

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

Verbatim Report Of

**DISSEMINATION OF DRAFT BILL AND REPORT, KASARANI
CONSTITUENCY, HELD AT MATHARE NORTH SOCIAL HALL**

ON

TUESDAY , 15TH OCTOBER 2002

**DISSEMINATION OF REPORT AND DRAFT BILL, KASARANI CONSTITUTENCY, HELD AT MATHARE
NORTH SOCIAL HALL, ON 15TH OCTOBER 2002**

Commissioner Present:

Prof. Yash Pal Ghai.

Secretariat in Attendance:

Alex Maina	- District Co-coordinator Kasarani
Achieng Olende	- Programme Officer
Gilbert Omoke	- Assistant Programme Officer
Hellen Kanyora	- Verbatim Recorder

The meeting started at 11.05 am with Prof. Yash Pal Ghai in chair.

Alex Maina (District Coordinator): Habari zenu, pengine kama tungekaribia ili tujaze hivi viti vya mbele za kwanza kwanza hapa tafadhalini ili wengine wakija watajaza hizo za nyuma. Tujaribu tujaze hivi viti vya mbele hapa. Hamjamboni asubuhi ya leo, tunataka kuanza shughuli zetu za siku ya leo na ningepomba mmoja wetu atuanzie kwa maombi. So can we have one person volunteer to pray for us.

Prayer: Tunaomba: Mungu Baba Mungu roho mtakatifu, tunasema ni asante Bwana kwa vile umetuwezesha tuje hapa tujumuike kama wakaazi wa Kasarani wakati huu ambao tumekuja ili tuzungumze kuhusu Katiba mpya. Mungu tunakurudushia asante kwa vile wewe ni mwema kila mara umetusaidia sisi tangu tuzaliwe mpaka wakati huu ambapo tumekuja hapa ili neno lile ambalo limeandikwa katika Katiba tuelewe au tufundishwe, halafu baada ya hiyo tunaona kuwa inatumika namna gani.

Tunajua kwamba bila wewe hakuna chochote ambacho kinaweza kuwa. Kwa hivyo vile wewe ulitendea watu wa Israel tuna hakika kwamba hata sisi watu wa Kenya bado wewe uko nasi na tutafika mahali ambapo tunaona ni vyema. Mungu baba yetu wewe mwanazo wa haki, amani na upendo tunakusii uwe nasi watu wa Kenya na uwe nguvu yetu. Wakati huu mhimu tunapotarajia mabadiliko kwa njia ya kubadilisha wa Katiba na uchaguzi mkuu ujao. Mungu Baba wetu utatusadia katika mwelekeo wetu tunapo shughulikia kazi ya kutairisha kwa Katiba mpya ili kuhusika hali ya watu wetu. Bwana yesu ubariki nchi yetu ya Kenya uongozi waelekeze vyongozi wetu ili tupate zawadi ya uchaguzi mpya kabila ya Katiba mkuu ujao. Roho wa Mungu uliye hai tunaomba kwa matumaini tupate uchaguzi wenye uhuru, haki na amani ili kura iwe kwa sauti ya watu wa Kenya na mapenzi yako yatimizwe. Kwa haya yote tunaomba kwa jina la Yesu Mwokozi wetu, Amen.

Alex Main: Kabla sijawa--- twaomba wale watu ambao wametoka CKRC Commission kujitambulisha ningependa kuomba radhi kwa niaba yao kwa kutoweza kuwa hapa kwa wakati ulio takiwa najua wengi wetu tulikuwa hapa kuanzia saa tatu na kumekuwa na shida kidogo ya transport kwa sababu gari ambalo wangetumia liliweza kupata shughuli zingine walikuwa wangekuja na gari la Professor Yash Pal Ghai ambaye pia alikuwa aje awe nasi siku ya leo ambaye amepata shughuli ya kikazi. Kwa hivyo tulikuwa na shida kidogo ya transport ndiyo wakaweza kuchelewa. Lakini sikumaanisha tutakaa hapa sana siku ya leo tunataka tuchukuwe mda mfupi sana kwa sababu ni wakati wakujadili yale mambo ambayo muliweza kutupatia wakati mulikuwa hapa wakati uliopita wakati tulikuwa tunachukuwa maoni yenu na ikiwaze kuandika report na Katiba awali. Kwa hivyo nitaomba waliotoka kwa office watuelezee majina yao.

Gilbert Omoke: Habari zenu, majina yangu ni Gilbert Omoke na nawambia asanteni kwa kufika kwa hiki kikao cha kujadili Katiba.

Achieng Olende: Hallow , I am Achieng Olende. Habari ya asubuhi.

Hellen Kanyora: Habari ya asubuhi, jina langu ni Hellen Kanyora.

Alex Maina: Asante, ningependa pengine kwa haraka sana tuweze kujuana, tuweze kujua utuambie tu jina lako kwa haraka sana ili tuendeleo, kwa sauti tuanzie hapo, jina lako tafadhali, yes watu unajua wamekuwa wengi sana mpaka zikaisha, lakini nitawahidi kuwa baadaye nitaleta zingine hata kama si leo mtapata zingine hapa hii institute yetu hii ya MANYO - Mathare North Youth Organization. Wakati huu ningetaka kuwatambulisha my committee members mahali popote walipo wasimame committee members. Hawa ndiyo watu ambao wamekuwa wakisaidiana na mimi katika mambo ku-coordinate mambo ya Katiba hapa then nina wengine kama Bwana Saja ambaye ni Githurahi representative, kuna kuna watu wa MANYO ambao wako wanashughulika kupanga mambo huko nje Chairman wao hayuko na wengine although walitakiwa waingie na members wa manual

Kwa hivyo ninajua wamefanya kazi kubwa na nyinyi nyote katika haya mambo ya Katiba. Kwa hivyo bila kupoteza wakati ningependa kuwaeleza kwa nini tuko hapa siku ya leo. Kama mjuavyo tulikuwa hapa mwezi wa tano ambapo Commissioners watatu ambao mliwaona hapa walikuja na mkawapatia ama mkawapa maoni yenu wengine waliandika na wengine walisema yale mambo ambao wangependa yawe katika Katiba mpya. Na kama muonavyo kuna mambo ambayo Katiba imeandika mna hizo nakala mtaweza kuzisoma kuna wengine wamezisoma nilikuwa nimeleta zingine kitambo na kama ulipata wakati huo tafadhali muachie ambaye hana siku ya leo.

Siku ya leo tunakuja kuwaletea ama kujadiliana na nyinyi kuhusu hiyo Katiba ama maoni ambayo mulitupatia ambayo yalisaidia kuandika ile report na hiyo Katiba ya awale ama the Draft Bill ambapo tutangalia kwa kifupi yale mambo yaliyomo na ambayo mtaweza kujisomea na nyinyi muweze kuzungumza na sisi kuhusu mambo ambayo pengine mnaona hakuweza kuwekwa katika Katiba ama kama kuna maoni ambayo pengine ungetaka kupeana kuongezea kwa katika mambo ambayo yamejadiliwa kutakuwa na fursa ama maswali ambayo pengine tungekuwa nayo ili muweze kuelewa zaidi hii Katiba mpya. Tuna siku thelathini ambazo tumepatiwa kulingana na sheria zimewekwa ili sisi wenyewe tuweze kujadiliana kuhusu Katiba hii ya awali kabla ya kikao ama Kongomano ambalo litafanyika kuanzia tarehe ishirini na nane na ambalo litajumuisha watu mia sita ishirini na tisa ambao watajadili hii Katiba ya awali na ambao wataweza kujadiliana na kuamua na kupata Katiba kamili. Kwa hivyo hii si Katiba kamili hii ni Katiba ya awali this is the Draft Bill the Constitutional Conference will debate and be able to come up with the new Constitution. Kwa hivyo hizi siku thelathini ambazo tumepata ni juhudi zetu sisi kama raia tuweze kuangalia hii Katiba ya awali ili kama kuna mambo ambayo tungependa kuongezea ama kuuliza maswali ama kupatiana maoni. Wale watu ambao watakuwa wakiwakilisha wakituakilisha katika hili Kongamano watapeleka yale maoni na ili yaweze kujadiliwa kabla hatujapata Katiba mpya haijapitishwa kwa hivyo ni muhimu sana sana maoni yenu na majadiliano yanu kabla ya Kongamano hilo ambalo litanzia tarehe ishirini na nane.

Kongamano hili litajumuisha watu kutoka makanisa ambapo watapata wakilishi thalathini na tano na kutakuwa na watalamu ama professionals kumi na tano, kutakuwa na makundi ya wakina mama watu ishirini na wanne, kutakuwa na vyama vya wafanyi kazi watu kumi na sita, mashirika yasio ya serikali ishirini na tatu, makundi mengine kumi na tatu, kutakuwa na wakilishi wa Wilaya Nairobi kama tulikuwa na wakilishi wa tatu na tumepatiana number zao hapa ili kama kuna kitu ambacho tungependa kipelekwe kule unaweza piga simu na kikaweza kupokelewa. Kuna Wabunge wetu wote watukuwa katika kongamano hilo. Kuna vyama hivi vya kisiasa vitawakilishwa kutakuwa na watu arobaine na moja kutoka kwa vyama vya Kitaifa na kutakuwa na Ma- Commissioners wa Tume ya Katiba ambao hawatukuwa na kura yeyote wakati huo.

Kwa hivyo hao watu wote ambao ni mia sita ishirini na tisa watakutana ili kujadili Katiba ya Katiba ambayo mnasoma ya awali ambao wataweza kuwelewana na kuweza kupata Katiba mpya ambao ikipitishwa na Bunge itakuwa Katiba ambao itatutawala kwa miaka mingi ijao ndio nasema ni muhimu sana sana tuweze kuangalia kwa makini ili kama kuna mambo ambao tungependa yaeleweke zaidi huu ndio wakati wetu.

Kwa hivyo hili Kongamano ama hii Conference ni mhimu sana kwa sababu ndiyo itakuwa uamuzi wa Katiba mpya. Kwa hivyo siku ya leo ni ya kuchangamsha raia wote katika Kasarani ili tuweza kuanza kufikiria kuhusu Katiba yetu ambayo tunataka, tunataka Katiba aina gani. Unajua Katiba ni mhimu sana katika maisha ya wananchi na nyinyi wenyewe ndiyo mtaamua Katiba ambayo mungetaka kwa hivyo ningependa sana hata baada ya wakati hii tuende tujadili Katiba tuweze kuangalia mambo mengi ambao tungetaka yatulinde, tuweze kuangalia mambo ambayo yako na vipi ndiyo tungetaka yabadilishwe. Sijue kama kuna tumepatana? Tumepatana? Okay kama tumepatana, ningependa tuangalie jukumu la Tume ya Katiba ilikuwa nini. Ama what was the object of the Commission? Object za Commission ziko katika sheria ambayo imetunga Tume hii na ambayo iko katika sheria ama Act ya Bunge 3A, iko katika 3A chapter 3. Na kwanza ni kuhusu umoja wetu, ni kuhusu amani kwa watu wote wa Kenya. Hilo lilikuwa ni lengo moja la Tume ya Katiba. Tuwe na Katiba ambayo italeta amani, italeta umoja, italeta Kongamano, italeta kushirikiana pamoja what we call safeguarding the well being of the people of Kenya. Ya pili ilikuwa ni kuleta usawa katika mambo ya utawala what we call Democratic Defense of the Government that is free.

The whole issue of ensuring good governance, constitutionalism the rule of law, human rights and gender equity usawa katika jamii wanawake na wanaume.

Jambo lingine lilikuwa ni kuhusu mambo ya kugawana utawala kati ya Bunge, Office ya Rais na Mahakama. Kuhakikisha kuwa hizo tatu ndiyo tunaweza kufanya kazi kwa uwelewano zaidi na bila ingine kuwa na nguvu zaidi kuliko ili nyingine. Tulipo kuja hapa watu wengi walisema Rais ana mamlaka makubwa sana na tungependa hayo mamlaka yaondolewe. Kwa hivyo hii Katiba mpya inajaribu kuona kunaweza kufanyika kazi kati ya Ubunge, Mahakama na Office ya Rais, zinaweza wekwa namna gani. Pia kulikuwa na lengo la kupatia wananchi jukumu ya kushiriki katika mambo ya serikali yao katika uchaguzi, katika mambo ya mamlaka. Wananchi wanaweza kuhusikaje katika mamlaka? Hii Katiba ilitakiwa kuangalia mambo haya, ishughulikie pia kuangalia haki ya makundi kuhakikisha kuwa watu wanahusika katika mambo yao ya kijamii na what also to show people participating the whole issue of recognizing people's identity and in their participation in cultural activities.

Watu wengi tulipokuwa hapa pia tuliongea kuhusu shida za kujamii. Mambo ya nyumba, mambo ya chakula kwa hivyo hii Katiba ilitakiwa tu ilipatiwa pia kuangalia hayo mambo ama shida ambazo watu wengi wako nazo zinaweza kutatuliwa namna gani. The whole issue of basic needs, nyumba, Chakula na mavasi. Katiba hiyo pia ilitakuwa kuangalia kushirikiano wa kitaifa International Co-operation ili kuhakikisha kuwa kuna usawa na watu wamelindwa kitaifa. Iilitakiwa pia kuhakikisha kuwa umekuwa na umoja wa kitaifa kutoka National Integration and Unity. Iilitakiwa pia kuangalia watu wanahusika barabara katika kujadiliana najua wakati mwingine katika hii Hall watu wanakujanga kusherekea Youth walikuwa wanakutana Sunday hapa

kwa hii Hall kujadili wata-participate namna gani katika mambo ya uchaguzi. Hii Katiba inatilia mkazo kuwa na wazi bila kuogopa watu kujadiliana pamoja katika mambo tofauti ambao wanaohusu. Pia wananchi kuhusika katika mambo ambayo yanahusu mambo yao ya kawaida Public Affairs bila kuogopa.

Wakati mwingi katika sheria Katiba ya zamani kulikuwa na vikwazo vingi kwa watu kuhusika katika mambo ambayo yanahusu mambo yao ya kila wakati. Na ya mwisho ni kuweza kuelewana na watu kujadili na kulewana katika jambo fulani na kutokuwa na shida yeyote watu wanajadili na wanaelewana. Kwa hivyo mutaka kuwa mkiangalia hii Katiba ni vizuri muone kama hayo mambo ambayo yalikuwa yamewekwa katika sheria yamepatikana its good as you read the Draft Constitution you go through and even as you people yourself try to find out have these objectives been made by the Draft Constitution and maybe its not been made, where? You can tell us we feel these objectives has not been well addressed. Kwa hivyo kulingalina na hayo mambo ya lili jukumu ningemuliza mwenzangu aweza kutuambia hii Katiba mpya kwa ufupi tu ni mambo yapi ambao yako katika hii Katiba . Tutachukuwa mda mfupi zaidi ndiyo tena tupate wakati wa watu unajua kuna wengi ambao mumekuwa mukisoma hii Katiba nilileta kuanzia wiki jana na kuna wengine wamesoma na kuna vitu ambavyo pengine wangetaka kuuliza , nitafuatia nitakuwa na karatasi ambazo nimeweza kuwapatia ili kama kuna mambo ambayo ungetaka kuandika na kutupatia kuhusu Katiba mpya pia mtakuwa na hiyo chance ya kuandika. Asante.

