

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**TINDERET CONSTITUENCY,**

**HELD AT ST. MARY'S HIGH SCHOOL (TACHASIS)**

**ON**

**16<sup>TH</sup> JULY 2002**

**CONSTITUENCY PUBLIC HEARINGS – TINDERET CONSTITUENCY,  
HELD AT ST. MARY'S HIGH SCHOOL (TACHASIS) ON 16<sup>TH</sup> JULY 2002**

**PRESENT**

1. Com. Riunga Raiji
2. Com. Salome Muigai
3. Com. Domiziano Ratanya

**SECRETARIAT IN ATTENDANCE**

1. Samuel Wanjohi - Programme office
2. Mathew Ngugi - Asst. Programme Officer
3. Gladys Osimbo - Verbatim Recorder

**The meeting started at 11.00 a.m with Com. Riunga Raiji in the chair.**

**Com. Riunga Raiji:** Kwa niaba ya Chairman wa Tume ya Kurekebisha Katiba tungetaka kuwakaribisha nyinyi nyote katika kikao hiki rasmi cha Tume ya Kurekebisha Katiba. Na kabla hatujahaza shughuli zetu kirasmi tutamuomba Father Kigen atuongoeze na maombi.

**Father Kigen:** Basi kwa kuwa hii ni shughuli ya muhim sana katika jamhuri hii yetu ya Kenya ni vizuri tuaze na sala. Kwa hivyo naomba tusimame. Tatuombe, kwa jina la Baba na la Mwana na la Roho mtakatifu amina. Mungu Baba mwenyezi Baba tumekusanyika hapa kwa jina lako kwa sababu wewe ni muumba wetu. Wewe ndiye uliyeumba nhci yetu ya Kenya ukampatia kila mmoj wetu zawadi ya uhai. Ukampatia kila mmoja wetu zawadi ya kuwa n auhai wakati huu. Sasa wakati huu tunaposhughulikia mambo ya kuandika Katiba mpya ya jamhuri ya Kenya. Baba hii ni kazi ngumu, hii kazi ambayo inaitaji kila

mmoja wetu kujitoea na kuwa uhuru kabosa kwa kuandika Katiba hii. Ndivyo Baba sasa tunanyenyekea na tunaitaji usaidizi wako. Utupe Roho Mtakatifu hili asaidie kila mmoja wetu. Tunakushukuru kwa vile umewafikisha Makemishina's wetu na wote ambao waliandamana nao wamefika hapa salama salamini. Basi ukibariki kikao hiki ili yale yote ambao tutajadiliana siku ya leo yawe kwa manufaa ya kulitukuza jina lako na kujenga taifa la Kenya kwa wakati na miaka ingine ijayo. Tunaomba hayo yote kwa jina la Kristo Bwana wetu. Kwa jina la baba, na la Mwana, na Roho Mtakatifu Amen

**Com. Riunga Raiji:** Asante sana Father kwa kutuongoza kwa maombi. Ningetaka kuanza kwa kuwajulisha Makomishena ambao wametumwa hapa na Tume. Kwa upande huu tuko na Kamishena ambaye atamuambia jina lale.

**Com. Salome Muigai:** Hamjambo wananchi: Mimi naitwa Salome Wairimu Muigai na ninashukuru kuwa hapa nanyi.

**Com: Riunga Raiji:** Pia tuko na Kamishena mwingine upande huu wangu.

**Com. D. Ratanya:** Hamjambo wananchi wote. Mimi naitwa Commissioner Dominiziano Ratanya. Asante.

**Com. Riunga Raiji:** na jinalangu ni Riunga Raiji na mimi ndiye nitakuwa mwenyekiti wa kikao cha leo. Pamoja na Makamishena's hao ambao wametumwa hapa na Tume tuko na maafisa ambao wanatusaidia katika shughuli ya leo. Upande tuko na Programme Officer Bwana Wanjohi, tuko na Assistant Programme Officer Bwana Ngugi na tuko na Secretary wetu hapa Gladys Osimbo ambaye pia ndiye atanasa sauti. We recording all the proceedings an huyo ndiye anasimamia shughuli hiyo pamoj ana hao tuko na interpretor wa sign language Bwana Gachoka. Kwa hivyo tukiona wale ambao wanahitaji huduma hiyo tafadhali mtujulishe hili tuweze kuwasaidia. Na tena tungetaka kuwashukuru wale wote wako na sisi leo na tungetaka kuwatambua. Principal wa shule hii Bwana Toroney amaye huko hapa tunasema asante sana kwa kutukubalia tutumie shule yako. Tuko na DO wetu Bwana Onesnus Chaga, asante Bwana DO kwa usaidizi wako. Tuna Father Kigen bila shaka mnamjua ambaye anawakilisha - the sponsors wa shule hii. Na Father tunashukuru kwa makaribisho na kutukubalia tutumie shule hii.

Sasa kabla hatujaanza nitamuita naibu wa mwenyekiti wa Constituency Committee ya hapa Mrs Grace Kosgei atujulishe wanachama wake ili tuendelee na kazi ya leo.

**Grace Kosgei:** Asante sana Chairman wa Constitution ya leo. Mimi ni Councillors Grace Kosgei, mimi ni member wa 3Cs. Kwa hivyo nasema Commissioners na wafanyi kazi pamoja karibuni hapa kwetu Takasis tuendelee pamoja. Hapa tuko na 3 CCC, Bwana Lilan ambaye ni advocate ndiye tunafanya pamoja kwa division ya Tenere, wengine wakakuja Commissioners ambao walienda Kapusumo wakakuja kana wamechelewa. Kwa hivyo tunasema karibu tuko na civic educator ambaye ni mmoja ambaye anaandika watu huko kwa mlango – John Metto. Yeye ni mmoja ambaye tulisaidiana tufundisha hawa watu wetu. Na tuko na mama mmoja ama wawili ambao pia tuliandika, Hellen Nyetuni simama, kwa hivyo tunaendelea na hii kazi

tunasema karibuni. Kwa hivyo programme yote wananchi tunasema karibu mtuo maoni yenu – tunaridhisa kwa Commissioners.

**Com. Riunga Raiji:** Asante sana Mrs Kosgei. Kwanza kabisa ningetaka kuwatangazia utaratibu tutakao fuata siku ya leo. Kila mtu ambaye ameingia hapa amejiandikisha na wale wanataka kutoa maoni watapatiwa dakika tano. Tuko na jinsi tatu za kutoa maoni, kwanza kabisa ni huwe na nakala au Memorandum yako. Unaweza kutupatia pande hiyo hapo ni ofisi yetu sasa, tutaibeba na kuisoma na tutaitia maanani wakati wa kuandika ile draft Constitution. Unaweza kuwa na Memorandum lakini ungetaka kutupatia summary au highlights hiyo inakubaliwa, utapatiwa dakika tano. Tungewaomba msisome Memorandum yote kwa sababu itachukuwa muda mrefu na bila shaka sisi wenyewe kama Commissioner ambao tuko hapa na wale wengine tutasome hizo Memorandum. Ya tatu, unaweza hata kuja bila maandishi yoyote na utoe maoni yako hata hiyo inakubliwa utapatiwa dakika tano. Ukimalisa kutoa maoni utajiandikisaha hapa hili na record ya wale watu ambao walichagua shughuli ya kurekebisha Katiba. Lugha ni Kiswahili na Kingereza lakini yule ambaye hako na shida na hizo lugha zetu mbili rasmi anaweza kutumia lugha ya mama na coordinator anatusaidia na kutupatia wa kutafusiri. Kwa hivyo muwe huru. Tena tungetaka kutangazia watu wote kwamba hiki ni kikao rasmi cha Commission kwa hivyo wakati utazungumza utazungumzia Commission – you will be addressing the Commission. Hii si baraza - tunataka tu utupatie yale mapendekezo ambayo ungetaka tuweke katika Katiba. Kila mtu yuko huru hapa - hii mambo ambayo ni ya kisheria na kwa hivyo msiwe na wasiwasi kwamba hatua yoyote inaweza kuchukuliwa kwa maoni yale yote ambayo ungetaka kutoa. Kama vile nimesena kwa wale ambao hawasikii mkiwaona mtuambie ndio tufanye mipango pia hata wao waweze kufuata yale ambayo yanaendelea. Na mkimaliza kutoa maoni Commissioners wanaweza kumuuliza maswali hili kufafanua si debate ama kitu kama hiyo tu ni kama kuna kitu ambacho hatujaelewa na tungetaka ieleweke sawasawa tutakuuliza. Lakini tungetaka muwe huru na tutafuata orodha ya first come first served lakini turukia hili kupata wengine kama kina mama, wasiojiweza ambao tunaona labda hatujasikia maoni yao. Kwa hivyo sasa tuko tayari, mko huru kutoa, dakika ni tano, wa kwanza ni Bwana Moses Sigilai – utafuatwa

**Moses Sigilai:** Wanakamati wa Tume hili ya urekebishaji wa Katiba mabibi na mabwana hamjambo?

Audience: Hatujambo.

**Moses Sigilai:** Nitatumia lugha ya kimombo kwa sababu naamini lugha ya kimombo naielewa vizuri: Kwa majina naitwa Moses Sigilai nitasimulia sana upande wa elimu na nitatumia lugha ya kimombo. Kama sisi tunavyo jua elimu ni msingi wa kila mtoto, natka kunguzia hali hii sana especially – I want to address this issue to the parents – especially those parents who register their children to the pre-unit. According to me my recommendation to this Commission is that because we have children being surrendered to the school community – I mean to the teacher for socialization and the peer groups. I would wish that we raise the entry age of a child so that by the time goes to schools he or she has socialized fully with the parent with that kind of parental care to receive all the parental care but not all the issue of socialization and assimilation being done by the peer groups or the school community or the teachers. This actually has been a burden to the teaching profession.

I will also touch on the issue of the unfortunate in the community as far as the provision of education is concerned it is a basic right for a child to receive education. I would wish that you as the Commission you take this issue and make it and write in this draft as my suggestion and my opinion entry age to be seven years of a child. And free education in primary schools.

The parents who are able to pay school fees and they refuse to educate the child at the secondary school level should be forced to do so. Those who are not able I request this Commission to be actually included in the budget allocation so that we provide free education especially for the disabled the orphans in the society or those who have been displaced by either the natural catastrophes like the floods or tribal clashes or any other natural catastrophe that might strike an area.

I would like also to touch on the issue of the street children. We know they are no longer street children they are forming a family, they are nowadays-street families. I would also propose that the formation to be included in the allocation of funds to the Ministry of education. So that the people in the streets the children to be provided with basic education I mean the basic education is the primary school education. And those who are talented in one way or another either they show the talent of being creative in different areas they go and specialize and become useful to the community.

And those factor of land if any which has been allocated to individual through dubious means or is the county council or the municipal council or the city council of that area should think of rehabilitating these street families and settling in the free land and be followed after.

So because I am running short of time I would touch on finance to some extend. I would this to be included in the Constitution the issue of portrait. The portrait which is appearing on our currency is the current President but now that we are prone to multi party system I would like to recognize and propose that we have the first President appearing in our currencies because in future we might be having every year term we might be having a President so it will be a confusion to some people and might not know which currency belong to Kenya. So I would propose the first President to be given the portrait in our currencies and that is notes and coins.

All the Commission set - the Commissions of inquiry in anything I want the Constitution of today this is what we are drafting to include and say that they must present their findings to the Parliament and the public to know the findings like we had Njonjo Land Commission we have not known what the findings the Njonjo Land Commission has given us. We want to know because actually some people participated in their contribution the findings among other like the Koech report. We want the public to know. Thank you very much ladies and gentlemen.

**Com. Riunga Raiji:** Mr. Sigilai if you don't mind you could also write your points properly before the end of the day and you give us so that we can read them. So register yourself if you want to put it formally and then present to us it will do. You can

collect paper from him. Thank you very much. Go and register yourself.

**Moses Sigilai:** You are welcome.

**Com. Riunga Raiji:** Ezekiel Mutai is next on my list. You are registered twice, you start with whichever you like I think time is still five minutes.

Ezekiel Mutai: I am Ezekiel Mutai. I have the following to be considered in the writing of the new Constitution. I would like to say in the new Constitution that we have a government of national unity. There should be a President who is elected by people. Two vice Presidents, one elected by people and one appointed among the Ministers. There should be a Prime Minister and a deputy Prime Minister. In the Cabinet I propose that we should have at least twenty Ministers who are appointed according to their qualifications. For example a Minister for education must have been a teacher, a Minister for health must have been a doctor or a nurse.

On Administration: I propose that the offices of Assistant chief be abolished. I propose a strong office of a Chief who should have a police station and court. I propose the abolishing of the office of DO and recommend the establishment strong DC's office who should have a police station, a prison, a high court and the other local courts. I also propose the abolishment of the PC's office. I recommend that there should be a village elder in every village who should be at least 45 years and must have resided in that place for a period not less than a half of his age. I also propose that in every village elders office there should be two policemen. These village elders should be given a token every Kenya cerebrate Jamhuri day and I propose something like twelve thousands.

On Economy: I propose that any government whose economy growth decline to below 2% should resign and the remaining term be taken over by all the MPs with the Speaker as the President and Chief Justice as Vice President.

On Natural Resources: I propose that any natural resources should belong to the community not to the government.

Employment: I propose that all civil servants who were retrenched illegally between the time became independent up to this year should either be compensate and if they have not reached the age of retirement they should be re-employed and the term retrenchment should be a forgotten vocabulary in the new Constitution.

I also propose that the government should lessen the hard in issuing licenses for TVs and radio stations.

On street children: They should be adopted by the government because they don't have parents and if the parents are there are not known. If there is land lying idle they should be given land and distribute on their own. The government should provide

free education for these children and there should be a budget allocation for the same.

**Single mothers:** I propose that the cost of up bringing and educating of a child born of unmarried woman should be share equally between the mother and the father of that child. But this should not apply to mother who willing sought to volunteer for the purpose of conception and there should be a written agreement for the same.

**National holidays which are named after a person:** This one should be abolished and Kenyatta day to the renamed Heros day. That is all Commissioners thank you.

**Com. Riunga Raiji:** Just hold on.

**Com. Salome Muigai:** Thank you very much Mr. Mutai for your observations and contributions. I have two questions for you one is on the village elder. He should have lived in a half of his age where do you see the prone of women as elders. That is one question is that, you have said children born to single mother the cost of education should be shared with the father and the mother. Is that what you said? What about inheritance? What about the other rights of this child who is also a Kenyan? My last question is, you have said that the government should adopt street children that are on the street now, how do we deal with this in the long term? That is a long-term measure. What do we do to make sure that street children do not keep on coming onto the streets and the government keeps on adopting them? Unless you believe that government should keep on adopting them and the rest of that should keep on putting them on the streets. What are your thoughts on this I would like to hear what you think about it in the long run?

**Ezekiel Mutai:** Thank you very much. I would start with your first question on the village elder where I said a person elected by the people to serve as village elder should be at least 45 years and should have stayed in that place for a period not less than a half on his years. For this case it will depend with the community because we have communities for example the Nandi where we cannot allow a woman to be a village elder. Then on you second question about the single mothers. What I mean by single mother I mean a woman who was not married not a woman who was married but the husband has died. So any person who may be knowing or unknowingly has brought up a child the two should take responsibility. And then on street children, why I said the government should adopt, this one can done at once these children should be cleared from the street and the government should at watch to make sure that no person attempt to dumb a child in the streets.

**Com. Riunga Raiji:** Okay thank you very much Bwana Mutai. I think your views have been very focused and straight to the point. St. Mary's staffs are next.

**Oluoch Augustine:** Thank you very much Commissioners. My name is Oluoch Augustine. We have several issues which should be addressed. The first one is the use of use of national resources and public funds and this one really touches on the

way we are seeing our government using the resources that are in their hands. And the first one the use of vehicles. Of late actually we have seen that vehicles are depleted in various Ministry are being misused. We see that come the weekend every other time when those vehicles are actually supposed not being used we see them being used so we are asking that the law should check on such misuse as objections and declaring today. The law should state clearly the penalty for such offenses noting that such vehicles cost quite a lot than the taxpayers money.

The other issue on the political parties: We should have a Constitution to regulate the number of political parties. These political parties should at least be five and ideologically driven we don't want to see a multination of so many parties that have no idea to give the people.

Structure and system of government: We are quite comfortable with the Parliamentary government system. We are only asking that we should adopt a Hybrid system where we have a President who should not be an MP, he should be neutral, he should belong to no party. And then have the Prime Minister who should be elected from the winning party and the Prime Minister should oversee the daily running of the government. in other words we are asking for power division between the President and the Prime Minister to avoid the issue of putting so much power on an individual.

Then the Nominated MP should be retained but their roles should be redefined. So far we see that they only serve their particular interest they are not serving of the people or their roles there.

Local Government: of late we have seen there is a lot of clash between the Provincial Administration and the local government. We really don't know their Jurisdiction clearly in the Constitution. We are saying that the local authority should be strengthened to provide services but otherwise is being provided to the Provincial Administrations, so the Provincial Administration is not really necessary. That is the local authority should take over. Then Mayors and Councillors should be elected by people they represent and we abolish the issue of Nominated Councillors. We really don't need them. The Mayors should be graduates we don't want to see who go there and misinterpret government policies. The Councillors should at least a form four O level certificate.

On Basic Rights: education, we also feel we should have free education from primary to O levels where the government should provide bursaries for these students where they are incapacitated.

On employment: Currently we have a very big issue where we see people who have retire are being re-employed yet we are seeing a lot of graduates professionals are lacking jobs. The government should also provide allowances for the unemployed who are professionals in their areas.

On health: This one goes to especially expectant mothers. Of late we have seen the villages we should provide mobile clinic to



help these expectant mother because life is being lost because of ignorance a lot we see.

On shelter and security: The government should come in and help these people it is kind of a cost sharing where they can make their bricks and the government can provide the resources such as people to make these houses - actually it helps these people enjoy a right to life.

Then we have the vulnerable groups and these include the women, children, youths and the physically handicapped. We feel that our Constitution should provide for them professionals should be taken to Parliament to represent these vulnerable groups. Issues of women owning land they should be allowed to own land and be empowered.

Physically handicapped, we want to see professional who understand already the problems facing these people. We don't want to see people who are actually not physically handicapped representing people who are blind - kind of. So it doesn't ----- her wealth. Otherwise thank you very much.

**Com. Riunga Raiji:** Asante sana Bwana Oluoch. Jiandikishe huko. Nelly Mecha. Start by telling us your name and your form.

**Nelly Mecha:** Okay. Thank you our Commissioners. Infront of you is Nelly Mecha, form 3, St. Mary's Girls' Takasis. About the Constitutional Review process, I have the following point. First is on education: Bursaries should be provided to students who are unable. Corporal punishment be maintained with consent from parents. New education system be introduced to reduce the content. ....should be provide in boarding schools to reduce education expenses. All technical subjects i.e computer should remain school syllabus.

Agriculture: Strict restrictions should be put on imports to safeguard local industries such as sugar, milk and many others. Imports of mitumba be banned as it kills our local industries.

Government system: There should be Federal system of government. This will ensure equal distribution of resources. Services can also be rendered easily to the citizens.

Interest of vulnerable groups: They are women, children, the aged and physically handicapped. We should provide professional ----- to represent these groups in Parliament. Issues on rape the offender should be jailed. Children labour should be discourages and any one found be prosecuted. Homes should be provided for the aged so as to help them.

Basic rights: Free medicine should be given to vulnerable groups. Hospitals should be equipped with enough drugs. Mobile clinics especially for expectant mother should be provided.

Representation in Parliament: Vulnerable groups should be represented in Parliament by professionals.

Farmers interest should also be represented in Parliament by farmers themselves.

**Com. Riunga Raiji:** There is a question for you.

**Com. Salome Muigai:** Thank you very much Nelly. Those were very focused points. You have said that farmers should be represented in Parliament by farmers but you have said vulnerable groups which you said include women should be represented by professionals. Does that mean women professionals for example men who are professionals on women?

**Nelly Mecha:** No, it means other women who are professionals so as to feature the rights of their fellow women.

**Com. Riunga Raiji:** Asante sana Nelly jandikishe huko. John Metto ambaye atafutwa na John Simwota Boro. John Metto yuko? Bwana Boro awe akijitayarisha halafu atafuatwa na Hillary Bwamwok.

**John Metto:** The Commissioners present, CCC members, the host, ladies and gentlemen. My name is John Metto representing Mendeichei location. I would like to speak in Kiswahili because it is very important especially in the community. Kuhusu marekebisho ya Katiba nchini katika utagulizi wa Katiba yetu lazima iweko wakiwa Wanandi ndio wananchi wa Kenya waliopigania uhuru na wakapigana na wabeberu miaka saba katika nchi hii.

Kuhusu kanuni za uongozi na sera: Uongozi waazishwe kwa kijiji yaani mtaa. Kuanzia Chief, DO, DC, Prime Minister hadi Rais wote wachaguliwe na raia has wazee wa mtaa wapewe mshahara.

Uwezo wa Katiba: Wabunge hawana uwezo kubalisha kila kitu Bungeni hasa kinacho husu raia kama ardhi au mali asili, maoni yetu kwa kuuliza raia na inayo husu serikali na wafanye hivyo kwa asilimia sitini na tano kote nchini.

Kuhusu raia: Raia ni mtu aliyezaliwa hapa nchini na wazazi wake ni asili ya Mnandi hpa nchini na desturi yetu. Mke aliyeolewa na Mnandi sharti awe raia wa hiyo familia – kumaanisha mtu yoyote aliyeoa mke kutoka nje lazima bila upigamizi kuwa raia hapa nchini. Na mke akiolewa na mtu hasiye raia wetu kamwe hawezi kuwa raia wetu. Watoto watakuwa raia wa nchi ya baba yake alipotoka. Maoni yetu ni mtu hasiye kuwa raia wa nchi mbili kumaanisha hawezi akawa citizens wa nchi mbili lazima hawe raia wa nchi moja.

Kuhusu ulinzi na usalama wa taifa: ni maoni yeut yawe juu ya Rais na serikali.

Vyama vya kisiasa: vyama vya kisiasa vina jukumu kuu kutekeleza shughuli za kidemokrasia na kuhamazisha umma. Ni maoni yetu ni tuwe na vyama vingi vya kisiasa vilivyo sajiliwa na vyama vijigharamie vyenyewe bali si kwa fedha ya umma. Usajili iwe huru.

Miundo na haina ya serikali: Kuhusu miundo na serikali maoni yetu ni tuwe na serikali ya Majimbo kusudi tuifadhi rasilmali ya kila Jimbo na tuwe na Waziri mkuu.

Kuhusu uteuzi wa Wabunge ni maoni yetu raia wachague mtu aliye na umri wa miaka ishirini na moja pia awe raia kamili wa nchi yetu aliyeitanishwa na baraza la wazee. Aliye na kura yake. Anayejua kusoma na kuongea Kiswahili na Kingereza. Alichaguliwa na chama chake.

Kuhusu wananwake Bungeni: Maoni yetu na yao ni wawe ni viti sawa Bungeni ama asilimia fulani kana Bangadeshi thelathini out of thirty, Tanzania kumi na tano out of two hundred and fifty five, Eritrea ten of one hundred and five.

Masharti ya ugombeaji wa kiti cha Rais maoni yetu ni yeye lazima awe raia asili wa Kenya.

**Com. Riunga Raiji:** last point you have run out of time but I will allow to just put your last point we will read the rest in the Memorandum.

**John Metto:** Rais awe na miaka thelathini na tano na zaidi. Awe na kura ya usajili, awe machaguliwa na chama chake. Kipindi chake kiwe ni miaka mitano na akifanya kosa ya opokeaji, uporaji wa mali, unyanyasaji wa watu sharti haachishwe kazi:

**Com. Riunga Raiji:** I think even the extra time I added you is over, but there is a question. Kuna swali kutoka kwa Commissioner.

**Com. Salome Muigai:** Asante sana Bwana Metto kwa maoni yako. Mimi nina swali moja kwako juu ya - umesema kuwa mtu Mkenya hat mwanamme akimwoa bibi aweze kuwa raia wa Kenya lakini bibi akiolewa na mtu wakigeni hasiwe raia wa Kenya. Je we waona Katiba ikipatiana usawa wa genes yaani kwa macho ya sheria. Kuna usawa kati ya mwanaume na mwanamke.

**John Metto:** Hakuna usawa hata kidogo kwa sababu aliye olewa na mtu hasiye raia wa Kenya hakuna sharti lolote lile ambalo litamfanya yule mtu kuletwa na kuingizwa kwa raia wa Kenya kulingana na desturi na mila zetu.

