

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report Of

**DISSEMINATION OF REPORT AND DRAFT BILL, NITHI
CONSTITUENCY, HELD AT CHUKA BOYS' HIGH SCHOOL**

ON

8TH OCTOBER, 2002.

**DISSEMINATION OF REPORT AND DRAFT BILL , NITHI CONSTITUENCY HELD AT CHUKA BOYS'
HIGH SCHOOL ON 8TH OCTOBER, 2002.**

Present

1. Com. Domiziano Ratanya – Chairperson

Secretariat Staff in Attendance

Solomon Anampiu	–	Programme Officer
Mary Babu	–	Verbatim Recorder
George Kimathi Kamundi	–	District Coordinator

The meeting was called to order at 10.25 a.m with Com. Ratanya in the chair.

George Kimathi: Nani anaweza kutuitia hao watu wako nje kidogo? Tuitie hawa waingie ndio tuweze kuomba tuanze. Nitaomba Rev. Kabii aje hapa ndio aweze kutuongoza kwa maombi.

Rev. Kabii: Mwenyezi Mungu Baba wetu wa mbinguni tuna furaha nyingi kwa vile ambavyo umeleta kila mmoja wetu ambaye alikuwa amelikwa katika kikao hiki. Wale ambao wametoka mbali na karibu. Tuna furaha nyingi kwa vile ambavyo sisi ni wanadamu na uliona wakati ambapo tuliingia katika dunia hii tuwe watu wa Kenya. Tuna furaha nyingi kwa vile ambavyo sisi ni wananchi wa nchi hii yetu na vile ambavyo tunakutanika mahali hapa siku ya leo tunakuomba mwongozo wako ueleweke. Tunaweka wale wote ambao watazungumza na sisi ili sauti yako na mwongozo wako uonekane ndani yao. Tukikuomba kuwa lolote ambalo lingeleta taabu katika mwongozo wa nchi hii yetu Mwenyezi Mungu lionekane, litengenezwe ili amani ambayo inaendelea katika nchi hii iweze kuendelea. Kuna taabu ambayo wananchi walionelea mpaka wakalia, wakalia na wakati huo tunaona kama tuko mwisho wa hiyo taabu.

Mbele yetu kuna wale ambao wanapigania uongozi, kuna wale ambao uliwapatia kazi ya maana sana kutengeneza mwongozo ambao unapatikana katika nchi hii yetu Tunakuomba baraka zako kwa mambo yote mema ili kuwe na kesho iliyo na tumaini. Na taabu ya nchi hii unajua na umeiona, kilio cha watu wako unakijua, unakiona. Watoto wanalia, wazee wanalia, kila mmoja analia. Tunakuomba ili machozi ya wale wote ambao wanalia yaonekane na mwongozo ambao ni mwongozo wa kweli utatutoa katika taabu ambayo watu wanalilia juu yake dawa, yake ionekane. Tunakiomba kikao hiki ili uwe na kila mmoja wetu. Wakati wa kutusikiza, wakati wa kuongea, ili lolote ambalo tutakata kauli juu lake liwe ni baraka kwa watu wako wote wa Kenya na shukrani ziwe zako. Wale ambao hawajaingia tunawaomba pia wasiwe na ajali yoyote ya barabarani. Tunaomba

katika jina la Yesu Kristo Mwokozi wetu. Amen.

George Kimathi: Asante Rev. Nataka nichukue fursa hii kuwakaribisha nyinyi nyote ambao mmeweza kufika. Nawakaribisha zaidi wageni wetu ambao wamwezesha kufika kutoka Nairobi Commission, Constitution of Kenya Review Commission. Hapa mbele yetu tuko na Commissioner mmoja kutoka kwa Commissioners wa Review Commission. Com. Ratanya pamoja na team yake ambayo ametoka nayo Nairobi ambayo atatuelezea hivi karibuni. Nataka nichukue hii nafasi kuwakaribisha hapa kwetu Meru South, tuwaambie wajisikie wako nyumbani. Nafurahia zaidi kwa sababu hata nikianza kunena Kimeru Commissioner ambaye amekuja hapa siku ya leo ataelewa, si hiyo ni mzuri? Si hata sisi tumefurahi wananchi wa Meru South, kwa sababu Commissioner ambaye tuko naye ni mmoja wetu na tuko represented kwa ile Commission ambayo inafanya hii kazi ya kugeza Katiba. Kwa hivyo naambia Commissioner na team yako welcome to Meru South. Tuko tayari kusikiza yale yote umetuletea, utusaidie ku-launch hii document, utusaidie kuielewa kidogo, utupatie nafasi ukirudi ili tuweze kuielewa zaidi. Kwa hivyo naambia wananchi karibuni.

Nataka nichukue nafasi kidogo niseme mwezi wa May 13th tuliketi hapa tu. Naona wengine wenu nawatambua nakumbuka tuliketi hapa na nyinyi. Tulikuwa na Commissioners wengine tukawapatia maoni na wakaenda kutuandikia draft Constitution ambayo imetufanya tukuje hapa siku ya leo. Nafikiri ni furaha yangu kwa sababu naona mmekuja na ni furaha yangu kwa sababu hata zaidi mlitoa maoni yenu. Nadhania yako katika hiyo draft lakini hayo tutazungumza baadaye. Kwa hivyo sijui kama mtanisaidia kukaribisha Com. Ratanya atufungulie kikao rasmi halafu tuweze kuendelea na mengine.

Tutamkaribisha na ile ya kilo ama ile ya nyumban? Wakati mmoja nilikuwa kwa Wakisii waliniambia ukitaka kukaribisha mtu nyumbani unapiga namna hii na unakaribisha. Mnapata wananchi, mkipiga namna hii halafu tunarudisha ndani. Hiyo ni mzuri, tufanye hiyo ya Wakisii. Tunapiga namna hii. Twi bamwe. 1-2-3 Clapping. Hapana ile ya 1-2-3 tunapiga tu mara moja namna hii. Thank you very much. Karibu Commissioner.

Com. Ratanya: Asante sana bwana coordinator, kwa sasa ningetaka kuwaambia majina yangu kamili, mimi naitwa Domiziano M'chokera Ratanya. Kama mumesikia nimetoka upande huo wa Meru kutoka upande wa Tigania. Na kwanza sasa kabla ya tuanze ningetaka kutangaza kwamba kutoka sasa hiki kimekuwa kikao cha Tume ya Kurekebisha Katiba ya Kenya katika Nithi constituency in Meru South.

George Kimathi: Thank you so much. Nataka sasa nichukue nafasi kidogo niwaonyesheni wanakamati wale ambao wameweza kufika kwa saa hizi ambao tumekuwa tukifanya nao hii kazi. Hii kazi imekuwa ni kazi ndefu, tumekuwa na committee ambayo tunaita constituency Constitutional committee ambayo tumekuwa tukifanya nayo kazi, na pia tuko na delegates ambao waliweza kuchaguliwa ambao watawakilisha wilaya ya Meru South kwa kile kikao mnasikia kinaitwa National Constitutional Conference lakini kwanza tutaanza na wanakamati na wakisimama nitakuwa nawaambia majina yao kwa sababu hii kamba haitoshi vizuri kuwafikia mahali wameketi. Na nitaanza na chairman wetu ambaye amekuwa akituongoza. Na

utusalimie kwa sauti kidogo.

Cllr. Mugendi: Mugeni bwinthe.

Response: Muga muno.

George Kimathi: Councillor Mugendi ndiye vice chairman wa county council ya Meru

South na pia ndiye amekuwa Chairman wetu katika committee yetu. Halafu hapa kuna mwakilishi wa vijana. Vijana wako na sauti, si wako na nguvu,

Munene: Mugeni bwithe.

George Kimathi: Si wanasema wanataka waanziwe. Thank you Munene. Munene ametoka kwa kikundi kimoja cha vijana ambacho ni cha wilaya ya Meru South na yeye ni mwakilishi wa vijana katika ile kamati. Na tuko na Mr. Joseph Mutiria.

Joseph Mutiria: Mugeni antu beetu bwinthe.

Response: Muga muno.

George Kimathi: Joseph naye ni mwanakamati ambaye ametoka upande wa Igamba Ngo'mbe na juu ya Igamba Ng'ombe ni kubwa kidogo na sasa tuliona ni vizuri tukiwa na mtu mmoja kutoka upande ule ndio aweze kuwa anasaidia wananchi wa huko. Sasa Joseph Mutiria ndiye anasaidia kufika upande ule. Tuko na mwakilishi wa akina mama ambaye anawakilisha maendeleo ya akina mama. Maendeleo ya wanawake Mrs. Juma Mwitho lakini madam amekuwa akimtuma Mayor. Salimia wananchi.

Mrs. Juma: Mugeni mwinthe.

Response: Muga muno.

George Kimathi: Tuko na akina mama pia katika ile kamati watatu ndio wa kuona kama kazi inaendelea vizuri. Tuko na mwakilishi mmoja kutoka kwa kanisa la Catholic kwa sababu tuliangalia hata mambo ya religion kutoka kanisa la ACK ambaye anaitwa Rev. Mwebia, kwa Catholic Church tuko na kanisa ya Chuka kwa sababu Rev. Mwebia anatoka ile pande ingine ya Chogoria na pia tuko na mwakilishi wa wale watu disabled ambaye anatoka pande ya Muthamia na atakuwa unajiunga na sisi alisema atachelewa kidogo. Lakini akikuja tutamjua.

Juu ya hapo kuna wawakilishi ambao nimewaambia walichaguliwa na wananchi. Walichaguliwa na councillors, nikiamini councillors wanawakilisha wananchi ambao wataenda katika kikao cha National Constitutional Conference na wale watawakilisha Meru South mwisho pale tuko na ... nataka msimame kidogo kwa sababu kuna kitu ambacho watafanya kikubwa sana kutoka saa hizi tukifanyiwa vile tutafanyiwa na Com. Ratanya. Hawa watu ndio watachukua maoni yetu kama watu wa Meru South kulingana na vile draft imeandikwa waende watuwakilishe pale kwa National Constitutional Conference na ndio wataenda kukubali ama kukataa ile Constitution ambayo tumetoa. Na madam ambaye ako hapa ambaye atachukua maoni ya wazee na pamoja na akina mama lakini yeye ndiye Madam katika wale watu watatu anaitwa Mrs. Leah Ciamwari ambaye amekuwa ni mwalimu kutoka miaka mingi.

Leah Ciamwari: Mugeni mwinthe.

Response: Muga muno.

George Kimathi: Next, tuko na mwalimu Godfrey Mbuba ambaye amekuwa kwa KNUT kwa miaka mingi na pia yeye ataendelea kuchukua maoni kutoka kwa wananchi na atupelekee pale kwa National Constitutional Conference.

Godfrey: Muri eega.

Response: Ii

George Kimathi: Kuna mwingine ambaye anaitwa ... yeye ni daktari. Yeye anaitwa Peter Nkoroi Kang'ethe ambaye atakuwa anajiunga na sisi vile tunaendelea na akija tutataka kumwonyesha kwa nyinyi so that vile tunaendelea na kufanya mambo ya civic education kulingana na hii draft Constitution tuwe tunaweza kumwambia mambo ambayo tunaona kwa hii draft ambayo tutapenda watupelekee pale kwa National Constitutional Conference. So, na mimi kwa jina kabla sijapatia Com. aendele, naitwa George Kimathi na mimi ndiye coordinator wa Commission katika wilaya ya Meru South.

Na kufikia hapo basi nawaambia karibuni tuwe pamoja tena. Nataka kurudisha programme sasa kwa ndugu yetu Com. Domiziano Ratanya ndio aweze kuendelea Atujulishe wageni ametoka nao pande ya Nairobi halafu atuongoze katika mambo mengine ambayo yatafuata. Com. Ratanya welcome.

Com. Ratanya: Asante sana bwana coordinator hata kwa kujua watu wenu viongozi wale ambao wataenda kwa National Conference. Ningependa watu wa Nithi constituency wajue watu ambao tumeandamana nao kutoka kwa Commission. Niliwaambia hapo mbeleni jina langu ni Domiziano M'chokera Ratanya. Naona wengine hapa wananjua kwa hivyo ni mimi Commissioner.

Na yule mwingine tuliandamana naye hapa ni Bwana Solomon Anampiu ambaye ni officer wetu huko kwa headquarters, na mwingine ambaye tuliandamana naye ni Mary Babu ambaye ni Verbatim Recorder ambaye atachukua maneno yale yote mtaongea na atayaweka sawasawa na kutakuwa na hiyo record. Mwingine ambaye ni wa muhimu hata wakati mwingine tunajaribu kuwasahau ni dereva ambaye alikuwa ametubeba Ibrahim Muthee pengine yuko nje hakuwa anajua kama nitamjulisha lakini ni dereva wetu tunaye. Sasa hawa wote tumetoka nao kwa Commission.

Kwa hivyo kutoka sasa tutaanza sasa kuzungumza maneno mambo ambayo yametufanya tuingie hapa na kwa sababu tutaongea muda mrefu pengine kwa masaa kama mawili hivi tutaketi, nitawaeleza na hiyo sasa ningetaka kuwaeleza programme ambayo tunayo.

Sasa katika programme yetu tumefanya kazi ya kujulisha watu, upande wetu na upande wa constituency hii yaani viongozi hapo sasa ningetaka mjue utaratibu ambao tumepanga. Hatutakuwa na wakati mrefu kwa sababu siku ya leo mambo yetu ni mafupi. Tungeanza kama saa nne na tuseme kama saa nne imepita kidogo lakini nitaendelea.

Kitu cha kwanza tutakuwa na report. Itakuwa ni presentation of the national report. Na hii ndio national report, tumeandika kwa kitabu kama hichi lakini kama tarehe sijui kama Sunday ilikuwa tarehe ngapi hiyo September ambayo tuliandika kwa magazeti. Wengi pengine waliona ile ripoti ya kwanza kwa sababu tuli-launch hii Mombasa tarehe kumi na nane September. Vitabu kuna vitabu lakini sijui kama coordinator alikuja na vitabu vya kutosha. Coordinator amepata vitabu vichache lakini tutaendelea kupata hivi vitabu. Hii ndio ripoti yenyewe tunayo na tunatumia wakati mfupi kwa hii ripoti kujua ni kitu gani

Baada ya hapa tutakuwa na presentation of draft bill, draft bill ya Constitution yenyewe. Constitution yenyewe, kwa sababu hii ni general report, Constitution yenyewe imewekwa sahihi. Tumekuja na makaratasi machache na coordinator ananiambia alikuwa na mengine. Pengine watu karibu mia moja wanaweza kupata hii karatasi. Lakini naona mmepata ama pengine ni wachache bila kila mtu ambaye anakuja. Ni wangapi hawana?

Okey, tutaangalia tuone kama hayo makaratasi kama saba na wale wengine watakuwa wameingia lakini hatuna nyingi sana ni kama mia moja na hamsini hivi. Sasa hii ndio draft bill yenyewe ya Constitution ambayo tumeweka hapa. Lakini baadaye itaandikwa na itaingizwa kwa kitabu na wakati itakuwa Constitution itaingizwa kwa kitabu ya sheria yenyewe. Itaingizwa kwa vitabu aina ya hivi unajua kitabu aina hii ni kitabu cha sheria kama hii ni Constitution ambayo tunatumia sasa hivi. Kwa hivyo tukimaliza kazi yake yote ambayo tunaendelea kuifanya ambayo itafanywa na watu wengine huko Nairobi wakimaliza itaenda kwa stage ingine ya parliament na kuendelea itakuwa katika law yenyewe na itaitwa Constitution. Lakini sasa hatuiti Constitution, sasa ni mapendekezo ya vile tunataka Constitution iwe kulingana na maoni yenu. Hii tutasimamisha.

Kutoka hapo kutakuwa na mazungumzo ya kila mtu hapa yaani kuuliza maswali na tutaendelea kuongea mpaka tumalize kama saa saba ama saa saba na nusu hivi. Mtaona hatutakuwa na wakati mrefu kwa sababu hatutaki kuwasumbua na mambo mengi,

tunataka kuwapatia kitabu halafu muende mkasome. Kwa hivyo hatutakuwa na wakati mrefu siku ya leo.

Sasa kwanza tukianza na ripoti yetu yenyewe, point ya kwanza ni hii ambayo nimewaambia na kabla ya kusema kwa hiyo report ningetaka kuwaambia maana kwa nini tumekuja hapa siku ya leo. Kwa kazi yetu tangu tulipoanza imeenda kwa mpango tulikuwa na mpango wa kazi ya Constitutional review. Kwanza watu walijadiliana katika Kenya yote wakasema ningetaka Katiba ibadilishwe. Yaani Katiba ambayo tunayo sasa. Constitution ambayo tunayo sasa wakasema wanataka ibadilishwe na wala sio mtu mmoja alisema. Ni watu wa Kenya kwa sababu watu wa Kenya ndio Kenya. Kenya sio mtu mmoja wawili, tuko thirty million.

Kwa hivyo watu wa Kenya wakasema hii sheria kubwa ambayo tumeita Katiba imekuwa na mambo mengi imebadilishwa mama mengi imekuwa kama hiyo nguo inawekwa viraka viraka mpaka huwezi kuita nguo. Huwezi kuivaa, unaona kiraka iko nyuma hata huko matakoni wapi kwa hivyo inaonekana hii Constitution ina mambo mengi ambayo yamebadilishwa na ukisoma wale wanajua kusoma hivi vitabu, utaona ya kwamba imebadilishwa mara mingi. Tunasikia ni kama imebadilishwa kama 30 38 hivi na hata kuna mengine hata kuna mjumbe mwingine ameweka mabadilisho mengine. Kama mmesoma zaidi mmesikia Aringo anataka tena Katiba hii kuweka kiraka kingine. Wengine kama hata nyinyi ukitaka pengine uambie mjumbe wako utengeneze na upeleke kwa mjumbe apeleke bunge na aseme ibadilishwe yuko free tu kwa sababu ndio tunaye.

Kwa hivyo kwa sababu tumebadilisha sana tangu 1963 wakati tulipopata uhuru wetu kutoka kwa wakoloni Lancaster House Constitution ilianza kubadilishwa kutoka tulipopata madaraka yenyewe. Yaani 1963, halafu tukapata republic 1964 December. Sasa hapo iliingiliwa. Kulikuwa na upper house, kulikuwa na lower house kulikuwa na national assembly kulikuwa na nini ikaanza sasa kuingiliwa. Immediately ilibadilishwa ile ilikuwa imesemekana kutakuwa na prime minister ile ikaondolewa haraka iwezekanavyo. Ikaachwa na mtu mmoja tu jogoo imewika inaitwa president pekee yake hata chama chake alikibandika hiyo jina jogoo.

Kwa hivyo ikaanza kubadilishwa wakati huo. By 1966 mulisikia kama wale ambao walikuwa katika national assembly kama kuna wazee hapa ama kuna sijui kama yule alikuwa upande huu kama yuko lakini wanaweza kukuambia ya kwamba waliambiwa waende nyumbani ikabadilishwe. Sasa hii Katiba imebadilishwa mara nyingi na watu wa Kenya wanasema hii Katiba imebadilishwa sana tunataka sasa hatutaki kubadilisha ovyo ovyo, tunataka hii inaitwa review. Yaani iangaliwe kabisa tena ifanywe upya. Kama tu kununua nguo mpya.

Kwa hivyo ile kazi ambayo inafanywa na Commission ni kufanya hii Constitution iwe implemented hata ingawa tunasema ni review hiyo review itakuwa ni kama kufanya iwe implemented kwa sababu ni kuangalia yote. Sasa watu wa Kenya walipokubali hivyo baada ya kukutana mara nyingi kutoka Bomas of Kenya, Safari Park, pahali pengine, wale ambao watasoma najua ya kwamba mambo mengi yalifanywa na unajua watu wakitaka kitu ni lazima kuwe na ubishi. Na huo ubishi si makosa kwa sababu kila mtu anatoa maoni yake. Wanabishana mpaka wakati mwingine wanakubaliana. Ule ubaya ni

kubishana na kupigana lakini ukibishana unabishana siku moja mtakubaliana na hiyo ni sawa sawa if that is healthy. Walikubaliana wakasema Katiba hii mpya itengezwe na wakasema Commission ichaguliwa.

Unajua hapo Commission ya kwanza, yale mapendekezo ya kwanza, ile Review Act ya kwanza haikutengenezwa. Hii ni Review Act ambayo tunafanya kazi nayo. Lakini ile ilikuwa 1997 haikukubaliwa na hawakusikizana. Kwa hivyo ilikuwa hata hii imefanywa amendment mpaka wakati fulani wakakosana na kukawa na Commissioners wachaguliwe kukawa na upande wa parliament kwa sababu watu wengi ndio walipitisha ichaguliwe. Wakachaguliwa wa kwanza fifteen na hapo baadaye kwa sababu kulikuwa na Commission ingine, people's Commission, na wao wakachaguliwa huo upande mwingine. Sasa ikawa na conflict. Ikaonekana tena sasa lazima tufanye kazi kama kitu kimoja. Hiyo chairman wetu ambaye ni Prof. Ghai kwa sababu ni mtu mwenye akili na aliona ya kwamba hatuwezi kuendelea bila Commission. Kuendelea na kubishana namna hiyo. Lazima tuungane. Akaanza kufanya mpango wa Commission zote hizo mbili ziwe kitu kimoja na sote tuwe kitu kimoja na sote tunafanya Constitution moja ya Kenya sio mbili. Akaendelea miezi michache hivi, Commission ikawa moja na ikaanza kuwa kitu kimoja kama kutoka mbele May, June hapo 2001.

