

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**DISSEMINATION OF REPORT & DRAFT BILL**

**NAIROBI, KAMUKUNJI - PUMWANI SOCIAL HALL**

**ON**

**14<sup>TH</sup> OCTOBER 2002**

**DISSEMINATION OF REPORT AND DRAFT BILL  
NAIROBI PROVINCE, AT KAMUKUNJI, PUMWANI SOCIAL HALL**

**Present :**

Esther Walya	-	District Co-ordinator
Liz Kingi	-	Programme Officer
Janet Wangu	-	Asst. Programme Officer
Regina Mwachi	-	Verbatim Recorder
Lwanga Tabu	-	District Co-ordinator
Eunice Kamau	-	3Cs Pumwani, Eastleigh

**The meeting started at 11.00 a.m with Eunice Kamau in the Chair.**

Hamjambo wananchi wakati umefika tutaanzia kikao hiki kwa ajili muda umeendelea sana na hasa tungewashukru sana kwa wale walikuja mapema na wale wanazidi kuja, asanteni sana kwa ajili Katiba ni yetu sisi zote. Kwa hivyo tutaanzisha na maombi.

**Abdulah Aziz : Prayer :** Kwa jina la Mwenyezi Mungu mwingi wa rehema mwingi wa ukarimu, ewe Mwenyezi Mungu tupe uweze wa kutii amri zako na kuwa mbali na madhambi nia zetu zikuwe safi upande wako. Ewe Mola twakuomba utupe utulivu na amani katika nchi yetu na dunia kwa jumla tupe amani. Ewe Mola kila kitu kinatii amri yako basi twakuomba utulinde na utuusura na kuturehemu ewe mlinzi, ewe mwenye nguvu, ewe mwenzi utusaidia. Ewe Mola wetu tunajilinda kwako tuelushie mbali na ile mwambayo haifai na kwa moyo ambao hauogofi na kwa nafsi ambayo haishibi na kwa maombi ambayo hayakubaliwi. Ewe Mola twakuomba utukirimu kwa mwongozo na msimamo na usiongoze ndimi zetu kutamka maneno sawa na ya Hekima. Usijaze nyoyo zetu kw a elimu Hekima na maarifa. Ewe Mola twakuomba matumboni mwetu viziingie vyakula

vya haramu na vya shaka mikono yetu isifanye manawizi, macho yetu yasitazame maovu na yasifanye siana. Masikio yetu tunakuomba ee Mola yasisikie maneno ya upuzi na kusema watu ee Mola tunakuomba kwa fadhili zako wanazuoni wetu wasiwe na mapenzi au tamaa ya dunia na watoe nazaha. Ewe Mola twakuomba wagonjwa uwaponyeshe na wasitarehe na waliofariki dunia wahukumu upole na kwa huruma. Wazee uwalinde kwa heshima na utulivu nao vijana tunakuomba waelekee kwako na watulie. Ewe Mola tunakuomba uwape haiba njema na wanawake twakuomba uwape haiba njema na kuhifadhi. Matajiri uwape unyenyekevu na moyo wa kutoa, masikini na mafukara uwape subiri na tosheka. Ewe Mola twakuomba viongozi uwape uwadilifu na huruma. Ewe Mola tupe neema katika dunia na afera tupe neema utuepushe na dhambi ya moto. Ewe Mola twakuomba tuonyeshe haki kuwa ni haki tuweze kuifuata haki. Na utuonyeshe fadhili kua ni fadhili tuweze kuepuka fadhili. Kwa fadhila zako na rehema zako mwenye kurehemu zaidi kuliko wote. Ametakazika Mole mlezi mwenye enzi na yale wanaomujulia na talamu juu ya mitume na zifa njema zote ni za Mwenyezi Mungu Mola mlezi wa walimwengu wote wote. Amin.

**Eunice Kamau :** Asante sana ndugu wetu. Tokeo lingine tutaenda ni kujuana nani ako hapa na unaweza kutumia lugha yeyote kutaja jina lako na utuambie kule unatoka nivizuri kujua ya kwamba sisi zote tuko pamoja na tuko na nia moja kwa hivyo ukipatiwa microphone tuambie jina lako na kule utokako. Na labda ule unaakilisha.

Kwa majina naitwa Lwanga Tabu mimi ndio District Coordinator Kamukunji Makadara Constituency asante.

Kwa Majina naitwa Janet Wangu nimetoka huko kwa Review Commission.

Nitajitaja baadaye (Eunice Kamau)

My name is Esther Walya, I am a District Coordinator, Langata Daroretti.

Good morning, my name is Liz Kingi Programme Officer Constitution of Kenya Review Commission.

Kwa majina naitwa Churchill Akala kutoka St. John's Community Centre

Kwa majina naitwa Obando Elias, technical group.

Mimi naitwa Regina Mwachi, verbatim recorder for the Constitution of Kenya Review Commission.

Kwa jina naitwa Martin Anyango kutoka Eastlands Library.

My name is Melabak Shabir Aziz, I am the Constituency Constitutional Committee member from Kamukunyi.

Jina ni Samuel Ndirangu Karanja naakilisha Ali Wakulima Trade Market.

Kwa Majina Naitwa Ruth Nasiyo --- Support organization.

My names are John Muthwa Wamburu from Kamukunji, I am a civic education provider

My name is David Kuria

Kwa majina najulikana kama Mark Muliakha musila naakilia Chemichemi Youth Organization.

Kwa majina naitwa Hussein Suleiman mkazi wa Pumwani kutoka Riara Mosque.

Jackson ----- mimi naakilisha Asimiyo na maji Pumwani

Naitwa Emmanuel Mutinda kutoka Katanga Village

Kwa majina naitwa Joseph Ochieng

Kwa majina naitwa Edward Oketch from St. John's church

Kwa majina naitwa Joseph Kamau mkaaji wa hapa Pumwani

Kwa majina naitwa Samuel Kinyua, mimi ni mkaaji wa Pumwani

Kwa majina naitwa Christopher Kwanga kutoka Kainuku na mimi ni pia educator

Kwa majina ni Paul Nasiyo mkaaji wa Kainuku pia educator

Kwa majina naitwa Sudi Mohamed, Pumwani Riara Mosque

Joseph Kengwa Kutoka Likoni High Court

Kwa majina ni Abdala Kiprono Naftali ninaakilishi wa Narional Youth Movement

Kwa Jina naitwa Amina na mimi nawachochea watu hapa Nairobi.

Wale hawanijui naitwa Eunice Kamau, kitambo nilikuwa Manager kule St. John's Community Centre na pia mimi in moja wa wale Kamukunji Constituency Constitutional Committee, kwa hivyo tumekua tukijadiliana kwa muda mrefu.

Asanteni sana tumesikia watu wengi ni wa kutoka hapa Pumwani tunatarajia watu wa kutoka Eastleigh, tunatarajia watu wa kutoka Bahati tumesikia wana Biashara wamefika, tunatarajia watu wa kutoka Shauri Moyo kwa jili vile tulisema ya kwamba Katiba ni yetu sisi zote tunatakiwa kuwa watu wa Kamukunji Constituency, lakini tutaendelea wale watakuja wamechelewa, itakuwa jukumu lenyu la kuwafafanulia yale tutakuwa tukiongea. Katika hiyo step ingine nitaita Binti moja hapa Esther aje atuambie hasa kwa sababu gani tumekuja katika hiki kikao. Wakati tunakutana hapa ni nivizuri tukijua hasa sababu yake ni nini na vile mambo ya Katiba imeendelea. Esther njoo. (Tutakuwa tunkisimama hapa sasa)

**Esther Walya :** If you have the Programme, I will take you through the first session. Probably I will begin by telling you why we are here today. In front of you have a copy of the draft bill. Tafadhali nitaongea mambo ingine kwa Kizungu na ingine kwa Kiswahili, mtaniruhusu kuchanganya. Mtaniruhusu kuchanganya, mbele yenu mko na hiyo copy ya Draft bill and that is why we are here today. We are here to disseminate information on that Draft bill. We would every Kenyan to be informed about the contents of that draft bill but what is the purpose of you knowing what is in the draft bill? Those of you who came for the public sharing know that Kenyan countrywide gave their view on of what they wanted in the new Constitution. And when the views were given. The Commission was going to use its mandate even through the Parliamentary Act to put together a draft bill that will be enacted into a new Constitution. Today we are here to get a feedback from you so that we can know what proposals you have to make on that draft bill. You may want a view additions, you may want a few changes, you may want something that you want to be removed from the Draft bill. Now alongside the Draft bill you have your Constituency report where all the hearings for Kamukunji were given and you can compare that summary which you will get from your documentation centre with that Draft Bill. The idea is that we would like improve it as a report, tungependa hiyo repoti ikuwe nzuri saidi kabla hata National Constitutional Conference, kungependa kusikia vile maoni Wakenya wako nayo. Kuhusu hiyo draft bill. But remember that while we are here to allow you to debate on the at Drat Bill, there is no change that is going to be made on that Draft Bill until the delegates at the National Constitutional Conference, meet and sit and vote for and against the issues that have been raised on the draft bill.

Nimesama kwamba ndani ya hiyo report mtapenda kuongeza vitu vingene zenye ambazo haziko kwa hiyo report, lakini hakuna kubadilisha hiyo report hata kidogo mpaka wale watakaa kwa ile Conference, National Constitutional Conference wakae wao wenyewe wa-determine ni nini wataongeza na ni ninin watatoa kwa hiyo Draft Bill. So we are here so that we allow you to make your proposals but whatever proposals you make we will go with them, what ever changes you want made in that Draft Bill we shall go back with them to the Commission but we are saying that we cannot make any official changes on that Draft Bill until after the National Constitutional Conference.

I will take you through a very brief summary that tells you how we came up with that Draft Report. At the beginning of the

Review Process, when we decided we are going to go to wananchi to get the views from wananchi. We designed a small book and most of you remember taking some of our newspaper pull out, this one had questions and issues that form the guidelines and the base for what we have in the Draft Bill today. In this booklet about 22 themes were raised they run through from the Preamble to the things that have to do with the Judiciary and if you have looked at these booklets before, which was given to you in form of Newspaper pull out, you will notice that what is here in terms of themes discussed in the Draft is also in that Draft bill. But after this was designed we went to the field and guessed that this would be a proper tool to use in order to come up with the draft bill. You will notice that after, this was tested in the pilot hearings that were done in March, and Kamukunji was one of those places that had an extra hearing where we were going to have this tool tested. When the Commission went back after those first hearings 21 more themes were added to this so you may notice that whatever is in the draft bill has much more than the themes that are represented here.

Now how did the Commission finally come up with that Draft Bill, we collected data and that data was what the public had to say. You will remember that in the Act , it says that the Commission is going to come up with a new Constitution by coming up with the Draft Bill first but first of all they were following the guidelines of what we call the Constitution of Kenya Review Act. Most of you have seen this booklet also. This was the guideline for which the Commission was supposed to work with and come up with the draft bill and remember that the analysis of the old Constitution giving it the positive and the negative, was also used along with studying other documents, other Constitutions like those of Uganda and South Africa. And then most important of all the main data collected was the views that were given by wananchi. Now after collecting of the data, that data was brought to the Commission and it was coded now you will notice, if you look again at your summary reports for the Constituency, you will notice that each theme was given a particular code, so all the coding was done according to the different themes.

Our current assignment here today is to get a feedback from you depending on all those themes that were initially indicated in the first small book. You will notice that now the Draft Bill carries all those themes and they run more or less the same way they ran in this book..

Sijui kama Salim utanisaidia kusema hayo kwa Kiswahi? Tafadhali.

**Salim Ibrahim:** Alikuwa akijaribu kuwaelezea sababu wao kuja hapa leo. Wamekuja kutuelezea kuhusu kielelevu cha Katiba ambacho kigo leo. Labda wengi wenu wana vipande vya magazeti. Kieleleza cha Katiba ambacho tulichotoa. Kitu cha kwanza ambacho amejaribu kusema ni kwamba mambo yoyote ambayo mko nayo kuhusu hiki kielelezo cha Katiba mtaeleza lakini kwa hivi sasa haitaweza kubadilishwa. Mkiona kitu chochote ambacho tunaona kinatakiwa katika hiki kieleleso itambidi kusubiri mpaka wakati watu watapokwenda katika kongomano la Kitaifa la Katiba, hao ndio watu ambao watakaokwenda huko watukuwa na uwezo wa haidha kupigia kura maswala hayo, kuyapitisha na kuyakubali, ama kuyapigia kuru na kuyakata.

Pili anasema kwamba kuna maoni ambayo mliyatoa kama wakaaji wa Kamukunji. Iko reporti ya maoni ya watu wote wa Kamukunji vile tulivyosema, reporti hii mkiichukuwa mkiilinganisaha na kielelezo hiki cha Katiba, mtaona yale maswala ambayo tulikuwa tumeyasema yamewekwa katika Katiba hii ama yajawekwa, ikiwa hayajawekwa utakwenda pale mtaeleza, tulisema kitu fulani na fulani kiwekwe, hayajawekwe, tulisema hiki na hiki hatujaona na pia utaeleza kwamba tulisema hiki na hiki na tumeona kweli mliishugulikia.

La mwisho anajaribu kutuelezea ya kwamba katika mtaa huu mnaweza kwenda pale mbele mkaeleza mambo haya yote mungetaka, lakini kitu moja pia ni kigeni ambacho labda wakati ule hamkuweza kusema na wakati huu mmekumbuka mkaona ni muhimu sana tuongeze katika Katiba mnaweza kuongezea.

**Esther Walya:** Now I will go on to another stage where I would like to remind you the purposes or objectives of the Review Commission, but before even I go to the objectives, let me remind you that the Commission works under 5 organs. We have the Commission itself which we represent here, then you have the Constituencies forum which was represented through the Constituency Committees, then we have the National Constitutional Conference which is coming up and I have given you a circulated, composition of the National Constitutional Conference, hicho kikaratasi mko nacho kile kiko na ma-delegates na vile wamegawanywa kwa vikundi fulani. Then we have the referendum, which may not be necessary if all the delegates agree, and then we have the National Assembly which is supposed to officially enact the new Constitution. Those are the organs through which the review process was going to be achieved.

But looking at the objectives of the review process itself or the objectives of the review of the Constitution, ours was to guarantee peace, national unity and integrity and we were supposed to attempt to establish a free and democratic society and then we are supposed to promote the people participation and I am sure that was reflected very well through the collection of views. Then we were supposed to respect ethnic and regional diversity and communal rights, then we were supposed to ensure the provision of basic needs. Then we were supposed to promote and facilitate regional and international cooperation, as well as central national integrity and unity. If you look into that Draft Bill, look at the various ways in which those objectives have been achieved, you will have started the touch of something for example the basic rights where we even attempt to see how the provision of the basic needs will be done. So I believe the Draft bill, look at it vis-à-vis the objectives of the review process.

Now looking at the organs that we have just mentioned, we have the Commission, we have the Constituency forum, we have the National Constitutional Conference and the National Assembly. All these organs are supposed to be accountable to Kenyans. If you are 3Cs member for example, you have a duty to ensure that this process achieves its objective and you are supposed to ensure that this accommodates the diversity of the people in Kenya that we have. And you are supposed to ensure that with all the Kenyans participate actively and freely. Now looking at those I would say that if you look at that draft bill that you have, these are the motivations behind which we came up with that Draft Bill.

People have said, in just a summary form through that draft bill, you will notice that people have said that they want to participate actively in government, you will also notice that they say that they want Parliament to be accountable to the people. They are saying that, if their MP goes to Parliament if he is not performing, they want to recall him back. We are saying that there should be some form of power sharing that is why the President does not have absolute power any more according to the Draft Bill and then we are saying that all the arms of government must be accountable to the people. If you look at your Chapter 15 I believe, which has the leadership and integrity chapter where all public officers are supposed to be guided by a certain code. But we are saying that human rights must be respected, I believe if you look into your chapter that is on bill of rights, and we are saying that general public life must be guided by certain principle and that corruption is something that Kenyans want to put in the past.

That is in a way of introduction, but I will invite the Chair probably to take on the next presenter to give you some of the details in summary form. Some of the chapters that follow the draft bill. But that is what I have on way of introduction. Please if you have any questions you can keep them till the end of the presentation and we will tackle them at the end of the presentation.

**Salim Ibrahim :** Jina langu naitwa Salim Ibrahim Nyamu. Wenzangu alipokuwa anasema, anasema ya kwamba tulipoanza kutengeneza Katiba, mlikuwa na vikundi vitano katika utengenezaji wa Katiba. Mwanzo mlikuwa na Constituion Review Commission of Kenya, halafu kulikuwa na vile vikundi vidogo ambavyo tulivyo kuwa navyo katika kila Constituency ambazo tulikuwa tunaziita Constituency committees ambazo mmoja wetu hapa Bwana Merabatika alikuwa mmoja wao. Halafu tulikuwa tuko na National Constitutional conference ambao itakuja baadaye. Hivyo ambao tunasubiri kwenda ambayo itakuwa na waakilishi karibu 629, halafu kulikuwa kutakuwa na referendum. Referendum hapo ni wakati ambapo ninyi kama wananchi, mngekaa chini mpigie kura misaada katika Katiba. Halafu mlikuwa na the National Assembly ambayo ndio Bunge yetu ambayo ilikuwa ipitishie hii katiba. Sasa wakati Katiba kabla haijatengenezwa muna maswala ambayo mliulizwa waliwashawishi na maswala baadhi ya maswala ili muweze kuelewa ni nini ambao mlikuwa mkitaka kutoka katika Katiba. Muliulizwa maswali kama: Je mngenda Rais wenu awe na nguvu kiasi gani? Mkaulizwa mngenda kuongozwa vipi? Je mngenda waakilishi wenu wa Bunge, waakilishi wenu wa kisiasa, mngenda wawaongoze vipi? Mkaulizwa mngenda Ardhi yenu labda igawanywe vipi, na watu wapate ardhi na maswala mengineyo. Baada ya kuulizwa maswali haya, mkaletewa kielelezo kidogo ambacho mlilisoma na baada ya kukisoma ndio mkaja mkatoa maoini yenu.