**Com. Riunga Raiji:** Bwana Metto ni swali kutifatia hilo la Commissioner mwenzagu kuhusu uraia. Umeonyesha maoni yako

kuhusu raia wa bibi na hata bwana yule ambaye ametoka mbali lakini sikusikia zaidi ukifafanua kuhusu watoto ambao wamezaliwa na hao wazazi wawili.

**John Metto:** Nimeguzia kwamba watoto wawe raia ya nchi babake alikotoka.

**Com. Riunga Raiji:** Hayo ni maoni yako na tunayaheshimu. John Simwoto Boro – bwana Boro utatuatwa na Hillary Bwambok.

**John Simwoto:** Wanatume wote, hamjamboni wote? Maoni yangu ni kwa ufupi. Mimi naitwa John Simwoto Boro. Neno langu la kwanza ni kwa Tume hii ni Majimbo. Ufisadi umezidi sana kwa sababu hakuna sheria ya kulinda maskini katika Kenya. Tanataka sheria iwekwe ya kulinda haki ya kila mtu. Kuna wengine wanayanganywa na watu wenye tumbo kubwa na huko ma-squatter wakiangamia. Wazungu walienda na mashamba yalibaki lakini yalibaki mikoni mwa watu wengine. Kila county council itatawala district yao na mali yao.

Kuna shiria ingine ya ma-chief na AP's hao utumia wananchi tuangamiza watu kushika pombe badala ya kushughulikia amani. Natana sheria kali inayoruhusu watu na kuwashughulikia na wengine kunyimwa kunywa busaa na chagaa na huko pia wanaendelea na bar ni sheria gani inabidi wengine wanyimwe haki yao?

Nataka hii sheria ya kunyanganywa watu mashamba tangu mwaka wa 1978 ndio hii sheria ya pombe ilipitishwa. Ha hakuna Rais ambaye atafuta sheria hizo mmejitisha hapa hata ikiwa ni nani. Nataka sheria ikipitishwa innapitishwa na kila mtu.

Mambo ya ma-chiefs na walida usalama. Tunataka bar zifungwe au pombe yoyote ifungwe watu wengi wanaangamia jela kwa sababu ya busaa na chagaa ba hiyo sio sheria.

**Com. Riunga Raiji:** Excuse me - tafadhali nyinyi mnaokuja kujeni kwa upole tuna-recorde kwa hivyo kilele kwa recorder hatutasikia manene yenu sawasawa. Tafadhali wale wanakuja viti ni vingi nafasi ni nyingi kaaeni kwa upole. Asanteni – needle mzee.

**John Simwoto:** Na tunataka Rais aende muda wa miaka kumi sio zaidi. Na tunataka yull mtu anadaiwa hata akiwa Rais akiwa ana deni awe akishtakiwa kortini kulingana na sheria sio hati mwingine ---- hati ni mtu fulani hati yeye ni tajiri. Wengine hawawezi kufikishwa mahakamani wakidaiwa ma-million ya pesa na huko maskini akidai pesa kidogo na fikishwa kortnini, kwa nini? Hiyo ya sheria ya kulind nani? Maana mimi ni mmoja wao nimenyenganywa shamba na ma-chiefs na DO, mpaka sasa shamba langu liko mikoni mwa shule na sijalipwa chochote tangu 1983 mpaka sasa. Na chief ameniweka jela mara nne bila hatia yoyote. Nimesingiziwa kuuza chagaa lakini nilishinda. Kwa hivyo tunataka muweke leo sheria ya haki na hukuna kurudi nyumba hii mambo ya kona kona. Tena tunatawaliwa na vyama mbili, Kenya ni demokrasia hhuko KANU inatawala

wapi na demokrasia inatawala wapi? Tunatana tujue tu tuko national au democracy. Tutuo demokrasia tuwe na Jimbo kila Jimbo lilijitawale na kila kabila ufuatae Mjumbe wao.

Kuna mashamba hii ya estate ingine wazungu lease iliisha 1999 na hatujui yako mikoni mwa nani na ingekuwa under county council ya Nandi. Kuna ADC, kuna ---- na wakora wamefaamia hayo mashamba na sio wa Nandi district ni wa district zingine. Na tunataka cess ya Nandi district urudi kwa county council ya Nandi district. Ni hayo tu.

**Com. Riunga Raiji:** Asante sana jilandikishe. Sasa tutamuita Hillary Bwambok ambaye atafuatwa na wanafunzi kutoka Metetei Secondary School mmoja nafikiri ni mwalimu Elijah Ndengende na Daniel Kiplagat.

**Hillary Bwambok:** The Constitution of Kenya Review Commission I have three points. My name is Hillary Bwambok I have three point to present. First, is the Electoral Commission: My views are that it should be not be appointed by the President and the ruling party but rather by Parliament. This will ensure that the Commission will do the work of running the election activities fairly but mostly the --- the party that appointed him.

Provincial Administration: The Provincial Administration should not be run from the office of the President and these officers should also not be appointed by the President. This should be done by Parliament, the Parliament as a whole does not have any self interest that it may have of the Provincial Administration. The Provincial Administration will be free to sack efficiently justly.

On Economy and the Infrastructure: The economy and infrastructure should be run by the private sector. The government will have a role of facilitating and regulating the economy. It will also deals with minerals which on completion will be privatized and left with the private sector for the purpose of repair and maintenance. The same goes to the telecommunication, power generation and supply and sewage systems and water supply.

I would also like that, the design of the currency we have should be maintained come any other party. There should be a provision in the Constitution that the design will be the same cannot be changed on behalf on any party. Thank you.

**Com. Riunga Raiji:** Daniel Kiplagat.

**Daniel Kiplagat:** Commissioners present, teachers, students, ladies and gentlemen. My names are Daniel Kiplagat from Metetei Secondary, I am in form four. I am here to present the views of the student from Metetei Secondary School. And first I would like to thank the Commissioners for allowing us to participate in this activity so that we can present also our views.

The students should be allowed to choose their career subject in form one so as to specialize on the subjects they are best at. The idea of bursary funds should be granted to the deserving students those students who are not able to pay fees and they are bright.

Their medical services should be provided. The schools should be considered and also the schools we have school dispensary to offer medical facilities.

Employment: In public offices there should be one man one job this is safer for those people who are learned and don't have jobs. This is to create job opportunities.

The law governing the cooperatives should be reviewed to favour the cooperatives which are almost collapsing. The system of --- capitalism should be encouraged in Kenya where one is allowed to invest as much as he or she wishes without government restriction. Thank you.

**Com. Riunga Raiji:** one question young man.

**Com. Salome Muigai:** Thank you very much Daniel for your very, very focused submission to this Commission. I have only one question for you. You said that students to be allowed to choose subjects in form one, but some students come from primary schools not having done very well sometimes in Mathematics and by the time they are in form three, they become very good and they even want to become Mathematicians. Do you think we should give them a bit of time so that they are able to sign the syllabus of secondary which is a bit different from the primary one?

**Daniel Kiplagat:** I think like Maths and there some subjects which are compulsory like Maths and some sciences so I think if we choose in form one the student is able to specialize on those subjects that he thinks he is better of.

**Com. Riunga Raiji:** Martin Cheruiyot.

**Martin Cheruiyot:** Jina langu ni Martin Kiplagat Cheruiyot. Mimi nawakilisha Africa Inland Church. Nafikiri yangu nimeandika na ningependa tu kunguzia sehemu moja yale mengine mtaweza kuyasoma. Na sehemu ambayo nitaguzia ni sehemu ya haki ya mtoto. Na kati ya haki za mtoto ni sehemu moja tu nizaguzia. Kuna watoto ambao wamezaliwa nje ya ndoa au wengine wanasema watoto wa kambo, wengine wanasema illegitimate child, sehemu hii ndio nataka kuguzia sana. Ya kwamba mtoto yoyote ambaye anazaliwa na hali baba yake mzazi amepatiaka, hii iwe jukumu ya mzazi baba kungalia ya kwamba huyu mtoto amelindwa vilivyo. Jukumu hii imekuwa ya mama miaka mingi sana na bali sehemu ya mtoto wamekosa kuangalia sana. Kuna wototo wengine wanaweza kuzaliwa na wasiojiweza na wale watoto wana baba lakini kwa ubaguzi wa kimila na ubaguzi wa nchi ya Kenya wamewacha juku hii kwa mama. Nikiwa Mnandi ningependa kusema ya kwamba katika Baringo, Elgeyo, West Pokot, Marakwet na -- mtoto anapozaliwa ni wa baba kimila. Lakini hapa Nandi na Kericho ndio wenye ubaguzi. Kwa

hivyo ningependa kusema kwa hii Tume ya kwamba mtoto anapozaliwa kama tunaweza kujua baba yake ni nani afuatiliwe vilivyo kwa sababu watoto hawa wako kwa streets wengine ni wa Ministers, wengine PC na watu wenye tumbo kubwa, kubwa.

(Laughter)

Kwa hivyo iangaliwe ya kwamba mambo haya yameangilwa vizuri kwa sababu kuna wengi ambao wanahangaika kwa ajili hii. Basi, Nikienda kumaliza ni ya kwamba vyeti vya utambulisho ya kibinafsi hapa Kenya si vyema. Tuna cheti cha kuzaliwa, tuna kipande, tuna PIN, na tuna passport. Na vyeti hivi mara nyingi vimeleta mapendeleo kwa mfano mtoto ambaye amezaliwa katika street anaulizwa baba yako ni nani? umetoka location gani? Ulizaliwa mwaka gani? Na wengi wameagamia kwa ajili ya hii, wanambiwa hawawezi kuwa Wanakenya kwa sababu hujulikani anakotoka. Kwa hivyo tungekuwa tu hata na vyeti viwili tu, pengine tuwe na PIN na tuwe na passport.

Jinsi ya kukabidhi watu license ya kupeleka magari hapa Kenya ni duni sana na imelete ajali nyingi sana hapa Kenya. Kwa hivyo binu mpya itafutwe isiyo ya ufisadi jinsi ilivyo wakati huu. Watu wengi wamekufa kwa sababu magari yanaendeshwa na watu wasio ritahili kuwaendesha.

**Com. Riunga Raiji:** Kwa sababu Bwana Cheruiyot inaonekana wewe ni mzee kidogo unakubuka hapo zamani tulikuwa na sheria inaitwa Affiliation Act ambayo ilisema kwamba mtoto akizaliwa nje ya ndoa ni jukumu ya baba yake kumtuza mpaka hawe miaka kumi na nane, ungetaka tulilete sheria hiyo au sheria kama hiyo?

**Martin Cheruiyot:** Yaweza kuletwa hivyo lakini bora jukumu hiwe ya baba. Akiweza kulida kwa miaka kumi na nane ni sawa lakini ni sharti hawe kutoka hule ukoo ataji-identify kama mtu wa hule ukoo.

**Com. Salome Miugai:** Na mimi pia nina swali kuhusu hilo swali kwani limeleta – kila pahali penye tunaenda katika hii nchi hilo swali linakuja na ningetaka pia kuongezea sio Wanandi peke yake hata huko Wakikuyu pahali mimi natoka pia mtoto anawachiwa mama. Kwa hivyo kuna watu. Mimi swali langu ni hili ni kule tu kulea mtoto ama pia hata huyo mtoto hawe na urithi vile unasema awe na urithi wa kujitambulisha lakini pia wa hali na mali ama unataka tu mtoto aliwe vile Affiliation Act ilikuwa inasema hata baba anaweza kupeleka pesa kortini? Ama ni achukue jukumu yake ya ulevi kuwa hata mwalimu akiwa na parents day naye pia awe ni mzazi huko? Ama unataka tu atoe pesa vile kama Father angepata mtu mwenye ku-sponser halafu hako Uingereza anatuma pesa kila mwezi ama ni jukumu gani ungetaka iwekelee kwa kuwa baba.

**Martin Cheruiyot:** Irithi wa kwanza uliomkuu kuliko yote ni sehemu ambako mtu anakotoka. Urithi wa kwanza huwe ni ukoo na yale mengine elimu na kadhalika lazima ihakikishe ya kwamba imefanywa kwa mapendeleo ya mtoto kimila na kadhalika lazima ifanywe kuambatana na sehemu ambayo ametoka – kwa ukoo, kwa hivyo ni sharti hawe baba kikamilifu.

**Com. Riunga Raiji:** Okay, asante sana jiandikishe huko. Francis Koech ilitaka kuzungumza, karibu.

**Francis Koech:** Asante sana naitwa Francis Kipkenet Koech. Commissioner pole kwa vile mlipoteza mwenzenu Dr. Oki Ombaka. Kwa vile mmesema hapa hakuna siasa so the aim of the Constitution is to collect views from the public. The position was one time from the Auditor General that members of public have decided to be Constitutional --- organized.

Term of Parliament: half of Presidential election MPs also should be limited by the Constitution to three or two terms of five years each. This will enable them to be transparent, accountable to the electorate list they think that they are indispensable. I don't know whether I can use Kiswahili kidogo. Wengine wanafikiria hawa MPs hatuwezi kufanya bila wao. Now wakati Parliament Service Commission as an employment agency now terms of MPs in Parliament should be strictly controlled. Now this will give us entering Parliament these days in the modern Kenya is preserved for the rich. Now the youth salaries and benefits could not allow one may be even to go away for a second on that coordination - Young Tusks. To ease the ice in this meaning young turks age should be limited that is from 18 and 65, never again to think to contest Parliament.

On appointment of public service and Presidential: this is mainly one the senior ----position. It should be stated President shouldn't pick anybody else from street and make him an Executive Chairman for a body or anything else. The age on the public service should be strictly observed that is be 3 years continues service. This will give us or will not give us side terminologies as it was introduced more recently by the government that is there is a golden handshake which actually doesn't exists, you don't have any golden except its is poverty handshake.

The Act as we know with authorities they don't last terms they give something like excitement. Faithful term only comparable to AIDS and I think when you are a Kalenjin what actually AIDS is or retrenchment could be. Hopefully retrenchment come about because of poor planning from the policies of government the aim may be punishment by God to human resources. All these things – poor planning I have said, early retirement, give na example of one that is retired and only ---

**Com. Riunga Raiji:** I think Bwana Koech ungetusaidia sana kama ungetupatia mapendekezo kuhusu hayo mambo unataja AIDS and hayo mengine na poor planning. Recommendations to that they can help us in writing the Constitution.

**Francis Koech:** Okay, my opinion was on appointment on public service on Presidential the thing is retrenchment come about because of poor planning. I had said may be is only comparable to AIDS the way it is actually we don't know what it is but I think may be to --- punishment to human race.

Presidential appointees: Parliament should be given full powers to veto this, I had said so, may be some other characters of dubious knowing could be made in the government. For other gains we see in offices that even those who are veterans over hundred years are still appointed in government offices. So veto in this will help.



On Presidency, Constitution Review Commission is to constitute impeachment that is the city President or any other should be taken to court either on criminal corruption on human rights abuses. This should not be allowed for one to say in office and then these things come up later.

The extension of Parliament, if there is any by the way it should not be done. If given some sources Kenyan night labourers earn a lot even compared to the former colonialist and the -- is Kenya is said to be earning something to do with 79,000 pounds a year, dollars -- year that is in K.Shs 900,000 one month or ten million eight hundred thousand a year. Now with all this revelation what will a country poor like Kenya in an economy in tatters poorly whereby sent say 60 population say 60 population leave under one dollar a day that is simply 75 shillings or less a day now compared to what MPs are earning. See on the first instance of retrenchment and early retirement could that nine hundred thousand a month for a day could be – before retiring civil servants who have worked for forty years.

**Com. Riunga Raiji:** You last point time is up.

**Francis Koeh:** My last point is, politics -----and of course there is more is when they close the doors what do you think Kenya .....it is worth now to see Kenyans suffering from all these. I still have one to clear pleas if you will excuse me.

**Com. Riunga Raiji:** No we will read the Memorandum and we said at the begging that please when you come here don't read the Memorandum because we will read. Just give us the highlights of the main points. Yale mapendekezo muhimu kwa sababu Memorandum mnatupatia na tutazisoma sisi wenyewe na tuitumie kwa kurekebisha Katiba. Kwa hivyo saa yako imeisha tutampatia nafasi (interjection) no, please we will read the Memorandum. Actually I have given you eight minutes. (interjection) Joseph Biwott is next akifutwa na David Tenai. Please five minutes just observe time you can see the hall is full na kila mtu anataka kuchangia.

**Joseph Biwott:** Asante sana Commissioner. Mimi ni Joseph Cheruiyot Biwott natoka Tinderet forest. Nawakilisha jamii ya Ogiegi ambao wameishi msituni kwa miaka mia tatu. Nishukurani siku ya leo kwa sababu --

**Com. Riunga Raiji:** Ngoja kidogo Bwana Biwott. Tafadhali ndugu zangu na dada zangu tunyamaze kidogo tusikilize wale wengine kwa sababu ukipiga kelele hata sisi tutakupigia kelele wakati utakuja hapa kwa hivyo tuheshimiane. Asanteni.

Joseph Biwott: Asante sana kwa Katiba ambayo iliundwa hapa awali jamii ya Ogiegi hawakuusika kwa hivyo ningependa sana maoni ya Ogiegi ambao mimi niko hapa kwa niaba yao wawakilishwe. Wazungu walipoingia hapa walipata jamii ikiwa ndani ya mtitu na hawakuweza kuwasiliana na wao kwa sababu hao watu walipenda kuishi ndani ya msitu. Walikuwa wanakula nyama, walikuwa wanakula asali sasa hawakuweza kuwasilina na Tume ya hapa awali. Kwa hivyo siku ya leo nina furaha sana

hapa ingawa tutapeana nakili zetu na mtaniwia radhi.

Ogiegi community should be coded as one of the Kenyan tribes. We the Ogiegi have been living in the forest since time in memorial. We treat the forest as our home. We had allocated ourselves forestland according our clan system at a total of two thousand acres per clan. Since this is unattainable today we demand that we should be allocated fifty acres of land per family within the forests w are living in our respective forest. Today Ogiegi leave in various forest point of not interest at Kipkurere yaani at Kipkurere forest in Uasingishu, Sigalo ni Uasingishu district, Selegon forest in Nandi district, Tinderet forest in Nandi district, Tendeno forest in Kericho district, Malaget forest station in Kericho district, Soget forest station in Kericho district other Ogiegi people living forest in Nakuru district. We have fear not Tenderet would like to be settled at one place so that our traditions are kept intact.

Forest is a natural resource and it is important to our country. The destruction of disafforestation of indigenous forest has affected greatly the lakes of Ogiegi people to the settlement of the community especially in the planting of the exotic trees.

The government should pay schools and educate our children and provide other social amenities.

In the countries leadership and administration, Ogiegi people were not included in such arms as the Legislature. This Constitution should ensure and other minority groups are within the government role provision for special seat for Parliament, Councillors and even in Provincial Administration. In the Kenya today nearly all tribe except Ogiegi have a district. We want a district like other Kenya's tribes. The district should bring in all areas that the Ogiegi leave. Ogiegi leave in North Tenderet forest and Mau forest. The district has two Constituencies one called Mau forest and the other North Tenderet Constituency. Ogiegi people be given an air time in the local broadcasting station e.g. KBC Kisumu.

Education is competitive hence the poor communities like Ogiegi do not do well because of poverty. We therefore propose that small tribes be given a special consideration in a view of uplifting our nation. Thank you.

**Com. Riunga Raiji:** Asante sana. Tafadhali jilandikishe hapo na nilikuwa nimemuita Bwana David Tenai. Karibu David.

**David Tenai:** The Chairman, the Commissioners present my names are David Tenai – Chief Tenderet location. I am going to give remarks concerning the administration. The Chiefs Act: I am for the view that the Chiefs Act be maintained and be strengthened being the backbone of the administrative law of Kenya established in 1937. The Act should --. Chiefs officers should be instilled by the government and vehicles be provided. There should be provided with vehicles for easy mobility – that's why these vehicles I have said should be for easy mobility and for the work to be carried on effectively and promptly if not car allowances be given to Chiefs to enable them buy their own vehicles to assist them in their work. Chiefs should be trained also on matters of the science to enable them man the AP's you will agree with me that currently Chiefs are supposed to have

Chiefs camps where there should be AP and I don't know how a Chief will manage the AP's without having known the techniques of fire arms. That is all concerning the Chiefs Act.

I am for the view that the nursery schools in education: all teachers from pre-schools should be trained and be employed by the government just like the P1 for standard one to standard eight. They should be trained and the minimum age for children to go to school should be raised to five years. Because I remember I started school at the age of seven so that is my view. Any question on that? Thank you if there is no question.

**Com. Riunga Raiji:** Okay, you have declared that there is no question. There was a question before your declaration Chief so can you come and answer it.

**Com. Salome Muigai:** Bwana Chief kunaonekana kama kuna Act ingine hata ya Commission Act yenye inaniwezesha kukuliza swali. Kila pahali penye tumeenda tumeelezwa na wananchi kuwa wangetaka kuwachagua Chief wao. Hili hao Chief wawatumikie wananchi wakijua kuwa wako chini ya wananchi ya wao ni watumishi wala sio wakubwa wa wananchi. Ningetaka tafadhali uchagie kidogo juu ya hilo pendekezo.

**David Tenai:** Asante sana Commissioner. Nafikiri hapo haitakuwa sawa kwa wananchi kuchagua Chiefs kwa sababu atatumikia wale ambao wamemchagua. Halafu wale wangine atakuwa na mapendeleo so I am of the view that the Chiefs should not be elected by the public but if there is any need they should be answerable to the public. But they should not be elected by the public. Hiyo ni maoni yangu.

**Com. Riunga Raiji:** Bwana David. Kuna swali lingine. Umesema kwamba Chiefs Act lazima afanye iwe na nguvu zaidi, nikasikia kwamba ukitaja Administrative Act something like that. Sasa unataka ingeuzi jina iitwe Administration Act badala ya kuitwa Chiefs Authority Act.

**David Tenai:** It should not be Chiefs Administrative Act – Chiefs Act the word authority should not be there.

**Com. Riunga Raiji:** No I am asking would you like to have it be known as Administrative Act instead of Chiefs Act.

**David Tenai:** It should be changed to Administrative Act and be empowered which means it will cover other Administrators not Chiefs only.

**Com. Riunga Raiji:** Then another one. Umesema kwamba ma-chiefs lazima wafundishwe to handle what officer hold, wafundishwe. Na ninasikia kwamba ma-chief wanaenda Embakasi na wanasome hiyo na tena wanakubaliwa wakikaa na askari wanatumia bunduki, sasa unataka kupendeza nini kwa hii new Katiba hili tubadilisha ama tufanya mambo yawe mazuri ya

vile yalivyo?

**David Tenai:** Kwanza niliema ofisi zao zijengwe na serikali. Halafu wakienda Embakasi they should be trained to handle fire arms. Currently most Chiefs are not trained on firearms even those who are within here they are not trained on firearms. So I am saying they should be trained all of them.

**Com. Riunga Raiji:** I think you have made your point Chief asante. Jiandikishe hapo sasa. Imelda Wamalwa.

**Imelda Wamalwa:** the Chairman, the Constitutional Review Commissioners - I am Imelda Wamalwa. I would like to present my views on behalf of St. Mary's Takasis Dispensary. We are proposing that medical people should be insured since it looks like the environment we are working we are so much at a high risk.

We are also proposing being people working in Non-Governmental Organization there are many things that we are denied for example some allowances like medical allowances, risks allowances and so forth. So we requesting that if possible the government should take this issue into its hands so that it is controlled and -- everywhere, because we have discovered that even some of these NGOs organizations most of the employees are underpaid.

In our communities we have discovered that our elderly people are dying at a very high rate. May be because of poverty, they are vulnerable to diseases and may be there sons and daughters have also gone out to look to their daily bread. They are somehow not looked after properly. So we are proposing that the government allows free treatment to elderly people at least who is above 60 years.

We are proposing that the government should actually look into proper control of drugs, because we have discovered in our pharmacists in different parts of the country are selling sub-standardized drugs which are of poor quality and some are even expired. Like of us in such health units we get drugs from a body called MEDS. And this MEDS buy drugs from manufacturer then this drug undergo some blood tests to qualify that they are good drugs and high-standardized drugs before they are sold to us to be used and taken. But MEDS reports to us that sometimes some of these drugs are of poor quality and sub-standardized drugs so they reject them. So a dilemma is left as to who these drugs are sent to. so they concluded that these drugs must be sold to different chemist in different parts of the country and thus being sold to patients who are allowing them to use and that the end result are some of these drugs patients are resistant to these type of drugs and so forth. Yet in the first place they are not good drugs.

