

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report Of

**DISSEMINATION OF REPORT AND DRAFT BILL, KIBWEZI
CONSTITUENCY, HELD AT KIBWEZI PCEA CHURCH**

ON

14TH OCTOBER 2002

**DISSEMINATION OF REPORT AND DRAFT BILL, KIBWEZI CONSTITUENCY HELD AT KIBWEZI
PCEA CHURCH ON 14TH OCTOBER 2002**

Present

1. Com. Abida Ali Aroni

Secretariat in Attendance

1. Collins Mukewa - Programme Officer
2. Susan Mutile - Verbatim Recorder
3. Sammy Kiteng'u - District Coordinator

3Cs Members

1. Christine Muteti
2. Kaka

Meeting started at 11.10 am with Com. Abida Ali in the chair.

Sammy Kiteng'u: Nienda ukukethia na kikamba ndiasya mwi aseo.

Audience: Ii twi aseo

Sammy Kiteng'u: Ii ni muvea muno nundu wa kuvika kunenanisya Katiba kaitu. Before we begin this session, I would like to ask for somebody to pray for us, there was a Revered somewhere.

Rev. Philip Muthoka: Tuombe: Tunakushukuru Baba wetu wa mbinguni, tunasema asante kwa kutuweka pamoja asubui ya

leo ili Bwana tukaweze kujadiliana juu ya Katiba yetu ambayo sisi wenyewe ndio tulitoa maoni. Na Mungu pia tunakushukuru kwa kuleta wageni wetu kutoka mahali walipotoka. Na sasa Bwana tuko pamoja mahali hapa, tukikuomba ili Bwana ukatusaidie maana hata wakati mwingine lugha hatutaelewa, lakini wewe Mungu utaweza kutusaidia ili tujue yale ambayo tunapaswa kuyajua. Tunaomba usaidizi wa Roho wako Mtakatifu, tunaomba usaidizi wako mwenyewe Mungu wetu, hebu ukaanze pamoja nasi, uendelee pamoja nasi. Utupe amani, utupe utulivu, utupe hata kushirikiana katika mazungumzo yetu. Mungu tunaomba kwa ajili ya wale ambao wamekuja kutufunza, ili nao Bwana ukaweze kuwaogonza na zaidi ya yote tukimaliza kila jambo tutakushukuru na kusema asante. Hebu Mungu uwe nasi na ni katika jina la Yesu tunaomba na kuamini. Amen.

Sammy Kiteng'u: Asante sana. Tukiendelea ningependa kuwajulisha wale watu wamesaidia sana kufanikisha siku hii ya leo. Na nitaanza na 3Cs wale wako hapa. Tukianza na Christine Muteti atainua tu mkono, you wave them. That is Christine Muteti. Tuko na mwengine Richard Muindi, asante na kuna wale watu walikuwa wanashughulika na masomo, yaani civic education providers. Tuko na Geroge Mulei, asante, kuna Pastor Leonard, asante sana. Kuna Reverend Philip M. Muthoka, asante sana na Elijah Kimailu, okay. Pia I would like to recognize Councillor Kalembe, asante sana. Kwa jina mimi ninaitwa Sammy Kiteng'u I am the district coordinator Constitution of Kenya Review Commission. Na tukiendelea ningetaka ku-introduce mwenyekiti wa leo kwa haya mazungumzo, naye ni the Vice Chairperson wa Katiba ya Kenya, Mrs. Abida Ali Aroni na ningependa kumpatia nafasi hii tupate kuendelea, asante.

Com. Abida Ali: Hamjambo

Audience: Hatujambo

Com. Abida Ali: Ningependa kuwararibisha tena sana kwenye hiki kikao, nafikiri tumefurahi sana kwa sababu tangu tulipoanza kazi yetu na hii ni wiki yetu ya pili hatujapata watu wengi kana tulivyo pata watu hapa kwenu Kibwezi. Tunawashukuru sana na kuwapongeza kwa vile mmejitokeza kwa wingi, ili kuja kushirikiana na sisi katika mazungumzo ya leo. Kama mlivyo ambiwa mimi naitwa Abida Ali Aroni baina ya wanaoshikilia kiti cha makamu wa mwenyekiti wa Tume. Na kwa siku ya leo nimekuja na Programme Officer ambaye ni Collins Mukewa ambaye atanisaidia katika kazi hii na nimekuja na mtu atakayekuwa ananasa sauti zenu, ambaye anaitwa Susan Mutile. Nadhania kwa vile saa zinakwenda sana ingekuwa bora tukianza program ya siku ya leo. Kwanza kabisa inatupasa tuwaeleze madhumuni ya mkutano huu wa leo, halafu kisha niwaeleze kwa kifupi sana njia ambayo tumetumia ili hatimaye kupata draft Constitution. Halafu ninatakiwa kuwapitisha katika hiyo draft Constitution kwa kifupi zaidi kwa sababu kama ni document ambayo ina mambo mengi na siwezi kuxungumzia kwa kirefu, nitawapitisha tu kwa kifupi ili mkiwa mna maswali mtaweza kuniuliza niweze kufafanua zaidi na tuwawache mkizidi kusoma, ili muweze kuwatuma wakilishi wenu watakao kuja katika Kikao cha Kitaifa. Kuleta points ambazo mnadhina ni muhimu ili tuweze kurekebisha hiyo draft ambayo ni ya kwanza, tupate Katiba itakayo tufaa kama wananchi kwa siku zijazo.

Kwa hivyo madhumuni yetu ya kufika hapa leo, ni kuwaletea hizo nakala mwanzo ingawa tulizichapisha katika gazeti tuliona pengine wengi hawafikiwi na magazeti na ikatubidi tuwaletee. Lakini tungetaka kama nilivyo sema kujadiliana nanyi kwa kifupi ili tukiondoka mpate nafasi katika wiki moja au nusu zinazobaki, kusoma, kujadiliana na kuona mambo kama ni sasa ama mngetaka kubadilisha na hapo mtaweza kutueza kama Tume na hata kuwatumia wawakilishi wenu watatu ambao mtajulishwa baadaya na Bwana coordinator. Sasa kabla hatuja- andika hiyo nakala kama mnavyo jua tulifika hapa na mimi nilikuwa katika kikundi ambacho kilikuja sehemu hii yenu kuchukua maoni na tukazunguka kote nchini Kenya kwa zaidi ya miezi saba kuchukua maoni ya wananchi tofauti. Na hatimaye baada ya kumaliza, tukawa tumeandika makarani ambao waliweza kuchambua maoni ambayo tuliyapata kutoka sehemu zote za Kenya. Na kwa upande wetu kama wanatume tukawa pia tumejadiliana na wataalamu tofauti wa hapa nchini na wengine ambao walitoka ng'ambo, kuhusu mambo tofauti ambayo mlipendekeza na mambo ambayo tumeona yakifanyika sehemu zingine na tukaweza kutoa ripoti ambayo iliangalia maoni yenu na pia mazungumzo ambayo tuliyapata katika washa tofauti tulipozungumza na kujadiliana na hao wataalamu.

Baada ya kuandika hiyo ripoti tuliweza kutafsiri mambo yaliyokuwa katika ripoti na maoni yenu na tukaweza kujadiliana kama wanatume na hatimaye tukaandika hiyo draft Constitution. Na kwa sababu ninatarajia maswali mengi kutoka hapa kwenu ningependa kuwaeleza hivi, kwamba wakati ambapo kunaandika hiyo draft Constitution na wakati wowote ambapo tunakutana kama wanatume tuna njia tatu ambazo kisheria zinatupasa kufuata kabla ya kupata uamuzi wa jambo lolote ambalo pengine ni ligumu. Kwanza kabisa huwa tuna nafasi ya kukumbaliana kwa kauli moja.

Pili, uwa kuna nafasi ya kuweza kuwa na mijadala na kujaribu kuwa tuna-convince ama kushawishi ambao hawana maoni ambayo yanalingana na watu wengi na hapo tukaona kama watu wengi wamekubali tukawa tunapata kitu ambacho tunakiita kwa Kiingereza consensus.

Tatu, ikiwa hatukukubaliana uwa tunapiga kura. Kwa hivyo nakala ambayo mnayo hii draft Constitution ni maoni ambayo yalipatikana kwa kupitia kwa consensus. Sio lazima mambo ambayo yalikubaliwa na kila mtu ambaye alikuwa katika kikao cha kuandika draft Constitution. Na kwa sababu sheria imesema ikiwa tumepata uamuzi kupitia consensus basi uamuzi huo ni uamuzi wa Tume. Ningetaka kufafanua hivyo ili nifupishe maswali yoyote ambayo ni ya kisiasa yangeweza kutokea kwa siku ya leo.

Sasa nakala hizo ambazo mnazo zimeandikwa kwa Kiingereze lakini jana katika gazeti la Taif leo tuliweza kutoa nakala ya Kiswahili na kwa sababu atukutokea ofisini ya Tume tulipotoka Nairobi hizo nakala zilikuwa hazijachapishwa lakini nina hakika mtafikwa pengine katika wiki hii na nakala za Kiswahili kwa wale ambao hawajaelewa. Halafu pia Bwana coordinator ataweza kuwapatia nakala za ripoti ambayo itakuwa ni toleo fupi la ripoti ambayo tulitumia kuweza kuandika hiyo draft Constitution. Ripoti ambayo ni kubwa ama ripoti kamilifu bado inapigwa chapa na kama mnavyojua tumekuwa tukihimizwa na watu tofauti kumaliza kazi kwa haraka kwa hivyo hatukuweza kuketi Nairobi tukisubiri nakala lakini tukaona tutumie ambazo

zipo na zingine zifuate baadaye. Kufikia hapo nafikiri nimewaeleza kwa kifupi jinsi ambavyo tumeandika ripoti hiyo na bila kupoteza wakati ningependa tupitie hiyo draft Constitution kwa muda pengine wa nusu saa au dakika arubaini na tano ikizidi fupi sana halafu niwape muda mrefu kuuliza ufafanuzi au kusema kama mna maneno ya kusema. Kwa kuanzia (interjection) yes please.

Speaker: (inaudible)

Com. Abida Ali: Nadhania for now actually they don't need copies to be honest with you because we are not reading. Pengine vile tutakavyo fanya ni kuomba Tume itutumie nakala zingine ziletwe sehemu hii, kama nilivyo waleza hatukudhania kwa sababu tumeenda Constituency karibu sita na kila wakati tukienda tunapata watu thelathini. Kwa hivyo hata sisi tulipobeba nakala nyingi zaidi tulidhani zingine tutazipeana mbili mbili, tatu tatu mmpelekee majirani. Kwa hivyo mtatuwia radhi na tutahakikisha kwamba zingine zinatumwa lakini kwa wakati huu kwa kusema ukweli hatusomi. Hizo mtazizhukua nyumbani na ikiwezekana you will share with your neighbours kwa sababu pia mnajua fedha ni haba na nakala pia ambazo zimetoka pengine hazitafikia kila mmoja. Sasa tulipokuwa tukitembea hasa kwa upande huu wenu na sehemu zingine za nchi jambo la kwanza ambalo mlitueleza ni kwamba Katiba ya wakati huu haina utangulizi, haitambui mwananchi wa kawaida, haitambui nguvu zetu kama wananchi na wala hata haitambui Mungu. Na mkatupa mapendeko tofauti yatakayo tusaidia katika kuandika utangulizi kwa hivyo mkiangalia nakala zenu kwa wale mnayo mtaona kwamba tuna utangulizi ambao mwanzo kabisa unatutambua sisi kama wananchi wa Kenya.

Utangulizi huo pia unatambua umoja wetu, unatambua tofauti zetu za kikabila, tofauti za kidini na pia shughuli ama jitihada ambayo tumefanya kama wananchi wa Kenya tukaweka amani na umoja katika jamhuri ya Kenya. Pia tumetambua umuhimu wa watu binafsi, umuhimu wa familia na umuhimu wa vikundi tofauti. Tumeangalia juhudi ambazo tumeziweka ikiwa ni wanawake kwa waume katika serikali. Na pia tumetambua umuhimu wa demokrasia na pia umuhimu wa kuzingatia sheria. Na hatimaye tukamtambua Mungu hapo mwisho. Katika chapter ya kwanza tumeangalia nguvu zetu akama wananchi wa Kenya. Na kusema kwamba nguvu zote zinatokana na wananchi na kwamba sisi kama wananchi ndio tunatoa nguvu na kuipatia serikali kuu. Tunaipatia vyombo vyote vya kiserikali kama vile mahakama kupitia kwa watu ambao tunawachagua kuwatuma Bunge na pia nguvu zetu ndizo tunapatia mahakama wakati ambapo wanasuluhisha mambo yote.

Katika Article ya pili tunaangalia umuhimu na ukuu wa Katiba na katika Article ya tatu tunaangalia jinsi ambavyo tungeweza kutetea Katiba ya nchi yetu. Katika Katiba ya wakati huu kulikuwa na hitilafu kwa sababu ikiwa kuna mtu amevunja maagano ambayo yako kwenye Katiba hatuluwa na muelekeo wa jambo ambalo tungefanya, lakini katika Article ya tatu sasa tumeleza kwamba mtu yeyote ambaye amekosewa kikatiba, anaweza kuenda kortini na kushtaki ili aweze kufanyiwa mambo yalio haki. Na pia tukaangalia jinsi ambavyo tungeweza kusimamia na kutetea Katiba hii katika kifungu cha nne.

Halafu katika kifungu cha tano tumeangalia sheria tofauti za Kenya. Mnakumbuka tulipowatembelea, mlisema kwa mfano

kwamba ingawa tuna sheria nyingi lakini sheria ambayo ni ya kitamaduni haikuwekewa mkazo katika nchi yetu. Sasa tume panua na kuongezea sheria ambazo ikiwa Katiba hii itapita zitakuwa ni sheria ambazo tutazingatia kwanza kabisa tumependekeza kwamba sheria kuu iwe ni Katiba. Pili sheria itakayo fuata iwe ni sheria ambazo zinatungwa katika Bunge. Tatu sheria ambazo ni sheria za kitamaduni. Nne, sheria ambazo zinatumiwa na wafuasi wa dini ya kislamu na wahindu. Tano, sheria au mambo ambayo yametumika kwa mara nyingi hadi ikawa ni kama sheria kwa Kiingereza tunaziita common law. Na pia tukapendekeza kwamba sheria ambazo zinatungwa na jumuhia ya Afrika ya mashariki ziwe ni sheria ambazo tutazifuata kama wananchi wa Kenya na hatimaye tukapendekeza kwamba mikataba na sheria ambazo Kenya huwa inakubaliana na nchi zingine za kigeni international law iwe inatumika kama sheria ya Kenya. Na sababu pengine nikielezea ni kwamba Kenya imeweka mikataba nyingi na nchi tofauti za Afrika, tumeweka sahihi katika mikataba, kwenye mikutano ambayo ni ya nchi za kigeni lakini tukifika hapa kwetu tunakuwa tunavunja mikataba hiyo. Sasa tunasema kuna umuhimu kwamba Kenya ikiweka sahihi kupitia kwa Bunge. Rais akiidhinisha mkatamba wowote sheria ambazo zimekubaliwa kule ziwe zinatumiwa hapa nchini. Mkutano mkubwa ni kama tumeidhinisha sheria nyingi kuhusu watoto, kuhusu akina mama, kuhusu haki za kibinadamu lakini tukifika hapa tukisha toka katika mikutano tunasahau sheria hizo.

Katika chapter ya pili tumeangalia jinsi ambavyo tunaendesha jamhuri yetu kama wananchi wa Kenya. Na tumependekeza kwamba nchi yetu ya Kenya iwe ni jamhuri ambayo inazingatia uongozi ambao ni wa vyama vingi. Uongozi ambao ni wa kidemokrasia na uongozi ambao utawahusisha wananchi wakawaida. Na uongozi ambao utakuwa ni wa wazi kwa kila mwananchi na tutakuwa tunaheshimu sheria, haki za kibinadamu na uhuru wa watu binafsi.