Wakati Katiba ilikuwa inatengenezwa kuna maswala ambao ilikuwa ni muhimu sana ambayo yalikuwa lazima yaangaliwe na yasitupiliwe mbali. Mwanzo tulisema tukitengeza Katiba mpya, tutahakikisha ya kwamba kila mwananchi anaishi kwa usalama, anaishi kwa umoja, na anaishi kwa hali yakuwa na sitaa ya kwamba hakuna mtu ambaye anakuja na kuharibu kazi yake katika maisha. Pia tukasema kwamba tunatengeneza Katiba ambayo itakuwa na democrasia ndani yake tukasema pia kwamba tutatengeneza Katiba ambayo itajua ya kwamba kila watu wako na ardhi yao na ardhi yao lazima iheshimiwe. Tukasema ya kwamba tunatengeneza Katiba ambao kila mwananchi atakuwa ameshiriki katika kutengeneza Katiba hiyo, ile wananchi wasiche wakasema kwamba hii Katiba sisi hatuifahamu ama hatuielewi hii si yetu. Tunatengeneza Katiba ambao kila



mwananchi amesema neno lake kwa hivyo hiyo Katiba ni yake yeye mwenyewe. Tukasema pia tunatengeneza Katiba ambayo itakuwa inaheshimu miadili ya kikabila, miadili ya kidini, na miadili mingine ya ki-Afrika ambayo tuko nayo katika jamii zetu. Tukasema tunatengeneza Katiba ambayo itajua ya kwamba mimi na wewe tunahitaji kupata mahitaji yetu ya kila siku, mahitaji ya chakula, nguo na sehemu za kuishi. Tukasema pia tunataka kutengeneza Katiba ambayo itatuhuzisha sisi kama Wakenya kuweza kufanya ushirikiano na nchi zetu jirani na Waafrika wenzetu na pia dunia mzima kwa ujumla.

Na mwisho tukasema kwamba tunatengeneza Katiba ambayo itatufanya sisi kama Wakenya kuwa na umoja. Nikisema umoja namaanisha kwamba Wakenya tumegawanyika katika vipande, vipande vya makabila, tunataka kutengeneza Katiba ambayo itatufanya sisi Wakenya tukikaa tusifikiri kwamba mimi ni Mkikuyu, mimi ni Mjalu, mimi ni Mnandi, hatujihisi kwamba sisi wote ni Wakenya. Sasa katika kufanya hivyo tulisema kwamba tutatengeneza Katiba ambayo itakuwa ninyi wananchi mnaweza kuirudia na kuiuliza, je Katiba tulikueleza hivi na hivi, je mbona imekua si hivyo. Yaani Katiba ambayo sisi tunaweza kushtaki, kuishtaki si kuipeleka kortini bali tunaweza kuiuliza, tunaweza kuiuliza hii Katiba yetu tulikueleza hivi na hivi mbona hatujaona hivyo. Tukasema kwamba tutatengeneza Katiba ambayo itatujua kwamba sisi wote ingawa sisi ni Wakenya, tuko wa-Kenya tofauti, wa-Kenya tofauti tuko na miadili tofauti tuko na miadili ya kabila zitu ambayo inatuongoza, tuko na miadili ya dini zetu ambayo inatuongoza tuko na miadili ya sehemu ambazo tumetoka ambayo inatuongoza. Kwa hivyo Katiba mpya ile tutatengeneza itajua haya yote, na itatengenezwa kuuziana na haya yote. Tukasema pia tutatengeneza Katiba ambayo kila mwananchi ataweza kushiriki katika kuitengeneza, na tukisema kushiriki tunasema itakuwa ni lazima sisi kama wananchi kushiriki katika kutengeneza Katiba hii. Na mwisho tukasema kwamba Katiba ambayo tutatengeneza itakuwa Katiba ambayo imekuzia maswala yote ambayo sisi kama waKenya tuko nayo na kungependa yashugulikiwe. Asante.

**Eunice Kamau :** Asante sana Suleiman akina mama wakiona mtu kama Suleiman wanajivunia sana kwa ajili ni mtoto wa Taifa letu si ndivyo? Mmesikia sasa vile mlikuja mkajadiliana now Commissioners wale tuli, wali-appointiwa, wakaenda wakaweka hayo maoni yote katika Katiba mpya wakati wakati ule tunaongea juu ya kikaratasi, jamani, Tusije tukakiata kikaratasi, ni vizuri tukielewa ya kwamba Katiba yetu mpya yote iko hapa ndani. Kwa hivyo wakati unaongea juu ya Katiba mpya ,Katiba mpya imeandikwa hapa ndani na kama haikufurahishi leo ndio siku yako vile tumeambiwa na Bi Esther ya kwamba ni vizuri tukileta maoni yetu ile haitufuraishi kama tukisema kwenye sehemu fulani na haikuandikwa hapa, ama ikakosewa kwa hivyo ni vizuri wakati huu tuongee na tujadiliane.

Na kabla hatujawapatia nafasi ya kuongea ni vizuri kila mtu akiwa na kalamu na karatasi, ukisiliza mambo ya kiongewa na labda uko na swalim ni vizuri ukiandika swali hilo lako kwa ajili watu wataenda wakiongea unweza ukasahau swali lako. Ile nyingine ni kuambia ya kwamba wakati ule tulikuwa tukiambiwa tuliongea habari ya ukabila nini mambo yote tuaiweka hapa mnajua haiwezi ikawekwa hivyo, ilipangwa Commssioners walienda wakachukua wakapanga na kuna sehemu 20 na hizi sehemu 20 ndio zimechukua maoni yenu yote na sasa katika sehemu, sehemu watu watakuja hapa watuambie kwa kinaganaga maoni yenu iko wapi katika sehemu fulani na inaongea vipi. Tuko pamoja? Kwa hivyo wakati huu kuna Bibi mmoja hapa Liz Kingi ataongea, mambo yaliko katika sehemu ya kwanza mpaka ya tano from Chapters one to five na pia ataongea kwa

kinaganaga, ukiwa na swali umesoma katika chapter moja, ya pili ya tatu na haikufurahishi, iandike chini, labda atafafanua na kama hatafafanua vizuri, ni vizuri ukiuliza wakati ule kwa ajili katika programme yetu kuna sehemu tumewapia ile mtauliza. Lakini ni vizuri kwa ajili si watu wote wamesoma na kwahivyo anakuja hapa, atakuwa akisema chapter ya kwanza inaongea hiki, chapter ya pili inaongea hivi, chapter ya tatu, na hiyo kuongea mjue si yeye atakuwa akiongea ni vile wananchi waKenya wamepatiana recommendation zao na zikaandikwa hapa. Mnanielewa? Kwa hivyo sasa nitamwalika Liz ache atuambie kutoka chapters one mpaka tano vile wananchi walisema nao Commissioners wakachukua na wakaiandika.

**Liz Kingi** : Hamjamboni, I will be discussing the first five chapter and Chapter One begins on page 2. Here we are discussing the Preamble, if you go to page two of your draft in the shaded box there, there is the Preamble. This Preamble is basically an introduction to the draft and it is just saying that: We the people are adopting and enacting and giving to ourselves this Constitution. Can you all hear me? Okay.

On Chapter One, we are discussing the sovereignty of the people and supremacy of the Constitution. We are saying that the sovereign authority belongs to the people and is exercised in accordance with the Constitution. On supremacy of the Constitution, we are saying that the Constitution is supreme law and binds all authorities and State organs and persons throughout the republic. On the interpretation of the Constitution we are saying that the Constitution should be interpreted in a manner that promotes the values of good governance, advances human rights and fundamental freedoms and in a manner that avoids technicalities which defeat the purpose of the Constitution. On enforcement of the Constitution, still on page 4, we are saying anybody can bring an action in the court on the grounds that enactment or any done is inconsistent with the Constitution. On the defence of the Constitution we are saying that it is unlawful to establish system of government contrary to the Constitution or to perform an act that is prejudicial to the sovereignty of Kenya. On the laws of Kenya we are saying that the laws in Kenya shall be the Constitution, the Act of Parliament, African customary law, Islamic and Hindu personal law, common law and doctrines of equity, the East African Community law, customary international law and other international agreements applicable to Kenya.

On Chapter two on page 4, we are saying that Kenya is a sovereign republic founded on the democratic republican principles of good governance, multiparty democracy, participatory governance, transparency, accountability, separation of power, respect for human rights and the rule of law.

On the issue of territory we are saying that Kenya's territory is defined in the first schedule of the Constitution, if you go to the back of your draft, you will find some schedules there and Kenya territory is well defined there in terms of the continent. We are also saying that Kenya is divided into districts and provinces and these are also listed out in the second schedule at the back of your draft, you can go and read in your own free time.

Capital we say Kenya's Capital is Nairobi but it is also the policy of the State to decentralize its headquarters to all provinces

equitably.

Languages – the official languages are Kiswahili and English for all the official documents and the National language is Kiswahili.

The State shall also respect and promote the diversity of language among the people of Kenya and shall also promote the indigenous languages, sign language and Braille.

State and Religion – the State and religion shall be separate and there shall be no State religion.

On the National symbols we have flag, the Anthem, Code of Arms, Public and Public bill of Kenya.

On the Oaths and commission, we are saying that before certain officers start acting in office they are required to swear and oath and all the oaths are prescribed in the fourth schedule to, still at the back of the draft.

The National days will be three, that will be Madaraka Day, Jamhuri Day and the Date of enactment of the Constitution which we shall call Katiba day, whenever that will be.

And now chapter three, the National goals and Values and Principles. These applies to the Executive the Parliament, the Judiciary and all other State organs. The citizens as well and the private bodies. This chapter is supposed to apply all those bodies whenever, they are trying to interpret the Constitution or other laws or whether they are making any policy decisions, they should have the provisions of chapter three in mind. I invite you to read those.

But mainly I will highlight as follows, that the republic shall promote national unity and a spirit of nationhood. Secondly the Republic shall recognize the diversity of the people and promote the culture of communities. Thirdly the Republic shall promote the principles of democracy and open and transparent government and the State shall also take effective measures to eradicate all forms of corruption. The Republic shall also ensure access to independent, impartial institution of justice. The Republic shall also require political parties to observe the country's democracy and to avoid violence and bribery as well as promote the role of the civil society in government and to promote and respect human rights and to enhance the dignity of individual. To ensure fullest participation of women, the disabled, the marginalized communities and to ensure that children's material and moral well being are provided for. At least once every year the President is supposed to report to Parliament and the national all the measure taken and the progress achieved in the realization of these national goals and values and principles.

We also have outlined there at chapter three the duties of a citizen that is page 5, we are saying in order to fulfill those national goals and values, all citizen have the duty to know the provisions of the Constitution to uphold and defend the Constitution, to vote and be involved in all forms of political participation, to engage in work including, home making for the support and welfare of the community, to develop their abilities to the greatest possible extend and to contribute to the welfare and advancement of

the community. They also have a duty to drive to post a national unity and live in harmony with others. To protect and safeguard public property, conserve the environment and to be free from acts of corruption.

On chapter four, we deal with citizenship. On citizenship we are saying that all citizens are equally entitled to the Kenyan Passport and to any other document of identification issued by the state to its citizens. We are also saying that every person who has been a citizen prior to coming in force of the Constitution, shall continue to be a citizen and further to that we are also proposing three different forms of acquiring citizenship. The first one is by birth. We are saying that every person born after the coming in force of the Constitution will be a Kenya if at the date of that person's birth his mother or father was a citizen of Kenya one cannot be deprived of citizenship acquired by birth. On citizenship acquired by marriage, we are saying that if a person is married to a citizen of Kenya, he is entitled upon application to be registered as a citizen of Kenya. If that person has been for a period of not less than three years. If that person divorces that person, that person does not lose his citizenship. On naturalization which is the third of acquiring citizenship, we are saying a person who has been locally resident of Kenya for a continuous period of not less than 7 years and who will have satisfied the conditions that will be prescribed by an Act of Parliament may be entitled to be naturalized as a citizen of Kenya. Still on page 5 we are saying children below the age of 8 years found in Kenya whose parents are not known will be presumed to be citizens of Kenya. We are also saying that dual citizenship is permitted. On the deprivation of citizenship we are saying that a person may be deprived of his citizenship if it was acquired through, misrepresentation concealment or any other unlawful or illegal means. Parliament will also enact legislation and there after to provide for a permanent residence status.

On Chapter 5 that is page 6 in your draft. This is very important chapter which is dealing with the bill of rights. The rights that would be accorded to every person by virtue of **(end of side A tape 1)**

individual and for communities and to promote social justice and to enable everyone to realize their full potential. These rights belong to each and every individual and they also have some limitations that are outlined in this chapter as well, I invite you to read. We are saying that it is duty of the State to promote rights and freedom and observe, respect, promote and to fulfill them. Whenever any of their organs is enacting laws, it is making policy or legislation or performing any of their functions, they have to deal with that in the provision of this chapter. The State shall also take these reasonable measures to come up with policies and other measures to achieve the progressive realization of the rights of social security, health, education, housing, food, water and sanitation. Straight on to the rights we are saying that there shall be a right to life.

And the death penalty has been abolished. There shall be equality for all before the law and there will be freedom from discrimination on the grounds of race, pregnancy, marital status, ethnic and social origin, colour, age, disability, religion and other grounds there.

On the issue of children's rights we are saying that children will have a right to parental care, to free basic education not to engage in exploitive child labour, a right to a decent nutrition, to be free from corporal punishment and not to take part in hostilities or other ---- of conflict.

On women we are saying that women should have the right to equal treatment with men giving the right people opportunities in political, economic and social activities. Women and men will have equal rights to inherit have access to and control property. We are also proposing that any law, culture or custom that is inconsistent with the interest and the welfare of the women will be prohibited.

On the older members of society we are also saying that they shall be free from all sorts of discrimination, they are supposed to leave with dignity and respect they are supposed to have reasonable care and assistance from their family. May I just state these are new provisions that are coming. They were not there in the old Constitution and most of these are new.

On the issue of family we are saying that the family is entitled to the respect and protection of the State. Every person who is at least 18 years has the right to marry based on the free consent of the parties and the right of law to found a family. Parliament will also make more laws on most of these provisions.

On the issue of disability that is page 7, we are saying that these people with disability have a right to be treated with respect and places of public transport and communication should have regards to the needs of the disabled. The disabled have the right also to participate in decision making and all other activities. On freedom and security of the person, we are saying that nobody should be deprived of his liberty, arbitrary or without just cause, except during the State of emergency. We are also saying that one should not be tortured either physically or psychologically. No one is supposed to be treated in an inhuman or cruel or degrading manner, nobody should be held in slavery or servitude, or be required to perform forced labour. Everybody has also the right to privacy such that one's personal home or property should not be searched and information relating to their private affairs unnecessarily revealed.

On freedom of religion we are saying that everybody has the right to freedom of conscience, religion, thought, belief and opinion. And has a right to practice his religion with others. A person will not be compelled to take an oath contrary to a person's religious or to take part in a religious ceremony that is not in conformity with that person's religion.

On freedom of expression we are saying every person has the right to freedom of expression including freedom of the Press and the media. But this freedom does not extend to propaganda for war like activities or any advocacy of hatred that would bring anarchy. Parliament should also make other laws to give effect to this Article.

On access of information, every citizen has the right of access to information held by the State and every person has the right to demand the correction or deletion of any untrue information that has been broadcasted.

On freedom of association, every person has the right and this includes the right to form and operate organizations and a person

may not be compelled to join an association of any kind.

Freedom of assembly, we are saying that everybody has a right to feasibly and unarmed with other requirement of prior permission to assemble, demonstrate and present the petition to public authority. This is a long chapter you will bear with me and I will just highlight the following: the political rights we are saying on political rights that everyone has a right to participate in the activities of a political party, every citizen has a right to vote under the secret ballot and stand for public office. There shall be freedom of movement, this means that one has the right to live in and a right to come into this country if you are a citizen and a right to leave the country and to reside anywhere in the republic

On property everyone person has a right to acquire and own property and Parliament shall not enact the laws which would deprive a person of their property unless under certain prescribed conditions. I will invite you to read that. We also have a number of other rights there, right to social security on page 9. Every person has a right to social security especially if they are unable to take care of themselves.

On health every person has a right health, which includes the right to healthcare services including reproductive healthcare and no person can be refused emergency medical treatment.

On Education, every person has a right to a basic education and the government shall re-institute a programme to implement the rights of a child to get free and compulsory primary education.

On Housing, every person shall have a right to adequate housing and shall not be evicted from their homes without an order of a court.

On food everybody has a right to be free from hunger and have access to food which is in adequate quantity and of adequate quality. Everybody also has a right to water, that is in satisfactory quality and a right as well to sanitation.

We also have consumer rights there. A Consumer has a right to good and services of appropriate quality and compensation for deface of, if he has consumed goods which are causing loss or injury.