Gilbert Omoke: Hapo basi kabla tuangalie hii Draft Katiba kwa ufupi ningependa kusema ya kuwa Commissioners wakati walitembelea vituo mbali mbali vya Constituencies walichukuwa maoni yenu kwa tape na ingine waliandika kwa njia memorandum na hizo zote zilisomwa huko katika office ya hii Tume. Na zilisomwa na kupangwa vizuri ambapo report iliandikwa kutoka hiyo report ndiyo tunapata hii Draft Bill. Tena ningewaomba wale wako na hii Draft ,vile mmeke hivyo kama aliye karibu nawe ako na hii Draft Bill munaweza jaribu muwape wale hawana ili muwe na moja moja ndiyo kila mtu apate kuiona vile tunayangalia mmesikia. Wale wako na zaidi ya moja watapea wale hawana maybe after hii meeting ndiyo mnaweza zichukuwa lakini jaribu kila mtu awe karibu na hiyo Draft. Wacha sasa tuyaangalie kwa ufupi. Hii Draft Katiba tutaisema ni Draft Katiba, hatutaita Katiba mpya, Katiba ile inaendelea ni ile tuko nayo kutoka independence, kutoka tujinyakulie uhuru ndiyo tutasema ya sasa. Lakini hii ndiyo ile imependekezwa. Hii Draft Katiba iko na utangulizi kama mko nami kwa ukrasa wa pili hiyo imeandikwa preamble huo ndiyo utangulizi na inatambua watu wote wa Kenya, na tena inaenda mbele kusema ati watu wa Kenya wananchi wenyewe ndiyo watajenga taifa. Hao ndiyo wataamua ni serikali gani wanataka na tena hao ndiyo wametunga hii Katiba. Ningewauliza msonge kwa ukrasa wa nne hapo basi kuna sura ya kwanza ambayo imeandikwa sovereignty of the people and supremacy of the Constitution. Hiyo inamanisha watu ndiyo wakuu wao ndiyo wanakuja mbele hata ya serikali na Katiba hiyo ndiyo kuu si vyongozi. Na hapo chini yake kumeelezewa ukuu wa watu, watu wote wametambuliwa halafu uku wa Katiba umetambuliwa pia, sasa hakuna mtu atakuja aseme hii Katiba haiwezi kufanya kazi Katiba ndiyo itakuwa ikituongoza wakati wote. Ukiendelea kwenda chini tumeonyeshwa kuwa ukiona kama hii Katiba haifatiliwi unaweza end kotini na ukaulize kwamba hajafatiliwa na hivyo inafaa ifatiliwe. Na sheria za Kenya zimetambuliwa

hapo ni Katiba sheria zilizotungwa na Bunge, sheria za kikwetu, kinyumbani na kuna African Community nayo sheria zake zitakuwa sheria zetu.

Ningewaomba kwa huo huo ukrasa msonge kwa sura ya pili, kwa hiyo sura taifa la Kenya inatambuliwa kuwa ni jamuhuri na capital city ya Kenya itakuwa Nairobi na lugha zote za watu zimetambuliwa pia, kitu kingine cha mhimu ni kuwa katika kifungo cha kumi wa huo huo ukrasa kuna mahali kumeandikwa State and Religion, hapo nchi ama Jamuhuri imetengwa sambamba na kuabudi hakuna mtu atakulasimisha kuabudu namna fulani. Tena kifungo cha kumi na moja kuna National Day, okay National Symbol. Kwa huo ukrasa kuna National Day kifungo cha kumi na tatu ni Madaraka Day, Jamuhuri Day na Katiba Day wakati hii Katiba itaanza kufanya kazi na hiyo sikumanisha ya kwamba siku zingine kama Christmas day na Easter holiday zimetupiliwa mbali bado ziko. Hizo hazikuwekwa kwa vile zinajulikana ulimwengu mzima.

Kwa sura ya tatu huo huo ukrasa kuna pahali pameandikwa National Goals, Values and Principles. Haya ni yale mambo yatakuwa mzingi wa uongozi na wa hii Katiba mambo yote yatakuwa yakifinywa na kulingani na hii Katiba na vyongozi lazima yazingatie haya mambo yameandikwa hapa kwa sura ya tatu. Na kwa hiyo hiyo sura na mkingia ukrasa wa tano, kuna pahali pameandikwa duties of a citizen. Wewe kama mwananchi Katiba inakulinda, lakini pia inakupa jukumu majukumu yaliyo andikwa hapo ni mengi lakini yale ya mhimu ni kuhakikisha kwamba kuna uongozi mzuri na pia uko na jukumu la kuchagua wanasisia vyongozi wazuri na kuwahakikisha ya kwamba kuna democrasia na mkisoma kwa baada ya hiki kikao mtaelewa zaidi. Wacha tena kwa huo huo ukrasa tusonge kwa sura ya nne pameandikwa citizenship. Hii inamaanisha uraia wa Kenya vile unaweza pata uraia wa Kenya wale watu watapata uraia wa Kenya. Ningependa tu kutaja yale mambo mageni yameingia kwa hii Draft ambayo hayakuwepa kwa ile Katiba tunaendelea nayo wakati huu ya kwamba mwanamume aliye si mkenya lakini alioa mwanamke mkenya pia hata yeye atapata uraia wa Kenya si kama kwa hii Katiba ya sasa hawezi kupata. Na mtoto aliyezaliwa na wazazi wa Kenya mmoja wao anaweza kuwa Mkenya ama si Mkenya kwa nchi nyingine kama UK, US, India atakuwa mkenya si kama wakati huu hawezi kuwa mkenya.

Jambo lingine la mhimu wacha tusonge kwa ukrasa wa sita kama mko na mimi. Ukrasa wa sita hiyo column ya kwanza kuna sura ya tano chapter five imeandikwa the Bill of Right, hii inamaanisha zile haki zako ambazo ni mhimu sana hata ndiposa zikaletwa mbele ya serikali vile imepangwa zimekuja mbele nafikiri mnaona hivyo. Kwa vile kama Parliament zitakuja nyuma ya hii hizi haki. Hizi haki zile zilizo kwa ile Katiba tunaendelea nayo sa hii ziko kitu kimefanywa ni kuzihimiza na kuongezea zile ambazo hazikuweco na tena ningependa kutaja kuwa kwa ile hii Katiba tunaendelea nayo saa hii hizi haki ziko lakini Katiba inaendelea kusema kuna mahali ambapo utanyang'anywa hizo haki lakini hii Katiba inasema huwezi kunyang'anywa hizo haki ijapokuwa kwa yale mambo yalio kwa usalama wa wananchi kwa jumla. Wacha nitaje ya kuwa kwa huu ukrasa kama mnaona kufungo cha thelathini na mbili the Right to life, hii ni haki ya mhimu sana na ndiposa the death peanalty kuawa kwa wale watu waliopewa hii death penalty sasa imesimamishwa imetolewa kwa vile maisha ya mwanadamu ni kuu sana. Na hapo thelathini na tatu kufungo cha thelathini na tatu watu wote ni sawa, thalathini na nne hakuna mtu ataku-discriminate, na thelathini na tano haki za kina mama zimewekwa na hata wakati wa vikao vya kuchukua maoni vilivyo kuwa vikiendelea mulisikia ya

kuwa haki za kina mama zilikuwa ni za mhimu sana na ndiposa sasa zimeakwa kwa hii Katiba na kwa ile Katiba ingine haziko ile ya saa hii. Na wale wenzetu ambao wamezeeka pia wamepewa haki zao hapo kwa hii Katiba watoto pia wamepewa haki zao. Na Jamii pia imetambuliwa hapo na watu hapo sasa niko kwa ukrasa wa saba. Children then the family and then mtaona a person with disabilities. Haki za wale waliolemaa walemavu kama viziwi, wasioweza kuona, wale wako na shida ya kutembea wamepewa haki zao hapo. Na mkisoma kwenda chini zaidi mtaweza kuona ni haki gani wako nazo wamepewa kwa hii Katiba. Na kwa huo ukrasa kifungu cha arobaine mwanadamu amepewa heshima, arobaine na moja mtu mwenyewe amepewa protection atakuwa akilindwa hakuna mtu atakuja kukufanyia search kwa mwili wako na kama hana ruhusa.

Arobaine na mbili hakuna mtu ata--- kifungu cha arobaine na mbili hakuna mtu atakufanyisha kazi kwa mgugu na kazi ambayo wewe mwenyewe haujapendelea ama kazi isiyo ya kulipwa kazi yeyote sasa utafanya lazima ulipwe. Arobaine na tatu privacy.

Mtu amepewa siri yake hii nayo ni kama hii niliotaja ya security ya mtu hakuna mtu atakuja kwa boma yako kufanya search kama hana search warranty kutoka kwa Mahakama. Arobaine na nne uhuru wa kuabudu umehimizwa hapo. Kwa ukrasa wa nane kama mnaona kifungu cha arobaine na tano uhuru wa gazetee una uhuru wa kusema unavyohisi imewekwa hapo. Jambo la mhimu ni kuwa uhuru wa gazetee na idhaa za radio zimetambuliwa zitakuwa ziki-report yale yaliotendeka bila kufich a hata idha ya serikali kama KBC haitakuwa ikitupilia mambo yaliotendeka lazima iwajulishe wananchi.

Na tena publication of opinion, unaweza andika yale unafikiria bila mtu yeyote kukusimamisha. Kuna hii arobaine na saba access to information hiyo inamaanisha unaweza ikisha habari yeyote kutoka serikali iliyo mikonono mwa serikali ama vituo vya serikali. Na haki zingine ni zile zile tu ziko kwa ile Katiba ya saa hii ijapokuwa zimehimizwa.. Jambo lingine ningependa kutaja ni katika ukrasa wa tisa labour relation , sasa hapa Katiba inampea haki zingine inamtambua atakuwa akilipwa vizuri kama mnaona kifungu cha hamsini na tano mkisoma kwenda chini mtaona hayo. Kuna mkisonga kwa huo huo ukrasa kifungu cha hamsini na saba mtu ako na haki ya kupata matibabu, kupata elimu (education) kupata makao mazuri (housing) kupata chakula (food) kupata maji safi (water) sanitation (usafi) environment awe na mazingira safi. Lugha za watu tena hapa zimehimizwa language and culture na yale mambo jamii zinafanya yamehimizwa pia. Kuna Consumer Rights hiyo ni kusema ya kuwa kama wewe unanunua chombo chochote kutoka dukani kilichotengenezwa na factories kama utapata madhara yeyote kwa kuzitumia hizo vitu unaweza enda Mahakama ukaitishe ulipwe yale madhara yaliyosababishwa na hicho chombo.

Wacha nitaje kitu kingine cha mhimu sana ni hii haki ya the Right not to obey unlawful instruction. Hiyo inamaanisha mtu akikupea magizo ambayo siyo ya halali kama sasa police kuambiwa enda muchape wale watu wako kwa huo mkutano mambo kama hayo sasa wako na haki ya kusema hapana hatuwezi kufanya hivyo kwa vile hiyo si halali.

Na mtu amepewa haki ya kupata njia ya kwenda kotini kwa uraisi kwenda kotini sasa kumeraisishwa na Tume inafikiria ya kwamba haya yameandikwa hapa yatasaidia serikali kuweka rules ambazo si zile zinazuia watu kupata huduma kutoka Mahakama. Na kuna rights of arrested persons haki za wale walioshikwa na police sasa mtu anaposhikwa na police hatateswa na anafaa afikishwe Mahakama haraka iwezekanavyo. Na fair trial kwa ukrasa wa kumi mtu anafaa apate kama

amepelekwa Mahakama asidhulumiwe ilie process ya kumu-try in koti kwa Mahakama iwe ni nzuri ambao pia kumunyang'anya haki zake na haki zake zote ziko hapo kama kupata wakili na mambo mengine.

Na right of person's in custody ni kama ile tu nimeleza ya watu walioshikwa na askari . Kitu cha mhimu sana katika hii Draft bill ambacho hakiko kwa ile Katiba ya sasa ni hii Tume ya haki y za kibinadamu. Sasa hii Tume imetungwa ndiposa watu wapate mahala ku- report yale mambo mabaya yametendeka ambayo hayaeshimu haki zao wanaweza enda kwa hii Tume bila malipo hata wanaweza andika barua ndogo hivi ambayo yataweza kusaidia hii Tume kuchunguza ijue ni nini kimetenge na tena kwa ukrasa wa kumi na moja munaona hapo authority of the court to accord and enforce the bill of rights. Sasa Mahakama iko na jukumu kubwa la kuangalia ya kuwa haki za kibinadamu hazitaharibiwa bila ya kupata payment kama compensation ama kuhakikisha ya kuwa watu wana-enjoy rights zao (haki zao) sasa si kama kwa hii Katiba ambayo kuna mahali ilikuwa inasema hizi haki zinaweza – mtu anaweza enda kotini juu ya hizi haki kama kuna rules Chief- Justice ametengeneza ambazo zilika sana kama hakutengeneza. Sasa kwa hii unaweza kwa koti hata kwa barua ama kwa njia yeyote itayekuwa imeraishwa ukaseme ziangaliwe. Kwa huo ukrasa kuna sura ya sita chapter six representation of the people. Hii sura imewekwa hapa ndiyo niakikishe ya kuwa watu wako na njia za kuwakilishwa zilizo mzuri wapate kupigia watu waliowapenda kura , ndio unaona hapo zile sheria za uchaguzi zimewekwa hapa, na kama unaenda kumaliza ukrasa wa kumi na moja kumeandikwa the right to vote. Uko na haki ya kupiga kura na kusimama upigiwe kura. Na kuna qualification for registration. Haya ni yale mambo unatakiwa kutimiza kabla mtu asimama kwa uchaguzi. Kitu kingine kipya ni kuwa na independence candidate wanakubaliwa wale watu hawajapata chama cha kisiasa political party wanaweza enda waulize kura bila ya kwenda chini ya chama chochote. Na tena kuna Tume ya uchaguzi the Electoral Commission kwa huo ukrasa wa kumi na mbili sasa Tume ya uchaguzi inafaa iwe open inamaanisha iwe ikifanya kazi bila kuagizwa na mtu yeyote ndiyo tunaweza kuwa na uchaguzi ambao tunaita fair and free, uliyo na uhuru.

Tena Constitutuencies viti vya Ubunge vitakuwa vikichungwa na hii Tume ya uchaguzi. Haitakuwa ni mtu anachunga hivi viti vile anavyojisikia. Na vyama vya kisiasa vimewekwa katika Katiba vile mnaweza kubaliana na mimi hivi vyama ama zile rules ambazo zitakuwa zikiangalia ya kuwa vyama vinaendeshwa vizuri haviko kwa Katiba ya sasa, sasa hii Draft Bill imeziweka ndani ndiyo tuhakikishe ya kuwa vyama vya kisiasa viko na democrasia na havitumiki---- si mtu binafsi kupea chama pesa kwa vile hiyo mtu akipea chama pesa kinakuwa ni kama ni chake. Chama sasa si cha mtu ni cha wananchi wote. Haya nimesema juu ya vyama kutoa pesa yako kwa ukrasa wa kumi na tatu sasa ningeaomba tusonge katika ukrasa wa kumi na nne the Legislature.

Juu ya Legislature ni Bunge. Bunge ni sehemu ya serikali ambayo inashughulikia kutengeneza sheria na kuona ya kwamba serikali zingine serikali ya utekelezi inafanya kazi vizuri. Sasa kitu kigeni kwa hii Draft Bill ni ya kuwa Bunge itakuwa vikundi viwili The National Council na the National Assembly. Nitaeleza baadaye hiyo ni inamaanisha nini. Bunge imetoa jukumu kuu na kutengeneza sheria na kuona kwamba pesa za serikali zinatumika vizuri. Kwa huo ukrasa kifungo cha mia moja na tatu kama mnaona approval of appointment by Parliament. Sasa Bunge itakuwa na jukumu ya kuchunguza wale watu watakuwa

wamepewa kazi fulani Presidential appointments kama Chief- Justice, Judges, Attorney General na watu wengine Chairman of Parastatals hawo wote hawatakuwa wakichaguliwa na Raisi anavyojisikia atapendekeza mtu na Bunge itamchunguza na ikimukubalia sasa ndiyo ataweza kuchukua hiyo kazi. Na Bunge limetoa jukumu kubwa ya kuchunguza matumizi ya serikali ndiyo hiyo nimeona hapa imeandikwa approval of expenditures by Parliament. Sasa wacha nielezea vile hizi vikundi mbili za Bunge zitakuwa. Kwa kifungo cha mia moja na sita kwa huo ukrasa wa kumi na nne mnaona wameandika members of the National Council.