Halafu katika kifungu cha saba Article seven tumeangalia mipaka tofauti baina ya Kenya na majirani zetu. Na katika kurasa za nyuma za karatasi ambayo mnayo katika schedule ya kwanza tumetoa kwa kirefu sana mipaka tofauti baina ya Kenya na nchi jirani kama vile Uganda, Tanzania, Sudan, Somalia na Ethiopia. Hayo mtaangalia baadaya ili muweze kuelewa maneno kuhusu mipaka.

Katika ukurasa wa tisa, tumeangalia lugha za taifa hili letu na tumependekeza kwamba lugha rasmi iwe ni lugha mbili. Lugha ya Kiingereza na lugha ya Kiswahili. Kwa wakati huu lugha rasmi ni lugha ya Kiingereza hata ukienda katika mahakama leo high court ingawa judge ni mwafrika kila mtu pale ni mwafrika hata Nairobi pale kila mtu anazungumza Kiswahili mpaka judge apewe translation ya kizungu kwa sababu kizingu ndio lugha rasmi. Sasa tukasema huo ni upuzi na ni jambo ambalo alistahili afadhali Kiswahili kifanywe ni lugha rasmi pamoja na Kiingereza na pia lugha ya kitaifa iendelee kuwa ni lugha ya Kiswahili na serikali itafute mbinu tofauti zitazoluzi lugha zote za makabila tofauti ya Kenya. Ili lugha hizo zipewe nafasi ya kuweza kukuzwa na pia tukapendekeza kwamba serikali ikuze lugha zinazo tumiwa na watu walemavu kwa mfano lugha ya ishara au sign language na pia ikuze Braille kwa sababu hiyo ndo lugha inayo julikana na kueleweka na watu ambao ni vipofu.

Katika ukurasa wa kumi tumeangalia uhusiano wa dini na serikali na tumependekeza kwamba ingawa Wakenya ni watu ambao wanamcha Mungu sana. Tuna dini na mathehebu mbali mbali, kwa hivyo serikali na dini ziwe ni vitu mbali sio kusema

tumependekeza kwamba makanisa na misikiti zijihusishe na siasa la tunasema kwamba serikali yetu iwe na secular state. Iwe ni serikali ambayo haitambui na kukuza thehebu moja au dini moja na dini zote ambazo zimetambulika na serikali zipewe usawa na hali iliyo ya juu katika huduma za serikali. Kwa mfano, wakati ambapo kuna sherehe za kiserikali iwe dini zote zinazo tambulika zinapewa usawa katika ushiriki wa sheree kama hizo za kiserikali.

Halafu tumeangalia vifaa ambavyo tumependekeza viwe ni vifaa vya kitaifa. Tumeangalia bendera ya Kenya, tumeangalia wimbo wa taifa, tumependekeza Court of Arms au sign au chapa inayotumika katika vyombo au mali za umma, kwa mfano ukienda katika ofisi za serikali utaona chapa hiyo, halafu kuna seal au muhuri rasmi wa serikali tumesema pia hiyo iwe ni katika chombo cha kitaifa na tumeweka vitu hivyo katika schedule ya tatu.

Pia tumeangalia siku za kitaifa jee ni siku ngani ambazo zinafaa kutambulika kama siku za kitaifa na tumependekeza siku hizo ziwekwe kwenye Katiba ili zisiweze kupunguzwa ama kuzidishwa hovyoyovyoyo. Na tumependekeza Madaraka day ambayo ni tarehe moja mwezi wa sita kila mwaka. Tarehe kumi na mbili mwezi wa kumi na mbili Jahmuri day, tatu tumependekeza tuwe na siku ya Katiba, tungetaka kufuata mawazo yenu kuhusu mambo kama hayo.

Katika chapter ya tatu tumependekeza maadili au National goals, values and principles ambazo tungependa yazingatiwe katika jamhuri ya Kenya. Kwa sababu kwa wakati huu kunasemekana kwamba hatuma misimamo ya kitaifa na viongozi tofauti huja na misimao tofauti na pengine kama tulivyo sikia maoni ya wananchi ni kwamba tunafaa kuwa na misimamo rasmi itakayo zingatiwa na viongozi kila mara. Kwanza kabisa tumependekeza kuwe na uhuru wa wananchi, tuwe na umoja wa taifa hasa jambo ambalo tumependekeza ni kuweka mkazo katika lugha ya taifa. Tumependekeza kuwe na usawisa na udhamini wa jamii zote, equal treatment to all communities of Kenya. Tumependekeza kuwe na demokrasia na utawala mwema na utawala wa sheria. Tumependekeza pia kwamba kuwe ha haki za kibinadamu ambazo zinashughulikiwa na kuheshimiwa. Kuwe na usawa wa watu wote bila kuangalia jinsia yao. Pia kuweza kujibidiisha kama wananchi wa Kenya ili kukuza uchumi wetu na kuweza kupata mahitaji ambayo ni ya kimsingi. Kuwe na uwazi katika shughuli za umma, kuwe na uadilifu wa kibinafsi na kitaifa. Tuwe wavumilifu na kuheshimu maoni ya watu wengine. Tukuze na kuifadhi mila na itamaduni wa Kenya. Tulete utawala karibu na wananchi na tuweze kutatua mabishano yetu kwa njia ya amani, tuweze kukuza ushirikiano na utaiifa wa Afrika kwa jumla. Hayo ni baadhi ya maadili ambayo tumependekeza na ni mengi zaidi nimeyasoma kwa kifupi mtaweza kupitia na kuangalia maadili mengine ambayo tumependekeza.

Jambo lingine ambalo ningependa kuangalia katika mapendekezo haya, ni kwamba tumependekeza majukumu ya wananchi. Katika Katiba ya wakati huu tuna majukumu ya serikali lakini hatukutoa majukumu ya wananchi na ndio mara kwa mara unasikia wakiteta serikali aituletei madawa, serikali aifanyi hii lakini atujiulizi na sisi tukitaka kupewa majukumu yetu ni gani.

Katika ukurasa wa kumi na tano tumeangalia majukumu hayo na tumesema ikiwa sisi kama wananchi wa Kenya tunataka kukuza na kuendeleza maadili ambayo tumependekeza katika ukurasa wa kumi na nne ni mambo gani yanatubidi kufanya. Na

tumependekeza kwamba ni jukumu la kila Mkenya kuweza kusoma Katiba ya nchi yetu na kuilewa na kuweza kuzingatia mambo ambayo tutakumbaliana kuwa ni mambo ya Kikatiba. Kwamba ni jukumu la kila mwananchi kuhifadhi na kutetea Katiba yetu. Jambo lingine ni kwamba ni haki ya kila Mkenya kuweza kujihuzisha na demokrasia tuliyo nayo kwa kupitia upigazi kura. Kwa sababu kwa wakati huu unakuta Constituency ina wakaazi kama laki moja, pengine themanini wamejiandikisha kupiga kura ukifika wakati wa kura elfu ishirini walipiga kura. Baadaya sisi hatumpendi Mheshimiwa wetu hatukumchagua na hakuna mtu alikukataza kupiga kura. Sasa tunasema kwamba sisi kama wananchi tuwe na wajibu wa kupiga kura na kuchagua viongozi ambao tungetaka watutawale. Na pia tumependekeza kwamba iwe ni jukumu la kila Mkenya kuweza kuunda familia, kuweza kujihusisha na watu wa jamii ili kukuza jamii hiyo kwa sababu tukikuza jamii ndivyo tunazidi kukuza nchi yetu. Na pia ni jukumu la kila Mwanakenya kuweza kujiendeleza kimasomo, kujiendeleza kwa kupata utaalamu tofauti, ili tujihusishe na kujenga taifa letu. Na kwamba ni jukumu la kila mwananchi kuweza kuchangia katika shuhuli za jamii anayotoka na kwamba tunaajibika kama wananchi wa Kenya kujenga umoja wa taifa letu, kuhifadhi na kukuza demokrasia na sheria. Na pia kuchunga mali ya umma na kuangalia kwamba mali ya umma haitumiki kwa njia ambayo haifai. Pia tunawajibika kuchunga mazigara yetu na kwamba tutakosa kujishughulisha na mambo ambayo ni ya kifisadi. Tunapiga kelele tukisema serikali the government is corrupt na sisi kama wananchi ndio wenye kutoa rishwa, si ni ukweli? Sasa tunalazimika kikatiba tukose kutoa rushwa ili tunao wapitia nao wakose kuwa na corrupt practices. Na kwamba tutakuza nchi yetu na kuipatia heshima na nafasi katika jumia ya ulimwengu mzima. Sasa mtazidi kusoma na kuangalia ni juhudi gani tumepewa ya kikatiba kama wananchi wa Kenya.

Katika ukurasa wa nne tumeangalia uraia na tukasema kwamba raia wote wapewe usawa katika haki za kiraia. Na tukapendekeza kwamba uraia utapatikana kwa njia tatu, kuzaliwa, kijiandikisha na naturalization. Na pia tukapendekeza kwamba mtoto yoyote atakaye zaliwa na mzazi Mkenya apewe nafasi ya uraia wa Kenya. Tumependekeza pia kwamba raia wa Kenya aweze kuwa na uraia wa nchi nyingine ikiwa apenda jambo hilo. Halafu pia tumependekeza kwamba watoto wote ambao wako chini ya miaka minane wanaopatikana katika nchi yetu na hawawezi kutambua wazazi wao wapatiwe uraia wa Kenya ili tuondoe shida ambayo tunayo na watoto ambao wanapatikana mitaani. Na pia tumependekeza kwamba Bunge liandikishe sheria itakayoweza kusimamia zaidi mambo kuhusu uraia.

Katika chapter ya tano muhimu zaidi tumeangalia haki za kimsingi za binadamu, basic rights or fundamental rights and freedom. Na kama mnavyo jua Katiba ya wakati huu imetupatia haki za kimsingi. Lakini watu wengi wamelalamika kwamba haki hizo hazitoshi. Kwa hivyo vile ambavyo tumfanya ni kupanua zaidi na kuongezea haki ambazo ni za kimsingi. Na ukiangalia kabisa tumesema demokrasia ukiangalia Article 29 (1) kwamba demokrasia ni lazima ijengwe kwa kupatia wananchi haki zao ambazo ni haki za kiuchumi, haki za kitamaduni na haki za kijamii. Na pia tumependekeza kwamba haki za kimsingi hatupewi na serikali lakini ni haki ambazo tumezaliwa nazo na ni lazima serikali ihakikishe kwamba haki hizo tunazo bila shida yoyote.

Ukurasa wa thelathini Articles thirty tumependekeza majukumu ambayo yatakuwa ni ya serikali kuhakisha kwamba hizi haki za msingi zinapatikana kwa wananchi wote. Na katika ukurasa thirty one - thelathini na moja tumependekeza kwamba ingawa

hizi haki ni muhimu na ni haki ambazo pengine tumezaliwa nazo lakini kuna wakati ambapo haki hizi ni lazima zipunguzwe na tumeeleza kisababu ambacho kinawezesha haki hizi kupunguzwa.

Na katika ukurasa wa thelathini na mbili Article 32 (1) tumependekeza kwamba ni haki ya kila Mkenya kuwa na haki ya kuishi au haki ya kimaisha na katika Article 32 subsection 2, tumependekeza kwamba hukumu ya kifo itupiliwe mbali. Tumeangalia pia usawa wa wananchi na tumependekeza kwamba wananchi wote wawe na usawa mbele ya sheria na wawe na usawa katika kuweza kupata hizi haki za kimsingi. Tumependekeza kwamba Mkenya yeyote asiweze kubaguliwa kwa sababu ya mambo fulani kwa mfano, kabila lake, umbo lake, sehemu yake katika jamii, rangi yake, kabila, umri, dini yake na pia mafikirio yake ama alivyo zaliwa.

Pia katika ukurasa wa thelathini na tano na sehemu nyingine nyingi katika Katiba hii, tumeangalia haki ya akina mama. Samahani nina mtoto mgonjwa nilitaka kujua vile anaendelea sasa nimemuomba anipigie simu nyumbani. Ukurasa thelathini na tano tumeizungumza kuhusu haki ya akina mama na tukasema kwamba akina mama wapewe haki sawa na wanaume katika shughuli za kisiasa, shughuli za kiuchumi na shughuli za kijamii. Tumesema pia ama tumependekeza pia akima mama wapewe heshima sawa na watu wengine. Pia tumependekeza kwamba akina mama wawe na usawa katika kurithi mali, katika kumiliki mali na katika kuweza kufikia mali kwa Kiingereza to acces property. Tumependekeza kwamba kusiwe na sheria yoyote au utamaduni wowote ambao utamudunisha mwanamke katika shughuli zake. Na tumependekeza kwamba iwe ni jukumu la serikali kuwalinda akina mama na kutambua sehemu yao katika jamii na kuwapatia opportunities na vifaa vitakavyo wawezesha kuendelea kwa maisha yao. Lakini kwa vile ningependa kutaka kufupisha mambo ningetaka kuwaeleza kwamba Katiba hii kwa akina mama walio hapa kwamba imesema mambo mengi kuhusu akina kama. Na kwa kifupi kabisa mbali na kukatanza kuwabagua akina mama kwa sababu ya jinsia yao. Imesema kwamba wakati ambapo kutakuwa na uchanguzi wa Bunge kuwe na vitu vitakavyo tengwa uli akina mama waweze kufika katika Bunge.

Pia tumependekeza kwamba katika sehemu nyingi za utawala tutakazo pitia, kwamba akina mama wapewe nafasi ambayo itakuwa haipungui asilimia thelathini. Na pia vyama vya kisiasa vina shurutishwa kupitia demokrasia na kuwashirikisha akina mama katika vyama vyao. Imewapa akina mama haki sawa na wanaume wakati ambapo watakuwa wameolewa na wanaumme ambao sio Wakenya. Na pia imetoa haki za akina mama wafungwa kuangaliwa na kutengwa kukaa mbali na wanaume, hali ya kufaa nguo ambazo zinafaa wakati ambapo wako gerehani na kuna mambo mengi ambayo mtaweza kuangalia. Pia tumeyapendekeza haki za wazee katika ukurasa thelathini na sita na tumependekeza kwamba watu ambao tunawaita older members of society wataangaliwa na serikali na jamii zao na kwamba watapata nafasi ya kujiusisha na shughuli za kiserikali. Watakuwa awabaguliwi na pia serikali na jamii iweze kuwapatia msaada ambao unafaa. Tulipokuwa hapa mlitueleza kuhusu pension na social security, lakini tukasema kwa sababu hatujui mfuko wa serikali tukependekeza wapewe tunachoita reasonable care and assistance kulingana na vile serikali itakavyo ona. Na pia kwa vile tumesema jamii iwasaidie pia tukaona hatujui mifuko ya kila Mkenya, kwa hivyo jamii na serikali iwapatie kitu ambacho tunaita reasonable care and assistance.