Ya kwanza ilikuwa kutoka October 2000 lakini sasa Commission ikawa moja na ikaungana kuanza kazi ya Constitution kutoka June ikawa kitu kimoja sasa Commissioners wale wako kulingana na hii report ukiangalia kwa hii report utapata Commissioners wale ambao tuko kwa Constitution Review of Kenya ni 27 Commissioners na 2 ex-officio Commissioners. Yaani hawa wawili mmoja ni Attorney General hata yeye ni Commissioner lakini ni ex-officio, hawezi kupiga kura kwa mapendekezo ya Commission lakini anakaa Commission na mwingine ni secretary. Kwa hivyo mkiangalia katika page wale ambao wako na document katika roman 4, utaona hayo majina ya Commissioners wote.

Haiko kwa hii, hii ni Constitution draft. Hii ilikuwa kwa ile report ya kwanza na bado hatujafika tunaweza kupita kwa hiyo. Tuko kwa hii hata ingawa hatuna copy tuli-launch hii zamani kidogo tarehe kumi na nane September huko Mombasa. Hii kazi yake ni kuonyesha ni report ya kuonyesha vile Commission ilianza na vile pia iliendelea na kazi ya kufanya Constitution. Sasa hii ndio Constitution yenyewe ambayo tutakuja kufanya.

Hii Commission ikaendelea kufanya kazi na kulingana na mpango wa Commission na kulingana na vile wananchi wa Kenya walivyotaka tufanye wakaenda round kwa Kenya yote. Badala ya kuchukua maoni huko Nairobi katika Review Act yetu yenyewe hapa hii ni Review Act ambayo inatutawala na inatuonyesha kazi yetu itakubaliwa ni lazima tuende kwa kila constituency, kila pahali ambapo wananchi wanawakilishwa Bungeni. Tukaenda round mpaka 210 constituencies na unajua kuna team ya Commission ambayo ilikuja hapa.

Kabla ya kufanya hivyo tulikuwa tumekuja tena kufanya civic education. Na tulichagua kama coordinators hawa ili wawakilishe huku na committee ikachaguliwa na halafu tukaanza kufanya civic education, tulikuwa hata na civic education providers na hata Commissioners wenyewe walikuja kuwakilisha haya mambo hapo mwishoni na najua ni mimi nilikuja kuwaeleza kwa civic

education ya mwisho. Tulikuwa hapo wote na tulikuwa upande wa Chogoria Boarding School. Mimi mwenyewe nilikuja wakati huo. Sasa hiyo ilikuwa tu tunafanya mwisho kukuonyesha sasa tumemaliza kuwafundisha. Hapo ndio tulituma Commissioners wenyewe. Na mimi mwenyewe nilikuja mimi. Tulikuwa hapo boarding school.

Sasa kutoka hapo ndio tulienda out sasa kuchukua maoni ya kufanya Constitution na kuna Commissioners walikuja hapa, mimi mwenyewe sikuja hapa nilikuwa upande mwingine wa Meru lakini Commissioners wengine walikuja hapa, kila constituency Commissioners walienda. Wakati huo ulikuwa I think watatu na kuna pahali kulikuwa wanne. Tulikuwa hata na staff na tukachukua maoni yenu. Watu wakasema wanataka hii Constitution iwe hivi, utawala uwe hivi. Mkaeleza haya mambo yote maoni yenu na hiyo ilikuwa kazi moja ya muhimu ya Commission, to collect the views from every constituency in Kenya. Na kutoka hapo sasa tukaweka haya mambo yenu katika record na tukayapanga, pengine mnaweza kuuliza haya mambo yenu yako wapi. Hii sasa inaitwa constituency Constitutional forum report constituency number 54 which is Nithi constituency in Eastern province. Hayo ndio maneno yale watu wa Nithi walivyosema, liyoweka yako hapa. Hii file nitaacha kwa coordinator na wakati mwingine pengine copies zitapatikana pengine baadaye lakini itakuwa mmesoma hii. Hata ikiwa itakuwa ngumu kupatikana copies, hii iko katika kila Constituency. Hii sasa ni ya Nithi constituency.

Haya maneno ndio watu wa hapa walisema kuhusu kutengeneza Katiba. Siwezi kuenda through yote lakini nikiangalia kitu kimoja nione kama nitaona vile mlivyosema. Nataka kuwapatia mfano tu. Huu ni mfano tu kuonyesha hapo naona kwa maoni yale mlisema kuna mengi sana mlisema siku hizo mbili I think it was two days. Hayo mambo yote mlisema kuna moja naona hapa mmesema the Constitution should provide for free education up to the university level. Hiyo mlisema hivyo pengine kuna mmoja alisema nasi mmoja alisema pengine ni watu wengi. Ni nani alisema hivyo?

Inginge kwa mfano, mwingine huyu pengine ni mtu wa press alisema. The Constitution should guarantee and protect freedom of press association and freedom of worship. Sasa hiyo ni mifano ya kuonyesha maoni yale mlisema we have summarized. Kama ni watu kama mia moja walisema kuwe na free education hatungeweza kuweka mia moja hapa. Tulisema free education na ilisemwa na watu wengi na wameweka kitu kimoja. Tukiendelea kusoma utaona ya kwamba mambo mengi yako hapa. The Constitution should provide for the a compulsory retirement age of 65 or twenty years of continuous service and once they retire they should not hold office again.

Hii ndiyo ilisemekana hapa katika Nithi. Tunataka wazee waende 65 not 75. So, unaona hata mzee akiwa hata zaidi ya 55 anajua kusoma tu na anaendelea kama mimi niko 62 na nili-retire zamani kidogo. Kwa hivyo nilisema ni heri mzee awe 65 kwa sababu anaweza kufanya kazi. Sasa hayo si kueleza ya kwamba yameingia lakini mtaona kwa draft. Mambo mengi yale yamesemwa yameangaliwa na yameingizwa kwa Constitution. Mengine hayana watu wengi wamesema pengine hayakingia. Kwa hivyo si yote ambayo mmesema ambayo yaliingia lakini maoni yenu yalichukuliwa kwa njia nzuri na yakaonekana yale yamesema na watu wengi ni maoni ya watu wa Kenyans yakaingizwa kwa Constitution.

Sasa kutoka hapo tukaendelea tukaenda na hii report. Tukaenda huko Mombasa, mambo yalipokuwa tayari, tukachukua hiki kitabu ama hii report 210 ya Nithi ikiwapo na ingine, ya Lang'ata, ya Siakago yote 210 tukaenda Mombasa tukaketi kama Commissioners. Tukaendelea kujadiliana tukabishana, wakati tunabishana kuna wengine wanakubali hiyo wengine wanakataa nini mpaka tukakubaliana. Unajua kwa mkutano lazima mpingane na mfanye hivi na hivi lakini mwishowe mfanye nini, mkubaliane. Kwa any discussion lazima watu wazungumze. Sasa tulizungumza wakati huo wote lakini tukakubaliana. Hata sijui kama kuna wakati tulipiga kura; tulikubaliana karibu kila kitu kwa consensus.

Tunaangalia hiki tunaona hiki kweli kimesemwa hapa na hapa na tena tumeangalia mambo mengine ya watu wa dunia wanafanya hivi, Constitution kama ya India, kama ya Britain, kama ya America, kama ya South Africa, Botswana na Ghana, zingine zote za dunia tukaona hata hawa watu pengine wamefanya hivi. Kama ni Prime Minister iwe ni kitu kimoja kimetokea kabisa. Kama ni Prime Minister yuko katika nchi nyingi na kazi yake inaendelea hivi na wananchi walisema kuwa the Prime Minister, hata Nithi pengine kama ni kuangalia zaidi kuna wengi walisema kuwe na Prime Minister, ama si ndivyo.

Sasa hapo tukakubaliana kama hiyo ni pahali moja. Mtaona kwa draft yenyewe. Sasa tukafanya hiyo analysis ndiyo tunaita collation. Kwa hii tunasema our mandate is to collect views from you and then to collate yaani kuyachukua na kuya-analyse na kuangalia vile yalivyo mpaka tuwe na recommendations. Kwa hivyo Commission yenyewe ika-debate, ikaendelea mpaka tukakubaliana na tukawa na Constitution draft.

Kabla ya kutoa draft yenyewe tukatoa hii short version ili kuwajulisha wananchi wa Kenya ile kazi ambayo mlipatia Commission ya Constitution review wameifanya na kuacha nafasi ya kueleza vile Commissioners walikuwa wangapi na vile mambo historical Acts ambayo ilianza iko hapo yote. Na highlight ya mambo ambayo tulikubaliana yako hapa kwa hii first report but it is just short report, a summary.

Tulipomaliza hii na tuka-launch tukapeana kwa wananchi, tuliingilia sasa kwa kuandika draft ya Constitution yenyewe na hii tulipeana tuli-launch hii tarehe kumi na nane mwezi wa September. Na tulipomaliza hiyo report ilikuwa kwa magazeti isipokuwa ilikuwa zamani kidogo na tuliona ile ya muhimu ni hii tungekuwa hata na hiyo lakini najua wengi walinunua hiyo Nation ambayo ilikuwa sikumbuki ni tarehe ngapi lakini. Hiyo ilikuwa na picha. Kulikuwa na ingine ndio hii ambayo tumetengeneza kama kitabu.

Sasa kutoka hapo tukaingilia mambo ya Constitutional draft yenyewe na siku ya leo kama vile hapo nilianza kusema ni launching, tulikuja kuwaeleza mambo ya hii na kusema ya kwamba hii iko na muendeleo kusoma hii short version ya draft Constitution na siku ya leo yale ambayo tunazungumza leo ni mambo ambayo si ya kupeana maoni. Leo ni kuja kuwaambia yale ambayo mlisema. Tumeyaunganisha yote na tumetoa report na Constitution draft yenyewe ambayo itakuwa Constitution baadaye.

Kwa hivyo siku ya leo hata ukiona Commission imekuja hatukuja hapa siku ya leo kwa malalamiko ambayo mnayo. Launching ni kama kuanza mambo, kuanza kama ni report. Sasa tumekuja kuwajulisha muanze sasa debate kulingana na Act yetu. Act yetu inasema hii debate ya Constitution draft itakuwa thirty days. Mbeleni ilikuwa 60 days katika hii yenyewe hata hii ilikuwa amended na tuna version ingine ambayo imetoka na hiyo yenyewe inaonyesha kwamba itakuwa imewekwa kwa hii cover kama hii, ni amendment ya hii. Hata hii yenyewe imekuwa amended, hii Constitution Review Act. Sasa imekuwa amended kwa haya makarasi ambayo yako hapa machache sana, badala ya 60 days ya debate imekuwa thirty days.

Siku ile ambayo tulitoa hii ni tarehe ishirini na saba September na itaendelea kutoka siku hiyo kusomwa na wananchi na kujadiliana. Mkutano wa National Conference hapo kutoka hapo utakuwa tarehe ishirini na nane mwezi wa kumi. Hata ingawa pengine tutawaita delegates hapo mbele kidogo siku mbili tatu hivi wajitayarisha kwa agenda na kila kitu lakini mwanzo wenyewe utakuwa 28th October. Kwa hivyo nataka kuwakumbusha sasa kabla hata ya kwenda kuchukua mifano kwa hii na kueleza, siku ya leo si siku ya malalamiko, sio siku ya kunikumbusha ya kwamba civic education ilikuwa hivi na hivi kwa sababu si tulimaliza hiyo? Hiyo stage ilikwisha, si mambo ya kuniambia unataka Katiba iingizwe hiki na hiki kwa sababu siku hiyo si ilikwisha? Si mlisema mkaingiza hapa? Leo nawaletea ile report ambayo mlisema summary yake na kwa hivyo mkutano utakuwa mfupi kwa sababu hutakuja kuniambia kwa nini hamkuweka pengine prime minister wawili. Kwa nini hamkuweka watatu?

Hiyo ungesema kwa nini? Kwa hii. Sasa siku ya leo ni short na hata maswali yenu yale yametoka huko ama kwa report yatakuwa tu pengine clarification ama kujua njia ya kusoma na mfano na nini na hayo tujadiliane. Sasa siku ya leo si ya kupeana maoni. It is not a hearing, we have already collected your views and we have a copy of your views here. Today is just launching ili mchukue hii report na muambiwe kisheria unaweza kuendelea kuzungumza. Hata mkienda mkifanya mkutano mnazungumza hiyo. Sheria inakubali mfanye mkutano na mzungumze. Mnaweza kuzungumza kama mtu mwenyewe anaweza kusoma hivi hata akiwa na bibi yake na watoto wake nyumbani. Huo ni mkutano fulani. Unaweza kuzungumza na mtoe maoni yenu kutoka kwa hii draft.

Mnaweza kufanya kama group. Kama organized group kama KNUT, ama groups zingine NGOs ama kanisa mnaweza kuketi kama kanisa na mwishowe yale mapendekezo mliyofanya ya mnaona hayako hapa hayo mnaweza kuangalia. Kwa hivyo kutoka leo mkiendelea kuzungumza mambo ya hii report mtafanya hata nyinyi mapendekezo yenu kutoka kwa hii report. Si kusoma ovyo, mtasoma na ukiona kwamba kulingana na wewe ungefikiria kuwe na prime minister wawili ama watatu kama inawezekana utasema tu na hakuna mtu atakukataza, utasema report yako after reading this na hiyo itakuwa in writing. As an individual or organized group ama group yoyote unaweza kuketi kama ni waalimu kama ni wazee wa njuri ncheke ama kama ni kwa kanisa unaweza kuketi na kujadiliana ama kama ni waalimu wameletwa, kuna group ya waalimu tuliandikisha chama cha waalimu ambao wame-retire katika four districts. Wengine hao hata ni members hata tuna wengi ni mimi hata secretary wao kwa hizo districts nne za waalimu ambao wamestaafu.

Hata waalimu kama hao wanaweza kuzungumza na kutuma report yao. Juzi niliwaeleza kwa meeting ya pyrethrum huko Meru nilikuwa kwa meeting niliwaeleza na hata nikawapatia copy ya draft, huo ni mfano tu. Groups zinaweza kuzungumza na kitu ambacho mtaona kama mkiwa watu fulani kama ni retired officers ama retired teachers ama KNUT ama watu wa kanisa. Kama mkiona kuna kitu ambacho kwa makanisa hakikusemwa sawa sawa, mtaandika report. Yaani mtaandika views zenu muandike msembe hii kitu iko kwa draft lakini ingekuwa hivi na hivi. Muandike in writing and you bring to our office. Co-ordinator pengine achukua hayo malalamiko yote kama kunayo and it is after thirty days. Mkiandika haya mambo mna mwakilishi wenu hapa. Naona mme-introduce watatu na Bwana Mbugua naona ni kama namjua na yule mama pia namjua.

Na tena pengine mna hata wengine kutoka kwa makanisa hapa wale wataenda Nairobi na kutoka kwa disabled kutoka wapi kuna hiyo group yote. Mkiandika mmoja ataenda Nairobi na hawa watazungumzia hapa. Yaani hawa sasa muwe nao kila wakati, na hawa ndio waandishi wenu mnawatuma, kwa sababu hata kura wao ndio watapiga kura, kamishina sitapiga kura kwa sababu hatuwezi kupiga kura kwa hii kitu ambacho sisi tumefanya lakini malalamiko yale ambayo mtakuwa nayo kuhusu hii mtaandika coordinator yawe kwa ofisi yetu. Programme Officers waweke sawa sawa, secretaries mpaka yaangaliwe na Commission na yaingie mpaka kwa National Conference.

Kwa hii report ambayo tumeita People's Choice yaani Chaguo la Wananchi kuna hata copy ya Kiswahili lakini tunaendelea kutengeneza copies za Kiswahili. Hata kwa draft yenyewe tutakuwa na copy ya Kiswahili kwa sababu mkiangalia kwa report ama kwa draft yenyewe, mtaona kwamba Kiswahili kimekuwa official language kama Kiingereza. Yale yalikuwa maoni ya wananchi hata pengine hata nyinyi mlisema Kiswahili kiwe official language. Kwa hivyo yale maandishi ambayo tutakuwa nayo kwa Serikali yetu baadaye yatakuwa kwa Kiingereza na Kiswahili.

Pengine wale wataangalia Katiba tena pengine watasema iwe Kiswahili pekee yake ama Kiingereza lakini kwa sasa official language tume-recommend iwe Kiswahili na Kiingereza na maoni hayo tulipatiwa na wananchi. Kwa hivyo maandishi ambayo yote yatafanywa including the Constitution when the Constitution is ready and is a legal book like this one kutakuwa na Kiswahili na Kiingereza. Yule mzee ambaye hawezi kujua Kiswahili ataangalia katika Katiba, yule ambaye hajui Kiingereza atasoma Kiswahili sawasawa.

Kwa hivyo hii Constitution haitakuwa kitu cha siri ambacho watu hawawezi kufikia. Lugha yenyewe itakuwa rahisi na itakuwa kwa kiswahili ili watu waweze kujua na hata itaandikwa hata kwa lugha zetu kama local languages. Sasa wakati mnaangalia hiki kitabu tunasikia coordinator ana copies chache ambazo zitakuwa kwa documentation center, mtaanza kuona kwamba kuna hii story yote Commissioners, walichaguliwa na mtaona background yaani vile process ilipoanza. Mtaangalia mtaona stages zote na hata mtaona points zingine kutoka kwa wananchi kama nikiangalia hapa kwa hii report kwa mfano page 7 lakini najua hamna hiki kitabu sasa, mkisoma kama we want to an end to corruption yaani mambo ya ufisadi, mambo ya hongo nini watu wa Kenya wengi sana hata hapa walisema hiyo imalizike.

We want the police who respect the citizens and who can be respected by them. Watu walikuwa wanalalamika juu ya police na hata sasa imekuwa sawa sawa na police watahudumu vizuri kupitia kwa wananchi na hata training yao pengine itaangaliwa vizuri. We want women to have equal rights and gender equity. Haki za akina mama na hata haki za wasiojiweza, we want respect and decent treatment for the disabled. Sasa hii iko kwa hii report lakini imeingizwa kwa njia ingine kwa hii sheria yenyewe. So, mtaona highlights za report kama hii what people told us, an overview, yaani ku-highlight ama kueleza machache yale watu walisema, kama hapa what does the draft Constitution do for women? Kwa mfano hapa tunaona pale imesema hapa equal rights will include equal rights to land, education and office. Customary rights must conform to Constitution objectives. So, kwa hiyo report kwa sababu nimewaambia siwezi kusoma yote mtaangalia nimeweka highlights ama mambo ambayo watu walikuwa wamesema na yale ambayo tulifanya kutengeneza Constitutional draft. Kwa hivyo ni kusema ya kwamba haya ni maoni ya watu. This is why we call it the People's Choice yaani wananchi wenyewe walichagua na hii Constitution tunaita people-driven Constitution.

Kama ile ya Lancaster House ya 1962 wale walikuwa wazee kidogo kama mimi mnakumbuka hiyo ilienda ikafanyiwa London. Kulikuwa na representatives na kulikuwa na wajumbe pia walienda wachache lakini ilienda ikafanywa na mzungu. Sasa enactment ya ile ya 1963 ile ya kwanza, ilikuwa enacted by the British government. Haikuwa enacted by the parliament of Kenya. The British hata ukiona ya wakati huo 1963 ilienda ikafanywa sheria na hiyo sasa iliendelea tulipopata uhuru ikaitwa the Republic of Kenya Constitution. ikapatiwa hilo jina tu lakini maneno mengi yalikuwa ya kikoloni. Ni jina hapa juu lilitwa nini, Laws of Kenya, the Constitution of Kenya. Lakini mengi kule ni yale yalipitishwa na Waafrika wetu wachache ambao walikuwa wanaenda kama honourable Mate na Angaine na wengine na hata pengine wazee kuna wazee walikuwa huko kama observers.

Sasa hiyo hatungeweza kuita people's choice. Sijui kama kuna watu walikuja round kuwaonyesha mambo ya Katiba. Wale wazee kama mimi mnajua? Walikuja round walifanya mkutano kama huu. Sasa hiyo hatungeweza kuita people's choice. Yaani hilo si chaguo la watu. Ni la yule ambaye alikuwa anatutawala na alifanya hivyo kwa sababu tulimsukuma, tulikuwa na vita vya Mau Mau. Wengi hapa wale wazee walikuwa freedom fighters, hata kama mimi nilikuwa kijana nilikuwa shule, tulikuwa tunapigania uhuru. Tulikuwa makarani wa Mau Mau. Hiyo ilikuwa hata kupigania hata ingawa sisi tulikuwa vijana hatukwenda msituni wenyewe lakini tulikuwa tunakuwa kama scouts ama makarani. Si hiyo ni kupigania uhuru?