Sasa hii National Council ndiyo itakuwa Bunge kubwa na hii itakuwa ikijumuisha ma- Districts tutakuwa na watu sabini inamanisha kila District itapigia mtu mmoja kura na kutakuwa na viti thelathini ambavyo zitakuwa ni vya kina mama na tukisonga chini kuna members of the National Council hiyo sasa iko kama hii Bunge tunayo saa hii. Hiyo inasema kuwa wale watu watakuwa katika hii Bunge watatoka katika viti vya sehu za ubunge the Constituencies saa hii kuna hizo sehemu siko mia mbili na kumi kwa hivyo tutakuwa na watu mia mbili na kumi. Na tena tutakuwa na watu wengine tisini ambao watatoka katika mikoa sasa kumetengwa njia ya kupiga kura ambayo ukipiga kura yule unapigia unapigia chama fulani kura kila chama kitakuwa kimeleta orodha ya watu kama watu kama ishirini, thelathini na kuendelea na hawa watu mnaowaona kwa hiyo orodha ukipendelea hawa watu unapigia hiyo chama kura sasa ndiyo kura zikisha maliza kupigwa ndiyo watangalia kila asilimia ya chama ndiyo wapeana hivyo viti tisini.

Na kuna qualification and disqualification of members kiti kigeni naweza taja hapo ni hao watu wanafaa wawe na elimu ya secondary wanasema kidoto cha nne. Tafadhali kama mnaweza angalia ukrasa wa kumi na tano. Ngingezungumzia Kenya Authorities of Members of Parliament. Hapa pia tunaeleza vile Bunge linaweza vunjwa haitakuwa likivunjwa na mtu binafsi itakuwa ile tulisema ni National Council ya ma- Districts itakuwa ikienda kwa miaka mitano na the National Council kama Bunge ya saa hii itakuwa ikienda kwa miaka nne. Na wananchi wamepewa nguvu za kumuita ama kumtoa Mbunge ambaye awafanyie kazi vizuri ndiyo hiyo mnaona recall of a member of Parliament. Mkiona kama awafanyie kazi vizuri mtasema atolewe. Na kwenda chini naelezwa vile steps zinafuatiwa ndiyo atatolewa. Kitu kingine kigeni ningependa kutaja ni kuwa mishahara ya wanabunge sasa itakuwa ikisuluhishwa na tume ambayo inaitwa Salary and Remuneration. Tume ya kuangalia mishahara sasa wabunge hawatakuwa wakijiongezea mishahara kama tulivyona mwaka uliopita.

Singependa kuongea mengi juu ya Bunge na kwa hivyo ningependa nisonge mpaka ukrasa wa kumi na tisa chapter eight hiyo ni sura ya nane inazungumzia juu ya the Executive hiyo inamaanisha ile sehemu ya serikali ambayo inashughulika na utekelezi. Kama saa hii ni Raisi na Wizara za serikali Ministries. Sasa hii Draft inatambua ya kwamba nguvu za utekelezaji itakuwa zikifanya kazi kwa minajili na kufaidi wananchi si watu binafsi wananchi. Na si serikali ya Executive utekelezaji itakuwa na Raisi na Waziri Mkuu huyo ndiyo Prime Minister na Waziri wengine wa Wizara fulani fulani.

Rais vile watu walikuwa wanasema kwamba nguvu zake na yale anayeweza kufanya kulingana na sheria iandikwe chini yameandikwa hapo kama mkiona the authority of the President na chini kumeandikwa State function of the President. Zimeandikwa hapo zile kuu ni kwamba atakuwa akilinda Katiba na yeye atakuwa akikama picha ya nchi. Yule atashughulikia

serikali sana sana kuangalia mambo ya serikali kutoka siku kwenda siku ingine itakuwa sasa ni Waziri mkuu tutafika hapo.

Ndipo sasa nawauliza msonge, kama hamjafika hapo ningependa kutaja ya kwamba Rais atakuwa akichaguliwa na wananchi kuna katika ukrasa wa ishirini kifungu cha mia moja hamsini na saba procedure of Presidential elections. Sasa hicho kifungu kinaelezea ya kwamba Rais atakuwa akichaguliwa na wananchi na anafaa apate kutoka mikoa tano five Provinces apate asilimia ya ishirini halafu apate kwa wingi asilimia hamsini majority vote. Na tena Rais anaweza tolewa mamlakani hicho ni kufungu cha mia moja sitini na mbili removal of the President on the ground of capacity . Na ukisonga kwa ukrasa wa ishirini na moja impeachment and removal of President hiyo sasa ni kulingana wananchi ama Wabunge wakiona kama hafanyi kazi vizuri ana ufiadi mambo kama hayo Bunge itakuwa na jukumu la kumtoa. Na sasa kumelezea vile yale mambo Bunge utafuatilia kabla kumtoa Rais ndiyo isiwe rahisi sana kumtoa Rais. Lakini sasa tunasema kama hafanyi kazi vizuri wabunge wako na nguvu za kumtoa. Tena kutakuwa na office ya Vice President Makamu wa Rais hicho ni kifungu cha mia moja na sitini na tano kinaelezea ya kwamba kila wakati kuna uchaguzi Raisi atakuwa na mtu mmoja atakuwa na yeye atamtaja hapo hapo ndiyo Rais akipigiwa kura watu wajua tu wanapigia wanajua ni nani ataenda kuwa Makamu wa Rais. So Makamu wa Rais atakuwa akijulikana wakati wa kufanya uchaguzi siyo ati mtu tena kuja kuchagua mtu yeyote mwenye wananchi hawapendi.

Kwa huo ukrasa ni hiyo hiyo sura kuna mahali kumeandikwa the Prime Minister and the Cabinet ni mwisho wa ukrasa wa ishirini na mbili 21. Sasa kutakuwa na Prime Minister huyo sasa ni Waziri mkuu yeye ndiyo atakuwa akiangalia mambo ya serikali, yeye ndiyo atakuwa vile Wizara za serikali zinafanya kazi si Rais na hiyo atatoka Bungeni atakuwa akichaguliwa na Wabunge kumelezwa hapo ukrasa wa ishirini na mbili appointment of Prime Minister. Kitu kingine cha mhimu ningependa kutaja ni kwamba kama mnaona kifungu cha mia moja sabini na tano 175, pameandikwa Cabinet. Sasa Waziri hawatakuwa wakitoka wakichaguliwa na raia watakuwa wakichaguliwa na Prime Minister au Waziri Mkuu lakini hatachagua watu kutoka Bungeni atachagua watu ambao siyo Wabunge na hii ni kuwezesha hao waziri wafanye kazi bila kuangalia mahali walipotoka. Kama saa hii mnaweza kubaliana na mimi Waziri wengine wanafanyia mahali wametoka kazi peke wanasahau sehemu zingine za nchi. Na hata mishahara yao pia ya Rais ya Waziri Mkuu, Waziri mkuu tena atakuwa wasaidizi wawili na Ministers na Deputy Ministers mishahara yao itakuwa ikitungwa na ili Tume tulisema ya mishahara.

Kitu kingine kigeni ni kwamba kuna Deputy Ministers wametambuliwa na pia wamepewa kazi ili kazi watakayo fanya wakati Waziri hayuko watakuwa wakifanya kazi yake watamsaidia lakini kwa saa hii Katiba inasema kutakuwa na Ass. Ministers, hao Ass. Ministers huwa hawana kazi yeyote hawachukuliwa kama watu wa mhimu sasa hii Katiba inawatambua Waziri wasimamisi. Tena kitu kingine cha mhimu ni kwamba inasemakana kutakuwa na Wizara kumi na tano pekee, watu wamekuwa wakilalamika ya kuwa tuna Wizara nyingi ambazo hazifanyi kazi, zingine hata hazijulikani zinafanya kazi gani, sasa tutakuwa na Wizara kumi na tano pekee na tena hizo zitazaidia utumizi mzuri wa pesa za serikali.

Tafadhali kama mnaweza ingia kwa ukrasa wa ishirini na tatu 23 kwa sura tisa chapter nine kumeandikwa Judicial and Legal systems. Hiyo sasa inamaanisha Mahakama na vile sheria tutakuwa nazo ama na vile Attorney General atakuwa akifanya kazi na sheria. Jambo ningependa kusema hii Katiba tunaendelea nayo saa hii inazungumzia tu juu ya Mahakama. Na haisemi Mahakama itakuwa ikifanya kazi gani vizuri na kwa jina la nani sasa hii nasema Mahakama itakuwa ikifanya kazi kwa niaba ya wananchi na kuwazaidia vilivyo. Kitu kigeni ni kwamba kutakuwa koti kuu. Koti kuu hiyo inaitwa Supreme Court halafu kutakuwa na koti ya kukata Rufani (Court of Appeal) halafu kutakuwa na ningesema koti ya juu ndiyo Supreme Court halafu koti ya kukata Rufani court of Appeal halafu koti kuu ni High Court na kuna zile zingine ndogo ndogo za Margistrate. Na kama mnaweza kumeandikwa independence of the Judiciary. Wale Ma-Judge na Margistrate wanatakiwa sasa wawe wakifanya kazi bila kuagizwa na mtu yeyote ndiyo sababu tunasema independence from the Judiciary siyo kama hii Katiba ingine tuko nayo haisemi kitu chochote kulingani na hayo.

Tafadhali ingia ukrasa wa ishirini na nne. Kwa column ya kwanza kuna qualification for appointment of Judges hiyo ni kifungu cha mia moja tisini na tano. Sasa wameandika yale mambo yatakuwa yakifuatiwa wakati tunachagua ma- Judges yamealezewa hapo vizuri ndiyo tuwe na watu waliohitimu vizuri na ambao hawataagizwa na mtu yeyote wa serikali. Tena kiti kingine cha mhimu ni kuwa ma –Judge sasa wanaweza retire wakifikisha miaka sitini na tano (65) si lazima wafikishe seventy four kama saa hii. Kitu kingine the Kadhi's court ile koti inashughulika na mambo ya Islamic law wakati watu wanaenda koti ni wa- Islam na ni juu ya jambo liloandikwa kwa quoran imetungwa hapo. Mkisonga katika ukrasa wa ishirini na tano kuna the Judicial Service Commission . Sasa hiyo ni Commission ama ni Tume ambayo itahakikisha ya kwamba Mahakama zinafanya kazi vizuri zinashughulikia wananchi na tena watu wa Mahakama hawapewi maagizo na mtu yeyote. Na tena kitu kingine kipya ni kwamba kama una malalamiko juu ya Judge fulani ama Officer wowote wa Mahakama unaweza peleka malalamiko yako kwa hi Judicial Service Commissioner ikichunguza inaweza kumfuta kazi kama ni ukweli ana makosa. Na kwa huo ukrasa kuna mahali pameandikwa the legal system mtaona Attorney General halafu chini yake kidgo Director of Public Prosecution. Hii inamaanisha ya kwamba sasa office ya Attorney General imegawanywa ikawa na office mbili. Ile ya kujadiliana na serikali na kuipa advice, inaitwa Attorney General na itasaidia Bunge kutengeneza sheria na tena sasa kuna office hii inaitwa Directive of Public Prosecution hii sasa ndiyo itashughulikia mambo ya Mahakama itakuwa ikifanya cases za serikali kama criminal cases in court. Na anapewa anaagizwa na mtu kutoka kwa serikali alete mashtaka mbele ya koti ama kuwachisha. Kama sasa ukiangalia miaka ya 1970's na early 18's Attorney General alikuwa anatumika vibaya sana hii ndiyo wanataka kuachisha.

Ukrasa wa ishirini na tisa, public defender, wengi wetu waliambia Tume ya kwamba wanataka Legal Aid inamaanisha walikuwa wanataka wapata kazi wakili bila malipo ya juu sana ama bila malipo. Sasa kuna office hapa imetengwa itakayoshughulikia mambo hayo kila mtu sasa atapata Wakili bila kumlipia kama hajawezi.

Na tena the profession of law sasa kuna hii kazi sasa ya Wakili itakuwa ikifanywa kusaidia wananchi si kujitajirisha na mambo kama hayo.

Sura ya kumi devolution of power kama mko hapo. Mnaona devolution of powers hapo sasa inamaanisha nguvu za serikali zinafaa zipelekwe chini zisiwe Nairobi pekee ndiyo tunasema ziwe devolved zipelekwe chini kwa vijiji, kwa Mikoa na Tarafa na mambo kama hayo. Na hao watakao kuwa kwa hiyo serikali ya vijiji uko watakuwa wakichaguliwa na hii ni kwa sababu uongozi wa mikoa Provincial Administration ilipatikana ya kuwa haikuwa inasaidia wananchi na kwa hivyo hii sasa imekuja na ikatoa Provincial Administration sasa Provincial Administration imetupiliwa mbali imekuwa abolished.

Kwa ukrasa wa ishirini na nane hapo ndiyo unapata mambo ya ardhi na mali ni sura ya kumi na moja. Sasa hapo unaona ni land policy framework. Sasa hii inamaanisha tumesha andika page fulani ama the main point to direct us vile vidokezo serikali itakuwa ikifuatilia ikiangalia mambo ya mashamba. Kama ya kwanza ni equitable access to land hiyo inamaanisha kila mwananchi anafaa apate shamba la kutumia. Hiyo sasa tunasema ni foundation sasa serikali ama Bunge ikitunga sheria itakuwa ikitunga sheria mpka zitawezesha wananchi kuwa na ardhi. Na tena watu hawatakuwa wakifukuzwa kutoka ardhi zao na kitu kingine cha mhimu ni ya kwamba watu ambao si wakenya wanaweza kukodesha ardhi lakini si kuichukua kwa njia ya kukaa nayo kwa mda mrefu. Watu wanaweza kufanya hivyo ni wananchi wa Kenya. Na kitu kingine cha muhimu ni kuwa ardhi ya umma public land sasa imepewa protection hakuna mtu atakuwa akichukua ardhi ya umma vile mmesikia imekuja kuitwa land grabbing. Nafikiri hayo ndiyo ya muhimu sana kwa hii sura na kwa vile kuna ile Tume ya Njonjo ilitungwa kuichunguza mambo ya ardhi sasa hiyo ndiyo itakuja na mapendekezo zaidi yatakayo himiza na kuhakikisha ya kuwa sehemu ya ardhi imewekwa vizuri watu wote wapate mashamba.

Na wacha nitaje katika ukrasa wa ishirini na tisa (29) kuna hapo mwanzo tunaona

Majina Establishment of National Land Commission. Kuna Tume ya kitaifa imetungwa ambayo itachunguza mambo ya ardhi na hiyo ndiyo itahakikisha kwamba ili ardhi ilichukuliwa kwa njia haikuwa halali na ambayo ilikuwa ya serikali itarudishwa na itahakikisha ya kwamba watu wote watapata mashamba ya kulima. Chini yake sura ya kumi na mbili Environment and National Resources hiyo inazungumzia juu ya mazingira vile mnajua environment ama mazingira ni jambo la mhimu sana kwa wakati huu na ndiposa tuko na sura nzima inayongea juu ya mazingira to protect the environment. Na kuna National Environment Management Commission, kuna Tume imetungwa itangalia kwamba mazingiram yanatumika vizuri na hii Tume iko lakini sasa haiko kwa Katiba ndiyo sababu sasa imewekwa kwa Katiba ndiyo iweze kufanya kazi yake vizuri.