There are also a number of other rights there, on the arrested person, they also have rights there to a fair trial which I will invite you to read. May I just mention that we have avenues as well that will give effect to your right if you feel that any of your rights have been denied or violated or they have been infringed. You have the Commission on human rights and Administrative Justice which this Constitution is creating. This Commission will entertain complaints from anybody who has been aggrieved, any person acting in his own interest or if you are acting in a group or if you are an association, we shall entertain your complaint, we shall investigate that complain and provide appropriate redress where your human rights have been violated.

You also have access to court where we are saying the high court has jurisdiction to hear any application for redress. If you feel any of your rights have been aggrieved, you can go to court as well and the court can declare that your rights have been infringed. It can also order a compensation against the State or any other person who is responsible for those violations at that time. I would like to stop there and invite you to carefully read all those provisions and thank you for listening.

**Eunice Kamau :** Wakati huu nitamwalika Suleimani ili awaeleza kwa kinaganaga katika sehemu ya kwanza na nne. Lakini ile sehemu ya tanu chapter 5, ile inahusu juu ya jukumu lako mwenyewe ama your own right atakueleza ndio uelewe uchuwe ni vipi Katiba inasema ni vipi utakuwa ukiishi ukiwa mwananchi akiwa na uhuru vile utakuwa ukiende katika mambo ya shule mambo ya afya kwa ajili hiyo ndio ile sehemu sana inafunzia mwananchi wote na kila mtu angependa masilahi yake ajue vile ilivyo si ndivyo? Kwa hivyo ningepomba Suleiman aje ndio awaeleze kwa kirefu katika hiyo sehemu ya tano.

**Salim Suleiman :** Wananchi mmechoka? Sasa basi naomba msichoke maana yake mkichoka saa hizi ni mapema sana na kwa kuwa jambo hili ambalo tunazungumzia hapa hii Katiba itakuwa itaingia katika maisha yetu na itahusu maisha kwa miaka mia moja, mia moja na hamsini, miaka mia mbili inayokuja kwa hivyo tusichoke kwa dakika tano, fikiria kuhusu miaka ambayo inakuja. Na kwa wazee wetu tafadhali nani ambao ametoa hizi vikaratasi ambavyo viko na kielelezo cha Katiba. Katika Gazette ya taifa ya Jumapili, Jumapili hii imekwisha, hii Jumapili ya Jana. Kulikuwa kulikuwa kumetolewa kielelezo hiki kwa lugha ya Kiswahili tafadhali mutafute na wale ambao hamtapata tafadhali mnaweza kuniona tu kutikutana njiani huko mnaweza kuniona mkaniuliza halafu nitaona vile nitawasaidia, mweze kupata nakala ya Kiswahili ambao mtasoma kwa kirefu halafu mweze kuelewa.

Sasa mimi nitajaribu kuguzia sehemu mbili ambazo ni muhimu sana katika maisha yetu katika hii Katiba ambayo labda wengi wetu ambao tumekuja hapa tungetaka kujua inaelezea nini. Mwanzo tutaguzia sehemu ya nne ambayo ni sehemu tunazungumzia uraia. Tunasema kwamba, kuhusiana na uraia. Mtu yeyote ambao yuko katika nchi ya Kenya kwa hivi sasa na kuendelea, kuanzia wakati Katiba mpya imeandikwa na kuendelea, na yuko na sitakabath za kujieleza kwamba yeye ni mkenya ataendelea kuwa mkenya. Halafu tunasema kwamba mtu yeyote ambayo atataka kupata uria wa nchi ya Kenya kutakuwa na njia tofauti za yeye kuweza kupata uraia wa Kenya.

Njia moja itakuwa mgeni yeyote ambaye ataoana na mkaaji wa nji ya Kenya kwani yeye ataweza kupata uraia wa Kenya akioana na mwanamke wa ki Kenya ama ni mwanamke akiolewa na mwanaume wa ki-Kenya ataweza kupata uraia wa Kenya. Pia tunasema kwamba mtu anaweza kupata uraia wa Kenya kwakuwa amekaa katika nchi hii kwa miaka mingi, yaana kuna wenzetu. Kwa mfano nikiguzia kuna wenzetu huku chini wamekaa nchi yetu ya Kenya kwa miaka mingi sana, kwa hivyo watukama hawa wameanza kujiwakilisha kwa Serikali na kuomba kuwa raia wa Kenya. Pia tunasema kwamba mtoto yote ambaye atapatikana katika nchi ya Kenya ambaye ana umri wa saidi ya miaka 8 na wazazi wake hawajulikani, ataweza kufanywa pia ni raia wa Kenya. Tunasema kwamba pia mtu yeyote ataweza kuwa na uraia aina mbili yaani unaweza kuwa



uwe raia wa Kenya na kwa wakati huo huo pia uwe raia kama wa Tanzania itategemea vile vipi utakuwa umepata uraia huo lakini utaweza kushika uraia aina mbili utaweza kuwa raia wa nchi ya Kenya na pia raia wa nchi ya kigeni. Halafu tunasema kwamba Serikali itakuwa na uwezo wa kukunyang'anya uraia wako ikiwa utakuwa umefanya mambo ambayo yatakuwa yamekwenda kinyume namiadili ya nchi ya Kenya. Halafu tunasema kwamba Serikali itapanga kikundi ambacho kitakaa chini na kuzungumzia maswala ya kuwakaribisha watu kwa hivyo kupata uraia wa Kenya.

Nitaruka nitakwenda katika kipengele cha tano ambapo hapa mna haki za ubinadamu. Haki hizi ni nyingi sana na nitajaribu kwenda pole pole kidogo ile niweze kuwaelezea haki zenu za kibinadamu ambazo zimeangaliwa katika hii Katiba mpya. Nyinyi kama wananchi mko na haki gani katika hii nchi yetu ya Kenya. Katika haki hizi mambo tunasema ya kwamba nchi yetu ya Kenya itaangalia kwamba, kama nchi zingine katika dunia hii itaangalia kwamba imeongozwa na haki za kibinadamu ambazo nchi yetu ya Kenya na nchi zingine katika dunia zimekaa chini zikakubaliana kwamba hizi ndio haki za kibinadamu. Kwa hivyo nchi yetu ya Kenya itakuwa ni moja ya wapo ya nchi ambazo inatuongoza kutokana na miadili zile ilio kubalika na nchi zote za duniani na kulingana na haki za ubinadamu.

Tunasema kwamba nchi yetu ya Kenya itakuwa na haki ya kulingania sisi kukaa tukiwa na haki na pia kuka katika hali ya. Tunasema pia kwamba nchi yetu itatuweka katika hali ya sisi kuwa na uhuru. Uhuru ambao ambao tunauzungumzia hapa ni uhuru wa sisi kuweza kuishi kama binadamu. Kitu chochote ambacho kitakufanya wewe mwananchi usiweze kuishi kama binadama itakuwa tumekuondolea uhuru wako. Halafu tunasema kwamba nchi yetu itakuwa na haki ya kutupunguzia haki zetu za binadamu. Vipi? Tumesema kwamba mwananchi uko na haki zako za kibinadamu lakini hizi haki hazitakuwa kwamba tumekupatia uhuru wa kufanya mambo ambayo mengine yatakuwa inawahuthi wenzako kwa hivyo nchi yetu itakuwa na uwezo wa kukupunguzia haki hizi. Uko na haki mpaka kiasi fulani zaidi ya hapo hauna haki tena. Tumefanya hivi ili wananchi wasije wakatukaza haki zao. Maana yake tukisema wananchi mmewachiwa haki zote kuna watu ambao wataanza kuwanyanyaza wenzao wakisema kwamba wanatumia haki zao kwa hivyo nchi yetu itakuwa na uwezo kukupunguzia wewe haki zako kutokana na miadili ya nchi. Tunasema kwamba mwananchi yeyote huko na haki ya kuwa na maisha hakuna mtu yeyote ambao anakubliwa kukuuwa wewe na kwendeleza hivyo ndivyo tukasema kwamba haki ya majaji wetu kupitisha hukumu ya kifo tumeiondoa. Tunasema kwamba binadamu wote watakuwa sawa. Tukisema usawa tunamaanisha kila binadamu ni sawa na mwenzake. Hakuna ambaye yuko na haki kumzidi mwenzake. Halafu tunasema kwamba tutakuwa na uhuru dhidi ya mtu kufanyiwa ubakuzi wa aina yeyote. Tunasema kwamba utakuwa na uhuru, hutabaguliwa kutokana labda na dini yako, hutabaguliwa kutokana na rangi yako. Hutabaguliwa kutokana na rangi yako, hutabakuliwa kutokana na kabila yako, ama hutabaguliwa kutokana na njia yeyote ile.

Kuusiana na wanawake, tunasema kwamba wanawake watapewa haki zao za kibinadamu na kwamba wanawake wana usawe na wanaume na kila mtu yeyote. Na pia tukikumbuka kwamba wanawake kwa kimaumbile hawako sawa na wanaume na haki ambazo tutawapa wanawake, kutokana na maumbile yao. Kwa hivyo wanawake watakuwa na haki aina mbili watakuwa na zile haki kwamba wao wako na usawa na wanaume na pia kutokana na maumbile yao watakuwa na haki zao kama wanawake.



Pia tunasema kwamba serikali yetu itachunga kwamba wanawake hawatanyanyazwa kwa njia yeyote na kwamba miadili yote ya wanawake kuhuziana na ushiriki wao na mambo ya nchi hii yataangaliwa kwamba watakubaliwa kushiriki katika siasa watakubaliwa kushiriki katika kupata elimu watakubaliwa kushiriki katika kupata nyumba na mahala yote ya kibinadamu. Tunasema kwamba tutakuwa na haki za wazee wetu katika jamii zetu, kwamba wazee wetu ambao ni wakongwe wataangaliwa haki zao katika jamii.

Halafu tunasema pia muna haki za watoto. Watoto wana haki zao na kama wengine wetu mnakumbuka kuna haki za watoto ambazo zimepitishwa hivi jusi jusi ningemba labda muende mzisome kwa ukamilifu tujue kwamba watoto wetu wako na haki zao. Na moja ha haki za watoto wetu ni kwamba watoto wana haki ya kupata chakula, watoto wana haki yakupata malezi, watoto wana haki ya kupata elimu, watoto wana haki ya kupata afya. Tukisema watoto wako na haki ya kupata vitu hivi tunamaanisha hivi ya kwamba wewe mzazi una jukumu ya kuwapa hizi haki watoto wako. Hutakaa nyumbani useme oh, leo mimi nimekosa pesa watoto wangu hawatakula. Uko na haki, wewe kama uko na jukumu la kumpa mtoto wako haki yake ya chakula ya afya ya elimu na mambo mengineyo.

Halafu tunakuja katika familia tunasema kwamba mtu yeyote yuko na haki ya kuwa na familia ikiwa umefikisha miaka 18 na umekubaliana na mwenzako uko na haki ya nyinyi kuungana na kuanzisha familia yenu. Tunasema pia nchi hii yetu ya Kenya itasisitisa sana madili ya familia yaweze kuangaliwa sana yaweze kupewa kibao mbele ili tusije kupata maadili ya kigeni ambayo hayahusiani na madili ya kiafrica ambapo Kiafrica tunasema familia yiko mbele hapo hatutaki maadili ya kigeni ambayo itakuja kutatiza maisha ya familia zetu.

Tunasema ya kwamba watu wote ambao wako na vilema watapewa haki zao na tutaangalia na tutahakikisha katika jamii zetu kwamba watu hawa wanaangaliwa na haki zao zote zinaangaliwa. Tunasema kwamba kila mwananchi atakuwa na haki ya kuishi na furaha na kuheshimika kwamba hakuna mtu yeyote ambayo hatakufungia wewe heshima yako kama mwananchi ama heshima yako wewe kama binadamu.

Na tunasema hivi, tunasema ya kwamba mwananchi atakuwa na uhuru wa yeye kupata kuangaliwa yaani uhuru wa kulindwa. Uhuru wa kulindwa tunamaani kwamba tuko na Jeshi letu litatulinda sisi kama Wakenya tuko na polisi watatulinda sisi kama raia, tuna uhuru huo. Na wakati ambapo kama mimi nikitoa mfano katika mji yetu huu tunakaa tunakuta tuko na wezi wengi, tunasalilishwa tuko na uhuru sisi wakuinuka na kusema Katiba inasema kwamba tuko na uhuru wa kulindwa, je ambao wanafaa kukulinda wako wapi? Kwa hivyo tunapewa uhuru wa kuuliza ulinzi wetu.

Halafu tunasema kwamba tuko na uhuru sisi ya kutokufanywa watumwa ama kulazimishwa na mtu yeyote kufanyishwa kazi. Tunasema pia ya kwamba tuko na uhuru wa sisi kujifanyia mambo yetu ubinafsi, tuko na uhuru wa usiri wetu. Ukitaka wewe kukaa nyumbani kwako ufanye mambo yako kwa siri, uko na uhuru huo. Mtu yeyote hana uhuru wa kuja kuingia nyumbani kwako kuuliza ni nini unafanya ndani ya nyumba yako? Uko na uhuru wa kujifanyia mambo yako wewe mwenyewe na

kunyamaza na mambo yako. Isipokuwa tu mambo haya isiweze kuwa kwamba yanatafusiana na maadili ya nchi yetu.

Halafu tunasema kwamba mtu yeyote ana uhuru wa kuabudu chochote ambacho anachotaka yeye wenyewe, ana uhuru wa kujiunga na dini yoyote ana uhuru wa kuwa na imani yeyote ile ambayo anapenda kuwa nayo yeye mwenyewe. Tunasema kwamba mtu yeyote mwananchi ana uhuru wa kujieleza, unaweza kukaa ukiamini ya kwamba hivi ni sawa na hivi si sawa, nchi yetu inasema ya kwamba utakuwa na uhuru wa kujieleza kwa njia yeyote ile. Tunasema kwamba pia kutakuwa na uhuru wa mtu kusema unavyotaka. Hivi sasa labda wengine tuko katika maisha yale ya samani tunaogopa, nikisema hivi labda wenzangu wataona shida. Mtu atakuwa na uhuru wa kusema na kujieleza na kusema chochote anachotaka hata kama itakuwa yeye yuko upande ule mwingine kwamba anasema mambo ambayo wenzake hawangeyapenda. Ila katika kusema haya tunasema, kwamba utayasema yale unataka kusema lakini hutaleta gazia kwa njia yeyote ambayo utakayokuwa umeyasema.

Tunasema kwamba kutakuwa na uwezekano wa mambo yote ambayo ungetaka kujua utakuwa na uhuru wa kuuliza mambo haya yako wapi. Utakuwa na uhuru wa kupata habari zozote. Tukisema uhuru wakupata habari ni kwamba utakuwa na uhuru wa kusikiliza shirika lolote la habari zile unataka kusikiliza utakuwa na uhuru wa kusoma gazeti lolote, na kama kuna mambo pia yako katika Serikali ambayo ungetaka kujua una uhuru wa kwenda kule na kuuliza kwamba upewe habari zile.

Tunasema tutakuwa na uhuru wa kuchangamana yaani tutakuwa na uhuru wa sisi kama tulivyo kaa hapa, tunaweza kuitana sisi kama wananchi tukaweka vikao vietu tukakaa tukazungumzia masalaha yetu bila mtu yeyote kuja hapa kutusumbua ama kututenganisha. Pia utakuwa na uhuru wa sisi kutoka nje na kujieleza yaani demonstration. Tutakuwa na uhuru huo kwamba tunaweza kutoka nje tukaakilisha masalaha yetu kwa wananchi wenzetu.

Tutakuwa pia na uhuru wa siasi kwamba mtu yeyote anaweza kujiunga na chama chochote cha kisiasa ambacho angependa, mtu yeyote pia angekuwa na uhuru wa kuweza kufanya siasi aina yeyote ile ambayo angetaka. Tutakuwa na uhuru pia wa kuwa na makao kwamba Serikali ina jukumu ya kutupa sisi makao, nafikiri wakaaji wa Majengo swala hili mnalielewa saidi. Serikali itakuwa na jukumu ya kuwapa nyinyi kama riaia wa Kenya makao na mtakuwa pia na uwezo wa kuishi sehemu yeyote katika nchi hii. Utaweza kuhama hapa uende uishi Kisumu, utaweza kuhama hapa uende kuishi Mandera, bila mwananchi yeyote upande ule kukueleza kwamba wewesi mkaaji wa hapo. Unaweza kuishi sehemu yeyote katika nchi yetu ya Kenya.

Kutakuwa pia na uhuru wa wakimbizi nafikiria wengi wetu tunaolewa tatizo la wakimbizi lile tuko nalo nchini pia hao wakimbizi wako na haki zao na wako na uhuru wao kiasi fulani, kwa hivyo wao pia watakuwa na uhuru wao.

Tunasema ya kwamba tutakuwa na uhuru wa watu kuweza kufanya biashara na watu kuweza kufanya kazi zozote zile ambazo wao wenyewe wangependa kuzifanya. Kazi yote utafanya kutafuta riziki yako utakuwa na uhuru wa kufanya

Tutakuwa pia na uhuru wa mtu kuwa na mali yake nakuweza kujifadhia mali yake ila mali hii tu iwe inapatikana kwa halali.

Isewe tena mali hii umemnyang'anya mwananchi mwenzako.