Kwa hivyo tulisukuma mzungu mpaka akatoa hiyo Katiba mpaka tukapata uhuru. Na hiyo haikuwa chaguo la watu, lakini hii iko sasa ni chaguo la watu kwa sababu sasa tunazungumza haya maneno na tumekuja hapa na tumekuwa na nyinyi mmekuwa mnaambiwa mambo na coordinator, mtoto wenu wa hapa Bwana Kimanthi na mmechagua sasa watu wenu wenyewe kutoka hapa Nithi kuenda Nairobi kuangalia itakuwa namna gani. Wataangalia, baadaye itaenda kwa parliament yetu sisi ambao tumechagua sisi wenyewe wapitishwe na iwe Katiba. Na Serikali yetu yenyewe sasa itaendelea ku-implement yaani kurekebisha na kuonyesha ya kwamba maneno yale yameingia, mambo ya Katiba yanaingia. Kama ni prime minister itafanywa kama ni nini, kama ni mashule yatakuwa ya bure kama vile draft imesema na mambo mengi waendeleo kuona yanatekelezwa.

Kwa hivyo hii ndio unaona tunaita Katiba yetu. Na sasa nikienda baadaye mtakuwa na maswali na mtauliza kutokana na yale yote nimesema, msiende nje ya yale ambayo nimesema ama yale yako katika report ama draft. Na sasa ningetaka kuingia kwa hii yenyewe sasa. Tulipoangalia na kufanya hii report ya kuanzisha wananchi sasa tuko karibu kutoa Constitution yenyewe tulifanya hii tukiwa Mombasa zile siku zote tulikuwa huko. Commissioners isipokuwa Mombasa tuliketi tukafanya hii report tarehe kumi na nane September tukaendelea sasa na kufanya ile draft ambayo tunafikiria itachunguzwa na members wa conference na itaenda parliament. Na kwa sababu hatukuwa na wakati mrefu sana wa ku-print, hivi vitabu kwa sababu baadaye vitakuwa printed na mwisho kabisa vitakuwa printed kama Constitution of Kenya kwa kitabu, tulikubaliana tukawaona watu wa Nation tukanunua haya makaratasi. Yaani tukanunua paper yote ikiwa na hii. Sasa kwa hii hata ingawa hauna kitabu kingine chochote hii ina mambo yale tumeweka ya Katiba.

Kama mimi ama kwa mfano yangu nina copy kama hii ambayo ni kitu kimoja kama hiki. Na najua kabla iende kwa parliament lazima iandikwe kwa ile lugha parliament watazungumzia. Na parliament wakati watazungumza mambo ya sheria imeandikwa kwanza inaitwa bill, motion ikitoka ya mjumbe fulani na ikiendelea hivi, Attorney General anafanya itakuwa bill ya kuzungumziwa Parliament. Sasa inaenda itakuwa published na itakuwa kama kitu bill ya mambo yale kama ni mjumbe kama kutoka kwa Serikali itaenda parliament kuzungumzwa, inaandikwa kwa ile lugha ambayo parliament itafanyiwa.

Sasa hii kwa sababu ni mambo ya Constitution tumeandika kutokana na experts wetu Commissioners wetu wenyewe ni Constitutional lawyers na experts wetu ambao wanatoka nje mpaka tukaendelea tukazungumza Commissioners tuka-pass resolution tukasema kitu fulani kiingie. Sasa experts wakaenda wakaketi wanaingiza kwa ile lugha ambayo itaenda kwa parliament. Hiyo ndiyo inaitwa draft bill; hii sasa draft bill na mnajua haitaenda kwa parliament directly. Itaendelea na itazungumzwa na hawa wajumbe wenu kwa National Conference kulingana na vile sheria imepanga.

Sasa hapa kuna draft bill, kuna maneno, proposals, yale yamekubaliwa, mapendekezo kutokana na yale yamesemwa ambayo yatatengeneza Katiba na ningetaka mjue kwanza hii yenyewe si Katiba. This is not the Constitution but these are the proposals. Ni mapendekezo ambayo yakizungumziwa na yakitengenezwa yatafanya iwe nini Katiba. Kwa hivyo mpaka sasa hatuna Katiba mpya lakini tumefanya mpango tumefika mpaka hapa kutengeneza hii draft ambayo itaendelea kutengenezwa mpaka iwe Katiba. Katiba ambayo tunayo leo ni ile ambayo tumeishi nayo ambayo tumejaribu na tumefanya review kuibadilisha, lakini hii itakuwa Katiba ikiendelea kurekebishwa na kuangaliwa ndiyo itakuwa the new Constitution.

Sasa tukiangalia kwa hii, kitu cha kwanza ningetaka muone kwa mpangilio wake. Ningetaka muangalie kama muone kwa kuingia pengine katika hii page. Hebu tuone kwa page moja kama 15 hivi page kumi na tano huo ni mfano tu tutaendelea kuangalia mingine. Kama hapa unaona kuna jina hapo juu linaitwa tenure of office of Members of Parliament. Hiyo ni heading imeandikwa hapo na rangi sawa sawa. Sasa kwa hii Katiba na vile tunapendekeza kwa hii draft tumependekeza heading iwekwe juu sio iwekwe upande kama hii ambayo tunayo. Wale ambao wamesoma hii Constitution hii ya zamani, heading imewekwa katika margin. Unaona hapa wale wako karibu. Hapa upande wa margin hapa kumeandikwa Assumption of Office

of President kwa mambo mengine wanaandikwa hapa hii ni kama heading.

Yaani hii ni heading ya section ama article. Kwa Constitution yetu tutakuwa tukiita Articles na heading itakuwa juu. Hii tunaona tenure of office iko juu haiko kwa margin. Kwa hivyo hiyo ndio utaona kwa mpangilio mmoja ambao uko kwa hiki kitabu ambacho hata ile Constitution itatoka hatutakuwa tukiweka kwa margin kama hii ya sasa ama vitabu vya sheria vingi vimewekwa kwa margin kama kwa hii ya zamani imeandikwa cabinet naona iko hapa lakini ukiangalia kwa hii utaona cabinet iko kama heading. Clerk of the national council kama ukiona page 15 upande huu ni heading iko juu presiding in the national council and then unaona the recall of a Member of Parliament iko juu.

Sasa wakati unasoma usishangae, usiseme kwamba ni makosa. Hiyo ilikuwa ni mpango na mambo kama hayo tulisikia kwa wananchi. Wakati tulipokuwa tunaenda round kuna wengine walisema mambo kama hayo na wanasema tumezoea kusoma kitabu bila heading kwa hivyo walionelea iwekwe hivyo na hiyo si kitu controversial, huo ni mpango. Lakini nilikuwa nataka muangalie kitu kama hicho.

Tukienda kwa hii tenure turudi kwa hii page ya kwanza huko juu ni draft bill for the Constitution of the Republic of Kenya tulipeana tarehe 27 huko ni juu cover lakini twende kwa page ya kwanza kumeandikwa table of contents. Hii sasa iko hapa ni mpangilio wa chapters. Chapter 1 sovereignty of the people and the supremacy of the Constitution. Uende kwa chapter 2 the republic unaendelea hivyo National Goals, Values and Principles. Sasa hii yote mpangilio yote ni mpango wa contents na yale mambo ambayo yako table of contents taratibu ambayo iko ndani na ukimaliza kwa hiyo sasa utanza kusoma mambo yenyewe.

Kama ni tukienda page 4 hapo ndio imeanza yale ambayo yamesema contents chapter one sovereignty of the people and supremacy of the Constitution. Yaani hapo ni watu wenyewe ni nguvu ya watu na hata ukubwa wa Katiba kwa sababu Katiba ndio sheria ambayo ni kubwa zaidi na hiyo sheria ya Katiba imefanywa na watu. Kwa hivyo kitu cha kwanza cha muhimu ni mtu mwenyewe yule ambaye ametawala nchi hii msiseme kwamba ni MP ama ni president ni people sisi. Ndio hata hii Katiba tunaita people's Katiba ni sisi, kwa hivyo maelezo ya kuonyesha ukubwa wa mtu ambaye anatawala Kenya.

Tukirudi tena kidogo pale pale kwa contents kwa arrangement of articles utaona kuna kitu hapa kinaitwa preamble ni kama utangulizi ama introduction. Katika Katiba hii ambayo ninayo hapa ambayo tunatumia sasa, tukiangalia tunaona ya kwamba huu utangulizi hauko kwa sababu unaona section one it is the Republic of Kenya. Sasa hata tulikuwa tunazungumza tukasema hii republic ni kitu gani? Kama mtu hayuko kuna kitu kinaitwa Republic bila mtu, si mtu anafanya republic? Ndio unaona sisi badala ya kusema the republic of Kenya kwanza tunaanza na kusema sovereignty of the people, yaani ukubwa na uwezo na kufanya mambo ikiwa ni wewe unafanya na ni wewe una nguvu, na tena Katiba ni mpango wa kufanya haya mambo, ukubwa wako.

Kwa hivyo hii inaanza na just the republic na kutoka hiyo ni chapter one ambayo inaeleza mambo ya republic, the political systems, public and the Constitution of the republic of Kenya, sasa imekuwa iko chini kabisa na chapter two kwa hii inaanza sasa na executive. Sasa inaanza kuonyesha executive ndiye anatawala bila kujua watu wako wapi. Hayo tumezungumza na ndio tumetoa kwa draft. Hiyo tumepanga namna hiyo hakuna introduction, wale ambao wamesoma hii Katiba ambayo tuko nayo hakuna preamble. Tulipokuwa tunaenda round watu walitambua Constitution mpya ni lazima iwe na utangulizi. Yaani inatoka wapi kwa nani na ni kitu gani? Introduction, utangulizi. Kwa hivyo ukisoma hapa na nitasoma hapa utangulizi kwa sababu imeandikwa na Kiingereza nitasoma namna hiyo.

Preamble- we the people of Kenya aware of our ethnic cultural and religious diversity and determined to live in peace and unity as one individual sovereign nation committed to nurturing and protecting the well being of the individual, the family and the community within our nation; Recognizing the aspirations of our women and our men of the government based on the essential values of freedom democracy, social justice and the rule of law; exercising our sovereign and inalienable right to determine the form of governance of our country and having fully participated in the Constitution making process, do adopt, enact and give to ourselves and to our future generations this Constitution. God Bless Kenya.

Si hayo ni maombi mazuri? Hiyo preamble ama huo utangulizi ni kama maombi. Kwa hivyo tukisema ni sisi watu wa Kenya ambao wako katika tribes nyingi, village groups, ethnic groups kuna Wameru, kuna wamaasai, kuna Wakamba na (inaudible) na makanisa hata kanisa ya kienyeji yeenyewe ile ambayo hata watu hawataki kujua kama tulikuwa na Mungu zamani hata hiyo iko hapo. Si makanisa kusema unaenda katika building peke yake. Hata ukienda kuomba pale si kanisa ni yako hiyo kwa sababu si watu wengi wanaenda kwa makanisa kuomba. Si wengine hawako kwa hayo makanisa lakini unafikiria hawamjui Mungu? Kwa hivyo wote ni watu ambao wanajua Mungu, wanaogopa Mungu, wote wana dini zao. Kwa hivyo dini zote na watu ambao ni mbali mbali hatuwezi kuwa kitu kimoja katika Kenya na tunaangalia na kujilinda na halafu tunaangalia maoni yetu na nguvu zetu tukiwa akina mama au akina baba, tuna nguvu ya kuwa na maoni yetu hata ya kutawala na tunakubali ya kwamba hii sheria ni sisi tumeitengeneza.

Ndiyo unaona maoni tumepeana ya kutengeneza lakini kwa hayo yote kufanya hii Katiba tunasema hata Mungu atusaidie. Kwa sababu sisi sote tunaamini kwa Mungu hata ikiwa huendi kanisani, wewe ni mtu wa Mungu, hakuna mtu haamini Mungu pengine. Wale wamesema hawaamini Mungu sijui pengine ni uongo wamesema kwa sababu kuna kitu kikubwa kwao. Na hicho kikubwa ni Mungu. Kwa hivyo tunasema Mungu atusaidie kwa hayo mambo yetu. Hilo ni ombi ningeliza watu wote wale wanaenda kanisani mbali mbali na hata sisi ambao hatuko kanisani tumejua Mungu tuombe hii draft yetu iendelee kwa njia nzuri na baadaye tuwe na sheria ambayo tunatawala nchi yetu sisi. Mtakumbuka kuombea Katiba? Muombe hii draft yetu na Mungu asaidie iwe Katiba kulingana na hiyo preamble.

Sasa ningetaka twende kwa tujaribu kuangalia chapter fulani fulani hapa na niliwaambia kwa sababu ni kuanza tu we are only launching, hatutaendelea kusoma yote lakini tutachukua chache halafu muanze kuuliza maswali yenu. Hebu nione kama pengine

tunaweza kuchukua hii chapter naona ni muhimu, zote ni za muhimu lakini tuchukue moja moja. Tuchukue kama hapa tunaona number two, Electoral Commission. That is part two in chapter six. Hata ningependelea kuanza na hiyo kwa sababu hata huu ni mjengo tuko uchaguzi. Si Electoral Commission House iko? Na mmefanya vizuri kupatia hata mahali pa kuketi. Hebu tuanze na Electoral Commission that is chapter six. Hiyo itakuwa na tutaanza kutoka article 83. Electoral Commission, sasa kwa Katiba tunaona heading katika hii draft yetu ime-propose na imefanya haya mapendekezo. There is an

established Electoral Commission consisting of lazima ifanywe hiyo committee ya elections ambayo itakuwa the chairperson and not less than eight and not more than 10 other members.

Then number two the chairperson and other members of the Commission shall be appointed by the president with the approval of the national assembly. The Commission shall elect a vice chairperson from among its members. A citizen is qualified to be appointed the chairperson of the Commission if the citizen is qualified to hold office as a judge of a superior court of record. Yaani awe anaweza kuwa judge.

A citizen is not qualified to be appointed a member of the Commission if the citizen is a Member of Parliament or is acting in an office in public service or in the defense forces of the republic.

Number six, the time of the initial appointment of the Commission half the Commissioners shall be appointed for a three year period. Sasa hebu niseme machache hapa number six, halafu tutaendelea kuangalia mengine. Kwa wale pengine hawakuweza kusoma hapo vizuri kwanza tunasema Katiba hii inapendekeza kuwe na chairman, kutakuwa na chairman wa uchaguzi ama wa Electoral Commission ya mambo ya uchaguzi na atakuwa na members wasio chini ya wanane na wasio zaidi ya kumi.

Electoral Commission sasa nasikia iko na members kama 22 hivi. Kuna chairman huyo ni sawa sawa kama kiwango hiki. Utakuta members wengine kama ishirini na wawili na hiyo inaonekana ya kwamba imepunguzwa kama nusu hivi. Kwa sababu ni kama 22 na wakiwa kumi hiyo ni kama nusu. Na hapa kunasemekana huyu chairperson ama chairman, mwenyekiti, anachaguliwa na president lakini atakuwa amependekezwa au amekuwa approved. Bunge pengine itafanya njia ya kumchagua halafu residents wanamchagua grassroots.

Vice chairperson, atakuwa appointed na Commissioners wenyewe au kama ni kumi ama wanane ni lazima wasiwe chini ya wanane wataketi siku yao ile watachagua na wamchague vice chairperson wao. Na huyu mtu asiwe ni mjumbe ama akiwa ni mjumbe hawezi kuwa member wa Electoral Commission ama kuwa chairman na hata akiwa kwa public office ama ni mwalimu katika class ama ni officer wa Serikali ama ni public officer hawezi kuwa member ama police ama army ama wengine. Na kwanza inapendekezwa wale Commissioners wa kwanza watakuwa three years. Tutaendelea kuona pengine wengine watakuwa zaidi kwa sababu inatakiwa kwamba Electoral Commissioners wakiwa huko hakuna wakati inataka isemekane eti hakuna Commission. Commission ni lazima iwe continuous.

Kama hao ni miaka mitatu kutoka hapo sasa wengine watachaguliwa hapo, wataendelea miaka mitano na watakuwa wanazungukana namna hiyo bila kusemekana kwamba kuna wakati ambao hakuna Commission. Kama kutakuwa na maswali hapo wengine mtakuwa na maswali mtauliza.

Tuende number seven office of a member of the Commission becomes vacant at the expiry of a five-year term from the date of appointment renewable only once. Inaonekana after three years wale wa kwanza wale watafuata five years halafu wataendelea kuchaguliwa namna hiyo. If the member becomes disqualified to be appointed a member of the Commission or if the member is removed from office on the ground of inability to perform, the functions of office as a member whether arising from infirmity of body or mind or from any other kind of misbehaviour or if a member dies or resigns from office so with all these there will be a replacement in case the office is vacant. Yaani mjumbe akiondoka kwa sababu ya kifo ama kuwa hawezi kufanya kazi ama mambo mengine ama awe na makosa lazima hiyo itawekwa.

Hapa tuna functions of Electoral Commission. Unajua functions za electoral Commission ni kupanga mambo ya uchaguzi ambayo yanahusika hata registration of voters ambao ukisoma kwa wakati fulani imependekezwa kwamba registration of voters shall be continuous. Yaani hiyo ofisi ya Electoral Commission itakuwa full time na registration ni kila wakati. Pengine mtu akipata kijana kama ni 18 years akichukua kipande chake anasonga hapo anaenda kuchukua kadi yake. Yaani itakuwa kila wakati. Si kama wakati huu tulianza registration 1997 na ingine inianza wakati fulani fulani lakini sasa itakuwa kila wakati itaendelea kila wakati.

Utaona hivi kama staff of Electoral Commission, the limitation of co-incidences. Rights zingine the political party. The right to form a political party. Hata hii ni ya Electoral Commission kwa sababu unajua hata sasa ukitaka party, na unataka kuandikisha chama chako cha kisiasa, utaenda kwa registrar general na utaandikisha kwa ile sheria tunaita Cap 108 laws of Kenya na hiyo sheria inaitwa Society Act.

Kwa hivyo hata political party siku ya leo ni kama society, ile inaandikisha dini tena ukiandikisha dini yako itaenda kwa hiyo law Cap 108. Ukienda kuandikisha work administration yako kama vile tulifanya tulienda kwa hiyo Cap 108. Sasa itakuwa tofauti, political party itatoka kwa hiyo registrar of societies ama registrar of companies iwe inakuwa registered by Electoral Commission.

Kwa hivyo hiyo ni difference kubwa sana kwa sababu hiyo political party actually belongs to the Electoral Commission. Inazungumza mambo ya elections ndio wana-nominate watu hao wa political party na watu wa siasa kwa hivyo itapelekwa kwa hiyo ofisi ambayo inahusiana na siasa yaani Electoral Commission. Yaani itatoka kwa ule upande wa registrar of societies.

Na hapo utaona the rights to form a political party imeelezwa, roles and functions of political parties kwa political parties vile

vile tutaangalia qualifications for registration. Kama unataka kuandikisha yako utaona kwamba:

On registration of political parties becomes a body to operate yaani inakuwa kama company ama kitu ambacho unaweza kupeleka kotini ama unaweza kupeleka na iwe kama company, cooperative body. Cancellation of registration Electoral Commission inaweza kuondoa political party ambayo itafanya makosa. Political parties' Fund, hiki ni kitu ingine mpya kulingana na mapendekezo ya watu walisema political parties wasaidiwe na Serikali. Na hapa Constitution inasema we have established a fund to be known as the political parties fund so there will be that fund established.

Kwa hivyo kutakuwa na fund kama hiyo msaada wa pesa yaani kutakuwa na pesa ambayo itawekwa ya kusaidia vyama vya siasa. Na hii watu walisema wengi sana, sijui hata nyinyi pengine mlisema ukiangalia kwa report ya Nithi pengine mlisema hivyo na katika Kenya watu wengi sana walisema. Political parties zingine hazina nguvu na haziwezi kupeleka bunge nini kwa hivyo inataka isaidiwe kidogo na Serikali, na tulipoangalia katika nchi zingine mbali mbali political parties zinasaidiwa. Sasa Constitution yetu imependekeza kuwe na fund ya kusaidia vyama vya kisiasa (political parties).

The fund shall be administered by the Electoral Commission. Hiyo funds ama hizo pesa zitakuwa zinasimamiwa na Electoral Commission na Electoral Commission ndiyo kulingana na sheria itaona vile italipa pesa kwa political parties, pesa ngapi na wanataka wafanye nini. Na tena kitu kingine hapo unaona kwa hiyo page 13 kuna sources of the funds. Hii fund itatoka wapi? The money provided by parliament each year equal to not more than let's say 3% of the national budget for the preceeding financial year.

Tunaona ya kwamba in A hiyo pesa itatoka kwa Serikali. Yaani itatoka kwa nyinyi taxpayers ile pesa itasimamiwa na bunge na wakati wa budget, wakati wanasema minister for education achukue fulani wakati wanasema agriculture ichukue hii, na ingine watasema hata political parties iwe na kiwango fulani ambacho Constitution ya sasa ndio Constitution ambayo tumefanya draft inapendekeza iwe point .03 % ya national budget yaani ya budget ya Kenya.

Hiyo hatuwezi kujua ni pesa ngapi sasa lakini tukijua budget itakuwa ni kiasi gani pengine tunaweza kufanya hiyo na tuone ni ngapi. Inginge tukipata pesa ni contributions and donations of funds from any other source. Kama wewe ukiwa na pesa yako na useme unataka kusaidia vyama vya siasa utaenda kwa Electoral Commission, umwambie mimi nataka Commission kama wakati moja akiona ana hiyo pesa ataenda na kama ni million ishirini atasema mimi nasaidia kama shilingi kumi ama shilingi tano. These are other sources they also have had other donors kama wale ambao wanasaidia kutoka pahali mbali mbali. Lakini hizo pesa zote hazitakuwa zikipewa political party directly, hutakuwa unatoa pesa yako unapeleka kama ni KANU ama D.P ama SDP and so lakini usaidizi huo utapeleka kwa nani, kwa Electoral Commission kwa sababu ndio itasimamia hiyo part. Sasa hizo pesa kutoka kwa wale wanataka kusaidia pamoja na pesa ya Serikali kutoka kwa budget itafanywa fund na itakuwa inasaidia political parties.

