

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**TINDERET CONSTITUENCY, HELD AT**

**NANDI HILLS TOWN HALL**

ON

16<sup>TH</sup> JULY 2002

CONSTITUENCY PUBLIC HEARINGS, TINDERET CONSTITUENCY,  
HELD AT NANDI HILLS TOWN HALL, ON 16/07/02

Present

Com. Alice Yano  
Com. Isaac Lenaola

Apology

Com. Prof. Okoth Ogendo

Secretariat Staff in Attendance

Pauline Nyamweya	-	Programme Officer
Sarah Mureithi	-	“
Michael Koome	-	Asst. Prog. Officer
Hellen Kanyora	-	Verbatim Recorder
Mr. Barno	-	District Coordinator

**The meeting started at 9.30 a.m. with Com. Alice Yano chairing.**

**John Rugut (Chairman 3Cs):** Bwana Waziri, the honourable Commissioners, wanakamati wa CCC, mabibi na mabwana nawasalimu tena kwa jina la Yesu hamjambo.

**Audience:** Hatujambo

**John Rugut:** Ningependa kuomba mzee Hezekiah atuongoze kwa sala ili tupate kuanza.

*(Prayer)*

**Mzee Hezekiah:** Tunakushukuru Baba kwa ajili ya mapenzi yako ambayo umetupenda hata ukatujalia siku ya leo ili sisi sote tumefika hapa ili tupate kuyanena na kutazama majadiliano ambayo yako mbele yetu. Kwa hivyo tunaomba msaada kutoka kwako ili nawe utufanyie yaliyo mema ambayo inatifikana kwa mwanadamu ukimuongoza. Asante Baba kwa yote ambayo umetendea na utatutendea mema kwa mengine yote. Hayo tunakushukuru kwa ulinzi wako embayed umetufanyia. Kwa hivi sasa tunakuomba uwe kati yetu tunapoyanena kila jambo lolote tunalosema kutoka katika kinyua chetu. Tunaomba msaada wako, tunaomba uzima wako uwe pamoja nasi sote. Haya ninaweka mikononi mwako katika jina la Yesu aliye muongozi wetu. Amen.

**Audience:** Amen

**John Rugut:** Ningependa wale ambao wamekuwa wakifunza mambo hii ya Katiba (civic educators) wasimame ili Commissioners wapate kuwaona. Hawa ndio civic educators ambao tumekuwa nao katika area hii ya Nandi Hills na kutoka hapa ni George, Bor, Jane, Sally, Joseph na Samuel Rono. Bila kukawia kwa maana tunataka kuanza na tumechelewa kidogo nataka kuwakaribisha nyinyi nyote mje mjisikie mko nyumbani, na mtoe maoni yenu kwa haki kwa ukweli nafikiria ya kwamba sisi sote tumefundishwa kiasi kwamba tunaweza kusimama mbele ya haw Commissioners na kutoa maoni yenu. Ningetaka kumuomba bwana Waziri kutupa sisi mawaidha na kuwaalika Commissioners kwa kazi.

**Hon. Henry Kosgei (MP):** Thank you very much bwana Rugut, bwana Lenaola na Alice Yano mnakaribishwa hapa Nandi Hills, hapa Tinderet. Tumengonja siku hii kwa muda mrefu - nafikiri sisi ndio wa mwisho katika Rift Valley, lakini hawa watu wamefunzwa vizuri wako tayari kutoa maoni na hatutachukua muda mwingi kufanya introduction na kadhalika na mmekaribishwa. Please, feel at home, you should be free and give fair expressions of views. Welcome.

**Com. Alice Yano:** Nafikiri kama wakati ule, nitawaomba pia leo mnikubalie niketi chini nikiwaongelesha, asanteni. Hon. Kosgey, Minister of Education, Chairman County Council, Councillors wetu wote, bwana District Officer wetu hapa, mabibi na mabwana pia na vijana wetu, hamjamboni?

**Audience:** Hatujambo

Leo tuko na furaha sana kuwa nanyi hapa na tumeshukuru ya kuwa tulipofika hapa tukakuta mumejitayarisha kweli kweli. Tunawaomba radhi kwa vile tulichelewa, tulipata taabu kidogo bwana Vice-Chairperson wetu Dr. Oko Ooki Ombaka aliaga dunia jana na leo tulikuwa tumepanga sisi wenyewe ili tupate mmoja wetu akae na famili hiyo mpaka turudi wote Nairobi. Nafikiria mmetuwia radhi hapo. Singetaka kuchukua muda mwingi kwa sababu leo ni siku kuu na ni siku ya maana zaidi kushinda ski zingine zote. Nafikiria tulikuwa tumejipanga tukijua leo ni siku ya kupatiana maoni. Ningetaka kuwajulisha wenye tuko nao wenye tutafanya kazi hii – wa kwanza ni Commissioner bwana Issac Lenaola.

**Com. Lenaola:** Watu wa Tinderet hamjambo?

**Audience:** (Hatujambo)

**Com. Alice Yano:** Tungekuwa na mwenzetu Prof. Hesbin Okoth Ogendo, huyo ndiye leo tulipanga tukamtuma akashughulikia maneno ya Oki Ooki Ombaka. Mimi naitwa Commissioner Alice Yano, nafikiria wengi wenu mnanijua tulikuja hapa kufanya civic education na nyinyi. Pia tuko na wale ambao tunasaidiana kwa kazi hii, kwa upande wa kulia pale mnaona wenzangu. Tuko na Pauline Nyamweya, Deputy Secretary, Sara (yuko wapi), ndiye yule yuko nyumba anawaandikisha, tuko na Koome na Hellen Kanyora – tafadhali Hellen salimiana. Asante sana. Na kabla sijaanza kuwapatia taratibu ama masharti ambayo tutafuata tukifanya kazi hii, pengine bwana Chairperson wa CCC angetaka kuwajulisha wale wenzake wenye wametekeleza kazi hii.

**John Rugut - Chairman (3Cs):** Mbele yetu kuna wale ambao tumekuwa tukifanya kazi pamoja nao kama wanakamati wa Constitutional Constituency Committee na ningetaka wasimame ili nipate kuwajulisha, wale wanakamati wote. Nitaanza kwa upande wa kushoto; pale mwisho ni Mrs Sugut ni member afuataye ni Dr. Kurgat ni member, afuataye ni Grace Jerotich ni member, upande wangu wa kulia kwa upande huo Mr. Chemiron ni member, na hapa karibu na mimi ambaye ni chairman wa council ambayo tunatumia hall yake, bwana Yego na mimi hapa ni John Rugu ndiye Chairman wa hii kamati.

**Com. Alice Yano:** Asante sana Chairman wa CCC. Ninaanza kwa kuwapatia masharti ambayo tutakuwa tukifuata tukifanya kazi hii. Ya kwanza ni lugha yenye utatumia ukitupatia maoni yako. Sheria yetu inatuambia unaweza kutumia lugha yoyote, tuko na lugha ya Kimombo au Kiingereza, tuko na lugha ya Kiswahili na ile lugha kama haulewi haya mbili, uko na huru kutumia ile lugha wewe mwenyewe unaelewa, tumeelewana hapo? Tutatafuta interpreter wa kutuelezea yenye umesema ni hii na hii. La pili, unakubaliwa kupeana maoni yako kwa memorandum kama umeandika kijikaratasi, unaweza kutupatia bila kusema chochote, usema hii ni memorandum yangu unapeleka kwa Pauline Nyamweya na unajiandikisha. Ama, pengine umeandika na kuna yale maneno ungetaka kugusia gusia – unajua watu wa nyumbani sio ati wanataka kuandika tu na kupatiana. Pengine

mungetaka kugusia yale maneno iko kwa hiyo karatasi. Hivyo tunakupatia dakika tano, tumeelewana hapo? Na kama kuna mtu haelewi lugha ambayo natumia tafadhali ungeweza kutueleza halafu nikishamaliza kuongea kwa Kiswahili ninaweza kurudia kuongea kwa lugha ya nyumbani.

La tatu, kama haujaandika chochote, uko na maoni yako yote kwa akili yako na ubongo wako, tunakupatia dakika kumi utupatie hayo maoni. Utakuja hapo uketi uongee utuambie ni hivi na hivi na tuko na records wetu na pia mumeona chombo cha ku-record (Kanyora chukua juu). Tuko na chombo chetu cha ku-record hayo maneno yote na tuko na Koome anaandika hayo maneno. Pengine inafikia wakati utaona sisi hatuandiki, sio vile hatuchukui maoni yenu tuko na watu wataalamu wanafanya hiyo kazi ya kuandika na kusikiza hayo maoni. Halafu ukishamaliza kupeana maoni yako, tafadhali nenda kule ujiandikishe – hili ni jambo la historia na tungetaka tuweke record zetu zote vizuri ili hata pengine miaka mia moja zikija bado tutakuwa na hizi records ikisemekana fulani na fulani siku hii walipatiana maoni yao kwa Tume.

Nataka pia kuwahakikishia yakuwa, huu ni mkutano huru, uko na uhuru kusema jambo lolote lenye linagusia roho yako akili yako ubongo wako na kuishi kwako. Usiogope mtu yeyote, hapana bwana DO ati ukimaliza kutoa maoni yako atakushika na akuweke korokoroni eti umesema maneno isiyo na maana. Leo ni huru yako, sema ile jambo yote yenye iko kwa kichwa yako. Halafu hata kama uko na huru tafadhali tuchunge ili tusikoseane ili usiudhi mwenzako, kama ninaweza kupeana mfano. Pengine uko na shida na chifu hapa, hapana sema chifu wangu Lelei, kama inawezekana atolewe leo. Ama chifu wangu Lelei ametuletea shida nyingi ningetaka pengine apigiwe kura. Ingewezekana ama ingekuwa afadhali sana ukija unasema ofisi ya chifu ama chifu ingewezekana wapigiwe kura. Usitaje majina za watu ndio tutazuia kuzozeana ili tukipeana maoni tunapatiana maoni kwa huru na tunazuia mzozo, tumeelewana hapo? Na pia heshima tafadhali ni kitu cha maana sana. Tuheshimiane kwa maoni, mwenzako akija hapa akipatiana maoni, hata kama haukubaliani na hiyo maoni tafadhali usipige kelele, tafadhali usimuingilie, ungojee ukifika wakati wako uje ukanushe. Sema maneno yako zingine ambazo hazishikani na mwenzako, lakini kupiga kelele ati amesema maneno isiyofaa, tumeelewana hapo? Heshima ni kitu ya muhimu sana. Na pia kelele, tafadhali tuwache kelele na nishawaambia leo tunafanya recording na ingekuwa sana aibu kama sisi watu wa Nandi leo tunapeleka chombo chetu cha recording, tunataka kusikizwa kwa Tume tunasikia ni kelele tu. Tuwache maneneo ya kelele leo ni siku ya kuchukua maoni yenu. Pia tunafuata hii list yetu strictly, kama umejiandikisha hapa tutafuata kutoka nambari moja hadi wa mwisho, ila tu pengine tutafanya rigging kidogo kama kuna walimu ambao wanataka kuharakisha kurudi shuleni kufundisha watoto wetu au watoto wa shule ama madaktari ama kuna jambo lenye inakufanya usipate kusema moni yako mbele ya mwenzako mwenye alikuwako amejiandisha hapo mbeleni.

Vyombo vya simu tafadhali tuyazime kwa sababu ina-interfere na recording ya machine zetu. Na pia inafika wakati ukishaongea Commissioner angetaka kufafanua ama kufanya clarification kuelewa ni nini ulikuwa unasema. Hapo unaweze kuulizwa maswali na ujibu vilivyo. Na pia kama kuna wenzetu wenye wako na shida ya kutosikia, tutujaribu kutafuta mtu wa kufanya tafsiri ili aelewe maoni vile inaendelea. Tuko sawa sawa hapo? Kuna mtu hajaelewa hayo? Tumeelewa. Na sasa ningetaka bila kupoteza muda ningetaka tuanze hii kazi yetu. Tutaanza na Hon. Kosgey, tafadhali utupatie maoni yako.

**Hon. Henry Kosgey (MP):** Asante sana Commissioner Yano na Commissioner Lenaola. I will talk in English and maybe mixed with a little bit of Kiswahili but will be very brief. I am not touching on all aspects of the Constitution; I am only touching on one or two aspects. I guess other areas of the Constitution will be covered in other memoranda.

The kind of country that we want: Kenya should establish a multi-party democratic federal republic with a government structure with semi-autonomous regions or provinces. The regions should be responsible for the provision of its own basic services like education, health, security and infrastructure – meaning roads, telecommunications, energy and so forth. This will accelerate the social economic development and enhance democracy and strengthen national unity. It will also remove the ever-contentious problem of sharing national resources. If we have a federal system, there will be equitable sharing of the national resources. One can say that this might be a very expensive system of government. The same amount of money that is voted by the Parliament should be shared out in the provinces or regions equitably and then the regional governments can actually do their services and it can be delivered with the same amount of money – of course they will have authority to levy their own resources or their own taxes. Within the region there shall be the urban, town and municipal councils whose responsibility will also be to take care of services like education, health, security and infrastructure.

The form of government that I am proposing is that of Presidential system with powers clearly defined without contention so much about the powers of a President. These powers should be clearly spelt out in the Constitution and should be made in consultative with the stakeholders. They should not be absolute powers, maybe in the current Constitution the President has too much powers. There should also be a Prime Minister with clearly defined powers and answerable to Parliament. The Prime Minister should be from the party that has won the majority seats in Parliament.

The Provincial administration should be retained to represent the Central Government in the regions and the councils.

There should be an independent Judiciary with a Supreme Court, (currently they are all lawyers – the High Court, the Court of Appeal) we should have another court. There should be a definition of what sort of issues the Supreme Court should indulge in, maybe one thing it should do is the protection of the Constitution.

The devolution of powers for regions and councils, the devolution of democracy and devolution of development. This should come out clearly that we are devolving democratic powers and development to the people. Give the people their rights to conduct their own affairs.

Land: Land is actually a very contentious issue, not just in Kenya but I think it is a worldwide problem. Land being an economic resource that provides livelihood to people. The control and management of land and land resources including forest products and any mineral wealth should be transferred to the regions and councils. This is a very important thing which

everybody is talking about and will continue to talk about and I think it is about time Kenya implemented this thing so that everybody knows their land. Like us in Nandi, we have been among the most disadvantaged group of people because at the start of the century after the so-called uprising which was a war of independence for us, we lost all our land to the colonialists. We lost Uasin Gishu, we lost Kitale, Trans Nzoia, we lost Nandi Hills – we are probably beyond recovery now, honestly we are entitled to something; It is not easy to be written in the Constitution, but what happens to the communities like Nandi that have suffered and continue to suffer up to today without really any compensation, what happens to the communities which lost human beings? The colonialists were very merciless during that war. So, this question of land to be central in writing the Constitution, apart from the devolution of powers this land is very very vital. The community and traditional property rights should be recognized and protected. Existing property rights should also be protected. There is always fear when we talk of devolution, that people will be sent away from one region to another. No, there should be no such thing.

The civic and fundamental rights: We have laws which are currently in the Constitution dealing with the freedom of speech, association, assembly, media, movement, conscience, religion, to engage in a peaceful demonstration and so forth. Then we have the human right – the right to life, the right to liberty, the right to freedom, the right to privacy, the right happiness and to guard private property, protection from slavery and labour, protection against inhuman treatment, protection against all kinds of discrimination and the right to livelihood. This is very important, everyone has a right to earn a livelihood. It is not a preserve of few individuals. The right to shelter, the right to good health, the right of course to education (now recognized as a human right), the right to a clean environment which is permanently continuously being polluted; you see all over the place there is polythene. Let me tell you Commissioners, polythene now is a symptom of poverty, if you see a country which is littered with polythene, it is a poor country. We need a clean environment even if we are poor, we are entitled to what I call decent poverty – clean environment and good health.

There are certain aspects of course when you talk of the Judiciary and the position of the Attorney General – they should of course continue to enjoy security of tenure but I believe the Attorney General should not be a politician, he should probably be somebody in charge of justice or something like that so that he can devote his time to advice the government on laws. Other stipulation that are within the current Constitution are fairly okay.

This position of Ombudsman, we have set up laws including press laws with the complaints Commission and so forth. This is a general position where everybody goes to complain I support that there should be an Ombudsman. Although it might overlap with other areas where we have set up laws but of course, the Constitution would be supreme. I don't think I want to go into greater details, I think it is fairly hard for my views to be in summary particularly in the question of devolution of power and particularly in the question of land and land issues. Land will continue to be the central point for a very long time. Thank you very much, I am not going to stay for long because I have some other issues. Probably I will listen to one of the members and then I leave.

**Com. Alice Yano:** Thank you very much Mheshimiwa, there are some questions for you here.

**Com. Lenaola:** Thank you Mheshimiwa, my first question regards political parties. You are saying that Kenya shall be a multi party federal republic. We have 48 political parties as of my last count; do we retain those 48, do we add more or when you say multi party what number are you talking about?

**Hon. Kosgey:** I don't believe that we should limit the number of political parties, because that will go against freedom of association that we are talking about. But there will be parties that are really minor, minority parties which are very small and there will also be those which are holding the majority like we have now. I think we should not limit them, but as we progress democratically, they will merge others will fall aside and we will end up eventually with a few.

**Com. Lenaola:** My second question: You said that the Prime Minister must be answerable to Parliament and retain the Presidential system. Should the President remain an MP or should he be a ceremonial figure as a Head of State without being a Member of Parliament?

**Hon. Kosgey:** This is something which is debatable. First of all in other systems where you have a ceremonial figure elected by Parliament, I don't want a President who is elected by the Parliament, he should be elected by the whole country. Whether he is a member of Parliament or not it is not very important. He should be elected by the citizens.

**Com. Lenaola:** Lastly, on the question of land. We have just come from Maasailand and also other areas of North Rift and they are being asked the same question. Can we find a process of compensation for land that was lost period before independence. But we have asking people, how far back do we go? Do we go back to the Nandi uprising, do we go back to Maasai agreements, do we go back to independence – because land was also lost after independence? So how far back do we go in terms of who to compensate and what period to compensate from?

**Hon. Kosgey:** As far as we Nandi are concerned, we go back to the beginning of this century, 1895 because when the colonialists came they found us here although we were living in Tinderet Hills, we roamed the whole of this land right upto Kitale as our trustland. In fact this nonsense we had the other day that Uasin Gishu did not belong to us, this land which was sold the other day and we have a point, we were even stopped the other day, a few months ago. So we should especially be included for compensation. We focus on 18<sup>th</sup> Century just before the colonialists came here, this land was ours, you want to know simple history .....(inaudible) and the Maasai (our cousins) were ahead of us and they were settled in Uasin Gishu. When we arrived they were moving and we fought with them over the grassland and we pushed them further to Narok. If we had known that Narok was a much better land, we probably would have jumped over on the other side, but we won the war and we won the right to occupy Uasin Gishu. And we stayed on with our cousins, but we didn't enjoy because soon or later the colonialists came and took it back. We lost so much with the Maasai and even then when the extraditions came to kill us, the



Maasai who had a revenge they teamed up with the colonialists to come and kill us although they were our cousins, it was really our land.

**Com. Lenaola:** And the last question Mheshimiwa; the question is compensation for those lands. The colonialists have gone, we have an independent government, to whom shall we address the compensation - the British government or to the Kenyan government? Which government should pay for this land?

**Hon. Kosgey:** Both should pay. Even Uasin Gishu it is the Kenya government which has been collecting rents, so they should pay for lives lost. If you read colonial history when Menozoken killed people when Samoe was shot, he didn't not die alone that day, on the same 85 people died. Cold blood murder, and the colonialists are now gone. There is a saying (although my colleague Ntimama is very eloquent with this) – if people are still being compensated for the first and second world war, why not us? This question when they went the other day and talked about discrimination, racial discrimination in South Africa, they came up with what they wanted liberation from slavery and although it was brushed aside it is .....(inaudible) and now also we who were victimized and killed, we are not going to rest. It might not happen in my time but it will happen later, the world is not going to end, the Bible says world without end.

**Com. Lenaola:** Thank you very much Mheshimiwa.

**Com. Alice Yano:** Thank you very much Mheshimiwa. I think you are wrong when you are saying that you can make a Constitution, you can be one of the best. Thank you for those views. Mr. Kimei? Karibu (you are waiting for somebody?). Mr. Henry K. Rotich. Karibu.

**Henry K. Rotich:** Madam Chair, Commissioners, Honourable Minister bwana Kosgey and the participants who are here. Thank you very much madam Chair for allowing us to say in whatever language we want. You can see I am one of the few old people here and I don't understand Kimombo very well and I wish to speak in my mother tongue and I know you understand it. I have my group which is called Chebunyu Professional Committee, Tinderet Constituency, Nandi District. My name is Henry Rotich, former senior assistant chief, councillor, Vice Chairman County Council, currently I am the Chairman of the Catholic Parish council, Nandi Hills Parish of Eldoret. Madam Chair I kindly request you to allow me to say in brief and later I will call upon my secretary who understands the language very well, who will go through important points. I would like to talk orally about land issues and local government authority, squatters and trespassers. Na nitasema kwa Kinandi. Nchi hii tulioko sasa inaitwa Tinderet na nchi hii inasikika katika ulimwengu wote wakati mwingine. Wakati Mnandi wa kwanza aliumbwa aliwekwa hapa. I am very happy Mheshimiwa amejaribu ku-stress kidogo lakini wakati huu, mzungu mmoja mzungu alikuja, akawashika akawaua na akawafukuza katika mashamba yao. Baadaye, muda kidogo tu miaka miwili, tatu, kumi, Mzungu akaona forests, animals na kila kitu na wakarudi na kuishi milimani huko juu na kuua wanyama na kuchimbia miti wazungu. Na wakawapea jina inaitwa squatters, mtu ni squatter in his own land! Hiyo ni maajabu. Punde kidogo, mzungu alihama wakati

uhuru wa Kenya iliingia. Na serikali ya Kenya yamwafrika ikachukua nchi, lakini watu wa aTinderet wanandi mpaka wa leo wanaishi milimani escarpments na wakawa squatters. Na mambo ya nchi nasikia mtu anakuja ya kwamba compensation na kila kitu, hatuna haja na compensation wakati mzungu hakuhama na shamba, *kimowo chumbindet ak mbararik*. Na mwafrika ambaye serikali tukufu la Kenya ikakuja kukaa hivi hivi na Wazungu wanaendelea kudugandamiza katika mashamba yetu. Wanapanda chai na kila kitu. Mfano moja wako na mashamba ambaye serikali ya Kenya wakati wa uhuru walisset aside kuitwa national farms ADC (Agricultural Development Corporation) mahali ambapo walipanda mimea na kuweka wanyama na kadhalika na kuajiri watu kwa jumla wakenya. Ilikuwa faida wakati mwingine hata watu wetu walifaidika. Lakini aibu moja great shame, juzi juzi serikali tukufu ya Kenya inasema inarudishia mwananchi, badala ya kurudushia mwananchi ikaletwa mwananchi mwingine ambaye sio Mnandi ule anaishi upande huo. Ilikuw maajabu sana. Sasa indigenous people Wanandi *nandiyek chekimikoroni* .

**Henry Rotich:** *komeny lekemonik, kikochbikalak*.

**Translator:** I say that the indigenous Kenyans were transferred and stayed in the hills.

**Henry Rotich:** *angyakakekoch bikalak kikoch mokorek alak chetinyei*.

**Translator:** The black rich were given the land.

**Henry Rotich:** , *koegnito amwachini serikalinito bokenya yekakinde kitabushek koiksheria* ,

**Translator:** I am advising the Kenyan government that as soon the Constitution is written,

**Henry Rotich:** *kobwattukuk cheiitoi bichoto kinyokokoch mbarenchata, bendinandiyek komenyeiemengwai*.

**Translator:** they should remember that the Nandis will go back and occupy those lands.

**Henry Rotich:** *Ndewendiyundo komenyoru nondiindet akotagenge, kotkinyoru akotagenge, koaskorindet nebotbeit nekibo army anan kokibo polis*.

**Translator:** If you happen to go there the people that you will find there who are occupying those lands are the soldiers, not the natives.

**Henry Rotich:** *Ketebekei nandiyekela kyakakiser askasir konyokorib nandiyek ana kiribei kenyakomugul*.

**Translator:** We are asking, are these people employed to come and protect the whole Kenya or the Nandis?

**Henry Rotich:** *Kounoto ko emonito komokiutie mimukuleldonyo akonenyo akot bichoto konaikole tinyekeimi*.

**Translator:** For that we will not forget about that land and it will remain ours and those people should know that we will go back and occupy the land.

**Henry Rotich:** *Koyakakoborok engyoto anyo tea estates.*

**Translator:** I will come back to the estates.

**Henry Rotich:** *Mbarenik che kikedevelopen mayaa michaik kikeser bik.*

**Translator:** The towns that have developed and people have been employed,

**Henry Rotich:** *Lakini kimoche kitio kenyoru kiikitikin chemibaren chata kenete lakoik choo chebo emoni amu nenyo emoni.*

**Translator:** We want to get something out of this developed lands that we shall use to educate our children.

**Henry Rotich:** *Ako mbaren choto kemwoei kele lease,*

**Translator:** These lands are on lease,

**Henry Rotich:** *Ko atko lease ,koyebeku lease kemoche kikoch local governments chebo emotinwek chok korib nyukunyat ab nandi ;kotkeleasendo koachek leasedoi, kealdoi koachek che aldoi.*

**Translator:** When the lease is over, this land should be returned back to the natives and if it is to be sold, the Nandi County Council should be responsible.

**Henry Rotich:** *Kimoche keistokainet squatter,keisto kainanoto kotkomakomakomi kitabusiek ab Sheria.kekure chito squatter komi korenni.kote kokikoba boisiek koros komi kora kote kotekemingecheret.*

**Translator:** The term squatter should be completely erased and removed. Somebody in his own land should not remain squatter forever.

**Henry Rotich:** *Akomwoe anyun kora amuin minandiek che mi lekemanin komi barabaroshek che kikengotat che ngwendi kosirei kartasit kole anyoni ago korenni ako emet nyi,kimoche keisto cho.*

**Translator:** In this developed land and some places there are some barriers in these estates and when the natives are passing by they are told to apply for a pass. So they should be removed.

**Henry Rotich:** *Nebo let ko trespass, mocheei kwendot nondiidet kounye mocheei amuneyikoroni tai mowo kopchiko.*

**Translator:** The last thing he is saying is the issue of trespass. This should be removed and the natives (the Nandi people) should be able to move freely as long as they don't enter somebody's house.

**Henry Rotich:** *amu akot achek eng reserve mbaren nyu notinye konyoni chi kobir hodi nga melel kwo , mokure polis.*

**Translator:** Even in my own place where I am staying people are free to move around in my compound.

**Henry Rotich:** *Amoche kikimit ngalek ab local government.*

Translator: Local governments.

**Henry Rotich:** *Mobote ngalek ab reginal mobote kora federalism amu ngimi Nairobi anan Nairobi kokerkei, kolo oloo ara kaikai kebou tukuk cho eng councils che kitinye.*

**Translator:** I am of the opinion that the county councils and the local councils should be empowered and the federal system should be there because Nakuru is still far. The government should be confined in the councils.

**Henry Rotich:** I thank my secretary and Hon. Mr. Kosgey. Thank you very much Mr. chairman.

**David Kiptoo Kosgey:** Commissioners, Hon. MP of Tinderet Mr. Kosgey, in brief this is what we Chepkunyok locational Constitutional Committee came up with. We came up with fourteen topics to be considered in the new Constitution, the first one being land and property where we had this to say.

Land: Private land should be owned individually while the county councils within this area of jurisdiction shall own trust lands. Transfer and matters of land shall be done by the natives through indigenous council of elders instead of the tribunals. Pre-independence lease agreements involving certain communities shall be retained. Every Kenyan shall have access to land at his native area and landless people shall be settled on these areas.

Local Government: We said that mayors and council chairmen shall be elected directly by the people for a four year term instead of the current two year term. The councils should be autonomous from the central government in their operations and should be fully empowered. Neither the President nor the Minister for Local government shall have the power to dissolve the councils. Resources that accrue from within the local authorities area of jurisdiction shall be appropriated within for the benefit of the residence.

Structure and system of government: a parliamentary type of government should be adopted instead of the presidential type and a government of national unity to be formed. A variation of federal system to be adopted in which the county councils are fully empowered to carry its Executive and administrative roles with no interference from the Executive.

Electoral system and process: simple majority rule to be removed and instead we should have a 50% winner in any election. Failure to attain 50% by any candidate in any election shall culminate in a run-off. Civic, parliamentary and presidential elections shall be held at different times starting with that of parliamentary and civic and presidential elections to be carried out together. The Constitution must specify the election date and the President to be elected directly by all the people of Kenya. Lastly, the Commissioners shall be appointed by the President regardless of any party affiliation but vetted by the Parliament.

**Constitutional Supremacy:** A referendum method shall be used to amend the Constitution in which 50% of constituents in two-thirds constituencies shall be required to rectify the proposed amendments. 65% or two-thirds of Parliament shall also be required to rectify it as a final stage in the amendment. This limits the power of Parliament in amending the Constitution when and where it favours them. The Ombudsman shall carry out the referendum, in other words we are suggesting that we should have the post of the Ombudsman.

**Political parties:** the Constitution should limit the number of political parties to only five and the parties should be financed by the ex-chequer.

