

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

**DISSEMINATION OF REPORT AND DRAFT BILL, IGEMBE
CONSTITUENCY AT MAUA GIRLS SECONDARY SCHOOL HALL**

ON

OCTOBER 10th 2002.

**RECORDS OF PROCEEDINGS DISSEMINATION OF REPORT AND DRAFT BILL IGEMBE
CONSTITUENCY MAUA GIRLS SECONDARY SCHOOL HALL, OCTOBER 10TH 2002.**

Present.

1. Com.Domiziano Ratanya.

Secretarial Staff in Attendance.

- | | |
|--------------------|----------------------|
| 1. Solomon Anampiu | Programme Officer |
| 2. George Kimathi | District Coordinator |
| 3. Mary Babu | Verbatim Recorder |

Meeting started at 10.00 a.m with Com. Ratanya as the chair.

George Kimathi: I think we have to start, because I can see people are coming and leaving. Those who are there we start then others will find (inaudible) watakuj**baadaye**. **Kama** mjuavyo ni kwamba leo tuko hapa Maua Girls kwa sababu ya launching ya Draft Constitution. Tuko na Commissioner from the headquarters, we have a programme officer, these are the people ambao watatuongoza katika hiyo Draft Constitution, na kisha tutna coordinator lakini ningetaka kurudia kidogo hapo. Kwanza mwenyewe nimekuja hapa kama mara tatu hivi, na nina programme officer bwana Solomon Anampio ambaye ametoka office yetu, na mwingine ni Mary Babu na ni officer kutoka kwa office yetu ambaye anaangalia mambo ya verbatim recording. Mimi wale ambao hatujakutana nanyi mimi naitwa ndugu Domiziano Ntochokera Ratanya. Mimi nimekuja hapa hata nimeenda Ntonyiri wakati mwingine nikaenda area zote area hii, na hata hapa kwenyewe, especially wakati tulianza civic education na sasa tuko hapa na ninyi.

Kitu cha kwanza, wale wameingia ningetaka kutoka wakati huu niseme ya kwamba tumeanza mkutano wa Constitutional with Kenya review Commission hapa katika Igembe Constituency. Kwa hivyo kutoka sasa mpaka tumalize, mjisikie ya kwamba mna uhuru wa kusema lolote hapa, kwa sababu mkutano wetu una security ya kutosha kwa kisheria, kwa hivyo unaweza kusema lolote, unaweza kuuliza lolote bila kuogopa. Siku ya leo ningetaka mjue ni kitu gani mnakuja kufanya, siku zingine zote ilikuwa kazi tofauti, lakini ya leo ni ingine nayo katika kazi yetu ya Commission. Hii nikuwaletea hii tunaita Draft Bill ya Constitution. Hii tunaita launching yaani kuanza, na kuwaambia tumeanza kuisoma na kujadiliana mpaka kutakuwa na mkutano wa wajumbe ambao umechagua delegate wenu ambao watakutana Nairobi. Hii si ndio siku tuli-launch yaani kuanza? Lakini hii ni siku ya kuja kwa Constituency.

Nikiangalia katika hii Draft pengine wale wamepewa wale wamepata nafasi, kupata tuan zingine kidogo. Tarehe ishirini na saba mwezi wa September ndio tulianza hii na tukawapatia WanaKenya wote katika magazeti, wanasikia kutoka kwa radio, na njia nyingine zote waendeleo na kujandiliana hii report ya Constitution ambayo tumeifanya proposal ambayo itakuwa Constitution baadaye. Tulianza tarehe ishirini na saba mwezi wa tisa, ukihesabu hiyo siku kutoka 27th mwezi mmoja ama thirty days itakuwa 27th October na sheria inasema kwamba, hii tui-publish tupatie wananchi waendeleo kujadiliana kwa siku thelethani for thirty days. Ikifika siku hiyo thelethini lazima tuwe na national conference.

Na National Conference mkutano utakuwa Nairobi, wa delegates wote wamechaguliwa kulingana na sheria yetu, ambao

watakutana huko na tunaona namba itakuwa six hundred. Hapa mna watatu na hata kutoka makanisa na groups zingine, lakini wale watatu ni wa district. Tuna mama mmoja ambaye anawakilisha kutoka district na unajua akiwa delegate, si akina mama peke yake ana akilisha ana akilisha kina mama na kila mtu. She is a full delegate na wengine wawili. I(inaudible) whether they are here, you could also introduce them but the lady is here. Kwa hivyo hawa watatu ni wa district na kuna wengine wametoka vikundi vingine kama vya akina mama, kama makanisa na political parties, hawa watu wote watakutana Nairobi on 28th October.

Kwa hivyo kutoka sasa tumewaletea hii muisome, ni kwamba kulingana na hii sheria inatusimamia katika sheria hii ya Commission inaitwa Cap 3 laws of Kenya. Inasema kulingana na vile tulibadilisha kidogo, inasemekana tusome kwa siku thelathini halafu tuwe na conference. Wakati tunapoanza hii katika Igembe Constituency na Commissioner wako round kila pahali, wako Mombasa, wako Kisumu, wako huko Embu, tunazunguka Constituency zote 210.

Mpangilio wa leo ambao ningetaka kuwaeleza vile tutaendelea kutoka sasa, kwanza tumefanya hiyo tunaita introduction. Nimewaambia ile kazi ambayo tunakuja kufanya na kuweza kuwaeleza zaidi ile kazi tutafanya. Kwanza tutazungumza mambo ya report ambayo Commission ilifanya huko Mombasa tarehe kumi na nane ika-launch, short report, ambayo tulifanya tarehe kumi na nane mwezi wa tisa. Tutazungumza hiyo kwa dakika chache. Halafu tukimaliza hiyo, tutaingia kwa hii, tutazungumzia hii na kuona jinsi ya kuisoma. Ili mjue vile mtaendelea.

Tukimaliza hayo sasa mimi nitasimama hapo nitawapatie nafasi mtu aulize na pengine yale maswali ambayo utauliza yatatokana na yale ambayo mmesoma hapa, ama yale mmesikia kutoka kwa mimi ama kwa officers wengine hapa. Na usiende nje ya yale ambayo tunayo, nasikia kwamba tulianza stage ya civic education tukaenda ya hearing, hizo zote. Hearing yenyewe tulimaliza, kwa kuja kwa Katiba ama kutengeneza hii Draft ya Katiba tumewaletea maoni yako hapa. Hii file ni ya Igembe Constituency. Ukiangalia hapo utaona summary ya yale mlisema siku ile Commissioners walikuja hapa. Yale maneno yote mlisema, infact nilikuwa hapa wakati wa hearing, tulikuwa hapa na Commissioner mwingine anaitwa Abubakar. Yale tulichukua yamewekwa na staff wetu yakaandikwa vizuri, yakapangwa, ndio yako kwa hii file. Hiyo ilikuwa wakati huo kupeana maoni.

Siku ya leo si kupeana maoni, ni kuwaambia yale ambayo mlituambia tumeyaweka kwa language ya Constitution yenyewe ambayo ikijadiliwa kutoka sasa baadaye itakuwa Constitution na ikienda through the Parliament hiyo stage imebaki itakuwa Constitution. Kwa hivyo kama hukuja siku ile tulipatiwa mambo yenu hapa malalamiko, siku ya leo si ya kuleta maoni. Yale maswali utauliza ni maswali inahusu hii Draft tumetengeneza ili tusirudi huko nyuma. Kwa hivyo wakati mnauliza maoni yenu queries na nini, muwe mnajua ya kwamba sasa ile inaitwa report sasa ya Katiba. Hatuko kwa ile stage ya malalamiko au views, hiyo tulipeana. Sasa tuko stage ya mswanda ambao utakuwa ni Katiba.

Kwa hivyo nitaanza kwa report kwanza: hii report tunaita short version au report fupi. Hatukuweza kuwa na copies za kupatia kila mtu kwa sababu ilitoka tarehe kumi na nane mwezi wa tisa tukiwa Mombasa. Wakati tulipoendelea na kuona mambo yenu

yote na katika 210 constituencies tulitoka na ripoti short, na hata hii ilienda kwa magazeti, lakini siku ya leo ile copy tunayo iko inform of this book na programme coordinator alikuwa na copy chache ambazo sitakuwa kwa documentation center. Sasa kwa hii yenyewe yale yako kwa hii, hii si Constitutional yenyewe au Draft yenyewe, hii ni ripoti ya kuonyesha vile kazi tuliendelea kuifanya na pale tumefika.

Kwanza kwa hii report inaeleza background ama mwanzo wetu tulianza kwa hii report wakati mtakuwa mkisoma, mtaona hata kuna list ya Commissioners. Commissioner wetu ni 27 na Commissioners wawili ambao tunaowaita ex-official. Mmoja ni Attorney General, yule mkuu wa sheria na mwingine ni secretary wetu Lumumba. Hao ni ex-officials lakini (inaudible) ambao walichaguliwa kama Commissioners, na hawa wengine ni wafanyi kazi wetu ambao wanatusaidia. Kama Attorney General ni legal adviser na tena ni Attorney General wa Serikali, secretary wetu naye ni mipango yote ya secretariat na kila kitu anatumfanyia. Kwa hivyo timu yote we are 29. Utaona kwa hii report mambo kama hayo yako. Lakini majina yetu na mambo kama haya hayako kwa Draft. Hii ni Draft ambayo itakuwa Constitution na Constitution haiwezi kuwekwa mambo mageni. Ni yale tu proposal ya yale mnataka yawe katika nchi yetu na vile nchi itaendeshwa. Kwa hii report tena, mkiendelea kuangalia hii report mtaona vile tuliendelea na kazi yetu, ile process iliendelea na vile it goes na values. Mtaona ya kwamba kwanza tulianza na civic education, tukawafundisha watu Katiba hii ambayo tunaendelea kutengeneza mpaka wakaelezwa ni kitu gani na itakuwa na mambo gani, hiyo kazi ikaisha na kutoka hapo tukaenda kwa mambo ya kuchukua maoni ya wananchi, tukaenda what we call listening to the people, tukaenda kwa kila Constituency tukisikia maoni ya wananchi. Hiyo stage nayo tukaenda round kwa miezi sijui kama mitatu hayo mambo yote tukamaliza.

Kwa huuwakati unasoma utaona kuna picha zingine kama hapa, we are all Kenyans. Kwa hivyo hii Katiba inatengenezwa na Kenyans yaani ni ya wananchi. Ukiendelea kwa hii report utaona kwamba Commissioners walichukua hizi hearings zote, maoni yote haya yote. Hii ya Igembe iko hapo, ya Ntonyiri, Tigania, Imenti, pahali pote 210 constituencies kama hii tukaichukua tukaenda kuketi huko Mombasa, tukaizungumzia tukazungumza mpaka tukakubaliana haya yote tutaweka kwa Draft Constitution. Kwa hii report sitaendelea kusoma yote kwa sababu siku ya leo niliwaambia si mimi nitakuja kusoma lakini tu-give highlight kuonyesha pale ile step tuko. Tutaendelea kusoma muone maoni yale yamewekwa kama summary form. For example tukienda kwa hii page one hapa, how is the new Constitution different from the old?

Nitaangalia hii Constitution ambayo tuna-change kama tukisoma pahali pamoja hapo kwa mfano. It reflects what people are concerned about instead of being mainly a set of fundamental structures. Hii ni kwa sababu ni people driven ina yale mambo wenyewe wamesema, watu wa Kenya. Pengine kitu kimoja hapa kinaweza kusemwa na watu ishirini, hatuwezi kuandika hayo yote, lakini tutaandika summary hao watu walisema. Kuna point moja nyingine inasema a person doesn't have to be a member of a party in order to stand for elections. Katika Draft yetu mpya utaona tofauti moja ni hii.

Kwa sasa current Constitution niliweza kuja na copy yangu ya current Constitution ambayo tuko nayo katika siku ya leo. Hii iko sasa hii, ni law ya current Constitution ambayo tunayo. Utaona kwamba, ukiangalia kwa hii lazima uwe sponsored by the

party katika old Constitution lakini hii Draft ikiwa sheria iko Constitution mtaangalia hata ndani mtaona yale tume-recommend hakutakuwa na sababu uwe nominated by the party kama huna party. Kama kila mtu ana party. Kuna wengine hawana party na anataka kuwa kiongozi. Kwa hivyo new Draft we have recommended something ile zamani tulikuwa tuanita independent candidate.

Wale wameishi miaka mingi kidogo wazee kama mimi, mnajua kwamba kulikuwa na independent candidates zamani. Kulikuwa na mtu alikuwa analetwa na party hii au nyingine, na tena kuna mtu ambaye hana party yoyote. Kwa hivyo yeye anaweza kuwa kiongozi, kwa hivyo alikuwa na nafasi ya kupigiwa kura na wananchi. Kwa hivyo hata sasa kutakuwa na hiyo nafasi. Ndio unaona difference hii moja nimesoma, a person doesn't have to be a member of a party in order to stand for election. You can stand for election even if you are not a member of any particular party, even if you are not a member of DP, KANU, SDP, whatever you can stand for election as an independent candidate as per new Constitution wakati utakapomaliza kazi yake in the Constitution. unaweza kuingia namna hiyo.

Then, ni mfano tu natoa kwa hii report kwa sababu sasa tutaacha muendeleo kusoma, sitaendelea kuwasomea yote lakini ni njia ya kusoma. Kitu kimoja hapa, point ningetaka kusoma hapa. There will be a leadership code Governing the behaviour of the MPs and the other leaders and the machinery for enforcing its principles. Kuna njia moja ya muhimu itakuwa hapa sasa kwa Katiba hii mpya, kama MP mnaona hafanyi kazi, hamuwezi kukaa na yeye miaka mitano. Mkiwa hamtaki ama mnaona hafanyi kazi. Leo kuna machinery ama kuna njia katika Katiba hiyo mpya ambayo itatoka, kumuondoa huyo MP na pengine mchagua mwingine. Vile vile kuna njia ya kuondoa President na mwingine awekwe. Lakini kwa hii ya sasa haya mambo hayako. Haya ni mambo mengine. Kuweza kumuondoa mpingwa huu tunaye leo, itakuwa ni mambo magumu utaona atangoja karibu miaka hiyo tano ama yote kwa kuwa pengine alisign. Lakini kwa new Constitution kuna njia imekubaliwa na Katiba ambayo unaweza kutumia, hiyo tutaona kwa Draft, kutumia kumuondoa MP, should be recalled aende nyumbani na muweke mwingine.

Nikisoma part ingine hapa, administration police are to change their separate identity. Administration police wetu ambao tunao sasa askari wetu wataingia polisi wote watakuwa ni askari ya polisi. Hata hiyo ni tofauti hakuna mtu ambaye atapoteza kazi yake. Mnaona hata ingiwa tutakuwa na new Constitution si kusema ati kama Ratanya atageuka awe mweupe awe na mna gani, si tutaangalia vile tulivyo? Ni mageuko tu kidogo ya ufanyi kazi, hakuna kitu sana ambao kinachukiza sana, ni kugeuza mambo kidogo kidogo. Wote watakuwa ni askari wa polisi wote watakuwa kikosi kimoja. Hiyo ni mbaya. Watu wengi walikuwa wanasema hata nikipata nafasi ya kusoma nitasoma, utasoma juu nitaacha hii. Utaona hata ninyi pengine mlisema hivyo.

Hayo ni mambo ambayo tulisikia kwa kila Constituency, si mambo ya Commissioners, tuliweka pamoja tukasema wananchi wengi wanasema hii polisi mbili ni ya nini? Si tuweke polisi wawe kitu moja. Kwa hivyo Katiba mpya utaona hayo mambo yatakuwako, okay? Kuna point ingine utaona itakuwa tofauti kidogo. The President can be removed from office by a process of impeachment at the instance of Parliament. President anaweza kuondolewa kwa hii njia tunaitwa impeachment. Yaani unafanyiwa procedure ya kumuondoa kama ni investigation, kumfanyia kesi fulani hivi, mpaka itaonekana kama atapatikana

namakosa, anaondoka halafu mnaenda kwa debe tena kuleta mwingine. Kwa hivyo kwa hii Katiba hiyo mambo itakuwako. Na nilisema iwe impeachment namna hiyo.