Halafu tunasema kwamba kutakuwa na uhuru wa wafanyi kazi. Wafanyi kazi watakuwa na uhuru wa kulipwa mshahara unaofaa. Watakuwa na uhuru wa kufanya kazi katika sehemu ambazo ni sawa wao kufanya kazi ambapo masilahi yako ya kikazi yanaangaliwa vizuri, watakuwa na uhuru wa kugoma. Na pia wenye kuwaajiri watakuwa wanawapa wafanyi kazi wao uhuru wa kuweza kulingania mambo yote ambayo yatausia na uwaajiri wao. Tutakuwa na uhuru wa sisi kuitisha haki zetu za afya. Nafikiria wengi wetu mnaona Serikali yetu ina matatizo kwa hivyo tutakuwa sisi na uhuru na haki ya kuuliza kuhusu afya zetu.

Tutakuwa na uhuru pia kuusia na elimu. Hapa tunazungumzia kwamba tunasema elimu ya shule za msingi iwe ni lazima. Narudia tena, elimu ya msingi iwe ni lazima na iwe ni bure. Kwanza itakuwa ni bure halafu na itakuwa pia ni lazima. Kwa hivyo utaweza wewe kama mzazi kukaa nyumbani na mtoto, itakulazimu wewe umpeleke shule, na tunasema hii elimu ya msingi ambao ni ya chini kabisa iwe bure kabisa, usiseme kama mzazi nimeitishwa hiki wala hiki. Mtoto asome bure.

Tunasema kwamba tutakuwa na haki za kuweza kupata nyumba na Serikali itashugulika kuhakikisha kwamba wananchi wote wanapata makao. Pia utakuwa wewe kama mwananchi, utakuwa na uhuru na haki ya kupata chakula chako cha kila siku. Kwa hivyo Serikali itahakikisha kuwa nchi imekuwa na usalama kiasi cha kwamba wewe kama mwananchi unaweza kuendelea na shuguli zako za kutafuta riziki yako ya kila siku. Tutakuwa pia na haki ya kuweza kupata maji nafikiria Serikali wakati mwingi imetueleza kwamba baada ya labda mwaka wa 2010, inatazamia kuwa kutakuwa na mfereji wa maji mmoja kwa kila watu kumi katika nchi. Kwa hivyo una haki ya wewe kupata maji safi. Pia kutakuwa na haki ya wewe kuishi katika mazingara masafi, mazingara yatakuwa na vyoo na shughuli zingine ambazo zinahusiana na haya. Wengi wetu tumesikia watu wakilalamika miti inakatwa, kwa hivyo utakuwa na haki juu ya mazingara yako.

Tunasema pia utakuwa na haki kuhusian na lugha yako na mila zako utaweza kuwa na haki ya wewe kuzungumza lugha yako ambayo unaipenda na pia utakuwa na haki ya wewe kufanya mila zako ambazo unazipenda. Ila pia tunasema mila hizi sizije zikatofautiana na miadili ya nchi yetu ya Kenya. Labda nikiguzia kama mila moja, kuna mila hizi wengine wanafanya za Kutahiri wanawake. Mila kama hizo hazitakubalika kwa kuwa zitakuwa zinahitilafiana na miadili ya nchi yetu ya Kenya na Katiba yetu. Kwa hivyo ikiwa mila zako hazijamuudhi mtu yeyote ama hazijahitilafiana na Katiba hii yetu ya sasa, itakuwa ni sawa, ukiamua mila yako labda inasema uimbe barabarani ni sawa kabisa utakuwa na haki hiyo.

Tunasema kwamba wewe utakuwa, wewe uko na haki kama mnunuzi. Wengi wetu labda hawajajua kwamba wao kama wanunuzi wako na haki. Uko na haki ukienda dukani, kitu chochote ambacho unanunua lazima kiwe kimefikia standards ambazo zimewekwa na nchi hii. Ukienda kununua sabuni kama ile sabuni, kama imeandikwa inatoa pofu nyinyi, uko na haki wewe ukinunua ile sabuni ikutolee ile pofu, ikiwa hiyo sabuni haitatoa hiyo pofu uko na haki ya wewe kama mwananchi kulalamika na mambo mengineo.. Kwa hivyo wewe kama mnunuzi uko na haki juu ya kitu chochote ambacho utakachokinunua

kwamba kitakuwa kimefikia zile standards ambazo wao wenyewe wanasema. Ukinunu gari ikiwa wamesema hili gari linaweza kutembea ndani ya maji, likikosa kutembea ndani ya maji uko na haki kama mwananchi kuuliza.

Tunasema kwamba pia tutakuwa na haki ya sisi kuongozwa kwa uadilifu kwamba viongozi wetu ambao tutakuwa nao watatuongoza sisi kwa uhaki. Pia tuko na haki ya sisi kama raia kukataa, mambo yoyote ama sheria zozote ambazo sitakuwa hazina uhaki ndani yake. Ikiwa mtu yeyote atataka kutuongoza kwa sheria ambazo hazina uhaki ndani yake sisi kama wananchi tuko na haki yakukataa. Tunasema tutakuwa na haki ya sisi kuweza kufika makortini na korti kusikiliza malalamiko yetu na kutusikizia kesi zetu.

Watu ambao watakuwa labda kwa njia yeyote ile wamemeshikwa na polisi, wakawa kama sasa wao ni wafungwa pia watakuwa na haki zao ambazo ziko zinaandikwa kwa urefu. Mtu yeyote ambao ni mfungwa atakuwa na haki ya yeye kupata wakili kama hana uwezo wakupata wakili Serikali itahakikisha kwamba mtu huyu amepatiwa wakili wakumsimamia katika masalaha yake kortini.

Tunasema pia kutakuwa na haki ya mtu yeyote kuweza kufanyiwa kesi yake kwa uhaki na kwa uadilifu na ikiwa kesi hii ataona haikufanywa kwa usawa ana haki ya yeye kutuma rambi rambi zake na pia kuna sehemu tunaitengeneza ambapo wananchi wote wanaweza kupeleka malalamiko yao kuhusiana na Serikali.

Tunasema kwamba watu ambao watakuwa wamefiliwa labda mtu yeyote ambaye amefungwa atakuwa na haki zake na moja wapo kama hizi haki, ikiwa amefungwa muda mudogo atakuwa yeye yuko na haki zake za kupiga kurua na haki zingine ambazo zimeelezwa hapa kwa urefu.

Tunasema kwamba mwananchi yeyote atakuwa anaweza wakati wowote kurudi katika haki za kibinadamu kuziangalia na akiona kwamba haki zozote zake za kibinadamu hazijaangaliwa kwa uzuri yuko na haki ya kushtaki na kuuliza haki zake za kibinadamu.

Halafu mwisho tutakuwa na sehemu ambayo tunaipangia kuita Commission of Human Rights and Administration of Justice. Yaani katika hii Katiba mpya tunasema kwamba tutaanzisha kikindu ambacho kitashugulikia masalaha ya haki za binadamu na uongozi wa sheria. Sasa katika sehemu hii sisi kama wananchi tutakuwa na uwezo na haki ya sisi kutoka kwenda kulalamikia haki zetu za kibinadamu ambazo zitakuwa zimedharauliwa, ambazo tutakuwa tumenyimwa ama haki zingine ambazo tutakuwa tunahizi ya kwamba tumenyang'anywa.

Halafu tunasema kwamba korti zetu zitakuwa zimepewa jukumu la kuhakikisha kwamba haki za kibinadamu zimefuatwa. Tunasema kwamba korti zetu zitakuwa zimepewa jukumu la kukaa na kueleze wananchi kuhusu haki zao za kibinadamu na vipi haki hizi zinahusiana na sheria.

Nafikiria kama mtu yeyote ana swali tumeulizwa kwamba maswali yote tuyaandike chini halafu baadaye, mtakuja mtuulize maswali yenu halafu yatajibiwa. Asante.

**Eunice Kamau :** Tunasema ya kwamba ni vizuri tukiandika maswali yetu chini, kusikie ndio baadaye tutauliza maswali. Kuna kitu ningependa sasa kuwauliza ndio tujue kwa ajili ya masaa. Kama tungeendelea na Kizungu peke yaka ama mngependelea Kizungu na Kiswahili pia. Kiswahili peke yake kuna wengine wako na tatizo ya Kiswahili peke yake. Kuna mtu ako na shida yeyote na Kingereza? Mngependa ikorogwe pamoja? Tuchanganye?

**Interjection from the floor :** (inaudible)

**Eunice Kamau :** Ile shida iliyoko ni ya kwamba wale walioko na jukumu ya kupatikana hii dissemination, wanasikia wako nyumbani wakiongea Kingereza. Haya basi nitawauliza wajaribu.

Haya sasa ile sehemu ingine ama sura ya sita ni mimi nitaongeza, mimi nitaongea kile kiswahili cha mama Njeri. Sitafanya Suleiman afafanue nitafafanua wenyewe.

Katika Katiba yetu mpya ukianagalia ukurasa wa kumi na moja hiyo ndio iko ile sura ya sita nitaongea. Na katika hiyo sura iko na sehemu tatu. Ya kwanza ni mambo ya uchaguzi na kupiga kura, ile nyingine ni Tume ya uchaguzi. Ile nyingine ni juu ya vyama za kisiasa. Kwa hivyo katika hizo sehemu tatu, inapatia wananchi vile watakuwa wakihuzika katika kutawala nchi yetu. Na kwa hivyo tutasikiliza kwa makini sana ndio tujue ni vipi wewe ukiwa mwananchi wa Kenya utakuwa ukihuzika na uongozi wa nchi. Ni vipi utahusika?

Ya kwanza juu ya kupiga kura na uchaguzi Katiba mpya inasema ya kwamba kila mwananchi wowote ako na haki ya kupiga kura, na kila mwananchi ako na haki kama amefikisha miaka. Ako na haki ya kusimama kuchaguliwa kiti chochote cha kisiasa anapendelea kuchaguliwa. Na katika upigaji kura, upigaji kura utakuwa kwa TV, na utakuwa free and fair na pia katika uchaguzi kutakuwa na kina mama. Hii ni mara ya kwanza kina mama wamepatiwa sehemu kubwa kwa hivyo wakati huu katika uchaguzi ni lazima kina mama watakuwa wakisimama, si sasa wanaume peke yao. Hata kina mama watakuwa na haki ya kusimama. Na pia vilema, mara ya kwanza wamepatia sehemu yao. If there is anybody who is disabled, they are free to stand to be elected. Na pia Bunge litaamua, ama litapitisha sheria juu ya number ya, tutakuwa na Constituencies ngapi, na katika provincial council, district council, local council na village council. Kwa hivyo Bunge litatoa sheria juu ya vile Constituencies sitakuwa. Na pia itatoa sheria juu ya nomination of candidates, kwa hivyo, haitakuwa tu vile political party wanataka, hapana, Bunge litaamua sheria ndio kuwe kukijulikana watu watachaguliwa vipi.

Tena Vyama vya kisiasa – Vyama vyote vitahakikisha ya kwamba sehemu tatu ya wale watu wanasimama a third of the people

to be elected are women at least a third of its candidate for direct election will be women. Na vile pia tumesema juu ya disabled watakuwa na nafasi yao.

Na juu ya kupiga kura tuone vile Katiba inasema juu ya kupiga kura. Mtu yeyote akifikisha umri wakupiga kura ako na jukumu ya kupiga kura. Na ni nani atapiga kura, but ni nani ako na ile jukumu ya kupiga kura. Mtu yeyote akiwa na miaka kumi na nane, mtu akifika miaka 18 amekjubaliwa kujiandikisha kuchukua kura yake. Na nilisikia juu ya mtu akiwa mwananchi wa Kenya pia kuna patiano ni vipi kuhusu yule amejandikisha kuwa a Kenyan citizen ni vipi anaweza pia kuchukua kura katika sehemu ya B na ile ingine. Na ni nani anaweza kukatazwa kujiandikisha? Kama mtu, if one is not of sound mind tuseme kama mtu ni mwenda wazimu, ama ako na shida tofauti, tofauti, vile sina hakika kwamba mtu hawezi akajiandikisha, hiyo inabidi mtu asije akajiandikisha. Pia kama mtu akipatikana, na hapa ni muhimu sana msikilize, kama mtu akijulikana ya kwamba amekuwa akitenda kitendo kibaya wakati wa uchaguzi, Bunge linaweza kupitisha sheria likasema huyo asije akisimama, ama akajiandikisha. Ile nyingine ni ya kwamba, kwa ajili ni Katiba, Bunge pia litapitisha sheria juu ya mambo ya, kama mtu amesuililiwa kujiandikisha, unaweza ukaenda kortini ukajitetea ndio uonyesha sababu ile ujakubaliwa kujiandikisha.

Ile nyingine ni juu ya unopposed candidate, kama mtu akisimama, amesimamishwa na chama fulani na hakuna mtu hata mmoja anampinga hii Katiba mpya inasema huwezi kwanda bila uchaguzi wowote, ni mpaka kuwe na voting ndio ihakikishwe ya kwamba fulani alichaguliwa na kura elfu ngapi mpaka watu waende wakapige kura ndio ujulikana, hata kama hukupingwa na mtu yoyote, ulikuwa na kura ngapi.

Ile nyingine ni juu ya Tume ya uchaguzi. Katika hii sura ya sita kuna sehemu ya Tume ya Uchaguzi na inasema ya kwamba kutakuwako na Tume ya Uchaguzi. Naye Tume ya Uchaguzi, kutakuwa na mwenye kiti na katika hiyo Tume ya Uchaguzi watakuwa watu kutoka wanane na kumi huwezi ukaenda chini ya watu nane na juu ya watu kumi. Ile nyingine ni ya kwamba mwenyekiti wa Tume mpaka achaguliwe na Bunge. Bunge likikusanyika bunge ndio litakuwa na jukumu ya kujua mwenye kiti ni nani. Haitakuwa tu fulani, fulani ndio mwenye kiti ya Tume, lakini Bunge litakuwa na jukumu la kuchaguiwa mwenyekiti wa Tume la Uchaguzi.

Ile nyingine ni ya kwamba mtu kama amesimamia ungozi fulani tuseme umechaguliwa kama Mbunge ama una jukumu fulani katika public office huwezi ukawa wa Tume ya Uchaguzi. You cannot hold a public office, neither can you be a member of Parliament. So if you want to be a member of Electoral Commission, then one should not be nominated from either of those sectors. **(end of side B tape 1)**

Tume ya Uchaguzi inaweza kukata kuandikisha chama chochote kama ikijulikana ya kwamba hicho chama kinaleta mambo ya dini, ama hicho chama kinaleta mambo ya ukabila. Na hayo yote mnaona katika hiyo sehemu ya pili A na pia chama chochote hakitakiwi kupigana ama kufurukisha watu kwa kupigana na ya kwamba Tume ya Uchaguzi itakuwa ikitakikana kuweka account zao vizuri, kwa hivyo wakikusanya pesa ama wakipatiwa pesa na Tume ya Uchaguzi, wanatakikana kuweka account

zao vizuri na hizo account zao zitakuwa, all their accounts will be checked. All their accounts will be supervised and they will be checked and within three months to the end of the financial year, they are supposed to submit their financial accounts. Ile nyingine ni kwamba Tume ya Uchaguzi inaweza ikafutulia mbali chama chochote cha kisiasa wakipatikana wanajihusisha na mambo machafu, vile nilifafanua hapo mbeleni.. Ile nyingine ni ya kwamba Chama ya Uchaguzi itakuwa kwa wakati wa kwanza ikipatiwa fedha wakati wa siasi ama chama chochote kikihundwa kitakuwa kikipatiwa pesa na Serikali ama na Tume ya Uchaguzi ili, to propagate its own political vision, during the election time and also to run its own office affairs. Na pia itakuwa ikikubaliwa kuchukuwa pesa kutoka kwa wananchi. Ile nyingine ni ya kwamba Rais wa Kenya ama mtu yeyote ule ako na public office hakubaliwe na Katiba mpya kuwa na office yeyote katika chama, in the political party. The President or any public official or the deputy secretary in the new Constitution, those persons are not allowed to hold any political office. So I have tried to run over the three chapters. I am sure you have read them.

Na wakati huu tutaendelea katika sura ya saba na nane na nitamualika Lwanga aje apatiane.

**Lwanga Tabu :** Mimi nitaongea kwa lugha ya Kingereza kwa sababu Kiswahili yangu ni mbaya. Kwa jina naitwa Lwanga, District Coordinator, Kamukunji/Makadara. I will tackle the Legislature, the Executive and Devolution of power. Nitaanza na Legislature.

Parliament shall consist of the National Council and the National Assembly. The National Assembly shall have 210 Constituency MPs and 90 Party list MPs. These are MPs who will be elected from the list provided by political parties. The National Council shall have 70 members and these 70 members will come from each district plus 30 women members who will come from the provinces.

The Role of Parliament – The following will be the role of the Parliament. Enacting legislation and consulting on promolocation of regulations, providing a national forum for deliberation on and dissolution of issues of concern to the people, approving expenditure of the State and appropriating funds as required to meet those expenditures. Considering and passing amendments to the Constitution as provided for in Chapter 18. Scrutinizing and overseeing actions of National government: Considering and approving international treaties. Confirming the President’s choice of person to serve in the Cabinet. Advising on and consenting to appointment to be made by the President as required by the Constitution for legislation, bulabulabula. You can see, that is contained in Article 102 Chapter 7 page 13. Approval of appointments by Parliament that is Article 103. Appointments in respect of the following institutions shall be referred to the National Council for approval before they are made:

- (A) Judicial Service Commissions
- (B) Ethics and Integrity Commission
- (C) National Land Commission
- (D) National Environmental Management Commission

(E) Teachers Service Commission

(F) Salaries and Remuneration Commission

Please check on Article 103 you will see all those things I have pointed out.