Na kama mnaona kuna majina hapo kwa rangi nyeupe inasema Enforcement of Environmental Rights. Vile tulisema kama mnakumbuka tulisema kila mwananchi ako na haki ya mazingira yasiochafuliwa clean environment. Sasa ukiona kama mazingira yanachafuliwa na kama watu wanaharibu mito, watu wanakata miti katika misitu unaweza enda kotini hata kama wewe si mkaazi wa hapo ata kama ile jambo linafanyika Kisumu na wewe unaishi Nairobi unaweza enda kotini ukasimamisha shughuli hiyo ya kuharibu misitu ama mazingira mengine.

Wacha ningie katika sura ya kumi na tatu ambayo ni Public Finance and Revenue Management. Hiyo inazungumia juu ya

usimamizi wa pesa za umma, sasa yale mambo ya mhimu sana yamelezewa mbeleni ndiyo tujue ni nini tunafaa kuwangukia serikali ifanye isitumie pesa za umma vibaya. Kuna kifungo cha mia mbili arobaine na nne (244) imposition of tax. Kitu cha mhimu hapo ni ya kwamba kama unaweza kulipa tax lazima ulipe ni Bunge inaweza sema huyu halipi tax. Vile mnaweza kubaliana na mimi kuna watu walianza kuleta sukari kutoka nchi za ng'ambo na hawakuwa wanalipa hii tax ndiyo sababu sukari yetu hapa Kenya haipati market. Kuna consolidated fund here inamaanisha kutokuwa na pahala peza za serikali. Na hizo peza za serikali zitalindwa vilivyo na ingia ukrasa wa thalathini peza hizo zinaweza kutumika kama Parliament Bunge imeidhirisha. Mtu hawezi kutoa pesa huko kama Bunge haijidhirisha kwa shughuli fulani. Kitu kingine cha mhimu ni kwamba mnaona Power of Government to borrow mnaona kwa huo ukrasa? Power of Government to borrow. Nguvu za serikali kukopesha pesa kama kukopesha kutoka IMF na World Bank. Hiyo serikali imeruhusiwa ifanye hivyo lakini kabla ifanye hivyo inatakiwa ipate ruhusa ya Bunge ndiyo tupate tusije kuwa na madeni ya nchi zingine siku za usoni sijazo na tushindwe kulipa. Kwa huo ukrasa kuna Central Bank of Kenya, Benki kuu ya Kenya sasa imewekwa kwa Katiba. Na hiyo haikuwa kwa ile Katiba tuliyo nayo saa hii. Na kazi yake imetambuliwa hapo imelezewa vizuri.

Na kitu kingine cha mhimu sana ni kwa ukrasa wa thelathini na moja kama mnaona kuna haya maneno yameandikwa na rangi nyeusi the Controller of Budget na the Auditor General. Sasa the Controller of Budget hii inamaanisha yule mtu atakuwa akichunga budget na sikuchunga budget atakuwa akiangalia vile budget inatumika yeye ndiyo atakuwa aki-monitor halafu kuna hiyo ya Auditor General huyo sasa ni mhasibu wa kuangalia kwamba mtu ambaye amehitimu kwa kazi ya accountant atakuwa akiangalia ya kwamba pesa za serikali zinatumiwa kulingana na budget. Katika hii Katiba tunaendelea nayo saa hii inasema hizi office mbili ni moja sasa watu walikuwa wanajiuliza kama hizi office mbili ni moja unawezaji kutekeleza kitu na tena uje kuakikisha ya kwamba kinafanya vizuri. Sasa, watu walikuwa wanataka hizi office mbili ziwe separate ndiyo office za serikali zitende kazi vizuri.

Na hizi ni office ambazo ziko protected na Constitution they are Constitution offices na watu wanaofanya kazi kwa hizo office wamepewa protection ndiyo wasiwe watu wakupokea maagizo kutoka sehemu zingine za serikali na kwa hivyo wako na tenure of office inamaanisha hawatatolewa ofisini kwa njia isiyo halali.

Na kama mnaona ukrasa wa thelathini na moja kuna Economic and Social Council hiyo ni Tume ambayo itachunguza mahitaji fulani fulani ndiyo wakati wakutengeneza budget ama makadirio ya utumizi wa pesa za serikali kuweze kujulikana ni sehemu gani zinataka pesa fulani ni sehemu fulani zinataka pesa fulani si kupeana peza ovyo ovyo.

Na ukrasa wa thelathini na mbili chapter fourteen singeweza kuzungumzia mengi juu ya hiyo sura lakini wacha nisema ya kwamba hiyo ni Public Service inamaanisha serikali itakuwa ikapatia watu huduma vipi itakuwa ikitumia watu fulani na hawa sasa ndiyo wanaitwa Public Servant wafanyi kazi wa serikali hawo ni watu ambao wanatakiwa kufanya kazi ndiyo mwananchi apate huduma ya serikali. Na kuna Public Service Commission ambayo imetungwa hapo imetungwa kwa njia ambaye itatoa possibility ya hawa watu kupokea magizo kutoka sehemu yeyote ya serikali ndiyo wafanyi kazi wa serikali waweze kufanya

kazi vizuri.

Kitu kingine naweza taja ni hapa pameandikwa part two Kenya Police Service. The Kenya Police Service hii ni department ya serikali ambayo ni ya police ukrasa huu haujawekwa kwa Katiba. Sasa inawekwa kwa Katiba na sasa inaitwa Police Service hii Police forces kwa vile Police forces sasa inamanisha wananchi wanaweza sumbuliwa na askari inaleta hiyo fikira lakini saa hii ni service itakuwa tu kwa kutumikia wananchi ndiyo sababu inaitwa Service.

Na kitu cha mhimu ni kwamba katika kifungu cha mia mbili sitini na sita appointment of Commissioner of the Kenya Police Service. Sasa mkuu wa Police hiyo ndiyo office imewekwa kwa Katiba na atakuwa mtu ambaye amehitimu vizuri kutoka chuo kilicho tambulikana na ambaye ana experience ndiyo askari waweze kufanya kazi vizuri. Kwa ukrasa wa thalathini na tatu part three kumeandikwa Kenya Correction of Services hii ni ile sehemu ya serikali inahusikana na Prison sasa hatutazita Prison tutazita correctional of Services, kwa vile tunasema minajili ya kuchukuwa watu Prison ama kuwafungia ni kuwafanya wawe watu wazuri wakirudi kwa kazi zao, waweze kuwa watu wazuri wasiendeleo na vitendo vyao vibaya.

Wacha nitoke hicho kifungu ningie sura ya fifteen chapter 15 hiyo imeandikwa the Defence Forces and National Council. Sasa Defence Forces hawa ni kama Kenya Army na wengine sasa hawa tunaweza waita forces kwa vile wanatumikia nchi wanafaa kuhakikisha ya kuwa kuna usalama wa nchi sasa tunaweza waita forces. Na kuna National Security Council hii ni kama Tume ambaye itahakikisha ya kwamba kuna usalama nchini. Na watu ambao wataingia kwa hiyo Council wameandikwa hapo kwa kigungu cha mia mbili sabini na mbili na kazi yao imelezewa kwa kifungu cha mia mbili sabini na tatu. Singependa kuongea mengi juu ya hayo mkisoma mtaelewa sana .

Wacha basi tuingie ukrasa wa thalathini na nne ambapo kuna sura kumi na sita chapter sixteen Leadership and Integrity haya ni maadili na uchunguzi. Hii sura inazungumzia ni Rais, Waziri mkuu, Waziri wakuu wazaidizi na Waziri wengine na Wabunge, Ma- Councillors na hao ni Madiwani na wale watu wengine wote wanaofanya kazi ya serikali wanafaa wafuate leadership code ambayo imeandikwa kwa pahali tunaita schedule ua five kwa ukrasa wa arobaine na nne mnaweza angalia hapo, mnaweza angalia schedule hiyo ukrasa wa arobaine na nne. Sasa wakati mnaposoma hii sura lazima pia uangalia hiyo schedule ya arobaine na nne ambayo inaongea juu ya the Leadership code. Mtu yeyote anayefanye kazi ya serikali lazima afuate mambo yaliolozewa kwa hiyo Leadership and integrity code nafikiri sasa mtaelewa mkisoma.

Wacha nisonge kwa sura ya kumi na saba chapter seventeen imeandikwa Constitution of Commission and Constitutional Offices. Sasa kwa hii sura inaongea juu ya Tume na office zingine zilizotungwa na Katiba sasa zile Tume zitakuwepo ni zile zimetungwa na Katiba si zile mtu anataja anataka zikuwepo kwa vile watu walikuwa wanalalamika ya kwamba kila wakati tunakuwa na Commissioner of Inquiry Tume za kuchunguza mambo fulani bila mpangilio sasa zile Tume tutakuwa nazo zimelezewa na ni hizo hizo hakuna kutunga Tume kwa njia isiyo na mpangilio. Kama sasa tuko na Tume ya ile tulisema ya haki ya kulinda haki, kuna Tume ya inaitwa Ethic and Integrity Commission hiyo iko katika ukrasa wa thalathini na tano (35) na

kwa huo huo ukrasa kifungo cha mia mbili thamanini na saba kinaelezea Special Commission zimetajwa hapa na kuna zile zingine hazijatajwa lakini bado ni Commission. Sasa kama hasa tuko na ile Commission ile Tume ya haki the Commission and human rights and Administration of Justice, tuko na hii Tume ya Ethic and Intergrity, kuna the Salaries and Renumeration Commission, kuna the Teachers Service Commission na the Constitution Commission. Na zingine zimelezewa kwa kama mnaweza angalia ukrasa wa arobaine na saba (47) sasa kwa huo ukrasa kuna mahali pameandikwa Constitutional Commission na rangi nyeusi ni column ya tatu sasa imeziandika hapo zote. Na sababu ya kuwa na hizi Tume ni kuwakikisha ya kwamba serikali inaendelea vizuri kazi ya serikali inafanywa vizuri na sehemu za serikali zinafanya kazi bila mtu mmoja kuagiza ama ku-dictate nini kinafaa kifanywe. Wacha nizungumzie na mkisoma sana mtaona hizi Tume kama moja ambayo ni ya mhimu sana iko katika ukrasa wa thalathini na sita the Salaries and Renumeration Commission hiyo ni Tume ya kuchunguza mishahara ya watu. Kama mnakumbuka tulisema hiyo ndiyo itasema Wabunge na watu wengine wanafanya kazi ya serikali watalipwa vipi, na watu wengine wanafanya kazi pia itakikisha ya kwamba wanalipwa vizuri.

Kwa huo ukrasa kuna chapter eighteen sura ya kumi na nane inaongea juu ya amendments of the Constitution, hiyo inazungumzia vile Katiba inaweza kubadilishwa. Wajibu mkubwa kwa kufuata hayo mambo yote hii Tume ya kurekebisha Katiba imefanya ni kuhakikisha ya kwamba kutakuwepo na Katiba nzuri, Katiba ambayo inazingatia mahitaji ya wananchi vizuri, Katiba ambayo watapenda kuishi nayo kwa miaka mingi sana kwa vile hatutaki kubadilishabadilisha Katiba kila wakati.

Na hiyo iliyonekana ya kwamba ile Katiba ilikuja wakati wakupata independence wakati tulijipatia uhuru wetu imekuwa ikibadilisha wakati wote wote ndiyo mtu ajazaidishe kibinafsi. Sasa Katiba itakuwa ikibadilishwa wakati inabidi sana ibadilishwe na wananchi lazima wasema kama itabadilishwa ama haitabadilishwa.

Kama sasa kuna yale mambo ya mhimu sana kama haki za wananchi, haki za kibinadamu, na vile serikali imepangwa, Bunge serikali ya utekelezi na ile ya Mahakama na mambo mengine ya muhimu sana hayo wakati yanabadilishwa kwa Katiba lazima mwananchi ahusishwe na hata si hivyo kwa jambo lolote Katiba ikibadilishwa wakati Katiba inabadilishwa kumewekwa – hilo jambo lazima lifanywe kabla ya miaka mitatu kuisha. Na kwa hayo ningependa kukomesha maelezo yangu lakini ningekuliza uendelea kusoma uelewe na yale hautakuwa umelewa utauliza Commissioners utaleta maswali yako huko kwa office zao na hata kwa sasa tunawakaribisha sasa mtuulize maswali lakini tunataka watu waongee kwa njia ya haraka usikuwe ukifafanua sana na mwenzangu Alex atawaelezea zaidi vile mutaleta maswali yenu bila ya kuchukuwa wakati mwingi.

Alex Maina: Asante. Wakati huu ni wakati wa maswali ama kitu ambacho unafikiria kingetikiwa kuongeza katika Katiba hii ya awali na pengine ningeomba tutachukuwa maswali kadha tutapata majibu na pia tuchukuwe mengine namna hiyo namna hiyo. Nani ambao wana maswali ya kwanza utakuwa wa kwanza, wa pili, number tatu, number nne number tano nyinyi watano njooni hivi. Na msemi majina yenu tafadhali ni vizuri useme jina lako.

Hassan Abdi: Kwa majina mimi naitwa Hassan na natoka kikundi linaitwa Kenya National Council of People for Habitant.

Na hapa nimekuja kuuliza swali kuna hizi report za National Youth Policy na kwa hii National Policy kuna content kama Rights of Youth hiyo ni Right of life, education, better health, speech na freedom of movement. Na pia kuna responsibility na obligation of Youth Development of Youth Service in the country, Priority strategy area and Employment and un employment for youth, health Environment, jobs creational , education training for youth, youth with disability street youth , Young people living with HIV Aids, unemployment youth, youth out of school, Youth empowerment and participation, obligation of adult and parents, obligation of state and private sector, establishment of National Youth Policy. Na tumekuwa ni hizi problem ya kuwa Kenya youth hawana wa Bill of Rights ambayo imepitishwa na Parliament kama law. Tumekuwa na children's Bill and tumekuwa na women's Bill lakini sijai kuona Youth Bill kwa sababu hiyo ningependa Katiba mpya itishe pia haki ya vijana wa Kenya sisi kama vijana wa Kenya, tunataka pia haki zetu kwa Katiba tuusishwe kwa kila ya planning ya development ya youth kwa sababu ndiyo watu ambao tuko wengi kwa government yetu ya Kenya na sisi ndiyo percent yetu kubwa kwa development ya hii country. Asanteni.

Dr, Saja: Thank you very much. I have got something to say about the citizenship of this country. In the olden days we had in the old Constitution, my name is Dr, Saja. In the old Constitution we read that if your father and mother are citizens of this country you are automatically a citizen. Then we have another citizenship by difference whereby either your father or your mother is a citizen of this country. You become a citizen of this country from birth to the time when you are 43 years and then you choose either to go to your mother's country if she is coming from Uganda or Tanzania. Then we had a citizen of registration on application if somebody from outside stays for more than five years without any crime or criminal activities he is found he should apply and qualify to become a citizen depending on the immigration department and the feeling of the Minister concerned. Then we also had I mean citizenship by naturalization that anybody who came from the communist countries and come to stay here for about ten years if he qualifies it was okay but citizen by marriage only will apply to a Kenyan man who get married to a person from outside the wife could be I mean as a Kenyan citizen but there is something which has come here and I wonder whether those who are actually working to curb out with this Constitution know that some of the European and I am saying the Europeans or Nigerians for that matter we become to Africa, they are criminals back in their land they come here and they spring on our girls they get bound they even deceive them that they are now married with an intention of getting citizenship of this country and I hear these people of Draft Constitution have suggested that this man who come from somewhere and is a criminal if he gets married here he should a citizen of this country I think this one is very dangerous I am requesting those who are concerned to ask themselves questions why these fellows come here when they are older than me.