On devolution of power, we said that the Legislature, Executive and the Judiciary should be separate and independent. The Parliament shall see all the appointments of all civil servants, top security officers and Ministers. We are also saying that we should have a bicameral or two chamber Parliament, the lower house to be made of MPs representing constituencies with a population of thirty to forty thousand people. The upper chamber to be composed of two members elected from every district and for the original 42 districts or 50 on the upper hand should be used. We are also saying that an MP should be recalled through a referendum. On Executive powers the President shall have two terms of four years each and the presidential powers should be limited by the Constitution and he should be impeached in case it does not fit to the oath of office or abuse of power. And the procedure of impeachment should be the lower house impeaches the President, while the upper chamber tries him with a view of convicting or acquitting him and the President should not be a Member of Parliament. On the Judiciary we say that the Supreme court should be created to deal with among others Constitutional issues instead of having a Constitutional court.

**Management and use of national resources:** All the resources from a certain community should benefit that community per se.

**Succession and transfer of power:** The Ombudsman and the speaker should be in charge of Executive powers during presidential elections. The incoming President shall assume office one month after elections at a date specified by the Constitution just as Election Day. And the President shall be sworn in by the Chief Justice or any judge of the High Court or Supreme Court during an inauguration ceremony. It is during this time that he also the outgoing President shall transfer the instruments of power to the incoming President.

**Cultural, ethnic and regional diversity and communal tribes:** We the Nandis are a distinct social group and our interest should be catered for by the Constitution. As a distinct social group the Nandi wish for the preservation of their language (Nandi language), customary law, ancestral land with all its adverts and landmarks and social activities especially livestock keeping just to mention a few.

**Defence and national security:** The security forces; the police, military and para-military should be established by the Constitution and shall be disciplined by having the martial courts and special prisons for errant individuals. Parliament and not

the executive shall have the power to declare war and the same shall invoke emergency powers if need be.

Environment and natural resources: The Constitution to empower Kenyans with the loco standing and should also set up within the High Court or Supreme Court an environmental tribunal to charge case of wrongs or mischief to environment. Natural resources should be owned by the county councils on behalf of the people within the town councils areas of jurisdiction. The local communities shall provide indigenous knowledge and manpower in the management and protection of the environment. Forests, water, wildlife and minerals are the mineral resources to be protected by the Constitution and the county councils should be responsible for the management and protection of natural resources.

In conclusion, we are saying that this being the sincere and honest wishes of the inhabitants of Chepkoyuk location, we kindly forward them for your kind consideration to be translated and incorporated in the new Constitution for our common usage, our common destiny and our common future. Thank you.

**Com. Yano:** Kuna swali hapa, tafadhali ngoja.

**Com. Lenaola:** Thank you bwana Kiptoo Kosgey. When we go round the country we are being told by Kenyans that Kenya is occupied by defined ethnic groupings. And you are also saying as well that the Nandi wish to be respected and recognized as a Nandi. Are you telling us therefore if we were to take the Kenyan tribes whatever the number is, what would you like it to be called, the Kalenjin or the Nandi?

**David Kosgey:** We want to be called the Nandis.

**Com. Lenaola:** Thank you very much. The second question is on political parties. You are saying that we must have five political parties. What do you do with the 43 remaining ones, how do we drop them and retain only five out of 48?

**David Kosgey:** Why we are limiting the number of political parties is so that they can be financed by the exchequer. So to remove the others, definitely they will be those ones without a national outlook, those without the majority followers. Those ones should be done away with and we remain with only five.

**Com. Alice Yano:** Thank you very much, kindly go and register yourself. We are very grateful for your views. Na tafadhali akiulizwa maswali, maswali ni kwake sio kwenu. I know kuna emotions mingi sana kila mtu anataka kuongea, lakini tukiuliza swali tafadhali muachie mwenye tunauliza maswali ajibu yeye mwenyewe. Asanteni. Anayefuata ni Samson Tigat, halafu atafuatiwa na William Korir. Before you talk, maybe Mheshimwa wants to leave.

**Hon. Henry Kosgey (MP):** (in Nandi Dialect)

Feel free and express your views as much as possible. (In Nandi dialect)

Thank you very much for your views and thank you Chairman for leading the civic education process, it was successful.

**Com. Alice Yano:** Thank you Mheshimiwa, tuendelee. Samson Tigat?

**Samson Tigat:** *Aneangololi kutit ab kaa amu mokose kutit ab chumbek*

**Translator:** He is going to speak in vernacular because he does not understand English.

**Samson Tigat:** *Alen kongoi amu koboa tukul sigenglal*

**Translator:** We appreciate everybody who has come, the Commissioners, MP and everyone else.

**Samson Tigat:** *Anekomotinye ngallek chechang kito notinnye eng kai nyu ni, ko atinye akobo emen nyu ni kikikicho kabisa biik siyaikei biik kenerok eng lekemet.*

**Translator:** He doesn't have much but what is hurting him is the land issue. People have been marginalized until they are poor.

**Samson Tigat:** *Amukingowasechj chumbek kobarrenech aguiwokik chook atkinye ak konum mbarren koyum kamiwa ak kap chai ne nguno raini kolen aldoi, kiale ngo chichoto nekanylil chin nyu?*

**Translator:** He appeals because when the colonialists came they butchered and mercilessly killed the Nandis and he is asking who sold the land to them?

**Samson Tigat:** *Nguno yuu kokito nosome koib ngalechu komito nyukunyat nyo lakini kikonyo chiage kole kial ,kiale kito nekikende lekemet komotinyei biko kie ale amunyalidos.*

**Translator:** He is saying that people have been impoverished to an extent that when the ..... (inaudible) sell people have been unable to buy this land because they are completely poor.

**Samson Tigat:** *Kororonen bichuu chuukmotinyei cholwok amachoorei kii bochii lakini asomin chiche kial agot ndo tinyei title deed kota ngo beku kenyisiek mut kotometombaret akwechigei.*

**Translator:** His concern is that if anybody who has bought that kind of land and when these times come to an end, let him go and leave the land behind.

**Samson Tigat:** *Ko ndakachamtos ak biik ab emonoto keteshi kenyisiek mut asikoek taman akobek kabisa.*

**Translator:** But if he is an agreement with the natives of that place then he can be added more years and after that he can-----

**Interjection Com.:** Can you kindly say the number of years?

**Samson Tigat:** *Kenysisiek mut*

**Translator:** Five years. He is saying that if the agreement of five years is over, he can be added another five years and then after that he goes.

**Samson Tigat:** *Koyebek ngalek ab chichotonoo komombaret ne aldoi amu kikayai lease mbaret matiny kotinyei title komenye lakoik ab kayata.*

**Translator:** When his agreement comes to an end then he has to leave the land for the natives of that place.

**Samson Tigat:** *Ako ngoto komibichoto ngo chan komanyoru ngecher eng kaita, moiku boiyob amaiku chief amaiku councillor. Iiyo koik dakitari anun ko mwalimu.*

**Translator:** If these other people who are around their homeland, if they can remain and stick to be teachers or doctors or doing other jobs, but they cannot be MPs, chiefs and councillors in elected posts. They can only be doctors or civil servants and nothing else.

**Samson Tigat:** *Kokouno anyun kobichu chuketchekito kotebiak agui kokikichikune agoo mbaret ngiro sirei moloakwo agoi ainob kipler engnaikuro, kolen lagoi choo ngete tindiret kitio .*

**Translator:** He is saying that we have been oppressed too much because our land was extending beyond Molo and so our grandchildren do not know, they are saying it is just here. So let it come clear so that they could know it.

**Samson Tigat:** *Nokese kochito nekial kamiwa ekainik 600 kongetun tamanu sikepchechi biik alak chun.*

**Translator:** For those who have bought the land at the sugarcane plantation, if you have 600 acres then you should only remain with 10 acres.

**Samson Tigat:** *Ko kap chai ole kibekchi aguiwek kengolole, agonai kolekakoecheng bik abkobo amesindwa kongole nenyi koroni kokaiyo koketkei siketubchi kwak.*

**Translator:** He is talking about the tea estates, that if anybody has a title deed of this land, let him/her know that the time has come that the indigenous people should take over their land.

**Samson Tigat:** *Ropta nekikomach kobetei eng koroni kokitimwokik lekemani koinkanyekichiek komokimeny ak Mosonik akelin orip nyukunyat ara kirptoi ano ak bananda.*

**Translator:** He is talking about the forests that have been deforested but now there is no more rainfall because the forests have been cleared.



**Com. Alice Yano:** Asante sana. William Korir.

**William Korir:** *Kongoi mising commissioners tugul chemi yutong raini.*

**Translator:** Thank you Commissioners who are in charge of the views that we are presenting today.

**William Korir:** *Kimiyu kemocho kengalale tugun aeg akobo bik ab nandi raini,*

**Translator:** We are here today to talk about two things about the Nandi people.

**William Korir:** *Ngolin kamwa ale ane amoche angalale tukyk aeng.*

**Translator:** To be precise he himself would like to talk about two things.

**William Korir:** *bas kito nomwoe agenge ko nglek ab imbarenik.*

**Translator:** The first thing he wants to talk about is the issue of land.

**William Korir:** *Ako negit ngalek chok tugul agot chakakemwa ko mbarenik akomikobwotik chok*

**Translator:** It is that almost all of us have the same views about the land.

**William Korir:** *Kotkesirei ngale chu akewalngatutik akopkoi ngatutuk kotakiwal nandi kotko matokwal chi age.*

**Translator:** If our presentation will really be put in the Constitution and becomes law, let even what the Nandis are saying become law.

**William Korir:** *Amunoto nekikoimech kirutochinech bik alake akotomkekas nandiek cherutochini emotinnwek alak kole kapkikat nandiek chemi emotinwek alak.*

**Translator:** Other people have been coming to Nandi to visit us as Nandis and yet we have not been able to go back to visit their areas.

**William Korir:** *Basi kiekimoche kemwa kongacha bo mbareni che kibo chumbek,*

**Translator:** What he wants to talk about in detail is about the land issue at the tea estates.

**William Korir:** *Kwonget agenge konalidos bikcho missing.*

**Translator:** One wonder is that our people are more poor.

**William Korir:** *Mapendi lakokchok school,*

**Translator:** Our children do not go to school,

**William Korir:** *amu momitei rabishek*

**Translator:** because they do not have money to educate them.

**William Korir:** *Akokitebe bik alake mbarenik kwak.*

**Translator:** Other people occupy their land.

**William Korir:** *Kieamwoe koni,*

**Translator:** What I am saying is this;

**William Korir:** *kotkoi kii nepunu kou chep chaik anan ko miwek,*

**Translator:** If there is any proceeds from the tea or the sugar cane,

**William Korir:** *kopoishe nandi anan kinete lakok ab nandiakeyae bandap tai nebo nandi*

**Translator:** Let it be used for the education of the Nandis and development of the Nandis.

**William Korir:** *Ko eng komosta ab mbarenik chemengishey chekitinyei rebinik*

**Translator:** For those who are occupying our land, mostly those who had money and bought our land,

**William Korir:** *kongemochei kenyai chor wandit nekaran,*

**Translator:** If they want to have a good friendship,

**William Korir:** *kemetochi nandiyek mbarenik kwak amu bo nandiyekeng oret nebo kalyet.*

**Translator:** they should leave the land to the Nandi people because it belongs to the Nandi people in a peaceful way.

**William Korir:** *Amu ngiger ole u Nandi asa komosin bo soin,*

**Translator:** If you look at how the Nandi are particularly down there in the low land.

**William Korir:** *ichundoi bik che menyei tulwet chekibo emonoto chekiilchi boisiek koronoto,*

**Translator:** Those residents of those particular area that occupy the hills,

**William Korir:** *akoamut kometo mbarenik ADC kobwa bik alake che kimomenyei olito,*

**Translator:** When the ADC left their land, other people came those who were not staying there,

**William Korir:** *aginyokwal amutinyei rebishek.*

**Translator:** and they bought it because they have money.

**William Korir:** *Kotepe Nandiindet kinye lekemanin,*

**Translator:** and the average Nandi continue to stay in the hills.

**William Korir:** *kitonoto nekekose kongwan kimoche mbarenik kekoch nandiek*

**Translator:** He is saying that those lands should be given back to the Nandi people.

**William Korir:** *Kotkomi ole kebesenundoi rabisiek kikochi nandiek kwal mbarenichoto,*

**Translator:** If there is a way to get a loan, the loan should be given to the Nandi people so that they can buy that land there.

**William Korir:** *basi koune mtinye chechang chesirei choto*

**Translator:** That was his last point and didn't have much.

**Com. Alice Yano:** *Mitei kit agenge nomoche onai yokemwa ile kitinye taabusiek imwa ilekimoche koyayak kouni kotkikirebenak mbarenik,omwa ole kimoche kiwekwech kouni ak kouni kongoi mising.*

**Kiboyit arap Kitai:** *Alen kongoi kokobwa bich cheogose nyalin,kikure kiboit arap kitai sumbeiwet nmiisumbeonikorit eng olinbo sumbeiwo.*

**Translator:** He is staying in Kosoiwa, in a forest.

**Kiboyit arap Kitai:** *Koen alen eng kenysisik chechang koai chumyot kiechi akot ak boiyot ngogero abo kibelgong tuwai,*

**Translator:** For many years I am an old man and the age mate of President Moi.

**Kiboyit arap Kitai:** *kimongen ale kikureno squarter atebeni bulut kimongen ale nikinyoru uhuru koto kurekei squarter*

**Translator:** I was called a squatter and didn't know that after independence I will continue to be called a squatter! I thought maybe I had a right to stay in my land.

**Kiboyit arap Kitai:** *konguno amilegemanin koye kekose kainana katia bak tee chechu chemi ko malatkot! malatkot! Malatkot!*

**Translator:** He has left behind quite a number of people down there than those who are here.

**Kiboyit arap Kitai:** *Koen kito nomwoe kokanyalil ,makayositu ane ,konyolilyo ngetikchuu konyoliyo kikir baba nyoogchoo agot kikilenlakwet ngo kii lakwetab maina nda ko chumyo onyaliltosi ako kionyoru sandet obutwech*

*mbarennyo yekikimi.*

**Translator:** What he is lamenting about is that they have remained to be poor and so let this people give us back our land where we were.

**Kiboyit arap Kitai:** *melin totepenibuluit kinye kikobek buluit kinye atkanyoru uhuru, konguno ngoit chito ake eng kesumo akolecho mongen amu mokose Kiswahili ,kokie amochu ko mbaret.*

**Translator:** He is asking for land and he doesn't understand Kiswahili and when this people come they talk what he doesn't understand. What he wants is land.

**Kiboyit arap Kitai:** *Kokolechin nge ngalal chichang konegit keutie alak ikose nguno lakwana sirngalechoto amukinyaliltosi ako itakat eng ole ame asikerchikei,*

**Translator:** If he talks much you are bound to forget others. So Commissioners you have heard what I have said you take it and you are even invited to come to my place and see where I am staying. I am staying in Kosoiwa.

**Kiboyit arap Kitai:** kongoi ngotengit kaa.

**Translator:** Thank you.

**Com. Yano:** *Mi tebutiet nemochei ketebenen eng yu.*

**Com. Yano:** I think we are hearing about the land must be returned. Where are boundaries of this land that must be returned? Which areas are we talking about?

**Kiboyit arap Kitai:** *Kikimi nin bo Thomson nintugul ,*

**Translator:** The boundaries are as far as Nakuru to the other end of Thomson.

**Kiboyit arap Kitai:** *kama ka kaa,*

**Translator:** Home is home.

**Kiboyit arap Kitai:** *amu ingen ile kitinye nekikure Kimosopchat ,Adaidet ak Emgwen,*

**Translator:** We have lands in Aldai, Mosop and Emgwen.

**Kiboyit arap Kitai:** *kochito nebo Aldai komochei komenye aldai ,Emgwen ak Mosop kounoto kora.*

**Translator:** For those who are staying in Emgwen they would like to stay there, for those in Aldai they would like to stay there and those within they boundaries they would like to stay along there.

**Kiboyit arap Kitai:** *Ne agot inye nemekekerin kele kane lakwana kataat met kelin bo cheptamis ka ketuche sumek kuk.*

**Com. Yano:** Reuben Songok, councillor karibu.

**Cllr. Reuben Songok:** Commissioners na wananchi wote kwa jumla. Mimi sitakuwa na mengi, yangu tu ni moja. Mimi ni councilor Reuben Songok kutoka ..... ward. Maoni nyingi tulishaandika iko kwa council na chairman atawapatia hiyo. Yangu ni kuhusu upande wa hospitali, upande wa mortuary. Naomba iwekwe kwenye Katiba kwamba kama mtu amekufa ashawekwa kwa mortuary afadhali isikuweko madai ya pesa. Afadhali iwe free kwa sababu mtu analia huko ashapoteza mtu wake na tayari anaongezewa shida ya kudaiwa pesa. Kwa hivyo iwe kwenye katiba kwamba mtu akishaenda apewane tu bure ili watu wasilipe. Thank you very much sina mengi.

**Com. Yano:** Asante sana Councilor hayo ni maoni mazuri. Joshua Lang'at? Joseph Sugut? Karibu.

**Joseph Sugut:** Asante sana Commissioners, yangu haitakuwa mingi ni maneno matatu tu. Maoni yangu ni kuhusu mashamba ya majani chai. Yenyewe wakoloni wamechukua hata mpaka saa hii wako nayo. Ningependelea iwekwe sheria 85% ya wafanyi kazi wawe ni watu wa hapa Nandi. Wale wengine 15%, wachanganywe.

Pili, tungependa iwekwe sheria boundaries ya Nandi district irudi mahali ilikuweko zamani.

Tatu, ningependa-----

**Interjection Com.:** (inaudible)

Joseph Sugut: Ilikuwa inapitia Chemilil railway, inaenda mpaka karibu Kiboss na inapitia mbele ya Serem na inaingia forest mpaka ya Kakamega na Nandi mpaka Sirigoi. Hiyo ndio najua ilikuwa boundaries.

Tatu, administration. Chiefs ama assistant chiefs wawe wanapigiwa kura. Kwa wakati huu chief ama assistant chief wanaandikwa wale political rejects, wanachukua yule mtu alikuwa mwanasiasa na amekataliwa na watu anaandikwa. Which means even the Presidency imeingiliwa afanye mambo yake independently. Nafikiri hilo ndilo la mwisho.

**Com. Yano:** Asante sana. Tafadhali jilandikishe. Kimei uko tayari sasa? ameenda. David Sum?

**David Sum:** Thank you Commissioners. Commissioners, ladies and gentlemen, the review of our Constitution is of a paramount importance to anything else in the history of a country. It is an honour and a privilege and gives a distort a sense of

application to us all as citizens of the sovereign State to contribute to the process. The Nandi people were legitimately occupying the very land which our grandparents were mercilessly butchered and mutilated and the rein lands driven out of it. The pertinent issue here is land and I will just talk about that issue briefly.

I propose that in the Constitution we should have a preamble which states; “We the people of Kenya with a national vision, values, federal, sovereign, secular, democratic republic, national philosophy of justice liberty equality peace unity and prosperity, honour for those who fought to defend the country against colonialism and its aggression.

**Interjection:** (inaudible)

David Sum: Thank you. The other area is the directive Principles of State policy; I will talk about the state participation of workers in management of industries. Uniform civil courts for citizens, protection of monuments and places and objects of national importance.

The Legislature: The legislative power of the country invested in Parliament. Kenya should adopt a federal system of government where the Legislative and Executive authority is split between the Central government and the provinces or jimbo. A need to have a bicameral system of legislature with the Upper House with Senate and the Lower House or the House of Representatives. The people should be given the right to recall back their MPs when they fail to perform as expected. 1000 voters in the constituency can register their grievances through writing and signing for the same to the Electoral Commission, which shall inform the Speaker of the respective Parliament who shall then summon the concerned MP to show cause as to why the seat should not be declared vacant. Salaries and allowances of the Parliamentarians shall be determined by Parliament by law and can be challenged in a court of law by citizens at any time.

The Executive: There shall be a President in Kenya. The President shall be elected by members of an Electoral College consisting of the elected members of both houses of Parliament, the elected members of the Legislative Assembly and the State. No person shall be eligible for election as a President unless he is a natural citizen of Kenya. Must be 35 years of age, must not be over 75 years of age.

Term of office: The President shall hold office for five years of two terms consecutively. Impeachment: the President shall be impeached for violating the Constitution and committing high crimes and misdemeanors. We should have a Prime Minister in the Central government; we should have a Chief Minister in the provinces.

Village administration: the Constitution should provide for the administration of a village. Village committees should be constituted.

Local government: Mayors and chairmen must be elected directly by the people. They must be graduates. All education bursaries up to college level should be managed and distributed by the councils.

The Electoral system and process: The number of Commissioners should be three to allow fast decision making process. The present number is too high and costly. The Electoral Commission should be given powers to effectively manage the electoral system or process such as determining the constituencies and electoral wards without interference from the sitting MPs and the government.

Land and property rights: The term “squatter” should be revoked and replaced by the word “landless”. The Nandi community having suffered both socially and economically as they defended their territory should be compensated by the British government. There must be a ceiling on land owned by an individual fixed at 50 acres. The remaining land should be reserved for future applicants buying at market price at that time. Local councils should be empowered to determine and allocate the use with the approval of the State legislative assembly. Land boards and land tribunals should be abolished and land village committees be constituted to handle matters pertaining to land disputes. All the agricultural demonstration land such as Kaimosi and ADC Kimwani, should be reinstated back to the local county councils and to continue to serve the same purpose as earlier earmarked for. Land should only be owned by natural systems – in the event of fraudulent acquisition decision of land, the state should compulsory repossess the land. Both male and female should have equal access to land. Land for the purpose of cultural and religious sites rights should be gazetted. The Constitution should guarantee access to land to every natural born Kenya.

The Constitution should guarantee that the tea estates of the former colonialists such as tea, coffee, tanning and extracts companies, etc. are sold with fast consideration to the indigenous communities. The Constitution must guarantee that 70% of the shares of the existing tea estates must be sold to the local communities and the remaining 30% shall be opened to all Kenyans. 80% of sales from tea including Nyayo Tea Zones, coffee, etc. shall be remain to be utilized in development of the local county. The Constitution must provide for the recognition of freedom fighters by setting aside land. Land should be given to the next of kin of those who were killed or mutilated during the resistance against the colonial rule and its aggression. The Constitution should also provide land to set up the morian institutions as a tribute to those who sacrificed for this land.

Employment: The Constitution shall guarantee that all the established institutions whether religious or secular within a state shall provide employment of 70% of the local youths and 30% shall be included from outside the State. The multi-national companies within the state shall reserve 70% of the existing jobs opportunities to the locals and 70% of all job opportunities within the state shall be reserved for the people of that State.

Management and use of natural resources: Parliament should continue to raise and out rise their appropriation of public finances. The federal government should apportion benefits from resources between the Central and the State where 60%

should remain within the State and 40% goes to the Central government. Members of Public Service Commission shall be vetted by the respective Parliament and approved by the President and the governor respectively.

Environment and natural resources: Regional governments and local communities----

**Interjection Com. Yano:** You need to wind up.

David Sum: I am just about. Regional government and local communities should own and manage natural resources such as water, forests and wildlife. Forests control should be delinked from the government and entrusted to the local councils.

The Constitution should have the rights of the vulnerable groups. The Constitution should make a provision for affirmative action in favour of women and other weaker groups in view of employment and other essential services.

Judiciary: The Constitution must provide for the separation of Judiciary from the Executive. There is a need for Supreme Court and a Constitutional Court in Kenya. The Supreme Court shall have the right to interpret any Constitutional provision or law and its decision shall be final. Thank you.

**Com. Yano:** Thank you very much for that detailed memorandum, kindly register it we are going to read. George Bett, karibu.

**George Bett:** Commissioners, wazee na viongozi wengine. Nafikiri yangu nitaongea kwa Kiswahili ili watu wengi waelewe. Kwanza ni mambo ya mashamba. Sisi tukiwa watoto wa Nandi na ile rika ambayo ilipagania uhuru tuna shida ya shamba na hiyo shida imeletwa na mtu na huyo ni mbeberu. Na tungelitaka ingewezekana kwa Katiba, shamba yote ile ilikuwa la Mnandi irudishwe kwake kihalali, kisheria.

La pili, ni mali ya asli (natural resources), ilindwe, itunzwe na county councils ili mapato itumiwe na wenyewe ambapo hizo mali zinazotoka.

La tatu ni serikali za mitaa: Ziwe uhuru (let them be autonomous) kutoka kwa serikali kwamba pesa wanazozipata wao wakitumia kulingana na eneo ambao wanawakilisha ama wana-administrate. Cash crops ambazo zinatoka kutoka multi nationals kama chai, miwa, zile tax, yaani kodi zinatoka 80% zibakie katika county councils ama urban councils ili kusaidia kuinua maisha ya watu wa eneo hilo.

La nne, ulemavu. Mtu mlemavu awe ni mali ya serikali kikatiba kwa sababu ni jukumu la mzazi ama mtu embayed ana mtoto mlemavu kulinda kwa kumpa mali ama ahadi. Let child be a national property so that he directly gets assistance.



La mwisho ni uraia (citizenship): Vile ni lazima mtu atoe kipande, naye ni lazima apewe passport. Isiyo ni mambo ya kuomba kwa sababu ni haki na hiyo ni kikatiba. Sina mengi ni hayo.

**Com. Yano:** Asante sana tafadhali jilandikishe. Anayefuata ni Wilson Keino, karibu.

**Wilson arap Keino:** *Kongoimising rotik ab ngatutik akotok tugul enkainet ab jeiso.*

**Translator:** He is thanking you and he is passing his greetings in Jesus name. His name is Wilson arap Keino, a member of ACK church, diocese of Eldoret in Kosoiwa.

**Wilson arap Keino:** *Kito notoune ko bibilia ,*

**Translator:** He is going to start with the Bible.

**Wilson arap Keino:** *kii eng kenyit ap 1928 kewa bibilia eng kutit ap chumbek akekoch nandiek,ako chichekiwalei ko Exekiel birech ,*

**Translator:** In 1928 the Holy Bible was translated into Kinandi and the person who did it was Ezekiel Birech.

**Wilson arap Keino:** *Kokiboisie Bukut noto akoi kenyit ap 1970 kewa kokure kutit ab kolenjin.*

**Translator:** We used that Bible in Kinandi until 1970 when it was changed and it is in Kalenjin but not Nandi.

**Wilson arap Keino:** *komoche kele ndakichobei ngalechu kemoche kelendakiwal Bukut noto koiknandi.*

**Translator:** If our views will be presented and placed in the Constitution then we are saying that let that Holy Bible be translated back to Nandi not Kalenjin.

**Wilson arap Keino:** *Nebo aeng konekurekutit ab chumbek museum ana ko tukuk ab kaa,*

**Translator:** The second one is on the culture.

**Wilson arap Keino:** *kotukuk abkaa koib chumbek ,kiib chepkauok ,ngotwek ak tukuk tugul che kibo kaa koib koba London ibkoyae mungaret.*

**Translator:** The colonialists took our cultural regalias, the bow and arrows to London and they are using them for commercial purposes or trade.

**Wilson arap Keino:** *kemoche serkalit ab Kengheresa kowek tukuchoto.*

**Translator:** So we want the British government to return them back,

**Wilson arap Keino:** *Akonyokotech koot neo eng kapsabet*

**Translator:** and they should build a big house in Kapsabet town.

**Wilson arap Keino:** *Faida chekinyorune yoto kemochem koteckwech University*

**Translator:** The profit that they got out that they should build for us a university.

**Wilson arap Keino:** *Nerubei nebosomok ko mbararik ab chai ,*

**Translator:** The third item is the tea estates.

**Wilson arap Keino:** *kiiib mbararik chumbek on lease akoyomei kowekchi nandiek nebo kopeku lease.*

**Translator:** The whites took the lands and they were on lease. So after the lease they should be returned to the Nandis.

**Wilson arap Keino:** *ko ngechut shares komakeale nyukunyat akomakeale blugum,keal chaik akkeal factories.*

**Translator:** We get shares and then we are not going to buy the soil.

**Wilson arap Keino:** *Makiale cheborusinik kile chaik ak factory*

**Translator:** Were not going to buy the blue cup, we will buy tea and the factory.

**Wilson arap Keino:** *Basi kowe akobo tumto, tumto apnandi kotepchei koiuyekiu ,*

**Translator:** The Nandi customary rites should remain as it is or rather church initiation.

**Interjection Com. Yano:** You should say exactly what the person is saying – word by word.

**Wilson arap Keino:** *kotumto ap kanisa kotepchei kounoto,*

**Translator:** About weddings,

**Wilson arap Keino:** *kotunisiet abnandi kotepchei koiye kou,*

**Translator:** the traditional weddings should remain as they were.

**Wilson arap Keino:** *kikenye certificate nekikonin koskutiet.*

**Translator:** What they were giving as certificates was (in Nandi).

**Wilson arap Keino:** *Konguno kemoche boisiek kokon kii neu certificate neiboru kole ketunishe.*

**Translator:** So for those who were presiding over such weddings they should give *Koskutiet* so that we know it is officially okay.

