the (?) this one positively it's being misused so the word misused should be underlined because in the Bible man first, as God decided. I think that's all.

Com. Dr. Swazuri: Thank you very much. The next person. Young man ni wewe.

Cheruiyot Justus: My names are Cheruiyot Justus. I'm presenting as an individual. What I just want to touch as far as the Constitution is concerned is in the next Constitution, we just want the post of Executive President, Prime Minister and from there the Executive President should not be the chairman of the ruling party.

And in the side of the Judiciary and Executive, that should be independent anyway. That's to say the President should not be appointing judges of the court of appeal and such like things.

Also, the President should not be the chancellor of any university in Kenya. Also, as far as education is concerned, currently education in Kenya has been commercialized. That is, you find parallel programs in most of the universities taking even D+ or C-. That is to say there should not be such like things in universities.

Another thing is concerning education of culture. With the current Constitution, it has actually denied generally it's not that gender desperative but Government has been denying culture. So I speak for them that's in the next Constitution. Let them be considerate for that. That's all I have for now. Thank you.

Com. Dr. Swazuri: Your name there. Mwingine, kama yeyote angependa kutupatia maoni yake na hatukumtaja jina lake, tafadhali. Anybody who wants to give his or her views. Mama, huyo mama amekuja saa hii or ameshatoa memorandum. Kama ameshatoa mama sawa. Umetoa memorandum?

Christine Kosgei: Mimi jina langu ni Christine Kosgei, individual. Kitu nataka kurepresent ni citizens, whether a man or woman who marries a foreigner, they can give citizen to their spouses or children. A person or a man married to a Kenyan citizen should be entitled to automatic Kenyan citizenship.

All political parties should be funded equally. Their structures should change and adopt a Parliamentary system of Government to reduce the powers of the President. The function of Parliament should be expanded but their terms, salary, condition of service, should be determined by a commission. An MP should be at 25 years and above. He should retain the concept of a nominated MP and half should be men and half should be women. The President candidate should have a minimum qualification of a degree.

The Constitution should (?) all people have access to ? magistrates and village tribunal, elders tribunal should be

(?) and women should participate in these tribunals. Mayors and council chairman should be elected by people. The minimum qualification of councillors should be O-Level .

Secret ballot should be retained.

Every right should be included, that is education, shelter, food and clothing. Rights of vulnerable groups, the interests of women should be fully guaranteed in the Constitution: that's equal education, health, political environment should be enhanced. The Constitution should protect the person living with HIV/AIDS.

There should a limit to land an individual can own. There should be restriction of land to non citizens. The title should be both meant for husband and wife. All children should inherit land, both boys and girls married and unmarried.

Culture should not over-ride human rights. The ethnic diversity should be protected and good cultural practices be promoted but harmful cultural practices should be abolished for example, wife inheritance and girls, female genital circumcision.

There's also need to ensure that environment and natural resources are conserved by all Kenyans. There should be increase in participation in management and decision-making position, that is like in Public Service Commission.

Constitution Commission should establish human rights commission, gender commission and corruption commission and land commission.

The incoming President should be sworn in by Supreme Court.

Com. Dr. Swazuri: Thank you very much, we will read the details of that. Edah Oyegoh?

Edah Biengo: My names are Edah Biengo. I represent this ward but I could say something, just once. I want to talk about ladies who are married to working men. Those ladies should earn a salary for home-making. You can find those ladies are really miserable, they don't even have a nice dress and their husbands are working and whatever they do at home is not recognized. So they should earn by the month. Well, the man is employer cum husband.

And then I'll talk of something else, circumcision for the girls. It should be stopped completely. Yeah and the female that is, they call it mutilation. It is actually mutilation. It should be stopped and anything else I think is clear from there.

Com. Hassan: Thank you very much. Supposing the woman is also working, supposing the woman is also working and the

husband is not working

Edah Biengo: Is not working?

Com. Hassan: Yeah.

Edah Biengo: Now, I am not biased. If he is doing something good at home when the lady is outside, then he can be given salary.

Com. Dr. Swazuri: Ronald Kirui, Ronald Kirui, Eddie C. Chebaibai.

Eddie C. Chebaibai: (In Kalenjin dialect, through translator)

Translator: My names Eddie C. Chebaibai.

Eddie C. Chebaibai:

Translator: I would to speak on the condition of those women who are unmarried and leaving in their maiden homes.

Eddie C. Chebaibai:

Translator: They should be given equal treatment with the sons and should be given a share of the land.

Eddie C. Chebaibai:

Translator: Anybody who impregnates a woman, should get that woman as his wife.

Eddie C. Chebaibai:

Translator: On the part of the police force, the law should specify the use to which the money they collect from motorists goes.

Eddie C. Chebaibai:

Translator: In some cases, you find that there is a paramount chief then at the same time there is a locational chief. This should be clarified.

Eddie C. Chebaibai:

Translator: We have also nominated councillors and yet we have elected councillors. Their roles should also be clearly stated.

Eddie C. Chebaibai:

Translator: Wife beating should have very strong grounds otherwise, women should be accorded fair dignity than is being done at the moment.

Eddie C. Chebaibai:

Translator: On the part of copyrights, you find that somebody is a singer or a musician, plays music, somebody else sells the music and benefits, yet that person has not done anything to produce that music.

Eddie C. Chebaibai:

Translator: Nimeacha kwa nyumba lakini mimi ni musician. Kila mtu ndio anajua. Hata nikikimbia saa hii niko na nini. Sawa.

Com. Dr. Swazuri: Kuna mwingine angependa kuzungumza?