James Njoroge: Kwa majina naitwa James Njoroge member of CCC Embakasi Constituency na nimeshukuru kazi ya Tume ya marekebisho ya Katiba ya Kenya. Lakini nilikuwa na ombi moja tu ningependa kuomba, nikiwa kama pia muakilishi wa kamati. Hii Katiba yetu watu wa Kenya inaonekana ya kwamba ni watu huo wanakimbilia mambo kwa hima haraka haraka wanamua kabla ya kujua ni kitu gain wanamua ama wanakata shauri kabla ya kuelewa ule ukweli wa mambo. Nilikuwa nataka kuomba kwa niaba ya watu wengi kama Tume hii ingetafuta njia mwafaka ya kufanya wananchi wote wa Kenya kabla

ya kupitisha hii Katiba wawe wamesoma mpaka wakaelewa kila jambo kuhusiana na hii Katiba na pia iwekwe sheria ya kwamba hii Katiba kwanzia sasa itakuwa ikisomeswa katika mashule kuanzia mashinani watoto watakuwa wakielewa Katiba ni nini kwa sababu ile shida tulikuwa nayo wakati wa kwanza kurekebisha hii Katiba ni kwamba watu wakuelewa Katiba ya zamani na mpaka wa sasa nina hakika ya kwamba number kubwa kama ni Katiba ya zamani inasema nini.

Jacob Wambai: Asanteni sana kwa majina naitwa Jacob Wambai Kambe. Mimi naishi hapa Mathare North . Na nitazungumza kwa ufupi juu ya kwanza kwa National day. Katika hii Katiba tunaona National days tumepewa Madaraka peke yake na Jamuhuri pamoja na Katiba day. Sasa kuna siku moja hapa hii tunasema Kenyatta day nilikuwa nikifikiria ni kama National Day juu ya wale mashujaa wetu waliopigania uhuru wa Kenya nasema hivyo kwa ajili Katiba inatuambia juu ya udongo (land). Land is our right na struggle yetu ya independence tulianza na awareness ya land. Na wale watu wetu walipigania uhuru wa kwanza wale waliofanya wazungu wajue rights zetu walianza na kupigania udongo wetu wale tunaita Mau Mau. Sasa kama wamekuwa hii siku ya Kenyatta day hata kama pengine hiyo jina ndiyo hamtaki, kama umetoa hii jina ya Kenyatta day mngesema ama Shujaa day ama Hero's day huwa inakumbuka watu wale walipigania urdhi huo ndiyo maoni ningetolea Katiba. Na ya pili ningesungumzia juu ya Labour. Labour relations juu ya wafanya kazi na wajiri. Hapa vile mmetueleza wamewacha blank na vile mmeacha waajiri wanza ku-respect wafanyi kazi yao. Ingekuwa na wamesema vizuri wafanya kazi wana right ya kuingia any union na wajiri pia wana right ya kuingia kwa chama kile itachukuwa kaki yao. Na hapa kama ingekuwa na kamati moja katika Parliament ili ingekuwa ina supervise inakupa rights, right ya wafanya kazi ingekuwa vizuri kwa ajili ukiacha tu hivyo blank hivyo wafanyi kazi hawatapata haki yao sawa sawa kwa jili wajiri kila mtu ni mgumu kwa pesa na kuacha hivi watu wanaweza kuumia kwa mishahara yao.

Ya tatu nitazungumza juu ya Judges. Judges retirements. Hiyo age wamesema ya 65 siyo mbaya lakini kwa maoni yangu nafikiri ingekuwa vizuri upande wa Magistrate ama Lower court kwa jili hizi principles na court of Appeal inataka watu wale wamekomaa wale wako above corruption wale wako above hii mambo ya dunia wako active --- very difficulty sasa hiyo age ya 74 baado ningesema ingekuwa kwa wale ijaza kwa court of Appeal na hii Supreme court. Asanteni.

Sospeter Odhiambo: Kwa jina mimi naitwa Sospeter Odhiambo niko na neno moja tu ile sijatosheka nayo kwa kulingana na hii . Kulingana na Katiba yetu ya zamani police ya Kenya ilikuwa na nguvu sana na baado saa hii inaonekana wako na nguvu. Ningependa Katiba hii iwe Commission ingine independent yule mstakiwa akiona ameshtakiwa kwa njia hii siyo ya halali anaweza kushtaki police. naongea hivyo kwa vile wakati huu kuna watu wanateseka kwa jela wamewekwa police station kwa maneno ya kuwekelewa tu. Kwa check this. . Kwa hivyo ningependa kwamba hiyo muweke tafadhali ndiyo tuone kazi ya police ifanyiwe vile wananchi wanataka. Asante.

Timothy Liani: My names are Timothy liani and I would like to talk something about education sector. There is this issue from the current Constitution the President has been the Chachellor of all Public universities I would like the Review

Commission to establish a different body that are going to manage the all Public university because even the President become himself becoming overloaded. The issues concerning universities maybe that he did not pass through that kind of life so he may not really understand the students and their problems and this is what is bringing about the current rampages you see in the city. I would like also to talk about employment. Like for example having more than five responsibilities have different types of jobs and there is so many qualified Kenyans who can do such kind of jobs. There is so many qualified Kenyans outside there who are Kenyans citizens that can perform such duties I would like to at least give a limit to somebody not to possess more than five duties, three duties or four duties. Thank you.

George Okwaro: Mimi naitwa George Okwaro na kuna kitu moja nilikuwa nataka kuuliza. Siyo hata kuuliza lakini mimi naona hii National Assembly itakuwa imebeba watu wengi sana ambavyo tumesema tume-reduce number of Ministers lakini still imebeba watu wengi sana. I feel there is a need to --- kupunguza hao watu ili unajua Kenya saa haina pesam tuna-struggle kupata pesa na ile hali commitment will be too expensive. There is so many jobs created for people, nafikiri Commission inafaa iangalie hiyo, hiyo job creation kwa National Assembly.

Moses Omuga: Okay , my names are Moses Omuga. So I would like to talk very briefly about chapter five of the freedom of religion, beliefs and opinion. It has been the culture of our country Kenya thought they recognize that people have got different days which they can worship their Lord. Infact I don't think this is taken into account seriously because first I am a seventh Day Adventist by religion, so I wanted just to conner myself around that circle of these worshiping days. You will agree with me that we have got some people who worship on Friday, others worship on Sartuday and others worship on Sunday. But in our present Constitution it guarantees that freedom to whichever day you worship, but you will come to believe me that this days they are just there as market days but the government is not taking account of this because you will agree with me especially those people who worship on Saturday, should you dare go to church on Saturday and you miss going to jobm automatically you will lose that job, believe me or not. So I would like with Draft Constitution if they can come up with something we call a five working days plan it should start from Monday to Friday then this weekend whoever wants to worship his God in the way to day let them do so.

Just about that religion sector alone. We have what we call state churches and these things should be abolished. Every church, every grouping of any religion should be offered the dignity it deserves you will come realize that there are some churches within our country Kenya, whereby a lot of our resources are being poured in those churches neglecting these other churches so there should be nothing state owned churches whereby these public funds are being mis-utilized for no reason at all.

Thank you.

Alex Maina: Nitachukuwa wengine kwa sababu unaona most these are suggestions.

Fedel Ogoba: Asante. Kwa majina ni Fidel Ogaba kutoka hapa Kasarani na ningependa kutoa mapendekezo. Pendekezo

langu la kwanza ni kwamba katika ile Katiba yetu ni kama inajaribu ku-protect refugees sikatai ni vyema pia ni wanadamu lazima tujali masilahi yao. Lakini uta-realize that the state of insecurity that the Kenya is now inatokana na hawa refugees especially wale ambao wanatoka Somali na imekuwa ni shida all these gangs and chaos ni kwa sababu ya hao watu. Kwa hivyo n kudhihirisha kushikirisha huyo ni refugee na movement zao lazima ziwe restricted ili wasilete shida kwa usilama. Halafu ningependa pia kupendekeza upande wa Ministries we need approximately 15 Ministries katika Government ya Kenya na these 15 Ministries lazima pia ziwe katika our Constitution ili serikali ambayo itakayo ingia wasianze ku-create their own irrelevant Ministries. Jambo lingine ni kwamba yale maoni Mr. Njonjo alikuwa ana-collect kwa ile Njonjo Commission ile ya land Commission. Hayo mapendekezo hatujambiwa Njonjo ali-collect nini na alifanya nini alifanya nini tungependa haya mapendekezo pia tujue wananchi walisema nini kuhusu ardhi halafu ikiwa ni pia vyema iwe enacted into a Constitution. Halafu ningependa kusema kwamba kwa sababu shida ambazo tuko nazo kuhusu hawa ma- MPs, MP wangu nikitaka kumuona niwe ninamuona katika Constituency yangu na lazima kuwe na office ya MPs hayo pia ni mapendekezo kwa sababu wengi wao anaishi Lavingtone anakuja ku-campaign Kasarani wakati ambapo anapita ukitaka kumuona you really trace him.

Halafu ningependa pia kusema kuhusu religion. Katika Constitution yetu unaweza dhania that Kenya is a Muslim state sikatai Muslim pia ni wanadamu kama sisi but Kenya is not a Muslim state. So wakati wa enact mambo ya Kadhi ina-dominate into our Constitution na mnasahau ya kwamba kuna religions nyingi katika hapa Kenya mbona hamkuweka maswala ya Wahindi hapo ndani? So our Constitution should address all religions equally awe Muslim awe ni mtu ambaye hajui kama kuna Mungu, awe ni mkristo wote ni equally maana yake soon hawa watu watafanya Kenya iwe ni kama Afghanistan. And I am really sorry to say this. Halafu nikimalizia ningependa wakenya we should to seat if anyone try to temper with the process and I think we should go for elections with a new Constitution wangeweza kupanga kile ambacho Professor Ghai na wenzake wamefanya, wamefanya makubwa and that is the current Government inatetemeka. Asanteni.

Alex Maina: Nitachukuwa maswala mengine lakini kabla sijakuwa hebu tupate majibu kidogo kwa wale watu ambao wameuliza maswali na ningependa tuje kwenu tena mulize maswali.

Gilbert Omoke: Ningependa mutuie radhi District Cordinator wetu alifika hapa na tulisahau kum-introduce. Ningependa saa hii awasalimia na aji-introduce.

Catherine Rimberia : Habari zenu, mimi jina yangu naitwa Catherini Rimberia kazi mahali nikuwa upande wa Westlands na Starehe. Asante sana.

Gilbert Omoke. Sasa tutajaribu kujibu maswali haya tukisaidiana hapa mbele. Tutayaribu kuayajibu na mambo mengine ambayo hatutazungumzia yaliosema kama mapendekezo tutaicha tu Commission waiende kuangalia. Na saa hii

ningekaribisha mwenzangu Achieng ajaribu kujibu some of the questions mmeuliza.

Achieng: Hallow, let me answer the question on a citizenship by the Dr. Okay we understand you have a brief history of how acquiring citizenship has changed in Kenya but the thing is in line with equality that we grant men and women in this Draft Bill. We had to give them both the same manner of giving citizenship to their spouses and their children. So its something that we had some Kenyans as we went around Kenya and that is why you see could the way is.

Now as far as criminals coming and marrying Kenyan women and thereby attaining citizenship and benefit that he has that something we did not consider because all along men had been marrying foreign women. Foreign women may not be criminal they may also becoming where to say the benefit of the citizenship illegally but we have given men that right eufotically and now we are just extending a similar right to women. So we are trying not to focus so much and fear foreign men and a fear of criminal more (inaudible) equality between Kenyan men and Kenyan women that is the concern of the Draft Bill. I don't know if that an answer to your fear of the complain you had.

Then the other one is about the the Youth Bill by Mr. Abdi. We can consider right now before the Draft Bill has been enacted as a new Constitution we need to read it with the National report and what we did in the Draft Bill is you are either a Kenyan child that means you are under the age of 18 or you are a Kenyan citizenship that if you are someone who has attained the age of majority and you are just a normal citizen. So you are treated as a categories in the report by not in the Draft Bill so don't see those issues about street children, Hiv , elder and the Youth all those things their obligation of time----- of Kenya.

Then the question about the protection of refugees. Okay, refugees have been given special status not because we want to make a heaven of the illegal activities of foreigners but just because we recognize that our neighbouring countries may not always enjoy the peace and stability that thus we have here. So is not that we again like the foreigner and citizenship neither we are promoting them coming here and challenging security we are just recognizing that if you see Kenya as heaven we are going to accord the same right that we accord our citizens just like if Kenyans seek refugee somewhere else they accorded similar rights and priviledges. If a refugee comes here and breaks the laws of Kenya they are subject to the same criminal code as a Kenyan they are subject to the same fine, in terms of imprisonment that kind of freedom we are not creating a different structure for them and their protection no it is its one structure for everyone.

Also another the freedom of worship the different days for different religions that has been put in the Draft Bill it is there but maybe you are saying is when now Parliament who will be charged with making sure ---- when Parliament make sure that there is no longer just on paper that SDAs can go to church on that day and not loose their job that something that will come in practice depending on how the law is worded that kind of thing but it has been taken into account in the Draft Bill you can

check page number seven article number 44. You see if you go down the page seven (44) number, five in bracket. A person may not be deprived of access to any institution or employment or facilities or the enjoyment of any right for reasons of that persons religious beliefs and that will be your day of worship. So its now Parliament who is going to say if you are employer tells you did not come to work on Monday because that day you took off and went to church that is something Parliament will now do in the law and take all the adequate remedies that will be yours, should find yourself in that situation. But the details of that we put every detail in the Draft Bill, we protect the right and we leave Parliament to make sure that that right is enjoyable and enforceable

. And another one was about state churches that should be abolished. That is correct people told us let me tell you where you will find it. Down you see page number four titled number ten on page number four is entile state and religion So you see that state and religion there shall be separate there shall be no state and the state shall treat all the religious equally. Then like the days of worship that is something that law will be enacted to make sure that its done and other remedies. And also the issue of the state handling money and certain other one will be covered by (inaudible) the state shall treat all religion equally so its there. And the notes from Timothy Liani about the management of public university. That is something now this we will take back to CKRC and we give the delegates because they will be able to vote who be at the National Constitutional Conference. That is something when it comes up for discussion special Constitution Formation that is when she can on the put on the floor for discussion.

Gilbert Omoke: Someone asked a question about the composition of the National Assembly, that there are too many people there and she does not recognize the Bill to have so many people. This I could just like to say that the work of Parliament is wide they need to consider many factors before passing laws and therefore they need more people and they have established quite a number of committees in which are will serve and therefore I think we need them. And another area I will touch we need areas, ways of ensuring that other groups of society are representative like the Youth, women and the disabled I think the additional number will take will remedy some problems of an equal representation of those groups I have mentioned.

Someone mentioned about the freedom fighters that was something that was suggested by may people even if you don't see it in Draft this, one, its in the Draft report and therefore Parliament will have an appportunity to look at the report so that when they make laws they will consider them.

And then someone talked about the retirement age of the Judges. And I think you were appraising what we have done or rather than asking a question, I don't think it was a question as such. And now we would like to invite some people to come and talk, to come and ask questions.

Alex Maina: Na mkiongea hakuna haja ya kuelezea yale unaongea unauliza tu swali lako na unasonga kwa swali lingine, ndiyo tupate watu wengi waongee.

Samuel Odhiambo: Thank you for bringing this particular Constitution Review, but I have at least two questions only and I would be very brief. My name is Samuel Odhiambo. I shall not go into detail but I am going to be a bit brief. Concerning the goods, I have not heard the commercial part of it because you find the industries within Kenya, almost all are rotten they are no more. They are finished but they have not applied from here in this particular book. So I would rather know something concerning that all this should implement something to do with that.

Second they should also apply something concerning the increase of prices in these commodities within Kenya. There is a certain time where the prices of unga went up, up to the extent that nobody could afford this is the other thing that could be also implemented.

Another thing Chiefs and Assistant Chiefs, DO, DC and PC these also fall in the office of the President. I have not heard anything concerning all these, if I am irrelevant then you should excuse me anywhere I expect such things to be tackled.