Appointment in respect of the following offices shall be referred to the National Assembly for approval before they are made:

(A) Prime Minister

(B) Deputy Prime Minister

(C) Ministers

(D) Deputy Ministers

(E) Permanent Secretary

(F) Ambassadors and High Commissioners

(G) Electoral Commission

(H) Auditor General

(I) Controller of Budget

(J) Director of Central Bureau of Statistics

(K) Governor of Central Bank

I will go to Article 108, it deals with qualifications and disqualification of members. A person is eligible to be a member of Parliament if that person is

(A) a citizen of Kenya

(B) has attained the age of 35 years in the case of National Council

(C) has attained the age of 21 years in the case of the National Assembly

(D) is qualified to vote for an election for Parliament

(E) has attained at least Form 4 standard of education with a pass and he is proficient in Kiswahili and in English but persons who only express themselves in sign language are qualified.

(F) Satisfy any moral and ethical requirement verified by the Constitution or an Act of Parliament.

You can read that in your own time.

Under the Draft Constitution the electorate will be empowered to recall a member of Parliament who does not perform. Check Article 112 Clause 1. Subject to this Article the electorate for any constituency has the right to recall their member of Parliament before expiry of the term of Parliament. A members referred to in Clause 1 may be recalled from that office on any of the following grounds :

(A) Physical or mental incapacity rendering that member incapable of performing the functions of the office or

(B) Misconduct likely to bring hatred, ridicule, contempt or disrepute to the office

(C) Persistent desertion of the electorate without reasonable cause.



I will go to the Executive, that is Article 149 – The National Executive of the Republic of Kenya comprises, the President, the Vice President and the Cabinet appointed under Article 151.

The authority of the President that is Article 150. The President is the Head of State, Commander in Chief of the Defense Forces, these are what we used to call Armed Forces, the Chairperson of the National Security Council and the Chairperson of the Defence Council. He is a symbol of the unity of the Nation and has responsibility to promote and enhance the unity of the Nation. Safeguard the sovereignty of the Republic, promote respect, diversity of the people and protect their human rights and fundamental freedom. Shall uphold, safeguard and respect the Constitution and the rule of law.

State functions of the President Article 151. The Presidents shall address the opening of each newly elected Parliament in accordance with Article 141.

**Interjection from the floor :** (inaudible)

I will summarize and then we give you an opportunity to raise issues that you have. I was on the State functions of the President:

- (A) shall address the opening of each newly elected Parliament in accordance with Article 141
- (B) shall address a special sitting of Parliament once each year as provided for in Article 14
- (C) May address Parliament at any other time and
- (D) May dissolve Parliament only in the circumstances contemplated at Article 142

That is all I had as far as the Executive is concerned you can read in your own time, I will go to Devolution of power.

Devolution of Power is Chapter 10

**Interjection from the floor :** (inaudible)

**Lwanga Tabu :** I will stop there and the audience can raise the issues they have, thank you very much.

**Eunice Kamau :** Asante sana, mnajua juu ya Katiba ni haki ya mwananchi na yule mwananchi ameongea ni kweli tangu asubuhi mmekeki hapa na tutaendelea na hiki kikao cha kupatikana juu ya Katiba kwa wale hawawezi wakasoma hii Katiba mpya lakini wakati huu tutapatia nafasi mtu yeyote vile tuliambiwa mkumbuke tumekuwa na vikao viwili hapa katika Constituency yetu tukipatiana mawaidha na recommendation zetu juu ya Katiba mpya. Imekuja mko na vile vitabu mbele yenu na kwa hivyo kama kuna kitu chochote ulikisoma unasikia ah, ah, ah! Hii sikubaliani nayo ni vizuri kuongea. Na kama kuna kitu chochote ukiongea na labda umesikiliza ama umesoma ukajua ya kwamba haikuandikwa ni wakati huu wakupatiana, na vile

tuliambiwa na Esther asubuhi mukumbuke ya kwamba sisi tukiwa katika hiki kikao hatuna uwezo wa kubadilisha, yetu ni kupatikana maoni. Na wakati wa kubadilisha utafika. Na kwa hivyo nivizuri mukipatiana maoni yenu kama mmefurahia semeni mumefurahia, kama hajafurahia uko huru kusema kitu chochote kile ungetaka kusema juu ya Katiba mpya. Kwa hivyo wakati huu tutakuwa tukiongea juu ya katibe mpya. Tunaelewana hapo. Okay. Na mnajua ukipatikana kila kitu kitakuwa recorded ndio mtu asije akasema apana na kama kuna kitu haijsemwa tuliambiwa recommendations sote za Kamukunji ziko hata mkitaka kuziona uende kwa office ya Lwanga. Na wakati ule unauliza swali kwa ajili tuko wengi tufupishe maswali yetu. Niliwaambia muandike. Kama unataka kuuliza swali kama kuna mahali huelewi vizuri ama kuna recommenation ama kuna ile unataka itolewe, chukua dakika tatu jukumu ni lako sasa. Karibuni wananchi.

Kwa hivyo tungechukua majina ya wale wangependa kwanza kuja ndio kama una kitu ungependelea utakuja hapa ndio uongeshe wananchi uwaambie vile ungependa kwa hivyo ningeliza Esther. Kuna mama mmoja hapa chukuwa jina lake. Nani mwingine angependa. Chukuwa huyu mama kwanza, chukuwa ule baba pale, ule kijana, na wa nne hapa. Mama njoo hapa ujiandikishe pale vile nimesema ndio tutaita majina vile itakuja. Tafadhali wale wengine wakiendelea wale wanatake kuuliza ama kupatikana mapendekezo yao jiandikishe pale ndio twende upesi.

**Amina Bakari :** Nataka kusema, polisi ananyanyaza watu, akikuta ananyang'anya mfuko anatoa pesa watu wako na shida. Anaenda kupiga ugali huko na bibi yake. Ukimwitia mwizi hawezi kumshika. Sisi hatuna kazi, tuko na tabu. Tuko na tabu, sisi hatuna kazi, tunaonewa, sisi ni maskini ya Mungu tunaweza kwenda kwa Bunge tunatafuta kazi, sisi hatuna kazi, tunaenda maofisini tunatafuta kazi. Wengine hupewa kazi wakubwa kwa wakubwa. Barabara zijengwe. Takataka zizolewe. Tuone wakubwa. Tusidharauliwe hata siku moja. Chakula zipunguzwe bei. Kuna maskini kuna tajiri. Maskini tunaonewa, tuna haki gani sisi.

**Eunice Kamau :** Haya asante mama. Ibrahim Mohamed?

**Ibrahim Mohamed :** Mimi ningependa kusema katika National Holidays, National days.

Katika kifungo cha National days, kuna Madaraka Day, Jamhuri Day na Constitutional Day. Lakini kama vile hii Review Commission imeheadiwa na Religious organizaitona, hatuoni kam Idd Day hivi ya Waislamu. These days kwa nini mmesikata off. Tunaona mumetu-deny right yetu hapo. Na ingine ni katika registration of political parties, the same ina-apply mume-cut off, religious parties mnasema religion isiwe involved, where hii Constitutional Review is driven, iko na power ya religious organizatios, kwa hivyo hapo naona mtakuwa mumetu-deny right yetu. Kwamba hatuwezi ku-vote on religious basis, mnataka tu-vote katika which basis? To register katika satanic basis ama which basis mnataka. Kingine ni katika human dignity, hatujui hii body itakuwa inaongezwa na watu gani kwa sababu tukipatia Serikali wa dignify kuhusu mtu na si-specialist, ambao kuna mambo ya kumi kumi pombe pia ina-lower down dignity ya mtu, miraa the same. Kwa hivyo hii body, hiyo Act ni ndogo sana ingekuwa, iko supposed to be addressed which specialist atai-check. Another thing in katika mambo ya arrest. Hatuoni kama Police Station ndio zimekuwa handicapped enough kwa sababu unaweza remain 48 hours katika custody. Imagine two days

uko police station mambo mangapi yatakuwa yamekupita. At least Police station pia zingekuwa handicapped kama inge-establish independent days ukishikwa na police badala ya kuingizwa custody iwe watu independent waangalie kama hii crime imetendeka kwa sababu 48 hours kwa mtu mwenye shuguli zake ni ages. Zangu tu ni hizo.

**Eunice Kamau** : Haya asante sana. Ule mwingine ni Abdul

**Abdul Isadeko** : Nafurahi sana kupata nafasi hii ya kuzungumza maoni yangu kidogo kuhusiana na Katiba hii ambayo ni ya Yash Pal Ghai pamoja na Makamishna, tunawashukuru kwa kututengeneza Katiba ya nchi hii na tunafurahi na tunaunga mkono wote ambao wamahusika kutengeneza Katiba ya nchi hii ya Kenya na sisi jambo lile nilikuwa nazungumzia ni kwamb kuna maswala kama ya uhuru wa kujieleza, freedom of religion believe and opinion. Sasa katika jambo kama hilo, this Article is not specific on matter of sexual expression e.g. homosexuality, child pornography, lesbianism and other immoral acts as championed by the Western nations. Kwa hivyo lile jambo linahusu kila mtu tunaweza kusema tunapatia watu freedom, lakini freedom ya ku-express each and everybody's personal views and expression, inaweza kuwa misused katika kutangaza hali za homosexuality, maana yake ukienda katika Western Countries, utaona homosexuality ina right katika ile Katiba ya nchi ile. Kwa vile hapa kwetu, itakuwa namna gani? Tukisema kwamba tusiwe very strong against it, itaingizwa katika Katiba na itawezekana kama lesbians na homosexuality itakubalika katika nchi hii.

Jambo lingine ambalo nilikuwa nataka kuzungumzia linahusiana na, kuna institutions zingine ambazo zina-adapt forcefully, prayers za asubuhi in one religion. Na hiyo is not fair tukisema kwamba prayers sitakuwako asubuhi kwa watoto wetu wasali katika dini zote, ama kama sivyo hiyo prayer itolewe kabisa watu waendeleo bila kama hizo katika nchi za makaribi prayers hakuna hii ni ku- instill watoto katika mambo ambayo ni ya religion na kuwafanya kuwa na tofauti ambazo si nzuri.

Jambo lingine ni kuhusu malipo ya uzeeni ama ambayo imewekwa katika Katiba ya sasa kwamba kila mwananchi atapewa benefits na Social Security, tulikuwa tunataka kujua kama huwo mswada utapitika katika Bunge wakati gani, na ilo jambo litahusu pia wale watu ambao walikuwa hawajafanya kazi mbeleni ama itakuwa namna gani.

Na pia jambo lingine ni la manyumba. Nauliza hakuna Clause yeyote has been put to the effect of the provision of housing as to whether we should take housing to include shanties na manyumba mabox. Serikali inaweza kukamilisha hili jambo vipi? Itapata pesa wapi ya kujengea kila mtu nyumba? Tusifurahi tu na hatujui pesa zitoka wapi za kujengea watu manyumba? Shantis, sinakubaliwa kama ni nyumba? Tafadhali tupate maelezo.

Halafu land and property ownership. Kuna watu wengine umejipatia land kubwa sana katika Kenya. Mtu ambaye amekuwa katika office ya urais ama ofisi za uwezo katika nchi hii wamechugua land titles kubwa sana na sehemu kubwa ya nchi kwa wenyewe peke yao. Unapta mtu ako na acre 5,000, 10,000 hata 20,000. Alipataje hizo? Ama ni kupewa alipewa. Basi tueleze. Kwa sababu watu wengi hawana mashamba na hizo shamba zikawanywe, watu wapate shamba.

Halafu mambo ya Judiciary. Ningependa kujua kwamba Commission ama Sheria itachukua hatua gani kwa hawa maakimu wawili ambao wamejaribu kufuruka Constitution? Sisi tunapinga kabisa jambo kama hilo. Tunaona kwamba huu ni utofu wa nidhamu. Na kufikiria mambo ya ulafi, tumbo lako unalifikiria vipi. Hao majaji wameonyesha kuwa hawana sifa za kuweza kwendelea katika hali ya kuwa ni majaji wa nchi hii.

Citizenship ya nchi hii – watu ambao wameendelea kuishi katika nchi ya Kenya, kuanzia independence mpaka wakati huu wazamehewe na amnesty saa hizi na wapewe uwezo wa kupata kitambulisho pamoja na uraia wa Kenya bila kusumbuliwa. Ni hayo tu.

**Eunice Kamau :** Asante sana wale wameandika memorandum zao please mziwaje hapa ni vizuri tukipatiana ziende kule mbele. Beatrice Kinuthia.

**Teresia Kinuthia :** Asante sana lakini ninaitwa Teresia Kinuthia na vitu viwili tu niliona ningetaka kuchangia. Ya kwamba vyama vya kisiasa vitakuwa vikipewa pesa za kuendesha shuguli zake. Hata ingawa the intention is good watu wengi wanaweza kupata majaribio ya kufungua vyama vya kunufaisha wao wenyewe. So that can be scrutinized more carefully so that, tusiwe na vyama ambavyo vina hundwa kwa kujifaidi wenyewe.

The other one is election of party members, usha chaguliwa na uko kwa Bunge na tuliambiwa unaweza kuitwa na watu. Recalling of MPs. The MPs opponent can start using the community, so that you will be called back, kwa sababu ulimshinda. So those are reasons that should be taken care of. Tusiwe na watu wa aina hiyo. Asante.

**Eunice Kamau :** Beatrice Njeu. Jackson ulikuwa hapa, hapana. Jackson K. Muguu

**Jackson Muguu :** Yangu ni madogo saidi sana. Nilikuwa nataka kujulisha kiongozi wetu walio Pumwani hapa nashukuru kwanza mbele ya Makamishna ambao tuko nao hapa. Kwa sababu ile kitendo wanafanya iliongelewa na Mzee Jomo Kenyatta, na nilikuwa ninataka, pengine nilikuwako wakati huo niongeee ile maneno kidogo. Ninakumbuka ya kwamba kutoka 1963 Mzee Kenyatta akienda kupewa madaraka, Madaraka Day anaulizwa na British hao ni Wazungu wa ng'ambo. Mzee Kenyatta ndio tutaenda kukupa madaraka na tutakupa Jamhuri Day, je utatengeneza Katiba yako ambayo itakayolinda nchi hii yetu? Akasema mimi sitatengeza Katiba kwa sababu sina wasomi ambao wakujua Katiba ni nini, nitaendelea na Katiba yenu mpaka nifikie miaka 25. Nataka kujulisha nyinyi kweli Katiba yetu ndio hii inaundwa lakini mjue kuna kitu moja tunadai Wazungu walienda nayo. Walakini Mzee Jomo Kenyatta, Mzee mheshimiwa aliposema hivyo aliandamishwa kidogo, na Wazungu walisema kama ni sheria yetu ndio utaendelea nayo hapa Kenya basi na mali yetu iko hapa sisi ----- British, tutachukuwa Title Deed ya Kenya kwa sababu tungali tunalinda Kenya. Mkae mkijua hiyo kitu bado tunadai deni yetu.

Ya pili walivyo ondoka kwenda kupewa Jamhuri na Madaraka day wakaenda ng'ambo, mjue kuna kitu mbili ambayo mko nayo hapa. Jamhuri Day ndio hii na mjue nchi hii ikipigana na wazungu walikuwa wakipigania haki yao. Sasa walipoondoka walijukua ile barua yao wakaenda nayo Title Deed yetu ya Kenya walipo kwenda nayo. Hadi ni deni kwa hivyo sisi tunashukuru Makamishna wakati huu walikuja kutukundulia, kuchapa, kutengeneza Katiba ya kulinda nchi yetu ya Kenya. Je Katiba hii itafuatana kwenda ng'ambo ituitishie Title Deed yetu kwasababu ndiyo mali yetu ya Kenya hii na ndio tulikuwa tukipigania. Ya pili ndugu zangu nieleze nyinyi, wanachuoni wetu na wanaounda Katiba hii waende ng'ambo watuletea Title Deed yetu. Shukrani ndugu zangu na dada zetu.

**Eunice Kamau :** Yule mwingine nitamwita ni Hezron Sambu.

**Hezron Sambu :** Ninafurahi sana kwa watu wa Tume ya Katiba, nilishangaa sana kwa mtu yetu moja akisema sisi yiko nja na sisi na nja hii ambaye itakwenda paka watoto wetu mpaka tukufe mpaka kila kitu. Hata kulala bila njaa na hi kitu inafanywa usiku na mchana. Kitu ambaye nafikiri sitasoma ni uchaguzi ya chief. Uchaguzi ya chief siku hizi inaletwa ile askari ambaye ameiba amefanya nini ametoroka anakuja kuletwa pahali hapo. Huyu ni chief, na wewe uwezi kujua. Mimi nasema shauri ya reserve si hata hapa Pumwani, unaona kesho, unaona watu wanapigwa, na kwenda kwa pombe watu wanauwana. Tafadhali chief aletwe halafu vile nimeona ni raia wajionee. Kama zamani huyo chief hata kama ni assistant chief yote ni sawa hata kama ni mama ameletwa, kimombo siku hizi inakuja, hata kama ni mzee yeyote yote inajulikana.