Lakini kutakuwa na vikwazo ambavyo vitawekwa ili political party iweze kusaidiwa. Hapa tunaona kuna purpose of fund hii kusaidia parties pengine ya kwanza inaweza kuwa ku-organise election na kuendelea na hapo mtasoma mtaona. Other sources of funds for political parties. The sources of other funds for political party, subscriptions and contributions from members and supporters and donations to the party by members and supporters na hiyo tumeona ni source moja. Na ingine ni supervision of political parties. Unajua kama sasa sijui kama mnaangalia, mnaona political parties nyingi sana hazina supervision wakifanya sheria yao yaani Constitution yao kwa sababu lazima kila group iwe na Constitution ama sheria yake, wanaweza hata kuvunja na hata kuifanya hivi na hivi. Kama ni elections wanasema miaka mitatu mfanye uchaguzi na wanachama wa hiyo party wengine wanaweza kukaa miaka kumi, miaka kumi na nane, miaka mitano na hiyo ni kuvunja sheria kwa sababu ya lack of supervision. Hakuna mtu anaangalia.

Wengine wakisema kitu fulani kiwe wanaweza hata kuweka kile ambacho hakiko kwa Constitution yao kwa sababu hakuna mtu anaangalia. Lakini sasa kutakuwa na hizi supervision of political parties kwa Electoral Commission na tukisoma hapa mambo ambayo yameandikwa article 97 1 the Electoral Commission shall supervise the conduct of the elections to officers and committees of political parties. A political party shall within seven months after the end of the financial year submit to the Electoral Commission an annual report on its activities including the auditors' reports on its account.

Number three, the annual report of a political party may be inspected during normal office hours by any person. The Electoral Commission shall by order prescribe the maximum amount of money such as political party may spend on each of its candidates for election to a particular office and the amount of money that an independent candidate may spend on an election to a public office. Na hiyo sasa ni kuhusu supervision na mambo mengine yaani ku-check kuangalia political parties zinafanya kazi yao kwa sababu hapa unaona kumeandikwa purposes of the fund na hata hapa sources na hata kazi ya political parties. Wakikosa mambo ya Constitution yao na mambo mengine Electoral Commission will supervise and Electoral Commission also and the other things like the conduct of elections hiyo yote ni kazi ya Electoral Commission.

Party discipline – lazima kulingana na Katiba ya party yenyewe kuwe na discipline, kusiwe na watu ovyo ovyo hii now imeonyeshwa hata kwa Katiba zake na hata kwa hii Katiba draft tumeweka hii ili political party iwe na conduct mzuri na iwe inaonyesha inajua kazi yake. Restrictions on use of public resources, restrictions on holding office in political party, hii ni kidogo sana no. 100. Hebu tuone hapa yaani section ya hii ni mwisho kabisa kwa number six kwa sababu tunaendelea nayo.

The president and public officials above the rank of deputy secretaries shall not hold office in a political party. Hii ni restrictions ya kuwa usimamizi umekuwa official kwa political party na hapa kuna pendekezo. The president mwenyewe hawezi ku-hold office katika political party kama chairman ama secretary ama anything. Kazi yake ni president si kuwa mwenyekiti wa political party hata ingawa ni yake. The public officials all are above the rank of deputy secretary. Kutoka deputy secretary kuenda kwa permanent secretary kuenda kwa minister, kuenda kwa all these people kulingana na recommendations shall not hold office in a political party.

Officers – public officers kama judge hawezi kuwa chairman wa KANU ama ikiwa ni inspector of police anaweza kuwa? Ama ikiwa ni public officer kama chairman wa corporation? Anaweza kuwa? Lakini ukiangalia pengine chairmen wa corporations ni wengi and they are public officers ni ma-chairman wa public rank fulani. Residents appoint the current Constitution na ni ma-chairmen wa party. Lakini katika hii recommendation hawa watu hawatakuwa na ma-chairmen ama secretary yaani official wa political party, yeye atakuwa mwanachama lakini hatakuwa na office yoyote.

Tulipokuwa tunaendelea kwa hili pendekezo liko hapa kwa Katiba utaona kuna pahali pengine tunaweza kufikia hapa tusome ama msome nyinyi wenyewe, ministers watakuwa kumi na watano na hatakuwa MP. Si hiyo ni tofauti kubwa sana, atakuwa officer. Public officer anaweza ku-apply kuwa minister yaani atoke kwa hiyo nafasi a-apply kwa sababu ikiwa minister hata hiyo jina atatoka lakini sio MP. MP kazi yake mmechagua awe nini representative wenu. Sio kuenda kusema anaenda huko kutafuta bendera.

Anaenda huko kuwa ni MP wako awe anakutetea na pengine tunasoma pahali inaandikwa kwamba unaweza kuondoa MP siku hizi kama akifanya makosa unaweza kumuondoa kulingana na Katiba mpya ambayo itatokea inaweza kumwondoa president kulingana na Katiba mpya. Yale maneno yote yako hapa kwa sababu tuna-launch hatutaendelea kusoma yote lakini nakumbuka yale nakumbuka ya muhimu sana nayasema, si ndio?

Sasa kwa Electoral Commission, hiyo section mjaribu kuisoma vizuri ni moja ya zile za muhimu sana na pengine hata 3Cs watajaribu wata-put emphasis kufundisha watu na kuangalia sana muone mambo ya Electoral Commission, mambo ya kuchaguliwa kwa president, mambo ya kuchaguliwa kwa MPs, mambo mengine yote, yale ya muhimu na ikiwezekana yote usome kwa hii halafu mtaandika yale mnataka yaongezwe zaidi. Hii sio mwisho, niliwaambia hii si Constitution, hii ni proposals ambazo Commission wamefanya kulingana na maoni yenu. Lakini kama kuna maoni mnafikiria yameachwa na yangeweza kuingizwa kuna nafasi na mtaandika in writing yaende mpaka kwa Commission na yaende mpaka kwa wale wajumbe wale watakuwa kwa National Conference wazungumze.

Pengine kuna mengine tumeacha ya muhimu sana ndio unaona kuna National Conference na ndio unaona tunawaletea hii msome ili muone kama ni yale mlisema. Kama kuna kitu cha muhimu sana kilisemwa hapa Nithi kwa hii report na mnaona it is not captured in this draft una haki ya kuandika na kusema kitu fulani kama ni mambo ya kahawa mambo ya nini msemi kitu fulani tulikuwa tunaona ni cha muhimu na tungeuliza kizungumziwe tena na kiwekwe. Kwa hivyo delegates watazungumzia hiyo. Tumefanya mfano wa haraka haraka kwa hiyo na tunaweza kuchukua pengine chapter ingine kwa mfano chapter seven, the legislature.

On page 13 hapo chini kabisa inaanza part one is parliament. Hiyo ni ya muhimu kwa sababu mambo yale muhimu ni ya wananchi. Tujue mambo ya wajumbe wetu, tujue vile wanachaguliwa na mambo mengi. Yote ni ya muhimu lakini tutaguza yale

ambayo tunaona ni ya haraka mengine mtasoma. On page 14, sasa inatoka page 13 ambapo kuna part one parliament lakini maelezo yake yako katika page 14, Establishment of Parliament. There shall be a parliament of Kenya which shall consist of the national council and the national assembly. Kabla ya kuendelea hii sana ningetaka kwenda kwa report kwa sababu hapa report inasema vile mpango wa devolution of power itakuwa. Now, katika hii report na ambapo mambo haya yameingizwa hapa kwa draft ya Constitution yenyewe, tunazungumzia kwa kutoka page 14 ambayo inaonyesha devolution of power yaani vile uwezo unatoka na vile unaenda. Yaani utawala unatoka wapi na unateremkia wapi. Mbeleni kulikuwa tu na watu wachache ambao walikuwa wanaishi Nairobi wanakoroga na kila kitu wanatawala na hawajui barabara fulani hapa haina daraja na hajui njia ingine nini lakini wako huko Nairobi mahali pengi sana wanasahau.

Katika Katiba hii tukaona uwezo wa kutengeneza map uwe shared yaani ugawanywe. Wananchi wapewe uwezo sio mtu mmoja huko ama watu wachache wanafanya halafu wanapitisha. Wananchi wenyewe wapewe nguvu ya kusema kitu na nguvu ije kwa wananchi na hiyo tuliambiwa sana na wananchi wanasema wanataka mambo yaje kwa wananchi, kwa grassroots na hiyo ndiyo tunaoleza devolution power na ule mpango in summary form kuna diagram tumetengeneza hapa wale wataona kitabu pengine wataona page 45 na hayo ndio mambo yamezungumziwa kwa hii kutoka page 14.

The new structure of government, yaani mpangilio mpya wa Serikali kwanza kutakuwa na president, huyo atakuwa huko juu mkubwa wa nchi yote na atasaidiwa na vice president na hao wote watapewa mamlaka na wananchi kwa sababu hii diagram inasema the people, yaani top ni people, sovereignty of the people yaani wananchi wa Kenya 30 million ikiwa wako juu na wanasema wanataka mtu mmoja anaitwa president ashikilie nchi aangalie nchi kwa niaba yao. Kwa hivyo anaangalia nchi kwa niaba ya wananchi na si yeye ako juu ya wananchi kwa sababu si ni wananchi wamemuweka.

Kwa hivyo huyo amekuwapo president na halafu vice president na halafu wananchi wakasema kama vile imekuwa kumekuwa na MPs hawa ni people's representatives. Si kuenda kusema pale MP ni kazi yake anafanya huko. Ametumwa na kama ni watu wa Nithi wamemtuma ama ni watu wa constituency ingine. Na kuna 210 constituencies in Kenya zile ziko. Hatukuongeza kwa Katiba, ni 210. Mambo ya kuongeza constituency hayo ni mambo ya parliament baadaye ambayo ni pamoja na Electoral Commission ambao watakubaliana waone vile watakuwa wanaongeza kulingana na maendeleo tutaongeza constituency kama vile state imeongezwa lakini zile tunazo siku ya leo ni 210. Hawa ndio MPs wetu ambao wamechaguliwa na watu na hawa ndio tunasema ni sawa sawa wataendelea kama vile ilivyo.

Elections ikifika tukakuwa na 210 Constituencies na watachagua wao kwa sababu si hao wamemaliza kazi yao. Miaka mitano, kwa hivyo 210 constituencies itachagua watu wao wa ku-represent 210 constituencies. Tumefanya recommendations kwa sababu ya kuona ya kwamba kuna group nyingi ambazo ni marginalized ama hazina nguvu sana haziwakilishwi kama group ya akina mama, groups za disabled, groups zingine hivi na tukaona viti viwekwe ambavyo mpango utapangwa njia ya kuwachagua na hawa tumependekeza wawekwe 90.

Kwa hivyo kwa parliament ambayo itakuja itakuwa na 300 members. Na hiyo ni national assembly kwa sababu parliament tume-recommend nyumba mbili kama ile tulikuwa tunaita Lower House ya senate ama Upper House. Kwa hivyo nyumba moja ya parliament ndio national assembly na ndio itakuwa na 300 members. 210 kutoka constituencies na 90 kutoka special groups.

Tena tuna national council. This one there will be one member from every district. Hata hapa Meru South tutakuwa na members na mmoja na Tharaka, Meru Central, Meru North, Embu, Nithi zote districts moja moja na tumehesabu districts tukaona ni kama 69 na Nairobi inakuwa ya seventy kwa sababu Nairobi itakuwa considered kama district kwa devolution of power. Itakuwa district Nairobi haitakuwa na mambo ya kusema kuna municipality of what. Kama hii sasa itakuwa ni district ya Meru South ama jina lile mnataka liwe kama ni Meru South namna hiyo na hakutakuwa na mambo ya municipal council. It will be known as district council. Nairobi will be Nairobi district council, hiyo ni Serikali ya district. Although Serikali ya huko juu ndiyo ina nyumba mbili national assembly na national council.

Sasa tukienda huko chini devolved government kutakuwa na ile ya muhimu sana kutoka Nairobi. Ya muhimu sana ni district council yaani district government halafu kutakuwa na local locational ama locational of council. Hiyo ni kama Serikali ya upto grassroots. Kutakuwa na ya mwisho kabisa village council. Na hata hiyo ni kiwango cha ku-share power yaani ni kama Serikali hata hiyo. Sasa unaona kutoka Serikali ya juu ambayo ni national assembly Parliament and national council na hapa nimesahau kusema national council itakuwa na seventy members and thirty seats for women. Hawa council women watachaguliwa four from every province. There are seven provinces. Si hao ni ishirini na wanane na wawili watatoka Nairobi kwa hivyo watakuwa thirty. Ukiunganisha na wale seventy kutoka kwa district watakuwa a hundred. So the national council or Upper House will have one hundred members.

Sasa tukirudi huko chini ndio niliwaambia kutakuwa na district council. Kama district ina municipality ama ina urban council na what what hiyo yote sasa haiwezekani ni council moja ya district. Na halafu kutoka district itaenda itakuwa nafasi ya location ambayo itakuwa ambayo chini ya district na halafu kutakuwa na council ya village vijiji. Sasa hii interpretation ya location na ya village hiyo mipaka itafanywa na district council. Let's say village itakuwa wewe na watu watatu hivi kama 50 villages. Si village zile tunaishi ni nyumba kama tano hivi ama mashamba kama kumi hiyo unaita village "mwiriga" lakini pengine haitakuwa namna hiyo. District council inaweza kusema village iwe 5,000 people ama 6. Sasa utaona village pengine itakuwa ni location na location pengine itakuwa ni kama division, si ndio? Lakini hii itakuwa ni mambo ya district kupanga, district council.

Katika provincial level kutakuwa na council ya province lakini hiyo council haitakuwa ngumu kama ya district. Province itakuwa tu just coordination of the district in that province, just coordination na tena kusimamia institutions zile ziko kwa province. Lakini mambo yenyewe Serikali yenyewe iko Nairobi kwa those two houses, iko kwa district, iko kwa location na iko kwa village, pengine ni wazee wa vijiji hapo watakuwa wanachaguliwa hapa na hapa. Tumependekeza there will be two people from every village to form a location and that will be one woman, one man na hiyo hatuwezi kusema mambo ya number kwa sababu itategemea vile mpango utakuwa kutoka kwa district yenyewe. Kwa hivyo hiyo ni vile Serikali itaendelea chini kutoka juu

mpaka chini kufikia wananchi. Sasa tukiendelea kwa mambo ya legislature, role of parliament, one or two, parliament represents the casual diversity of the people, symbolizes the unity of the nation and determines the policy of the republic.

Sasa hiyo ni kama summary ya kazi ya parliament na hapa ukiendelea utaona kutengeneza sheria, providing national forum for deliberation or the resolution for issues that concern the people. Yaani hayo yote yako chini ya parliament kama vile unaona ni just a representative body ambayo ina-represent wananchi na tumeona parliament ina nyumba mbili sasa tutaangalia national council and the national assembly. Pengine nikaona ile ya muhimu sana nitasoma mimi mwenyewe lakini mtaendelea msome kama hiyo heading vizuri.

Approval and appointment of parliament – katika parliament ambayo itakuwako sasa both the national assembly and the national council, posts nyingi sana zitakuwa approved by the parliament. Yaani viti kama ministers, au ni parliament watachagua pengine vitakuwa advertised kama ni ministry of education. Parliament iseme tunataka kuchagua minister for education na halafu kuna wengine wote, uki-apply sasa tutachagua. Minister for education, agriculture ile ministry ambayo itatengenezwa. Na unajua kama tumesema ni fifteen hapo utaona ya kwamba ministries ambazo ziko zitakuwa reviewed zitatengenezwa.

Education pengine inaweza kurudi vile vile na kuitwa science na kila kitu ile ingine iwe department fulani. Pengine inaweza kuwa hata adult education itakuwa ndani. Sasa hizo zitatengenezwa na zitachaguliwa kwa professions. Kama ni agriculture usiende tu ukiwa tu wewe ni daktari na unaenda kuambia watu eti kahawa ina magonjwa haya, ina nini. Uwe ni minister unaweza “minister uumba kinya kucaa kauwa, kana ti u? Aumba kwija agikwonagia tu akacaa kauwa. Lakini daktari arija arina makasi ya kuthinja muntu gukwira mantu ja kauwa”.

So, watakuwa professionals, doctors si eti mtu ambaye anajua kuchunga mbuzi tu ama nini eti unasikia ni minister wa nini. Minister kama ni wa health lazima awe pengine ni surgeon anajua kuchinja mtu na anajua kufanya kila kitu na tena anajua kupeana dawa yaani ana qualifications ya udaktari. Hata pengine parliament ikisema anaweza kuwa hata awe na PhD kwa sababu huyo ndiye daktari wa madaktari ama professor. Kwa hivyo professor wa university anaweza ku-apply na wengine mtu top ambaye hatakuwa na maswali ambayo hajui. Kwa hivyo si MP ambaye unajua tumesema MP awe mtu wa form four, hiyo ndiyo qualification imewekwa hata ingawa tulikuwa na argument kubwa pengine wale wataenda kwa National Conference wataangalia sijui kitu gani lakini tumesema awe form four level na qualifications zingine.

Sasa mtu ni wa form four level atachaguliwa minister wa agriculture minister for education na kuna ma-professor kuna nini kuna hata university na mtu anataka kuanza university yake anaandika application. Huyo kijana wa form four hata msichana hawezi kujua hayo mambo. Sasa hiyo unaona MP afanye hiyo kazi tu ya kuwakilisha. Anaweza kuongea sana sana. Sawa sawa lakini si mambo haya mengine professional na hapo pengine hatukukosa. Hapo haiwezekani kabisa. Tuende kwa approval of appointments hiyo nimesema mtaangalia hapa. Hiyo nilikuwa ninasema mambo ya appointments kama ma-PS watakuwa na approval by parliament, judges kutakuwa na recommendation ya Judicial Service Commission halafu parliament ina-approve

judge anawekwa. Mambo mengi kama parastatal heads and so on, hayo yote ni appointments ambazo ziko katika hii section approval of appointments by parliament. They are approved and then they give the president some for formal appointments.

Tena kitu kingine ambacho singetaka tusema tusahau sana ni kwamba hawa ambao watakuwa kuidhinishwa na parliament na president anawachagua, njia ya kuwafuta nayo itakuwa njia tofauti kwa sababu itaenda ile laini tu iende kwa parliament. So there will be tenure of office na yote yataelezwa lakini si kusema wanaweza kufutwa wakati wowote. Kama minister ni mtu amechaguliwa kama ni professor kuwa minister for education ama whatever, njia ya kufutwa kwa sababu huyo ni public officer huyo si MP, ni public officer, hawezi kufutwa na kura yako ama hawezi kufutwa na mkubwa. Atafutwa tu na ile njia ya kawaida procedure ile ilifanya tu kumchagua.

Kama ni discipline atafanyiwa ama warning, ama ni kufanyiwa pengine tribunal ya kuangalia mambo yake mpaka akuje lakini si afutwe haraka na kesho mwingine anawekwa. Huyo huyo aliwekwa after two days afutwe. Hiyo hiyo jina pengine haitakuwa namna hiyo. Sasa kwa point ingine nataka kusema najua sijasema yote kwa legislature I just highlighted you will read the whole thing.

Number two, naona hapa ya muhimu tuzungumzie kidogo ni composition and membership of parliament, structure of parliament. There shall be two houses of parliament that is now a Constitutional provision also. (a) An upper house called the national council. Kama Commissioners tulijadiliana sana tukaona iitwe national council. Tulikuwa tunafikiria iitwe Upper House, iitwe senate kama ile ya America, House of Lords kama ya Britain, kuna hata wengine nilisikia maoni nilikuwa huko Embu na hata hapa wengine kuna watu walikuwa wanasema iitwe house of tribes.

Wengine walikuwa wanataka iitwe house of tribes na wengine wanataka iitwe elders house. All these proposals were there lakini tukaangalia sote tukaona hebu iitwe tu national council kwa sababu ni council ya nation na kazi yake sana unajua ni kuangalia, just to check on the other one. Kuangalia vijana na wakisema leo mishahara yao iwekwe nyingi hawa wazee watasema nini parliament waangalie economy ya nchi na wakatae hiyo sheria. Hiyo ni mfano hawatakuwa wanafanyafanya sheria namna hiyo kwa sababu upper house itakuwa supervising and a kind of check and balance ya Lower House na hiyo ndio meaning yake hata ukiangalia pahali kuna senate, kuna nini.