Esther Olumbe: I have some questions and also some suggestions. I am Esther Olumbe. I would ask in Kiswahili. Ya kwanza ni kwamba wakati mlipikuwa mkiongea sikusikia mkiongea kuhusu Identity card. Ninafikiri kwamba ni wakati mzuri wa wanakenya badala ya kutumia Identity card tuwe tukitumia passport. Maana yake tukienda kuchukuwa passport imekuwa ni shida sana na we would rather kuchukiliwa immediately kwanza miaka kumi na nane badala ya ID card anachukuwa passport.

Hiyo ingine ni hizi centuries. Hivi choo za Nairobi zimekuwa kwamba tunalipiswa cho unaenda kshs 10 ambazo hizo choo ziko supposed kuwa free. Hata hivyo choo ningependa muhusike maana yake sikusikia mkiongea kuhusu hivi vyoo vya Nairobi nyingi zinalipishwa na pengine unatumia na hauna hizo pesa. Hiyo ingine ni wazee ambao wame-retire retired Civil servant. Wanaenda karibu miaka tano kabla wajapata pesa zao na kisha wakisha kufa wale ambao walikuwa wanachukuwa pesa zao wanachukuwa for only five years maana yake yule ambaye alikuwa anafanya kazi amekufa. Sijui kwa nini hapo hakusisha ya kwamba viendelea maana nikiangalia katika upande wa Rais inaonekana ni kwamba Rais atakuwa akiendelea kuchukuwa pesa lakini upande wa Civil servants hakuna kitu ambayo watakuwa wakiendelea na mnasema kwamba tu the same rights mnatupatia iko shared kila mtu hapo mmefinyilia watu wa civil servant na hizo company zingine. Ni hayo tu.

Enock Makokha: I am Enock Makokha. So my question is that I would like to know in this new Constitution if we have got anyway of assisting the street children and orphans because nimeongea so many things na sijaona mahali penye mmegusia

ili kusaidia watoto wenye wako hapa mtaani.

George Philip Oyugi: My names are George Philip oyugi of KTN. So I wanted also to talk on the Bills of rights You have said on the fundamental rights and the freedom where the freedom and security of the personal life. And you went as far telling us the freedom done every individual to be free from all forms of violence from either public or private. But in the condition where Kenya is today especially of ----- we in Nairobi and please because of me for saying this, the situation now where there of Mungiki our life is at danger so we want you to give us the freedom of defence for life in cases where we are attacked in such situation.

Wamukura Were: Kwa hivyo first of all and foremost I want to congratulate the Commission CKRC for their commendable job and I want to say that anybody who will come against the Draft whole family is against the views of Kenya and therefore all Kenyans you must stand and rise and say that is your views must ----- up to that bitter end. However I want to make some observation on the Draft which was released recently. About citizenship and I want to say that for various serious areas that if it is not well addressed we are going to have our citizenship going very cheaply, we are going to have many foreigners in this country coming up as a citizen and therefore that issue must be addressed seriously.

Another thing is about the National Assembly. About the National Assembly and the nomination of wananchi. From the history you will find that that will mention the parties have been misused. Parties have been nominated their campaign managers, friends and those people you can call I think we must in our Draft in our new Constitution where it stipulate that the procedure of nominating these people so that people don't nominate their wives and relatives in the Parliament because they are heading the party.

Also the number of go is too much in Kenya we cannot accommodate go its just expensive on our side. Maybe you can reduce nomination number to 30. Then about no confidence in the motion in the Government you know where of that when area that the very delicate it can drive this country to amarchy if it is not well addressed and here the Draft says that if the Parliament gets appointment of a Prime Minister if the President shall appoint the Prime Minister than he shall present the name of the the Prime Minister to the Speaker of the National Assembly and thereafter the Speaker shall bring the person to the house whereby he will be voted and if he is not approved the President shall again be given another chance to bring in another person. If he is not approved then the Draft is giving to the President the power now to dissolve the Parliament within thirty days. I feel this one is abit orthodox because the President when he has so much power to humiliate the members of Parliament because they will be either the Prime Minister being composed on them, they take another poll. And this you may find that the MPs just agree because they don't want to go back to the Electorate and again seek for the votes again. Because of time I will be very much brief.

Another area is the vacancy in the Office of the President whereby it says that incase he resigns or is removed from office or is incapacitated, is resign – from office then the Vice President takes over automatically. To me I want to say that that one is

very serious, because when Kenyans are electing the President the elected President means that is the person they want, he has the characters, the quality they would like to have as their President and when he dies or when he resigns I wish to suggest that maybe the Vice President takes over for thirty days as Electoral Commission prepares for the election. So that you don't just find that when the President passes away or resigns then the Vice President takes over and there is no election. I am saying this because know that if this one its implemented it will encourage the Vice President coming up with motions, no confidence motions against their President so that they grab power.

Another thing you find that if its implemented, Vice President is likely to come up with politicians who are likely to be security risk to the President because they know ones the President is not there the vacant is there and the Vice President takes over without any election. Maybe just to finish on the devolved Government about finance. Because the devolved Government has been given so much responsibility ranging from education, Health and Medical , Roads and so forth. Na pia in the Draft it says, that the National Revenue shall be shared equitably between the National Government and Devolved Government. Here I don't think that this one is done then you are going to make this Devolved Government a toothless dog because they will have no money to implement their project. I think it should be that devolved Government are supposed to get the bigger share of the National Revenue. Then its about just to finish I don't know if its an omission, one said that but,want just to express about the basis of Kenya Law. Theyhave mentioned about the Constitution they have mention about this African Communities Islamic and Hindus personal law but you have omitted Christian personal law and I think that one also is supposed to be in the Constitution so that Christian beliefs and morals are supposed to be applicable in court of law. Thank you Alex, my names are Wamukura Were we are looking forward to have new Constitution before the general elections. Thank you

Alex Maina: Before we get another set of questions let me take this opportunity to welcome the Chairman of the Constitutional of Kenyan Review Commission,Professor Yash Pal Ghai and I real tell him that people have really been giving the Commission a lot of support in Kasarani. Remember when the yellow ribbon, issue came many people call me asking me that I bring the yellow ribbons that they are ready to support the Commission we supported the Chairman and I am sure the are most of them really came to me telling me that they were really looking forward to see him today and be with us. So I will let my colleague to answer some of these questions and probably the Chairman has spoken of the questions before I get another set. Thank you

Prof. Yash Pal: I am sorry I couldn't come this morning I had a number of meeting in town as you know we are intending the National Constitutional on the 28th of this month and less than two weeks, we have also planned to bring the delegates together before the formal opening of that Conference. SoI have been very busy making arrangements for those meetings we have now identified all the delegates to the Conference and news of standard today has a list of all the delegates who will come to the Conference and besides on the Constitution. Its important that your views should be conveyed to the Conference so they have not only talk to proposal but also your comments on those proposals. And we will try to summarize your views

and present them to the Conference that you may also wish to find the delegates to come from Kasarani to the Conference, and your local MP and if you have some views on the Draft Bill, then please get them your views. We hope that we are allowed to help this Conference by this I mean that the President does not dissolve Bunge, so if we held this Conference then I hope that we will be able to finish the work of the Conference sometime in November and the Parliament will be able to adopt the Constitution in early December. So let all hope that the Conference will be allowed to meet and to do its work and the Kenyans will have a new Constitution in December and then the elections can be held under the new Constitution sometimes in late February or in early March and then we have a new government and the new Parliament under this new Constitution.

We are glad that you liked our proposals if you read our a report you will notice that we have taken very careful account of the views that people expressed from us and we have tried to put these rules and recommendation on the views that we were given to us by people throughout the country. It was an easy job for us because Kenyans in all the country seem to agree on what is wrong with the present Constitution and what changes they want to see and so that meant we could work fast. Because we did not have to resolve conflicting recommendation. Kenyans into to have basic ideas how they want to live their life, how they want the powers of the Government to be exercised, and we hope that we will continue to support these ideas it's a long way to go before the Constitution is adopted and is implemented and its very important delegates to the Conference know your views and know your determination to see the new Constitution put in place before the next election. I don't want to say very much more I want to thank you all very much for taking such an active part in this process we are grateful to you for meeting with us a few months ago, when you gave us your views and we are grateful that you have liked the recommendation its clear from your comments that you have liked other recommendation with some care and that a you have come here to tables your views. We have hope you will continue to take part on the process, even after the Constitution is adopted because its important that all Kenyans know what the Constitution is and that they should know how to use the provisions of the Constitution to protect their rights and participate in affairs public affairs and government feels so that all you are able to witness Government policy and you are to hold Government officials accountable for the way in which they exercise their powers and they way in which they spent your money and its only by the constant participation that you can expect to have a democratic and fair system of Government. So please don't think this is the end of the process its just the beginning of the long journey which we shall travel together. Thank you very much.

Gilbert Omoke: Let me respond to some questions that were asked but the questions that came after the Chairman arrived I would leave them to him, but now let us address the ones that came before he arrived. Someone asked about the collapse of a factories, industries and that this led to unemployment problem he is asking how old does the Draft address that problem. We would like to say the Draft entrenches some provision that will ensure that there good management for business enterprises and leadership in general that will assist investors and therefore we shall be able to have more jobs generated. And he also raised the concern of the Provincial Administration, he was saying its an extension of the concentration of powers in the Presidents office, but I would like to say that under chapter ten of this Draft powers are devolved to lower levels and Provincial Administration is consequently abolished.

Someone also talked about ID cards. She was talking about passports that it is hard to procure a passport. We would like to say that it's not all detailed that would be put in the Drafts some of the issues have been left to Parliament to make laws to ensure that people get what they want and therefore some of these issues are in the Draft, report which should be left for Parliament to consider when making laws. Then you asked about the public toilets as public utilities, I would like to tell you that under the Bill of rights chapter five you have a right to sanitation I think that will address the problem. And then you also read the concern of a person who have retired, that they encounter many problems when they tried to get their retirement benefits. I think that is addressed under the provision relating to social security and broadly by the provisions of a better management of public funds. Someone also talked about problems relating to street children I would like to ask my colleague Achieng to answer that before the chairman can proceed with some of the other question that came.

Achieng: Okay that was Mr. Makokha --- of the Draft bill article number 37 bills of children. And again if justice might not see street children and orphan we thought as such in the Draft Bill because we are reading it again with National reports but what we have don't is not different in this Draft bill between those children with parents those without we have put a duty in number 37 one that it's a duty of parents the wider family to fight and stay to make sure protection and educate children, so there we can't capture all children, street children orphan, street children, children from single parents has also then you see the rest of that article now this has everything whether education, whether nutrition, shelter all those basic needs they are needed for all children recognizing the status for all children so they are there.

Yash pal Ghai: Then I come back to the question about ID card and the passports and take the content in the Draft Bill the Draft say someone with 18 years has the right to have an ID card and the passport so that if you have any difficulty in getting this, you can go to court you have Constitution right to ID card and to a passport. The question that asked when I just entered in the room the first question concerned citizenship and that is foreigners will be able to get it very cheaply or very easily. I don't think so I think we have said non Kenyans who has lived seven years in the country continuously seven years will be able to apply for citizenship, applying they don't have a right to it. And many countries now have ruled that those who are in their country for five or seven years or sometimes, even less you have a right to citizenship. People move a lot these days from one country to another when, I went to London last year I invited the Kenyans living in England to meet me so I could tell them about the Review Process and very large members of Kenyans came and when I asked how many Kenyans lives in England let us say about 38 thousand Kenyans left to England greater number live in United State some live in Canada some Australia so these days people are moving from one country to another people left the home in different places from the one they were born in normally they are able to contribute to the economy of the place and so I don't believe that we have made it too easy, the people have left at seven years and have become part of the community I don't think we loose anything by giving them citizenship. The other day in which we have changed the seventh law is to give the husband of a Kenyan women the right to become a Kenya citizen. At the moment as you may know if non Kenyans women marries a Kenyan man he can become a citizen straight away. But if a non Kenyan man marries a Kenyan woman, he cannot become

a Kenyans and we think this is a discrimination we want men and women to have equal rights and so what we have provided is that anyone who marries a Kenyans and has been married for three years then he applied to become a Kenyan so it's a period of three years which is in some respect more difficulty then it is in the present Constitution. Because women married to Kenyans don't have to wait three years they can become citizenship. I don't believe that many people are going to rush to become citizen or people are going to come to Kenya to become citizen. Because we are a poor country we don't have jobs so why do people want to come here people what to go to America or to England because the jobs there incomes are high a lot of our people live in poverty so I don't believe this is going to be a problem and over all people fellow who have committed themselves to this country will be able to become citizens and play a more active role in Kenyas affairs.

Second question was concerned about 90 new members that we have recommended for the National Assembly. Many other people have also commented in this and they do see why we need 90 more members and I said that maybe that we can have such 30 or 40 more and so on. Let me try to explain the reason why we have recommended these 90 new members. At the moment Parliament has two hundred and ten members who are elected from Constituencies and then twelve nominated after the election. And this one could include those persons who have lost elections in the Constituencies and are brought in as people through the back door. Our system of election is such that its possible for a political party to win a majority of the seats in Parliament without having the majority of the vote in the country. Because the way our system is organized what we call the first the poll system that is to say that the candidate to get the highest vote when even if the candidate only get 20% of the votes. If you have six, seven candidates it maybe the person who gets 20% gets the large central votes and so that process is not really the presenting the Constituency it was only 20% won the person and yet the person wins and if you have this kind of results in many many Constituencies, you can end up with a situation where a party with 30% of the seat of the votes garnered can be the majority probably. And as we know in our country many Constituencies have been drawn in such way as to help the ruling party.

For example in the last election for a KANU members to win the members needed about 20 thousands votes to win and for DP members votes to win, that member needed about 40 or 50 thousands votes to win. For the present system is not very balanced is to the advantage of the of the ruling party. . So we are proposing that a part from the 210 members 90 new seats should be created which would be distributed among multiparty in proportion portion to the National votes. So that if a party gets 40% of the National votes, but only gets 20% of the Constituencies seats they are able to get extra seats on the 90 seats so that their number will increase. I can give you an example from another country in Africa, which have adopted this system. That is the country of the Lesotho . Lesotho has the general elections about two months ago under the system that we are proposing for Kenya. The opposition party did not party a single seat in the Constituency elections the ruling won all the seats. The opposition party got 20% of the National votes so that in the end they were given 20% of the seats in Parliament, because they got most of the seats on the reserve. Now this reserve list and the candidates that each party nominates and stays to the public if we get those extra seats these are the people, that we will bring to Parliament. If one party gets extra 10 from the list they will bring the first ten process on the l list t and these list will have to be published before the election at

the same time as a party announces his candidates for the Constituency it will announce list that it has prepared and for which people they will be drawn in the Parliament if they get no seat and they will be brought in the Parliament according to the list one, two three before for the first time they will 14.

So voters will know before hands who these candidates are and they cannot be a candidate who has lost election so that will not be possible under this ----

And secondly we are proposing that this list should contain an equal number of men and women candidates so the press on the list second men , third women , forth men and so on so this will bring the more women in Parliament than would be the case otherwise and they are also recommending that this list should contain names of minorities, names of disabled person, and names of Youth. Because these categories of people don't usually win election so people have prejudice against them. Another proposal women and Youth and disabled, minorities were commend. This is a way to ensure their presentation so that it solve that important function as well and so we believe that our proposers they do involve the creation of new post when (inaudible) and of course its possible if the National Conference also thinks thawt 90 is too much if we can consider reducing the number of Constitutuencies from 210 + 280 and therefore we will have a small increment and we can keep the total numbers roughly equal to the present one. That's that we have recommended as you know 210 Constitutuencies 90 special less to get appropriate ballots that if you could see even some have made some comments that we are proposing a Parliament with a lower house of of 300 members and this is too much specially if members the Parliament now get a high salary.