Ya pili, waheshimiwe wenye kupata taabu sana kwa kutengeneza mambo hii yetu, ni wagonjwa, wagonjwa unaona mtu amekuwa mgonjwa sana anakwenda Kenyatta unaona anawanjwa hapo – hakuna pesa - unaona akilala tafadhali muingilie hapo sana kwa sababu watu wengine kama hapana mpa kitu kidogo hawa madakitari watawacha. Hiyo ni kitu ambayo imekuwa kubwa sana.

Ya tatu ni upande wa land, mashamba siku hizi. Mashamba tulifurahi sana kwa President alipovunja maneno ya korti halafu, mashamba yaangaliwe na village. Sababu kama mtoto amezaliwa hapo, hakuna mwingine ambaye anakuja na kunyang'anya hiyo shamba. Hata kama hapa Pumwani unaweza kuona mtu anakuja tu ananunua nyumba na kununua nyumba hajui ile mtoto amezaliwa mama ameolewa hapo mzee huyu ameo hapo anakuja kufukuza na kuanza mambo yake kama biashara tafadhali sana kwa sababu shamba na nyumba yote yiko pamoja. Tumepate taabu hata saidi hapa kwa hivyo iangaliwe na villagers na kadhalika.

Nimeona Katiba kidogo ambayo inaandikwa, sisi tunataka customary law. Customary law ni kitu ambaye Mungu alifanya watu. Kama alifanya ni mtu fulani watu wa Coast anaimba vile ilivyo anaona raha vile ilivyo kama wanandi wanaimba kame kikuyu wanaimba, lakini si ya kuwa tunagawanya. Customary laws kuna saa, saa ile ya arusi au kitu fulani, msinyime watu vile wanafanya customary laws. Hata kama vile siku ya arusi kuna vitu ambavyo watu wanafanya. Kuna watu wengine kama kule wakuria au pande ingine, watu sasa wanaanza kufanya watoto watahiri hata kidogo wakificha. Sisi tunataka mama

ameshamzika mtoto mkubwa aulizwe kama anataka shauri yake, kama hataki si kwa lazima. Hiyo kitu itapotea peke yake. Nafikiri ni hayo tu, siwezi kuzungumza mengi. Lakini sana hatutaki nyumba unaona watu siku hizi watu wanakuja wazee ya mji au chief anasema kata hapa kwa hivyo anahuza kesho unakuja amefukuzwa.

**Eunice Kamau :** Okay, asante sana baba. Yule mwingine ni Ruth Nasiyo.

**Ruth Nasiyo :** Asante sana kwa Kamishna wetu wale wameakilisha hii Katiba kuja hapa siku leo kupokea maoni na pia kutuletea yale ambayo tulizungumza. Mimi yale nitazungumzia leo, ni kwa upande ya Presidential Escort. Nitazungumzia mahali pa sensitive area. Wakati wa Rais, kuna wakati mwingi sana tunapoteza pesa kila wakati Rais akienda Airport wakina mama kwa DO pesa nyingi sana kutoka kwa PC zinatolewa huko kwa PC kwa DO magari zinawekwa akina mama kwenda Airport kumsindikiza President akienda safari. Tena kila wakati akitoka safari hao mama ama watoto wa shule pia wanaambiwa watu watoke kwa shule wasimame nje ya barabara ili wakimngojea President akitoka safari na kila wakati President huwa anaenda official duty kwa nini hata watu wa biashara wanasimamishwa wasifanye biashara sababu President anakuja na huyu President ameandikwa mshahara ako kwa kazi yake ambaye inamlipa mshahara. Tunataka wakati President ako na official duties, kama ana mgeni rasmi kutoka nje anakuja kututembelea ndio hiyo .pesa ziwe zinatoka kwenda kulaki huyo mgeni. Kama kwako nyumbani mgeni akija utakuwa prepared hata watoto wako utawambia leo tuna mgeni anakuja tuwe tayari ku-welcome mgeni si wewe kila wakati ukitoka pesa zinatumika ati unazindikiza President. Tena watu wanawacha kazi. Hiyo yote ni kama kuangusha nchi kwa sababu hata economy yetu inaendelea ikififia sababu ya vitu ndogo ndogo kama hizo. Sababu hizo zinaharibu nchi, hizo pesa zingefunguliwa hata project, hiyo project ingepatia hata kijana wetu kama hawa kazi ambaye wangejiendeleza nayo. Kwa hivyo mwangalie sana upande wa matumishi ya pesa. Hii kutumia pesa ya uma ovyo, ovyo ndio imefanya watu hawawezi kuwa na maendeleo ya kifedha sababu ya mtu mmoja kuwa anatumikia pesa, spending too much money on one person at the expense of others. Hiyo ndio kitu ambaye nimezungumzia hapa na ningependa sana muende hii maneno makapeleke huko mbele sababu tunaharibu uchumi. Tunapeleka President, tunamtoa, tunampeleka, na hakuna special duty is ambayo tunaenda kufanya. **(end of side A tape 2)**

**Eunice Kamau :** Yule mwingine ni Abdulahi.

**Abdulahi Ramadhani :** Sina mengi ya kuzungumza, yangu nitataja tu baadhi ya vipendekezo zangu. Ya kwanza ni kuwa President yule, in the office of the President tunamwona bado akiwa na power nyingi zaidi to an extend that kila mtu anakuwa na matumaini ya kuwa President. Kila mtu ukimwona anataka kuwa President. Ile kitu iko inatakiwa hizi powers ziwe trimmed. We have graduates, university students, lecturers who are jobless, these opportunities sikiwa divided equally to all those students, hii economy tunaweza ku-revive. Si kazi mia moja inapatiwa mtu moja Nia moja inapatiwa mtu mmoja while elfu kumi wameketi bila kazi.

Ya pili – Pendekezo yangu ilikuwa ni about retirement benefits. I think each and everybody tunaangalia under President mtu

anaona hata ni heri awe President for one second halafu aitische retirement ili apata those benefits.

Ya tatu is still under the current Constitution. I don't see where wamezungumza about the freedom fights to honour the heroes of Kenya. There is nowhere they have talked about these people who played a key role for us the coming generation, I want to see the current Constitution to ensure that our grant parents who are still here or those who died for our country, they are being honoured and being recognized very well for the role they played for this nation.

The other thing that I want to talk about, I think the Constitution, this is a fundamental issue whereby we should not just look at it as a paper it is a document which will govern us for more than 100 decades to come so, I think this is the kind of Constitution we need but still we need to go through it. There is no need for us to rush it because of politics because of this short time. And this is an important document that will govern Kenya for another 100 years to come. The issue is that let Constitution continue until we come up with a good constitution which will manage to govern this country for another 100 years without any other problem. And also the kind of reviewing of our economy. We have all over people spending billions of shillings because they want to become President now but let me tell you my people. Who ever will become President there is no way he will help you. It is high time for Kenya to realize that they are the ones who can be able to recover the economy by hard working and trying to elect genuine leaders. There is no way mtu anatoka tu huko anakuja kwetu, mimi nataka mbunge wetu. Hiyo wakati imekwisha. Siasa ya unga na sukari nataka iishe.

**Eunic Kamau :** Abdullahi kama una point ingine ongea ingene wacha.

**Abdullahi Ramadhani :** Last but not least, I want to say thank you to the Commissioners and let us hope a peaceful nation, let us pray to God to give us a wise, a genuine, a leader with medeocracy and integrity for our nation thank you.

**Eunice Kamau :** Okay thank you very much. Please come and sign the book. The other person is Samuel Karanja.

**Samuel Karanja :** Hamjambo nyote, mimi nasema ya kwamba sababu hii muda wa kusoma hii Katiba na kujibu hiyo maswali inaonekana ni muda mfupi sana. Na kama mimi ni mwalimu tunawale tunafunza na hao tukagua hii Katiba kwa muda usiyosidi mieze miwili. Muda usiyozidi miezi miwili. Sababu kuna mahali ingine tuliandika kitu ingine inaitwa Kenya Development Plan kuhusu mashamba na hiyo nimesoma plan sikuiona mahali popote. Tulisema mtu awe na acre 1000 mtu aliye na shamba kubwa saidi. Ekari tano, tano igawiwe wananchi wasio na chochote na kuhusu Katiba hii sababu ni maoni ya wananchi wa Jamhuri hii yetu Kenya, imekubalika moja kwa moja na ithinishwe na kongomano la kikatiba na Bunge vile, vile ithinishwe na nani anatawala aweke sign na tuendeleo na uchaguzi chini ya Katiba mpya. Sina saidi ya hiyo asante.

**Eunice Kamau :** Thank you very much. Next



**Emmanuel Mtinda :** Thank you very much for the good work that you are doing. I think the Review Commission has done a very good work it has produced a very good document and we are really supporting you for that. So my first recommendation is that Ministers should be chosen from the MPs. Because most of the people are ambitious to get to Parliament so that they can be awarded these positions. So it is very good for us to choose Ministers among the MPs. Because of attracting professionals. Secondly I don't support the idea of having two Houses because the National Assembly can do the duties of the National Council. Secondly there has to be a distinction between public holidays and National holidays because we don't know where things like Christmas falls in. Another thing is that we should document the customary laws because most of them are actually verbal. So most of us may be in Nairobi we don't understand what customary law says and most of the time we find that they preach the Constitution of the land. Another thing is that the President should not have powers to remove the Auditor General without the consent of the National Assembly. My views were just those. Thank you.

**Eunice Kamau :** Thank you. Next

**Mohamed Ramadhani :** Mimi yangu ni machache kwa ajili ya identity card. Tunapata taabu sana kwa kupata hizi vipande zetu. Tukienda huko kuchukuwa vipande uanaambiwa leta form ya kuzaliwa ya mtoto wetu. Tukienda tunaketi kwa committee huko. Ikipitishwa huko tunawekewa watu hata huwajui ni watu gani, na DO yuko hapo na wazee wengine wanawekwa hapa. Sasa ikishapitishwa huko, ikienda huko juu tena ikirudi inaletewa vikwazo vingine tena, unaambiwa wewe ni mtu wa Mijikenda huwezi kupata hii. Sasa hiyo tutafanyaje kwa watoto wetu hawa wazidi kupata vipande? Maana yake hata sasa nina msichana wangu mmoja amezaliwa hapa, hapa maternity hata barua yake ninayo hapa, nikienda kuuliza habari ya hicho kipande wanasema huwezi kupata kwa jili unaandika wewe ni Mijikenda. Na huyo Mijikenda si Mkenya? Na ndio kabila Mijikenda. Mimi sina mengi ila ni hayo tu.

**Eunice Kamau :** Next

**Mark Musila :** Okay asanteni sana mimi ningependa kusema mambo machache kuhusu Constitution. The security of the common man. The security of the common man haijakuwa classified kwa hiyo mambo ya Constitutional review kwa sababu tukiangalia wale watu ambao wako na security properly ni wale watu wakubwa. Lakini sisi watu wachache, especially mimi hata nikitoka hapa nikitembea, nikifika hapo nje, haki zetu zinakuwa abused by the Administration. Kwa mfano unaweza patwa hapa na ushikwe na uanze kupigwa search. Na uambiwe wewe ulipatikana ukiwa umelewa na in common sense wewe ulikuwa unatoka kazini umechelewa unaenda nyumbani unapata the Administration wame-abuse haki zetu wananchi kwa wakati mrefu sana. Sasa sijui hii Constitutional Review itafanyake kuhusu hii mambo ya kushikwa kwa njia halafu unaenda unapewa accusation ile ambayo hujui.

Secondly is according to what you call taxation. Taxation yenyewe kusema ukweli mimi nikiangalia it is bad on common man. Imekuwa very high mpaka tunapata vitu zetu za Kenya zenyewe hazinunuliwi na ndio sababu unapata watu wengi hawapati



kazi. Kwa sababu hata ukienda kwa Textile imeanguka, ukienda kwa upande wa Agriculture imeanguka, ukienda upande gani, kila kitu imeanguka kwasababu taxation ya mwananchi, common man inakuwa very high sasa vitu vikitoka nje vinakuwa bei ya chini kuliko vya Kenya. Sasa industries zetu haziendi juu. Yaani haziendelei kwa sababu ya taxation. Sasa mimi ningependelea sheria kuhusu taxation na security ya common man yaangaliwe sana. Asanteni.

**Eunice Kamau :** Asante. Charles Nderitu.

**Charles Nderitu :** Hamjambo, mimi yangu kidogo ni kuhusu pahali kadha wa kadha nimeona kuna mambo mengine ambayo bado yanatakiwa kufwatiliwa. Kama Cap.70 kuna pahali ingine ambapo inafikia mtu akishafanya makosa kama ni hapa Kenya tuseme may be ni a certain politician, ameshafanya makosa mengine na ameeepa Kenya. Huyo mtu hata kama ana haki zake za kushtakiwa, inafaa mpaka arudishwe Kenya na afanyiwe mashtaka. Si ati aende kama huko Switzerland na ameiba Kenya, akae huko. Huyo mtu sisi tunaonelea katika Katiba ikuwe na haki ya kumshika na kumleta Kenya na ashtakiwe.

Ingingine ni Cap.83 upande wa uchaguzi. Tuseme uchaguzi wa mtu fulani umekataliwa na ni baada ya uchaguzi, na may be mahakama imeithinisha hii uchaguzi haikuwa sawa. Sasa ikifikia pahali kama hapo, tunaonelea inafaa huyo mtu kama alikuwa ameshikilia hiyo kiti na uchaguzi labda umerudiwa tukuwe na by-election huyu mtu alikuwa ameshashinda hiyo kiti anafaa alipwe ridhaa na ni kama makosa yalitokana na hitilafu za uchaguzi.

Ingingine ni Cap.73 upande wa wafanyi kazi. Mimi Naonelea si vyema watu kutoka outside Kenya, I don't see how capable they are working than Kenyans could themselves. Na sisi wenyewe kama waKenya tuko na hizo skills za kufanya hii kazi kama hiyo na may be ni engineer.

On land issues – Kuna pahali zingine ziko na mashamba kubwa sana kama hii ya Delmonte Kenya Limited. Hiyo shamba tunajua inamilikiwa na America na hiyo shamba ile ambapo hiyo mananazi ambayo bado imepandwa katika hiyo ardhi ni sisi tunatumia. Sisi Wakenya kwanza sasa pande kama hiyo inafaa hawa foreigners, wasi-invest kama hiyo shamba ambayo inaleta tax mzuri na ile ambayo mali kama hiyo inasaidia sisi wa Kenya initially.

On employment we Kenyan citizens our Constitution should regard us upon being employed under contract basis because we get no service work after being employed under contract basis. Those EPZ – Export Processing Zones which are based in Kenya should also be given priority to own in our country and also the Kenya itself should also have enough priority to own in the rest of the world to invest in those Export Processing Zones.

Kuhusu haki za mushtakiwa – nilikuwa nimeonelea ni vyema mtu ashtakiwe kulingana na vile Katiba inavyo-state, siyo ati labda mtu amefanya makosa zingine na unapewa mashtaka zingine, ile ilikuwa ametajwa mbeleni na mtu mwingine.

Upande wa Security – In a case whereby Kenya imeumizwa ama imefanyiwa kitendo fulani, na mali yake imeharibiwa na labda hata wanachi wameumia, we should be well compensated for. Kwa mfano kama wakati ule kulibomiwa, the Nairobi bomb blast, aim yao ilikuwa ni Americans Embassy, lakini katika ile hali ya kwenda kuhimiza American Embassy mali ya Kenya ndio iliumizwa na sisi Wakenya ndio tuliumia, lakini katika hali ya kulipwa ridha sisi Wakenya yenyewe hatukufaidika na ile kitu ambayo walileta, hata haonekani hadi wa leo. Kwa hivyo Katiba inafaa iangalie mambo kama hayo.

Na pia ingine ni Commission yeyote ambao imekuwa selective na elected, hata kama ni kwa Parliament, haifai kuweka report yake mpaka hata wakati mwingine hatujui kule hizi reports kuwa zinaishia.

I thank you all the Commissioners kwa sababu ya kitu moja ama zingine kuna kama the Ouko Enquiry, hatujajua hadi wa leo ukweli ilikuwa wapi na pesa ya Serikali ndio ilitumika. Kwa hivyo ni kama kuna mchezo inakuwa pale katikati ya Serikali na wanachi kwa hivyo kila Tume yote ambayo yoyote inachukuliwa iwe inatoa report yake kwa muda ambao unastahili na iwe ni haraka iwezekanavyo. Yangu ni hayo asante.

**Eunice Kamau :** Mr. Nderitu njoo hapa uweke sahihi. Gabriel Muniu? Gabriel.

**Gabriel Muniu :** Hamjambo nyote. Asanteni sana Commissioners ambao mmefika hapa leo na nitaanza kwa kuwashukuru kwa kazi nzuri mmekuwa mkifanya tangu Tume hii ibuniwe na kusema kweli wananchi wengi tuna imani na nyinyi na tunawaunga mkono katika hii vita mpaka Tume yetu imalize kazi yake ya Constitutional Review.

Ningependa kuanza na mambo ya recalling of an MP. Katika Constitution yetu hii, Katiba mpya, iko stipulated zile reasons zitafanya nyinyi mmemchagu MP fulani mmwite ama mmfute kazi lakini unfortunately, haijakuwa stipulated, what is the mechanism, okay it says two thirds, fine, but how do we go about it. Mimi nitatafuta vipi hizo signatures, mechanism ya aina fulani. Wacha iwe expanded saidi ndio watu wapate kuelewa how they are going to approach that issue. Mechanism is very important hapa iwe explained in black and white ndio watu wapate kujua tutafuata system hii, tutamobilize watu namna hii etc.