Samuel Yebo: My names are Samuel Yebo. Yebo, yeah. But I would like to bring forward

(?) that the current system of Government should continue because it is a democratic Government and also (?) so I would like that system of Government to continue.

Another thing, I would like to say, the new Constitution to put into law that primary level education should be free. If the law is not implemented that primary education should not be free, many children will remain at home as has happened in the past. I've seen those children who are bringing problems in towns now are those children whose parents are not able to provide them with primary basic education. So, the law should be, the Government should make it free education.

Another thing I would like the Constitution to put into law is the primary school children. At times you find most girls are being preganated by elderly people. So if a person if found preganating somebody's girl or daughter should be jailed for over 7 years because he has wasted, because he has wasted and he has misused the right of that child.

Another thing I want the Constitution to put into a law, is about these street children. You find girls are running away from their homes coming to towns, and there are policemen there, the Government's eyes are there. They have run away from their homes, come into towns giving the services. You find they give birth to children who are not taking care of them so the police, a policemen should arrest that girl who has run away from home, and has no business in town.

The last thing I want to put across is that, elders, village elders should be elected and be paid like other civil servants because they play important roles. And it should be different from the administration, should be like a civil servant but different from the administration, he should be like a councilor or an MP.

The last point is that, there should be no nominated MP and no nominated councilor because it only brings unnecessary

expenditure to the Government. Thank you.

Com. Dr. Swazuri: Thank you very much. You register there, (?) and we recognize the presence of the Honorable MP. (inaudible). Mama nani. Okay . Esther.

Esther Matepu: (in Kipsigis dialect, through translator)

Translator: Ninaitwa Esther Matepu.

Esther Matepu:

Translator: Ninaishi hapa Sotik.

Esther Matepu:

Translator: Nimesikia leo hii kuna kutoa maoni juu ya katiba mpya.

Esther Matepu:

Translator: If you want to start, to make a new beginning, please listen to what I have to say.

Esther Matepu:

Translator: I am around 60 years old.

Esther Matepu:

Translator: And I have been seeing what has been happening all through.

Esther Matepu:

Translator: If God desires that today you will make a new Constitution.

Esther Matepu:

Translator: Ever since, we have never been asked to give our views regarding Constitution making.

Esther Matepu:

Translator: I'm saying do what needs to be done.

Esther Matepu:

Translator: You have done a lot of injustice to us.

Esther Matepu:

Translator: We have educated you and now you need to take care of the world.

Esther Matepu:

Translator: In the new law anybody who breaks the law should be prosecuted.

Esther Matepu:

Translator: Especially those that make illegal brews that encourage theft and fights.

Esther Matepu:

Translator: Also there those children we have educated and have nowhere to stay.

Esther Matepu:

Translator: Who are going about in urban centers and are turning into thieves.

Esther Matepu:

Translator: The new Constitution should take their point into consideration.

Esther Matepu:

Translator: I would like it to say that whoever violates this law shall be prosecuted.

Esther Matepu:

Translator: So that peace may prevail.

Esther Matepu:

Translator: Thank you.

Com. Dr. Swazuri: Karibu mzee. Dakika tano.

Stephen Arap Kerich: (In Kipsigis dialect, through translator)

Translator: Ninaitwa Stephen Arap Kerich.

Stephen Arap Kerich:

Translator: Mimi naishi Rongai.

Stephen Arap Kerich:

Translator: Na nyumbani kwangu asili ni hapa.

Stephen Arap Kerich:

Translator: I'm very thankful that I found this exercise in progress.

Stephen Arap Kerich:

Translator: What I would like to ask here.

Stephen Arap Kerich:

Translator: The Kalenjin people no longer live as they used to.

Stephen Arap Kerich:

Translator: I don't know whether this is due to ethnic integration in the country or mixing of ethnic communities.

Stephen Arap Kerich:

Translator: Because the young generation no longer listen to advice.

Stephen Arap Kerich:

Translator: In the olden days, young people used to respect to elders.

Stephen Arap Kerich:

Translator: I see that integration has brought about confusion so, everybody should stay in his own land.

Stephen Arap Kerich:

Translator: Because even robberies and thefts have become rampant.

Stephen Arap Kerich:

Translator: What will prevent this is everybody to stay in his own area.

Stephen Arap Kerich:

Translator: People have stayed like water that is not damp.

Stephen Arap Kerich:

Translator: And to find that in some, areas people have not gone to leave in other people's land.

Stephen Arap Kerich:

Translator: But this our place has become a place for every Dick and Tom.

Stephen Arap Kerich:

Translator: And we will not accept this.

Stephen Arap Kerich:

Translator: I think that is as it should be.

Stephen Arap Kerich:

Translator: I say so because Rongai is not a different land. It is our land.

Stephen Arap Kerich:

Translator: When somebody says, I shed my blood.

Stephen Arap Kerich:

Translator: I will take you back from naivasha.

Stephen Arap Kerich:

Translator: Where our elders fought the Maasai.

Stephen Arap Kerich:

Translator: Upto Gucha near Kisii.

Stephen Arap Kerich:

Translator: Is where our elders fought with the Kisii over land.

Stephen Arap Kerich:

Translator: Rift Valley belongs to the Kipsigis and the Maasai, Kalenjin and the Maasai.

Stephen Arap Kerich:

Translator: It's not for everybody.

(Noisy Interjection)

Stephen Arap Kerich:

Translator: Other communities never fought with the whites like the Kalenjin who resisted the whites for 7 years.

Stephen Arap Kerich:

Translator: And when somebody is in the Rift Valley, such a person should know that he is not in his own land.

Stephen Arap Kerich:

Translator: He should know he is a mere businessman.