**Wilson arap Keino:** *Kochebo kanisa kotestai kounoto.*

**Translator:** And that which is done in the church should continue the way it is.

**Wilson arap Keino:** *Konebo kap DC kotestai kunoto,*

**Translator:** What is done at the DCs office should continue the same way.

**Wilson arap Keino:** *Nebo loo kemchei kifupishan powers chebo president,*

**Translator:** The sixth item. The President's power should be reduced.

**Wilson arap Keino:** *koboi army kitio ak emet kou America .*

**Translator:** To only be incharge of the army and the country like the American system.

**Wilson arap Keino:** *makochut kotini,*

**Translator:** No to interfere with the Judiciary, let the judiciary be independent.

**Wilson arap Keino:** *eng egwenyut nebo atonigeneral.*

**Translator:** Under the Attorney General.

**Wilson arap Keino:** *kowe akobo mjumbeyot,*

**Translator:** On the area of MPs,

**Wilson arap Keino** *Magemoche mbung e nekikweii kosir kenyishek mut.*

**Translator:** We don't want to have an MP being elected more than five years and the councillor.

**Wilson arap Keino:** *koyakakweii akwo aroik loo komawek kekwei ake,*

**Translator:** After election if he goes back for six months then another one should be elected.

**Wilson arap Keino:** *kowe ofisit ap PC.*

**Translator:** PC's office.

**Wilson arap Keino:** *Mochei kepongusan chebo ofisit noto.*

**Translator:** The powers of the PCs office should be reduced.

**Wilson arap Keino** *Kibapiko momwoe aleano.*

**Translator:** Some people went for an interview, he is not going to specify the place.

**Wilson arap Keino:** *Kiyai chito ab form six, chichok*

**Translator:** A form six fellow appeared for an interview for one person.

**Wilson arap Keino:** *koyai somoku chebo form four ak akenge nebo form two,*

**Translator:** And three were form four and one was a form two.

**Wilson arap Keino:** *akekoch nebo standard seven.*

**Translator:** A standard seven fellow qualified.

**Wilson arap Keino:** *Motinye chetia kongoi.*

**Translator:** He doesn't have much, thanks.

**Com. Yano:** Tumeshukuru kwa hayo maoni. Kirina Misoi Sett, karibu. Tafadhali kama haujajiandikishe nenda kule nje ujiandikishe urudi uketi.

**Kirina Misoi Sett:** Nikiwa hapa mimi ni Mnandi. Waheshimiwa Makamishina na wale wote ambao wamehudhuria huu mkutano yangu ni machache na inaenda moja kwa moja vile inasemekana. Maoni yangu ikiwa itaenda na kuingia katika Katiba ni kwamba machifu wachaguliwe na mlolongo. Mipaka ya Kinandi katika Nandi iwe katika mipaka ambayeo iliwekwa na Kibeness nafikiri wakai huo alikuwa paramount. Wanandi wote wanaelewa Kibeness ni nani na mipaka yetu ilikuwa ikifikia wapi.

Kibeness paramount ambaye 1915 alikuwak na mipaka yake vile imesema hapo mbeleni itapita inatokea railway na kupitia Kandamiko na kukata kidogo Kakamega na kuingia forest ya huko na kutokea hapo chini. Wanandi walikuwa hawakuweka mipaka kwa sababu lengo yao ilikuwa kuendelea mbele. Wanandi mpaka pahali wamefika huko ..... (inaudible) ilikuwa wa Turgen. Kwa sababu Wanandi lengo lao ilikuwa kuendelea mbele sio kurudi nyuma sasa waliweka mpaka hapa na nyapara yake ulikuwa huyu paramount mzee anaitwa Keeness.

La tatu, naomba mkutano kuwa hawa Wazungu ambao walinyakua shamba, kweli saa hii tumeambiwa tuombe hii shamba pole pole. Huyu Mzungu historia yake alimua kiongozi wetu hapa ambaye angefanya agreement na hawa Wazungu na kuchukua kila kitu bila kujali na saa hii tumeambiwa tumbembeleze, haidhuru tutambembeleza kwa sababu ni wakati huu. Huyu Mzungu wa haya mashamba ile agreement ambaye ingefanywa na yule kiongozi wetu ufanywe sasa kwa sababu hakuna agreement ambayo Wanandi walifanya na wazungu, afanywe sasa. Hizo mashamba zirudi katika county council au economy ya Nandi County Council. Halafu ikiwa watafanya agreement wao ndio watafanya agreement na hao wazungu. Na nikiwa katika ile

mashamba ambayo sasa tunaomba kazi vijana wetu wawe wa kwanza katika kuajiriwa. Ukichunguza katika kuajiriwa unakuta ni watu wengine tu ambao wanaajiriwa na mwenyeji huwa hapati chochote. Na kwa sababu huyu amemiliki hili shamba tunataka bila marsharti mastima barabara na kusomesha watoto wetu bila masharti. Hiyo hatutaki kuomba kwa sababu wangetubembeleza sisi kufanya hivyo.

Ninataka hawa wazungu ambao walimuua mkubwa wetu ama wangifanya agreement na yeye, walipe Wanandi hasara ambao walisababisha siku ile na kila kitu ambayo wamechukua, watagharamia vile Wanandi watadai. Mimi nafikiri Wanandi watafuata sheria na tutadai hawa na ningeomba ingie kaitka sheria kwamba Wanandi wanadai mali yao na hasara waliopata wakati waliua kiongozi wao. Kumiliki ardhi ni kitu muhimu sana. Maoni yangu kumiliki ardhi ni kutoka kijiji mpaka location, tosha. Makaratasi inakuja tu hapo kwa DO kuonyesha hiyo ardhi ni ya fulani, sikuamba ati kuna wazee wengine wanitwa tribunal. Wanakula kubwa halafu ile certificate ambayo wanaita title deed inapasuliwa wanasema wao ndio mwisho na hakuna mahali tutaenda. Ni afadhali itawaliwe kutoka nyumbani, mwisho ni location tosha. DO atapata tu habari kwamba hiyo shamba ni ya fulani na inatosha.

Nikimalizia, watu wakuajiriwa ambao ni wasomi, ningeomba hii iwe sheria juu ya wakati ujao. President asiwe ni mtu wakufanya appointment mtu amba hatumjui. Tunasikia tu saa saba mtu fulani ni mkurugenzi mahali fulani – mtu aandikwe kulingana na makaratasi yake inamruhusu kuandikwa. Si appointment, hiyo ni kama tunaambiwa chief ni fulani na ile njia ilitumiwa ni ya ajabu. Waheshimiwa-----

**Interjection Com. Yano:** Malizia.

**Kirina Misoi:** Hapo nimemaliza.

**Com. Yano:** Asante sana, ngoja kidogo kuna swali hapa.

**Com. Lenola:** Arap Misoi, hebu unisaidie. Unajua umeniambia vizuri boundaries za juu za 1915 na boundary ya south umefungwa tu iende mpaka.... na ile ya chini ya south?

**Kirina Misoi:** Hiyo Uasin Gishu yote iko ndani. Sasa tunapakana na Kericho huko Londiani.

**Com. Yano:** Nafikiri tutajaribu kuharakisha kidogo. Tuko na watu mia moja sabini wakati huu na wote wangetaka kuongea, tafadhali ukipatiwa muda jaribu kuharakisha ili tupate kupatia kila mtu nafasi. Sally Melly Rotich? Halafu atafuatiwa na Dorcas Luseno.

Nimefanyia rigging wamama kidogo.

**Sally Melly Rotich:** Thank you Commissioners. I am talking on behalf of the Nandi District women.

- Preamble: There is no preamble to Kenya's Constitution. We need a preamble with values which bind us as a country among them equity, justice, fairness and democracy. In democracy it should read democracy which means that in a government we have chosen we have freedom to address it about our problems, we also have a right to kick it out when it begins to oppress us.
- To reach the government, we also need a democratic Constitution to allow free and fair elections. To reach the government with our problems, we need serious members of Parliament who are committed to serving the people. We need Members of Parliament who listen to voters and speak to the government for the people. We also need the citizens of the country to elect Members of Parliament with our open eyes and minds and not to trust parties to do it for us.
- The Constitution should place protective measures for the three arms of government. Each arm of government should be independent from the influence of the Executive. Powers of the President should be reduced because too much power leads to abuse.
- There should be establishment of gender Commission or equality Commission to allow implementation. The Constitution should entrench affirmative action.
- The Constitution should also empower local government to manage land and other local resources. We want a democratic, accountable, transparent and responsible local government. We want participation of communities in affairs of local government.
- We want the government to provide basic needs to all Kenyans including education and health care free of charge. We want the new Constitution to put measures on the prices of essential commodities to be controlled.
- Everyone should have equal access to public administration. We want employment to be based on merit. We want 35% of the seats in public offices to be reserved for women. We want a continuous civic education; we want a federal type of government to be adopted.
- In any identification, Nandi people should be called Nandis not Kalenjins. Passports should be issued as a right. Thank you.

**Com. Yano:** Dorcas Luseno. Halafu atafuatiwa na Julius.

**Dorcas Luseno:** Honourable Commissioners, thank you very much for this opportunity. This is about the third time I am appearing before the Commission. I very much interested in what is going on to this development because this is the first time we are having this chance of looking at the Constitution. What Mrs Melly has just said includes some of the issues I covered when I presented the same memorandum but I am here now to emphasize one or two things.

One is education of girls. As you see me Commissioners, I am the first girl in Nandi to go to High School. I am saying this because, it shows that education came to Nandi rather late – very recently. I went to Alliance Girls' High School in 1963, and that was the first girl to enter High School from Nandi! So Commissioners, I would like to emphasize that education as

somebody had said once, “if you educate a man you are educating one person but if you educate a girl you are educating the family and the nation”. It is not only Nandi generally speaking, education for girls among the Kalenjin is usually behind – we were the last ones in this country, why? I want to call upon parents, as late as yesterday’s paper, there was a meeting in Nairobi – it is a pity the Minister has gone he opened it for women educationists in Africa, which is stressed – what is very unfortunate right now there is a high drop out of girls in schools, you know this. Many of them are pregnant, many of them are not encouraged by parents, really for how long are we going to be at the tail end of development. We should look at this as Nandi people, as Kalenjin. The other thing somebody has mentioned civic education, we have had problems - Commissioners we have had problems in getting women in this .....(inaudible). It is only Mrs Melly who has spoken and we are hoping there would be more speaking and this is because understanding of their rights is not there, it is very little. So, we would hope that civic education can continue even after the writing of the new Constitution, it’s very important.

**Interjection Com.:** (inaudible)

**Dorcas Luseno:** This would benefit women especially. The other thing and I don’t want to take long, I was in Kapsabet and I spoke about land. If there is a reporter here, please correct that report. He reported that I said that the underdeveloped or the less developed land should be taken away from our people – I did not say that Commissioners. I said that in many parts of Nandi there are pieces of land that are underdeveloped, they are not fully utilized and children are being thrown out of school because of the question of fees, the parents not being able to pay fees. Why do we allow that, why don’t we develop our land fully? I did ask the local authority to get powers or legislation that will enable them to help our people develop our land fully. But perhaps on this side the land is fully utilized but if you go to Mosop area you will find a lot of land which is not utilized, why is that so? Please let’s look at our land and make sure we fully utilize it.

The other thing I mentioned is that if we have local authorities with certain regulations that will enable them to protect business like KCC, it would not have been killed the way it was killed systematically if our county councils had powers. I don’t know if that is what you feel, but KCC which used to help even the mothers in the rural areas because she used to sell one chupa of milk and it has died, why? We haven’t heard anybody crying out our authorities in Nandi, why is this so? KCC was helping us, let’s-----

**Interjection Com.:** (inaudible)

**Dorcas Luseno:** I would like a legislation that gives the local authority the powers to protect those undertakings that are beneficial to the districts. We are called people of milk and shamba, so why don’t we ask for those things to be protected. Watu wangu tafadhali – there are some practices which we don’t need anymore. You have talked about our customary laws being there and we should have them. What is the point of circumcision, what is the value of circumcision of girls? Hakuna kitu. Let us do away with those that are of no use and that is one of them. There is legislation, I don’t know what happened in

Nandi but there was time that this was actually not practiced and it was dying a way a natural death but somehow, it is coming back I even mothers are being circumcised in some areas, jamani what is that? That is degrading ourselves. So let's think about those things and do away with them. Some of these are keeping us behind Kenya in development because we are doing nothing to remove them. Why is are called in Nandi (in Nandi), why? (in Nandi) We undermine ourselves so much. (in Nandi). She speaks a lot and she doesn't do anything, she does very little. This subject can go on, I think I will finish there. Thank you.

**Com. Yano:** Thank you so much Dorca Luseno and we are proud that you are one of the first women from this place to go to the university. Julius Kiong' na atafuatiwa na Samuel Ngetich.

**Julius Kiong':** *Ane angolole nand, ai boiyo kiotepee eng blue kongete artam.*

**Translator:** He is going to speak in Kinandi because he is an elder. There was something called blue (I don't understand) in the 1940's.

**Julius Kiong':** *Kokiyaisit kongete yoto ako kongete yotoko kichitech agoi ainonin, kimenye kaptien nguno.*

**Translator:** He walked since then and up to date and they are staying in Kaptien just next to the river bank.

**Julius Kiong':** *Konguno kioyoni kiekamwa bichoo kole kimoche mpaka nenyongete ole kiboche karnet.*

**Translator:** We are agreeing with those who have spoken about the Nandi boundary where it was before.

**Julius Kiong':** *Achek nandiek kinge rar karnet eng yu komakitul komosi kipendi ketokostoi,*

**Translator:** When we stopped at our boundary at this end we did not proceed.

**Julius Kiong':** *ko nguno ngotutik chekongat kemoche kobwa ngotutikab nandi kosulta .*

**Translator:** Our views we have presented as laws should be placed in the Constitution as they are.

**Julius Kiong':** *konguno kemoche kirwok council kemoche neboi nandi ,koik cheket ab nandi*

**Translator:** We have our council here, that we need this place to be a ..... that will take care of the people of this area.

**Julius Kiong':** *koboitukukwai nandi.*

**Translator:** Nandi should own their resources and manage them.

**Julius Kiong':** *Nguno kelen Kalenjin kotukul ,ago Nandi ko Nandi.*

**Translator:** Kalenjin is a whole group but now we are talking about the Nandi.



**Julius Kiong’:** choto chekotinye kongoi.

**Translator:** That is what he had and he says thank you.

**Com. Yano:** Asante sana. Samuel Kiprono Ngetich, karibu. Halafu atafuatiwa na Paul Agui.

**Samuel Kiprono Ng’etich:** Mimi ni Kanu Chairman na nilikuwa councillor zamani 1979 kwa miaka ishirini. Maneno yangu ya kwanza; mkoa wa Rift Valley ni ya watu wanne pekee yake na jina hiyo inaitwa Kamatusa. Nitataja majina yao; wa kwanza ni Kalenji, wa pili ni Maasai, wa tatu ni Turkana na wa nne ni Samburu. Hawa watu wakati Mungu alipoumba dunia hii, walipoingia nchi hii ya Kenya mpaka wao ilwekwa ya Rift Valley. Nataka iwekwe sheria katika Kenya ijulikane Rift Valley ni watu wanne. Jina yao inatiwa Kamatusa.

La pili, Nandi ni Wanandi na Mungu aliweka Nandi kuitwa Mnandi na hakukosea kuweka nchi ya Nandi. Nchi yetu ya Nandi wakoloni waliingia nchi hii 1897 na walipoingia watu wetu Wanandi-----*(end of tape)* Wakoloni wakaanza vita, tukapigana na wao miaka saba na miezi saba na siku saba na masaa saba. Na Laiboni wetu Samoe akawauwa saa nne asubuhi hapa Nandi. Laiboni wetu anaitwa Koitalel Somoe arap Kurgat, akauwawa na wazungu na kulikuwa na mzee mmoja anaitwa arap Chemurungu na mama mmoja alikuwa concubine yake walikuwa wanatembea pamoja. Huyu mama akachapwa akakimba mpaka kwa sub-chief na ile nguo alikuwa nayo ikakatika, akaenda bila nguo mbele ya sub-chief na wanaume wale walikuwa na Somoe askari wake wote hamsini wakauwawa.

**Interjection Com. Lenaola:** Twenty three.

Twenty three na wale wengine washabiki walikuwa wanafuata yeye. Somoe alipouwawa kesho yake asubuhi watu wakaanza kulia na kusema mfalme yetu amekufa, President wetu wa Nandi ameaga dunia”. Wazungu wakatuita wakasema tukae chini, “nyinyi Wanandi muhame kutoka nchi hii muende katika chini ya Nandi upande wa .....*(inaudible)* hii nchi tunachukua. Wanandi wakakataa wakasema hatuna wale watu tunaowaomba mashetani yetu (in Nandi) hawa wamesema hatuna mtu wa kuomba kwa sababu sisi tulikuwa tunaomba hawa watu. Na wazungu wakaenda kukaa chini na wakarudi na wakasema watajua ile kitu walikuwa wanaenda kuzungumza. Wakasema mutapita juu na hao watu wenu watapita chini, mtaenda kukutana huko kaskazini ya Nandi. Halafu, tulipokataa wakatupa bunduki ile iliua Somoe. Sasa kuna mzee mmoja anaitwa Kapsengele akasema, akakubali kusema msituue tumekubali kwenda.....*(inaudible\_* na tumekubali watoto wetu watakata chuma ya railway ipite through, akaambiwa weka sahihi, hakuweka sahihi alitingisa kichwa.

Kwa hivyo nataka kusema kwa ufupi sisi tuliamishwa na wazungu hapa, tukaenda kupita juu na wale watu wetu wakapita chini tukakutana huko. Ile kitu mimi nataka kusema, ardhi yetu ile wazungu walitunyanganya turudishiwe ardhi yote bila masharti yoyote. Na hawa watu wanasema 80% au 70%, machanga ya Nandi inaitwa Nandi na majani inaitwa tea, ikiondolewa tea inabaki Nandi na hii ni Nandi. Mashamba ya Nandi yote iwe ya Mnandi mwenyewe. Mwaka wa 1952, iko mtu anaitwa

governor na yule Mzungu aliuwa Somoe anaitwa Liporors, Wanandi walikuwa wamebandika jina kwa sababu yalikuwa na manyoya kwa mwili yake, alikuja Kaptumo 1952 akasema namekuja kuomba msamaha ati niliua mtu wenu na mimi nimeenda kufungwa miaka mbili huko London, nikaambiwa ulikosa kuua kwa hivyo nakuja kuomba msamaha. Kulikuwa na wazee wetu wa ..... (inaudible) mmoja anaitwa arap Koiwa na mzee mwingine alikuwa anaitwa arap Terer baba ya kina Elijah.

Sasa wazee wetu wetu wakauliza kwa sababu umekuja kuomba msamaha, uturudishie ile mashamba yetu ambayo mlíchukua. Sijui ya pili mzungu alisema maajabu, akasema ati hiyo shamba tulinunua wazee wakauliza mulinunua na nini, akasema tulimwaga damu. Mzungu anasema alimwaga damu na anataka kitu inaitwa compensation ya compensate damu ya Wazungu na hii ilikuwa maajabu sana. Tangu siku hiyo 1952 mpaka leo nikisimama ni miaka hamsini. Hiyo damu ya Mzungu kweli atalipwa kama ilikuwa ni malipo? Na ile damu ya Wanandi ilimwagika sio kitu? Sasa sisi Wanandi tunataka kama kweli sheria inawekwa ile leasehold iliwekwa 1905/6 mpaka leo iko na miaka karibu mia moja na leasehold inachukua 99 years. Hii leasehold iwachiwe Wanandi wenyewe wachukue shamba yao bila masharti yoyote na mchanga yetu iwe ya Wanandi.

Mpaka ya Wanandi nilisikia muliua mtu mmoja, iko .....(inaudible) milima ya Koibatek ikienda Nakuru kuna swamp ambaye mwanzilishi ya river ya Nyando, hiyo mpaka wetu ikiona milima ya Koibatek iko chuma imewekwa juu na hiyo inapitia hapo na kupitia mahali panaitwa jeljilo, hiyo mtu inakuja mpaka mahali panaitwa Kamasia. Inateremka chini mpaka Koru na inakamata railway na kuja Muhoroni kwenda Chemilil kwenda Miwani mpaka Kiboss. Kupitia hapo sasa inalenga ile milima ya Hamisi na kuenda mpaka Kimboi na pahgali ilikuwa inaitwa Chemageswa wanaita Kimong'in na hii ni jina yetu. Kupitia huko na kulenga milima ya Sirigoit, na hapo tukakamata railway na kupitia Chepkabuss .....(inaudible) mpaka milima hiyo ya Koibatek. Hiyo ndio mpaka yetu ya Wanandi. Na kama sheria kweli inataka kuwekwa, tufuate haki kwa sababu Wazungu walikuja kutugawanya. Tufuate haki ya binadamu, haki ya Mnandi.

Tuko na makabila mbali mbali katika Nandi ambao wanakuja na kumiliki mashamba katika Nandi na hii si haki hata kidogo. Nataka kupendekeza ya kwamba mashamba yetu ya Nandi yamilikiwe na Wanandi wenyewe. Hata kama ni ploti kwa center, hata kama ni town ya Nandi Hills au Kapsabet iwe ya Mnandi mwenyewe. Wacha nisema kwa mfano Central Province iko na wenyewe na hakuna Mnandi anaweza kuenda huko kumiliki shamba hata ploti hata nini. Mnisamehe nikisema hivyo kwa sababu mlisema ya kwamba “sema ile kitu iko kwa roho yako”. Shamba kama unataka kumili, kama wewe ni Turkana miliki Rift Valley, kama wewe ni Maasai miliki Rift Valley, kama wewe ni Kalenjin miliki Rift Valley na pia Samburu ni hivyo. Lakini mtu mwingine anakuja kumiliki na mimi sijaenda kumiliki Central Province, why? Na Mungu aliniweka Rift Valley. Kwa sababu nimepoteza saa nataka kusema ya mwisho.

La mwisho ni mashamba ile yetu, kuna watu wanatuonea jicho ati tuligawiwa mashamba makubwa kubwa. Kuna watu wanataka kusema ya kwamba ati ile mashamba igawanywe acre mbili halafu ile watu mimi nimetaja majina yao wakuje kumiliki acre mbili na Mungu kweli atakubali? Mimi natoa maoni na kusema mashamba ile, kuna mashamba ya kulisha taifa katika Kenya. Iko shamba tunategemea na wanalisha Taifa letu la Kenya, wanalima mahindi, haiwezi kugwanywa acre mbili na nusu.

Maneno yangu ya mwisho; mashamba ile sisi tuko nayo Nandi kama mimi niko na acre ishirini, iwe yangu tu kama niko na acre tano iwe yangu tano. Kama niko na elfu mbili ati mtu mwingine kutoka nje akuje tugawe na yeye hiyo shamba hiyo kitu tafadhali iwekwe sheria isemekana kila mtu akae kwao na shamba yake. Asante sana Mungu awabariki.

**Com. Yano:** Asante sana chairman jiandikishe tafadhali. Paul Agui, karibu. Atafuatiwa na Josphat Siroi.

**Paul Agui:** Commissioners, bwana DO na wananchi wote ambao wameweza kufika hapa, yangu itakuwa machache kulingana na wakati vile umeenda. Kwanza ningependa kuzungumzia juu ya haki za binadamu. Hapa Kenya tunahitaji haki za binadamu na tuliponyakwa uhuru ilitangaza vita vidi ya vitu vitatu. Moja ikiwa ni elimu, pili ni njaa na ya tatu ni afya. Maoni yangu kwa ufupi kulingana na hiyo, kuhusu elimu watoto wasome kutoka primary level mpaka secondary level bure bila malipo. La pili, kuhusu mambo ya afya iwe ya bure; watu wasiswe na cost sharing katika mahospitali zetu. Wakenya waweze kutibiwa bure bila malipo. La tatu, ningependa kusiwe na Mkenya ambaye atakufa kwa sababu ya njaa, serikali itafute njia ya kuweza kupata chakula.

La pili, ni kuhusu mashamba. Mengi yamewezwa kusemwa kuhusu mashamba na ningependa kusema kwamba kuna wazungu walipoenda kuna wazungu wapya ambao walinyakuwa mashamba especially sehemu za Nandi. Kwa hivyo ningependa mashamba yote kama vile ilivyosemwa irudi kwa county councils na sheria iwekwe kwamba Mkenya wa mwisho awe na acre tano na aliyetajiri awe na acre mia moja ili kila mkenya angalao apate sehemu ya kwishi.

La tatu, ni kuhusu mipaka. Vile ishasemwa sitarudia sana, ningependa tu kusema kwamba mipaka ya nandi ihafadhiwe ikae vile ilivyowekwa tangu hapo zamani.

La mwisho, Commissionerers ningependa kusema kwamba wale wote ambao wanapignia viti katika Bunge ama civic, hao wote wawe watu ambao hawajafanya makosa yoyote wawe free from corruption, ndio waweze kupigania vitu hivyo. Ningependa pia kusema kwamba kuwe na sheria moja ambayo haitabadilishwa hata ikiwa nini na hiyo sheria iwe ni ya kuabudu ama freedom of worship. Iwe ni sheria ambayo haitafanyiwa mabadiliko yoyote. Asante sana.

**Com. Yano:** Asante sana kwa hayo maoni tafadhli jiandikishe. Josphat, karibu. Atafuatiwa na Peter Talam.

**Josphat Siroi:** Commissioners mine is a written memorandum and I am just going to highlight a few areas because I am going to hand it over to you.

Preamble: There should be a preamble, Kenya being a sovereign State the preamble will define that we are Kenyans with different ethnic background. The Constitution of Kenya will also reflect the desire of all Kenyans to live peacefully and to share their economic resources equitably.

On human rights: I am going to mention few issues. We as Kenyans we have a right to life, we have a right to education, we have a right to housing and we have a right to land ownership. Now as has been said before on education because this is our purpose for fighting for independence and also to minimize a lot of burden to the parents and Kenyans there should be this free education from primary level to secondary level up to university. Education should not be interfered by politics so that we have a clearly defined system of education that will be acceptable internationally so that our when our people go overseas to study, they will not be required to undergo bridging courses. We need a system of education that is accepted internationally.

Legislature: MPs being sariied members and have they should be taken as employees and therefore they should be answerable to the electorate in this way the MPs should be fully confined to the Parliament and they should not involve themselves in any other extra employment besides that which they were elected for. They can also be recalled.

System of government: We need a federal system with the county councils with autonomous to administer and manage the economic resources within that area.

Electoral system: At the end of the term after five years, the government will retire and then we will have a smooth transition. All Parliamentarians, Cabinet Ministers, the President and the Prime Minister will retire and the management of the government will be left to the Head of the Civil Service, the Speaker and the Chief Justice. This will create a smooth transition and the incoming President and MPs should not use the government resources to campaigns so that we can have a even ground in campaigns. The Constitution is people driven and I propose that this Constitution cannot be amended by Parliament. If there is need for any amendment there should be a referendum especially on areas touching on human rights, those areas should not be amended by Parliament. Other areas can be amended by Parliament with a majority vote of 75%.

Lastly, there should be permanent Commissions. These Commissions would be the human right Commission, the anti-corruption Commission and a Commission with a duty of appontments and remuneration and that that will touch on the salaries of MPs and other top civil servants. The Constitution also should provide for administration in the locational level. There should be elders in the location level to administer the affairs related to the particular community in that area; things like domestic affairs land and other things. These elders are also elected by the people. So Commissioners, for those few proposals, I beg to wind up.

**Chairman 3Cs:** *Amoche orip sait amu tokomi bik bokol aeng.*

**Com. Yano:** Ningetaka kuwambia tafadhali, sasa nitakuwa very strict na saa, juu saa hii tuko na wat umia mbili. Nikikupatia dakika tano iwe dakika tano. Asante.

**Peter Talam:** Hon. Commissioners I won't have say much because I have a written memorandum but I wish only to highlight some few areas where I feel amendments must be done. I feel that before anything is done we know the Constitution is very supreme, the people should be heard, that is a referendum should be carried out and this, I suggest, the memorandum should be done by the Electoral Commission.

Another thing I wish to highlight on honourable Commissioners, is the Structure and system of government. My view is that we should retain the Presidential system of government where the President is elected by the Kenyans and he has no constituency. We should also have Vice President who should be an elected Member of Parliament. The President powers should be checked by devolving some of his powers to the Vice President and also to Parliament.

Legislature: The current provision in the Constitution concerning legislature should be retained where anyone wishing to be a Member of Parliament should come from any of the political parties registered. Members of Parliament should have powers to vet for the senior members of the government, Permanent Secretaries and others who are to be appointed from time to time. Also there should be moral and oral qualification for both candidates who wish to be parliamentarians and also for the sitting members of Parliament.

Rights: In our Constitution also I propose that it should have a provision for the rights of speech, the rights for movement, the rights for free education – that is from primary to university, the right to health care where the Constitution also should guarantee the patients free access to medical care without payment which the poor members of the Kenyan society are the deprived off currently. Also, the Constitution should protect and guarantee access to water. That is a universal right of which we have seen in our area here people have been restricted to access water which is a universal right. Thank you honourable Commissioners.

**Com. Yano:** Thank you very much Kirwa. Anayefuata sasa ni John Sang'otei halafu afuatiwe na Kiplagat Erustus Ruto.

**John Sangotei:** Asante sana Commissioners, yangu itakuwa fupi sana. Ningetaka mashamba yote kutoka acre moja mpaka acre tano au kutoka tano tena mpaka mia tano iwe katika lands office, Nandi Hills au Kapsabet district headquarters kuliko ukitaka kitu unaenda Nairobi unambiwa kuja kesho saa nane kesh kutwa mpaka utoe chai ndio ufanyiwe kazi. Na ninataka rates ambayo tunatoa ya maploti yote ya maduka ya mashamba iwe katika county council au municipal au town council.