The quarks: quarks have become a major problem to us in the community, because it looks like more patients starts going to quarks first before they go to health units. And as a result they are mismanaged, they are given improper treatment may be expired drugs or may be using unsterilized equipment which are not proper for their health. So we are suggesting that the

government should try the level best to eradicate these quarks so that the patients will go for proper treatment, proper diagnosis, proper dosage of drugs, proper sterile equipment and the right personal at the health unit. Thank you.

**Com. Riunga Raiji:** Asante sana jandikishe hapo. Father Kigen, halafu utafutwa na Honourable Barngetunn.

**Father Kigen:** Our Commissioner here present – my names are Father Thomas Kigen of Takasis catholic Mission. I have a few point to present. If you ask any Kenyan today to tell anything about the Constitution of Kenya you will be surprised to know that they may only know of the so called 2A. if you ask them about laws or the commandments of the church they tell every thing by heart. So I am proposing that the Constitution of Kenya should be taught in secondary schools, in colleges, in universities and in any other institution of higher learning so that Kenyans will be able to know their rights. Kenya should be able to defend their rights. Kenyans should be able to say this is our country and these are our laws. So here I am seeing a big problem, that we have ignorance.

We are leaving here in Tinderet with people with disabilities in Takasis we have children with physical disabilities. And when you look around in Kenya you will discover that very little has been done cater to people with disabilities. So I am proposing that all buildings in Kenya any new building which will be built now with this new Constitution should be built with consideration of people with disabilities. Whereby all people with disabilities will be able to have access to any of these building – storey building, schools, dispensaries and also roads should cater for people with disabilities. We are talking of people like deaf people when they are crossing the roads of Kenya today we know people who have been knocked down as a result - because they cannot hear vehicles moving here and there. So there should be way and means of catering for people with disabilities. People with disabilities should also get access to free education. People of Kenya have been raising a lot of money – there is a lot of money which has been raised for education, but I am proposing that a big share of these money should cater for people with disabilities. So they get free education and also free medical care because in most cases these are people who are actually neglected.

We also have a lot of facilities in Kenya today catering for people with disabilities either by different churches and NGOs and even the government. But we find that there are a lot of parents who are still hiding these children in their villages so there should be in part of the Constitution to make it mandatory for every parent to ---- these children that means to bring these child to the public to the landline to be assisted.

Religion itself: we find that we have a lot of religious organizations mushrooming in Kenya and a lot of these religious organizations mushrooming in Kenya today are taking the advantage of the ignorance of our people. They come, they declare themselves as preachers, Bishops I don't know and they collect a lot of money from our people and then they disappear, so the new Constitution should cater for that. That means if any new religions organizations set up they should be vetted and seen whether it is really necessary or its not a duplication of the already existing religious organizations.

Land: Kenya is a country blessed with a beautiful land, but this land is owned by very few individuals. We have a lot of people who are landless, we have a lot of people who are squatters. But you see those are people who continue grabbing public land despite the fact that they already own thousands of acres or hundreds of acres. So it our view that it should be stopped in the new Constitution whereby anybody who has grabbed public land that land should be reposed and be given to the needy. Be given to those who are landless, those are really poor in terms of acquiring land.

Sponsorship of schools: Most of schools in Kenya have been built by many different churches and then eventually they were kind of interfered by either the government or any other political forces. So it is our view that the new Constitution should guarantee the work of the sponsor, the worker which the sponsor has done and the role of the sponsor.

Forest land: We are ending for a disaster in this country. Very soon Kenya will start importing timber, we might even importing water from other countries so its my view that the existing forest land should be taken care of and that no forest land should be sub-divided or be allocated to any individual. Thank you.

**Com Riunga Raiji:** Question Father.

**Com. Salome Muigai:** Asante sana Father Tigen kwa maoni yako mazuri. Mimi swali langu ni moja umewatetea sana watu walemavu na kuwa ni lazima wafikie mijengo yote yenye itajengwa. Umesema yenye mpya iwezeshe hawa kuingai na kutoka na je yenye tatari imeshajengwa kama makanisa mengi, shule na mijengo mingi yenye tayari iko na watu walemavu bado wako nasi. Ungetaka kupendeka hii Katiba ifanye haje ama iwape watu muda gani ili waweze kuyatendeneza na kuyarebebisha ili kila mtu aweze kuinga.

**Father Tigen:** Tukiona mijengo yetu nyingi ni mijengo amboyo tunaweza kurekebisha. Kuna makanisa mengi amboyo sio ya gorofa, tunaweza kutendeneza angalau mahali ambapo mtoto akiwa na wheelchair ama mtu mzima akiwa na wheelchair anaweza kuinga kwa uraisi. Kwa hivyo hata ukiangalia shule zetu sasa, ukiangalia maofisi tunaweza kurekebisha. Kwa mfano labda ofisi ya kama District Commissioner ama zile ofisi watu wengi wanaenda sana wasikae kwa orofa ha juu wakuje chini. Halafu zile ofisi zingine kama za fiannce ambazo watu wengi mara kwa mara zinaweza kupelekwa huko juu. Kwa hivyo naona ya kwamba inawezekana.

**Com. D. Ratanya:** Kuna kuhusu mambo ya sponsorship kwa mashule. Umesema kwamba mambo ya sponsorship iangaliwe vizuri na unakumbuka vile kulikuwa zamani. Tunataka turudi pale tulikuwa kwa mashule yale yalikuwa ya makanisa under church management kama zamani that is before may be 1967 or so ama unataka equipment ifanye gani turudi pale zamani tulikuwa ama Katiba mpya unasema isaidie kwa njia gani ya protection ya sponsorship. Kwanza kuna mashule ambayo ni private ambayo ni owned by the organizations, NGOs, churches and forth Constitution pia I-guarantee hiyo vile vile. Lakini a vile vile iangalie ya kwamba zisiwe ni zile shule za ku-exploit wananchi. Lakini kama zile shule ama institutions za kusaidia

wananchi basi hiyo iwe guaranteed.

Constitution hii mpya I-guarantee ya kuona ya kwamba hii interference. Hile ilikuwweko zamani ilikuwa sawa lakini badaye kuliwa sasa na interference either politicians wenyewe ama watu wengine ambao walikuwa na self interest. Kwa hivyo kama vile ilikuwweko hapo zamani na tu-guarantee that ile shule ambayo inajengwe ama imejengwa tusi-abandon ama kutupilia sponsor nje as if he never did the job. And imagine now a school like this or any other schools which have been filled by the sponsor and then from nowhere somebody and says now sponsor out. That is also a point.

**Com. Riunga Raiji:** Asante sana Padri. Tulikuwa tumemuita Mheshimiwa Ezekiel Barngetunn.

**Hon. Ezekiel Barngetunn:** Chairman, Commissioners na member's wote. Maoni yangu ni matatu. Ya kwanza ni mambo ya Majimbo. Hii ningetaka kusema Majimbo iendeshe katika Kenya kama nchi zingine. Maana watu wengi wakisikia Majimbo wanafikiri ni kabila ama ni sehemu ya watu fulani lakini ni kuweka mpaka wa kurekebisha maendeleo katika nchi. Siku nyingine nilitembea huko America, na nikatembea nchi zingine nikaona kuna Majimbo na Majimbo hiyo kuna mchanganyiko wa kabila sio kusema Majimbo ni Wakalenjin au Wanandi peke yao. Majimbo ni kuweka marakebisho ya maendeleo. Kwa hivyo ingefaa kwa sababu naona katika Kenya ambaye haina majimbo vitu nyingi imenyanganywa kama mashamba, kama plot ya Matunga, ukiuliza unaambiwa imepewa watu na local government. basi tunasema anatumia katika central government inapitishwa na Commissioner wa land. Commissioner wa land inasema hiyo shamba sio ya hapa. sio ya hiyo area hiyo ni ya central government. na ningetaka kuuliza hii ni central government gani? Kuna watu wa hapa wanataka kuendesha maendeleo yao sijui Commissioner atatoka huko Nairobi kuja kuendesha biashara hapa na anajua biashara gani hapa? ndio nasema Majimbo hiwe nikipatikana na maendeleo iwe karibu. Hiyo Ndiyo maana ya Majimbo ninataka katika Kenya.

Nilienda Uingereza siku nyingine ----- nikaona town kana Nairobi sio mayor mmoja kuna Mayor karibu ishirini wanasema Mayor huyu ni wa region fulani, wa Majimbo fulani akija tunasimama - Mayor amekuja wa Jimbo fulani. Kwa hivyo hii Kenya, mayor mmoja katika Nairobi nzima, Kenya nzima amefanya kazi gani? Hata amaharibu city, hajui kutuza ni kama hii ardhi. Nilisema hayo ni mambo yangu ningetaka Commission iweke katika Katiba maneno ya Majimbo na kueleze watu kimalifu maana yake.

Education: Hii education mimi naona katika Kenya sio nchi zingine sio kama sisi tunaingia secondary school kama hii ni general education. Na general education hiyo kuna watoto wengine wanapita katika general education na subjects nyingi sana. Na hizo subjects hawezi kufanya nazo kazi, baba yake analipa fees ya hasara. Maana huyo mtoto atakwenda ku-specialise kama anaingia university na one subject. Na imeumiza mtoto kufanya general education ambayo haina maana. Kwa hivyo ningetaka shule kama hii iwekwe special subjects za shule hiyo ndio mtoto akitoka secondary school ingine anasena anaenda Takasis kuchukua special education. Haya maneno yangu ningetaka Katiba yya Kenya itengeneze kama nchi zingine.

Ya pili, ni sponsor na private schools. Mimi naona sponsor lazima Commission ikiwa sponsor kama catholicipewe uwezo wake kuendesha bila interference ili ikiwa kuna weakness tunalahumu hiyo ofisi. Isitoshe iwe huyo missionary akichagua watoto asiringe akisema tunataka ya Catholic au ya AIC peke yake. Hiyo padri hawezi kujua huyu mtoto ni mamunifu kwa kanisa aina gani, pengine yeye ni mkora, pengine awachague watoto na kuwafunza na kuwafunza njia ya kidini bila mapendeleo. Hiyo Ndiyo nilikua nasema kuhusu education.

Ya mwisho, mimi ninaona mambo ya agriculture ningeona Commission isaidie wakulima, tunazunguza kwa nguvu tukisema land ni nzuri lakini hakuna serikali ku-support biashara za wakulima kama hivi vitu vingine. Nilienda nchi ingine kama Canada, niakaona wakulima wanasaidiwa na serikali kwa kutafufuta baishara, na kutafufua zile crops ambazo zinapandwa umu nchini kwa hivyo katika Kenya kila mtu anajitengemea lakini watu kama wa area hii ni nani anajua hii crop inapenda hapa na hii. Ninaona katiba ingesaidia kwa sababu mapato ya serikali katika nchi hii hatuna diamond, hakuna vitu vingine ni wakulima – agriculture. Tunaona watu wengine wanachaguliwa watu kana Minister ambao wako-specialized kwa Engineering anakuja kuwa kwa agriculture anafanya kazi gaini huyu mtu? Nikimuambia panda miwa hajui na yeye ni Minister wa Agriculture. Bwana Commissioner sitaki kupoteza wakati hiyo Ndiyo ilikuwa maoni yangu.

**Com. Riunga Raiji:** Kuna swali Mheshimiwa asante sana umejaribu kuchunga saa isipokuwa umezidi kidogo.

**Com. Salome Muigai:** Asante sana Mheshiwa kwa maoni yako. Kila pahali penye tumeenda katika upande huu wa Rift Valley tumepata maoni tofauti na kwa jamii tofauti juu ya serikali yenye tungetaka. Jamii wengine wametuingia wangetaka Majimbo, jamii wengine wamesema hawangetaka Majimbo kwani wameona vita na shida hata bila Majimbo wakawa na uonga kuwa kumefanyika hivi bila Majimbo je, kukufanyika Majimbo tutayaona yapi? Wewe ni mzee umeona mengi, wewe ni kiongozi umeongaza kwa wakati mrefu, umekula chumvi nyingi tafadhali tutumie uchuzi wako kutuonyesha vile tutaweza kuwajulisha wakenya wote, kuwa tukichagua upande huu wa selikali tutawalinda kila mtu haki zake kwa njia hii. Tukichagua upande huu tutawalida kwa njia hii.

**Hon. Ezekiel Barngetunn:** kitu moja mimi ninaona watu wengine na nilikuwa nimesema. Watu hawajaelewa Majimbo ni nini kwa sababu ya ignorance na hawajatenea maana ya Majimbo. Wazungu walikuwa wameweka Majimbo mbeleni ambayo ilikuwa Majimbo ni province, lakini vile alitumia alitumia kwa njia baya, kwa maana aliweka majimbo pamoja na akaunganisha na Central government kwa mahitaji nyingi. kwa hivyo sasa Majimbo ambayo tunataka ni Majimbo ya kerekebisha maendeleo na kulinda vitu vyao na kufanya marekebisha ya mapato, kuliko mapato ambayo inataoka kama forest yetu hapa inapelekwa kwa central government ni vizuri kusaidia huko central. inapelekwa huko na watu hapa wanataabika na kuna kazi hapa. kuna majani chai inapelekwa central au inapelekwa ----- na majani chai inatoka hapa. hiyo Ndiyo maana ya Majimbo.

**Com. Riunga Raiji:** Okay asante mzee kwa maoni hayo umetoa. Tafadhali ujiandikishe hapa. sasa tutaita Bwana Julius Kirwa abaye atafutwa na K.K. Sang. Julius Kirwa huyo? Karibu. Bwana Sang awe akijitayarisha pamoja na Joshua Chepkwony na



Michael Kieni.

**Julius Kirwa:** Thank you Commissioners. I have only one view to present. My name is Julius Kirwa. Judiciary: in my view I would like to see the Judiciary being an independent body apart from being political. In some cases as you have seen Judiciary or Judges that is being interfered with by the politicians so that their work cannot be seen.

The Attorney General should not be appointed the President but should be in office under his or her qualification and approved by the Parliament. Thank you.

**Com. Riunga Raiji:** Asante sana jaindikishe. K.K. Sang', Joshua Chepkwony awe tayari.

**K.K. Sang':** Thank you very much Commissioners and the members. I am here representing the Kenya National Union of Teachers and also have my own views. My view is based on education: the Constitution should guarantee free universal and primary education from standard one to standard eight with full government funding.

Local authorities: County councils and municipal councils to sponsor all public schools. Private sector to run and maintain their own private schools to get rid of school problems associated with sponsorship.

Local authorities to train and hire nursery schools teachers. You realize that we are using a lot of resources in primary schools especially coming to standard eight and even the university but we have ignored the nursery schools. Most of our nursery schools are taught by primary school leavers who are either failures or have not had a chance to secondary schools who may not necessary have technical training on how to handle education.

Curriculum planning an education policy be managed by Director of education without political interference. This is a technocrat in his area of operation and we believe if handed to him this will be better.

More resource distribution be transferred to the local authorities so as to meet education needs.

Raise minimum education standards of Councillors to form four and Chairman county council be a graduate. A Mayor also to be a graduate to cope with the arising needs. On top of this the members of the Provincial Administration the Chiefs, the Assistant Chiefs should also have a set standard of education not necessarily taking anybody to come and enter office. On top this also there should be a common training for the Provincial Administrator the government should have a proper plan on how to adopt. That is for example for someone to become a teacher the government has a plan to train teachers to be absorbed in future. We should also have a plan of training the Chiefs, the Assistant Chiefs in order to manage the administration well. Other include the following.

The trust land be transferred from central government to local authorities for efficient use and management in respect of economic use and fair distribution if necessary. You realize the cutting of forest to people who may not necessarily be resident in the area that the forests are situated in. on top of these I do have also the following.

On Constitutional supremacy: That the Parliament role shall be to enact laws only after conducting the general public or respective grouping affected by such laws. That the Parliament should seek to ensure total enforcement of all laws by the Review Commission be established at Constituency levels when such review is ---- necessary.

The structure and system of government: That the Constitution provides for a next power sharing between the central and local government – more powers to be transferred to local authorities with MPs as Ox- folio member. This is because Councillors being with the citizens on daily basis are better placed to accept the needs of their people than the central government given more mandate over resource, management they can adequately deal with provisions of people in areas of health care, education, infrastructure development and agriculture. I think more is written so I will just forward it to you. Thank you.

**Com. Riunga Raiji:** Asante sana Bwana Sang'. Just a minute for a question.

**Com. Salome Muigai:** Thank you very much Mr. Sang' for your contribution. My question is that, you have said that trust land should be transferred to local government. everywhere we have gone there has been major, major complains about how Councillors are part of the main grabbing force of plots, area for schools, areas for the roads, -----areas. So what do we need to do to ensure that this local government we are not giving them even greater chance of plan to grab. Are we talking about the local government as we have it now or are there something we need to put in place to ensure that the local government does not grab the land that we give for custodian purposes.

**K.K. Sang':** First of all the grabbing of land by the local authorities could not even necessary have been their intention. You realize that there education standard they can have been used either due to ignorance, they are not aware and therefore someone somewhere manipulates them they end up finding documents they are not aware that is why I was saying let us raise their education standards.

Secondly, the Board of Trustees in the land should be transferred up to the district level so that if anything wrong is going to happen the wananchi within the reach of these people so that we all the time at a range to monitor them. Thank you.

**Com. Riunga Raiji:** Okay asante sana.

**K.K. Sang’:** I only had one point on the appointment of Ministers and I beg for one minute. That the Ministers should be appointed according to their qualifications and this should be done by Parliament so that the Parliamentarian will be aware who is better than who to handle what. Thank you.

**Com. Riunga Raiji:** Thank you very much for that important point. Joshua Chepkwony. Michael Kiyeny.

**Joshua Chepkwony:** Thank you very much to this opportunity. My name is Joshua Chepkwony. First of all I would like to take this opportunity to convey my condolences to you the Commissioner for having lost one of you. My first point is touching on Executive: The President when he or she dies I propose the Speaker of the National Assembly to take over the government for the 90 days which is being given to the Vice President of the republic.

National broadcasting of Kenya should not be partisan should serve all the political parties which are there.

The Public Land Act should be under the care of the Nandi county council or to the local authority. All workers should be treated equally from cleaners to professionals not a matter of others given special treatment and other are not.

The companies which are in the area you take for example here in Nandi, the Nandi’s should benefit from the companies. The employment of the companies should be for the Nandi’s 85%. There should ---for distribute the electricity for the people living around there. The office of the Assistant Chief – I propose that the office of the Assistant Chief should be abolished and be replaced with the village elders of the area.

The President should be above the law and him or her alone, not his friend, not her friend, not his family and so forth. I think that is my personal proposals.

**Com. Riunga Raiji:** Thank you very much for your proposals. Please register yourself there. I had called Michael you told us your second name is not properly written here. Say you name and proceed.

**Michael Kiyeny:** The Commissioner my name is Michael Kiyeny. I have the following to present to the Commissioners. First, in the current chapter of the Constitution chapter 1, Kenya is better to be a republic without the owner so I want to suggest that I being a Nandi, Kenya belongs to the Nandi. Among donor of Kenyans are the Nandi.

On the Presidency: I want to suggest that whoever aspires for the Presidency has to be 30 years of age. And should win with majority votes in at least five provinces.

On fundamental basic rights: I want to suggest these; free education from class one to standard eight and it must to be a must all

children should go to school. I also suggest for discipline in schools the reinstatement of corporal punishment. Free medical services to all Kenyans.

On land: I want to suggest that a Kenyan who has the highest acres of land should not exceed 50 acres of land and such land must be unutilized. In a case whereby such a land is not utilized the owner of such a land must be taxed by the local authority.

All corruption - whoever has looted from the public coffers must be prosecuted and he or she must return what was looted to the public to the State I mean.

Law courts should be established in every division throughout the republic. Those are the much I can contribute. Thank you.

**Com. Riunga Raiji:** Asante sana. There is a question.

**Com. D. Ratanya:** Kuna swali hapa mke. Unataka kupendekeza kwamba tutunmie majina ya tribe zote za Kenya nasikia ni kama 42 hivi, ama unapendekeza nini kwa sababu Katiba ni ya Kenya?

**Michael Kiyeny:** Thank you for your question. What I have said is among the owners of Kenyans as a republic are the Nandi the other tribe is about forty two of them. So is the status among the owners of Kenya are Nandi.

**Com. Salome Muigai:** So we have another question for you. You have said that you reinstate the caning in schools for disciplinary purposes. We have also heard many times of recent times of children who have bitten by teachers and been armed, headed up in hospitals and even died in some cases. Now how do you look after the rights of these children to ensure that unless as the new Constitution allows teachers to discipline children it also protect a big group of people without a voice unless the Constitution protect them.

**Michael Kiyeny:** I will suggest this way those with medical problems to be dealt with the concerned school and such a cane must be mild.

**Com. Riunga Raiji:** Taruka tuwaite hawa wanafunzi. Stanley Kipkugat from Takasis Primary Handicapped.

**Stanley Kikugat:** My names are Stanley Kipkugat. I am here to represent physically handicapped. Disabled should be given free education if possible because the parents may not have the ability to educate them and provide for their need. Exercise equipment in schools are need. They should have a library with books which they can read inside there.

**Com. Riunga Raiji:** Asante sana kijana jandikishe. Jennifer Cherimo pia yeye ni mwanafunzi. Halafu atafutwa na Lawrence Chirchir nafikiri Lawrence atakuwa mwalimu.

**Jennifer Cherimo:** I am Cherimo Jennifer from Takasis physically handicapped centre. I am to talk on behalf of my colleagues. I have only one point to recommend. Disabled should be employed after being employed better terms of services should be given such as shelter, food, clothings and all that. Also they are supposed to be given better salaries because they rely on those salaries and should not be delayed. Thank you.

**Com. Riunga Raiji:** Asante sana Jennifer. There is one question.

**Com. Salome Muigai:** Jennifer, thank you very much for your contribution and the courage. I have a question for you. Sometimes when you are girl you have many problems being an African girl whether you are a Nandi, a Kikuyu or whoever. Once you are a girl you have a lot of problems that you have to deal with. Once you have a disability you have a lot of problems to deal with. Are there some special problems that come to you because you are girl and disabled so that this Katiba as we make it can protect your right. Which one do you understand more Kiswahili or English.

**Jennifer Cherimo:** Kiswahili

**Com. Salome Muigai:** Mimi swali landu ni hili kwako Jennifer. Wakati mwingine ukiwa mtoto msichana wa Kiafrica unakuwa nashida nyingi kwa ajili ya mila zetu na ni kweli. Wakati mwingie ukiwa mlemavu unakuwa na shida kwa ajili ya mila zetu. Sasa ukiwa wewe ni msichana na pia una ulemavu, kuna shida zenye unakuwa nazo zenye unaonelea hii Katiba tukietengeneza wakati huu inawweza kukutetea hili kufanya hizo shida zikawa kidogo ama zikapunguza hizo shida.

**Jennifer Cherimo:** Shida ambazo ninaona ni kwamba kwa walemavu wasichana wakati mwingine wanaweza kundanganywa na wavulana na wanaweza kutiwa miba na hapo wanapoteza masomo yao. Na ningependa muone hapa na muweze kurekebisha – muweze kutoa sheria.

**Com. Riunga Raiji:** Asante sana Jennifer jandikishe. Lawrence Chirchir.

**Lawrence Chirchir:** Thank you Commissioner to this Commission. I am Lawrence Chirchir from Takasis Primary – Head teacher and the school is for the handicapped and on the behalf of the handicapped I am speaking using the following points.

The handicapped children are supposed to have a special care in medical treatment. Mother especially the pregnant mother should be thoroughly inspected because the handicapped conditions comes as a result of pregnancies which are abnormal or which are not taken care off during their immunization time. That one is training and treatment, the training of the handicapped children be done well by giving adequate materials and facilities which are very much adopted to these children. In addition to that the future Kenya may get more handicapped children and therefore in such a case I should propose that more centres be

built to cater for the future. These centres should go together with health centres because these children always need treatment.

**Employment:** These children after being employed or trained in certain sectors the government should cater for better employment since they are unfortunate or they are fortunate. So that they may also be like ourselves during their lifetime in this world.

**Child abuse:** I should strengthen that the government take measures against these boys or men who misuse girls especially the handicapped who are likely to be impregnated and then they will have more problems, others on top of what they have. Thank you.