Tumeangalia pia haki za watoto katika Article ya thirty seven. Katika Katiba ya wakati huu hatukutenga haki za wanawake na haki za watoto lakini kukawa na malilio mengi kuna faa kutenga haki za watoto ili tuwe na uhakika ni nini ambacho tunafaa kufanya katika kuzingatia haki za watoto. Na ni jambo pia ambalo limefanywa katika nchi nyingi, katika dunia hii sasa tukaona itakuwa ni bora na sisi kutenga haki za watoto. Na tumependekeza kwamba ni haki au ni jukumu la wazazi, ni jukumu la familia, ni jukumu la community kuwatunza watoto kuwapatia nafasi iliyo bora katika kuwalea, kuwapatia mapenzi na kuwatunza kwa njia itakayo weza kuwa ya manufaa kwa jamii. Tumependekeza kwamba watoto watakao zaliwa ndani ya ndoa au nje ya ndoa wasibaguliwe na sheria. Tumependekeza kwamba ikiwa kuna jambo lolote linalohusu mtoto tuangalie masilahi ya mtoto kwanza kabla ya kuamua. Tumependekeza kwamba hata ikiwa wazazi wa mtoto wametengana ama awajaoana wawe na jukumu sawa katika kumlea mtoto yule. Na tukapendekeza kwamba kila mtoto apate jina la familia na kwamba kila mtoto apewe elimu ya bure na ya lazima ambayo iwe ni ya kimsingi. Na watoto wasiwe wanabaguliwa kupitia tamaduni tofauti au mila. Na kwamba watoto wote walindwe kutokana na mambo ambayo yataweza kuwadhuru na pia wapate makao mema, wapate huduma za hospitali zinazo faa. Na watoto pia wasipigwe wala kupatiwa adhabu ambayo itaweza kuwadhuru shuleni au sehemu yoyote ambapo hao watoto watapatikana. Na kwamba mtoto yeyote asifugwe katika gereza ila ikiwa hakuna njia yoyote ya kuweza kumuadhibu ama kutatua shida ambayo anayo mtoto huyo na ikiwa atashikwa awekwe kando na watu wazima na afunguliwe ama achiliwe kwa wakati ambao sio mrefu. Na kwamba mtoto yeyote atakaye fikishwa mahakamani apatiwe wakili na serikali kumsimamia na kwamba watoto ambao ni walemavu na wanahitaji misaada wapewe misaada inayo tosha kupitia kwa serikali na jamii. Na kwamba mtoto kulingana na Katiba hii, ni mtoto ambaye ana miaka chini ya kumi na minane.

Halafu tumependekeza kuhusu familia na ni kwa sababu tuliambiwa na watu wengi kwamba, Katiba ya wakati huu. Haitambui sehemu ya familia katika nchi yetu na tumependekeza kwamba kila Mkenya ambaye ametimiza miaka kumi na minane na zaidi ana haki ya kuoau au kuolewa bali ametoa idhini yake na pia ana haki ya kuunda familia. Na kwamba katika ndoa mke na mume wana haki sawa na pia wana haki sawa wakati ambapo wanatengana. ---- sheria hizo zitambue ndoa ambazo zinafugwa kupitia katika tamaduni tofauti.

Pia tukaangalia na kupendekeza haki za walemavu ambazo azikuwa katika Katiba yetu ya wakati huu na ninapendekeza kwamba haki zao ziheshimike na wapewe heshima kama wanavyo pewa watu wengine. Na kwamba serikali iweze kusomesha jamii ili kuweza kuwaelimisha na kuwapatia manufaa ya kuweza kuwaangalia watu ambao ni walemavu katika jamii. Na tumependekeza kwamba watu walemavu wapewe nafasi ya kuingia katika shule na institutions ambazo ni za masomo. Na kwamba serikali iangalie mambo tofauti kwa mfano mambo ya usafiri, mambo ya communication, mambo ya kuweza kwa watu walemavu kuingia katika vyumba tofauti vya serikali ili wasiwe na shida watakapotaka kutumia vifaa hivyo. Tumependekeza kwamba serikali ikuze na kuweza kuona kwamba lugha ya ishara na Braille zinatumiwa wakati ambapo unafaa na kwa mfano, ikiwa tuna mtu ambayo anahitaji braille kwa wakati huu tumekuja na document ambayo iko katika braille kama kuna mtu mtatuuliza aweze kusoma na kuelewana na ambayo iko katika braille kama kuna mtu mtatuuliza aweze kusoma na

kuelewana na mambo ambayo tunazungumzia.

Halafu tukaangalia haki na usalama wa wananchi. Tumeangalia na kupendekeza kwamba kusiwe na Mkenya yoyote ambaye anatumika kama mtumwa. Tumeangalia pia privacy na kusema kwamba kila Mkenya ana haki ya kuwa na privacy na kwamba tukapendekeza mambo yatakayo tusaidia kuwa hatuingiliwi ovyo, ovyo manyumbani ama katika mali.

Ukurasa au Article ya arobani na nne tumangalia haki ya kuabudu na mtaona haki hii imepanuka sana sijui kama hivyo ndio mlitumbia. Mtaona tumesema kwamba kila Mkenya ana haki ya kuabudu, ana haki ya kuwa na mafikiria yoyote na ana haki ya kuwa na opinon ama mawazo yoyote ya kidini. Na kwamba kila Mkenya ana haki ya kuabudu akiwa peke yake kupitia vikundi au kupitia jamii na anaweza kufanya hivyo akiwa hadharani ama akiwa amekaa kado. Na kwamba tusingiliwe katika kuabudu ama kufanya mambo practice and observance of our religion. Sasa hilo ni jambo ambalo mtaangalia muone kama ni jambo ambalo litastahili na kwamba kikundi chochote cha dini kitakuwa na uwezo wa kuwa na sehemu zake za kuabudu na kuweka shule ambazo zitasimamia. Sasa kuna mambo mengi na ningewaomba msome muone kana ni mambo yanayo stahili.

Article fourty five kwamba kila Mkenya atakuwa na haki ya kuzungumza na kufikiria, freedom of expression na pia awe na haki ya kuchapisha mambo haja haki hiyi isiwe inaingiana na haki ya watu wengine. tukapendekeza pia katika ukurasa wa arobaini na saba kwamba kila Mkenya awe na haki ya kupata information au habari kutoka kwa serikali. Tukapendekeza pia kila Mkenya awe na haki ya kutangamana na Wakenya wengine ama haki ya usihano. Tukapendekeza kwamba kila Mkenya awe na haki ya kuandamana kwa njia ya utararibu.

Katika ukurasa wa hamsini tumependekeza kwamba kila Mkenya awe na haki ya kisiasa, haki ya kujiunga na kukundi chochote cha kisiasa. Haki ya kuweza kuunda chama chochote cha kisiasa, haki ya kuweza kuungana na mambo yote ambayo yanatendeka na chama chochote kile cha kisiasa. Na kwamba kila mtu mzima ambaye amefikisha miaka kumi na minane ana haki ya kujiandikisha ili kuweza kupiga kura. Tumeangalia haki ya kuishi na kutembea na tukasema Wakenya wote wana haki ya kuishi na ketembea kokote katika jamhuri ya Kenya.

Tumeangalia pia haki ya wafanyikazi na tumependekeza kwamba kila Mkenya awe na haki ya kuchagua biashara au kazi atakayopenda kuifanya na hiyo hali inasema kwamba kazi hiyo na biashara hiyo iwe ni biashara ambayo imehalalishwa. Tumeangalia mali na tukapendekeza kwamba kila Mkenya awe na haki ya kuweza kumiliki mali na pia iwe ni ukumu la serikali kuchunga mali hiyo.

Tumeangalia tena haki za wafanyikazi katika kifungu hamsini na tano na tukapendekeza kwamba kila mtu anayefanya kazi awe anapatiwa pahali ambapo ni sawa na panafaa pa kufanya kazi. Kila mfanyikazi aweze kulipwa malipo yanayo stahili kazi hiyo na kila mfanyikazi apewe reasonable working conditions. Apewe vifaa na pahali panapo stahili binadamu kufanyia kazi anayo fanya. Kila mfanyikazi awe na haki ya kujiunga na kikundi chochote cha wafanyikazi trade union na pia awe na haki ya

ku-strike kuenda katika mgomo. Sijui kama hiyo ni sawa mtaona. Pia tumependekeza kwamba ikiwa wafanyikazi wana haki wajiri nao wawe na haki na tunapendekeza - pengine ndio maana tuko na watu wengi labda waalimu wamekuja wakiwa wanaanza kuwa na hiyo haki yao. Tumependekeza kwamba waajiri nao wapewe nafasi ya kujiunga na chama cha wajiri na kujumuika na shughuli zote za vyama hivyo vya waajiri. Katika ukurasa wa hamsini na sita tumeangalia social security na tumependekeza kwamba ikiwa kuna mtu yoyote ambaye hawezi kujisimamia na hawezi kusimamia familia yake kwa vyovyote vile iwe ni juhudi ya serikali kumpatia mtu huyo njia ya kuweza kuishi kama anavyo stahili kuishi kama binadamu.

Ukurasa wa hamsini na saba tumezungumza kuhusu haki ya matibabu au ya afya jema. Halafu ukurasa wa hamsini na nane tumeangalia haki ya elimu na tukapendekeza kwamba serikali itoe elimu ya bure na ya lazima ya kimsingi kwa watoto wote. Na pia tumependekeza kwamba serikali iweze kufanya vyovyote vile ili kuwezesha Wakenya kupata elimu zaidi ya elimu ya secondary. Na tukapendekeza kwamba mtu yoyote awe na haki na uhuru wa kuweza kuanzisha vituo vya elimu. Halafu tumeangalia nyumba na tukasema kwamba kila Mkenya awe na haki ya kuishi katika nyumba nzuri. Sasa hapo sijui inategemea nyumba nzuri ni ngani na pia mtu yoyote asitolewe katika nyumba au kuvunjiwa makao yake bila kupitia amri ya kortini na korti itaangalia mambo yanayo stahili kabla haijatoa amri ya kumfukuza mtu yoyote katika makao yake.

Halafu tukaangalia upande wa chakula na tukasema ni haki ya kila Mkenya kukosa kutokula na kuwa anapata chakula cha kutosha. Tukaangalia maji na tumependekeza kwamba kila Mkenya awe na haki ya kupata maji ya kutosha na maji ambayo ni ya hali ya juu.

Tukaangalia mazingara na tukapendekeza vile tutakavyo chungu mazingara kama wananchi wa Kenya. Tukaangalia lugha na utamaduni, tukaangalia haki na tukapendekeza haki za ununuzi. Na tukapendekeza kwa vile kwa wakati huu hatuna haki za ununuzi ama huduma. Ukienda dukani hata ukinunua shati imepasuka ukiirudisha ni shida, si ni ukweli? Lakini nchi zingine uwezi kununua shati ambayo utakuta hata haina kifungo, sasa tumependekeza kwamba ni haki ya kila Mkenya kuwa anapatiwa huduma iliyo sawa na pesa ambazo anatumia. Na pia ukinunua chochote kiwe kinatoshana na malipo ambayo unatoa na kitu hicho ama huduma hiyo isiwe itakudhuru wewe kama mwananchi wala isiwe itakuwa imekudhuru kifedha. Sasa mtasoma na kuelewa zaidi.

Na katika ukurasa wa sitini na sita tumesema kwamba kila Mkenya ana haki ya kutotii amri ambayo si halali. Na tukaangalia ukurasa wa sitini na nane haki ya mtu ambaye ameshikwa. Rights of arrested persons, tumependekeza kwamba ukishikwa uwe na haki ya kunyamaza bila mutamka na usipigwe na kuambiwa fanya confession kama ilivyo kawaida wakati huu. Na kwamba ukishikwa uwe na haki ya kuelezwa kwa lugha unayo elewe sababu ya wewe kushikwa na atakeye kushika akuambie pia una haki ya kunyamaza sio anyamaze na asikueleze haki yako. Na pia kwamba uwe na haki ya kutokataa kutoa confessions ama kusema mambo ambayo yanaweza kukudhuru baadaye. Na pia ukifikishwa mahakamani ni lazima upewe fair trial ama usikizwe kwa njia inayofaa. Na kwamba kila Mkenya atakayeshikwa adhaniwe kwamba sio mhalifu mpaka kesi yake itaposhikwa innocent until proven guilty. Na kwamba itaposhikwa upewe nafasi ya kutosha ya kuweza kujitetea na kwamba

kesi yako isikizwe kwa hali ya haraka. Na pia upatiwe nafasi ya kuchagua wakili utakaye, lakini tumependekeza kwamba ikiwa kesi yako itakuwa na adhabu ya juu serikali iweze kukupatia wakili wa bure. Na kwamba kila mtu apewe mkalimani au interpretor wa kumueleza kwa lugha ambayo anaelewa bure. Na ikiwa kuna hukumu kwa mfano wakati mwingine sheria inasema kwa mfano ukipatikana na mali ya wizi utafungwa kati ya miaka saba au kumi na nne. Tunapendekeza kwamba upewe hukumu iliyo ya chini sio ya juu. Na kuna mambo mengi pengine mtataka kuyasoma kuhusu mambo haya singetaka kusema sana.

Ningetaka tuangalie chapter ya sita ambapo tunaangalia kuhusu mambo ya kupiga kura ama uwakilishi. Tumependekeza ya kwamba ni haki ya kila Mkenya kusimama akipenda kusimama kupigiwa kura na kupiga kura. Tumependekeza kwamba kura ziwe ni za siri, tumependekeza kwamba kura ziwe ni za haki na halali. Tumependekeza kwamba watu watao simamia shughuli za kura wahakikishe kwamba kura hizo zinapigwa kwa njia iliyo bora na tumependekeza kwamba wanaosimamia kura wahakikishe kwamba kura hizo zimeweza kuwakilisha watu wote Kenya wawe ni wanaweke, wawe ni walemavu na jamii ambazo zimetegwa, minorities. Na kwamba kuwe na Tume ambayo ni huru itakayo simamia upigaji wa kura.

Halafu tumeangalia haki za kupiga kura na tukaanzia kwa kupendekeza kwamba kila Mkenya ambaye ana miaka kumi na minane, tumependekeza kwamba uandikishaji wa kupiga kura ufanyike kila wakati. Na tumependekeza ni akina nani ambao wataweza kujiandikisha hata ingawa ana miaka kumi na minane na ni akina nani hawawezi kujiandikisha katika upigaji wa kura ili kila mwananchi ajue.

Halafu katika ukurasa wa themanini na tatu, tumezungumza kuhusu Tume ya kura, Electoral Commission na tunapendekeza kwamba kwa wakati huu kuna wanatume ishirini na wawili tunapendekeza wapunguzwe wawe nane au ikizidi sana wasifike zaidi ya kumi. Na pia tukapendekeza ni akina nani ambao wanastahili kuchaguliwa katika hiyo Tume. Mtasoma na kuelewa na tukatoa kupendekeza kazi watazo fanya.

Kwanza kabisa tumesema watafanya uandikishaji wa wapiga kura. Wataangalia sehemu za Constituencies au sehemu za upigaji kura. Tumependekeza kwamba wa-supervise upigaji wa kura, tumependekeza pia kwamba wasimamie na kuhakikisha kwamba kuna kura ya haki ya ahali. Tumependekeza pia wawe wana-supervise political parties na wawe ndio waandikishaji wa hivyo vyama vya kisiasa. Tumependekeza kuwa wasimamie fedha ambazo tumependekeza zitolewe katika budget kusaidia vyama vya kisiasa. Na tumesama wawe wana-monitor elections. Na tukaeleza ni kina nani wataweza kuandikwa katika hiyo Electoral Commission, mtasoma na kuelewa na tumependekeza jinsi ambavyo wataandikisha na pia kutoa katika register vyama vya kisiasa vitavyo kosa kufanya mambo ambayo yamependekwa na Katiba. Kwa mfano tumependekeza kwamba ikiwa chama cha kisiasa kimekosa kuzingatia na kukuza umoja wa nchi yetu, kimekosa kufuata mienendo ya kidemokrasia, kimekosa kuwa na kura za haki na za halali. Zimekosa kuzingatia haki za kibinadamu na usawa wa waume na wake kiweze kufutwa katika register ya political parties. Nafiki kwa wakati huu nyingi sana zingekuwa zimefutwa, lakini hii sio sheria kwa wakati huu. Na pia ikiwa hazikutnia pesa sawa sawa ziweze kufutiliwa mbali. Na kama nilivyo waeleza tumependekeza

kwamba, pesa za budget kadhaa zitengwe katika kuhudumia vyama vya kisiasa na tumependekeza kwamba asilimia nukta tatu ya budget yetu .3% of the budget zitegwe kila mwaka kuhudumia vyama vya kisiasa na tukaeleza ni kwa njia ngani. Tumesema pesa hizo zitumike wakati wa campaign, tumependekeza kwamba pesa hizo pia zitumike katika administration ya vyama vya kisiasa. Lakini pesa hizo zisitumiwe kwa kutoa zawadi na pia chama chochote kikipewa pesa katik adminstraion zisitumie zaidi ya asilimia kumi ya pesa hizo. Na pia tukapendekeza jinsi pesa hizo zitangawanishwa tumesema kwamba vyama vitakavyo pata pesa hizo viwe ni vyama ambazo zilipata juu ya asilimia mia tano ya kura zote zitakazo kuwa zimepigwa. 5% of the total votes cast in the previous parliamentary elections na kwamba asilimia ile hamsini itayobaki inatengemea viti vilivyo patikana na chama hicho, mtasoma na kuelewa zaidi.