So that can be reconsidered its not easy of course to eliminate present Constitutuencies to get the to possible way to go we can still give out 118 Constitutuencies electing one member each then we will have 40 or so so extra members and that will get more no proportional --- balance that presentation and we will still not have a very large Parliament what will be done it is for you to a special views to talk to delegates and I am sure some of them some delegates are near your area if you want to talk to them and so we could have that adjustment. The relationship between the Prime Ministers and President, what we are recommending is that the President should appoint the Prime Minister but the person he or she appoints the Prime Minister should be the leaders of the largest party or the largest coalition in the National Assembly. So it means that the President appoints the Prime Minister has the support of members of Parliament, people that you have elected for the President cant just appoint anyone he has to appoint somebody who is possibly the leader of the largest party or the collision party. And after the President has appointed the Prime Minister the name goes to Parliament and Parliament has to vote to ractify or approve the appointment of the Prime Minister.

So what you [inaudible] control this by the people to the MPs the final word will not from the President but with people as represented by the members of Parliament. And it is possible and there are for Parliament to remove the Prime Minister at time by vote of no confidence. At the memont as you know is the Parliament passes a vote of no confidence against the

President, the President can dissolve the Parliament and on MPs are out of business they have to go back to fight again for elections and this means that the members of the Parliament are not very anxious to vote against the President the vote of no confidence. But in our system the Parliament votes against Government Parliament to continue to work maybe will keep their seats its only the Prime Ministers who will have to go and the new Prime Minister has to be appointed who will be more accountable to the people. So they have tried to balance the power of the President and the powers of the Prime Minister in such a way that no one person dominates the political system. You told us and many many other Kenyans told us, that the President has too much powers that we must reduce the powers of the President, that we must distribute the powers of the State between more institutions and many of you recommended that there should be Prime Minister in addition to a President that is what we have done. So neither of the Prime Ministers can order the President nor can the President order the Prime Minister.

So there is balance between the parts of the two parts of the Executives and therefore we hope for more accountability and more exercise of the power. Because people have told us that there could be a danger of conflict between the President and the Prime Minister and have maybe two we hope what we have tried to do is to separate the powers of the President from that of the Prime Ministers so there are not working in the same area of same subject and Agriculture belongs to the Prime Ministers and Judiciary belongs the President so we are trying to minimize conflict between the two by giving them separate responsibilities. But I will have to say that in any system of separation of powers of checks and balances where one institutions supervises or checks another institution you are bound to get conflict they are unavoidable. What we need to do is to have a clear rules about the power of each and clear rules for resolving conflicts when they arise. And we believe that we have started the right balance that you must judge for yourselves. Some conflicts differences of views are inevitable if you create other institution the only way to avoid that kind of conflict is to get all the powers to one person and nobody in Kenya not even President Moi wants all powers in one person because the President had told me many times we must distribute the powers which today he enjoys. The old {inaudible} for the good system we must disperse power and that is what we are trying to do and one is also {inaudible} some point the President and Prime Minister to disagree then they have to solve the differences and in any system of government they are all difference in every human society there is difference I am sure the difference the way live the differences within a family so the fact the differences are there is nothing to worry about what we should hope is to have a good system to resolving differences, so they don't end up in war but each listens to the other and they compromise and so we believe that the system of government we are proposing will be more balanced then present one that more people will participate and the law of Government that if ----- people of different communities to work in the same government because we have created new offices and each will be more accountable than the present one. And you know these are all the questions you have asked and as we know we have recommended that most of the Ministers should come from outside Parliament, because we believe that sometimes the President or the Prime Ministers might appoint a friend in Parliament who may not be qualified and so we believe that its important that Ministers should work full time in the Ministries should not have to worry about Constituencies should not be conflict of interest between a Constituency

interests and interests of the Ministries, that they should have suitable qualification and that is what we have recommended.

There are two more questions I think one has about the section and our proposal we have two kinds of successions one is succession of the President and one is succession to the Prime Minister. Because under our system the Prime Minister will have a lot of powers --- he or she will exercise together and other Ministers in the Cabinet. At the moment the President is the chair of the cabinet but also he has actual power Ministers are just assisting him he can ignore any Minister he wants he can ignore decision made by Parliament and our system that the Prime Minister cannot ignore the decision made by cabinet and so if the President is to be replaced, maybe because he has died or because he has resigned or becomes seriously ill, then the Vice President will automatically become the President. Not the acting President, he will become the President as in the United States and the Vice President will be what we call a running mate of the President in other words, when the President is nominated as a candidate for the Presidency, the candidates will have to nominate a person as a candidate for vice Presidency. This one will only go for the President and whoever person is the elected President, his/her candidate for Vice President will become automatically Vice President. So it's for resignation or illness we won't have a gap the Vice President will automatically become the President, and remember or when people vote for their President they also vote for the Vice President. So if the candidates for the Parliament who may be quite popular chooses and Vice President somebody who really ---- or is known to be dishonest, corrupt some people might not vote for that candidate and the President and the candidates whose is popular becomes the Vice President. So people have only been wanting to vote for the Vice President too, so that is what we are proposing.

Now for the Prime Minister, the rule is if the Prime Minister is removed and he can only be removed by resignation, if the members of Parliament by majority vote have a vote of no confidence against the Prime Minister. If that happens the Prime Minister has to go, the President then has to find a new Prime Minister from within the Parliament and maybe the fact that the first Prime Minister lost to means that members of Parliament have swifter allegiance, they support from the Prime Minister to somebody else and so that somebody else might then be the person who becomes the Prime Minister. The name will go again in to Parliament for the approval by Parliament. Now it's possible that there is no other person nor the members of Parliament has enough support among Parliamentarians to be chosen as a Prime Minister. In that case the President will have to keep trying for 30 days to find somebody who can get a majority in Parliament. But if he cannot after 30 days, then he will have to dissolve the Parliament and fresh election should have to be held. We don't believe this will happen very often but the rule of the Parliamentary system which has 70% of Kenyans said that they wanted doesn't mean that the Prime Ministers can be moved and sometimes the only way to have a new Government is to dissolve Parliament and have fresh selection.

Finally question I believe I didn't fully understand that, probably I think that was about Christian laws I don't know in what context the question was raised, whether in the context of Kadhi's courts or yes, okay, we can place the number of different kinds of laws that are applied here and it's true that we have not put Christian laws, this is because Christian laws in fact do not

apply in our country for the internal matters of the church, there are some rules from the internal organization of the church, we have some religious laws and those are applied, but they are not applied or they can't be applied in the courts of law they normally applied by tribunals set up by the churches. A lot of laws are based in Christian principles, our laws are based on British law and these laws in turn are based on christian values. So many of the laws, laws in marriage of monogamy, of divorce are already based on christian principles. Our laws of punishment of crime are based on christian values. So in one sense we don't need especial position for christian because christian laws have influenced most of our law six. But we do have as you know what we call customary law and you will be subject to the customary law of your own tribe in relation to the question of the family of marriage or divorce, of children or property, family property. For Muslims and Hindus they also have their own law explains and we have proposed and this is something which is already addressed in the present Constitution that for Muslims there will be a special court of Muslims Judges, Muslims call it Kadhi. The only matters of personal law not in criminal there is no sharia law crime as in Nigeria there is no Commercial law of Islam, there is no land of Islam so the only area is very specific questions of family law and only when both parties to the case are Muslims. So a Christian marries a muslim that is dispute (inaudible) will not go through Kadhi's court, it will go to the normal court. I believe those are the questions that I am able to answer. Thank you.

Alex Maina: I know there are many things that many people would want to contribute and just like I said when I was introducing our questions today this is just but a launch. Whatever you have we have a documentation center right ---- MANYO office here, I will place there quite a number of fulscaps you are free to contribute to anything that you feel that you really want to contribute to the Draft bill and I am sure it will be forwarded to the Commission so that it can be considered.

I also gave contacts of the people who will presenting Nairobi to the Constitutional Conference you can call I have given quite a number of copies and I will leave contacts here, you can call any of those people and give views of your contribution so that they can present your views at the Conference. I want to give another set, we are meant to be here up to two. Be very specific so that we can give people some chances someone wants to go back to work who is this, you are going to be very brief.

Speaker: Ndugu zangu hamjambo. Mara kwa mara mimi napenda kutumia Kiswahili kwa sababu ndiyo lugha ya Taifa. Mzee Yash Pal Ghai (end of tape 2) ----- 1963 mpaka wakati huu vile nimezaliwa ndugu zangu naona ni kama hakuna sheria ya pombe hapa Kenya, kwa sababu ulevi umekuwa mwingi. Kwa hivyo ningeomba Katiba ambayo inatengeneza nimeangalia katika hizi gazette hakuna hiyo sheria kuhusu pombe mzee sasa Kenya viumbe vile ambavyo vinakuja vitaisha kwa sababu ya pombe. Kwa hivyo nilikuwa naomba hivi mzee unapo tengeneza ile Katiba mpya nzuri ambayo itanufaisha sisi kuwe na sheria za pombe kwa sababu kuna pombe ambayo inaitwa chang'aa, hiyo pombe mzee ningeomba itupiliwe mbali. Halafu miaka ya vinywaji, vya kunywa pombe tafadhali iwe kuanzia miaka thelathini kwa sababu unapotembea hapa mzee watu wengi wajakuja hapa kwa sababu tayari wengi wamelewa.

Lingine vijana wetu wale ambao wanakuwa pahali wanatuiga sisi tukiwa walevi, wataiga mifano yetu mibaya na watakuwa walevi kupindukia kwa hivyo ningomba kuwe na sheria ili yule mtu ambayo anakunywa pombe must have thirty years and above.

Na pombe ile ambayo inatafikana itumike hapa najua wahindi katika sheria ya Kihindi, waislamu na wakristo hiyo sheria yao pia wanaipenda. Lazima kuwe na masaaa ya kutumika kwa pombe after job. Kwa sababu pombe ndiyo chanzo ya kila kitu, pombe ndiyo imeharibu hii Kenya yetu. Asanteni hiyo Katiba iangalie tafadhali.

Pauli Onyango: My names are Paul Onyango Anyango. Bwana Chaiman I had only a few questions on the village Government. My first question is, now I can see the powers have been given to the villagers to decide on the type of Government they want. Now here is a case whereby I can see here the village will decide whether the village council is appointed by the village elders or through elections, in a case whereby these villagers disagrees from the mode of Constitution they want, how are we going to solve this?. Here is a case whereby I can see the villagers have powers the way I have said, now what are the factors that are going to put into consideration to determine the number of council members to be in the council.

Lastly these village members that have been elected or may be constitute from the elders how are they going to earn their living, are they going to be paid by people or may be getting some allowance any certain sources of income. Now lastly I had a commend and my commend is on the Presidential election. I would like to suggest that since we have witnessed something in the current political arena, I suggest that in a case whereby we are going for an election, let the Presidential candidates be a sitting member of Parliament or somebody who has been a member of Parliament because it is through Parliament that we have been assessing these people incase where these people are appointed these are may be appointees, appointed by just one person and if you are elected we have trust in you that people love you. Thank you.

Nyamori Wanjala: Good-afternoon, I am Nyamori Wanjala: I take issue with the Bill of rights it only talked about the Right of religion . Okay that is freedom of religion but there is no provision for control of cultism which might arise. Okay there also another case the Attorney General the appointment of the Attorney General. I see a loop hole whereby the AG is a member of the Judicial Service Commission and it is this Judicial Service Commission that suggest to the President so I believe there it's a way of conspiracy there might be some conspiracy there. On the Bill of the Rights again, there is that right of the consumer but I am not seeing the right of the Producer. Thank you.

Jonh Mugende: My name is John Mugande. First I would like to start with the issue equality. When they said that they have gender equality and again we turn round we said that there are going to be putting aside some seats for women I don't think for women I don't think if that is realistic because you are saying that all people are equal we should not give other people those

chances where they are going to benefit nothing should be found on a silver plate. They have just to fight the tough way so that when everybody goes there we know that she has fought and she is qualified we should not just put aside seats for other people because when you put seats for other people how are we going to get this qualified people. Then another issue is funding political parties I don't think if that is good, because tomorrow everybody will go up forming a political party and the government has to fund and these money is tax payers money, so these people who are forming parties they have to know how they are to fund their parties. Thank you.

Kogwecha Kochama: Thank you very much my names are Kogwecha Kochama: I would like to air my opinion on the bill of right. According to the Draft Constitution I feel that as a member of this country I am able to access medical right. And I don't know whether it will also consist of the problem now we have experience before whereby you lose somebody in case of death they have been paying a lot of money in the mortuary currently and the common men are not able to pay that money. Now I am proposing that if possible let the new Constitution be that be it unnecessary generate income from the mortuary be scrapped whereby an ordinary person or an ordinary family can access how to collect the body for the burial, because I don't think it's not necessary for this institution to generate some income from the dead body, whereby somebody should get help from the relevant authorities to take the body for burial.

Another thing is that the price control. People used to safety on their own, whereby there was nothing to control the prices. You know we say we used to say the fingers are not the same in size now where the Minister goes to the shop a common man goes to the shop the price is just constant so we pray that let us have price control for a common man.

Speaker: In the beginning we found that God created man and he created in him in his own image and that is why you find whether you are poor or rich tall or short you are created in the image of God and there is something we share in common between the rich and the poor and that is the human rights. And that is when you take for example when an MP or somebody who is well up, is arrested he may not be taken to jail because he has a lawyer who will defend him. But what about the poor person like me somebody who can't support himself how will I be helped. Maybe I have been sentenced to Kamiti maximum Prison for no reason, simply because I can't defend myself. Now I am asking the Commission maybe it should take an Act where the common person like me maybe [inaudible] should be given his own lawyer. We say the people Mathare this is your lawyer in case somebody is arrested you immediately go and report your case to the lawyer and you will be defended the way the MPs are defendant. And we should talk again now on this section of the Kenya Police Service the way they are being taken we saw that somebody is a good runner, he is imposed in the Police station is a good boxer but his character maybe this person is a thief. So even if he is employed as a Police service, you will find that this person will still promote corruption and that's why you find the Police upset us we want more the village Government to be given more powers and the schools

and let the communities realized the important of the schools a part from education. We want the Head masters of the schools to do the selection of the members of the communities to be in those school. And the people who are not speculated in the school let the village the boy with good characters, the girls of good character and let them be reamited in the police service and this will help us to avoid corruption. I thank you for that.

Speaker: Thank you the committee and the Director of the Constitution. I have got few questions and first we shall go to the appointment of the President. I have seen a place where they say he should have a degree how many people have got a vision of rigging and yet they have not attained the qualification of the university. This will create a gap between the most educated and the less educated and majority are the ones who do have university education such situation (inaudible) those educated and those not educated. Let the people decide who will be efficient.

Another one is about natural reasources. I have not seen where they say our resources mostly minerals should be mined and processed in our country instead of us sending the raw material to another country then we get the product which is not expensive. Otherwise let us process the material in our country so that we save the product and enhance the economy of the country. Another the last one, they have abolished the provincial, chiefs, Dos etc according to the provision you have state and instead they are bringing in the Kadhis court and ---- if I am not a muslim can I go to Muslim to get the rules of the Muslims it cannot appear, we should have a consensus so general conscious of all the people the court of the all the people and not it led by the Kadhi system which is of the Muslim community and this case it will bring discrimination between Muslims and those who are not Muslims. So let us have a court which accommodate both the Muslims and the non Muslims. Thank you very much.

Speaker: Thank you very much Professor Ghai. Let me just ask you personally three question read to you. Why did you consider establishing of the Supreme Court and yet it takes more than 15 years to say to reach the Court of Appeal in our cases, we have. Situations where we take up to ten years then to get to the High Court why then the Court of Appeal it is too expensive for us.

Secondly, is the land ceiling did you consider putting a ceiling on land holding there are some people with over a hundred thousand acres of land in this country and there are so many squatters. The last question is the calander of Parliament is there a day, where, did you consider putting a day when Parliament is closed officially not to be used as a tool of elections as it happened this time.