Kama ni Britain House of Lords hata ni kind of Supreme Court kwa sababu kitu kikikatwa huko kwa House of Lords kulingana na Katiba yao unajua Katiba ya Britain haiandikwi hiyo it is unwritten Constitution. Hiyo ni mambo tu ya wananchi na wanaishi nao na wanakaa. Sasa wale wazee ndio House of Lords wakitaka mambo hayo ni basi yamemalizika. Kwa hivyo wana hiyo roho lakini yetu haitakuwa na law ya judiciary. Tumeipanga mahali pengine. Lakini watakuwa na nguvu. Hiyo ni National House of representatives nao ambao the lower house shall be called national assembly. This is actually the House of Representatives ambao mnachagua Wajumbe wenu. Zamani ilikuwa inaitwa Lower House ama House of Representatives. Sasa tunaibandika ile jina ambayo inaitwa national assembly. There shall be a National Assembly and National Council those two

houses. Members of the national council elections for the national council shall be held (a) for seventy members on the basis of single member constituencies and (b) thirty seats for women candidates or more two members constituencies representing provinces and Nairobi.

In number (a) hii ni ya constituencies zitakuwa districts because we have seventy districts. 69 districts zenyewe kama Meru South na kuendelea namna hiyo. Nairobi it is designated as a district. So there will be seventy districts. Kwa hivyo hapo kutakuwa na seventy members from those seventy districts, Nairobi also as a district. Zingine sasa ni hii ingine number (b) ndiyo itakuwa ya women na niliwaambia watakuwa four from every province, report yenyewe inaeleza zaidi na Nairobi itakuwa na wawili and all hundred members in that council.

Hiyo ni ya muhimu na hata imeelezwa hapa four women representing each province and two women representing Nairobi. We have members of the national assembly, hata tusiposoma hapa sana mtasoma baadaye mnajua hata hawa watatoka kwa constituencies 210 constituencies as per now. Qualifications and disqualifications of members this is also important to mention one wait and unless disqualified under clause two, a person is eligible to be a Member of Parliament if that person is a citizen of Kenya, has attained the age of 35 years and in the case of the national council has attained the age of 21 years, in the case of national assembly that is between the age of 30-35. Then (d) is qualified to vote in an election for parliament that is already there. Has attained at least form four standard of education hapo ndio nilikuwa nasema form four standard of education with a pass and I don't know how they complete this partverse kwa sababu siku hizi unaona form four kila mtu anapewa certificate hata wakiwa na E si wanapewa?

Pengine principals wako hapa wanajua lakini haikuwa namna hii mbeleni anyway there is such a way of ascertaining what is a pass pengine D+ or a D and above and then with proficiency in English and Kiswahili but persons who can only express themselves in sign language and are qualified and (e) satisfy any moral and ethical requirements prescribed by the Constitution of an Act of parliament. A person is disqualified from being a Member of Parliament if that person holds an elective or appointive post in the republic other than as a Member of Parliament, is of unsound mind.

Hii ya number (e) if for example somebody is already in charge of a district or the administrator we want to call that administrator in the district council a district governor. We had that kind of proposal but we left that one we said that is the district administrator. Sasa huyo kwa sababu atachaguliwa na watu anaweza kuchaguliwa kama MP? Hapana, hii ndio meaning ya number (e) if somebody has already been elected by the people as a councillor or as a district administrator or chairman already elected by people he cannot again be elected a Member of Parliament. He should be of sound mind and not declared bankrupt. Hii ilikuwa na argument sana lakini tuliwahi kusema tuweke kwa sababu iko hata kwa Katiba ya sasa na hakuna malalamiko mengi. Lakini kuna watu fulani fulani walikuwa wanasema hii ni kufungia maskini asiende lakini tukaona hata zamani kwa Kimeru mtu akiwa hana kitu chochote hawezi kuwekwa kwa "kana muntu akeethirwa kinya baumbwa kumuthuura kutongoria antu bweeta bukeethira muntu eethirwe eena nyomba, eethirwa eena family yaawe, eethirwe eena kinya kang'ombe

kaawe na mbi, akooneka ni sawa sawa. Neendi nawe muntu gutiri bio eena bio ii twitaga na kitigania nthale”.

So this point we said it is okay. Hata ingawa kuna watu walisema ni kufungia maskini tunasema muntu akiwa nthale kama tunavyosema na kitigania, mnasemaje kwa kichuka ama kimwimbi. Yule mtu amebahatika kabisa. Mnajua bankrupt ni yule hawezi kulipa chochote anaambiwa hata (inaudible) akikuja hawezi kulipa. Lakini hata nyinyi mnakubali mtu ambaye amewekwa bankrupt hawezi kuwa. Hiyo ni sawasawa na hiyo tumeweka kwa draft yetu. Pengine hiyo ni sawasawa. If is serving a sentence of imprisonment for the Commission of a crime.

Kama ni mtu ameenda jela kweli hawezi kuchaguliwa. At any time in the immediate preceding ten years been under a sentence of imprisonment for the Commission of a crime. If that sentence was originally for a period of three years or more hao ni watu ambao wamefungwa; has been removed from a public office on grounds of gross misconduct hiyo inaangaliwa. A person who is disqualified in terms of 2(a) may be a candidate of election as a Member of Parliament but if elected may not assume office as a Member of Parliament until the person has (a) resigned from that office. This is 2(a) na ni hiyo ilikuwa inasema aje hapa?

Holds an elective or appointive office in the republic of Kenya. So huyu anaweza kufanya hivi halafu anaweza kuondoka halafu anaweza kuenda kuchaguliwa kama member of parliament. Has been granted leave of absence from office. Kama amepewa leave of absence ama a-resign. Na ile watu wengi sana wangekubali pengine ni number b. Nimeweka zote kwa sababu mtu ametaka ku-resign na aki-resign atakuwa free ama akipewa leave of absence. Tulisikia maoni wananchi ya wakisema wengi kama mtu akitaka kuwa MP na yeye ni permanent secretary, public officer ama mwalimu ama daktari amejiriwa na Serikali eti kwanza a-resign. Kwa hivyo watu wengi sana walikuwa wamependekeza huyu mtu apewe ruhusa tu akienda asipochaguliwa anarudi.

Infact hata pengine mlipena hizo views hapa. Tulisikia hiyo pahali pengi sana pale nilienda. Ndio pengine unaona, imewekwa hiyo provision ya people being granted leave of absence from office. Kwa hivyo kama hao pengine wataangaliwa kwa sababu maoni ya wananchi yalikuwa watu kama hawa hata hao pengine wapewe nafasi lakini kuwe na conditions.

A person is not disqualified under clause 2 (d) or (e) unless all possibilities of appeal from the sentence of imprisonment have been exhausted. There is as a point on presentation of women subject to clause two, at least one third of the members of each house shall be women. Then two, within three years of coming into force of this Constitution, parliament shall enact a law to implement the requirement of clause. One, that is women hii watafanya regulations ama kuonyesha kutafanywa namna gani so as to facilitate the one third. Election of Members of Parliament, hayo yote pengine mtasoma, tenure of office of Members of Parliament. The period should be five years. I think it is somewhere.

Recall of a Member of Parliament this is short maybe I can try to read. Subject to this article the electorate of any constituency has the right to recall their Member of Parliament kabla hajamaliza kwa sababu hizi ziko hapa. A member may be recalled from

the office on any of the following grounds. Kama mna sababu ya kumuondoa katika Katiba hii mtakuwa na nafasi mnaweza kumuondoa na hizi grounds zimewekwa kama; physical or mental incapacity rendering that member incapable of performing the functions of the office.

Kama mnaona huyu mtu kweli amekuwa wazimu ama amevunjika miguu yote na mikono yote hata hawezi kuenda huko. Mambo mengi yale mtaona eti hawezi lakini hata ingawa amevunjika miguu na anaweza kufika pengine haya mambo yanaweza kuangaliwa. Kwa sababu hata disabled ni lazima wawakilishwe. Si ndio? Lakini hii itakuwa ground ambayo itaangaliwa na itakuwa investigated.

Then number (b) misconduct likely to bring (inaudible) yaani mtu kukosa heshima, mtu kukosa adabu pengine anaenda hata kukojoa huko parliament ama anakuwa mlevi anafanya nini. Sasa mtu akiwa mtu ovyo ovyo namna hiyo mnaweza kusema sisi watu wa Nithi hatutaki hii maneno. Kwa hivyo mtaweza kuandika barua na kufanya draft iwe draft moja ama mtu ambaye anafanya watu wachukiane.

Kama kuna different parties unajua ni mtu ameenda kwa party ile anataka ama tuseme religion ama katika mtu clan fulani. Kama mtu akifanya watu wa clan wapigane wawe na hatred within the constituency si huyo mtu ni kufanya hatred kwake? Ama kama ni wa dini fulani na anashambulia watu wa dini zingine, anasema hii dini mbaya ni nini msiende huko nini si hiyo ni kufanya makosa watu wapigane bure? Huo ni mfano tu.

Na tena kama mtu akiwa pengine ni mlevi, ulevi ule ambao hawezi kuenda parliament kwa sababu pengine ya ulevi ama anapiga watu kwa sababu ya ulevi, unamwona anaenda kulala huko market akiwa ni mlevi, mnamkuta huko mnamuuliza msheshimiwa. Sasa mnaweza kukaa mtu na kama huyo? Huo ni mfano tu lakini hiyo ni gross misconduct lakini watu lazima waangalie. Contempt or disrepute to the office na haya mambo yote.

Persistent desertion of the electorate without reasonable cause. Hii ni very important kwa sababu watu wengi sana hata walikuwa wanatuambia kuna MP wanakaa Nairobi tu hawaji kwetu nini. Sasa mkiona kutoka alipochaguliwa na amekaa mwaka mmoja bila kuja huku Nithi si mtauliza maswali? Na hiyo inaweza kuwa ground nzuri sana, lakini najua in future kutakuwa na offices pengine wameanza offices Nairobi wale wameweza kuonekana sawa sawa na hata kila constituency baadaye itakuwa na ofisi. Sasa hakutakuwa na sababu ya kusema ati hawezi kutumia pesa yake kujenga ofisi isipokuwa mfanye harambee. Kutakuwa na njia ya kuwa na ofisi. Pengine kutoka public funds. Kwa hivyo hatakuwa na sababu yoyote ya kutakuwa kwenu kwa hivyo atakuwa kwa ofisi ama pengine mtamuona akitembelea project zenu. Akitembea kama mna fundraising anakuja anaenda kanisani karibu na kwenu nini, mnakuwa na representative wenu around. Wakati yuko na kazi parliament ana-attend sessions za Parliament si kwenda kwa business yake. Ukiwa na sababu yoyote kumwona Nairobi ama ukiwa na taabu Nairobi ama wapi unaenda unaona your representative isipokuwa hawezi kuona watu 30,000 lakini awe na nafasi ya kutumikia watu ambao ana-represent.

Na three the call of a Member of Parliament shall be initiated by a petition inviting setting out the ground relied on and signed by at least thirty percent of the registered voters of the constituency and shall be delivered to the appropriate speaker. Tunasema hapa appropriate speaker kwa sababu kuna national assembly na hata national council, kila nyumba itakuwa na speaker wake. Hii ni njia ya kulalamika yaani kulalamika mtaweka ni writing. Petition itatuwa in writing unaeleza ground. Utasema huyu mtu sijamuona ofisi miaka miwili, huyu mtu nilimkuta pahali analala amelewa na nikamuamsha kwa hivyo hakuweza kwenda bunge siku hiyo. Mambo kama hayo utaweka in writing na utapeleka kwa speaker na hiyo inafanyika kwa sababu ni lazima haya mambo yafanywe kwa njia nzuri. Si eti umchukie mtu kwa sababu si wa party yako na hutaki akae parliament, hiyo haitakuwa sababu. Ama mtu amekataa kukununulia pombe unasema asiende parliament. Hiyo si sababu, unajua watu wengi wetu wengi sana wamezoea hii. Ukiona MP na gari anasimama, wanataka kupewa kitu. Sasa MP akiwa anajua ana pesa yake na mipango yake na mipango ingine ya maendeleo. Sasa kweli anaweza kuwa anapatia watu thirty thousand, ama forty thousand pesa kila siku. Hiyo haiwezi kuwa ground eti MP alikataa kunipa shilingi kumi kwa hivyo nataka aondoke. Na watu wamezoea vibaya hii kuombaomba hii. Ni heri watu wafundishwe kukuza pengine vegetables anapanda vegetables zake anaweka mbuzi zake na maji inakuwapo na wakulima wajitafutie wenyewe wata-stop hayo mambo ya kuomba omba nini kwani hiyo si sababu ya kuondoa MP lazima kuwe na sababu za kutosha.

On receipt of the petition, the speaker shall within seven days, require the Electoral Commission to conduct a public inquiry into the matters alleged in the petition and the Electoral Commission shall conduct the necessary inquiry and report the findings to the speaker. Kwa hivyo hapa speaker atafanya investigation yake na ataangalia kama kweli hayo mambo ni ya kutosha kuondoa Member of Parliament. Na hapo the speaker will then declare the seat vacant that is being through and then declare immediately that the petition has been justified kama ikiwa ni mbaya atasema ni mbaya. Na halafu baadaye kutakuwa ni enactment ya ku-prescribe ama kuonyesha ya kwamba huyu member anaweza kuwa recalled na procedure itafanywa pengine ya kurudisha member mwingine kama ni watu wa hapa ama ni watu wengine wachague member wao.

Kulingana na saa zetu na nimeendelea sana hiyo sasa pengine imebaki karibu kama quarter hivi mwisho hapa ningetaka bill of rights this is page ... kuna ingine ya muhimu kama sija-stop kuanza hebu tuangalie page six kidogo halafu tutakuwa na maswali machache na kutoka hapo nitawaambia mwende mkasome na mkiona makosa mtoe makosa na mtuandikie lakini number six hebu niangalie hapa bill of rights chapter five. This is on page six. The bill of rights, fundamental rights and freedoms. The bill of rights is the foundation stone of Kenyan democratic state and it is the framework for the adoption of social economic and cultural policies.

The purpose of the recognition and the protection of human rights is to preserve the dignity of individuals and communities and to promote social justice and realization of the potential of all human beings. The rights and freedoms set out in these rights include (a) belong to each individual and are not granted by the state.

(b) do not exclude other rights which are not expressly mentioned in this chapter and are subject only to the limitations

contained in the bill. Hii yote mnaona hapa ni haki ya binadamu. Bill of rights, rights of individuals, fundamental rights and freedoms. Hii fundamental rights ama haki ya mtu, hatuwezi kusema hii kweli inapeanwa na state yenyewe, hata katika draft yetu inasema, belong to each individual and are not granted by the state.

Kama right to live, hiyo si ni haki yako si umepewa na Mungu kuishi, ama ni president amekupa hiyo haki ya kuishi? Hiyo ni yako na mambo kama hayo hayataki kuingiliwa na ukiona yale yote yamependekezwa ama rights zote zile tunajua ni haki yako na hakuna mtu anapewa na state. Do not exclude other rights, which are not expressly mentioned in this chapter. Katika hii chapter yaani tuko utaona ina rights nyingi. Zingine ni hizi ambazo zinakuwa zinapeanwa ama pengine unapewa na state, lakini zingine ni zako wewe mwenyewe ambazo umepewa na Mungu sasa sababu ya state au kazi ya nchi, state ama Serikali ni kuona ya kwamba hizi rights ni zako. The duty of the state is to promote rights and freedoms kama kuomba, unaomba Mungu wako vile unaomba. Kama ni kanisani, kama ni chini ya mti unaona unaomba Mungu, hiyo ni right yako na kazi ya Serikali ni kuangalia kwamba hizi rights zako ni lazima ziangaliwe.

Sitaendelea sana kusoma kwa sababu hapa nilikuwa tu na-introduce ile mtaangalia sana mtaona kuna right to live. Everyone has the right to live. Hakuna mtu amekupatia hiyo right ya kuishi ni Mungu alikupatia. Kwa hivyo ndio unaona tume-recommend the death penalty should be abolished kwa sababu kama ni Mungu ametupatia maisha yako halafu uende Kamiti upigwe risasi uuawe ama unyongwe, hiyo ni kuondoa hiyo right yako ya kuishi. Njia ingine itafutwe ya punishment, kama nchi nyingi sana zimekataa hii sentence ya death. Yaani “iria antu beetaga kinyonga” iu ndeene ya gatiba ii hii mambo ya kunyongwa inaonekana ni against right to life na lazima hiyo iondolewe, and so this has been recommended to be abolished.

Sijui kama delegates wa national conference watapigania hii irudi lakini katika sisi Commissioners tumesema iondolewe na ni kulingana na maoni ya wananchi katika Kenya yote na tuka-compare tukaona nchi zingine kuna nchi nyingi sana ambazo zimeondoa hiyo sentence.

Freedom from discrimination. Hapa hakuna ubaguzi wowote unaotakikana mkiendelea kusoma mtaona kila mtu apewe haki yake ikiwa mama, ikiwa ni baba ikiwa ni mtoto, ikiwa ni disabled, kila mtu ana haki yake, sio mambo ya kubagua.

Women – kuna desturi nyingi sana zina-discriminate women ama hawapatiwi rights zao na tunaona kwa sheria ya nchi kila mtu wawe kitu kimoja, yaani kila mtu na rights zake lakini si kuchukiwa kwa sababu ni mwanamke, hapana. Mwanamke ni binadamu na mwanamume kwa hivyo tume-state clearly about the rights of women ndio unaona hata wajumbe tunasema kwamba women wawe kama 1/3 na hata wawakilishwe vizuri. Kwa ile very local council tumesema watu wakitoka wawili mmoja awe mwanamke na mwingine awe mwanamume.

Then, other people who are discriminated also are older members of the society. Mtu akianza kazi kutoka ujana wake anafanya kazi na anakuwa Permanent secretary, anakuwa mwalimu lakini siku ile ataenda nyumbani watu wataanza kumdharau na

akiendelea kuwa mkuu akiwa sixty years, seventy, eight, ninety na Mungu akiwa amemuweka lakini watu wanaanza kuona ya kwamba hana sababu. Kwa hivyo discrimination ya watu kama hao kama wazee, kina mama, kina baba lazima waheshimiwe na hata tumeandika mambo yale yanahusu mzee waheshimiwe na wapewe dignity ya kutosha na walindwe. Kwa hivyo mambo kama hayo sasa pengine ile pension Act ile wazee wanapewa nayo pension pengine itakuwa revised na itakuwa revised kutokana na recommendation hii.

Mambo mengi yale tunasema ya Constitution yataenda parliament yafanywe Act ama yafanye sheria. Kama ni hii sheria ya kunyonga mtu, wataenda warekebishe hiyo sheria pengine waweke punishment ingine. Kama ni hii inaitwa ya women, right now we have children's Act na bunge na hiyo ni sawa sawa hatukuona matata na lazima women nao waangaliwe na sheria iwekwe ya kuona ya kwamba women wako sawasawa na sheria ya hata wazee, sheria moja ya wazee ambayo tunajua ni pension Act cap 189 and even 190. Hizi zinasema mambo ya pension and so on ama retirement na ya kulinda wazee hiyo iko sasa kwa sababu mimi ni retired mimi najua ina mambo mengi ambayo ni ya kikoloni. Hata ile percent watu wanapewa baada ya retirement ni kidogo sana. Kwa hivyo haya mambo parliament itaangalia kama hayo ili wazee walindwe vizuri.

Kama nchi zingine wanaitwa senior citizens, mzee ambaye ame-retire hata pengine alikuwa ni businessman mkubwa sana lakini ameshindwa na kazi akapatia vijana anapumzika ujue amefanya kazi nyingi, ama alikuwa mwalimu ama alikuwa daktari ama alikuwa army officer pahali pengine wanapewa heshima sana wanaitwa senior citizens na hata kipande wana vipande vyao vya kuonyesha ni wazee. Na pengine hata wakishikwa hawawezi kupigwapigwa hivyo, lazima waangaliwe vizuri kabla ya kupigwapigwa.

Kwa hivyo hapo msione kama natetea wazee kwa sababu mimi mzee lakini Katiba yenyewe imefanya nini older members of the society na pengine ningejitetea wakati huo lakini Katiba imeweka hiyo draft hata hao waangaliwe. Na tena shule hata hao waangaliwe rights zao, the family we will see what constitutes a family or interpretation of family na mapendekezo, persons with disability, then you go to human dignity, freedom of security of the person, slavery, servitude, and forced labour, hii ni kidogo tutaangalia number 42.

No person will be held in slavery or servitude. Yaani hakuna mtu ama kumchukua mtu kumfungia ama kumfanya kama prisoner ovyo ovyo. No person will be required to perform forced labour. Yaani kuambiwa mkachimbe mitaro huko juu ya milima na mnatakiwa muende mkalime au nini hiyo mambo ya forced labour hiyo haiwezekani, hiyo tulisema lazima iondoke. Then kuna mambo ya privacy, freedom of religion, belief and opinion hapa utaona hapa lazima watu waheshimiwe kwa dini zao. Kama una siku yako ambayo unaomba Mungu kama ni Jumapili iheshimiwe, kama Muslims wanaenda prayers saa saba, kama kuna muslims wanaenda wakati huo usim-stop kwenda kuomba saa saba vile anaenda ama siku ya Ijumaa.