Ya pili ni mambo ya forest. Forest imekwisha na tangu mimi nizaliwe sijaona mwezi wa tano hakuna mvua hapa Nandi, niko na miaka karibu sabini. Ni kwa sababu forest imemalizwa na watu ambao wamemaliza sio wadogo ni wakubwa. Kwa hivyo nataka iwekwe kwenye Katiba kabisa forest yote ya Kenya nzima kwamba ili Parliament wakitaka kukatia shule ama watu binafsi mpaka wapate 75% au two thirds. Kuliko ..... Minister anamka asubuhi anatangaza kwa Kenya gazette kwamba nataka forest fulani ikatwe, sio mtu mmoja pengine ako na njaa na marafiki wake wanataka. Hiyo ikome kabsia iwe ni Parliament na ipate 75%.

La mwisho, Katiba ya sasa inasema term ya President ni miaka tano mara mbili (miaka kumi). Sasa nataka hata Members wa Parliament iwe miaka kama watu wanampenda, ikizidi hiyo hata kama watu wanampenda, wengine wapaewe kwa sababu kuna vijana ambao wanahitaji, kuliko mtu anakaa mpaka anakuwa mzee mpaka anakuwa mzee kama mimi. Asante.

**Com. Yano:** Asante sana. Kiplagat Erastus? Kama hayuko Ronald Koech.

**Kiplagat Erastus:** Honourable Commissioners, first may I take this opportunity to present a memorandum for Kipsebwa Location. Members of the location wish to have a Presidential centralized unitary system of government. Also we should adopt a Parliamentary government in which a prime Minister is appointed from the majority parties in the Parliament. The President remains more or less a ceremonial one. Members of the location also wish to propose that in the preamble-----

**Interjection Com. Yano:** Are those the views or

**Kiplagat Erastus:** First I have the views of the location and I have also got my personal memorandum.

**Com. Yano:** So you are giving us the views of the location?

Sure. In the preamble they wish to have Nandi community recognized through their leader Koitalel Samoe who fought for freedom from the British colonialists. Also in the preamble all citizens including the President should be placed under the law.

Regarding the legislature being a Member of Parliament should be full time job having three days of parliamentary sittings and two days to be spent by the MPs in their constituency offices. People should have the right to recall their MPs who should act on instructions of their constituents and that is the legislature should have powers to overright the President's ideas if they are viewed by a high percentage of the MPs as not functional.

Regarding the local government they wish to have the people on the electorate directly electing the mayors to the councils and even council chairmen. People should have a right to recall their councilors when they are not satisfied with their deeds. There should be no nomination of councilors.

Basic rights: there should be a right to full freedom of speech. Employment be a basic right to students who have gone to school and particularly those who have attained university degrees, Kenyans are spending a lot in terms of education.

Death penalty: It should be abolished.

One person should be given one appointment.

Executive: The Presidential powers should be limited and be subject to Parliament. Appointment of chiefs and assistant chiefs their tenuous office should be subject to a contract but as it is the outcome of elections, can be given two terms. Their salaries should be come from the local councils. The assistant chiefs should be transferable from one location to another.

**Com. Yano:** Thank you very much. ....(inaudible)

Mr. Kiplagat: Thank you madam. Kenya should remain a multi-party democracy with three state funded parties from whom Presidential candidates should come. Other parties can simply represent special interests. This may include health, environment and education among other things. Kenya should have a centralized unitary system of government with the President as the Head of State answerable to Parliament and that all Kenyans including the President be under the law so that the President's powers be checked and limited to the approval and endorsement of Parliament regarding use of tax payers money that goes into the office of the President declaring state of emergency and appointing among others heads of parastatals and public corporations, head of public service Parliamentary Service Commission Ministers and the Vice President. The President's tenure of office be limited to the same five year term. One point about the presidency is that he should not have the power to appoint the vice President and this should be given to the Parliament and that the office of the vice Presidency should be transformed into a functional one by creating the post of Deputy vice President with a government that is well trimmed to sixteen ministries each with a single Minister and -----

**Com. Yano:** Thank you very much. I have realized Kiplagat you are reading the memorandum, we are going to read it trust us. There is a question here.

**Com. Lenaola:** My question is not on the issues, the memorandum is from a location. Did you meet in a particular – have you said when you met and who met with you? You have names?

**Mr. Kiplagat:** Yes there are ten signatories.

**Com. Lenaola:** Thank you very much, that is what we wanted to know.

**Com. Yano:** Thank you. Ronald Koech? I am also giving you five minutes.

**Ronald Koech:** Thank you Commissioners, mine is a personal memorandum and I am going to make some few proposals. There should be free-----

**Interjection Com. Yano:** Is that your memorandum or it is also a group's memorandum?

**Ronald Koech:** It is my own.

**Com. Yano:** Your own, okay.

**Ronald Koech:** There should be free medical care to be provided by the government through the Ministry of Health going to the children, students in learning institutions.

The village elders should be paid by the local authorities or local government.

**Com. Yano:** Thank you hand in your memorandum, we are very grateful for that.

Peter Sang? Karibu.

**Peter Sang:** Thank you madam chair, ladies and gentlemen. My name is Peter Kirwa Sang. You are all welcomed to this great side of Nandi land, you may not be aware that you are all sitting here on the center rim of the best land rated first class in the world by the colonialists and their agents during the invasion and subsequent occupation of this land. Our land is one of the best loveliest land that could catch any human eyes. The eyes of the colonialists traveled miles and miles far away over our hills and then towards the blue mist sky, they saw a paradise for really; they said that the indigenous people we the Nandis do not deserve this land and that it should be alienated and the indigenous were arbitrarily chased out or driven out and concentrated in a creative native reserve, extensively a nature human zone that is Nandi reserve. Hence the scramble for our land began. The colonialists then cold bloodily murdered our leader Simbole Koitalel arap Somoe to render our people vulnerable to subjugations subject to ran over our land for eleven years residing over .....(inaudible) of social ills that have been detemantary plucked our people to date. The stolen land has been very well documented in the British books and all those by the following; Sir C. Holis, C. W. Huntingford, the haunted camel Richard Menabsagen, Samson and Maxon.

There are also files and correspondences in British foreign office, Kenya archives, libraries in Uganda and in Britain. Our claims over our land rights did not start during the CKRC which is sitting here today. It has existed during our resistance to British rule to the present day. The Commissioners sitting here should take note of the fact that for the last one hundred and seven years, the Nandi land and human rights have never been addressed and resolved constitutionally and satisfactorily to the wishes of the Nandi people. We are still languishing in poverty in the sea of poverty despite having been brutalized and traumatized prior to and after independence. Land occupied has a very special place in the heart of Nandi, we were pushed off from our best land to pave way for the white settlers and subsequently we knew immigrant natives after independence. Therefore our cry has taken much part of the news ever since our demand for land is supported by the valid historical claims. In 1930, the British imperialists had learnt that some communities were producing children at an alarming rate, they multiplied and its implication



were known. They knew that they would not have enough land in their ancestral homelands, if they were to migrate, then where to? The multiplication has never stopped to date – that was the question 72 years ago and still the same question is here with us.

They are multiplying to go where? To immigrate and live on whose land?

Kenya has scarcely any fertile land to which no one lays claim. If it is from someone who is that having idle land for immigration? The Nandis have never been allowed or welcomed in Central province, those who have attempted in the past to purchase land in their region have failed to develop the same persons after acquiring because of hatred and sabotage.

Recommendation: We, the Nandi people are opposed to pressure of land in our door steps, that is a fact. The present Kenyan government and British government owes the Nandi the land. We don't owe anybody in Kenya land. Our ancestral homeland is our community property and we cannot bargain it under any circumstances at all. We, the Nandi people and our allied tribes will not accept a situation where two or three ethnic groups have enjoyed all the roasted meat in their corners, reduce us not only into the kitchen gardens but ..... (inaudible) of vineyards for the 38 years. It is no longer going to be the case that some people presume that their rights are protected and highlighted while the rights of others Kenyans are abused, neglected, and trampled upon. No community either in Kenya or elsewhere in the world will agree to be exploited or oppressed or otherwise abused by others regardless of their former numbers. Even if we are abused we should have our rights. This is why it is imperative especially the land rights must be regarded as constituting an integral by focal and the driving force behind the formulation of the new Constitution after hearing and presentation. We the Nandi people wish to register our dissatisfaction in lower certain terms to the Constitutional Review Commissioners who are reviewing the current monster Constitution which has no origins of democracy amendments compared to the original Lancaster Constitution of 1961-63. That we the Nandis must have our land back to benefit by it and those who take that they are going to benefit by it by manipulating the current Constitutional review process at the expense of the Nandi people or community should duly take it.

We want restitution for the land stolen from us a hundred years ago. As we have remained dispossessed for decades after the colonial and after independence. The claim is very important because it will be the rebirth of our people, the Nandis and the cover of our culture that has been over for this period. This would restore us into proud people and our destiny and rebuild our traditional life.

Somebody had said about the borders of the Nandi which will just be returned in all corners. I want you the Commissioners to take note that the Nandi land was going as far as Koibatek district and when white men came they found Nandis in Eldma Ravine and the Nandis were deported in 1914 and it is well documented in the records. They were deported in 1914 back to Nandi here to create – because the British did not want to have the Nandis in the two districts they just wanted to have them cramped into one district. I think the Commissioners, I will end up there.

**Com. Yano:** Kuna swali tafadhali.

**Com. Lenoala:** Thank you Mr. Sang because you have taken time to explain the memorandum. On the question of compensation; on one hand you are saying ‘compansate us for the land, on the other you are saying to restitute us to the land’. If you are saying compensation, have you given thought to the sort of compensation you need?

Mr. Sang: Yes, I believe when the British brutalized us when they confisticated our animals, they burnt down our granaries, they burnt down our fields of millet. I think the suffering which the Nandis have undergone for a hundred years – I think it is amounting to 5 trillion. We can as well give an option if they are not willing to give us in cash, we have given an option of development projects.

**Com. Yano:** Thank you very much Sang, we are grateful for those well-informed views. the next one is Noor Mwangi. Kama Noor hayuko Samuel Kosgey.

**Samuel Kosgey:** *Anekekureno Samwel Kosgei,*

**Translator:** He is called Samuel Kosgey.

**Samuel Kosgey:** *amache akon maoni akobo coucillor.*

**Translator:** He wants to give his views as regards councillors.

**Samuel Kosgey:** *Yekikwei coucillor komocheii kotinyei ofisit eng word nenyi.*

**Translator:** When councillors are elected they should have an office in their wards.

**Samuel Kosgey:** *Neboaeng amoche public utilities ango kekialda kewek tugul kobwa town council.*

**Translator:** All the public utilities which have set aside if they have been sold they should be returned to the town council.

**Samuel Kosgey:** *Amoche amwa akobo somanet,*

**Translator:** He wants to say something about education.

**Samuel Kosgey:** *amoche kenet lakok kutit ab kaa kongetee class agege agoi sisit.*

**Translator:** He is proposing that pupils should be taught vernacular languages from class one to eight.

**Samuel Kosgey:** *Amoche kora ale ngolel lakwet eng kebi kou oret ab kotikonet.*

**Translator:** If a pupil messes up in school he should be caned as means of discipline.

**Samuel Kosgey:** *amoche kora akon maoni akobo emet nyo, masingara .*

**Translator:** He wants give his views regarding the environment.

**Samuel Kosgey:** *kenegiten estates ago ngesut chaike kesutei akot mbararik ab reserve.*

**Translator:** We are bordering the tea estates and when they are spraying their chemicals they always reach our houses.

**Samuel Kosgey:** *kisutei ibkesut bek kora akee bechoto kora.*

**Translator:** They spray even to the water catchment areas and the water that we drink.

**Samuel Kosgey:** *Ara mochei kende ngotutiet neribei yoto.*

**Translator:** I want to propose that a law should be there.

**Samuel Kosgey:** *Amoche kora amwa ako bo lakok ab sukul ale ngo manachkei lakok kirwak chi.*

**Translator:** If a boy impregnates a girl, the two should be charged.

**Samuel Kosgey:** *Amocho kora amwa akoboachek kokinat ale kotkwa atkosito maningotiot ab kapchi asi koborok kora kekurtoe lakwet chchoto kisikchin.*

**Translator:** If in a family a husband dies and somebody comes and gets a child with the widow, the name of that child should be the name of the biological father.

**Samuel Kosgey:** Ago korib lakwanoto kounenyi,

**Translator:** The person responsible should be able to educate that child.

**Samuel Kosgey:** *kongoi missing.*

**Translator:** Thank you.

**Com. Yano:** Asante sana kwa hayo maoni. Sosten Kirior, halafu atafuatiwa na William Keino.

**Sosten Kipchumba Kirior:** I am only going to highlight on only some few aspects, most of the topics have already be said by my fellow Nandis. I will touch on the local government, land and property rights, culture, the Executive and environmental and narual resources.

Local government: Mayors and council chairmen should be elected by the people. The two year term should be extended to five year term, the reason is to give people funds for the elections. On the hand watchdogs or few locational leaders should be elected to monitor the council funds due have powers to recall the chairmen/mayors for reelection if they become dormant. The watchdogs should be given a sitting allowance after every three months meeting. The educational qualifications for every

candidate who sits for the local government/ council seats should have minimum qualifications for KCSE, Div. 3 or C+. The reason is to have somebody who is competent and who can chair meetings. Languages are very important so that people will get somebody who is very much enlightened. The Councillors should be recalled by an elected committee if there is no transparency in the use of local funds e.g. busary funds, LATF and LATC.

Nominated councillors should be eradicated, it should not be retained. The reason is to avoid misuse of funds or reduce expenses. If they are to be retained then all the wards should have nominated councillors. Minister in charge of Local Government should have powers to dissolve councils when there is fraud and misappropriation of funds.

Land and property rights: The land ownership should be individual. The government should not have powers to acquire private land for any purpose. Private land should be owned by local government. The reason is to allow the local community to get access to any transaction done in that area. Transfer and inheritance of land should be decentralized. Ceiling of land should exceed if it has been acquired clearly and rightfully attained. If it was bought, you will find somebody who got the land through corrupt means, therefore this should not be-----

**Interjection Com. Yano:** inaudible

**Sosten Kirior:** Allow me to finish just two issues. When it comes to land, the Nandis whose land was grabbed the white highlands, we want the Constitution to guarantee them of the following beneficiaries – just like the Maasais who have been given 19% of the total revenue from the area around. The beneficiaries which we expect from this people are; to build and equip schools, electricity, build dispensaries, employ the locals to work at the plantations at all levels, educate the sons and daughters of the local communities at higher levels and not train them to man their estates. To build roads and bridges, supply piped water and sell shares to the local community. A common man should be given a soft loan by the white highland owners so that he would be paying with instalments. Our great grandparents and those who were killed during the grabbing of land should be compensated through the local authority by the owners of this land, not before.

**Com. Yano:** Your time is up please, give us the memorandum we will read it, thank you very much. William Keino.

**William Keino:** Thank you very much Commissioners, ladies and gentlemen. I have only two points to make, it is concerning land. People from outside Kamatusa should not buy land here – I am talking as a Nandi, we are only allowing them to lease maybe for one year or two but nobody should start building having bought the land. Secondly, lease for 99 years, if you check on the Act maybe somebody had seen it as 999 - should be checked and be rectified to read 99 years.

Tea estates have been getting a lot of money from tea proceeds, the sugar cane proceeds and the Nandi children are lacking school fees. I am requesting the Commissioners to take note and ensure if possible to get school fees for university students

from Nandi to be paid by the tea estates.

**Leadership:** When other people outside Kamatusa come to Nandi they should not try at any one minute in leadership. If they come to work they should just work and leave leadership to the indigenous and local people alone. For those few remarks, thank you.

**Com. Yano:** Thank you very much. Gracious Sugut, halafu afuatiwe na Joseph Mososei.

**Gracious Sugut:** Honourable Commissioners, participants who are here. I wish to thank you very much because of this opportunity that we have come here to talk of a people driven Constitution. The Constitution we are speaking of today I am happy, because the current Constitution was made without our consultation. Now that we have the opportunity to make our own Constitution we are so happy indeed to present our views. Before I do that, we are talking of a Constitution which is going to govern our children, grandchildren and will benefit the people who even are not here today and therefore I feel that though there is a pressure that you finish this Constitution immediately, we should think of time limit because it should not be pegged or married to elections. You should take your time to make this Constitution to be able to sustain all those people who are not here today. Also:

- 1) I am for the federal system of government and the power be given to provinces. On the Executive, the Provincial administration I wish to say it has to remain and I know that the people of this country will not develop much without provincial administration. If the institution of a chief, example me as Mr Sugut is bad the whole system of a chief should not be said is bad because of an individual. I should be told go home but the institution to remain.
- 2) Land: Land is an asset and is a resource which has to remain. I feel we should talk and have a legislation which says land utilization because if our land is not going to be utilized we shall have problems. So I feel the utilization of land should be made sure that everybody uses it so that we get a good income for this country.
- 3) Natural resources: We talk of forests, me I would say that we should be able to say everybody to plant trees. If you have one acre we should say what type so that collecting trees we have indigenous forests. We should not be doing so that when you go to central province we find that everybody has planted trees and if it is the government going to say everybody to plant trees we should be having this forests within our own farms. So we should talk much and say natural resources (forests), we should have a legislation so that everybody has to grow a number of trees.
- 4) Agriculture: As part of land utilization, tea for example has a Tea Act, coffee has a Coffee Act, right now sugar has a Sugar Act. Milk which we all produce, everybody in Kenya drinks, everybody at the end of the day eat posho which is maize and a part from bread which we all eat, but the problem is we don't have an Act for this. So we should have a milk Act, we should have a maize Act so that it governs and controls some of these things.

Finally, I wish to say that you take your time to prepare this Constitution because we are talking of people whom we want them

to see this Constitution in years to come. Thank you.

**Com. Yano:** Thank you very much. Joseph Mososei? Karibu. Halafu atafuatiwa na Moses Bulbul.

**Joseph Mososei:** Thank you very much Commissioners, the DO and members. Because of time I am going to call my secretary to come and give the views: Secretary please come.

**Com. Yano:** Asante sana ameshapatiana views. Moses Bulbul.

**Moses Bulbul:** Commissioners, ladies and gentlemen I will be brief.

- 1) There should be free government education upto form four and thereafter it should be left to the custodians for further finance or if a destitute be a public attention and a funds drive by the concerned or, allotted government funds. Secondly, the government should not make the Inspectorate Section in the Ministry of Education Science and Technology a self-governing body that will head supervision and implementation of the curriculum in all learning institutions.
- 2) There should be free medical care to be provided by the government through the Ministry of Health for all ongoing school children and students in learning institutions.
- 3) Provision Administration: Currently the asst. chiefs are unqualified professionals and in the civil service whose personality and duties are handled with crude knowledge that haven't defined fully. For this section it should be repealed and all necessary duties undertaken by the allotted village elders who should be paid by the local authority.
- 4) The present section that allows freedom of expression is inactive and should be sensitized enacted and practiced with clear democracy. For instance Kenya can not claim to be democratic when people are being arrested and detained on flimsy reasons under the law of preservation of public security Act.

**Com. Yano:** Asante sana. Clara Lagat, halafu afuatiwe na Shadrack Lagat.

**Clara Lagat:** The honourable Commissioners and the distinguished guests, mine is brief and I am going to read from the memorandum on family law. Family law needs thorough review and reform as appropriate especially, to harmonise the the co-existing and open contradicting customary laws. Nandi women recommend the following:

A man who for one reason or the other opts to marry a second or another wife must procure land and other basic necessities for her in order to minimize conflicts. family wrangles and injustice to any party in the original status quo.

Decision making in a family set up should be a proregative of all the members regardless of the agenda and should not be an exclusive invaluable domain for the so called head of the family who may not have its best interest at heart.

Widows and orphans should be entitled to good civil care by the State through respective churches of religious organizations and the council of elders.

In the event of a domestic dispute between husband and wife, the later should legally be constrained and subjected to severe deterrent measure should be attempt infringe upon her employment status in any capacity.

Street children being a social stigma and an indignant on the failure of the family institution should be made persona non grata through such measures as compulsive relocation to the original homes or unions with parents or non-relatives.

Fathers should legally be bound to take care of their children they sire out of wed-lock to promote moral responsibility.

A child born by a daughter while still married should automatically be adopted by the girl's parents and catered for in every way, if the mother gets married and her husband automatically refuses to take the child. In this case the child is from a different father.

Also, I would like to add my own personal proposals. I would like to speak in vernacular because we Nandi women have problems.

**Clara Lagat:** *kongetekenye onget ole achek chepyosok kimeketinye sauti ara ngetinye kaimut cheimech komosikchin kemwa amu imuch kongwonen, ara kimochekesom cheyoset neimuch koyaikei boiyop kok sikosich ole kimwoe checho chepyosok.*

**Translator:** For a long time women have suffered because they have some important matters they would like to explain in their villages. So, I am suggesting that an elderly woman should also be appointed in the village so that she can address and to hear the views of women.

**Interjection Com. Yano:** As village elders?

**Translator:** Yes, village elders.

**Clara Lagat:** *Eng keny kokitinyei konyit chepyosok eng tait ab ak boisuiek akbiktukul ko eng betusiek chep ra amu kikosomonso lakok kenyuru kele agot chepyosok chekikopa korik kolochekei eng ret nemonyolu, ara kakitobe kele kaikai kolach ngoroik che cheoichin ak cheptawiiyat nekibo keny .*

**Translator:** For a long time, Nandi women have been respected because of their age but the current women are dressing in a manner that is not good. They should be able to wear good clothes; the size that is respectable.

**Clara Lagat:** *Nebo somok kongalek ab health ongen ole iman kiyait emet ako ngalechu bo HIV AIDS ak other STI konguno ko kakimwa kele yakame chito ko kaikai eng live history kemwa kit nekobar, kotko ko ukimwi kemwa asi kosich kiribkei akokirinda kei bik.*

**Translator:** On the side of health, she says that if a time comes for somebody's death, they should be able to explain what exactly killed that person. If it AIDS then they should explain so that everybody would know.

**Clara Lagat:** *Ko eng komostab tumwek kesome kele keisto tumwek abtibik eng komostab katunisiet kosome kele kiyani tumtoap kipkaa ak tumtoap kipkaa.ko eng certificate nikobo kap DC kokosome konyo kaa asikikochi boisiek ap kipkaa sikoyo kaitunis eng kapkaa kikochin.*

**Translator:** On wedding ceremonies, it should remain as it is and certificates should be given to the elders in the villages so that they could be able to issue during wedding times. Thank you.

**Com. Yano:** Asante sana Clara. Shadrack Lagat. Halafu atafuatiwa na Paul Tion, jitayarishe.

**Shadrack Lagat:** *Basi amwoe kongoi eng commissioners chekabwa kokas ngalek chok chekimokchini Nandiek,*

**Translator:** Thank you the Commissioners who have come so that you can hear our views, what the Nandis want.

**Shadrack Lagat:** *kakengalale ago mbarenik kouye kakomwa bik chechang ,kengalole ngokibenech chumbek ago kakimwa kele kimoche kolibanwech anun kowekwech mbarenik chok , ko komoche amwa ale tos auyo ayun.*

**Translator:** We are talking of land issue and many of us have spoken about it and we talk about the colonialists took our land. So he is asking the question, when will they return it back?

**Shadrack Lagat:** *Bas kokomoche agon ngolyot age ale yebo otare commission omwoweche ole kakoborok commssion akiwekwech kekas kele kotestai*

**Translator:** After winding up the hearing of views and writing the Constitution, you bring it back to them so that they can know what has been written.

**Shadrack Lagat:** *Kakengalale akobo kiwotet anan ko mpakaishek chok,*

**Translator:** People have spoken about the boundaries;

**Shadrack Lagat:** *kakemwa akobo kiwotetnyo nebo Nandi, kokamwa kele melen kiweku kiwotet nyo konyo kaa komokimochi ketwa kobatek kobate kosop tukuk chekimoche kou Nandiek.*

**Translator:** We have talked of the boundaries and we said that we are not going to touch anybody but we only want to have our boundary back.

**Shadrack Lagat:** *Nebo somok eng achek komi wafanyi kazi chekinyokosir kasishek eng oleb Nandi olieng tea estates kemoche kemwochi kele chi boisiet nekibwa osup kit anun amoche amwa ale 85% kesir lakok ab Nandi.*

**Translator:** For the other communities who have come to work in the tea estates here, he is suggesting that 85% of jobs should be given to the local youths around,

**Shadrack Lagat:** *chun 15% kobunchit bik chebu sang.*



**Translator:** The remaining 15% should go to all Kenyans.

**Shadrack Lagat:** *Bas komocho amwa ngoliot nebo mungaret,*

**Translator:** He want to talk about business.

**Shadrack Lagat:** *mungaret ketinye eng estates ako kibwonei bik kopkokosomei kasishek konguno kemoche kemoche lakok chok koek echeket cheyoei mungaret eng estates*

**Translator:** We have businesses which are going on in the tea estates and for those who have come to work there they have taken over. So he wants the indigenous people to own those businesses in the tea estates.

**Shadrack Lagat:** *Nerubei noto nebo angwan amoche amwa akobo council, ale councilorek anun council tugul kongalek cho chebo Nandi tugul kongoteb nandiidet kowalchi ngalek kosubkei ak Nandi.*

**Translator:** About the council. Anything that has been said about the Nandis, it should come back to the council so that if any Nandi would want to know then he should come to the council.

**Shadrack Lagat:** *Nebo mut komoche kemwa kele amu bik kokenyalilsekokiachek kei Nandiek kemoche kemoche eng katasiet ab hospitalishek kemoche kolibanwech chumbek tukuk choo chekikoumisanenech, kikebir boisiek chook kelech nguno konyaech eng tukuk chootukul amokiliboni kii eng hospitali.*

**Translator:** We as Nandis we have suffered for a long time. We want the proceeds and the money that comes to be used on us on medical grounds for free.

**Shadrack Lagat:** *Nebo let eng kanisosiek tugul kotinyei uhuru nebo kosa.*

**Translator:** All churches should have freedom of worship.

**Shadrack Lagat:** *kongoi.*

**Translator:** Thank you.

**Com. Yano:** Ngoja kidogo.

**Com. Lenaola:** Baada ya maoni kuchukulliwa leo, Tume itakaa chini iandike report ya constituency ya Tinderet na sheria inasema ya kwamba baada ya kuandikia hiyo report, itarudi hapa kwa siku sitini muoni ya kwamba yale mmesema leo ni sawa na ni kweli vile mmesema. Kwa hivyo baada ya hii sio kwamba hiyo report itabaki Nairobi ipotee huko, itarudi hapa. Kwa hivyo usikuwe na wasi wasi juu ya hiyo jambo.

**Shadrack Lagat:** Asante.

**Com. Yano:** Asante sana. Paul Tion karibu na atafuatiwa na Mary Rono.

**Paul Tion:** Commissioner Yano and your colleague Lenaola, those accompanying you, DO, all public servants, ladies and gentlemen, my names are Paul Kipserem Tion I am representing the small scale tea growers who are not members of KTDA and at the same time not members of KTDA, that we are affiliated to the tea estates here and we are supplying our leaves to the same factories we have here. Our production is 25% of what is processed in all these factories. So Commissioners, I will dwell on two areas, just to I highlight because I have something else to give you. I will talk on what these small scale growers require and at the same time talk about our Local county council or our local authorities who are actually the custodians of our resources. So let me begin on what the farmers want.

Commissioners, close to 40 years now since independence, most of the outgrowers here have not seen a title or know what a title is. We are asking our government to speed up the processing of these titles so that we stop this word of saying squatters because when we want to deliver our leaves to tea factories, the tea board requires a photo copy of a title deed which is not there. So we are tired of affidavits, we rush to the Commission of Oaths, to the courts to look for those other documents. We are asking our dear government to process these title deed very urgently because it is close to 40 years since we attained independence.

This small group of outgrowers which are neither part of KTDA nor Kenya Tea Growers Association, have no voice. We want a clear voice, we want to be represented in the Tea Board of Kenya so that we also air our views because looking at the percentage of the crop that we produce which is 25% of the tea produced in Nandi Hills here, that is not a small amount of tea. So we want to be presented.

Thirdly, the same same grower is heavily taxed and we are very much worried about the taxation. If the same tax is to continue, we are requesting that this same money accrued from the taxed be channeled to the infrastructure or the roads. This money should be brought here unlike the saying whereby when the money is brought, it is taken to the Nandi District and it is taken even to Mosop where there is no tea. So we are requesting that our money be brought back.

At the same time, I don't want to repeat what the others have said about the sufferings we have had with the colonial government, but it is now the right time that we request what we should be given. We want the management of tea estates to be hired particularly from the local community here, from our children here should form the management instead fishing or going out to other districts and elsewhere. I feel this is our right.

Another issue is that the proceeds gained from the sale of tea, tea is a commodity which is marketable and I think it is second revenue earner in the nation, should be channeled back to where we are in two ways: That the taxes should be taken to

education development and also should be channeled to the health sector. That is our request.