Chapter ya saba tumeangalia Bunge na tunapendekeza kwamba tuwe na vyumba viwili katika Bunge. Tumependekeza tuwe na National Council au Upper House ama jina lingine Senate. Tumependekeza tuwe na National Assembly kwa jina lingine unaweza kuiita Lower House. Na tumetoa shughuli itakayofanywa na Parliament, kwa mfano kwamba kwanza kabisa Bunge liwe linaonyesha tofauti katika wanachama wake tofauti za chini yetu kwa mafano za kikabila tofauti za jinsia. Na pia hata ikiwa kuna hizo tofauti Parliament iweze kuzingatia umoja. Tumependekeza kwamba Parliament iwe inaandika sheria baada ya kuweza kuzungumza na wananchi. Parliament pia iwe inaangalia na kutambua ama kupitisha makadirio ya pesa ambazo zitatumika kwa serikali kwa lugha nyingine budget. Tumependekeza kwamba ijihusishe na ubadilishaji ama ugeuzaji wa Katiba kulingana na mapendekeza ambayo tumependekeza katika chapter ya kumi na nane. Na pia iwe inaangalia jinsi tunavyo tawaliwa, iwe inaangalia mikataba ya Kenya na nchi za kigeni. Iwe inaangalia watu watakao teuliwa kama mawaziri na kuwakagua na pia ikague Waziri Mkuu. Na pia itazame mienendo ya Rais, Makamu wa Rais, Waziri Mkuu, MaWaziri, Ma-judge na maofisa ambao watakuwa katika jukumu mbali mbali za kiserikali. Na pia jukumu lingine ni kwamba Bunge litaweza kukuza demokrasia na kuhakisha kwamba utawala wa nchi unafuata demokrasia. Na tumeandika mambo mengi yatakayofanywa na Parliament lakini ningewasihii msome na kuangalia.

Ningependa kuwapitisha katika Article 105 na 106 ambapo tunaeleza ni kina nani watakao chaguliwa katika National Council na National Assembly. Katika National Council tunapendekeza kwamba kuwe na members mia moja na pili, watakao chaguliwa kutoka katika Constituencies ambazo zitakuwa ni districts. Kila district na tumetambua sabini zitoe mwito mmoja halafu kumbaki viti thelathini tukapendekeza zitegwe ziwe ni viti za akina mama na tukasema hawa akina mama wasitoke katika district, lakini kila mkoa, province utoe akina mama wanne. Na viti viwili vitakavyo salia vipewe Nairobi ikiangaliwa kama province. Sasa mtaangalia muone kama hayo mambo ni sawa na mtatueleza.

Katika National Assembly ama Lower House tumependekeza kwamba kuwe na wanachama mia tatu. Kwa wakati huu tuna mia mbili na kumi tunawachagua kutoka katika Constituencies na kumi na wawili ambao wanakuwa nominated by political parties. Sasa tumependekeza kwamba tubaki na wale two hundred and ten kutoka katika Constituencies na tunapendekeza tisaini wengine ambao watakuwa nominated by political parties. Sasa mmesikia watu wakicheka kuhusu hiyo na mtasoma muone kama inafaa. Na tumependekeza kwamba hawa ninety watakao kuwa nominated kulingana na political parties, hawa

political parties watatoa list ambayo wataelezwa political party fulani fulani itatoa list ya watu fulani. Na kwamba watafanya kitu ambacho kinaitwa ranking of nominees. Sasa kwa mfano part A ikiwa imepewa nafasi kumi wata-rank waseme ikiwa baadaye mtatupatia watu watano number one to five ndio tunawahitaji sana kwa Parliament. Na tukapendekeza kwamba hii ranking waangalie vitu kama vile walemavu ambao watakuwa hawajahudhuria Parliament kupitia kura. Waangalie vijana ambao pengine watakosa kuingia Parliament kupitia kura na waangalie minorities, ama jamii ambazo zimetegwa. Kwa sababu tunajua katika upiga kura kuna mambo mengi ambayo watu huangalia. Na kuna pengine Constituencies ambazo zina jamii tofauti na kuna jamii ambayo inaweza kutengwa na kukosa kuingia Parliament. Na pia tukapendekeza kwamba kuwe na alternative kwamba kwenye hiyo list ikiwa wa kwanza ni mama wa pili au mwanaume na ifuate hivyo mpaka watakatavyo kamilisha list yao.

Na tukaweka qualificationa tumesema katika National Council ama Upper House watakao weza kupigania viti hivyo wawe ni Wakenya, wawe wamefikia umri wa miaka thelathini na tano na kuenda juu. Katika National Assembly uwe Mkenya na umetimiza miaka ishirini na moja na uwe ni mtu ambaye anaweza kupiga kura qualified to vote. Na pia uwe na kiwango cha elimu ya kidato cha nne na pia uweze kuzungumza lugha ya Kiswahili na Kiingereza na kwa watu ambao ni walemavu, wawe ni watu wanaelewa lugha ya ishara. Na pia watu hawa ni lazima waweze kuwa ni watu ambao wanaweza kupita moral and ethical requirement ambayo mtaiona katika hili pendekezo letu kwamba tumesema wawe wanaangaliwa tabia zao na mienendo yao, kuona kama wanastahili kuingia katika Bunge.

Na jambo lingine ambalo ningetaka kuliangalia katika ukurasa one hundred and twelve tumependekeza jinsi ambavyo watu ambao ni wawakilishi wetu, wanaweza kurudishwa na wananchi kwa sababu wananchi walilalamika na kuomba tuwe na kifungu kama hicho. Na tumependekeza kwamba ikiwa MP ama Mbunge ameweza kuwa ni mgonjwa na ana hali ambayo ni dhaifu sana na hawezi kufanya kazi, aweze kuachishwa kazi. Tumependekeza kwamba akiwa ni mtu wa tabia mbovu, mwenye kugobanisha watu na mwenye kuleta utatanishi aweze kurudishwa nyumbani. Na ikiwa ni mtu ambaye amekimbia katika Constituency yake, kwa sababu kuna pahali pengi tulikwenda tukaambiwa the last time we saw our MP is when he was looking for votes. Sasa ikiwa kuna mambo kama hayo, wananchi waweze kuwarudisha MPs kwa kutumia petition itakayo kuwa imewekwa sahihi na asilimia thelathini ya watu waliojiandikisha kupiga kura katika Constituency na hiyo petition ipewe Speaker wa Bunge. Naye Speaker wa Bunge atahamuru Tume ya upigaji kura kupeleleza mambo hayo na yakipatikana ni kweli basi Mbunge huyo atarudishwa nyumbani na watu watapiga kura kutafuta Mbunge mwengine.

Chapter ya tisa tumeangalia mahakama na jambo ambalo ningependa kugusia kwa haraka ni kwamba tumependekeza kwamba tupewe korti ingine ambayo tunapendekeza supreme court iwe juu ya Court of Appeal. Na ma-judge watakao andikiwa pale wawe ni wapya na sio wale wako katika kazi kwa wakati huu na tumetoa mapendekezo ya qualifications za hao ma-judge. Na jambo lingine ni kwamba tumependekeza ma-judge wastaafu wakiwa na miaka sitini na tano na sio sabini na mbili. Na pia tumependekeza kwamba judge akifikisha miaka sitini awe na uhuru wa kustaafu akipenda. Pia tumependekeza kwamba tuwe na Tume itakayo angalia shughuli za mahakama Judicial Service Commission iko kwa wakati huu lakini tumependekeza iwe na

nguvu zaidi ya kuhakikisha kwamba mahakama zinaendeshwa kwa njia inayo faa.

Jambo lingine pia ni tumeeleza kwamba kupitia kwa Judicial Service Commission Rais aweze kuchagua ma-judge na kwamba mwananchi ambaye anashida na judge yoyote ama mfanyikazi wa mahakama atapendekeza malilio yake kwa Judicial Service Commission itakayo muomba Rais kuanzisha tribunal ya kufanya upelelezi wa kuona kama kweli neno hilo ni sawa na atalowe kazi judge ambaye atakuwa hakuendesha kazi yake kwa njia iliyo bora.

Na pia tukapendekeza kwamba mishahara ya ma-judge na mishahara ya MPs, President, Cabinet, Ministers iwe inachuguzwa na Salaries and Remunerations Committee. Halafu tukaangalia legal system na tukapendekeza kwamba ofisi ya Mkuu wa Sheria igawanishwe mara mbili. Na Mkuu wa Sheria awe kazi yake rasmi ni kuangalia masilahi na kulinda mambo ya serikali lakini tuwe na Director of Public prosecution, msimamizi wa kesi za umma ambaye kwa wakati huu anafanya kazi chini ya Attorney General. Tumependekeza iwe ni ofisi mbali na Attorney General ili wananchi wawe na uhakika kwamba mtetezi huyu wa haki za wananchi anafanya kazi yake bila kuingiliana na shughuli za serikali. Tukapendekeza pia tuwe na mtetezi mwingine wa haki za binadamu Public Defender or Ombudsman.

Halafu tukaangalia pia kazi inayofanywa na mawakili na kwa sababu kwa kawaida mawakili wanatakiwa kulinda sheria na kutetea wananchi, tukaona pengine itakuwa ni bora shughuli zao sikiwekwa katika Katiba. Na tumependekeza kwamba wakili awe na majukumu yafuatayo,

kwanza kabisa kukuza Katiba ya nchi yetu.

Pili kuzingatia sheria za nchi.

Tatu, kufanya kazi yake kwa njia ya uaminifu na kusimami mteja wake kwa njia iliyofaa.

Na pia akiwa kortini kumtetea mteja wake vilivyo

Na pia mbali na kuharibu kesi ya mteja wake asaidie mahakama kwa kutoa vifaa vitavyo saidia kutoa hukumu itakayo kuwa ni sawa kulingana na sheria.

Halafu ukurasa wa kumi tumeangalia devolution of power au jinsi ambavyo utawala unaweza kufika mashinani. Na tukatoa kisababu au malengo ya devolution of power na tukasema lengo la kwanza ni kuwapatia watu nafasi ya kujitawala na pia kuleta utawala karibu na wananchi. Pia kuweza kuhakikisha kwamba tuna demokrasia na pia uwazi na uadhibitishaji katika shughuli za kiserikali. Na pia tukataka tukuze mambo tofauti ya kiuchumi na kijamii na pia kuhakikisha kwamba rasilimali ya Kenya inangawanyishwa kwa njia ya usawa na uhaki kwa wananchi wote wa sehemu tofauti na pia kuweka mkazo kwa sehemu za

nchi yetu ambazo ni sehemu ambazo zimetengeka kwa sababu tofauti. Na tukapendekeza kwamba tuwe na serikali ifuatay:-

Kwanza kabisa serikali ianzie katika vijiji na tumependekeza kwamba serikali hiyo ya vijiji iwe imesimamiwa na wazee wa vijiji au kufanywe kura itakayo chagua watu watakao simamia serikali ya vijiji. Na kwa hivyo tunapendekeza kwamba tufutlie mbali Provincial Administration na tuwe hatuna Chiefs na Assitant chiefs.

Clappings.

Kabla hamjapiga makofi sikilizeni muone kama mambo haya yanawezekana. Na pia watu hawa wawe ni sita na wakizidi sana wawe ni kumi, kwa hivyo between six and ten elders. Na kwamba wao wachague jinsi wanavyotaka kutawala. Halafu ndio nimewaambia mpige makofi lakini msikilize kwanza - mambo sio rahisi. Tumependekeza ya kwamba tuwe na serikali ya kata au locational government na tumependekeza kwamba watu wote wa location au hii serikali ya location, iwe na representatives wawili kutoka katika kijiji. Kwa hivyo vijiji ambavyo viko katika location vitatuma representative katika locational council ama locational government na wawakilishi awa wawili lazima mmoja awe ni mama. Lakini mkitaka kutuma wamama wawili sheria haijawakataza, mnaweza. Na hawa watachagua msimamizi wao ambaye tunaita locational administrator.

Halafu tumependekeza District Government na tunapendekeza ya kwamba hii district government iwe na watu wasipungue ishirini na wasizidi thelathini. Na watu hawa wachaguliwe kupitia kura na pia wawe na msimamizi district administrator ambaye atachaguliwa kupitia kwa kura. Pia tukapendekeza kwamba, tuwe na serikali ya mikoa lakini hii serikali ya mikoa haitakuwa na nguvu kama district government. Na hapo tukizidi kusoma mtaona vile district government itakuwa na nguvu na tumesema kwamba watakao kuwa katika province, ni representatives wawili wa district katika province yoyote na tena tumependekeza kwamba mmoja ni lazima awe ni mama na tena mkitaka kutuma wamama wawili sheria haijakataa. Na kazi kubwa ya provincial government ni kuhakikisha kwamba hizi district zinafuata msisimamo au mapendekezo au principles za devolution. Zitachangia pia kukuza district councils katika kazi yao ya utawala. Zitajaribu kukuza uhusiano katika councils tofauti. Zitajaribu kuwajenga kwa kuwasaidi katika plans and policies unformties na pia katika huduma zitakazo kuwa zimetolewa.

Na tukapendekeza kuwe na urban government ambayo itasimamia shughuli za viti au municipalities. Na hiyo mtazidi kusoma lakini mkiangalia katika schedule seven, tumeeleza shughuli zitakazofanywa na national government na district government. Kwa mfano district government itakuwa ndio msimamizi wa shughuli zote za utawala na kuhakikisha shughuli hizo zimetokelezwa. Zitakuwa zinatoza kodi na kodi hizo zitatumika katika elimu ya nursery, primary and secondary education. Itatoa huduma health services, health care, huduma za maji, itazingatia huduma za mabarabara na itasimamia masoko yote. Itafanya planning ya district, itaangalia mambo yote ya mashamba, itaangalia mambo yote ya trade licensing na trade development. Na itaangalia mambo yote ambayo yanahusika na wafanyikazi lakini mtazidi kusoma na kuona shughuli za district government. Sasa mmelewa vile kutakuwa na utawala.

Halafu katika chapter ya kumi na moja tumeangalia mazingara na rasilmali za nchi na tukaangalia jinsi serikali na wananchi wanaweza kuchuga rasilmali hizi. Tumeangalia pia jinsi rasilmali hizi na environment inaweza kuwa inatumika, management na pia tumeangalia jinsi ambavyo tunaweza kuhakikisha kwamba tunachunga mazingara kwa kuweza kupeleka mtu yoyote au serikali kwa mahakama ikiwa hakukuwa na kuzingatia kwa sheria.

Chapter ya kumi na tatu tumeangalia matumizi na hali ya fedha za umma, public finance and revenue. Na tulipendekeza kwamba, Bunge lisimamie fedha na matumizi ya fedha za serikali na pia jinsi ambavyo pese hizi zitakuwa zinatolewa na kutumika. Tumependekeza kwamba pia wakati ambapo serikali inachukua mkopo iwe ni nchini ama nchi za kigeni Bunge liwe linahusishwa. Pia tumeangalia sehemu ya Benki Kuu ya Kenya na pia tukatoa shughuli zitazofanywa na Governor Mkuu wa Kenya. Tumependekeza kwamba mkaguzi mkuu wa fedha za serikali ama pesa za serikali, Controller and Auditor General hiyo ofisi yake igawanishwe mara mbili kwa sababu tuliona kama ana kazi nyingi zaidi na tukapendeka kwamba tuwe na msimamizi wa hizo pesa za umma Controller of budget, ambaye kazi yeke mihumu ni kisimamia matumizi ya fedha za umma na kuhakikisha zinatumiwa kwa njia iliyopendekezwa na Bunge. Tukapendekeza kuwe na Auditor General ambaye atakuwa ni mkaguzi wa fedha za umma kwamba huwezi kusimamia tena unakagua wewe mwenyewe. Kuwe ni watu tofauti ili waweze kuwa na uhuru wa kufanya kazi zao.