Ingingine mataona tutakuwa na tofauti kidogo na hii ya zamani, there will be a new supreme court at the end of the judicial system, (inaudible) all new judges or new even ni wale wako wapatiwe kazi mpya. Sikusema ya kwamba kuna mtu atafutwa lakini, lakini yule anafaa atakuwa huko tu. Yule ambaye wakati wake mwingine umefika pengine wengine atakuta hayuko, ama yule ataonekana si lazima aweko. Si kusema kuna watu watadhulumiwa, ni change.

Tulikuwa kwanza up to the court of appeal, kutoka magistrate, ama hapa mko na magistrate court na Maua hapa nasikia kuna stage ya senior magistrate. Kuna mahali pengine kuna magistrate ambaye ako chini kidogo. Sasa kutoka kwa magistrate mpaka kwenda kwa court of appeal, lakini Katiba hii itatoka, tumependekeza kuwe na court ingine juu ya court of appeal. Ukiona hutosheki kwa court of appeal unaenda kwa supreme court. Hiyo imewekwa na hiyo ni tofauti na hii Katiba tunayo sasa. Na hata tumependekeza ya kwamba kutakuwa na village tribunals, kutakuwa na court huko kwa village huko nyumbani. Ma case mengine yale ambayo yakienda kortini yanakaa miaka mingi yatakuwa yanatatuliwa na wazee katika korti ambazo zitafanywa that is the grassroot. Na yale hayatawezekana yataenda juu kidogo pengine kwa location, kwa district magistrate, district magistrate ako mpaka highcourt, the court of appeal, mpaka supreme court. Kwa hivyo utaona kwa hii Draft kuna hiyo maelezo na kuna hiyo change.

One more thing is that, ingine ningetaka muangalie ni Ministers will be appointed outside of Parliament. Once they are appointed they will become ex-official members of Parliament, hio dio tofauti itakuwa kubwa sana. Sasa Minister atakuwa kama yule mjumbe ambaye amechaguliwa, anaenda amechaguliwa na anapewa pendera yake, si amekuwa Minister na the same time ni MP wa area na tena ni Minister wa Government sasa. Lakini kwa hii Draft itakuwa Constitution tumependekeza Ministers wachaguliwe outside, yaani wasiwe MPs, in that case watakuwa ex-officials of Parliament. Yaani ni kwamba watakuwa wanaketi kwa Parliament kujibu maswali ya ministries.

Kama ni ministry of education, kutakuwa na Minister of education ambaye amechaguliwa na Bunge, ama ministry of health, na cha muhimu ni kwamba hawa Ministers lazima awe anajua hiyo kazi. Si kutoa daktari aende kuwa Minister for law. Minister for law awe amefanya hiyo degree ama hiyo course. Kama ni health awe pengine amekuwa daktari na awe na qualification of doctor yote. Wengine Parliament akisema ni lazima awe kiwango ya PHD ile ya juu zaidi au hata anajua kuchinja huyo ndiye sawasawa pengine, ama namna gani? Ama manataka clinical officer awe Minister? (laughters) okay hiyo ni mfano tu ninawapatia. Lazima awe qualified na awe anaweza kusimamia hiyo ministry akiwa ni professional.

Mmekuwa na malalamiko mingi, unasikia Minister of education hajui njia ya kuingia class room ni wapi na unasikia ya kwamba ni education. Sasa huyo pengine education atakuwa ana degree ya education ya juu zaidi, na pengine wakitaka kuweka kwa njia sawa kabisa, wachunguze waone huyo mtu amefundisha at a certain level, hata kama amefundisha secondary school or

primary or university lakini awe na kiwango ya juu, lakini amekuwa a class room teacher somewhere hata akiwa professor na ana chokaa na anafundisha huyo ni classroom teacher. Si kusema ni mwalimu wa hapa classroom teacher peke yake, hata professor lakini awe amefundisha a certain level hiyo inaweza kuwa namna hiyo tu. Kwa hivyo akisikia ya waalimu, watoto, watoto atajua ni kitu gani hii tunasemaea. Asiwe pengine ni vitabu peke yake anasoma lakini anajua system.

Mtu wa agriculture awe amekuwa professional kwa agriculture na awe na qualification ya agriculture. Lakini mambo hayo yote ninawaambia hatukuweka kwa Constitution namna hiyo ni sheria Parliament itafanya kwa kuchagua Ministers, huo ni mfano tu nilikuwa nikisema. Ni Parliament yenyewe itasema, yule tunataka awe Minister, awe nana hii namna hii waweke law, wataweka hiyo guideline kwa kuonyesha vile watachagua Ministers na tumependekeza kwa Katiba yetu, kusoma kwa Draft ni fifteen Ministers na fifteen deputy Ministers. Sisi tunawaita deputy Ministers not assistant Minister na si Commission imefanya hivyo ni kutokana na hawa na waambia maoni yenu.

Tumetoa maoni kwa Constituency kama hii Igembe hii ambayo iko hapa report ile mlisema siku ile nilikuja hapa iko hapa. Tumetoa kwa kila mahali na hiyo tukaona watu wengi wanasema Ministers wawe nje. Kama ni MP awe ni Mp wa hiyo Constituency ili awe na nafasi ya kuangalia mambo hiyo ya Constituency, yaani huko dani na hata huko kwa mkutano yenyewe ya Parliament. asiwe anachikilia mambo mengi ama asiwe anachukua pesa huko ya maendeleo anapeleka kwao na anaachia pahali pengine pa Kenya na Minister wa Kenya. Kama ni Minister wa Kenya, kama kuna mambo ya maendeleo si agawanye kila pahali kwa hivyo kumekuwa na hopeless kwa watu.

Unasema kama pengine ni Minister for education anaenda anatengeneza kwao peke yake ili aweze kura next time. Anasahau hiyo kazi ya ujumbe kwake, pengine anakosa kukaa kwao sana anakaa Nairobi ama anaenda kwa mkutano na mambo kama hayo. Nilisikia watu wata-recommend hawa Ministers wakiwa nje. Awe tu hii ni mambo ya report katika Draft yenyewe nitaona vile imeeingia kwa kila section. (inaudible) hayo mafupi nimewaambia mambo ya hii ripoti tuliitoa tarehe kumi nane mwezi wa tisa na hata tukaweka kwa Nation. Watu wengi walinunua ile pull-out ilikuwa huko, ilikuwa na picha mingi na ilikuwa inaeleweka sana.

Sasa kutoka hiyo kwa stage ingine tukaendelea kuangalia mambo ya wananchi walisema na hata hii report yetu mpaka 27th of September tukawa na hii tunaita Draft bill ya Constitution. Hii sasa vile ilivyo imewekwa kulingana na language ya Katiba au lugha ya kuandika vitabu vya sheria. Ili ikienda ikiangaliwa na Parliament, watatoa makosa, watapendekeza na pengine watafanya iwe act of Parliament yaani iwe Constitutional of law. Lakini kabla ya kwenda kwa Parliament, mnajua ya kwamba kabla ya ninyi kusoma nimewaambia leo muuanze kusoma for thirty days. Hii mtaisoma, mtaiangalia in every chapter, every section, kwa sisi tunaita articles, section A ya Draft yetu ya Constitution tunaita articles. Tutayaangalia kila kitu na mkiona kuna mambo mngetaka kuongeza ama mngetaka kuondoa hiyo ni maoni yenu kwa sababu hamuwezi kusoma kitu kila kucomment.

Kama mko group ya akina mama, ya vijana, ya wazee na wengine wote namna hiyo na hata individual organizations, Non Governmental organization msome mpaka muone mambo yale mnaweza kupendekeza.

Mkiona point fulani hapo ndani na mnaona haikuwekwa kwa njia nzuri, mtacomment na hayo mapendekezo mkitoa mtayaleta kwa Commission in writing. Kama ni section fulani tutaingia kuangalia sections zingine sasa hivi. Kama ni section fulani utasema hii section mtasema hii section kitu fulani mimi sikumbaliani nacho kingekuwa hivi na hivi, na hapo mlete ripoti kama groups ama hata individuals, ulete ripoti hii ya Commission ikitoka kwa coordinator halafu ifike kwa secretariat yetu, haya maoni yote ikifika, itaenda kwa wajumbe wenu ambao ni delegates wa National Conference. Mkutano utanza tarehe ishirini na nane October hata ingawa tutawaita mbele hapo kidogo hapo watajulishwa ili watayarishwe kwa agenda na mambo mengine, lakini mtajulishwa commencement of this conference is 28th October ili iwe mwezi mmoja kutoka siku ile tuli-launch hii.

Kwa hivyo hayo mambo yenu yote yakija yataenda kwa wajumbe hao delegates. Na watazungumza mambo, watakaa karibu mwezi moja wakiwa na mkutano na wataingilia kila kitu. Haya maoni yenu mnasema yapinduke nini, watayazungumza. Like now we are talking ninajua kuna wengine wameanza kuzungumza, kutoka tarehe 27 watu walianza kuzungumza kwa sababu tulipeana kwa Kenya yote. Kwa sababu tulisema wacha twende kwa constituencies nayo tuanze. Tungewaachia hivi tu na muendeleo kusoma, lakini tukaona ni vizuri Commissioners waende kwa kila Constituency, hii ndio imefanya nje hapa tukiwa na staff, ili tuwaonyeshe ya kwamba hii imeingia na tuendeleo kusoma. Kwa hivyo hawa wajumbe wakizungumzia hii na waone kuna mambo wangetaka kugeuza, na kama vile nimewaambia kuna wengi wameanza kugeuza already wameanza kuleta proposal ya kusema mimi sisikilizani na hii. Wengine wanasikia mambo ya provincial administration wanasema hiyo ingekuwa namna ingine. Sisi hatuna nguvu ya kugeuza leo, hata ukiniambia hakuna kitu ninaweza kugeuza kwa sababu hii ni proposal ya Commission na hii yenyewe itaenda kwa delegates, na ndio wako na nguvu sasa ya kusema kama wategeuza kama watasema hivi. Halafu yale watarecommend, yale yanatengenezwa tena na Commission yawe sawa sawa na baadaye iende kwa Parliament.

Parliament unajua nayo iko na freedom yake ya kuzungumza hata ingawa sijui kama wata (inaudible) na conference kwa sababu hao ni members. Pengine wataendelea vizuri. Conference yenyewe inaweza kukataa kukubaliana. Kulingana na sheria ambayo tunayo, inasema kwamba wasiposikizana wanasema wanaweza kupeleka mambo kwa wananchi ambayo tunaita national referendum, na hii ni maoni ya wananchi kutafuta maoni ya watu. Hiyo ingekuwa kuletwa kwa nyinyi na msememe vile mnataka mwisho. Lakini hapo tuanona hii conference yetu pengine itatua kila kitu na wamalize lakini wasipomaliza sheria inakubali waendeleo tu kwa referendum. But I hope they are going to agree, they come to consensus and may be everything there the matter goes to Parliament.

Sasa tukienda kwa hii kabla ya kuanza kufungua chapter kidogo kidogo, kitu kingine nimebakisha hapa ningetaka kuwajulisha, hii Draft tulipeleka kwa Parliament tarehe 30 sasa ukipatinisha hiyo, utaona Commissioner inaendelea kufanya kazi hiyo kwa utaratibu. 18th report kama hii ikatoka, 27th September tukaleta Constituion yenyewe Draft. 30th September tukapeleka hiyo

Draft copy and Draft kwa Parliament, kwa sababu Parliament ndio walichagua Commission, na ni lazima tu-report kwa select committee ya Parliament which is headed by Raila Odinga. Na kutoka hapo sasa, hiyo committee ndio itapeleka sasa kwa Parliament after National Conference.

Sasa tunaenda kwa stages, na unaona siku ya leo tumeweza kufika kwa Constituency, tuko hapa Igembe Constituency kuna wengine wako pahali pengine, kama kesho nitaenda Ntonyiri, kesho kutwa sababu kesho I think ni public holiday. Tarehe kumi na moja tutaenda Rare, kutoka hapo tutaenda upande wa Tigania East, Mikinduri na halafu tumalizie hapo twende mahali pengine. Jana tulikuwa Chuka. Kwa hivyo tunaenda kwa kila Constituency na tukifika huko kama leo mkienda nyumbani ninyi kazi yenu nikuenda kujadiliana ama kutoa makosa ama kuongeza, na ikifika thirty days mlete feedback yenu yaani izungumziwe.

Hebu sasa tuende kwa Draft ambayo ni very important na ndio mtasomo. Kitu cha kwanza ningetaka kuwajulisha mpango moja ambao mtaona kuna tofauti kidogo na Constitution ya zamani. Katika hii Draft yetu ebu tuingie page ya dani kidogo, page five hivi, hebu tuangalie pahali pamoja kumeandikwa chapter four citizenship. General principles concerning citizenship. Mnaona hii ending ya hii citizenship imeandikwa hapo juu ending, tunaandika hivo, lakini ukiangalia katika Katiba ya zamani ama ambayo tunayo siku hizi. Heading inafanywa na paragraphs. Lakini kwa hii Draft yetu heading imeandikwa huko juu.

Na utaona huyo ndiyo mwendo wake. Kama ukiangalia mahali pengine kama hapo kumeandikwa acquisition of citizenship, utaona pahali pengine imeandikwa languages, the laws of Kenya and so on, na inaandikwa juu. Hii ya zamani ilikuwa ianandikwa kwa paragraphs, yaani kando, upande, wale wamefungua hii pengine wameiona, hiyo utaangalia uone kuna tofauti kidogo. Hiyo haina mambo makubwa, vile unaweza kuandika kitabu useme mpango wangu ni aina hii na mwingine namna hii. Sasa mpango wa Katiba mpya tumekubali iwe juu si upande.

Tukienda kwa page two, uangalie kwa page two, kutoka page two na page three hii ndio inaitwa table of contents ama yale yako ndani ya hii Draft yetu. Kabla ya kuanza kusoma ndani uangalie table of contents ili uchague kile unataka kuzungumza. Utaona hii table of contents ina chapter one, utaangalia hapa chapter one inaanza page two hapo juu na heading yake imeandikwa hapo juu, 'Sovereignty of the people and the supremacy of the Constitution' maelezo yameandikwa hapa, na ukienda page 3 utaona mwisho wa chapter. Tuko chapter 20 na utaona imeishia 299. kwa hivyo hii document iko articles 299 na hapo chapter imefika chapter 20. Ukitaka kuchukua kitu moja ukisome kuhusu hii chukua kwa mfano.

(inaudible) ungetaka kuangalia ni hapo katika arrangement of articles. Table of Contents, Arrangement of Articles, then there is the word Preamble, mnaona hiyo wale wanaojua kusoma, Preamble ni kama utangulizi ama type of introduction. Katika Katiba ambayo tunayo haina Preamble hata ukifungua hapa, hii inaanza tu na may be (inaudible) of Kenya, as it may be prescribed na inaendelea namna hiyo mpaka mwisho na hakuna Preamble. Hii utangulizi ni watu walisema. Hata nikipata nafasi niende through hapa ama kama coordinators (inaudible) ya kusaidia kwa hiyo ya Igembe tutaona ya kwamba watu wa Igembe walisema mambo ya Preamble hapa hapa. Kuna mmoja pengine alisema hiyo? So it is there? Hebu coordinator atafute tukiwa

tunazungumza tutaiona, Igembe walisema tuwe na Preamble hata Ntonyeri walisema. Hii nakumbuka, nilikuwa Igembe nilikuwa Ntonyeri, nilienda upande mwingine wa Tigania West na hata wengine walisema.