**Com. Salome Muigai:** Asante sana mwalimu Chirchir kwa maoni yako. Mimi nina Sali juu ya majina yenye tunaita hizi centres. Hii ni shule St. Mary's haijaitwa St. Mary's school for the able bodied girls we unaona aje juu ya kuwaita centre for the handicapped hayo majina unaona yanatusaidia ama yanamsaidia yule mtoto mwenye ni handicapped ama ni majina yenye yanawaweka alama? Kama ile alama yenye unaweka – sitasema kwa nini. Unaona aje juu ya haya majina yenye tunaweka school for the handicapped, joint school for the people, Thika school for the blind. Haya majina unaona umuhimu wake ni nini kwa hawa watoto? Ni majina ya kutusaidia ama ni majina yenye ungetaka Katiba aipeleze juu yake? Pia pahali pengine tumeambiwa juu ya muda. Many people have told us that the Kiswahili language and our local languages are very hostile to the disabled, wengine wametuambia kuwa ata wametolewa kwa watu mtu class wakawekwa kwa kitu vitu class. Yaani mchawi ni mtu lakini mwenye ulemavu ni kiwete, ni kipofu, ni kitu yaani ametolewa kwa class ya watu. Haya mambo ungeona aje kwani watu wanafikiria kwa lugha kwa lugha, their language is negative it creates negative pictures. So what do you think about how we name our centres, what we call our disabled, what does this new Constitution put in place to ensure a situation of positive pictures.

**Lawrence Chirchir.** Thank you. The first two I should say is these children are called the handicapped or disabled, but the best names should be a disabled or handicapped children, no problem. But what I know because of the decisions or I mean the categories they have been categorized hearing bias are there the deaf. The word hearing bias can make it better that what we call deaf because if someone says deaf, someone else may think he is overlooked. But if such terminologies are used then we find that there is no problem even here in Takasis we call the handicapped ---small home we don't call it handicapped --- but this name ---- is a small home. For the reason that the children come here for the time being to catch their education but it is not their real home.

**Com.D. Ratanya:** It is just may a clarification because you have mentioned all the problems that face the handicapped children because you are the head master and you are the expert. You have not told us whether you have any problems on the planning on buildings which was mentioned by Father Kigen and may be you would like to be assisted by an expert like you and we would also like to learn from you. And also the equipments like wheelchairs and other equipments needed by disabled

to ---- handicapped children. Would you say something about this?

Lawrence Chirchir: Yes, there are many problems because the assistance for the children is from willing donor but the government has not paid more attention on the equipemtn and facilities for these children. So I ask the government or the new Constitution to campaign for that. They should be more equipped I mean the areas of learning - they should be more equipped and facilitated to their proper education. I said earlier that in the future I would like especially offices or where they will walk on be given adopted facilities to that whenever one of them the government officer he or she will be able to walk efficiently without problems.

**Com. Riunga Raiji:** Asante sana mwalimu kwa hayo mapendekezo yako jilandikishe. Mrs Tororei utafutwa na Mrs Kosgei Councillor. Tutaruka tumtafute mama mwingine Hellen Ngetune.

**Mrs. Anne Tororei:** Thank you Commissioners. My name is Mrs. Anne Tororei I am speaking on behalf of the Nandi women in Tinderet division. We have the following points to make to the Commission. There should be a right to health care and nutrition to all and especially the women because some area are very away from medical facilities like the health centres. So women and especially the pregnant women don't get proper health care, they don't get the anti-natal facilities because these are far away from them. So the government should see to it that the women are given this, there should be kind of mobile clinics to be funded by the government. This is because most of the disabilities have come as a result of this, men can easily walk but pregnant women are disadvantaged.

A boy who impregnates a girl should be made to partake fully of the responsibilities of bringing up the child to maturity. The parents of the boy should also be involved because in the past we get that a boy who impregnates a girls get away with it he continues with his education up to university or whichever place he may reach but the poor girl remain at home and has been discontinued in her education.

There should also be free and compulsory education at least up to standard 8 level but for physically and mentally challenged person we recommend that it should go all the way to the university or any level of education these people may go.

We also recommend that a Federal government system should be adopted in the new Constitution because this will enable the government to serve the people better as they are near to the people. All elected Members of Parliament and Councillors should have their offices at the Constituency and to ward levels for easy interaction with the people. At present we have to go to their homes and we interfere with their families, we have to travel all the way to Nairobi if we have to see our MP or we go to their homes. So we recommend that the government should put up offices at the Constituency levels and wards levels for the Councillors.

The Nandi women seeks a government that recognizes women as a disadvantaged group in property ownership which lastly dictates participation in the government. it also seeks assistance that acknowledges the extra burden that women carry as a result of cultural traditions and gender biasness that militates against women involvement and participation in governance.

Natural resources are first right of the local people whose trusts the local government oversees. Resources should therefore not be alienated disposal for utilize without the consent of the local people who are the stake holders. So we get many things from our forest including medicine for if they are cut or destroyed we are at a high risks of not being able to on well with our lives because of the destruction of these natural resources including rivers.

**Com. Riunga Raiji:** You last point time I up.

**Mrs. Anne Tororei:** In case of divorce family property should be equally share between or among the parties involved and the property of any spouse including land should bare both names of husbands and wives in the title deed to ensure that women are not disinherited in the event of her husbands death.

Lastly, centre plots under county councils or municipal councils should be under the Councils of Elders with a respective area to manage and distribute. Thank you.

**Com. Riunga Raiji:** There is a question.

**Com. Salome Muigai:** Thank you very much Mrs. Tororei. In fact I have several questions for you. One is the Council of Elders, a lot of our Council of Elders in African culture are literally manned by men. What do the women feel are they satisfied with the status que or what would they like to recommend in this new Katiba.

You have also said that matrimonial property should have the two names, what about biological inheritance, inheritance from the biological home. What do the women of Nandi feel about their status of inheriting from their father because the men bring the land from their father. What do the women want in that kind of thing.

You have also said that you want a Katiba that recognizes women and a disadvantaged group. Do you just want that recognition or would you like now that we are reviewing that Katiba to even review that status, and if would like it to be reviewed what would like us to put in it. Thank you.

**Mrs. Anne Tororei:** Thank you. Starting with you last point we realize that women are disadvantaged and in the new Constitution we would like may be posts or jobs to be set a side for them not just to have men and women competing equally because back at home we are disadvantaged in that way due to our traditions.



On the Elders we realize that most of the baraza's are just addressed by men. Let the men continue but inside the Constitution of the Parliament women to be included. We may not jump at once that women to take over but among those women to please be included.

**Com. Riunga Raiji:** Okay, thank you Mrs. Tororei. (interjection) sorry, yes I think you were asked something about your recommendation on inheritance of women from their parents as opposed to their husbands what is their view should you as women inherit your fathers or your mothers property? Are you satisfied with the present state where you don't inherit anything?

**Mrs. Anne Tororei:** Traditionally with the Nandi once a lady is married cows are paid, the dowry so that lady belongs to the next home. But we would advocate for these lady who is not married. She should get a share of the family property.

**Com. Riunga Raiji:** Thank you. I think the next one is Grace Kosgei Councillor. Karibu.

**Clr Grace Kosgei:** Asante sana Commissioners. Kwa majina ni Councillor Grace Kosgei na pia niko kwa kamati ya 3 CCCs. Mimi natoa maoni kwa niaba ya akina mama wa Tinderet division. The Council of Elders should institute at the divisional level and should constitute men and women of integrity who are empowered to settle dispute and advise the community. Women should be given priority to become village elders persons in view of some delicate and sensitive gender issues which would be handled appropriately by them.

The President should not be above the law and his term and tenure of office is limited to two terms of five years each. The --- should be held accountable for his or her commission or omission.

Pregnant prisoner should be given priority to -- sentences outside the jail. Women prisoners should be provided with sanitary facilities.

The proceeds of trust land and multination in all companies, residents in each district in terms of revenue should benefit the local community at the rate of 80% in each aspect like education of students, building and developing of schools, managements roads, catering for local dispensaries and creating jobs opportunities for the residents.

The forest in Nandi should be conserved under the forest Act at least is priceless heritage to future generation.

Constitutional directives should be issued to the effect that the extensive tea estate in nandi must reserve 80% of employment opportunities to Nandi people as well as constitute a scholarship to bright Nandi students.

To increase women participation in Parliament 35% should be reserved for them also. Then public offices should retain 35 seats

for the women.

All forms of violence against women and children should be treated with concern and ----deserved in law.

The disabled should receive preferential treatment in law by being guarantee free education to university and easy access to social services.

As for the family law, the Nandi women recommend that a man who one reason or another opt to marry a second wife or other wives must provide the land and other basic necessities for her in order to minimize conflict. Family wrangles and injustice to any party in the original status que. Decision making in a family set up should be a projective of all members regardless of their gender. Father should legally be bound to take care of their children they father out of their wedlock to promote moral stability. Thank you.

**Com. D. Ratanya:** Councillor this is about the children born out of wedlock. You said that fathers should take care of that child and bring the child up. Now what about if the man concerned or lets say if the girls concerned decides to take the child. Do you want a law that would stop that woman from taking the child to bring up because even the woman can be well up enough to bring up the child and maintain even up to university level or you only leave on the man. May be if that is a tradition, can you try to clarify.

**Cllr. Grace Kosgei:** Thank you Commissioner. Nafikiria hapo Bwana Commissiner mzazi mama naweza kuchukua mototo kweli lakini huyo mama hataweza kufundisha mpaka aende university. kwa hivyo ndio wamama walikutana waka-propose kusema mzazi mzee lazima atunze huyo mtoto, kwa maana huyo mwanaume akiwachiliwa huru ataza mwingine huko nje na kuwacha na watoto wengi wataambika.

**Com. D. Ratanya:** Hapo bado sijatosheka kabisa. Na kama huyu mama akiweza pengine ana mapato, huyu msichana ana mapato. Unaweza kumnyanganya huyo mtoto wake kama anaweza kumlea, ama lazima umulazimishe apeleke kwa mwamaume. If they are not married anyway.

**Cllr. Grace Kosgei:** Hapo nikusema they are not married but wengi sana hawajiwezi kwa hivyo ndio tungependa hii Commission iweke kwa Katiba kwa maama wengi wanandaganywa na hawezi. Asante.

**Com. Riunga Raiji:** Asante sana mama, tafadhali jilandikishe. Okay, nilikuwa nimemuita Hellen Ngetuny.

**Hellen Ngetuny:** Asante sana. Kwa majina naitwa Hellen Ngetuny – Meteitei location.

*Kakimwa chepyosok chebo nandi kele kisome kesirwech imbaret title deed kainaikyok ak boiyot.*

**Translator:** Sisi wamama wa Kalenjin tumesema ya kwamba majina yetu wamama iandikwe kwa mashamba.

**Hellen Ngetuny:** *Ng'olyot age nego aeng' kora ketinye vijanaek che sikwech lagok che sikwech lagok kosikyin lagokyok kosikyin lagokyok taitya kometaiwech.*

*Kakimwa chepyosok kora kele kimoche kosomesan lakwanatak agoi tun kwolchi koret ole menyei.*

**Translator:** Tumesema pia sisi wamama vijana wenye wanazilisha wasichana watotot lazima wanafunze mpaka wanunue mashamba.

**Hellen Ngetuny:** *Ak keng'alalen lagok kora che tibik, keng'alalen koki chepyosok kele lakwet ne chepto ne makas kotikotunik, ne ka kesesen kindoi kapkirwok kirwokchin kirwoget nebo boisiek si kikochi kerkong'yat.*

**Translator:** Pia wamama wamesema kuna wasichana wenye hawatii sheria za wazazi lazima pia wapelekwe kwa Council of Elders na wapewe hatia.

**Hellen Ngetuny:** *Ak kotil boisiek kit ne kiitoi.*

**Translator:** Na wazee waamue vile watafanyiwa

**Hellen Ngetuny:** *Kokimwa kora kele kimoche kekonech ng'echerok akichek en olinbo Bunge kokerkgeit ak murenik si kobit kimuch kenyoru akichek boisionik chepyosok.*

**Translator:** Wamama pia wamesema wanataka nafasi waende Bungeni wa-serve na wanaume pia.

**Hellen Ngetuny:** *Ng'olyot nebo let ko koking'alal ko ki chepyosok kele kimoche kekonyit monung'otoikyok koik chepyoso chepyoso ko boiyon ko boiyon.*

**Translator:** pia wamesema wanataka kuheshimu mabwana wao, mama awe mama na mzee awe mzee.

**Hellen Ngetuny:** *Moche kilach ingoroik chebo tekisto che togu kole chepyoso non ko non ko lakwa.*

**Translator:** Wamesema pia wanataka wavae nguo za heshima pia na wasichana.

**Hellen Ngetuny:** Asante sana.

**Translator:** Asante sana.

**Com. Salome Muigai:** Asante sana mama Hellen kwa maoni yako. Je kuna wakati wenye pia wazee na vijana wetu wangetakiwa kuvaa nguo za heshima?

**Translator:** *Kakile mi wakati ne kemoche neranik kolach ngoroik chebo konyit? Che murenik?*

**Hellen Ngetuny:** *Komokotindoi yegonye ko komokotindoi...amu ilochi long'it*

**Translator:** Wanaume sana sana uwa wanavaa nguo zao kama long trousers hizo ni nguo za heshima kwao.

**Com. Riunga Raiji:** Okay, asante jiandikishe mama. Nafikiri Elimina Obwudu? kuna mama anaitwa Elimina Obwudu. Kama hayuko Elizabeth Bungei. Huyo ni Elimina? Halafu utafutwa na Elizabeth Bungei.

**Elimina Obwodu:** The Commissioners who are around and the audience. I am Elimina Obwodu and I have a few points here which I would like them to be included in the new Constitution. The first point is on security: The government should ensure that there is tight security during campaign and election time. This is because some people have taken that during election and campaign time that is the time whereby they are a strike and loot property that belongs to other people.

The second point is about single parents: Single parents should be accepted as full members of the society hence that if there is anything that they will raise it should be considered. You will find that if our two women are given an opportunity to say something and these single parents have a point to put across it will not be taken into because she is single.

Third, inheritance: I feel that in our Constitution it should be that property to be distributed to all the children whether girls or boys. You will find that our society is so bias that in case of property the boy child is mostly favoured as the girl child is never looked into. Worse still you will find that the boy child is educated and if the resources are limited the girl will be forced to drop of school after which he has been educated also is allowed to inherit property and the girl child is nowhere.

Last but not least, divorce and separation. You will find that when the two people fall in love they usually vow to leave together till death but somehow somewhere things could go wrong and these two people are forced to separate or divorce. In that condition I would suggest that these two share the responsibility of upbringing up the children that they have ---. In most cases the burden is left to the mother and in some cases this mother could be lacking resources for example she could not be working therefore bringing up these children in the best way becomes a problem.

Lastly, education: I would suggest that all parents should treat their children equally whether boys or girls. Thus that all the children should be taken to school if the resources are limited then the two whether the girl and boy should reach the same level of education not the boy being given first priority. Thank you.

**Com. Riunga Raiji:** Asante sana. Nilikuwa nimemwita Elizabeth Bungei.

**Elizabeth Bungei:** My name is Elizabeth Bungei. I have got the following points. First is about employment: When there is an advertisement looking for a well qualified person. People have chances on employment just because of the term “five years experience from a certain sector” we know that in Kenya there are no jobs. So where this five years experience comes from is very difficulty for one to understand because you are looking for employment for the first time. So we want the Kenya

Constitution at least to try and rectify this part because we feel that once you have been in a well recognized institution for may be a training the most experienced part is when you are taken out or sent out for an attachment. That is the best experience as there you are now skilled to be employed. And then in connection to that, women on this connection they are very much discriminated. When they go somewhere looking for a job the first they are asked is “are you married?” Once you say you are married then you are told “I am sorry try elsewhere” but there is no single day a man is asked whether married or not. So we want also that to be looked into.

Bursaries: I think that bursaries should be provided from secondary schools even when they are going for their higher education like in different institutions even in universities. It should be initiated especially to those students who from the background were poor even in primary level they should be boosted by being provided with bursary elsewhere. Thank you.

**Com. Salome Muigai:** Thank you very much for your contribution. My question on the question where women are asked whether they are married. When they say they are not there are just employed?

**Elizabeth Bungei:** They are not employed because I wonder why they are asked that question so that is the issue we want to know why and yet you are qualified, you have all the skills but because you are married then you are not given that chance. (interjection inaudible) When you are married easily at times, yea you can get.

**Com. Riunga Raiji:** Okay. Register yourself. Jonah Chirchir to be followed by James K. Kogo and John Kethaa.

**Jonah Chirichiri:** Thank you very Commissioners. First of all my names are Jonah Kipkosgei Chirchir. I am going to present my views on behalf of Kamenil sub-location. So I will straight to the point. First of all I want to touch on political parties. We the residents of Kamenil sub-location feel that the Constitution should regulate the formation, management and contact of political parties so that this will ensure that no political party is formed on tribal bases.

The number of political parties should be limited to four this is to save the ordinary mwananchi from being swayed every time and again when a new party is formed.

The structure and system of government: We are of the opinion that the majority party in Parliament that is the party having the highest number of MPs should be called in to form the new government. And we also advocate that there should be a Prime Minister who automatically becomes the Prime Minister because of the majority of seats his party has attained in Parliament and he should be the Head of the Government. There should be a President who is elected by the people and whose functions should be curtailed and be only ceremonial functions.

Legislature: We are of the opinion that the people should have the right to recall their MP through a referendum once the

consider that their MP is not doing what they elected him to do. The MPs should act on the basis of the instruction from the people they represent and not on what they think is best for their people. We should also retain the concept nominated MPs and those to be pulled in as nominated MPs should be people from different political parties and their number will vary as far as the number of MPs that party has in Parliament. The Parliament also should have the power to remove the President from office through a vote of no confidence.

The Electoral system and process: We should retain the simple majority rule as the basis of winning an election. A candidate who fails to seek nomination in one party should not be allowed shift over to another party because when we do this we will curtail those whose lust for power is so big that they will do anything to go to Parliament. So once they fail to get nomination in their party their story should end there.

Public officers: We are of the opinion that because of the current highest rate of corruption in this country we feel that once a person is employed as a public officer that person should be made to declare his wealth before he enters the office so that once his wealth increases more than what he earns then the corruption level of that officer will be known. I think that is all I had, I will present the rest on paper.

**Com. Riunga Raiji:** Asante. James K. Kogo. We thank you for remaining within your time allocation. James Kogo atafutwa na John Ketel.

**James Kogo:** Asante Commissioners. Maoni yangu ya kwanza ni kuhusu mpaka wa kila district Kenya hasa Nandi. Kuna mipaka iliwekwa na wazee wa zamani kama akina Arap Kirubet . hiyo mipaka sisi ni vijana na tunataka kuona hiyo mipaka iko wapi. Kwa mipaka kuna wakaaji Wanandi na kuna weingine wanakaa ndani yao. Wanaishi wakifuta maneno ya Wanandi.

President: President akiwa mzee au anataka ku-retire ua anafariki Makamu wake aongoze serikali kwa muda wa siku tisaini halafu kufanywe National Election.

Yule anazaliwa kama Katiba imeaza kutumika ni mkaaji wa hapa, maanake kuna watu wanakaa Nandi na ni Waluo, nafikiri wengine ni Wakikuyu lakini watoto watakao zaliwa Katiba ikitumika wakifika miaka hamsini wameshajua uongozi wa Wanandi.

Election: Yule atakuwa anapigania kiti kwa Wanandi ni Mnandi mwenyewe, maamake amajua ataratibu wa wazee wa zamani akina Kirubet walipopigana na wazungu zamani hapa. wazungu wangefika hapa lakini wazee wa zamani waliwafukuza mpaka Kipkelion. Sasa Mnandi mwenyewe kutoka council au Bunge ni Mnandi mwenyewe. Haya ndio maoni yangu.

**Com. Salome Muigai:** Asante sana kwa hayo moani Bwana Kogo. Sikuelewa vile ulivyo sema habari ya Katiba hii ikianza

watu wenye watakuwa wamekaa katika wilaya hii wafanye nini si kuelewa? Halafu ukasema watoto wakiwa na miaka hamsini hiyo sikuelewa tafadhali?

**James Kogo:** Sawasawa. Wale wanakaa Takasis watachuga mali yao, kulima shamaba yao – kila kitu yao tu. Hakuna kusema huyu atahama lakini ataishi hapa lakini uongozi ni wa Wanandi.

**Com. Riunga Raiji:** Asante sana kwa hayo maoni. John Ketel huko? Labda ametoka kidogo kama hayuko Dr. Biwott of Kapsabet Bible School.

**Dr. Peter Biwott:** My names are Peter Biwott and I represent Africa Inland Church – Tinderet District Church Council. I have the following to present on behalf of the Africa Inland Church. Structures and system of government: We strongly insist on retaining the Presidential system of government. we do not support the idea of ceremonial President and we do not support sharing of power between the Prime Minister and the President. If this is done it create a possibility of power strangle. We strongly reject the idea of ceremonial President it amounts to Rais mkebe.

Legislature: We propose a provision in the Constitution for impeachment to deal with the removal of the President on the ground of criminality.

On the Executive: We propose provisions under due concepts in the Constitution to remove a President but only the grounds of misconduct and or criminality. We propose separation of the Executive and the Legislature and we insist that the President should not go to Parliament to distribute positions in other words he should only appoint Permanent Secretaries to be his Ministers to be his Ministers. We Propose that the President should not be a Member of Parliament.

**Com. Riunga Raiji:** Tafadhali wananchi tilisema kwamba tupatiane heshima mtu akitoa maoni tuyasikilize ili ata sisi tusikizwe wakati tutakuja hapa kutoa moani.

**Dr. Peter Biwott:** There is one other thing I should have mentioned on the Legislature and that is about the President. We propose that the President can veto Parliament. The Legislature can only authorize the President veto on two-thirds votes of the total seat in Parliament. We also propose that the President can not have power to dissolve Parliament for doing so a mixture of the two arms of government.

On the Electoral system and process: We support the representative electoral system. We propose a limit on election expenditure by each candidate. That the candidate should make financial returns to a body created within the Electoral Commission. And we propose that Presidential election be conducted directly.

Basic rights: Education be enshrined in the Constitution as a basic right. Anything --- anybody getting education including costs, examinations and other measures should be addressed in the Constitution. On access to education we propose that the Constitution spelled out that standard one to form four should be day schools. We also propose that the central government should have the responsibility of ensuring that all Kenyans enjoy their basic rights.

Freedom of worship as a basic rights should be enshrined in the Constitution and we strongly oppose as unconstitutional site certain religious --- that deny other their rights the way they believe. We propose that demonic worship, the sacrifice of human being and any anti civilized practices should be criminal and therefore not part of freedom of worship. Thank you.

**Com. Riunga Raiji:** Asante sana daktari, jandikishe. Paul Liran? ametoka? Okay just remind me when he comes. Samson K. Serem. Isaac Tigen yule interpretor ulitaka kuzungumza? Okay, David Kosgei? Karibu. Joseph K. Maiyo. Richard Keiyo. Karibu tuambie jina lako.

**Richard Keiyo:** Jina langu naitwa Richard Keiyo na mimi ni mkaaji wa hapa. *Kamache Katiba kokatischen biretab kuraisiek, kioker kuraisiek chu kibire ko kikokonech hasara en sait age tugul. Kibire kityo kuraisiek kebirchini chito ago mutai karon ko ngelen keker kedkure chito age. Ko ngunon amache ngebir kurait kiite yoto ak kinde sheria kiite yoto yon kakibiren kuraiyat.*

**Translator:** He wants that by-elections the counting of the votes are done there and there.

**Richard Keiyo:** *Amun kiokeren yoton ko tuguk che ng'ete si kobit koik sawa sawa amun ngeib ketokyi olin, kobetos*

**Translator:** If the votes are taken to be counted somewhere else there will be rigging

**Richard Keiyo:** *Ne bo aeng'*

**Translator:** The second one

**Richard Keiyo:** *Nenyun amwae agobo forest. Forest ini ko kingimengech komite foresti kowo, kotokomite foresti, ang ekoshechu ngunon ko makomiten agot kitikin. Kaigai kinde katiba kerib forest niton amun kakobek.*

**Translator:** He says when he was young the forest were big but noe there are no forests. So he the forest to be guarded by the Constitution.

**Richard Keiyo:** *Kakoyam chechuk.*

**Translator:** That is enough.

**Com. Riunga Raiji:** Okay asante tumeshukuru. Joseph K. Maiyo amekuja? Karibu.



**Joseph K. Maiyo:** Asante Commissioner. Yangu yatakuwa mawili ana tatu hivi. Koseph K. Miayo. Ya kwanza ni kuhusu mila yetu: Kila kabila ina mila zake na ninapendekeza ya kwamba kila kabila ipewe uwezo wa kuendelea mila zao kwa sababu mila zenyewe zimeleta watu tangu hapa mwanzo na imewasaidia hasa mila ya kutahiri wamaume. Kuna mila ya kuoana, kuna mila ya kulahani yaani mtu akitenda jambo baya kwa sababu wengi wamechukua jukumu la kuhepa shida ama kitu ambacho alichotenda cha kuharibu jamii, kwa hivyo uwezo upewe wazee ili waweze kulahani yule aliyetenda na iwekwe katika Katiba.