Stephen Arap Kerich:

Translator: He is not in his home area.

Stephen Arap Kerich:

Translator: The law should stipulate that such a person may not, vie for ABC.

Stephen Arap Kerich:

Translator: That we can become one and progress together.

Stephen Arap Kerich:

Translator: That's all I have.

Com. Dr. Swazuri: Haya. Kibet Ruto, Kibet Ruto, Wilson Korir.

Wilson Korir: Kwa majina naitwa Wilson Korir. Naishi hapa, Sotik, mimi ni mzaliwa wa hapa.

La kwanza, pendekezo langu ni hili. Haya maneno ya mashamba, tunataka watu wakuwe na shamba wasikuwe na zaidi ya acre hamsini. Akiwa na zaidi ya hiyo, anafaa kulipa kodi ya elfu moja kila mwaka. Tunaona hivi kwa vile tukona shida ya mashamba, kwa vile tunasikia kuna maskwota na tunashindwa kunaweza kutokea maskwota aje hali hao ni wakenya na wanapatikana kuwa maskwota kwa nchi yao.

La pili, masomo ya msingi mpaka university iwe bure. Nasema hivi kwa vile ile shida tukonayo kabisa, kwa watu wengine tunaweza kupata watu wanatoka kwa jamii yenye hawawezi kusomesha mtoto kufikia hata standard eight. Na hawa watoto huwa wanakuwa watoto werevu.

Hapo, kuongeza hapo maneno ya hospitali tunaona ni shida. Ukienda hospitali ulale siku mbili tatu hivi, inatakikana iwe free kwa vile bill inapanda kabisa. Natoka siku tatu mbili kwa private unapata ni elfu kumi hata ishirini, ukipasuliwa kidogo hivi unaambiwa thirty thousands.

Haya, maneno ya training tena. Kama mtu amemaliza, tuseme, form four na ana ? ama haya maneno ya hospitali kuwa ma-nurse inafaa Serikali inatrain bure siyo kucharge. Unapata watu wengi wanaumia ama hawapati kazi kwa vile ukienda kutafuta kazi siku hizi huwezi kapata kwa vile wanataka mtu amehitimu. Kama ni driver, qualified driver. Kazi siku zinakuwa advertised wakati umepata ujuzi wa hiyo kazi. Lakini, tumeona watu wengine wamekuwa wamesoma, wako na certificate nzuri lakini hawakupata hiyo training. Sasa wale wanafaidika ni wale wako na pesa. And if those people don't have any money, where are they going to get it.

La mwisho, nataka kama chokora sasa wachote chokora wasomeshe bure. Kama ? wamepita miaka kumi na nane zaidi wakue trained ili wakue watu wa kujitegemea sio tu tuangalie tuseme ni chokora wakiiba ndio tunaanza kujua ni chokora na tunaanza kupiga na hatuaidii na chochote. Hawa watu tukipea elimu, tuwasomeshe na wakiwa watu wakubwa watakuja kufanya nini? Watu wa kujitegemea hao wenyewe. Naona tukifanya hivyo tutaweza kufanya jambo la kusaidia na nitafikiria maneno ya wizi utakwisha. Asanteni.

Com. Dr. Swazuri: Naam. Uende pale ujiandikishe. Albina Rabong. Mheshimiwa when you are ready tell us.

Mrs Albina Rabong: (In Kipsigis dialect, through translator)

Translator: My name is Albina Rabong from Kaplong.

Mrs Albina Rabong:

Translator: I came because I heard there is going to be a change in the basic law and my main problem, my main view concerns drinks or alcohol.

Mrs Albina Rabong:

Translator: We have children who have dropped out of school because their parents couldn't afford fees. These children are going around drinking and there are women who are making these illicit brews which these children are taking. We have been going here to present our grievances even in the chief's offices but nothing tangible or nothing (?) has been done to assist us with that.

Mrs Albina Rabong:

Translator: Ours is to ask you to make it unlawful under the new Constitution to make illicit brews.

Mrs Albina Rabong:

Translator: I would request that secondary school education should be free, as nowadays it is expensive to most parents and they can't afford.

Mrs Albina Rabong:

Translator: That's all I have.

Com. Dr. Swazuri: I think Mheshimiwa you can now take the floor.

Hon. Anthony Kimeto: Thank you very much for giving me time. My comments on this Constitution process.

First of all, I would like to give the election law. The election process law which has always been very difficult in this country. Let me begin by what is known as rigging in this country. Let me say in every election we should rule out what is called rigging. You know now Kenya is a multi-party system country and when we (?) okay.

(Inaudible Interjection)

I was trying to say what I wanted to do or stamp out completely is the amount of rigging in this country. What I'm saying is, in the process of the election period that we should have what we call entering parties to have the people we call presiding officers. These presiding officers should be for parties entering into a ward or constituency to enable everyone of them to be completely transparent and able to digest what others are saying. And during that election period, Mr. Commissioner, there is something called the boot. This is what I have just seen. The boot is where somebody goes on tipping his ballot paper. There has been something happening in the boot because it is normally private. I would like that boot to be completely transparent covered by something at the top as a proof and when somebody is issuing the ballot box it should be seen that only one ballot paper that goes and is dipped in that ballot box. This is what I have just seen and heard of, that people are colluding elsewhere then putting these papers inside their shirts, tucking inside their shirts and during the period of time when they are trying to put into the ballot box, they are putting a lot of ballot papers just because he is alone; no one is seeing what is happening. So if there is a review ceremony to be done, let us be transparent. Let everybody see that so and so is going to put his only one ballot paper.