**Com. Yano:** Wind up please.

**Paul Tion:** Above all as I wind up, there is a problem about the aerial application of fertilizers using the aircraft. We are actually suffering. The aircraft has polluted the river water which is a necessity to the common man and we are finding it a problem. And is not only the river water which is polluted, even foodstuff are polluted, our iron sheet roofs are getting rotten and they are rusting so fast. I don't understand why they should use aerial application of fertilizer when we have several people who are unemployed. So we are requesting that that should be stopped completely.

Finally on local authority which is a caretaker of our resources, we would like the local authority to be autonomous. We would like the Mayors, Chairmen, and councillors to be elected directly by the people. We would also like people of high integrity with a minimum qualification of 'O' level certificate and we are also saying that the Mayor should not be a Councillor of any ward so that he can be independent. We are also saying that the mayor should serve two five-year terms, if it is possible. We are also saying the nomination of councillors should continue but be done by the parties and they should come from professional bodies who can advice and manage council affairs. We are also saying the councillor mayor or anybody who wants an electoral seat should declare his/her wealth including the spouse so that we do away with this issue of corruption. Otherwise Commissioners thank you very much, if I may not have mentioned most of them I have something here for you.

**Com. Yano:** Thank you very much, kindly go and register yourself. Mary Rono, are you ready? Then Mary will be followed by Wilson Kosgey jitayarishe.

**Mary Rono:** Honourable Commissioners, I am going to read about the rights of women.

Harmful cultural practices and traditions like FGM, forced marriages and widow inheritance should be outlawed.

It should be stated that widow inheritance is a crime against the dignity and liberty of women.

Adulterers and adulteresses should be committed to prison for a period of not less than ten years and a way of reinforcing moral substitutes and destitute in the era of HIV/AIDS.

Illicit brews for example chang'aa and such dangerous drugs like bhang should be eradicated through severe and consistently harsh penalty on the offenders.

A polygamous man is duty bound to treat all his wives and children equally, equitable fairly and justly otherwise his property should be demarcated and income shared out by the agency of the family court.

Women should be recognized as sensible, rational, equal partners with men in every aspect of life and not as children-----  
(end of tape)

Languages and customs: Any form of worship – devil worship, witchcraft and ..... must be declared illegal and offensive to public morality. Those found to participate or engage in such abnormal acts should be sentenced through long jail terms and

severe punishment.

Every ethnic community be recognized as an autonomous exclusive its own rights. In this regard the Nandi should be regarded as a homogenous community and not Kalenjin.

The tradition marriage contract should be recognized and official certificate issued to concerned partners and acknowledgement. In case of divorce family property should be equally shared between or among the other parties.

In secondary schools students should not be made to repeat class not unless by parents agreement.

che Those people employed on jobs in Nandi district should go home for their ----

*(Bik kibwaa boishonik koweakei koingwai).*

The last one I said that people who are employed in Nandi district and are not Nandis----

**Com. Yano:** Repeat the last two

**Mary Rono:** The MPs should be given a divisional office so that they can meet their members on occasional basis. I have the Nandi Division Women memorandum.

**Com. Yano:** Asante sana Mary tumeshukuru. Anayefuata ni Wilson Kosgey afuatiwe na Councillor Augustine Sina.

**Cllr. Wilson Kosgey:** Asante sana Commissioners, langu tu ni kuongeza mambo ya mashamba. Mimi ni Councillor Wilson Kosgey kutoka Sinendet, tumeandika ya council itasomwa wakati ikifika. Yangu ni kuhusia mambo ya mashamba. Kenya ni ya wakenya wote na iliumbwa na Mungu na akaweka kabila arobaini na mbili Nandi ikiwemo na Mnandi aliumbwa hapa hapa na kutengenezwa na mchanga ya hapa. Sasa kitu kilioko mzungu alikuja na kuondwa mnandi kwa nguvu (sitaki kurudia), wakati mzungu alitoka waka-change guard na ile serikali iliyokuwa. Wakati Mzungu alikuwako wakasema ni sheria ya mzungu na wakati mwafrika alikuja alisema ni sheria ya Mwafrika lakini shida ni ile ile, wanandi wameshindwa. Walifukuzwa na wale wanataka kupanda chai mpaka mwisho, wakati dunia inaanza kuteremka. Wanataka kuenda chini wanafukuzwa na wale wanapanda miwa wakabaki katikati mpaka saa hii tunaambiwa ni sheria na tuchunge sheria. Sasa hiyo tungependa ijulikane ya kwamba sisi hatujapata rights yetu. Ikiwa ni uhuru ya shamba hatujapata.

Ninagusia mambo ya kazi. Tuko na 42 tribes na unakuta wengine wameandikwa zaidi. Kwa mfano, tunaweza kuwa na division nane hapa Nandi, lakini ukiingia Kenya nzima pengine tuko na DO mmoja na wengine wako na division tatu na karibu DOs arobaini. Kwa hivyo kazi itolewe kulingana na percentage ya kila kabila. Otherwise hatuna haki. Nimesikia wengine wakisema Chief wachaguliwe kwa mlolongo na madaktari je? Na tukienda hospitali tunaambiwa kama hauna pesa utoke na ukiona ni ngumu ..... (inaudible) Ikiwa ni sisi tunaajiri wale, tunawafanyia interview ningependa kupendekeza ya kwamba wale wafanyi kazi wa hospitali wafanyiwe interview na board kutoka hapa Nandi. Tuandike wale hata kama watatoka nje, iwe ni sisi tuliwaandika. Kama ni chief tunawaandika, wafanyi kazi wa hospitali tunaandika na Councillor na

wajumbe wanachaguliwa. Hata sioni ni kwa nini DC anakuweco na kama ni lazima, iwe ni kulingana na ile percentage yetu. Sisi tuko na district moja na hatuna hata DC moja dunia hii, sasa tunataka iwe inagawiwa namna hiyo. Tuko na walimu, unakuta sisi hatuna walimu hapa na tuko na wale wamemaliza, lakini hawawezi kuandikwa na tunaambiwa ni sheria na ukizungumza kidogo, unaambiwa unaleta ukabila na ukabila ilianza na Mungu. Mungu alitupatia akasema wewe ni Mnandi na akatupatia lugha yetu na tuki-translate inaingia, tulianza ku-translate Bible na ilitoshana na ile ya wazungu kwa hivyo hakuna neno tumekosa, tuko na maneno yetu.

**Interjection Com. Yano:** Malizia malizia.

**Cllr. Wilson Kosgey:** Kwa ahivyo sina mengi kwa sababu tumechangia nilikuwa nataka kugusia hiyo na asante sana nikitumaini ya kwamba hii meneno ikikwisha tutarudishiwa tujue imekuwa. Na wakati imekuwa sheria turudishiwe pia tuone wamepatia ngapi yetu kwa sababu hatutaki magendo mbele. Asante.

**Com. Yano:** Asante sana. Augustine Saina halafu atafuatiwa na Stephen arap Kotutwa.

**Cllr. Augustine Saina:** Ninatoa hii maoni nikiwa kama raia wa Kenya sio kama councillor. Hapo awali nilifanya kaza katika Sirikwa County Council, Nandi County Council na saa hii mimi ni councillor na ninatoa maoni yangu ifuatavyo:

Type of government: Iwe ile ya Prime Minister na President pamoja na deputies wake.

Executive powers itolewe kabisa kwa sababu hata ile imeharibu uchumi yetu ya Kenya ni section 23 chapter 2, especially Presidential powers. Ninataka hiyo iondolewe kabisa itakuwa useless ile kitu ambacho tunafanya yote kama hiyo haijatolewa tutakuwa na uchumi mbaya kabisa mpaka mwisho. Naomba hiyo itolewe kabisa na iwe replaced na number thelathini bado kwa chapter two, ambayo power itakuwa katika Parliament.

Naomba kwa sheria hakuna Nandi County Council ama Nandi Hills ama Kapsabet Municipality kwa section 1 (14), iondolewe ile imeandikwa “Mosop na Tinderet area Councils, iandikwe “Nandi County Council, Nandi Hills Town Council na Kapsabet Municipality”.

Trust land iwe katika county councils au local authorities ambayo imeshikana na county council yote kama ni Nandi iwe Nandi County Council kama ni Nandi Hills iwe Nandi Hills Town Council. Mambo ya land transactions zote iwe chini ya County Councils.

Nandi customary laws: Customary laws iwe recognized katika kila community katika Kenya kwa sababu kuna mambo ambayo lazima ifuatwe. For example I saw you madam uki-tackle land case huko Eldoret na kama customary law ingekuwa applied, halafu tuna kitu ambayo ilikuwa inatumika zamani (sio Bible) inaitwa “soiyot”. Kama wale watu mulikuwa mnamenyana kwa land case kama mungeambiwa shika “soiyot” ungepota correct answer. So tutumie hiyo. Pia, kwa customary law, vijana watairishwe kamba wamepata shada ya degree sio primary students wanaenda chondoni. Mambo ya kutairi ilikuwa

kama mtu amekuwa wise na akili ametoshana kwenda vita na kufanya kazi, lakini sio kama mwanafunzi yule wa shule. Anatakikana kama yule amemaliza university. Vile vile wasichana wale wanataka kutairishwa, pia wawe wamemaliza university.

Kwa mambo ya customary laws vile vile, zamani ikuwa kama mtoto akipata mimba huyo mtoto anauliwa. Na kama customary law bado inaendelea so hiyo badala wa huyo kuuwawa yule mtu ambaye ameweka mimba huyo msichana, saa ile anazaliwa watu wa registrar of births waandike jina la huyo baba yake halafu atakuwa custodian wake kwa sababu tumepata taabu na hayo. Kama ni mtu ametoka district ingine ambayo customary law haiwezi kuwa applicabla hapa Nandi, huyo mtoto aende na baba yake kama ni Mkisii aende na huyo Mkisii.

Mambo ya multinational firms, hii mambo ya lease, hakuna mambo ya 99 years. After review ya sheria hii mtoe kabisa (completely).

**Interjection Com. Yano:** Malizia tafadhali.

**Cllr. Wilson Kosgey:** Halafu kumalizia, sasa kwa multinationals tuta-share equal shares kwa sababu hii ni wealth ambayo inapatikana katika Nandi district na tuna-share majina, inaitwa Nandi Tea au Chemomi Tea au Kipkoemi Tea. So anybody with whom you share the name, una share the wealth na yeye. Kama unaitwa Mrs. Kosgey, you share the property with your husband na lazima tuwe na equal shares katika ile ambayo iko. Halafu taxes serkali itachukuwa kwa kusaidia nchi zingine ambazo hazikubahatika na vitu kama hizi. Hayo ndio maoni yangu.

La mwisho ni natural resources. Forests zimekuwa zikiharibiwa sana na hii sheria number 23, mtu anaomba above the law anapewa anaangusha mti ambayo imekaa Nandi district for 300 years na hawezi kupatikana tena. Halafu ile mvua ambayo ilikuwa inatoka pahali inaitwa Chepkerokor na inapitia Turbo inaenda mpaka Mt. Elgon ikapotea. Ile ilikuwa inatoka Koibatek inapitia Nandi katikati imepotea. Ile ilikuwa inatoka Tinderet imepotea. So natural resources isiguswe kabisa na iwe under supervision ya wale residents kwa sababu wamejuwa ya kwamba hiyo ikiharibika sasa itakuwa vibaya. Na kuna pahali ya salt lakes ya kienyeji, hatujui factory yake iko wapi ama itakuja kwisha wakati gani. There is natural salt lakes kama Keben, kama Magoing'en, ichungwe kabisa iwe under local authorities, pia ile water catchment areas.

**Com. Yano:** Asante sana. Kotutwa yuko? Na nikiuita tafadhali njoo hapa mbele ili tusipoteze muda. Halafu Kotutwa atafuatiwa na Paulina Magut.

**Stephen arap Kotutwa:** Honourable Commissioners and other participants, with me is a memorandum from residents of Koilat Location that I am going to hand over but I wish to present my own views.

**Constitutional Supremacy:** I wish to say that the Constitution should be superior to all laws of the land and it should be obeyed by all persons and all organs of the State. On the issue of amendment, I wish to propose that we adopt the kind of procedure which will create a time limit between the adoption and implementation of the amendments so that members of the public can have time to debate. Some issues are too crucial to be left in the hands of the politicians and because of that members of the public or the people should be included through referendums. I want to propose that certain parts of the Constitution should be beyond the amending powers of the Parliament. A good example is the Parliament should not have powers to create any law which will bring the country back to single party system. On the same note, I wish to propose that the Constitution should be written in a simple language which can be understood by all Kenyans and even if possible, translated in all local languages so that all people are able to understand the Constitution. I personally, from my experience I first saw a Constitution when at the university and I must say it was too bad for me. So most Kenyans have not even seen the Constitution, let alone knowing the contents which are in it. This Constitution should be available to people so that they can understand their rights and require the government to protect their rights. On the same note I wish to suggest that children be taught rights from the primary school level up to the highest institution of learning in the land.

**Citizenship:** I wish to say that spouses of Kenyan citizens regardless of gender should have automatic citizenship. Now the same should not allow dual-citizenship mainly for security purposes.

**Political parties:** The Constitution should regulate the formation and conduct. I wish to propose that we should only have three parties and the criteria which should be used is by requiring parties to have national outlook and to have support from all parts of the country, uphold Constitutional values like holding elections, those are some of the conditions we can use. It should have at least have one million supporters.

**Minority groups:** The ogiek is a group, it is commonly called Dorobo. They live in parts of Tinderet constituency and this is a group which has been marginalized for a long time. Culturally these people have been living in the forest for a long time and for them, they were not aware that the land they are living in was not theirs, they had always believed that the land is theirs.

**Com. Yano:** Please recommend.

**Stephen Kotutwa:** So I recommend that the government should give them land and on top of that there should be affirmative action to allow members from this group to access education and training in areas like employment and even in leadership. They should be nominated to county councils and if possible to Parliament so that they can also be represented.

Allow me to touch on one issue – about the culture of the Nandi people. In our customary it has been only the sons who are supposed to inherit family land. I am of the idea that this should continue of course with some reasons. Now if we begin giving land to our daughter we shall destroy the institution of marriage because whenever there will be chaos they will go back home

because they know they have land. So it is only those who for one reason or the other are not married who should inherit the family land. I think that is what should be the case.

On the issue of marriages, nowadays we have what we call come we stay kind of marriages and they are very common. I propose that there should be a law which will require the parents of the couple who are engaging in that relationship to take appropriate action either by formalizing the act or taking any other appropriate measure if they are still too young or in school.

Executive: The President he/she should be man or woman of integrity who has not been found by any corrupt practices. On top of that he/she should be a family man or woman so that they can be role models in the society. They should also value sanctity for human life, lives of Kenyans and their properties must be protected at all times. On top of getting 25% at least in five provinces they should also get 51% of the national votes.

**Interjection Com. Yano:** Thank you very much. Kotutwa, please I can see you have a memorandum, just go and register and leave us the memorandum.

**Kotutwa:** Thank you Madam Commissioner.

**Com. Yano:** Anayefuata ni Paulina Magut, yuko? Kama hayuko Sostein Chemigin.

**Sostein Kosgey Chemigin:** Thank you very much. I will highlight because I have the memorandum. The first one is Kenyans should have a right to have any party without being denied registration. Example we had the UDM which was denied registration on accusation that it was a threat to the security yet the members come from the Kanu zone.

The system of government: We should have two houses – the lower and the upper. The lower house should be as this one as present run by the prime Minister leading by the majority members of the party. And the Upper house should have a representative of two from each district and one seat from each and every province in this country and a special seat be reserved to organized bodies like NCKK, NCO, Muslims and other organizations. The structure is that the upper house will have the President as the head of state and he will be the chairman and the Speaker of that House.

Judiciary: The Judicial Service Commission to be expanded to have the Law Society of Kenya, International Jurists Commission and the members from the Department of Law in the universities. The Chief Justice should be excluded from the Commission for the judiciary. The office of the director of public prosecution be created and vetted under section 26 – 3, 4, and 8 and sections 3A be omitted. That the Attorney General's office should work only under section 23 (2), that is Principal Legal Advisor of the government and the office of Minister for Justice be created to issue a bill with legal issues in Parliament. On the legal representation, it is a right under section 27 (2D) of Kenya and they should add free legal aid since we are under



poverty.

**Com. Yano:** Please wind up.

**Sostein Chemigin:** In finance, whenever a government of the day borrow money from any institution either here in Kenya or outside they should have the consent of the Parliament because we have had cases whereby a lot of money has come to this country and has not be accounted for so they should have the consent to the Parliament. To finish, whenever any institution is to come in this country or any investor the interest of the creative fatality of Kenyans should be protected at all costs. Thank you.

**Com. Yano:** Asante sana. Councillor David Kosgey? Karibu. Atafuatiwa na William Kiplagat, ujitayarishe.

**Cllr. David Kosgey:** Honourable Commissioners I am David Kosgey representing the Nandi Hills Town Council. I will touch very few points because we have the memorandum.

- 1) Preamble: The Constitution should recognize the 42 tribes which includes the Nandi and not Kalenjin.
- 2) System of government: We propose the adoption of federal system of government in which the Executive and the Legislative authority is split between the central and the distinct regions.
- 3) Local government: We propose that mayors and council chairmen be elected directly by the people to serve for a five year term and mayors can be elected for a maximum of two terms of five years each. The local authorities need to be autonomous and the role of the councilors is to make the policies while officers implement. Election of councillors be based on popularity, serving councilors automatically qualifying for nominations while new aspirants with 'O' level qualifications or its equivalent should undergo a language test. A councilor once elected will serve for a five year term, the local authority will determine the remuneration of councilors as per the laid down procedure. Political parties as per ratio of presentation in the local authorities should appoint nominated councilors on special interest.
- 4) General issues: All the land taken from the local people and had tea plantation be reverted to the local authority as the custodian of the wananchi on the expiry lease period. All issues pertaining land should end at the district level and land issues be transferred from the land board to the local authority. The Nandi be given priority in implementation. Employment opportunities as was touched by my fellow people that 80% be locals, I would say that the Nandis be employed 100%. The Nandis also should be compensated for their people killed while defending their territory and there resources taken away. 100% of the tax to go to local authority, like here in Nandi District we have three local authorities, they normally say (in Nandi dialect). So Nandi Hills Town Council wapate yao 100% and the same to the others.
- 5) Free medical treatment in government hospitals and free primary education. Tea firms to award bursaries to Nandi university students staying within their areas.
- 6) The recognition of the Nandi cultural rites and the practices be recognised by the Constitution.

7) The local authority to be the custodian of all forest and trustland within their jurisdiction. The adoption of the local Nandi boundaries.

8) The British government be asked to construct a museum in the recognition of our leader Koitalel arap Somoe.

Thank you.

**Com. Yano:** Thank you very much. William Kiplagat? Halafu atafuatiwa na Grace Keter.

**William Wilson Kiplagat:** The Commissioners and all the Tinderet residents I want to thank you for your cooperation and your coming this way.

- The section of the Constitution which is dealing with fundamental rights and of individuals, natural resources and those affecting individuals should not be amended by Parliament unless with the consent or authority from the Constitutional court.
- I do propose that the coming Constitution should have a provision for the creation of Constitutional court which is going to be the most supreme court in Kenya so as to avoid any amendment of the Constitution anyhowly and to cater against the misuse and abuse of the provisions of the Constitution.
- Language requirements for the councilors should not only be the only qualification that is required. Besides for one to contest as a councilor he should be 'O' level with at least a minimum grade of C+. For an MP he should be a university graduate.
- The number of posts to be held by an individual should actually be restricted in the coming Constitution, that is one man one post. For example, somebody holding an office and maybe he is a chairman of some place. This will actually reduce the unemployment problem in the country because if we talk of one man one post we are going to have various jobs being left for others.
- The Constitution should provide penalty for those individuals who are mostly corrupted the public sector.
- The Constitution should provide and protect the fundamental rights of an individual.
- The Constitution should provide and protect the voices of the minority and the disabled.
- The Constitution should also provide for the declaration of personal wealth of either a councilor, an MP or the President or any other civil servant before entering or assuming the office.
- The Constitution should provide for the circulation of the Constitution which is going to be ready in a few months time to the sub-chief offices so that it can be accessible to all people because the previous Constitution has not been accessible to anybody.

Thank you very much.

**Com. Yano:** Thank you for that we are grateful for that. Grace Keter afuatiwe na Morris Murgor.

**Grace Keter:** Honourable Commissioners,.....*angolole Nandi amu maoni nenyu amoché ale sikokas chitutugul amumi*

*boisiek chemokosei kingeresa,*

**Translator:** She is going to speak in Nandi because there are some elders who do not understand English.

**Grace Keter:** *Netai atinye ngalek ab kwonyik, kouye kakamwa chepyoset ake nekomi yu ko iman eng nandi komokimuchi kebe kesir ngalekchok che Nandi lasima komii kondit eng chepyosok eng korik kwak.lasima kokonyit chepyosok maningottoik kwak,ago kouyekouye kamwa chi akobo tibik chok koeng maoni chechuk agree ale nyolu kosomeshan chi lakok kokerkeit, koatinye missing lakok che tibik manyolu keyokte lakok chetibik chekako sich lakok kobakorik akere ana nyolu kenonchi lakwet sikosomesan aimutai komuch koteleldochi kei,ngonyor boiyot anan komanyor komuchi koteleldochi kei.*

**Translator:** She is talking about the Nandi women. She has said that Nandi should be respected and they should always be respected and she is dwelling on culture so much. If a girl child gets a child out of wedlock the child should be taken care of the parents so that the girl should go back to school.

**Grace Keter:** *amu kotko sikchi lakwet kijanayiat ab kenysisiek taman ak lo,tos imuchi kotun iman noto anan tos iwirte lakengung?*

**Translator:** If a boy of sixteen years old impregnates a girl, do you think he will throw away that child?

**Grace Keter:** *ko kora ale ngemiyu konyolu kengalal ngalek chetoretech keu Nandi ako toret lakok chook che weri ak che tibik.*

**Translator:** I am saying that as we are here we should all talk about the issues that are touching our children, girls and boys the same.

**Grace Keter:** *Ko eng ngalek ab katunisiet knyolu iman kikochi bisiek ak kok ana ko chife marriage certificate asikobit kotungei bi eng kaa kokoito certificate noto asikotinyei chepyoso aketukul eng koinyi.*

**Translator:** As regards the wedding, the assistant chiefs should be given the certificates so that they are able to issue so that they live in peace together.

**Grace Keter:** *Kongalek kokeny chebo lakok chebendi korik agobokotebiso ak maniongotoi kwak konyolu koik acheket sikik kiro tukuk chekioe amu atkomitei tukuk chekikoitoi kokaikai kotungei lakok asi kecheng tukuku baadae.*

**Translator:** About the come we stay marriages, if they don't have wealth the elders should see how the two can be married so that later on they can come and talk about the dowry.

**Grace Keter:** *Kokora aungoni mkono kekwei cepyoset eng kila location anun kosub locatio nemi ak boisiek asikokosei ngalek ab chepyosok yotinyei koimutic chi, kouye kakamwa Glara Lagati.*

**Translator:** She recommends that a woman should be appointed in the locational stage or sub-locational so that she can cater for the interest of women.

**Grace Keter:** *Ngoliot age kokeny amu achek chepyosok komokitinye tukuk chechok kou ngalek ab ngecherok kokosome ale asi koro serkali aikonominateni chepyosok eng parliament ak local authorities asikobit kotoret chepyosok.*

Translator: More seats should be reserved for women on positions in local authority or Parliament.

**Grace Keter:** *Amu eng culture nebo nandi kotokoui culture eng kandoinatet ab chepyosok. Komokimoche kobutok heshima nenyondet ak maningotoik chok kesome ketoretech nomination.*

**Translator:** In the Nandi culture women are still far much behind and she is requesting the government if it can assist so that women could be nominated to positions.

**Grace Keter:** *Ko eng ngalek ab siret ab lakok kesome kekoch priority lakok choo chebo Nandi.eng estates.*

**Translator:** As regards employment more opportunities should be given to our children within the estates.

**Grace Keter:** *Awongchini ko kutuswek alak chemi Nandi kokibwonei emoni mngaret anu kinye kesirei boisiet komonyolu konget chi ake tukol amu kinnyonei boisiet.*

**Translator:** The other communities which have come for employment in this place should not be given elective posts because they are just doing businesses and then they will go.

**Grace Keter:** *Ko awongune alen kongoi eng serkalit ab boiyot eng bounotet nekindo emoni atko nguno ketinye kandoik che commissner Yano.*

**Translator:** She is giving her appreciation to President Moi for appointing women in higher positions like example we have with us Commissioner Yano.

**Com. Yano:** Thank you very much umeni-promote umeniita professor, asante. Morris Murgor halafu atafuatiwa na Lazaro Bwalei.

**William Murgor:** Thank you Commissioners. These are my proposals:

- The Constitution of Kenya to have a preamble. The preamble should say that the Constitution belongs to the people of Kenya and there should be nobody who is above the law not even the President.
- There shall be a President who is the head of state and he should be a winner who must have attained 52% of the total votes and the runner up to become the deputy President who will act when the President is not there.
- Parliament to be the one which is vetting those ones to become permanent secretaries, judges and all those others – PCs

and DCs. Parliament also to be appointing ambassadors. The question of quorum in Parliament to be removed, instead all MPs must be present in Parliament and if he is not supposed to be there he should ask permission from the speaker and the speaker should not allow more than four MPs to be absent. Members of Parliament to be there from Monday to Friday like any other worker.

- Broadcasting stations including those that which broadcast in vernacular to cover Parliament proceedings live and those of vernacular there should interpret what the MP is saying into the local language they broadcast.
- In every constituency the government to set up an office and a hall whereby the MPs will be meeting with the constituents so that they may discuss whatever that is affecting the people.
- Councilors to be elected by the people and each ward should be having not less than 5,000 registered voters and 3,000 people in population. He should be above 35 years and must have attained C or division three form four certificate.
- Provincial Administration: The chiefs to be elected and the PCs and DCs to be appointed by Parliament. A chief to be 30 years and must have attained C+ or division two form four certificate and should attend a course at the KIA.
- Education: The Teachers Service Commission to be retained and then school inspectors must have a degree from recognized university. For primary school inspectors they must qualify in primary education degree.
- Forests: They must be retained as it was. I propose that the Nyayo Tea Zones to be abolished and then trees be planted. Landless people should not be resettled in forests, instead those people having 10,000 acres to surrender part of it and then settle those who are landless.
- Tea estates to be given to the Nandis. Any law which was protecting those people who own the estates to be revoked and this one to be used so that the people of Nandi to be given back their land. The old Constitution when the new one comes, should be revoked completely. Thank you.

**Com. Yano:** Lazaro Bwalei. Tafadhali nikikuita uje hapa mbele ili tusipoteze muda. Kipchirchir Sareto, karibia.

**Lazaro Bwalei:** Maoni yangu kuhusu Katiba ya nchi hii tunashangaa ya kuwa uhuru ulipatikana miaka arobaini iliyopita na hadi sasa wengine hawajapata uhuru. Kwa maoni yangu kuhusu Katiba ambayo inatengenezwa sasa ni sheria kuhusu mambo ya mazingara irudishiwe kwa county council ya Nandi.

Ya pili ni kuhusu mambo ya uchaguzi kwa upande wa councilor, mbunge na hata President. Ninastahili President akuwe na terms mbili akiwa rais wa nchi hii. Mbunge pia anastahili awe na terms mbili. President na wabunge wawe na degree na councilor awe amehitimu katika kidato cha nne.

Ya tatu kuna communities zingine ambazo hazitambuliwi katika sheria ambayo iko sasa kama community ya Dorobo ambayo haijulikani na hao watu wako. Lakini the current Constitution hawatambui hao watu kama wako kwa sababu unasikia mtu anaambiwa uondoke na serikali mara moja. Sasa, hawa watu watanda wapi ama wataenda nchi gani na ni wenyeji wa nchi hii?

Ya nne na ya mwisho kwa sababu niko na memorandum, ni kuhusu kimila. Wanandi wakae kama wanandi kwa sababu watu wengine wanakaa kama kabila zingine. Kwa hivyo mimi ningependa sheria ambayo imetungwa inatungwa ile inamlinda Mnandi kwa Nandi kwa nchi yake sio kwa nchi ingine. Sina mengi, asanteni.

**Com. Yano:** Asante sana Bwalei. Atafuatiwa na Sareto Kipchirchir. Kama ameenda bahati mbaya. Kipkemboi Rono? Kipkemei Pius? Hanstone Jung'e? Christine Ruto? Karibu.