Natural resources especially kama maji na forest: Tukiangalia maji yetu huwa inatumika hadi – ile maji inaaza hapa Tinderet inatumika hata huko Egypt. Egypt imefualu kwa kuwa na good economy kwa sababu ya maji yetu ambaye tunatua. Ningependekeza kwamba hiyo nchi itupatie angalau percentage kidogo kwa sababu tumewasaidi kwa kutuza misitu na wanaweza kupata maji kila siku na kunufaisha nchi yao.

Employment ama uandikishaji wa watu: Majimbo itaweza kutusaidia ili watu wetu wapate kazi. Wakati huu ambao ni wa central government where by unaweza kuandikwa kazi kama umeenda kuwuona mtu kule central government na anatomia uwezo wake ili yule atakaye andikwa siyo yule ambaye anausika na hiyo kazi ndiye anaharibu economy so wanaweza hata kuandika wale ambao hawajafunzu na ndio economy yetu inaanguka. Even an Executive Chairman of a corporation who may not have even gone to school sasa hawezi kuelewa economic factors of that corporation. Free education ndiyo ya muhimu kwa kila sehemu hasa kuanzia darasa la kwanza hadi la nane na katika secondary serikali pia iwezo kusaidia kwa nusu. Pia serikali regulation ya school fees kwa sababu institution wanaweza kuweka pesa za juu na kuharibu na wazazi washindwe kuelimisha watoto wao.

Ili yote itendeke there should be no person ama mtu ambaye yuko juu ya sheria. Sheria iwe juu ya kila mtu kwa hivyo hakuna kusema kuwa above the law, ndiyo imeharibu nchi yetu so kama ni President awe chini ya sheria na sheria imusimamie. Asante.

**Com. Riunga Raiji:** Asanter sana Bwana Maiyo. Moses Kimei ambaye atafuatwa na John Sitienei. Moses Kimei huko? John Sitienei? Hayuko? Joshua Kibarei ni mzee huyo. Mzee huyo yuko? Stephen Bellion kutoka Tinderet location. Stephen Bellion ni wewe? Karibu.

**Stephen Bellion:** The Constitution of Kenya Review Commissioner, distinguished guests, ladies and gentlemen. My name is Stephen Bellion I come from Tinderet location. It is with much pleasure that I have this opportunity to forth views for you. The summary of the views and issues for the people of Tinderet location pertaining review of the Constitution of Kenya, welcome. Since most of these things have been raised I want to touch on a few points.

Education: The government should provide free education from nursery to standard 8 and university, and provide all equipment consistently and the system should be offentic. In this connection why should the government use fifty four million Kenya shillings fo books in primary schools in Nandi at the same time rendering them useless in January 2003 through producing a new

syllabus. Are we --- disposal schools so that they can start printing new books, same thing accured in 1999 and 2000, where the subjects were reduced and syllabus changed.

Employment: on employment recruitment should be done at locational level. As a fact in issue is the recent Army recruitment where Nandi 's especially from Tinderet division were denied their chances. Already a list of recruited persons was brought in an aerocopter as such were there any needs to make our children run for several kilometers later to eb told whether they had letters from above. Where is this above?

Lastly, there should be a government health institution in every location and cost sharing element should be abolishe. So with these few remarks, I thank you very much.

**Com. Riunga Raiji:** Asante. Fred Tororey. Before mwalimu speaks wale watoto kama mngetaka kuzungumza mpatieni - Mrs. Kosgei you can check kama kuna representative wenyu angetaka kutoa maoni. You are also welcome this is your Consitution also. Okay, katibu mwalimu.

**Fred Tororey:** Thank you so much Commissioners. These are my views and a few professionals. I am Fred Kiryongi Tororey. The Consitution should have a preamble we reads "we the people of Kenya". The Constitution must reflect the views, expression, values and philosophy of the people of Kenya like sovereign, singular and democracy these should be enshrined in the Constitution together with phylosop. May be a philosophy like justice, liberty, equality and fraternity. The Constitution should also honour all those who have suffered for freedom and justuice in our land and respect those who have worked to build and develop our country.

Constitutional supremacy: There must be special rentraged provision which are necessary to change the basic structure of the Consitution and ordinary provision and this thing should be not something hurried like sometimes some changes are made within the law within five minutes and it affects the whole coutry all of us. So like this the format that attracts at least 75% of going outside and later simple majority of 65%.

On citizenship: I think all Kenyans should be issues passports as a right and not what is happening currently.

Political parties: The Constitution should regulate formation, management and conduct of political parties. And I think we should have a maximum of three political parties so that these might bring more unity than having tribal political parties emerging from each and every region.

Structure and system of the government: I think we must a adopt a Federal system of government in which authority is shared between the Legislature and the Executive, whereby we have the President and a Prime Minister. The President and Vice

President must be elected by universal sovereign. They shall not be Members of Parliament but the Prime Minister should be from the party with majority of the leaders in Parliament.

On Legislature: All legislative powers to be vested in Parliament for the republic of Kenya which shall be by-cameral. That is we have a senate and a house of representatives. The Cabinet will be composed of individual Kenyan men and women who are not Members of Parliament.

On local government: The Mayors and County councils should elected directly be the people of that particular area on district municipality or the city.

On basic rights: Education should be free and compulsory upto class 8 and there should be a levy by the government. Currently we see a lot of economic constrains and some children missing places in schools. So this levy should be like fee levy so that this is used to run to provide books, facilities for our schools. On food policy, there should be a food policy also which spell clearly the importance of food security to its citizens and this should be a priority.

Land: Non-citizen owning land now should pay to the indigenous communities for the lease of that particular land. there should be some tax either in forms of bursary, a scholarship where children are awarded a scholarship, but this particular non-Kenyans who are owning that particular land to enable us to educate our children. And such land should revert to the community in expiirely of the lease.

Culture: Vanacular language of all Kenyan indigenous must be taught in schools and safeguarded against ----- so this is something which should be encouraged so that it binds that particular community together.

On natural resources: Stiff laws to the enforced to curb destruction of forest and alienated to be retained by the local authority and the local people within where the forest is should be given priority in making sure that they will manage that particular forest.

On Constitutional Commissions: The following Constitutional Commission I recommend to be established. We have a Human Rights Commission, a Land Commission, an Anti-corruption Commission and a Gender Commission. Other issues may be on economy the Constitution should place agriculture and whose security as a --- undertaking of the State. And we should also take deliberate measure towards protecting and promoting this particular sector because our country is 65% dependant on agriculture.

**Com. Riunga Raiji:** ----I have added you an extra minute.

**Fred Tororey:** Thank you. Other issues like erosion of the moral values of the Kenyans society. This is a part which I would

recommend to the Constitution so that we have a Constitution which will be able to assist uphold the moral decay in our societies. For example like cohabitation of any kind to be prohibited by the Constitution whereby people cohabit just stay together and nothing is formal this also brings in such issue like moral decay do not project well that particular individuals. I think that is the summary of what I have.

**Com. Riunga Raiji:** I am sure you will favour us with the Memorandum so that we can study it. Any question? Okay mwalimu I think your presentation was very clear and focused we don't require any elaboration. David Koech? Hayuko. Councillor Benson K. Sang'? ametoka? Sammy K. Samoil. Tom Birgen? Karibu Bwana Birgen.

**Tom Birgen:** Thank you very much Commssioners. My names are Tom Birgan and I have got very few points here to make. On citizenship the foreigners should be considred for citizenship if married to Kenyans only. We also have the identity card, there is the birth certificate but you find that the school going children do not have anything to show that they are Kenyans when they are going to school or they ra visitng. So they should be issued---

**Com. Riunga Raiji:** Young men did any of you want to present? (interjection inaudible) oh they did? Okay it is an open forum you are free to enjoy the proceedings and also you young ladies if one wants to present please see Mrs. Kosgei give you name and I call you so that you can also have a chance. Bwana Birgen

**Tom Birgen:** Thank you very much. The school going children should be issued with a special card to show that they are Kenyans.

On security: The President should be the Commander in Chief of the Armed Forces. The Executive should have power to declare war with the approval of Parliament when the Parliament is in existence but when the Parliament is not there the Executive can declare war without them. There should be no limit to political parties.

Structure and system of government: I propose the Federal system where we have the President the Prime Minister and regional councils. The President should be the Head of State, the controller of the Army and he should appoint the Minister of Foreign Affairs, Minister for Defense, Administration and Home Affairs and the Vice President. The Prime Minister should be in control of the Parliament and should deal with the finances and other Ministries. The regions should be headed by governance who should be appointed or elected by the people. There should be regional representatives elected by the people of that region to run the services for that region. Also we should have District Administrative Councils. These should be above the local government or the councillors. The District Administrative Councils the members should be the head of the Parliament to be chaired by a district coordinator who should be appointed by the President. Also to seat in the District Administrative Council I should be --- locally resident to eb selected by the local residents. The President also should appoint a coordinator for the region, coordinator for the district, these people will be actually coordinating the services of the central government.

Land and property rights: The land should be controlled and owned by the local community. There should be district land council or district land committee. Who will issuing the title deeds to individual to own land and these individuals should actually be indigenous people. The sole control of land should be the community.

**Com. Salome Muigai:** You have another minute.

**Tom Birgen:** Okay, thank you very much. And therefore all the land should be under the community.--- for example these multimillion tea estatem, sugar plantations and all the others. Otherwise I think I have written all these thing on a script. Thank you very much.

**Com. Salome Muigai:** Asante sana kwa maoni yako tafadhali jilandikishe pale. Kuna msichana mwenye angetaka kuongea hii ni nafasi yako. The students who want to talk this is you chance. I don't know whether it's a student or -----okay. Sit down and give us your name.

**Moira Mecha:** Thank you. My names are Moira Mecha. I am going to give the rights of the youths. I propose that the youths should be given a chance to offer their views to as to be helped in various ways. Because you find that most of the youths are being ignored and yet they have points that may help our country.

Rights of citizens: Kenyans should be given the rights to correct leaders when they do something wrong as we all know that man is to error. The ID system should be strictly followed because you find that many people are living in this country yet they have attained the age of getting the ID cards and they don't have. With this I propose that form four students who have attained the age of eighteen should be given ID cards in schools because you find that when they go outside they encounter many problems and some of them decide to assume the IDs.

Guarantee access to land: The Constitution should guarantee access to land. This is because you find that most of the land in our country is being owned by leader and these people who use bribe to acquire this land. This has brought about a lot of wastage to our country due to the land staying bear. Also the land should be given to people who know how to make good use of it. This is because it has made many people to stay without land due to greedness of other and made most of the people to go and destroy our cities by building a lot of slums in our country which are bringing pollution to us. So please we ask the Constitution to guarantee land access to those people who can make good use of our country.

How we can strengthen and maintain the discipline role of the Public Service Commission. First, it is our request that the leaders should be source of inspiration in that we find that you find that most of our leaders are the source of corruption and yet they are telling people not to be corrupt. For example you find that leaders are telling people not to receive bribes yet they are

the once giving out bribes. How do you expect somebody to just seat and look at you as you him or her bribe? Obviously the person will accept to take the birbe. That is all.

**Com. Salome Muigai:** Thank you very much. Do you have a question? Please register yourself. Now I would like to say that the youths are actually asked, invited and reminded to take part in this process. You will be living with this Consitution longer than any one of us in this room so if you have something to say please let somebody have your name let it be brought here and we will be very happy to hear about it. Julius Tony? Sammy Koech? Sorry all those are observers. Joana Lang'at? Mzee wa kutoka Tinderet. Tinderet elder. Nikitoka kwa Joana basi sasa ni John Kiplagat Arap Koech, sasa ndio nimekufikia, Karibu. Tayari kuna kelele za mvua zenye tunashukuru kwani zitafanya miti yetu iote. Tafadhali tusiweke kilele zingine kwani tukiendele kupiga kelele kanda zetu za tape zitakuwa na mvua na kelele hizo zingine bila kusikia maoni ya mzee. Tafadhali mzee endelea.

**John Kiplagat:** Asante Commissioner. Jina langu naitwa John Kiplagat Arap Koech kutoka sehemu za Tinderet and tena ni hapa, hapa sasa nyumbani. Mimi mwenyewe nimekuwa na nyinyi saa yote kwa hivyo ninawakaribisha. Kitu cha kwanza, ninasema pole sana kwa Commissiner kwa kifo chake na bibi na pia hatuwezi kusahau Patrick Lumumba kwa nyumba kuungua. Mimi mwenyewe ningependelea ya kwamba President anaweza kuzhaguliwa na pia ningependea awe ceremonial President. Halafu tumpigie kura Prime Minister na ndio atashikilia serikali kutoka kwa chama chochote ambacho kitapita kwa wingi wa kura. Members of Parliament and regional assembly, local government na kuwe amendment katika Constitution yeny 42 A na pia election cap 66 (521) iwe amended, iwe sasa tunaweza kupiga kura mara nne ya Prime minister, Reginal Assembly, Local Government na pia local government iwe pahali chini kama location hapa ndio Councillors watachaguliwa.

Federal government: Federal government ndio sawasawa – hiyo ndiyo inaitwa Majimbo. Na ni Majimbo ambayo ilikuwako tangu zamani wakati watu walilikuwa wanaenda Lancaster house. Wakaugana wakawa na Majimbo lakini yalipofika Kenya kukawa Majimbo haiko. Kwa hivyo ningepomba Commissioner kama ninaweza kufanya demonstration ili watu wetu wajue kweli sisi tunatawaliwa na Majimbo. Lugha ndio tunatumia lugha baya, Majimbo ni Kiswahili, Province ni Kingereza, District ni Kingereza. Sasa maomba Commissioners kama wanaweza kunikubalia mimi kidogo kama dakika moja niite waalimi kidogo wasome hapa.

**Com. Salome Muigai:** Mzee uko na dakika ingine moja na nusu. Kwa hivyo hata watu wakiaza kuja hiyo dakika itaisha kama hawajafika.

**John Kiplagat:** Commissioner leo niko nyumbani kwa hivyo nipatie mimi nafasi kidogo. Lakini kama haiwezekani Majimbo is a right na ni sawa, kitu ni regional Assembly na senate halafu serikali itakuwa nzuri. Pengine tutafukuza ata corruption.

Culture: culture ni kitu muhumi sana ana-cover vitu nyingi ata sisi tunawaomba nyinyi Commissioners mtuwachie sisi nafasi kidogo tuongee maneno ya culture. Kwa sababu ina-cover ata mpaka kifo, funerals, nini ata maneno nyingi. culture ndio ina-cover hiyo.

Maneno ingene ya defense, polisi mimi napendelea kuunga polisi ya raia ambao mtu anaweza kulipa pesa halafu pia apeleke case kortini. Hiyo ndiyo inaweza kutusaidia kwa sababu uanona siku hizi wewe unaweza kwenda kushtaki mtu nakesho unamuona mko na yeye na ata uwezi kujua kitu gani kilifanyika. Hiyo ningependelea mimi mwenyewe kama inawezekana tupate serikali ya civilian polisi. Maneno ingine ni ya GSU, ningependelea Commissioner atoke kuwa Commissioner wa polisi apate --- ili afanye kazi sawasawa na pia apewe allowance nzuri, awekwe vizuri, na pia apatiwe nafasi ya kukutana na watoto wao kama bibi yao, nini, wanakaa porini sana. Hiyo ingependelea hivyo.

Retire: Kama mtu ameenda retire mimi ningependelea mtu wa kuandikwa awe ni kutokea miaka kumi na nane mpaka ishirini na nane mtu aandikwe kazi. Kwa sababu tuko na watoto wengi wanasome katika shule wakienda kumaliza university kuja kuandikwa kazi unapata miaka imegonga ishirini na tano na juu. Kwa hivyo mtoto wa university anaambiwa “you are over age, huwezi kupata kazi” kwa hivyo mimi mwenyewe ningependelea hawe mpaka miaka ishirini na tano watu kuwandikwa. Lingine la retire, ni vizuri miaka ya retire iongozwe mpaka miaka sitini na tano ili awe amefanya kazi kidogo.

Land: Maneno ya land iwachiwe wazee na wale watu wa hapo kwa hiyo community ambao wanajua manene ya shamba. Na pia katika Chapter 10 laws of Kenya section ya 2 hiyo inasema ya kwamba wazee ndio wanaamua maneno ya kinyumbani kwa hivyo wapatiwe nafasi hiyo.

**Com. Salome Muigai:** Dakika ingine moja.

**John Kiplagat:** Thank you. Lingine ni maneno ya registration. Hii registration ni lazima ianfinywe kwa birth certificate, kipande ata ya marriage certificate, haya maneno ya kesema ya kwamba watoto wanatakiwa watoke nyumbani na watoto wanazaliwa bila kujua baba yake. Hiyo tuwache kabisa, hakuna mtoto anakuja peke yake kuwa mtu bila kuzaliwa na watu wawili, kwa hivyo mtoto lazima ajue baba yake. Na ndio yule mtu unaweza kuenda kesho akawa mtu mkubwa na ajuhi baba yake na ako na jina moja na lazima apate jina la baba na mama. Kwa hivyo mimi mwenyewe napendelea ifikiwiwe sana.

Maneno ya mwisho kabisa ni ya rape, rape ni makosa kubwa sana. Lakini rape imeletwa na akina mama sio wanaume. Wamama ndio wanaonyesha wanaume mambo ya rape kwa sababu wanavaa nguo fupi ata akiondoka kwa bathroom wao wako uchi mwanaume anasema “sawasawa wacha nijaribu” mara moja anaweka miireka. Kwa hivyo lazima wanawake pia wavae nguo za heshima, kuliko maneno mara huko huko.

**Com. Salome Muigai:** Hilo lilikukuwa la mwisho mzee. Nina swali moja kwako kabla ujaondoka.

**John Kiplagat:** Goja kidogo. Wazee wamesahulika hawa wazee wanaitwa wa mitaa. Hawa pia wafikirirw wapate kitu kidogo wanafanyakazi nyingi wanasaidia sub-chief kabla chief ajaingia. Hiyo ifikiwiwe.

**Com. Salome Muigai:** Asante sana mzee kwa maoni yako. Haya maoni ya kuwa mtoto lazima awe na baba sikuelewa pendekezo lako ni lipi? Hilo ni swali moja. Ya pili ni kuwa nyumba ya mtu ikimbiwa ukienda polisi uulizwi kama ulifunga nyumba ama ulicha wazi, mwizi anashikwa tu. Sasa jukumu ya wanaume ni nini juu ya rape?

**John Kiplagat:** Unasema juu ya rape unajua umeuliza mbili ya polisi ---

**Com. Salome Muigai:** Mimi nimesema nyumba ikiimbiwa uende uka-report kwa polisi ama kwa chief kuwa nyumba yako iliimbiwa hakuna mtu anakuuliza kama ulifunga mlangio ama ulifingua, ama ilikuwa aje, wanaenda tu wanachukua mwizi. Sasa jukumu la mwaume mwenye kufanya rape ni ipi? Na nitakuuliza swali lingine. Tutaweka aje watoto nguo kwani ata wao pia wanafanyiwa rape na saa ingine mtoto tumefunga leshe na taulu sijui na kitu ingine na bado anafunguliwa hizo vitu. Wewe unaona jukumu ya mwamaume kwa rape, kwani wanazungumza kama mzee ni ipi?

**John Kiplagat:** Asante sana Madam Commissioner. Kufanya rape mtu hawezi kuenda kwa nyumba bila kuona mtu na mtu hawezi kufanya rape bila kuona, mpaka yeye aone na macho ndio hii na kechekacheka hiyo ndio inalete kidogo. Unaona yeye akikaribia anakubali.

**Com. Salome Muigai:** Ndio nasema watoto wetu wameharibiwa wakiwa ata watoto wachanga kabisa. Tumewafalisha nappy tumewafunga na taulo na bado wamenajisiwa na kuharibiwa. Kwa hivyo wewe kama mzee unaona jukumu ya mwenye kuharibu na jukumu ya mwenye kunajisi ni gani?

**John Kiplagat:** Sasa hii kunajisi tumewacha bali sasa tunakwenda mahali palikuwa pa mtoto kuzaliwa bila kujua baba yake inatoka hapo. sasa kile kitu kiko sisi zamani Wakalenjin tulikuwa na njia yetu ambayo ni ya kujilida. Mtoto hawezo kupata mimba ovyo ovyo kama sasa lakini kulingana na sasa watu hawana heshima ata kwa watoto. Watu wanatoa maneno ovyo ovyo zamani lazima ungechuga watoto bila kusema manenno chafu chafu.

Ya pili, mtoto mwenyewe anajichuga kwa sababu akipata mimba kesho yule mtoto alimpatia mimba ataitwa adharani anakuja anaambiwa hii mimba ni yako ita mama yako. Mama anaitwa wakati anazaliwa yeye ndiye anaua huyo mtoto, yeye ndiye ananyoga. Sasa watu wanaaza kuongopa lakini wakati huu wanakuwa free mtu ata mtoto mdogo anataka kupata mtoto. Kwa hivyo lazima turudie mila ya zamani.

**Com. Salome Muigai:** Asante sana mzee kwa maswali yako. Kuna swali mzee mwenzako hapa ana swali kwako.

**Com. D. Ratanya:** Kuna swali moja hapa mzee umeuliza Bwana John Kiplagat. Kuhusu ma-case kuenda kwa wazee. Unajua kwamba kulikuwa na hiyo sheria hii unasema chapter 10 ilikuwa inaitwa Magistrate in Decision Amendment Chapter



10 Act ya 1981 ilikuwako ambapo kulikuwa na council of elders. Ama si ndiyo hiyo unasema? Hapan ailikuwe. Lakini wakati mmoja ikawa reviewed yaani ingageuzwa na nilikuwa kuuliza swali hili, unataka irudishwe kama vile ilikuwa kwa sababu ilikuwako na ilitumika lakini ikakaa mpaka ikafika kiwangao fulani ikatupwa. Sasa unataka irudishwe kama vile ilikuwa? Ikiwa mambo ya mashamba?

**John Kiplagat:** Ninataka irudishwe hiyo, kwa sababu inafuata mila.

**Com. D. Ratanya:** Hiyo ndio nilikuwa nataka kujua.

**Com. Salome Muigai:** Asante sana mzee tafadhali jiandikishe. Mr. Lilan.

**Paul Lilan:** Honourable Commissioners I wish to make few presentations. First one, is on the question of public utility land. My name is Paul Lilan. I propose that public utility land be elevated for protection under the Constitution. That a Constitutional office to be known as director of public utility land be established and the order of that office be vested with security of tenure and the be given adequate powers large enough to enable him to do everything that is possible to protect public utility land in this country.

The Presidential powers to allocate land to individuals be curtailed all together and that there be no individual with powers to allocate public land whatsoever. That individual citizens be given Constitutional rights to vindicate public interest in public utility land in course of law without being restricted by the teachers of such doctrines as doctrine of Locus stadi that nobody should be asked to show that he has more rights than anyone else in the event that he realizes that there is trasgression or some un acceptable dealing with public land.

I appreciate that this may be practical and it may bring conflicts with traditional principles with the likes of private property. But I am proposing that public utility land title be elevated and made superior to all other titles and interesting land. That way we will be assured that there will be adequate public utility land for establishment of hospitals, schools, ---- yards for animals and so forth.

Food security: That food security be elevated also to Consitutional level and that the new Constitutional dispensation carry with it a framework, making it mandatory to the government of the day to maintain a certain minimum food stock in government owned granaries depending on food requirements. So that no IMF will come one day and say sell all the stock we will tell them that, that is against our national Consitution.

We also have under the police powers of the state the citizens of this country donates under the new Constitution. Powers to the State to zone certain areas to ensure that maximum production of food is attained and as such plateaus like the Uasingishu

plateau, the Narok and the Nyahururu Laikipia plateau which are suitable for growing of such large scale food crops like wheat and maize be zoned for that purpose. And all these in those areas be given a ceiling to avoid an economic fragmentation.

On environment and natural resources of this country: I propose that protection of our natural environment also be elevated to Constitutional level where such environmental features as forests, catchment areas, water bodies like the lakes, the rivers, beaches, and all those important environmental features that maintain the ecological balance in our country be protected. They could be single doubt and identified and specifically stated in the Constitution for protection. And the citizens of this country also be given rights to protect these resources in the court of law without being asked to say what special rights they have over and above the other.