The last question is why did the Commision leave out calls for Majimbo federalism. Thank you and thank you for stomacking so many intriques question. Thank you.

Professor Yash Pal Ghai: I may not able to answer all the question but I want to tell you that I shall be coming to Kariobangi on Saturday at 2.00 o'clock and I will be there for about two or three hours, so in you come to that meeting I

don't exactly where it is but I am sure you can find it. Some groups in Kariobangi have organized the meeting for people from different settlements in Nairobi and will plant some peace trees for few minutes and we have a discussion of the Constitution so if you are able to come there please come and we will have more time to carry on with the discussion. But not unfortunately I have to leave because I have the meeting in Nairobi which I left office to come and I promised I would get there before three.

So I may not be able to answer all the questions but my colleagues will then take over. On the question of village Government you have noticed that we haven't set out in details about the powers of the different levels of Government we have discussed with all the District and the Nation Government but we have not done the details. We have to continue the work on these question and we hope that before the Conference we will have some more details to present to the public and then to the Conference. We will need to look a little bit more closely at all the structures in the Government and what functions they should have and what kind of payment they will get. We are not intending really to have paid officials at the village Government you see the village Assembly as a body which will meet the ---- and make decision about affairs of the village. And the maybe some resources coming to them for development that you don't see that the village Assembly as consisting of the people working full time there and are being paid we could not form that. There are thousands of villages and if are started paying 8 or 9 people in every village we don't have the money. The idea of village Government is to enable people to make decision about themselves to give them some resources if they can use for local development and they contribute their own time by working the village Assembly. I don't whether it's a question but councillors or the number of Councillors I couldn't hear properly.

Anyway I didn't get the question and my colleagues don't seem to have either. We have not given detail what we have said is that, the Council will have the power to impose taxes but we think that most of the money through taxation will be collected by the Nation Government. Is more economically to have collection by the Nation Government but we have provided for is that this taxation or the revenues from taxation will be redistributed and a fixed proportion will go to Districts. We again now working on the details and we hope that by the time we go to the Conference we will have more details. We have recommended there should a committee of the [inaudible] committee which will meet every four years which will look at all the National Revenues and the resources and then say what percentage of that should go to Districts what percentage should go to location and what should remain with National Government. We do realize that its very important to give Districts resources if they are going to discharge the responsibilities. In our proposals Districts Government should have many more powers than they have at present and therefore they should not need money and human resources so that they can carry out their functions and we hope that in a weeks they can publish a supplementary power indicating we financial arrangements.

The other question was that the President should come from the Parliament, we said there should be a separation between the President and Parliament as there is between Parliament and the Legislature. That is the recommendation we have tabled, and

the President unit have a right to address Parliament work out laws that have been approved by Parliament and ---- be able to say no if those laws are against the Constitution. So he will have some of the functions that the present President has presenting the Parliament that we were told and we agree with that proposal that the President should be separate from Parliament so that Parliament is able to exercise its powers freely and independently and at the moment the President can dominate the Parliament and there will be one until just few weeks very few members of Parliament were able to criticize the President. So if they are separate each has to interpret his or its own functions, we believe we will have more balanced Government and more re- accountable Government.

The AG is being a member of Judicial Service Commission is interesting permit about the Attorney General is advisor the President but also because they are proposals the Judiciary Service Commission will actually advise the President on who should be appointed the Attorney General and so there is an appropriate that the Attorney General should be therefore a members of the service Commission is something that perhaps we can all (inaudible).

Inaudible we have introduced many rights to protect take the property we have the right here for much stronger legal system, much better protection of rights and producers needs to have good legal system so that they can make contracts and other collection that amount to free Government, where there is good Government where they don't have to bribe Ministers and so on and we have tried to provide for a clean Government so in this different ways producers to benefit from the Constitution. Some of you don't seem to like our proposal also giving women more representation, we believe for a period of time atleast women do need special system. This is not something that we want to make a permanent feature women should be given a role at least half they always say they are 52% of the population and if that is so, then they do need special protection because they have the would they have numbers in government history we know that women have not been able to play a full part in Parliament. You know Kenya has got almost the worst records in African almost in the World for the small number of women in Parliament, a lot single women in the Cabinet and we should be ashamed of this as Kenyans. Women should play full roles in public life. So we are very proud of other recommendation of women and we hope you will also support it. It is a set of provision to enable women to compete equally with men to gain experience of politics, of public life public service and we believe in a few years we shall not need this special provision, the women will be able to compete on equal basis we will remove our prejudice against women, we will accept them as people of talent and ability and there will be no need for special provision. Okay in the next ten fifteen years we believe it is necessary, Uganda has found the same experience, Tanzania has the same experience they provide for special seats in Parliament or special seats in the Cabinet and special accommodation in the public service and we believe that is necessary for us so we go up to be affair Nation and we are able to benefit from the many talents that women have.

On burial rights again I didn't follow the entire question but we have the only Constitution in the world which talked of the right to bury people in dignity. And I can tell you how that provision came round I was in Kariobangi about eight nine months

ago there was an Italian priest of the Catholic church there, who has now left the country he has worked lived in Kariobangi for fifteen years and he told me that one of the most difficulty aspects of the life of people in Kariobangi is to bury their people and he told us very moving stories on how people sometimes take the corpses of the reality of the children all the way to Nyanza or somewhere else so that they can bury them they can't afford to bury them in Nairobi I was so moved by that and I said the Constitution must specify to bury in dignity.

And I guess there is not a Constitution in the whole world which has that right so we are making the Constitution for Kenyans and we know there are problem, difficulties and we want solve them.

As my colleague said yes we can't put everything in the Constitution then it will become you know thousand pages and very busy just carrying it so we believe that the Constitution is to established gender principles of fairness of equality of lack of exploitation attention or access to food and within those principles, Parliament will make the laws about pricing and so on and its policy decision should be make the Parliament by Government these circumstances change from month to month year to year and some times price control is useful sometime its not also useful, sothese are matters of policy to be left to Parliament and people generally. I think I don't know I have inaudible first of all I forget the question that was asked I think the question was just, thank you I am told that the question was about those who cannot afford to go court or use the lawyer because they are poor or not educated . We have provided for a new organization or new institution we call it the public defender it appear in the chapter on the Legal and the Judicial sytem and we have said that the Government should set up an offices just as the office of the Attorney General which does work for the Governement. There should be an office of the public defenders and responsibility of that office to work for the people. So if you have been charged with an offence and you don't have money to hire the lawyers you can go to this body and they will have to provide you with a lawyer. If you have dispute with your neighbours and the question of lawyer is concerned you can go to this body and find a lawyer for you or they will represent you inaudible of the lawyers . So we have accepted we will have an institution which we recommend should have an office and the beginning in every Province and the Districts so people don't have to travel distance to get the help. And we hope that the Government or the Parliament will accept this and set up an office which will employ many many lawyers who will devote all the time to working for the people without any charge because they will be paid a salary by the Government. Just as the Governments own work is done by paid lawyers in the Attorney General office.

Education requirement well again most Kenyans say that we need to raise the level of education and professional skills of elected officials whether they are Councillor or in Parliament or the President. And we received (interjection) can we have responded to that if we believe ourselves that life has become very complicated if you are going to (inaudible) for long time whether Ministers should have degrees and then we thought that maybe it was a bit drastic change to bring it at once and so we have set that Ministers, members of Parliament they should be of form four education but for the President, degree. Of course it may seem a discrimination against those who don't have a degree that you must remember that the President has many responsibilities, I believe myself that while the degree does not guarantee a good President or wise President wisdom is not the same thing as the education, we nevertheless believe the President has to read lots document, to follow complex

papers and someone who is not a graduate will find it difficult and will instead of doing work will go round the country addressing meetings and not sitting in the office and doing the work that the President should do and so we have recommended that. But we have said that the first election under the new Constitution these rules will not apply similarly the rule of Age will not also apply we have said the President cannot be more than 70 this will not apply the first election because we realise that the election campaign will be on and the number candidate who are above 70 we did not want to disqualify them therefore for the first election Kibaki, Nyachae and the candidates even those are over 70 but in the future this limit will apply. The Medical Association told us that while some people are 70 can be quite active as indeed the two candidates are many people after 70 decline in their faculties and as one who is getting close to 70 myself failed I can tell you that my memory is not what is used to be and I am not working as well as I used to. I think its important to recognized that and to have some agreement.

Why the Supreme Court while we believe that we need a strong court the court which will have very qualified lawyers and which will protect the Constitution, which will supervise the entire Judicial system. As you know our Judiciary has been accused of being corrupt and not being the competent maybe one reason, cases takes so long because the party is willing to get the money the Judge wants before the case never resolved. We want this new court to have the new Judges who are completely honest and they will supervise the law courts and make sure that things move fast. And we have said in our report, this is not on our own its in the Constitution Bill, that Justice must be speedy, people shouldn't have to wait for months and months and years and years. Some people even have to wait in in prison waiting for the case to be heard that is completely unforgiveable. People should not in prison for ten years or five years before they can be trial and I want just myself to recommend that if a person has been in remmand for six months and has not come to trial, the person should be released fulstop you cant give a person inaudible.

That is other something that can be raised at the Conference and we can put that in the Constitution, but we want to speed up we want the Judiciary to be completely a new institution committed to the welfare of the people, respecting rights of all accused and even prisoners. We want prisons to be humane places so that the function of the punishment is not revenge because revenge is something we leave to God the functions of punishment is rehabilitate the person to bring back to the communities to lead the honest life and our prisons are not performing that function they are making criminals even more harden criminals and that is not what prisons are for at all we have said these things in a report and we are putting them in our Constitution. So maybe this point could be raised and if all recommendation are followed we will not have to wait ten years to go to the court of Appeal you wont even have to wait a year to go to the Supreme court and we believe that more resources should be given to Judiciary better training, better squalified people should be appointed as Judges.

Ceiling on land holding well we get discussed it and many many recommendation we received from people and that there should be land ceiling. We could not make especial recommendation on that for two reason. One is that it's a complex question you see if I need land only for my house, then I don't need more than a quarter of an acre I can build quite a nice

house I can have small inaudible. If I wanted land for a factory I may need ten acres or even ---- for a big factory if I need land for farming, I farm with my family and maybe I need ten acres if I am doing commercial farming maybe I need a thousand acres. So we found it difficult to have a particular figure we could say is the ceiling. And when we went round the country seeking public opinion, views of the public and everybody said we have the ceiling I used to or sometimes now how many acres should there be. Then they give different answers some said 100 acres should be the ceiling, others said one acre or half an acre, they said every Kenya must have farm land and this could maybe you can only have half an acre so we couldn't get any consensus. The second reason was is that as you know there is special Commission on land headed by Charles Njonjo and they are going to make very detailed recommendations. We decided that our role in relation to land question was to look at broad principles more of the details and the details is being worked on by the Njonjo Commission. So we left it to them what we have done in the Constitution is to provide some general principles and one of the principles is to fight landlessness, that the most of people who are squatters and have no land, we must ensure that there is housing available and so on and if the Government takes those proposals seriously they may have to impose some ceiling on land they will have to ensure in shows redistribution of land, to get titles to people who have lived as squatters for a hundred years if at all by the Nubian in Kibera that they have lived there for hundred years and they came there when the whole area was a forest they cleared it. They have lived there for three to four generation and yet they don't have titles and others come and grab land. So we have said please give the title to the people who have lived in a place for so many years they have built homes there so in this ways we are trying to solve the problem of homelessness, squatters and so on.

And finally question that I heard is about the Majimbo I don't know exactly what the question was, but you will note in chapter I think is ten, chapter on devolution that we have indeed recommended a kind of Majimbo. The difference from the old Majimbo and what we are recommending is that, under the old system power went to the Provinces we are saying powers should go to the Districts. We feel that if power goes to the Provinces people may still feel feel as remote from the Provincial capital as they feel from Nairobi. When we went around the country people said they want power because they want to solve problems of land because they want to use the tradition institution, the elders to solve the problems because they are concerned about needs in the area, about schools in areas, about clinic in the area and therefore to achieve these objections power should go to the location and to the Districts. If powers goes to Nakuru, or Mombasa or Kisumu, there is no guarantee that it will go down to the people and they may still be no better off in terms of roads, schools or clinics. So we are recommending power to the Districts. But as I said every set they are little while a go, these are important for powers that will to Districts and then to location. So we have recommended Majimbo of a different kind that we had in 1963. And I believe myself that the Majimbo we are proposing us better than the one that we had very briefly in 1963 and it will have more co-operation between National Government and Districts and people will more directly get involved, the nearer power comes to people, the more easier for them to actually take part in decision making and administration. The further power is from where you live the more you have to elect members and as you know everyone told us last time those who elect MPs you will never see the MP and he doesn't really help you. So if you have the central the Government the same thing will happen, you will elect these people they will go many hundred miles away and then you wont see them. This power comes

only come to villages , locations, Districts you are there all the time you are living there you are watching these people and therefore we think its a better system of Majimbo than that of 1963. I have to leave now and I am sorry to leave you before the meeting is over that my colleagues who know this Constitution better than I know, let them answer your questions and maybe some of you will come to these meetings on Saturday and we will have time to continue with the discussion. And I thank you onces again for your interest and I want to thank members of 3 Cs for the work they have done for us throughtout the Review Process and let us hope that we will have a good Constitution quite soon. Thank you.

Alex Maina: Thank you very much Professor Yash Pal Ghai. Okay tungependa kuwauliza kama mna maswali machache ambayo si marefu sana na hatutaki watu waelezee kitu wanataka unakuja unasema kitu kimoja na utasema kile kitu hakijasema na hao waliozungumza hapo baadayem tafadhali usielezee unataja kitu na unachia mwenzako nafasi. Na wale walio na maswali ambayo wameshaandika kwa karatasi hamtaongea tutapea tu watu wawili ndiyo tufunge hiki kikao.

Samson: I am called Samson. My question is very brief its about acquiring a legal document that maybe an Identity card, bith certificate or a passport. This case whereby people from border Districts that is maybe Mandera, Busia, Bungoma when they go to maybe to apply for these things they are told to go to their home areas because they are from border Districts now they find it difficulty a person like me maybe Idont have bus fare to travel along to Western it will be a problem. So ningependa the Commission

Okay asanteni mara nyingine. Swali langu ni jibu ni kuhusu kupata vyeti vitambulisho, chety cha kuzaliwa au passport. Mara kwa mara wenzetu kutoka katika sehemu za mikoa ya mipaka kama vile Bungoma, Busia na Mandera kule tunapoenda hapa mjini kutafuta vyeti hivi, tunaambiwa twende katika sehemu zetu za nyumbani kule border Districts pengine mimi labda ni born town lakini najua wazazi wangi nimekuwa nikiambiwa wewe ni muluhia unataka mahala fulani si District yenu ni fulani. Lakini kwa vile pengine wazazi wangu hawako kwenda katika sehemu hiyo napata ni vigumu sana. Sasa inakuwa kwamba mimi sitapata kitambulisho je ningependa kuuliza Commission iweze kuweka au kama kuna mashariti kama haya tungekuwa tunambiwa ya kwamba watu wa kutoka sehemu za border hawastahili kupata vyeti hivi. Kwa hivyo ningependa kama ni Katiba mpya ambayo inaundwa wengi wetu kutoka sehemu tumesumbuliwa sana kupata vitambulisho na wengi hawana kwa sababu ya vikwazo kama hivyo. Thank you very much.

Achieng: (inaudible) That is right my dear inaudible too much noise in the background.

Alex Maina: Tungependa kwanza kumaliza hiki kikao na kwa hivyo ningependa mtu mmoja aje atuombee. Andika kwa hiyo karatasi wataenda kusoma. Okay. Unataka kutuombea tafadhali andika swali lako uandike kwa karatasi. Nani atatuombea.