**Christine Ruto:** *Anaekureno Christine Ruto abunu Kapkorio sub-location Tartar location Nandi Hills Division.*

**Translator:** She is called Christine Ruto, she comes from Tartar location, Kapkorio sub-location, Nandi Hills division

**Christine Ruto:** *Kamwoe ale kikebwa yu keebchiit ngaleechu kwok akelen kongoi ako kiit ko kikenyalil Nandi akobo chumbek chekikochilech makas chii nakamwa ngot labour, tich chekikikwerioti buch chumbek akebekalda amoweku kii negonget eng kii nekomochei.*

**Translator:** The Nandi for long have suffered and their livestock were driven and nothing was given back.

**Christine Ruto:** Kokiba tuchata chemairo Nandiyek olekiba

**Translator:** The livestock went and they disappeared and the Nandis did not see where they went.

**Christine Ruto:** *agoip tuchata akokikoipkoret*

**Translator:** They took the livestock and they have taken the land.

**Christine Ruto:** *Koipkoret akonyokomin chaik,*

**Translator:** They took the land and planted tea.

**Christine Ruto:** ko nguno kokinyal Nandiek nga chang an ko komostab Kamng'etuny squatters

**Translator:** The Nandis have suffered and moreover the squatters in Kamng'etuin.

**Christine Ruto:** *ko koronoto ko kiborchi Koitalel arap Samoei*

**Translator:** That land Koitalel arap Samoe was killed.

**Christine Ruto:** *kiborchi Kapkoros ,Kapng'etuny*

**Translator:** Where he was killed is Kapkoros, Kamng'etuin.

**Christine Ruto:** *Omwite ngalecho kirirtosi Nandi kikibanganech ku kuniok makinye ole kie boisionik*

**Translator:** She is giving her views saying that they were blind up like sacks like sacks, they were not able to work.

**Christine Ruto:** *Kochoto kibongonech ko chumbek,*

**Translator:** For those who have been blinded by the colonialists,

**Christine Ruto:** *akekere chumbek alak che karibu korub nebo aeng tinyei chito eka 5000 akonyaltos bik.*

**Translator:** We are also seeing the second whites they have 5000 acres and people are poor.

**Christine Ruto:** *kokalia asikosup chumbek kokeny nguno?*

**Translator:** Why are they following the whites for the second time?

**Christine Ruto:** *Koronoto kemoche kekowonchi bik che nyalitos*

**Translator:** Those who are suffering should be given that land.

**Christine Ruto:** *ko achek chepyosok kisikishei eng komostap Nandi komugul*

*Amakitinye toretet akot nebo sabuni kele ang bicho boisiei*

**Translator:** The Nandi women are going on multiplying and they don't have anything to assist themselves or even to buy soap.

**Christine Ruto:** *Ngolyotae kwonyik akotebii oiku kwonyk aab Nandi kokomoche otoretech kounoto.*

**Translator:** She is asking for assistance to that extent.

**Christine Ruto:** *Akotoretech mshaara tutikin*

**Translator:** Assistance such as a salary.

**Christine Ruto:** *Eng kwonyik chokikitun kemoche kotebi keek kwonyik*

**Translator:** For the married women they should stay respectfully like women.

**Christine Ruto:** *Inyoru tibik chekatar sukul kasal kutuswek kobiritu kosolei akichek kwonnyik*

**Translator:** You find young girls who have completed schools they are applying their lips red and even the married women.

**Christine Ruto:** *Komakemoche kunot*

**Translator:** We don't want it like that.

**Christine Ruto:** *Kimoche kobesho chepto ak kwondo ak kondit,*

**Translator:** There should be a difference between a girl and a married lady with respect.

**Christine Ruto:** *techoto chechu kongoi missing.*

**Translator:** Thank you.

**Com. Yano:** Pengine leo niko na bahati sana sikuweka lipstick. Asante sana tuendeleo, anayefuata ni John Chebaibai, karibia tafadhali. Kama hayuko Samuel Rono? Tanui Sammy? Joseph Kiprono Muso? Sammy Yego? William Chumba? Malakwe Chepkwoisit? Karibu.

**Malakwen Chekwoisit:** Nashukuru wakati huu tena ambao tumekuwa pamoja. Langu ambalo nitaanzia ni ya kwamba Nandi ni Nandi. Katika Kenya nzima hakuna kabila ambayo inaitwa Kalenjin – that is one is not existing. Tunajua kama wewe ni Turgen you are a Turgen, kama wewe ni Kipsigis you are a Kipsigis na kama ni Nandi you are a Mnandi, that is all – Mnandi awe Mnandi. Tibitisho ni ya kwamba ingawa mzee alikuwa ametaja hapo mbele ni ya kwamba katika mwaka wa 1928, Bibilia ya kwanza ambayo ilichapishwa na kutafsiriwa katika lugha Kenya nzima ni Nandi. Ni kuthibitisha there is a tribe ambayo inaitwa Nandi. Ikiwa Nandi itatambua mtu mwingine, ni Terik, ukiangalia map ambayo ilikuwa ya 1928 hapo kando tunona kuna Terik, lakini Tiriki ni Mluhya hatujui. Kwa hivyo asije kusema neno lolote kuhusu kwetu.

Katika culture tulitambua ya kwamba Luos are very keen in their culture ambayo kulikuwa na kesi moja katika Kenya ambayo iliendelea kwa muda mrefu na ilikuwa ya S. M. Otieno. The High Court ya Kenya iliweza kupitisha na Otieno alizikwa kwao nyumbani kupitia culture ya Luo. Kwa hivyo katika culture yetu ya Nandi lazima ibaki jinsi ilivyo. Hiyo tumethibitisha ya kwamba pengine, kwa mfano mke leo akiondoka katika Nandi na kuenda kuzaa watoto na aliwacha mume wake tunatambua ya wale watoto alienda kuzaa na yule mume ni watoto wa yule mume wa kwanza. Kwa sababu hajafanywa talaka na Nandi hakuna talaka na hata Yesu mwenyewe alithibitisha ya kwamba hakuna watu kutengena, kwa nini? Yule mtu alipokuja alisema tumeleta huyu mama amefanya usherati, Yesu mwenyewe amesema kama mtu wa kwanza hajafanya makosa afanye nini, aanze kumpiga na mawe, sivyo? Hakuna mtu alifanya, kwa hivyo they are honest.

Wazungu wa kwanza walifanya neno nzuri, hawakuchukua haki yetu kwa sababu walikuja wakasema hapa inaitwa Kipkaine, wakasema hapa inaitwa Nandi. Tungetaka kusema ya kwamba mtu yeyote ambaye atanunua haki hapa ama awe na haki hapa asije akaandikisha jina lake au ya nchi yao. Ni kama Mnandi aende Luoland na aandike Kaptumo, Kaptumo is not in Luo ama mtu akuje aandike hapa jina ya Luo hapa, he is taking our land na hiyo jina yao hatuna hapa. Kama anataka kundikishe shamba yake hapa aandikishe jina zetu kwa sababu mzungu hakuita hapa Europe, aliita Kipkaimet kwa sababu ilikuwa inapatikana.

Shamba ambayo ilichaguliwa mwaka jana ya forest ikuwe intact, tunajua ya kwamba ile shamba ilikuwa imetangazwa ikakuwa gazzetted. Watu ambao ni mashuhuri katika nchi hii walipeleka watu yao within the community na wakabadilisha shamba yake



iwe kubwa, lakini there is no landless in Kenya. Wale watu walikuwa landless ni wale ambao wameuza shamba na baada ya kuuza shamba walibaki landless, otherwise they were not landless. Wakati mzungu aliweka mpaka wa kila district ilipatikana ya kwamba kila mtu yuko na shamba yake.

ADC farms ambayo ilikuwa ni shamba ya serikali kama Kimwani it was property na lazima ya kwamba wale watu ambao wanamiliki hiyo shamba wanamiliki kinyume. Na ng'ombe zetu lazima irudishwe pale mpaka hiyo shamba research na watoto kwa sababu without research hatuwezi kuendelea.

Executive: Tumeona ya kwamba kila wakati wa uchugazi President anapewa sworn in wakati kura bado zinahesabiwa. Tunataka kwa Katiba ambayo inakuja, the next President ambaye amekuwa the winner should stay until 21 days to be sworn in.

Local government: If you want to be a councilor you must know how to read English and kiswahili halafu ndio qualify because most councilors wanakuja kufinya without knowing huyo mtu alikuwa ameandika nini kumbe amepena plot tayari because they didn't have that knowledge.

**Interjection Com. Yano:** Asante sana tafadhali jilandikishe. Sitakupatia muda tena----

Ya mwisho, ninasema moja tu. Ni kwamba, every district in Kenya to preserve one constituency for ladies and handicapped kwa sababu watu wote ambao wamekuja hapa hatujasikia wamegusia maneno ya kina mama. Wakina mama wapewe constituency moja ni every district in Kenya so that they are represented in Parliament or handicapped.

Mwisho kabisa, title deed. Wakati mume anakufa, kume mume ameo bibi mwingine. Kwa hivyo title deed iandikishwe watu wawili, mama na baba. Asanteni.

**Com. Yano:** Asante sana bwana Malakwen. Ninawaomba tafadhali tuheshimiane kwa wakati otherwise itafika saa kumi na moja hatujamaliza kuwasikiza. Ukiangalia saa hii list tuko na 223 watu ambao wanataka kupatiana maoni yao na saa hii inaelekea saa nane na robo. Nikukuambia imetosha tafadhali maliza ili tumpatie yule mwenzako. Anayefuata ni David Kurgat? Jane Koech? Karibu. Atafuatiwa na John Maina, jitayarishe.

**Jane Koech:** Commissioners thank you for your coming here. I think I will use vernacular language. We are so happy-----  
*kimwoe kongoi mising eng kabwatet nekiobwat ole komwachitukul komwa chitukul olemoktoi nekebendi Katiba,*

**Translator:** She appreciates the fact that you thought of going and collecting views from members of the public so that the Constitution that you are making will be successful.

**Jane Koech:** *eng Nandi atkinye kenye, kakemwa kele engNandi ko mbararik ko kikekoite, kiiatkinye eng Nandi ngonyo chii kiptuikonye ketepisot boisieki neti kongalal kole ngoto ngo chichi ,kotos yamei kealdochi anan acha.Ko amu otinye rubet Nandiek oyoni oaldochi chitap sang kosir Nodiindet amu motiyeei kii*

**Translator:** Initially or long before, the Nandi community could sit down if a foreigner or somebody comes and would like to buy land. The Nandi elders could sit down to know who is this we are selling the land to.

**Com. Yano:** What do you recommend?

**Jane Koech:** *amwoe alegot konyo chi nemokinget komkialdochi mbaret kealdochikei Nandiyek achekei*

**Translator:** She recommends that if anyone comes to buy land then they should not sell it to him, the Nandis should only sell it to fellow Nandis.

**Jane Koech:** *eng Nandi kokikandet Koitalel arap Samoei mokinget ole kikitupchi kikose kitio ,eng history tos mi ole kitutupchi sikekondor sikebendi kekerei akekwee rabinichaa bwonei kobunu . Kikose kelen kikitup komomi metit koat kou noto kesome kewek metoto netio konyo sikongutiech siketebi Nandi koukeny.*

**Translator:** In Nandi we had a leader known as Koitalel ara Somoe who was killed even we do not know where he was buried, we only hear that his head was taken. So we request that the head be returned back and placed in a memorial so that we as the Nandis we could go there and collect revenue.

**Jane Koech:** *Kokenye eng nandi komi lakokchoo chekikosomanso nekilin ngebe kou hospitali yuu,nguo gogo kopo kole amiani lakwani kelech mande sang kisome kesirwech asikotoret chemokosei kutit nin bo sang*

**Translator:** In Nandi we have our children who are educated, there was one day an old grandmother went to hospital and she wanted to explain and those could not understand and they were asking her, what you are saying mama? So she is suggesting that let the law to include vernacular.

**Jane Koech:** *kokenye eng Nandi komosin bo Aldai kokewe komi forest ne kiyochi bik MP nengwai eng Chepkumia kongili iwe oloto itobene koiyeni kou frost nomitei nyanja amune kanget bik chun bo aino kotokos nyokobel ako kikilen mochei kerib ko bunjit tongik sikebendi kekwee rabinik*

**Translator:** We have a land down there in Aldai where the local MP has transferred people to Chepkumia area and when you go down there those who are living in low lands have burnt the forests. So she is recommending that let that place be preserved for wildlife so that we can get some revenue from that place.

**Jane Koech:** *Kokora kesome KCC asi ngekei chek cho tutigin ketinye ole kiichini ak KFA asikenyoru olekiibe minutik choo Nandiek.*

**Translator:** She is also recommending that KCC should be revived so that we can have a place to take our produce.

**Jane Koech:** *Kokeny kokosome ale ngome boiyot anun chepyoset kotinyei right koownen amu kitinnye kiit ne ngome boiyot kotoi bik chebo koindo kole acha mokinget chepyosani koon akonyalil*

**Translator:** She is recommending that a will be there so that if a husband dies the lady would not be chased out of that place but she should remain in that homestead.

**Com. Yano:** Asante sana Jane, tumeshukuru kwa hayo maoni, David Kurgat? John Maina? John Suge? Karibu, halafu atafuatiwa na Charles Kirwa.

**John Sugen Kiprono:** Waheshimiwa Commissioners na viongozi walioko hapa. Maoni yangu ninaomba Katiba iandikwe hivi:

- Kwa uchaguzi: Yule mtu atakeyesawishi wananchi na pesa ili apigiwe kura ikataliwe.
- Appointments of chiefs and asst. chiefs iwe mlolongo kutoka nyumbani kwa sababu yenyewe kwa hayo kuna njia mbili ambayo imetokea. Kwanza wabunge ambao tunao sasa wanaajiri watu wao ambao ni family yao ama marafiki zao.
- Ya pili, provincial administration wenye wanafanya interview, wanahongwa. Kwa hivyo wafanyiwe reserve ambao hawajuani.
- Ya tatu, mashamba ama trustlands ipewe watu ambao hawana kuliko wabunge na wakubwa wengine wanyakwe.

**Com. Yano:** Asante sana kwa hayo maoni. Charles Kirwa? John Maiyo, karibu.

Charles Kirwa: Asante sana Commissioner. Swala langu ningependa kuongea kuhusu umilikajhij wa ardhi kwa sababu ukiangali sana sana swala la mtu kuwa na title deed ilianzishwa na wakoloni wakati walikuja katika nchi hii walikuja kuhamisha wanandi waende katika reserve na wakaanzisha ku-register mashamba. Kwa hivyo sioni umuhimu yoyote ya mtu kuwa na title deed, bora tu mtu ajulikane kwamba iliishi hapo na ana haki kukaa katika ardhi ya mababu yake.

Pili, chain of administration. Ningependekeza kwamba hata village elders awe recognized katika government kwa sababu inanzia kutoka asst. chief mpaka kwa PC, lakini anafanya kule kijijini kazimu muhimu na apatiwe salary.

Tukija tena kwa swala la natural resources katika Katiba ya sasa ni kwamba minerals zikipatikana katika mahali fulani, mwenye anamiliki pale anakuja kutolewa halafu inasemekana kwamba ni ya serikali. Ningeomba kwamba kukiwa na kama gold imepatikana mwenyeji wa hapo awe shareholder badala ya kutolewa na kupelekwa katika shamba ingine na wakatenga kwamba ni ya serikali.

Kuwe na sheria ambayo ina-govern the land, yaani land ceiling kwa sababu mtu anaweza kuwa na shamba karibu 5000 acres na wengine hawana. Kwa hivyo waweke limit land; ukiwa na over 500 acres kwa large scale farmers waweze ku-surrender shamba hizo zingine kwa wenye hawana.

Swala lingine ni la ma-squatters. Kwa sababu tangu tulinyakua uhuru ni makosa sana kujiita ma-squatters kwa sababu squatter ni wenye hawana mashamba na ni wazungu au wakoloni mabeberu walianza kuita Waafrika ma-squatters. Kwa hivyo swala la squatter litupiliwe mbali na wenyeji wa nchi wapatiwe mashamba bure bila kudaiwa kitu chochote. Jambo lingine ni kwamba mashamba ya ADC, ukiangalia hapa mashamba ya ADC yamenyakuliwa yote na yamegawanywa individuals na ukija kuangalia pale ndani utasikia ule ni major fulani, ule ni major fulani, kutoka different districts halafu natives wenye wanakaa pale wanaishi juu ya milima . kwa hivyo napendekeza kwamba ziwe revoked na hizo mashamba zirudishwe na kama ni kugawanywa wapatiwe masquatters kwa sababu wanajiweza wanaishi juu ya mawe na kuna rasilimali ya serikali na wakubwa wameingilia kunyakua mashamba.

Ya mwisho ni tumesema ya kwamba mashamba yote yawe katika Nandi, yaani yamilikiwe na Wanandi. Sio kwamba kuna Wanandi ambao wamenyakua mashamba makubwa makubwa. Kwa mfano ukiwa katika area mjumbe wa area ana over 20,000 acres na ni Mnadi. Hatutaki kutoa hiyo privilege kwamba tufukuze watu wengine ili apate nafasi ya kunyakuwa mashamba but instead wapatiwe wenye hawana mashamba pale sio ati yeye pekee yake ndio awe na shamba.

**Com. Yano:** Asantes sana kwa hayo umeongea. Charles Kirwa, yuko? Julius Bett? Karibu halafu atafutiwa na Rev. Ignatius Sheri.

**Julius Bett:** Nitaanza kwa upande wa serikali ijayo. Ninapendekeza kwamba serikali ijayo iwe ya majimbo, hii ni kusema kwamba kila jimbo liwe na jimbo lake na watu wawe wakipiga kura kuchagua wabunge katika wabunge katika kusimamia eneo la ubunge katika sehemu yao. Upande wa governance, ningetaka tu kutaja machache kwa sababu mengi yametajwa.

Upande wa rais, kwanza ningetaka kupendekeza kwamba maamuzi yeyote ya Rais lazima yahidhinishwe na Bunge ili kama ni sheria ihakikishwe kwamba Rais amesema jambo lolote akiwa na idhini ya Bunge

Ya tatu, napendekeza kwamba Bunge lipewa mamlaka kumfungulia mashtaka Rais, ikimpata na hatia, limlazimishwe kujiuzulu. Kwa mfano, akiepuka sheria ya Katiba au ufisadi, akiiba, akiua na akifanya lolote lile. Rais afunguliwe mashtaka na Bunge na likimpatikana na hatia alazimishwe kujiuzulu kwa hayo yote.

Ningetaka kutaja mambo machache kwa upande wa shamba. Ningetaka kupendekeza kwamba kwa upande wa mashamba za majani chai. Kuna point moja ambapo labda wenzangu wengine hawajanena kuhusu hiyo, wengi wamesema kwamba nafasi za kazi nyingi ya asilimia kubwa katika mashamba za estates yapewe watoto ya Wanandi ambao wanaishi katika sehemu hii. Lakini tena hapo juu yake nataka kupendekeza kwamba wasimamishi wa majani chai walegeze kazi ngumu wanaopatia wafanyi kazi maana ukichunguza ndani ya hizi maestates unakuta kwamba watu wengi wanapoteza maisha kutokana na kufanyishwa kazi ngumu hasa ambao wale wanafanya kazi katika sehemu za viwanda. Kuna kusinzia na mtu akisinzia pia anakufa na kuna

magonjwa mengi yanapatikana pale kwa sababu hata mazingira katika factory wanapumua ile hewa ambayo inasababishwa na machine za kusiaga majani chai.

**Interjection Com. Yano:** Malizia tafadhali.

Julius Bett: Wacha nipendekeze jambo la mwisho kwa upande wa Electoral Commission. Sheria ambayo iko sasa kwa mpigaji kura inasema kwamba lazima uwe umehitimu miaka kumi na nane ili uweze kukata kipande, uweze kuwa na haki ya kupiga kura. Lakini ningependekeza ya kwamba Katiba hii ambayo tunatengeneza ni ya miaka elfu nyingi zinazokuja, napendekeza kwamba sababu watoto watakuwa wakimaliza shule hata akiwa hajahitimu ile miaka ya kumi na nane. Utakuta mtoto akiwa university ako na sixteen years in the years to come. Kwa hivyo napendekeza ya kwamba mtoto yoyote yule ama mtu yeyote yule ambaye amemaliza kidato cha nne na zaidi na hajafikisha umri ya kumi na nane apewe ruhusa ya kupiga kura, aandikishwe na Electoral Commission na apige kura ingawaje hana ID.

**Com. Yano:** Asante ninaona uko na memorandum tafadhali ujiandikishe na utupatie. Anayefuata ni Samuel Tanui. Francis Talam, karibia hapa mbele.

**Samuel Tanui:** Asante sana Commissioners wa Tume ya Katiba hii ambao mmetutembelea leo ili kuchukuwa maoni yetu. Maoni yangu katika Tume hii siku ya leo nitakuwa na mambo manne hivi. La kwanza ambayo imetajwa, nitagusia mambo ya utamaduni. Baadhi ya watu ambao wamesimama hapa wamezungumzia juu ya utamaduni, utamaduni huu wamehimiza sana tuwe wanandi. Katika hali ya kuwa Mnandi ni pagoda na kuwa katika hali ya utamaduni na huwezi kuwa mnandi bila kuwa katika hali ya kitamaduni ya kinandi. Utamaduni ya kinandi ndio itafanya uwe mnandi. Baadhi ya utamaduni ama katika sehemu ya maisha ya utamaduni ya kinandi ni tohara, tuseme kwa mfano. Tohara katika mila za kinandi zilikuwa zikifanyika katika sehemu zote mbili kwa wanaume na kwa wasichana zamani. Lakini hivi sasa tohara za wasichana imefutuliwa mbali na sheria hii ya kutairi wasichana imetoka katika sehemu za juu ama imetokana na haki ya wanawake, lakini tohara inapewe ruhusa katika sehemu kubwa ni ya wanaume. Sasa hii ni sehemu ya utamaduni ya kinandi na hivi karibuni kwamba tohara za wasichana imekuwa ikihimizwa na serikali lakini itakuja ifikie wakafi ingine tena ambapo labda mtu mwingine hataona faida hata ya wanaume labda ataamrisha kwamba hata pia na wanaume wasiwe na tohara na sisi wanandi tunaifaidi sana sehemu zote mbili kwamba wanaume wanatairiwa na hata wasichana wanatairiwa. Itakapofika wakati mwingini rais atakuwa na mamlaka fulani ataamrisha hata tohara za wanaume haifai. Sisi wengine hatutakuwa na maana ya utamaduni na hali wakati huo tunaona kuwa utamaduni ni sehemu ya mila yetu. Kwa hivyo naona ya kwamba utamaduni itiliwe maanani katika hali inayopewa haki yake kulingana makabila ya Kenya inavyochukulia.

Ya pili, nataka kuzungumzia kuhusu msemaji wa serikali. Labda katika sehemu hii tumekuwa tukisikia mara nyingi kwamba katika hali fulani ambao serikali inataka kutangaza hali fulani, mara nyingi hutangazwa na Ministers, President, wakuu wa serikali, hatuna huyu mtu ambaye ni msemaji wa serikali, na mara nyingi utasikia kuwa waziri ndio ametangaza hiki, mara hata

President mwenyewe anakanusha, mara President mwenyewe anasema kile ambacho ametangaza kisha baadaye anakanusha. Ningependelea kwamba tuwe na mtu ambaye ni msemaji wa serekali, awe anasema kile ambacho kimethibitishwa na kuandikishwa rasmi kutoka katika usemi wa serikali.

**Interjection Com. Yano:** Malizia tafadhali.

**Samuel Tanui:** Ya tatu, ni elimu ya Katiba. Ni kwamba sasa nchi yetu ina umri karibu na arobaini tangu tujinyakulie uhuru lakini ni hivi majuzi tu mambo ya Katiba ilipokuwa inapotakiwa sasa ifanyiwe marekebisho inabidi sasa sisi wananchi tunafundishwa mambo ya sheria. Hali katika hizo miaka arobaini tumekuwa wananchi wa Kenya na hatueliwi sheria ya nchi yetu ama Katiba ya nchi yetu. Ni vizuri kwamba katika ski zijazo tuwe tukielewa haswa jinsi Katiba yetu ilivyoandikwa katika vijikaratasi na vitabu vingine vinavyo elemisha watu katika tabaka zote sio wale waliolemika tu lakini hata wale wasio na elimu waelewe hasa jinsi Katiba ya nchi yao inavyoendelea. Mara nyingi tumekuwa tukihimizwa kwamba tuwe watu ambao ni wazelendo, lakini hatuwezi kuwa wazalendo ikiwa sheria ya nchi yetu ama Katiba ya nchi yetu hatuelewi. Hii ndio napendekeza kila inapofikia wakati ama sheria hii inapochapishwa kabisa, kuwe na elimu ya kutosha kwamba wananchi waelewe juu ya hii Katiba kamili.

**Com. Yano:** Asante sana bwana Tanui tafadhali jilandikishe sasa.

**Samuel Tanui:** Mwisho kabisa nakuomba ni uhamaji wa vyama. Unasikia kila wakati kwamba watu wanahama kutoka chama kingine na kuelekea chama kingine – labda kutoka chama kinachotawala ama kutoka kwa upinzani kuelekea kwa chama kingine. Sasa nilionelea kwamba uhamaji huu usikuweco kwa sababu hii imewahi kuwa biashara baina ya wananchi kutoka chama kingine kuelekea chama kingine. Kwamba wananunuliwa kutoka chama fulani wakielekezwa katika chama fulani.

**Com. Yano:** Asante Samuel tafadhali jilandikishe. Francis Talum? John Thuo yuko?

**Francis Talum:** The Commissioners, ladies and gentlemen. Today is a great today for me and not only me but also each and everybody who is in this place. As you know Madam Commissioner, that democracy is about opportunity for everybody and as such what has been happening in the past 38 years has been a dark age for our country because of the following reasons. Look at the way elections are being mishandled in this particular moment, look at the way some people have been forced to vote for somebody and they are not willing to do that. For my case I congratulate Kenyans for such a good idea that has been brought before us.

In the past we have had section 14 of the Constitution grants the President immunity from prosecution while in office. My resolution is this; there should be an impeachment or resignation or bring the motion of absentia in Parliament. Over the past

five years because I am one of the Kenyans who .....(inaudible) for the first time luckily, you must have noted that there has been an effective way of performing their duties among our MPs. That is to say that they have been just there to vote out or to block out some bills which are important to us Kenyans. Look at the Donde Bill, what has happened? My recommendation is that there should be a way of recalling our MPs if they are not active in Parliament.

Another thing is that there have been great ethnic imbalance. Look at what happened in 1992, some politicians could trigger violence for their own sake. Look at the way our fellow Kenyans butchered their own brothers and sisters and at the end of the day they set some Commission of inquiry which a lot of money was wasted and at the end it was just shelved there. The recommendation is that, the Commission of inquiry should be headed by the National Assembly.

The issue of succession is really right in our veins even Madam Commissioner I think you are disturbed by that issue. My recommendation is that in the case of succession the national assembly should be the one to propose and to bring out the candidates who are legible and who are to be elected if they qualify.

Another issue is of Land Act Cap.300, which says that there is nothing in the Cap which includes declaration of a trust in respect of registered land even if it is the first registration. Generally, many of the people have talked about this act and I am very please because as a younger generation I am going to inherit good land from my father after such an Act has been amended.

On the issue of civic education I propose that there should be a continuous way of teaching Kenyans, look at what has happened. When we want the Constitution to be amended that you are accepting that the churches should teach our people about the Constitution. Some of us we have winded up with our studies but we have never seen the Constitution. So I propose that if there is no money they way they are saying, I propose that let the Constitution of Kenya be photocopied and each and every Kenyan be given and it should be in national languages.

**Com. Yano:** Thank you very much Mr. Talum, kindly register yourself. John Thuo? John Katuroi? Busenei, karibu. Na atafuatiwa na Millicent Kipkemei, jitayarishe.

**Samuel Busenie:** *Akwek ofisaek tugul chebo ngatutickongoi ak bik chekabwa kongoi.*

**Translator:** All the Commissioners who have come and everybody who has participated, thank you.

**Samuel Busenie:** anome atononi ale ai Nandiin,

**Translator:** He is a Nandi,

**Samuel Busenie:** *Nandiin netai asikoik Nandiek ko mbaret kongete yun agoi Moiben kongete sirgoek akoi tun ebwebwe kemuroke kebwa agoi tulwapteriki ketuiyechi Kipchoria kogosta agoi tulwanin bo Koibatek keinandiek,*

**Translator:** I am saying that we as the Nandi went through to the Tapsigroit down, for end to a place known as Kipchoria and from that day onwards we are Nandis.

**Samuel Busenie:** ako matubotin kainaik agot ngo komenye chi I ko kiprerwo ako chaparerwoi ko nga kibe chemaket ko chemangeti, komi kainer agoi kolumtaat tomkitut,

**Translator:** We have continually remained as Nandi we have our names that are having persistent and up to today, we are still Nandis.