The other thing nikuhusiana zile public land ambazo zimekua grabbed in the last period ambapo tumekuwa na hii disgrace ya corruption. Ningeomba tuwe na nafasi katika Constitution yetu ambayo ita-safeguard all the public lands ambazo zimekuwa grabbed, that is in the form of recalling them back. Maana yake hii public land ilikuwa ni public land wakati huu mtu alinyakuwa wakati aliongana, wakati alifanya whatever dirty moves alifanya akaipata na chochote kile kimekuwa katika hiyo land for all the time may be 10 years or 15 bado hasijakuwa halali. Maana yake halali ya hiyo piece of land ilikuwa ni iwe a public utility, so we still need that land how does our Constitution defend that land so that wananchi hawataikosa hiyo piece of land?

Katika hiyo mambo ya land ukiangalia hiyo cross section nchini, utakuta kuna watu wengi wana mashamba makubwa sana na hali kwamba haya mashamba yao, I don't want to enter into whether they own them legally or not. Let us just talk of them

kama mashamba makubwa ambayo they are not utilized. Ukiwa na shamba kama hil, may be you have 200 acres, you don't utilize it. Constitution yetu naona ingekuwa na slot mahali kuhusiana kwamba huyu mtu anatakiwa awe akilipa fee fulani ada fulani kwa Serikali kwa kuiweka hiyo shamba hivyo. So that hiyo ada ambayo atakuwa anapatiwa alipe kwa Serikali itamfanya yeye aifanye hiyo land productive. Maana yake ataona hii pesa yangu nalipa bure, kwa hivyo hii land natakiwa nifanyie jambo fulani iwe productive. Else as an alternative kama hatalipa hiyo ada basi hili shamba lake, may be Serikali inaweza kukombolesha mtu fulani ama shirika fulani ama watu fulani waweze kuifanya hiyo shamba productive. Otherwise the point here is we are not supposed to be having land in Kenya that is not productive lying idle. Kwa hivyo Constitution itafute a certain format ya ku-defend ama ya ku-protect such land ambayo inakuwa iko idle.

Nikiingia upande wa various policies, kuhusiana na mijadala mbali, mbali katika Parliament Constitution yetu ingetwezesha kuwa tunaweza ku-slot in some seats, in Parliament, separate say from those chairs of MPs elected, wale watu ambao watakuwa wanasimamia hizo policies. Kwa mfano tunaweza kuwa na policy kuhusiana na kitu kama the National Youth Policy, just an example. We could be having people who are in Parliament may be two people or three to defend National Youth Policy to seeing to it that inaendelea na inafuatiliwa na vitu vinatiliwa mkazo, na polity zingine zile kama Land Policy, what policy, all those other policies. If the Constitution can find a way to slot in a way kwamba kutakuwa na seats in Parliament ambazo zitakuwa za hawa watu, itakuwa ni bora saidi.

Ya mwisho nasikitika katika Constitution yetu nimeenda through, I had another different paper from this one, nimeenda through lakini sijaona vile the Consitution defends itself. What defends the Constitution? We have the Constitution already yes, but what defends that Constitution? Inaji-protect vipi Constitution yenyewe? Maana yake someone will come and violate it, but how does the Constitution protect itself. Let us have something in black and white so that this Constitution protects itself in this manner or in that manner. Asanteni sana na tuko pamoja na nyinyi mpaka mwisho.

**Eunice Kamau :** Asante Gabriel. Hussein Sakwa

**Hussein Sakwa :** Asanteni sana, ningependa kushukuru kazi inayofanywa na Tume ya kurekebisha Katiba na mawakadha wanao wakilisha ama Kamishna wetu na Makamishna wenyewe. I am here kuyakagua ni machache nina point kama tisa hivi.

Ya kwanza ni kushukuru kupunguzwa kwa siku za kitaifa ambazo zinaelekea kum-support kiongozi huyo ambaye huko mamlakani. Pili ningependa kuchangia sura ya nne ya Katiba ya Kenya inahusu uraia. Na ni kwamba ningependelea ule muda unaoruhusu mtu kutwaa uraia wa Kenya kutokana nakuoana uongezwe kutoka miaka mitatu kwa uchaji wa miaka mitano sababu ni kwamba hii inawezakuwa nafasi ya watu ku-commercialize citizenship ya Kenya. Tunazungukwa na nchi ambazo zina matatizo ya uongozi kisiasa kwa hivyo ningependelea acquisition of Kenya citizenship through marriage to be raised from three years to five years.

Kitu kingine ni Bill of Rights Chapter 5 ambapo nafiki sehemu ya tatu, chapter 5 Section three five one, inazungumzia kwamba equal rights and equal treatment and opportunity for all for economic and social activities kwa wanawake. Nafikiri nikija pande ya kuchaguliwa katika National Council na National Assembly. This bit will in due course of time be watered down, if the legislation to maintain a third of members of the National Council and National Assembly and 50% of mixed members proportional per representation itakuwa ni wanawake, because I am happy women have stated their case and initially they were stating their case as marginalized groups but now it seems the present Constitution would supercede that and some other people would become marginalized. Because I think women also form a substantial number of the youth. The Consitution is weak on the side of youth. So I would recommend the following: that, instead of the 50% on the mixed member representation being allocated for women only, I would recommend the following : That let it be broken down into 25% women 25% youth to make 50% the rest of the 50% of the mixed members representation let that be set aside for the physically challenged for the ethnic minorities and the representatives of the civil society.

Kitu kingine ambacho ningeunga mkono ni officialization of the Kiswahili language such that official documents can be printed in the Kiswahili language. This is very good because soon Kiswahili language is breaking into the frontiers of international languages.

Tano ni election process na candidates. I support the provision for independent candidates because unfortunately Kenyan politics has been dominated by ethnicity, therefore, I support independent candidates from the level of Presidency, civi level and Parliamentary level.

Inginge on Parliamentary parties, I support the proposal that political parties especially those ones founded on the principles of ethnicity or greed or personality cults by virtue of failing to master at least 1% of the national total votes will die a natural death that one I support very much.

The other thing is about Commissions – there are various proposed commissions but I would like the CKRC to put a lot of emphasis on the setting up of a Commission on disadvantaged and minority groups because if that one is not implemented soon and a time frame be given, we are going to have a problem on minorities and the disadvantaged groups.

Another thing that I would like to say to the proposed Constitution is to define who minority groups are. Because of various problems, tribabl clashes, rivertism, I would like to give you definition to one category of minority group is a de-tribalised Kenyan and this a Kenyan of different ethnic, religious creed who of his or her own volition has severed ties with her ethnic or ancestral group and land respectively and hitherto, they live as a community in their adopted land. Why I am putting on a strong position and I am supporting this is that unfortunately in Kenya people tend to identify somebody's names or perhaps physical complexion on where somebody comes from. This one has had a very telling effect when it comes to a recruitment into the Armed Forces or tarsary institution, the quota system has really done a lot of harm to the disadvantaged minority who happen

to live in urban set ups. They are assumed to enjoy the privileges of urban set ups while in the really sense they are not, so they don't get admission into tertiary institutions, government, the disciplined forces.

The other thing is that the Constitution I think, is short on labour, and actually workers, on workers rights that one will give it a general supposition that it should go deeper in that.

The other thing is that although we appreciate the Constitution has given provision that the status of Nairobi will be enacted by legislation but I would like to support and recommend that it is high time that Nairobi is divided into barracks.

**Eunice Kamau :** Thank you, Mr.Sakwa please come here and sign. Churchill Akala?

**Churchill Akala :** Mengi yamesemwa na jambo langu la kwanza ni kuhusu kupiga kura. I propose that as much as we are being told that voting is a right we want it to be made compulsory for anybody who has a voter's card and is of the age of 18 years.

The second is, I disagree with qualification for members of Parliament that is both the National Council and gthe National Assembly. Penye wanasema kuwa MP lazima ukuwe na at least Form Four education. We propose that to become an member of Parliament, you must at least have a University degree.

And then the third issue is the Vice President. The Vice President in the new Constitution does not seem to have powers or functions at all and I am proposing that he should be the President of the National Council or the Upper House.

The fourth one is about affirmative action, should be enhanced through the nomination of MP, but however, I am disagreeing with the issue of nominating 90 members of Parliament, we should have at least 20. They are going to take away the rights of the common mwananchi, by nomiting so many members of Parliament to the House.

And then the other one is about the age limit of the President. They are saying that the President should be of age 70 years but then the Prime Minister we are not being given the age limit of the Prime Minister. So that might mean that we might have a Prime Minister who is 90 years old and has more powers than the President. So we are saying that they should also have an age limit of the Prime Minister and probably 70 years will do. Thank you.

**Eunice Kamau :** Thank you Churchill, the next person is Jeff.

**Jeff :** Asanteni, ningependa kusema CKRC imefanya kazi nzuri sana na nafikiri zote tunafaa tuwapongeze maana yake hii document ambayo wameikusanya na kuitengeneza ni document ambayo zote tutakuja kujivunia wa leo na watoto wetu ambao

watakuja baadaye.

Point langu ningependa kusema katika Chapter 5 ya Bill of Rights section 37 (5). Tutilie mkazo sasa sijui kama ingewezekana kuwa katika ku-sensetize children's rights, ingelikuwa ni bora sana kama katika mashule, kuwe na programme ama katika, kwenye history kama civic education hivi ni vizuri pia kuwa-sensetize wao kuliko sisi wenyewe kama wazazi tunajiandalia ndio tunajua rights za watoto lakini nao wenyewe? Ingelikuwa ni bora zaidi kama kwenye mashule kwa primary school level na vile tunasema primary education iwe free nafikiri katika community yetu yote. Even the whole country, tutakuwa tuna-bring up a sensitized generation ambao zote tutajivunia kwa hivyo ni vizuri pia tutafute njia ya kutilia mkazo hiyo Section 37 (5).

Lingine pia ningependa kusema katika decentralizing public institutions. Hii imekuwa ni jambo muhimu sana. Ndiko tufanye sasa tunaangalia wakulima kama kule Western Kenya hao ndio Sugarcan growers, lakini sasa ukipata malalamishi yao tunapata hapa Nairobi ama Central capital city ndio tuna-create hizi Boards ama nini. Let us try to look for a way vile tuta, if it is sugar growing area kama ni Western Kenya tunakuwa na sugari upande huo. If it is pyrethrum, upande huo, nafikiri hivyo tutakuwa tunapunguza crime, insecurity na mambo mengine.

Kitu kingine pia ningependa kutilia mkazo ni kuwa, for those who don't know how to read and right, hii Katiba, tutawaelimisha vipi wale ambao ndio wengi na hawajui kuisoma na kuandika. Let us look for ways because it is good for them na wengi wametoa maoni, na sijui kama wengine watakuwa vipi kujua hii Katiba inaongelehwa vipi kuwahusu.

Kingine pia ningependa kusema ni hizi District Coordinators sijui kama sitakuwa throughout because watu wangependa kutoa maoni na vile vile tunaiweka kama working days, kuna watu wengi wangependa kutoa maoni lakini hawapati hiyo nafasi. Let us look for ways ambazo pia watu wengine tunaweza kuwafikia na pia waweze kutoa maoni yao maana yake document ni yetu na tujivunie.

Na mwisho kabisa ningependa kusema hii, are we going to embrace hii Constitution? Tulipoingia hapo mlangoni tulivalishwa hizi badge, mimi ningewasihi nyinyi Wakenya, hata kama ni mass demonstration, hii ni Katiba yetu tumetoa maoni na pesa nyingi zimetumika kwa hivyo tusione ugumu wote tuwe katika mastari wa mbele kuichangia hii Katiba na kuifanya kweli iwe ni Katiba na pale tutasema tutakuwa na Katiba day, basi iwe ni jambo la muhimu sote tusimame na tutilie mkazo sana. Asante.

**Eunice Kamau :** Okay Jeff njoo hapa uweke sahihi. Joakim Osewo

**Joakim Osewo :** First of all, Bravo CKRC, this is a very beautiful document, this is a very good reading, before anybody. But I may ask forgiveness to repeat what has been said before about the recalling of a member of Parliament. As we know in our Kenya, it is almost our nature that when somebody is defeated he is jealous. The question of recalling a member of Parliament should be something that should be brought about very carefully, people are very generous in electing the member of

Parliament they want and are also not generous to somebody whom they don't want. Somebody may be very rich, may have a lot of money and in Kenya you know there are lots of ways of getting money somebody may use a lot of money and people are hungry. He can bribe people around to go and pollute somebody's name, spoil somebody's name because you have defeated him ----- through telling he is elected to Parliament. That thing should be thought out very much and if need be if a member of Parliament is reprimanded to the extent of being recalled then a tribunal can be set, so that everybody will be given ample opportunity to defend himself. Because people will use this to spoil other people's name by recalling them from Parliament. In any case somebody does not go to Parliament to earn it is not a dubious job to do. He has gone to represent people. It is not an employment to send an application for the job you are doing. So that one should be taken care of very much. I think the Review Commission will look into that one again.

And now happy enough this beautiful document before us is talking about appointment of Ministers. I hope it will be this one, let us pray God allows that this one will take place. When Ministers are appointed, at least a Minister should be given time in his office he should not be removed 6 months this ministry, 6 months another ministry. One month another ministry later on somebody is kicked out. At least a minister should be honoured, should be given a ministry where he is supposed to be and be given time to be there for sometimes. May be he can be there for three, four years but not this month, next month, another month, now he is going to lose respect. Even the people in the ministry will not know----. He should be given the role of the executive part of it. At least he must have his dignity, in a ministry. We have heard a lot of very learned people, you have seen them even of late, a very learned person is removed from a ministry, a certain dunderhead is brought to take over, now even the dignity goes. I think this one should be taken care of. And if there is anything there at CKRC you people have very beautiful work we hope you will be beautiful again in adjusting these other things here and there.

Another thing I wanted to talk about is the tenure of Central Bank. Central Bank should be strictly be an overseer of commercial banking. Not doing the commercial banking part of it. It should be a place where somebody is going to negotiate for money or going and taking the money or depositing money that is a place strictly to oversee the other commercial banks. And this question of legal tender putting the head of the Head of State, should be abolished, at least we have got elephants, we have got lions, we have got -----, we have got maize, we have got, we can put one of those on our notes, because it develops into egoism. Once somebody's ----- they think because the President comes from this other area of the legal tender, so they think they are better than other people. This kind of thing should be removed. So that we can use other things we have got in our country or a beautiful road being constructed then you put on the legal tender

And Judiciary, although I am not a lawyer, I think we people who commit very little offences like you have been got in a chang'aa place or you have been got in a spirit walking late at night, you just go to court what the magistrate says, is it true or is it not true, you say yes or no because you fear being taken to the custody. The magistrate should be able also to give somebody who has been arrested some chance at least, 10 minutes or 5 minutes to talk. Because they say you say yes, you say so. No, remand, and going to remand you have wasted a lot of your time and these days going to a Kenyan remand is going to a place



of death. If you can wake from the grave then thank God for that. So the Judiciary should also check on this one.

They should be fair, at least the law enforcing officers to be trained to know and to sense, how they are arresting people, they should not just arrest people now and then. And this question of identity card, at least a Kenyan is known as a Kenyan if you can speak Swahili. When somebody is saying give me an identity card, when you don't have, even when you don't have you go to the cell and your wife comes and finds you in a cell with a lot of fun people. She says now you are telling me lies. You go out and give the little money you have, you are going to take chang'aa. These kind of people.

And there was a suggestion in Judiciary. They said communal punishment. The magistrates don't know about this communal punishment. Drinking a glass of chang'aa alone, somebody is saying three months or if not three months, you pay money, we don't have money in Kenya some of us. May be those people who know where to get money. Where they get money from we don't know.

**Eunice Kamau :** Joakim please go to the next point.

Joakim Osewo : Now next point is Transportation. We don't know who is given onus on the roads of Kenya. Of late some people have taken the onus of the routes. Now you are going for duty you will be late because there is some tampering with other people, this is not your route, can somebody say that public service vehicle should not be tampered with during certain hours because this can invoke people getting late, or even late in a hospital or you have very important things to do so we don't know what we are going to do. They should make clear cut regulations on transportation. Thank you very much.

**Eunice Kamau :** Thank you very much, please come here and sign. Now we have the last person Michael, if there is anybody who has just come in and you want to give your views, give us your name.

**Michael Odera :** Ladies and gentlemen, Hamjambo nyote siku ya leo. I have seen you, although we are very few. We can work an obstacle for 2003. Me, I have got a written document and I thought I would like to hand over, but I can read over and you also hear what are the comments in it.