Okay hebu tuone, watu wa Igembe waliongea mambo ya Preamble. 'The Preamble should state that Kenya is a God fearing country' mtu mmoja alisema. Mwingine alisema the Preamble should state that no Kenyan should be above the Constitution the Preamble should capture Kenyans historical background the. Preamble should express the sovereignty of all Kenyans. Kwa hivyo hapa kuna mapendekezo mengi yale ulisema iwekwe kwa Preamble, kwa sababu tuliona hayo mari-recommendation kutoka kila mahali 210 constituencies then we made a summary ambayo inacapture ati kuwe na Preamble. Kwa hivyo hata Igembe Constituency ilisema tuwe na utangulizi na kama nikisema nisome saa hii, utaona wale walikuwa wakisema historical background, there is an arrangement there. God fearing people, utaona kuna kitu kama hicho. Na hicho kilisemwa hapa hapa. Kwa hivyo mnaona ni maoni yenu, It's a people driven Constitution. Tumetoa maoni ya Igembe tumetoa kila pahali kwa wananchi.

Hebu tujaribu kusoma Preamble tuone yaani utangulizi wa hii Katiba mpya ambayo itatoka

“ We the people of Kenya are aware of our ethnicity, cultural and religious diversity and determine to leave in peace and unity as one sovereign nation committed to nurturing and protecting the well being of the individual, the family, and the community within the nation. We recognize aspirations for our women and men and a 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 governors 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.

Unaona mambo yako ndani ndani yale yale tu watu wamependekeza, huu ni utangulizi na utaendelea kusoma yale mambo yamewekwa kwa hii Draft yote. Kwa sababu nawaonyesha vile table iko, ukiona kitu fulani na unataka kujua ni kitu gani, let me take an example here. Chapter two the Republic, hebu tuchukue article number nine kwa mfano, languages, tuone Draft inasemaje kwa Draft. Ukienda number nine nitaanza page four, wengine mmepata now languages imesema hivi, the official languages of Kenya are Kiswahili and English and all official documents shall made available in both languages. Sasa ni watu wenyewe walisema hivyo.

Tukiangalia Igembe Constituency tutaona pahali ambao watu wamesema Kiswahili kiwe official language. Ile imekuwa official language in Kenya mpaka leo ni English, Kiswahili is just a national language, tuanita nationala yaani ya kuzungumzwa na kila mtu. Lakini kuingia kwa vitabu vya Serikali katika law huwezi kuona Kiswahili huko. Lakini kwa hii Katiba mpya tunataka kuwe English na Kiswahili. Wakati hii Katiba itakuwa tayari kwa hizo stages zote ikienda through, wakati huo sijui itakuwa page ngapi kwa sababu inaweza kuongezewa kidogo ama kufupishwa lakini kama hii ya sasa unaona iko na pages 98, pengine inaweza kuwa zaidi kidogo. Lakini itakuwa kitabu kama hiki na kitakuwa kitabu cha sheria ambacho kimeenda all through these stages. Lakini unajua kilitengenezwa na mzungu na Serikali ya Kenya ilianza kui-review mpaka ikawa vile ilivyo, tukasema

ibadilishwe kidogo. Sasa hii yetu itakuwa kitabu kama hiki, sasa itakuwa kwa Kiswahili na Kiingereza. Kwa hivyo official language inamaanisha ni lugha ya maofisi ya kutumia kwa ofisi.

Hapo number two yake inasema ya kwamba the national language of Kenya is Kiswahili kwa hivyo Kiswahili it is going to be official at the same it will continue to be our national language. May be a certain time will come in future, watu wetu wanaweza kufikiria waseme hebu tufanye Kiswahili official peke yake. Lakini wakati huu tumesema iwe national language pamoja na English. Kama Tanzania Kiswahili is the official language. Ukienda huko Kiswahili, wale wanazungumza lugha zingine, lakini Kiswahili ni official and national. Sasa tunasema tumekubalia mpaka sasa kiwe official na national lakini inaenda na ingine, we cannot change at once, lazima ziende pamoja. All the same inategemea ikienda kwa national conference hawa wajumbe wenu wakienda wakiona ya kwamba iwe official language na waondoe kiingereza hiyo pengine itakuwa mamlaka yao, na unajua Commissioners hawatapiga kura wataachia hao ndio wakubwa kabisa ndio wanaweza kugeuza ama kuongeza kwa hii.

Hata ninyi wenyewe makiona kuna kitu mnalalamika mna kitu mnataka kuondoa au kuongeza, we have given you this one to read for thirty days. Sasa hiyo ni mfano nimewapatia mwingine wa kusoma. We can get another example, (interjection).....

Now twende kwa sehemu ingine ningetaka tuangalie sisi zote, Legislature page 13, this is at the bottom, utaona chapter seven page 13 part one. Legislature ni ile group inafanya sheri, na ya kwanza hapa ni Parliament part one. Establishment of Parliament: there shall be a Parliament of Kenya (I am reading page fourteen on top), we shall consist of the national council and the national assembly. So the Parliament will have two chambers, what we used to call upper house and the lower house, sasa unafikiria ni Commissioners walipendekeza hiyo? Ni wananchi, na hapo nilikuwa nikisoma na ninaweza kuwasomea vile watu wa Igembe walisema vile tuko hapa kuhusu hiyo. Watu wa Igembe nasoma vile watu wa Igembe walisema hapa hapa tuko kuhusu hiyo, kuna mtu alisema, "the Constitution should provide for a bi-cameral Parliament with an upper house of elected Mps with an Upper house," si unaona Igembe ilisema? Sasa mambo ya Igembe na ya wapi 210 of them tuliweka pamoja, and we provided for two chambers of Parliament. Watu hapa walikuwa wakisema iitwe lower house na ingine upper house. Unajua ilikuwa hapa zamani ilikuwa tunaita upper na ingine lower house hata ilikuwa inaitwa senate na ingine inaitwa house of representatives na yote ilikuwa inaitwa National Assembly, lakini sasa unaona vile mpango ilivyo tumechukua maoni ya watu ya watu kwa sababu hata ukisoma hapa huyu ni mtu mmoja amesema hivyo lakini kuna mwingine anasema hivyo hivyo kwa lugha nyingine.

The Constitution should provide for a two chamber of Parliament, yule mwingine alikuwa anaita bi-cameral Parliament. Hiyo ni kimombo ya kuonyesha hata hiyo ni kusema nyumba mbili lakini mwingine straight away there should be a two chamber of Parliament so he has become simpler and this away we have tried also to simplify the language, anasema just the same thing.

The upper house should comprise five members from each of the country's provinces and should be charged with the duty of supervising the President. Hiyo ni maoni tu ya mtu fulani, lakini the main thing is he is recommending two houses. The

Constitution should provide for a two chamber of Parliament. The upper house should have a veto power over the lower house, hiyo ni kazi sasa ya upper house. So the thing is that you recommended that one na mliongea sana, mlipeana hiyo maoni ya 2 houses yameandikwa maoni mengi ya watu tofauti hapa. Sasa hayo maoni tuliyapata kila Constituency katika Kenya and on putting down in brief the actual recommendations that is where we say, depending on what we heard from the people there shall be a Parliament of Kenya which shall consists of two houses the National Council and the National Assembly.

For us we decided to name these houses National Assembly ambayo ni ya house of representatives which we call lower house, na ile ya juu tukasema tuite jina National Council. Hayo ni majina tu hiyo ndiyo wengine wanaita senate kama America ama pahali pengine. Hata Kenya tulipoanza 1963 ilikuwa inaitwa senate sasa tumechukua maoni ya wananchi wanataka two houses but we preferred the name National Council, for the upper house and for the lower house National Assembly. So those two houses make Parliament.

The law of Parliament niliwaambia kwamba hatutasoma hiki kitabu chote lakini nawapatia guideline ya kuweza kusoma kwa njia mzuri by way of launching. Utaangalia for only role of Parliament ile kumbwa sana ni kufanya sheria. Hii upper house pahali pamoja utaona impeachment of President ndio itakuwa inafanyiwa sana. Kama kitu kama approving of international treaties hata hiyo ni Parliament, approving declaration of emergency and war it is also Parliament. Parliament shall protect this Constitution and promote the democratic governors of the republic. So you go through as you continue reading for thirty days, you go through many times there you see the law.

Approval of appointments by Parliament, that is also a very important point, kitu cha muhimu sana kwa Parliament kufanya hiyo kwa sababu (inaudible) haikuwa ina approve hapo mbeleni. Lakini sasa lazima Parliament iidhinisha appointment ama kuchagua wafanyi kazi wa Serikali. Pengine wale wa juu sana kama PS ama tumeona Ministers, Ministers watachaguliwa na Parliament kwa sababu si MPs kulingana na our recommendation, na hii recommendation ilitoka kwenu. Watu walisema hayo kutoka kila Constituency, kwa hivyo approval of Parliament kama ukiendelea kusoma hapa utaona watakuwa wana-approve kama ni Commissions, utaona list ya Commissions judicial service Commission, ethics and intergrate Commission, land and national land Commission, hii ningetaka kuwaeleza ni kitu mpya kabisa na hii tunahusika sana sisi wote wananchi wakulima ama wananchi wa Kenya kwa sababu ya mashamba ndio ya muhimu sana.

National Land Commission, tuliangalia mambo ya mashamba malalamiko yote kutoka coast kutoka wapi Kenya yote na tukaona lazima kuwe na Commission ambayo itaangalia mambo ya mashamba, haikuwako mbeleni. Mbeleni ilikuwa tu inaitwa Commissioner of lands huyo ni mtu mmoja lakini ana ofisi yake one person Commission, na mtu mmoja ana makarani wake wanaweza kufanya mambo mengi mambaya yale wanataka, but this one is going to be a Commission. Yaani itakuwa Commission sasa ya watu wengi na Parliament itaonyesha vile watachaguliwa. Hii Commission ndio itakuwa inasema kitu fulani inapeleka Bunge inasema kama ni mambo ya law, laws za mashamba kama hii inasumbua watu sana inaitwa Cap 283 hii ya consolidation, hii inatoa mtu hapa inapeleka huko katika mlima, majani yake inapotea, kahawa na nini, kama hiyo Commission

hii ita-change kama hiyo.

Laws zingine za kuandikisha mashamba wataona ile mbaya mbaya wa-change. Kwa sababu tuna law nyingi inahusu mashamba mengi sana na hizo zote zitawekwa pengine ziwe kitu kimoja, iwe law kama mbili tatu ya registration na pengine iwekwe ya kuangalia mambo ya mashamba yote. Kwa hivyo hiyo land Commission ni kitu kimoja tumetokea nacho katika Draft hii ya Constitution na tuliambiwa na watu, kuwa na ministries si ministries peke yake lakini Commission. Ministry inakuwako lakini Commission itaingilia ndani ndani zaidi mpaka itekeleze yale mambo watu wanakubali, na hii itachaguliwa haraka sana. yaani Serikali ikianza, wajumbe wakipatikana (inaudible) na nini, kitu cha kwanza ni kuanza Land Commission, Constitutional Commission, kama Public Service Commission, Judicial Commission, yaani watengeneze hizi Commission zote nazo ziendelee na kazi.

Hebu niangalie hapa members of the national council, this is Act 106, elections for the National Council shall be held:

A. For seventy members on the bases of single member constituencies and (inaudible) for women candidates and multinumber Constituency representing provinces and Nairobi. Vile kutakuwa hapa ni kwamba tumekubali constituencies are (inaudible) itakuwa district, the current districts, sasa tuko na 69 districts. Kutoka hii Meru North, Meru Central mpaka South zote ni 69. Kwa hivyo kutakuwa na mmoja mmoja kutoka kwa kila district kwa hiyo house ama National Council. Sasa hawa watakuwa 69 na mmoja atatoka Nairobi kwa sababu Nairobi itachukuliwa kama district kwa yule mpango umepangwa wa devolution of powers, itakuwa kama district sasa wamekuwa ngapi, si seventy? Nao wao wamebaki thirty ili wafanye hundred watakuwa akina mama nao watatoka kwa provinces kila province wanne, na tuna province ngapi? Provinces?

Audience: (inaudible)

Com Ratanya: There are seven na pamoja na Nairobi eight. Sasa seven kila moja itatoka wanne hao ni wangapi kwa mahesabu? Na fanya hesabu ile ya Kerry Francis ya haraka haraka.

Audience: Twenty eight

Com Ratanya: Twenty eight, Nairobi watachaguliwa wawili watakuwa wangapi? Thirty. Sasa ukiunganisha na wale seventy ni wangapi?

Audience: Mia moja.

Com Ratanya: Mia moja yaani watakuwa na one hundred members kwa National Council, hii ambayo mmejua ndio tunaita upper house lakini the official name proposed here is the National Council.

Hebu tuendelee hapa for the purposes of elections under clause one A, Constitution shall be based on districts including

Nairobi. This I have said already you will read there for the purpose of election under one B, (inaudible) as follows four women representing each of the provinces and two women representing Nairobi, I have told you that, nitasoma zaidi. In the elections under clause 3, every voter may vote for only one candidate and the candidates in the case of provincial seats who are among the four top are in the case of Nairobi seats the two candidates shall be elected, hawa wote tunaona sasa wamefanya National Council.

Twende kwa National Assembly, National Assembly ni lower house or house of representatives. Mnajua hawa members wanatoka kwa constituencies, simply kama sasa tuna 210 katika National Assembly, hao wataendelea kuwa 210 namna hiyo mpaka wakati constituencies zitakuwa revised na kutakuwa na process na revision of constituencies in future. This Draft has provided that somewhere, lakini leo tuna 210, kwa hivyo kutakuwa na 210 members of the National Assembly according to our proposal here in this Draft. Tumependekeza kuwe na wengine ninety ambao pia watakuwa kwa National Assembly na hao ninety watawafanya wale wengine wawe 300, kwa hivyo National Assembly, itakuwa 300 members, na National Council 100 members.

Njia ya kuchagua hawa ninety, hawa wanapendekezwa ili wa - represent marginalized groups kama akina mama, disabled na wengine, lakini Parliament wakati mambo hii itanza for implementation kutakuwa na guidelines za kuonyesha vile watachaguliwa.

Ukienda kwa qualifications hakuna maneno mengi sana kwa qualifications hapa ni 108, qualifications and disqualification of members, hapa mtasoma. Mtaona kitu cha muhimu sana ni kuwa mwananchi wa Kenya a citizen of Kenya. You can see other qualifications like attaining the age of 35 in the case of National Council, shall attain the age of 21 in the case of National Assembly. Sasa hapo yote utaangalia na utaona hata disqualifications kama mtu akiwa of unsound mind, akiwa is bankrupt, yaani mtu akiwa bankrupt. Hiyo point ya bankrupt watu wengi wanasema kama kule luhya, lakini sijui hata hapa pengine mtu alisema. Ya kwamba tukifungia hawa watu maskini hawatapata viti hata ikiwa ni kiongozi. Kwa sababu yule mtu anaitwa bankrupt ni yule amekuwa maskini kabisa amefirisika hata hawezi kulipa deni. *Kana tiguu?* Namna hiyo. Sasa kuna watu walikuwa wanauliza, tukiweka hiyo kwa Katiba haitafungia maskini? Kwa sababu yeye amefilisika amekuwa maskini, watu wengi waliuliza hivyo walikuwa wanasema hiyo tusiweke. Lakini wengi nao walikuwa wanasema mtu akiwa ni maskini hata chakula hawezi kupata, hata hawezi kulipa deni huyo hawezi kuongoza. Mnajua hata kwa kienyeji mtu ambaye hana kitu chochote alikuwa kweli anaenda mbele ya watu sana? Yaani (**vernacular**)

Audience: (Inaudible)

Com Ratanya: (**vernacular**) awe na nyumba yake, awe na mali yake, kwa hivyo kama mtu hana chochote hii kwa kiingereza tunaita bankrupt anaweza kuwa kiongozi? Kwa hivyo hata ninyi mnakubaliana ni kheri tuwe namna hiyo, lakini hapo mtazungumza zaidi kama utasema hata bankrupt akubaliwe, pengine utaandika comment zako zitachukuliwa na madam Mbario

na wengine waende wakazungumzie huko Nairobi na halafu wapitishie. Lakini umesema hii ni disqualification moja, kama mtu akiwa bankrupt ama akiwa kuna watu wengine wa kienyeji kuwa bankrupt kabisa maskini sana (**vernacular**) hilo mtu hana nini? Chochote. Zingine mtaendelea muone kuna point nyingine hapo watu walikuwa wanasema sana, (interjection).....