**Samuel Busenie:** mochei koik noto kitowet amu ngiip nebo chii koboryet no

**Translator:** Our boundary should remain and we should not take anybody's land and if you take it is war already.

**Samuel Busenie:** ako yomiipkii nebo nyokoyochin nee

**Translator:** If you don't take anything that belongs to somebody what does he owe you?

**Samuel Busenie:** koborok taban anyo ko

**Translator:** That is over.

**Samuel Busenie:** anyome ngotet akngatutic chekibo Nandi

**Translator:** I come to the land and the customary laws of the Nandi.

**Samuel Busenie:** kingemenyei koret Nandiek komokiluli ketit buch

**Translator:** When we were occupying the land as Nandis the first thing was that you don't cut a tree,

**Samuel Busenie:** kopate ketit nekikoyam nge mochei keyai tumto kiluli

**Translator:** apart from a tree that is dry and if you want to have a ceremony you just fell it down.

**Samuel Busenie:** komochei chepyoso kwenik kopet nikolul inegei

**Translator:** If a woman wants firewood she wants she goes and get that which has already fallen by its own.

**Samuel Busenie:** akoi koit chumbek kochomekei ketik choo

**Translator:** Until when the colonialists came our forests was intact.

**Samuel Busenie:** kiribe ,agot ainet kikiribe

**Translator:** We were taking care of it, even the riverbank we were taking care of it.



**Samuel Busenie:** *inyowek tiongik.*

**Translator:** Back to the animals.

**Samuel Busenie:** *Kotiongik kokirib, kimaketok ndarok kokimi agoir ra nyoko bar chumbek .*

**Translator:** even the Zebras which were in this plain the whites killed and ate them.

**Samuel Busenie:** *Kito nomoche amoché Nandiidet korip koren nyi kou ye kiriibei akinye.*

**Translator:** He is recommending that the Nandis should take care of their land as it was before.

**Samuel Busenie:** *Amatkonyo akole baraa koengung*

**Translator:** And nobody should come and say that you have a bigger land.

**Samuel Busenie:** *Amatkole chii amochekomarikit kai achicha*

**Translator:** Somebody should not say that this place is overpopulated

**Samuel Busenie:** *Amoche kouni*

**Translator:** He wants peace.

**Samuel Busenie:** *Anekiamwa angen ale mi lakok ,akokita manyalu kaptm emet ra arsimwa au?*

**Translator:** What he wants to say is that there are some young generation, but he is going to say it because it is there.

**Samuel Busenie:** *Acheek Nandek keurenech kt neiteri kokii boisiek choo kokikararma makicham keit*

**Translator:** Our elderly people we took care of them.

**Samuel Busenie:** *boiyo nekitunis ko kiek lakok seresere*

**Translator:** A man who was married was able to get more children and that was a blessing.

**Samuel Busenie:** *Acheek bik ab Nandi keribe tukukcho koribei boisiek*

**Translator:** We the Nandi people, those who are taking care of our belonging and everything are the elders.

**Samuel Busenie:** *Sikobek timto nyo komo Nandiidet nekiilul*

**Translator:** For our forests to be destroyed there is no Nandi who did that.

**Samuel Busenie:** *Kakole matkonyoboiyo nebo kaita kole kikomarikit koiyo ara ngemenye koi ngung tinyei chitugul koinyi.*

**Translator:** A man should not go another house and marry.

**Samuel Busenie:** *Achek kot ab Nandi nyungunyandet nyo kemenye achekei Nandiek kochitugul kotinyei konnyi,mami chi nemotinyei Distric nenyi.*

**Translator:** We as Nandi people have our own land and nobody should come from outside to come and occupy our land.

**Samuel Busenie:** *kimenye korenyo achekeii ngom iolemenyeitingik komenye*

**Translator:** We will occupy our land and even the place we are not occupying then our animals or wild animals should occupy that place.

**Samuel Busenie:** *Bounotet ab kei amoche koik nekile majimbo.*

**Translator:** We want to have a federal system or majimbo.

**Samuel Busenie:** *Bounotet nebo barrak olin ,koboitukuk menyoko boimalik ab Nandi nyungunyek ,tuka momi kii nenyo kobou.*

**Translator:** The government should not come and interfere with our soil and the cows that we have.

**Samuel Busenie:** Ngomi kodi keker boisiek kele yomei kebebarta ni kekoch.

**Translator:** If there are taxes to be paid to the government then the elders will sit and say that we will give this.

**Samuel Busenie:** *koyam chechi*

**Translator:** That is enough.

**Samuel Busenie:** *Ko eng yu komami ole mami boiyo ak murenik kochoto cheribei emoni amoyoei kii mureno koma iyan boisiek*

**Translator:** As we come back we are the elders and the youth, the morans. So nothing the morans will do until the elders will approve.

**Samuel Busenie:** chepyosok,

**Translator:** Regarding women,

**Samuel Busenie:** *Bounotet nebo barrak olin ,koboitukuk menyoko boi malik ab Nandi nyungunyek ,tuka momi kii nenyo kobou.*

**Translator:** Concerning the division of jobs for men and women, men will not go to the kitchen and cook.

**Samuel Busenie:** *Kasisiek ab muren kobo sang ko chebo cheyosok koboko*

**Translator:** His job as a man is outside the house and the woman's job is inside the house.

**Samuel Busenie:** *monyonemu kiyet kokakokwany komakonoeng chiket*

**Translator:** I will not get inside the kitchen and remove food if she does not give it to me.

**Samuel Busenie:** *moyoni kenyekekwekei ak chepyoset, kokile kebe kap suben ak chepyoset, koma kioni koik ngatuti abnadi choto*

**Translator:** I will not agree to quarrel with my wife because we are having a division of jobs.

**Samuel Busenie:** *Boisiet oret nebo murenik kobo murenik,nebo boisiek kobo boisiek akwomeilokoi tukul kibakenge amomi eng ichek nesirei boisiet ab age.*

**Translator:** The morans have their own way and the elders have their own way and no one will trespass their boundaries.

**Samuel Busenie:** *chepyosok ak tibik konglaldos chekwai kongele kiwalei ngatutik kokaikai kotebi boisiek abnandi ak chepyosok kwai eng kaa simakikwetkei*

*Moatebet ap kapchii nyekeyai kwo kot age agot nde bougei komenye ngeme boisionik abkoido. Nebo sok ko achek nandi kokitinye ribet ab kei kikiribe sanamonik chang nandi*

**Translator:** Girls and women will talk about their own laws.

If there is anything to be decided let the elders go back to their place and talk about it so that we don't quarrel.

You own lifestyle as a community, if you are from outside you should not come and interfere with what is happening in that community.

We as Nandis we had our own way of taking care of ourselves and we were taking care of the disabled because of the culture that we were following.

And the Nandis are following that culture idea even up to today.

**Com. Yano:** Asante sana kwa hayo maoni yako, tumeshukuru sana kwa hayo maoni yako. Anayefuata ni Millicent Kipkemboi. Kama hayuko John Birgen, Sostein Setinei halafu John Kimng'etich jitayarishe.

**Sostein Setinei:** Honourable Commissioners, the entire participants, mine is just to highlight on the memorandum that I have written.

The system of the government should be federal that is majimbo. The terms of office of the President, the Prime Minister and the Councilor.

Executive recommendations; the office of the President, prime Minister, the MP and the Councillor should have two terms each for two years.

Legislature recommendations: There shall be a prosecution of an MP in case of any corruption of any nature by the Commission of anti-corruption unit for a body set aside by the government to oversee the corrupt persons without the interference of Executive arm of the government.

The Public Service Commission should decide the salaries and allowances of the MPs. Within a Constituency an MP should never be empowered or issue out the farms to outsiders without the consent of his electorate.

The day in Parliament, whereas in Parliament the session should be termed like there should be no indirect reading of speeches by different persons like the broadcasters on behalf of the Parliamentarians. Everything be televised live or through the radio, from the beginning of the session to the end of it.

Land recommendations: Free ownership of land that is family land shall be owned by the individual from surface of the land including minerals, oil and all that under the land. The ownership should never be given upto 6ft deep, he should own his own land right upto bottom. There shall be land inheritance within the family for both sons and daughters in the family. This should be done fairly for non-married daughters only. All land cases shall end within the divisional levels and shall be dealt with within the division and the committee shall comprise of the asst. chief the chief and the chairman elected by the community of the division. Renewal of the committee be done every year.

Education recommendations: The type of education compulsory teaching of mother tongue upto standard four and books be printed to facilitate the teaching and literature mother tongue books be availed to the university. The syllabus in all learning institutions should last for fourteen years and avert to taxing ..... by buying books every now and then. There shall be an accountability and transparency in the DEBs office which shall be passed to all the contributors to see that in the uses of funds and balances they should be living in that particular district. There shall be a corporal punishment by canning in both primary and secondary education. There shall be form five to form six type of education upto the university level.

Agriculture: The Cereal and Dairy Act should be there to assist the farmers. The government should loan the farmers as they used to do 25 years ago. The government should revive KCC, Kenya Meat Commission and AI services.

**Com. Yano:** I can see you have a written memorandum, kindly hand it over to us we are going to read it, go and register yourself. John Kosgey, karibu. Atafuatiwa na Mrs. Kuto.

**Joel Kosgey:** Ningependa kutoa pendekezo chache, hasa zaidi kuhusu hii community ya Ongiek ambao katika nchi yetu ya Kenya wameshahauliwa au kuwachwa kando kabisa. Kulingana na mambo ya ardhi hawa watu ambao wako katika sehemu

hii ya Tinderet, sehemu ya Serengoni na kuna sehemu ya Ng'ang'atiko. Vile msemaji wa kwanza alikuwa ametaja hii community waliishi msitu kama kabila zingine na walipokuwa wakiishi walikuwa wametenga sehemu yao ambapo hata mmoja akidunga mnyama mshale lazima amwambie jirani yake kwamba kuna mnyama amekuja upande wake, anaomba. Lakini wazungu walipoingia ama serikali iliponyakuwa huru sijui ni kitu gani ilitokea inaonekana hawakuwa na -----

**Interjection Com.:** Pendekeza.

**Joel Kosgey:** Ningependa hawa watu wapewe shamba ama wapewe makao. La pili ni kuhusu President, shida kama haya inatokea kwa maana kuna watu ambao wanachaguliwa ambao hawafuati ama hawana huruma kwa watu wengine. Napenda President anapochaguliwa background yake yote tandu akiwa primary hadi mahali ako, isemwe hadharani. Hii jamii ya Ongiek wanapopewa shamba, anybody who is over 18 years apewe shamba kwa sababu shida imetokea na sio wao wenyewe ndio walisababisha.

Upande mwingine, kuna hii rasimali iko katika hii msitu ambao hawa watu wanakaa kama hii mti imepandwa kama Cyprus, vineyards na zingine. Inapokatwa na Pan paper hii community wafikiriwe kwa percentage fulani ili wapate kujenga mashule na mahospitali.

**Com. Yano:** Asante kwa hayo maoni. Kuto karibu tafadhali halafu atafuatiwa na Isaac Bor. Pia kuna mzee hapa ameomba apatiwe nafasi, jitayarishe.

**Mrs. Consolata Kuto:** Thank you Commissioners. I will be very brief. I am working with an NGO which is Collaborative Centre for Gender and Development. So my views are mainly collected from women and because I have a ready memorandum I will only highlight a few points and hand over the memorandum.

We wish to have a Constitution that everyone has a right to:

Equal protection

Free from discrimination

Freedom of expression and association

The directive principles of equitable representation of all gender

Equality before the law for all citizens regardless of gender or status.

Thank you very much.

**Com. Yano:** Asante sana Mrs. Kuto, we are grateful for the views. Isaac Bor, karibu.

**Isaac Kipsang arap Bor:** *Kikureno Isaak arap Bor abunu Kaplemet sub-cation*

**Translator:** He is called Isaac Kipsang arap Bor and he comes from Kaplemet sub-location.

**Isaac Kipsang arap Bor:** *kitonokomoche komitukuk cheamoche ,mbaret ab chito komakerebe chito mbaret kii keny ole kinye ngochor chito kerwachi kenyishek chemarekune tiptem anun kotaman.*

**Translator:** The land belong to the owner and it should not be taken away because if he had a cow nobody would steal that cow.

**Isaac Kipsang arap Bor:** *komakele konyo walutik asikerebe tukuk bik amu kakebwa raini,acheek Nandi komokimoche ngogi*

**Translator:** He is saying that the review of the Constitution has come and so people should not lose their property.

**Isaac Kipsang arap Bor:** *kimochein tukuk chebo lapkeiyet amu atkehorse kokiyai tengek ama mwa chi kole oyai tengek.*

**Translator:** We want things done in daylight because we don't want to commit any crime.

**Isaac Kipsang arap Bor:** *kokitonemitei kokeyai ngatutik eng kalyet*

**Translator:** So what is there is that we should conduct our review in peace.

**Isaac Kipsang arap Bor:** *matkele keyai eng kesesnotet amu tukchu kobendi kenyisiek chchang,*

**Translator:** We should not carry out our review in haphazard manner because it will go for a long term.

**Isaac Kipsang arap Bor:** *ko mie kerib emet kouye kiribei kouye kikiribei kobokeny ,ngekero eng ko mo chitap raini*

**Translator:** We should take care of our land like what the former elders did before, as I am standing I am not a young person.

**Isaac Kipsang arap Bor:** *angololi kuni atinye kenyishek sabini akongolilingalek chekibo kenye*

**Translator:** He is 72 years old and he is talking what was there before.

**Isaac Kipsang arap Bor:** *amakimoche cholwokto eng koret, nyo konyokourenech bik alak ,*

**Translator:** We don't want anybody to play with us in our land.

**Isaac Kipsang arap Bor:** *ngalek ab bik alak change kito ibkourerene ipkonyo kot ap chito*

**Translator:** Other people when they are given something they play around until they come to your own doorsteps.

**Isaac Kipsang arap Bor:** *kongakonyo chito emoni bo Nandi kekurenech Nandi district Kapsabet ,Kenya.*

**Translator:** If somebody has come to this place we call Nandi district, Kapsabet, Kenya.

**Isaac Kipsang arap Bor:** *Kokingenykewal kele sikochanga bik eng changindo kele Kalenjin lakini ahok Nandi kemochen kekurekei bik Kapsaet Nandi Kenya.*

**Translator:** And was changed so that the Kalenjin could be many but we want to remain as Kapsabet, Nandi, Kenya.

**Isaac Kipsang arap Bor:** *Kongemi Nandi yu ko division.*

**Translator:** When we are in Nandi here it is a division.

**Isaac Kipsang arap Bor:** *Ko division ko lakok ap Kapsabet.*

**Translator:** Division is the children of Kapsabet.

**Isaac Kipsang arap Bor:** *Basi ko kito nemitei kemwachini ngatutik keleini kochanga nesutik emet yonei bik karishek missing.*

**Translator:** What I am recommending to the Commission is that people are speeding up their vehicles too much.

**Isaac Kipsang arap Bor:** *Oribwech lakok chebunei barabara ak tuga,*

**Translator:** Take care of our children and our cows that are passing by the road.

**Isaac Kipsang arap Bor:** *akot yoto nyo yu koteketiech aidolekit arawet konye,*

**Translator:** Even recently just last month a cow was run over by a vehicle.

**Isaac Kipsang arap Bor:** *komie komwochinewech serkali nderebaek kokweri karishehek eng mutioet .*

**Translator:** So the government to inform the drivers to slow their vehicles not to overspeed them.

**Isaac Kipsang arap Bor:** *Bik ap sipitali komie konya bik komie, ngalek ab kompunit ko kosir bik kouye kakonainkole kisirei chekile amakoet bik alak.*

**Translator:** Those working in hospitals should treat their people nicely. The tea estates should employ people and they should not employ people from other place.

**Isaac Kipsang arap Bor:** *Netio kotoret bik ab koroni tukuk alak cheu sukulishek ak barabaro shek,*

**Translator:** And they should be able to assist the people of this people with something to build their schools and roads.

**Isaac Kipsang arap Bor:** *chekuket komomwoe chechang amu ai boiyok kok kokamwa kngoi*

**Translator:** He doesn't have much and that is all over. Thank you.

**Com. Lenaola:** Simeon Mugun.

**Simeon Mugun:** Yangu yatakuwa machache. Maoni yangu kwa niaba ya .....(inaudible).

La tatu, kwa jina kubwa ya ardhi hii ambayo inadumu ilianza tangu zamani inaitwa Tinderet ambayo inadumu ilianza tangu zamani inaitwa Tinderet ambayo aliingia kutoka zamani mnamo 1905, baada ya vita serikali baina ya wabeberu na wanandi kutoka 1898 mpaka 1905. Ilikuwa vita ya miaka saba, miezi saba, siku saba na masaa saba halafu vita vikaisha. Walipomkamata mfalme Somoe na kumuua saa saba ya mjana hapa Nandi Hills. Wananchi wakaamishwa kutoka Tinderet na kuwekea vikwazo wa muda ya miaka 99 ndio ipate kurudishiwe kwa wanandi. Sasa hizo miaka zimekwisha kwa hivyo naomba Commission hii kurudishia Wanandi ardhi yao pamoja na chai itakuwa chini ya county council ya wanandi. Itakuwa faida kusomesha watoto wao yaani iwe kama compensation ya wanandi elfu kumi waliouwawa na wazungu.

Ya tano, watu wageni wanohamia nchi ya Wanandi kutoka nje, yaani makabila wengine hawata ruhuswa kuchagua au kuchaguliwa wachague viongozi wa Nandi wanavyochagua viongozi wao kama councilors mayors na wabunge wa Parliament hawana mamlaka kuwachagua viongozi bali wanlime na kufanya biashara tu. Na pia wakiishi hapa katika Nandi wafuate utamaduni ya kinandi na utamaduni yenyewe ile kubwa ni utamaduni culture ya wanandi wanatairi pamoja na wasichana yao. Wao wakija wafuate utamaduni hiyo wasilete utamaduni ya kwao kama wanataka kufuata hiyo warudi makao pahali walitoka. Wakifuata utamaduni ya kinandi wanataka tu bila kusubuliwa mpaka hata kufika wajukuu wao ndio wanandi wanaweza kuzuia kama wataweza kukubalia kuchagua au kuchaguliwa kuwa kiongozi.

La nne, maplot zinazopeanwa katika district hii na lands isiwe ikipeanwa na Commissioner of Lands, county council ipeane kwa sababu wanajua maplot haya iliteuliwa zamani na wanandi wote halafu sasa Commissioner of land hajui anaweza kupeana pahali ya building ya utawala au ya public use halafu migorogoro itatokea. Kwa hivyo county council wanahusika kwa wakijua sehemu zote katika district.

Uzaji wa mashamba ifikie kamiti ya kujakuliwa kwa sublocation na location ili wageni wasije kununua halafu mgorogoro ya elections itatokea baadaye. Hiyo itasaidia sana clashes isitokee. Asante.

**Com. Lenaola:** Mzee Simeon tumeshukuru kwa maoni yako, nende pale ujiandikishe tumeshukuru sana. Rebecca Kosgey halafu Simeon Kioko, yuko? Endelea mama.

**Rebecca Kosgey:** Asante sana bwana Commissioners. Yangu nataka kuzungumzia juu ya women and Parliament. Ukienda Parliament yetu ya nchi hii wamama ni wachache sana. Sasa tunataka tupewe sehemu kama 25% ya nomination ya akina mama kwa sababu tukienda kufanya campaign sana sana sisi wanandi wamama sana sana hatupewi nafasi ya uongozi. Mapendekezo



yangu tukipewa hiyo nafasi pengine tutapata nafasi ya kupita ama kutoa maoni yetu katika Bunge na council. Upande ya council tupate sehemu kama hiyo. Wakati wa campaign, wanaume wanatumia pesa na pengine wanapea vijana pombe wanakunywa halafu wanatumia lugha mbaya and then the women shy away. So tunataka protection ya kutosha tukiwa field ili tupate nafasi ya Bunge na council.

Land succession: Mapendekezo yangu tuseme mzee akiaga shamba sana vijana wanagawa halafu wanaanza kuuza. Sasa ninataka protection ya hiyo shamba, tuseme inherited land isiuzwe na ikitakikana iuzwe wazee wakae chini na wakina mama wazungumzie kwa sababu tumeona mara nyingi mzee akiaga, vijana wakipewa sehemu yao wanaanza kuuza, halafu watoto wanakosa mahali ya kukaa na wamama wanakosa mahali ya kukaa. Maoni yangu hiyo shamba isiuzwe na wasichana wapewe sehemu yao. Wasichana ni watoto walizaliwa kwa hiyo familia, vijana hawakufanya application, wote walizaliwa na hao wote ni watoto wetu. Tukisema wasichana watakataa kuolewa, sidhani wamama kama watakubaliana na mimi ati tulirolewa kwa sababu tulikuwa masikini, hapana sio hivyo. Nafikiria hata kuna wamama wenye wako na mali lakini unapata wanaolewa, hata watoto wa President wameolewa kwani walikosa nini? Pengine hata baba mwenyewe atamtafutia yeye mali. Tuseme kuolewa sio kusema ati familia yenu ni masikini na hauwezi kupata kitu kutoka kwa familia. Sasa tunaomba bahati mbaya msichana asipoolewa apewe sehemu yake kwa sababu sasa ataenda wapi.

Kugusia mambo ya marriages, mimi ninaona pengine sisi tutakosa maelekeo kwa sababu tunaona watoto wetu wanakaa siku mbili unaona kijana analeta msichana wanaishi na tunashindwa ni kwa nini wanafanya hivyo. Ninataka kuwe na sheria ambayo itakatazwa wao waishi kama mke na mume na hawajafunga ndoa. Sisi wanandi hata kutoka zamani tunatumia lugha ingine kama wanaishi wawili kila door. Sasa tunataka waishi kama wameoana. Kuna wazee nyumbani kuna ofisi ya DC, kuna kanisa hata tukiwapatia nafasi wafunge ndoa halafu maneno ya mali (in nandi dialect). Maneno ya zamani wakati huu ni wakati ingine ndio unaona watoto wetu wanapitia shortcuts. Tuwapatie ruhusa waone na wakiwa na mali ya kupeana ama hakuna tuwapatie nafasi ya kuoana.

La mwisho ni sisi tukiwa wanandi teseme kimila haturuhusu kama wamama ama wazee wako na mambo yao hawaruhusu tuwe hapo. Sasa kimila ya watu wengine wakiwa hapa Nandi wakitaka kufanya kimila yao warudi nyumbani waende kufanya huko. Asante sana.

**Com. Lenaola:** Asante sana Rebecca, tumeshukuru. Simeon Kioko? Raphael Mwangangi? James Ngugi? Hassan Pilipili? Halafu Jane Chepchir chir uwe tayari.

**Hassan Kiplagat Pilipili:** Mimi ni mkaaji wa Nandi Hills na mwenyeji wa Uasin Gishu. Ya kwanza ni shukran kwa ile kibarua tumefanya na asante kwa wale waliozungumza mbele yangu kwa sababu yale nilikuwa nayo wamezungumza. Tunazungumza hapa mambo ya Nandi, lakini sijasikia tukizungumza mambo ya Katiba ya Kenya ingawa hiyo tutasaidika kidogo. Tuzungumze hali ya kutengeneza Katiba ya Kenya.

**Com. Lenaola:** Hassan Pilipili wewe zungumza yako juu ya kikatiba, yako mwenyewe sio ya wengine.

**Hassan Pilipili:** Mimi nataka kuwaeleza kuwa maoni yangu mimi serikali ile tulionayo sababu imesemekana kupeana maoni ya Katiba turudi katika jimbo yetu yote nane, kila jimbo iwe na maneno yake, majimboism. Nafikiri Mungu hakuwa mjinga akitupatia nafasi ya majimbo nane, ukijaribu kugawanya hiyo majimbo nane kwa kabila arobaini mbili utapata hizo kabila zote. Hizo kabila arobaini na mbili inatoka kwa wanawake tano na nusu. Huyu mwanaume anaitwa Kenya ana wanawake nane, hao nane ikigawa kwa arobaini na mbili inakuwa tano na nusu. Kwa hivyo Rift Valley ina wanawake wake tano na nusu. Nusu ni bibi mdogo ndio amezaa hawa watu wanaitwa Dorobo. Ukienda Coast utapate wanawake tano na nusu, kuna Dorobo ya watu wa Mombasa, kuna Dorobo ya watu wa North Eastern na kuna Dorobo ya Central. Kwa hivyo wanawake hawa wote kila mtu amezaa akijua amezaa wanaume na wasichana na wanawake wote tano, anapozaa anajua watu wangu watakaa wapi. Kwa hivyo tukirudia kila mtu ukiwa ni wa Rift Valley unajua mama yako ameolewa na mzee anaitwa Rift Valley na anapozaa anakugawia watu ndio unaona Mnadi aligawiwa shamba (in Nandi dialect), ambaye anaitwa Nandi kwa nyumba yake hapo chini. Yule Mwelgeyo akagawiwa yake iko upande hii, yule mzebei akagawiwa yake upande ile, kila mtu aligawiwa yake.

Kwa hivi kwa ufupi nasema kila mtu arudi kwa jimbo lake, mtu wa Rift Valley arudi huko ajue boma yao iko laini gani, kama ni Mnandi iko Mnandi. Na Tinderet iende mpaka mpaka yake, kutoka Koibatek ikielekea Sirigoi na ikielekea upande ambao inaitwa Uasin Gishu ama Eldoret South ama Eldoret North, tafadhali ivunjwe na iitwe jina ya upande hiyo. Hii iitwe Tinderet North, Tinderet West na South kwa sababu tukipata uhuru Tinderet yetu ilikuwa inaenda mpaka Koibatek na imegeuka sasa sio Tinderet imekuwa Koibatek Baringo district. Hakuna mwanamke anaitwa Koibatek Baringo district, bwana yake ni Tinderet sisi ni Koibatek. Lakini mkifungia bibi yetu nje mama yetu mzazi yule aliridhiwa na mzee yule wa Baringo, mjue hata akiwa mzee wetu Tinderet, vijana wake. Kwa hivyo Koibatek iwekwe Tinderet, Eldoret South iwe Tinderet, Eldoret Central iwe Emgwen na ile iwekwe Mosop. Hii jina inaitwa Eldoret hatuna kwa kikalenjin kwa hivyo hii inaitwa Nandi district na igawanywe namna hii. Kwa hivyo nawashukuru kwa kunipa nafasi hiyo kidogo na mtu anayeishi hapa ajue amekuja kama mgeni na mgeni hafukuzwi analala akiondoka anaondoka na mzigo yake yote. Akikaribishwa blanket leo asifikirie kesho atapatiwa kabuti kukinyesha atajieka hiyo kablanket yake hata kama kutanyesha na atajifunika na hiyo baridi. Kwa hivyo aende atafute kabuti kwake. Asante

**Com. Lenaola:** Asante Hassan Pilipili.

**Cleophas:** That the freedom of worship to be guaranteed in the new Constitution. This will include those who worship on Saturday. That the DEB and private schools to remain but sponsored schools be scrapped because they are guilty on abuse of freedom of worship. Nandi is notorious in the whole republic for freedom of worship in public schools especially in secondary national schools and provincial schools.

Private sector in terms of employment is also another sector which has mistreated the Kenyan citizens especially, in the terms of service and especially in termination of employment. The private sector in the new Constitution should be restrained, if they want to sack or fire, they should appeal for a Commission to be set by the Constitution who will hear and give a final ruling on the termination of employment. They can interdict but not to sack or fire or terminate employment. One institution within this district is well known to have sacked over forty employees in a private institution and we have the district headquarters here in Nandi, we have not heard of anyone who has sacked about forty. It means professionalism in judiciary in the private sector is not there.

Saturday as a national holiday for family should be recognized in the next Constitution for recognition of God and family.

Free education to be given from nursery to form four. Bursary Commission to be set so that some companies could give students some funds.

Cultural week to be given to all communities for social welfare and also to eradicate social evils like Ukimwi and so on to be given to all communities. Thank you.

**Com. Lenaola:** Thank you very much Cleophas. I had called James Talam, halafu mzee Simeon Kipirir amekuja? Utamfuata.

**James Talam:** I would like to say something on promotions especially promotions of teachers. We have realized that sometimes the government promote teachers based on numbers, I will explain what it means. A group of teachers like STS2 or STS1 maybe few in numbers and P1s maybe very many so the government promotes those who are very few so that the money will not be a very big sum to cover the promotions and the rest who are working force are left out to suffer like the P1s, P2s, P3s and others. So I recommend that this should stop and if it is promotion all teachers or all civil servants should be promoted on merit. Also on promotions the rest should not be used if there is a group of professionals be they doctors, nurses, surveyors, name them. If they are articulating their grievances, they should not be threatened but the government of the day should humbly talk to them so that their morale may not come down.

Survey procedures: Nowadays to get a title deed is too cumbersome. Mtu anenda Nairobi anaambiwa leta elfu kumi, enda leta karatasi ingine, mtu anaenda Nairobi karibu mara hamsini na hapati title deed. Kwa hivyo watu wapewe nafasi na mambo ya title deed irahisishwe ili mtu apate title deed kwa haraka.

Provincial Administration: The assistant chiefs and the chiefs should be elected ili tusiwe na a situation ambapo mtu mmoja katika district anaweze kuhakikisha assistant chief ama chief anasema, “andika huyo” halafu baadaye inakuwa a senior person anaandika chiefs in the whole district. So wananchi should be given chance to elect.

Ya mwisho ni welfare of MPs. If there is a Bill touching on the welfare of MPs, example the extension of Parliament, the electorate wapatiwe nafasi sio wao tu wjadili kwa sababu inaweza fikia watu wanajipatia muda wa miaka hamsini kwa Parliament wakisema kama imeisha wanaongeza mpaka siku zinaisha. Kwa hivyo the electorate wapewe nafasi ili waseme jambo.

Mwisho kabisa ni health. The government should provide free medical services and this should be in practical not theory. Tunataka a situation whereby mtu anaenda hospitali akiwa mgonjwa na anaenda bila ndurunduru na anaenda kuhudumiwa sio kuenda huko anaambiwa leta shilingi mia mbili ya laboratory, leta ya aspirin, leta ya kitabu. If the government of the day cannot render free medical services then, it has no business being in power. Thank you.