Pia tumeangalia huduma ya umma public service katika ukurasa two fifty eight na kuangalia jinsi ambavyo watu wanaofanya kazi katika ofisi za umma ama za serikali watakuwa wanafanya juhudi za aina ngani. Tumeangalia maadili ambayo wanafaa kuzingatia. Tumesema kwamba watakuwa wanafanya kazi katika mashirika ya umma wawe ni watu ambao wana nidhamu ya hali ya juu. Wawe ni watu ambao wanafahamu na kuweza kufanya kazi yao kwa njia iliyo faa. Wawe ni watu wasio pendelea na wanafanya kazi yao kwa njia ya haki. Wawe ni watu ambao wanaweza kuhundumia jamii kwa haraka, wawe ni watu ambao wanafanya shughuli kwa njia iliyo wazi. Na pia wawe ni watu ambao waliandikwa kwa sababu walistahili kuandikwa bila mapendeleo yoyote. Na kuwe na mgawanyiko wa usawa makazi na wa masomo kwa wanaume na wanawake na watu wa jamii tofauti, bila kutenga watu wowote. Na pia tukapendekeza Public Service Commission iatakayo kuwa na shughuli zaidi kulingana na Public Service Commission ya wakati huu.

Halafu katika chapter ya kumi na tano tumeangalia vyombo vya usalama. Defense forces and National Security. Na katika hii chapter, tumeangalia huduma za usalama ambazo ni polisi, polisi wa utawala, jeshi la ulinzi, jeshi la wanamaji, jeshi la wanahewa na kikosi cha upelelezi. Na jambo ambalo ningependa kuwaambia ni kwamba tumeweza kuwaeleza mambo ambayo wanafaa ama kanuni wanazo faa kuzingatia. Na tumependekeza mambo yafuatayo. Kwanza wawe ni wadhabiti ama wanatumikia raia kwa njia iliyofaa, wasichangamane na siasa pande zozote. Waheshimu kanuni za kisheria, wazingatie demokrasia na haki za kibinadamu. Wawe na uwazi wa uwajibikaji katika kazi yao. Wawe wanaongozwa na sheria, wawe ni watu ambao watakosa kutii amri isiyo ya kisheria. Wawe ni watu ambao wanajiuzisha na vitendo vitavyo leta manufaa nchini. Waweze kulinda uhuru na kuwasaidia wananchi wakati wa shida. Na wawe na nidhamu na uzalendo.

Pia tukapendekeza tuwe na National Security Council au kikosi kitakacho simamia usalama wa nchi na tukapendekeza watu watakaokuwa katika kikosi hicho pamoja na Rais, Makamu wa Rais na Waziri Mkuu. Na pia tukapendekeza kwamba hiki kikosi cha usalama kitakuwa na kazi fulani na tukapendekeza kazi yake.

Halafu katika chapter ya kumi na sita tumeangalia mambo yatakayo zingatiwa na viongozi.

Chapter ya kumi na saba tumeangalia vyombo vya kikatiba Constitutional Commission and Offices. Na kwa wakati huu tumependekeza kwamba mikono ya serikali iwe ni minne. Bali na mahakama, Bunge na serikali kuu tumesema, hizi Constitutional offices pia zisaidie katika kuhudumia na kuendesha shughuli za serikali. Na tumependekeza Tume mbali mbali, tumependekeza Tume za huduma kwa mfano, Tume itakayo hudumia mahakama Judicial Service Commission, Tume ya Huduma ya Umma - Public Service Commission, Tume ya Huduma ya Bunge halafu pia tumependekeza Tume ya haki za kibinadamu na haki za kitawala kwa Kiingereza the Commission on Human Rights and Administrative Justice. Tumependekeza pia Tume ya Maadili ya Uaminifu - the Ethics and Integrity Commission. Tumependekeza Tume ya Uchaguzi Electoral Commission, Tume ya Mishahara na Malipo – Salary and Remuneration Commission. Tume ya Hazina ya upunguzaji wa usambazaji madaraka . Tumependekeza pia Tume ya Katiba - Constitutional Commission, tunasema pia kwamba Mkuu wa sheria atakuwa na ofisi ya Kikatiba, wakili wa umma ambaye ni DPP or Director of Public Prosecution atakuwa na ofisi ya Kikatiba. Tumesema pia Governor wa Central Bank atakuwa na ofisi ya Kikatiba. Tumependekeza pia msimamizi wa makadirio ya mapato - Controller of bad debts awe ana ofisi ya Kikatiba. Katibu Mkuu Auditor General pia awe ana ofisi ya Kikatiba. Mkurugenzi wa shirika kuu la takrimu hii ni ofisi ya census na tumependekeza pia tuwe na Tume ya ardhi. Na Tume hii ya ardhi tumependekeza iangalie mambo yote ambayo yalipendekezwa na wananchi kwa mfano mambo ambayo nimesema ya kutogawanisha ardhi ya Kenya kwa njia iliyo sawa kupitia mambo ya kihistoria kwa mfano ma-squatters ambao wameishi kwa miaka mingi katika ardhi na wenye ardhi hawajulikani na pia mizozo tofauti waweze kuyatatua kwa muda ambao tumetoa katika schedule ambayo mtaisoma.

Katika chapter ya ishirini tumependekeza mambo yatakayo tuwezesha kupita kutoka katika Katiba moja hadi nyingine. Na kabla hatujamaliza nadhania, kitu ambacho nilikosa kukipitia ni afisi ya Rais na Waziri Mkuu. Kuanzia Article 148 tumependekeza jinsi ambavyo Rais na Executive wengine wataweza kuchaguliwa. Kwanza kabisa tumapendekeza kwamba mtu yeyote atakaye simama kuwa ni Rais awe ni mzaliwa wa Kenya na kwamba awe amepata shahada ya degree. Pia asimame na running mate ambaye akishinda ataweza kuwa ndio Vice President. Halafu tukapendekeza majukumu ya Rais. Article 148 na kwa kifupi, kuna majukumu tofauti majukumu ambayo ni lazima kwa Rais ni kwamba ni lazima pale tumetumia neno “shall” ni lazima alinde uhuru wa taifa. Ni lazima aheshimu wingi wa kitaifa na alinde haki za kibinadamu na pia ni lazima alinde Katiba atete haki za kisheria au kanuni za kisheria.

Jukumu muhimu kwa Rais, ni kwamba akubali na kupitisha miswada yote itakayo pita Bungeni lakini amepewa haki ya tuta ya kuweza kuidhinisha ama kuweka sahihi katika bill zitanazo pita katika Parliament. Anaweza kuweka idhini bila kusema

chochote without questioning. Anaweza kuirudisha kwa Bunge ili waangalie mambo fulani au anaweza kuomba supreme court kuweza kuangalia na kumpatia mawazo ya supreme court kuhusu jambo hilo. Halafu majukumu mengine ni kwamba ana uwezo au ana haki ya kuhutubia Bunge lakini Tumependekeza kwa sababu Rais atakuwa msimamizi wa shughuli za serikali kwamba alazimike tu mara moja kwa mwaka hutubia Bunge. Lakini akitaka anaweza kuhutubia mara ingine. Na pia anaweza kupendekeza mswada wa kisheria kupita kwa baraza la Mawaziri.

Na pia Waziri Mkuu analazimika kumfahamisha mara kwa mara Rais kuhus shughuli za utawala. Pia amepewa majukumu mengine ambayo pengine ni muhimu lakini siyo sana. Kwa mfano kwamba atakuwa ni msimamizi wa majeshi na msimamizi wa baraza la usalama National Security Council. Atatangaza hali ya hatari baada ya kushauriana na Waziri Mkuu na Baraza la MaWaziri kwa kufikia Bunge. Atateuwa Mahatimu kwa kupita Judicial Service Commission na pia ana uwezo wa kuanzisha utaratibu wa kuondoa mahakimu ama ma-judge. Na pia kuidhinisha mikataba tofauti, kuwapokea mabalozi, kuwateua mabalozi baada ya kushauriana na Bunge. Anaweza kutoa misamaha pardon of mercy. Na kuweza kufunga rasmi kwa Bunge lakini hawezi kufunja Bunge ila kwa kupitia sheria ambayo tumeiandika. Na tunaye Waziri Mkuu atakuwa na majukumu yafuatayo.

Kwanza kabisa atachaguliwa na Rais au niseme atateuliwa na Rais lakini Rais atatakikana kuenda katika Bunge ili Bunge liidhinisha na kukubali jina la mtu ambaye amemteuwa. Bunge likukubaliana mtu huyo atakuwa ni Waziri Mkuu, Bunge likikataa ambaye atakuwa ni leader of the minorities kwa wakati huu tunasema leader of the opposition party atapata nafasi ya kutoa jina na kulipekeka Bunge. Bunge ikikataa jina hilo sasa Rais atapewa nafasi ya kuteuwa mtu mwingine yeyote katika Wabunge. Lakini katika ile nafasi ya kwanza itapewa Mbunge ambaye atakuwa anawakilisha chama cha kisiasa kinacho watu wengi Bungeni leader of the majority party ndiye atapewa nafasi ya kwanza lakini ni mpaka ahidhinishwe na kukubaliwa na Bunge.

Na kazi yake ya kwanza kabisa ni kwamba yeye ndiye atasimamia baraza la maWaziri na kuendesha miswada ya serikali siku kwa siku, he will be incharge of the government. Atasimamia makadirio ya matumizi ya fedha na atawachagua maWaziri na manaibu wa maWaziri lakini Rais atakuwa hana jukumu hilo. Naye ataweza kusomewa wakati ambapo kutapitishwa motion ya kutokuwa na imani na yeye na wabunge. Rais naye anaweza kuondolewa ikiwa kutakuwa na impeachment, sijui tutaita vipi kwa Kiswahili ambapo supreme court itahusishwa kwa sababu Rais amepatikana akiwa ametenda vitendo visivyo stahili kulingana na sheria ambazo zimewekwa. Tukitazama schedule ambazo niliwaambia ziko nyuma ya hiyo draft act Constitution mtaona kwamba schedule ya kwanza ninatupatia mipaka kwa urefu. Mipaka tofauti yetu na majiranzi wetu. Schedule ya pili imetupatia mikoa na wilaya za nchi yetu kwa kirefu tutaweza kuzijua ni zipi. Schedule ya tatu tumeandika vifaa au symbols za kitaifa. Schedule ya nne tumeandika viapo vitakavyo chukuliwa na Rais na watu wenginwe wote watakao kuwa wanahudumia ofisi za umma. Schedule ya tano tumeandika tabia itakayofuatwa na watu watakao kuwa wanahudumia umma. Nitawapatia nafasi ya kuongea tafadhali mnipatie dakika moja nimalize I will give you forty five minutes to be able to speak.

Schedule ya sita tumeangalia shughuli ambavyo zitafaa kufanywa na Bunge kuhakikisha pendekezo ama Katiba mpya itakuwa

imezingatiwa kwa mfano, tumeangalia kuhusu sheria ya mashamba na tumependekeza kwamba Bunge liweze kuhakikisha kwamba Katiba Mpya imefuatwa kwa kupitia miaka miwili. Tumeangalia masilahi ya akina mama katika Bunge tukasema kufikia miaka mitatu, tumeangalia mambo ya wananchi tukasema hiyo ni kila wakati. Tumeangalia mambo ya sheria za nchi tukasema baada ya miaka miwili ni lazima sheria zote za nchi ziandamane na Katiba ya nchi yetu. Halafu mwisho kabisa katika schedule ya saba tumewapatia shughuli ya district government na national government. Halafu samahani mwisho kabisa tumewapatia transitional provisions ni zipi ambazo tutaruka kutoka kwa Katiba ya zamani hadi Katiba nyingine. Tumeangalia mambo ya kura, tumeangalia haki za binadamu, tumeangalia devolution of power, political parties, tumeangalia provincial administration kwa sababu tunajua kuna watu pale na masilahi yao lazima yaangaliwe. Tumeangalia pia mahakama, tumeangalia Constitutional Commission, tumeangalia je tutafanyiwa vipi na kuna watu ambao wamepewa hukumu za vifo kwa wakati huu na tumeangalia jinsi Constitutional offices zitakavyo weza kuhudumiwa hadi tufike katika maagano tukayo kuwa tumepitisha kana Katiba mpya. Asanteni sana kwa kunisikiza nadhania ni mambo ambayo hatuja yapitia lakini kazi yangu aikuwa kupitia Katiba mzima kwa sababu hiyo hauwezi kufanya hata ningekaa mpaka njioni na nina kazi nyingine kwa Constituency ingine kesho. Sasa matarajio yetu ni kwamba mtazidi kusoma na tunajua pia wengine mmesoma na mmesikia kwa radio. Sikua nawaambia mambo ambayo hamjasikia, mengine mlikuambia wenyewe na kwa wakati huu tutawakaribisha ikiwa kuna mambo mnataka nifanue ama kuna swali nilijibu kulingana na draft Constitution ningeweza kufanya hivyo na tutawauliza watu ambao wanataka kuzungumza wainue mkono na kufika hapa na kutuambia majina yao wakitumia microphone, ili tuweze kupata maswali yao kikamilifu iende katika record ya Commission. Do you have another microphone Collins?

Jacobas Kiilu: Asante sana jina langu ni Jacobas Kiilu kutoka Makosuti, swali langu linahusu chapter eleven na hiyo ni land na property. Moja kwa moja on clarification, I have a problem with Article two thirty four, two A and this is my recommendation that let us define. The problem is that act 2A there is the following description of land in public. Land which at the commencement of this Constitution was held as an alienated government land in terms of the government land act cap 301. are we together? Katika hii Constituency ya Kibwezi large sections of the land occupied by the citizens is still designated or shown as alienated government land and in itself ni sheria ya tangu mwaka wa 1992 and it does not recognize the unregistered land rights of the natives as in the case of trust land. So tungeomba iwe, we define the concept of alienated land and also give the schedule of the same without being limited by the current government land act. This I think will help resolve most of the problems of the people in this Constituency and other parts of the country. Thank you.

Daniel Malombe: Kwa majina naitwa Daniel Malombe from Kibwezi nilikuwa nataka clarification on chapter five concerning the bill of rights (inaudible) all the children whether born within or outside wedlock are equal before the law and have equal rights under this Constitution we would like to have clarification on that kwa sababu huenda ikawa kuna mtoto amezaliwa na mama akiwa hajaolewa na the person who was concerned na yule jamaa aje baadaye aoe a different woman, yule mtoto alizaliwa wakati ule atakuwa na cheti ya rights ya property ya yule jamaa ama itakuwaje? I think that was my concern.

John Kiala: Kwa jina naitwa John Kiala. Nimekuta vitabu vimekwisha ambavyo vilikuwa vinasomwa, lakini kulingana na maelezo kuna jambo nilikuwa nataka kujua kwa nini hii iliwachwa na aikupendekezwa na Katiba kwa mfano katika maelezo kumeelezwa zaidi juu ya wafanyikazi wa serikali, mahakimu juu ya mishahara yao, lakini wale ambao ni watu wa makapuni ambao na tumekuwa na chama cha COTU. Sasa wakati kunakuwa na shida kama wafanyikazi na kampuni Katiba haikutuwekea jinsi ambavyo tunaweza kufanya na chama chetu cha COTU, kwa sababu pia sisi ni wananchi na pia tunakuwa na shida mbali mbali juu ya mishahara ama juu ya kazi. Kwa sababu wakati tunaenda kwa labour inakuwa ni shida kusikizwa malalamiko yetu. Chama chetu cha COTU hakijapewa nafasi katika Katiba hii kwa hivyo ni hayo tu yenye nilikuwa ninauliza. Asante.