Kuna wengine wanaomba Jumamosi hata hao usiwazuie kuomba siku hiyo. Hiyo freedom of belief and opinion and religion. Kama kuna mtu ambaye haendi kanisa yoyote yeye hajapewa jina kama Stephen, ama Mary ama Jane, yeye anaitwa M'

Mugambi. M’Mugambi pengine hana kanisa yoyote. Sasa tunaweza kusema huyu mtu haombi Mungu? Anaomba Mungu, pengine anaketi kwa nyumba yake anaomba na bibi yake na watoto. Ama pengine anaenda kwa mto pahali fulani anaomba ama kwa msitu, ama kwa mti na anajua Mungu wake. Kwa hivyo hata huyu ukimkuta anaomba juu ya mti na anaenda juu anaomba ama chini isipokuwa havunji sheria kwa sababu hata wakati unaomba usivunje sheria ama usiende against the Constitution. Kwa hivyo si kumsumbua wacha aombe tu, hiyo ni belief yake.

Then, I think it is a long chapter on this. Page 46 kuna eight schedule. Hapa unaona kimeandikwa transitional and inconsequential provision. Transition ni wakati wa mabadiliko kama wakati unataka kutoka kwa kazi hii unaenda kwa ingine, hiyo kind of transfer ya mambo. Unajua sasa kuna transfer ya mambo yetu katika Kenya. Hiyo ndiyo transition.

Mnajua president anaenda kumaliza wakati wake kulingana na Katiba ambayo iko na MPs wamemaliza wakati ule, yaani parliament yote imemaliza wakati huu. Na tena kuna mambo mengine Constitution imependekeza ambayo patakuwa na change na transfer, na tukiwa na change hatuwachi mambo ovyo, hakuna kitu kinaachwa kwa vacuum.

Kama ni Kenya itaendelea ama kuna change Kenya ikae bila kuendelea? Itaendelea, kwa sababu utaendelea kunywa cha ile yako tu na kile chakula chako utaendelea kula. Na kama unakula miraa tu utaendelea na miraa yako. Hakuna mtu atakupiga. Kwa hivyo bila ku-disturb mtu, mambo yafanyike kwa njia nzuri bila watu kuona bila kwamba kuna mambo mabaya na ndio inataka kuwe na transition nzuri, mabadiliko mazuri na lazima sasa Constitution ipeane njia, ama guideline ya vile mabadiliko yale yanaweza kufanywa ama transfer inaweza kufanywa na taratibu kama hizo. My Programme Officer ananikumbusha hilo swali taratibu zifuatwe.

Sasa hapa kwa hii page unaona kumeandikwa rights, duties and the obligations of the republic. Kwa hivyo kwa hayo mabadiliko na hiyo mipango na taratibu hizo lazima zionyeshwe na sasa kwanza ni kazi ya republic, vile Kenya inatakikana iwe. Yaani Serikali ya Kenya itafanya nini kuangalia haya mambo yafanywe kwa njia nzuri. Number one, all rights and all duties and obligations however arising on the government of republic of Kenya and substituting immediately before the commencement of this Constitution shall be rights, duties, obligations, of the government of the republic of Kenya and the Constitution. Kwa hivyo Serikali itaangalia na ifanye taratibu za kuona haya mambo yanatengenezwa kwa njia inayofaa na tukiangalia kwa kimoja ni existing laws.

All laws in force immediately before the entry into force of this Constitution shall continue to be in force subject to such modifications as they are necessary to bring them into conformity with the Constitution. Sheria zetu zitaendelea lakini pale inahitajika mabadiliko ili ikubaliane na hii Katiba ambayo tuna-propose lazima hizo Acts za parliament, unajua hii tunaita statutes ama Act of parliament, ile sheria parliament inafanywa.

Criminal law kwa mfano. Criminal law itafanyiwa marekebisho kidogo na kitu kimoja cha muhimu kwa criminal law kufanywa ni

hii tumesema we have abolished death sentence. Kwa hivyo sasa lazima parliament iingilie kwa criminal law ione mambo kama hayo ndio ione vile itafanya. Kwa hivyo existing laws zitaangaliwa ili zikubaliane na Katiba mpya.

Elections – in the event that the passing elections subsequent to the 1997 elections are held after the coming into the force of this Constitution, such elections shall be held within 60 days of the coming into force of this new Constitution. Unajua 1997 kulikuwa na sheria nyingi za elections na hii sasa hata hizi zitaangaliwa na hapo unaona kunasemekana such elections shall be held within 60 days of the coming into force of this Constitution. Kama inawezekana kuwa na elections ambayo ilifanywa wakati huo na haijamalizika ama irekebishwe ni lazima nirekebishe before 60 days of the coming into force of this Constitution.

Yote yako mengi ya transition hapa kuhusu elections, I think you will take that one as an important section to read. Also political parties, the political parties in existence immediately before the coming into force of this Constitution shall within 12 months of the date of the appointments of the members of the Electoral Commission and that the Constitution comply with the requirements of the registration as a political party. Unaona hata hiyo ni transition. Hata hiyo ni mabadiliko ya political party. Ilikuwa inaandikishwa na registrar of societies na sasa inaenda kuandikishwa na Electoral Commission. Kwa hivyo lazima kuwe na taratibu hapo.

Another important transition is devolution of power, number five ni devolution. I think this is one of the major transition items of devolution. Upon entry into force of this Constitution, all assets held by national government by virtue of the Constitution then in force situated in provinces, districts, divisions and locations shall become public property. Yaani vile vitu for example county council ilikuwa na mali yake na hata county council to some extent wanaendelea hata kusema mashamba ni yao. Hiyo ilikuwa interpretation hata zamani ambayo they are only trustees.

Lakini inakuwa automatically yao. Tuseme county council ina mali yao municipal councils nini, hii yote sasa itakuwa ni public property, itakuwa mali ya public na mipango itapangwa vile hivi vyote vitachukuliwa kutoka kwa province, district, division, locations, and so on ile itafanywa iwe public property, there will be that arrangement. Until such a time district councils and provincial councils are constituted.

- (a) the functions of those councils shall be performed by national government. Tulisema ya kwamba kuna central government halafu kuna district na location na hata provincial council. Lakini kabla ya hizo kufanywa functions zile ambazo zilikuwa huko zitakuwa zinasimamiwa na national government. Utakuwa pengine wakati mfupi sana haya maneno yatengenezwe yote.

All assets held by local authorities immediately before the entry into force of this Constitution shall become public property and shall be held by the national government on behalf of the appropriate councils pending their establishment.

I think 2 (b) and 1 maybe they are more or less similar. Hivi ni vitu vyote ambavyo vimekuwa property ya councils, nini Serikali kuu itatunza mpaka hizi councils ziwekwe. Unajua councils hazitachaguliwa immediately. The first thing maybe kitu cha kwanza kabisa kulingana na new Constitution ni kufanya Serikali, that is central government. Na halafu central government nayo itaendelea sasa kutengeneza mambo mengine katika Constitution na devolution of power.

Central government ikitengenezwa, President, vice president na wengine wote sasa wataanza kutengeneza sasa to facilitate the establishment of district councils and therefore provincial coordination, and then location and village. Wakati huo ndio kutakuwa na mpango kujua kitu ambacho kinaitwa village ni nini, ni size gani? Ni ile ilikuwa sub-location zamani ama ni nini, ama ni kitu gani kitaitwa village? Ama location, district yenyewe hiyo ni wazi. District hakutakuwa na change nyingi na sijui kama kuna districts zitapunguzwa lakini hiyo Serikali itajua itafanya kwa taratibu mzuri.

Executive, within 60 days after the appointment of the Ethics and Integrity Commission mkiendelea kusoma hapa mtaona Commissions established by this new Constitution. Kuna Commissions kama public service Commission, hiyo ilikuwapo lakini imetengenezwa upya. Kutakuwa na land Commission and not Commissioner of lands. Commission itakuwa na wale watu recommended, sio mtu mmoja awe na secretariat yake Nairobi akiitwa Commissioner of lands awe anafanya yote lakini Commission itakuwa na wazee. Yaani kutakuwa na Commissioners. Si mtu mmoja atakuwa anafanya ni Commissioners, sasa kama public service Commission hiyo ni Commission itaendelea lakini itarekebishwa, land Commission.

Sasa Commission ingine ambayo inahusu hapa na tume-recommend ni Ethics and Integrity Commission. I think it is somewhere the members of this Commission, iko pahali kwa hii kwa Constitution Commission tutasoma zote, lakini hii ambayo nimeguzia hapa inaitwa Ethics and Integrity Commission na hii inasemekana ya kwamba within 60 days after the appointment of Ethics and Integrity Commission the vice president and the prime minister, the deputy prime minister, ministers, deputy ministers, Members of Parliament shall be required to comply with the provisions of the leadership and integrity code.

Hii Commission ikifanywa, within 60 days yake hawa viongozi wa juu hapa lazima wa-implement, lazima watekeleze yale yanahitajika kwa mambo ya hii Commission pamoja na leadership ama integrity, ama code of discipline as well. Now, there is this burning issue on provincial administration hapa. Provincial administration hapa pengine tunaweza kusoma itakuwa nyingi. Seven On the coming into force of this Constitution the system of administration comprising subchiefs, chiefs, district officers, district Commissioners and provincial Commissioners, commonly known as the provincial administration shall stand dissolved. Yaani hiyo inafanya nini, itakwisha.

Watu wengine walikuwa wanasema huo ulikuwa mpango wa mkoloni na nini, hiyo ni maoni nyinyi mlipeana hapa na hata wengi sana katika Kenya walipeana haya maoni na hata tulipo-analyse tukaona tu tuheshimu maoni ya wananchi. Wengi na kuna wengine wanasema isiondoke lakini wale walikuwa wanasema iondoke ni wengi, ni karibu Kenya yote lakini hata ingawa hivyo all public officers serving under the provincial administration shall report to the public service Commission for redeployment.

Kwa hivyo wale wote ma sub-chiefs, chiefs, ma-DO, ma-DC na ma-PC wote wataenda kupiga report kwa public service Commission for re-deployment. Yaani kuonyeshwa kazi ingine. Okey, inaonekana wananchi hayo maoni walitoa, pengine nikisoma hapa kuna megi sana ambayo mtasoma baadaye. Speaker after speaker alikuwa anasema hawa watu waondoke, na hata kila mahali lakini kwa transition kwa sababu ile inaongea hapa ni transition. Taratibu za mabadiliko.

Hakuna sub chief tutasema atafutwa kazi ama chief wale wako, lakini wata-report kwa nani, public service Commission iwapatie kazi. Kama mtu anaonekana na makosa, pengine anaambiwa aende ikionekana huyu mtu ni sawa sawa ni qualified atapewa mahali fulani, kama kazi hakuna ataambiwa, kama ni anything. Kwa hivyo lazima kuwe na huo mpangilio.

Existing offices – msome hapa mambo ya existing offices, vile zingine zitaondoka, zingine zitakuwa merged na zingine zitaenda wapi na kuendelea.

Pension, gratuities and other benefits- this we can read. The law applicable to pension, gratuities or other personal emoluments in respect of holders of Constitutional offices shall be the law and that was a force that the date on which those benefits were granted so long as such law is not inconsistent with provisions of this Constitution. Kwa hivyo hata mambo ya pensions kama vile niliwaambia wazee wataangaliwa. Sheria zote zitaangaliwa ziwe streamlined.

Then the judiciary, kutakuwa na transition. Hii imekuwa na mambo mengi ndio unaona maneno kama hii. Hii transition iko hapa nyingi na hii mtaendelea na kusoma muone yale yote yanalamikiwa na kuendelea.

The Kadhi court, kutakuwa na Constitution provision and pending matters. This is also very very important. Kama kutakuwa na pending matters in court ama pahali pengine, the proceedings pengine ingine haitatolewa judgement and whatever. Hii yote itaangaliwa. Death penalty na other outlawed penalties. We mentioned about death penalty, that one in our report has been dissolved, abolished.

Then Constitutional Commissions – I mentioned about the establishment of Constitutional Commissions I think we can get from here kutakuwa na Ethnic and Integrity Commission shall be constituted within thirty days of the first seating on the national assembly elected under this Constitution. This is a very important Commission which should be the first to be appointed kwa sababu hiyo ndio itakuwa inaangalia mambo yote ya human rights na kila kitu. It will be within thirty days after the seating.

Within thirty days of the Constitutional ethics and integrity Commission the following Commissions shall be appointed in the following order of priority. So you have seen now this will be the first and then within thirty days other Commissions will be appointed and we have seen like in this draft, I have given this order the Constitution Commission, the Judicial Service Commission, the Public Service Commission, the Commission on Human Rights and the Administrative and Justice and then

the Electoral Commission, the Salaries and Remuneration Commission, this is a very important new Commission, hii ya salaries. Hii tulizungumzia sana tukaona mambo ya mishahara yameleta mambo mengi.

Kwa sasa unaona watoto wetu wanalala kwa sababu tu ya mishahara. Unaona wananchi walikuwa wanasema wabunge walikuwa wanaongeza mishahara yao. Sasa tukaona ni heri kuwa na Commission moja katika Kenya ya kuongea mambo ya mishahara. Hata mishahara ya sub-ordinate staff hata ya nani ili watu wasiwe wanasema tunalalamika hii Commission hii kidogo hapa mambo ya mishahara na nini sasa unaona strike nyingi, pengine ya daktari na pengine ya waalimu na watu wengi, that will be streamlined.

Kutakuwa na Commission moja ambayo itakuwa ikiangalia mambo ya mishahara na malipo mengine. Hii itawekwa na itaangalia mambo yote. Then, na haya yalikuwa na maoni ya wananchi karibu kila pahali. Wengi walikuwa wanalalamika kwa sababu ya kuongeza hii mishahara.

Ingingine ni hii national land Commission and then there is teachers' service Commission, the national environmental management Commission. Kama kuna zingine pengine National Conference ikikutana unajua inaweza hata kuondoa moja ama kuongeza zingine. But this is as per the draft what we have recommended na sasa naona kwamba nimeongea sana na ilikuwa ya muhimu kwa sababu ya kuelewa vile mtaendelea kusoma hii.

Kwa hivyo kumalizia hapo ningetaka kusema sasa hii draft mmepewa muendele kusoma siku thirty kulingana na sheria na mkimaliza mtaandika malalamiko yenu ama maoni yenu. Si malalamiko sana ni maoni. Mnasema kuwe hivi na kungekuwa hivi, nini halafu mtaleta na wale wajumbe wenu wataenda Nairobi watazungumzia na baada ya hapo baadaye tutaenda parliament, kutoka parliament iwe sheria na tuwe na Katiba mpya. Sasa ni wakati wenu, mtoe maswali machache na niliwaambia leo hakuna kulalamika, hakuna kuleta maoni, pengine utazungumza machache any clarification ama point kidogo kuhusu hii. Usianze kuniuliza kwa nini sikulipwa na nilikuwa civic provider. That question is not there, that is not a Constitutional matter anyway, it is not a Constitutional issue. Uulize yale ya muhimu halafu tuseme tuende nyumbani bila kuwa usiku tukasome kwa groups as individuals, as organizations, na kuendelea kusoma.

Tupate maswali mawili matatu hivi ama kama hakuna maswali, tupige makofi na tuombe na tukasome. Sasa twende kwa maswali, wapi ile recorder Mary? Sasa tungetaka maswali na tumekubaliana ni maswali matatu, tumekubaliana ni mawili? Okey tuendeleo kidogo lakini saa yetu unajua iko karibu na wale wanataka kusoma wanatuambia hebu nikasome, lakini hebu tusikie hayo maswali, nataka kuchukua matatu kwanza halafu tutaendelea. Ya kwanza ... nichukue ya kwanza halafu we shall continue.

Phillip: Asante sana Bwana Commissioner, mimi nilikuwa nikisema ... jina langu naitwa Phillip Eliud Nkari kutoka division ya Magumoni, location ya Thuita. Swali langu nilitaka kujua kama vile mzee president anasema hatutachaguana na Katiba hii

mpya. Sijui sasa ukweli uko wapi sasa tulikuwa tunataka kujua kama Commissioners wetu hawa watakuwa tumemaliza hii Katiba kwa sababu tumeingojea kwa hamu sana. Kama itakuwa ndiyo tutachaguana nayo tungesema afadhali.

Com. Ratanya: Ya pili.

Mutegi: Ya pili is about the president whereby you say that they should have attained or should be between 35 and 70. Jina langu ni Mutegi Ngaine. Now, this point here about the president, the age should not be 70 because at the age of 70 I think this is the time when some of the people are quite strong mentally. Therefore I don't see the reason why we should limit the age of the president to seventy years when we have got modern technology where people are living over 100 years. We have at least some presidents like Nelson who took over the presidency when he was over seventy. We have also somebody like the late president Kenyatta who took over when he was over seventy. Therefore I don't see the reason why we should limit the age of a president to seventy years.

Cllr. Kabaria: Kwa jina mimi naitwa Councillor Kabaria of Chuka municipal council. Swali langu la kwanza ni wakati wazungu walikuja hapa, walilalia mashamba yetu na wakapatiwa lease za miaka 999 na mimi nimeona lease za watu wa kawaida Katiba ikitengenezwa ni miaka 99. How will the Commission change the minds of a white man who has already grabbed the areas of Africans to accept 99 years lease?

Swali la pili, wakati wa 1991 kulizuka vita in Rift Valley province na watu wengi walikuwa wanapatiwa titles in the Rift Valley na waling'olewa huko na watu fulani fulani na walikuwa wamepatiwa lease. How will the Commission help those who were evicted from that area?

Com. Ratanya: Kwanza nakumbuka niliwaambia siku ya leo nimewaletea draft yetu ili msome na baadaye mtaandika maoni yenu ama views zenu na hivyo ni kumaanisha ya kwamba mambo ambayo yameandikwa hapa siwezi kubadilisha sasa mimi siwezi kubadilisha, nyinyi mtasoma na kutakuwa na taratibu ya kubadilisha ama kuongeza. Ni ndivyo nilisema hivyo? Now, Phillip anaongea mambo ya old and the new Constitution. Old Constitution ama current Constitution ni hii ambayo tunayo, hiki kitabu ambacho nilikuonyesha. Although kuna Constitution sasa, lakini hii ingine ni proposed Constitution ambayo tunataka iende kwa mpango wake mpaka iwe Constitution na ndio tutaita new Constitution.

Hapa anauliza kama naweza kumwambia ni wakati gani itakwisha ili tufanye elections na new Constitution. vile Commission imefanya ilitoa hii draft ili mzungumzie na sasa nimewaletea. Tulimpatia chairman wa Parliamentary Select Committee ya parliament tarehe thirty, thirtieth September tulimpatia. Ni kumaanisha kwamba mambo ya kutengeneza draft Commissioners wamemaliza, kazi yetu tumemaliza. Tumemaliza kazi yetu na kwa hivyo kazi ambayo imebaki si kazi yetu.

Ukisoma hiki kitabu ambacho ni Constitution of Kenya Review Act cap 3A hakuna mention hapa ambayo inasema elections

with new or old Constitution. Kwa hivyo hatukupewa hiyo kazi hapa, it is not our mandate. Mandate yetu tulitengeneza hii na tarehe thirty September tukapatia select committee, ili select committee ndio ina mambo. Sasa siwezi kuwaambia mambo ya elections with the new Constitution ama election with the old Constitution kwa sababu ni mambo ya group ingine. Ni sawa sawa?

Hiyo pengine inatosha, sisi tulitengeneza hivyo na hiyo inatosha Bwana Phillip. Sasa ni mambo ya wengine nao kujua vile wataendesha isipokuwa maoni ya wananchi wengi including nyinyi wenyewe mlikuwa mmetarajia eti Katiba itamalizika na watu wafanye nayo nini, uchaguzi. Hii ilikuwa everywhere, lakini sisi hakuna mamlaka ya kufanya lolote kama Commission. Watatumia kwa sababu tumepatia parliament na ni mambo ya Parliament na mambo ya Serikali kujua, hiyo si mambo yetu. Hata kama maoni ya wananchi tuliyasikia hatuwezi kufanya hivyo na kuna wengine ambao watafanya. Hiyo pengine nimejibu hiyo swali.

Nikiwa hapo hapo nitawapatia mambo mawili matatu ambayo yalikuwa kwa ripoti yanahusu hii new Constitution, land principles for the new Constitution especially kwa mambo ya mashamba. All land belongs to the people of Kenya na hili swali pengine hapa nitaendelea zaidi wakati nitachukua na kujibu swali la Mutegi. Mutegi naye alikuwa na age 35 years mpaka 70 kulingana na draft ile iko. Hayo ni mapendekezo tulipendekeza kulingana na maoni ya wananchi na hayo ni kusema ya kwamba yakiendelea kuzungumzwa siwezi kukuambia kama yaweza kuwa huko ama hii ambayo tumeweka itakuwako ama maoni itakuwa mambo ingine. Na tena ningetaka kumwambia Mutegi hiyo pengine angesema siku, ni siku gani tulikuwa hapa, 13th and 14th May pengine Mutegi hakuwako angependekeza kwa hii kwa sababu hayo ni maoni, ama leo tunachukua maoni?

Response: Hapana.

Com. Ratanya: Lakini ukisoma hii unaweza kuandika report unaweza kuandika kwa hawa delegates na delegates wataona hiyo your thinking. Pengine utasoma hii utosheke ama usipotosheka you still write to the National Conference. Kwa hivyo utaandika, you will put into writing your views ambayo itachukuliwa. The other one ni mambo ya shamba kwa sababu anasema mambo ya lease, mzungu aliweka lease ya 99 years ya hata kuna lease zingine zilikuwa pengine 30 – 35 pengine lease ya market kama hii ya Chuka ilikuwa ngapi.