Secondly, I would like to thank Mr. Commissioner, as soon as the election process is done, all of them should open up the ballot box. If time has elapsed for opening and completely count the number of ballot papers each one has taken in every polling center, the polling station should open and then record the number of every individual candidate entering into civic or Parliamentary election in that ward or place, polling station. So that by the time the people of that area will have known exactly the number of votes one has got and any (?) from that moment, the person advertised should be the winner. They should

count, after counting, they know who the winner is then the winner advertises that I, Honorable Anthony Kimeto, has so many votes and so and so got so many. While the agents of the others or the person presiding in that area will advertise that so and so won. So the Government should also be there to look at the peace in that area and tranquility. Then when it is gone to the polling centers at the constituency levels, they say all of them, everyone knows exactly the number we have to count and there be counted in the centers after being counted, after finishing they should also tell, the person advertising should also be the winner.

It has happened in several areas several times when somebody who has won is advertising the loser to the advantage of the loser. Mtu ambaye ameanguka ndiye anayetangazwa kuwa amekuwa. Then at the same time, when somebody complains he is told to go to court of law. Going to court, going to court of law is Kenya shillings 500,000 and having done civic elections who on earth will have shillings 500,000 to go and argue an obvious case where somebody has been picked out. Where will he get the money? It is better for an M.P who has been there if he has rigged somebody or if he is rigged out. What about somebody who has just come, who has nothing and then you tell him because of the strength, and you know he has no money you tell him to go to court of law with shillings 500,000? This one there is no punishment for anybody that advertise, who advertises the wrong. Anybody who should advertise that so and so has won and yet he is rigging the other one out should have the penalty of shillings 500,000. Instead that law has gone everytime on to the advertising and taking out giving the other disadvantage and because of this money, he cannot be charged. So I want somebody who advertises the wrong to be charged.

And another thing, this is what I have seen; we should do elections now. When all parties, when we are going for elections , we should have the judges so that after what we call the end of elections, those people who have been rigged votes themselves can be charged to the court of independent judges. Not necessarily the judges who are in the ruling Government right now. Because when you enter into the court of law, judges who are there have the same instructions from that living Government and there no out that the right they should execution of the right of the loser should be taken. So I want us to put in that before the elections are done, there should be a provision of the independent lawyers and judges to assist. After that time, those who would have rigged the votes be dealt with and the court of independent judges.

Secondly, I want what we call the Court of Appeal appealing for this after elections to come down to Kenya shillings 50,000 at least. Not necessarily Kenya shillings 500,000 is the money should be as little as Kenya shillings 50,000 to enable the people around to use that money.

Well, when we change that one in the election process, we should have somebody in the present law when somebody is rigged off, when you finish after going to court that finishing the disadvantaged becomes the winner. He is told again to go for elections. He is told again to start with a new people, na watu wapya, he will make that person be disadvantaged because he has finished the money, people have known that he won, he is told again to go for the election kama unatafuta ng'ombe halafu baada ya kupata ng'ombe wako, kwa nini usiichukue straight away as.

Immediately should hear the winner immediately not necessarily going back for the elections and to do another different elections that will be a straight forward exporation of unjust treatment towards this person who has been petitioning and after that Mr. Speaker Sir, the election process

(Noisy Interjections)

Well, when you finish, when that person has finished, has been declared the winner should be the declared the winner of that constituency immediately. And when that one should take the process of the court, should not take us more than five years to you know in the present law, you can be told to go to court when you do, the court will take more time to the length of five years. What will be the use of that. Should take us immediately to the distance of only two months and anybody who won can be declared. Nobody should go if there is a court of law and if there is a petition, nobody should be sworn in. Well, and I hope that the election process be done then this country would completely level the ground for all the election process. If there should be a punishment for those who are rigging to be punished this country could be a level ground.

Mr. Chairman, Commissioner another thing which I wanted to put in this country, I'm also with those whom I met discussing the children opportunity in this country. When we attained independence, we wanted independence of alleviation of the standard of living for children and all the men. In this country, Mr. Speaker Sir, I have seen some countries taking, I'm sorry to speak, I've just seen in Europe and Canada, even in Israel, the children for that country are educated freely. It is the duty of the Government of the day to see that their children are educated whether they are mad or were born awkwardly, they are all given education. But our country, it won't be that, they are giving the burden to the status of the family. We want to bring out all this standard of the family to everybody so that Kenyan children, we should build the schools for the Kenyan children. The Kenyan children for the education would bold for this country. The schools should do the same then the country will think and wait where to get the money for educating the children for building the schools through District Education Boards. It should only be our taxes which could be facing this for the purpose.

Mr. Commissioner, when you go to Europe you will find the people who have no jobs, they are paid weekly wages because they are Englishmen. We should let the people work, the think tank of this Government to see to it that Ministry of Labour can use every individual to think ways of making individuals in this country to work and produce for those children the Government is taking care of. The ministry of labor should introduce the laws that will make everybody work. This country is a country bestowed with a lot of riches but unfortunately the Government of the day is not thinking of ways and means of using what we all the human resources which are completely loitering without any problem of work to be done. It should be the ministry of labour who should come down to every village and see what is to be done to enable for the production of food. This country should not be the beggar. It is a country that enjoys a lot of rain and good sunshine and so there could not be any famine at all. We should make our human resources work. Let our people work in terms of what I heard someone saying we have so many

acres undulated land in this country which is lying idle. We should make the people of this country work. We should go to the North Eastern and produce a lot of food from there. We should completely , Mr. Commissioner, we should not import any food at all at all. The important of food could have been the production because we have so many rivers, and along the rivers we could make these rivers produce food.