**Com. Salome Muigai:** Last point Sir.

**Paul Lilan:** Thank you. I am proposing that the Executive should have a fixed number of Cabinet Ministers to avoid ---creation of Ministerial positions. And Ministers should not be Members of Parliament we should shield them from the entanglement with the politics of the day so that they should attract the highest calibre of citizens in this country and their qualification be specifically stated in the Constitution and they be vetted by a committee of Parliament.

That the office of the Attorney General should be delinked from the functions of prosecution and civil education so that the Attorney General can have sufficient time to concentrate on his legal advice to the State and drafting of bills of Parliament.

I am also proposing that these Cabinet Ministers term of office to run with the life of Parliament and they should serve only for a maximum period of ten years.

On health: I propose that the State be mandated or be required under the Constitution to provide basic health for all its citizens and so that nobody should suffer because he doesn't have money to pay for medical bills or that there is no drugs in public hospitals. To that effect I am proposing that the government under the Constitution establishes a national health insurance of health care which is mandatory under the Constitution. Thank you very much honourable Commissioners I would have said more but time limit.

**Com. Salome Muigai:** Thank you very much I can assure you that we are going to read that Memorandum word for word. There is a question from my fellow Commissioner and I have got two more.

**Com. D. Ratanya:** Okay there is one question for clarification. You have talked about – in order to avoid fragmentation of land we have to come out with a kind of a ceiling so what is your proposal? We would like your views if you will assist us very much in amending or reviewing our Constitution. Can you give your proposal at least?

**Paul Lilan:** My proposal honourable Commissioner is that the ceiling will vary from zone to zone and we will need expertise to establish what holdings will be economical in the various zones and I will not be very competent to state the exact ceiling but I think it is important to have a ceiling in Uasingishu and those places for instance we should have less than a hundred acres for good economical raising of wheat crops and the people who have taken the responsibility should raise those wheat crops should be given ample land for that purpose and if they are not utilizing it we levy some rent or something like that so that we have sufficient food supply in this country.

**Com. Salome Muigai:** My question is a follow up of the same you have been asked that the Constitution sets certain protection to guard against un-economic fragmentation. Is that for land that is still in tax or even for that has been fragmented already, people have already divided it amongst themselves and if the latter what modalities would you have as youths to ensure that the people who own this land, what do we do with them? That is one of my question.

The second question is on the Cabinet. You want us to have a certain number of Ministries do you have a number in mind.

**Paul Lilan:** I will start with the second question. I have a fixed number of fifteen Ministries not more than that. On the other question of fragmentation I appreciate that there is going to be difficult enough people to render their title or to amalgamate and they have been in the house, they have buried their dead there and there and so forth. I think it will be easier to work with large scale farms that are still in existence that have not been fragmented. We could legislate now bearing that in mind we do not touch what has already been over fragmented to bring a lot of problems.

**Com. Salome Muigai:** One last question. Are the Ministries enumerated in your Memorandum?

**Paul Lilan:** I would have to enumerate them but I haven't. I didn't have sufficient time to do that, but I promise you honourable Commissioner I could do a supplementary Memorandum bearing that and submit it to Nairobi. Thank you very much.

**Com. Salome Muigai:** Please do that for us. Thank you very much. Does that answer your question?

**Com. D. Ratanya:** As you see is just the same point of the Cabinet may be when we get your Memorandum we are going to get clearly what you recommend. But there are other if you say these Ministers should be outside the Parliament no necessary for the MPs to be professional from outside.

**Paul Lilan:** They need not be professionals but if they are professionals so much the better. What I am proposing is that we get them out of Parliament. I have in mind the doctrine of separation of powers that we must have it in place and if we are having a Member of Parliament who has his foot in the Executive and also in the Legislature unlike the Attorney General who

has his feet in all the three arms of government. then we are not attaining the fruits of separation of powers. So I am proposing like the USA system could be of assistance here. We have Ministers who are totally outside Parliament.

**Com. D. Ratanya:** That is what you want?

**Paul Lilan:** Yes that is what I am proposing. And there are no given elected the will be appointed by the top Executive of the day upon having them had them vetted by a committee of Parliament. And they are qualifications will have been set out specifically in the Constitution and they should be so high to include people of the highest integrity proven trust record. These should be people who are able to manage the economy.

**Com. Salaome Mugai:** Bwana Lilan I think you have made your point very clearly and we thank you. Please register yourself with us. Simatwo Chepkwony. Karibu.

**Simatwo Chepkwony:** Asante sana. Mimi ni Chepkwony na ninaishi hapa. *Mwaite ilenji mapendekeso nenyunet ko kotinyge ak ukulima... kamwa ale amache eng Tume kechngech chito ne imuche kotononwech kobotik tugul.*

**Translator:** Mapendekezo yake ni angependa kuhusu kilimo mtu achaguliwe awe anaangalia mambo ya ukulima.

**Simatwo Chepkwony:** *Amun kabatisiet kiboti kawek, kiboti bandek lakini mutai kele mami beit ak ketiegei choto en lagokab sugul.*

**Translator:** Kwa vile ukulima tunakuza mahindi, kahawa an kesho yake hakuna bei ya hizo mazao.

**Simatwo Chepkwony:** *Ne rube noton ko kompunit ne tononchin keswek koyae boisienyuan kosubge ak beinyuan ne makimuchi kewal ak kowole nenyon.*

**Translator:** Kufuatia hayo wakuzaji wa bengu za haya mazao wanaweka bei yao lakini baadaye wanabadilisha ndio isifutane na bei ya mazao yetu.

**Simatwo Chepkwony:** *Ko kosome ale kelewen agine chito ne teteanwech asikobit kesopche kou bik ak kisobe lagokchok*

**Translator:** Anasema ya kwamba anataka msimamizi anawatetea kwa haki zao za wakulima.

**Simatwo Chepkwony:** *Ng'olyot age ne bo aeng',*

**Translator:** Jambo la pili.

**Simatwo Chepkwony:** *ortinwek, barabarosiek che chute forest.*

**Translator:** Mabarabara yenye yanaingia forest

**Simatwo Chepkwony:** *Asame ale ngomukaksei kinde gate*

**Translator:** Anaomba ya kwamba ikiwezekana yawekwe gate

**Simatwo Chepkwony:** *ak korik che mengechen chebo ribik cheribe barabaranaton.*

**Translator:** na walizi

**Simatwo Chepkwony:** *Ngokose kou ne kotukyi yoton.*

**Translator:** Kwa hivyo anefika hapo.

**Com. Riunga Raiji:** Okay asante mzee, jiandikishe. Ruth Mesude Natasha.

**Ruth Natasha:** My names are Ruth Masude Natasha from St. Mary's Girls Tachasis, Thank you.. I would like to propose that the Constitution the settlement of people who are more prone to accident this is because most tragic accidents happen and people end up losing their loved one and even their property.

Loans should also be offered to university students who come from poor families and cannot manage fees especially the private university students.

The powers of the President should be reduced this is because he is not properly qualified to all the jobs he is given. He should only be an MP and Member of State. Also he has a lot of work and he has to do all the work and create job opportunities for other people who are in need of job. That is all, thank you.

**Com. Riunga Raiji:** Okay asante Ruth, jiandikishe huko. Emily Chepchirchir.

Emily Chepchichir: My names are Emily Chepchirchir. Education rights: I propose that the government to shift slum dwellers, they should be educated. This is because when they stay there always - there is a saying that an idle mind is a devil's workshop. I propose that the secondary school student should be provided with equipment like computers and laboratory equipment.

On the structure and system of government: We need a Federakl government so that decisions are made everywhere not only in State House Nairobi even in Kapsabet here.

On national security: The Army, we don't know what they are doing now when there is no work so I propose that they should be sent to other countries to held the countries who are in war so that they can gain military tactics.

MPs should have offices in their Consituencies so that they can be seeing what is going on in the constituency and reporting to the matters to the government.

**Com. Riunga Raiji:** Asante sana Emily, register there. Nelly Tuikong' did she present?

**Nelly Tuikong':** My names are Nelly Tuikong'. I would like to propose that bride prize or dowry should be strictly abolished because women are not commodities for sale and in any case they contribute as equal as men.

There should compulsory position either in the government or in Parliament that should be left vacant for women. This will promote equality as in the example of our neighbouring country Uganda where the Vice President is a woman.

The system of education should be changed to accommodate A level education so as to ensure physical and medical growth before going to colleges or universities or getting jobs. O level students are too young and find it hard to get jobs or join high education levels in other countries.

There should be a guarantee capital given to all A levels students to create employment as not everyone is assured of getting jobs, these can also be given after university where the students find it hard to get jobs. So they should be supplied with enough capital may be to start business.

Youths should have representatives in Parliament so that to air their problems freely. Also the Constitution should regulate the tenant landlord right. That is all, thank you.

**Com. Riunga Raiji:** Register there Nelly. Thank you very much. Was there any other student who wanted to give views? If you have raise up your hand I can see you, if not I will go back to our main list. Simatwo Chepkwony. He has just spoken? Okay I will go to the next one. John Musonik, karibu Bwana Musonik utafuatwa na Willison Totich halafu Joel Tangech.

**John Musonik:** Asante sana Commissioners na Chairman kwa makarabisho haya. Jina langu ni John Kimutai Musonik kutoka Tinderet location. Mimi ninachagua ya kwamba Katiba ambayo tunahitaji sana ni ya kulinda wanakenya wote kwa kila njia. Ikiwa serikali yetu ni ya Majimbo hii Katiba alinde kila mtu. Ukiwa katika Rift valley uwe mtu wa Rift valley kamili. Ukiwa wewe ni Mluya ama Mnandi kaa na amani na uwe na uhuru kwa kuwa na mali yako bila tutatizwa na binadamu. Kwa hivyo Commissioner tunahitaji Katiba ilinde watoto wetu kana vile Wabunge walipopitisha juzi watoto walindwe pia watoto wawe na nidhamu ya kulinda wazazi wao baada ya miaka hamsini. Kwa sababu tumewasomesha watoto mpaka wakamaliza university ana vile vile wazazi wameangamia, wamekosa mali wamekuwa maskini, kwa hivyo lazima watoto wawe na sheria ya kuchuga wazazi wao. Wasije wakata mzee fathee ama wanaita mama mother na huko mama anatembea uchi, huko mama anakaa bila mali kwa sababu watoto walimaliza mali. Kwa hivyo watoto waheshimu wazazi wao na wawapatie mali 10% yao ya kukaa nyumbani na wapewe na serikali pia itoe 10% kulinda wazee.

Nafikiri hapo nikimaliza tunahitaji pia utamaduni wetu kama wamama, kuna wamama ambao hawakufanikiwa kupata watoto. Na katika Kikalenjin wanaoa, kwa mila ya Kalenjin awa wamama wanaona kwa sababu na ardhi, wako na mali ya kuoa, pia

wapatiwe certificate ya kuoa. Ili wapate mtu wa kurithi mali yao na kuwachuga. Na wapatiwe na family yao mtu kamili wa kuchuga nyumba yao isije ikawa ya serikali - ya kila mtu. Iwe ni ya family hio kwa sababu watachagua Ukimwi na hiyo ni baya. Kwa hivyo serikali kama tungepata Katiba ya aina hiyo ya kuchuga watu kama hawa tutakuwa na kila mtu awe na haki yake.

Watoto wale ambao hawajiwezi kama wasichana ambao wako nyumbani na hawana akili timamu wanandaganywa na vijana na wanapatiwa watoto na hawana elimu sasa mtoto ana jukumu a kulinda watoto wale wanazaliwa na daughter yake. Kwa hivyo mimi ninapendekeza yule kijana mwenye kuzaa huyo mtoto awe ni baba ya mtoto huyo na vile vile amununulie shamba na amulinde na apewe jina la baba yake. Huyo mtoto awe na baba asije akawa chokora.

Nitamaliza na President: Tunataka Katiba ya kuchuga viongozi wale ambao wanaongoza Kenya. Wakiongoza vizuri mpaka wanaenda retire na mali ya wananchi wamechunga vizuri wapatiwe heshima ya kuongoza. Vile vile wapatiwe marurupu ya kazi zao wa wachingwe kama vile viongozi wa nchi bali bali wananchungwa.

Mwisho ni boundery yetu ya awali: Wakoloni walipoingia hapa walingawanywa Africa na kulikuwa na boundery ya Nyanza, Coast na Rift valley tuheshimu hizo boundaries na hiyo ni jukumu letu kupendena na watu jirani yetu. Basi nafikiria hayo ndio maoni yangu.

**Com. Riunga:** Asante sana mzee, tafadhali jiandikishe. Willison Rotich, yuko? Kama hayuko naona John alikuwa observer au ulikuwa ukitaka kusema kitu?

**John Kerongesh:** Nilikuwa nataka kusema kitu kidogo tu.

**Com. Riunga Raiji:** Karibu.

**John Kerongesh:** Asante. Asante sana Commissioner nilikuwa observer lakini nafikiri tumewakilishwa. Jina ni John kerongesh kutoka Tinderet location. Maoni yangu ni kwamba ningenelea Katiba ambayo tulikuwa tunafuata kuna jambo moja ambalo ningeguzia. Haya mambo ya Kichagua President kwa jumla ni vizuri kama President amechaguliwa ----(sijui kama nitatafusiriwa, ninashindwa na Kiswahili) *ogere kou President*

**Translator:** Anasena kuwa President

**John Kerongeshi:** *ye kakelewen*

**Translator:** kama amechaguliwa

**John Kerongesh:** *ko konyol atgai en kora*

**Translator:** inafaa

**John Kerongesh:** *kotugul*

**Translator:** inafaa wakati wowote

**John Kerongesh:** *ko mat kong'et kele nenyonet nenyonet.*

**Translator:** ikisemekana ya kwamba ni yetu, ni yetu

**John Kerongesh:** *Ngenai kele bo Kenya kotugul*

**Translator:** ijulikane ya kwamba Kenya nzima

**John Kerongesh:** *amat kele bo kabilet nekile.*

**Translator:** na isisemekane ya kwamba ni ya kabila fulani

**John Kerongesh:** *Chito ko chito.*

**Translator:** Mtu nu mtu

**John Kerongesh:** *Kan koboisiewech komie*

**Translator:** Kama amefanya kazi vizuri

**John Kerongesh:** *ko ta ko chito*

**Translator:** Bora ni mtu

**John Kerongesh:** *amun kutuswek chuchok*

**Translator:** Kwa vile hizi kabila zetu

**John Kerongesh:** *ko kikowalech kot keger chito ko ma chito.*

**Translator:** zimetufanya kuwa tukiona mtu tunaona kana sio mtu

**John Kerongesh:** *Kito age ne kamache atiny*

**Translator:** Jambo lingine

**John Kerongesh:** *Ko konamge ak sugulisiestyok.*

**Translator:** ni kulingana na mashule

**John kerongesh:** *Bendi lagokyok sugul,*

**Translator:** Watoto wanaenda shule

**John Kerongesh:** *hasa kou secondary*

**Translator:** Sana sana ni secondary schools

**John Kerongesh:** *ko yeb koit olindoki*

**Translator:** wakifika pale

**John Kerongesh:** *komi ngemwa kou kanisosiek.*

**Translator:** wanapata makanisa

**John Kerongesh:** *Ko mat kelenchi lakwet saa amun koinyn kanisani isibi ng'alek chebo koito.*

**Translator:** Mwanafunzi hasiambiwe kwa vile umekuja hapa fuata maneno ya hio shule ameenda.

**John Kerongesh:** *Amun kayanetab chito*

**Translator:** Kwa vile denomination ya mtu

**John Kerongesh:** *kobo ung'ot.*

**Translator:** ni ya siri



**John Kerongesh:** *Matkelenchi isa amun kiso e amun kiso e kou ye kokiso e isa kou noton.*

**Translator:** na hasilazimishe aombe vile hataki kuomba

**John Kerongesh:** *Amun kingen kele noton ko kokunetab Jehovah ak chito inegei.*

**Translator:** Kwa vile hilo ni toleo la Mungu

**John Kerongesh:** *Amun noton ko makilenjin chito saa kit ne mengen.*

**Translator:** Kwa vile mtu hawezi kuambiwa aombe kile kitu hajui

**John Kerongesh:** *Soe chito en siri.*

**Translator:** Mtu anaomba kwa siri.

**John Kerongesh:** *Kit age ne kamache amwa*

**Translator:** Jambo lingine

**John Kerongesh:** *ko ngemi masieb Tindiret ni,*

**Translator:** Tukiwa hapa Tindiret

**John Kerongesh:** *ko ngesire lagokyok*

**Translator:** Wakati watoto wetu wanaandikwa

**John Kerongesh:** *Komi ng'olyon ne kelen bunu olinbo Tindiret olin.*

**Translator:** Kuna jambo lenye wanasema ati wanatoka kule Tindiret

**John Kerongesh:** *Ingenaagen.*

**Translator:** Tujulikane

**John Kerongesh:** *Ango lagok che kisire en konetik*

**Translator:** Kama watoto wenye wanandikwa kuwa waalimu

**John Kerongesh:** *konaak.*

**Translator:** ijulikane

**John Kerongesh:** *Ngo chebendi majeshi*

**Translator:** Kama wameenda jeshi

**John Kerongesh:** *ko naak kora.*

**Translator:** ijulikane pia

**John Kerongesh:** *Alen u noton.*

**Translator:** nafikiri ni hivyo

**John Kerongesh:** *Kou noton, kikimi che kikisire en location.*

**Translator:** alikuwa kwa wale waliokuwa wanaandika kwa location

**John Kerongesh:** *Kongoi mising.*

**Translator:** Asante.

**Com. Riunga Raiji:** Asante sana Bwana Kerongesh. Sasa mwingine ni Harun Cheruiyot ulikuwa ukitaka kuzungumza kama yuko? Uliandika written halafu observer. Tutakupatia dakika mbili inaonekana ukuwa uki---- karibu.

**Harun Cheruiyot:** Asante. Mimi ninataka kusema kuhusu kuoa na kuolewa. Kwanza kuna kuoa ya kuishi pamoja halafu baadaye wanaowana na hapo kunapatikana wale watoto nyinyi mnasema ni watoto bila mzazi mmoja. Mimi ninaonelea mtu kama anataka kuoa aoe straight na vile vile andikisha kwa serikali. Kuhusu hiyo mimi ningesema mtu akitaka kuoa kwa adabu afanyie katika tarafa au location. Wka sababu district headquarters in bali na kuna watu wengi uwa hawafiki uko.

Wasichana ambao wanapata mimba nyumbani kwao. Mimi ninaonelea kuwa msichana alindwe mpaka miaka ishirini na mbili. Kutoka ishirini na mbili kwenda juu yeye mwenyewe anajijua lakini chini ya ishirini na mbili yeye bado ni mtoto. Mtoto ambaye atazaa akiwa chini ya ishirini na mbili atapatiwa baba yake lakini juu ya ishirini na mbili anajijua yeye mwenyewe. Vile vile kuna mtu anaweza kuoa bibi wa pili na tunaona katika Kenya kuna kutoelewana baada ya mzee kufariki kwa sababu yule bibi mkubwa hajui yule bibi mdogo kwa sababu yule bibi mdogo anaishi na mzee huko Nairobi. Na mzee kufariki yule bibi mdogo anakuja nyumbani ati yeye ni bibi wa huyo mzee sasa maoni yangu ni mtu aoe bibi wa kwanza wa Kikatiba. Na akitaka kuoa bibi mwingine anaenda kwa serikali anaandikisha huyo wa pili.

Mwisho, tunasikia ya kwamba kuna hazi za watoto. Na vile vile kuna haki ya wakina mama. Ninataka tuweke kwa Katiba haki ya wazee.

**Com. Riunga Raiji:** Endelea unamaliza sasa.

**Harun Cheruiyot:** Halafu lingine ni mali. Mali ya mtu iwe mali ya mtu, yaani mali ya mzee iwe ya mzee mpaka mzee huyo akifariki watoto wanakuja kungawa.

**Com. Riunga Raiji:** Can you be silent please? Tafadhali tukimye tusikilize.

**Harun Cheruiyot:** Kuna msichana ambaye amekaa na hakuolewa, vile vile arithi mali ya baba yake. Lakini yule ameolewa hawezi kurudi kurithi. Kuhusu kuoa tunataka mzee ambaye ameo hata yeye mwenyewe alindwe kwa ajili bibi yake anaweza kumwacha, halafu yeye mwenyewe atatamani kuoa mara ya pili. Asante.

**Com. Riunga Raiji:** Asante sana mzee Harun, jiandikishe. Samuel Chumo. Karibu mzee.

**Samuel Chumo:** *Kamwa kongoi mising.*

**Translator:** Anasema asante sana

**Samuel Chumo:** *Ane ko Samwel arap Chumo.*

**Translator:** Samuel Chumo

**Samuel Chumo:** *Kanget in, forest nemite olinbo taban oli agoi ko kakalya si makirar asikorib bik, chitab kobo forest. Nebo Nandi korib Nandi, nebo Kisigis korib Kipsigis, nebo Keiyo korib Keiyo. Ngorib chi age tugul timdonyuan.*

**Translator:** Forest zenye ziko kila kabila ichunge forest zao kana mi Wanandi wachunge forests zao, Keiyo wachunge forests zao

**Samuel Chumo:** *Ak kerarchi lagok taban taban taban si korib chi tugul timdonyin*

**Translator:** Watoto pia wangawaniwe hizi forest kando kando kila mtu achunge forests zao.

**Samuel Chumo:** *amun asikorindet ne kisirei*

**Translator:** Kwa vile asikali mwenye anaandikwa

**Samuel chumo:** *kesirei neng'eten kesumo*

**Translator:** anaandikwa mwenye anatoka Kisumu

**Samuel Chumo:** *kesirei neng'eten Nyeri.*

**Translator:** Anatoka Nyeri

**Samuel Chumo:** *Ko ile nyokoribe timdo, maribei nyo kwomei.*

**Translator:** Anakuja kuchunga msitu ama anakuja kukula

**Samuel Chumo:** *Maribei ku oleriptoi chitab kobo.*

**Translator:** Mwenye anachunga msitu ni mwenyewe

**Samuel Chumo:** *Ngokere ko logoiyot non.*

**Translator:** Hilo ndilo jambo.

**Com. Riunga Raiji:** Davies Mngore from Mitetei Secondary School atafutwa na Richard Serem.

**Davies Mngore:** Thank you Chairman and the Commissioners. Mine will be brief because most of what I intent to say is on paper and has also been said previously. First of all we would like to make note that the Consitution has been there since we were independent but unfortunately as much as it has been good to some extend it has not been used correctly. That does not mean that there some a few areas which should not be amended that is what we are going to erumenate here and hopefully your Commission will look into way of ensuring that our Constitution has served us in this generation.

First of all we would like to talk about the education system because that is what concerns us most especially in this age. We would like free and universal education for primary schools and in due course these should be extended to secondary schools level. The quota system which was introduced sometimes back should be done away with because it tribalises schools and at the same time does away patriolism in the country. A situation should be created where like in the olden days people where schooling anywhere in the country. This makes them feel as part of our country. We also want something done about the cost of education in our country and in this regard we would the Commission to reconsider reintroducing the Kenya School Equipment Scheme which used to provide school equipment like text books, chalk and other necessary facilities for schools. These would held lower the cost of education for the parent and the country in general. We would also like in the same education sector, the government to be stopped from regular change of syllabus as it is very very costly. We should have a minimum time for a system to serve us before it is reviewed.

Apart from education, we also want the land policy to be reviewed so that land fragmentation can be eliminated. We suggest that holdings should be about a minimum five acres a family. This can be started as soon as our Constitution has been affected so that people do not fragment the land further. Smallholdings are very very uneconomical.

We would also like teachers like public servants to be liable to transfer every five years and should be transferred to any parts of the country. Likewise teachers should not be posted to their villages because again just like the quota system this has tribalised the education system we are having in our country. Kenyans should be free to work anywhere and serve the nation in every region. We would also like the Constitution to set something about the language policy at the moment is the official language even though the elite only uses it. We would like Kiswahili to be official and national language of our country. We would also like the number of political parties reduced to a maximum of four. As much as it is democratic to have many parties they are not effective and most are redundant.

The Constitution should ban government official from also having posts in trade unions as they tend to be biased in favour of the government and this also introduces government influence in trade union such as COTU, KNUT extra.

We wish to have in the Constitution a policy of one man one job policy to enhance opportunities for employment for the numerous unemployed Kenyans. Thank you.

**Com. Riunga Raiji:** Okay, asante sana mwalimu jandikishe. Richard Serem- Hayuko? Samuel Maretim. Enock Munai – wewe ndiwe Enock? Karibu.