Hii yote utaendelea utaona kama ukiangalia hapa nilikuwa natafuta kwa sababu nimeona ile highlights utasoma mengine, mambo ya disqualifications na qualifications.

Suppose we check number three on page fifteen, a person who is disqualified in terms of Clause 2A, may be a candidate for election as an MP, but if elected may not assume office as an MP until the person has resigned from the office or as with granted leave of absence. This is what we call 2A somewhere here, on page 14 you get 2a down there. A person who is disqualified from being a Member of Parliament, is disqualified if that person owns an active or appointive office in the public other than as an MP. Hii ni kama kusema kwamba kama wewe ni councilor that is an elective post, kweli councilor anaweza kupigania kuwa MP, si atakaa kwa councilor tu kama yeye already ni elected councilor? Yeah hiyo ndiyo inasema namna hiyo. Huwezi ati wewe ni councilor na usikie siku sasa ya kupigia MP naye uende upigiwe na already you have a post, kaa kwa hiyo tu kama ni ile miaka tano ikimalizika, pengine next time ukitaka kuwe MP uwe promoted ni sawa sawa. Lakini when you are holding an electoral post hukubaliwi.

Number B is of unsound mind, hiyo tumeona, bankrupt, he is serving a sentence for Commission of a crime and so on. Hapa number B nasema, somebody should also have been given leave of absence from office. Now kama wewe ni public officer na hujapewa ruhusa, leave of absence kutoka office yako, pale unafanyia kazi you cannot qualify to stand for election, if you are councilor or you don't have the leave of absence from that office. Hii pengine inafungua nafasi ya public officers wengine wale walikuwa wanataka kwenda for election na halafu ukirudi unaona umefutwa kazi. So may be this give us as a provision that you can get leave of absence you try and if you fail you go back, uende unaenda tu kwa kazi yako, lakini ukienda sessions zingine unaona classifications of these laws. Now hiyo nimetaja machache kuhusu Legislature na hiyo ni moja ya organs of Government twende kwa Executive.

On page nineteen, part one principles and structure of National Executive, principles of Executive authority, Act 148 the powers of the Executive to be exercised for the well being and benefit of the people and the republic of Kenya.

Number two, Executive authority assigned to an office bearer in terms of this Constitution;

- A. (inaudible) in that office bearer the power to serve the people rather than the power to rule. Hapo mbeleni watu walikuwa wanasema hawa watawala ama Executives wanachukua amri ati wao ni wa kubwa zaidi but this time we are emphasizing wananchi ndio wakubwa. Wajue kwamba wanatumikia wananchi lakini si kujitumikia wao wenyewe, na lazima wawe wanafuata the rule of law. Tukiangalia hapa shall be exercised in the manner consistent with the purpose and objectives of the Constitution. Kama ni utawala, kusimamia nini, wataangalia na yawe they don't contradict the Constitution, wafuate yale yanatumika kwa Constitution. Tuchukue mfano moja kuna pahali utapata hiyo

recommendation kama sentence ya mbele, ya kifo. Watu walikuwa wanauwawa mtu akiua mwingine ama robbery with violence and so on, lakini kwa hii Katiba ya sasa tumeona si vizuri kuchukua maisha ya mtu asiuwawe huo ni mfano tu. Sasa haya mambo yakienda kwa Executive, kwa execution, yaani to prosecute halafu wapeleke kwa korti, judge na kila kitu, hawawezi kumpa mtu judgement aende ward ama conviction aende auwawe, kwa sababu Constitution imekataa. Kwa hivyo kitu ambacho Constitution imekataa huwezi kukiweka kama sheria ama ku-make decision that way, kwa sababu ambacho hakikubaliani na Constitution is null and void, lazima kikubaliane na kiwe chini ya Katiba. Kwa hivyo hata Executive ama hao watawala wakati wanatawala lazima wajue yote yale wanafanya, wanafanya yako katika Katiba yamekubaliwa na Katiba.

B. Kuna point ingine hapa ya muhimu ambayo pengine hii itakuwa mara ya kwanza kuona kama hii the structure of National Executive. The National Executive of the republic of Kenya comprises of President, Vice President and the Cabinet appointed under Section 151. Ukienda 151, pengine twende hiyo straight away baadaye utasoma authority of the President kazi yake hapa, hebu twende kwa hiyo section 151 at the bottom. The state function of the Parliament, the President shall address the opening of each newly elected Parliament in accordance with the Article 141, shall address a special sitting of Parliament once each year as provided for the article 14. They address Parliament at any other time and may dissolve Parliament only in circumstances contemplated in Chapter 142, hapa ni important ni kitu gani kiko 142, 142 resolution and provision.

1. I am now on page 18, the term of the National Council is four years. Kwa hivyo kama inasemekana ati wakati wa National Council is four years, hata ikiondoka wakati huo ni Katiba itasema miaka imekwisha kwa hivyo si kusema ni kuharibu ama yale ambayo yako kwa Constitution. 142 the President shall appoint any and may in accordance with the Constitution dismiss. The cabinet consists of Prime Minister who shall be the leader of political party, that enjoys the majority support in Parliament subject to the approval of Parliament as provided in article 171. Hii kazi nyingine President anaweza kufuta hawa watu Prime Minister lakini iwe imekuwa approved by Parliament, before it was not like that, lakini lazima iwe imepitia Parliament wame – approve na wameona kweli ni vizuri huyo Prime Minister aende. Pengine they have done the impeachment of the Prime Minister ama njia nyingine with their procedure and they recommend the President for dismissal. Two deputy Prime Ministers nominated by the Prime Minister as provided in Act 125, hii yote utakuwa unaendelea kuangalia.

Lingine nilikuwa nataka tuangalie ni organs. I think we have somewhere the structure, the structure of the devolution of power: Nimeenda kwa hii section kwa sababu ninaona inashirikiana sana na Parliament what we call devolution of power. Now in check this I told you go to the context let us try Chapter 10 Section 213. This will be Act of Parliament after going through, this is the time we are going to have a nice document 213, Chapter 10 Section or Actible 213, devolution of powers, principles and objective on devolution, general principles, kutoka hapo sasa. Kwa hii devolution of power kile kitu nilikuwa nataka mjue ni vile mpango umepangwa wa Serikali sasa kulingana na hii Draft mpya, na kwa sababu ni kitu kipya ningetaka tukiangalie hapa katika page 26.

Devolution of power ni kama kusema yaani power iwe shared kutoka juu ifikie wengine, na mpaka ifikie wananchi kama ni utawala kama ni kuamua mambo. Kwa sababu vile tulivyo sasa mambo yote yanafanywa Nairobi lakini kwa Draft mpya Katiba hii mpya ikitokea kwa njia ile tumepanga, kutakuwa na uwezo kutoka Nairobi utakuja chini chini mpaka wananchi wawe wanahusika kwa mambo mengi, na haya yalikuwa ni maoni ya watu.

Na hapo nataka muangalie on page 19 to page 26, hapo kumeandikwa levels of Government on article 215. powers are devolved to the following levels. Badala ya kuwa na heshima yote, nguvu yote huko Nairobi sasa imekuwa recommended iteremke na hizi ndizo levels on section 215. Kutakuwa na village, location, district and province na halafu kutakuwa na Central Government Nairobi. now hapo inataka muelewe kwamba village hayo maneno si kusema ya kwamba ni village ile tunajua ya watu wawili, watatu, wanne, kutakuwa na sheria kuonyesha interpretation village ni kitu gani. Pengine wakati huo tukifika tutaona village ni kama location inaitwa village kwa sababu hiyo district council inaweza kusema kwa law yake iseme, sisi area yetu tunataka village iwe na watu 5,000 all so ama 6,000 kulingana na area. Kwa hivyo tukitumia jina village si ile tunajua ya hapo nyumbani, wewe na bibi yako hapa, itakuwa ni area kubwa, pengine ni kama location, ama pahali pengine kama division, kulingana na guideline ile itakuja, but the concept is there that it means that the Government is going, it is taking the power to the people, that is an indication of going to the grassroot.

Then up there is the location, location nayo ni juu juu kidogo pengine inaweza kuwa ni divisional level or so. Na ingine ni district sasa hapo ndio nilikuwa nataka muangalie sana kwa sababu power yote kutoka Nairobi inakuja kwa district, na ningetaka tuangalie kwa hii report vile ilieleza hapa on page, yeah we have just a diagram. Wale ambao watakuwa na nafasi ya kuona hii report. The new structure of Government., new structure itakuwa on top the people of Kenya, kwa sababu hii Katiba ni ya watu wa Kenya na uliona Preamble ili ilisema mambo ya watu wa Kenya we read that piece of the Preamble. President atakuwa chini ya watu wa Kenya amechaguliwa na watu wa Kenya aangalie mambo ya Kenya, si yeye mkubwa kushinda watu lakini ni yule mumeweka aangalie mambo ya Kenya. Ndio naona kwa hii diagram the people are on top, then we have the President, then the Vice President katika hii structure. Tena ukienda hapo chini kidogo utaona kuna Prime Minister, chini yake kuna Deputy Prime Ministers wawili watapewa kazi tofauti, na nyingine Ministers tume-recommend kama kumi na watano katika hii Draft na deputy wao watakuwa kumi na watano.

Then hapo ni Parliament, hapo already tumesema ya kwamba Parliament itakuwa na 2 chambers, National Assembly na National Council, na tumeona ni 210 plus 90 for National Assembly, and then 70 from every district and 30 women this should be 100. Kutoka kwa hiyo Serikali sasa hiyo iko juu namna hiyo itatoka moja kwa moja kutoka Nairobi mpaka ifike kwa district. Ile power iko Nairobi pale itarukia, we shall say something about the province. Ile ya muhimu the most important level of devolution is the district, kutoka Nairobi kuja district yetu hapa Nyambene ama North Meru, na hapa sasa kwa District zote iwe kuna council ambayo inaitwa district council. Katika district level kutakuwa district council, hiyo itakuwa Serikali na itakuwa na nguvu zaidi, kwa sababu itakubaliwa hata kufanywe sheria. Kama ni sheria ya kuhusu mashamba, kuhusu nini,

itafanya sheria ambayo itaenda juu mpaka ikubaliwe na National Assembly, na iwe ni sheria kuhusu upande wa Meru north ama kuhusu districts mbili. Mtaona sheria za district hazitakuwa kitu kimoja, upande wa Kisumu wanaweza kufanya sheria ya kuhusu samaki. Ninyi mnasamaki hapa, na hiyo itakuwa sheria mpaka iende juu na mtu akichezea mambo ya samaki pengine anafungwa ama anafanywa kitu fulani.

Lakini hapa kwetu Nyambene pengine tunaweza kuweka sheria ya miraa na hakuna miraa huko Kisumu. Kwa hivyo ukisema mambo ya miraa Kisumu wanakula kula kidogo lakini hiyo haiwezi kuwa sheria important kwao, lakini kwa Meru North, Meru North district council inaweza kufanya sheria ya miraa na iwe sheria. Huo ni mfano nawapatia, sheria kabisa, mpaka iende Parliament na ipite na iende naifanye kazi. Si unaona sasa malalamiko yenu ya miraa ambayo yako hapo mengi sana si unaona yatachukuliwa sawa sawa? It will be very important that one. Wale waliokuwa wamesema ni kama pombe ni kama nini wataona kwamba miraa ni kitu cha muhimu especially Meru North. Huo ni mfano wa kazi ya district. Mambo ya mashamba, mashamba yetu kulingana na vile tulivyo katika Meru North, district council inaweza kufanya sheria kuhusu mashamba ya Meru North, iende mpaka national level iende kwa Land Commission ambaye atakuwa wa nation na iwe ni sheria.

Njia nyingine kama coast tukiona mambo ya mashamba, mashamba ya Meru North si kama mashamba ya Kwale. Nilienda huko Kwale pahali panaitwa Musambweni, wanasema wao mashamba yalichukuliwa 1400 huko wakati wa Vasco Dagama ama watu wengine, Portuguese walipoingia huko wale wanakumbukua ile history tulikuwa tunasoma. Mashamba yakaenda na Waarabu, yakaenda na Portuguese na wengine wakapigana, Waarabu wakatawala, mambo hii inaitwa (inaudible) Waarabu wakawa huko Sultan akawa huko anaendelea nchi yake, Mazrui family ikachukua coast karibu yote. Sasa hawa watu wanaishi kama squatters miaka hiyo yote, karibu miaka elfu moja, yaani 500 or more. Hawa ni tofauti na sisi, sisi tuna macase yetu tofauti, tuna mashamba ya family tuna mashamba ya kununua na hakuna Mwarabu alikuja hapa kuishi, si unaona hata hiyo ni-difference? Kwa hivyo hii sheria ya coast kuhusu mashamba, itakuwa si kama ya Meru North ama Isiolo, ama pahali pengine, lakini kile nilikuwa nataka kukuambia cha muhimu it will be a very important district Government.

Hata Commissioners walikuwa wanasema waite yule mkubwa District governor kwa sababu ya ukubwa wa district kwa sababu atachaguliwa na watu, lakini tukaona jina likae tu district advocator, ama district civil officer na jina litatokea baadaye. Pengine National Conference inaweza kumuita jina na halafu ikiendelea sasa iwe ndio inaisha. Ama iwe ile ile tumependekeza. Hiyo ni level moja ya district, na councilors watakuwa wanatoka kwa locations kama vile wanatoka. Pengine district council inaweza kufanya sheria ya kugawanya hii ma-location tena ama kuweka boundary na Serikali kubwa itakubali.

Na kutoka kwa district sasa inaenda kwa location, again the district council will determine what they want to mean by location. Huwezi kuwa na location ya watu watano ama tuseme village ya watu watano na location ya watu mia mbili lazima wajue ni kiasi gani kulingana na district yao, halafu watumie mapendekezo na yawe katika electoral Commission na kila pahali. Then kutoka hapo village, village nao wataamua boundary ya village ni ipi na iwe coded properly. Sasa mpaka wananchi, the whole idea is taking the Government from Nairobi tu wananchi, this is why we are using the term visiting.

Now province haitakuwa na nguvu ile kubwa sana kama district, ma province yatakuwa ya coordination, just coordinating the district, na tena kuangalia provincial institutions ambazo siko huko kwa hivyo naona power yote ile kubwa ni district level, so we devolve the powers to the district. Some one in 1963 lancast house Constitution gave more powers to the provinces, Government was devolved kutoka central government, then provinces Mnakumbuka tulikuwa na hata members of National Assembly, member wa National Assembly na wa upper house Senate na kulikuwa na members wa Regional Assembly, kama Eastern ilikuwa region, I am talking of that time. Hayo yote yalikuwa amended na mjumbe mmoja wa hapa alikuwa mu-member wa Regional Assembly Joseph Muturia, is he around namjua sababu unajua mimi mzee, najua practically vile watu walichaguliwa? Muturi alikuwa member wa Regional Assembly wakati mfupi tu na upande wa Tigania kulikuwa na mzee mmoja anaitwa (inaudible) na wengine wengi. Kwa hivyo kulikuwa na power katika region wakati huo katika provinces.