I was in Egypt and I found that the Egyptians are desilting their only one river-Nile- which gathers a lot of silt then collect them spreading what we call ? food, why do we allow the Egyptians to use our desilted low eroded soil from Mt. Elgon, from Sotik Constituency and elsewhere. We should make our people understand that this water which is going without working properly, we should drain this River Kipsonei, should be drained to allow water to flow to Lake Victoria and the bottom line to the Mediterranean and River Nile. This should have been something our Government of the day should think and use human resources of this country if it is true the Ministry of Labor, Mr. Commissioner. What I have seen especially in Israel there between countries. There is no place where there is no electric power but it is water which we have here which we can only use bring the turbines. It is not only the turbines in Kampala which can be used. There are several other areas where if we all, what we call the rivers of this country which can produce a lot of electricity. We have even the ? a lot of sunshine ? where we can produce a lot of electric power. We have nearly everything which can produce electricity it is only the Government which is not ready to tap and use the best of the ability in this country. We could, Mr. Commissioner, use a lot of electricity to every village and this we have electricity then straight away we shall have a lot of afforestation. We shall not be cutting down trees because we have a lot of electricity.

This country is bestowed with all these opportunities and technical know how could be sent so that we could be learning and, Mr. Commissioner, if we continue again in terms of industrialization, I want us to understand that our Government want this country to be industrialized by 2020. Mr. Commissioner, you tell kenyans I'm bringing you to Parliament if you are going to make this country industrialized by the year 2020 and yet we are continuing to receive finished goods from other countries. How do you think these Europeans will ever become fools and then bring the technology of this country, if we cannot tell them those Europeans who are manufacturing cars if they cannot come to manufacture here in Kenya? Then how are are we going to become industrialized if we do not know even how to tell them to bring the goods? What the Israelites are doing Mr. Commissioner, they don't allow at all any man in their country to (?) any Israel good; if they cannot import any finished good instead they take the machinery to Israel and 75% of the product goes to the whole country, 10% to the owner, 15% to the individual shareholders. Now, the country is rich. We cannot be rich in this country if we are allowing, look at our shirts, there is no factory in Kenya. All of them are imported. We could have planted cotton, planted maize and at the end of the day we could be selling to ? in turn they sell to us clothes in terms of cotton and sugar. If we continue importing finished goods from abroad it will be a great forward exposure of killing the economy of this country, of killing the human resources of this country, of killing everything in this country. Mr. Commissioner, if we come again.

Com. Dr. Swazuri: (Inaudible)

Hon. Anthony Kimeto: You want me to wind up. I have a lot to give you. If you come again to this type of industrial process done in this country, we shall continue to lament over our poverty eradication. The way we should completely effect poverty eradication, is to close the borders completely and whichever country that one has to work with, that is the country which we exchange with our goods. We should exchange our goods with the country that is also selling. A very good example, agricultural goods, like coffee, like tea. We should be exchanging with other countries what we are producing here, so they'll be taken by the people if they're giving us the spare parts of anything, then they should be taking our finished produce like meat, because we are good producers of meat and milk. We should also develop in terms of the building industries and then we sell to these countries which are sending us finished goods.

In terms of health, Mr. Speaker sir,

Com. Dr. Swazuri : (Inaudible)

Hon. Anthony Kimeto: Mr. Commissioner in terms of health, this country is lacking a lot of water. Since independence we were seeing we should better the standards of living for Kenyans. We were ready to kill poverty, kill ignorance and kill diseases. Mr. Commissioner where are the people in this country? We have already as we continue to train people, for example medical training schools, the number of doctors in this country is less. The number of 30 million people in this country cannot compare to the number of doctors. We should lower down the degrees of those entering the medical degree in terms of physicians. We should degree, train more, because Kenyans are suffering. There are no enough doctors, dentists ? no doctors are enough. We specifically send some to pay for this, pay for that so that we have what we call doctor's empowerment continue in this country we are running. We want to have approximately 600 doctors against 30 million people in this country. What you compare every doctor should serve how many? About 500,000 people. We cannot compare, At the same time what I borrowed from Israel in that at the age the living Government of israel belongs to the Israelites there are people looking after the children that continue going down every village asking for any rampant disease which has started to begin straight away from there. Kuna watu ambao hutembea kama kuna ugonjwa gani unasumbua watu hapa? Wanafanya nini halafu wanatafuta dawa wanamaliza hapo. Lakini Kenya wanachukua disease hapo, unaenda huko, unazunguka, hakuna mtu anasumbuka.

Com. Dr. Swazuri : (Inaudible)

Hon. Anthony Kimeto: You are my witness ninasema ukweli.

Com. Dr. Swazuri : (Inaudible)

Hon. Anthony Kimeto: unasikia. This place should have a lot of human resources we should train to enable us to have nurses. When I went to Canada we were, tulipimwa to check if we had any disease we were taking to that country. If we had any diseases we were taking to the Canadians we were repatriated back. We got somebody suffering from malaria. The Canadians took him to hospital, kufika huko wanajaribu kutafuta hiyo dawa ya malaria na malaria iliuliwa 1956 huko Canada. Bado inaenda kwa kitu kinaitwa computer inasema malaria. Inasema hakuna dawa ya malaria. Inasema dawa ya malaria was finished preparing in 1960 and then, where shall we get? Inasema hata Kenya hata wapi. Sasa tuna dawa ya malaria kutoka Kenya ama kutoka Egypt. Mr. Commissioner, this country of ours is under God's mercy. We are developing. Let us start to look after, yaani prepare people to look after diseases, yaani twende kila kijiji. Kuna kazi nyingi tuliahidi hata tuki-pester the Government of the day utaona kutakuwa na kazi nyingi. Kuna kazi nyingi. I don't have the money but I wish I had it would make miracles. Kuna kazi nyingi kama utakuwa na watu wa kutembea na kuuliza uliza hapa kijiji hiki kuna nini? Is there any thing, cholera infection? Wanaendelea kuna sasa hao watu you find people who can get old. Mr. Commissioner once again when I was in Israel watu, sikiza.