Enock Munai: Ningependa niwakilishe hoja zangu katika hii Tume. Enock Munai. Kwanza ni kuhusu Wabunge. Unakuta ya kwamba Wabunge wameweza kujiongezea pesa nyingi sana. Ningependa Tume ichaguliwe yenye itaangalia pesa ambazo Wabunge wanatakiwa wapate.

Kuna wao Wabunge ambao wanajihuzisha na ufasidi. Ningependa ikiwa tutaopata Bunge ambaye anajihuzisha na ufasidi ningependa serikali iangalie gharama au ufasidi wenye Bunge amefanya ili ya kwamba pesa zake zigharamie ufasidi wenye amefanya – yaani hasilipwe pesa zake.

Dini ama kuabudu: Tuwe na haki ya kuabudu. Unakuta ya kwamba kuna wakenya ambao wanafanya kazi katika serikali unakuta ya kwamba pengine ni muisamu lakini pengine kuna function katika serikali yeye inafanyika siku hiyo ya kuabudiwa. Na ningependa kwamba hii Tume ifanye kuwa kila mtu apatiwe nafasi yake ata ingawaje anafanya kazi katika serikali. kila mtu apatiwe ruhusu ya kuabudu ata ingawaje ni DO ama ni officer yoyote tu. Serikali iangalie ya kwamba imetafuta mtu mweingien mwenye atakuja ku-replace kazi inayofanya katika siku ya kuabudu kwa huyo mtu.

Ukabila: Tunakuta ya kwamba kumekuwa na ukabila na ningependelea katika hii Katiba ya kwamba kila mkenya lazima awe na right ya kuishi kila mahali kwa nchi yetu kwani sisi ni Wakenya tuko na right ya kuishi katika kila sehemu katika nchi yetu.

Mwisho, katika mashule zetu unakuta ya kwamba kumekuweko na ufusadi katika shule zetu. Unakuta mkuu wa shule anajihuzisha na ufisazi, ningependelea ya kwamba aadhibiwe kama kushukishwa cheo. Kama alikuwa mwalimi mkuu wa shule ya upili ateremshwe katika hicho cheo na awe mkuu wa shule ya primary.

**Com. Riunga Raiji:** Okay hiyo ilikuwa ya mwisho? Okay asante sana jilandikishe. Lawrence Chirichir. Hayuko? James Singei. David Mogere ni yule mwalimu alizungumza huku au ni mwingine? I think he is the one. Daniel Terer. Alizingimza. Dr. peter Biwott – tulimpatia nafasi. Joel K. Mutai. Mutai utafutwa na Julius K. Tot. ni wewe Joel? Ee Bwana kama unataka kuzungumza.

**Joel K. Mutai:** Asante sana Commissioner wenye ambao wako hapa leo. Maoni yangu ni machache kulingana na utaratibu wa watu wetu. Mimi nimekuja hapa kwa niamba ya watoto na vile watu wanaishi. Kuhusu kunyanyasa watoto sana sana ni watoto wa secondary na wa primary wasichana. Ingefaa kwa maoni yangu kama ingekubalika kuwekwe sheria kamili ya kuchunga hawa watoto wako secondary na primary wasichana. Kwa sababu hii wasichana wengi wamewacha shule kwa kudanganywa na wanaume. Na hawa wasichana hawasemi uongo. Mimi nataka kuwaakikishia kabisa mjue wasichana hawana uongo, uongo uko na sisi wanaume. Kwa sababu msichana hawezi kuchangua nyumba ya tajili ama yule hajiwezi, msichana kama ameshakubali mtu namkubali kwa roho moja. Na kumbe yule ni maneno ya kudanganya yule msichana ndio ampate tu kwa kupenda kwake.

**Com. Riunga Raiji:** Unapendekeza tufanye nini?

**Joel Mutai:** Ninapendekeza kuwekwe sheria ikiwa mtu atadnganya msichana wa mtu amchukue kabisa ama aadhibiwe kulingana na sheria, apewe shamba ya kuchuga huyo mtoto wake. Hiyo mimi ninapendekeza kabisa.

Mimi kana niko mmoja wao kwa sababu niko na wasichana niko na wanaume, mimi niko kwa huo mtungi. Na mimi ninapendekeza kabisa ili watu wasome vizuri kwa sababu sisi Wakalenjin bado hatujasome kabisa na ikiwa kama sasa mtu yuko secondary form three na mtu anamdanganya ---

**Com. Riunga Raiji:** Tafadhali tuwache kelele tumsikilze maneno mzee

**Joel Mutai:** Kwa sababu kuna wasichana ambao wako form three na wako karibu sana kumaliza. Halafu mtu anawadanganya na mzee ametoa mali yake yote anatembea na kira kwa sababu ya mtoto wake ili asome apate masomo ya

kutosha. Na mtu pengine ni tajari fulani anakuja anamdanganya yeye anamtembeza na mwishowe anawacha mtoto anaangamia. Hiyo ndio nataka lile pendekezo langu liwekwe kabisa. Kuwekwe sheria ya kuchunga hawa watoto.

**Com. Riunga Raiji:** Hilo tumelisikia. Una lingine.

**John Mutai:** Ndio. Unajua sisi zamani watu Wakelenjin walikuwa mtu alikuwa anatapatiwa punishment ya kutosha ili ajifundishe kuwacha hayo mambo. Kulikuwa kama kijana anaweka mimba mtoto wa fulani kwanza anachija mbuzi ya kuonyesha ya kwamba mtoto ni wake hiyo ni kimila sasa halafu kama wazee wanajua kweli mtoto ni wake. Anaita mama ya huyo kijana anakuja kunyoga huyo mtoto adharani sasa watu walikuwa wanachungana kabisa kwa sababu ulikuwa unajua ni aibu tena ni dahmbi na kutoka wakati huo watu wamesha erefuka. Msichana hawezi kubali uue mtoto wake. Kwa hivyo hii ilikuwa mila ya watu wetu tena ilikuwa inatapatia mtu na kujua sheria iko wapi na kuogopa.

Jambo lingine kama sisi wazee. Mimi ninataka kuwaeleza wazee kabisa, tunasema watoto ni wabaya lakini sisi wenyewe ni wabaya. Kwa sababu unaona mzee kama mimi unakuta ananyemelea mtoto wa rika yake anaongea na yeye na mimi ninashangaa yeye ajuhi aibu. Si mtoto huyo na wake si ni rika moja? Ndio kuwekwe sheria kama hiyo. Kwa sababu zamani sisi ungeweza kuongoa na msichana kama rika ya baba yake iko karibu. Kwa hivyo ninaonelea hayo maneno yachuguzwe.

Pia upande wa serikali, kuna mambo mengine ambayo inaweza kufanyika katika nchi. Askali badala ya kuja kufanya kazi yake, anaingia mabibi ya watu na watoto wako hapo. hiyu ikomeshwe kabisa, au afanye kazi yake kulingana na vile alitakiwa. Kwa sababu ni aibu kutandika mtoto hapa na mama yake yuko hapo.----

Tuheshimu ofisi wa Rais na tuheshimu kiti cha Rais kwa sababu tuko hapa kama sisi ni watoto wake na tuko kukaa kwa amani na umoja. Tuheshimu kabisa na kumombea hekina na tunamoumbea Mungu apate nguvu ya kuongoza nchi. Hakuna njia ingine kwa sababu ananichunga mimi na watoto wangu nakila mtu.

**Com. Riunga Raiji:** Nafikiri hiyo tumesikia na hiyo ilikuwa ya mwisho lakini kwa sababu wewe ni mzee nimekuongeze saa ingine kidogo. Okay asante sana mzee.

**John Mutai:** Wacha niseme moja. Kuna jambo moja ambayo mimi naona katika hii Kenya yetu na ni baya kidogo. Saa zingine unasikia kumeuwawa ma- Padri mwingine bila hatia hiyo inatakiwa ikomeshwe kwa sababu hao ni watu wa Mungu. Halafu mnasikia wameuwawa nama hii.

Nikimalizia, sina mengi nikuiongea juu ha hiyo haki yetu. Tuandike Katiba yetu ile ambayo inatujenga sisi na iel ambayo sisi tukaa.

**Com. Riunga Raiji:** Sasa mzee hiyo ingine tutaongea tukitoka kwa sababu saa yako imezidi kabisa.

**Joel Mutai:** Tukiwa hapa kuna neno moja ambao nauliza kwa ----, mtu kama yuko na yeye ni Mnandi mimi isiwezi labda---- mtu akiona mambo ya clashes inatokea nini na nini inatokea mtu anaweza kujitokeza na kusema hiyo ni mfano. Mimi sisemi Wanandi ni wajinga, mtu anasema “unaona hao Wanandi wajinga” na watu ikiwafikia namna hiyo ndio mambo yanatokea onaona watu wanaumizana ni mambo kama hayo. Asante sana.

**Com. Riunga Raiji:** Sasa ni Julius K. Tot. Jiandikishe hapo. Julius K. Tot, hayuko? Mirriam Kogo, hakuna. John Metto ni wewe? Utafuatwa na Kiptunge Sitenei. Kama kuna ingine tupatie Memorandum tutasoma jiandikishe ili tumpatie nafasi Kiptunge Sitenei, Bwana Sitenei yuko? Councillor David Rotich.

**Clr. David Rotich:** Mimi kwa majina naitwa David Cheruiyot Rotich ni mkaaji wa Inamotui location. Maoni ni kana ifuatavyo. Kulingana na marekebisho ya Katiba ya nchi ambayo tunafanya sasa, ningenelea sheria ya nchi hii ituzwe sana. Ukiangalia sheria ya Kenya ambayo tulikuwa nayo karibu three quarter ilikuwa nzuri lakini ubaya haikutuzwa. Ukiangalia sheria kama ya nchi ya Uganda wanaituzwa sheria sawa kabisa lakini Kenya walirengesha uwezo wa kutuza sheria sawa. Kwa hivyo tunaomba sheria ituzwe kabisa katika Kenya hii.

Ningependeza vyama vya kisiasa ziwepo na visizidi kumi na visiwe vya kikabila.

Tuwe na mfumo wa Majimbo ambao rasilimali zake ama uwezo utakuwa katika provincial na mali ama rasilimali ya sehemu hiyo itakuwa katika county council.

Tuwe na mzee wa mtaa ambaye atapewa mshahara. Tuwe na Assistant chief na Chief na ambao wananchi wenyewe wamewachagua. Tuwe na DO, DC na PC ambao watapewa appointment na Parliament. Tuwe na Prime Minister na President na President awe ceremonial President.

Mali ana ukusanyaji wa mali ya nchi: Iwapo itafanywa na central government ama jimbo na utasimamiwa na Nandi county council ata kama mali imetoka ng'ambo lakini itaenda direct kwa Nandi county council. Inayofuata ni mambo ya rasilimali kama maji, msitu, ---na madini yote yaende katika Nandi county council na more than 30% irudi kwa mwananchi mwenyewe.

Sheria ya kulinda viwanda: Ukiangalia Kenya yetu viwanda vyetu vimeharibiwa na mambo ya corruption kwa hivyo tunaitaji sheria ambayo inalinda viwanda katika nchi yetu ya Kenya. Nilikuwa nimesema uongozi wa Majimbo ili uongozi uweze kutoka katika sehemu bali bali usiwe umetoka sehemu moja headquarter kama Naiorbi peke yake.

**Com. Riunga Raiji:** Dakika moja.

**Cllr. David Rotich:** Mbona umekata yangu sana? Tea estates katika Nandi iwe under Nandi county council. Public utility ziwe zimetuzwa, zituzwe kabisa.

Freedom of worship – uhuru wa kuabudu: Katika Kenya tunapata siku ya kuabudu ni Friday, Saturday na Sunday, watu wapate uhuru wa kuabudu na iwe ni Mungu peke ambaye anaabudiwa.

Katika nchi hii tumepoteza watu wengi kwa sababu ya Ukimwi. Mapendekezo yangu mtu ambaye ako na AIDS ajulikane kama nchi zingine. Pengine inaweza kuwa inanihusu ninaomba katika Kenya hii watu wote wanapewa na wanalipwa mshahara. Na Councillors wa Kenya hii wanapewa kitu kana sitting allowances kwa hivyo ningepomba wapewe mshahara na benefits zingine kama wengine Kenya hii. Nchi zingine ukiangalia serikali inasimamia kitu cha kuuzwa kwa hivyo ningependelea wananchi waweze kufanya kazi, kupanda mimea na serikali iweze kutafuta mahali pa kuuza.

**Com. Riunga Raiji:** you are on your last point it is already five minutes.

**Cllr. David Rotich:** Two only please. Ninafaa tuwe na Constitutional Commissioners kama Human Rights, Gender Commission, Anti-corruption Commission na Elders Commission.

Ni jukumu la serikali kuwapatia watu wake kazi, usalama, afya, maji, masomo na vyakula. Inafaa kila mtu awe na shamba isiozidi acre mia moja. Asante.

**Com. Riunga Raiji:** Okay Bwana Councillor asante sana. Tafadhali tupatie Memorandum. Samuel Kibenei, hayuko. Bwana Kiplagat Biwott, hayuko? Huyu mwingine nafikiri ni Kajiro. Utatuambia majina yenyewe. Okay karibu.

**Kajiro Chepkwony:** Mimi ni Kajiro Chepkwony, Ogiek community. Mimi ni chairman ambaye anaongoza Ogiek. Katika Kenya kwa yale makabila arubaini na mbili ambao hawako ndani –

**Com. Riunga Raiji:** Ngoja mzee, namuomba ata nyinyi wanafunzi tafashali mtenge masikio tu msikilize, wacheni watu wazungumze na kuheshimu matamshi ya kila mtu. Endeele mzee.

**Kajiro Chepkwony:** Basi ninaomba Constitution of Kenya Review Commission katika hii kabila kuna aina bila ambazo ziko Kenya ambazo haziko. Na Ogiek tuomba tuwe kabila rubaini na tatu pamoja na Ogiek. Sisi tunaomba kwa sababu Ogiek in watu wachache katika Kalenjin lakini kwa wakati huu sio wachache sana na tunaomba Ogiek wapawe district yao halafu hata sisi tupate Bunge na viongozi wengine. Makao wa Ogiok kwa upande wa Kericho, Mau forest, ole ruone Tilet, Molo, Elbarlgon, Tinderet, -----Kipkerere, Rorengi, Kimsongi, Kalterwa, Saget, -----londiani forest training centre. Kwa hivyo tunaomba Constitution isimamie Ogiek ata sisi tuwe katika kabila arobaini na tatu katika Kenya. Kulingana na uongozi



wa Kenya ama kufutana na uongozi wa Kenya mwito ambao unaongoza nchi hii unaongoza kulingana na yule mtu amepata kura nyingi kama ni mzee ama kijana ama mama anaweza kuongoza nchi hii kwa ajili ya kura nyingi.

Nchi ya Kenya ninaomba wawe wakiongoza Kenya hii watu watatu. Rais, Waziri, Governor na wale viongozi wengine ambao wanakuweko kwa ajili yake. Kulingana na hapa Nandi tuko na mto mmoja msituni ambao unaitwa Cheplang. Hiyo maji kuna wazungu ambao wanakuja hapa na kufunga hiyo maji na kuwakisha stima lakini hao wenyewe hawapatii wale wananchi ambao wanaishi karibu na hiyo mto. Na tunaomba watupatie hata sisi stima. Vile vile wakati wanafungua huo mto kuna maji imechafuka sana hata ng'ombe yenyewe haikunywi na tunaomba hawa wapatie wananchi maji safi ikiwa kuna wakati ambao wanasafisha hiyo mifereji yao wananchi hawawezi kutimia hayo maji.

Vile vile kulingana na wale watatu ambao nilisema wataongoza nchi hii na kutakuwa na serikali ya Majimbo. Inaonekana Majimbo wakati wazungu walikuwa nchi hii zamani tulikuwa na serikali ya Majimbo kwa sababu kila kabila ilikuwa haiwezi kuingia katika makao ya wengine. Lakini wakati tulipopata uhuru kuna amri ingine ilisemekana kuwa kila mtu anaweza kuenda pahali popote katika Kenya na je ninauliza nikiwa hapa Nandi, ama sehemu yoyote, ama rift valley wale Wakalenjin ambao wanaishi Rift valley kama hawezi kuingia district zingine za makabila wengine? Lakini ninaomba Constitution eheshimu district ya kila kabila.

**Com. Riunga Raiji:** Mzee sena point ya mwisho.

**Kajiro Chepkwony:** La mwisho. Kuna watoto ambao wanalemewa wale ambao hawajiwezi na ata mtu mkubwa anaweza kutojiweza. Nitaka wale watu walemavu wasaidiwe na serikali kusomesha watoto wao na kutibiwa katika hospitali.

**Com. Riunga Raiji:** Hiyo ndiyo intakuwa ya mwischo kabisa.

**Kajiro Chepkwony:** Inaweza kuwa bahati baya au nzuri mwanamke anazaa watoto wawili ana watatu na kama mwanamke amesha zaa watoto wawili au watatu hawa wanafaa kutuzwa na serikali. kwa hivyo ninaomba serikali iwaheshimu.

**Com. Riunga Raiji:** Asante sana, jilandikishe hapo mzee. Na mwingine atakuwa ni Joel Keino. Kama hayuko John Murei – hayuko. Samuel Singilai Misoi, karibu mzee utafutwa na Moses Churuoni.

**Samuel Sigilai Misoi:** Yangu ni mafupi sana. Mara kwa mara tunasikia tangu asubuhi umesikia watu amboa wanaitwa Wakalenjin. Naitwa Samuel Sigilai Misoi. Nafiiria mshakaa kwa muda mrefu unasikias hawa Wakalenjin wakililia hizi mipaka wao. Kwa hivyo mimi ni mmoja wao wakuongeza juu ya hizi mipaka iheshimiwe kama vile Mwenyezi Mungu alivyo iweka mbeleni. Kama unavyo sikia kamaba sehemu za Moroni, sehemu ----- serikali inataka kupea watu wengine eheshimiwe na irudishwe pahali ilikuwa mbeleni. Mtu akitka kuishi ndani na Nandi lakini mapaka iwe pale pale. isisongeshwe maanake

tunaweza kumukosea Mwenyezi Mungu. Ata mara kwa mara mnapoona watu wanagongana gongana kwa ajili ya kukatalia mipaka sawa sawa hwasikilizani kortini ni kukosea Mwenyezi Mungu.

Pia hawa watoto mnao sikia kwamba wazaliwa nyumbani, ni haki ya yule aliezaa huyu mtoto kijana alinde mtoto wake sio kuniletea mzingo na msichana wangu. Wachukuw mtoto wao na kumlinda.

Pia serikali iwapatie hawa vijana wanao maliza shule na pia college kazi mara moja kuliko kukaa nyumbani na kuandikwa na wazazi tena. Hayo mambo ya makanisa yawe na uhuru wa kuabudu siku ile wanataka wenyewe. Nafikiri sina mengi na Biblia ya zamani ya Kinandi iheshimiwe na pia hiyo Biblia ichapwe. Siku hizi ninaona Biblia imechapwa chapwa lakini ile ya zamani ya Kinandi ile ambayo ilichapwa hiyo kama ingewezekana ichapwe tena. Maanake bii mpya imebadilishwa maneno. Asante sana.

**Com. Riunga Raiji:** Okay asante sana Bwana Samuel, jilandikishe hapo. Moses Cheruoni. Joseph K. Chumo. Vincent Tarusi.

**Vincent Tarusi:** Thank you Commissioners. Mine will be on point form. So the first thing I want the Consitution of Kenya to have a preamble.

There should be a clear separation of powers that is the Executive, Judiciary and Legislature. They should independent of each other. When appoint officials to different position there should be referndum and also qualification should be taken into consideration. There should also be security of tenure. Before increasinn their salaries the MPs there should be also a referendum because nowadays you can see the MPs increasing their salaries any time.

Education, health and poverty should be addressed adequatly by the government.

Security of the people: There is a lot of insecurity in the country at the moment and you find a lot of police road blocks from here up to the Kapsabet you can find five road blocks and yet there is insecurity in the country. So the police instead of stopping vehicles all around they should address the security of the people. Because at the moment Kenya is one among the highest tax country in the world. So I think the tax payment should be made to secure or to give the security of the people since they are paying they should also address education, health and poverty.

Natural resources: Forest should be protected especially finding of indeginous trees.

Land: The Consitution should protect distribution of land by the President e.g IDC land, research land and all state

corporation land and if possible also slum which have been grabbed should be returned before the next Constitution is taken into effect.

General election: General election should be held every five years and they should be fair and free. Electoral offenders should not be pardoned like the Ngei amendment of 1975.

We should also have the Federal type of government where the states are autonomous and there should also be the central government.

Disabled people not be discriminated in the society due to their inability. Also they should be given positions in terms of education, health services etc.

State corporations like cereal boards, KCC, ADC should be protected totally from collapsing by ensuring that the activities are protected from foreign competitors and importation of goods which can be produced locally.

Lastly, county councils should oversee the profits which are from within the area. If they are tea estates, any industries around. The share which are received should be overseen by the county council and then the profits should benefit the people who are within that area. Thank you.

**Com. Riunga Raiji:** Harun Cheryot. Samuel Sambu utafutwa na Christopher Kosgei halafu Peter Rugut.

**Samuel Sambu:** Asante sana Bwana Commissioner. Ka jina naitwa Samuel Kipchuma Sambu kutoka Songoi location. Jambo ambalo mimi nitaliongea ni jambo moja tu. Kuhueu haki ya binadamu na ningependa kuomba Tume hilo jambo liwe katika Katiba ya kurebishwa. Mwananchi wa kenya kukosa ardhi na atukiangalia mbele sana viongozi waliokuwa katika nchi hii wako na zaidi ya elfu hamsini huko na kuna mwananchi mabaya hana ata quarter.

**Com. Riunga Raiji:** Unapendekeza nini?

**Samuel Sambu:** Ninapendekeza apewe haki yake maana ardhi ni ya Mwenyezi Mungu sio ya serikali.

Jambo lingine na la mwisho: kuhusu uchaguzi, kuna neno la kusema uchaguzi ifanywe katika Bunge, kuchagua President achaguliwe na wananchi direct. Ionekane ya kwamba ni kiongozi ambaye anapendwa na watu wote sio Bunge aende achague kiongozi na huko yeye alichaguliwa. Hilo ni la mwisho na sitaendelea. Asante sana

**Com. Riunga Raiji:** Kuna swali mzee.

**Com. Salome Muigai:** Asante sana Bwana Sambu. Swali langu ni, kuna uhusiano gani kati ya haki za binadamu, na haki za akina mama, na haki za watoto kwa maoni yako?

**Samuel Sambu:** Kuna haki hizi. Hakuma haja mama anyimwe ardhi yake ni ya Mwenyezi Mungu au mwananchi au mtoto. Mambo ya ardhi nimesema ya kwamba ni ya Mwenzi Mungu na kwa nini mtu mmoja awe na acre nyingi na mwananchi yule anateseka na anaitwa mwananchi wa Kenya.

**Com. Riunga Raiji:** Asante umejibu. Christopher Kosgei ambaye atafuatwa na Peter Rugut.

**Christopher Kosgei:** It is in this case I Christopher Kosgei I want to present the following views. Law amendment: Parliament should make by-law until wananchi appeal and be signed by church organization at least 10 to pass as law.

Security: Armed forces make their law and President to stop donation of forces to other nations instead ---- international forces.

Village elders should be given salaries.

Political parties: The ruling party party to be financed by public funds. The losers to be financed by its own members. Other parties to be given Ministries according to ration or force.

System of government: President to remain powerful but not above the law.

Legislature: MP should be a member of the dominated tribe from a given district. No Majors to be given to women only through election but not as local authority. DO and DC should be from the area to present their people.

Executive: The Executive seat to be shared according to votes with the other parties. President should be the head of finalizing decision at the Parliament. Provincial administration should be responsible of law and order of district and church organization to be included in the Executive.

Judiciary: If person violets the law be charged accordingly but the manner of the staying in cell should be abolished. Also the manner of APs caning people as suspect should be stopped and enquire investigation of the victim when he is in cell.

Local government: Mayors and council Charimen be elected directly by the people. They the councils should serve people provided they are elected directly without limitation by empowering them than DC. They should be from with a better grade.

Local authorities seats should be given educated people and those posts at election. Councillors be elected by wananchi and nominated ones be elected also.

Ministry for local government ----- when wananchi have no confidence by abusing his her powers.

Electoral system: simple majority rule as the basis of winning an election. Retaining 25% presentations of Provinces for President. Geographical Constituencies be seen as per previous bounder as for wananchi as when Europeans where in this country.

Death penalty: Death penalties be abolishe instead life sentence.