Kithanze Kimwele: Madam my question is on transitional and consequential provisions. It is written upon entry into force of this Constitution any interest in land large than ninety nine year lease by whoever granted health by a non citizen shall be converted to ninety nine year lease unless otherwise revoked. Ingekuwa pendekezo yangu au yetu to omit some of the things to read upon entry into the force of this Constitution any interesting land larger than ninety nine year leaser by whoever granted full stop, maneno ya no citizens shouldn't be there, shall be covered to ninety nine year lease period. Thank you.

My humble opinion is that the term of non citizen someone can put any other director if it is held by somebody else it can be, African can be there it still be a non citizen.

Com. Abida Ali: (inaudible)

Kithanze Kimwele: No the thing is I am not trying to punish Kenyans and in any care why would one have nine hundred and ninety nine years, I mean such a long lease. I mean it is stated ninety nine year lease by a non citizen shall be converted to ninety nine year lease unless otherwise revoked. I don't understand that can you elaborate.

Com. Abida Ali: (inaudible)

Kithanze Kimwele: It was Article 17 on ownership of land could be you could elaborate.

Com. Abida Ali: (inaudible) hakuna akina mama hawataki kuongea? wameadhirika na mateso yao. Akina mama wako wapi?

Joseph Mboko: My names are Joseph Mboko from the Ministry of Education. My concern is on bill of rights, Article 39 sub-section (b). Educate communities and societies on the causes of disability and need for respect for the dignity and rights of all. The issues is, now when it comes to persons with disabilities the provision of education especially may be special needs in education is not clearly mentioned here. But it is special needs education that is it is inclusive it is not taken care of in this Constitution.

Secondly, you have talked about rights of women, children, family and so on but I have a concern here have I seen something like rights of the parent? My issue here is parents should have rights of their children especially when it comes to discipline, the mention of values and principles like that, now in this era where we are talking of banning of canning, corporal punishment, don't you think there is a possibility of a child taking his parent to court because of being canned.

Com. Abida Ali: (inaudible)

Joseph Mboko: Thank you very much. So my proposal is we put a clause that provides rights for parent in regard to the children.

Then here on chapter seven on Legislation on part two on composition it is clear that we have a representation of women in Parliament, but I am concerned that there is no representation of people with disability in Parliament. So may be I recommend we put some provision into place.

Benedict Muvya: Na nitazungumza kwa lugha ya Kiswahili. Nimeangalia elimu, yangu ni maoni na majina ni Benedict M. Muvya. Nitaanza na elimu kwa upande wa elimu katika Katiba mpya nitapendekeza shule ya msingi, wanafunzi wapewe masomo ya lazima na ya bure. Mimi ninaonelea kwamba mwalimu wa nursery alipwe na serikali. Kama vile wale waalimu wengine wanavyo lipwa, kwa sababu tukitazama sasa mwalimu wa nursery ananyanyaswa, kwa sababu wazazi wengine wanaweza kulipa pesa, wakati mwingine wanaweza kukataa kulipa pesa kwa hivyo huyo mwalimu anateseka sana.

Jambo lingine ni kuhusu Bunge. Tumesikia ya kwamba wale Wabunge ambao watapendekezwa kuwa nominated ni ninety na hizo ni pesa nyingi sana tukizingatia zile pesa ambazo Wabunge wanalipwa sasa ni pesa nyingi zitatoka katika hazina kuu. Pendekezo langu ni kwamba wapuguzwe mpaka labda arubaini kwa sababu ninety ni wengi sana na zile pesa ambazo wanalipwa ni nyingi sana.

Pendekezo la tatu, ni Wakenya wanaoishi nchi za nje. Tukitazama Wakenya ambao wanaishi nchi za nje wengi sana wanataabika sana hata kukutokea vita huko tumeona nchi za American wao wanaende kuchukua watu wao lakini huku kwetu watu wanaendelea na kutaabika. Pendekezo langu ni kwamba, wale Wakenya ambao wanaishi nchi za nje Katiba yetu mpya iwazingatie na iwasaidie iwezekanavyo.

Mwisho, ni kuhusu Katiba, tumetazama yale maoni ambayo yako hapa na tumeona ni yale ambayo tuliyatoa na tunawapa pongezi na kwa sababu tumeikubali iwapo hii Katiba itabadilishwa ni sisi Wakenya tunapaswa kuibadilisha, tuulizwe maoni lakini sio mtu fulani ajitokeze aseme mimi nataka kuibadilisha au kundi fulani la watu fulani waseme tunataka kuibadilisha. Tuulizwe maoni yetu tutue ndipo ibadilishwe, iwapo mtu mmoja atajitokeza abadilishwe kile ambacho tumeona kwa siku nyingi,

basi huyu mtu hata akiuwawa na watu sisi hatuna shida na yeye kwa sababu ni sisi tumeitengeneza. Asante.

Justus Muoki: Asante sana kwa majina mimi ni Justus Muoki. Ningependa kuongea juu ya village government ama Provincial Administration. Hapo awali tulikuwa na wazee wa vijiji na hawakuwa na mshahara na wakati wanakutana wanaomba kitu kinaitwa *usuu* kwa wenye matatizo. Sasa tuna Provincial Administration na inalipwa na serikali. Wakati tunasema tuwe na village government ningependa kwa moani yangu tusiwache namna hiyo. Tupendekeze kama ni watachaguana, wale watakuwa waki-administrate the village wawe na mshahara na serikali ilipe wale wazee kama kutakuwa na wazee. Tusiwache namna hiyo halafu waanze kutaabika tena. Asante sana.

Kelende Ndile: Asante sana, kwa majina naitwa Kalende Ndile na mimi ni diwani hapa lakini nitabadilisha hivi karibuni. Kwanza nawapongeza kwa hile kazi mmefanya nzuri sana ya kuchukua haya maoni ya wananchi na tunawaunga mkono sana. Kabisa ningeeza na kuuliza mtuafanulie juu ya hii yellow ribbon na wengine hawajui wamefalia nini, hiyo nikumaanisha tujue kabisa. Kwa sababu tunajua kuna wau wanapinga kazi yenu kwa madhumuni yao iwe mkitoka hapa kila mtu ajue tunaweza kuwa pamoja na kwa sababu wamejua umuhimu wa hiki kitu na pengine wale wanapiga ni wakubwa ambao wanataka kupendelewe na sheria zile ziko pengine za kushika watoto maofisini na vitu vya aina hiyo. Ningeliza tuangalie ukurasa wa sitini na tisa, ina unaongea mambo ya fair trial. Kwa sababu hatungeweza kuenda through vitu vyote juu sijui kama ina shida na hapo kwa sababu tumeona makesi mengi sana ambayo tumekuwa tukifanyiwa kama mimi nimekuwa na makesi nyingi sana ambayo kwa miaka minne nimekuwa na makesi tisa kwa sababu ya haya mambo ya civic education na mambo ya corruption na vitu vya aina hiyo. Na unakuta kesi inaendelea hata kama mwanzo wanaona hawawezi kushinda lakini wanaendelea kazi yao kukuangaisha kortini. ----- kwa mafano tumeona polisi wakitoa watu kwa ngari ya abiria wanauwa watu watano na hao polisi bado wako na hakuna pendekezo mmetoa ya muhimu ya kuhusu hawa watu watafanyiwa nini tunaendelea na kuishi na watu kama hao hata kama walikuwa wametumwa. Na ninapeana mfano wa Kibwezi, kuna wakati wa elections kuna DO alipiga mama hapa risasi na huyo DO alifanya kupekwa transfer ---- ya kupiga mama risasi ilikuwa ni ati waliimba wimbo wa kuchinja jogoo chinja na bado yeye ako hapo. Kwa hivyo mpendekezo za wale wahalifu wote ambao wametumiwa vibaya kwa maofisi yao kupendekeza pia wachukuliwe hatua kama vile mpendekeza kwa Judiciary.

Hile ingine nina shida ni hii mambo ya district government. Tunajua kuna district ambazo zimebuniwa kwa sababu ya siasa, kwa mfano district ya makueni ina locations hamsini na sita na unakuta kuna district zingine zina location kumi na mbili. Wakati mnasema watu thelathini mpaka ishini ndio watakuwa representative wa district hizo za serikali sijui kama mmeangalia katika ukubwa na mkaangalia itafanyika namna gani, hiyo pia ni ya maana.

Halafu ile ingine ni hii mambo ya kuita mbunge aitwe tena kama amefanya kazi vibaya. Sijui kwa sababu hiyo mimi ninaunga mkono kabisa, lakini shida ni mtu achaguliwe na watu waanze process tena kwa sababu watu wanaweza kuanza hiyo process ya kutumia wengine vibaya muanze kuambiwa mfanye hivi na vile. Hapo pia watu wachunguze vizuri.

Mwisho, ni mambo ya Rais anateuwa Waziri Mkuu. Pengine mimi ninafikiria sijui kutakuwa namna ngani kwa sababu tumeona vile walikuwa wanachaguana Wabunge pengine Waziri Mkuu atakuwa ni yule mwenye pesa nyingi kwa sababu tumeona hapa wakinunuliwa elfu mbili kwa Bunge. Sijui hapa mmefanya namna ngani ndio kuhakisha kuwa hawa Wabunge pia hawawezi kutumiwa vibaya wachague wale watu wana pesa nyingi. Asante sana.

Twalib Islam: Kwa majina naitwa Twalib Islam. Langu mwanzo sijaangalia sana katika hii Katiba yenu, lakini mimi ni mzaliwa wa hapa Kibwezi na mzazi wangu mmoja ni Mkenya na mzazi mwingine ni kutoka Yemen ambapo hapa ni foreigner. Na niko na shida sana ya kuchukua passport kwa sababu ninaitishwa birth certificate ya nyanya yangu ambaye hana. Na niko na shida sana upande wa kupata hiyo passport. Je sijui katika hii Constitutional Review, yaani katika hii Katiba mmechukua hatua gani ya kusaidia watu kama sisi maanake sisi ni Wakenya. Langu nilikuwa naomba mnaweza kuwa na Katiba ya watu kama sisi ambao kwamba wazazi wetu, mmoja ni Mkenya na mwingine ni foreigner, kwa hivyo tuangaliliwe upande huo. Maanake kupate passport, hicho ni kitu ambacho siwezi kupata na ninatakatanzwa right ya kupata passport na nikitaka ku-travel ni shida. Kwa hivyo muangalie vile mtafanya. Asanteni.

James Maina: Asante sana kwa majina naitwa James Maina. Wakati ulikuwa unaanza ukielezea hii sehemu ya watoto, children hii chapter five Article 37, kuna kitu ningetaka utufafanulie juu ya part D hii ya that every child has a right to be free of corporal punishment (interjection) yes on the child and especially trust of all before the corporal punishment is there any relation to the institution which I don't whether this means homes or may be other institutions. My main concern here is the corporal punishment (interjection) yes because I feel that should this be limiting the parent on the disciplining of the child I believe this will be also violating the rights of the parent in regard to instilling discipline on the child. There are some limitation the Constitution is talking about, the limitation of right in Article 31 and I don't know whether this is going to apply on this part to allow the parent to be able to instill discipline without endangering his may his freedom or violating a certain part of the law and may be liable to prosecution. So just like somebody else had said I feel it is also good to spell out clearly in the Constitution the parent rights in relation to the child his own or her own child so that should the child also be disobedient, the parent should also have a support of the law may be to take some certain measures to make sure this child is brought up in the right way. And also in religion as we have the freedom of religion, it also advocates for bringing up a child in the right way which also talked about using the rod for correction. So this is why I am mainly very much concerned so if it comes out clearly the limitation on the right of the parent on the child, I believe to be (inaudible). Thank you.

Fred Mutiso: Kwa jina naitwa Fred Mutiso. Ningependa kuongea juu ya hii sehemu ya devolution of powers. Hapo hamjaonyesha vile hawa watu ambao watachaguliwa their qualifications.

Pili, wale ambao watakuwa wanasimamia government, wapatiwe muda kuwe na tenure of office. Na ningependekeza three terms of office, za miaka mitano, mitano. Vile vile tukiangalia mambo ya Wabunge na wao pia wapatiwe tenure ya office ya fifteen, 5 years term kwa sababu tukiangalia yaliyo pita ni kwamba kuna Wabunge wamekaa ofisini tangu tupate uhuru na

wako hapo hadi sasa. Kwa hivyo ningependekeza wawe wakipatiwa muda wa fifteen three terms kila mtu.

Kile kingine ningependa kunguzia ni mambo ya National Council sijajua pale kwa draft Constitution hamjapatiana maana ama jukumu ambazo zitakuwa zikitekelezwa na National Council. Kwa hivyo ningependeka mtoe ili tujue watakuwa wakifanya nini kwa sababu kuna sehemu ingine ya Wabunge National Assembly. Kwa hivyo sijaelewa sababu ya National Council ni ya kufanya nini.

Kitu kingine ni cha akina mama mmesema ya kwamba wawe wakipatiwa 30% ikiwa ni kwa Ubunge kwa nini kwa nini sasa ikiwa tunagusia demokrasia ambapo watu wanajitokeza wa camopaign ama wawe kwa uwanja ambao umekuwa tambarare sioni vile mtapatia wanawake affirmative action. Waje mbele wajitokeze waunze mambo yao kwetu wananchi ili tuwachague ama tusiwachague. Kwa sababu mkifanya hivi ama hii Katiba ikiendelea hivi, kutakuwa kuna wanaume wengine labda wanaweza kutumika vizuri kuliko wanawake wale wamejitokeza. Kwa hivyo ningependa kufika hapo.

Michael Mutisya: Kwa majina ninaitwa Michael Mutisya. Jambo ambalo ningetaka kuzungumzia ni juu ya duties za citizens. Hapo Katiba yetu imezungumzia juu ya kutoshiriki katika mambo ya ufisadi ama corruption. Na sana sana ukiangalia katika hilo jambo mara kwa mara kile ningetaka kuuliza kama tungeweza kuweka, ni kwamba katika jambo hili la ufisadi ninaweza kusema ndilo baya. Na wakati mwingi sijui kama kuna mpango unaweza kuwekwa ili mahali ambapo maanake kama tusema kwa mfano ukikosa kutoa hongo mahali inakuwa ni kama huwezi kuhudumiwa ni kama aungaliwi na hii mambo ya corruption ni kama yamekuwa ya hadharani. Tusema kwa mfano useme hutoi hongo ama hutoi kitu yaani unakuwa ni kama hakuna mtu anakujali kama ni mahali pale huduma hule ulikuwa unataka. Unakuwa hakuna mtu anayekujali na ni kama hakuna njia yoyote ya kufuatilia jambo kama hilo. Ni kama hakuna mahali pa kushtaki ama kusema na kwa kawaida mwananchi yule wa kawaida ama wananchi wengi wanakuwa hata akisema jambo ni kama hawezi kusilikizwa maanake ni kama labda hana pesa na amekosa hudumu ile ambayo ni haki yake. Ningetaka kuuliza katika Katiba hii yetu kuwekwe mpango, ili jambo kama hilo kuwe ni mahali umekosa kutoa hongo ama umekosa kushiriki katika mambo ya ufisadi na labda ukakosa ile huduma ulikuwa ni haki yako. Kuwe na njia ya kufuatilia ama ya kuleta hilo jambo ama kushtaki jambo kama hilo ili mwananchi wa kawaida awe anatambulikana. Asante.

Joshua Masoo: My names are Joshua Masoo and my concern is on chapter five the bill of rights on the freedom of religion belief and opinion. That is number 44. I am looking at part 6 C a person may not be compelled to receive religious instructions or to take part in or attend a religious ceremony or to observe a day for rest or other observance that relates to a religion that is not that persons religion. My concern here is that we are living in places where some religions are using public address systems and in that case they are compelling some of us to receive the instruction. What I am saying here is, I am requesting the Constitution to limit the sound that is emanating from these places of worship. We have the places of worship where even the speakers are subjected to the community and not the individual who have gone there to worship. So I am requesting if this can be corrected and probably those favourable to the concerned with religion, to be directed on how to

minimize the sound. Thank you.