Com. Dr. Swazuri : (Inaudible)

Hon. Anthony Kimeto: Okay. Wacha nimalize.

Com. Dr. Swazuri : (Inaudible)

Hon. Anthony Kimeto: Oh! You don't need more. This is another item of information. People are fighting. You get to the age of 70. When you get the age of 70 you ask God to give you what happened in that year of 70. You now retire and when you retire you enjoy the fruits of past labor by being looked after by the Government. All those who are at 70s sasa wanakula, wanapatiwa nini? Nyumba kwa sababu wameattain the age of 70. Huku where in Kenya are you looking after the people at the age of 70. I am proposing that Kenya Government should look after those aging people and build them good houses and giving them good doctors so that they attain the age of 120 you see. You find old people continuing in this what we call AIDS program. AIDS unaambiwa kaa vizuri mimi nataka hivi, sheria itungwe ya kuambia kama huu ugonjwa inaendelea kumaliza sisi, pima kila mtu and see a President, kuja kwa ministers, kuja kwa MPs, kuja pale chini kila mtu awe. Halafu unaambiwa you have this HIV/AIDS program sasa ? na ile hali mbaya ya HIV ? iandikwe huyu ako na HIV itakwisha lakini hii kitu ya kusema jichunge, jichunge unadanganyika kabisa.

Com. Dr. Swazuri : Asante sana.

Hon. Anthony Kimeto: We want to measure beginning from everybody. Ajue kama wewe uko nayo kama wale wako nayo, ngojea kifo chako.

Com. Dr. Swazuri: Asante sana. Umetuzungumzia kwa muda mrefu. Nafikiria tumechukua maoni yako natutayapeleka huko kunakostahili. asante sana na uende pale u-register jina yako. saa hizi kabla mheshimiwa kusema hawa watu wote walikuwa wamemaliza. Sasa naona wengine wanajiandikisha tena. Joseph Tanui, David Langat, Pauline Keremi. Nani anataka kuongea?

(?) mzee umeshaongea. We ulikuwa hapa. Hata yule aliongea. Hawa watu wawili wa mwisho. Ninauliza nani anataka kuongea. Wewe, wewe na, nyinyi wawili hapo mwisho ingieni. Hapo nitachukua huyu.

Joseph Terer: Jina langu ni Joseph Terer. Nilikuwa na maneno kidogo, siyo mengi. Tulikuwa tunaomba iko taabu tulikuwa tumepata ingawa tulikuwa hatujafika hapa. Kwa vile

tumefika hapa naja sasa nimepata Bwana Commissioner. Iko taabu, hii bararaba ya kutokea

(?) nataka iwekwe bumps, bumps. maana, watu nakufa ovyo ovyo hapo kisakuwa mbaya sana. Magari nakimbia, mabasi nakimbia, matatu nakimbia.

Pili, ni kusema ukweli nilikuwa naomba hivi, hii shule yetu ingawa siku hizi hatuna pesa; pesa ukweli tunapatanga. Lakini tukilipa mia tano kwa hii shule, sasa tunalipa mia tano, lakini wiki ikikwisha natakikana mia, wiki ikikwisha natakikana mia. Tunaomba hivi Bwana Kamishna, tunaomba utusaidie kwa hii shule iko hapa. Hii pesa kisakuwa mingi kila siku. Ni hiyo tu. Ni hiyo ndiyo nilikuwa naomba.

Com. Dr. Swazuri: Enda pale uandike jina yako. Haya.

Samson Chirchir: *Ane kegunon samson chirchir.*

Translator: Naitwa Samson Chirchir.

Samson Chirchir: *Kit ne kamache amwa akane ko akoba imbarenik.*

Translator: Kitu ningependa kutaja mbele ya Commission ni juu ya mashamba.

Samson Chirchir: *En olakertai konyalu komi kainet akeng'e ne ba boiyot Tittle deed neba imbareet.*

Translator: Naona inafaa jina moja la mzee liwekwe katika cheti cha kumiliki shamba au ardhi.

Samson Chirchir: *En yon ko yon mache kokaito imbareet boiyot, koche kaito ko lagokyik ak chepyosenyin.*

Translator: Lakini mzee mwenye jina kwenye cheti cha kumiliki shamba akitaka kuuza sehemu yeyote ya shamba iwe anauliza kwanza mama pamoja na watoto na wakubali abla ya shamba kuuzwa.

Samson Chirchir: *Siatesyi en yon kora ko en iyeu siale makisiere chepyoset ii, ko chepyoset komuche koyun bik che ite taman.*

Translator: Sababu yangu ya kusema jina la mama lisiwekwe kwenye cheti cha kumiliki ardhi, ni unaweza kuta mama anaweza kuolewa na mtu atoke aolewe na mwingine.

Samson Chirchir: *Konamda ano imbaret, imuche kesir kotagai koit betusiekyik ii?*

Translator: Hapo kweli ataweza kutawala mashamba makumi ?

Samson Chirchir: *Ne ba oeng' nekagesunen kora kokaakoite memorundam nenyun kowa iyeuno,*

Translator: Nikiwa nimetoa memorandum yangu pale iandikishwe.