Lakini hiyo ilitolewa by amendments of 1966, Constitution ikawa amended ikaondolewa upper house na lower house. Regional Assembly zikaondolewa ikabaki republic, President mmoja hakuna Prime Minister yeyote mpaka sasa hii Constitution ikawa amended mara nyingi nyingi. Ndio inafanya tufanye Constitution ingine. Sasa this time the most important thing is that the province doesn't have a lot of powers now, kwa sababu tuliona na maendeleo ya wakati mrefu district imekuwa kubwa, why don't we bring the power to wananchi through the district? So even that point it has a lot of argument and I hope even the National Conference will go through that one, kwa sababu kuna wengine still wanasema tuwe na majimbo tuende kwa provinces iwe inaitwa jimbo kuna maneno kama hayo yanaendelea. Lakini mambo yakienda kwa National council na yakiendelea tunafikiria kutakuwa mapendekezo pengine yale tumeweka, kwa sababu idea yetu na yale muhimu mlitupatia ni mambo ya Serikali iende kwa wananchi. Kama ni barabara wao wanazungumzia hii barabara yakwenda Kiagoi itengenezwe hii daraja mbali sikuenda Nairobi kuuliza wao wenyewe, wao wanaangalia and this can be done when the Government is here with the people.

Sasa utasoma page 26, I am taking time because this is a very important change a new change which has come. You will read the levels of Government there, village government vile itakuwa, locational Government, district Government and then provincial. We are saying provincial Government here but it will not as powerful as the district one. Yaani kutaonekana ile itakuwa tofauti mtajua baadaye, lakini district ndio itakuwa na nguvu zaidi na ikitokea kulingana na hii Draft, lakini hii Draft hii ikiwa changed kwa sababu hii Draft is not Constitution, lakini proposals ya kutengeneza Constitution, mtazungumzia 30 days mnaweza ku-change.

Delegates of the Conference watazungumzia wanaweza hata kuchege, therefore this one is not final there must be a final Draft which later will go to Parliament. This is just may be a sort of Draft, other Drafts will come after National Conference. Wakati ule tumepewa ni wakati mfupi na tuko karibu kumaliza hapa hivi the next one hour or also, ama thirty minutes or forty minutes or one hour iwe ni nyinyi mnauliza, but in launching this I have tried may be to pick on most important points, most important chapters and even guide you on how to go through this document. You will take 30 days to read this document, to discuss, as

in individuals, in groups, in churches, the individual forums. Then on 28th all these comments will go to the national conference, and these members will also discuss for 30 days before they come to their conclusion, and then the Draft will go to another stage that is Parliament.

If the National conference decides to go for referendum that matter will come to you again, but I hope the National Council will agree and to end the matters there, but they are free because the law provides that they can even refer to referendum. Na mambo mengine ni kwamba kuna maswali hatuwezi kujibu kama Commission sisi tumeendelea kulingana na stage zetu na tumekuwa na Draft Bill ni kusema tumemaliza kazi yetu kuhusu Katiba. Yale yamebaki ni wengine, kwa hivyo huwezi kuuliza Commission mambo yale yatafanywa na wengine, kama National Conference Commission haiwezi kukujibu mambo ya National Conference kwa sababu kuna wajumbe mmechagua, Commissioners hawatakuwa na kura. Sisi tutakuwa huko kupanga viti tu, judges, tu-facilitate kupanga viti na makaratasi sisi na kuketi, hatutapiga kura. So you cannot ask me a question on National Conference may be on clarification but I cannot make that decision, mambo ya kupiga kura yote mambo tumeweka mapendekezo hayo yale mlituambia, kwa hivyo huwezi kuniuliza sasa tutapiga kura lini? Commission haiwezi kujibu wewe hiyo kwa sababu tumefanya nini? Tumemaliza kazi yetu.

Haya mambo ya kupiga kura kesho, kesho kutwa, ama nini ina body ingine itajua hayo hiyo si Commission na tena hata mambo ya kura yenyewe elections and so on kwa hii Cap 3A hatukupewa hiyo mandate. Hatukuambiwa tu-fix siku ya kura mwaka huu, ama nini, hatukupewa hiyo, kama tungepewa hiyo kazi na Parliament tungefanya lakini hatukuambiwa ya kufanya na new Constitution, kufanya na old, kufanya new, hiyo maneno hatukuambiwa sasa hiyo ni maneno itaenda kwa watu wengine. Na wengine wale watakuja immediately after you have read this for thirty days ni National Conference. Halafu kutoka National Conference yaendelee Serikali itajua vile itafanya sisi tumemaliza kazi yetu. Kazi yetu ni ya ukarani sasa tu, kama hii nafanya hapa, ya kueleza kusoma hii na kusema tumeanza.

Ingingine itakuwa kupanga National conference, kuwatafutia nyumba ya kukutana, kuwapangia viti, kuwatafutia makaratasi ma-copies. Kama kutakuwa referendum tutaunganishwa na electoral Commission tutengeneze polling stations, pale mtasema maoni yenu na hiyo nayo ni kazi ya Commission lakini decision making yote vile mlituambia tumeweka wapi? Hapa. So I will give you this time now you just give the feedback nyinyi wenyewe unaweza kuuliza, ukiwa hujui Kingereza hujui Kiswahili, na ukiwa hujui kabisa Kiswahili hata neno moja tutajaribu kutafuta interpretor lakini jaribu kwa Kiswahili at least. Okay sasa hebu tuanze, kama vile nimewaambia machache tungetaka at least ikiwezekana kuwe na maswali machache ambayo inahusu hii ili tumalize muende mkasome, msiwe mka-waste a lot of time. Nitakuwa ninachukua watu watatu watatu and then I respond, twende kwa wengine. Ningauliza akina mama wasilale waulize swali at least. Sasa kwanza mzee huyu, wa pili, pita na watatu hebu tuje hapa, tutaenda kwa wengine. Utakuja kwa sababu tunarecord, utasema majina yako na halafu utauliza, kama ni swali, ama ni comment, ama kama unasema asante sana kwa Commission hata hicho ni kitu cha kusema.

Rev. Justice Mwenda: Asante kwa jina naitwa rev. Justice Mwenda, langu ni kupongeza kazi ya Commission, na hudumu

hapa, mimi ni mchungaji wa kanisa la ki-methodist. Langu ni kuanza kupongeza kazi nzuri ile imefanywa na Commission ya kuangalia masilahi yetu yale ambaye tumetoa maoni na wakatuletea tukaona ni kazi nzuri. Lakini uwoga wangu ulikuwa ya kwamba mmetuambia vile maoni yameenda ya bi-cameral Parliament ambayo tungekuwa na upper house na lower house, na ile upper house itakuwa na wajumbe sabini na akina mama thelathini, sasa swali langu linakuja hawa akina mama, ambao watachaguliwa na kila mkoa ili wasitoke kama kwa district moja, itatumiwa mbinu gani ili wawe wanarepresent the whole province?

Jambo lingine nalo pia, wakati huu tunaendelea tumeweka hapa hivi kwa niaba ya kusema tuna-support Katiba mpya, na umetuambia kwamba sasa kazi yenu ni kama mmemaliza kazi lakini yale yamebakia tu ni ile ya ukarani na kuangalia mambo yanaenda vipi, lakini tukisikia tangazo saa hii ya kwamba Bunge imevunjwa ni Katiba gani itafanya kazi? Ni hii mzee, hii bado kwa sababu hiyo iko katika jukumu lenu. Unaona hii Katiba imetumia pesa nyingi mmetumia wakati mwingi kuja hapa kwa Constituency hii na kuenda sehemu nyingine, mambo hayo yakitokea itaenda vipi sababu vile nimeangalia na vile umetuambia nimeona mengine hapo magumu kwa sababu yanahitaji kuzungumzwa kuangalia vile itakiwa kutekeleza hayo. Kwa hivyo hata ingawa tuna-support na tunasema tuende kwa uchaguzi lazima Rais aweke nini? Kidole baada ya kazi. Sasa swali langu la mwisho ni hili, sasa tukimaliza kazi yote halafu ifikie sasa kwa kiongozi wa nchi aseme sasa maoni yangu hayako hapa na mimi sitaweka sahihi itapotelea mbali au itakuwa aje? Yangu Commissioner ni hayo machache asante? (clapping).

Com Ratanya: Asante sana Rev. Justice Mwenda, nitachukua wa pili na wa tatu halafu nitajaribu kujibu ili msirudie. Pengine kama mwenda ame-cover tusirudie yale lakini nitachukua kwa number two alikuwa Peter Enyauze, Igembe county councilor.

Peter Enyauze: Asante sana chairman wa mkutano wetu sitarudia kwa sababu yale nilikuwa nayo yamemalizwa kwa nguvu na Rev Mwenda kwa sababu nilikuwa nikitaka kujua kama ile Katiba ile ya zamani ikitumika na ile ya sasa itafanywa nini?

Com Ratanya: Sema jina

Mr Peter: Oh jina langu ni Peter Mimi ni kutoka Igembe South West Constituency, sasa kitu ningetaka kujua, kuna ile sisi kama wanachama wa Constituency committee kazi yetu kutoka sasa itakuwa ikiendelea namna gani? Kwa sababu wananchi wanakuja wanatuuliza Katiba inaendelea namna gani namna gani ningetaka wananchi wasikie na sisi tusikie kazi yetu ya Constitutional committee itakuwa nini ili kuendesha mambo ya Katiba mpya hata huko vijijini asante.

Com Ratanya: (inaudible)

Robert Igenjera: Asante sana Bwana Commissioner, jina langu ni councilor Robert Igonjera kutoka Nyambene County council na mimi ni mmoja wa 3Cs katika hii Constituency, kwanza kabisa kabla sijauliza swali ni pongezi kwa ile kazi Commissioner umefanya ingawa kulikuwa na shida ya hapa na pale wamesukemwa, umejaribu kabisa kutuletea hii Draft na we

hoppe you will procede in our National Constitutional conference which you will succeed, kwa hivo Bwana Commissioner swali langu linahusu hii Draft Page 6 number 32 ambaye point yake ni right to live, inasema everybody has right to live and death penalty is abolished, page 6 number 32. Actually I go to the last page, that is where we should complain, the last page, page 47, number 13, death penalty and order out-lawed.

Com Ratanya: (inaudible)

Mr Robert: This is page 47 number 13.

Com Ratanya: (inaudible)

Mr Robert: Article 13, 47, page 47 the last page 13.

Com Ratanya: (inaudible)

Mr Robert: It is along with what (inaudible) in page 6, so death penalty and order outlaws penalty. It contradicts what I have read now and that is why I want you to clarify, number 13 sub section one, every sentence of death passed by the court before the entry into force of this Constitution and which is no longer a subject of an appeal shall on the coming into force of this Constitution be committed to a sentence of life imprisonment now Mr Commissioner my question is which is which now? Here, personally I had submitted this page and written that, everybody has the right to live, death penalty should be abolished instead it should be replaced by life imprisonment. Now on page 6 you say death penalty is abolished on page 47 Article 13 you say it is out-lawed, now I want a simple clarification whether where do we stand? Is it a replaced with life imprisonment of it is completely abolished? Thank you very much.

Com Ratanya: Pengine nitaanza na hii ya mwisho kwa sababu inahusu kujua kuelewa kusoma hiki kitabu. Kwa sababu councilor ametoa hayo kutoka kwa yale ambayo yameandikwa na kusoma hii yenyewe kuelewa wakati mwingine, tumejaribu ku-simplify lakini kuelewa unaweza kuona kashida kidogo na kwa sababu itaandikwa na Swahili kusoma haitakuwa ngumu sana. Baadaye na hata tulipendekeza itawekwa kwa lugha zote zote ambazo tunaongea hata Kimeru, Kikuyu na kila kitu lakini official language ni English na Kiswahili zingine tutakuwa tunasoma ili tuelewe.

Hebu twende hapo huyu councilor ameuliza, the first one was death penalty was abolished that was where? Okay hebu tujaribu kuelewa, hii 32 right to life everyone has right to life the death penalty is abolished. Tulisikia hayo maoni kutoka kwa watu wengi sana na kweli councilor hapa alisema hayo. Recommendation hapa ni kwamba life sentence tunasema iondolewe, hapo tunakubaliana, na si yeye peke yake alisema mkiona ikifika ni Kenya karibu yote ilikuwa inasema, na si wa dini peke yao ni watu wengi.

Now hebu tuende tuone kama kuna contradiction, ilikuwa nini? Page 47, that is Section 13, now hebu muangalie page 46, mkiangalia page 46 kuna 8th schedule mnaona hiyo jina hapo. Niliwaambia Constitution yetu inaishia Article 299. Now haya mengine yote yamebaki tunayaita transitional and consequential provisions na hapo ujaribu kuelewa councilor. Yaani hata

ingawa kuna mambo tutaondoa hayataondoka hivyo hivyo, useme ya kwamba leo tumesema kitu fulani kiondoke na kiondoke. Kutakuwa na njia ile tunaita transition yaani mpangilio utakuwa namna gani. Kwa sababu nilimwambia kwanza hata Katiba mpya ikija tutaendelea na kula tu, tutaendelea na kulima, tutaendelea na mambo yetu, na hakuna panicking kwa hivyo lazima kuwe na transitional arrangements.

Kama tunasema sheria ya kuuu mtu iondoke tujue kwamba kuna mambo mengine tutayaangalia ikiwa tunaendelea iondoke. Ndio unaona section hapa zimegeuka kutoka hapa tunaaza section zingine article unaona ni 13. Hiyo si Article ya Katiba yenyewe lakini ni mpangilio wa transition na tukisoma hapo councilor amesoma 13, every sentence of death passed by the court before the entry into force of this, Constitution and which is no longer the subject of an appeal shall on coming into force of this Constitution be committed to a sentence of life imprisonment.

Kwa hivyo kama kulikuwa na case, hapa tunaambiwa kama kulikuwa ambayo ilikuwa kwa hiyo sheria ambayo tunageuza, tunatoka kwa sheria hiyo kuingia kwa sheria mpya kwa njia gani, na hapa ndio tunasema case ambayo ilikuwa imepitishwa na koti, ilionekana kwa sababu koti ile ilifanywa sawasawa na Constitution inasema death sentence imeondolewa, kwa hivyo huyo mtu akiuwawa si tutavuja Constitution? Kwa hivyo huyo mtu hawezi kuwawa, lakini kwa transition kwa sababu hiyo mambo ilifanyika ndio tukaona, tuka-recommend badala ya kuuwawa iwe life imprisonment lakini ni kwa huyo huyo mtu tu peke yake ambaye alikuwa amefanyiwa nini? Hukumu. Sasa pengine hapo councilor imekuwa wazi kwa hiyo part.

Kwa sababu ni lazima tujue tuta-change kutoka what to new, kwa mfano kama ile tunasema Provincial Administration iondolewe. Unafikiri unachukua kiboko uende uwaondoe leo? Tutaenda pole pole mpaka tuone hakuna mtu ana-lose kazi, pengine anapata hata kazi kubwa zaidi, pengine inakuwa hivi mpaka vile wananchi hawatakuwa na taabu. Kwa hivyo kwa huyu mtu ambaye alihukumiwa kinyonga na hajanyongwa hatapelekwa kwa ile kamba ama kupigwa bunduki risasi, hii ndio Katiba inasema mtu kama huyo na tena hawezi kufanya appeal, kama kuna appeal pengine atafanya appeal na appeal itakuwa dismissed kwa sababu death sentence imekuwa nini? Abolished. Hata akifanya appeal itatupwa lakini hakuna appeal atafanya nikusema mambo yake yalikuwa yameisha sasa twapendekeza aende iwe commuted yaani iwe transferred iwe sasa life sentence na ishie hapo na ni kwa yule alikuwa amefanyiwa hiyo judgement.