Willy Kioko Martin: Well, I am Willy Kioko Martin and I would like to contribute on certain proposals on the part of the Judicial System. On going through the draft I have realized that there is so much appointment by the President and particularly on recommendation by the Judicial Service Commission. I have seen that the Judicial Service Commission should recommend anything for appointment to the Parliament for vetting and not the President. The reason why we have a greater load in the Judicial system is because of this kind of tribal and political appointees. And therefore the President or rather the Executive arm of government should be separated from the Judiciary. Thank you.

Martin Kilonzo: My name is Martin Kilonzo. I take this opportunity first and foremost to congratulate the Commissioner for having done a very good job under the circumstances, because we have seen we have had a group of Kenyans who have been thinking and that are likely to cause a lot of confusion who have been against the Commission and at the end of the day I can see you have done a good job. So I have some proposals. If you just moved outside and you saw somebody walking naked I think you will be shocked. Like the coming Constitution it has no cover so I wish to ask to have in the next Constitution at least it should have a cover because what you have now is just a batch of papers.

On the Bill of Rights, I would wish you to include in the bill of rights is the rights of the elderly because we have very old people who are actually violated. So rights of the elderly the old people so I would wish to see that included in the Constitution. Also on the bill of rights I would wish to have things like water, shelter, education, and legal representations some things should be made to be Constitutional rights for citizens.

Also there is one problem which I have noticed, it has not been addressed. Human wildlife conflict I think the coming Constitution recognizes animals more than human beings. So we would wish to have a Constitution which recognizes people rights because animals have affected people's lives and nothing is being done.

On issues of land, when Mau mau were fighting were fighting for freedom and land but we got the freedom there is no land. Then Kenyatta was saying Uhuru na Kazi. You cannot work with the atmosphere you have to work on land so I expect in the next Constitution everybody to be given a piece of land.

And also on the rights I would also wish the next Constitution to have the rights of the dead recognized. We are seeing so much grabbing even cemeteries are being grabbed. So I also expect the people who died some years back to rest in peace. We will also want the grabbers to be in cemeteries.

When you look at the Constitution you find the civil servants are appointed they are some sections how civil servants are appointed. But now what I want to see is a system why by in simple we have no civic servant we have civil masters. I remind

you during the colonial days when the PC wrote a letter to Kilonzo, he always signed, yours obedient servant but now we have masters there are people who don't listen to Kenyans. So we expect civil servant to be servants.

And also in the Constitution we expect it to be constructed in such a way that because it is citizens who fought for leaders and they also pay taxes which pay their salaries. So we want a Constitution, which recognize the citizens more than the politician.

And finally, because recently we saw a case, where the KANU government went against the Constitution. We know the Constitution says that there is nothing like merger in the Constitution because four parties are merging and then they are not going to the elections. So we don't want to see such things in future. So I would request that the death sentence be passed for anybody who goes against the Constitution. So those are some of my recommendations.

Michael Mutuse: I am Michael Mutuse and mine is on the labour relations that is Article 55 (2d) that is on the strike. I find that very little is said on the other party in case one party goes on strike. It is not elaborative it doesn't elaborate what one should do, should the other party keep quiet. So I think something should be added on the strike so that in case of a strike something like – there should be a measure on what should be taken into consideration should the strike goes and the two parties are just keeping quiet like in the situation. So something should be put in the new Constitution that should a strike take place and then the party which is supposed to have agrieved the other one keeps quiet, something should be done. And then something like a measure like the Parliament should intervene at the part or rather help dissolve the stalemet. So I think when you go back make sure that, that one is put into place and very fast. Thank you.

Com. Abida Ali: (inaudible)

Anthony Mutava: My name is Anthony Mutava I would want to comment on the devolution of powers particularly the village government and my point is just to go to the financing of the village government. I would want to imagine of a situation whereby the village government will have guranteed funding from the national government. I know you have pointed somewhere where you said that the natinal government will have the upper hand in the collection of major revenue resources. I would want the village government to be given a major role so that their functions will not be hampered by lack of finances. So particually I would want them to be may be part of the committee of ways and means which is in the financing Ministry or something like that. So that they have a deeper say on the scenario.

George Mulei: My name is George Mulei I have a few (inaudible) to clarify. Ya kwanza ni juu ya preamble, tulisema hapa katika preamble let our freedom fighters be recognized and this has not come up. We also said let us remember the wrongs done by our past that they don't be repeated again, this has also not come. May be it could be checked.

My second point ni kwamba in Kenya, katika public holidays inaonekana tuna-recognise Madaraka day 1st June, Jamhuri day 12th December na nimeona tumeambiwa the third holiday iwe Constitutional day. May be in my views, if Kenyatta day cannot be included iwekwe freedom fighters day, because we are what we are because freedom fighters fought and they succeeded. So may I appeal that this comes in either iitwe Kenyatta day or freedom fighters day.

Third, katika mahakama in the courts, I have seen it clearly stated that in the High Court and also in the Court of Appeal the Constitution of the same courts would be three Judges but it has not been clearly stated how many Judges would constitute the Supreme court. Could this be checked and then inserted. Thank you.

Com. Abida Ali: Asanteni kwa maswali, nitajaribu kuyajibu kwa njia niwezavyo. Wa kwanza alikuwa Bwana Kiilu, na kwa hakika mimi sikuelewa swali la Bwana Kiilu kwa sababu nikiangalia hiyo Article 234 ukiangalia mpaka ufike katika all the other subsections tumezungumza kuhusu aina tofauti ya mashamba. Subsection 234 (2) ndio tulizungumza kuhusu the government land act, ukienda chini ukifika sub-section 3(a) we have talked about the trust land. Kwa hivyo mimi sijui kama ulikuwa umesoma hapo ukaona haikueleweka na ikiwa ni hivyo basi vile ningekuomba ufanye because it looks like a community problem ,tafadhali pendekeza kwa kupitia any of the three delegates to the national conference you get their names. You can also do it through the MP because it is something that one cannot easily recommend and what I would also say is that I don't remember having seen you when we were collecting views so probably that is when you missed it out. Where you there? And you mentioned that as well? Okay if you think it is not adequately covered, this is just but a first draft please make sure that the three representatives from here together with the MP bring it a long as an issue that you think needs to be taken care of.

Na Bwana Daniel Malembe alikuwa na shida kuhusu section 37 tu ambayo inazugumzua kuhusu watoto na shida yake mimi sikuelewa ni ngani lakini I will treat it as a problem for now ambapo alikuwa na shida kwa sababu mtoto akizaliwa section 37 (2) kwamba watoto wote watakao zaliwa kwenye ndoa na nje ya ndoa wana haki sawa na akawa na shida kwamba mtoto akizaliwa na mama ambaye hakuolewa na bwana na bwana aoe bibi mwengine je, huyo mtoto atapata mali ya baba? I think yes, na ukisoma infact for me, nafikiri unaweka shida pale hakuna kwa sababu ulisema mtoto akizaliwa na mama, mtoto anazaliwa na mama na baba na anafaa kurithi pande zote mbili, ikiwa baba ana mali au mama. Kwa hivyo ata ukioa na ujifiche ukipatikana itakubadi upatie huyo mtoto haki yake ikiwa wewe ni mzazi.

Halafu nikijibu kuhusi watoto kwa jumla, kulikuwa na shida ambayo watu wengi wamesema we did not give rights of parents as far as children are concerned but may be it is because we have not had an opportunity to read the document. Hii document imetoa jukumu kubwa kwa wazazi na jamii na ukiangalia 37 (1), I think for me it is really very clear infact 37 one, two, three, four, five and all the other sections I think they give rights to parents. Kwa mfano tunaambiwa mzazi anakatazwa ku-discipline mtoto na je mtoto atalelewa vipi kwa njia iliyo bora. Nadhania kiboko sio kulea mtoto, kuna mambo mengi katika ulezi wa mtoto na if we look at sub-section one it is very clear what it say it is the duty of their parent, wider family, society and the state to naturture, protect and educate them so that they can develop in a safe stable environment in an atmosphere of

happiness, love, respect and understanding and be able to fulfil their full potential in all respect. Sijui kama kuna right ingine mzazi angekata umambiwa very clearly without any demacation bring up your child in a way that this child will grow up to be a responsible citizen.

Kwa hivyo sio lazima Constitution iseme piga mtoto kiboko, because we also don't want to tell you how to bring up your children. All we are saying is that ukilea mtoto even children have human rights saa hii nikisimama nikupige kiboko utasema I am violating your human rights. So with the same breath we are saying do not – msiwaadhibu watoto kwa njia ya kinyama. Hujaambiwa don't discipline your child na kusema ukweli kiboko sio ku-discipline mtoto kuna njia nyingi za punishment. Na kuna aliyeuliza hivi be free of corporal punishment or other forms of violence or cruel and inhuman treatment in schools and other institutions. Nilisema mbeleni kwamba tunapendekeza kwamba sheria za Kenya zibatane na mikataba ambayo tumeandikiana na nchi zingine.

Katika mikataba ambayo nchi zingine za ulimwengu zimesahihisha na Kenya pia imejidhinisha wamepigilia marufuku mbali kupiga watoto viboko. So we are a family within the families of the rest of the world. Hatuwezi kusema Kenya kwamba tunatambua haki za kibinadamu, tunatambua hivi na hivi na tunaona kila wakati watoto wanaadhibiswa kwa kupigwa viboko wengine wanafanywa vilema, wengine hata wanauliwa.

So for us, tulipo zungumza na watoto tukizingatia haki zao waliomba kwamba tupendekeze mambo ambayo Kenya imeweka idhini katika mikataba ya ulimwengu na tukapendekeza kwamba kuondolewe all forms of corporal punishment pamoja na inhuman treatment of children. Hatukusema watoto wasiadhibiwe kwa hivyo nadhania tubadilishe desturi zamani ilikuwa ni desturi kupiga wanawake si wanaume mumewacha ama bado mnafanya? Nasema mumewacha mnaambiwa hata muwache kupiga watoto sasa muwadhibu kwa njia ingine ambayo inafaa.

Na Bwana John Kiala samahani nafikiri ulishelewa lakini kwa sababu sitaki kukusomea hiyo karatasi ningependa usome mwenyewe angalia Article 53 and 55. Tumezungumza kuhusu haki ya wafanyikazi na wamepewa haki nyingi na ulisikia hapa sijui kama mwenzetu alikuwa ni mwalimu akisema haki ya mgomo inataka ifafanuliwe zaidi kwa hivyo kuna haki nyingi pale.

Bwana Kimwele, ownership of land and non-citizens. I didn't understand your problem what Article was that you were referring? You refereed to the wrong Article, Article 17 ama did you say chapter 17? Because when I look under citizenship I cannot see the problem which Article? You have to give me the Article I don't know them off head they are too many. Chapter 17 or Article 17? Schedule 8 which is ownership of land. So what is your problem, you want non citizens to own land forever, Kenyans told us that non citizens should not own land then we considered this after consultations that if you have invester coming into Kenya and you cannot allow them to own land then they will not come to Kenya. So we recommendated having discussed with experts that allow them but let them have rights that are not similar to the rights that citizens own, because citizens also felt that when it comes to ownership of land they should not equated to non-citizens. So we are saying if you come

into Kenya you can only lease it for ninety nine years and if you know the history of land law in Kenya, you can own land for ninety nine years, you lease on the government, you can own for nine hundred and ninety nine years, you can also have free hold which means you are the owner from now to time in memorial. So are you saying that Kenyans should not own land for nine hundred and ninety nine years(end of tape 2) to own land and own it without problem because even trying to extend the ninety nine years is a big problem. I don't know whether you have come across somebody whose family has owned land and they have like even thirty years before the ninety nine, it is a nightmare. So for us we considered all those things. (interjection) you see what we have recommended is that non citizens can only lease land but what we are saying is that if a non-citizen owns land even if it is free hold, it should be converted into ninety nine year lease unless revoked by law. You see if you have a good reason that there is advocacy of the 999 of free hold then it should not be reverted into ninety nine years. We were just taking into account such eventualities.

If we acquired the land by unlawful means and then it is revoked by a court of law we know situations like that. I hope I have answered you.

Then there was Mr. Joseph on the bill of rights and he feels that hatujaangalia masilahi ya watoto walemavu I think under education and under the rights of children we have considered that you just need to read and you will see that; and you also have a problem with the chapter on people with disabilities where you think we have not captured adequately that is a thing that can be revisited at the National Conference.

Halafu kulikuwa na pendekezo kwamba waalimu wa nursery tungefaa tuandike katika Katiba walipwe. Ukiangalia section 58, tuna-recommend basic free and compulsory education from pre-primary kwa hivyo kama shule ni bure tengemeo ni kwamba serikali itatumikia na kuona kwamba elimu hiyo imetolewa bure na kushuhulikia waalimu. So I think that is covered.

Na ukapendekeza kwamba tu-reduce ninety nominated MPs to forty. Ningekuomba kama hili jambo ni la muhimu sana upendekeze kupitia kwa hawa wawakilishi watatu, but we will carry your recommendations but for now I think we can do very little because this document now belongs to you and other Kenyans, but you can send your representatives to have the number reduced to forty, lakini tutapeleka hayo mapendekezo yako.

Na hiyo kuhusu Kenyans abroad vile ningetaka kukuambia ni kwamba, Katiba inatoa tu miongozo lakini hili ni jambo pengine lingeshuhulikiwa katika misimamo ya kiserikali kwa hivyo tunaweza kupendekeza jambo hilo.

Na ukazungumza kuhusu kubadilisha Katiba ningekuomba usome chapter eighteen, ambayo inatueleza jinsi Katiba itabadilishwa kuna sehemu zitakazo badilishwa na Bunge lakini sehemu ambazo mlipendekeza na tukasihi kwamba ni sehemu muhimu tukapendekeza kwamba walibadilisha na urudishwe katika kura ya maoni kwa mfano, nguvu za wananchi katika Katiba, bill of rights, ukurasa ambao unatufunza kuhusu citizenship, ukurasa ambao unazungumza kuhusu values and principles na pia chapter

eighteen isibadilishwe bila kurudi kwa wananchi na kupata maoni.

Na kulikuwa na Bwana Justus Muoki alizungumza kuhusu village elders na kwamba hawalipwi. Kwa hakika katika Provincial Administration ya wakati huu, katika hierarchy yao sijui kama kuna watu wanatambulika na serikali ambao wanaitwa village elders sidhani na ndio maana hawalipwi mshahara. Lakini sasa Katiba itawatambua village elders au viongozi ambao watachaguliwa katika vijiji na nina akika wakiwa ni watawala watalipwa. Kwa sababu mtawala awezi kutawala bure, lazima alipwe ili aweze kuangalia masilahi yake.

Na Councillors akazungumza kuhusu yellow ribbon. I think I should be asking you why you are wearing that yellow ribbon. Lakini nimesikia wanaovaa wanakuwa na solidarity with the Commission. I don't know whether that is purpose kwa sababu nasikia Judges wanasema ni process so I don't know if probably it depends on why you are wearing it.

Na ukazungumzia kuhusu fair trial ukiangalia section 69 we have given fifteen points on how to have fair trial I don't think we could have said more and if you look at the civil procedure, the criminal procedure, the chief, the evidence act they give all the necessary ingredients of a fair trial. Kwa hivyo nadhania kama umekosewa pengine uangalie hizo na utarajie Katiba mpya itakuwa ina ku-protect.

Na akazungumzia kuhusu police I think if you look at section 264 tumeeleza kwa kirefu mambo yatakayo zingatiwa na police force ili waweze kuhudumia wananchi kwa njia iliyofaa but again through your representative you can later have more points if you think we have not adequately captured. And I think we will have to reconsider again through the National Conference if there are districts that have more than thirty seven locations because as a Commission probably that is something that we did not take into account when we recommended that the representatives- our recommendation is actually that the district council should have not more than thirty representatives from the location. So if they are more than thirty seven locations it is something that can be reconsidered at the National Conference, so that we will not have difficulties in administration. It is something that we carry along so that may be we can cross check whether that is the reality.