Samson Chirchir: *Ko matinye ng'alion kagere kityo ale uwon nyalu kounoniton.*

Translator: Sina mengi isipokuwa hayo nimeongea zaidi ya hiyo memorandum.

Com. Dr. Swazuri: Lakini huyu sijamwita. Haya mwache aendelee. We mzee wa jacket nyeupe uje wewe njoo. Njoo ukae hapa karibu.

Victor Ngeni: My names are Victor Kibyekong Ngeni. I'm presenting to the commission as an individual. Kibyekong Ngeny' Peter and presenting to the commission as an individual. Under the current Constitution we want to the powers and age of the President. He should not like on the older Constitution.

(Inaudible interjection)

Victor Ngeni: He should be like in the older Constitution be above the law , age limits should be between 35 and 60, he should be perfectly normal and should even undergo such medical screenings from psychiatrists or even HIV screening.

As concerns some Acts of Parliament because the new constitution is not like the older one it should be within the limits of the multi-party system. It should therefore exist such laws that there should be no merger, the MPs should seek mandate from the constituents. If he should like any part of defection from his party and should seek a mandate, fresh mandate from his constituents. There should not be any repeal of any Constitution by MP. If it is necessary the Government of the day should form a commission to conduct civic education from the grassroots, level before any act is repealed.

As concerns the land ownership, under the current constitution the land ownership falls under the by-laws of the Local Government. It should be under the Central Government and the least period of the land be reduced to 80 years, and title deeds be revoked immediately after a person dies and be given to the heirs of such.

As concerns education, university education should be free. The Public Service Commission should render their services free of

charge. Chiefs Act should be abolished and.....

Com. Dr. Swazuri: Thanks a lot.

Victor Ngeni: Thanks.

Daniel Kiserian: *Kongoi, kainenyun ko Daniel Kiserain Ole murgon.*

Translator: Kiserian Daniel Ole Morgon.

Daniel Kiserian: *Ko kina mwae ko kit akeng'e, kongoi.*

Translator : I wish to thank the Commission.

Daniel Kiserian: *Ang'alalen ng'aliot akeng'e.*

Translator: I have only one point to Raise here.

Daniel Kiserian: *Kongoi neba Kamuktaindet.*

Translator : To thank God.

Daniel Kiserian:*Asikotuiyech kouniton.*

Translator: Who has made it possible.

Daniel Kiserian: *Koagas kit akeng'e kele Kenya ko masoman.*

Translator : One thing is that Kenyans are well educated, Kenyans are not well educated.

Daniel Kiserian: *Mami somanet kongeten kenyit ab kanom ak oeng'.*

Translator : there was no education from 1950.

Daniel Kiserian:*Amun to mi chito ne itanye chumoyon ne wu nimi eunyun. Kit ne kamwa akere ale mamiten en kenya. Nda somanat Kenya to mami kibiywet en oret.*

Translator: If everybody in Kenya could have access to education we wouldn't have security problems.

Daniel Kiserian:*To mami kibiywet oret ne wendote en Kenya komi County.*

Translator: There wouldn't be mad men in Kenyan streets.

Com. Baraza: (Inaudible)

Daniel Kiserian: *Ng'amun faida neba Kenya ko county council. County council ko kamet ab kenya amun icheket che tinye kiy agetugul.*

Translator: The county council is the mother of all Governments in Kenya.

Daniel Kiserian: *Ko inendet ne imutatech tugul kona ng'alalen inguni ale aga metit ab koba ...*

Crowd: Wacha Commissioner aende.

Daniel Kiserian: *Amache commisioner kosirwan kole tom kesich somanet ne yame .*

Translator: All should be given access to education in this country.

Daniel Kiserian: *Amun to korasich chito nelemen karatany sait, en division, sotik division mami chito ne lelen kora tany sait.*

Translator: That's why in spite of being free, we've not found one person in Sotik Division who's been able to make even a watch.

Daniel Kiserian: *Boiyondoni ng'alale ko ng'alale agoba kerichot ab kipгаа amami chito ne kelen kogosich mashinit ne nenyi en ng'alek ab kipгаа.*

Translator : I'm a herbalist myself and as I speak to you right now not a single person has a machine which can process this kind of medicine for people.

(Inaudible Interjections)

Daniel Kiserian: *Akenge en shida che kitinye en Bureti.*

Translator: This is one of the problems we are having here.

Daniel Kiserian Ole Morgon: *Bwana commissioner atinye en yoton amwae ale tom ketestai. A some ale ndakakisich.*

Translator: I'm saying that if we are able to achieve this.

Daniel Kiserian: *Kongeten en kenyit ab sitini agoi inguni mami.*

Translator: We have been unable to achieve this from 1966 to date.

Daniel Kiserian: *Amun tom aker chito ne kokotany sait ne nyin oko tom aker chito ne kanya chito ne nenyin.*

Translator: I have not seen any Kenyan who has been able to treat people.

Daniel Kiserian: *somanet ne kitinye en Kenya ko non kagikerech konyek puch mami.*

Translator: The kind of education we have in Kenya is not.

Daniel Kiserian: *Ko ingenyoketebenon kele a neba Bureti ko tom asich agoi kora. Tami achenge commissioner.*

Com. Dr. Swazuri: Haya wacha aende hapo ajiandikishe, nafikiri hayo mzee ndiye atakuwa mtu wa mwisho aaah (?).