**Com. Lenaola:** Mzee Kipirir? Sammy Ng'eny?

**Simeon Kibelio arap Simato:** *Kainet ko Simeon Kibelio arap Simto senior elder Nandi Hills*

**Translator:** His name is Simeon Kibelio arap Simato, senior elder of the Nandi Hills.

**Simeon Kibelio:** Senior members na wazee. Ile nataka kidogo tu ni kilio moja katika estates zingine. Najua hapa estates kuna wengine wanafanyia ngombe trespass, wanafanyia hata mbuzi, lakini haya ni mambo ambayo yaliingia juzi. Mimi sio mgeni katika ma-estates hii tangu kuzaliwa. Kuna jambo moja katika .....(inaudible) hata hiyo bwana DO nafikiri tutaongea halafu nitakuonyesha mahali mimi nalala. Kuna mambo ingine inafanyika huko na mimi sio mgeni hapa, kuna kitu iliwekwa sing'enge pahali ingine karibu na maji ya mtoni huko pahali inaitwa Kamwario. Halafu juzi nilikuwa nataka kuenda nyumbani huko Msombo, nilienda kama kumekuwa usiku, nikaenda huko nikapotea mpaka nikalala mstuni kwa sababu nilikosa pahali ya kupita. Sasa mimi naona sijui hiyo mambo inatokea wapi.

**Com. Lenaola:** Unataka nini?

**Simeon Kibelio:** Ningependa tafadhali ibomolewe hiyo sing'enge, iko long kabisa hata kwa mpaka sio hapo. Lakini hao sijui walifanya kinyume gani halafu wakaenda kujenga sing'enge karibu na maji, hata mimi karibu nikufe nikilala mstuni.

Jambo lingine ni mambo ya estates zingine wanakataza watu hata nyasi. Mimi sina fitina wala nini lakini huo ni ukweli mtupu kwa sababu nyasi haijapandwa na Wazungu, hiyo ingekuliwa na ngombe na ingekuliwa na mbuzi na sikuharibu kazi yao. Tena kuomba nyasi ya kufunikia nyumba ni aibu kubwa na sisi ndio wenye nyasi.

La mwisho nafikiri nasema asante kwa nyinyi kwa sababu mmekuja hapa, hakuna maneno ingine. *Kongoi missing.*

**Com. Lenaola:** Sammy Kengen? Eliud Matei? Mr. Ali Atomba? Maalim Ramadhan, utamfuata. Ali una memorandum kwa hivyo pick three most important points and then you hand it over.

**Ali Atomba:** The Commissioners, nashukuru first of all to for the government for for setting this Commission to look into the Constitution which is meant to run this country and also project how we are going to live in future. I would like to say that:

- 1) Every constituency should have an office for its MP which should be financed by the exchequer and even we don't need to go further to get more money to finance this. The MPs are getting a lot of money and yet all of the are based in Nairobi some of them they don't even have houses in Nairobi nor an office. So if a constituent wants to meet his MP, he is made to travel to Nairobi or to look for him through his aides and some of them are not accessible. So it would be be very crucial that such an important office should have a base, a place where the MP can be reaching his constituents maybe staffed by a personal assistant and a secretary. Why should we have a chief with an office in a location and in the whole constituency there is no office for an MP. I think the Commission should look into it and see how it is going to enshrine it within our Constitution.
- 2) There should be some minimum academi qualification for the MPs. A constituency is a very important set-up within this country and we should not just have every Jack and Jill being in charge of maybe 200,000 people or 500,000 people and this person is expected to draw proposals for funding to come up to see how his constituency is going to be developed. Recently Harun Mwau put up an advertisement in the papers on how he wants to develop ukambani, these are the people we want to lead us.

**Interjection Com. Lenaola:** What qualifications do you need?

**Ali Atomba:** At least should be somebody who has finished his secondary education with a diploma in a given field or even a degree so that he is able to serve us effectively.

- 3) I see that most of us, we don't know what the Constitution is all about and this is a very important document which everybody in this country should be enlighten about. So I recommend that it should be introduced in our school curriculum system so that everybody is to have respect for the right of the other. Something he has done in school so that if you proceed with the daily system you are able to learn more about the Constitution, you can become a lawyer, you can become Constitution something as you go to the university level.
- 4) I would like to have a two system of parties within this country not having multi-party. If you are saying that we are going to have a mutli party every tribe is going to have its own political party. Example, I come from western and we have Ford Kenya, this is associated with the Bukusus who are a sub-tribe of the Luhyas. So we don't want many parties, if we talk about multi party what we are going to end up with is every sub-tribe even every family with its own party. And by so-doing we shall not grow, we shall be able to take care of the democratic situation in this country, we shall be killing democracy by having so many parties.

**Com. Lenaola:** Thank you Ali, tumeshukuru, jiandikishe pale. Maalim?

**Imam Maalim Ramadhan:** Nawakilisha Nandi Hills mosque. Commissioners, bwana DO na wageni wote hamjambo? Maoni yangu kwanza ilikuwa ni kwa upande wa uchaguzi ama kiongozi. Kulingana na sisi waislamu vile tunajua kura ni lazima ipigwe kura na kwa hivyo kwa kupiga kura ningependa kuwasilisha maoni yangu katika Tume kwamba kuweko na sheria ambayo kwamba ni kali zaidi ili ambaye anapigiwa kura asiye mwenye kununua kura kwa sababu kura ni haki ya mtu, mtu anapiga kura kwa maoni yake na hakika kama jambo limepigwa marufuku litaondelewa mtu apige kura kwa roho yake, kwa imani yake, bila shaka hii inawezekana.

Uhuru wa Mkenya: Kwa kweli Mkenya uhuru wake hauko kikamilifu. Kwa mfano Mkenya anahitajika awe na kitambulisho, awe na hati ya kusafiria, awe na hati ya umilikaji ardhi na zingine muhimu. Lakini utakuta Mkenya kupata kitambulisho anasumbuliwa zaidi, sijui kwa nini. Mapendekezo yangu ni kwamba mtu yeyote ambaye kwamba ni Mkenya, asisumbuliwe kwa upande wa kupewa kitambulisho ama kupewa passport isingojee mpaka anawekewa masharti na vikwazo. Kitu kama passport awe nayo wakati wowote kwa sababu anaweza kuitumikia wakati wowote.

Jambo la tatu ningependa maoni yangu mimi nafiri pia waislamu wenzangu watakubaliana na mimi kwamba, kama inawezekana sisi vile tumepewa mahakama ya kiislamu. Kwa hivyo tuwakilishe kesi zetu za kiislamu kwa mwislamu kwa sababu ili mimi kama mwislamu niridhike nikipewa kesi yangu ihukumiwe kiislamu. Waislamu wote mambo yao ihukumiwe kiislamu, kuwe na sheria makesi yao iwe inahukumiwa kiislamu.

Halafu tena pia uhuru ambao kwamba ni wa kuabudu. Uhuru wa kuabudu kwa hakika utakuta kuna sehemu zingine unafanya na sehemu hufanyi, kwa mfano unaenda mahali kama Coast province ama North Eastern unapata kwa hakika waislamu wako na uhuru wa kuabudu, wako na uhuru wa kule kujivunia uislamu wao. Kuna mashule ambao kwamba ni ya kiislamu ambazo ziko under Muslim community na kuna waislamu pia hawasomi pale, lakini wale wasio waislamu hawalazimishwi kwamba waende mskitini au kuswali. Lakini utakuta sisi sehemu kama hizi kuna mashule ambazo kwamba pengine ni za kimeshen, waislamu wetu wanalazimishwa kwenda makanisani. Ningependekeza kwamba iwapo kama shule pengine iko hapa mjini, primary au secondary, Friday waislamu waje mskitini ama sio kama ni mbali watengewe sehemu ile ambao kwamba watakuwa wanaabudu halafu ile Sunday wasilazimishwe kwenda huko.

Jambo la mwisho ningerudi kwa upande wa kimavazi. Na hakikisha ya kwamba msichana wa kiislamu kufunga kichwa chake na hijab hakiwezi kuzuiwa yeye kusoma ama kuvaa long katika ile skirt ya shule. Kwa sababu unakwenda mahali kama Mombasa ama North Eastern unatakuta wanajutanda vichwa na wanavaa trousers wanavaa mavazi ambao kwamba ni marefu yale ya kiislamu na wana-attend madarasa kama kawaida na discipline iko kama kawaida. Kwa hivyo napendekeza kwamba hata sehemu hizi pia uislamu tuwe huru kufanya namna hiyo kwa sababu tunapoenda mashule mengine tunaambiwa ya kwamba

hii shule sio ya kiislamu kama unataka shule ya kiislamu toa mtoto wako hapa umpeleke shule ambayo ni ya kiislamu.

**Com. Lenaola:** Tumeshukuru Imam, jilandikishe pale. Daniel Chebuno. Samuel Sirma Kiptanui, karibia hapa. Cecilia Mutahi?

**Daniel Chebuno:** Najua kama huko mwisho mwisho utakuta ya kwamba nitarudia maoni mengine. Sasa nikirudia afadhali mniwie radhi.

La kwanza, ningelipenda kuzungumzia kuhusu uhuru. Freedom katika Katiba tuna freedom of worship, yaani uhuru wa kuabudu. Unakuta wakati huu uhuru huu wa kuabudu haifai. Sasa ningependekeza kwa hii Tume ya kwamba tuwe na sheria ambayo inaweza kuwa na kikwazo kama mtu atafanya maubiri ama maombi kupita kiasi. Pia katika freedom, kuna freedom of association, freedom of expression na utakuta wakati mwingine freedom of association huwa haijakuwa mzuri katika kikatiba. Kwa mfano utatakuta mtu akitaka kuwa na mkutano ataambiwa ya kwamba ili mkutano huu uendelee inatakikana uwe na cheti kutoka kwa polisi na nafikiri sisi wakenya sio ya kwamba tukikutana tunatarajia mabaya. Kwa hivyo kuwe na sheria ambayo itaruhusu watu wakutane wakajadili mambo yao bila kikwazo. Pia mtu akiwa na freedom of expression aseme yale mambo ambayo anataka na akikosea basi hayo yalikuwa maoni yake.

Kuhusu uwajibu wa Rais, inatakikana nguvu za Rais ziwekwe chini na pia kuwe na miaka ya kuretire na hii inatakikana iende kwa wale watu ambao watakuwa na ofisi za serikali kama retirement age ni 65 years, wote ambao watakuwa wakifanya kazi kwa ofisi za serikali watumie hiyo miaka hamsini na tano na waende wakapumzike. Hii pia iende kwa President, ishike pamoja na Members of Parliament ili hata wale wengine ambao hawajapata nafasi ya kufanya kazi wakapate nao pia kufanya kazi ili mtu wa miaka themanini asirudishwe kuja kufanya kazi kama wale wengine hawana akili timamu.

Kuhusu maneno ya Bunge, tumeona ya kwamba wabunge hawakui kwa kazi yao kila wakati, mara mingi wataeza kufanga Bunge miezi sita, miezi tatu. Ningependelea ya kwamba ili tuwatumie hawa wanabunge vizuri inapaswa wawe kwa kazi yao kwa muda wapatiwe leave moja kwa mwaka sio kila wakati. Kuhusu Bunge pia ni vizuri serikali to sponsor all the motions ili mtu akileta motion asiambiwe wewe ndio utagaramia.

Kuhusu maneno ya sheria kwa vile sheria ni muhimu inatakikana sheria ipatiwe nguvu kushinda kila jambo ili naye hata President awe chini ya sheria na kila mtu awe chini ya sheria. Kwa hivyo ili kuwateuwa Judges na Magistrates, ni vizuri tuwe na kamati tofauti ambayo itakuwa ikafanya hiyo kazi ili tuwe na transparency na accountability katika sheria yetu.

Ya mwisho kabisa ni kuhusu marekebisho ya sheria. Ni vizuri kama tunabadilisha kila baada ya miaka mitano wabunge wao wakaende kuhutaji tuchaguliwa kupya. Ingekuwa ni jambo ya maana pia tuwe na muda wa kuangalia urekebishaji wa Katiba ili Katiba zile zimefanya kazi zikaonekana hazifai zikapate kuondolewa.

**Com. Lenaola:** Thank you David, jiandikishe pale. Samuel Sirma Kiptanui? Cecilia Mutai?

**Samuel Sirima Kiptanui:** *Ane abonu kokwet ab Siret Kiptanon.*

**Translator:** He comes from Siret village, Kiptanon.

**Samuel Sirima Kiptanui:** *Ahek kokinyennyalil eng oli bo siret, ahek cho rotei koi kila eng cheptonon.*

**Translator:** We have continually suffered in Siret and normally stones fall on us.

**Samuel Sirima Kiptanui:** *Akokilechek kechengwok ole obendi ako tom kechengech kora,*

**Translator:** They are have always been told they should wait where they will shift to yet they have not been granted.

**Samuel Sirima Kiptanui:** *monginen kele amune sikorokrokchec kounoto akosistos serkali.*

**Translator:** He does not know why that continues, yet the government has promised them.

**Samuel Sirima Kiptanui:** *Amoche ameto yoto akawe ngatwet ab chumbek,*

**Translator:** He moves to the colonialists.

**Samuel Sirima Kiptanui:** *kibwa chumbek ngo mi koroni nyo kotoi konyalilech ako bar boiyot nyo ne kindoiwech no ko Koitalel.*

**Translator:** Colonialists came and when they arrived they killed their leader Koitalel arap Somoe.

**Samuel Sirima Kiptanui:** *Ang yakako bar koyon bik koba Kapiyet,*

**Translator:** After killing him they moved the people to Kabiet area.

**Samuel Sirima Kiptanui:** *yaityo konam bik cho murenik che kibo boriet kotoret icheket.*

**Translator:** They took the worriers at that time and they helped them.

**Samuel Sirima Kiptanui:** *Akokora komi kie kiketoret bichoto ako ichek chekitoroti,*

**Translator:** Currently there is nothing they have done so much for them yet they were helping them.

**Samuel Sirima Kiptanui:** *kibabik boriet ne kibo cheromaniek akoba nebo talianek,*

**Translator:** They went to the world war and during the German war and the Italian war,

**Samuel Sirima Kiptanui:** *akotom kobwat chi bichoto kora .*



**Translator:** and those people have not been remembered.

**Samuel Sirima Kiptanui:** *Ara amochi kemwochi chumbek anyun kotekchi kot bichoto,*

**Translator:** The colonialists or the whites should be told to come and construct houses for those people.

**Samuel Sirima Kiptanui:** *ketech kot neo eng Kapsabit nebo askarik chekibo Nandi.*

**Translator:** A big building in Kapsabet for the Nandi soldiers,

**Samuel Sirima Kiptanui:** *amu momi meleko aketugul nekiikochi.*

**Translator:** because there was no reward they were given.

**Samuel Sirima Kiptanui:** *Ara ngalek chuu choto.*

**Translator:** Those were his views.

**Com. Lenaola:** Asante sana, jiandikishe pale. Kuna mtu embayed angependa kuzungumza na sijamuita. Njoooni mbele. Chukua kikao, tueleze majina yako, point tatu and straight to the point.

**Samuel Karanja Kamanda:** Mimi ni pastor wa kanisa la Chrisco hapa Nandi hills. Ninaona kuna eneo ambayo imewachiliwa kwa muda mrefu kwa hii marekebisho ya Katiba. Kwanza kabisa kama tutaenda kutengeneza Kenya ni lazima tutashughulikia mambo ya msingi wa Taifa hili. Tumekuwa tukihusika katika eneo la maombezi ya kuomba Taifa hili liwe governable na pia liwe na mambo ya uchumi mzuri na mambo kama yale. Lakini unless Kenya iendee katika mambo ya msingi yake mtu mmoja hapa aligusa akataja meaning ama maana ya jina Kenya inamaanisha nini na labda hiyo tutahitaji kuambiwa zaidi na wale ambao walianzisha hata jina hili lenyewe. Jambo lile lingine ningependa -----

**Interjection Com.:** (inaudible)

**Samuel Karanja:** Ningependa kama ingewezekana serikali ituambie vizuri meaning la hili jina ili tuweze kujua tunakaa wapi, labda hii ni mnyama ama ni kitu kingine. Zaire ilibidi wabadilishe kwa sababu jina Zaire ilikuwa inawaharibu na kwa hivyo hatuwezi kuendelea kujenga Kenya ambayo inatusumbua.

Jambo lingine ni hili. Tuwe na true leaders ambao wamekuwa proven, sio tu watu ambao wanakuja kuwa viongozi lakini hatujawa-prove katika eneo zingine. Jambo lile lingine ni tufuatilie vizuri juu ya hii jambo la national anthem. Mara nyingi tumesema ya kwamba Taifa hili ni taifa la kiungu na ni ukweli. Kwa hivyo kama national anthem vile huu wimbo unavyoamaanisha ufundishwe upya na uwelezwe upya kwa sababu hiyo ni kama agano Taifa hili la Kenya liliweka pamoja na Mungu. Na hiyo kama hatutafuatilia shida hizo tunazikuta zinatusumbua sana katika Taifa.

Jambo lingine ni hili jina Harambee, hilo jambo liondolewe katika pesa za Kenya, ni kama imekuwa kinyume na sisi na kinyume ya Taifa la Kenya. Kwa Maana tunajua vizuri jina ambee ni jina la Miungu la wahindi na imekuwa against the Kenyans na ni lazima liwe abolished watumie jina lingine ama waulize vile inaweza kutumika vizuri halafu tupate uchumi pia uki-favour Kenyans. Asante, inagawaje nilikuwa na jambo lingine lakini sawa.

**Com. Lenaola:** Uko na memorandum utajiandikisha pale tutaisoma. Mzee wangu karibu. Sema jina halafu endelea.

**Charles Kirorei:** *kon ngoliot nyu ne tai nomch angalale kobo councillor ,*

**Translator:** The first issue he would like to air his views is on the councillors.

**Charles Kirorei:** *amu biko choto che kikikwei koribech ago yaiwech boisionik.*

**Translator:** These are the people who were elected to come and take care of our responsibilities.

**Charles Kirorei:** *Mi plotishek cheikoini conuncilor agetugul bik chii,*

**Translator:** There are some plots which are being given to every council.

**Charles Kirorei:** *kobichoto bwonei yuto ko chemungarain che mokchin robinik,*

**Translator:** There are those who are coming here they are businessmen and they want money alone.

**Charles Kirorei:** *komuchi kowal townnit ko ngende kainet neo,*

**Translator:** They would want to change the town it should have a big name.

**Charles Kirorei:** *kole mochei kende koik munispality.*

**Translator:** They want to have it as a municipality.

**Charles Kirorei:** *kokikwei eng oliin kole menget kii chu kikwei ko kibik chebo ngoo?*

**Translator:** Because they are staying in reserves they are saying that they don't know anything.

**Charles Kirorei:** *Kongoker eng kenysishek angen ale chichi ko berber*

**Translator:** At my age I can see that this person is -----

**Charles Kirorei:** *ago ngen ale chichi koreku kii neya,*

**Translator:** and I know this person is doing something bad.

**Charles Kilorei:** *Ko kosome commission chemi yu ale kongete raini ko manyalu councillor kokoito kii.*

**Translator:** I am requesting before you that a councillor should not be able to give out anything.

**Charles Kirorei:** *Bate komi boisiek olinbo kaa che nge mochei konyo kii nekemochei kiet kelech omwachi bik,*

**Translator:** We first should have elders there in the village, if there is anything to be done then they are the ones to pass.

**Charles Kirorei:** *amu mengen akot Nandiek kele town council anun ko munispality ko nekit ago torete ne.*

**Translator:** Even the Nandis do not know what is a municipality and town council. So they do not know the benefit of this.

**Charles Kirorei:** *ko komoche kora amwa ale mabichoto chenyo koyaei tounit koet.*

**Translator:** His recommendation is that those people are not supposed to upgrade the town.

**Charles Kilorei:** *Bik icheket cheketebe .*

**Translator:** The electorate should be asked.

**Charles Kirorei:** Nebo aeng koamoche awa kotikini.

**Translator:** The second issue, the Judiciary.

**Charles Kirorei:** kikinyoru uhuru sitini ak somok

**Translator:** We got independence in 1963, ko kotini kikial keal kitio keal kitio!

**Charles Kirorei:** *Ngotindoi chito rabinnik konum okiliot totio kolabat Kapsabet kokirkiro eng olin,*

**Translator:** If you have money you get a lawyer and io then he goes ahead to Kapsabet,

**Charles Kirorei:** ipkonde rabinnik olindo,

**Translator:** he takes money ahead to.....

**Charles Kirorei:** *ngo wek ka kotini kou ole kiu nebo Nandi .*

**Translator:** So let the court come back to the village,

**Charles Kirorei:** kongo mitei olinbo Nandi kokin boisiek ngalek,

**Translator:** and the elders will be able to investigate,

**Charles Kirorei:** *konyo judge eng olin ole mi boisiek ,*

**Translator:** and the judges to come down to the village.

**Charles Kirorei:** *konyorchito nekitinyei lelutiet*

**Translator:** Right there in the village they will get the victim,

**Charles Kirorei:** *konyo kwo chichoto kenyekerat kokarat boisieik,*

**Translator:** and that person is killed and he is taken to prison.

**Charles Kirorei:** *mokikurei polis acha,*

**Translator:** The police should not come.

**Charles Kirorei:** *motinyei polis kanyul amu polis ko chi neo rubo.*

**Translator:** Those policemen are always hungry.

**Charles Kirorei:** Nebo let amoche amwa ako ,kako le kabilosiek ata che mi Kenya artam ak aeng?

**Translator:** The last item, how many communities do we have in Kenya?

**Charles Kirorei:** kwongutiet eng achek bik ab Nandi ko nge cheng kibandid kwo Nairobi kowek kole mi bororiet nebo Nandi, age leini kinyoun kat chicho kiweku kounotono ago nyoun kat Mungu eng oletun iwendi.

**Translator:** It is a wonder that we fill the forms for IDs and-----

**Charles Kirorei:** Katar ngallek chuu amoche awongune nebo chitoap parliament , chito ab parliament ko maginye achek momoche agenak eng kenysisiek tiptem ak somok nyoni chito neit nyokole koswo ngalecha ,

**Translator:** He is saying that for the last 23 years we don't have an MP.

**Charles Kirorei:** nyoni chito neit nyokole koswo ngalechaa.

**Translator:** He comes here and he picks a few individuals-----

**Charles Kirorei:** *koboiwech chito ake eng oli nemokingen kele ngo chito neune*

**Translator:** and somebody else is just-----

**Charles Kirorei:** *komoche chito ab parliament akine komokwei bik alak akokurenech bik alak amokwei chit neb kosisei neitio konyo amoche kurait nyu.*

**Translator:** The Member of Parliament should not use the proxies to lead us.

**Charles Kirorei:** *Akekwei mokoriot nebo mbarenik eng areaini, kwei koro chitoake nikiko rep mbarenik .*

**Translator:** and he continually grabs the land in the area.

**Com. Lenaola:** Asante sana.

**Joshua Nyairo:** Mimi ni mkaaji wa hapa Nandi Hills. Tuna wabunge wengi katika nchi yetu ya Kenya na hakika tukiona kazi zao wengine kazi ni nzuri na wengine kazi ni mbaya. Kwa hivyo kuna jambo kama hili kushughulikia upande wa Mbunge ama ni Waziri na utakuja kupata kwamba anakuja constituency yake kuja kupigania kiti cha chairman wa Kanu mahali fulani. Kwa upande wangu ningesema kwamba Mbunge ama Waziri asije akawania kiti cha chama mahali ambapo anapotoka, badala ya huyo raia ambaye hana kazi awanie hiyo kiti.

Jambo la pili ningependa kusema upande wa shule. Shule tumekuwa nazo ni nyingi na pia walimu wetu, lakini utaweza kupata kwamba walimu wanongea juu ya nidhamu katika shule lakini utapata hawa walimu ukiangalia jinsi wanavyokaa wenyewe na jinsi wanavyosaidia wanafunzi sio nzuri, wanafunza watoto njia mbaya na utaona huyu mwalimu tabia zake sio nzuri. Utapata kwamba wakati wa jioni utapata njiani anaenda akinyemelea wale watoto wa shule na huku wanasema wacheni mambo ya mapenzi. Sasa mwanafunzi hapo atachanganyikiwa. Kitu ningesema mwalimu kama huyu akipatikana na heri afutwe kazi ama afungwe jela maana watoto ni wengi wameangamia na huku serikali imekuwa ikitangaza mambo ya wanafunzi wawe na nidhamu mzuri.

Pia ningesema mtu kama Rais asiwe na ile jukumu la kusema kwamba mahali fulani yeye ndio anaenda kuajiri mtu fulani. Anyang'anywe hiyo mamlaka kabisa kwa sababu utapata kwamba kampuni fulani utampata huko anataka kuajiri mtu. Pia anyanganywe hiyo mamlaka ya Vice Chancellor katika vyuo vyote vya Kenya na huku watu ni wengi ambao wana shida ya kazi, badala yake apatiwe mtu raia ambaye atwania hiyo kiti. Asanteni.

**Com. Lenaola:** Asante Nyairo, tunashukuru kwa maoni yako. Nafikiri Nyairo ndio mtu wa mwisho unless kuna mtu ambye kama hatasema jambo moja hawezi kulala leo? Nafikiri hakuna, mtalala vizuri. Njoo useme moja tu na useme straight, ndio ulale vizuri.

**Andrew Kosgey:** Ningependa kuongea juu ya provincial administration. Kuna chiefs na assistant chiefs na kokwet elders. Umekuwa ukiona kokwet elders wana jukumu muhimu wakitekeleza, wanamaliza mambo mengi ambayo ingemfikia assistant chief ama chiefs lakini unaona kazi yao inachukuliwa hivi hivi. Ningependekeza hawa kokwet elders wawe wakilipwa na serikali.

Ya mwisho ni kuhusu mavazi. Unaona wamama wamekuwa wakivaa trousers na wamenyanganya wazee, kwa hivyo ningependekeza ikuwe sheria kuwa wamama wawe na nguo yao tofauti na wanaume wawe na yao tofauti.

**Com. Lenaola:** Asante sana Andrew inaonekana wewe utalala vizuri leo. Asanteni sana kwa huu mkutano nitampa mwenzangu awamalizie.

**Com. Yano:** Asante sana Commissioner Lenaola tumeshukuru kwa vile umefanya hii kazi ya kumaliza malizia, tumeshukuru sana. Sasa nafiri tumefika mwisho wa mkutano wetu leo na tumechukua maoni sawa sawa kutoka kwa wananchi hapa Tinderet. Tuko na furaha sana kwa sababu mlikuwa watulivu, mkafuata yale masharti yote mlitupatia na pia hiyo kama ingewezekana hata tungejipatia makofi sisi wenyewe.

*(clapping)*

Tunashukuru sana haya ni maoni ya maana na yote yenye mumsema ni maoni ya kikatiba hakuna ati maoni yenye itaenda bure, yote ni maoni ya Katiba. Pia ningetaka kushukuru county council ya hapa kwa kutuwezeja tutumie hii hall leo na pia saa hii tulikuwa tunasema na mwenzangu hapa Lenaola ya kuwa tangu tuanze hii kazi yetu hatujawai kuketi katika viti kama hizi, tunashukuru sana. Na pia tunashukuru Chairman wa CCC na pia civic education providers na members wa CCC. Pengine kabla sijasema kufunga kabisa, bwana District Coordinator do you have any announcement to make?

**District Coordinator:** Nitaomba msamaha kwa sababu sikuwepo mulipoanza kwa sababu nilikuwa kwingine. Ninawashukuru kwa maoni yenu ambayo mulikuja kwa wingi na kutoa. Tunazidi kuwa pamoja katika hii programme na kwa vile Commissioners wako hapa watazidi kufanya kazi na jambo lolote tutazidi kuwajulisha. Asante sana kwa kufika kwenu siku ya leo.

**Com. Yano:** Asante bwana District Coordinator. Hapo awali mlikuwa mumehakikishiwa na mwenzangu ya kuwa haya maneno yote mumeyasema tutachukua kule ofisi zetu Nairobi tutengeze iwe report na tukishaitengeza tunaambiwa na sheria ile inatufanyia kazi kuwa tutarudusha hiyo report kwenu ili muiangilie, muichambue muweze kutujulisha ya kuwa yale maneno yote yako ndani ni yale maneno nyinyi wenyewe mlichangia. Ni yale maneno mliweka hapo ndani pia yale maneno yametoka nje ama pengine maneno yenu ingine imetolewa. Hiyo ni hakikisho ya kuwa at the end of the day tukishamaliza kazi yetu Katiba itakuwa Katiba imetengezwa na wakenya, nafikiria hiyo ni hakikisho ya kutosha. Kwa niaba ya wenzangu hapa na pia ya Tume tunasema shukurani sana na tungeomba kama tungepata mtu wa kutuongoza kwa maombi. Asante sana.

*(Prayer)*

Tutaomba sasa. Mungu baba katika jina la Yesu tumekuja mbele yako. Tunakushukuru kwa sababu ya kazi hii ambayo umewapa Commissioners hawa ambao wametoka mbali. Mfalme atakuja kufanya kazi na kuketi kwa muda mrefu ili kusikia maoni ya watu wako katika eneo hili la Tinderet. Ewe bwana Mungu maoni yale yote bwana yametolewa yale ambayo yanafit hata kusidi lako, bwana wacha ikaenda ikatekelezwe ewe Mungu. Tunaomba pia hata wanapopanga kuondoka sasa kuelekea katika shughuli zao hizi ambazo zinahitaji hata nehema yako, zinahitaji nguvu zako. Tunaomba baraka zako mfalme tunaomba