Then you have difficult with Article 112 on the recalling of the MPs I don't know whether you have difficulties because you are aspiring, but this something that Kenyans told us countrywide and again it can be subjected to further debate at the National Conference, but we were reflecting. We also thought it was a difficult situation but I again we were reflecting the views given to us by Kenyans and there will just devised a method of recalling them considering the views that we got. And it is something that is also happening in other countries but I don't know whether it has worked or it hasn't worked.

Then there was a Mr. Twalib I am abit surprised because if he is still here I saw him registering and covered this things. Twalib I will request you kindly to read on citizenship and you will get your answer there. I think once Kenyans endorse this Constitution you may not have a problem. And also on the issue of passport and ID tumependekeza kwamba it becomes a right of a citizen

to get his identification papers it should not be a privilege of the government but a right. Kwa hivyo kila Mkenya aweze kupewa passport, birth certificate, ID cards and any other documents as a right. Na Mkenya au mtu yeyote amezaliwa na mama au baba aliye Mkenya awe Mkenya.

James Maina alikuwa na shida ya ku-discipline nafikiri nimemjibu. And Mr. Fred Mutiso devolution of powers we have not indicated qualifications of leaders. (Interjections) yes we haven't except for Parliament and the Presidency, but if people strongly feel that we should give qualifications this is something that can be revisited at the National Conference although on our part we said at the lower level people should elect people they think have leadership qualities without us imposing the qualities but if people strongly feel we can revisit it and may be you can sent recommendations on what you think the leadership qualities should be from the village to the provincial level.

Halafu ukapendekeza three terms for Parliamentarians and civil servants and what we thought for certain offices in the a civil service and a remember we debated for instance on the issue of the Commissioner of Police. And we said supposing mtu ateteuliwa Commissioner of Police at forty years and forty is even – lets assume he start working as a civil servant at the age of eighteen because it can happen he can be a messenger and messengers are civil servants. If you can be a secretary at age nineteen if we limit you to fifteen years we will be asking you to retire at age thirty four, is that practical? And we said a lot of people will be retiring at the prime of their ages when they are more productive and they are more experienced and we were unable to set limits as much as we know that people are qualifying everyday may be what we thought is that with good governance we will not have problem of job creation. But we cannot recommend that people retire at thirty four, forty years and forty five. I think at that time a lot of us are educating our children and will not be assisting the society. So those are things we debated but if you think they are serious we can revisit at the National Conference.

National Council, ukasema kwamba we have not justified why we need a National Council. What I want to tell you is that our work was also not justify but reflect the wishes of Kenyans. And a lot of Kenyans told us that they needed to have two chambers so that one can oversee the work of the other one. We debated as a Commission for a long time and we defined it at least Kenyans said that they wanted two chambers we better reflect it here for further debate at the National Conference. It is an expensive exercise yes, but again our hands were tied na ukasema kwamba pia hatukuweka shughuli zao, ikiangalia section 102 we have broadly described the work of Parliament and I agree with you may be we need to demarcate kazi itakayo fanywa na National Council na kazi itakayo fanywa na National Assembly and probably this can be done at the National Conference.

Na pia kuna Sikupa, jina la jamaa ambaye aliongea kuhusu hiyo National Conference, sidhani ilikuwa ni Bwana Mutiso na pia akalalamika kuhusu affirmative action. Na kwamba tukiwa na democracy we should have an equal playing ground where women wakiwa na ground ambayo ni tambarare wataweza kupizana na wenzao na kufika Bunge. We decide to be practical. Within the last forty years of independent we only have seven elected members of Parliament and the truth of the matter is for

those people who want to be honest it is that due to cultural, historical and many other reasons for a long time in this country we will never have an even playing ground between men and women. It is a reality and the women told us men who are gender sensitive told us and we gave a reflection and we proposed that in the National Council we should set thirty seats. We also propose that a third of the National Assembly should be set aside for women. If it is not acceptable let it be debated at the National Conference na ninawaambia kutakuwa wamama wengine huko sijui mtazungumza na wao namna ngani. But we were reflecting the wishes of the majority of Kenyans. Na ukweli wa maneno for a long time you will not have an even playing ground. There is no way a woman can have the resources kwanza mkumbuke kwamba they have been marginalised na hawana pesa ambayo wanaume wako nayo.

Two, for cultural reasons kuna sehemu nyingi wamama hawawezi kusimama mbele ya wanaume. And it is a reality when we went through out the country kuna sehemu tulikuwa tunaenda tunaomba tugawanye Commission into two, so that women can be able to give us their views. Because traditionally hawawezi kusimama mbele ya wanaume na kuongea. Sasa ata-campaign namna ngani? Haiwezekani. Other places due to religious reasons women cannot stand out in public and campaign or even address a crowd. So there are so many reasons, lakini tena hii mnajua sio sheria mtume wawakilishi wenu lakini hapa kwenu Makueni wawakilishi wawili ni wamama sijui mtawaongelesha vipi? You have two women and one man as your representatives. Kwa hivyo mfanye juhudi ambao hawapendi sheria hii muwambie muone kama tunaweza kubadilisha katika National Conference.

Halafu kulikuwa na Bwana Mutisya alikuwa analalamika kuhusu duties of citizens and bribery. Nadhania kana atukuomba wananchi pia wawe na jukumu la kuondoa rushwa sioni vile tutaimaliza corruption. Kwa sababu sisi kama wananchi ndio wenye kutoa usipompata polisi umuambie nipeleke kortini na ufumilie na utarajie kwamba mahakama itakuwa na haki ya kukusikiza sidhani kesho atarudia kuomba rushwa. So it is a two way thing hatuwezi kuambia serikali wacheni corruption na sisi tuko tayari kutoa hongo. Kwa hivyo it has to be a two way thing tukapendekeza kwamba tufanye hivyo na pia tukaonelea kwamba huyu Public Defender au mtetezi wa haki za binadamu, akiwekwa ikiwa kuna mtumishi wa umma ambaye amekosa kukuhudumia kwa sababu haukutoa hongo utakuwa na nafasi ya kuenda katika ofisi hiyo na kulalamika. Pia Katiba imekupatia uhuru wa kuenda kwa mahakama na kushtaki jambo kama hilo. Kwa hivyo ni pendekezo kubwa kwa upande wetu kwamba kwa siku zijazo pengine tutaweza kuishi bila kutoa hongo kama wananchi.

Na Bwana Joshua akazungumza kuhusu freedom of religion section 44, ningependa kukueleza kwamba katika rights tulisema kwamba there are limitations. Kwa hivyo jambo hilo limewekwa kwenye Katiba ikiwa kanisa naribu na wewe linapinga ngoma you have a right to go to court and enforce your Constitutional rights. Kwa sababu haki zote zina mipaka, haki ya kuabudu na haki ya mambo ya mengine yote yana kipimo. Kwa hivyo we have taken care of that in one of the sections in chapter five.

Willy Kioko, you said that we have too many appointments done by the President for instance that Judiciary and you would wish that Judges are appointed through Parliament. We considered that and we thought we are over burdening the Parliament

in getting them to approve literally everything that is to be done by the President having in mind that we have an empowered Judicial Service Commission. So the Judicial Service Commission will have in our considered opinion enough qualifications, we have given them enough power and functions that will enable them to appoint or recommend people who will qualify to be Judges in the Judiciary. We did not want to over burden Parliament.

Bwana Kilonzo kutoa haki za wazee please read section thirty six ziko hapo kwa wingi. Na pia ukasema hatukuangalia haki ya maji, nyumba, sitima angalia kutoka section fifty seven, fifty eight eight, fifty one ziko hapo, haki ya wanyama kama haiko pengine tutaangalia tuiweke hapo. Na uka-complain kwamba hama mashamba, tumeangalia mambo hayo kwa section thirty two to thirty eight mambo ya mashamba. Na pia section two thirty seven tumependekeza kuwe na Tume ya mashamba itakayo angalia hayo mambo ya kugawanya shamba na mambo ya ma-squater. Tumependekeza kwamba Tume hiyo itatue mambo hayo kwa sababu hatuna wakati wa kutosha wa kuangalia na kutatua mambo kama hayo.

Na pia ukalalamika kwamba watumishi wa umma wamekuwa ni mabwana/masters na hawatumikii kama siku za ukoloni I would request that you look at section two fifty eight and we have addressed at length what we expect the civil service to do for the ordinary person and ukiangalia sub-section (E) tumesema kwamba wawahudumie wananchi kwa haraka. Ukiangalia (F) tumesema shuhuli zao ziwe wazi na waajibike kwa wananchi (G) wawe transparent na tumeendelea kusema mambo yote ambayo wanatakiwa kufanya. Kwa hivyo wakifuata mambo hayo nadhania tutakuwa na watumishi wa umma ambao watatufanyia kazi nzuri. Na ukasema kwamba kwa wakati wanasiasa wanapewa nafasi kubwa kuliko wananchi. tunapendekeza katika chapter ya kwanza Article ya kwanza umuhimu wa mwananchi wa kawaida na tumependekeza kwamba nguvu za wananchi ndio zimepewa wanasiasa. Tumewapatia jukumu, tumewapatia nafasi ya kuenda kwa Bunge kutukumikia, kwa hivyo nadhania jambo tumeliangalia katika hiyo chapter one, section one. Na umependekeza kwamba watu watakao violete hii Katiba wapewe death sentence samahani tumependekeza kwamba kifungu cha kifo kiondolewe. Ikiwa unataka kirudi utazungumza na delegates waje sasa kuzungumza na kujaribu kuwa-convince the other six hundred and twenty eight delegates.

Michael Mutiso anafikiria kwamba hatujawapatia wafanyikazi uwezo wa kutosha na kwamba tungenema zaidi kuhusu strike. Vile ningetaka kukueleza ni kwamba hii Katiba ni muongozo we cannot go into details of the relationship between an employer and employee. Now kwa vile tumewaambia hapa katika Katiba, mkifanya sheria zenu sasa kwa sababu Katiba imetoa muongozo kwamba mfanyikazi anaweza kufanya strike now you are supposed to make sure that your contract says the details, because if I have a right to strike what are the limit. Those can come into the law of contract na kama umeona law of contract ni kakitabu kadogo akajasema maneno mengi kamesa una uhuru wa kuandikiana mkataba baina yako na muajiri wako. So the Constitution has given you that freedom but it cannot really go into details otherwise the Constitution will be such a huge document and our instruction from Kenyans was to give them a small and comprehensive document. So we could not go into details and I can assure that all the Constitutions that we consulted, I will give the example of the Ugandan Constitution I can remember very well the Constitution of South Africa, the Constitution Eritrea that is the method right to strike, details you can ensure that you have them in your other document and I am sure teachers have agreement between them and the

government and that can be taken care of. I think we have given you the means to be able to enlarge whatever else that you need.

Guarantee of funding by village government, if you look at section two nineteen (C) the Provincial council or government will oversee distribution of resources to the other arms of the government so nafikiria kwamba hapo hakuna shida ikiwa watu wanafuata Katiba. And then the district will be collecting revenue on behalf of the village, in the district finance also should not to be a big problem if they follow the rule and guidelines that are given to them.

Bwana Mulei you want us to have much more in the preamble we really considered it, preamble was a whole page but again we said we do not need a very long preamble and we considered the view that the freedom fighter must be recognized. And we also considered that other Kenya told us we have had several liberations in this country not just the colonial one. You can count them depending on what you understand liberations to be and we have then considered the contribution and aspiration of men and women. For us we did not only capture the freedom fighters but other people who have had to lose their life because of fighting for freedom right now and we continue to enjoy.

Na pia ukasema you have recommended that we should remember the wrongs. Sasa tukafikiria we are forging ahead and we want a Constitution that is positive should we really consider all the ills that happened and in our considered opinion we thought no, let us consider values, freedom, democracy, social justice, rule of law, participatory government and forget the ills that happened in the past. That is the way we considered but again if you think we must remember colonialism we must remember one party rule, we must remember dictatorship and the ills that go with that, there is still room to add all those things in the preamble.

And public holidays I think a lot of people have told us that and it is something that can be taken up at the National Conference. Infact a lot of people are saying we drop the Katiba day that is something that can also be considered. And about the courts I don't think we read very well because I think and I am not blaming you, you need to read if you look at section 187 we have recommended the number of Judges who will seat in the Supreme Courts. Section 187(B) and I think we have said not more than six. Not more than six Judges should preside in the Supreme Court, we have also checked in section 190, we have talked of the Court of Appeal and we are specific here we are saying the Court of Appeal as it happened now should be constituted by; it will have not less than ten Judges and three Judges must seat. In the High Court I don't think we are specific we have left things as they are one Judge to preside unless it is a Constitutional matter then three Judge seat. Nafikiria hayo ndiyo yalikuwa maswali na ninatarajia kwamba nimeyajibu ikiwa si kuyajibu vizuri mkisoma hiyo Constitution watu wengi wamesema imeandikwa kwa lugha inayoeleweka. Ikiwa ukuelewa Kiingereza tafadhali tafuta Taifa leo ya jana na mmufuate coordinator awapatie nakala za Kiswahili mzidi kuelewa pale ambapo pengine sikuweza kujibu kwa njia ya ya kutosha nimewashukuru sana kwa kunisikiliza.

Sammy Kiteng'u: Thank you, I wanted to ask you kindly to clap for her but you have done it. Thank you so much Commissioner Abida Ali, thank you so much again people of Makueni district, this is Kibwezi Constituency we have never had such a large number in any part of the district the ones we have gone through. So thank you so much. I want to inform you that this has been a day for us to go through the draft bill. It will not end here we will continue doing the same especially with those people that did not present themselves here. Now this means that do not dump that copy somewhere share it with somebody and I am sure at the day it will be helpful to you and to everybody else.

I take this opportunity to inform you of the three delegates that were elected by the Councillors of Makueni County Council. They are the people who had the responsibility to elect three people and the three people that were elected were William Matheka Nduse, he comes from Kilome Constituency, Rodah Nthumi Maende she comes Makueni Constituency and Pracidis Nzisa Wambua who also comes from Makueni district. These are the three people who are supposed to go to the National Constitutional Conference with your addition and omission of the items that are in this draft bill. Again because they are a bit far for you to reach them you MP will also be a member in the National Constitutional Conference. So if you have anything that you want added, something that you want removed please you can give it to him and I am sure he will do a good job.

Secondly, if you feel you do not know those three people and because of one reason or the other if you have no access to your Member of Parliament, I think if you organize and I have those documents I will give to the right people and it will be taken. So I hope that is okay.

About some copies of the short version of the report, I have given it your 3Cs the two of them that I introduced this morning that is Christine Muteti and Kaka you know him by Kaka. They will be having a few copies not everybody can get one, so don't push them so much, they will give the copies. The Kiswahili version of the draft sijapata bado but I am sure if I get it I will give it to them who will in turn give it to you. Na kwa kumaliza kingeomba mshiriki or the Reverend from this church atuombee if he is present, if any of them is present. Okay, if they are not I think I will ask the same Reverend who prayed for us this morning to do the same. If he is not there, can we have somebody else please a Pastor. Thanks.

Michael Mutisya: Tuombeni. Baba wetu wa mbinguni katika jina kuu la Yesu ninakushukuru kwa wakati kama huu. Asante Bwana kwa wakati tulipoketi mahali hapa, umekuwa pamoja nasi umetuwezesha na sasa Bwana tumefikia mwisho wa mkutano wa siku ya leo. Baba wa mbinguni nataka kuomba kwa ajili ya wale walio kuja ili tukapate kushiriki nao, tukapate kusikia juu ya Katiba yetu. Bwana wa mbinguni nawapeana mikononi mwako wanapoendeleza shughuli hii Baba ukazidi kuwasaidia. Tunapotawanyika Bwana ninaomba ukapate kutubariki na zaidi Bwana ukadumishe amani katika nchi yetu na katika shughuli hii Bwana ya kukusanya mawazo juu ya Katiba yetu Bwana. Naomba Mungu ukapate kuingilia na ukadumishe amani ambayo Bwana itakuwa hata katika nchi yetu. Sifa na utukufu tunakupa wewe ni katika jina kuu la Yesu tunaomba na kuamini. Amen.