Land: Only owners who own land are given district but noa anywhere.

Community righthst: Every community's culture should be respected provided it doesn't hurt any other community.

Natural resources: Taxation mostly like county council to be abolished and use only taxation at the already manufactured goods from natural resources. Councillors should protect forest and forest should be property of their area in case of stabalising the community of the area concerned.

International affairs: Parliament to deal with foreign affairs. May I finish?

**Com. Riunga Raiji:** That is the last one. You are finishing that point the rest we shall read the Memorandum

**Christopher Kosgei:** Electoral Commission to be incharge of power during every election but at the grassroot to be DOs. If any form of rigging experience be ----- should be done by different organizations be supervisors. Provision of security and welfare as at power to be administered is not carried normally as the President or any leader. Thank you Sir.

**Com. Riunga Raiji:** Okay, asante Christopher utatupatia hiyo Memorandum. Peter Rugut atafuatwa na Lawrence Sugut.

**Peter Rugut:** Mimi ni Peter Rugut kutoka area hii tu. Neno langu au maoni yangu sio mengi ni yale tu ambayo ninayaona na yale ambayo niliyaona zamani n aya leo.

**Com. Riunga Raiji:** Sema hayo yote.

**Peter Rugut:** Nitasema. Kwa hivyo mimi nitarudi nyuma kidogo, mwaka wa arubani wazungu walikuwa wanatawala kweli katika nchi hii yetu na sheira ambazo hawa walikuwa wanatawala nayo zingine zlikuwa nzuri na zingine baya. Lakini hizo sheria zilikuwa nzuri. Walikuwa wanalinda udongo sana, sana. Walikuwa hawawezi kulima mahali pana mteremko halafu walio salia wakati tulipopata utawala sijui sheria zilirengeshwa namna gani mpaka sasa nchi inaendelea kuwa baya. Kitu kile mimi ninasema ni kwamba iwekwe kwa Katiba hii, milima ambayo watu wanakaa kupandwe miti na mahali forest iko ambapo hakuna kitu kupewe watu sio kwa mlima. Lakini milima yote iwe forest. Hiyo ndio mimi ninaonelea wakati huu. Hakuna maana ya kupiga mikono jamani kwa sababu sisi hatujui kama itawekwa kwa sheria, haya tunasema tu. Kwa sababu kusema namna hii tunafurahia kwa vile awa waliofikiria kutoa Tume ili ipate maoni kwa watu wote wa Kenya. Hii ni mzuri sana kwa sababu kungekuwa maneno mengi yanajulikana. Mimi ninaona hiyo ni nzuri na hilo ni oni langu moja. Forest iwe milimani.

**Com. Riunga Raiji:** Hiyo tumesikia nyingine.

**Peter Rugut:** watu wameisema lakini nitaunga mkono kidogo. Tumsumbuliwa na watoto unajua kuna watoto hawakuelima kwa masomo. Sasa hawa wamezalia nyumbani wanaongezea sisi taabu. Na vile hawa watu wamekwisha sema kuwekwe sheria hii kama mbeleni – irudushwe kwa sababu mwaka wa sitini hii sheria ilikuwa lakini wakati tulipopata utawala ilirudishwa nyuma. Sijui wasichana walifanya nini ndio serikali ikaone hiyo ni biashara ndio ikarudishwa nyuma lakini mimi ninasema irudishwe, kwa sababu wametupa taabu kabisa.

Wazee wapatiwe pesa na serikali, wazee wa kutoka miaka sitini na kuendelea. Kwa sababu sasa ata watoto wetu wanashindwa kutuchunga. Mtoto akileta bibi anakaliwa na bibi yake tunakuwa na taabu wazee. Hayo ndiyo maoni yangu.

**Com. Riunga Raiji:** Asante sana. Lawrence Sugut. Christine Keiyo, karibu.

**Christine Keiyo:** *Ami ng'olyotab in amache koteb Nandiek kou ye ki u.*

**Translator:** Anataka Wanandi wakae vile walikuwa zamani

**Christine Keiyo:** Wakati nilipozaliwa Wanandi walikuwa wanaitwa Wanandi, siku hizi wanaitwa Wakalenjin. Na sisi tunataka Wanandi waitwe, Melegeyo waitwe Waelegeyo, Kipsingis – Kipsingis, vile kuliwa. Mungu alimba namna hiyo jusi jusi tu ndio mimi nilisika Wakalenjin. Sasa mtu anakosa mueleke na kwao, hajui kwao ni wapi.

**Christine Keiyo:** *Kokeny,*

**Translator:** La pili.

**Christine Keiyo:** *kokeny ko kijanaek ak tibik.*

**Translator:** Maneno ya wavulana na wasichana

**Christine Keiyo:** Wakati hule wa rika langu, kulikuwa hakuna msichana anazalia kwao na siku hizi watoto wanakuja

kutumwagia sisi watoto na akimwagia sisi watoto na mimi niko na wangu na yeye anaongeza wake sasa ardhi yangu itakuwa kiasi gani. Maoni yangu mimi ninataka sheria iwekwe sheria kama mtoto akizalia nyumbani achukue mtoto wake apende asipende. *Ngomut lakwennyi chito amun kosiche chito lakwennyi kochome.*

**Translator:** Mtu apeleke mtoto wake kwa vile alizaa akipenda

**Christine Keiyo:** Hakukamatwa kwa nguvu kama angekamatwa kwa nguvu si angeliana watu wangesikia. Kuwekwe sheria tafadhali kila mtu achukue mtoto wake.

*Age kemoche lagokyok arusit keyae, koyai botiriot anan kitun kipgaa.*

**Translator:** Anataka watoto wakioana Pastor ama Padri shikanishe hiyo ndoa.

**Christine Keiyo:** Si DC kwenda kufanyia harusi watoto wetu, na *boiyot tum* yuko nyumbani. *Mi boiyob tum gaa.*

**Translator:** Mze wa sherehe ako nyumbani.

**Christine Keiyo:** *Botiriot ko mi gaa.*

**Translator:** Padri yuko nyumbani

**Christine Keiyo:** *Ngitun lagokyok en gaa kipgaa*

**Translator:** Watoto waoane nyumbani

**ChristineKeiyo:** na hiyo iwekwe kama sheria. *Ang nandiek koyai tumdonyuan kou ye ki u.*

**Translator:** Wandandi wafanye sherehe yao vile ulikuwa tangu zamani

**Christina Keiyo:** *Ara nye koyai tumdonyuan kou ye kiu tumdonyuan si kotok itondonyan.*

**Translator:** Vile sherehe yao ilikuwa -----ionekane vile ilikuwa

**ChristineKeiyo:** *Nga sine kaakemwoe amache kotamwa kora; borosti nebo Nandi korib Nandiek ak koteb komie korib Nandiek borostinnyuan.*

**Translator:** Ingawaje ilikuwa imesemwa forest ya Wanandi ichungwe na Wanandi

**Christine Keiyo:** Iwekwe kama sheria. *Age tugul ne tononi ne moche chochote koik nondindet.*

**Translator:** Mwenye anasimama akitaka chochote lazina awe Mnandi

**Christine Keiyo:** *Mi ng'olyot age yu kora ne atoren.*

**Translator:** Kuna jambo lingine hapa ningependa kumalizia

**ChristineKeiyo:** *Koagas ng'olyot age ne nyone ne u on kibunu chumbek ne kakile kimoche koaechin murenik ak chepyosok.*

**Translator:** Jambo lingine lilitoka kwa wazungu lenye usawa wa wazee na wamama

**Christine Keiyo:** *Ko sheria inata ko makimuchi kiyan. Kimoche koteb Nondindet ak Kwondonyin kou ye ki u.*

**Translator:** Hiyo sheria hatuwezi kukubali. Tunataka Mnandi akae na bibi yake vile ilikuwa tangu zamani.

**Christine Keiyo:** *Amu in kakile inye koek agenge, koaechin murenik ak chepyosok ago kiyae Mungu chepyoso ak muren ak kole wo age.*

**Translator:** ni kwa sababu gani mzee na mama wawe sawa na Mungu ametengeneza wawe tofauti.

**Christine Keiyo:** *Ko kingolen inguno Mungu moche ko wo age ko ng'o age ne kanyokobut ng'atutikab Mungu.*

**Translator:** Mungu alisema mmoja awe mkubwa na mwingine awe mdogo sasa ni nani mwingine avunje hiyo sheria

**Christine Keiyo:** *Kimoche kityo kwoechin kasisiek, kasitab chepyoso ak muren en kasisiek che kisirei, kou Mwalimu, kou nee, kiy age tugul. Tab kebwa gaa konyokotonon ng'atutietab Nondindet kou nikinyeta.*

**Translator:** Tunataka wamama na wazee wawe sawa kwa kazi ya kuandikwa lakini mama akirudi nyumbani mzee anakuwa mkubwa na sheria iwe ile ile kama zamani.

**Christine Keiyo:** *Konyokorib lagok ak boiyot ak kondit nikinyeta bo Nandiek nikinye bo tai*

**Translator:** Wakuje wachuge watoto na ile heshima ya zamani

**Christine Keiyo:** *Lakini kwa kasit kesir sasa amun kikosoman lagokyok ko ingoaechin kasisiek makiyesyoi.*

**Translator:** Wakati wa kuandikwa wawe sawa.

**Christine Keiyo:** *Lakini sheria nebo Nandi kotelel kou ye kiu.*

**Translator:** Sheria ya Wanandi iwe vile ilikuwa.

**Christine Keiyo:** Asante.

**Com. Riunga Raiji:** Asante mama, jilandikishe hapa. Nimeongeza mama muda kwa sababu nimeona hayo mawaidha ametoa ni muhimu zaidi ata kwa wale walikuwa wamesahau mila zao. Bwana David K. Rono. James Kisoriyo, inaonekana hayuko. David Samoel. K.A Cheruiyot utafutwa na Bwana Stephen Tiony

**Kiptarus Arap Cheruiyot:** Jina langu ni Kiptarus Arap Cheruiyot. Maoni yangu ningependelea serikali ya Majimbo, Federal government.

Ya pili, ningependelea mipaka irudushwe vile wazungu walivyo iweka.

The republic of Kenya ni ya nani? Ni ya makabila yote ya Kenya.

Province iwe ni ya makabila yote ambao wanakaa katika hiyo province. Kwa mfano, Rift valley Kipsigis, Nandi, Keiyo, Tugen, Sabaot, Pokot, Masai, Samburu na Turkana wako ndani. Nandi district in ya Wanandi. Public holidays, vile nchi imeharibika kwa uchumi mimi ninaoneolea ya kwamba afadhali watu wafanye kazi kama zamani. Public holidays zipunguzwe. Madaraka day, Moi day, Kenyatta day na Jamhuri day ziwe zote siku moja na iwe Jamhuri day. Na Idi day iwe ya Waisilamu peke yao, watu wengine waendeleo na kazi.

Upande wa kazi: Wafanyi kazi wote wafanye kazi masaa arubaini na sita kwa wiki siku sita. Masaa nane kila siku kutoka Jumatatu mpaka Jumamosi. Na Jumamosi iwe siku ya kufanya kazi dogo dogo, arusi, weekly review, halafu tunarekebisha mambo. Kama sasa nataka kupotea najua kwa ----- mara moja kuliko kukaa kwa muda mrefu. Wafanyi kazi waserikali na parastatals warudishe kuwa hamsini kwa mia, they should be reduced to 50%. Kwa sababu ukienda ofisi unakuta viti ni sita na meza sita lakini wale watu wanakaa ndani ni wawili tu. Hiyo ni kuonyesha ya kwamba wamekuwa zaidi.



**Elimu:** Elimu zamani au juzi michezo yote ya mashule inafaa kufanywa mwisho wa wiki kama Jumamosi. Kumatatu mpaka Jumaa kalamu peke yake. Waalimi vile vile waende wakachukue mshahara Jumamosi. Sio Jumatatu au Jumanne, kile kitu Jumamosi – weekend. Hiyo inatosha. Primary schools serikali itusaidie iwe free education kabisa kabisa. Sio mambo ya kesuma wazazi nunueni vitabu, ooh wazazi fanyeni hii tena, iwe free education from standard one to standard eight fully.

**Parliament:** Mawaziri wanafaa kupuguzwa mpaka kumi na sita hasa wale walikuwa kwa seventy's wabaki kumi na sita, na vile vile mishahara yao irudishwe vile ilikuwa. Ninamaliza sina maneno mengi, mambo ya VAT hayo mambo ya VAT imetumiza sisi wakulima kabisa. Na jambo hili la VAT liondolewe kabisa kabisa na zaidi kwa upande wa ukulima, kila kitu, -----, fertilizers lets say all the imports VAT should be scrapped completely. Asante sana Bwana Chairman.

**Com. Riunga Raiji:** Njoja kidogo niko na swali kwa sababu tuko karibu kumaliza na tumesikia hili jambo la mipaka irudishwe vile ilikuwa zamani lakini labda ningetaka unieleze kwa sababu wewe ni mzee ni shida gani iko kwa mipaka ya Nandi district.

**Kiptarus Cheruiyot:** Mimi sio mzee sana, mimi bado ni kijana. Hii mipaka tangu wakati wa ukoloni tuliishi vizuri sana bila vita yoyote. Akukuwa na clashes, clashes kuna kitu kinafichwa ndani yake ingewekwa land clashes ndio ingeonekana vizuri. Tangu wakati wa uhuru watu wamehama hama kufika pale tabia za watu wengine na wengine hazifanani, sasa ndiyo zinaleta mambo ya clashes. Kama mipaka ingekuwa vile ilikuweco zamani, mimi nikuja kukochokosa wewe huko serikali inaangalia kwa nini mimi ninaruka hapa nakwenda kuchokoza hule. Kama wewe unakuja kunichoza mimi hapa serikali inaangalia lakini siku hizi mipaka inasongeshwa, inasongeshwa pole pole, pole pole na hivyo si vizuri. Watu wakae vile walikuwa wanakaa. Asante sana.

**Com. Riunga Raiji:** Okay nafikiri tuko na sqwali lingine kutoka kwa Commissioner.

**Com. Salome Muigai:** Asante sana Bwana Cheruiyot, umesema kuwa mambo mengi tuyaleta mwishoni mwa wiki kwa siku ya Jumamosi na hasa mambo ya shule. Kuna watu wenye kuabudu siku ya Jumamosi wanaitwa Seventh day Adventist, kila pahali penye tumeenda isipokuwa hapa wamekuja kupendekeza kuwa Jumamosi iwe siku ya Sabato. Na shida zao nyingi zimekuwa kwa wanafunzi wao wanapoenda shule zenye zinaleta mambo nyingi mpaka saa zingine michezo na kila kitu siku hiyo ya Sabato. Wewe mzee kijana umeona mengi, ungetueleza aje juu hii vile tunataka kufanya kazi na pia tunataka keheshimu hizi dini tofauti.

**Kiptarus Cheruiyot:** Asante sana Madam, ata hapa kuna Seventh Day labda ujasikia kunayo. Na wanabudu Jumamosi hiyo ni kweli lakini nilikuwa nasema mambo ya sports peke yake. Kwa sababu unaweza kuona haya mambo ya michezo ya mashule kutoka Jumatatu mpaka Jumaa, hakuna shule. Michezo kesho, michezo kesho, mishezo kesho, wanaenda locational, wanaenda divisional, wanaenda distrit, mpaka wiki inakwisha bure. Lakini hao wanaweza kuenda kanisa sijakataza mtu, huwezi kukataza mtu kanisa yake. Laikini hapa sisi tuko na Seventh day kweli kweli.

**Com. Riunga Raiji:** Okay asante sana sitakuita mzee au kijana, Bwana Cheruiyot.

**Kiptarus Cheruiyot:** Mzee sio baya. Unajua ukisema mzee ni yule mtu amekwisha kwenda zaidi na mimi mtu wa juzi juzi. Nafikiri haya yametosha. Asante sana.

**Com. Riunga Raiji:** Jiandikishe. Nilisema sasa - Stephen Tiony.

**Stephen Tiony:** Kwa majina ni Stephen Tiony. Sitakuwa na mengi ya kuongea kwa vile nikiongea mengi nitakuwa nikirudia yale watu wameongea. Kitu ambacho ningetaka kuguzia ni wakulima. Mkulima sana sana uwa ananyanyaswa, ukiona kama cess inapelekwa Nairobi halafu inarudushwa tena ikuje ifanywe kazi hapa, kwa nini cess ikatwe hapa nyumbani halafu ile inapelekwa ipelekwe Nairobi, badala ya kupelekwa huko halafu iridishwe tena. Ninaona heri cess ikatwe nyumbani halafu ile inabaki inaenda juu halafu ingawanywa kado kado kuanzia hapo.

Viongozi wetu hawajui kazi yao. MP is not a must for him to a Minister. Minister ni mtu mwengine tofauti kazi yake ni tofauti na ya MP. Ningeonelea ya kwamba Constituency kama hii yetu, tungekuwa na Minister mmoja, hata na Wabunge wawili au watatu halafu kazi iendeleo haraka. sasa tunakuwa na Minister mmoja na yeye ni Mbunge na PC, nchi hii yetu kubwa, halafu sisi tunakosa namna, maendeleo inaenda pole pole zaidi.

President sio lazima awe na kazi ingine kana Minister ama nini, mtu mmoja ambaye anapaswa kuwa Mbunge ni mtu kama Vice President. Mimi ninaona kazi ya Vice President sio kazi kubwa anapaswa kupewa kazi kama Mbunge au Minister. Lakini President kazi yake ni kubwa na anapaswa kutengemea hiyo moja. Kwa maana mtu mmoja alizaliwa na tumbo moja kwa nini uwe na kazi nyingi na unakula na tumbo moja. Inapaswa uwe na kazi moja halafu mwezako awe kazi hiyo ingine. One man onejob halafu kazi iende haraka. Mimi ninaona ingekuwa namna hiyo. Sian mengi ya kuongea.

**Com. Riunga Raiji:** Okay, asante sana. Stephen jiandikishe. Sasa kulingana na list ya wale watu walikuwa wamejiandikisha na kuandika kwamba walikuwa wakitoka kutoa moani inaoonekana tumemaliza, wa mwisho alikuwa ni Stephene. Sasa sijui labda kama kuna mtu alirukwa na angetaka kutoa maoni. Kama kuna yeye tafadhali anue mkono tumuone. Yule ambaye hajaongea. (Interjection inaudible) hapana nimesema yule hajapata nafasi ya kuongea sio yule anataka kuongeza. (Interjection) hio utanibia tukitoka. Na nyinyi mlijiandikisha? Na mlikuwa mmependekeza kuwa mnataka kuzungumza ? Semeni ukweli kwa sababu tuko na list hapa. Wewe ukijandikisha, na wewe Bwana?

**Speaker:** Nilijiandikisha kama observer.

**Com. Riunga Raiji:** kama ulikuwa observer. Okay umenguzia nia, hata hiyo sio baya. Na wewe Bwana? Ulikuwa observer, ata hiyo sio baya. Sasa nyinyi watatu mtamalizia. Kila mtu dakika mbili mbili ili sasa tuweze kumaliza kikao. Wewe ndiwe tutaanza nawe, sema jina na utatuambie tu ile ya muhimu utatupatia Memorandum. Dakika ni mbili.

Elijah Vitengede: Okay, thank you very much Commissioners. My names are Elijah Vitengede. I am going to talk about a few thinkgs which I have felt that there are really touching very much on our Constitutional Review. We should look on the side of religion: we should have limitation on the side of freedom of worship and this will curb things like devil worship which has actually affected various institutions in this country.

Education: it should be made compulsory and free in all the nurseries and primary schools. We should make sure or is my suggestion that we should have a contant and stable syllabus instead of having syllabus being changed from time to time.

Corporal punishment: it should be reintroduced but with limitations this will curb compulsory in all schools however other subjects should also be considered which should be compulsory. For example computers.

We should have separation of power in all the three organs of the government that is the Judiciary, Legislature and the Executive. This will make sure that there checks and balances. Thank you very much.

**Com. Riunga Raiji:** Asante for being precise and to the point and being within you two minutes. Na wewe Bwana sema jina lako.

**Wilson Cheruiyot:** Kwa majina mimi ni Wilson Cheruiyot. Niko na mambo mawili tu peke yake. Kwanza ningependa kuongea kuhusu hili jina la State House. Kama vile jina linatambia State House nafikiri ni nyumba la republic of Kenya. Lakini jambo la kushangaza ni kwamba mtu kama mimi wakati unapofika wakati wa kura ninaitajika kupigia kura Rais. Lakini kufika State House ni taabu, kwa hivyo ningependekeza State House iwe free, kila mtu awe na nafasi ya kuenda kuona Rais kwa sababu anahitaji kura yake.

Pili, ningependa yale mambo ya cost sharing. Yenyewe ni safi lakini ningependa ifanyiwe marekebisho kidogo tu pahali pachache – upande wa hospitali. Kwa sababu ugonjwa sio kitu mtu anaweza kupanga au mtu uwa hajui ni siku gani atakuwa mgonjwa ingefaa kuwe na mpango fulani ambao watu watatibiwa bila maneno ya cost sharing. Iwe free ata kama ingewezekana card fulani ingetolewa kwa wananchi wa Kenya ili kila mtu alipe kila mwaka. Hiyo itasaidia kwa upande wa matibabu. Yangu ni hayo tu.

**Com. Riunga Raiji:** Asante sana, jilandikishe na wewe kijana. Sorry I have misdiscribed you ni mzee. Lakini tuliambiwa tusiite watu wazee sana.

**Geoffrey Kipsang Moi:** Thank you Commissioners. First I am Geoffrey Kipsang Moi. My first issue id pertaining Presidential powers. I think the Constitution should reduce the powers of the President. The President should not be above

the law but should be someone who should adhere to the Constitution. And I remember there was a case where our Excellency had to keep us in suspense for sometime before he reappointed the Vice President. I think such case should not arise or should not be repeated.

Lastly, I am proposing that in the new Constitution the idea of using tribal names for districts should be abolished and a case in point is Nandi district. In Nandi district there are other communities which are living in Nandi but these non-communities feel sort of discriminated because the Nandi's are claiming we are in our land. What about those who are not Nandi's? I can give you an example some of us who are living at the margin of Nandi district at times we do say we are going to Nandi so I don't know where this Nandi is. Yet I am living in Nandi district. So these districts which were named after tribal names like Keiyo, Nandi etc I think in the new Constitution we should try to coin other names which can be used to suit all the people who are living in those districts,. Otherwise thank you.

**Com. Riunga Raiji:** Just one clarification. You said something about the Vice President but I didn't get. What was your proposal. You said we were left without a Vice President for sometime.

**Geoffrey Kipsang:** I said the President should be somebody who adheres to the Constitution. I think the Constitution provides for the President to appoint the Vice President. And I don't see the reason why a President can keep us for a ride for sometime and then he reappoints the same person.

**Com. Riunga Raiji:** I got your point you have basically recommended that the President must adhere to the Constitution because the Constitution provides for the appointment of a Vice President. I think you have made your point very well. Thank you very much Geoffrey Kipsang Moi and we that sasa tumefika mwisho wa kikao cha leo cha Tume ya Kurekebisha Katiba. Na tungetaka kwa niaba ya Chairman wa Commission, Makamishena's wezangu Salome Wairimu Muigai huyu na Domiziana N'tochekera Ratanya, na mimi Riunga Raiji tungetaka kuwashukuru sana kwa vile mlikuja kwa wingi. Tumekaa pamoja na mmetoa mapendekezo mkiwa huru kabisa na sisi tume-record yote na ingine tumeandika na tungetaka kuwakikishia kwamba tuyatumia wakati wa kurekebisha Katiba. Tungetaka hasa kuwashukuru sana Mrs. Kosgei na team ya Members of the Constituency Committee, halafu Father Kigen, Bwana Tororey Mkuu wa hapa ambaye amekaa nasi tangu asubuhi na ata kuruhusu watoto waje wasikilize na wachagie mambo ya Kikatiba.

Nafikiri kabla hatujamliza Martin Cheruiyot atufungie kwa maombi, ningetaka kumliza coordinator wetu ambaye ni mama hapa Mrs. Kosgei labda aseme neno moja au mbili halafu tutafungiwa na maombi.

**Mrs. Kosgei:** Kwa Commissioners ambao wamekuja Nandi, Bwana Ratanya, Chairman Bwana Riunga na Salome. Nimesema asante sana na pia watu wanaosaidiana pamoja kwa kazi yenu jema ambayo mmefanya kwa amani, nimefurahia, wananchi wamefurahia. Nashukuru pia wananchi kwa maana mmkuja kwa wingi. Asante sana Head master wa shule na Father