Si hii number two the commutation of sentence under one, doesn't affect (inaudible) of any power of clemency or other degree of revision provided for by laws, hiyo si kusamehewa lakini hiyo nikufanyika kwa sababu imekataa nini? Kuuwawa. Number three every sentence for corporal punishment passed before coming into force of this Constitution is limited and it shall not be carried out. Kwa hivyo Draft hii tumependekeza kama ulikuwa umewaambiwa utapigwa viboko kumi, hii sheria ya sasa na hujapigwa hizo viboko, kama ulikuwa umebandikwa viboko tutafanya kitu? Hiyo mambo iliisha lakini kama bado kubandikwa tunasema ya kwamba hayo mambo yaishe yaani uwe free hiyo viboko viende vikatupwe usipigwe viboko. So hapo ningetaka hapo muelewe hii schedule ni schedule of transition yale yote tumesema yameondoka msome hapa muone yatakuwa mabadiliko kwa njia gani.

Transition yenyewe imeanza, which schedule is that one, (interjection).....okay hii nimewaambia muangalie ni hii, nilikuwa naona kama kuna seventh schedule hiyo ilikuwa kitu ingine na CKRC na so on. Lakini schedule ambayo ina hizi transition hii tumesoma ni kutoka page 46, kutoka article one ya hiyo transitional and coincidental provisions. Na hiyo usome vizuri uone vile mambo yanalinganishwa kulingana na Katiba mpya. So hiyo tumemaliza councilor and I think you are satisfied.

Tuende kwa number one, Reverend Justice Mwenda. Aliuliza mambo ya kuchaguliwa kwa akina mama, hawa wengine umetosheka district 69, Nairobi taken as a district is one. There are 70 namna hiyo. Hii thirty unataka iwe distributed equally? Yaani kama ni wale wa province wachaguliwe bila kubagua na kila area inaonekana sawa sawa sindio reverend? Now kwa hii yale mapendekezo tumefanya, we have only given proposals lakini tumeacha regulations ama the necessary law ifanywe na Bunge. We already we have been left out. Kwa hivyo this legislations concerning elections will be revised, some will be revealed, zingine zitaongezwa na zingine zitatolewa for example in the electoral Commission they are now 22, but we are recommending how many? About ten I think is it? Somewhere you read that one when you read electoral Commission kwa hivyo hiyo point yako itaenda kwa registration ya electoral Commission na bunge ndio itafanya constituencies ya hawa akina mama. Kwa sababu kama ni wanne si lazima wafanyiwe Constituency sawa, how many constituencies 4, katika province you count kama ni mahali fulani si permanent constituencies, lakini ni area ile so and so ametoka, na wapili, na watatu, na wanne, na hiyo si mambo ya Commission na hii itakuwa na ile sheria inafanywa na (inaudible)

Yeah Rev. Mwenda alikuwa na nyingine dissolution of Parliament. Now kwa hii nilianza kuwaambia kwamba kazi yetu imeishia hapa tumefanya Draft na tumepeleka pahali pengine Commission haiwezi kuzungumzia juu ya other bodies, kama ni dissolution of Parliament ama nini hiyo ni prerogative ya President. na hioyo hata hatujui so hiyo question sijui na hawa watajua ambao wanahusika na hayo mambo. Kweli si unaona siwezi kujua? Kwa sababu akisema ni leo ama kesho ama kesho kutwa hakuna Commissioner ana nguvu na kila mtu anafanya kazi yake. Kwa hivyo hapo tumalizie hapo na twende kwa Presidential ascent ni prerogative ya President kuweka saina kwa Bill ikiendelea kwa Parliament na mbele ikiwa sheria kama hii, ilikuwa ni kama President aweke sahihi Presidential ascent na hiyo ni juu ni kazi ya President na ile procedure anafanya ni yake na hata hiyo hatuwezi kuangalia. Si sawa sawa? Naona Rev. ametosheka sana.

Then Peter, Constituency committee. Okay ulikuwa unataka kujua kama pengine wewe ni member wa 3Cs, unataka kujua kama kazi yako imekwisha ama utaendelea? Kulingana na vile tunaendelea ninyi mko kama staff wa Commission, na Commission na hiyo si mambo ya Katiba. It is not a Constitutional issue, unaona si Katiba, ama hiyo ni Katiba? Hapana hio ni mipango ya ofisi ya Commission na Commission yenyewe itaamua na mtaelezwa itakuwa namna hiyo?

Twende kwa wengine watatu na yale yameulizwa msirudie ili tumalize launching kwa njia mzuri, hebu niende pande hii this time wawili hapa na mmoja wa upande huu wa kwanza halafu ataendelea, huyu mzee aliinua zamani sana atakuwa wa kwanza, madam na yule mwingine, it is this side two na huyu mmoja, hebu endelea na halafu tutaendelea baadaye (inaudible).

Maingi David: Nashukuru mimi kwa wote walio hapa (**vernacular**) Maingi David. Mimi nauliza mambo mawili. Kama tutaendelea kuteseka juu ya mashamba ya watu wa gishagi wakijaribu kutumia meter kuharibia wengine makao na kurusha makao ya wenyewe? Hiyo ni kitu moja. Jambo la pili, kama mtu atafunguliwa ndani ya nyumba akijaribu kutoka nje kwenda kutafuta kama passport, visa kama hii ataruhusiwa free bila kufungiwa nyumba kama mahabusu na mtu hana makosa? Mimi uchungu mwingi unanijaa katika moyo tangu uhuru ulipokuja kuna watu wanao pahali pa babu yangu na nitaendelea hata miaka milioni na milioni kutetea. Inaruhusiwa kuunda kikundi changu cha kuangamizi umaskini katika Africa maana niliteseka muda wa maisha yangu yote. Katiba ilinirusu mimi kuwa na watu wa kutetea wengine maana mimi na kubali nafanya haki, sio kunyang'anya sio nini mimi nataka kikundi cha chama cha Africa badala ya chama cha wajumbe wale watakuwa kwa kimaendeleo sina mengi saidi ya hayo.

Helen Kirimi: Asante sana Commissioner, hata mimi ninakushukuru sana na ninashukuru office yako yote kwa vile maneno mzuri wamefanya. My question is this, vile umetueleza saa hii ati inaonekana kazi yenu inaendelea kumalizika,

Com Ratanya: Your name?

Mrs Kirimi: My name is Helen kirimi chairlady maendeleo ya wanawake Igembe North division, my question is this, the civic education providers have been doing their work tirelessly and I think there was a promise made they are complaining that they have not been paid fully. They are asking us a lot of questions and also I don't know now what we can do. So as you have said your work is getting finished I don't know whether you are going to say something concerning civic education providers who has been giving the education that is my question thank you.

Jacob Kinoti Mwirichia: I will ask my question when I am here. My names are Jacob Kinoti Mwirichia. On the Draft I thank the Commission for most of the views that we gave, I have seen them entrenched. What I wanted to know from the Commission is, why do we have only these copies written in English, whereas there are people who cannot read and understand this language? I suggest that copies written in Kiswahili should also be availed to the public so that even the old men can read and understand this Draft.

Also I wanted to know something concerning the freedom fighters, in giving our views we also said that the freedom fighters, those people like Dedan Kimathi who fought for this country atleast the Draft Constitution should have something for them and should tell us something these people? within the Commissioners appointed to do this work while going through the papers we have come across some Commissioners who are not supportive to this Draft. We also would want to know more about these people are they still among you or what exactly?

I am raising my personal complaint to the Commission, I think I did a lot of work, the district coordinator on civic education the man next to the Commissioners knows that we did a lot of work especially in Igembe North where I work as a CEP (Civic

Education Provider) yet we were paid very little. We worked for 3 months yet what they managed to give us was just 1,400/= I wonder why? I know that they are dearly paid, the Commissioners are dearly paid why are they so selfish? My question is why are they not considering us? Even when we were at Kangeta I complained to the Commissioners but they told us that they would consider us, I think somebody somewhere has turned to be a thief and has taken our money. We did a lot of work, mobilizing the people to come for that conference was not an easy job, we went tirelessly to the furthest corner this side of Mongene and we were just paid 1400/= which was given in two phases. That was very bad per every sitting that we went we were to be paid 300/= I conducted around 40 but only 1,400/= please the Commissioners, please something should be done.

On provincial administration I have a question also. These people are our children, they are our brothers, they are our relatives, what exactly does the Government have for them in store since they are going home? You have told us in this Constitution that they are going home, what do you have for them in store. You should give us at least what we have for them in store. That is the reality, nobody would like to be a retrenched that is suffering, they have their children to educate, they have their families to feed so the Government should at least, the Commissioners should give us, I think we were not the first people to debate on this, I think also they have their brothers and sisters who are in this life, bearing in mind that these people they are also highly educated since we have people like Dos who are graduates who have degrees from universities, they are not just people like that, they should also be highly considered and highly compensated, with that I say to the Commissioners, thank you.

Com Ratanya: Okay hebu tuanze kuona haya maswali. Maingi Kirigwa anaongea mambo ya mashamba, kama haya macase yataendelea kumalizwa na itaendelea namna gani na hiyo ndiyo taabu yake ile kubwa. Tuna section inaongea mambo ya mashamba na niliwaambia hatutasoma hii yote kwa sababu tumeanza mwende mukasome leo ni launching. Kwa hivyo Kirigwa kuna mambo ambayo yameandikwa hapa na pengine kama pale hutaweza kutafsiriwa na mtu fulani, lakini mambo ya mashamba tumezungumzia na tumefanya mambo ya muhimu. Kwa sababu kuwa na hiyo Commission yenyewe na tena kusema sheria ile mbaya ya mashamba yaondolewe na ma-case yaangaliwe haya yote yameangaliwa kwa hii, kwa hivyo hayo yanaangaliwa sawa sawa, kuangaliwa tu. Utasoma kwa Draft ma-case vile itakuwa kuna ma-case ambayo yataendelea pengine kwa wazee kuna ma-case yanaweza kwa koti zingine na tena kutakuwa na Commission ya mambo ya mashamba, si Commissioner of lands ni Commission inaitwa land Commission yenyewe ambayo pengine utawakilishwa na kila mtu atawakilishwa na mambo yataangaliwa na Parliament ita-change sheria ambazo zinadhurumu watu kuhusu mashamba.

Tena haya mambo unasema ya kushikashikwa na kufungiwa nyumba inaenda kwa hii tunaita haki ya binadamu haki ya mtu. Human rights, katika bill of rights ni haki yako. Haki yako umepewa na Mungu na tumeangalia ya kwamba hiyo haki ya mtu ilindwe, ndio unaona ati hii Katiba mpya inasema hata kifo hio si kitu kizuri kiondolewe. Kwa hivyo ukiangalia kwa Draft yetu tumesema mengi kuhusu kudhulumiwa mtu si kudhulumiwa bure. Kama ukisoma hapa imeandikwa slavery, servitude and forced labour, katika page 7, no person will be held in slavery or servitude. Hakuna mtu atafungiwa ovyo ovyo. No person shall be required to perform forced labour. Zamani watu walikuwa wanasema wanaenda kuchimba mitaro kwa force wanapigwa pigwa, haya mambo yote kwa Katiba mpya yatalindwa kweli kweli. Ndio unaona kuna watu wengine wanasema

wale wanafanya kama mambo ya force ama nini pengine waondolewe wakose kufanya hivyo sheria iwekwe kulinda watu.

Kwa hivyo unasikia bwana Kirirwa hayo mambo yanaangaliwa kwa njia nzuri na hii ndio tunaita haki ya binadamu na tumeandika vizuri, ukisoma hii yote bill of rights kutoka kwa page 6, fundamental rights and freedoms hayo ni mambo ambayo yatalindwa kila mtu awe na haki yote tumeyaeleza tumekuja kwa human dignity freedom hata freedom ya kuomba mtu na freedom na mambo ya disability mambo ya watoto, mambo ya chakula hayo mambo mengi sana bwan Kirigwa yameangaliwa hapa na yanaangaliwa vizuri na new Constitution.

Twende kwa Helen, Helen swali lake si swali ambalo linahusu ile kazi tunayo siku ya leo. So siku ya leo tunafanya mambo ya Draft Bill, it is not a Constitution issue. Point hiyo yako Helen it is not actually a Constitution issue ilikuwa tu ni mpango ule ulifanywa ukifundisha watu kwa hivyo haiko kwa Draft hiyo lakini kwasababu umeuliza ni vizuri ni fafanue kidogo. civic education ilifanywa na payments sikafanywa kulingana na wakati ule na tukamaliza wakati ule, kama tukipata report na tuone ni report (inaudible) ambayo ni ya muhimu na ni report ambayo kweli ni report na ifanyiwe sawa sawa na kuwe na act, kama Commission haitavunja hii amri ya human right na ndio inatengeneza. Kwa sababu kama point hiyo ukilima ama ukifanya nini na usipolipwa vile umeagana hiyo ni haki yako na pengine hiyo itaangaliwa kama kuna ukweli na halafu Commissioner yenyewe itaona kama kuna ukweli na lazima pengine ufanywe kitu kama kuna ukweli, lakini niliwaambiwa siku ya leo si ya kulalamika tumaliza hiyo siku, siku ya leo si ya kupeana maoni na maoni ni haya yamewekwa kwa Draft bill lakini kama kuna malalamiko yataangaliwa kwa njia ingine.

Hiyo nimeanswer hata ya Jacob Kinoti ilikuwa the same question inahusika na the same kama vile Helen alikuwa ameuliza kuhusu civic education ama pesa, hiyo itaangaliwa ikiwa pamoja. Actually I am not taking those complaints because we are dealing on Constitution issues lakini hayo yataangaliwa kwa njia ingine na sikuwa naaaza na kama hiyo siku ya leo.

Ingingine ni Swahili to be available kutoka kwa Jacob niliwaambiwa hata mumeona kwa Draft nilikuwa na waambiwa tena msome hii Draft vizuri, kuna maneno mengine unaweza kuuliza hapa yawe yako hapa ni ndio tulikuwa hatutaki sana hata ku-comment ama kuuliza kwa sababu huwezi mambo ambayo hujui, si yako hapa mimi tu siku ya leo ni kuwapatia na kuona madogo madogo mengine uyasome na uuliza maswali ukiwa unaelewa yale mengine umeuliza yako hapa. Kama Kinoti anasema Swahili should be available, tumesema kwa hii Draft Swahili is official language, si tulisema namna hiyo na tukasema Constitution yenyewe itaandikwa kwa Kiswahili na Kiingereza. Kwa hivyo bwana Jacob hiyo mipango tunafanya tutapata copies zitatoka kwa Kiswahili hata zinaendelea kutengenezwa because that will involve interpretation, imekuwa interpreted na itatoka, itakuwa na copy ya Kiswahili na copy ya Kiingereza, na ikiwezekana tutaandika hata kwa lugha za kienyeji. Hata hiyo inaendelea kuwangaliwa. Constitution haitakuwa kitu cha kuchapishwa siku hizi kama hii, nakwambia ya zamani watu wengi hawajui pale inapatikana to our Government place. Si watu wengi pengine walikuwa wanafika huku lakini hii tunatoa new, itakuwa na njia ya kuonyesha kwamba kila mwananchi atapata kama ni kununua kama ni kusoma kwa library anasoma na kama nikununua kitabu chake ananunua kwa bei sawa sawa na anaweka nyumbani Kiswahili na kingereza na kuendelea.