Speaker: (inaudible)

Com. Ratanya: Sasa hatujui kama imekuwa renewed ama nini kwa hivyo mambo ya mashamba kweli yaliwekwa na mzungu kwa sababu yeye ndiye alikuwa anatutawala. Lakini sasa tume-recommend kuwe na Land Commission. Land Commission itaangalia mambo yote. Kuna wakati mmoja tulikuwa tuna-discuss tukasema lease irudi kama 40 years ama 45, unajua kuna lease zingine 999, 1000.

Kwa hivyo hii mambo yote ya mashamba, mambo ya land ownership, mambo ya lease hata msome Bwana Councillor, msome zaidi chapter inayohusu land. Muone hiyo recommendation inafanywa na tena land Commission itapendekeza mambo ambayo yatapitishwa na parliament kuhusu sheria kama hizo. Kama sheria zile za land nyingi sana.

Kuna Trust Land Act Cap 388, kuna land adjudication cap 284, land consolidation cap 283 na zingine nyingi, land control board cap 302 nyingi sana na hata registered land Act kuna cap 300 ambayo inatupatia title. Umeangalia title yako kama una title? Hebu nenda uangalie jioni pale ulifungia, imeandikwa nini? Cap 300 hizo zote nyingi nyingi itaangaliwa na land Commission. I don't call it Commissioner of land. Itakuwa na wajumbe wengi na itakuwa ni body ambayo itaangalia haya maneno na ikiangalia sasa itaweka sheria zaidi. Na tena councillor hii yenyewe ingekuwa maoni yako ambayo utaangalia baada ya hii, si mambo ya siku la leo, ukumbuke hiyo na tena ungesema hata kwa hii lakini nimekujibu. Na mambo ya clashes, hata hayo soma hii uone recommendations ama utaona mambo yale utasoma hapo halafu utaandika recommendations zako.

Si Rift Valley pekee yake ilikuwa na clashes, kuna pahali pengine pengi. Hata tukiuliza hata huku kwetu pengine hii ni public works hapa na pahali pengine mambo kama hayo pengine yapo. Hebu tuchukue mwingine na hebu nikukumbushe hapa kama umesoma hii bahati utapata report, page 31.

All land belongs to the people of Kenya. We say that all land belong to the people of Kenya and the people will own such land in accordance to the system of tenure defined by Legislation. Non-citizens of Kenya would be prohibited from acquiring land except on the basis of leasehold tenure. So you are worried about the 99 years lease, may be the land Commission might reduce it and maybe after getting your recommendations uone ile tumeweka pengine hata National Conference inaweza sijui kama itaongeza miaka pengine inaweza hata kurudisha.

Hii ilikuwa point sisi tulizungumzia sana na kama kuna sheria ambayo itafanywa niliwaambia sheria hizi zitawekwa za land tenure, leasehold, nini, mambo ya adjudication, mambo ya ma-case yale bado kuisha, watajua vile kwa transition vile yatafanywa na kuendelea. Land hapa na mashamba yote ama land ni ya Serikali si mambo ya kusema county council, municipal council ina shamba, nini, mashamba yote ni ya Serikali lakini kuna sababu wale ambao wanalinda individuals. Si kusema ya kwamba eti title deed yako itaenda lakini si wewe kazi yako mwenyewe kuna Serikali inaitawala ambayo umeiweka, si ndio? Kwa hivyo iko namna hiyo.

Land in Kenya shall be classified as public, private, or community. This one ikiwa shamba in principle ama concept yenyewe ni ya Serikali, tulisema Serikali state yenyewe ni people of Kenya, land actually belongs to the people of Kenya. Now, these people of Kenya would like to classify land in this way: kutakuwa na public land, ambayo sisi sote tunatumia. Kama barabara ni ya nani, si kila mtu anaendesha katika hilo shamba ama unasema barabara si shamba? Hiyo ni land. Hiyo ni public, hapa tuko ni public kwa hivyo itakuwa classified namna hiyo. Private ni lile shamba lako lile ambayo ni lako, lile la Mutegi na mwingine na mwingine, na common, kuna mashamba yanaweza kuwa ya community hivi, wale ambao wanalisha, they prefer ranches and

so on, sasa mashamba kama hayo yanaweza kuwa ni ya community.

Na mkiendelea kusoma hapa mtaona namna hii land Commission, there shall be established a land Commission whose functions should include holding title to public land periodic review of land policy and law, to review all the laws which are maybe not in conformity with the new Constitution or which are irrelevant, developing principles for sustainable use of management of land and residual land administration na hayo mambo yote yanahusu mashamba hiyo Commission itakuwa inaangalia.

Kwa hivyo kuna hii report hata kama hauna unaweza kuchukua ingine uangalie utasoma hii chapter page 31. Nitachukua maswali mengine usiendeleo kwa malalamiko kuuliza kwa nini hatufanyi elections. Hii yote ni mambo ukisoma hii utatuma malalamiko yako. Ama hiyo ni views ambazo tuli-collect on 13th and 14th. Leo ni kuwaletea tu draft ya Constitution vile itakuwa, not giving the views but ask from what I have told you and maybe what you have read here.

Hebu nichukue mengine matatu na niachie huyu mzee wa kwanza huyo kwa kofia hapo wa tatu na kuna mama hata mmoja? 1-2 na huyu mzee huyu halafu tutaenda kwa hao wengine watatu.

Riungu: Jina langu naitwa M'kaaria wa Riungu kuuma Magomoni division. Yangu ulipokuwa ... hebu niseme asante sana maana nilisikia ukisema kitigania. Hata nikizungunza Kimeru unasikia. Nimbaria kimeeru riu. Niu ndari aa muthenya uria twaacite kurita maoni,

Com. Ratanya: ikiwezekana uongee Kiswahili kwa sababu ... lakini kama huwezi ni sawa sawa record yako itatafsiriwa.

Riungu: Okey, nilikuwa hapa wakati tulikuwa tunakuja kutoa maoni hapa na nikatoa maoni. Unaona hii kofia yangu inaandikwa Mau Mau. Mimi ni mwanzilishi wa Mau Mau na wakati ulikuwa ukitaja vikundi vile ambavyo vinaandikwa hapo hakutaja jina la Mau Mau. Ninaomba kila mtu Kenya anakula jasho la Mau Mau sababu ni sisi tulipanga kwamba tumfukuze mzungu na nyinyi ni mazao yetu watoto wetu. Naomba hayo ni maoni. Naomba wakati wa kushirikisha kikundi hiki sababu ndio mwanzilishi wa Serikali yetu tukufu. Siku ile tulikuwa hapa tulisema hakuna nchi kinaweza kuendelea bila matajiri.

Matajiri wetu wanafanya kazi wanapelekwa ng'ambo ndiposa unaona watoto wetu waalimu wamegoma na wanaambiwa hakuna pesa, hakuna chochote na hizi pesa zote ziko ng'ambo. Tuliomba kuwe na sheria ya kuzuilia matajiri wasiweke pesa ng'ambo. Pesa zao ziwe hapa ili na Serikali iwe iko hapa kwa matajiri halafu nao wapatiwe ushuru ule wa kutosha.

Hiyo ndio tulikuwa tunaomba lakini nasikia unasema leo sio siku ya malalamiko. Swali langu ni moja wakati mnataja vikundi mnataja njuri ncheke, mkataja akina mama, lakini hata hawa wengine nawaunga mkono. Asante sana.

Com. Ratanya: Asante sana Bwana Riungu nasikia wewe ni kiongozi wa Mau Mau na hapa Mau Mau pengine umesikia ya kwamba hatukugusa jina Mau Mau na kwa sababu pengine hatukusoma hii yote lakini sikujua ulikuwa ukitaka Mau Mau, nchi iwakilishwe ama...

Riungu: iwakilishwe

Com. Ratanya: Sasa hayo mambo yako kwa sababu kweli ni malalamiko na ni maoni yako tuta-note. Itakuwa noted na pengine tutaona vile itawezekana. Inginge ni mambo ya pesa. Mambo ya pesa hayo tumeyazungumzia sana kwa hii Katiba, yamezungumziwa sana kwa muhimu sana na kwa hivyo mambo ya pesa itaangaliwa. Hiyo hofu yako ya kwamba pesa inaenda nje ama inatumika kwa njia mbaya pengine hayo maneno yatakwishwa kwa sababu hata kwa mambo ya pesa tumeweka hapa kama Commission kama ku-separate ile departement ilikuwa inaitwa controller and auditor general. Ya controller imekuwa office tofauti na ukiendelea kusoma huku utaona na ya auditor general imekuwa tofauti na hata tuna section ingine ya mambo ya budgeting. Wakati mwingine ilikuwa kwa treasury. Yote inashikiliwa hivi haya mambo ya kuangalia auditing na nini na mtu mmoja lakini sasa itakuwa separated ili kazi ifanywe vizuri ndio mambo kama hayo umelalamikia yanaweza kuangaliwa na tena hata hayo ni malalamishi, unaweza kuandika halafu yataangaliwa.

Kwa hivyo jaribu tu kuwa na swali direct ambalo linahusika na haya ambayo tumesoma. Ni huyu kijana halafu mzee huyo kuna mwingine wa tatu ama ilikuwa tu number one, two and three? Pengine tumalizie na huyo mzee na kama kuna akina mama, kuwe na maswali mawili ama matatu ya akina mama. Haya, tumalize. So, after that mzee ni wewe. Okey, endelea sema jina lako.

Njagi: Kwa jina langu naitwa Mugendwa Festus Njagi kutoka Meru South. Mimi ni mwakilishi wa magendo Meru South. Swali langu ni kuhusu vile ulisema usilete maswali mengine ila tu ni hii ya draft. Swali langu leo hawa wako hapa wamesoma, wamepata karatasi wameielewa. Nyinyi kama Commissioners wale wananchi wako huko nyumbani, mnasema mmepeana thirty days mtu aelewe na hii Katiba, wataelewa vipi iwapo Commission yenu hailipi wale watu wanasomesha civic education huko hata ingawa ulisema tuiseme mambo ya pesa. Kwa hivyo tungetaka wale watu ambao wamebaki huko ili wajue Katiba ni nini itafutwe njia huyo mwananchi afikiwe, sio hawa, hawa sio wa Meru South.

Kitu cha pili, kwa hivyo mimi ninataka tunaweza kufanya hivi muende Kasarani mmalize iende parliament imalizwe, mzee akose kuweka kidole, itakuwa namna gani? Shauri anaweza akakaa kama vile nitakaa (inaudible). Na mimi ningomba hivi hata kama ingeenda vile inatakiwa kama parliament imepitisha kitu rais akose ku-sign kwa seven days mbona speaker asipewe shauri Wakenya wote ambao walikuwa pale wamepitisha badala ya kungojea mtu mmoja? Kwa hivyo mimi naona kama anakataa shauri naona anakataa na hii kitu tumezungumza Embu na nyinyi na nimemwambia nataka kumwambia sasa Chuka hii rais atakataa wa-sign, nina hakika kwa shauri italeta mambo mengi.

Kwa hivyo mimi naomba kwanza wananchi wajue na swali lingine, mkienda huko Kasarani shauri anaweza kufanya kitu watu wa-block haya maneno mengi, mtafanya nini? Asante.

Com. Ratanya: Mnajua tumeweza kuja hapa siku ya leo ili nizungumze na nyinyi na tuwaambie pale kazi yetu imefika na kile tumetoa na vile tumeandika draft hiyo ndiyo ilikuwa maana ya kuja hapa na tumeendelea vizuri na tunashukuru mlikuja. Sasa kwa mambo ya public debate kwa sababu kutoa hii, ile inafuata ni ile tunaita public debate na hii ilitolewa na Act of parliament ndio waliweka thirty days, ni parliament ndiyo iliweka hiyo sio Commission. Zamani ilikuwa sixty days lakini parliament ikapunguza ili wakati upunguke, wakaweka thirty days.

Kwa hivyo sisi kama tumefika hapa na thirty days tumetengeneza hata thirty days zinapatikana yaani hatukuvunja sheria kwa kukosa kuwapatia nafasi ya thirty days. Hiyo haikuwa kazi yetu. Mambo ya kufikia watu kitu ambacho kinaitwa public debate, haisemekani kwamba uende ukafundishe watu uende round kama civic education. Kwa sababu public debate ni free useme maoni yako kwa kupenda kwako. Ndiyo unaona mambo mengi yale unaweka kwa public Serikali iende kwa kila hata Serikali haiendi kwa kila village ama kila nyumba kuenda kufundisha watu.

Serikali yenyewe inatumia newspapers, kitu ambacho wanataka wananchi wajue katika Kenya. Wanatumia njia moja ni magazeti na kutoka tulipo-launch tarehe 27th September na sasa tunaenda kwa kila constituency magazeti yalianza kujulisha wananchi. Hata yule yuko nyumbani ambaye hakuja hapa hiyo ni njia moja ya kujulisha wananchi kwa public debate because it is free debate.

Ingingine ni maredio ama ma-TV wale wanayo. Na ingine ni hii njia tumefanya ya launching ya kuja kwa kila constituency. Tuone magazeti huko na nini tukaone sasa tuongeze kuja kwa constituency pale tuli-collect haya mambo. Na ndio unaona tuko Nithi kwa sababu tulikuja Nithi na tukachukua maoni yenu.

Sasa hapo tunakuja kuwajulisha. Na hiyo inamaanisha kwamba tukiwa na njia kama hizo, kujulisha watu ni kupitia njia hizo nyingi. Kuna watu hapa wa makanisa, viongozi kwa sababu wale wanaweza kuja hapa kwa huu mkutano mainly ni viongozi. Si tuseme ya kwamba waliitwa, the meeting is public si ni ya kila mtu Bwana co-ordinator? Ni ya kila mtu hata yule mama yuko nyumbani, hata mtoto, hata nani hakuna mtu alipingwa kuja hapa. Lakini wale naona wakati mwingi wanapata nafasi ya kuja hapa ni viongozi kwa sababu pengine mtu alikuwa anasimamia group kubwa. Kama ni bwana ana watoto wake kama watano wanane hivi na bibi anaenda anawapelekea mambo. Hiyo ni njia moja.

Kama ni kanisa, hiyo itakuwa ni njia ingine ya kuwajulisha watu. Kama ni group kama ya huyu Bwana Mutegi, ya Mau Mau wataenda wana-discuss. Kama ni group kama ya society na utaona eventually kila mtu atafanya nini ataelewa.

Kwa hivyo hii huwezi kupatia Commission jukumu la kwenda kwa kila civic education ya kwenda kuonyesha kila mtu kwa

sababu ile ilikuwa ya maana zaidi kufundisha vile watu watapenya ni wakati tulipoanza. Lakini hii entire civic education kwa sababu mlifunguliwa muongee hata mtu anaweza kukataa kuongea juu ya hii. Utamlazimisha? Hapana, kwa hivyo it is free debate kwa hivyo kwa hiyo swali yako ni kama malalamiko lakini nimejaribu kukuonyesha ya kwamba tumejaribu kufanya njia ya kujulisha watu njia nyingi. Na moja ambayo tunayo hapa siku ya leo hapa ni launching yaani kuja kuanza hapa na kuwaambia nendeni mkazungumze. Yaani huko kwa society nenda mkazungumze huko, mkienda kwa kamati fulani, mkienda makanisani kama bwana Njagi akienda lazima atamwambia bibi yake ama mpenzi wake atawaambia watu wengine wake, atawaambia group yake anayo hatakaa na hayo mambo pekee yake. Kwa hivyo kuna njia nyingi za kuwajulisha watu.

Hiyo ndio inafanya tusifanye mambo ya kwenda kufundisha watu. It is free na ni watu kujulisha watu ama mkatae hata kuwajulisha lakini tunaona hii draft ni ya maana kila mtu aelewe. Kwa hivyo Mutegi naona ya kwamba hiyo section ya kwenda kujulisha watu vijijini, everybody was free to come here. In fact hata mkija hapa wapiga kura wote wa Nithi maybe I think there are 90,000 or so. Sijui kama tungepata pahali pa kuwaweka lakini in case kama wangukuja wote pengine tungeenda uwanjani kule. Si ni namna hiyo? Ama kuna mtu angeambiwa nenda? Hapana, lakini mlikuja freely wale walikuwa wanataka, si lazima, sio nini. Kwa hivyo mzungumze kwa njia nzuri na kwa kupenda kwenu wenyewe. Na malalamiko kama haya Njagi ame-mention, wakati mtamaliza kusoma hii unaweza kuandika malalamiko yako ambayo yatazungumziwa kwa National Conference.

Mambo haya anasema ya Kasarani hiyo sisi kama Commissioners sisi hatuhusiani na mikutano ya parties. Kasarani ni siku ya KANU, pengine DP itakuwa na siku yao ama imekuwa nayo party ingine SAFINA yaani siku hiyo tarehe sijui ni tarehe ngapi ile hayo watu wataenda watazungumza mambo yao.

Lakini aligusia Kasarani si ndio? Okey sasa alikuwa anaongea mambo ya party lakini hata hiyo inatosha sasa kuambia hivyo lakini hii National Conference yetu, pale itakuwa wataenda kuzungumza yale mambo ambayo tuta-recommend kutoka kusoma. Si ndio, mengine wataona hayakuwekwa kulingana vile watu wa Nithi walisema ama watu wengine. Kama Bwana Njagi ameandika malalamiko yako watazungumza na yale watapitisha ndiyo yataenda wapi? Parliament.

Now, that is another important point, National Conference wasipokubaliana kulingana na law ambayo tunatumia na vile kuna sheria yetu ya chapter 3A imeandikwa pahali pengine section 27 hivi, haya mambo yataenda kwa national referendum. Pengine siku-mention hiyo point kwa sababu hatujaongea kila kitu hapa si niliwaambia? Kwa hivyo watapata report, hiyo mambo wasipokubaliana kulingana na Act Cap 3A wataenda kwa referendum na referendum ni kama kusema ni maoni ya raia. Wamekubaliana watakuja kwa nyinyi kwa kupiga kura.

Haendi kama vile unaenda kupiga kura useme mimi napenda hii sipendi hii. Ni vile kulingana na mpango ulivyo pale na pengine hiyo referendum ama maoni ya wananchi ndiyo pengine mambo ya mwisho na kutoka hiyo sasa tutaenda wapi, parliament. Hii ndiyo nilikuwa nakwambia mambo ya kusema mambo inakwisha ama wapi hatuwezi kujua. Hawa Wajumbe wakienda kusema

kuwe na referendum sasa tutawapimia ama tutawaambia wasiseme hivi, si wanaenda ku-debate na wakisema namna hiyo sheria inasema kwamba lazima tupange hiyo na itapangwa?

Kwa hivyo nimekusikia Bwana Njagi. Umetosheka kidogo?

Njagi: Nimetosheka lakini ninakuuliza unajua sheria ya Kenya inasema parliament ikivunjwa ni sheria halafu rais a-sign na ndio ninauliza akikosa ku-sign vile alikosa ku-sign ya donde itakuwa namna gani?

Com. Ratanya: Sasa hiyo unafikiria hilo ni swali la Commission? Sisi tumeandika na tuko karibu kumaliza. Kwa hivyo kuna wenyewe watajua hayo mambo, siwezi kuzungumzia another group kwa sababu mimi singetaka ikataliwe. Ama mngetaka Constitution ikataliwe? Ni maoni ya people kwa sababu nchi hii ya Kenya ni ya watu na watu wanasema wawe na Katiba mpya ama irekebishwe. Si ndio? Kwa hivyo Tusiweke hiyo language. Kwa hivyo delegates wetu wenyewe pengine Bwana Njagi uongee nao na uwaambie haya mambo. Wakikataa na watu wa constituencies zingine kama Siakago, kama Igembe kama Kisumu hata hao watazungumzia watu wao. Waambie na maneno yenu mwapatie hao watu lakini tulisema sio direct, you write to the Commission na halafu kule wataenda na pengine wao wenyewe pengine ikiwezekana wawe wanajua watu pengine wameuliza nini. Hawawezi kujua wote. Kama ni Njagi akitengeneza mambo yake akikuambia, si utajua? Lakini akifika huko utajua na utapigania hii Katiba ipite, ama watu wa law ni nini wanasoma? Mnwaambia delegates namna gani si namna hiyo, na ni nyinyi mliwachagua. Si wakubwa, ni wakubwa wale mmeweka.

Njagi: Lakini wangapi wanajua wengi huko? Ni wangapi? Anajua kwa sababu yeye ni mkubwa.

Com. Ratanya: Si watakutana wote watazungumza na nyinyi mtayarisha watu msikizane. Si hawa walifanyiwa introduction, sasa hiyo ni kazi yangu tena? Hebu tufanye hivyo wako wapi wale delegates wasimame. Sasa mnaturudisha nyuma.

George Kimathi: Mimi nataka tusikie hata sauti kama wataweza kuzungumza huko, si hiyo ni mzuri? Majina yao.

Introduction: Mbuba Godfrey M’thigaa, Leah Ncheche, Peter Kang’ethe, kwangu ni hapa Mitheru, hapo stage. Yule mtu anapitia hapo ako na maoni kidogo anawachia. Hiyo si kazi ya kununuliwa ni kazi ya kutoa maoni ya Katiba na kurekebisha iwe mzuri kwa sisi.

Com. Ratanya: Alright, hivyo sasa tumalize huyo mzee na mama. Hebu uliza Samwel maswali yako.