We are finishing anyway. Aah tunashukuru sana wale wote ambao wamekuja kutoa maoni yao, na sheria ilivyo sasa inasema kwamba tutaenda tuandike haya maoni yenu pamoja na wananchi wote wa Kenya, halafu tutarudi na ile report kwa muda wa siku sitini. Mtapewa muisome report muone kwamba yale mumesema yameingizwa katika katiba mpya. Kwa hivyo, tutarudi tena tukae na nyinyi kama hivi hapa halafu mutuambie kama ile katiba tutakayoandika, ile draft, itakuwa inareflect yale maneno yenyu mliosema. Kwa hivyo wale civic education providers bado wako na kazi ya kufanya, wao ndio watakuwa na kazi ya kueneza, kusambaza ku-distribute hiyo draft report baada ya hapo tutakuwa na kikao cha kitaifa kuangalia Katiba mpya. Baada ya hapo ikiwa tutakuwa na referendum tutajua baada ya kikao hicho halafu tena Bunge ndio litapitisha Katiba mpya. Yes?

Joel K. Sang: I only heard just a single question on what you have already said.

(Inaudible interjections)

Joel K. Sang: Are the modalities of choosing representatives to the National Constitutional Conference already out?

Com. Dr. Swazuri: They're coming out after we've finished the constitutional hearing. We shall sit down as a commission analyze them and then we gazette them, OK, thank you very much. Mtu mmoja atutafutie mtu wa kutufungia kwa maombi please.

Stephen Koech: before I pray I have only one opinion and proposal, I don't know whether you can allow me because I came.

Com. Dr. Swazuri: ? go ahead.

Stephen Koech: OK. Infact kuna kitu kimoja nimeona. Mtu mmoja ambaye ako na kazi nyingi mnakutana pengine ako na kazi kwa Serikali, ako na kazi pahali pengine. Sasa pendekezo langu ninaona kama sheria itungwe kwamba mtu mmoja afanye kazi moja.

Stephen Koech: One person, one job that's my opinion. Thank you.

Stephen Koech: Unajua Commissioners wanafanya kazi sana and they are men tafadhali tafadhali.

(Noisy Interjections)

Com. Dr. Swazuri: Ni nini hapa. Sisi tumekuwa hapa tangu kitambo, tunaita majina ya watu hapa. Tumekuwa tukiita majina ya watu, na hakuna mtu alikuwa anasema anataka kutoa maoni tukaenda through hizi list mpaka tukafanya kuita watu mmoja mmoja which is very unusual kila mahali tunaenda. Watu tunasoma kwa list wanajitokeza, hapa tumemaliza mpakatunafanya kuita je, uko tayari? Je, uko tayari? Sasa tutafanya namna gani?

(Noisy Interjections)

Com. Dr. Swazuri: OK. Na kama utasoma kwa hiyo tena tutazuia because we want to leave like those things we just (?) them there.

Nicholas Mbir: Yap! My name is Nicholas Mbir.

Nicholas Mbir: Aah thank you to the commissioners, I would like to highlight some few things here about what I would like to be given priority in the new Constitution, that is the elections. I think there is no need to postpone elections. They should be held according to the present constitution. If the new one is not ready then there's no need. Elections are more important than a new Constitution. There are so many pressing issues that need to be addressed in the new Government.

Ah education: I think there should be free education for standard, I mean basic education that's up to standard eight.

Employment, there should be nobody with more than one job and, merit and qualification should be given the first priority. Salary to these people should actually be given by a set body. We should not have people deciding their own payment. We should not have somebody him or herself so we should be like the Parliament, they should not decide their own money. what they should get, that's unfair to others.

On land, there should be a maximum size an individual can own because it would be unfair for one person owning a whole division when we have squatters.

About commissions or enquiries or whatever set by the Parliament or any authority, I think after they are through with their investigations or whatever, they should be given to the public because they own the document even if the policies or recommendations they've given are not implemented, we need to know what happened.

Constitution offices should be held by people who are thoroughly screened by both Parliament and the wananchi. We should not have person appointing people with questionable background, with questionable characters. Parliament should be the final authority or final body voting this people.

Now corruption, to reduce this corruption, I think we should both the civil servants not doing business. They should stick to their job not doing other, because they are the ones who actually are spreading and giving tenders to their friends because they sit in the same boards that are awarding these tenders. Those who own those constitutional offices or any office, public office should declare his or her own wealth for us to know how much he owns and that kind of a thing.

About civil complaints, we should have a body or office, I suggest a ? where public can forward their complaints of any kind.

About security, I think we have been harassed a lot by security, provincial administration. I think this administration should be done away with. The Chiefs, APs, DCs, PCs, should be removed and those offices should be burnt and they should be integrated with the regular police. There is a lot of insecurity from that department.

About MPs' performance, I think most of them after getting to Parliament they go and sleep, I think we need a way of assessing or actually looking into their performance about every two and a half years or after sometime, we should be given an opportunity to assess their performance if they are not performing, there should be a way of removing them from the office and we should not wait for five years. Five years is a long time to wait.

About health, I think there should be free medical services for all Kenyans because we are paying taxes and we are paying taxes to be given all these. Very many people are dying because of lack of medication and that kind of thing. The Government, at independence, promised to eradicate diseases. So if services are free, I think very many people will survive.

I have a suggestion. for senior citizens, those who are over 65 years, I think even if one was not employed officially, that is salaried employment, I think these people have contributed in one or another, be it in farming or business or whatever. By the time they are 65 years I think they have contributed a lot even if it means farming or rearing children, they've done a lot for the country, and there should be a way of taking care of them in their final days. Thank you very much commissioners.

One thousand acres should be the maximum. That idle land I think we need to look into a way of making it productive because our economy, taxing yeah, because if it remains idle and our economy is agriculture-dependant. I think we will not develop. Thank you very much.

Com. Dr. Swazuri: You had Raised a hand. We don't want you to protest quietly. Come here. No no please come and give