Kwa hivyo hii haitakuwa inafichafichwa, it will be a public document na hata sasa hii yenyewe ni public. Lakini ilikuwa kama watu hawakujua mambo hii alikuwa anafikiria ati ni Ma- DO peke yao wanaweza kuona ama nini, lakini ni ya kila mtu. Kwa hivyo hii tutahimiza ya kwamba uone kwa Kiswahili imeandikwa naiwe kila pahali. So Bwana Kinoti soma vizuri kule na uone mengine yale unauliza yameangaliwa. Hata mambo ya freedom fighters na mambo ya all discriminations, first read na ukiona kuna maneno haiko hapo, that was the purpose of launchiong, ukiona kama hakuna maneno yako hapa after 30 days utakuwa umesoma hii mpaka umemorize. After thirty days kutoka leo mpaka 27th October utakuwa na comments zako, uandike in writing ije kutokana na coordinator ifikie Commission na ifikie delegates wako wale watakuja mkutano 28th na hayo maneno yatazungumzwa kama kuna any omission kitu kimebaki kitaangaliwa.

Kama kuna kitu kinataka kuondolewa ama kitu fulani kimekuwa recommended hapa na watu wanataka kirudi hio yote itakuwa juu ya national Conference. Kuna wengine hapa, hapa unasema point ati kuna Commissioners ambao hawakuwa wana-support hii si mambo, actually si mambo ya Constitution issue it is not here hiyo ni mambo ya office unajua Commissioners ni kama kamiti na kamiti wakikutana si wanapiga kelele ama wananyamaza through out? Wanapiga kelele, wanaendelea na wakati mwingine watu wanaweza kusema hawasilizani na ni kamati karibu zote kwa hivyo hiyo si maneno ya kuleta kwa wananchi kwa sababu ni ya Commission yenyewe ama ni namna hiyo. Ni Commission yenyewe na inajua vile ilikuwa ama vile itaendelea na ni mambo yanahusu watu wakikutana lazima kuwe na maneno yao katika kamati yao na Commission is not an exeception.

Kwa hii nyingine ya provincial administration ilikuwa point ya Kinoti, point ya Kinoti ya mambo ya provincial administration ukiangalia kwa transition ile nilisema page 46, ukiangalia 46 kwa transitional provisions, yah on page 46 to 47. ukisoma article 7 hapo hapo, provincial adiministration utaona hapa bwana Kinoti on page 46 hapo mwisho section Article 7 and then subsection one. Hayo yote utaangalia uone iko namna gani for transition hii ni kuonyesha vile tutaenda kugeuza mambo ama hapa pahali tumesema provincial administration, administration police kuna wakati nilisema hapa na utasoma utaona hata hiyo haitakuwa vile imekuwa lakini hao watu watakosa kazi? No, they are public servants, hao in schedule of policy watakuwa automatic pengine ni act yao itakuwa repealed Cap 85, na waende kwa Cap 84 which is police. Si hao ni police? Ilikuwa ni maoni ya wanachi hata hapa hapa pengine mlisema.

Katika Kenya watu walisema badala ya kuwa polisi hii mbili mbili kwa nini tusiwe na polisi moja tujue namna gani sasa, Commission itaona itaangalia ikasema polisi iwe moja si namna hiyo? Kwa hivyo hawa ni polisi si kusema kuna mtu atapoteza kazi lakini ukienda kwa transition onn page 46 and 47 hata hiyo pengine utaangalia. Kwa provincial administration ambayo inaanza kutoka sub chief mpaka PC nawe utaangalia vile kutakuwa hakuna mtu atapoteza kazi isipokuwa kama amepitisha umri ya retirement hiyo itakuwa sawa sawa unaona ile yale mambo yanaendelea kwa Judiciary ile group ambayo imefanyiwa recommendation na tumefanya transition yake hata hapa na waeleze maneno hii mnaona hapa. Ndio kutoka kwa judiciary hii mambo inatokea, Judiciary wanakataa kwenda nyumbani wakifika 65, na ni wananchi wa Kenya wamesema, si ndio? Hata

hapa walisema hivyo. Sasa kwa sababu wanakataa wanaenda kortini kushtaki nini? Commission, wanashtaki mimi na hata Helen hata mwingine mwingine kila mtu and when we are wearing this ni solidarity kuonyesha sisi tuna support hii document na tuna-support iendelea mpaka wakati fulani ambao utakuwa mrefu sana iwe law na iwe inaendesha nchi hii.

Kwa hivyo kuna wengine wengi wangeenda kortini lakini nafikiria kuna maana kama wananchi walisema kitu fulani kiwe ama kiondoke, si wengi wangeenda kortini. Kwa hivyo hapo usome ile provision yenyewe na halafu uende kwa transition kama hii ikiondoka itakuwa namna gani na itaondoka namna gani hakuna mtu ataondolewa haraka haraka hivi, mwingine atakaa mwaka moja miwili mitatu. Ile tunajua itakuwa immediate, Katiba mpya ikianza ni kuchagua viongozi. Hiyo itakuwa almost instant kuchagua central Government itakuwa karibu mara moja hiyo. Lakini mengine yataenda pole pole mpaka yawe streamlined, kama mnataka yaende siku moja haiwezekani hata pesa yenyewe itakuwa inategemea ipatikane ku-implement kitu fulani. Lakini Serikali ikiwa hapo ile Serikali watu wamesema iwe na human right ikifunzwa. Mengine tutaendelea pole pole mpaka baada ya mwaka moja mengi yameenda, miaka miwili mengi, miaka mitatu, pengine miaka tano election zingine kuwa yote imekuwa mpya hata amri zingine ziwe sawa sawa.

Kuna ingine hii watu walisema President awe 35 years umri wa chini na 70 years umri wa juu. Hiyo hata ni kisoma hapa mlisema na wengine 35-70. lakini kwa Draft yetu tumesema hivyo hivyo na tukasema wale ambao wako MPs right now they will not affected in the first election ile itafanywa. May be the immediate elections ama ziongene. Those who are MPs lakini baadaye itakuwaje? Itakuwa namna hiyo. Na tena watu wamepitisha miaka mitano miaka kumi, hiyo itaendelea ikitekelezwa. So this one is telling you don't put a lot of questions before you read this thing, it has a lot. Hebu tumalizie hapo sasa tupate ile swali ya Rev. ama Rev awe mwisho ili atufungie kwa maombi, aseme maoni yake na afunge kwa maombi, Nitachukua maswali matatu ya nne itakuwa ya Reverend na halafu atatufungia.

So lets have one, yule hakuliza kabisa, yule na purple hapo, na tena akina mama kuna mwingine? You. Okay mutaenda kwa that order na Reverend na kuna mzee moja atauliza hapa halafu Reverend atufungie kwa maombi. Hatutaki mpoteze wakati wa kusoma hii, hii ndio ya muhimu. Okay hebu endelea and don't repeat yourself ama don't go outside what we are talking about here please.

Moses Karuma: Asante sana, I think I won't repeat anything. My name is Moses Karuma, I was here even the other time you came here to collect our views, and I am here in front of you thanking you so much because of the good piece of work you have managed to do with all the terrible (inaudible) that you have suffered so far. I feel it is our responsibility rather that we should not move from this gathering having not somehow had our sentiments in as far as the problems that you have met are concerned.

I would wish to tell you that we are very much concerned as the people who offered you with the views. And therefore even after this if need be like we are wearing the yellow ribbons and so on and so fourth, the people are in full support of this

Commission. I would like to appeal to our people, those who are here and those who are not even here that they should not lose track of whatever developments are taking place within the Constitution making. We are aware at the end of the day God willing we shall have a new Constitution, and there is the national conference that is going to take place, and this district has already appointed or rather elected its representatives. Those areas which the people feel it should be changed these people are going to carry the message to the convention and eventually we shall have a good Constitution.

However it is good we as the people feel that we should tell you that although you are trying to avoid telling as you know Commissioner ABCD did ABCD, it was in the papers your launching, we know who was presented who and who was not there. And therefore to us those who have failed to support this noble course are traitors, we are not shy to tell you that. Those who are trying to delay this process in the course and they have taken you to court, I think it is not the Commission they are taking to court they are taking us to court, and therefore feel confident that we are in full support of whatever you are doing.

Just a point of information, when we are talking about the bill of rights, I think this is something very important which majority of us do not know. I would wish like we have proposed here that this Constitution it is written in all languages so that people at least know what is being contained in this bill of rights. When we are saying nobody should be killed after you have been sentenced to death, we have a lot of history that those countries which have barred this death sentence have registered very minimal murder crime. So we would also like our community also to be civilized, we also suggested that one.

I didn't want to dwell much on whatever there is, because these Draft Constitution you have given us as a laws and we shall have all the time to read it. However Bwana Commissioner, I would also like to ask you if it is possible, because you have given us this Draft in the form of newspaper, if there were in the form of booklets like the one you gave us last time, then this one can be preserved, because this one will be in leaflet which can fall out and some people may not even have it intact by the end of completion, why don't you spare some coins and have something that will be properly binded and then we can keep it as even covenant ? so I think with that, thank you very much.

Com. Ratanya: Okay lets have somebody else Bwana Karuma.

Chebere: Thank you, firstly before I ask my question, may I also thank you for the noble job that you have done to bring this Draft that you have given us, you and your entire Commissioners. My question is related to the delegates.

Com Ratanya: Your name.

Mr. Chebere: My name isChebere, chairman Kupet those who were fighting of their salaries. My question is related to the delegates who are going to attend the National Constitution Conference. Now we know right now after here probably we are going to be left at the mercy of the delegates and also the 222 MPs who are going to form the national Conference. Here I

am a bit worried because although I have not really gone through the Draft Constitution I am not aware whether this delegates are going to use may be a Clamation, secret balloting, when it comes to contentious issues? That is one of my concerns.

The other one is on the Njuri institution for example when it comes to the Ameru, where do we put this one when it comes to the new Draft Constitution, does it fit in the village Government? Now the other thing is just a comment, on what Reverend talked about the dissolution of Parliament. Right now for example we are not really sure what is your work, assuming that for example today the President dissolves Parliament does it mean that this Constitution comes to an end or are we going may be to have it after another Government? Although you talked about, I mean the same question it was asked by Reverend, we really need some clarification on what is your role as Commissioner of those people who are involved in the Constitution making process thank you.

Com Ratanya: I think you are the third, kuna mmoja hapa, msaidie kutoa swali lake.

Isaac Kariunga: I am Isaac Kariunga representing disability fraternity

Com Ratanya: Your name?

Mr. Isaac: Isaac Kariunga. Yah, I really didn't want to ask a Constitutional question because you said that we are going to write to the national Constitutional Conference which we shall do. But now the contentious issue is here Mr. Commissioner, that as you are conducting these launch, severally you said that, let us look at such and such a page and you very well knew or you didn't know that there is no Draft Constitution in braille you just give me. I was given a short version of it which doesn't really represent the whole Draft which the visually impaired in bed should have so that they can give their views also in all sectors of life in Kenya and not only the disability. What is the stand of the Commission? Can you produce the whole bill in Braille, I am sure it is not very expensive.

Com Ratanya: Pengine tutaacha Reverend atasema machache wakati wa kutufanyia maombi, si ndio? Kwanza utauliza, nikikujibu utupatie maombi ya kufunga. Twende kwa, tuna huyu wa kwanza hapa, the first one here is Moris Karuma. Moris Karuma didn't come out with the direct questions, but he gave comments which we noted, we captured your comments and noted, very good comments you praised the process, you blamed others who might be having different opinions and so on. We have noted all these things and then you also appeal to the public to support the process which we welcome.

The other comment I noted here is about binding of the document, that you would like this document to be properly bound so that to come out us a proper document which we can keep. I think I told you this is a very very raw Draft, very first Draft which will go through the national conference and from there it will go to Parliament, it will go in form of aDraft bill and it will take a different shape. Infact we wanted to have better books than this one, this is just a newspaper, but we found that we didn't

t have time, the time was very short, and this why we decided to buy these ones, just to give people information. So this is not a permanent feature.

With our report although we came out in the newspapers in this form, and some of you bought papers, we had this one short version so we managed to bring this, but you know the secretariat is working on that one we shall have copies of braille, this is being done as I told you even the Kiswahili copies are being translated we shall come out with those. So (inaudible) that one is being taken care of.

The other one is hii ya Chebere has got a problem here with the delegates voting this was a point I was very ready to comment because others were just comments, I captured this. For us we have approved secret ballots because we have got regulations which will be gazzeted I don't know whether this, have they taken to press? The resolution form? Have they have been degazzeted already? Yah there is the process of gazzeting regulations which will be followed by the national conference. The mode of voting but I know we are very much on secret ballot they might propose also division like what happens in Parliament but what they are putting emphasis is secret ballot. Yeah even voting boxes, this is what I hear from a programme officer here, he is a member of the secretariat a very senior member there and they are working on those. The decisions we made, are implemented in their offices by them. So he tells the Parliament.

I think I answered this question, it is not our prerogative to know or even discuss about the dissolution of Parliament, I told you our work more less ended by produce this Draft. We have proposed the new Constitution which will come to be recommended by national council to be enacted later to become law. So it is not actually our law to go into matters which are may be administrative and other people are supposed to do. Like election that will be the electoral Commission and also the Executive it is not our work. I think I told you that one it is the work of somebody else and we cannot comment on prerogative of other people or other bodies.

The law of Commission in that one I don't think whether there is any law of the Commission in dictating or saying anything may be elections tomorrow or next year or whatever, we have no law there but our Draft can guide the people. We cannot also forget what we have heard from the people, almost everywhere we have gone people want us to go election with the new Constitution but we don't have that mandate to enforce, because it is not even given as our mandate in this Act, Cap 3A, 3A laws of Kenya, we were not given that mandate by you people of Kenya we are within out mandate. Our last mandate as per now, we have done the collection we have collated and we have produced a Draft Constitution. other mandate is to plan for delegate conference which will also adopt this or through this away, you see and later will be the Parliament .

Finally the consent by the President, there is somebody I think she asked that one. The consent it is up to the President now to do his work it is not also our prerogative. Okay now we go to the last person as we agreed you ask your two questions or three and then we will give you time to close the meeting with prayers after the coordinator has said a point and also our

programme officer.

John Ogachi Mogani: Asanate nashukuru kwa Draft naona hapa tulichangia tukazunguka na tukafanya kazi ngumu, tumeona mwananchi kama mimi pamoja na wenzangu imetokea. Mimi kwangu kuna malalamiko katika corruption, nikiangalia corruption haitakwisha hata tangu wakati wa mbele mpaka sasa haikwishi, lakini kuna kitu kimoja mimi naona ya kwamba kama ingeliwezekana,

Com Ratanya: Jina lako?

John Ogachi Mogani: Jina langu naitwa John Ogachi Mogani, archibishop wa kanisa la apostolic church. Mimi kile kitu kikubwa sana kinaweza mawazo yangu ni corruption na kwa kupitia corruption hii mini naona kama wewe mwenyewe wakati mlitengeneza Commission katika upande wewe uliko ninaona mko na Reverend Kariuki Commission anatuwakilisha pale. Na sisi pia tunapaswa kuwa katika Parliamentary, ingelikuwa na kikudi kimoja kama wana na wale kikudi cha (inaudible) tuwe na kikudi cha kanisa kama ma-archi-bishop wanaosimamia juu. Serikali pia naona ya kwamba ingelitusaidia kutoka pale juu kuteremka mpaka hapa district council naye tuwe na kikudi kinao kwenda pale ndiposa najua ya kwamba tutakuwa labda wengine wataogopa huyu reverend ako pale hii kitu haitakuwa corruption, yaani haitakuwa na mambo ya kichini kichini. Kwa sababu kuna mtu wa Mungu pale, lakini kwa sababu mtu wa Mungu hayuko ndiposa unaona ya kwamba hapa hata msema corruption ama tuwe na human rights hii sioni ya kwamba itaisha. Haitakwisha kwa sababu hapa vile tulipo watu wa Mungu hawahusiki. Kungekuwa na kila kanisa hata kama Islamic ako pale, Hindus Iko pale na ninaona Serikali ikiendelea pale ya kwamba itaona huyu hajapitisha hata kama kuna mbunge ama MP ako pale lakini kama mtu wa Mungu hayuko pale mimi ninaona ya kwamba kutakuwana shida hapo sijui, Commissioner utatuelezea hapo.