**Eunice Kamau :** Ukatipatiane kama umeiandika mahali ---

**Mr. Odara :** Yote nitasoma. Kuna mahali mimi mwenyewe ningeweza kuzungumzia juu ya Provincial Administration. Provincial Administration imekuwa ni agreement katika watu wa political na watu wa business leaders. Mfano tutachukua Nairobi ikiwa ni moja wao. Sisi tuko mikoa nane katika nchi yetu. Nairobi ikiwa ni extra city ambayo ni International city ya wakanya wote pia na ulimwengu mahali tunapokutana. Hapa kuna swali kidogo ambao mwenyewe naweza kuelezea kulingana na Nairobi vile inatajikana iwe. Ukweli tunataka kuruka ukabila. Ukabila huna msingi, hata ikiwa tunaambiwa, hata ulimwengu



tunapotembea ukabila hakuna. Kuna Cosntituencies ambao ni nane katika hiki kijiji cha Nairobi. Tungependelea kwa Constitution yetu ya Kenya tuchukue kila Constitution iakilishwe na mkoa kama ni Nyanza iwe ni mtu wa Nyanza. Ikiwa ni Kangemi ama Dagoretti iwe na mtu wa mkoa wa Coast, ikiwa kama ni Embakasi iwe ba mtu wa kutoka kwa mkoa wa Rift Valley. Sababu **(end of side B tape 2)**

Hiyo Kiti, mimi kama ni mkaaji wa hili jiji la Nairobi sasa miaka 35, nimeona hii kiti tukipunguza ukabila kila mkoa uakilishwe na mbunge. Nao wabunge waakilishwe pia na Ma-Councillors wale wakutoka hiyo mikoa chache wakichanganyika na wale wetu wa mkoa wa Nairobi.

Pia mimi, nitazungumzia juu ya maji. Maji ni tatizo kote ulimwenguni na hata katika nchi yetu. Tukikosa maji hatuwezi kusema hata hatuwezi kuzungumza, vile tulivyo sasa tungependelea iwe Board ya kuangalia maji peke yake katika nchi yetu ya Kenya, maana yake tukimpa board ya Ministry of Water and resources kwa ukweli maji haitufikii kulingana vile inatakikana. Pesa ikitolewa, na donors juu ya maji tupatiwe maji, hiyo pesa, haitufikii kule mahali tuko kama ni rural areas. Unasikia ati pesa ilipimika pesa imekwisha. Kweli ardhi inaenda na maji. Ikiwa ardhi inaenda na maji sasa watu wa rural areas ndio the sufferers kwa disease ambao tunasema water borne diseases. Tunapata pia diarrhoea ndio iko nyingi reserve. Tungependelea hii Constitution ya Prof. Ghai itilie mkazo Board iwekwe ya maji na environment, ikiangalia hiyo section na iki-advise ministry kulingana na environment na vile ardhi inatakikana iendeshwe katika Katiba yetu na maji.

Tena kuna neno ambalo nitaguzia hata hii neno hii itaenda hata kwa Parliament. Si Prof. Ghai mwenyewe ndio ataiweza. Tuko na Lake Victoria ambayo iliwekwa agreement na mukoloni miaka nenda rudi na nchi ya Egypt. Hii sheria iwekwe sisi kwa wananchi kama ya Kenya inatakikana itupiliwe mbali. Maji ya Lake Victoria ivutwe iende mpaka sehemu hizo ambayo ni jangwa. Mfano iende kama Lodwar huko ingine iende Garissa, ingine iende Masaaini ili hii maji tuitumie kwa irrigation. Ndio nchi yetu tupate mazao ya kutosha na kuuza nchi za nje. Ni hayo tu mimi sina mengi ya kuzungumza. Thank you.

**Eunice Kamau :** Thank you, huyo alikuja badala ya Michael Kiti, andika jina lako huko.

**Michael Kiti :** Mimi nitaongea juu ya right of arrest. Ukishikwa unawekwa 48 hours. 48 hours ni siku nyingi sana. Sababu mahali unaenda kulala hakuna kodoro, hakuna blanket ya kujifunika na uko hapo for 48 hours. Hiyo mtuerekeshie at least iwe 28 hours ama mpunguze kidogo iwe siku moja na nusu. Nilikuwa nataka kuongea ni ukishikwa, ukienda kwa Jaji anakupatia week mbili remand hapa hatujambiwa kama hiyo week mbili kama imepunguzwa ama haijapunguzwa. Hiyo week mbili nataka ipunguzwe, badala ya wiki mbili iwe kama siku mbili au tatu. Sababu pale remand now ukicheza ni kufa hakuna njia ingine.

Kitu ingine nataka kuongea ni Rights za wanawake. Wanawake wamepatiwa rights nyingi sana kwani sisi hatuna rights? Wanaume hakuna rights? Hata sisi mtuwekee zetu sababu wanawake ndio violent kuliko wanaume. Nani anakata, wanawake ndio wabaya kuliko wanaume. Wanaume ni wazuri sana. Asante.

**Eunice Kamau :** Asante. Ule mwingine ni Paul Owichi.

**Paul Owichi :** Basi asanteni sana nitashukuru siku ya leo nilifika hapa ili nitoe maoni yangu kuhusa Katiba ya nchi hii yetu Kenya. Mimi ni mwalimu kwa profession na niko hapa New Pumwani Primary School.

Ningependa kwanza nizungumze juu ya haki ya kuajiriwa. Kama umeajiriwa kuna form fulani unaijaza ambaye inakupatia condition ya kufanya kazi. Na baadaye utapata kuna mtu fulani ambaye anajulikana katika ofisi kuu ataanza kukupeleka wewe right, kupiga wewe left, na huku ameacha ile sheria ambaye uliajiriwa chini yake. Tumekuja na tukaangalia tukaona ya kwamba hii inatokana kwa sababu wale ambao ni ministers wewe hukusomea habari ya health pengine wewe ulikuwa ukichunga ng'ombe kwa bahati nzuri ndugu yako, sijui Godfather yako, alikuwa mkubwa akaonga ndio hapo ukaingia Parliament, ukapewa Ministry ya education. Tayari unafanya kazi ambayo hujui. Hii imeleta shida katika idara ya education na hata kwa wizara zingine.

Ningependa nchi hii ili mtu awe waziri wa Agriculture au wa wizara fulani uwe umesoma habari ya Agriculture au kama ni education you are well graduated sio mtu ambaye anaokotwa porini na anakuja kulinda wale ambao wamesoma. Utaweza kuona yule hakuenda shule akipata mwanafunzi ambaye ana uniform anapiga saidi kwa sababau ana chuki naye. Ile kitu alichochacho kichwani yeye hana.

**Eunice Kamau :** Paul tafadhali usifafanue lakini patiana recommendation.

**Paul Owiti :** Asante sana. Nashukuru kwa hivyo tunataka Kenya yetu iwe inaenda mbele ikiwa umesoma kazi fulani hiyo kazi ndio upewe.

Watu kuajiriwa – watu wanaajiriwa Kenya kwa manyumba ya mashemeki, hata mtu ambaye ana certificate nzuri ambaye anafaa apewe hiyo kazi kwa maana hana kitu ya kuongana hatapata hiyo kazi.

Ningependa pia tena wazee ambao tayari hawawezi kufanya kazi ingine Serikali iwatengee pension fulani ya kusaidia kila mtu ambaye Mungu bado anampa uhai kuishi nchini Kenya. Kwa maana hapa nchini maskini amewachwa kuwa maskini na tajiri amekuwa na uwezo wa kuendelea, hata kununua plot ya maskini kuchukua bure. Sasa hata yule ambaye hana tuiangalie.

Siasa, tulikuwa tuseme kama shirika kama Railway, ambaye inaendelea kuangamia. Hii inaangamizwa kwa sababu usimamizi mbaya. Kama tungekuwa na watu ambao wanaweza kujua vile kazi inafaa kutekelezwa, these parastatal bodies zingekuwa zinafanya vizuri sana.

Kuhusu Polisi, idara ya kuweka sheria. Nilisoma pahali imeandikwa kwamba nobody is guilty before the judgement. But polisi akinishika may be ni juu ya Id, ninapigwa teke ninambiwa nikaye hata kwa mafi au kwa matope nikae, is that not judgement. Si huyu polisi amenihukumu na amenipa adhabu na hii ni kinyume cha sheria. Kwa hivyo ningependa sheria iwe polisi akinishikaa aniambie makosa yangu au anipeleke kortini na siyo kuniweka kwa cell na kunipiga na kusema paka nitoe ktu ndio nitoke na hakuna kosa nimefanya.

Judges are in the courts. Wakati huu sitasema Kenya ina korti. Ingawa iko ni mfano. Kwa sababu ukienda kortini umeshtakiwa paka utatoa hongo hata kama ni kesi ambaye hujausika nayo wanasema ikiwa umeshaingia hapa mikononi paka kitu kidogo. Kila mahali unaenda, ni kitu kidogo. Tunataka sheria ambaye italinda watu na hata ningependa sheria fulani itengwe kuangalia majaji kama wanachukua hongo ama kama wanateza wananchi.

**Eunice Kamau :** Dakika moja tafadhali

**Paul Owiti :** Nashukuru sana. Kwa hivyo sina mengi sana ni hayo, tunaomba Kenya iwe Kenya ya umoja na Kenya ambaye ukweli na haki ndio sheria kubwa.

**Eunice Kamau :** Mtu wa mwisho ni Benedict. Benadict.

**Benadict :** Hamjambo. Good afternoon all the people who are in this place. I have around five points to make. They are very, very personal, as I have experience as a Kenyan. And the points I want to put across are as follows:

- (A) I believe that for us to prosper as a nation Kenyans must be a people who can be able to make good decisions and good decisions are only based on the fact that you get information on what is happening. So I would recommend that the issue of civic education that is currently in the country be intensified to all parts of the country and to all existing structures that are there so as to make Kenyans be people who are very, very informed and people who can make decisions, good decisions based on the information that is there.
- (B) Secondly I would like to amplify if it still there in the Constitution, I will be frank I have not gone through the whole Constitution. The issue of people who are going to lead us must be a people who have demonstrated an ability to be able to lead people, they should be people who have at least some form of education, post secondary school education and they should be a people who have demonstrated or have shown in their lifetime that they have done something for this nation or may be the constituencies or the wards they want to represent.
- (C) The other issue touches on our prison system. I believe that one of the biggest objectives of our prison system should be that of rehabilitation. I know --- that the prison system currently does not serve or does not seek to achieve the

issue of rehabilitation and may be to make the matters worse most people that come from our prison system come out being very, very big or dangerous criminals than they used to be. So our prison system I recommend that they should pursue with all efforts the issue of rehabilitation, and make sure that who ever comes from the prison system is a rehabilitated Kenyan who can contribute to our nation building.

(D) The fourth issue touches on the issue that, there are so many committees that are set up in the government to try and inquire on certain issues. And I believe that these are committees we heavily invest in, in terms of money in terms of resources and other things. It is so bad that a committee is set up a Commission of Inquiry for that matter can take so long to publish or to make known its findings. So that is a waste of government funds, a waste of human resources, is a waste of our Kenyan time and I recommend that any Committee or any Commission of Inquiry that is set up should be allowed to go on and produce the fruit that we actual wait from it.

(E) The last issue that I would like to recommend is that we know, or I know if you don't know that there are so many people who are right now serving in our current government, they are people who have had some criminal record. I would recommend that if anybody that is in government, any position of leadership is found guilty then that person should not be given an opportunity to serve in the government and in any case that person should be prosecuted. Thank you.

**Eunice Kamau** : Thanks very much Benadict.

Now we have come to the end of the session, and what I can tell you is that a lot of those questions and comments you have given are actually addressed in the new Constitution. So our recommendation is that please go and read them thoroughly, read the new draft again and again and if you think there are issues that have not been addressed you can put the comments down and then you take them to the Commission office at Kenya Commercial Bank, KenCom House, 2<sup>nd</sup> Floor, the whole of second floor, their offices are there and there will be people to receive your comments.

Then there are also issues that you have given today and that is why there was the tape recording and we had people putting your points down so the Commissioners are going to look at those points very seriously and then they are going to incorporate, if they have not been there depending on the number of people who have given those different views.

So on behalf of the Kenya Review Commission, may I take this opportunity to thank all of you most sincerely for your patience and also for your participation.

Now remember you have a duty as a citizen of this country to go and dialogue with your family remember in the new Constitution, the family is the foundation as it is stated in the Constitution. Discuss with the members of your family, the member

of the community, the member of your location and so on so that this document becomes our document. Thank you very much continue sharing the information if there is anything that you would want to say remember to take it there.

And you also noted that we have representatives together with their telephone numbers that were given to you, the ones that will be going to the National Conference their telephone numbers, the mobile numbers are there, you can also call them and give them your views. So you have all those avenues.

Also at the Constitution level we are here the Committee members. We have Frida there from Bahati, then we have Githaiga, he was the one who was registering people. So if you have any issue you can take to them. Then we have Abdul Aziz there, please stand so that people can see you and then I am here or you can take it to Churchill Akala at St. John's Community Centre, or even you can take it to the co-ordinator, Lwanga he is the District Coordinator. So there are all those points that have been created for you to take your views. So thank you very much.

Just one thing, this morning for those ones who had come early, Patrick Lumumba you know he is the Secretary of the Constitutional Review Commission, he came here and because of some engagement he could not attend this session he gave his apology and we are all here actually representing the Commissioner so, I remember Patrick was here in the morning although he just came and gave an apology. Mzee unataka kuongeza kitu chochote, okay. We want it to be taped so that if it is something it can actually go.

**Speaker (Owiti) :** Dear Commissioners, I would like there were some forms which we were supplied to this division, whereby you asked some representatives to be elected at City Hall did this thing materialize or what happened, Mr. Lwanga you can tell me, once you saw me in Makadara and you rejected my form.

**Eunice Kamau :** I know the question has been addressed to Lwanga and if you look at this list you have the names, from that list the names that were given that he is talking about. There are 3 people that will be now be representing, they belong to Nairobi District delegates.

**Lwanga Tabu :** Nairobi was treated as a district like any other district in this country and has three delegates, one of the delegates is here, Salim. Salim stand, if you have views comments you forward them to Salim he will represent us in Nairobi. The others are Reverend Macharia Muchuga and Salim Ibrahim Nyambu and Nancy Rungangi Kabareka, those are the three delegates that will represent Nairobi in National Constitutional Conference. So if you have views/comments whatever, forward them to those people they will represent us. Thank you very much.

**Eunice Kamau :** The nomination and appointments have been fair. So you have seen Salim is here and he will also be representing the delegates so you can also give him your views, his telephone number is on this sheet of paper.

Now we are going to close the, another comment?

**Speaker :** Kabla hatujasahau ningependa kuomba kwa upande wa Nairobi tungeongezewa, Nairobi ni kubwa na kama tumechukuliwa kama district, tungechukuliwa pia kama province, kama inawezekana, tuongezewe nafasi.

**Eunice Kamau :** I think that a recommendation (inaudible) Close with prayers. Any volunteer? Okay njoo, karibu.

**Paul Owichi :** Asante sana Commissioner kwa kunikaribisha tena kwa sababu kuna kijiji ambayo kinajulikana kama slums. Sisi tunataka Serikali ichukue hatua ya haraka ile kujengea hawa manyumba sababu inaonekana ni miji ambao haina hatua yeyote. Na katika lile neno nilisema kuhusu mkataba wa Kenya Development Plan 1946 per capita income 74 (25). 1 Tuna uhuru ambao ni wa utajiri, ithibitishwe namna hiyo maana unakuta wakulima hapati chochote. Maana shilling 74 kwa mia anabaki Ulaya 23 ni ya Mwarabu na Muhindi huyu mwenye mafuno abaki na shilingi moja. Hii tunataka iwe ni moja kwa moja mkulima ndio ana haki ya kuuza Mavuno yake mahali anataka.

**Lwanga :** Excuse me, I think we wanted somebody to close the meeting with a prayer. Tunataka mtu wa kufunga mkutano na maombi siyo tena kupeana maoni.

**Volunteer : Prayer:** Basi tuamini na tuombe. Mungu baba katika jina la Yesu Kristu tunasema ni asante kwa mkutano ya leo. Tumeona ni ya baraka, na ni nzuri katika maisha yetu. Mungu tunakuomba ubariki nchi yetu Kenya bariki viongozi wote mawaziri wa Bunge, P.C, na viongozi wote kwa jumla. Katika kitabu chako Bwana umesema kwamba nyumba ambaye in magawanyiko haiwezi kasimama tena. Kwa hivyo Mungu ninakuomba, uweke Kenya pamoja jumuisha wanasiasa pamoja waelewane kama wandugu kwa maana hayo ndio njia ya kipekee ya kusimamisha Kenya.

Mungu nitaendelea kuomba kuwa viongozi wetu ambao wanashugulika na Katiba mpya nchini Kenya. Bariki Chairman, Prof. Pal Ghai, Katibu wake, na wote ambao wanashugulikia kazi hii. Mungu ukitutendea haya mwisho tutakushukuru sana.

Naombea watu wote wa Pumwani, Majengo ambao wamefika siku ya leo kwa Hall hii kutoa maoni yao. Bwana ni ishara kwamba kweli tunataka Katiba mpya. Niliona kila mtu alichangia vilivyo.

Nasi tunawashukuru, wale ambao walikuwa wanachukua maoni yetu na kutusikiliza wamekuwa kwa amani na upendo, Mungu tunataka amani idumu nchini, tunataka amani idumu kila mahali.

Naombea waalimu wote wakati huu ambao wana ugumu. Lakini kile kinacho lazima kiwe kina mwisho, naamini ya kwamba haya yote yatakusha tutakuwa tukiishi huru na huru kabisa vile neno lako limetuweka. Baba hakuna haja ya kusema mengi

kwa sababu umeyasikia na unayajua nawakabidhi watu wako walio hapa kwa Hall hii, mikononi mwako. Wakienda nyumbani uwaongoze, ubariki kila mtu. Tukutane tena siku nyingine, tutasema ni asante. Naomba machache kwa Jina la Yesu Kristu aliye Mkombozi wetu. Amina.

The meeting ended at 3.30 p.m

**&&&&&&&&&&&&&&&&&**