Samwel: Mimi nilikuwa pale halafu nikakuja hapa. Kwa hivyo (inaudible)

Charles: Kwa majina ni Charles Njeru Imwitha kutoka Kithareni location. Kile kimefanya mimi kusimama hapa iko tulikuwa

tumesoma katika hii draft yale mambo. Hiyo ndiyo nilikuwa mimi nataka kuuliza ama sijui ni kuuliza ama ni kuomba maana kuandikisha kwa vyama vingi katika hii Constitution yetu ya Kenya. Mimi naona nikifiri kuketi na nasikia na radio ile mporomoko ambao uko Kenya ni kuwa na vyama vingi.

Mimi naonelea sikukataa kuwe na opposition hiyo mimi nataka lakini mimi ile naonelea ni kusema iwe opposition lakini isizidi vyama vitatu, hiyo mimi naonelea maana hii ya leo watu wengine waliondoka mimi nikiondoka hapa mimi naingia hapo hao watu hawajui wanaenda wapi maana kila mtu anataka kujifaidi mwenyewe.

Com. Ratanya: Endelea

Beatrice: Jina langu ni Beatrice kutoka hapa Chuka municipal council. Swali langu ni juu ya government. Kuna village government ile tuliambiwa ya village, location, na district na katika district vile inaonekana ni kama inamaliza hizi nyingine chini. Swali langu ni katika elections za government na new Constitution ya huu uchaguzi ambao unaelekea. Ikiwa hakutakuwa Na county councils, municipal councils na county councils na pahali yao inachukuliwa na hiyo village na location na district. Sasa hawa wa district wale watachaguliwa kama villagers au village council watakuwa wanalipwa na government au watalipwa na nini?

Watalipwa na watu kwa sababu ingine inaonekana watafanyiwa elections kama ya district nimeona watafanyiwa elections ya watu ishirini na watachaguliwa district yote. Sasa wakati ulikuwa unatuelezea ni ya kwamba offices za councils zitachukuliwa na central government. Hawa nao wa district committee na villages nao watachukua au watafanyia kazi wapi? na ikiwa tutafanya uchaguzi na hiyo, tafadhali niulize. Ikiwa tutafanya uchaguzi na hiyo new Constitution, hizo boundaries zitakuwa zimetengenezwa au tutafuata vipi? Asante.

Nthiga: Jina langu ni Nthiga na kwetu ni Muthambi, hapa wilayani ni mimi katibu wa Mau Mau. Vile mimi nasikia ni kwamba watu hawa watakuja kuwa ministers. Wanatoka wizarani na wanakuja kubadilisha kazi kuenda kwa wakaazi. Ni vipi wanafungia wengine nafasi hizo? Tena sisi hawa wabunge tunawachagua ili waende, ile mimi nasema ni kwamba hawa ulituambia wizara watasimamia wale wakuu wa wizara, yaani makatibu ama makamishina. Kwa nini wabadilisha kazi na kazi ingine?

Ni mbaria na Kimeru. Bwenda mbuuria na Kimeru ndi mumeru. Ona riitwa butireegua buu mbitagwa. Yaani ka bwatwira atiri, ministers bakauma kiri wizara kana o antu baria barungamiirite kethira ni minister wa health aume kiri katibu kana uria urungamiirite.

Na ri, ona bwaaria menya nika bukunegeni bure niuntu ri, nimbiguire. Antu bau nimbi igutuma bo beetikirua bo kucinjia wira bathi wiraani uria ungi. Ari ntirikitie. Kiuria kiria kingi, niu ndaathiire kurua miaka iria bukwigucaga gakiaria na kurua gwaka

baria twaruaga nabo ni makabuteni, ma-major, ma-kaneri na ma-general ma ngeretha na migunda iria batuire niyo baandikite makaneri ma-major general na bangi I twiu batwiciiririe atia, bututhungiritie ku?

Ndeegua bukiuga akuru bakaeejagwa into jia kubatuuria. Twiu tontu katwabaguirwe akuru bau ba mau mau nabo bubabangirite atia?

Benson: Kwa jina naitwa Benson Mutembei kutoka upande wa Chogoria chini kabisa na niko na swali na haliko kwa hii kitu tumeongea juu yake juu ya Katiba lakini liko kwa representatives hawa watatu. Swali langu nalielekeza kwa coordinator sababu nimeona ni kama ni municipality ya Chuka ambayo inakuwa represented kwa conference. Sisi kwa sababu tungetaka mmoja pande hiyo, mwingine huko chini tumetoka.

Mimi nimetoka karibu kwa mpaka wa South Meru. Upande wa chini huko na hata kimila yenyewe sijui kama Mchuka anaweza kujua kimila yangu huko na kimila yangu iko tofauti. Na haya maoni yako na tofauti vile tulisema na inatakiwa iwe represented pande hiyo na pande hii ingine na mwingine kutoka upande wa Chuka. Nauliza ni kwa nini tumetoka upande wa Chuka wote watatu? Pande ingine hakuna representative, hiyo itakuwa mzuri kweli. Wakienda huko na wasikie maneno ya Kutahiri huko kwetu vile tunatahiri ikiwa haiko kwa hii Constitution kweli wataweza kujibu hayo maswali? Hilo ni swali langu.

Com. Ratanya: Hebu tujaribu kumaliza, si tulikubaliana tutamaliza tuende tukasome? Sasa huyu mama, unataka kuuliza ya mwisho? Hebu tumpe huyu mama nafasi.

Jessica: Niu kwa riitwa riakwa mbitagwa Jessica Gakunyi na niu kiugo giakwa ni kuuria ati kana nindaandikirwe baria ndaandikire muthenya uria ndaaragia kana.

Translator: My name is Jessica Gakunyi, she is asking that there is a petition she gave during the Constitution views whether it was taken into consideration because she deals with the local salt because she is suffering, when it is raining she is being rained on.

Com. Ratanya: Alright, sasa wananchi hebu tujaribu kumaliza nitajaribu kujibu kwa ufupi, mengine yamekuwa maswali na mengine ni malalamiko. Number one, Charles Njeru. Charles anaongea mambo ya political parties institution na hiyo niliwasomea vizuri nikawaambia hiyo itakuwa kazi ya Electoral Commission.

Kama Electoral Commission baadaye wataona kwamba watakubali kwa sababu kama political party haina sababu ya kuandikishwa that will be vetted ama itaangaliwa na Electoral Commission. Hiyo si Commission yetu lakini sisi tumesema kwamba tume-recommend Electoral Commission baadaye ndiyo itaandikisha.

Mambo ya kupunguza number, tulisikia kutoka kwa watu wengi sana katika Kenya wakisema kuwe na party mbili, party tatu, party nne lakini tuliona kwamba hatuna sababu yoyote ya ku-state number ya parties. Tukasema ikae namna hiyo Electoral Commission itaona zile itaandikisha ndizo zitatumikia wananchi. Kwa hivyo hilo ni swali linakwisha hapo na tuende kwa Beatrice.

Beatrice anauliza mambo ya elections, tukifanya national elections yaani elections ya central government ya national assembly, baadaye kutakuwa hizi zingine nazo zitaendelea kama zile za village niliwaambia hata mbeleni, location kuna zingine itaendelea baadaye, parliament itaonyesha utaratibu. Itatengeneza sheria ya kuwachagua hao. Boundaries vile zitafanywa zile constituencies zao kwa sababu ni lazima wawe na zile areas zao pale watatoka. Kwa hivyo hiyo itakuwa baadaye kazi Parliament na mambo ya mishahara hata hayo mambo parliament itaangalia. Lakini maoni ya watu wengi walipendekeza ya kwamba mishahara iwe inalipwa na Serikali ya all elected members, na ninafikiria hiyo ndiyo itakuwa.

Kwa hivyo parliament itafanya hiyo regulations ama laws za kuangalia mambo ya elections. Na tena kuna hii tunaita transitional arrangement ambayo itaangalia ile tulisoma kwa ufupi utasoma yote, utaona mabadiliko wakati inafanywa lazima mambo fulani utaratibu fulani uweko. Kwa hivyo hata haya mambo ya councillor wa location, wa village it is a transitional point ambayo itaangaliwa na hii sheria ya transition vile itapanga wakati huo.

Ingingine naona mambo ya elections old or new Constitution hiyo nilijibu hiyo na nikasema hiyo siwezi kujibu kwa sababu sijui. Commission haijui vile itapangwa na wale watapanga elections kwa sababu Commission yetu haipangi mambo ya elections. Sisi ni sheria tu tumeweka lakini hatuwezi kujua siku. Kuna wao wanajua siku kama wataweka siku sisi hatuwezi kujua hiyo kuna watu wengine ambayo watapanga.

Bwana Komerera anauliza mambo ya wale watakuwa ministers kwa nini wanatoka kazi yao waende kwa kazi ingine. Ti buo ukuuragia Bwana Komerera. Now, mbere Bwana Komerera ningwetere ati ministers batiithirwa bari MPs. Utiigirue buu bwega buru? Yaani minister guti uu akathuurwa MP aa minister. Neendi kira nkwire au nuugire sawasawa.

MP uria ukathuura atithuurwa minister, au nwigurue piu. Riu ri minister barithuurwa kiri antu ba kuuma oome outside yaani kutoka nje wale ambao wanaweza kufanya hiyo kazi. Unaona, muntu utithuuri I parliament ni wira ni uraigua. Na hata siku hizi si unajua mtu akihitajika kwa kazi fulani anaweza kutoka kwa department hii aende ingine hiyo ni shida? Si tunakuwa na waalimu ambao ni waalimu na ni kwa sababu wanajua kazi ya administration ya education wanaenda kuwa educational officers? Si wanakwenda kuwa? Mnaona mtu anakuwa polisi na anachaguliwa kuwa chief. Si ni namna hiyo? Sasa kwa hiyo ya minister si mtu atatolewa department aende kuwa minister, ni matangazo yatatangazwa wale wanataka nini, kazi.

Sasa akiwa ni PS anataka ikionekana anaweza kuchaguliwa ni sawa sawa, ikionekana akae ile kazi ako ni sawa sawa. Akipewa kazi moja si hiyo ataacha anaendelea na ingine? Kama vile mwalimu anatoka katika classroom anaenda kuwa AEO?

Yes, hata Komerera akitaka kuandika lakini mjue lazima mtu atakuwa na masomo yale yanahitajika kwa sababu parliament ikitangaza kazi itasema lazima uwe na umri huu na advertisement ile inatangaza. Lazima uwe na masomo haya kama ni minister wa education uwe na kama degree za education. Na uwe na experience ya miaka fulani pengine kama mwalimu. Wanaweza hata kusema lazima uwe umeingia kwa class, umefanya hivi na umeandika kama mimi na wengine.

Huo ni mfano, unaweza kusema hiyo iwe requirement ingine. Ingingine wanaweza kusema umri. Wanaanza kusema uko na degree pengine moja, mbili, tatu ama PhD namna hiyo na hao wataona matangazo hayo sasa wataenda pengine kuuliza kazi. Parliament itawaangalia, itawachagua, itawa-approve halafu president atawachagua. Na wakati wa kufutwa inaenda njia hiyo yote.

Yule atamfuta, kwa sababu ni public officer akiwa na makosa ataandikiwa barua kama ni warning. Kama mwalimu ama mtu mwingine wa kazi ingine. Kama mwalimu nani anamfuta mwalimu ovyo ovyo? Ama public officer mwingine? Kuna taratibu inatumika sasa hata huyo ni taratibu itatumika. Kama ni kupewa discipline fulani, kama ni kupata mshahara. Mkipata ikifika mwisho kabisa pengine aonekane ni mwizi ataweza kuondolewa, lakini si kuondolewa rahisi rahisi kama siku hizi.

Okey, neendi wananchi inkuona tuukinya mwisho na tukwaria muno na neendi nkuuga bugeeta bwite bukathoome na bwathiria kuthoma. Na buungi buria buri na muhimu buungi ni kuandika barua riria ukoona kuri na mantu ukwenda kuuria. Ukwigua Bwana Komerera, uandike barua mantu jaria ukwona nuukwenda waandike uretere Kimathi, Kimathi naye atapeleka huko. Nimeona kama nimejibu ya Mutembei. Na Mutembei na Esther, Mutembei unasema kwamba delegates wametoka hapa Chuka, hawakutoka pahali pengine. Sasa hiyo Mutembei hiyo siwezi kujua. Hiyo si kazi yetu ya Nairobi huku ya Commission. Haya ni mambo ya Nithi na waliona wale wanatosha kuwakilisha pande hii. Hayo ni malalamiko na utamuuliza pengine mtazungumza na coordinator.

Sasa ingine ni ya Esther, Esther alikuwa anauliza kama mambo yake yameandikwa hapa, si ndio? Esther, ukuuragia kethira mantu jaaku ijaandiki. Nandi ri Esther buria ukarutha ri, wite kiri mukururu ugwitwa coordinator ofisine yawe akuthomere mantu jaria yaugire na akwire uria jari. Mbuga coordinator ukoonerua.

Mbere ya maromba na mbere ya tuinga mucemano buru mukururu uju mbijite nawe ugwitwa bwana Solomon M'Anampiu is our programme officer wetu kuuma headquarters. Imbwirire riitwa riawe na naakwenda tu kinya we kubukeethia na kubwira point kidogo. Pengine aumba ku-clarify ka-point kamwe mbugire kana kaangi lakini akabukeethia na auge mantu kidogo kana announcement na twauma au mukururu wenu coordinator mutana uu nawe akauga mauntu fulani announcement, and then mbere ya maromba I will declare session closed na halafu tumalize kwa maombi.

Solomon Anampiu: Thank you Bwana Commissioner, ni ndikugwirua muno ni kwija Chuka Nithi niuntu nindaari aja riria twaejanaga maoni jaja. Na kuona antu babaingi beejite kuthikiira uria Commissioner akwenda kuuga ku-launch programme iji ni mantu ja kungwiria muno niuntu no mwanka Constitution iu iithirwe iri yenu o ta uu Commissioner augire iji ikeethirwa iri na

district coordinator ni kenda buthoome lakini muno muno ni bukare nthiguru bwarie. Bwatirimana na delegates beenu beereni uria mathuganio jeenu jari nikenda agikinya national Constitutional conference eethirwe akimenyaga antu ba Chuka na antu ba Nithi uu niu bakwenda kenda riria bakakinya igita ria kuringa votes kethira I ku-vote bakaringa kana kethira I gwikaniiria ageetikaniiria akimeenyaa rutere ruria ari iruo rukaumba guteethia nthiguru ya Kenya na rwithirwe rutikwiinyiria antu ba Chuka.

Mukuru uria uugire representatives baria baumite Nithi baumite aja aki, batiumite kuunthe. Iu ni Ngugi ya district council, council ibo beerirwe bathuure three delegates ba gwita national conference baki-representaga Nithi. Beerwa umwe no mwanka eethirwe ari muka na inkwona ibathuurite umwe. Beerwa bagakurukia councillor umwe nandi kethira umwe wao ni councillor kana ti councillor ntikumanya.

County council ya aja iri electoral college yatuire yauga barienda kuthuura antu bairi baria bakoomba kurita Ngugi iu na njira iria yaagirite. Council niyo yaatikiritie yauga uu niu gugaakara. Atiri, kinya itwaejanirwe muda jwa ntuku mugwanja. Was it seven or 14 days to do any kulalamika? Muntu eethira naakwigua atitoshelete na kuuma headquarters, kuti malalamiko ndiroona ja kuuma aja. Tontu buu turi Commission no mwanka twitikiirie jaria county council delegates baathithirie ibu untu bwa ma kulingana na kuthuura baria bageeta National Conference. Naandi jakwa nonga nkauga thank you na congratulations kiri National Conference representatives you have a lot of work to do because mantu jaria jakeethirwa jakithithagua ni untu bwi na gitumi na bukeethirwa bukiritaira antu ba chuka antu ba Nithi na antu ba Kenya Ngugi injega. Thank you nibwega muno Bwana Commissioner.

George Kimathi: Thank you Bwana Anampiu mbere kambuge kwa njira ya mwanya Com. Ratanya kambuge thank you so much tontu bwa njira iria waumba gututongoria very shupavu, ya kwamba ku-understand draft Constitution as citizens ba Meru South District na mbuge tugaku-karibisha any other time, tungiithirwa turi na mucemano bwana Commissioner na unkiithirwa uri na kagita ukeeja ugatuteethia nkuruki kuerewa na ugatuteethia nkuruki kurutha discussions iria igatuteetheria nkuruki nikeenda tukaumba gutetheria our delegates baumba gutu-represent the best few possible to the National Constitutional Conference na nkinauga kiri participants gukena muno niuntu bwa your participation. Ndakena muno niuntu bwa kwija, niuntu turaari turi kwambiriria debate already.

Kwa sababu tulikuwa tushaanza kuzungumza juu ya hii draft Constitution nataka kuamini kutoka hapa tutaichukua namna hii wananchi wenzangu kwamba sasa huyu ni mtoto amezaliwa na Commission na ako mikononi mwa wananchi wa Kenya. Ni kweli ama si kweli. Sasa itakuwa ndio rais wa Kenya kuamua kama watapeleka mtoto hospitali kudungwa chanjo, kama wataachilia mtoto akufe kwa sababu ya baridi, kama wataachilia mtoto nje akuliwe na wanyama ama watachunga huyu mtoto, si ni hivyo wananchi?

Commission imefanya kazi yake. Wamekuwa kama wakunga (midwives), si hiyo ni kweli wananchi? Kwa hivyo jukumu liko mikononi mwa nani, ni sisi wenyewe tutaamua vile mambo yataenda kutoka hapa. Kutoka hapa Commission haitafanya

decision yoyote. Mambo yote yako mikononi mwa nani, delegates wetu. Wakienda pale waambie mtupilie hii kitu mbali si hao ni wananchi na ni wawakilishi wetu? Wakienda pale waamue ya kwamba watapeleka maoni yetu na wataona ya kwamba hii document itengenezwe vizuri kama kuna marekebisho yamefanywa kulingana na maoni ya wananchi, ni juu ya akina nani, Commissioners wamefanya kazi yao. Kama ni nzuri ama ni mbaya tusikize kwa redio tuangalie kwa magazeti tuone vile wananchi wanasema na tusikize hapa tusikiewananchi wanasema nini.

Kwa hivyo tuwekelee hawa jukumu, na nataka kusema hivi, tukishirikiana pamoja na headquarters kutoka kesho na kesho kutwa kwa sababu nimeona kuna watu wengi hawajaweza kupata yale makaratasi, ile draft Constitution, ndiende kuringa thimu umundi ndoombe draft Constitution ingi na nkeeja kunenkerwa ruju rukiiri nkeethirwa ndi Nairobi. Mbuke naaria bado so that muntu uria utiraumba kugwata draft Constitution yuumbe kumukinyira then we will request that ofisi yetu iri aria gwa county council tukamunenkerwa draft Constitution nikeenda tuumba ku-discuss.

Na kuuma au turi na my committee, after this week tugeekara nthi tu-discuss twiciirie mauntu mbali mbali. Twiciirie twaumba gukinyiira wananchi atia. Wananchi ba kuuma magumoni ba kuuma chuka ba kuuma igamba ng'ombe and all other divisions, twikare nthi as a divisions and as locations na makanisa na mosques iria cii within our districts twiurie ni mauntu mariku tungiumba kurekebisha in the draft Constitution and in that discussion nkaroombaga twithirwa turi na this deadline and probably umwe umwe this na aa tika tukeethirwa twijite gu-campaign na kuringana na uria twathikiira Commissioner Ratanya guti anything like campaign akuruthaga ya gu-campaign for the draft Constitution. Ka agutwerecoa kiria kiri ki draft Constitution and what we will do, tugeekara nthi kwereca wananchi kiria kiri ku ni one two three so that batwira delegates bao ni kina na kina tungienda. Twijite aa wale ambao wamekuja hapa kwa sababu wanataka statistics zetu kwa amendments. Wamekuja hapa kwa sababu / wameacha ng'ombe pale nyumbani. Wameacha watoto na kazi zao lakini tuliamua kuja hapa ndio tuzungumze mambo ya draft Constitution. (inaudible) waende nyumbani wale ambao mnataka na mimi nimesema ya kwamba tutajitolea pamoja na headquarters tuone ya kwamba angalao tuko na delegates ambao wataenda. (inaudible)

Com. Ratanya: Asante sana bwana coordinator kwa hayo machache na sasa ningetaka kuchukua nafasi hii kwa kutangaza ya kwamba tumefunga kikao hiki cha Tume ya Kurekebisha Katiba ya Kenya na nimekifunga rasmi. Sasa ni maombi.

Dorothy Marangu: Kandibwire mbere ya ndombithia riitwa riakwa ni Dorothy Kainda Marangu na Jesu Kristo ni mwonokia wa nkoro yakwa. Na ncooke ndibwire niu ri ndi wa kiama kia antu baria ba-retire na ndi muzalendo wa Katiba ino. Ndirari wa civic education na nindathoomire weega baria beetikagira kuthii iromba riu na nikio mburia kuringana na antu baria ba ngwiciiria Sukuru kuu kuthoma kuria turathomigua.

Na ninkubuuria riria bukijja na mauntu ja mama bwije na antu bau bangi beetike nikenda ta riu wabeeta bakanegeni muno nau ukaathi tontu batijire nikenda bauga baugage uuma buungwa. Katuhoye.