Ya pili ni juu ya mashamba. Mzee alisema juu ya mashamba, kuna ile Cap inajulikana 283, inasemekana kusonga kusonga. Na ukiangalia upande ya Igembe na uende upande mwingine Ntonyiri na kwingine Tigania East na Tigani west, pale tumefanya, ukiangalia malalamiko makubwa yalikuwa ni hiyo kusonga kusonga. Hata ukiona kwa macase mengi inatokana na kusonga kusonga kwa hiyo Cap 283, tulisema iwe abolished, halafu tukaomba tupewe 281 na 284 na nikiangalia katika Draft ninaona kuna 281 lakini 284 hakuna. Nimeona hapa chini kwa hii inaitwa Article 234 pale chini kabisa A, ukisoma hapo chini utaona pale inasema any land held with free hold tenure and registered under the registration of title Act Cap 281. Niliona pale and the land title Act Cap 282. Sasa vile tulikuwa tunauliza naomba kama tungepewa 284 kwa sababu mtu mahali aliko asiondolewe kabisa, maanake 284 mtu anakaa pale permanent lakini 283 inakuwa ni inasongeza songeza mtu anahamishwa kuhamishwa, hiyo ninaona sina mengi kwa sababu, ninaomba kikudu ingewezeke mtupatie kikudi moja moja hata kama district tuwe na kikundi moja tuwe ni Reverend kutoka kwa Methodist na mwingine na wengine naona mambo itakuwa inaenda straight wale waizi wataogopa. Mbarikiwe.

Com Ratanya: Okay hata kwa Archi-bishop John mambo mengi umeweka kama comments na umeshukuru kazi ambayo

imefanywa na Commission, na hapo tumeshukuru na mambo umezungumzia sana ni hayo ya corruption. Hapo unapendekeza kama watu wa dini wakiwa wako, hakutakuwa na corruption. Hiyo siwezi kujua sana lakini pengine unajua lazima vile unaamini uweke ni sawa. Lakini ningetaka kukuambia hayo mambo ya corruption tumeingilia sana na tumeona katika Katiba vile yataingia ili corruption ya aina yoyote iondoke. Na ukiangalia page 35, 36 hapo ya hii Draft yetu utaona leadership. Leadership unintergratey hiyo yote inaeleza haya mambo yote kiongozi lazima awe nayo. Uongozi ufanywe ili kitu kama hiki unasema corruption kiishe. Hapo utaendelea utasoma mpaka utaona Commission imefanya mambo mengi hata ika-recommend kuwe na ethics and integrity Commission, na hiyo ndiyo itakuwa inasimamia mambo mengi ya human right, mambo ya, ukisoma saidi utaona tume-recommend public protector ambao hapa hapa watu walisema, wakasema tuwe na ombudsman, ombudsman ni yule mtu unapeleka malalamiko yako. Hiyo ni jina ambayo ni ya kigeni pengine kutoka kwa Italian word, lakini tulisema aitwe peoples protector. Na hiyo peoples protector itachukua chini ya ethics and integrity Commission and you get all those things in 34, 35 na ukiangalia hapo Arch-bishop mambo yako yote yatajibiwa hapo na utaona the way we handle that corruption.

Ukiangalia kwa human rights, bill of rights na human rights na freedom and fundamental rights and so on, freedom of expression, freedom of religion utaona kila mtu amepewa nafasi yake ya kuomba vile anataka. Na hapa tunasema, tukisema religion tunajua broadly what we mean by religion ni kila mtu anjua Mungu na yule hajui Mungu anaomba njia ingine lakini mtu apewe nafasi yake. hata ingawa huenda kanisani unaenda kusomea chini ya mti kwa mugumo ama kwa swamps hiyo ni dini yako and that is your human right, hiyo ni right ambayo umepewa na Mungu kwa sababu si watu wote wamebatizwa, si watu wote wako Muslim. Yeyote ambaye anaomba Mungu tunaomba Mungu mmoja hata huyo mtu usimamishe ama usimpige, ukiona mtu anaomba alikuwa ana keti na hakuna sheria anavunja, kweli huyu mtu apigwe bure hata ingawa haendi kwa building, ikiwa anaombea njiani na anaona aombe kwa njia ile anataka hata huyu anaomba Mungu. Kwa hivyo hiyo yote ni freedom of expression, freedom of worship kuomba na ile njia yoyote unataka.

Tena kwa representation, Arch-Bishop hapa unasema, unasema hata kwa Commission mna bishop Kariuki ambao anawakilisha upande huo na hiyo ni sawa sawa. Wakati wa Commission walikuwa wanaangalia corner corner na si corner zaidi, ni experience, experience zaidi, kama ni experience ya law tuna lawyers 16 other people are from public affairs public works katika public service, may be education, yoyote, kama Kariuki experience ya dini. Kwa hivyo hiyo ni juu ya wale wanaangalia uchaguzi na hii inaitwa ethics and integrity Commission ndio itakuwa inachagua Commissions nyingi. Kama public Commission itakuwa integrity, ethics integrity Commission itakuwa inaangalia yule anaenda kwa public service the Commission itakuwa inaangalia yule anaenda kwa public service ni mtu ambaye anafuatwa yale yanapendekezwa. Awe ni a person of integrity. Kama ni group fulani ukiona mtu wa dini, si mtu wa dini yeyote ambaye anaweza kumaliza corruption kuna wengine hata more corrupt pengine wana rape nini, mambo mengi sana. lakini wengi sana ni wazuri na kunaangaliwa wa aina hiyo si namna hiyo pastor? Kwa hivyo hata hii itaangaliwa na hii Commission. Na guideline itapeanwa baadaye. Tutakuwa na regulations ambao zitatengenezwa na bunge and guideline to you know how to conduct such election

You have mentioned about 283, hapa tumerecommend , Commission inaitwa land Commission na hiyo tumesema kwamba the

laws zote ambazo sinaharibu ambazo sinaharibu mambo ya mashamba. Not only Cap 283 that is a very notorious one. Because almost everybody in the country has mentioned that hiyo ndiyo mbaya hata saidi. Hiyo 283, wengi walisema iwe abolished na hata sisi tumesema namna hiyo lakioni si hiyo peke yake, itakuwa re-organisation of the management of natural resources, environment and also land. yote yatatengenezwa kulingana na Katiba mpya na ukisoma hii Draft yetu utaona haya yote pengine mnauliza yako ndani na yamejibiwa pahali pengine. But where you cannot get all these things answered or may be if there's an omission make your comments and then this will find their way to the national conference from 28th October. Sasa hapo Pastor maswali yako yamekwisha lakini utatuongoza kwa kufunga baadaye na I would like now to call our programme officer to say something may be inform of greeting you but before that we hear something from your coordinator here. After him we shall go to the archi-bishop for the final prayer.

George Kimathi: okay thank you so much Commissioner I am responding to a question whereby from the saves, you have heard that gentleman say that somebody is a thief may be he is stealing their money but I want to clearly put it in front of the Commissioner and the programme officers that the last money, the last bunch after the save was in me, and that was 40,000/=. And this 40,000/= was for mobilization and it was supposed to be used the 3Cs members, the saves and my office for mobilization and you know the CEP, we have around 15 groups in Igembe. We have ten committee members and some of these groups serve as many as 30 members.

I don't know if you are given this money yourself, you share that amount between these groups the CCC members, to produce copies of posters, you have a vehicle for mobilization and so on. I know there is a problem here in Igembe and Ntonyiri whereby you think I pay Tigania money but I am pleased I have CCC member here Chokera Kahura he is assisting in Tigania East. And he can bear me witness that the last money I also paid Tigania money was verified and everywhere in the country, that was the last time the coordinators received this money. So what you see say to the concrete reason and if you think may be I have used your money, write to the secretary tell him that I have swallowed your money in launching investigations. But I am very bitter when you say may be I have used your money, I don't have any money for the same. I am just an intermediary, I just receive money I give it where it is supposed to be given. So if you have not received the money what can I give you? Simply I don't have that money unless it comes on the way.

I made a report on all your claims, there was a time I asked the groups that you are claiming, I made a report I submitted it to the secretary and so far I have not received any money. The programme officer know it I don't have that money. So that is all. The 3Cs members would be meeting next week but one, so I will communicate to you. The other issue is that I would just like to comment that we have the Draft report in our offices, we have the (inaudible) report from all the constituencies although the copies are not enough you can find them in my office so if you want to look at them you can come there.

The other thing is on the Draft bill we also have some copies remaining in the office and in this case as the Commissioner has said, is that we should read the Draft bill all of it. Because all the articles in the Draft bill they are inter-related, you cannot just

read one chapter and make a conclusion, we have to read from Article 1 to Article 299 because you might read article one this day and the other Article says but, it changes everything. So it is good we read everything. We have the delegates here who will be going to the conference, we have Beatrice here she is here she is one of the delegate and if you have anything else to add you can present your views to our offices. Otherwise thank you for coming and the contribution.

Com Ratanya: Okay nashukuru Bwana coordinator hebu Programme Officer Bwana Anampio aseme machache halafu tuendelee na kufunga.

Mr. Anampio: Thank you very much Commissioner, I would like to say thank you very much, and *wegembe* because we have come we have seen the interest which you have in the Draft Constitution which has just been published and I hope you will read it. Make your comments either directly to the headquarters or give your comments to the district coordinator so that he can forward it to the head office. You don't have to go through him, you are free as a group of people or as an individual to make comments which reflect on the matters in this Draft Constitution.

I would also emphasise we didn't not come here to enquire into CCC and how the funds have been utilized, but I do feel that it is unfair to attack or to level criticism to the district coordinator unless you can come up with substantive evidence, so that it can be investigated the funding, use of the funds. We have not received any such complaints with regard to the district coordinator in Igembe although in other areas we have received some complaints but we would like to have definite complaints if there are any. If there are none, please keep your peace as Reverend would say rather than make accusation which cannot be substantiated. We have every confidence in the district coordinator as far as we are concerned so far things have gone well.

I want to touch on a question or a comment that was raised that you people are putting your selves at the mercy of the MPs at the National Conference that is not so. Representation and the national conference there will be 210 MPs each for each Constituency. Then you have 210 representatives from the district and you have three from your district here. The MPs are in effect a minority when you take into account women representatives, religious leaders, organizational representatives, women, people with disability, their representation and so on. What is most important is that your representatives understand your views and they are able to articulate those and also spread them around the conference.

The conference is going to be 30 days and it will not be just a classroom where you sit down and listen. It will be broken into working groups where issues can be discussed and all that organization it will enable people to really represent and approve things which are of benefit to the Kenyans. Yes you expect the Mps perhaps to say they don't want to be recalled even if they don't perform even the time they are MPs. At times there will also be other bodies, people, delegates who will may be have a different view, and not all the MPs have identical views on everything, so we are not at the mercy of the MPs It will be a conference of Kenyans representative all over working together for up to 30 days, it could be sooner it could be later. So I have no fears personally as to the misuse by any particular group at the conference they will have to convince the others to vote

in support. So Mr Commissioner that was all I really had to say but we encourage you to read and discuss the issues and write if there was (inaudible) which you want to articulate or which you don't like in the act. Thank you very much and God bless you all.

Com Ratanya: Thank you very much Anampio Programme Officer and thank you for making a summary of what you have been doing here since ten. We were mandated to be with you about two hours and we added that. We would like to give to the coordinator may be he has something to say and then we go to the next stage and that is to close our session.

George Kimathi: Okay I just want to remind the 3Cs that I will meet them briefly after this and then I will call upon Mr. Nchebere Karoti to give us the vote of thanks.

Mr. Nchebere: I thank you once again the Commissioners, the coordinator for the good work that you are doing for all Kenyans, and it is our hope that this noble job that you have done it is not going into waste. It is for the betterment of all Kenyans and for the prosperity of the people of Kenya. We really thank you for the good work that you have done. I also take this opportunity to thank the people of Igembe particularly those people who have shown up here today in this dissemination of the Draft report. I thank you sincerely because you are the people, who are driving this country forward and without your support, the Commissioners cannot really go further or anywhere with this report. That is why as we stand here today, as we congregate here today this is our work, it is for our betterment it is for the betterment of our future, it is for the betterment of our prosperity, and everybody who cares about Kenya.

Thank you for this good work that you are doing, and may I also appeal to the people in this district particularly, the people of Igembe to support this Constitution so that at least we may not drive our country to the dogs, as we have done with the current Constitution. Thank you, thank you very much for attending this session, and I thank you the Commissioner and the district coordinator for this wonderful time we had. Thank you very much. May we clap for ourselves for doing this good work, one, two, three, papapa, thank you (clapping) asante.

George Kimathi: Okay thank you so much Mr. Nchebere, one more announcement is that we in will be Ntonyiri rally multi-purpose hall on Friday 11th, in Mikinduri we will be there on 14th next week, and finally will be at Kianjai polytechnic on 15th. If you didn't make it may be or if you have colleagues you can remind them of that.

Com Ratanya: Finally I would like to thank all those who have been with us since 10, and that is the time we have our sessions everywhere. Our main work was to launch the Draft bill, we have done that one, and we have just given you to go ahead and read the Draft and debate it for thirty days, before the meeting in Nairobi starts, that will be the National Constitutional conference. At this juncture I would like to take this opportunity to close this session, the meeting of the Constitution of Kenya Review Commission at Igembe Constituency officially closed thank you.

Bishop Ogachi: Na tunaenda kuomba,

Com Ratanya: (inaudible)

Bishop John: Hebu tujitayarishe, natufunge macho. Asante Baba Mfalme uketie mahali pako pa siri, ni siku njema uliandaa mbele zetu. Tazama Baba umemleta Commissioner kutoka njia hiyo yote ndefu kutoka Nairobi mpaka mahali hapa, kwa ajili ya nchi yetu. Baba ni asante na upokee sifa na utukufu. Baba tazama kazi walijitolea kwa ajili ya sisi, Baba tazama nchi yetu ya Kenya jinsi ilivyo kuwa. Sasa tunajua ya kuwa Baba bila wewe Baba Muumba mbingu na nchi hatutaweza. Baba kwa mapenzi yako tazama sisi wote tuko mahali hapa, na tangu walipoanza saa mne mpaka sasa hivi, Baba umekuwa pamoja nasi na tunashukuru.

Baba ni asante na hayo na mengine inayobakia tunayaacha yote mikononi mwako. Pia Baba tunakuomba ikiwa Baba mikononi mwako sasa hivi unapoandaa kiongozi wa nchi yetu ya Kenya, Baba tunaomba nchi yetu ya Kenya. Kwa wakati huu na tunaiweka mikononi mwako, kutoka kiongozi pale juu mpaka hapa chini tulipo. Tunakuomba Baba usimamie ili kusudi tukapate kiongozi atakapoongoza kwa mapenzi yako. Pia baba katika Constitution ama Katiba tuliyokuwa tumeitengeza, tumeona kuwa Baba Commission ametengeneza kwa mapenzi yaliyoonekana kwa mwananchi, aliipendekeza na imekuwa hivyo hivyo.

Baba ipate kupita ikapate kusimamia nchi yetu. Pia tunakuomba Baba uhusike kwa yote tunayaweka mikononi mwako tunapoachana. Baba tazama wengine waliotoka na njia mbali, kuwa kiongozi katika magari, walinde uwaongoze katika njia zote. Mpaka manyumbani pia baba ongoza. Tunaomba Commissioner azidi kukamilisha kazi yake, na sisi pia unapotuweka tunashukuru, na kanisa lote lisimame likiomba kwa ajili ya nchi yetu. Tunaomba haya machache na kuamini katika jina lililo juu ya majina yote jina la Bwana Yesu Kristo Mfalme tunaomba tukiwa tumeamini.

Amen!

Meeting ended at 2.00 p.m.

&&&&&&&&&&&&&&&&&&&&&&&&&&&&&